

Board of Supervisors

Patrick G. Call
Chairman
District 1



Michael J. Ortega
County Administrator

Ann English
Vice-Chairman
District 2

James E. Vlahovich
Deputy County Administrator

Richard R. Searle
Supervisor
District 3

Katie A. Howard
Clerk

AGENDA FOR REGULAR BOARD MEETING
Tuesday, February 8, 2011 at 10:00 AM
BOARD OF SUPERVISORS HEARING ROOM
1415 MELODY LANE, BUILDING G, BISBEE, AZ 85603

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

PLEDGE OF ALLEGIANCE

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

ROLL CALL

Members of the Cochise County Board of Supervisors will attend either in person or by telephone, video or internet conferencing.

Note that some attachments may be updated after the agenda is published. This means that some presentation materials displayed at the Board meeting may differ slightly from the attached version.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of January 25, 2011.

Finance

2. Approve demands and budget amendments for operating transfers.

Solid Waste Management

3. Approve rejection of all bids in response to Request for Proposals (RFP) No. 10-11-SWM-04 for Solid Waste Hauling Services.

PUBLIC HEARINGS

Community Development

4. *TABLED ITEM (From 12/21/2010 Board Meeting):*

Adopt Ordinance 041-11, Docket R-09-02, entitled the "COCHISE COUNTY HAZARD ABATEMENT ORDINANCE" to abate/remove rubbish, trash, weeds, filth, debris or dilapidated buildings which constitute a hazard to public health and safety.

ACTION

Board of Supervisors

5. Approve issuance of a letter to the Bureau of Land Management (BLM) asserting the establishment of Coordination status for Cochise County with BLM.
6. Approve issuance of a letter to the US Fish & Wildlife Service (USFWS) asserting the establishment of Coordination status for Cochise County with USFWS.

Cochise Aging & Social Services

7. Approve payment of invoice in the amount of \$60,000 to Attachmate for the software application called Reflections.

REPORT BY MICHAEL J. ORTEGA, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

STATE AND FEDERAL LEGISLATION

8. Discussion and possible action on legislative bills listed on the attached January 31st bill tracking sheet.

CALL TO THE PUBLIC

This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Patrick Call

Report by District 2 Supervisor, Ann English

Report by District 3 Supervisor, Richard Searle

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

Cochise County - 1415 Melody Lane, Building G - Bisbee, Arizona 85603
(520) 432-9200 - Fax (520) 432-5016 - Email : board@cochise.az.gov
www.cochise.az.gov

"PUBLIC PROGRAMS, PERSONAL SERVICE"

Regular Board of Supervisors Meeting

Date: 02/08/2011

Minutes

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME n/a

of PRESENTER:

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE n/a

of PRESENTER:

**Source of Mandate
or Basis for Support?:**

Agenda Item Text:

Approve the Minutes of the regular meeting of the Board of Supervisors of January 25, 2011.

Background:

Minutes

Department's Next Steps (if approved):

Signed minutes routed for processing and posted on the internet.

Impact of NOT Approving/Alternatives:

n/a

To BOS Staff: Document Disposition/Follow-Up:

Send to the Recorder's Office for microfiche purposes.

Regular Board of Supervisors Meeting

Date: 02/08/2011

Demands & Operating Transfers

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME n/a

of PRESENTER:

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE n/a

of PRESENTER:

**Source of Mandate
or Basis for Support?:**

Agenda Item Text:

Approve demands and budget amendments for operating transfers.

Background:

Auditor-General's requirement for Board of Supervisors to approve.

Department's Next Steps (if approved):

Return to Finance after BOS approval.

Impact of NOT Approving/Alternatives:

Board of Supervisors will not be in compliance with State law.

To BOS Staff: Document Disposition/Follow-Up:

Return to Finance after BOS approval.

Regular Board of Supervisors Meeting

Date: 02/08/2011

RFP No. 10-11-SWM-04

Submitted By: Dave Seward, Procurement

Department: Procurement

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature NOT Required

of ORIGINALS 0

Submitted for Signature:

NAME N/A
of PRESENTER:

TITLE N/A
of PRESENTER:

Docket Number (If applicable):

Mandated Function?: Federal or State Mandate

Source of Mandate
or Basis for Support?:

Agenda Item Text:

Approve rejection of all bids in response to Request for Proposals (RFP) No. 10-11-SWM-04 for Solid Waste Hauling Services.

Background:

RFP No. 10-11-SWM-04 was released on September 1, 2010. The bid was advertised in the San Pedro Valley News on September 8 & 15, 2010 and posted on the County website. Bid notices were mailed to 26 vendors. Three proposals were received prior to the bid closing date and time of October 21, 2010 at 4:00 p.m. Proposals were received from the following firms:

Otto Logistic, LLC, Mesa, AZ
TaTonka Trucking, Tubac, AZ
KE & G Construction, Sierra Vista, AZ

On January 18, 2011, the Procurement Director was notified by the Solid Waste Department Director to reject all bids received in response to RFP No. 10-11-SWM-04 for Solid for Solid Waste Hauling Services as they have made a decision to continue the trucking segment in-house.

Department's Next Steps (if approved):

Notify firms that bid. Update the web site.

Impact of NOT Approving/Alternatives:

The Board of Supervisors must either award a contract or reject all proposals.

To BOS Staff: Document Disposition/Follow-Up:

None

Attachments

Solid Waste

From: Haverty, Marty

Sent: Tuesday, January 18, 2011 10:18 AM

To: Seward, David

Cc: Vlahovich, Jim; Ortega, Michael; Jones, Steven

Subject: RFP Trucking Contracts

Dave:

As discussed, the department would like to reject all bids for contract trucking within the Solid Waste Department and continue the trucking segment in-house. At this time we have found it not to be financially feasible to contract for this service. We may re-explore this opportunity in the future.

Thanks for all your help on this initiative.

Marty

Regular Board of Supervisors Meeting

Date: 02/08/2011

Hazard Abatement Ordinance

Submitted By: Rick Corley, Community Development

Department: Community Development

Division: Zoning

Presentation: PowerPoint

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS Submitted for Signature: 1

NAME of PRESENTER: Carlos De La Torre

TITLE of PRESENTER: P.E.,
Comunity Development Director

Docket Number (If applicable):

Mandated Function?: Federal or State Mandate

Source of Mandate or Basis for Support?:

Agenda Item Text:

TABLED ITEM (From 12/21/2010 Board Meeting):

Adopt Ordinance 041-11, Docket R-09-02, entitled the "COCHISE COUNTY HAZARD ABATEMENT ORDINANCE" to abate/remove rubbish, trash, weeds, filth, debris or dilapidated buildings which constitute a hazard to public health and safety.

Background:

Docket R-09-02 Consists of the proposed ordinance is an amendment to the whole of the currently adopted "Cochise County Hazard Abatement Ordinance" to abate/remove rubbish, trash, weeds, filth, debris or damaged or dilapidated buildings which constitute a hazard to public health and safety and which may be compelled to be removed, with due process, from buildings, grounds, lots, contiguous sidewalks, streets and alleys within the unincorporated areas of the County. The Ordinance outlines the due process for formal notification, removal by the County and recovery of costs for removal and appeal processes for property owners with hazardous materials.

Background:

On December 8, 2010 the Planning and Zoning Commission voted unanimously (7 - 0) to recommend adoption of Docket R-09-02 by the Board of Supervisors. At the December 21, 2010 Board of Supervisors meeting the Board voted unaminously (3 - 0) to have a work session on January 4, 2011 on the Ordinance and have it come back to the Board on February 8, 2011.

Department's Next Steps (if approved):

If the Board of Supervisors approves the Ordinance, the next step would be for the Chair to sign Ordinance __-11 into law.

Impact of NOT Approving/Alternatives:

If the Board of Supervisors does not approve the Ordinance/Docket, the existing regulations will remain in effect.

To BOS Staff: Document Disposition/Follow-Up:

If the Board of Supervisors approves the Ordinance have the Clerk of the Board record the document and return a copy to the department.

Attachments

Staff Report

ARS "Attach A"

HAO "Attach B"

Legal Notice

HAO PPT_.pdf



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

TO: Board of Supervisors

FROM: Rick Corley, Zoning Administrator
FOR: Carlos De La Torre, P.E., Community Development Director

DATE: January 25, 2011 for the February 8, 2011

SUBJECT: Docket R-09-02, County Hazard Abatement Ordinance—amendment to the whole.

I. Background

Under ARS 11-268 (see attachment A) the State legislature gives counties the authority to abate hazards, establish a payment schedule for property owner to reimburse the County for abatement expenses, and place liens on properties to recoup County expenses when not voluntarily repaid by the owner(s). There has been a hazard abatement ordinance (Resolution 84-65) in effect in the County since October 19, 1984; this was amended in 1987 (Resolution 87-91) to allow liens to be placed on properties on which the County abated hazards. However, liens have not routinely been placed on properties. On July 1, 2008, the Board of Supervisors gave staff direction to update Resolution 87-91 to reflect current County staffing and policies, and to provide a systematic approach to recovering County funds via the lien process. A work session with the Planning & Zoning Commission took place on May 12, 2010. At the December 8, 2010 Planning and Zoning Commission meeting the Commission voted 7-0 (unanimous) with a recommendation of approval to send the Ordinance to the Board of Supervisors. At the December 21, 2010 Board of Supervisors meeting the Board voted 3-0 (unanimous) to have a work session on the Ordinance. The work session took place on January 4, 2011 where discussion of the Ordinance took place in preparation and direction prior to going back to the Board on February 8, 2011.

Attachment B is the proposed Hazard Abatement Ordinance which is intended to simplify and clarify definitions and processes while meeting the new requirements of Statute ARS 11-268:

II. Revisions to Hazard Abatement Ordinance Resolution 87-91:

Please note that the proposed Ordinance is an amendment to the whole of the currently adopted Ordinance. The entire Ordinance is new and would replace the existing Ordinance.

Differences between the 1987 Ordinance and the proposed Ordinance:

The table of contents has been removed to match other ordinances.

Chapter 1 Purpose and Scope of the 1987 Ordinance is deleted.

Chapter 2 of the 1987 Ordinance is now "Part I: DEFINITIONS" instead of ENFORCEMENT. The Ordinance deleted two definitions and added fifteen new definitions for clarity. The definitions chapter has been moved ahead the enforcement chapter for reader clarity.

Part I of the proposed Ordinance consists of definitions. Note that Dilapidated Building is defined as any real property structure that is in such disrepair or is damaged to the extent that its strength or stability is substantially less than a new building or it is likely to burn or collapse and its condition endangers the life, health, safety, or property of the public;

Also the Hazard Abatement Officer has been clarified as the Zoning Inspector or duly authorized representative.

Chapters 4 through 8 of the 1987 Ordinance have been streamlined and included in a new Part II which describes the definitions and processes for violations, notices of abatement orders, appeals of the notices of abatement orders, and the material removal process.

Part II is the main part of the proposed Ordinance, it establishes at subparagraph (noted below):

- A. that dumping on your private land, public land or other private land is a violation; that dumping on public or others' land is also a class 1 misdemeanor;
- At subparagraphs B & C, those cited have 30 days to remove;
- C. any lienholder has been added to persons to issue a notice in writing;
- C. & D.2 reasonable belief was changed to finding probable cause;
- D. spells out what is to be in the order, including an estimate of cost of clean-up, and notice that appeal must be taken within 30 days and that (D.4.) an affidavit attesting to the fact that said material was disposed of in a legal manner;
- E. provides the appeal process, hearing before board set within reasonable time (arbitrary deadlines difficult for scheduling, political pressure will force earliest reasonable time);
- F. spells out the process if the owner doesn't appeal (appeal stays enforcement per E.4) or abate F.1. If the removal or abatement is to be performed by an outside contractor, in retaining a contractor the Hazard Abatement Office shall comply with the County Procurement policy. In the alternative, removal or abatement may be performed by a State Prison work crew or Cochise County personnel if it is determined by the Hazard Abatement Officer to be feasible, in which case costs will be the actual costs to the County including the time of County personnel assessed at applicable rates;
- G. establishes that the actual cost of abatement becomes the amount of the assessment against the subject property;
- H. provides for notice of assessment and a chance to appeal;
- I. establishes the appeal right;
- J. provides for a report of assessment as a basis for imposition of assessment. This must be signed by the Board Chairman before being established as an assessment. Board approval is not required. Upon receipt of the Report by the Board, the Chairman shall sign it, with the authority to do so hereby delegated by the Board to the Chairman. Board approval of the Report is not required. Thereafter, upon recordation pursuant to Paragraph II.L, the assessment shall become a lien against the property. Requested change from the Clerk of

- the Board of Supervisors;
- K. establishes a right to hearing on the assessment;
 - L. establishes that in the end, upon recordation, the assessment takes effect. Clarifies the County as the County Zoning Inspector or his designee and that it shall be recorded instead of may be recorded, upon the Board Chairman signing a Report of Assessment pursuant to Paragraph II.J;
 - M. establishes that the assessment also constitutes a lien against the property;
 - N. notes that the county may foreclose on the lien by forcing a sale;
 - O. establishes that more than one assessment may be imposed on the same property over time, for multiple violations;
 - P. gives the Board of Supervisors the option of appointing a hearing examiner to hear all or some appeals, and
 - Q. establishes the schedule for collection of assessments established by the legislature, incorporation of which in this ordinance was the motivating force behind this revision.

Chapter 3 of the 1987 Ordinance is now ENFORCEMENT instead of DEFINITIONS.

Part 3 of the proposed Ordinance reiterates that wildcat dumping is a misdemeanor, independent of any other enforcement provisions of this ordinance.

Part 4 notes that any remedies in the ordinance are in addition to any other enforcement measures that may be imposed under law.

III. Recommendation

Staff recommends the Board of Supervisors adopt R-09-02, County Hazard Abatement Ordinance—amendment to the whole approve the Hazard Abatement Ordinance.

Attachment A: ARS 11-268 State Statute

Attachment B: January 19, 2011 proposed Hazard Abatement Ordinance—an amendment to the whole

“Attachment A”

11-268. Removal of rubbish, trash, weeds, filth, debris and dilapidated buildings; violation; classification; removal by county; costs assessed; collection; priority of lien; definition

A. The board of supervisors, by ordinance, shall compel the owner, lessee or occupant of buildings, grounds or lots located in the unincorporated areas of the county to remove rubbish, trash, weeds, filth, debris or dilapidated buildings which constitute a hazard to public health and safety from buildings, grounds, lots, contiguous sidewalks, streets and alleys. Any such ordinance shall require and include:

1. Reasonable written notice to the owner, any lienholder, occupant or lessee. The notice shall be given not less than thirty days before the day set for compliance and shall include the estimated cost to the county for the removal if the owner, occupant or lessee does not comply. The notice shall be either personally served or mailed by certified mail to the owner, occupant or lessee at his last known address, or the address to which the tax bill for the property was last mailed. If the owner does not reside on the property, a duplicate notice shall also be sent to the owner at the owner's last known address.

2. Provisions for appeal to the board of supervisors on both the notice and the assessments.

3. That any person, firm or corporation that places any rubbish, trash, filth or debris upon any private or public property located in the unincorporated areas of the county not owned or under the control of the person, firm or corporation is guilty of a class 1 misdemeanor and, in addition to any fine which may be imposed for a violation of any provision of this section, is liable for all costs which may be assessed pursuant to this section for the removal of the rubbish, trash, filth or debris.

B. The ordinance may provide that if any person with an interest in the property, including an owner, lienholder, lessee or occupant of the buildings, grounds or lots, after notice as required by subsection A, paragraph 1, does not remove the rubbish, trash, weeds, filth, debris or dilapidated buildings and abate the condition which constitutes a hazard to public health and safety, the county may, at the expense of the owner, lessee or occupant, remove, abate, enjoin or cause the removal of the rubbish, trash, weeds, filth, debris or dilapidated buildings.

C. The board of supervisors may prescribe by the ordinance a procedure for such removal or abatement and for making the actual cost of such removal or abatement, including the actual costs of any additional inspection and other incidental costs in connection with the removal or abatement, an assessment upon the lots and tracts of land from which the rubbish, trash, weeds, filth, debris or dilapidated buildings are removed.

D. The ordinance may provide that the cost of removal, abatement or injunction of the rubbish, trash, weeds, filth, debris or dilapidated buildings from any lot or tract of land located in the unincorporated areas of the county and associated legal costs be assessed in the manner and form

prescribed by ordinance of the county upon the property from which the rubbish, trash, weeds, filth, debris or dilapidated buildings are removed, abated or enjoined. The county shall record the assessment in the county recorder's office in the county in which the property is located, including the date and amount of the assessment and the legal description of the property. Any assessment recorded after the effective date of this amendment to this section is prior and superior to all other liens, obligations or other encumbrances, except liens for general taxes and prior recorded mortgages. A sale of the property to satisfy an assessment obtained under this section shall be made on judgment of foreclosure and order of sale. The county may bring an action to enforce the lien in the superior court in the county in which the property is located at any time after the recording of the assessment, but failure to enforce the lien by such action does not affect its validity. The recorded assessment is prima facie evidence of the truth of all matters recited in the assessment and of the regularity of all proceedings before the recording of the assessment.

E. Assessments that are imposed under subsection D run against the property until they are paid and are due and payable in equal annual installments as follows:

1. Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.
2. Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.
3. Assessments of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.
4. Assessments of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.
5. Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.

F. A prior assessment for the purposes provided in this section is not a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

G. Before the removal of a dilapidated building the board of supervisors shall consult with the state historic preservation officer to determine if the building is of historical value.

H. If a county removes a dilapidated building pursuant to this section, the county assessor shall adjust the valuation of the property on the property assessment tax rolls from the date of removal.

I. As used in this section occupant does not include any corporation or association operating or maintaining rights-of-way for and on behalf of the United States government, either under contract or under federal law.

J. As used in this section, "dilapidated building" means any real property structure that is in such disrepair or is damaged to the extent that its strength or stability is substantially less than a new building or it is likely to burn or collapse and its condition endangers the life, health, safety or property of the public.

“Attachment B”

ORDINANCE 11 –

**COCHISE COUNTY
HAZARD ABATEMENT ORDINANCE**

Pursuant to Authority of A.R.S. § 11-268, the Cochise County Board of Supervisors is compelled to enact an ordinance intended to provide for the abatement of rubbish, trash, weeds, filth, debris or dilapidated buildings which constitute a hazard to the public health and safety from buildings, grounds, lots, contiguous sidewalks, streets and alleys in the unincorporated areas of Cochise County.

The primary intent of this Ordinance is to provide a just, equitable and practicable method to remedy and abate a hazard to a person or property. Hazard is primarily defined as accumulations or conditions which have a strong potential for causing or carrying a fire, cause injury to a person, cause hazard to the health of any person as result of damaged and dilapidated buildings which are unoccupied, unsecured, open and accessible and have the potential of harboring illegal activities. This Ordinance is not intended to be a neighborhood beautification and aesthetic control measure or to address the lack of maintenance of buildings and/or structures.

Generally, the investigation of a hazard is a result of a complaint, or by observation of a condition that appears to be sufficiently dangerous to warrant an inspection by the Hazard Abatement Officer. It is not intended for the Hazard Abatement Officer to travel all over the county searching for hazardous conditions.

The Cochise County Planning Director is both the County Zoning Inspector and the Hazard Abatement Officer, and together with all County agencies shall enforce the provisions of these regulations.

The provisions of this Ordinance shall apply to all hazardous conditions as herein defined, which are now in existence, or which may hereafter become dangerous in this jurisdiction.

[Note: Where a provision is required or authorized by statute, the relevant statute section number is indicated in brackets.]

PART I: DEFINITIONS

As used herein, bold-faced terms shall have the following meaning:

1. **“Board”** means the Cochise County Board of Supervisors.
2. **“Building”** means any real property structure, movable or immovable, permanent or temporary, vacant or occupied, used (or of a type customarily used) for human lodging or business purposes, or where livestock, produce, or personal or business property is located, stored or used.
3. **“Contiguous Sidewalks, Streets and Alleys”** means any sidewalk, street, or alley, public or private, adjacent to the edge or boundary, or touching on the edge or boundary, of any real property.
4. **“County”** means the unincorporated areas of Cochise County.
5. **“Days”** means calendar days unless otherwise noted.
6. **“Dilapidated Building”** means any real property structure that is in such disrepair or is damaged to the extent that its strength or stability is substantially less than a new building or it is likely to burn or collapse and its condition endangers the life, health, safety, or property of the public. [A.R.S. § 11-268.J]
7. **“Grounds”** means any private or public land, vacant or improved.
8. **“Hazard Abatement Officer”** means the County Zoning Inspector or duly authorized representative to discharge the duties of the County pursuant to this ordinance unless otherwise expressly provided herein.
9. **“Lessee”** means a person who has the right to possess real property pursuant to a lease, rental agreement, or similar instrument.
10. **“Lots”** means any plot or quantity of land, vacant or improved, private or public, as surveyed, platted or apportioned for sale or any other purpose.
11. **“Occupant”** means a person who has the actual use, possession or control of real property. The term does not include any corporation or association operating or maintaining right-of-way for and on behalf of the United States government, either under contract or federal law. [A.R.S. § 11-268.I]
12. **“Owner”** means a person who is a record owner of real property as shown in the public records in the office of the Cochise County Recorder, and includes a person holding

equitable title under a recorded installment sales contract, contract for deed or similar instrument.

13. **“Person”** means an individual, partnership, corporation, association, trust, state, municipality, political subdivision, or any other entity that is legally capable of owning, leasing, or otherwise possessing real property.
14. **“Public nuisance”** means a dilapidated building or an accumulation of rubbish, trash, weeds, filth or debris that constitutes a hazard to the public health and safety as determined by the Hazard Abatement Officer.
15. **“Real Property”** means buildings, grounds, or lots, as well as contiguous sidewalks, streets, and alleys, located in the County.

PART II: VIOLATION OF ORDINANCE; REMOVAL OF PUBLIC NUISANCE BY OWNER, LESSEE OR OCCUPANT; SERVICE OF NOTICE TO ABATE; REMOVAL BY COUNTY; ASSESSMENT OF COSTS; RECORDATION AND PRIORITY OF LIEN.

- A. Violation.** A person, firm or corporation shall have created a public nuisance and committed a violation of this ordinance if such person, firm or corporation without lawful authority, and in a manner that constitutes a hazard to public health and safety:
 1. Places, permits, or provides for rubbish, trash, weeds, filth, debris or dilapidated buildings to remain upon property located in the County of which they are owner, lessee, or occupant. [A.R.S. § 11-268.A]
 2. Places, permits, or provides for rubbish, trash, weeds, filth, debris or dilapidated buildings to remain upon contiguous sidewalks, streets and alleys in the County which are dedicated and open to the public. [A.R.S. § 11-268.A]
 3. Places, permits, or provides for rubbish, trash, weeds, filth, debris or dilapidated buildings to remain upon any other private or public property in the County not owned or under the control of the person, firm or corporation. [A.R.S. § 11-268.A.3]
- B. Duty to remove.** A person, firm or corporation shall remove or otherwise abate a public nuisance as defined herein in thirty (30) days after mailing or personal service of a Notice and Order to Abate as provided herein. [A.R.S. § 11-268.A.1]
- C. Notice and Order to Abate.** Upon finding probable cause that a violation of this ordinance has occurred, the Hazard Abatement Officer shall issue a notice in writing which shall be served in person or by certified mail upon the owner, any lienholder, occupant or lessee at their last known address or at the address on file in the County Treasurer’s Office to which the most recent tax bill was mailed. If the owner does not reside on the property, a copy of the notice shall be served upon the owner in person or by certified mail to the owner’s last known address. Failure by any party to receive the

notice shall not be a bar to abatement, assessment of costs or lien of assessment pursuant to this Ordinance. [A.R.S. § 11-268.A.1]

D. Notice and Order. The Notice and Order to Abate shall include the following:

1. The street address, parcel number and a legal description sufficient for identification of the premises on which the alleged violation occurred.
2. A statement that the Hazard Abatement Officer has determined that there is a probable cause that a violation of this ordinance has occurred on the premises identified in the notice.
3. An order that the owner, occupant or lessee shall have thirty (30) days from the date of mailing or personal service of the order to remove any rubbish, trash, weeds, filth, debris or dilapidated buildings upon the property or upon contiguous sidewalks, streets or alleys.
4. A statement that rubbish, trash, weeds, filth, debris or dilapidated building materials constituting a public nuisance must be disposed of at an appropriate waste collection facility or by other legal means and that an affidavit attesting to the fact that said material was disposed of in a legal manner is to be submitted to the Hazard Abatement Officer prior to a determination of compliance with the Notice and Order to Abate.
5. A statement that the County may cause the violation to be abated if the owner, occupant or lessee fails to comply with the order within the specified compliance period.
6. An estimate of the cost of removal or abatement by the County, including incidental costs, to be based on an estimate provided by a qualified contractor or by the Hazard Abatement Officer. [A.R.S. § 11-268.A.1]
7. A statement that the owner, occupant or lessee shall have thirty (30) days from the post mark date of mailing or personal service of the Notice and Order to Abate to appeal the issuance of the notice to the Board of Supervisors and that failure to appeal will constitute waiver of all rights to an administrative hearing and determination of the matter.
8. A statement that a party who places any rubbish, trash, filth or debris upon any private or public property located in the unincorporated area of the county that is not owned or controlled by that party without authorized permission is guilty of a Class 1 misdemeanor and may be subject to criminal penalties in addition to the cost of abatement. [A.R.S. § 11-268.A.3]

E. Appeal of Notice and Order to Abate. Any person receiving a Notice and Order to Abate may appeal to the Board of Supervisors as follows[A.R.S. § 11-268.A.2]:

1. **Notice of Appeal.** A written Notice of Appeal shall be filed with the Clerk of the Board within thirty (30) days after the Notice and Order to Abate was mailed or personally served. The date of receipt by the Board shall be the date of filing.
2. **Contents of Notice of Appeal.** The Notice of Appeal shall state in reasonable detail why the appellants should not be required to comply with the Notice and Order to Abate.
3. **Hearing on Appeal.** Upon receipt of the Notice of Appeal, the Board shall, within a reasonable time, place the matter on the agenda at a regular meeting or, if the Board has appointed a hearing officer pursuant to Paragraph II.P, refer the appeal to the hearing officer. The Hazard Abatement Officer shall appear and present evidence of the existence of the Public Nuisance. The appellant may present evidence controverting the existence of the Public Nuisance. The hearing shall be informal and without regard to the rules of procedure or evidence governing court proceedings. The Board shall decide the appeal. Nothing in this Ordinance in any way impairs any right the appellant may have to challenge the Board's decision in Superior Court. **[A.R.S. § 12-2001]**
4. **Extension of Time for Compliance.** If the Board's decision is adverse to the appellant, the date of compliance set forth in the Notice and Order to Abate shall be extended until thirty (30) days from the date of the Board's decision.

F. Removal by Board. If the owner, lessee or occupant fails to remove or otherwise abate the Public Nuisance in thirty (30) days of mailing or personal service of the Notice and Order to Abate (or such extension thereof as may be granted in writing by the Board), the Board or its designee may, at the expense of the owner, lessee or occupant, order removal or abatement of the Public Nuisance or cause it to be removed or abated. **[A.R.S. § 11-268.B]**

1. **Cost of Removal.** The costs assessed for removal or abatement shall not exceed the actual costs and incidental expenses thereof. If the removal or abatement is to be performed by an outside contractor, in retaining a contractor the Hazard Abatement Officer shall comply with the County Procurement policy. In the alternative, removal or abatement may be performed by a State Prison work crew or Cochise County personnel if it is determined by the Hazard Abatement Officer to be feasible, in which case costs will be the actual costs to the County including the time of County personnel assessed at applicable rates. **[A.R.S. § 11-268.C]**
2. **Historical Review.** Before the removal of a dilapidated building, the Board shall consult with the state historic preservation officer to determine if the building may be of historical value. **[A.R.S. § 11-268.G]**

3. **Removal from Tax Rolls.** Upon the removal of a dilapidated building, the County Assessor shall adjust the valuation of the Real Property on the property assessment tax roll from the date of removal. [A.R.S. § 11-268.H]

G. Assessment. Upon the removal or abatement of Public Nuisance as provided in Paragraph II.F, the actual cost of removal or abatement, together with the actual cost of any additional inspections and other incidental costs, shall be an assessment against the Real Property on which the Public Nuisance was located. [A.R.S. § 11-268.C]

H. Notice of Assessment. A written Notice of Assessment shall be served in the same manner as the Notice and Order to Abate. The Notice of Assessment shall list the common address, legal description and tax parcel number of the property. The Notice of Assessment shall set forth the facts supporting it as well as an itemized listing of the actual cost of removal or abatement, the actual costs of any additional inspections and other incidental costs. The Notice shall state that the entire cost is due and payable in full not later than thirty (30) days from the date of issuance of the Notice and that the assessment will become delinquent as of that date. The Notice shall be signed by the Hazard Abatement Officer. The Notice shall also contain the following statement in bold face print:

NOTICE: THIS NOTICE OF ASSESSMENT PURSUANT TO A.R.S. § 11-268 SHALL CONSTITUTE A LIEN UPON THE PROPERTY DESCRIBED IN THE NOTICE IN FAVOR OF COCHISE COUNTY. THE COUNTY MAY FORECLOSE THE LIEN AND SELL THE PROPERTY DESCRIBED TO RECOVER THE COSTS STATED IN THE NOTICE OF ASSESSMENT.

The Notice of Assessment shall indicate that the owner, lessee or occupant shall have thirty (30) days from the post marked date of the mailing or personal service of the Notice of Assessment to appeal the amount of the assessment imposed by the County.

I. Appeal of Notice of Assessment. All appeals of assessments shall be in writing and shall specify the grounds for appeal of the assessment. The date of receipt of the Notice of Appeal by the Board shall be the date of filing. No appeals of violations shall be heard upon appeal of an assessment. [A.R.S. § 11-268.A.2]

J. Report of Assessment. If an appeal of the Notice of Assessment is not timely filed, the Hazard Abatement Officer shall prepare a Report of Assessment for review by the Board of Supervisors. The Report shall list the common address, legal description and tax parcel of the property. The Report of Assessment shall set forth the facts supporting it as well as an itemized listing of the actual cost of removal or abatement, the actual cost of any additional inspections and other incidental costs. Upon receipt of the Report by the Board, the Chairman shall sign it, with authority to do so hereby delegated by the Board to the Chairman. Board approval of the Report is not required. Thereafter, upon recordation pursuant to Paragraph II.L, the assessment shall become a lien against the property.

- K. Hearing on Appeal.** Upon receipt of the Notice of Appeal of Assessment, the Board shall, within a reasonable time, place the matter on the agenda at a regular meeting or, if the Board has appointed a hearing officer pursuant to Paragraph II.P of this ordinance, refer the appeal to the hearing officer. Written notice of the hearing shall be provided to the Hazard Abatement Officer, to other appropriate County departments and to the Appellant. The Hazard Abatement Officer shall appear and present the facts supporting the assessment as well as an itemized listing of the actual cost of removal or abatement, the costs of any additional inspections and other incidental costs. The Appellant may present evidence controverting the imposition of the assessment. The Board shall determine whether the assessment was made in accordance with the provisions of this ordinance and applicable state statutes, and whether the amount of the assessment is sufficient to cover the actual costs of abatement and related activities. After hearing all of the evidence presented, or after reviewing recommendations made by its hearing officer, the Board shall issue its findings in writing upholding or modifying the amount of the assessment. The decision of the Board of Supervisors shall be final.
- L. Recordation.** If the owner, lessee or occupant fails to pay the assessment within thirty (30) days after receipt of the Notice of Assessment (or any extension as may have been granted in writing by the County Zoning Inspector or his designee), and fails to timely appeal the assessment, that assessment shall be delinquent and shall be recorded in the office of the Cochise County Recorder, upon the Board Chairman signing a Report of Assessment pursuant to Paragraph II.J. If a Notice of Assessment is appealed to the Board and the assessment is sustained in whole or in part in a written decision by the Board, and the owner, lessee or occupant fails to pay the amount of the assessment ordered by the Board within thirty (30) days after receipt of the Board's decision, the assessment shall be delinquent and shall be recorded in the office of the Cochise County Recorder. [A.R.S. § 11-268.D]
- M. Lien of Assessment.** The assessment shall be a lien against the real property from and after the date of recordation and shall accrue interest at the statutory judgment rate until paid. The lien of assessment shall be subject to and inferior to all prior recorded mortgages and encumbrances and to such other liens as specifically provided by law. [A.R.S. § 11-268.D]
- N. Foreclosure.** The Board may, but shall not be obligated to, bring an action to enforce the assessment lien in the Cochise County Superior Court at any time after the recordation of the assessment. The recorded assessment is prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings before the recordation thereof.
- O. Subsequent Assessments.** A prior assessment shall not constitute a bar to a subsequent assessment or assessments for such purposes and any number of liens may be recorded and may be enforced in the same or separate actions by the County. [A.R.S. § 11-268.F]
- P. Hearing Officer; Appointment and Duties.** In fulfilling the responsibilities required of the Board of Supervisors pursuant to this ordinance, the Board may, by a majority vote of

its members, appoint a hearing officer to review appeals of Notices to Abate and/or Notices of Assessment. The hearing officer shall hold hearings and take testimony, make findings and prepare recommendations to be reported for action by the Board of Supervisors.

Q. Assessment schedule. Assessments that are imposed pursuant to this ordinance run against the property until they are paid, and are due and payable in equal annual installments as follows [A.R.S. § 11-268.E]:

1. Assessments of less than five hundred dollars (\$500.00) shall be paid within one year after the assessment is recorded;
2. Assessments of five hundred dollars (\$500.00) or more but less than one thousand dollars (\$1,000.00) shall be paid within two years after the assessment is recorded;
3. Assessments of one thousand dollars (\$1,000.00) or more but less than five thousand dollars (\$5,000.00) shall be paid within three years after the assessment is recorded;
4. Assessments of five thousand dollars (\$5,000.00) or more but less than ten thousand dollars (\$10,000.00) shall be paid within six years after the assessment is recorded;
5. Assessments of ten thousand dollars (\$10,000.00) or more shall be paid within ten years after the assessment is recorded.

PART III: ADDITIONAL PENALTIES

A. Classification; Liability. In addition to the penalties imposed pursuant to the abatement and assessment provisions of this ordinance, any person, firm or corporation placing any rubbish, trash, filth or debris upon any private or public property located in the unincorporated areas of the county not owned or under the control of the person, firm or corporation shall be guilty of a Class 1 misdemeanor and, in addition to any fine which may be imposed for a violation of any provision of this ordinance, shall be liable for all costs which may be assessed pursuant to this ordinance for the removal of the rubbish, trash, filth or debris. [A.R.S. § 11-268.A.3]

PART IV: NON-EXCLUSIVE REMEDY

The remedies provided for in this ordinance shall be in addition to any and all other remedies, civil or criminal, available to Cochise County pursuant to statute and common law, specifically including those set forth in A.R.S. §§ 13-2908, 36-602 and 49-143.

PASSED AND ADOPTED THIS ___ DAY OF _____, 2011.

Patrick G. Call, Chairman
Cochise County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Katie A. Howard
Clerk of the Board

Britt Hanson
Chief Civil Deputy County Attorney

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

The Cochise County Board of Supervisors hereby gives notice that a Public Hearing will be held before the Board of Supervisors on Tuesday, February 8, 2011 at or after 10:00 a.m. at 1415 Melody Lane, Building G, in Bisbee, Arizona, to consider the following:

Docket R-09-02: Consideration of adoption of a new ordinance entitled the "Cochise County Hazard Abatement Ordinance" to abate/remove rubbish, trash, weeds, filth, debris or damaged or dilapidated buildings which constitute a hazard to public health and safety and which may be compelled to be removed, with due process, from buildings, grounds, lots, contiguous sidewalks, streets and alleys within the unincorporated areas of the County. The Ordinance outlines the due process for formal notification, removal by the County and recovery of costs for removal, appeal and lien processes for property owners with hazardous conditions on their property.

Details of the above docket are on file in the office of the Cochise County Planning Department, 1415 Melody Lane, Bisbee, Arizona, Building E, and may be examined during office hours (Monday through Friday, 8 a.m. to 5 p.m.). The proposed Ordinance can be viewed on the County Website at www.cochise.az.gov; click on Departments and scroll down to Planning and Zoning; on the left side menu click on Proposed Updates and view the draft Ordinance. With comments or questions, please contact Zoning Administrator Rick Corley at 520-432-9240 or rhcory@cochise.az.gov. All persons interested in said matter may appear at said public hearing at said time and place and show cause, if any they have, why said amendments should or should not be approved.

Publish: In the San Pedro Valley News and the Bisbee Daily Review

COCHISE COUNTY



Hazard Abatement Ordinance

February 8, 2011

Carlos A. De La Torre, P.E.
Community Development Director

Rick Corley
Zoning Administrator

Purpose: Revision of the Hazard Abatement Ordinance

- To revise current (1987) HAO to be consistent with State Statute (ARS 11-268)
- To provide for an Assessment Payment Schedule
- To clarify the abatement and lien notification process
- To provide a just, equitable and practical method to remedy and abate a hazard to a person, persons, or property:
 - Hazard: Accumulations or conditions which have a strong potential for causing or carrying a fire, cause injury to a person, cause hazard to the health of any person as result of damaged and dilapidated buildings which are unoccupied, unsecured, open and accessible and have the potential of harboring illegal activities.
- This Ordinance is not intended to be neighborhood beautification and aesthetic control measure or to address excessive use or lack of maintenance of buildings and/or structures
- This Ordinance is not intended to replace the Solid Waste Disposal Ordinance or Section 1811 of the Zoning Regulations
- Close & Abate existing HAO caseload
 - 36 cases
 - 19 Carried forward, prior to 2008







Magnitude: Hazard Abatement Ordinance Enforcement

- **Violations/Hazard Inspections: 400 per year**
 - **Hearing Officer: 30 +/- per year**
 - **Hazard Abatements Cases: 31 per year (7.8%)**
 - **Hazard Abatement Cases ready for abatement:: 6 +/- per year (1.5%)**
 - **Actual Abatements: 6 (since 2008, fiscal impact \$87,745)**
- **Outdoor Storage is considered to be a Zoning Violation under Section 1811 of the Zoning Regulations**
- **Trash, garbage in public or private property is considered to be Solid Waste violation under the Solid Waste Disposal Ordinance 032-03 (March 2003)**
- **Solid Waste on Public Road Property (Solid Waste Disposal Ordinance)**
 - **Enforcement Action**
 - **Mitigated by the Community Development Department (16 times since June 2008)**
 - **Wildcat Inspections/Violations**
 - **20 Inspections/Violations per month**
 - 75% Comply upon Notification**
 - 25% Referred to CCSO for citation/abatement**
 - 5% Abated**



Recommendation

Staff recommends the Board of Supervisors approve the Hazard Abatement Ordinance.



Regular Board of Supervisors Meeting

Date: 02/08/2011

Ltr to BLM re: Coordination Status

Submitted By: Katie Howard, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME of PRESENTER: Mike Ortega

Mandated Function?:

Recommendation:

of ORIGINALS Submitted for Signature:

TITLE of PRESENTER: County Administrator

Source of Mandate or Basis for Support?:

Agenda Item Text:

Approve issuance of a letter to the Bureau of Land Management (BLM) asserting the establishment of Coordination status for Cochise County with BLM.

Background:

Executive Summary will be completed and published on Monday, February 7, 2011.

Department's Next Steps (if approved):

Send signed letter to agency.

Impact of NOT Approving/Alternatives:

Cochise County will retain its Cooperator status with the agency.

To BOS Staff: Document Disposition/Follow-Up:

n/a

Attachments

Coordination Letter to BLM

Authorities for Specific Agencies

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February 8, 2011

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Arizona State Office
Attn: Director James Kenna
One North Central Avenue
Suite 800
Phoenix, AZ 85004-4427

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Dear Mr. Kenna:

Cochise County hereby formally asserts its status as a coordinating local land use manager within the meaning of 43 USC 1712 and 43 CFR 1610.3.1 and 1610.3-2. Cochise County and the Bureau of Land Management (BLM) often communicate on matters of mutual concern, sometimes in partnership and sometimes as adversaries. It is our understanding that federal agencies have certain coordination obligations with regard to contemplated management decisions which require formal notice and coordination quite aside from the normal public notice and comment procedures.

When the BLM decided to change its policies on land use relative to water several years ago it did so suddenly, publicly and without coordination with local land use managers. The resulting disruptions for local users of BLM land might have been avoided had prior coordination been effected.

More recently, we have been informed of planned activities within our planning area of your National River Service Team (NRST.) Cochise County was informed coincident with its association with another local group. Federal law requires that Cochise County be given notice prior to general public notification. This was not done. The San Pedro River is of paramount importance to the local economy, local society and even the national security and is the centerpiece of our local planning activities.

We are led to believe that the BLM NRST effort will selectively interact with entities of their own choosing in the local area and the meetings will be based on a time schedule determined by the

BLM. We insist the NRST meet specifically with Cochise County representatives of our choosing and on a mutually acceptable schedule.

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February 8, 2011 Letter to BLM

It is insufficient to informally coordinate by virtue of common attendance at unrelated meetings. Request that this and all future activities relative to land management related matters be formally coordinated directly with the Cochise County Administrator, Mr. Michael Ortega at the above address.

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We look forward to a productive and long-term coordination relationship between you, your staff and the Cochise County Board of Supervisors.

Sincerely,

Patrick G. Call
Supervisor, District 1
Chairman

Authorities for Specific Agencies

Bureau of Land Management (BLM)

43 USC 869 is the Recreation and Public Purposes Act, which provides for the sale or lease of federal land to local governments for specified purposes. 43 USC 869(a) requires that a local plan and zoning be in place before more than 640 acres is made available. The rules for implementation of the Recreation and Public Purposes Act are found at 43 CFR Part 2740.

43 USC 1241 permits state weed control programs to operate on federal lands.

43 USC 1712 Land Use Planning

(c)(9) requires coordination with land use planning and management programs of state and local governments. It also requires the Secretary of the Interior to be apprised of local plans, to assist in resolving inconsistencies between federal and nonfederal plans, and to provide meaningful involvement of state and local officials. Corresponding regulations are found at 43 CFR 1610.3-1 and 1610.3-2.

(f) Local government must receive notice of BLM planning activities. See the regulations cited above.

43 USC 1713 states that state and local government are to be considered among potential purchasers of any federal land offered for sale. The corresponding regulation is found at 43 CFR 2710.0-6.

43 USC 1714(c)(7-8) requires consultation with state and local government and analysis of impact of major withdrawals on local economies. See 43 USC 1716(a) for land exchanges.

43 USC 1720 requires that local officials be notified before federal land is sold or otherwise conveyed. See also 43 USC 1721(c).

43 USC 1733 provides for contracts and cooperation with local law enforcement agencies. The corresponding regulation is found at 43 CFR 9260.0-3.

Forest Service

The Forest Service is given authority for practical cooperation with local government in several sections of the U.S. Code, including 16 USC 551(a) and 553.3. The corresponding regulations include 36 CFR 211.3 (cooperation in enforcement of state laws), 36 CFR 211.4 and 5 (cooperation in fire suppression) and 36 CFR 212.5 and 212.9 (cooperation in road maintenance). National forest planning is conducted pursuant to 16 USC 1604. The corresponding regulations are found at 36 CFR 219 - Planning.

219.1 includes coordination with local planning efforts as a goal of forest planning

219.5 makes coordination a responsibility of the interdisciplinary team

219.7 requires coordination with other public planning efforts

(a) says responsible line officer SHALL coordinate with local planning

(c) requires responsible line officer to review local plan and display results in EIS

(d) responsible line officer shall meet with local government at beginning of planning process

(e) Forest Service shall seek input from local government, supplemented by (f) which requires monitoring impact on communities

36 CFR 222.8 provides for cooperation in state weed control, stray law, etc.

36 CFR 251.9 provides for the protection of municipal watersheds.

36 CFR 254.20 provides for the acquisition of up to 640 acres for townsites, including additions to existing communities. Authority for this regulation is provided by 16 USC 478(a).

Authorities Affecting Multiple Agencies

Intergovernmental Cooperation

31 USC 6505-6506 provide general authority for intergovernmental cooperation by all federal agencies. 31 USC 6506(c) states: To the extent possible, all national, regional, state, and local viewpoints shall be considered in planning development programs and projects of the United States Government or assisted by the Government.

Endangered Species Act

16 USC 1531(c) requires cooperation with state and local governments to resolve water resource issues related to endangered species.

16 USC 1533(b) states that decisions to list must consider state and local efforts to protect the species.

16 USC 1533(b) requires a 90-day notice to the affected state and county before listing a species. The corresponding regulations are found at 50 CFR 424.16.

National Environmental Policy Act

42 USC 4332(c) requires that federal agencies account for the impacts of "major Federal actions significantly affecting the human environment."

40 CFR 1500, et seq. provides the Council on Environmental Quality's basic rules for the implementation of the National Environmental Policy Act (NEPA). Note that many Federal agencies also have specific rules for NEPA compliance.

Regular Board of Supervisors Meeting

Date: 02/08/2011

Ltr to USFWS re: Coordination Status

Submitted By: Katie Howard, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME of PRESENTER: Mike Ortega

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE of PRESENTER: County Administrator

Source of Mandate or Basis for Support?:

Agenda Item Text:

Approve issuance of a letter to the US Fish & Wildlife Service (USFWS) asserting the establishment of Coordination status for Cochise County with USFWS.

Background:

Executive Summary will be completed and published on Monday, February 7, 2011.

Department's Next Steps (if approved):

Send signed letter to agency.

Impact of NOT Approving/Alternatives:

Cochise County will retain its Cooperator status with the agency.

To BOS Staff: Document Disposition/Follow-Up:

n/a

Regular Board of Supervisors Meeting**Date:** 02/08/2011**Approval for Payment of Attachmate Invoice****Submitted By:** Mary Gomez, Cochise Aging & Social Services**Department:** Cochise Aging & Social Services**Presentation:** No A/V Presentation**Recommendation:** Approve**Document Signatures:** BOS Signature NOT Required**# of ORIGINALS** 0**Submitted for Signature:****NAME of PRESENTER:** Mary Gomez**TITLE of PRESENTER:** CASS Director**Mandated Function?:** Not Mandated**Source of Mandate or Basis for Support?:****Docket Number (If applicable):** N/A**Agenda Item Text:**

Approve payment of invoice in the amount of \$60,000 to Attachmate for the software application called Reflections.

Background:

In July, 2010 CHS staff requested an upgrade to the Reflections software we have been using for the past seventeen years (since inception of the program). This software is necessary to complete communications between our desktop computers and the server that houses our Health Information System (HIS) off site. When IT investigated this situation to request the upgrades, it was determined that CHS has never paid for any Reflections license at any time. The application is currently used by 52 staff members and is mission critical. Before doing the requested upgrade, Attachmate is demanding payment and interest on the past due balance owed by CHS.

Several concessions have been negotiated with this vendor and will be presented at the BOS meeting as requested.

Payments would be made from Special Revenue Fund 508.

Department's Next Steps (if approved):

Hard copies sent to Finance.

Impact of NOT Approving/Alternatives:

Without this software, we cannot process claims, send encounters, issue authorizations or any of the functions required by our contract with AHCCCS to manage the ALTCS program. Loss of ALTCS Program Contract would equate to \$32M+ this FY.

To BOS Staff: Document Disposition/Follow-Up:

Detailed invoice will be provided to DD by 1/31/11 and will send to BOS staff prior to meeting

Fiscal Impact

Fiscal Year: 2011

| | |
|---|------------|
| One-time Fixed Costs? (\$\$\$): | \$60,000 |
| Ongoing Costs? (\$\$\$): | \$3,536.40 |
| County Match Required? (\$\$\$): | \$0 |
| A-87 Overhead Amt? (Co. Cost Allocation \$\$\$): | \$0 |
| Source of Funding?: | SRF 508 |

Fiscal Impact & Funding Sources (if known):

Without this software, we cannot process claims, send encounters, issue authorizations or any of the functions required by our contract with AHCCCS to manage the ALTCS program. Loss of ALTCS Program Contract would equate to loss of \$32M+ this FY.

Regular Board of Supervisors Meeting

Date: 02/08/2011

State & Federal Legislation

Submitted By: Katie Howard, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME Mike Ortega

of PRESENTER:

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE County
of PRESENTER: Administrator

**Source of Mandate
or Basis for Support?:**

Agenda Item Text:

Discussion and possible action on legislative bills listed on the attached January 31st bill tracking sheet.

Background:

Refer to CSA tracking sheet (attached)

Department's Next Steps (if approved):

n/a

Impact of NOT Approving/Alternatives:

n/a

To BOS Staff: Document Disposition/Follow-Up:

n/a

Attachments

Jan31 Bill TrackingList

New Report

50th Legislature - 1st Regular Session,
2011

Monday, Jan 31 2011 3:03 PM

Bill summaries and histories copyright 2011 Arizona Capitol Reports, L.L.C.

CSA Legislative Agenda

Posted Calendars and Committee Hearings

H2152 : COUNTY OFFICERS; ADMINISTRATION

Hearing: House Government (Tuesday 02/01/11 at 2:00 PM, House Rm. 4)

H2236 : POLITICAL SUBDIVISIONS; SHARING REVENUE INFORMATION

Hearing: House Ways & Means (Monday 01/31/11 at 2:00 PM, House Rm. 1)

S1186 : 2011 TAX CORRECTION ACT

Hearing: Senate Rules (Monday 01/31/11, Senate Caucus Rm.)

Bill Summaries

H2068: CONSTABLES; SALARIES [Support]

The maximum salary of a constable in a precinct with an average of 100 or fewer total documents served by a constable over the previous four years is \$15,000.

First sponsor: Rep. Burges

General Comments (all lists):

Single List Comments:

| H2068 Daily History | Date Action |
|----------------------|--|
| CONSTABLES; SALARIES | 1/27 House COW approved with floor amend#4032. |
| CONSTABLES; SALARIES | 1/25 Stricken from House consent calendar by Burges. |
| CONSTABLES; SALARIES | 1/24 from House rules okay. To House consent calendar. |
| CONSTABLES; SALARIES | 1/19 from House gov do pass. |
| CONSTABLES; SALARIES | 1/18 House gov do pass; report awaited. |
| CONSTABLES; SALARIES | 1/18 referred to House gov. |

H2152: COUNTY OFFICERS; ADMINISTRATION

County officers are no longer required to file appointments of deputies, clerks, and assistants in the office of the county recorder. The county recorder is no longer required to keep a blotter for recording instruments.

First sponsor: Rep. Burges

General Comments (all lists):

Single List Comments:

| H2152 Daily History | Date Action |
|---------------------------------|-----------------------------|
| COUNTY OFFICERS; ADMINISTRATION | 1/19 referred to House gov. |

H2197: CHARTER SCHOOLS; AGE RESTRICTED COMMUNITIES

The statute governing the placement of charter schools is amended to prohibit a charter school from being located in a age restricted

community in an unorganized territory. Emergency clause.

First sponsor: Rep. Lesko

Others: Rep. Carter, Rep. Court, Rep. Crandell, Rep. Fillmore, Rep. Goodale, Rep. R. Gray, Rep. Proud, Sen. Crandall

General Comments (all lists):

Single List Comments:

| H2197 Daily History | Date Action |
|--|-------------------------------------|
| CHARTER SCHOOLS; AGE RESTRICTED COMMUNITIES 1/24 | from House educ do pass. |
| CHARTER SCHOOLS; AGE RESTRICTED COMMUNITIES 1/24 | House educ do pass; report awaited. |
| CHARTER SCHOOLS; AGE RESTRICTED COMMUNITIES 1/18 | referred to House educ. |

H2231: PUBLIC DEFENDERS; PROBATE COURT; REIMBURSEMENT [Support]

If a court appoints a public defender, investigator, physician, psychologist or nurse to provide services for an incapacitated person who dies, the county is authorized to make a charge for reasonable compensation against the estate of the deceased. Reimbursed monies are to be deposited in the same fund from which the expenditure was made.

First sponsor: Rep. Goodale

General Comments (all lists):

Single List Comments:

| H2231 Daily History | Date Action |
|---|------------------------|
| PUBLIC DEFENDERS; PROBATE COURT; REIMBURSEMENT 1/26 | referred to House jud. |

H2236: POLITICAL SUBDIVISIONS; SHARING REVENUE INFORMATION

The Dept of Revenue's liability setoff program can be used to satisfy taxpayer debts to political subdivisions. The department is authorized to provide information on an individual's reported income to a county, municipality, or state agency for the purpose of determining eligibility for a program or benefit.

First sponsor: Rep. Goodale

General Comments (all lists):

Single List Comments:

| H2236 Daily History | Date Action |
|--|---|
| POLITICAL SUBDIVISIONS; SHARING REVENUE INFORMATION 1/31 | House ways-means amended; report awaited. |
| POLITICAL SUBDIVISIONS; SHARING REVENUE INFORMATION 1/24 | referred to House ways-means. |

H2285: INMATE CREDIT; IMPRISONMENT; FINE REDUCTION

A person imprisoned for nonpayment of a fine may receive credit toward payment of up to \$60, increased from \$10, for each day of imprisonment.

First sponsor: Rep. McLain

Others: Rep. Ash, Rep. Goodale, Rep. Tobin

General Comments (all lists):

Single List Comments:

| H2285 Daily History | Date Action |
|--|-------------|
| INMATE CREDIT; IMPRISONMENT; FINE REDUCTION 1/24referred to House mil-pub. | |

H2318: TRANSPORTATION AUTHORITIES; REGIONAL & PUBLIC

Community college districts and Indian nations may become members of intergovernmental public transportation authorities. Modifies the definition of county for the purposes of regional transportation authorities to eliminate language requiring a minimum population of 200,000 persons.

First sponsor: Rep. Jones

Others: Rep. Crandell, Rep. Pancrazi, Sen. Pierce, Sen. Shooter

General Comments (all lists):

Single List Comments:

| H2318 Daily History | Date Action |
|--|-------------|
| TRANSPORTATION AUTHORITIES; REGIONAL & PUBLIC 1/20referred to House trans. | |

H2319: COUNTIES; PRIMITIVE ROADS; MAINTENANCE

County boards of supervisors may spend public monies for maintenance of public roads and streets that have been designated as primitive roads (defined elsewhere in statute). Effective October 1, 2011.

First sponsor: Rep. Jones

Others: Rep. Crandell, Rep. Pancrazi, Sen. Allen, Sen. Antenori, Sen. Pierce, Sen. Shooter

General Comments (all lists):

Single List Comments:

| H2319 Daily History | Date Action |
|---|-------------|
| COUNTIES; PRIMITIVE ROADS; MAINTENANCE 1/20referred to House trans. | |

S1174: CHARTER SCHOOLS; AGE RESTRICTED COMMUNITIES

Charter schools cannot be established or operated in an age restricted community located in unorganized territory. Emergency clause.

First sponsor: Sen. Crandall

Others: Rep. Lesko

General Comments (all lists):

Single List Comments:

| S1174 Daily History | Date Action |
|--|-------------|
| CHARTER SCHOOLS; AGE RESTRICTED COMMUNITIES 1/20referred to Senate educ. | |

S1186: 2011 TAX CORRECTION ACT

Corrections to the tax code as recommended by the Department of Revenue and Legislative Council. Changes are for clarification or to blend conflicting statutes and are not intended to be substantive. An annual exercise.

First sponsor: Sen. Yarbrough

General Comments (all lists):

Single List Comments:

| S1186 Daily History | Date Action |
|------------------------------|--------------------------|
| 2011 TAX CORRECTION ACT 1/27 | from Senate fin do pass. |
| 2011 TAX CORRECTION ACT 1/20 | referred to Senate fin. |

S1278: COUNTY ASSESSOR; PERMANENT RETRIEVAL FUND

Eliminates the termination date of December 31, 2011, for the county assessor's property information storage and retrieval conversion and maintenance fund. Counties with less than 750,000 persons are authorized to establish the fund (increased from counties with less than 500,000 persons).

First sponsor: Sen. Allen

Others: Rep. Barton, Rep. Crandell, Rep. Pratt, Sen. Sinema

General Comments (all lists):

Single List Comments:

| S1278 Daily History | Date Action |
|--|-------------------------|
| COUNTY ASSESSOR; PERMANENT RETRIEVAL FUND 1/27 | referred to Senate fin. |

S1291: PRISONS; INMATE CREDIT FOR IMPRISONMENT

A person imprisoned for nonpayment of a fine in a county with 150,000 persons or less may receive credit toward payment of up to \$60 for each day of imprisonment (Previously, the rate of credit was \$10 per day in all counties).

First sponsor: Sen. Griffin

Others: Rep. Gowan

General Comments (all lists):

Single List Comments:

| S1291 Daily History | Date Action |
|-------------------------------------|-------------------------|
| INMATE CREDIT FOR IMPRISONMENT 1/27 | referred to Senate jud. |

S1362: FLOOD CONTROL STRUCTURES

In a county with a population of less than 3 million persons (all but Maricopa), county flood control districts are authorized to construct, maintain and operate bridges over watercourses that are impassable to emergency vehicle traffic for 14 or more days per year.

First sponsor: Sen. Antenori

Others: Rep. Gowan, Rep. Judd, Rep. Montenegro, Rep. Stevens, Rep. Vogt, Sen. Griffin

General Comments (all lists):

Single List Comments:

| S1362 Daily History | Date Action |
|-------------------------------|---------------------------------|
| FLOOD CONTROL STRUCTURES 1/31 | referred to Senate water-rural. |

S1427: FLOOD CONTROL DIST; CONSTRUCTION PROJECTS

Summary to come
First sponsor: Sen. Nelson

General Comments (all lists):

Single List Comments:

| S1427 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

S1428: COUNTIES; EMPLOYMENT OF CONTRACTORS; BIDS

Summary to come
First sponsor: Sen. Nelson

General Comments (all lists):

Single List Comments:

| S1428 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

CSA Master Tracking List

Posted Calendars and Committee Hearings

H2015 : JUSTICE COURT JURISDICTION; COUNTY PARKS

*Hearing:*House Government (Tuesday 02/01/11 at 2:00 PM, House Rm. 4)

H2067 : BOARD OF SUPERVISORS; POWERS

*Hearing:*House Government (Tuesday 02/01/11 at 2:00 PM, House Rm. 4)

H2102 : LICENSE ELIGIBILITY; AUTHORIZED PRESENCE

*Hearing:*House Rules (Monday 01/31/11 at 1:00 PM, House Rm. 4)

H2207 : SPECIAL HEALTH CARE DISTRICTS; PROCUREMENT

*Hearing:*House Ways & Means (Monday 01/31/11 at 2:00 PM, House Rm. 1)

H2239 : STATE PARKS BOARD; MEMBERSHIP

*Hearing:*House Energy & Natural Resources (Monday 01/31/11 at 2:00 PM, House Rm. 4)

H2303 : VOTING CENTERS; POLLING PLACES

*Hearing:*House Judiciary (Thursday 02/03/11 at 9:00 AM, House Rm. 4)

H2364 : PROBATION OFFICERS; DISCIPLINARY ACTIONS

*Hearing:*House Military Affairs & Public Safety (Wednesday 02/02/11 at 9:00 AM, House Rm. 3)

H2372 : CONSERVATORSHIPS; GUARDIANSHIPS; COUNTY REIMBURSEMENT

*Hearing:*House Banking & Insurance (Monday 01/31/11 at 2:00 PM, House Rm. 5)

H2393 : DROUGHT EMERGENCY GROUNDWATER TRANSFER

*Hearing:*House Agriculture & Water (Thursday 02/03/11 at 9:00 AM, House Rm. 5)

H2422 : LOCAL GOVERNMENT BUDGETING; POSTING; PUBLICATION

*Hearing:*House Government (Tuesday 02/01/11 at 2:00 PM, House Rm. 4)

H2478 : COUNTIES; HEALTH CARE SERVICES; PAYMENTS

*Hearing:*House Military Affairs & Public Safety (Wednesday 02/02/11 at 9:00 AM, House Rm. 3)

HCR2006 : PERSONAL PROPERTY TAX EXEMPTION AMOUNT

Hearing: House Ways & Means (Monday 01/31/11 at 2:00 PM, House Rm. 1)

S1118 : COUNTY MEDICAL EXAMINER; ID PROTOCOL

Hearing: Senate Rules (Monday 01/31/11, Senate Caucus Rm.)

S1123 : STATE LIBRARY & ARCHIVES AMENDMENTS

Hearing: Senate Rules (Monday 01/31/11, Senate Caucus Rm.)

S1167 : ASRS; COMPREHENSIVE AMENDMENTS

Hearing: Senate Rules (Monday 01/31/11, Senate Caucus Rm.)

S1171 : CITIES; ACQUISITION OF WASTEWATER UTILITY

Hearing: Senate Rules (Monday 01/31/11, Senate Caucus Rm.)

S1178 : INTRASTATE COMMERCE ACT

Hearing: Senate Commerce & Energy (Wednesday 02/02/11 at 9:00 AM, Senate Rm. 109)

S1194 : STRUCTURAL PEST MANAGEMENT; REGULATION

Hearing: Senate Natural Resources & Transportation (Monday 01/31/11, Senate Rm. 109)

S1207 : BUILDING CODE; DILAPIDATED BUILDING; DEFINITION

Hearing: Senate Government Reform (Wednesday 02/02/11 at 9:00 AM, Senate Rm. 1)

S1215 : PUBLIC MEETINGS; CALL TO PUBLIC

Hearing: Senate Government Reform (Wednesday 02/02/11 at 9:00 AM, Senate Rm. 1)

S1222 : PUBLIC BENEFITS; ELIGIBILITY; REQUIRED PROOF

Hearing: Senate Government Reform (Wednesday 02/02/11 at 9:00 AM, Senate Rm. 1)

S1243 : BAD CHECKS; COUNTY ATTORNEY FEES

Hearing: Senate Judiciary (Monday 01/31/11, Senate Rm. 1)

S1279 : FIRE DISTRICT ASSISTANCE TAX

Hearing: Senate Finance (Thursday 02/03/11 at 9:00 AM, Senate Rm. 1)

S1281 : PROPERTY TAX; CLASS NINE

Hearing: Senate Finance (Thursday 02/03/11 at 9:00 AM, Senate Rm. 1)

Bill Summaries

H2002: SCHOOL DISTRICT MONIES; ASSOCIATIONS; ELECTIONS

A school district shall not spend monies for membership in an association that attempts to influence the outcome of an election or that advocates support for or opposition to pending or proposed legislation.

First sponsor: Rep. Kavanagh

General Comments (all lists):

Single List Comments:

| H2002 Daily History | Date Action |
|---|------------------------------|
| SCHOOL DISTRICT MONIES; ASSOCIATIONS; ELECTIONS | 1/11 referred to House educ. |

H2003: EMERGENCY RESPONSE SERVICES FEES; PROHIBITION

With stated exceptions, a public agency (county, municipality or state agency) may not charge a fee or seek reimbursement for providing police, fire or other emergency response services at the scene of a

traffic accident or in the investigation or preparation of a report of the accident.

First sponsor: Rep. Kavanagh

General Comments (all lists):

Single List Comments:

| H2003 Daily History | Date Action |
|--|-------------|
| EMERGENCY RESPONSE SERVICES FEES; PROHIBITION 1/11referred to House trans. | |

H2005: SUBDIVISIONS; ACTING IN CONCERT [Oppose]

Restrictions involving the sale of lots or parcels (including fractional interests) under laws governing subdivisions are not applicable to lots or parcels that have been sold within five years if the parent lot or parcel had previously been treated as an independent parcel and was not subject to subdivision regulations. For subdivisions consisting of 10 or fewer parcels, municipalities are required to either waive the requirement to obtain preliminary plat approval or expedite the approval process. In similar cases, counties likewise must either waive the requirement to grant approval or waive or reduce infrastructure standards (except for those involving dust-controlled access and minimum drainage improvements). The Real Estate Commissioner has a maximum of three years after the sale or lease of subdivided land to determine whether the sale or lease violated state law. The list of parties who may rescind the sale of subdivided land due to failure of the seller to obtain prior approval of the Dept of Real Estate or to deliver a copy of the report to the purchaser is expanded to include the current owner of the land. Effective October 1, 2011.

First sponsor: Rep. Burges

General Comments (all lists):

Single List Comments:

| H2005 Daily History | Date Action |
|--|-------------|
| SUBDIVISIONS; ACTING IN CONCERT 1/26from House gov with amend #4012. | |
| SUBDIVISIONS; ACTING IN CONCERT 1/25House gov amended; report awaited. | |
| SUBDIVISIONS; ACTING IN CONCERT 1/18House gov held. | |
| SUBDIVISIONS; ACTING IN CONCERT 1/11referred to House gov. | |

H2015: JUSTICE COURT JURISDICTION; COUNTY PARKS [Neutral]

The jurisdiction of justice courts is expanded to include offenses committed in a county park located within 5 miles of the justice court precinct boundary.

First sponsor: Rep. Burges

General Comments (all lists):

Single List Comments:

| H2015 Daily History | Date Action |
|---|-------------|
| JUSTICE COURT JURISDICTION; COUNTY PARKS 1/11referred to House gov. | |

H2023: RETIREMENT; ASRS; LONG-TERM DISABILITY

A government employee who is a member of the Arizona State

Retirement System is not eligible for long-term disability under the system unless s/he files an initial claim within 24 months of the date of disability. Also, ASRS is authorized to suspend or terminate a person's long-term disability benefits if the person does not provide information requested by the system, the insurance carrier or the claims administrator who administers the LTD program.

First sponsor: Rep. Robson

General Comments (all lists):

Single List Comments:

| H2023 Daily History | Date Action |
|---|--|
| RETIREMENT; ASRS; LONG-TERM DISABILITY 1/12 | from House employ-reg affairs do pass. |
| RETIREMENT; ASRS; LONG-TERM DISABILITY 1/11 | referred to House employ-reg affairs. |

H2024: RETIREMENT; ASRS; AMENDMENTS

Various changes to the Arizona State Retirement System, including a provision that when a retired employer returns to work, the employer must pay contributions at an alternate rate as determined by the ASRS actuary according to a formula as contained in this bill. Also, a retired member whose retirement benefits have been suspended because the person returned to work for an ASRS employer for at least 20 hours per week for at least 20 weeks per fiscal year must repay ASRS the amount of any benefits received after the person resumed active membership in ASRS. A government employee who is a member of the Arizona State Retirement System is not eligible for long-term disability under the system unless s/he files an initial claim within 24 months of the date of disability. Also, ASRS is authorized to suspend or terminate a person's long-term disability benefits if the person does not provide information requested by the system, the insurance carrier or the claims administrator who administers the LTD program.

First sponsor: Rep. Robson

General Comments (all lists):

Single List Comments:

| H2024 Daily History | Date Action |
|-----------------------------------|--|
| RETIREMENT; ASRS; AMENDMENTS 1/12 | from House employ-reg affairs do pass. |
| RETIREMENT; ASRS; AMENDMENTS 1/11 | referred to House employ-reg affairs. |

H2026: RETIREMENT; ASRS; ADMINISTRATION

The Arizona State Retirement System is no longer subject to rule-making restrictions of Title 41 (state government). Instead, the list of duties of the board of ASRS is expanded to include a requirement that it establish procedures for the adoption, amendment or repeal of its own rules.

First sponsor: Rep. Robson

General Comments (all lists):

Single List Comments:

| H2026 Daily History | Date Action |
|---------------------------------------|--------------------------------|
| RETIREMENT; ASRS; ADMINISTRATION 1/11 | House employ-reg affairs held. |

RETIREMENT; ASRS; ADMINISTRATION 1/11 referred to House employ-reg affairs.

H2027: RETIREMENT; ASRS; RETURN TO WORK; CONTRIBUTIONS

A retired member whose retirement benefits have been suspended because the member returned to work with an ASRS employer for at least 20 hours per week for at least 20 weeks in any fiscal year must repay the Arizona State Retirement System for any benefits improperly received. The employer must pay contributions to the ASRS for any retired worker who returns to work; the contribution rate shall be determined by a formula calculated by the ASRS actuary. A legislative intent section states, in part, that the purpose of the alternate contribution rate is to assure employers that re-hiring formerly retired workers will have a minimal actuarial impact on the retirement system. Appropriates \$150,000 in fiscal 2012 to the ASRS to implement this act.

First sponsor: Rep. Robson

General Comments (all lists):

Single List Comments:

| H2027 Daily History | Date Action |
|---|---|
| RETIREMENT; ASRS; RETURN TO WORK; CONTRIBUTIONS | 1/12 from House employ-reg affairs do pass. |
| RETIREMENT; ASRS; RETURN TO WORK; CONTRIBUTIONS | 1/11 referred to House employ-reg affairs, appro. |

H2067: BOARD OF SUPERVISORS; POWERS [Support]

The list of discretionary powers of a county board of supervisors is expanded to include authority to contract with a government agency to provide constable services at fees less than those established in statute.

First sponsor: Rep. Burges

General Comments (all lists):

Single List Comments:

| H2067 Daily History | Date Action |
|------------------------------|-----------------------------|
| BOARD OF SUPERVISORS; POWERS | 1/18 House gov held. |
| BOARD OF SUPERVISORS; POWERS | 1/18 referred to House gov. |

H2068: CONSTABLES; SALARIES [Support]

The maximum salary of a constable in a precinct with an average of 100 or fewer total documents served by a constable over the previous four years is \$15,000.

First sponsor: Rep. Burges

General Comments (all lists):

Single List Comments:

| H2068 Daily History | Date Action |
|----------------------|--|
| CONSTABLES; SALARIES | 1/27 House COW approved with floor amend#4032. |
| CONSTABLES; SALARIES | 1/25 Stricken from House consent calendar by Burges. |

CONSTABLES; SALARIES 1/24from House rules okay. To House consent calendar.
CONSTABLES; SALARIES 1/19from House gov do pass.
CONSTABLES; SALARIES 1/18House gov do pass; report awaited.
CONSTABLES; SALARIES 1/18referred to House gov.

H2077: FEDERAL AGENCIES; REGISTRATION WITH SHERIFF [Neutral]

A federal agency that conducts business in a county must register with the sheriff, who is authorized to impose a "reasonable fee" for completing the registration process. All fines, fees or penalties collected or imposed by the agency on individuals or businesses within that county shall be deposited with the sheriff, who shall immediately forward the monies to the state General Fund.

First sponsor: Rep. Crandell

Others: Rep. Barton, Rep. Brophy McGee, Rep. Dial, Rep. Fillmore, Rep. Judd

General Comments (all lists):

Single List Comments:

| H2077 Daily History | Date Action |
|--|---------------------------------|
| FEDERAL AGENCIES; REGISTRATION WITH SHERIFF 1/18 | House gov held. |
| FEDERAL AGENCIES; REGISTRATION WITH SHERIFF 1/18 | referred to House gov, mil-pub. |

H2102: LICENSE ELIGIBILITY; AUTHORIZED PRESENCE

Requires any individual licensed through a state agency, department, board or commission to provide documentation of citizenship or alien status indicating the individual's lawful presence in the United States.

First sponsor: Rep. Kavanagh

General Comments (all lists):

Single List Comments:

| H2102 Daily History | Date Action |
|---|----------------------------------|
| LICENSE ELIGIBILITY; AUTHORIZED PRESENCE 1/31 | from House rules okay. |
| LICENSE ELIGIBILITY; AUTHORIZED PRESENCE 1/26 | from House com with amend #4014. |
| LICENSE ELIGIBILITY; AUTHORIZED PRESENCE 1/18 | referred to House com. |

H2137: DOGS; CATS; STERILIZATION

Sterilization by a procedure approved by the Veterinary Medical Examining Board is added to the list of circumstances that must apply to a dog or cat before it can be released for adoption from a county or municipal pound or from an animal shelter.

First sponsor: Rep. Chabin

Others: Rep. Burges, Rep. Dial, Rep. Goodale, Rep. Judd, Rep. Vogt, Sen. Jackson, Sen. Pierce, Sen. Reagan

General Comments (all lists):

Single List Comments:

| H2137 Daily History | Date Action |
|---------------------|-------------|
|---------------------|-------------|

DOGS; CATS; STERILIZATION 1/18referred to House gov.

H2139: PROPERTY TAX VALUATION; LAND FRAUD

Permits property owners who petition the county assessor that their property has been valued too high to use evidence that fraudulent land sales have artificially inflated all real property values in the geographic area as a method of property valuation.

First sponsor: Rep. Judd

Others: Rep. Barton, Rep. Burges, Rep. Chabin, Rep. Crandell, Rep. Dial, Rep. Gowan, Rep. Harper, Rep. Jones, Rep. Kavanagh, Rep. Mesnard, Rep. Montenegro, Rep. Pancrazi, Rep. Saldate, Rep. Seel, Rep. Stevens, Rep. Urie, Rep. Yee, Sen. Antenori, Sen. Griffin, Sen. Murphy

General Comments (all lists):

Single List Comments:

| H2139 Daily History | Date Action |
|---|-------------------------------|
| PROPERTY TAX VALUATION; LAND FRAUD 1/24 | House ways-means held. |
| PROPERTY TAX VALUATION; LAND FRAUD 1/18 | referred to House ways-means. |

H2164: COUNTY TREASURER'S MANAGEMENT FUND

The county treasurer of a county with a population greater than two million (Maricopa) may deduct a management fee from the interest earned on investments. The management fee shall be used to fund the operation of the treasurer's office including development and maintenance of a website that is searchable by the public. If management fee monies are insufficient to fund the office and the website, county general fund monies shall be used to make up the shortfall.

First sponsor: Rep. Kavanagh

General Comments (all lists):

Single List Comments:

| H2164 Daily History | Date Action |
|---|------------------------|
| COUNTY TREASURER'S MANAGEMENT FUND 1/18 | referred to House gov. |

H2175: BANK-CREATED MONIES; TRANSPORTATION INFRASTRUCTURE

All transportation infrastructure projects undertaken by any governmental jurisdiction shall be paid for by banks in proportion to each institution's capital and surplus values as reported to the Dept of Financial Institutions. "Using the accepted ability of banks to create monies, each bank shall create monies equal to its share" of each project. Emergency clause.

First sponsor: Rep. Seel

General Comments (all lists):

Single List Comments:

| H2175 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2186: COUNTY SURPLUS REVENUE; REPORT

Each county must annually notify the state treasurer by Aug. 1 of the amount of surplus funds the county expects to have at the end of the current fiscal year. The amount of surplus is calculated by adding the amount of carryforward from the previous year to the estimated amount of revenue from the current year and subtracting estimated costs for the current year. Counties are to provide the state treasurer with a monthly report of revenues.

First sponsor: Rep. Seel

General Comments (all lists):

Single List Comments:

| H2186 Daily History | Date Action |
|-------------------------------------|-------------------------------|
| COUNTY SURPLUS REVENUE; REPORT 1/18 | referred to House gov, appro. |

H2197: CHARTER SCHOOLS; AGE RESTRICTED COMMUNITIES

The statute governing the placement of charter schools is amended to prohibit a charter school from being located in a age restricted community in an unorganized territory. Emergency clause.

First sponsor: Rep. Lesko

Others: Rep. Carter, Rep. Court, Rep. Crandell, Rep. Fillmore, Rep. Goodale, Rep. R. Gray, Rep. Proud, Sen. Crandall

General Comments (all lists):

Single List Comments:

| H2197 Daily History | Date Action |
|--|-------------------------------------|
| CHARTER SCHOOLS; AGE RESTRICTED COMMUNITIES 1/24 | from House educ do pass. |
| CHARTER SCHOOLS; AGE RESTRICTED COMMUNITIES 1/24 | House educ do pass; report awaited. |
| CHARTER SCHOOLS; AGE RESTRICTED COMMUNITIES 1/18 | referred to House educ. |

H2198: RETIREMENT; EORP; PLAN DESIGN [Support]

A person who becomes an elected official after the effective date of this act is eligible for normal retirement benefits only upon attainment of 65 (with 5 or more years of credited service) or 62 (with a minimum 10 years of credited service). Formerly, members of the Elected Officials Retirement Plan were also eligible for retirement benefits at any age with 20 or more years of credited service. Also, beginning in fiscal 2011-12, the member's contribution percentage (currently 7%) is increased one percent per year until fiscal 2014-15 when the contribution percentage is 11% of the member's salary. The employer's contribution is unaffected by this change. Also changes in definitions and formulas used to calculate annual benefit increases.

First sponsor: Rep. Robson

General Comments (all lists):

Single List Comments:

| H2198 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2199: RETIREMENT; PSPRS; PLAN DESIGN

Makes various changes for new members of the Public Safety Personnel Retirement System, including the definition of "normal retirement date" to require 25 years of service and the member's age being at least 52 and one-half. (Formerly, either 20 years of service regardless of age or 15 years of service at an age of at least 62). For all members, the percentage of the member's contribution (currently at 8.65%) increases 1% per year fiscal year 2014-15 when it reaches 11.65%. Thereafter, it is the lower of 11.65% or one-third of the aggregate computed employer contribution rate. More.

First sponsor: Rep. Robson

General Comments (all lists):

Single List Comments:

| H2199 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2200: RETIREMENT; CORP; PLAN DESIGN

Makes various changes for new members of the Corrections Officers Retirement Plan, the definition of "normal retirement date" to require 25 years of service at age 52.5 or 10 years of service at age 62. (Formerly, either 20 years of service unless the member served as a dispatcher). Also changes the calculation used to determine retirement benefits. For all members, the percentage of the member's contribution is changed. More.

First sponsor: Rep. Robson

General Comments (all lists):

Single List Comments:

| H2200 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2207: SPECIAL HEALTH CARE DISTRICTS; PROCUREMENT

Language requiring the special health care district in Maricopa County (Maricopa Integrated Health System) to adopt a procurement code is expanded to include specific procedures.

First sponsor: Rep. Harper

General Comments (all lists):

Single List Comments:

| H2207 Daily History | Date | Action |
|--|------|--------|
| SPECIAL HEALTH CARE DISTRICTS; PROCUREMENT 1/31House ways-means held. | | |
| SPECIAL HEALTH CARE DISTRICTS; PROCUREMENT 1/24House ways-means held. | | |
| SPECIAL HEALTH CARE DISTRICTS; PROCUREMENT 1/19referred to House ways-means. | | |

H2220: RACING FACILITIES; GAMING; RACINOS

Racing facilities may obtain a license from the Dept of racing to permit it to hold casino-type games (including poker, blackjack and slots). A percentage of daily gross gaming revenue (the amount is left blank in

original) is to be forwarded to the state treasurer for deposit in the General Fund. Because of the net increase in state revenues, this measure requires a 2/3 majority in each chamber for passage (Prop 108).

First sponsor: Rep. Fillmore

General Comments (all lists):

Single List Comments:

| H2220 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2224: COURT APPOINTED FIDUCIARIES [Neutral]

Rules established by the supreme court regarding qualifications for court appointed fiduciaries cannot include a requirement that the person be an attorney. Further, the fiduciary must document work performed on an hourly basis, and must not charge more than \$75 per hour.

First sponsor: Rep. Fillmore

General Comments (all lists):

Single List Comments:

| H2224 Daily History | Date | Action |
|---|------|--------|
| COURT APPOINTED FIDUCIARIES 1/24referred to House bank-ins. | | |

H2239: STATE PARKS BOARD; MEMBERSHIP

One of the seven members of the State Parks Board must be professionally engaged in the tourism industry. All current Board members may continue to serve until the expiration of their normal terms.

First sponsor: Rep. Goodale

General Comments (all lists):

Single List Comments:

| H2239 Daily History | Date | Action |
|---|------|--------|
| STATE PARKS BOARD; MEMBERSHIP 1/31House energy-nat res do pass; report awaited. | | |
| STATE PARKS BOARD; MEMBERSHIP 1/24referred to House energy-nat res. | | |

H2303: VOTING CENTERS; POLLING PLACES

County boards of supervisors may authorize the use of voting centers, in place of or in addition to polling places, which allow any voter in that county to receive the appropriate ballot on election day and lawfully cast the ballot.

First sponsor: Rep. Mesnard

Others: Rep. Dial, Rep. Tobin, Rep. Vogt, Rep. Yee, Sen. Gallardo, Sen. McComish

General Comments (all lists):

Single List Comments:

| H2303 Daily History | Date | Action |
|---|------|--------|
| VOTING CENTERS; POLLING PLACES 1/20referred to House jud. | | |

H2314: LAKE IMPROVEMENT; BOATING SAFETY; FUNDS

Authority to administer the Law Enforcement and Boating Safety Fund is given to the Game and Fish Commission, instead of the State Parks Board. Authorized uses of the fund are modified.

First sponsor: Rep. Jones
Others: Rep. McLain, Sen. Shooter

General Comments (all lists):

Single List Comments:

| H2314 Daily History | Date Action |
|--|--------------------------------------|
| LAKE IMPROVEMENT; BOATING SAFETY; FUNDS 1/20 | referred to House agri-water, appro. |

H2338: SPECIAL DISTRICTS; SECONDARY LEVY LIMITS [Oppose]

The Property Tax Oversight Commission is authorized to review the secondary property tax levy of county free library districts, county jail districts, and public health services districts. Beginning in tax year 2011, the maximum amount of a levy for these special districts cannot exceed the amount of the levy in the preceding tax year, adjusted annually by a percentage equal to the rate of change in the levy limit for the county in which the district is located.

First sponsor: Rep. Olson

General Comments (all lists):

Single List Comments:

| H2338 Daily History | Date Action |
|---|-------------------------------|
| SPECIAL DISTRICTS; SECONDARY LEVY LIMITS 1/26 | referred to House ways-means. |

H2339: PROPERTY TAX; COMMERCIAL & AGRICULTURE; ASSESSMENT RATIO

The percentage of full cash value used as the assessed valuation of class one (commercial) property for the purpose of property taxes is reduced from 20% in tax year 2011 by one percent each year until it reaches 15% in tax year 2016 and beyond. The percentage of full cash value used as the assessed valuation of class two (agricultural) property for the purpose of property taxes is reduced from 16% in tax year 2011 by one-half percent each year until it reaches 14% in tax year 2015 and beyond.

First sponsor: Rep. Olson

General Comments (all lists):

Single List Comments:

| H2339 Daily History | Date Action |
|---|---|
| PROPERTY TAX; COMMERCIAL & AGRICULTURE; ASSESSMENT RATIO 1/26 | referred to House ways-means, agri-water. |

H2340: STATE EQUALIZATION TAX; PHASE-OUT

Beginning in tax year 2011, the state equalization assistance property

tax rate is reduced annually by 1/5 of the rate in 2010. Beginning in tax year 2015 the state equalization assistance property tax rate shall be zero.

First sponsor: Rep. Olson

General Comments (all lists):

Single List Comments:

| H2340 Daily History | Date Action |
|--|-------------|
| STATE EQUALIZATION TAX; PHASE-OUT 1/24referred to House ways-means, appro. | |

H2342: EQUALIZATION ASSISTANCE TAX; APPROP MONIES

Taxes collected from the state equalization assistance property tax are transferred to the State Treasurer for deposit in the General Fund subject to legislative appropriation for the benefit of each county. (Previously, the monies were collected and retained by the county treasurer in each county). Retroactive to tax year 2010. Due to a potential increase in state revenue, this bill requires the affirmative vote of at least 2/3 of each house of the Legislature for passage (Prop 108).

First sponsor: Rep. Olson

General Comments (all lists):

Single List Comments:

| H2342 Daily History | Date Action |
|---|-------------|
| EQUALIZATION ASSISTANCE TAX; APPROP MONIES 1/20referred to House educ, appro. | |

H2352: COURT COMMISSIONER; QUALIFICATIONS

Modifies the qualifications for county court commissioner to require a commissioner to be admitted to the practice of law and be a resident of Arizona for 5 years, instead of being a licensed member of the state bar and engaged in general practice of law for 3 years.

First sponsor: Rep. Farnsworth

Others: Rep. Ash

General Comments (all lists):

Single List Comments:

| H2352 Daily History | Date Action |
|--|-------------|
| COURT COMMISSIONER; QUALIFICATIONS 1/27from House jud do pass. | |
| COURT COMMISSIONER; QUALIFICATIONS 1/20referred to House jud. | |

H2354: GRAND JURY PROCEEDINGS; ELECTRONIC RECORDING

The presiding judge of the superior court is authorized to use an electronic recording system rather than a court reporter to record the proceedings of a grand jury.

First sponsor: Rep. Farnsworth

Others: Rep. Ash, Rep. Pancrazi

General Comments (all lists):

Single List Comments:

| H2354 Daily History | Date Action |
|---------------------|-------------|
|---------------------|-------------|

GRAND JURY PROCEEDINGS; ELECTRONIC RECORDING 1/27from House jud with amend #4028.

GRAND JURY PROCEEDINGS; ELECTRONIC RECORDING 1/20referred to House jud.

H2355: COURT SURCHARGES

Renames court penalty assessments as "surcharges" and specifies that court surcharges are applied to the base fine, civil penalty, or forfeiture and not to any other surcharge.

First sponsor: Rep. Farnsworth

Others: Rep. Ash, Rep. Harper

General Comments (all lists):

Single List Comments:

H2355 Daily History Date Action

COURT SURCHARGES 1/27from House jud do pass.

COURT SURCHARGES 1/20referred to House jud.

H2364: PROBATION OFFICERS; DISCIPLINARY ACTIONS

Probation officers and surveillance officers employed by the state or a political subdivision are added to the definition of law enforcement officers for the purpose of regulating disciplinary actions of law enforcement officers.

First sponsor: Rep. Smith

Others: Rep. Barton, Rep. Burges

General Comments (all lists):

Single List Comments:

H2364 Daily History Date Action

PROBATION OFFICERS; DISCIPLINARY ACTIONS 1/20referred to House mil-pub.

H2367: PUBLIC EMPLOYEES; PROHIBITED NEGOTIATIONS

The state and political subdivisions are prohibited from negotiating with a labor organization or employee association representing public employees concerning employee wages and benefits, hours of work, or other financial issues.

First sponsor: Rep. Smith

Others: Rep. Barton, Rep. Burges, Rep. Harper, Rep. Montenegro, Rep. Seel

General Comments (all lists):

Single List Comments:

H2367 Daily History Date Action

PUBLIC EMPLOYEES; PROHIBITED NEGOTIATIONS 1/20referred to House employ-reg affairs

H2368: DETENTION AT HOME; COUNTIES, CITIES

Counties and municipalities are required, instead of allowed, to establish a prisoner work, community restitution work and home detention program, and are authorized to enter into an agreement to

use another county or municipality's program.

First sponsor: Rep. Smith

Others: Rep. Ash, Rep. Barton, Rep. Burges, Rep. Montenegro, Rep. Seel, Rep. Stevens

General Comments (all lists):

Single List Comments:

| H2368 Daily History | Date Action |
|---|-------------|
| DETENTION AT HOME; COUNTIES, CITIES 1/20referred to House mil-pub, gov. | |

H2372: CONSERVATORSHIPS; GUARDIANSHIPS; COUNTY REIMBURSEMENT

If a county pays for specified services for conservatorships or guardianships from the county general fund, the county is authorized to charge the estate for reasonable compensation.

First sponsor: Rep. Ash

Others: Rep. R. Miranda, Rep. C. Miranda, Rep. Tovar

General Comments (all lists):

Single List Comments:

| H2372 Daily History | Date Action |
|---|-------------|
| CONSERVATORSHIPS; GUARDIANSHIPS; COUNTY REIMBURSEMENT 1/20referred to House bank-ins. | |

H2373: JUDICIAL FACILITY DISTRICTS

Establishes a process for creating judicial facility districts as a special taxing district for the purpose of acquiring, operating, and maintaining county judicial facilities. Districts must be established on voter approval of a property tax or excise tax. The county board of supervisors will serve as the district board of directors.

First sponsor: Rep. Ash

Others: Rep. R. Miranda, Rep. C. Miranda, Rep. Smith, Rep. Tovar

General Comments (all lists):

Single List Comments:

| H2373 Daily History | Date Action |
|---|-------------|
| JUDICIAL FACILITY DISTRICTS 1/24referred to House ways-means. | |

H2374: SENTENCING; MINIMUM & MAXIMUM TERMS

Modifies sentencing structure for various felony offenses. The sentences previously used as mitigated sentence terms are established as the new minimum sentence, and those used as aggravated sentence terms are established as the new maximum sentence. The terms mitigated and aggravated are no longer used, and the previous minimum and maximum sentences are deleted. Increases the number of felony convictions necessary for a person to be sentenced as a repetitive offender. Also changes sentencing for violation of parole for drug offenses.

First sponsor: Rep. Ash

Others: Rep. Carter, Rep. Court, Rep. Fann, Rep. Meyer, Rep. R.

Miranda, Rep. C. Miranda, Rep. Patterson, Rep. Seel, Rep. Smith, Sen. L. Gray

General Comments (all lists):

Single List Comments:

| H2374 Daily History | Date Action |
|--|-------------|
| SENTENCING; MINIMUM & MAXIMUM TERMS 1/20referred to House jud. | |

H2375: ASSAULT; PUBLIC DEFENDER; COUNTY RANGER

Code enforcement officers, park rangers and public defenders are added to the list of victims of assault such that, if the offender knows or has reason to know of the victim's position, causes the assault to be classified as aggravated assault.

First sponsor: Rep. Ash

Others: Rep. R. Miranda, Rep. Smith, Rep. Tovar

General Comments (all lists):

Single List Comments:

| H2375 Daily History | Date Action |
|--|-------------|
| ASSAULT; PUBLIC DEFENDER; COUNTY RANGER 1/24referred to House jud. | |

H2376: DEPT OF JUVENILE CORRECTIONS; CONT

The statutory life of the Dept of Juvenile Corrections is extended five years to July 1, 2016. Retroactive to July 1, 2011.

First sponsor: Rep. Ash

Others: Rep. R. Miranda, Rep. C. Miranda, Rep. Pancrazi, Rep. Patterson, Rep. Smith, Rep. Tovar, Sen. L. Gray

General Comments (all lists):

Single List Comments:

| H2376 Daily History | Date Action |
|---|-------------|
| DEPT OF JUVENILE CORRECTIONS; CONT 1/24referred to House jud. | |

H2377: CAPITAL POSTCONVICTION PUBLIC DEFENDER; CONT

The statutory life of the State Capital Postconviction Public Defender Office is extended five years to July 1, 2016. Retroactive to July 1, 2011.

First sponsor: Rep. Ash

Others: Rep. Heinz, Rep. R. Miranda, Rep. C. Miranda, Rep. Pancrazi, Rep. Patterson, Rep. Smith, Rep. Tovar

General Comments (all lists):

Single List Comments:

| H2377 Daily History | Date Action |
|---|-------------|
| CAPITAL POSTCONVICTION PUBLIC DEFENDER; CONT 1/24referred to House jud. | |

H2379: INCARCERATION COSTS; MUNICIPAL COURT WARRANTS [Support]

Municipalities must pay the costs of incarceration in a county jail for a person arrested on a warrant issued by the municipal court.

First sponsor: Rep. Ash
Others: Rep. R. Miranda, Rep. C. Miranda

General Comments (all lists):

Single List Comments:

| H2379 Daily History | Date Action |
|--|-------------|
| INCARCERATION COSTS; MUNICIPAL COURT WARRANTS 1/24referred to House jud. | |

H2380: PRISONERS; MEDICAL PAROLE

Authorizes the Board of Executive Clemency to release a prisoner on medical parole under specified circumstances, including an incapacitating physical condition or disease, with review and acceptance by the Dept of Corrections. Does not apply to prisoners sentenced to death or natural life.

First sponsor: Rep. Ash
Others: Rep. Harper, Rep. R. Miranda, Rep. C. Miranda, Rep. Pancrazi, Rep. Patterson, Rep. Smith, Sen. L. Gray

General Comments (all lists):

Single List Comments:

| H2380 Daily History | Date Action |
|--|-------------|
| PRISONERS; MEDICAL PAROLE 1/24referred to House jud. | |

H2393: DROUGHT EMERGENCY GROUNDWATER TRANSFER

Establishes a set of requirements that must be met to permit groundwater in areas outside active management areas to be transported away from that groundwater basin in the case of a declared emergency due to a lack of precipitation or a water shortage. Retroactive to May 1, 2011.

First sponsor: Rep. Jones

General Comments (all lists):

Single List Comments:

| H2393 Daily History | Date Action |
|--|-------------|
| DROUGHT EMERGENCY GROUNDWATER TRANSFER 1/20referred to House agri-water. | |

H2394: SUSTAINABLE STATE PARKS FEE; FUND

Establishes an annual sustainable state parks fee to be paid along with vehicle registration fees, in an amount determined by the State Parks Board. The fee is deposited in the newly established Sustainable Parks Fund, used by the Board to operate, maintain and make capital improvements to state parks. The Board may no longer charge a fee for the day use of state parks to a vehicle with Arizona license plates.

First sponsor: Rep. Jones

General Comments (all lists):

Single List Comments:

| H2394 Daily History | Date Action |
|--|-------------|
| SUSTAINABLE STATE PARKS FEE; FUND 1/26referred to House energy-nat res, appro. | |

H2403: TRUSTS & ESTATES; BANKRUPTCY

The list of property exempt from attachment or sale by a creditor in a bankruptcy proceeding is expanded to include any interest in a college savings plan except for money contributed to the plan within 120 days of the date the debtor filed for bankruptcy. Various other changes in statutes dealing with trusts and estates, including procedures used to convert an income trust to a total return unitrust or vice-versa. Also, the list of situations under which the attorney-client privilege may be waived are expanded.

First sponsor: Rep. Vogt

Others: Rep. Smith

General Comments (all lists):

Single List Comments:

| H2403 Daily History | Date Action |
|---|-------------|
| TRUSTS & ESTATES; BANKRUPTCY 1/26referred to House jud. | |

H2409: ATTORNEY FEES; RECOVERY; CIVIL ACTIONS [Oppose]

In any action against the state, county or municipality challenging a law, regulation or ordinance, the governmental entity is not entitled to be awarded attorney fees. Applies only to actions commenced on or after the effective date of this act.

First sponsor: Rep. Vogt

Others: Rep. Fann, Rep. Gowan, Rep. Jones, Rep. Kavanagh, Rep. Montenegro, Rep. Reeve, Rep. Stevens, Rep. Urie, Rep. Yee, Sen. Melvin

General Comments (all lists):

Single List Comments:

| H2409 Daily History | Date Action |
|---|-------------|
| ATTORNEY FEES; RECOVERY; CIVIL ACTIONS 1/24referred to House jud. | |

H2422: LOCAL GOVERNMENT BUDGETING; POSTING; PUBLICATION

Counties and municipalities must post estimates of revenues and expenses, including approved estimates, on the website no later than seven business days after tentative and final adoption. Tentatively adopted estimates and the budget finally adopted must be accessible on the website for at least six months.

First sponsor: Rep. Yee

Others: Rep. Burges, Rep. Dial, Rep. Forese, Rep. Gowan, Rep. Harper, Rep. Judd, Rep. Montenegro, Rep. Seel, Rep. Stevens, Rep. Vogt

General Comments (all lists):

Single List Comments:

| H2422 Daily History | Date Action |
|---|-------------|
| LOCAL GOVERNMENT BUDGETING; POSTING; PUBLICATION 1/24referred to House gov. | |

H2424: PROBATE; WARDS; RIGHTS

Establishes various requirements for probate cases, including burden of

proof, causes for sanctions, and requirements for fiduciary court appointees. Also creates a probate advocacy panel to review the activities of probate courts and develop training standards for probate judges, and requires each judge serving in county probate courts to demonstrate competence in all areas of probate jurisprudence.

First sponsor: Rep. Smith

Others: Rep. Dial, Rep. Gowan, Rep. Harper, Rep. Judd, Rep. Mesnard, Rep. Meyer, Rep. Montenegro, Rep. Robson, Rep. Seel, Rep. Vogt, Rep. Yee, Sen. Barto, Sen. Landrum Taylor

General Comments (all lists):

Single List Comments:

| H2424 Daily History | Date Action |
|---|-------------|
| PROBATE; WARDS; RIGHTS 1/24referred to House jud. | |

H2427: HIGHWAY FUND; TRANSPORTATION SUBACCOUNT

Establishes a transportation subaccount in the State Highway Fund and requires the Dept of Transportation to deposit \$833,333 monthly into the subaccount that otherwise would be deposited in the State Highway Fund. The department may use up to \$10 million from the account annually to apply for federal transportation monies for statewide transportation projects.

First sponsor: Rep. Farley

General Comments (all lists):

Single List Comments:

| H2427 Daily History | Date Action |
|---|-------------|
| HIGHWAY FUND; TRANSPORTATION SUBACCOUNT 1/24referred to House trans, appro. | |

H2431: KENNEL PERMITS; MICROCHIP REQUIREMENT

Persons required to obtain kennel permits must, as a condition for permit application, implant a microchip in each dog three-months of age and older. Before a permit is granted, the county animal control officer may scan all dogs to determine compliance. Non-compliance results in a penalty fee of up to \$50. During the permit period, dogs that arrive at the kennel must have a microchip implanted within 30 days of arrival.

First sponsor: Rep. Tovar

General Comments (all lists):

Single List Comments:

| H2431 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2440: AGENCY SETTLEMENT AGREEMENTS; PUBLIC RECORD

Public bodies or public agencies must maintain a public record of all settled claims. Any settlement agreement involving a public body is a public record, with some exceptions.

First sponsor: Rep. Montenegro

Others: Rep. Burges, Rep. Gowan

General Comments (all lists):

Single List Comments:

| H2440 Daily History | Date Action |
|---|-------------|
| AGENCY SETTLEMENT AGREEMENTS; PUBLIC RECORD 1/24referred to House jud, gov. | |

H2458: COUNTY INFILL; RENEWABLE ENERGY DISTRICTS

Eliminates requirements for county boards of supervisors to notify property owners, publish notice, and hold at least one public hearing before the board can establish an infill incentive district or renewable energy incentive district. Effective October 1, 2011.

First sponsor: Rep. Williams

General Comments (all lists):

Single List Comments:

| H2458 Daily History | Date Action |
|---|-------------|
| COUNTY INFILL; RENEWABLE ENERGY DISTRICTS 1/26referred to House energy-nat res. | |

H2464: CITIES; TOWNS; STRIP ANNEXATION PROHIBITED

Cities and towns are prohibited from engaging in strip annexation (defined).

First sponsor: Rep. Williams

General Comments (all lists):

Single List Comments:

| H2464 Daily History | Date Action |
|---|-------------|
| CITIES; TOWNS; STRIP ANNEXATION PROHIBITED 1/24referred to House gov. | |

H2465: ANNEXATION; COUNTY OWNED PARK

Removes authorization for a city or town to annex under certain circumstances land that is a county-owned park.

First sponsor: Rep. Williams

General Comments (all lists):

Single List Comments:

| H2465 Daily History | Date Action |
|--|-------------|
| ANNEXATION; COUNTY OWNED PARK 1/24referred to House gov. | |

H2466: MUNICIPAL ANNEXATION

Cities and towns may annex territory that is completely surrounded by the same city or town by resolution, after preparing a plan demonstrating the ability to provide municipal services to the property. Regular annexation procedures do not apply to territory that is completely surrounded by the same city or town.

First sponsor: Rep. Williams

General Comments (all lists):

Single List Comments:

| H2466 Daily History | Date Action |
|---------------------|-------------|
|---------------------|-------------|

MUNICIPAL ANNEXATION 1/24 referred to House gov.

H2467: MUNICIPAL EXTENSIONS

Eliminates the option for municipal annexation petitions to be signed by the owners of one-half or more in value of the annexed property.

First sponsor: Rep. Williams

General Comments (all lists):

Single List Comments:

| H2467 Daily History | Date Action |
|--|-------------|
| MUNICIPAL EXTENSIONS 1/24 referred to House gov. | |

H2472: EMINENT DOMAIN; FEDERAL PROPERTY

Property possessed by the U.S. Government may be taken using eminent domain, unless the property was acquired by the federal government with the consent of the Legislature. The Attorney General is required to file eminent domain actions on property possessed by the federal government that facilitate the state's ability to manage state trust land or property for a public use that increases the ability of the state to generate revenue

First sponsor: Rep. Gowan

Others: Rep. Burges, Sen. Antenori

General Comments (all lists):

Single List Comments:

| H2472 Daily History | Date Action |
|---|-------------|
| EMINENT DOMAIN; FEDERAL PROPERTY 1/24 referred to House jud, gov. | |

H2475: STATE CAPITOL RESTORATION; RECAPTURE DISTRICTS

Beginning October 1, 2011, through June 30, 2018, authorization is granted to form a State Capitol and Economic Recapture District, jointly governed by the governing bodies of participating jurisdictions and overseen by a 14-member oversight committee. The powers and duties of the district are provided, including authority to issue bonds and expend revenues to further the project. Bonds are to be repaid with increases in sales tax generated within the district. The district must terminate by June 30, 2052.

First sponsor: Rep. Gowan

Others: Rep. Burges, Rep. Vogt, Sen. Antenori

General Comments (all lists):

Single List Comments:

| H2475 Daily History | Date Action |
|--|-------------|
| STATE CAPITOL RESTORATION; RECAPTURE DISTRICTS 1/24 referred to House ways-means, appro. | |

H2478: COUNTIES; HEALTH CARE SERVICES; PAYMENTS [Support]

Counties with more than 1 million persons (Maricopa and possibly Pima after 2010 census) are required to pay claims approved by the county

for medical care to a child that is a county charge, to an inmate in a county jail, and persons in the county infected with tuberculosis. Claims must be paid at specified reimbursement levels.

First sponsor: Rep. Gowan

Others: Rep. Burges, Rep. Vogt, Sen. Antenori

General Comments (all lists):

Single List Comments:

Cost-savings for large counties

| H2478 Daily History | Date Action |
|--|--------------------------------|
| COUNTIES; HEALTH CARE SERVICES; PAYMENTS | 1/24referred to House mil-pub. |

H2483: LEGISLATIVE VACANCIES; PRECINCT COMMITTEEMEN

Procedures governing how legislative vacancies in multi-county districts in which there are at least 30 elected precinct committeemen (PC) are changed. The right by PCs to vote in the nomination process used to fill the vacancy is granted to all PCs from the district and not to only those in the county in which the elected person resided. Similarly, it is no longer necessary that a replacement resides in the county in which the elected person resided.

First sponsor: Rep. Gowan

Others: Rep. Vogt, Sen. Antenori

General Comments (all lists):

Single List Comments:

| H2483 Daily History | Date Action |
|--|----------------------------|
| LEGISLATIVE VACANCIES; PRECINCT COMMITTEEMEN | 1/24referred to House jud. |

H2484: LEGISLATIVE VACANCIES; PRECINCT COMMITTEEMEN

Legislative vacancies are filled by majority vote of the precinct committeemen in the legislative district, instead of the county board of supervisors. The role of the supervisors is to "certify" the election of the replacement. Also eliminates the requirement for legislative vacancies to be filled by a person residing in the same county as the person elected, and for the preliminary nominations to be done by precinct committeemen from the same county.

First sponsor: Rep. Gowan

Others: Rep. Vogt, Sen. Antenori

General Comments (all lists):

Single List Comments:

| H2484 Daily History | Date Action |
|--|----------------------------|
| LEGISLATIVE VACANCIES; PRECINCT COMMITTEEMEN | 1/24referred to House jud. |

H2485: GOVERNMENT LAND PURCHASES; TAXES; PILT

If a government purchases or condemns privately owned property, the purchaser must either dispose of the property or agree to make voluntary payments in lieu of property taxes to all taxing jurisdictions in which the property is located.

First sponsor: Rep. Gowan
Others: Rep. Vogt, Sen. Antenori

General Comments (all lists):

Single List Comments:

| H2485 Daily History | Date Action |
|--|-------------|
| GOVERNMENT LAND PURCHASES; TAXES; PILT 1/26referred to House energy-nat res. | |

H2486: PAROLE, COMMUNITY SUPERVISION OFFICERS; RATIOS

Parole officers or community supervision officers may supervise no more than an average of 65 adults on probation or community supervision.

First sponsor: Rep. Gowan
Others: Rep. Vogt, Sen. Antenori

General Comments (all lists):

Single List Comments:

| H2486 Daily History | Date Action |
|--|-------------|
| PAROLE, COMMUNITY SUPERVISION OFFICERS; RATIOS 1/24referred to House mil-pub, appro. | |

H2501: RULES; LAWS; ORDINANCES; INTERPRETATION

When a rule, ordinance or law adopted by a state agency or political subdivision is ambiguous, it must be interpreted against the agency or political subdivision that adopted it and in favor of the person challenging it.

First sponsor: Rep. Vogt
Others: Rep. Gowan, Rep. Proud, Rep. Smith, Rep. Stevens

General Comments (all lists):

Single List Comments:

| H2501 Daily History | Date Action |
|--|-------------|
| RULES; LAWS; ORDINANCES; INTERPRETATION 1/20referred to House gov. | |

H2502: PUBLIC PROGRAMS; ADS; FUNDING SOURCE

Public agencies advertising a program are required to identify the source of monies for the program in the advertisement.

First sponsor: Rep. Seel

General Comments (all lists):

Single List Comments:

| H2502 Daily History | Date Action |
|--|-------------|
| PUBLIC PROGRAMS; ADS; FUNDING SOURCE 1/27from House tech-inf with amend #4029. | |
| PUBLIC PROGRAMS; ADS; FUNDING SOURCE 1/20referred to House tech-inf. | |

H2512: SATELLITE VOTING & REGISTRATION LOCATIONS

Beginning with the 2012 primary election, county recorders are required to establish satellite voting and registration locations, where

county residents who are properly registered to vote may vote during early voting or on election day. Satellite voting and registration locations must also provide unregistered county residents with the ability to register to vote and be given a provisional ballot.

First sponsor: Rep. Heinz

General Comments (all lists):

Single List Comments:

| H2512 Daily History | Date Action |
|--|-------------|
| SATELLITE VOTING & REGISTRATION LOCATIONS 1/26referred to House jud. | |

H2525: COMMUNITY COLLEGES; EXPENDITURE LIMITATION; PENALTIES

If a community college district exceeds its expenditure limitation due to revenue received by the district from a public-private partnership agreement, no state aid is withheld from the district, and the penalty is \$100.

First sponsor: Rep. Forese

General Comments (all lists):

Single List Comments:

| H2525 Daily History | Date Action |
|--|-------------|
| COMMUNITY COLLEGES; EXPENDITURE LIMITATION; PENALTIES 1/20referred to House higher ed. | |

H2538: LINE SITING CTE; ENVIRONMENTAL CERTIFICATE; UNIONS

A certificate of environmental compatibility issued by the Arizona Power Plant and Transmission Line Siting Committee (required as part of the process by which an electric transmission line is constructed) may not be conditional on the applicant "negotiating with or working with a labor union or the union's representative."

First sponsor: Rep. Harper

Others: Rep. Brophy McGee, Rep. Burges, Rep. Fann, Rep. Pratt, Rep. Yee

General Comments (all lists):

Single List Comments:

| H2538 Daily History | Date Action |
|---|-------------|
| LINE SITING CTE; ENVIRONMENTAL CERTIFICATE; UNIONS 1/26referred to House env. | |

H2539: PUBLIC SALE OF ANIMALS

The prohibition against a person selling animals on a public thoroughfare, public property or commercial private property without the express permission of the owner applies throughout the state. Formerly, the prohibition applied only in counties with a population of at least 800,000 (Maricopa and Pima).

First sponsor: Rep. Pratt

General Comments (all lists):

Single List Comments:

| H2539 Daily History | Date Action |
|---------------------|-------------|
|---------------------|-------------|

PUBLIC SALE OF ANIMALS 1/26referred to House agri-water, com.

H2551: TAXATION; PRESUMPTION REGARDING INTERNET SALES

Sales made as a result of a resident, who for consideration, refers business to in-state purchasers via the Internet are considered part of the taxable base if total sales exceed \$10,000 during the preceding 12 months.

First sponsor: Rep. Jim Weiers

Others: Rep. Campbell, Rep. Mesnard, Rep. Pratt, Sen. McComish, Sen. Melvin

General Comments (all lists):

Single List Comments:

| H2551 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2557: SALES TAX; MEDICAL MARIJUANA

The rate of sales tax applied to sales of medical marijuana is set at three times the retail price of the sale. All revenue becomes part of the state General Fund with none considered part of the distribution base.

First sponsor: Rep. Farley

Others: Rep. Ash, Rep. Chabin, Rep. Court, Rep. McLain, Rep. Proud, Rep. Tovar, Rep. Wheeler, Sen. Aboud, Sen. Cajero Bedford, Sen. Nelson, Sen. Schapira, Sen. Sinema

General Comments (all lists):

Single List Comments:

| H2557 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2559: VIOLENT BEHAVIOR REPORTING; GOV ENTITIES

A governmental entity (including an institution of higher learning) that has knowledge that a person has been expelled, suspended or terminated because of violence, threats of violence or behavior that constitutes a danger to self or others must report that information to the proper law enforcement agency, which shall in turn transmit the information to the appropriate local or regional health agency or crisis center.

First sponsor: Rep. Heinz

Others: Rep. Farley, Rep. Gonzales, Rep. Gowan, Rep. Judd, Rep. Patterson, Rep. Proud, Rep. Saldate, Rep. Stevens, Rep. Vogt, Rep. Wheeler, Rep. Williams, Sen. Aboud, Sen. Antenori, Sen. Cajero Bedford, Sen. Lopez, Sen. Melvin

General Comments (all lists):

Single List Comments:

| H2559 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2561: ARIZONA CITIZENSHIP

A person is an Arizona citizen if the person is born in the United States and subject to the jurisdiction thereof, and the person is lawfully domiciled in Arizona. Defines "subject to the jurisdiction of the United States" as a child of at least one parent who is a United States citizen or national, or an immigrant accorded the privilege of residing permanently in the United State, or a person without nationality in any foreign country. A person is also a citizen of Arizona if the person is naturalized in the United States and is lawfully domiciled in Arizona.

First sponsor: Rep. Kavanagh

Others: Rep. Barton, Rep. Burges, Rep. Crandell, Rep. Fann, Rep. Fillmore, Rep. Goodale, Rep. Gowan, Rep. R. Gray, Rep. Harper, Rep. Judd, Rep. Lesko, Rep. McLain, Rep. Pratt, Rep. Seel, Rep. Smith, Rep. Stevens, Rep. Ugenti, Sen. Biggs, Sen. Bundgaard, Sen. Gould, Sen. L. Gray, Sen. Klein, Sen. Melvin, Sen. Murphy, Sen. Pearce, Sen. Smith

General Comments (all lists):

Single List Comments:

| H2561 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2562: BIRTH CERTIFICATES; CITIZENSHIP; INTERSTATE COMPACT

The Governor is authorized and directed to enter into an interstate birth certificate compact in a form substantially as specified. The purpose of the compact is to make a distinction in the birth certificates, certifications of live birth, or other birth records between a person born in the United States who is subject to the jurisdiction of the United States and who is a natural born citizen, and a person who is not born subject to the jurisdiction of the United States. Defines "subject to the jurisdiction of the United States" as a child of at least one parent who is a United States citizen or national, or an immigrant accorded the privilege of residing permanently in the United State, or a person without nationality in any foreign country. The governor of each party state must enforce the compact, and any taxpaying resident of any party state has standing in the courts of any party state to require that state's governor to enforce the compact.

First sponsor: Rep. Kavanagh

Others: Rep. Barton, Rep. Burges, Rep. Crandell, Rep. Fann, Rep. Fillmore, Rep. Goodale, Rep. Gowan, Rep. R. Gray, Rep. Harper, Rep. Judd, Rep. Lesko, Rep. McLain, Rep. Pratt, Rep. Proud, Rep. Seel, Rep. Smith, Rep. Stevens, Rep. Ugenti, Sen. Biggs, Sen. Bundgaard, Sen. Gould, Sen. L. Gray, Sen. Klein, Sen. Melvin, Sen. Murphy, Sen. Pearce, Sen. Smith

General Comments (all lists):

Single List Comments:

| H2562 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2563: FIREARM POSSESSION; MENTALLY ILL; RESTORATION

A person who had been declared a prohibited possessor of firearms as a

result of being found mentally ill may petition the court to restore the person's right to possess firearms. The list of judicial actions taken by a superior court that may be appealed to the court of appeals is expanded to include denying a petition to restore the person's right to possess a firearm.

First sponsor: Rep. Harper

Others: Rep. Gowan, Rep. Tobin

General Comments (all lists):

Single List Comments:

| H2563 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2566: NATIVE AMERICAN TRIBES; REVENUE SHARING

Each Indian tribe in the state is to receive 50% of transaction privilege tax collections from its reservation. Funds are to be used for telecommunications infrastructure and community development projects. The remainder of collections are deposited in the state General Fund.

First sponsor: Rep. Hale

Others: Rep. Arredondo, Rep. Campbell, Rep. Chabin, Rep. Gallego, Rep. R. Miranda, Rep. C. Miranda, Rep. Pancrazi, Rep. Patterson, Rep. Tovar, Rep. Wheeler, Sen. Jackson

General Comments (all lists):

Single List Comments:

| H2566 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2567: TRANSPORTATION BOARD; TRIBAL REPRESENTATION

Membership in the state Transportation Board is expanded to include a representative of tribal government.

First sponsor: Rep. Hale

Others: Rep. Arredondo, Rep. Campbell, Rep. Chabin, Rep. Gallego, Rep. R. Miranda, Rep. C. Miranda, Rep. Pancrazi, Rep. Patterson, Rep. Tovar, Rep. Wheeler, Sen. Jackson

General Comments (all lists):

Single List Comments:

| H2567 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2568: SHARED REVENUE; NAVAJO TECHNICAL COLLEGE

Ten percent of transaction privilege tax (sales tax) collected on Indian lands shall be directed to a community college located on reservation land but in no case shall this amount be less than \$1,750,000. Previously, the amount of sales tax revenue dedicated to the community college was fixed at \$1,750,000.

First sponsor: Rep. Hale

Others: Rep. Arredondo, Rep. Campbell, Rep. Chabin, Rep. Gallego,

Rep. R. Miranda, Rep. C. Miranda, Rep. Pancrazi, Rep. Patterson, Rep. Tovar, Rep. Wheeler, Sen. Jackson

General Comments (all lists):

Single List Comments:

| H2568 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2569: PROIRITIZE REPAIRS; STATE HIGHWAYS

The state Transportation Board is required to prioritize repairs to and maintenance of any state highway that extends into or through tribal land above any other projects in the statewide transportation plan.

Emergency clause. Session law only, does not amend statute.

First sponsor: Rep. Hale

Others: Rep. Arredondo, Rep. Campbell, Rep. Chabin, Rep. Gallego, Rep. R. Miranda, Rep. C. Miranda, Rep. Pancrazi, Rep. Patterson, Rep. Tovar, Rep. Wheeler, Sen. Jackson

General Comments (all lists):

Single List Comments:

| H2569 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2573: HANDICAPPED PARKING SPACES; VAN ACCESSIBLE

Summary to come

First sponsor: Rep. Barton

Others: Rep. Crandell, Rep. Montenegro, Rep. Proud, Rep. Stevens, Sen. Allen, Sen. Shooter

General Comments (all lists):

Single List Comments:

| H2573 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2574: ASRS; RETURN TO WORK PROHIBITED

Summary to come

First sponsor: Rep. Fillmore

Others: Rep. Burges, Rep. Court, Rep. Jones, Rep. Williams

General Comments (all lists):

Single List Comments:

| H2574 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

H2578: DEVELOPMENT AGREEMENTS; FEES; COUNTY MORATORIUM

Summary to come

First sponsor: Rep. Fillmore

General Comments (all lists):

Single List Comments:

| H2578 Daily History | Date | Action |
|---------------------|------|--------|
|---------------------|------|--------|

No actions posted for this bill within the requested time frame.

HCR2006: PERSONAL PROPERTY TAX EXEMPTION AMOUNT

The 2012 general election ballot is to carry the question of whether to amend the state Constitution to provide a different method to calculate how much personal property is exempt from personal property tax. The language currently permitting the Legislature to exempt \$50,000 (plus inflation) from business personal property tax is changed to an amount equal to the earnings per employee of 20 workers in the state according to a designated national measure of earnings per employee.

First sponsor: Rep. Harper

Others: Rep. Ash, Rep. Barton, Rep. Brophy McGee, Rep. Burges, Rep. Carter, Rep. Court, Rep. Dial, Rep. Farnsworth, Rep. Forese, Rep. Goodale, Rep. Gowan, Rep. Kavanagh, Rep. Lesko, Rep. McLain, Rep. Mesnard, Rep. Montenegro, Rep. Olson, Rep. Proud, Rep. Reeve, Rep. Robson, Rep. Seel, Rep. Smith, Rep. Stevens, Rep. Urie, Rep. Vogt, Rep. Yee, Sen. Allen, Sen. Antenori, Sen. Barto, Sen. Biggs, Sen. Crandall, Sen. Driggs, Sen. Gould, Sen. Griffin, Sen. Klein, Sen. McComish, Sen. Melvin, Sen. Murphy, Sen. Nelson, Sen. Pearce, Sen. Reagan, Sen. Shooter, Sen. Smith

General Comments (all lists):

Single List Comments:

| HCR2006 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

S1023: PROBATION OFFICERS; POWERS; PRETRIAL RELEASE

While enforcing pretrial release conditions, probation officers in Maricopa County are granted the authority of peace officers to serve warrants and make arrests of persons alleged to have violated conditions of their pretrial release.

First sponsor: Sen. L. Gray

General Comments (all lists):

Single List Comments:

| S1023 Daily History | Date | Action |
|--|------|---|
| PROBATION OFFICERS; POWERS; PRETRIAL RELEASE | 1/27 | passed Senate 27-0 ; ready for House. |
| PROBATION OFFICERS; POWERS; PRETRIAL RELEASE | 1/25 | from Senate rules okay. |
| PROBATION OFFICERS; POWERS; PRETRIAL RELEASE | 1/24 | to Senate consent calendar. |
| PROBATION OFFICERS; POWERS; PRETRIAL RELEASE | 1/19 | from Senate pub-huser do pass. |
| PROBATION OFFICERS; POWERS; PRETRIAL RELEASE | 1/10 | referred to Senate pub-huser. |

S1027: DUI; CONTINUOUS ALCOHOL MONITORING PROGRAM

A municipality or county sheriff may establish a continuous alcohol monitoring program for persons convicted of DUI (BAC of 0.08 or greater) or extreme DUI (BAC of 0.15 or greater). Eligibility standards

to enter the program are established. The period of monitoring shall be treated the same as confinement in jail. The person shall bear all costs of testing, enrollment and monitoring. Also, the director of the Dept of Corrections may establish rules by which prison inmates sentenced for violation of certain DUI statutes may be released into a continuous alcohol monitoring program.

First sponsor: Sen. L. Gray

General Comments (all lists):

Single List Comments:

| S1027 Daily History | Date Action |
|--|---|
| DUI; CONTINUOUS ALCOHOL MONITORING PROGRAM | 1/27from Senate pub-huser with amend #4021. |
| DUI; CONTINUOUS ALCOHOL MONITORING PROGRAM | 1/26Senate pub-huser amended; report awaited. |
| DUI; CONTINUOUS ALCOHOL MONITORING PROGRAM | 1/10referred to Senate pub-huser, jud. |

S1034: PRIVATE EASEMENTS; MAINTENANCE

A holder of a roadway easement that is in the nature of a private right-of-way shall jointly share the responsibility for maintaining the easement with the owner of the land to which the easement is attached. Provides for a sharing of the costs of maintenance if the easement is owned by multiple parties or if it is attached to parcels under different ownership. These provisions do not apply to any easement owned by a government or other public entity.

First sponsor: Sen. Barto

General Comments (all lists):

Single List Comments:

| S1034 Daily History | Date Action |
|--------------------------------|--------------------------------------|
| PRIVATE EASEMENTS; MAINTENANCE | 1/10referred to Senate gov ref, jud. |

S1054: WAIVER; INTENSIVE PROBATION STANDARDS [Support]

For both adult and juvenile probation officers supervising those on intensive probation, statutory caseload limits that the Supreme Court was authorized to waive for counties with populations of fewer than 300,000 may be waived for any county, regardless of population.

First sponsor: Sen. L. Gray

General Comments (all lists):

Single List Comments:

| S1054 Daily History | Date Action |
|---------------------------------------|--|
| WAIVER; INTENSIVE PROBATION STANDARDS | 1/27passed Senate <u>27-0</u> ; ready for House. |
| WAIVER; INTENSIVE PROBATION STANDARDS | 1/25from Senate rules okay. |
| WAIVER; INTENSIVE PROBATION STANDARDS | 1/24to Senate consent calendar. |
| WAIVER; INTENSIVE PROBATION STANDARDS | 1/24from Senate jud do pass. |
| WAIVER; INTENSIVE PROBATION STANDARDS | 1/20Senate jud do pass; report awaited. |
| WAIVER; INTENSIVE PROBATION STANDARDS | 1/10referred to Senate jud. |

S1057: LAW ENFORCEMENT OFFICERS; DISCIPLINARY ACTION

A law enforcement officer who was subject to disciplinary action without just cause being established may recover all costs, including attorney fees associated with proceedings held to establish the officer's innocence. Punitive damages may be awarded by a court if it determines, by a preponderance of evidence, that the allegations were knowingly and intentionally filed without cause.

First sponsor: Sen. L. Gray

General Comments (all lists):

Single List Comments:

| S1057 Daily History | Date Action |
|--|-------------|
| LAW ENFORCEMENT OFFICERS; DISCIPLINARY ACTION 1/10 | |
| referred to Senate jud. | |

S1079: LAW ENFORCEMENT; SURVIVING SPOUSES ; INSURANCE

The law stating that the surviving spouse of a law enforcement officer killed in the line of duty or who had died as a result of injuries suffered in the line of duty is entitled to receive health insurance payments from the officer's employer is expanded to include a dependent of the law enforcement officer. The list of conditions that qualify the spouse (and now dependent) to receive health insurance payments from the officer's employer is also expanded to include that the spouse or dependent is enrolled in the health insurance program offered by the retirement plan from which the person(s) is receiving benefits. Formerly, payments would be made only if the recipient was covered by the employer's health insurance plan. Conditions are also added that will cause the payments to cease.

First sponsor: Sen. L. Gray

Others: Sen. Aboud, Sen. Allen, Sen. Melvin, Sen. Nelson

General Comments (all lists):

Single List Comments:

| S1079 Daily History | Date Action |
|---|-------------|
| LAW ENFORCEMENT; SURVIVING SPOUSES ; INSURANCE 1/11 | |
| referred to Senate pub-hu ser. | |

S1100: BONDS; RECREATIONAL FACILITIES; SCHOOL USE [Neutral]

The program whereby school districts may use bond proceeds and enter into agreements with other governmental entities or jurisdictions to construct and cooperatively maintain recreational facilities is changed. The population threshold for cities and towns authorized to enter into these agreements is removed. The population threshold for counties to enter into these agreements is decreased to 200,000 from 500,000. It is no longer necessary to use the most recent decennial census to determine whether a county qualifies under this population restriction.

First sponsor: Sen. Biggs

General Comments (all lists):

Single List Comments:

| S1100 Daily History | Date Action |
|---|--|
| BONDS; RECREATIONAL FACILITIES; SCHOOL USE 1/27 | passed Senate <u>26-1</u> ; ready for House. |
| BONDS; RECREATIONAL FACILITIES; SCHOOL USE 1/25 | from Senate rules okay. |
| BONDS; RECREATIONAL FACILITIES; SCHOOL USE 1/24 | to Senate consent calendar. |
| BONDS; RECREATIONAL FACILITIES; SCHOOL USE 1/20 | from Senate fin do pass. |
| BONDS; RECREATIONAL FACILITIES; SCHOOL USE 1/11 | referred to Senate fin. |

S1118: COUNTY MEDICAL EXAMINER; ID PROTOCOL

County medical examiners are required to make a positive identification of a dead person within 72 hours of taking physical possession of the body unless identification is not possible using any specified methods.

First sponsor: Sen. Barto

General Comments (all lists):

Single List Comments:

| S1118 Daily History | Date Action |
|---|---------------------------------------|
| COUNTY MEDICAL EXAMINER; ID PROTOCOL 1/27 | from Senate hel-med with amend #4023. |
| COUNTY MEDICAL EXAMINER; ID PROTOCOL 1/18 | referred to Senate hel-med. |

S1123: STATE LIBRARY & ARCHIVES AMENDMENTS

Additional statutory changes to effect the transfer of the Dept of Library, Archives, and Public Records and related advisory commissions and boards to the Secretary of State. Also adds two members to the State Library Advisory Board, each appointed by the Secretary of State.

First sponsor: Sen. McComish

General Comments (all lists):

Single List Comments:

| S1123 Daily History | Date Action |
|--|---|
| STATE LIBRARY & ARCHIVES AMENDMENTS 1/26 | from Senate gov ref do pass. |
| STATE LIBRARY & ARCHIVES AMENDMENTS 1/26 | Senate gov ref do pass; report awaited. |
| STATE LIBRARY & ARCHIVES AMENDMENTS 1/18 | referred to Senate gov ref. |

S1129: COURT COMMISSIONER; QUALIFICATIONS

The qualifications to serve as a court commissioner (who are empowered to hear certain cases in lieu of a superior court judge) are changed to a resident of this state for five years who has been admitted to the practice of law in this state. Formerly, commissioners needed to be residents engaged in the "active general practice" of law for at least three years.

First sponsor: Sen. L. Gray

General Comments (all lists):

Single List Comments:

| S1129 Daily History | Date Action |
|---|-------------------------|
| COURT COMMISSIONER; QUALIFICATIONS 1/18 | referred to Senate jud. |

S1132: NATIVE AMERICAN TRIBES; REVENUE SHARING

Each Indian tribe in the state is to receive 50% of transaction privilege tax collections from its reservation. Funds are to be used for telecommunications infrastructure and community development projects. The remainder of collections are deposited in the state General Fund.

First sponsor: Sen. Jackson

Others: Rep. Alston, Rep. Chabin, Rep. Hale, Rep. Hobbs, Rep. McCune Davis, Rep. Tovar, Sen. Aboud, Sen. Cajero Bedford, Sen. Gallardo, Sen. Landrum Taylor, Sen. Schapira, Sen. Sinema

General Comments (all lists):

Single List Comments:

| S1132 Daily History | Date Action |
|---|------------------------------------|
| NATIVE AMERICAN TRIBES; REVENUE SHARING | 1/18referred to Senate fin, appro. |

S1136: CITY OR TOWN ANNEXATION; GLENDALE

A municipality in a county with a population of at least 350,000 (Maricopa or Pima) may annex any territory that is surrounded by the current corporation boundaries or that is bordered on at least three sides by the municipality, if the landowner has submitted a request to the federal government to take ownership of the land or to hold it in trust. Annexation requires a majority vote of the governing body of the municipality; if the measure receives a two-thirds majority of the governing body, the annexation is immediately effective. Emergency clause.

First sponsor: Sen. Bundgaard

Others: Sen. Antenori, Sen. Barto, Sen. Crandall, Sen. L. Gray, Sen. Klein, Sen. McComish, Sen. Melvin, Sen. Murphy, Sen. Nelson, Sen. Pearce, Sen. Pierce, Sen. Smith, Sen. Yarbrough

General Comments (all lists):

Single List Comments:

| S1136 Daily History | Date Action |
|-----------------------------------|---|
| CITY OR TOWN ANNEXATION; GLENDALE | 1/26Senate COW approved with floor amend#4018. See H2534. |
| CITY OR TOWN ANNEXATION; GLENDALE | 1/25from Senate rules okay. |
| CITY OR TOWN ANNEXATION; GLENDALE | 1/24from Senate border-fed-sov do pass. |
| CITY OR TOWN ANNEXATION; GLENDALE | 1/20Senate border-fed-sovdo pass; report awaited. |
| CITY OR TOWN ANNEXATION; GLENDALE | 1/18referred to Senate border-fed-sov. |

S1167: ASRS; COMPREHENSIVE AMENDMENTS

Various changes to statutes governing the Arizona State Retirement System. ASRS is exempt from the Administrative Procedures Act, and the ASRS Board is required to establish a procedure for the adoption, amendment, or repeal of rules. ASRS members who receive or are eligible to receive a retirement benefit from another public employee retirement system are ineligible to receive retirement benefits from

ASRS for the same period. Members who are performing qualified military service are not considered as having a severance from employment for all ASRS purposes. ASRS members receiving a lump sum payment are eligible for group health insurance and premium assistance. A retired member whose retirement benefits have been suspended because the member returned to work with an ASRS employer must repay the ASRS for any benefits improperly received. The employer must pay contributions to the ASRS for any retired worker who returns to work at a contribution rate determined by a formula calculated by the ASRS actuary. ASRS members are not eligible for long-term disability under the system unless an initial claim is filed within 24 months of the date of disability. ASRS is authorized to suspend or terminate a person's long-term disability benefits if the person does not provide information requested by the system, the insurance carrier or the claims administrator. More. Appropriates \$150,000 from the ASRS administration account in FY2011-2012 to ASRS for implementation.

First sponsor: Sen. Yarbrough

Others: Sen. McComish

General Comments (all lists):

Single List Comments:

| S1167 Daily History | Date Action |
|-------------------------------------|-------------------------------------|
| ASRS; COMPREHENSIVE AMENDMENTS 1/31 | from Senate fin with amend #4026. |
| ASRS; COMPREHENSIVE AMENDMENTS 1/27 | Senate fin amended; report awaited. |
| ASRS; COMPREHENSIVE AMENDMENTS 1/19 | referred to Senate fin. |

S1170: HOAS; PUBLIC ROADWAYS

After the period of declarant control, an HOA has no authority over and cannot regulate any public roadway.

First sponsor: Sen. Barto

Others: Sen. Allen, Sen. Antenori, Sen. Driggs, Sen. Gould, Sen. Griffin, Sen. Klein, Sen. Landrum Taylor, Sen. McComish, Sen. Pierce, Sen. Shooter

General Comments (all lists):

Single List Comments:

| S1170 Daily History | Date Action |
|----------------------------|-----------------------------|
| HOAS; PUBLIC ROADWAYS 1/26 | Senate gov ref held. |
| HOAS; PUBLIC ROADWAYS 1/19 | referred to Senate gov ref. |

S1171: CITIES; ACQUISITION OF WASTEWATER UTILITY

A municipality authorized to operate a wastewater utility by the voters may acquire all or any portion of a sewage system located within or serving the municipality and owned or operated by a county. The municipality must pay or assume all outstanding indebtedness for the transferred infrastructure and treatment capacity.

First sponsor: Sen. Antenori

Others: Rep. Gowan, Rep. Judd, Rep. Proud, Rep. Stevens, Rep. Vogt, Rep. Williams, Sen. Griffin, Sen. Melvin

General Comments (all lists):

Single List Comments:

| S1171 Daily History | Date Action |
|--|-------------|
| CITIES; ACQUISITION OF WASTEWATER UTILITY 1/27from Senate water-rural do pass. | |
| CITIES; ACQUISITION OF WASTEWATER UTILITY 1/20referred to Senate water-rural. | |

S1172: ENERGY & WATER SAVINGS ACCOUNTS

The state, counties, municipalities, school boards and the Arizona Board of Regents are authorized to establish energy and water savings accounts to fund energy or water savings projects in public facilities. Counties, municipalities, and various public improvement districts are authorized to contract for the procurement of a guaranteed energy cost savings contract with a qualified provider. Blends multiple enactments of statutes, and repeals and replaces several sections. Impossible to determine changes without a line by line comparison. More.

First sponsor: Sen. Nelson

General Comments (all lists):

Single List Comments:

| S1172 Daily History | Date Action |
|--|-------------|
| ENERGY & WATER SAVINGS ACCOUNTS 1/20referred to Senate gov ref, water-rural. | |

S1174: CHARTER SCHOOLS; AGE RESTRICTED COMMUNITIES

Charter schools cannot be established or operated in an age restricted community located in unorganized territory. Emergency clause.

First sponsor: Sen. Crandall

Others: Rep. Lesko

General Comments (all lists):

Single List Comments:

| S1174 Daily History | Date Action |
|--|-------------|
| CHARTER SCHOOLS; AGE RESTRICTED COMMUNITIES 1/20referred to Senate educ. | |

S1177: COUNITIES; MUNICIPALITIES; PUBLIC INTOXICATION LAWS

Counties, municipalities and other political subdivisions are authorized to adopt and enforce a local law that includes public intoxication.

First sponsor: Sen. Allen

Others: Rep. Barton, Rep. Crandell, Sen. Antenori, Sen. L. Gray, Sen. Melvin

General Comments (all lists):

Single List Comments:

| S1177 Daily History | Date Action |
|---|-------------|
| PUBLIC INTOXICATION; LOCAL LAWS 1/20referred to Senate jud. | |

S1178: INTRASTATE COMMERCE ACT

All goods grown, manufactured or made in Arizona and all services performed in Arizona where the good or services are sold, maintained or retained in Arizona are not subject to the authority of Congress

under the interstate commerce clause. Any official, agent or employee of the federal government who enforces or attempts to enforce a federal law or regulation in violation of this statute is guilty of a class 6 (lowest) felony. Any official, agent or employee of Arizona who enforces or attempts to enforce a federal law or regulation in violation of this statute is guilty of a class 1 (highest) misdemeanor. Emergency clause.

First sponsor: Sen. Allen

Others: Rep. Barton, Rep. Burges, Rep. Crandell, Sen. Antenori, Sen. Biggs, Sen. L. Gray, Sen. Griffin, Sen. Melvin, Sen. Shooter

General Comments (all lists):

Single List Comments:

| S1178 Daily History | Date Action |
|------------------------------|--|
| INTRASTATE COMMERCE ACT 1/27 | from Senate border-fed-sov do pass. |
| INTRASTATE COMMERCE ACT 1/20 | referred to Senate border-fed-sov, com-energy. |

S1183: PROPERTY TAX; AG LAND; EQUINES

Land and improvements devoted to commercial breeding, raising, boarding or training equine is added to the list of property classified as "agricultural real property" for property tax purposes.

First sponsor: Sen. Pierce

Others: Rep. Brophy McGee, Rep. Carter, Rep. Crandell, Rep. Pratt, Rep. Yee, Sen. Allen, Sen. Barto, Sen. Biggs, Sen. Bundgaard, Sen. Griffin, Sen. Klein, Sen. Nelson

General Comments (all lists):

Single List Comments:

| S1183 Daily History | Date Action |
|---|-------------------------|
| AGRICULTURAL PROP TAX CLASSIFICATION; EQUINE 1/20 | referred to Senate fin. |

S1185: COURT RECORDS; ELECTRONIC ACCESS

The Supreme Court and superior courts are required to provide for electronic filing of documents and electronic access to court records and bulk data (previously, the courts were allowed to do so for court records). The custodian of bulk data (defined as nonconfidential case information) may require a dissemination contract and disclaimer. Prohibited provisions for the contract are listed.

First sponsor: Sen. McComish

General Comments (all lists):

Single List Comments:

| S1185 Daily History | Date Action |
|---------------------------------------|------------------------------|
| COURT RECORDS; ELECTRONIC ACCESS 1/20 | referred to Senate bank-ins. |

S1194: STRUCTURAL PEST MANAGEMENT; REGULATION

Transfers responsibility for the Structural Pest Control Commission to the Dept of Agriculture from the Dept of Administration, through December 31, 2013. The Director of the Dept of Agriculture is required to appoint a task force to study the regulation of structural pest management to submit recommendations to the governor and the

Legislature by December 15, 2012. The task force self-repeals on October 1, 2013.

First sponsor: Sen. Pierce

Others: Rep. Brophy McGee, Rep. Burges, Rep. Campbell, Rep. Carter, Rep. Gowan, Rep. Jones, Rep. Judd, Rep. Pancrazi, Rep. Pratt, Rep. Stevens, Rep. Ugenti, Rep. Urie, Rep. Williams, Sen. Antenori, Sen. Crandall, Sen. L. Gray, Sen. Griffin, Sen. Nelson, Sen. Reagan, Sen. Shooter, Sen. Sinema, Sen. Smith

General Comments (all lists):

Single List Comments:

| S1194 Daily History | Date Action |
|--|-------------|
| STRUCTURAL PEST MANAGEMENT; REGULATION 1/24referred to Senate nat res-trans. | |

S1207: BUILDING CODE; DILAPIDATED BUILDING; DEFINITION

In statutes dealing with a county-ordered removal of a dilapidated building, the definition of "dilapidated" is shorted to exclude that its "strength or stability is substantially less than a new building." [Capitol Reports note: the remaining reasons are that it is "likely to burn or collapse and its condition endangers the life, health, safety or property of the public."]

First sponsor: Sen. Griffin

Others: Rep. Barton, Rep. Crandell, Rep. Gowan, Rep. Montenegro, Rep. Seel, Rep. Stevens, Sen. Antenori, Sen. L. Gray, Sen. Melvin, Sen. Meza, Sen. Murphy, Sen. Pearce, Sen. Shooter, Sen. Smith

General Comments (all lists):

Single List Comments:

| S1207 Daily History | Date Action |
|---|-------------|
| BUILDING CODE; DILAPIDATED BUILDING; DEFINITION 1/24referred to Senate gov ref. | |

S1213: COMMUNITY COLLEGE DISTRICTS; ALTERNATIVE FORMATION

Population and assessed value thresholds required for a community college district to be formed are waived for a provisional community college district that meets a set of specified conditions.

First sponsor: Sen. Allen

Others: Rep. Barton, Rep. Crandell, Sen. Crandall

General Comments (all lists):

Single List Comments:

| S1213 Daily History | Date Action |
|---|-------------|
| COMMUNITY COLLEGE DISTRICTS; ALTERNATIVE FORMATION 1/24referred to Senate educ. | |

S1215: PUBLIC MEETINGS; CALL TO PUBLIC

Public bodies shall (formerly, "may") make an open call to the public during meetings to allow individuals to address the body on any issue within the jurisdiction of the body.

First sponsor: Sen. Allen

Others: Rep. Barton, Rep. Crandell

General Comments (all lists):

Single List Comments:

| S1215 Daily History | Date Action |
|---|-------------|
| PUBLIC MEETINGS; CALL TO PUBLIC 1/24referred to Senate gov ref. | |

S1217: SHARED REVENUES; PROVISIONAL COMMUNITY COLLEGES

Provisional community college districts are included in the definition of "community college district" in statutes related to the distribution of state shared sales tax revenues.

First sponsor: Sen. Allen

Others: Rep. Barton, Rep. Court, Rep. Crandell, Sen. Crandall

General Comments (all lists):

Single List Comments:

| S1217 Daily History | Date Action |
|---|-------------|
| SHARED REVENUES; PROVISIONAL COMMUNITY COLLEGES 1/24referred to Senate appro. | |

S1220: SALES TAX BASE; UNIFORM

Repeals statutes authorizing municipalities to collect the sales tax they levy and to determine the tax base on which to levy the tax. A uniform tax base for all municipalities is established. Food (as defined in statute) is considered part of the tax base. All sales tax revenue is collected by the Dept of Revenue (DOR) and then distributed to each municipality in the same manner as was previously used by the unicipalities that used DOR for collection and disbursement. Effective July 1, 2012.

First sponsor: Sen. Pierce

Others: Rep. Burges, Sen. Allen, Sen. Biggs, Sen. Bundgaard, Sen. Nelson, Sen. Pearce, Sen. Yarbrough

General Comments (all lists):

Single List Comments:

| S1220 Daily History | Date Action |
|---|-------------|
| SALES TAX BASE; UNIFORM 1/25referred to Senate fin. | |

S1221: URBAN REVENUE SHARING; DISTRIBUTION FREEZE

Beginning in fiscal year 2011-12 and continuing until fiscal 2029-30, the amount of income tax revenue that is distributed to municipalities (per statutes establishing the urban revenue sharing program) is capped at the amount of the "net proceeds of the state income taxes" for fiscal 2009-10. [Capitol Reports note: the state places 15% of net income tax revenue in the Urban Revenue Sharing Fund.] During the 20 years that this freeze is in place, monies in the fund in excess of what is distributed to municipalities shall be transferred to the state General Fund to pay off the sale and lease-back of state property and to supplant sales tax payments to retire bonds associated with certain multipurpose facilities and with the Phoenix and Tucson convention centers.

First sponsor: Sen. Pierce

Others: Rep. Burges, Sen. Allen, Sen. Biggs, Sen. Bundgaard, Sen. Nelson, Sen. Pearce, Sen. Yarbrough

General Comments (all lists):

Single List Comments:

| S1221 Daily History | Date Action |
|--|-------------|
| URBAN REVENUE SHARING; DISTRIBUTION FREEZE 1/25referred to Senate fin. | |

S1222: PUBLIC BENEFITS; ELIGIBILITY; REQUIRED PROOF

Recipients of any public benefit (including public housing) administered by a state or local agency must submit at least one of eleven specified documents to prove U.S. citizenship. [Capitol Reports note: Formerly, certain programs for which federal monies were received used federal law to determine eligibility or were exempt from the requirement to show proof of citizenship.]

First sponsor: Sen. Biggs

General Comments (all lists):

Single List Comments:

| S1222 Daily History | Date Action |
|--|-------------|
| PUBLIC BENEFITS; ELIGIBILITY; REQUIRED PROOF 1/25referred to Senate gov ref. | |

S1226: COUNTY TREASURERS; INVESTMENTS; WARRANTS; NOTICE

The list of investments permitted for public monies by county treasurers is expanded to include securities in an open-end or closed-end management type investment company or trust, including exchange traded funds. County treasurers are no longer required to physically stamp a duplicate warrant to show that it is a duplicate. Also changes the publication requirements for the notice of availability of the tax roll.

First sponsor: Sen. Nelson

General Comments (all lists):

Single List Comments:

| S1226 Daily History | Date Action |
|--|-------------|
| COUNTY TREASURERS; INVESTMENTS; WARRANTS; NOTICE 1/25referred to Senate fin. | |

S1231: EXPENDITURE LIMIT; STATE

Beginning with fiscal 2012-13, the Legislature may appropriate expenditures from the state General Fund that do not exceed the amount appropriated the preceding fiscal year, as adjusted by formulas contained in this bill. The expenditure limit does not apply to payments deferred from 2010-11 or appropriations for debt service. If the Legislature exceeds this expenditure limit, it must enact a concurrent resolution specifically authorizing the limit-breaking expenditure.

First sponsor: Sen. Klein

Others: Rep. Burges, Sen. Allen, Sen. Barto, Sen. Biggs, Sen. Bundgaard, Sen. Gould, Sen. L. Gray, Sen. Griffin, Sen. Melvin, Sen. Murphy, Sen. Pearce, Sen. Pierce, Sen. Shooter, Sen. Smith, Sen.

Yarbrough

General Comments (all lists):

Single List Comments:

| S1231 Daily History | Date Action |
|--|-------------|
| EXPENDITURE LIMIT; STATE 1/25referred to Senate appro. | |

S1234: TOWED VEHICLE DATABASE; STATEWIDE

The Dept of Transportation (ADOT) shall establish and maintain a statewide towed vehicle information database. Required information shall be forwarded by each law enforcement agency within 24 hours of either immobilizing or impounding a vehicle. The administrative fee levied to release an impounded or immobilized vehicle is increased to \$155 from \$150 with the \$5 increase being dedicated to ADOT to maintain the database.

First sponsor: Sen. L. Gray

General Comments (all lists):

Single List Comments:

| S1234 Daily History | Date Action |
|---|-------------|
| TOWED VEHICLE DATABASE; STATEWIDE 1/25referred to Senate nat res-trans. | |

S1239: RETIREMENT; ASRS; RETURN TO WORK; CONTRIBUTIONS

A retired member whose retirement benefits have been suspended because the member returned to work with an ASRS employer for at least 20 hours per week for at least 20 weeks in any fiscal year must repay the Arizona State Retirement System for any benefits improperly received. The employer must pay contributions to the ASRS for any retired worker who returns to work; the contribution rate shall be determined by a formula calculated by the ASRS actuary. A legislative intent section states, in part, that the purpose of the alternate contribution rate is to assure employers that re-hiring formerly retired workers will have a minimal actuarial impact on the retirement system. Appropriates \$150,000 in fiscal 2012 to the ASRS to implement this act.

First sponsor: Sen. Crandall

Others: Sen. Driggs, Sen. McComish, Sen. Yarbrough

General Comments (all lists):

Single List Comments:

| S1239 Daily History | Date Action |
|---|-------------|
| RETIREMENT; ASRS; RETURN TO WORK; CONTRIBUTIONS 1/25referred to Senate fin. | |

S1242: TAX DEED LAND SALES

Property that has been struck off to the state for nonpayment of taxes may be sold by the county board of supervisors to the county, a municipality or special district for transportation or flood control purposes.

First sponsor: Sen. Nelson

Others: Rep. Brophy McGee, Rep. Meyer, Sen. Jackson

General Comments (all lists):
Single List Comments:

| S1242 Daily History | Date Action |
|---|-------------|
| TAX DEED LAND SALES 1/25referred to Senate water-rural. | |

S1243: BAD CHECKS; COUNTY ATTORNEY FEES

The fees charged by the county attorney to a person for passing a bad check are increased. If the check is for an amount that does not exceed \$100, the fee is increased to \$75 from \$50; if the check is for greater than \$100 but does not exceed \$300, the fee is increased to \$100 from \$75; if the check is for greater than \$300 but does not exceed \$1,000, the fee is increased to \$125 from \$100; and for a check for greater than \$1,000, the fee is increased to 20% (from 15%) of the face amount of the check.

First sponsor: Sen. Gould

General Comments (all lists):
Single List Comments:

| S1243 Daily History | Date Action |
|--|-------------|
| BAD CHECKS; COUNTY ATTORNEY FEES 1/25referred to Senate jud. | |

S1247: SEXUALLY VIOLENT PERSONS; HEARINGS [Oppose]

If a sexually violent person is about to be released from confinement and a county attorney files a petition to have a judge declare the person to be a sexually violent person (for purposes of further confinement), and the person does not request a probable cause hearing within 10 days after being served with the petition, the court must order an evaluation of the person. Formerly, there were no procedures in statute governing a situation in which the person did not respond to the petition. The cost of the evaluation is borne by the county.

First sponsor: Sen. Barto

Others: Rep. Proud, Rep. Vogt, Sen. Aboud, Sen. Cajero Bedford, Sen. L. Gray, Sen. Lopez, Sen. Melvin

General Comments (all lists):
Single List Comments:

| S1247 Daily History | Date Action |
|--|-------------|
| SEXUALLY VIOLENT PERSONS; HEARINGS 1/26referred to Senate jud. | |

S1278: COUNTY ASSESSOR; PERMANENT RETRIEVAL FUND

Eliminates the termination date of December 31, 2011, for the county assessor's property information storage and retrieval conversion and maintenance fund. Counties with less than 750,000 persons are authorized to establish the fund (increased from counties with less than 500,000 persons).

First sponsor: Sen. Allen

Others: Rep. Barton, Rep. Crandell, Rep. Pratt, Sen. Sinema

General Comments (all lists):

Single List Comments:

| S1278 Daily History | Date Action |
|---|-------------|
| COUNTY ASSESSOR; PERMANENT RETRIEVAL FUND 1/27referred to Senate fin. | |

S1279: FIRE DISTRICT ASSISTANCE TAX

Beginning with FY2012-2013, a consolidated fire district is prohibited from receiving more than \$300,000 in fire district assistance tax monies.

First sponsor: Sen. Yarbrough

General Comments (all lists):

Single List Comments:

| S1279 Daily History | Date Action |
|--|-------------|
| FIRE DISTRICT ASSISTANCE TAX 1/27referred to Senate fin. | |

S1281: PROPERTY TAX; CLASS NINE

Changes one of the conditions that qualifies land and improvements to be classified as class nine (possessory interest) for property tax purposes. Specifically, government land used for athletic, recreational, entertainment, artistic, cultural or convention facilities qualifies only if its use is "exclusively" for the stated purposes (formerly, the qualifier was "primarily" used for the stated purposes).

First sponsor: Sen. Yarbrough

General Comments (all lists):

Single List Comments:

| S1281 Daily History | Date Action |
|--|-------------|
| PROPERTY TAX; CLASS NINE 1/27referred to Senate fin. | |

S1286: COUNTIES; CITIES; PERMITS; TIME LIMIT

Counties and municipalities are required to approve or deny an application for any permit within 60 days after receipt. A failure to respond within 60 days constitutes approval of the permit application.

First sponsor: Sen. Klein

Others: Rep. Harper, Sen. Allen, Sen. Antenori, Sen. Biggs, Sen. Bundgaard, Sen. Crandall, Sen. Gould, Sen. L. Gray, Sen. McComish, Sen. Melvin, Sen. Meza, Sen. Pearce, Sen. Reagan, Sen. Shooter, Sen. Smith

General Comments (all lists):

Single List Comments:

| S1286 Daily History | Date Action |
|---|-------------|
| COUNTIES; CITIES; PERMITS; TIME LIMIT 1/27referred to Senate gov ref. | |

S1290: COUNTY ELECTION WORKERS; POLITICAL CAMPAIGNS

County elections department employees are prohibited from being a chairman, treasurer or other officer of any political campaign, including a candidate campaign committee. Does not apply to a person holding

elected office.

First sponsor: Sen. Griffin

Others: Rep. Gowan, Sen. Antenori

General Comments (all lists):

Single List Comments:

| S1290 Daily History | Date Action |
|--|-------------|
| COUNTY ELECTION WORKERS; POLITICAL CAMPAIGNS 1/27referred to Senate gov ref. | |

S1291: PRISONS; INMATE CREDIT FOR IMPRISONMENT

A person imprisoned for nonpayment of a fine in a county with 150,000 persons or less may receive credit toward payment of up to \$60 for each day of imprisonment (Previously, the rate of credit was \$10 per day in all counties).

First sponsor: Sen. Griffin

Others: Rep. Gowan

General Comments (all lists):

Single List Comments:

| S1291 Daily History | Date Action |
|--|-------------|
| INMATE CREDIT FOR IMPRISONMENT 1/27referred to Senate jud. | |

S1293: DAMS; AFFIDAVIT; RECORDING

Owners of completed dams are required to record a copy of the affidavit of the total cost of the dam in the office of the county recorder for the county in which the dam is located.

First sponsor: Sen. Griffin

General Comments (all lists):

Single List Comments:

| S1293 Daily History | Date Action |
|--|-------------|
| DAMS; AFFIDAVIT; RECORDING 1/27referred to Senate water-rural. | |

S1295: COMMUNITY COLLEGES, PROVISIONAL; LEVY LIMIT

Exempts provisional community college districts from statutes governing the initial base levy limit if no primary property taxes were levied in the preceding tax year. Retroactive to May 17, 2010.

First sponsor: Sen. Griffin

Others: Rep. Chabin, Rep. Court, Rep. Gowan, Rep. Judd, Rep. Stevens, Rep. Vogt, Sen. Allen, Sen. Antenori, Sen. Crandall

General Comments (all lists):

Single List Comments:

| S1295 Daily History | Date Action |
|--|-------------|
| PROVISIONAL COMMUNITY COLLEGES; LEVY LIMIT 1/27referred to Senate fin. | |

S1296: COMMUNITY COLLEGES, PROVISIONAL; TUITION

Eliminates the condition that the county board of supervisors must have adopted a property tax levy at a specified amount in the preceding FY

for that county to be required to continue to provide reimbursement for the attendance of nonresident state students for the remainder of the FY in which a provisional community college district is formed. Retroactive to May 17, 2010.

First sponsor: Sen. Griffin

Others: Rep. Chabin, Rep. Court, Rep. Gowan, Rep. Judd, Rep. Stevens, Rep. Vogt, Sen. Allen, Sen. Antenori, Sen. Crandall

General Comments (all lists):

Single List Comments:

| S1296 Daily History | Date Action |
|---|-------------|
| PROVISIONAL COMMUNITY COLLEGES; TUITION 1/27referred to Senate fin. | |

S1297: COMMUNITY COLLEGES, PROVISIONAL; EXPENDITURE LIMIT

Guidelines for adjusting the base expenditure limit of a community college district in the event of an annexation, creation of a new district, consolidation or change in district boundaries do not apply to provisional community college districts. Retroactive to May 17, 2010.

First sponsor: Sen. Griffin

Others: Rep. Chabin, Rep. Court, Rep. Gowan, Rep. Judd, Rep. Stevens, Rep. Vogt, Sen. Allen, Sen. Antenori, Sen. Crandall

General Comments (all lists):

Single List Comments:

| S1297 Daily History | Date Action |
|---|-------------|
| PROVISIONAL COMMUNITY COLLEGES; EXPENDITURE LIMIT 1/27referred to Senate appro. | |

S1306: LANDLORDS; TENANTS; BEDBUG CONTROL

Landlords are required to maintain the dwelling unit free of an infestation of bedbugs. Actions required of landlords when a tenant provides notice of a bedbug infestation are specified. Tenants are prohibited from moving materials into a dwelling unit that are infested with bedbugs, and are required to comply with bedbug mitigation protocols. Remedies for failure to comply by either the landlord or the tenant are provided. Counties and municipalities are prohibited from adopting requirements for landlords or tenants that related to the control of bedbugs.

First sponsor: Sen. Reagan

Others: Rep. Brophy McGee, Rep. Gallego, Rep. Gowan, Rep. Pratt, Sen. Antenori, Sen. Crandall, Sen. Driggs, Sen. L. Gray, Sen. McComish, Sen. Nelson, Sen. Sinema

General Comments (all lists):

Single List Comments:

| S1306 Daily History | Date Action |
|--|-------------|
| LANDLORDS; TENANTS; BEDBUG CONTROL 1/31referred to Senate econ-jobs. | |

S1307: POLITICAL SIGNS; PUBLIC RIGHT-OF-WAY

For a period beginning 60 days before a primary election and ending 15

days following the general election, governmental jurisdictions cannot remove, alter or cover a political sign placed in a public right-of-way owned or controlled by the jurisdiction, unless the sign is placed in a location that is hazardous to public safety, obstructs clear vision in the area, interferes with the requirements of the Americans with Disabilities Act, or is larger than 16 square feet.

First sponsor: Sen. Allen

Others: Rep. Harper, Sen. Griffin, Sen. Melvin, Sen. Shooter

General Comments (all lists):

Single List Comments:

| S1307 Daily History | Date Action |
|---|-------------|
| POLITICAL SIGNS; PUBLIC RIGHT-OF-WAY 1/31 referred to Senate jud. | |

S1308: BIRTH CERTIFICATES; CITIZENSHIP; INTERSTATE COMPACT

The Governor is authorized and directed to enter into an interstate birth certificate compact in a form substantially as specified. The purpose of the compact is to make a distinction in the birth certificates, certifications of live birth, or other birth records between a person born in the United States who is subject to the jurisdiction of the United States and who is a natural born citizen, and a person who is not born subject to the jurisdiction of the United States. Defines "subject to the jurisdiction of the United States" as a child of at least one parent who is a United States citizen or national, or an immigrant accorded the privilege of residing permanently in the United State, or a person without nationality in any foreign country. The governor of each party state must enforce the compact, and any taxpaying resident of any party state has standing in the courts of any party state to require that state's governor to enforce the compact.

First sponsor: Sen. Gould

Others: Rep. Harper, Sen. Biggs, Sen. Bundgaard, Sen. L. Gray, Sen. Klein, Sen. Melvin, Sen. Murphy, Sen. Pearce, Sen. Shooter, Sen. Smith

General Comments (all lists):

Single List Comments:

| S1308 Daily History | Date Action |
|--|-------------|
| BIRTH CERTIFICATES; CITIZENSHIP; INTERSTATE COMPACT 1/31 referred to Senate jud. | |

S1309: ARIZONA CITIZENSHIP

A person is an Arizona citizen if the person is born in the United States and subject to the jurisdiction thereof, and the person is lawfully domiciled in Arizona. Defines "subject to the jurisdiction of the United States" as a child of at least one parent who is a United States citizen or national, or an immigrant accorded the privilege of residing permanently in the United State, or a person without nationality in any foreign country. A person is also a citizen of Arizona if the person is naturalized in the United States and is lawfully domiciled in Arizona.

First sponsor: Sen. Gould

Others: Rep. Harper, Sen. Biggs, Sen. Bundgaard, Sen. L. Gray, Sen. Klein, Sen. Melvin, Sen. Murphy, Sen. Pearce, Sen. Shooter, Sen. Smith

General Comments (all lists):

Single List Comments:

| S1309 Daily History | Date Action |
|--|-------------|
| ARIZONA CITIZENSHIP 1/31 referred to Senate jud. | |

S1311: HOMEOWNER'S REBATE; OWNER'S PRIMARY RESIDENCE

Only a homeowner's primary residence may be classified as class 3 property. Other property used for owner-occupied residential purposes is classified as class 4 (leased or rental residential) property. Each year the county assessor must send a form to property owners on which the owner must declare whether the property is the primary residence in the current valuation year.

First sponsor: Sen. McComish

General Comments (all lists):

Single List Comments:

| S1311 Daily History | Date Action |
|--|-------------|
| HOMEOWNER'S REBATE; OWNER'S PRIMARY RESIDENCE 1/31 referred to Senate fin. | |

S1313: PUBLIC HEALTH DISTRICTS; VOTER APPROVAL

Beginning January 1, 2011, the option for a county board of supervisors to establish a public health services district by unanimous vote is eliminated, making an election the only process available to establish a district. Retroactive to January 1, 2011.

First sponsor: Sen. Murphy

Others: Sen. Yarbrough

General Comments (all lists):

Single List Comments:

| S1313 Daily History | Date Action |
|--|-------------|
| PUBLIC HEALTH DISTRICTS; VOTER APPROVAL 1/31 referred to Senate fin. | |

S1316: RETIREMENT; PSPRS; TRUSTEES; EMPLOYMENT AGREEMENTS

The powers of the Board of Trustees of the Public Safety Personnel Retirement System are expanded to include authorization to enter into employment agreements with the administrator and assistant administrators. The board's decisions regarding investment management agreements, etc., are specifically exempt from procurement rules.

First sponsor: Sen. Yarbrough

General Comments (all lists):

Single List Comments:

| S1316 Daily History | Date Action |
|---|-------------|
| RETIREMENT; PSPRS; TRUSTEES; EMPLOYMENT AGREEMENTS 1/31 referred to Senate fin. | |

S1317: RETIREMENT; PSPRS; CORP; EORP; ADMINISTRATION

Various changes in statutes dealing with the Public Safety Personnel

Reitment System, the Corrections Officers' Retirement Plan and the Elected Officials' Retirement Plan. Police and fire chiefs are specifically entitled to become members of PSPRS. Language that permitted a member of PSPRS who participated in the deferred retirement option plan (DROP) and who became disabled during the period of DROP participation to apply for disability benefits is deleted. The PSPRS Board is prohibited from making a retroactive pension payment to a person that is more than 90 days after the date of the person's application for benefits. The time period within which CORP employers are required to forward members' contributions is extended to 10 working days from 5 working days. Employers are subject to a daily penalty (calculated at 10% per annum) if contributions are not timely received.

First sponsor: Sen. Yarbrough

General Comments (all lists):

Single List Comments:

| S1317 Daily History | Date Action |
|--|-------------|
| RETIREMENT; PSPRS; CORP; EORP; ADMINISTRATION 1/31 referred to Senate fin. | |

S1318: MUNICIPALITIES; COUNCIL VACANCY

An appointment to fill a municipal council vacancy is for the full unexpired term unless the vacancy occurs more than 30 days before the deadline for submission of nominating petitions for the next council election. [Capitol Reports note: previously, a council had the option to appoint a replacement for the unexpired term even if the vacancy occurred 30 days before the deadline for submission of council nominating petitions.

First sponsor: Sen. Griffin

Others: Rep. Gowan, Rep. Judd, Sen. Antenori, Sen. Gould, Sen. L. Gray, Sen. Melvin, Sen. Pierce, Sen. Shooter, Sen. Yarbrough

General Comments (all lists):

Single List Comments:

| S1318 Daily History | Date Action |
|--|-------------|
| MUNICIPALITIES; COUNCIL VACANCY 1/31 referred to Senate gov ref. | |

S1319: GOVERNMENT LAND; RESTORING PRIVATE LAND

If a unit of government acquires title to land, it must sell or otherwise convey title to land of an equivalent value to private ownership.

First sponsor: Sen. Griffin

Others: Rep. Gowan, Rep. Judd, Sen. Allen, Sen. Antenori, Sen. Gould, Sen. Melvin, Sen. Pierce, Sen. Shooter, Sen. Yarbrough

General Comments (all lists):

Single List Comments:

| S1319 Daily History | Date Action |
|--|-------------|
| GOVERNMENT LAND; RESTORING PRIVATE LAND 1/31 referred to Senate water-rural. | |

S1320: PROPERTY TAX ASSESSMENT; RESIDENTIAL PROPERTY; RATIOS

The assessment ratios of Class 3 (owner occupied residential) property

and Class 4 (leased or rented residential) property is reduced to 9.5% (from 10%) for the period corresponding to calendar 2013. They are further reduced permanently to 9% beginning Jan. 1, 2014

First sponsor: Sen. Griffin

Others: Rep. Judd, Sen. Allen, Sen. Antenori, Sen. Gould, Sen. Melvin, Sen. Pierce, Sen. Shooter

General Comments (all lists):

Single List Comments:

| S1320 Daily History | Date Action |
|--|-------------------------|
| PROPERTY TAX ASSESSMENT; RESIDENTIAL PROPERTY; RATIOS 1/31 | referred to Senate fin. |

S1321: PROPERTY TAX ASSESSMENT; CLASS TWO; RATIO

Beginning Jan. 1, 2013, the assessment ratio for class two (agricultural) property is reduced to 15% from 16%. It is permanently reduced to 14% beginning on Jan. 1, 2015.

First sponsor: Sen. Griffin

Others: Rep. Judd, Sen. Allen, Sen. Antenori, Sen. Gould, Sen. L. Gray, Sen. Melvin, Sen. Pierce, Sen. Shooter

General Comments (all lists):

Single List Comments:

| S1321 Daily History | Date Action |
|--|-------------------------|
| PROPERTY TAX ASSESSMENT; CLASS TWO; RATIO 1/31 | referred to Senate fin. |

S1322: CITIES; SERVICES; MANAGED COMPETITION

Every city whose population is greater than 500,000 must provide each municipal service whose cost is \$50,000 or more through open and competitive bidding. Governmental departments and entities may participate in the bidding.

First sponsor: Sen. Antenori

General Comments (all lists):

Single List Comments:

| S1322 Daily History | Date Action |
|--|-----------------------------|
| CITIES; SERVICES; MANAGED COMPETITION 1/31 | referred to Senate gov ref. |

S1325: UNION DUES; POLITICAL PURPOSES

Labor unions may not use any part of union dues for political purposes (defined) unless each person paying dues is given the opportunity to designate the types of candidates, legislation, issues or political party that will be supported with that portion of dues being used for political purposes.

First sponsor: Sen. Antenori

Others: Sen. Allen, Sen. Barto, Sen. Biggs, Sen. Bundgaard, Sen. Gould, Sen. L. Gray, Sen. Griffin, Sen. Klein, Sen. Melvin, Sen. Nelson, Sen. Shooter, Sen. Smith, Sen. Yarbrough

General Comments (all lists):

Single List Comments:

| S1325 Daily History | Date Action |
|---|-------------|
| UNION DUES; POLITICAL PURPOSES 1/31 referred to Senate gov ref. | |

S1327: COUNTIES; MUNICIPALITIES; MANAGERS; RECALL

Citizens may terminate the employment contract of a municipal or county manager via a procedure "substantially similar" to that of a recall of an elected official. Managers appointed after the effective date of this act are not entitled to any severance package upon termination. City or town managers who are appointed by the mayor are exempt from all changes effected by this act.

First sponsor: Sen. Antenori

General Comments (all lists):

Single List Comments:

| S1327 Daily History | Date Action |
|---|-------------|
| COUNTIES; MUNICIPALITIES; MANAGERS; RECALL 1/31 referred to Senate gov ref. | |

S1328: FEDERAL REQUIREMENTS; COMPLIANCE

If a federal law or rule permits a federal employee or member of Congress to not comply with the law or rule, a citizen of this state may likewise choose not to comply with the law or rule.

First sponsor: Sen. Antenori

General Comments (all lists):

Single List Comments:

| S1328 Daily History | Date Action |
|---|-------------|
| FEDERAL REQUIREMENTS; COMPLIANCE 1/31 referred to Senate gov ref. | |

S1329: PUBLIC EMPLOYEES; LOBBYING; POLITICAL ACTIVITIES

A public employee paid in whole or in part from taxpayer monies is prohibited from engaging in political activity or lobbying a governmental entity during the employee's hours of employment unless the person takes unpaid leave or uses vacation or compensatory time. Persons registered as authorized public lobbyists or as designated public lobbyists are exempt from the restriction against lobbying. Public entities are prohibited from using taxpayer monies to fund any part of a rally, protest or lobbying effort.

First sponsor: Sen. Antenori

Others: Rep. Gowan, Rep. Montenegro, Rep. Stevens

General Comments (all lists):

Single List Comments:

| S1329 Daily History | Date Action |
|---|-------------|
| PUBLIC EMPLOYEES; LOBBYING; POLITICAL ACTIVITIES 1/31 referred to Senate gov ref. | |

S1332: PUBLIC AGENCIES; ELECTED OFFICIALS; COMMUNICATIONS

Elected officials and public agencies are prohibited from using public monies for any print media, visual media or broadcast media announcement or any website campaign to self-promote. Some

exceptions.

First sponsor: Sen. Antenori

Others: Rep. Gowan, Rep. Montenegro, Rep. Stevens, Sen. Melvin, Sen. Shooter

General Comments (all lists):

Single List Comments:

| S1332 Daily History | Date Action |
|---|-------------|
| PUBLIC AGENCIES; ELECTED OFFICIALS; COMMUNICATIONS 1/31 referred to Senate gov ref. | |

S1333: MUNICIPALITIES; DEANNEXATION; INCORPORATION

If an urbanized area proposed for municipal incorporation has a specified population (blank in original), the county board of supervisors is required to proceed with incorporation of the area without a resolution adopted by the nearby municipalities approving the proposed incorporation. If 10% of the qualified electors residing in a community with a population of 1,500 or more persons petition a municipality for the call of an election to deannex from the municipality, the municipality is required to call the election within 60 days. If a majority of voters approve the deannexation, the municipality must declare the deannexation and return the territory to the county. Session law requires the county board of supervisors to proceed with incorporation of an area with a population of 40,000 or more persons without a resolution adopted by the nearby municipalities approving the proposed incorporation. The newly incorporated municipality will receive reduced distributions of HURF monies, VLT tax, and state shared revenue for the remainder of that fiscal year and one additional fiscal year. The session law self-repeals October 1, 2015.

First sponsor: Sen. Antenori

Others: Rep. Gowan, Rep. Stevens

General Comments (all lists):

Single List Comments:

| S1333 Daily History | Date Action |
|--|-------------|
| MUNICIPALITIES; DEANNEXATION; INCORPORATION 1/31 referred to Senate gov ref. | |

S1335: HUNTING AT NIGHT; VARMINTS

Jackrabbits, raccoons and predatory animals are added to the list of animals that may be taken at night.

First sponsor: Sen. Antenori

Others: Rep. Gowan, Rep. Montenegro, Rep. Stevens, Sen. Allen, Sen. Biggs, Sen. Gould, Sen. Klein, Sen. Smith

General Comments (all lists):

Single List Comments:

| S1335 Daily History | Date Action |
|---|-------------|
| HUNTING AT NIGHT; VARMINTS 1/31 referred to Senate nat res-trans. | |

S1340: RETIREMENT; DEFINED CONTRIBUTION SYSTEM

Creates an Arizona State Defined Contribution Retirement System (DC System). Beginning January 1, 2012, the DC System is the single retirement program for all new employees, and those employees are ineligible for membership in ASRS. Establishes provisions regulating the DC system, including powers and duties of a DC System Board, employee and employer contributions, retirement age, amount of annuity payments, and termination of membership.

First sponsor: Sen. Antenori

General Comments (all lists):

Single List Comments:

| S1340 Daily History | Date Action |
|--|-------------|
| RETIREMENT; DEFINED CONTRIBUTION SYSTEM 1/31 referred to Senate fin. | |

S1341: COUNTY PLANNING; ZONING; CONFORMING LEGISLATION

Various changes to conform to Laws 2010, Chapter 244 (which repealed and rewrote county planning and zoning statutes). Effective October 1, 2011.

First sponsor: Sen. Antenori

General Comments (all lists):

Single List Comments:

| S1341 Daily History | Date Action |
|--|-------------|
| COUNTY PLANNING; ZONING; CONFORMING LEGISLATION 1/31 referred to Senate gov ref. | |

S1345: CITY EMPLOYEES; NUMBER; COMPENSATION

The total number of employees for cities with more than 500,000 persons cannot exceed the number of filled positions existing at the beginning of FY2011-2012 for that city. After FY2013-2014, the number of municipal employees, excluding police and fire, cannot exceed 0.4% of the population of the city. The total amount of compensation and benefits of municipal employees, excluding police and fire, cannot exceed 100% of the total amount of compensation and benefits paid to private sector employees of businesses and organization that operate within the city's jurisdiction. The city council may override these limits by a $\frac{3}{4}$ vote for a specified fiscal year. Taxpayers residing in the city may bring a special action in court to enforce these limits.

First sponsor: Sen. Antenori

General Comments (all lists):

Single List Comments:

| S1345 Daily History | Date Action |
|---|-------------|
| CITY EMPLOYEES; NUMBER; COMPENSATION 1/31 referred to Senate gov ref. | |

S1347: CITIES; COMPENSATION BASELINE

For the first fiscal year after the effective date of this legislation, the salary for each municipal employee position pay grade for a city with a population of more than 500,000 cannot exceed the salary for that pay grade for FY2006-2007.

First sponsor: Sen. Antenori
Others: Rep. Gowan, Rep. Montenegro, Rep. Stevens

General Comments (all lists):

Single List Comments:

| S1347 Daily History | Date Action |
|--|-------------|
| CITIES; COMPENSATION BASELINE 1/31 referred to Senate gov ref. | |

S1350: PUBLIC EMPLOYEES; POLITICAL ACTIVITIES

Transfers the statute prohibiting state employees from certain political activities from Title 41 (state government) to Title 38 (public officers & employees) and defines "employees" to include those employed by the state or any political subdivision. Exception provided for elected officials. Also, public employees are no longer allowed -- even in off-duty hours - - to solicit or encourage contributions to be made directly to candidates or campaign committees contributing to candidates or advocating the election or defeat of candidates.

First sponsor: Sen. Antenori
Others: Sen. Allen, Sen. Barto, Sen. Crandall, Sen. Gould, Sen. Klein, Sen. Melvin, Sen. Shooter, Sen. Smith, Sen. Yarbrough

General Comments (all lists):

Single List Comments:

| S1350 Daily History | Date Action |
|---|-------------|
| PUBLIC EMPLOYEES; POLITICAL ACTIVITIES 1/31 referred to Senate gov ref. | |

S1352: PHOTO RADAR PROHIBITION

Local authorities and state agencies are prohibited from using photo enforcement systems to identify violators of traffic signals and speed restrictions. Statutes governing the use of photo enforcement systems are repealed.

First sponsor: Sen. Antenori
Others: Rep. Burges, Rep. Gowan, Rep. Kavanagh, Rep. Mesnard, Rep. Montenegro, Rep. Smith, Rep. Stevens, Rep. Ugenti, Sen. Biggs, Sen. Gould, Sen. Klein

General Comments (all lists):

Single List Comments:

| S1352 Daily History | Date Action |
|--|-------------|
| PHOTO RADAR PROHIBITION 1/31 referred to Senate gov ref. | |

S1361: FIRE DISTRICTS; JOINT POWERS AUTHORITY

Counties, municipalities and fire districts are authorized to form a separate legal entity for the purpose of entering into intergovernmental agreements to provide fire protection, including providing ambulance transportation services. If one or more parties to the agreement have bonding authority, the entity may issue general obligation bonds to pay the costs and expenses of acquiring or constructing facilities or equipment, payable from taxes or assessments levied or collected by the entity or parties to the agreement.

First sponsor: Sen. Antenori

Others: Rep. Ash, Rep. Gowan, Rep. Montenegro, Rep. Robson, Rep. Seel, Rep. Stevens, Rep. Tobin, Rep. Vogt, Rep. Yee, Sen. Barto, Sen. Driggs, Sen. Griffin, Sen. McComish, Sen. Murphy

General Comments (all lists):

Single List Comments:

| S1361 Daily History | Date Action |
|---|-------------|
| FIRE DISTRICTS; JOINT POWERS AUTHORITY 1/31 referred to Senate gov ref. | |

S1362: FLOOD CONTROL STRUCTURES

In a county with a population of less than 3 million persons (all but Maricopa), county flood control districts are authorized to construct, maintain and operate bridges over watercourses that are impassable to emergency vehicle traffic for 14 or more days per year.

First sponsor: Sen. Antenori

Others: Rep. Gowan, Rep. Judd, Rep. Montenegro, Rep. Stevens, Rep. Vogt, Sen. Griffin

General Comments (all lists):

Single List Comments:

| S1362 Daily History | Date Action |
|---|-------------|
| FLOOD CONTROL STRUCTURES 1/31 referred to Senate water-rural. | |

S1364: COUNTY ORDINANCES; UTILITY VEHICLE PARKING

Counties cannot prohibit a resident from parking a utility vehicle on the street or driveway if the vehicle is required to be available at the person's residence as a condition of the person's employment at a public service corporation, utility or public safety agency.

First sponsor: Sen. Antenori

General Comments (all lists):

Single List Comments:

| S1364 Daily History | Date Action |
|---|-------------|
| COUNTY ORDINANCES; UTILITY VEHICLE PARKING 1/31 referred to Senate gov ref. | |

S1380: LONG-TERM CARE COUNCIL; REPORTS

Removes the Department of Library, Archives and Public Records from the list of entities to whom the Interagency Council on Long-term Care must submit its annual report. [Capitol Reports note: the Secretary of State's Office remains on the list, making submission to DLAPR duplicative.]

First sponsor: Sen. Antenori

General Comments (all lists):

Single List Comments:

| S1380 Daily History | Date Action |
|---|-------------|
| LONG-TERM CARE COUNCIL; REPORTS 1/31 referred to Senate rules only. | |

S1388: CONSUMER FIREWORKS; REGULATION

Municipalities are authorized to regulate the use of consumer fireworks. Counties other than Maricopa county may regulate the sale and use of consumer fireworks within unincorporated areas of the county. (Note: Maricopa County continues to be authorized to regulate the use of consumer fireworks in unincorporated areas during times of reasonable risk of wildfires).

First sponsor: Sen. Pierce

Others: Sen. Bundgaard, Sen. Nelson

General Comments (all lists):

Single List Comments:

| S1388 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

S1391: INTERSTATE FIREARM FREEDOM COMPACT

The governor is authorized and directed to enter into an interstate compact for the party states to prohibit any governmental agent from depriving residents of rights and freedoms guaranteed under their firearm freedom laws, to cooperate with each other in the prevention of crimes under the firearm freedom criminal laws, and to cooperate with each other in the criminal prosecution of anyone who violates the firearm freedom laws.

First sponsor: Sen. Allen

Others: Rep. Barton, Sen. Griffin, Sen. Reagan, Sen. Shooter

General Comments (all lists):

Single List Comments:

| S1391 Daily History | Date | Action |
|---|------|--------|
| INTERSTATE FIREARM FREEDOM COMPACT 1/31 referred to Senate jud. | | |

S1392: MEXICAN GRAY WOLF; INTERSTATE COMPACT

On the recommendation of the Game and Fish Commission, the governor may enter an interstate compact providing for the cooperative management of the gray wolf.

First sponsor: Sen. Allen

Others: Rep. Barton, Rep. Harper, Sen. Griffin, Sen. Melvin, Sen. Reagan, Sen. Shooter

General Comments (all lists):

Single List Comments:

| S1392 Daily History | Date | Action |
|--|------|--------|
| MEXICAN GRAY WOLF; INTERSTATE COMPACT 1/31 referred to Senate jud. | | |

S1397: EMINENT DOMAIN; DAMAGES

In a condemnation action using eminent domain, the defendant must recover treble damages (triple the amount of actual compensatory damages) if the final judgment is that the plaintiff cannot acquire the property by condemnation.

First sponsor: Sen. Antenori

General Comments (all lists):

Single List Comments:

| S1397 Daily History | Date Action |
|--|-------------|
| EMINENT DOMAIN; DAMAGES 1/31 referred to Senate jud. | |

S1399: CORPORATIONS; PARTNERSHIPS; PUBLICATION REQUIREMENT REMOVAL

Various filings required of corporations and partnerships are no longer required to be published in a newspaper, but instead are posted on the Corporation Commission or Secretary of State's website.

First sponsor: Sen. Biggs
Others: Sen. Antenori

General Comments (all lists):

Single List Comments:

| S1399 Daily History | Date Action |
|---|-------------|
| CORPORATIONS; PARTNERSHIPS; PUBLICATION REQUIREMENT REMOVAL 1/31 referred to Senate com-energy. | |

S1408: STATE BUDGET; APPROPRIATION LIMITATION; HEARING

By February 15 of each year, the JLBC must compute and transmit "truth in spending" estimates (defined in this act) for the following FY to the chairpersons of the Appropriations Committees, Senate Finance Committee, and House Ways and Means Committee. Beginning with FY2012-2013, if the Legislature proposes general fund appropriations or total appropriations that exceed the truth in spending estimates, the Appropriations Committees must hold a joint truth in spending hearing, at which there must be a roll call vote on any motion to recommend the proposed spending levels to the full Legislature.

First sponsor: Sen. Smith
Others: Rep. Burges, Rep. Goodale, Rep. Gowan, Rep. Harper, Rep. Kavanagh, Rep. Lesko, Rep. Montenegro, Rep. Proud, Rep. Smith, Rep. Stevens, Rep. Ugenti, Sen. Antenori, Sen. Bundgaard, Sen. Gould, Sen. Klein, Sen. Murphy, Sen. Pearce

General Comments (all lists):

Single List Comments:

| S1408 Daily History | Date Action |
|--|-------------|
| STATE BUDGET; APPROPRIATION LIMITATION; HEARING 1/31 referred to Senate appro. | |

S1409: GOVERNMENT PUBLICATIONS; ENGLISH ONLY

Any publication issued by a state agency or political subdivision, including voting materials, must be written in English. State agencies and political subdivisions may issue publications in a language other than English if the publication is posted on the website and a printed copy is available in the office of the agency or subdivision.

First sponsor: Sen. Smith

Others: Rep. Fillmore, Sen. Allen, Sen. Antenori, Sen. Barto, Sen. Biggs, Sen. Gould, Sen. Griffin, Sen. Klein, Sen. Melvin, Sen. Pearce, Sen. Pierce, Sen. Shooter, Sen. Yarbrough

General Comments (all lists):

Single List Comments:

| S1409 Daily History | Date Action |
|---|-------------|
| GOVERNMENT PUBLICATIONS; ENGLISH ONLY 1/31referred to Senate gov ref. | |

S1410: SHERIFF; POWERS AND DUTIES

Designates the county sheriff as the constitutional and primary law enforcement officer in the county and grants him/her complete jurisdiction within each county for law enforcement purposes.

First sponsor: Sen. Smith

Others: Rep. Fillmore, Sen. Allen, Sen. Antenori, Sen. Biggs, Sen. Bundgaard, Sen. Gould, Sen. Griffin, Sen. Klein, Sen. Melvin, Sen. Pearce, Sen. Shooter

General Comments (all lists):

Single List Comments:

| S1410 Daily History | Date Action |
|--|-------------|
| SHERIFF; POWERS AND DUTIES 1/31referred to Senate gov ref. | |

S1411: COUNTY ELECTED OFFICERS; AUTHORITY

Justices of the Peace are added to the statutory list of county officers. Elected county officers in counties with a population of more than 350,000 (currently Maricopa and Pima) have the full authority and discretion to choose the appropriate means to accomplish the statutory duties of the office, including a list of enumerated powers. In these counties, the county board of supervisors must appropriate monies to elected and appointed county officers in a lump sum.

First sponsor: Sen. Smith

Others: Rep. Fillmore, Sen. Bundgaard, Sen. Gould, Sen. Griffin, Sen. Melvin, Sen. Pearce, Sen. Shooter

General Comments (all lists):

Single List Comments:

| S1411 Daily History | Date Action |
|--|-------------|
| COUNTY ELECTED OFFICERS; AUTHORITY 1/31referred to Senate gov ref. | |

S1433: FEDERAL LEGISLATION; STATE NULIFICATION

Summary to come

First sponsor: Sen. Klein

General Comments (all lists):

Single List Comments:

| S1433 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |

SCR1018: PROPERTY TAX VALUATION LIMITS [Oppose]

The 2012 general election ballot is to carry the question of whether to amend the state Constitution to limit all property taxes levied on any property to no more than 1% of the property's full cash value. The previous exception granted to property taxes used to pay bonds is eliminated for debt incurred after Jan. 1, 2013. Similarly, exceptions to the maximum 2% annual increase in property taxes are eliminated, although a levy to repay debt incurred prior to Jan 1, 2013, is exempt from this limitation.

First sponsor: Sen. Pierce

Others: Rep. Burges, Sen. Allen, Sen. Biggs, Sen. Bundgaard, Sen. Pearce

General Comments (all lists):

Single List Comments:

| SCR1018 Daily History | Date Action |
|---|-------------|
| PROPERTY TAX VALUATION LIMITS 1/25referred to Senate fin. | |

SCR1019: STATE APPROPRIATION LIMIT; REDUCTION

The 2012 general election ballot is to carry the question of whether to amend the state Constitution to reduce the state appropriations limit to 6.4% from 7.0% of total state personal income. Effective for fiscal years beginning after June 30, 2013. Any citizen of the state has standing to bring a suit in superior court to enforce compliance.

First sponsor: Sen. Bundgaard

Others: Rep. Burges, Sen. Allen, Sen. Barto, Sen. Biggs, Sen. Gould, Sen. Griffin, Sen. Klein, Sen. Melvin, Sen. Murphy, Sen. Pearce, Sen. Pierce, Sen. Shooter, Sen. Smith, Sen. Yarbrough

General Comments (all lists):

Single List Comments:

| SCR1019 Daily History | Date Action |
|--|-------------|
| STATE APPROPRIATION LIMIT; REDUCTION 1/25referred to Senate appro. | |

SCR1036: STATE TRUST LAND EXCHANGES

Summary to come

First sponsor: Sen. Nelson

General Comments (all lists):

Single List Comments:

| SCR1036 Daily History | Date | Action |
|--|------|--------|
| No actions posted for this bill within the requested time frame. | | |