

Natural Resources, Infrastructure & Public Debt Committee

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NATURAL RESOURCES, INFRASTRUCTURE & PUBLIC DEBT COMMITTEE

LEGISLATION ENACTED

animals; fighting (S.B. 1115) – Chapter 151

SEE JUDICIARY COMMITTEE.

vehicle impoundment; administrative towing fund (S.B. 1169) – Chapter 158

SEE APPROPRIATIONS COMMITTEE.

department of environmental quality; continuation (S.B. 1157) – Chapter 23

Retroactive to July 1, 2009, the Arizona Department of Environmental Quality (ADEQ) is continued until July 1, 2014. Requires the State House of Representatives' Committee on Environment and the State Senate's Committee on Natural Resources, Infrastructure and Public Debt (or other successor committees) to conduct a hearing to review the status of ADEQ in 2011.

towing companies; release of vehicles (S.B. 1180) – Chapter 61

Allows a person to choose any repair facility for a vehicle that is towed after an accident. Contains various procedural requirements for vehicle repair facilities. Requires a vehicle repair facility to provide a detailed written statement of all towing, storage and related fees to an insurance company at no cost after the release of a vehicle. Establishes an initial violation as a petty offense and a second violation within 36 months as a class 3 misdemeanor.

recreational corridor districts; termination date (S.B. 1183) – Chapter 179

Extends the deadline to form recreational corridor channelization districts through July 1, 2015.

water exchange contracts; technical correction (NOW: Dust control; best management practices) (S.B. 1225 /H.B. 2181) – Chapter 180

Requires the Agricultural Best Management Practices Committee (Committee) to adopt dust control rules by June 30, 2010, for animal agriculture operations in regulated areas of Maricopa County. Retroactive to July 1, 2009, stipulates that rules for animal agriculture and commercial farming in future PM-10 nonattainment areas must be adopted through the Committee's best management practices process. Adds five members to the Committee.

aggregate mine reclamation; fees (NOW: mining omnibus) (S.B. 1256) – Chapter 63

Authorizes the Arizona State Mine Inspector to: 1) collect education and training fees to train miners in Arizona; and 2) charge a fee to the owner or operator of an aggregate exploration operation or aggregate mining unit when a substantial change to an approved reclamation plan is submitted.

Allows the Board of Governors of the Arizona Department of Mines and Mineral Resources to apply for and accept monies from independent agencies, foundations and other organizations to promote the research and development of mining and mineral industries in Arizona. Monies received from contracts must be deposited into a separate account of the Mines and Mineral Resources Fund.

aggregate mine reclamation; initiation; extension (S.B. 1259) – Chapter 64

Allows the Arizona State Mine Inspector (Inspector) to grant an extension to reclamation requirements that apply to aggregate mining if an owner or operator demonstrates a reasonable likelihood that mining will resume. The Inspector may consider the demand for sand and gravel and changing market conditions when deciding whether to grant an extension. The extension applies to aggregate mining units and exploration operations.

aggregate mine reclamation law; exemption (S.B. 1260) – Chapter 65 W/O

Exempts aggregate mining units that are intermittently used from regulatory and reclamation provisions, with conditions. These conditions include, but are not limited to, the requirements that the unit lie outside the exterior boundaries of an incorporated city or town and be used for a specific governmental project. Requires the area to be reclaimed when the project is completed.

vehicle accident reports (S.B. 1289) – Chapter 131 E

An emergency measure, effective July 13, 2009, pertaining to the release of personal identifying information contained in vehicle accident reports. Upon request, allows a copy of an unredacted accident report to be provided to the following parties who have a connection to the accident: 1) someone who was personally involved in the accident or their representative; 2) a licensed insurance company that is involved in a claims investigation; and 3) an attorney or private investigator who is working on the case. A licensed insurer who is investigating fraudulent claims may also receive a copy of the unredacted report.

wildfire suppression; payment of claims (S.B. 1290) – Chapter 26

Requires the State Forester to: 1) pay correct and complete claims for wildfire suppression on nonfederal lands within 30 days of the claim being filed; and 2) process and forward correct and complete claims for wildfire suppression on federal lands to the appropriate federal agency within 30 days of the claim being filed. In addition, the Arizona Department of Administration is required to issue a certificate of claim to the holder of an unpaid claim for fires on nonfederal lands if there is insufficient funding in the Fire Suppression Revolving Fund.

transportation system database; reporting date (NOW: certificates of title; electronic system) (S.B. 1293) – Chapter 70

Beginning June 1, 2010, requires the Director of the Arizona Department of Transportation to record certificates of title for newly issued, transferred and corrected certificates through electronic media. Certificates of title for mobile homes are exempt from the requirement.

state land sales; default (S.B. 1294) – Chapter 71

Modifies procedures regarding late payments for the sale and lease of state lands. For state lands that are purchased, allows the State Land Commissioner to require, when determining the terms

of the sale, that the total purchase price be paid within 30 days of the auction of the land. Also subjects the certificate of purchase to automatic cancellation if all delinquent payments have not been made within a specified time period.

For state lands that are leased, prescribes a penalty for delinquent lease payments and requires the State Treasurer to determine the interest rate.

flood control districts; remainder parcels (S.B. 1297) – Chapter 72

Allows a flood control district that takes a portion of a parcel of land through eminent domain to acquire the remainder of the parcel, with conditions. Authorizes the district to sell the remainder parcel or exchange it for other properties needed for flood control use.

geospatial data; geographic information council (S.B. 1318) – Chapter 74

Establishes the Arizona Geographic Information Council (Council) within the Arizona State Land Department, and prescribes its duties in statute. The Council was created in 1989 by Executive Order. Updates terminology relating to geographic information systems, and provides specifications for geospatial data sharing among public agencies.

ADOT omnibus (NOW: omnibus; ADOT) (S.B. 1320) – Chapter 187

Makes changes to the Arizona Department of Transportation (ADOT) statutes and other conforming changes to comply with various federal regulations. The major provisions include:

Federal Conformity and Compliance Provisions

Low Emission and Energy Efficient Vehicles (LEEEV) – Conforms statute with the federal definition for LEEEV, and replaces references to *hybrid vehicles* with LEEEV in statutes that pertain to High Occupancy Vehicle (HOV) lanes. Modifies HOV statutes as follows: 1) requires ADOT to develop procedures to monitor the impact of single lane occupancy vehicles authorized to drive in HOV lanes; 2) restricts the use of HOV lanes to certain prioritized vehicles; 3) prescribes lane degradation criteria; and 4) modifies HOV lane signage requirements.

Motor Vehicle Head and Tail Lamps – Decreases the minimum height requirement for head lamps on motor vehicles from 24 to 22 inches from level ground. In addition, increases the maximum height requirement for tail lamps on motor vehicles from 60 to 72 inches from level ground.

Commercial Driver Licenses – Allows a court to require a driver who must have a commercial driver license (CDL) to attend defensive driving school as part of a sentence. Increases from 90 to 180 days, the period a CDL holder is prohibited from driving a commercial motor vehicle because of an out-of-service order violation. Increases to \$2,500, the civil penalty for an initial out-of-service violation, and specifies a \$5,000 penalty for subsequent violations. Increases the maximum civil penalty from \$11,000 to \$25,000 for a motor carrier who violates an out-of-service order. Requires a court to transmit abstracts of records to ADOT for civil traffic violations relating to photo enforcement that are committed by CDL holders. Modifies bonding requirements for interstate users.

Rest Areas – Establishes a State Certified Rest Area Program (Program) to allow ADOT to contract with a third party or other governmental entity for rest area certification. Allows ADOT to enter into revenue-sharing agreements with third parties to sponsor signs at rest areas. Authorizes ADOT to adopt rules for the Program and for sign sponsorship.

Other Provisions

Special License Plates – Redirects monies for the Gold Star Family plates. Establishes special plates for the Arizona Professional Football Club and Emergency Medical Services, and creates respective funds.

Joint Legislative Review Committee (Committee) on Transportation between Sonora, Mexico and Arizona – Establishes the Committee, prescribes duties and outlines membership, including term limits. Requires an annual report.

Arizona International Development Authority (AIDA) – Modifies statutes pertaining to AIDA. Transfers the administration support of AIDA from the Arizona Department of Commerce to ADOT. Terminates AIDA on July 1, 2019.

Photo Enforcement – Exempts a vehicle in use by a first responder in the line of duty from photo enforcement action.

Other Offenses – Modifies reckless driving statutes. Reduces the violation of obscuring the state's name on license plates to a secondary offense.

municipalities; exchange of real property (H.B. 2014) – Chapter 15

Allows a municipality to exchange a parcel of real property that it owns for another parcel that is located *outside* its corporate boundaries. A city or town previously had the authority to only exchange real property that was within its limits. Conditions must be met for the exchange to occur regardless of the parcel's location.

license plate commission repeal (H.B. 2123) – Chapter 37

Repeals the License Plate Commission (Commission). Requires the Arizona Department of Transportation (ADOT) to continue to issue Commission-created license plates to applicants. Allows the Director of ADOT to combine requests for a Commission-created special plate and a personalized special plate. An organization may redesign its respective special plate if the new design is approved by ADOT and the organization pays for the implementation of the redesigned plate. Requires donations collected from fees for a redesigned special plate to be distributed according to a written resolution from the entity that paid for the redesign of the plate.

motorcycle safety council (H.B. 2133) – Chapter 38

SEE PUBLIC SAFETY & HUMAN SERVICES COMMITTEE.

wildlife; aquatic invasive species (H.B. 2157) – Chapter 77

Allows the Director of the Arizona Game and Fish Department to establish an Aquatic Invasive Species Program. Prohibits a person from possessing, importing, shipping or transporting an aquatic invasive species (species) into or within the state. Also prohibits the release, placement or planting of a species into waters or any water treatment facility, as well as the sale, barter, purchase or exchange of a species. A person who violates these prohibitions is subject to a civil penalty of not more than \$500. Knowingly placing, planting, releasing or selling, purchasing, bartering or exchanging a species is a class 2 misdemeanor. Exempts the owner or operator of facilities, equipment and structures related to the delivery of water, a water treatment or distribution facility, a drainage, wastewater collection, treatment or disposal facility, a public or private aquarium and education or research institution holding a permit, and any stock pond or livestock water or distribution facility from the species prohibition provisions.

county stormwater management; reference correction. (H.B. 2202) – Chapter 43

Corrects a reference to the Arizona Administrative Code relating to stormwater discharges that do not require Arizona Pollutant Discharge Elimination System permits.

~~accountable health plans; technical correction~~ (NOW: special license plates) (H.B. 2222) – Chapter 44

SEE RETIREMENT & RURAL DEVELOPMENT COMMITTEE.

~~mandatory vehicle insurance; technical correction~~ (NOW: mandatory vehicle insurance; financial responsibility) (H.B. 2224) – Chapter 165

SEE FINANCE COMMITTEE.

biodiesel fuel dispensers; labeling (H.B. 2330) – Chapter 46

Modifies biodiesel labeling requirements to conform with federal regulations. Requires product transfer documents to indicate the percent by volume of biodiesel in diesel fuel.

school crossings; signs (NOW: STAN; repayment) (H.B. 2388) – Chapter 105

SEE RETIREMENT & RURAL DEVELOPMENT COMMITTEE.

~~ADOT; transportation facility pilot projects~~ (NOW: transportation; public-private partnerships) (H.B. 2396) – Chapter 141

Authorizes the Arizona Department of Transportation (ADOT) to enter into Public-Private Partnership (PPP) agreements for the construction, financing, operation and maintenance of transportation projects in Arizona (e.g. private roadways). Other units of government, as defined, also may enter into PPP agreements with ADOT approval. Requires ADOT to provide for the development of eligible facilities using a variety of project delivery methods and forms of agreement.

PPP Agreements – Allows ADOT to prescribe the provisions contained in the agreement. The agreement may authorize the private partner to collect user fees and tolls. Permits other agreement specifications pertaining to the relationship between ADOT and the private partner regarding the risks of the project, development costs and financial responsibility for cost overruns. Limits the term of any PPP agreement to 50 years.

Project Procurement – Requires ADOT, when issuing a request for services, to establish determination factors and the manner in which the proposal will be evaluated. Exempts procurement of services, selection of agreements and administration of revenues from applicable state or local laws regarding public bidding or other procurement procedures and provisions otherwise applicable to public works, services or utilities. Allows ADOT to grant a stipend to an unsuccessful bidder, with conditions. ADOT may consider and review unsolicited proposals.

Project Financing – Authorizes ADOT to issue toll revenue bonds, secured only by those monies that are pledged as repayment for the bonds. Allows federal, state and local monies to be combined with private sector monies for any project purpose.

special license plates; maintenance (NOW: mass appraisal guidelines; state lands) (H.B. 2419/S.B. 1307) – Chapter 142

Prescribes notification and other procedural requirements for the Arizona State Land Commissioner (Commissioner) to follow when conducting mass appraisals. Requires the Commissioner to notify affected parties 60 days before a mass appraisal will be conducted. Prescribes valuation factors for the Commissioner to consider in land appraisal.

As session law, allows an affected party to request a site-specific appraisal at their own expense if the appraisal causes a change in the rental and fees on an existing lease. This applies only to those appraisals conducted between January 1, 2007 and September 30, 2009.

enhanced driver licenses; prohibition (H.B. 2426) – Chapter 143

SEE RETIREMENT & RURAL DEVELOPMENT COMMITTEE.

drought emergency groundwater transfers (H.B. 2440) – Chapter 49

Retroactive to May 1, 2009, allows groundwater to be transported away from a groundwater basin that is outside an Active Management Area if certain emergencies exist. An application to transfer water must be submitted to the Director of the Arizona Department of Water Resources and may be approved only if specific requirements, outlined in the legislation, are met. Repeals the authority to transfer groundwater outside basin boundaries on May 1, 2010.

LEGISLATION VETOED

multiple sclerosis awareness special plates (S.B. 1017) – VETOED

Creates the Multiple Sclerosis Awareness, Arizona Masonic Fraternity, Hunger Relief and Childhood Cancer Research special license plates. Outlines disbursement for funds collected through fees from each special license plate. Modifies the In God We Trust special license plate donation requirements.

The Governor indicates in her veto message that the bill contains problematic language relating to the distribution of monies from the Childhood Cancer and Rare Childhood Disease Research Fund. The Governor also indicates that the language may violate Arizona's constitutional gift clause.