

COMMITTEE ON APPROPRIATIONS  
SENATE AMENDMENTS TO S.B. 1035  
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 1-501, Arizona Revised Statutes, is amended to  
3 read:

4 1-501. Eligibility for federal public benefits; documentation;  
5 violation; classification; citizen suits; definition

6 A. Notwithstanding any other state law and to the extent permitted by  
7 federal law, any person who applies for a ~~state-administered~~ FEDERAL public  
8 ~~program~~ BENEFIT THAT IS ADMINISTERED BY THIS STATE OR A POLITICAL SUBDIVISION  
9 OF THIS STATE AND that requires participants to be citizens of the  
10 United States, legal residents of the United States or otherwise lawfully  
11 present in the United States, shall submit ~~documentation~~ AT LEAST ONE OF THE  
12 FOLLOWING DOCUMENTS to the entity that administers the ~~state~~ FEDERAL  
13 public ~~program~~ BENEFIT demonstrating lawful presence in the United States:  
14 ~~. Self-declaration of lawful presence, even if made under penalty of~~  
15 ~~perjury, is not sufficient by itself to demonstrate lawful presence in the~~  
16 ~~United States.~~

17 1. AN ARIZONA DRIVER LICENSE ISSUED AFTER 1996 OR AN ARIZONA  
18 NONOPERATING IDENTIFICATION LICENSE.

19 2. A BIRTH CERTIFICATE OR DELAYED BIRTH CERTIFICATE ISSUED IN ANY  
20 STATE, TERRITORY OR POSSESSION OF THE UNITED STATES.

21 3. A UNITED STATES CERTIFICATE OF BIRTH ABROAD.

22 4. A UNITED STATES PASSPORT.

23 5. A FOREIGN PASSPORT WITH A UNITED STATES VISA.

24 6. AN I-94 FORM WITH A PHOTOGRAPH.

25 7. A UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES EMPLOYMENT  
26 AUTHORIZATION DOCUMENT OR REFUGEE TRAVEL DOCUMENT.

27 8. A UNITED STATES CERTIFICATE OF NATURALIZATION.

28 9. A UNITED STATES CERTIFICATE OF CITIZENSHIP.

29 10. A TRIBAL CERTIFICATE OF INDIAN BLOOD.

30 11. A TRIBAL OR BUREAU OF INDIAN AFFAIRS AFFIDAVIT OF BIRTH.

31 B. ANY PERSON WHO APPLIES FOR FEDERAL PUBLIC BENEFITS SHALL SIGN A  
32 SWORN AFFIDAVIT STATING THAT THE DOCUMENTS PRESENTED PURSUANT TO SUBSECTION A  
33 ARE TRUE UNDER PENALTY OF PERJURY.

1 C. FAILURE TO REPORT DISCOVERED VIOLATIONS OF FEDERAL IMMIGRATION LAW  
2 BY AN EMPLOYEE OF AN AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS  
3 STATE THAT ADMINISTERS ANY FEDERAL PUBLIC BENEFIT IS A CLASS 2 MISDEMEANOR.  
4 IF THAT EMPLOYEE'S SUPERVISOR KNEW OF THE FAILURE TO REPORT AND FAILED TO  
5 DIRECT THE EMPLOYEE TO MAKE THE REPORT, THE SUPERVISOR IS GUILTY OF A CLASS 2  
6 MISDEMEANOR.

7 ~~B.~~ D. This section shall be enforced without regard to race, color,  
8 religion, sex, age, disability or national origin.

9 ~~C. For the purposes of this section, "self declaration" means a~~  
10 ~~written or oral declaration without additional proof, even if made under~~  
11 ~~penalty of perjury, that the person is a citizen of the United States, legal~~  
12 ~~resident of the United States or otherwise lawfully present in the United~~  
13 ~~States.~~

14 E. ANY PERSON WHO IS A RESIDENT OF THIS STATE HAS STANDING IN ANY  
15 COURT OF RECORD TO BRING SUIT AGAINST ANY AGENT OR AGENCY OF THIS STATE OR  
16 ITS POLITICAL SUBDIVISIONS TO REMEDY ANY VIOLATION OF ANY PROVISION OF THIS  
17 SECTION, INCLUDING AN ACTION FOR MANDAMUS. COURTS SHALL GIVE PREFERENCE TO  
18 ACTIONS BROUGHT UNDER THIS SECTION OVER OTHER CIVIL ACTIONS OR PROCEEDINGS  
19 PENDING IN THE COURT.

20 F. FOR THE PURPOSES OF THIS SECTION, "FEDERAL PUBLIC BENEFIT" HAS THE  
21 SAME MEANING PRESCRIBED IN 8 UNITED STATES CODE SECTION 1611.

22 Sec. 2. Title 1, chapter 5, article 1, Arizona Revised Statutes, is  
23 amended by adding section 1-502, to read:

24 1-502. Eligibility for state or local public benefits;  
25 documentation; violation; classification; citizen  
26 suits; definition

27 A. NOTWITHSTANDING ANY OTHER STATE LAW AND TO THE EXTENT PERMITTED BY  
28 FEDERAL LAW, ANY AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS  
29 STATE THAT ADMINISTERS ANY STATE OR LOCAL PUBLIC BENEFIT SHALL REQUIRE EACH  
30 PERSON WHO APPLIES FOR THE STATE OR LOCAL PUBLIC BENEFIT TO SUBMIT AT LEAST  
31 ONE OF THE FOLLOWING DOCUMENTS TO THE ENTITY THAT ADMINISTERS THE STATE OR  
32 LOCAL PUBLIC BENEFIT DEMONSTRATING LAWFUL PRESENCE IN THE UNITED STATES:

33 1. AN ARIZONA DRIVER LICENSE ISSUED AFTER 1996 OR AN ARIZONA  
34 NONOPERATING IDENTIFICATION LICENSE.

35 2. A BIRTH CERTIFICATE OR DELAYED BIRTH CERTIFICATE ISSUED IN ANY  
36 STATE, TERRITORY OR POSSESSION OF THE UNITED STATES.

37 3. A UNITED STATES CERTIFICATE OF BIRTH ABROAD.

1 4. A UNITED STATES PASSPORT.

2 5. A FOREIGN PASSPORT WITH A UNITED STATES VISA.

3 6. AN I-94 FORM WITH A PHOTOGRAPH.

4 7. A UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES EMPLOYMENT  
5 AUTHORIZATION DOCUMENT OR REFUGEE TRAVEL DOCUMENT.

6 8. A UNITED STATES CERTIFICATE OF NATURALIZATION.

7 9. A UNITED STATES CERTIFICATE OF CITIZENSHIP.

8 10. A TRIBAL CERTIFICATE OF INDIAN BLOOD.

9 11. A TRIBAL OR BUREAU OF INDIAN AFFAIRS AFFIDAVIT OF BIRTH.

10 B. ANY PERSON WHO APPLIES FOR STATE OR LOCAL PUBLIC BENEFITS SHALL  
11 SIGN A SWORN AFFIDAVIT STATING THAT THE DOCUMENTS PRESENTED PURSUANT TO  
12 SUBSECTION A ARE TRUE UNDER PENALTY OF PERJURY.

13 C. FAILURE TO REPORT DISCOVERED VIOLATIONS OF FEDERAL IMMIGRATION LAW  
14 BY AN EMPLOYEE OF AN AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS  
15 STATE THAT ADMINISTERS ANY STATE OR LOCAL PUBLIC BENEFIT IS A CLASS 2  
16 MISDEMEANOR. IF THAT EMPLOYEE'S SUPERVISOR KNEW OF THE FAILURE TO REPORT AND  
17 FAILED TO DIRECT THE EMPLOYEE TO MAKE THE REPORT, THE SUPERVISOR IS GUILTY OF  
18 A CLASS 2 MISDEMEANOR.

19 D. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, COLOR,  
20 RELIGION, SEX, AGE, DISABILITY OR NATIONAL ORIGIN.

21 E. ANY PERSON WHO IS A RESIDENT OF THIS STATE HAS STANDING IN ANY  
22 COURT OF RECORD TO BRING SUIT AGAINST ANY AGENT OR AGENCY OF THIS STATE OR  
23 ITS POLITICAL SUBDIVISIONS TO REMEDY ANY VIOLATION OF ANY PROVISION OF THIS  
24 SECTION, INCLUDING AN ACTION FOR MANDAMUS. COURTS SHALL GIVE PREFERENCE TO  
25 ACTIONS BROUGHT UNDER THIS SECTION OVER OTHER CIVIL ACTIONS OR PROCEEDINGS  
26 PENDING IN THE COURT.

27 F. FOR THE PURPOSES OF THIS SECTION, "STATE OR LOCAL PUBLIC BENEFIT"  
28 HAS THE SAME MEANING PRESCRIBED IN 8 UNITED STATES CODE SECTION 1621.

29 Sec. 3. Section 9-463.05, Arizona Revised Statutes, is amended to  
30 read:

31 9-463.05. Development fees; imposition by cities and towns;  
32 infrastructure improvements plan; annual report;  
33 limitation on actions; definitions

34 A. A municipality may assess development fees to offset costs to the  
35 municipality associated with providing necessary public services to a  
36 development. ~~, including~~ COSTS SHALL INCLUDE ONLY the costs of

1 infrastructure, improvements, real property, engineering and architectural  
2 services, ~~AND financing, other capital costs and associated appurtenances,~~  
3 ~~equipment, vehicles, furnishings and other personalty.~~

4 B. Development fees assessed by a municipality ~~under this section are~~  
5 ~~subject to~~ MUST MEET the following requirements:

6 1. Development fees shall result in a beneficial use to the  
7 development.

8 2. THE AMOUNT OF THE FEE MUST BE REASONABLY RELATED AND REASONABLY  
9 ATTRIBUTABLE TO THE DEVELOPMENT'S SHARE OF INFRASTRUCTURE IMPROVEMENTS MADE  
10 NECESSARY BY THE DEVELOPMENT.

11 3. THE DEVELOPMENT FEE SHALL NOT EXCEED A PROPORTIONATE SHARE OF THE  
12 COSTS INCURRED OR TO BE INCURRED BY THE GOVERNMENTAL ENTITY IN PROVIDING  
13 NECESSARY SERVICES TO DEVELOPMENT.

14 4. COSTS FOR CORRECTION OF EXISTING DEFECTS IN A PUBLIC FACILITY MAY  
15 NOT BE INCLUDED IN THE IMPACT FEE.

16 5. COSTS FOR FACILITIES MADE NECESSARY BY A DEVELOPMENT SHALL BE BASED  
17 ON THE SAME LEVEL OF SERVICE PROVIDED TO EXISTING RESIDENTS IN THE  
18 MUNICIPALITY. TO THE EXTENT THAT THE INFRASTRUCTURE IMPROVEMENT PLAN  
19 REQUIRES FACILITIES TO BE CREATED OR MODIFIED TO IMPROVE THE LEVEL OF  
20 SERVICE PROVIDED TO EXISTING RESIDENTS IN THE MUNICIPALITY, THE COSTS OF NEW  
21 OR MODIFIED FACILITIES SHALL BE APPORTIONED COMMENSURATELY AMONG DEVELOPMENT  
22 AND EXISTING RESIDENTS.

23 6. THE MUNICIPALITY SHALL CALCULATE THE DEVELOPMENT FEE BASED ON THE  
24 INFRASTRUCTURE IMPROVEMENTS PLAN, WHICH MUST BE ADOPTED BEFORE THE  
25 COMMENCEMENT OF THE DEVELOPMENT FEE STUDY.

26 ~~2.~~ 7. Monies received from development fees assessed pursuant to this  
27 section shall be placed in a separate fund and accounted for separately and  
28 may only be used for the purposes authorized by this section. Monies  
29 received from a development fee identified in an infrastructure improvements  
30 plan adopted or amended pursuant to subsection D of this section shall be  
31 used to provide the same category of necessary public service for which the

1 development fee was assessed. Interest earned on monies in the separate fund  
2 shall be credited to the fund.

3 ~~3.~~ 8. The schedule for payment of fees shall be provided by the  
4 municipality. **BASED ON THE COST IDENTIFIED IN THE INFRASTRUCTURE**  
5 **IMPROVEMENTS PLAN**, the municipality shall provide a credit toward the payment  
6 of a development fee for the required **OR AGREED TO** dedication of public  
7 sites, improvements and other necessary public services included in the  
8 infrastructure improvements plan and for which a development fee is assessed,  
9 to the extent the public sites, improvements and necessary public services  
10 are provided by the developer. The developer of residential dwelling units  
11 shall be required to pay development fees when construction permits for the  
12 dwelling units are issued, or at a later time if specified in a development  
13 agreement pursuant to section 9-500.05. If a development agreement provides  
14 for fees to be paid at a time later than the issuance of construction  
15 permits, the deferred fees shall be paid no later than fifteen days after the  
16 issuance of a certificate of occupancy. The development agreement shall  
17 provide for the value of any deferred fees to be supported by appropriate  
18 security, including a surety bond, letter of credit or cash bond.

19 ~~4. 9. The amount of any development fees assessed pursuant to this~~  
20 ~~section must bear a reasonable relationship to the burden imposed upon the~~  
21 ~~municipality to provide additional necessary public services to the~~  
22 ~~development.~~ The municipality, in determining the ~~extent of the burden~~  
23 ~~imposed by the development~~ **AMOUNT OF ANY DEVELOPMENT FEES ASSESSED PURSUANT**  
24 **TO THIS SECTION**, shall ~~consider, among other things, the contribution~~ **DEDUCT**  
25 **THE CONTRIBUTIONS** made or to be made in the future ~~in cash or by taxes, fees~~  
26 ~~or assessments by the property owner towards~~, **AS DETERMINED IN SUBSECTION E,**  
27 **PARAGRAPH 2, SUBDIVISION (g) OF THIS SECTION, FROM** the capital costs of the  
28 necessary public service covered by the development fee. **THIS PARAGRAPH DOES**  
29 **NOT APPLY TO ANY REVENUES OR PORTIONS OF REVENUES THAT ARE NOT DEDICATED AS A**  
30 **CAPITAL CONTRIBUTION TO THE SAME CATEGORY OF NECESSARY PUBLIC SERVICE AS**  
31 **IDENTIFIED BY THE MUNICIPALITY IN SUBSECTION E, PARAGRAPH 2, SUBSECTION (g)**  
32 **OF THIS SECTION.**

1           ~~5.~~ 10. If development fees are assessed by a municipality, ~~such~~ THE  
2 fees shall be assessed in a nondiscriminatory manner.

3           ~~6.~~ 11. In determining and assessing a development fee applying to land  
4 in a community facilities district established under title 48, chapter 4,  
5 article 6, the municipality shall take into account all public infrastructure  
6 provided by the district and capital costs paid by the district for necessary  
7 public services and shall not assess a portion of the development fee based  
8 on the infrastructure or costs.

9           12. THIS SECTION DOES NOT PROHIBIT THE MUNICIPALITY FROM SUPPORTING  
10 PROJECTS IN THE INFRASTRUCTURE IMPROVEMENTS PLAN IN WHOLE OR IN PART WITH  
11 REVENUES OTHER THAN IMPACT FEES. A MUNICIPALITY MAY WAIVE IMPACT FEES IN  
12 WHOLE OR IN PART FOR A PARTICULAR DEVELOPMENT BUT TO THE EXTENT THAT IT DOES  
13 SO, IT MUST PROVIDE THAT THE AMOUNT OF FUNDS THAT WOULD HAVE BEEN COLLECTED  
14 THROUGH THE WAIVED IMPACT FEE SHALL BE REPLACED WITH OTHER SPECIFIED  
15 REVENUES.

16           C. A municipality shall give at least sixty days' advance notice of  
17 intention to assess a new or modified development fee and shall release to  
18 the public a written report that identifies the methodology for calculating  
19 the amount of the development fee, explains the relationship between the  
20 development fee and the infrastructure improvements plan, includes  
21 documentation that supports the assessment of a new or modified development  
22 fee and identifies any index or indices to be used for automatic adjustment  
23 of the development fee pursuant to subsection F of this section and the  
24 timing of those adjustments. The municipality shall conduct a public hearing  
25 on the proposed new or modified development fee at any time after the  
26 expiration of the sixty day notice of intention to assess a new or modified  
27 development fee and at least thirty days prior to the scheduled date of  
28 adoption of the new or modified fee by the governing body. A development fee  
29 assessed pursuant to this section shall not be effective until ~~seventy-five~~  
30 NINETY days after its formal adoption by the governing body of the  
31 municipality. Nothing in this subsection shall affect any development fee  
32 adopted prior to July 24, 1982.

1           D. Before the assessment of a new or modified development fee, the  
2 governing body of the municipality shall adopt or amend an infrastructure  
3 improvements plan. The municipality shall conduct a public hearing on the  
4 infrastructure improvements plan at least thirty days before the adoption or  
5 amendment of the plan. The municipality shall release the plan to the  
6 public, make available to the public the documents used to prepare the plan  
7 and provide public notice at least sixty days before the public hearing,  
8 subject to the following:

9           1. An infrastructure improvements plan ~~may~~ **MUST** be adopted  
10 ~~concurrently with~~ **NOT MORE THAN TWELVE MONTHS BEFORE** the report required by  
11 subsection C of this section, ~~and the municipality may provide for and~~  
12 ~~schedule the notices and hearings required by this subsection together with~~  
13 ~~the notices and hearings required by subsection C of this section.~~ **THE**  
14 **INFRASTRUCTURE IMPROVEMENTS PLAN MUST BE ADOPTED BEFORE THE START OF A**  
15 **DEVELOPMENT IMPACT FEE STUDY AS REQUIRED BY SUBSECTION C OF THIS SECTION.**

16           2. A municipality may amend an infrastructure improvements plan  
17 without a public hearing if the amendment addresses only elements of  
18 necessary public services that are included in the existing infrastructure  
19 improvements plan. The municipality shall provide public notice of those  
20 amendments at least fourteen days in advance of their effective date.

21           E. For each necessary public service that is the subject of a  
22 development fee, the infrastructure improvements plan shall:

23           1. Estimate future necessary public services that will be required as  
24 a result of new development **IN THE AREA, AS DEFINED IN THE INFRASTRUCTURE**  
25 **IMPROVEMENTS PLAN, IN WHICH THE DEVELOPMENT FEE WILL BE ASSESSED** and the  
26 basis for the estimate, **INCLUDING A COMPARISON OF THE NECESSARY PUBLIC**  
27 **SERVICES PROVIDED TO EXISTING DEVELOPMENT AND THE NECESSARY PUBLIC SERVICES**  
28 **TO BE PROVIDED TO NEW DEVELOPMENT.**

29           ~~2. Forecast the costs of infrastructure, improvements, real property,~~  
30 ~~financing, other capital costs and associated appurtenances, equipment,~~  
31 ~~vehicles, furnishings and other personalty that will be associated with~~

~~meeting those future needs for necessary public services and estimate the time required to finance and provide the necessary public services.~~

2. SPECIFICALLY CONTAIN THE FOLLOWING ITEMS:

(a) AN ANALYSIS OF THE TOTAL CAPACITY, THE LEVEL OF CURRENT USAGE AND COMMITMENTS FOR USAGE OF CAPACITY OF THE EXISTING CAPITAL IMPROVEMENTS.

(b) A DESCRIPTION OF ALL OR THE PARTS OF THE CAPITAL IMPROVEMENTS OR FACILITY EXPANSIONS AND THEIR COSTS NECESSITATED BY AND ATTRIBUTABLE TO DEVELOPMENT IN THE SERVICE AREA BASED ON THE APPROVED LAND USE ASSUMPTIONS.

(c) A DESCRIPTION OF THE EXISTING LEVEL OR QUANTITY OF USE, CONSUMPTION, GENERATION OR DISCHARGE OF A SERVICE UNIT FOR EACH CATEGORY OF CAPITAL IMPROVEMENTS OR FACILITY EXPANSIONS ADDRESSED IN THE INFRASTRUCTURE IMPROVEMENTS PLAN.

(d) A DEFINITIVE TABLE DESCRIBING THE SPECIFIC LEVEL OR QUANTITY OF USE, CONSUMPTION, GENERATION OR DISCHARGE OF A SERVICE UNIT FOR EACH CATEGORY OF CAPITAL IMPROVEMENTS OR FACILITY EXPANSIONS AND AN EQUIVALENCY OR CONVERSION TABLE ESTABLISHING THE RATIO OF A SERVICE UNIT TO VARIOUS TYPES OF LAND USES, INCLUDING RESIDENTIAL, MULTIRESIDENTIAL, COMMERCIAL AND INDUSTRIAL, THAT SHALL BE COMPARABLE TO THE EXISTING LEVEL OR QUANTITY OF USE, CONSUMPTION, GENERATION OR DISCHARGE FOR EACH CATEGORY OF CAPITAL IMPROVEMENTS OR FACILITY EXPANSIONS AS DESCRIBED IN SUBDIVISION (c) OF THIS PARAGRAPH.

(e) THE TOTAL NUMBER OF PROJECTED NEW SERVICE UNITS NECESSITATED BY AND ATTRIBUTABLE TO DEVELOPMENT WITHIN THE SERVICE AREA BASED ON THE APPROVED LAND USE ASSUMPTIONS AND CALCULATED IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING OR PLANNING CRITERIA.

(f) THE PROJECTED DEMAND FOR CAPITAL IMPROVEMENTS OR FACILITY EXPANSIONS PROJECTED OVER A REASONABLE PERIOD OF TIME, NOT TO EXCEED TEN YEARS.

(g) A DESCRIPTION AND ESTIMATE OF THE AMOUNTS OF ALL MONIES OTHER THAN DEVELOPMENT FEES THAT WILL BE USED FOR CAPITAL IMPROVEMENTS OR FACILITY EXPANSIONS THAT ARE THE SUBJECT OF THE INFRASTRUCTURE IMPROVEMENT PLAN THAT MAY INCLUDE ESTIMATED STATE SHARED REVENUES, HIGHWAY USER REVENUES, FEDERAL

1 REVENUES, AD VALOREM PROPERTY TAXES, GRANTS, DONATIONS, CONSTRUCTION  
2 CONTRACTING OR SIMILAR EXCISE TAXES, THE CAPITAL RECOVERY PORTION OF UTILITY  
3 FEES ATTRIBUTABLE TO DEVELOPMENT IN THE SERVICE AREA BASED ON THE APPROVED  
4 LAND USE ASSUMPTIONS AND ANY OTHER SOURCES OF REVENUE.

5 (h) TO THE EXTENT THAT BONDS ARE ANTICIPATED TO FINANCE CAPITAL  
6 IMPROVEMENTS OR FACILITY EXPANSIONS THAT ARE THE SUBJECT OF THE  
7 INFRASTRUCTURE IMPROVEMENT PLAN, A DESCRIPTION AND ESTIMATE OF THE SOURCES  
8 AND AMOUNTS OF ALL ANTICIPATED REVENUES THAT WILL BE USED TO REPAY THE BONDS.

9 F. A municipality may automatically adjust a development fee on an  
10 annual basis without a public hearing if the adjustment is based on a  
11 nationally recognized index applicable to the cost of the necessary public  
12 service that is the subject of the development fee and the adjustment  
13 mechanism is identified in the report required by subsection C of this  
14 section. The municipality shall provide public notice of those adjustments  
15 at least thirty days in advance of their effective date.

16 G. Each municipality that assesses development fees shall submit an  
17 annual report accounting for the collection and use of the fees. The annual  
18 report shall include the following:

19 1. The amount assessed by the municipality for each type of  
20 development fee.

21 2. The balance of each fund maintained for each type of development  
22 fee assessed as of the beginning and end of the fiscal year.

23 3. The amount of interest or other earnings on the monies in each fund  
24 as of the end of the fiscal year.

25 4. The amount of development fee monies used to repay:

26 (a) Bonds issued by the municipality to pay the cost of a capital  
27 improvement project that is the subject of a development fee assessment.

28 (b) Monies advanced by the municipality from funds other than the  
29 funds established for development fees in order to pay the cost of a capital  
30 improvement project that is the subject of a development fee assessment.

1           5. The amount of development fee monies spent on each capital  
2 improvement project that is the subject of a development fee assessment and  
3 the physical location of each capital improvement project.

4           6. The amount of development fee monies spent for each purpose other  
5 than a capital improvement project that is the subject of a development fee  
6 assessment.

7           H. Within ninety days following the end of each fiscal year, each  
8 municipality shall submit a copy of the annual report to the city  
9 clerk. Copies shall be made available to the public on request. The annual  
10 report may contain financial information that has not been audited.

11           I. A municipality that fails to file the report required by this  
12 section shall not collect development fees until the report is filed.

13           J. Any action to collect a development fee shall be commenced within  
14 two years after the obligation to pay the fee accrues.

15           K. NOTWITHSTANDING ANY OTHER LAW, BEGINNING JUNE 1, 2009 THROUGH MAY  
16 31, 2012, A MUNICIPALITY SHALL NOT IMPOSE OR ASSESS ANY DEVELOPMENT FEES  
17 PURSUANT TO THIS SECTION. BEGINNING JUNE 1, 2012, A MUNICIPALITY MAY IMPOSE  
18 A DEVELOPMENT FEE OR MODIFY AN EXISTING DEVELOPMENT FEE PURSUANT TO THIS  
19 SECTION.

20           ~~K.~~ L. For the purposes of this section:

21           1. "FACILITY EXPANSION" MEANS THE EXPANSION OF THE CAPACITY OF AN  
22 EXISTING FACILITY THAT SERVES THE SAME FUNCTION AS AN OTHERWISE NECESSARY NEW  
23 CAPITAL IMPROVEMENT IN ORDER THAT THE EXISTING FACILITY MAY SERVE  
24 DEVELOPMENT. FACILITY EXPANSION DOES NOT INCLUDE THE REPAIR, MAINTENANCE,  
25 MODERNIZATION OR EXPANSION OF AN EXISTING FACILITY TO BETTER SERVE EXISTING  
26 DEVELOPMENT.

27           2. "FIRE SERVICES" MEANS FACILITIES NECESSARY FOR HOUSING AND  
28 MAINTAINING PERSONNEL, VEHICLES AND EQUIPMENT USED FOR FIRE SUPPRESSION OR  
29 TO PROVIDE EMERGENCY MEDICAL SERVICES AND VEHICLES OR OTHER APPURTENANCES  
30 NECESSARY FOR PROVIDING OR ADMINISTERING FIRE SERVICES. FIRE SERVICES DO NOT  
31 INCLUDE ANY AIR VEHICLE.

1           3. "Infrastructure improvements plan" means one or more written plans  
2 that individually or collectively identify each public service that is  
3 proposed to be the subject of a development fee and otherwise complies with  
4 the requirements of this section, and may be the municipality's capital  
5 improvements plan.

6           4. "LAND USE ASSUMPTIONS" INCLUDES A DESCRIPTION OF THE SERVICE AREA  
7 AND PROJECTIONS OF CHANGES IN LAND USES, DENSITIES, INTENSITIES AND  
8 POPULATION IN THE SERVICE AREA OVER AT LEAST A TEN-YEAR PERIOD.

9           5. "NECESSARY PUBLIC SERVICES" MEANS NEW OR EXISTING FACILITIES THAT  
10 ARE MODIFIED TO INCREASE SERVICE CAPACITY AND THAT:

11           (a) ARE MADE NECESSARY BY DEVELOPMENT.

12           (b) HAVE A LIFE EXPECTANCY OF TEN YEARS OR LONGER.

13           (c) ARE OWNED AND OPERATED BY THE MUNICIPALITY.

14           (d) PROVIDE FIRE SERVICES, POLICE SERVICES, TRANSPORTATION SERVICES,  
15 WATER SYSTEM SERVICES OR WASTEWATER TREATMENT PROJECT SERVICES.

16           6. "POLICE SERVICES" INCLUDES FACILITIES NECESSARY FOR PROVIDING OR  
17 ADMINISTERING POLICE SERVICES. POLICE SERVICES DO NOT INCLUDE ANY AIR  
18 VEHICLE.

19           7. "SERVICE AREA" MEANS THE AREA WITHIN THE CORPORATE BOUNDARIES OR  
20 EXTRATERRITORIAL JURISDICTION, AS DETERMINED UNDER THIS TITLE, OF THE  
21 MUNICIPALITY AND THAT IS TO BE SERVED BY THE CAPITAL IMPROVEMENTS OR  
22 FACILITIES EXPANSIONS PRESCRIBED IN THE INFRASTRUCTURE IMPROVEMENTS PLAN.

23           8. "SERVICE UNIT" MEANS A STANDARDIZED MEASURE OF CONSUMPTION, USE,  
24 GENERATION OR DISCHARGE ATTRIBUTABLE TO AN INDIVIDUAL UNIT OF DEVELOPMENT  
25 CALCULATED IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING OR PLANNING  
26 STANDARDS AND BASED ON HISTORICAL DATA AND TRENDS APPLICABLE TO THE POLITICAL  
27 SUBDIVISION IN WHICH THE INDIVIDUAL UNIT OF DEVELOPMENT IS LOCATED DURING THE  
28 PREVIOUS TEN YEARS.

29           9. "TRANSPORTATION SERVICES" INCLUDES THE ARTERIAL OR COLLECTOR  
30 STREETS, BRIDGES, RIGHTS-OF-WAY, TRAFFIC SIGNALS AND LANDSCAPING.  
31 TRANSPORTATION SERVICES DO NOT INCLUDE TRAINS, LIGHT RAIL OR PARK AND RIDE  
32 PARKING LOTS.

1           10. "WASTEWATER TREATMENT PROJECT SERVICES" INCLUDES THE COLLECTION,  
2 TREATMENT OR DISPOSAL OF WASTEWATER.

3           10. "WATER SYSTEM SERVICES" INCLUDES FACILITIES FOR THE COLLECTION,  
4 TRANSPORTATION, TREATMENT, PURIFICATION AND DISTRIBUTION OF WATER OR THE  
5 ACQUISITION OF WATER RIGHTS.

6           Sec. 4. Section 9-500.05, Arizona Revised Statutes, is amended to  
7 read:

8           9-500.05. Development agreements; public safety; definitions

9           A. A municipality, by resolution or ordinance, may enter into  
10 development agreements relating to property in the municipality and to  
11 property located outside the incorporated area of the municipality. If the  
12 development agreement relates to property located outside the incorporated  
13 area of the municipality, the development agreement does not become operative  
14 unless annexation proceedings to annex the property to the municipality are  
15 completed within the period of time specified by the development agreement or  
16 any extension of such time.

17           B. A development agreement shall be consistent with the municipality's  
18 general plan or specific plan, if any, as defined in section 9-461,  
19 applicable to the property on the date the development agreement is executed.

20           C. A development agreement may be amended, or cancelled in whole or in  
21 part, by mutual consent of the parties to the development agreement or by  
22 their successors in interest or assigns.

23           D. No later than ten days after a municipality enters into a  
24 development agreement, the municipality shall record a copy of the agreement  
25 with the county recorder of the county in which the property subject to the  
26 development agreement is located, and the recordation constitutes notice of  
27 the development agreement to all persons. The burdens of the development  
28 agreement are binding on, and the benefits of the development agreement inure  
29 to, the parties to the agreement and to all their successors in interest and  
30 assigns.

31           E. Section 32-2181 does not apply to development agreements under this  
32 section.

1 F. Notwithstanding any other law, a municipality may provide by  
2 resolution or ordinance for public safety purposes, and with the written  
3 consent of an owner of property that has been granted a development agreement  
4 pursuant to this section, an owner of a protected development right pursuant  
5 to chapter 11 of this title or the owner of any other residential or  
6 commercial development subject to the supervision of a municipality pursuant  
7 to this title, for the application and enforcement of speed limits, vehicle  
8 weight restrictions or other safety measures on a private road that is  
9 located in any development in the municipality and that is open to and used  
10 by the public. A municipality may require payment from the property owner of  
11 the actual cost of signs for speed limits or other restrictions applicable on  
12 the private road, before their installation.

13 G. Notwithstanding section 19-142, subsection B, a decision by the  
14 governing body involving a development agreement may not be enacted as an  
15 emergency measure and that decision is not effective for at least thirty days  
16 after final approval of the development agreement.

17 H. A DEVELOPMENT AGREEMENT SHALL NOT, DIRECTLY OR INDIRECTLY:

18 1. ENLARGE A DEVELOPER'S OBLIGATIONS WITH REGARD TO THE AMOUNT OF  
19 DEVELOPMENT IMPACT FEES IMPOSED PURSUANT TO SECTION 9-463.05.

20 2. REQUIRE A DEVELOPER TO ASSUME AN OBLIGATION TO CONSTRUCT OR  
21 CONTRIBUTE TO THE CONSTRUCTION OF FACILITIES THAT ARE NOT NECESSARY PUBLIC  
22 SERVICES, AS DEFINED IN SECTION 9-463.05, MADE NECESSARY BY THE NEW  
23 DEVELOPMENT.

24 ~~H.~~ I. In this section, unless the context otherwise requires:

25 1. "Development agreement" means an agreement between a municipality  
26 and a community facilities district pursuant to section 48-709, a landowner  
27 or any other person having an interest in real property that may specify or  
28 otherwise relate to any of the following:

29 (a) The duration of the development agreement.

30 (b) The permitted uses of property subject to the development  
31 agreement.

1 (c) The density and intensity of uses and the maximum height and size  
2 of proposed buildings within such property.

3 (d) Provisions for reservation or dedication of land for public  
4 purposes and provisions to protect environmentally sensitive lands.

5 (e) Provisions for preservation and restoration of historic  
6 structures.

7 (f) The phasing or time of construction or development on property  
8 subject to the development agreement.

9 (g) Conditions, terms, restrictions and requirements for public  
10 infrastructure and the financing of public infrastructure and subsequent  
11 reimbursements over time.

12 (h) Conditions, terms, restrictions and requirements for annexation of  
13 property by the municipality and the phasing or timing of annexation of  
14 property by the municipality.

15 (i) Conditions, terms, restrictions and requirements of deannexation  
16 of property from one municipality to another municipality and the phasing or  
17 timing of deannexation of property from one municipality to another  
18 municipality.

19 (j) Conditions, terms, restrictions and requirements relating to the  
20 governing body's intent to form a special taxing district pursuant to title  
21 48.

22 (k) Any other matters relating to the development of the property.

23 2. "Governing body" means the body or board which by law is  
24 constituted as the legislative body of the municipality.

25 3. "Municipality" means an incorporated city or town.

26 Sec. 5. Title 9, chapter 7, article 1, Arizona Revised Statutes, is  
27 amended by adding section 9-805, to read:

28 9-805. Building code moratorium on residential and commercial  
29 buildings

30 BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2012, ANY NEW OR MODIFIED  
31 RESIDENTIAL OR COMMERCIAL BUILDING CODE OR OTHER RELATED CODE THAT IS ADOPTED  
32 BY A MUNICIPALITY DOES NOT APPLY TO A RESIDENTIAL OR COMMERCIAL BUILDING THAT  
33 RECEIVED A FINAL SITE PLAN OR SUBDIVISION PLAT, PLANNED AREA DEVELOPMENT OR

1 SIMILAR APPROVAL BY A MUNICIPALITY BEFORE MAY 1, 2009. THIS SECTION DOES NOT  
2 PROHIBIT ANY CODE CHANGES TO THE EXTENT AND DURATION REQUIRED TO COMPLY WITH  
3 CONDITIONS FOR FEDERAL STIMULUS FUNDING.

4 Sec. 6. Section 11-356, Arizona Revised Statutes, is amended to read:

5 11-356. Dismissal, suspension or reduction in rank of employees;  
6 appeals; hearings

7 A. Any officer or employee in the classified civil service may be  
8 dismissed, suspended or reduced in rank or compensation by the appointing  
9 authority after appointment or promotion is complete only by written order,  
10 stating specifically the reasons for the action. The order shall be filed  
11 with the clerk of the board of supervisors and a copy ~~thereof~~ OF THE ORDER  
12 shall be furnished to the person to be dismissed, suspended or reduced.

13 B. The officer or employee, ~~may~~ within ten days after presentation to  
14 him of the order, MAY appeal from the order through the clerk of the  
15 commission. Upon the filing of the appeal, the clerk shall forthwith  
16 transmit the order and appeal to the commission for hearing.

17 C. Within twenty days from the filing of the appeal, the commission  
18 shall commence the hearing and either affirm, modify or revoke the order.  
19 The appellant may appear personally, produce evidence, have counsel and, if  
20 requested by the appellant, a public hearing.

21 D. The findings and decision of the commission shall be final, ~~and~~  
22 shall be subject to administrative review as provided in title 12, chapter 7,  
23 article 6.

24 E. THIS SECTION DOES NOT APPLY TO FURLOUGHS OF CLASSIFIED EMPLOYEES IF  
25 THE FURLOUGHS ARE UNDERTAKEN TO ADDRESS BUDGET SHORTFALLS OR STRUCTURAL  
26 IMBALANCE.

27 Sec. 7. Section 28-8202, Arizona Revised Statutes, is amended to read:

28 28-8202. State aviation fund

29 A. A state aviation fund is established consisting of the following:

30 1. Aviation fuel taxes or motor vehicle fuel taxes deposited by the  
31 department.

32 2. Monies deposited by the department as a result of the sale of an  
33 abandoned aircraft as defined in section 28-8243 or seized aircraft.

34 3. The amount of flight property tax that the department of revenue  
35 has deposited pursuant to section 42-14255.

36 4. Registration fees, license taxes and penalties collected pursuant  
37 to article 4 of this chapter.

1           5. Monies received by the department from the operation of airports  
2 under this article and articles 2 through 5 of this chapter.

3           B. On notice from the department, the state treasurer shall invest and  
4 divest monies in the state aviation fund as provided by section 35-313, and  
5 monies earned from investment shall be credited to the fund.

6           C. The department shall administer monies that are appropriated by the  
7 legislature from the state aviation fund.

8           D. The board shall distribute monies appropriated to the department  
9 from the state aviation fund for planning, design, development, acquisition  
10 of interests in land, construction and improvement of publicly owned and  
11 operated airport facilities in counties and incorporated cities and towns.  
12 The board shall distribute these monies according to the needs for these  
13 facilities as determined by the board. No more than ten per cent of the  
14 ~~total aviation~~ AVERAGE ANNUAL REVENUE THAT THE fund RECEIVED FOR THE PAST  
15 THREE YEARS may be awarded to any one airport in GRANTS IN any fiscal  
16 year. For THE purposes of this subsection, "publicly owned and operated  
17 airport facility" means an airport and appurtenant facilities in which one or  
18 more agencies, departments or instrumentalities of this state or a city, town  
19 or county of this state holds an interest in the land on which the airport is  
20 located that is clear of any reversionary interest, lien, easement, lease or  
21 other encumbrance that might preclude or interfere with the possession, use  
22 or control of the land for public airport purposes for a minimum period of  
23 twenty years.

24           Sec. 8. Section 32-1606, Arizona Revised Statutes, is amended to read:  
25           32-1606. Powers and duties of board

26           A. The board may:

27           1. Adopt and revise rules necessary to carry into effect the  
28 provisions of this chapter.

29           2. Publish advisory opinions regarding functions of professional and  
30 practical nurses.

31           3. Issue limited licenses if it determines that an applicant or  
32 licensee cannot function safely in a specific setting.

33           4. Refer criminal violations of this chapter to the appropriate law  
34 enforcement agency.

35           5. Establish a confidential program for the monitoring of licensees  
36 who are chemically dependent and who enroll in rehabilitation programs that  
37 meet the criteria established by the board. The board may take further

1 action if the licensee refuses to enter into a stipulated agreement or fails  
2 to comply with its terms. In order to protect the public health and safety  
3 the confidentiality requirements of this paragraph do not apply if the  
4 licensee does not comply with the stipulated agreement.

5 6. Adopt rules for the qualification and certification of clinical  
6 nurse specialists.

7 7. Adopt rules for the certification of school nurses if the state  
8 board of education does not require school nurses to be certificated.

9 8. On the applicant's or licensee's request, establish a payment  
10 schedule with the applicant or licensee.

11 B. The board shall:

12 1. Establish standards for nursing programs and courses preparing  
13 persons for licensing under this chapter, recognize national nursing  
14 accrediting agencies and provide for surveys of schools it deems necessary.

15 2. Approve nursing and nursing assistant training programs that meet  
16 the requirements of this chapter and of the board.

17 3. Prepare and maintain a list of approved nursing programs for  
18 professional and practical nurses whose graduates are eligible for licensing  
19 under this chapter as graduate registered or professional nurses or as  
20 practical nurses if they satisfy the other requirements of this chapter.

21 4. Examine qualified professional and practical nurse applicants.

22 5. License and renew the licenses of qualified professional and  
23 practical nurse applicants who are not qualified to be licensed by the  
24 executive director.

25 6. Adopt a seal which the executive director shall keep.

26 7. Keep a record of all proceedings and make an annual report to the  
27 governor on a date the governor directs.

28 8. For proper cause, deny or rescind approval of a nursing or nursing  
29 assistant training program for failure to comply with this chapter or the  
30 rules of the board.

31 9. On its own motion or on receipt of a complaint against a person  
32 licensed or certified under this chapter, conduct investigations, hearings  
33 and proceedings concerning any violation of this chapter or the rules adopted  
34 by the board.

35 10. Determine and administer appropriate disciplinary action as  
36 provided by this section against all persons who are licensed or certified

1 under this chapter and who are found guilty of violating this chapter or  
2 rules adopted by the board.

3 11. Perform functions necessary to carry out the requirements of the  
4 nursing assistant training and competency evaluation program as set forth in  
5 the omnibus budget reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330),  
6 as amended by the medicare catastrophic coverage act of 1988 (P.L. 100-360;  
7 102 Stat. 683). These functions shall include:

- 8 (a) Testing and certification of nursing assistants.
- 9 (b) Maintaining a list of board approved training programs.
- 10 (c) Recertifying nursing assistants.
- 11 (d) Maintaining a registry of all certified nursing assistants.
- 12 (e) Assessing fees.

13 12. Adopt rules establishing those acts that may be performed by a  
14 registered nurse practitioner in collaboration with a licensed physician.

15 13. Adopt rules establishing educational requirements for the  
16 certification of school nurses.

17 14. Publish copies of board rules and distribute these copies on  
18 request.

19 15. Require each applicant for initial licensure to submit a full set  
20 of fingerprints to the board for the purpose of obtaining a state and federal  
21 criminal records check pursuant to section 41-1750 and Public Law 92-544.  
22 The department of public safety may exchange this fingerprint data with the  
23 federal bureau of investigation.

24 16. Require each applicant for initial nursing assistant  
25 certification, ~~subject to appropriations from the state general fund by the~~  
26 ~~legislature to the Arizona state board of nursing for fingerprinting,~~ to  
27 submit a full set of fingerprints to the board for the purpose of obtaining a  
28 state and federal criminal records check pursuant to section 41-1750 and  
29 Public Law 92-544. The department of public safety may exchange this  
30 fingerprint data with the federal bureau of investigation.

31 17. Revoke a license of a person, revoke the multistate licensure  
32 privilege of a person pursuant to section 32-1669 or not issue a license or  
33 renewal to an applicant who has one or more felony convictions and who has  
34 not received an absolute discharge from the sentences for all felony  
35 convictions five or more years before the date of filing an application  
36 pursuant to this chapter. This paragraph does not apply to a person who has  
37 filed an application for licensure or renewal before August 1, 1998 and who

1 has disclosed to the board one or more felony convictions on the person's  
2 application.

3 18. Establish standards for approving nurse practitioner and clinical  
4 nurse specialist programs and provide for surveys of nurse practitioner and  
5 clinical nurse specialist programs as it deems necessary.

6 19. Provide the licensing authorities of health care institutions,  
7 facilities and homes any information the board receives regarding practices  
8 that place a patient's health at risk.

9 20. Limit the multistate licensure privilege of any person who holds or  
10 applies for a license in this state pursuant to section 32-1668.

11 21. Adopt rules to establish competency standards for obtaining and  
12 maintaining a license.

13 C. The board may take any of the following disciplinary actions  
14 against any person who holds a license to practice nursing in this state:

15 1. Revoke the license to practice.

16 2. Suspend the license to practice.

17 3. Enter a decree of censure, which may require that restitution be  
18 made to an aggrieved party.

19 4. Issue an order fixing a period and terms of probation best adapted  
20 to protect the public health and safety and rehabilitate the licensed person.

21 5. Impose a civil penalty for each violation of this chapter, not to  
22 exceed one thousand dollars, either singly or in combination with any  
23 disciplinary action permitted under this subsection.

24 D. The board may limit, revoke or suspend the privilege of a nurse to  
25 practice in this state granted pursuant TO section 32-1668.

26 E. Failure to comply with any final order of the board, including an  
27 order of censure or probation, is cause for suspension or revocation of a  
28 license or revocation of a certificate.

29 F. The president or a member of the board designated by the president  
30 may administer oaths in transacting the business of the board.

31 Sec. 9. Section 33-1322, Arizona Revised Statutes, is amended to read:

32 33-1322. Disclosure and tender of written rental agreement

33 A. The landlord or any person authorized to enter into a rental  
34 agreement on his behalf shall disclose to the tenant in writing at or before  
35 the commencement of the tenancy the name and address of each of the  
36 following:

37 1. The person authorized to manage the premises.

1           2. An owner of the premises or a person authorized to act for and on  
2 behalf of the owner for the purpose of service of process and for the purpose  
3 of receiving and receipting for notices and demands.

4           B. At or before the commencement of the tenancy, the landlord shall  
5 inform the tenant in writing that ~~a free copy of~~ the Arizona residential  
6 landlord and tenant act is available ~~through~~ ON the Arizona secretary of  
7 state's ~~office~~ WEBSITE.

8           C. The information required to be furnished by this section shall be  
9 kept current and refurnished to A tenant upon THE tenant's request. This  
10 section extends to and is enforceable against any successor landlord, owner  
11 or manager.

12           D. A person who fails to comply with subsections A, ~~and~~ B AND C  
13 becomes an agent of each person who is a landlord for the following purposes:

14           1. Service of process and receiving and receipting for notices and  
15 demands.

16           2. Performing the obligations of the landlord under this chapter and  
17 under the rental agreement and expending or making available for the purpose  
18 all rent collected from the premises.

19           E. If there is a written rental agreement, the landlord must tender  
20 and deliver a signed copy of the rental agreement to the tenant and the  
21 tenant must sign and deliver to the landlord one fully executed copy of such  
22 rental agreement within a reasonable time after the agreement is executed. A  
23 written rental agreement shall have all blank spaces completed.  
24 Noncompliance with this subsection shall be deemed a material noncompliance  
25 by the landlord or the tenant, as the case may be, of the rental agreement.

26           Sec. 10. Section 41-121, Arizona Revised Statutes, is amended to read:

27           41-121. Duties

28           The secretary of state shall:

29           1. Receive bills and resolutions from the legislature, and perform  
30 such other duties as devolve upon the secretary of state by resolution of the  
31 two houses or either of them.

32           2. Keep a register of and attest the official acts of the governor.

33           3. Act as custodian of the great seal of this state.

34           4. Affix the great seal, with the secretary of state's attestation, to  
35 public instruments to which the official signature of the governor is  
36 attached.

1           5. File in the secretary of state's office receipts for all books  
2 distributed by the secretary of state and direct the county recorder of each  
3 county to do the same.

4           6. Certify to the governor the names of those persons who have  
5 received at any election the highest number of votes for any office, the  
6 incumbent of which is commissioned by the governor.

7           7. Publish slip laws of each act of the legislature promptly upon  
8 passage and approval of such act, make such acts available to interested  
9 persons for a reasonable fee to compensate for the cost of printing and  
10 provide each house of the legislature and the legislative council with a  
11 certified copy of each bill or resolution, showing the chapter or resolution  
12 number of each, as each is filed in the secretary of state's office.

13           8. Keep a fee book of fees and compensation of whatever kind and  
14 nature earned, collected or charged by the secretary of state, with the date,  
15 the name of the payer and the nature of the service in each case. The fee  
16 book shall be verified annually by the secretary of state's affidavit entered  
17 in the fee book.

18           9. Perform other duties imposed on the secretary of state by law.

19           10. Report to the governor on January 2 each year, and at such other  
20 times as provided by law, a detailed account of the secretary of state's  
21 official actions taken since the secretary of state's previous report  
22 together with a detailed statement of the manner in which all appropriations  
23 for the secretary of state's office have been expended.

24           11. Transfer all noncurrent or inactive books, records, deeds and other  
25 papers otherwise required to be filed with or retained by the secretary of  
26 state to the custody of the Arizona state library, archives and public  
27 records.

28           12. Make available to the public, without charge, title 33, ~~chapter~~  
29 ~~CHAPTERS 10 AND 11~~ on the secretary of state's ~~web-site~~ WEBSITE.

30           13. Accept, and approve for use, electronic and digital signatures that  
31 comply with section 41-132, for documents filed with and by all state  
32 agencies, boards and commissions. In consultation with the government  
33 information technology agency, the department of administration and the state  
34 treasurer, the secretary of state shall adopt rules pursuant to chapter 6 of  
35 this title establishing policies and procedures for the use of electronic and  
36 digital signatures by all state agencies, boards and commissions for  
37 documents filed with and by all state agencies, boards and commissions.

1           14. Meet at least annually with personnel from the federal voting  
2 assistance office of the United States department of defense and with county  
3 recorders and other county election officials in this state to coordinate the  
4 delivery and return of registrations, ballot requests, voted ballots and  
5 other election materials to and from absent uniformed and overseas citizens.

6           Sec. 11. Section 41-121.02, Arizona Revised Statutes, is amended to  
7 read:

8           41-121.02. Department of state

9           A. There is established the department of state, which shall be  
10 composed of the office of the secretary of state.

11           B. The secretary of state shall have charge of and direct the  
12 department of state.

13           C. EXCEPT AS OTHERWISE PROVIDED BY LAW, EMPLOYEES OF THE DEPARTMENT  
14 ARE EXEMPT FROM CHAPTER 4, ARTICLES 5 AND 6 OF THIS TITLE.

15           Sec. 12. Title 41, chapter 7, Arizona Revised Statutes, is amended by  
16 adding article 14, to read:

17                           ARTICLE 14. LEGISLATIVE AUTHORITY

18           41-1294. Legislative authority; powers

19           THE LEGISLATURE RESERVES THE EXCLUSIVE POWER, AUTHORITY AND  
20 JURISDICTION TO SET FORTH STATEWIDE POLICY, EXCEPT:

21           1. IF THE LEGISLATURE HAS EXPRESSLY DELEGATED AUTHORITY TO OTHER  
22 AGENCIES, DEPARTMENTS OR POLITICAL SUBDIVISIONS OF THIS STATE TO ADMINISTER  
23 CLEARLY ARTICULATED STATEWIDE LEGISLATIVE POLICY.

24           2. UTILITY RATE SETTING TO THE EXTENT DELEGATED BY THE STATE  
25 CONSTITUTION TO OTHER AGENCIES, DEPARTMENTS OR POLITICAL SUBDIVISIONS OF THIS  
26 STATE.

27           Sec. 13. Section 42-6006, Arizona Revised Statutes, is amended to  
28 read:

29           42-6006. Municipal elections on tax issues

30           A. A city or town may submit any issue relating to a transaction  
31 privilege tax, sales, use, franchise or other similar tax or fee, however  
32 denominated, to the qualified electors of the city or town at any regular or  
33 special municipal election, and may spend public monies of the city or town  
34 to cover the expenses of the election on that issue.

35           B. BEGINNING JUNE 1, 2009 THROUGH MAY 31, 2012, A MUNICIPALITY SHALL  
36 NOT IMPOSE AN INCREASED TAX RATE THAT IS LEVIED ON CONSTRUCTION CONTRACTING

1 UNLESS THE TAX IS APPROVED BY A MAJORITY OF THE REGISTERED VOTERS VOTING ON  
2 THE MATTER IN AN ELECTION HELD ON A DAY PRESCRIBED PURSUANT TO SECTION 16-  
3 204. THIS SECTION DOES NOT APPLY TO ANY TRANSACTION PRIVILEGE TAX RATE THAT  
4 IS ADOPTED BEFORE JANUARY 1, 2009.

5 Sec. 14. Laws 2007, chapter 260, section 6, as amended by Laws 2008,  
6 chapter 291, section 7, is amended to read:

7 Sec. 6. Arizona twenty-first century competitive initiative  
8 fund; appropriation

9 A. The sum of ~~\$22,500,000 is appropriated from the state general fund~~  
10 ~~in fiscal year 2008-2009, the sum of \$25,000,000 is appropriated from the~~  
11 ~~state general fund in fiscal year 2009-2010 and the sum of~~ \$27,500,000 is  
12 appropriated from the state general fund in fiscal year 2010-2011 for deposit  
13 into the Arizona twenty-first century competitive initiative fund established  
14 by section 41-1505.09, Arizona Revised Statutes, and the same ~~amounts are~~  
15 AMOUNT is appropriated from that fund to the commerce and economic  
16 development commission in each fiscal year for the purposes prescribed in  
17 Laws 2006, chapter 334.

18 B. In order to amend the existing memorandum of understanding or enter  
19 into a new memorandum of understanding with the commission pursuant to  
20 section 41-1505.09, Arizona Revised Statutes, a nonprofit corporation shall  
21 identify and document written agreements for private, philanthropic or  
22 governmental investments, except monies received for and belonging to the  
23 state, either for specific grants or for general grant investment areas that  
24 are equivalent to ~~\$22,500,000 or more in fiscal year 2008-2009, \$25,000,000~~  
25 ~~in fiscal year 2009-2010 and~~ \$27,500,000 in fiscal year 2010-2011. Unless  
26 prohibited by the organization's governing documents, the private,  
27 philanthropic or governmental investments shall be cash or auditable cash  
28 equivalent contributions to the nonprofit. State funds shall be drawn down  
29 incrementally as each cash or cash equivalent match is received or otherwise  
30 secured as part of the cost share for a written grant agreement by the  
31 nonprofit and documented by the commission.

32 C. Contributions from government entities or any auditable cash  
33 equivalent contributions shall not constitute more than fifty per cent of the  
34 match required by subsection B of this section.

35 D. The ~~appropriations~~ APPROPRIATION made in subsection A of this  
36 section ~~are IS~~ exempt from the provisions of section 35-190, Arizona Revised  
37 Statutes, relating to the lapsing of appropriations.



1           1. An authorization or requirement enacted by the legislature after  
2 January 1, 2009.

3           2. To avoid a violation of a court order or federal law that would  
4 result in sanctions by the court or federal government to an agency in fiscal  
5 year 2009-2010 for failure to conduct the rule making action.

6           3. To prevent an imminent threat to the public health or safety. For  
7 the purposes of this paragraph, "imminent threat to the public health or  
8 safety" means the existence of a condition, circumstance or practice that  
9 would cause death, serious illness or severe injury to persons or adversely  
10 affect the ability of health care institutions to provide medical care during  
11 fiscal year 2009-2010.

12           4. To fulfill an obligation related to fees, rates, fines or  
13 regulations that are expressly delineated in the constitution of this state.

14           C. For the purposes of this section, increased monetary or regulatory  
15 costs do not include costs associated with rule making conducted by a  
16 self-supporting regulatory board as defined in section 41-1092, Arizona  
17 Revised Statutes, if the self-supporting regulatory board makes a specific  
18 finding that the monetary benefits to licensees or permittees of the board  
19 from the proposed rule making substantially outweigh the costs of the  
20 proposed rule making to licensees or permittees of the board and is necessary  
21 to allow the self-supporting regulatory board to administer existing  
22 statutory requirements or administrative rules. The finding of the  
23 self-supporting regulatory board shall include the specific finding and all  
24 evidence presented at a public hearing supporting the proposed rule making.

25           Sec. 22. Wireless equipment; purchase; prohibition; exception

26           A. For fiscal year 2009-2010, all state agencies, including  
27 universities and community colleges, regardless of fund source, may not  
28 purchase or renew any existing contracts or purchase noncontracted services  
29 for wireless telephones or any mobile voice or data communication services.

30           B. This section does not apply to the purchase of wireless telephones  
31 or any mobile voice or data communication services for health and public  
32 safety personnel.

33           Sec. 23. Federal stimulus funding; reporting

34           A. All agencies receiving monies from the federal American recovery  
35 and reinvestment act (P.L. 111-5) in either fiscal year 2008-2009 or  
36 2009-2010 shall provide a report on the agency's use of the monies to the

1 joint legislative budget committee by October 1, 2009. The joint legislative  
2 budget committee may choose to review any of the agency reports.

3 B. The reports shall include the amount of monies received by each  
4 federal grant, the amount of monies received for the same programs from  
5 sources other than Public Law 111-5, the purpose of receiving the additional  
6 monies from Public Law 111-5, how the monies were spent, any distributions  
7 made by the agency listed by subrecipient, if any, the number of personnel  
8 funded by the monies and whether they were existing personnel and the extent  
9 to which the monies offset other budget reductions.

10 Sec. 24. Employee and employer contributions to the elected  
11 officials' retirement plan, public safety personnel  
12 retirement system and corrections officer retirement  
13 plan

14 A. Notwithstanding section 38-810, Arizona Revised Statutes, for  
15 fiscal year 2009-2010, each member of the elected officials' retirement plan  
16 shall contribute the lesser of 8.93 per cent or one-half of the total level  
17 per cent compensation contribution determined by actuarial valuation of the  
18 member's gross salary to the plan. For fiscal year 2009-2010, an employer's  
19 contribution to the elected officials' retirement plan determined by  
20 actuarial valuation shall be reduced by the amount of the difference that is  
21 paid by the member pursuant to this subsection and the amount required by  
22 section 38-810, Arizona Revised Statutes.

23 B. Notwithstanding section 38-843, Arizona Revised Statutes, for  
24 fiscal year 2009-2010, each member of the public safety personnel retirement  
25 system shall contribute the lesser of 9.58 per cent or one-half of the total  
26 level per cent compensation contribution determined by actuarial valuation of  
27 the member's compensation to the system. For fiscal year 2009-2010, an  
28 employer's contribution to the public safety personnel retirement system  
29 determined by actuarial valuation shall be reduced by the amount of the  
30 difference that is paid by the member pursuant to this subsection and the  
31 amount required by section 38-843, Arizona Revised Statutes. This subsection  
32 does not apply to a member of an employer whose 2009-2010 calculated employer  
33 level per cent compensation contribution determined by actuarial valuation is  
34 equal to or less than the required member contribution prescribed by section  
35 38-843, Arizona Revised Statutes.

36 C. Notwithstanding section 38-891, Arizona Revised Statutes, for  
37 fiscal year 2009-2010, each member of the corrections officer retirement plan

1 shall contribute the lesser of 9.89 per cent, if a full-time dispatcher, or  
2 10.34 per cent, if not a full-time dispatcher, or one-half of the total level  
3 per cent compensation contribution determined by actuarial valuation of the  
4 member's salary to the plan. For fiscal year 2009-2010, an employer's  
5 contribution to the corrections officer retirement plan determined by  
6 actuarial valuation shall be reduced by the amount of the difference that is  
7 paid by the member pursuant to this subsection and the amount required by  
8 section 38-891, Arizona Revised Statutes. This subsection does not apply to  
9 a member of an employer whose 2009-2010 calculated employer level per cent  
10 compensation contribution determined by actuarial valuation is equal to or  
11 less than the required member contribution prescribed by section 38-891,  
12 Arizona Revised Statutes.

13 Sec. 25. Calculation adjustments; fiscal year 2009-2010 closing  
14 state general fund balance

15 Notwithstanding any other law, for purposes of calculating the state  
16 general fund balance at the close of fiscal year 2009-2010, any monies  
17 appropriated from the state general fund that are exempted from lapsing  
18 pursuant to section 35-190, Arizona Revised Statutes, and that remain  
19 unexpended and unencumbered at the close of fiscal year 2009-2010 shall be  
20 included in the closing balance as if the appropriations had lapsed or  
21 otherwise reverted to the state general fund.

22 Sec. 26. Unrestricted federal monies; retroactivity

23 A. Any unrestricted federal monies received from July 1, 2009 through  
24 June 30, 2010 shall be deposited in the state general fund. The monies shall  
25 be used for the payment of essential governmental services.

26 B. This section is effective retroactively to from and after June 30,  
27 2009.

28 Sec. 27. Required reduction in hours

29 An agency director may require agency covered employees to work reduced  
30 hours in order to comply with any reduction in appropriations for personnel  
31 expenses and related benefit costs for fiscal year 2009-2010. The director  
32 of the department of administration shall prescribe procedures to implement  
33 these reductions. The director of the department of administration is exempt  
34 from the rule making requirements of title 41, chapter 6, Arizona Revised  
35 Statutes, for the purposes of prescribing these procedures.

36 Sec. 28. Notice filing fees; securities regulatory and  
37 enforcement fund; transfer



1           B. The chairperson of the ways and means committee in the house of  
2 representatives shall call the first meeting and the members of the committee  
3 shall choose a chairperson from the committee membership.

4           C. The committee shall:

5           1. Study and make recommendations on the fiscal policy and laws of  
6 this state, including specific consideration of expansion of state resources  
7 and economic development strategies.

8           2. Study and make recommendations on the tax policies of this state  
9 and local jurisdictions, including counties, municipalities, school districts  
10 and special taxing districts, to ensure that the policies are adequate,  
11 equitable, competitive and consistent with economic development strategies.

12           3. Develop a comprehensive report and recommendations, including  
13 recommendations concerning the appropriate tax structure for this state and  
14 local jurisdictions and a strategy for transition to the appropriate tax  
15 structure.

16           D. Members of the committee are not eligible to receive compensation  
17 or reimbursement of expenses. The committee chairperson may appoint advisory  
18 committees as necessary. The governor's office of strategic planning and  
19 budgeting, the department of revenue, the joint legislative budget committee  
20 and the legislative council shall provide technical assistance to the  
21 committee.

22           E. The committee shall submit a status report to the president of the  
23 senate, the speaker of the house of representatives and the governor by  
24 December 31, 2009. The committee shall provide a copy of the report to the  
25 director of the Arizona state library, archives and public records.

26           F. The committee shall make a report of its final findings and  
27 recommendations to the president of the senate, the speaker of the house of  
28 representatives and the governor by September 15, 2010. The committee shall  
29 provide a copy of this report to the secretary of state and the director of  
30 the Arizona state library, archives and public records.

31           G. This section is repealed from and after December 31, 2010.



1           2. Study and make recommendations on the expenditure policies of this  
2 state and local jurisdictions, including counties, municipalities and school  
3 districts to ensure that government services are provided in an efficient and  
4 effective manner. This study shall explore whether savings can be achieved  
5 through the privatization of services, the realigning of services between  
6 state and political subdivisions and the elimination or streamlining of  
7 duplicative programs at the state level.

8           3. Develop a comprehensive report and recommendations, including  
9 recommendations concerning the appropriate policy adjustments related to  
10 state expenditures for this state and a strategy for implementation.

11           D. Members of the committee are not eligible for compensation or  
12 reimbursement of expenses. The committee chairperson may appoint advisory  
13 committees as necessary. The governor's office of strategic planning and  
14 budgeting, the auditor general, the joint legislative budget committee and  
15 the legislative council shall provide technical assistance to the committee.

16           E. The committee shall submit a status report to the president of the  
17 senate, the speaker of the house of representatives and the governor by  
18 December 31, 2009. The committee shall provide a copy of the report to the  
19 director of the Arizona state library, archives and public records.

20           F. The committee shall make a report of its final findings and  
21 recommendations to the president of the senate, the speaker of the house of  
22 representatives and the governor by September 15, 2010. The committee shall  
23 provide a copy of this report to the secretary of state and the director of  
24 the Arizona state library, archives and public records.

25           G. This section is repealed from and after December 31, 2010.

26           Sec. 31. Retroactivity

27           Sections 9-463.05 and 42-6006, Arizona Revised Statutes, as  
28 amended by this act, apply and section 9-805,  
29 Arizona Revised Statutes, as added by this act, is  
30 effective retroactively to from and after May 31,  
31 2009.

32           Sec. 32. Conforming legislation

Senate Amendments to S.B. 1035

1           The legislative council staff shall prepare proposed legislation  
2           conforming the Arizona Revised Statutes to the provisions of this act for  
3           consideration in the forty-ninth legislature, second regular session."  
4 Amend title to conform

1035  
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