

PROPOSED AMENDMENT
SENATE AMENDMENTS TO S.B. 1024
(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.

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

2 B. FOR THE PURPOSES OF ADMINISTERING THE ARIZONA HEALTH CARE COST
3 CONTAINMENT SYSTEM, DOCUMENTATION OF CITIZENSHIP AND LEGAL RESIDENCE SHALL
4 CONFORM WITH THE REQUIREMENTS OF TITLE XIX OF THE SOCIAL SECURITY ACT.

5 C. TO THE EXTENT PERMITTED BY FEDERAL LAW, AN AGENCY OF THIS STATE OR
6 POLITICAL SUBDIVISION OF THIS STATE MAY ALLOW TRIBAL MEMBERS, THE ELDERLY AND
7 PERSONS WITH DISABILITIES OR INCAPACITY OF THE MIND OR BODY TO PROVIDE
8 DOCUMENTATION AS SPECIFIED IN SECTION 6036 OF THE FEDERAL DEFICIT REDUCTION
9 ACT OF 2005 (P.L. 109-171; 120 STAT. 81) AND RELATED FEDERAL GUIDANCE IN LIEU
10 OF THE DOCUMENTATION REQUIRED BY THIS SECTION.

11 D. ANY PERSON WHO APPLIES FOR FEDERAL PUBLIC BENEFITS SHALL SIGN A
12 SWORN AFFIDAVIT STATING THAT THE DOCUMENTS PRESENTED PURSUANT TO SUBSECTION A
13 ARE TRUE UNDER PENALTY OF PERJURY.

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

20 ~~B.~~ F. This section shall be enforced without regard to race, color,
21 religion, sex, age, disability or national origin.

22 ~~C. For the purposes of this section, "self-declaration" means a~~
23 ~~written or oral declaration without additional proof, even if made under~~
24 ~~penalty of perjury, that the person is a citizen of the United States, legal~~
25 ~~resident of the United States or otherwise lawfully present in the United~~
26 ~~States.~~

27 G. ANY PERSON WHO IS A RESIDENT OF THIS STATE HAS STANDING IN ANY
28 COURT OF RECORD TO BRING SUIT AGAINST ANY AGENT OR AGENCY OF THIS STATE OR
29 ITS POLITICAL SUBDIVISIONS TO REMEDY ANY VIOLATION OF ANY PROVISION OF THIS
30 SECTION, INCLUDING AN ACTION FOR MANDAMUS. COURTS SHALL GIVE PREFERENCE TO
31 ACTIONS BROUGHT UNDER THIS SECTION OVER OTHER CIVIL ACTIONS OR PROCEEDINGS
32 PENDING IN THE COURT.

1 H. FOR THE PURPOSES OF THIS SECTION, "FEDERAL PUBLIC BENEFIT" HAS THE
2 SAME MEANING PRESCRIBED IN 8 UNITED STATES CODE SECTION 1611.

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

5 1-502. Eligibility for state or local public benefits;
6 documentation; violation; classification; citizen
7 suits; definition

8 A. NOTWITHSTANDING ANY OTHER STATE LAW AND TO THE EXTENT PERMITTED BY
9 FEDERAL LAW, ANY AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS
10 STATE THAT ADMINISTERS ANY STATE OR LOCAL PUBLIC BENEFIT SHALL REQUIRE EACH
11 PERSON WHO APPLIES FOR THE STATE OR LOCAL PUBLIC BENEFIT TO SUBMIT AT LEAST
12 ONE OF THE FOLLOWING DOCUMENTS TO THE ENTITY THAT ADMINISTERS THE STATE OR
13 LOCAL PUBLIC BENEFIT DEMONSTRATING LAWFUL PRESENCE IN THE UNITED STATES:

14 1. AN ARIZONA DRIVER LICENSE ISSUED AFTER 1996 OR AN ARIZONA
15 NONOPERATING IDENTIFICATION LICENSE.

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

18 3. A UNITED STATES CERTIFICATE OF BIRTH ABROAD.

19 4. A UNITED STATES PASSPORT.

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

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

22 7. A UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES EMPLOYMENT
23 AUTHORIZATION DOCUMENT OR REFUGEE TRAVEL DOCUMENT.

24 8. A UNITED STATES CERTIFICATE OF NATURALIZATION.

25 9. A UNITED STATES CERTIFICATE OF CITIZENSHIP.

26 10. A TRIBAL CERTIFICATE OF INDIAN BLOOD.

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

28 B. FOR THE PURPOSES OF ADMINISTERING THE ARIZONA HEALTH CARE COST
29 CONTAINMENT SYSTEM, DOCUMENTATION OF CITIZENSHIP AND LEGAL RESIDENCE SHALL
30 CONFORM WITH THE REQUIREMENTS OF TITLE XIX OF THE SOCIAL SECURITY ACT.

31 C. TO THE EXTENT PERMITTED BY FEDERAL LAW, AN AGENCY OF THIS STATE OR
32 POLITICAL SUBDIVISION OF THIS STATE MAY ALLOW TRIBAL MEMBERS, THE ELDERLY AND
33 PERSONS WITH DISABILITIES OR INCAPACITY OF THE MIND OR BODY TO PROVIDE

1 DOCUMENTATION AS SPECIFIED IN SECTION 6036 OF THE FEDERAL DEFICIT REDUCTION
2 ACT OF 2005 (P.L. 109-171; 120 STAT. 81) AND RELATED FEDERAL GUIDANCE IN LIEU
3 OF THE DOCUMENTATION REQUIRED BY THIS SECTION.

4 D. ANY PERSON WHO APPLIES FOR STATE OR LOCAL PUBLIC BENEFITS SHALL
5 SIGN A SWORN AFFIDAVIT STATING THAT THE DOCUMENTS PRESENTED PURSUANT TO
6 SUBSECTION A ARE TRUE UNDER PENALTY OF PERJURY.

7 E. FAILURE TO REPORT DISCOVERED VIOLATIONS OF FEDERAL IMMIGRATION LAW
8 BY AN EMPLOYEE OF AN AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS
9 STATE THAT ADMINISTERS ANY STATE OR LOCAL PUBLIC BENEFIT IS A CLASS 2
10 MISDEMEANOR. IF THAT EMPLOYEE'S SUPERVISOR KNEW OF THE FAILURE TO REPORT AND
11 FAILED TO DIRECT THE EMPLOYEE TO MAKE THE REPORT, THE SUPERVISOR IS GUILTY OF
12 A CLASS 2 MISDEMEANOR.

13 F. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, COLOR,
14 RELIGION, SEX, AGE, DISABILITY OR NATIONAL ORIGIN.

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

21 H. FOR THE PURPOSES OF THIS SECTION, "STATE OR LOCAL PUBLIC BENEFIT"
22 HAS THE SAME MEANING PRESCRIBED IN 8 UNITED STATES CODE SECTION 1621, EXCEPT
23 THAT IT DOES NOT INCLUDE COMMERCIAL OR PROFESSIONAL LICENSES OR BENEFITS
24 PROVIDED BY THE PUBLIC RETIREMENT SYSTEMS AND PLANS OF THIS STATE.

25 Sec. 3. Section 4-115, Arizona Revised Statutes, is amended to read:

26 4-115. Disposition of fees and penalties

27 A. Unless otherwise provided, all license, registration, ~~and~~ and other
28 fees and all penalties collected pursuant to this title shall be deposited,
29 pursuant to sections 35-146 and 35-147, IN THE LIQUOR LICENSES FUND
30 ESTABLISHED BY SECTION 4-120, EXCEPT THAT MONIES IN EXCESS OF THE ANNUAL
31 LEGISLATIVE APPROPRIATION TO THE DEPARTMENT SHALL BE DEPOSITED, PURSUANT TO
32 SECTIONS 35-146 AND 35-147, IN THE STATE GENERAL FUND.

1 B. Two-thirds of the license fees collected pursuant to this title in
2 each county shall be deposited, pursuant to sections 35-146 and 35-147, IN
3 THE LIQUOR LICENSES FUND ESTABLISHED BY SECTION 4-120, EXCEPT THAT MONIES IN
4 EXCESS OF THE ANNUAL LEGISLATIVE APPROPRIATION TO THE DEPARTMENT SHALL BE
5 DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, in the state general fund.
6 One-third of the license fees collected in each county with a population of
7 five hundred thousand persons or less as shown by the most recent United
8 States decennial census shall be paid monthly by the director to the county
9 treasurer of that county. For each county with a population of more than
10 five hundred thousand persons as shown by the most recent United States
11 decennial census, the director shall pay monthly to the county treasurer from
12 the remaining one-third of the license fees three thousand dollars for each
13 new license issued for premises in unincorporated areas of that county but
14 not more than one hundred fifty thousand dollars annually. The remainder of
15 the one-third of the license fees collected for premises in each county with
16 a population of more than five hundred thousand persons as shown by the most
17 recent United States decennial census shall be deposited in the state general
18 fund.

19 Sec. 4. Title 4, chapter 1, article 2, Arizona Revised Statutes, is
20 amended by adding section 4-120, to read:

21 4-120. Liquor licenses fund; exemption

22 A. THE LIQUOR LICENSES FUND IS ESTABLISHED CONSISTING OF MONIES
23 DEPOSITED PURSUANT TO SECTION 4-115. THE DEPARTMENT OF LIQUOR LICENSES AND
24 CONTROL SHALL ADMINISTER THE FUND. THE AMOUNT DEPOSITED IN THE FUND EACH
25 YEAR SHALL NOT EXCEED THE AMOUNT APPROPRIATED BY THE LEGISLATURE.

26 B. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION.

27 C. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
28 RELATING TO LAPSING OF APPROPRIATIONS, EXCEPT THAT ANY MONIES REMAINING IN
29 THE FUND IN EXCESS OF SEVEN HUNDRED THOUSAND DOLLARS AT THE END OF EACH
30 FISCAL YEAR REVERTS TO THE STATE GENERAL FUND.

1 Sec. 5. Section 9-463.05, Arizona Revised Statutes, is amended to
2 read:

3 9-463.05. Development fees; imposition by cities and towns;
4 infrastructure improvements plan; annual report;
5 limitation on actions; definitions

6 A. A municipality may assess development fees to offset costs to the
7 municipality associated with providing necessary public services to a
8 development, including the costs of infrastructure, improvements, real
9 property, engineering and architectural services, financing, other capital
10 costs and associated appurtenances, equipment, vehicles, furnishings and
11 other personalty.

12 B. Development fees assessed by a municipality under this section are
13 subject to the following requirements:

14 1. Development fees shall result in a beneficial use to the
15 development.

16 2. Monies received from development fees assessed pursuant to this
17 section shall be placed in a separate fund and accounted for separately and
18 may only be used for the purposes authorized by this section. Monies
19 received from a development fee identified in an infrastructure improvements
20 plan adopted or amended pursuant to subsection D of this section shall be
21 used to provide the same category of necessary public service for which the
22 development fee was assessed **FOR THE BENEFIT OF THE SAME AREA, AS DEFINED IN**
23 **THE INFRASTRUCTURE IMPROVEMENTS PLAN, WITHIN WHICH THE DEVELOPMENT FEE WAS**
24 **ASSESSED.** Interest earned on monies in the separate fund shall be credited
25 to the fund.

26 3. The schedule for payment of fees shall be provided by the
27 municipality. **BASED ON THE COST IDENTIFIED IN THE INFRASTRUCTURE**
28 **IMPROVEMENTS PLAN,** the municipality shall provide a credit toward the payment
29 of a development fee for the required **OR AGREED TO** dedication of public
30 sites, improvements and other necessary public services included in the
31 infrastructure improvements plan and for which a development fee is assessed,
32 to the extent the public sites, improvements and necessary public services
33 are provided by the developer. The developer of residential dwelling units

1 shall be required to pay development fees when construction permits for the
2 dwelling units are issued, or at a later time if specified in a development
3 agreement pursuant to section 9-500.05. If a development agreement provides
4 for fees to be paid at a time later than the issuance of construction
5 permits, the deferred fees shall be paid no later than fifteen days after the
6 issuance of a certificate of occupancy. The development agreement shall
7 provide for the value of any deferred fees to be supported by appropriate
8 security, including a surety bond, letter of credit or cash bond.

9 4. The amount of any development fees assessed pursuant to this
10 section must bear a reasonable relationship to the burden imposed ~~upon~~ ON the
11 municipality to provide additional necessary public services to the
12 development. The municipality, ~~in determining the extent of the burden~~
13 ~~imposed by the development,~~ shall ~~consider, among other things,~~ FORECAST the
14 contribution ~~made or~~ to be made in the future in cash or by taxes, fees, ~~or~~
15 assessments ~~by~~ OR OTHER SOURCES OF REVENUE DERIVED FROM the property owner
16 towards the capital costs of the necessary public service covered by the
17 development fee AND SHALL INCLUDE THESE CONTRIBUTIONS IN DETERMINING THE
18 EXTENT OF THE BURDEN IMPOSED BY THE DEVELOPMENT.

19 5. If development fees are assessed by a municipality, such fees shall
20 be assessed in a nondiscriminatory manner.

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

27 C. A municipality shall give at least sixty days' advance notice of
28 intention to assess a new or modified development fee and shall release to
29 the public a written report that identifies the methodology for calculating
30 the amount of the development fee, explains the relationship between the
31 development fee and the infrastructure improvements plan, includes
32 documentation that supports the assessment of a new or modified development
33 fee and identifies any index or indices to be used for automatic adjustment

1 of the development fee pursuant to subsection ~~F~~ G of this section and the
2 timing of those adjustments. The municipality shall conduct a public hearing
3 on the proposed new or modified development fee at any time after the
4 expiration of the sixty day notice of intention to assess a new or modified
5 development fee and at least thirty days prior to the scheduled date of
6 adoption of the new or modified fee by the governing body. A development fee
7 assessed pursuant to this section shall not be effective until seventy-five
8 days after its formal adoption by the governing body of the municipality.
9 Nothing in this subsection shall affect any development fee adopted prior to
10 July 24, 1982.

11 D. Before the assessment of a new or modified development fee, the
12 governing body of the municipality shall adopt or amend an infrastructure
13 improvements plan. The municipality shall conduct a public hearing on the
14 infrastructure improvements plan at least thirty days before the adoption or
15 amendment of the plan. The municipality shall release the plan to the
16 public, make available to the public the documents used to prepare the plan
17 and provide public notice at least sixty days before the public hearing,
18 subject to the following:

19 1. An infrastructure improvements plan may be adopted concurrently
20 with the report required by subsection C of this section, and the
21 municipality may provide for and schedule the notices and hearings required
22 by this subsection together with the notices and hearings required by
23 subsection C of this section.

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

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

31 1. Estimate future necessary public services that will be required as
32 a result of new development **IN THE AREA, AS DEFINED IN THE INFRASTRUCTURE**
33 **IMPROVEMENTS PLAN, WITHIN WHICH THE DEVELOPMENT FEE WILL BE ASSESSED** and the

1 basis for the estimate, INCLUDING A COMPARISON OF THE NECESSARY PUBLIC
2 SERVICES PROVIDED TO EXISTING DEVELOPMENT AND THE NECESSARY PUBLIC SERVICES
3 TO BE PROVIDED TO NEW DEVELOPMENT.

4 2. Forecast the costs of infrastructure, improvements, real property,
5 financing, other capital costs and associated appurtenances, equipment,
6 vehicles, furnishings and other personalty that will be associated with
7 meeting those future needs for necessary public services.

8 3. FORECAST THE REVENUE SOURCES THAT WILL BE AVAILABLE TO FUND THE
9 NECESSARY PUBLIC SERVICES and estimate the time required to finance and
10 provide the necessary public services.

11 F. EXCEPT FOR ADJUSTMENTS PURSUANT TO SUBSECTION G OF THIS SECTION, A
12 MUNICIPALITY'S DEVELOPMENT FEE ORDINANCE SHALL PROVIDE THAT A NEW DEVELOPMENT
13 FEE OR AN INCREASED PORTION OF A MODIFIED DEVELOPMENT FEE SHALL NOT BE
14 ASSESSED AGAINST A DEVELOPMENT FOR TWENTY-FOUR MONTHS AFTER THE DATE OF THE
15 MUNICIPALITY'S FINAL APPROVAL OF THE DEVELOPMENT IF NO MATERIAL CHANGES ARE
16 MADE TO THE SITE PLAN OR SUBDIVISION PLAT THAT WAS THE SUBJECT OF THE FINAL
17 APPROVAL. THE TWENTY-FOUR MONTH PERIOD SHALL NOT BE EXTENDED BY A RENEWAL OR
18 AMENDMENT OF THE SITE PLAN OR THE FINAL SUBDIVISION PLAT THAT WAS THE SUBJECT
19 OF THE FINAL APPROVAL. THE MUNICIPALITY SHALL ISSUE, ON REQUEST, A WRITTEN
20 STATEMENT OF THE DEVELOPMENT FEE SCHEDULE APPLICABLE TO THE DEVELOPMENT.

21 ~~F.~~ G. A municipality may automatically adjust a development fee on an
22 annual basis without a public hearing if the adjustment is based on a
23 nationally recognized index applicable to the cost of the necessary public
24 service that is the subject of the development fee and the adjustment
25 mechanism is identified in the report required by subsection C of this
26 section. The municipality shall provide public notice of those adjustments
27 at least thirty days in advance of their effective date.

28 ~~G.~~ H. Each municipality that assesses development fees shall submit
29 an annual report accounting for the collection and use of the fees. The
30 annual report shall include the following:

31 1. The amount assessed by the municipality for each type of
32 development fee.

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

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

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

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

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

11 5. The amount of development fee monies spent on each capital
12 improvement project that is the subject of a development fee assessment and
13 the physical location of each capital improvement project.

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

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

21 ~~I.~~ J. A municipality that fails to file the report required by this
22 section shall not collect development fees until the report is filed.

23 ~~J.~~ K. Any action to collect a development fee shall be commenced
24 within two years after the obligation to pay the fee accrues.

25 ~~K.~~ L. For the purposes of this section: ~~—~~

26 1. "FINAL APPROVAL" MEANS:

27 (a) FOR A NONRESIDENTIAL OR MULTIFAMILY DEVELOPMENT, THE APPROVAL OF A
28 SITE PLAN OR, IF NO SITE PLAN IS SUBMITTED FOR THE DEVELOPMENT, THE APPROVAL
29 OF A FINAL SUBDIVISION PLAT.

30 (b) FOR A SINGLE FAMILY RESIDENTIAL DEVELOPMENT, THE APPROVAL OF A
31 FINAL SUBDIVISION PLAT.

32 2. "Infrastructure improvements plan" means one or more written plans
33 that individually or collectively identify each public service that is

1 proposed to be the subject of a development fee and otherwise complies with
2 the requirements of this section, and may be the municipality's capital
3 improvements plan.

4 Sec. 6. Title 9, chapter 7, article 1, Arizona Revised Statutes, is
5 amended by adding section 9-805, to read:

6 9-805. Building code moratorium on residential and commercial
7 buildings

8 BEGINNING JUNE 30, 2009 THROUGH JUNE 30, 2011, ANY NEW OR MODIFIED
9 RESIDENTIAL OR COMMERCIAL BUILDING CODE OR OTHER RELATED CODE THAT IS ADOPTED
10 BY A MUNICIPALITY DOES NOT APPLY TO A RESIDENTIAL OR COMMERCIAL BUILDING THAT
11 RECEIVED A FINAL SITE PLAN OR SUBDIVISION PLAT, PLANNED AREA DEVELOPMENT OR
12 SIMILAR APPROVAL BY A MUNICIPALITY BEFORE JUNE 1, 2009. THIS SECTION DOES
13 NOT PROHIBIT ANY CODE CHANGES TO THE EXTENT AND DURATION REQUIRED TO COMPLY
14 WITH CONDITIONS FOR FEDERAL STIMULUS FUNDING.

15 Sec. 7. Section 11-356, Arizona Revised Statutes, as amended by Laws
16 2009, chapter 45, section 3, is amended to read:

17 11-356. Dismissal, suspension or reduction in rank of employees:
18 appeals; hearings

19 A. Any officer or employee in the classified civil service may be
20 dismissed, suspended or reduced in rank or compensation by the appointing
21 authority after appointment or promotion is complete only by written order,
22 stating specifically the reasons for the action. The order shall be filed
23 with the clerk of the board of supervisors and a copy shall be furnished to
24 the person to be dismissed, suspended or reduced.

25 B. The officer or employee, within ten days after presentation to him
26 of the order, may appeal the order through the clerk of the commission. On
27 the filing of the appeal, the clerk of the commission shall immediately
28 transmit the order and appeal to the commission for a hearing.

29 C. Within twenty days after receiving the order and appeal, the
30 commission shall set a date for a hearing of the appeal. The appellant may
31 appear personally, produce evidence, have counsel and, if requested by the
32 appellant, request a public hearing.

1 D. The commission may appoint a hearing officer to conduct the hearing
2 and take evidence on behalf of the commission. If a hearing officer is
3 appointed to conduct the hearing, on conclusion of the hearing the hearing
4 officer shall submit proposed findings of fact, conclusions of law and a
5 recommendation to the commission.

6 E. In any appeal of a dismissal, suspension or reduction in rank in
7 which a single hearing officer has been appointed to conduct the appeal
8 hearing, the officer or employee or the employer may request a change of
9 hearing officer. On the first request of a party, the commission shall grant
10 the request. The commission may grant all other requests only on a showing
11 that a fair and impartial hearing cannot be obtained due to the prejudice of
12 the assigned hearing officer. The chairperson of the commission shall decide
13 whether a sufficient showing of prejudice has been made.

14 F. Following the hearing, or if a hearing officer has been appointed,
15 following receipt of the hearing officer's proposed findings of fact,
16 conclusions of law and recommendation, the commission shall either affirm,
17 modify or revoke the order.

18 G. The findings and decision of the commission shall be final and
19 shall be subject to administrative review as provided in title 12, chapter 7,
20 article 6.

21 H. THIS SECTION DOES NOT APPLY TO FURLOUGHS OF CLASSIFIED EMPLOYEES IF
22 THE FURLOUGHS ARE UNDERTAKEN TO ADDRESS BUDGET SHORTFALLS OR STRUCTURAL
23 INBALANCE.

24 Sec. 8. Section 11-1102, Arizona Revised Statutes, is amended to read:
25 11-1102. County development fees; annual report

26 A. If a county has adopted a capital improvements plan, the county may
27 assess development fees within the covered planning area in order to offset
28 the capital costs for water, sewer, streets, parks and public safety
29 facilities determined by the plan to be necessary for public services
30 provided by the county to a development in the planning area.

31 B. Development fees assessed under this section are subject to the
32 following requirements:

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

3 2. Monies received from development fees shall be placed in a separate
4 fund and accounted for separately and may only be used for the purposes
5 authorized by this section. Interest earned on monies in the separate fund
6 shall be credited to the fund.

7 3. The county shall prescribe the schedule for paying the development
8 fees. The county shall provide a credit toward the payment of the fee for
9 the required dedication of public sites and improvements provided by the
10 developer for which that fee is assessed. The developer of residential
11 dwelling units shall be required to pay the fees when construction permits
12 for the dwelling units are issued.

13 4. The amount of any development fees must bear a reasonable
14 relationship to the burden of capital costs imposed on the county to provide
15 additional necessary public services to the development. In determining the
16 extent of the burden imposed by the development, the county shall consider,
17 among other things, the contribution made or to be made in the future in cash
18 by taxes, fees or assessments by the property owner toward the capital costs
19 of the necessary public service covered by the development fee.

20 5. Development fees shall be assessed in a nondiscriminatory manner.

21 6. In determining and assessing a development fee applying to land in
22 a community facilities district established under title 48, chapter 4,
23 article 6, the county shall take into account all public infrastructure
24 provided by the district and capital costs paid by the district for necessary
25 public services and shall not assess a portion of the development fee based
26 on the infrastructure or costs.

27 7. THE COUNTY SHALL NOT ASSESS OR COLLECT DEVELOPMENT FEES FROM A
28 SCHOOL DISTRICT OR CHARTER SCHOOL, OTHER THAN FEES ASSESSED OR COLLECTED FOR
29 STREETS AND WATER AND SEWER UTILITY FUNCTIONS.

30 C. Before assessing or increasing a development fee, the county shall:

31 1. Give at least one hundred twenty days' advance notice of intention
32 to assess a new or increased development fee.

1 2. Release to the public a written report including all documentation
2 that supports the assessment of a new or increased development fee.

3 3. Conduct a public hearing on the proposed new or increased
4 development fee at any time after the expiration of the one hundred twenty
5 day notice of intention to assess a new or increased development fee and at
6 least fourteen days before the scheduled date of adoption of the new or
7 increased fee.

8 D. A development fee assessed pursuant to this section is not
9 effective for at least ninety days after its formal adoption by the board of
10 supervisors.

11 E. Each county that assesses development fees shall submit an annual
12 report accounting for the collection and use of the fees. The annual report
13 shall include the following:

14 1. The amount assessed by the county for each type of development fee.

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

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

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

20 (a) Bonds issued by the county to pay the cost of a capital
21 improvement project that is the subject of a development fee assessment.

22 (b) Monies advanced by the county from funds other than the funds
23 established for development fees in order to pay the cost of a capital
24 improvement project that is the subject of a development fee assessment.

25 5. The amount of development fee monies spent on each capital
26 improvement project that is the subject of a development fee assessment and
27 the physical location of each capital improvement project.

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

31 F. Within ninety days following the end of each fiscal year, each
32 county shall submit a copy of the annual report to the clerk of the board of

1 supervisors. Copies shall be made available to the public on request. The
2 annual report may contain financial information that has not been audited.

3 G. A county that fails to file the report required by this section
4 shall not collect development fees until the report is filed.

5 H. This section does not affect any development fee adopted before May
6 18, 2000.

7 Sec. 9. Section 20-1550, Arizona Revised Statutes, is amended to read:
8 20-1550. Minimum policyholder position; definitions

9 A. A mortgage guaranty insurer shall maintain at all times a minimum
10 policyholder position in an amount not less than the amount required by this
11 section. The face amount of the mortgage shall include reinsurance assumed
12 and shall be calculated net of reinsurance that is ceded to an insurer
13 either:

- 14 1. Authorized to transact insurance or accredited to assume
- 15 reinsurance in this state.
- 16 2. Pursuant to section 20-1557, subsection C.
- 17 3. Otherwise approved by the director.

18 B. If a policy of mortgage guaranty insurance insures individual loans
19 with a percentage claim settlement option on the loans, the insurer shall
20 maintain a minimum policyholder position based on each one hundred dollars of
21 the face amount of the mortgage, the percentage coverage or claim settlement
22 option and the loan-to-value category. The required amount of minimum
23 policyholder position is calculated in the following manner:

24 1. If the total indebtedness is greater than seventy-five per cent of
25 the value of the collateral property at the date of insurance, the following
26 applies:

Per cent <u>coverage</u>	Minimum policyholder position per one hundred dollars of the face <u>amount of the mortgage</u>
5%	\$.20
10	.40
15	.60

Senate Amendments to S.B. 1024

1	20	.80
2	25	1.00
3	30	1.10
4	35	1.20
5	40	1.30
6	45	1.35
7	50	1.40
8	55	1.50
9	60	1.55
10	65	1.60
11	70	1.65
12	75	1.75
13	80	1.80
14	85	1.85
15	90	1.90
16	95	1.95
17	100	2.00

18 If the per cent coverage is between any five percentage point increment, the
19 factor for minimum policyholder position per one hundred dollars of the face
20 amount of the mortgage shall be prorated.

21 2. If the total indebtedness is at least fifty per cent and not more
22 than seventy-five per cent of the value of the collateral property at the
23 date of insurance, the required amount of minimum policyholder position is
24 fifty per cent of the amount required by paragraph 1 of this subsection.

25 3. If the total indebtedness is less than fifty per cent of the value
26 of the collateral property at the date of insurance, the required amount of
27 minimum policyholder position is twenty-five per cent of the amount required
28 by paragraph 1 of this subsection.

29 C. If a policy of mortgage guaranty insurance provides coverage on a
30 pool of loans subject to an aggregate loss limit and if the equity:

31 1. Is not more than fifty per cent and not less than twenty per cent,
32 or equity plus any prior insurance or a deductible equals twenty-five per

cent of the value of the collateral property at the date of insurance, the required amount of minimum policyholder position is calculated as follows:

Per cent <u>coverage</u>	Minimum policyholder position per one hundred dollars of the face <u>amount of the mortgage</u>
1%	\$.30
5	.50
10	.60
15	.65
20	.70
25	.75
30	.775
40	.80
50	.825
60	.85
70	.875
75	.90
80	.925
90	.95
1.00 100	1.00

If the per cent coverage is between any specified increment, the factor for minimum policyholder position per one hundred dollars of the face amount of the mortgage shall be prorated.

2. Is less than twenty per cent or the equity plus prior insurance or a deductible is less than twenty-five per cent of the value of the collateral property at the date of insurance, the required amount of minimum policyholder position is two hundred per cent of the amount required by paragraph 1 of this subsection.

3. Is more than fifty per cent or the equity plus prior insurance or a deductible is more than fifty-five per cent of the value of the collateral property at the date of insurance, the required amount of minimum

1 policyholder position is fifty per cent of the amount of minimum policyholder
2 position required by paragraph 1 of this subsection.

3 D. If a policy of mortgage guaranty insurance provides for layers of
4 coverage, deductibles or excess reinsurance, the required amount of minimum
5 policyholder position may be computed by subtracting the required minimum
6 policyholder position for the lower percentage coverage limits from the
7 required minimum policyholder position for the upper or greater coverage
8 limit.

9 E. If a policy of mortgage guaranty insurance provides for coverage on
10 loans secured by second liens:

11 1. If the policy provides coverage on individual loans, the required
12 amount of minimum policyholder position is calculated according to subsection
13 B after the per cent of coverage and the loan-to-value ratios have been
14 determined as follows:

15 (a) Divide the insured portion of the second loan by the entire loan
16 indebtedness on the collateral property to determine the per cent coverage.

17 (b) Divide the entire loan indebtedness on the property by the value
18 of the collateral property at the date of insurance to determine
19 loan-to-value per cent.

20 2. If the policy provides coverage on a group of loans subject to an
21 aggregate loss limit, the minimum policyholder position is calculated
22 according to subsection C after the per cent of coverage and the
23 loan-to-value ratios have been determined in accordance with this subsection.

24 F. If a policy of mortgage guaranty insurance provides for coverage on
25 leases, the minimum policyholder position is four dollars for each one
26 hundred dollars of the insured amount of the lease.

27 G. If a mortgage guaranty insurer does not have the amount of minimum
28 policyholder position required by this section, **THE DIRECTOR MAY REQUIRE THAT**
29 it shall cease transacting new business until such time that its minimum
30 policyholder position is in compliance with this section.

31 H. A mortgage guaranty insurer shall include with its annual statement
32 a report of its minimum policyholder position on a form approved by the
33 director.

1 I. For the purposes of this section, except as otherwise provided:

2 1. "Equity" means the complement of the loan-to-value per cent.

3 2. "Face amount of the mortgage" means the outstanding principal
4 balance computed without any reduction because of an insurer's option
5 limiting its coverage, except that for the purposes of determining a minimum
6 policyholder position under subsection E "face amount of the mortgage" means
7 the entire loan indebtedness on the property.

8 Sec. 10. Section 32-516, Arizona Revised Statutes, is amended to read:

9 32-516. Aestheticians; cosmetic laser and IPL device use;
10 certification; fees; definitions

11 A. An aesthetician who wishes to perform cosmetic laser procedures and
12 procedures using IPL devices must:

13 1. Apply for and receive a certificate from the agency.

14 2. Comply with the requirements of this section and agency rules.

15 3. Successfully complete forty hours of didactic training as required
16 by agency rules at an agency certified training program. The program shall
17 provide a provisional certificate to the applicant verifying the successful
18 completion of the didactic training.

19 4. For hair removal, complete hands-on training that is supervised by
20 a health professional who is acting within the health professional's scope of
21 practice or by a laser technician who has a minimum of one hundred hours of
22 hands-on experience per procedure. The health professional or laser
23 technician must be present in the room during twenty-four hours of ~~actual~~
24 hands-on use of lasers or IPL devices. The supervising health professional
25 or laser technician shall verify that the aesthetician has completed the
26 training and supervision as prescribed by this section.

27 5. For other cosmetic laser and IPL device procedures, complete a
28 minimum of an additional twenty-four hours of hands-on training of at least
29 ten cosmetic procedures for each type of specific procedure that is
30 supervised by a health professional who is acting within the health
31 professional's scope of practice or by a laser technician who has a minimum
32 of one hundred hours of hands-on experience per procedure. The health
33 professional or laser technician must be present in the room during

1 twenty-four hours of ~~actual~~ hands-on use of lasers or IPL devices. The
2 supervising health professional or laser technician shall verify that the
3 aesthetician has completed the training and supervision as prescribed by this
4 section.

5 6. Submit to the agency the provisional certificate from the training
6 program and certification by the health professional or laser technician who
7 directly supervised the applicant in the room during the hands-on training.

8 B. The agency shall issue a laser technician certificate authorizing
9 the aesthetician to use lasers and IPL devices if the applicant has completed
10 the training for hair removal or lasers and IPL devices for other cosmetic
11 procedures, as applicable, and shall maintain a current register of those
12 laser technicians in good standing and whether certification is for hair
13 removal only or other cosmetic procedures as well. The agency may establish
14 a fee for the registration of aestheticians as laser technicians and the
15 issuance of certificates pursuant to this subsection. The agency shall
16 deposit monies collected pursuant to this subsection in the laser safety fund
17 established by section 32-3234.

18 C. An aesthetician who has been certified as a laser technician by the
19 agency may use a laser or IPL device:

20 1. For hair removal under the indirect supervision of a health
21 professional whose scope of practice permits the supervision.

22 2. For cosmetic purposes other than hair removal if the aesthetician
23 is directly supervised by a health professional whose scope of practice
24 permits the supervision and the aesthetician has been certified in those
25 procedures.

26 D. The board shall investigate any complaint from the public or from
27 another board or agency regarding a licensed aesthetician who performs
28 cosmetic laser procedures or procedures using IPL devices pursuant to this
29 section. The board shall report to the agency any complaint it receives
30 about the training or performance of an aesthetician who is certified as a
31 laser technician.

32 E. An aesthetician who has been using laser and IPL devices before the
33 effective date of this **AMENDMENT TO THIS** section may continue to do so if the

1 aesthetician applies for and receives a certificate pursuant to this section
2 ~~within one year after the effective date of this section~~ BEFORE OCTOBER 1,
3 2010.

4 F. For the purposes of this section:

5 1. "Agency" means the radiation regulatory agency.

6 2. "Directly supervised" means a health professional who is licensed
7 in this state and whose scope of practice allows the supervision supervises
8 the use of a laser or IPL device for cosmetic purposes while the health
9 professional is present at the facility where and when the device is being
10 used.

11 3. "Health professional" means a person licensed pursuant to chapter
12 13, 14, 15, 17 or 25 of this title.

13 4. "Indirect supervision" means supervision by a health professional
14 who is licensed in this state, ~~and~~ whose scope of practice allows the
15 supervision and who is readily accessible by telecommunication.

16 5. "IPL device" means an intense pulse light class II surgical device
17 certified in accordance with the standards of the agency for cosmetic
18 procedures.

19 6. "Laser" means any device that can produce or amplify
20 electromagnetic radiation with wavelengths in the range of one hundred eighty
21 nanometers to one millimeter primarily by the process of controlled
22 stimulated emission and certified in accordance with the standards for the
23 agency for cosmetic procedures.

24 7. "Laser technician" means a person who is or has been certified by
25 the agency pursuant to its rules and chapter 32, article 2 of this title.

26 Sec. 11. Section 32-702, Arizona Revised Statutes, is amended to read:

27 32-702. Arizona state board of accountancy; membership;
28 administrative duties; compensation

29 A. The Arizona state board of accountancy is established to administer
30 and enforce this chapter.

31 B. The board consists of seven members who are residents of this state
32 and who are appointed by the governor as follows:

1 1. Five members who currently hold valid certificates issued pursuant
2 to this chapter. At least three of these members must be in active public
3 practice as certified public accountants. No more than one of these members
4 may be from the same firm. If a member's certificate is on probation,
5 revoked or suspended, the member's appointment automatically terminates and
6 the position becomes vacant.

7 2. Two public members who do not hold a certificate issued pursuant to
8 this chapter but who have professional or practical experience in using
9 accounting services and financial statements and who are qualified to make
10 judgments about the qualifications and conduct of persons and firms subject
11 to this chapter.

12 C. The term of office of members of the board is five years, beginning
13 and ending on July 3, except that the governor may remove any member for
14 neglect of duty or other just cause. The governor shall fill vacancies by
15 appointment for the unexpired term. A person who has served a complete term
16 is not eligible for reappointment for a period of one year.

17 D. The board shall annually elect a president, secretary and treasurer
18 from among its members. The president, secretary or treasurer may sign and
19 approve claims filed against the board of accountancy fund to pay expenses
20 incurred under this chapter.

21 E. The board shall have a seal that shall be judicially noticed.

22 F. The board shall retain or provide for retention of the following
23 according to its retention schedule pursuant to section 41-1351:

- 24 1. All documents under oath that are filed with the board.
- 25 2. Records of its proceedings.

26 G. Each member of the board OR MEMBER OF AN ACCOUNTING AND AUDITING,
27 TAX, PEER REVIEW, LAW, CERTIFICATION OR CONTINUING PROFESSIONAL EDUCATION
28 COMMITTEE APPOINTED BY THE BOARD PURSUANT TO SECTION 32-703, SUBSECTION B,
29 PARAGRAPH 10 is eligible for compensation of one hundred dollars for each day
30 or part of a day spent, plus reimbursement for the member's actual and
31 necessary expenses incurred, in discharging the member's official duties.

1 5. Adopt procedures concerning disciplinary actions, administrative
2 hearings and consent decisions.

3 6. Issue to qualified applicants certificates executed for and on
4 behalf of the board by the signatures of the president and secretary of the
5 board.

6 7. Adopt procedures and rules concerning examination and grading the
7 examinations of individuals applying for a certificate as required by this
8 chapter.

9 8. Require peer review pursuant to rules adopted by the board on a
10 general and random basis of the professional work of a registrant engaged in
11 the practice of accounting.

12 9. Employ an executive director and other personnel that it considers
13 necessary to administer and enforce this chapter.

14 10. Appoint ACCOUNTING AND AUDITING, TAX, PEER REVIEW, LAW,
15 CERTIFICATION, CONTINUING PROFESSIONAL EDUCATION OR OTHER committees or
16 individuals as it considers necessary to advise or assist the board in
17 administering and enforcing this chapter. These committees and individuals
18 serve at the pleasure of the board.

19 11. Take all action that is necessary and proper to effectuate the
20 purposes of this chapter.

21 12. Sue and be sued in its official name as an agency of this state.

22 13. Adopt and amend rules concerning the definition of terms, the
23 orderly conduct of the board's affairs and the effective administration of
24 this chapter.

25 C. The board or an authorized agent of the board may:

26 1. Issue subpoenas to compel the attendance of witnesses or the
27 production of documents. If a subpoena is disobeyed, the board may invoke
28 the aid of any court in requiring the attendance and testimony of witnesses
29 and the production of documents.

30 2. Administer oaths and take testimony.

31 3. Cooperate with the appropriate authorities in other jurisdictions
32 in investigation and enforcement concerning violations of this chapter and
33 comparable statutes of other jurisdictions.

1 4. Receive evidence concerning all matters within the scope of this
2 chapter.

3 Sec. 13. Section 32-730, Arizona Revised Statutes, is amended to read:

4 32-730. Biennial registration; continuing education; inactive
5 certificates; cancellation

6 A. Except as provided in subsection C of this section and in section
7 32-4301, the board shall biennially require every certified public
8 accountant, public accountant and firm to register with the board and pay a
9 registration fee of not less than one hundred nor more than three hundred
10 dollars during the month of the anniversary of the registrant's birth in the
11 case of an individual or, in the case of a registered firm, during the month
12 of the anniversary of the effective date of the firm's formation. In the
13 administration of this section, registrants for less than two years shall be
14 charged on a pro rata basis for the remainder of the registration period.

15 B. A certified public accountant or public accountant who is not
16 actively engaged in the practice of accounting may request that the
17 individual's certificate be placed on inactive status by meeting the
18 requirements for inactive status and completing the forms prescribed by the
19 board. A certified public accountant or public accountant whose certificate
20 has been suspended by the board or against whom disciplinary proceedings have
21 been initiated may not place or maintain his certificate on inactive status.
22 A certified public accountant or public accountant who elects to place a
23 certificate on inactive status:

24 1. Shall continue to biennially register with the board and pay the
25 required fees.

26 2. Shall not engage in the practice of accounting for a fee or other
27 compensation while the individual remains on inactive status.

28 3. Shall not assume or use the title or designation of "certified
29 public accountant" or "public accountant" or the abbreviation "C.P.A.",
30 "CPA", "P.A." or "PA" while the person remains on inactive status.

31 C. The registration fee for certified public accountants and public
32 accountants may be reduced or waived by the board for registrants who are at
33 least sixty-five years of age or who have become disabled to a degree

1 precluding the continuance of their practice for six months or more prior to
2 the due date of any renewal fee.

3 D. At the time of registration, every certified public accountant and
4 public accountant shall as a prerequisite to biennial registration submit to
5 the board satisfactory proof, in a manner prescribed by the board, that the
6 registrant has completed the continuing education requirements established by
7 the board. The board may grant an exemption from continuing professional
8 education requirements for registrants on a demonstration of good cause as
9 determined by the board.

10 E. Except as otherwise provided in this chapter, a certified public
11 accountant or public accountant who elects to place a certificate on inactive
12 status may reactivate the certificate if the certificate has been inactive
13 for six years or less by doing all of the following:

14 1. Filing an application for renewal on the form prescribed by the
15 board and paying the applicable fees.

16 2. Submitting proof that the certified public accountant or public
17 accountant has satisfied continuing education requirements prescribed by the
18 board in its rules.

19 3. Affirming that the certified public accountant or public accountant
20 has not engaged in any conduct that would constitute grounds for revocation
21 or suspension of a certificate pursuant to section 32-741.

22 F. A registrant may reactivate an inactive certificate pursuant to
23 subsection E of this section only one time. Reactivation of an inactive
24 certificate pursuant to subsection E of this section is effective on the date
25 that the application for reactivation is approved by the board. A
26 certificate that is reactivated pursuant to subsection E of this section
27 continues in effect through the date prescribed in subsection A of this
28 section.

29 G. A certificate that has been inactive for more than six years
30 expires.

31 H. A certified public accountant or public accountant whose
32 certificate has expired or been canceled and who does not meet the good cause
33 requirements of section 32-741 may apply for and reactivate or reinstate the

1 certificate if the certified public accountant or public accountant meets all
2 of the following requirements:

3 1. Has not engaged in any conduct that would constitute grounds for
4 revocation or suspension of a certificate pursuant to section 32-741.

5 2. Pays all fees required of applicants for initial certification.

6 3. Takes and passes the examination required of applicants for initial
7 certification.

8 I. A certified public accountant or public accountant who is not
9 actively engaged in the practice of accounting **OR WHO QUALIFIES FOR LIMITED**
10 **RECIPROCITY PRIVILEGE PURSUANT TO SECTION 32-725** and who does not want to
11 renew or place the certificate on inactive status may request that the
12 certificate be canceled by submitting a written request on a form approved by
13 the board. This subsection does not apply if a complaint has been filed with
14 the board or disciplinary proceedings are pending against the certified
15 public accountant or public accountant.

16 J. Each firm established or maintained in this state for the purpose
17 of a certified public accountant or a public accountant to practice
18 accounting in this state shall register biennially under this chapter with
19 the board. The board shall not charge a fee for registration of additional
20 offices of the same firm or sole practitioner. The board shall prescribe by
21 rule the required registration procedures for this subsection.

22 K. A firm that is established or maintained in this state for the
23 purpose of a certified public accountant or a public accountant practicing
24 accounting in this state and that does not want to renew its registration may
25 cancel its registration by submitting a written request on a form approved by
26 the board. This subsection does not apply if a complaint has been filed with
27 the board or disciplinary proceedings are pending against the firm.

28 Sec. 14. Section 32-1606, Arizona Revised Statutes, is amended to
29 read:

30 **32-1606. Powers and duties of board**

31 A. The board may:

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

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

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

5 4. Refer criminal violations of this chapter to the appropriate law
6 enforcement agency.

7 5. Establish a confidential program for the monitoring of licensees
8 who are chemically dependent and who enroll in rehabilitation programs that
9 meet the criteria established by the board. The board may take further
10 action if the licensee refuses to enter into a stipulated agreement or fails
11 to comply with its terms. In order to protect the public health and safety
12 the confidentiality requirements of this paragraph do not apply if the
13 licensee does not comply with the stipulated agreement.

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

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

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

20 B. The board shall:

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

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

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

30 4. Examine qualified professional and practical nurse applicants.

31 5. License and renew the licenses of qualified professional and
32 practical nurse applicants who are not qualified to be licensed by the
33 executive director.

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

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

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

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

11 10. Determine and administer appropriate disciplinary action as
12 provided by this section against all persons who are licensed or certified
13 under this chapter and who are found guilty of violating this chapter or
14 rules adopted by the board.

15 11. Perform functions necessary to carry out the requirements of the
16 nursing assistant training and competency evaluation program as set forth in
17 the omnibus budget reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330),
18 as amended by the medicare catastrophic coverage act of 1988 (P.L. 100-360;
19 102 Stat. 683). These functions shall include:

20 (a) Testing and certification of nursing assistants.

21 (b) Maintaining a list of board approved training programs.

22 (c) Recertifying nursing assistants.

23 (d) Maintaining a registry of all certified nursing assistants.

24 (e) Assessing fees.

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

27 13. Adopt rules establishing educational requirements for the
28 certification of school nurses.

29 14. Publish copies of board rules and distribute these copies on
30 request.

31 15. Require each applicant for initial licensure to submit a full set
32 of fingerprints to the board for the purpose of obtaining a state and federal
33 criminal records check pursuant to section 41-1750 and Public Law 92-544.

1 The department of public safety may exchange this fingerprint data with the
2 federal bureau of investigation.

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

10 17. Revoke a license of a person, revoke the multistate licensure
11 privilege of a person pursuant to section 32-1669 or not issue a license or
12 renewal to an applicant who has one or more felony convictions and who has
13 not received an absolute discharge from the sentences for all felony
14 convictions five or more years before the date of filing an application
15 pursuant to this chapter. This paragraph does not apply to a person who has
16 filed an application for licensure or renewal before August 1, 1998 and who
17 has disclosed to the board one or more felony convictions on the person's
18 application.

19 18. Establish standards for approving nurse practitioner and clinical
20 nurse specialist programs and provide for surveys of nurse practitioner and
21 clinical nurse specialist programs as it deems necessary.

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

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

27 21. Adopt rules to establish competency standards for obtaining and
28 maintaining a license.

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

- 31 1. Revoke the license to practice.
- 32 2. Suspend the license to practice.

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

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

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

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

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

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

15 Sec. 15. Section 32-3233, Arizona Revised Statutes, is amended to
16 read:

17 32-3233. Lasers; IPL devices; authorized use; authorized
18 supervision

19 A. A health professional may register, operate and use a laser or IPL
20 device registered with the agency or administer drugs or devices for cosmetic
21 purposes to the extent the use is allowed by the health professional's scope
22 of practice and the health professional has completed any training required
23 by the health professional's regulatory board and the agency.

24 B. A health professional may supervise another health professional in
25 the use of a laser or IPL device for cosmetic purposes to the extent the
26 supervision is allowed or required by the supervising health professional's
27 scope of practice and the supervising health professional has completed any
28 training required by the supervising health professional's regulatory board
29 and the agency.

30 C. The health professional's regulatory board shall investigate any
31 complaint from the public or another board or agency involving the training,
32 education, supervision or use of a laser or IPL device. A health

1 professional shall report to the agency any complaint received about the
2 training or performance of a laser technician.

3 D. A health professional may supervise a laser technician in the use
4 of a laser or IPL device for cosmetic purposes if:

5 1. The health professional is licensed pursuant to chapter 13, 14, 15,
6 17 or 25 of this title and the supervision is within the health
7 professional's scope of practice.

8 2. The supervision does not conflict with the requirements of this
9 article.

10 3. The laser technician has been certified by the agency to use a
11 laser or IPL device for hair removal or other cosmetic procedures.

12 E. A laser technician who wishes to perform cosmetic laser procedures
13 and procedures using IPL devices must:

14 1. Successfully complete forty hours of didactic training as required
15 by agency rules at an agency certified training program. The program shall
16 provide a provisional certificate to the applicant verifying the successful
17 completion of the didactic training.

18 2. For hair removal, complete hands-on training that is supervised by
19 a health professional who is acting within the health professional's scope of
20 practice or by a laser technician who has a minimum of one hundred hours of
21 hands-on experience per procedure. The health professional or laser
22 technician must be present in the room during twenty-four hours of ~~actual~~
23 hands-on use of lasers or IPL devices. The supervising health professional
24 or supervising laser technician shall verify that the laser technician has
25 completed the training and supervision as prescribed by this section.

26 3. For other cosmetic laser and IPL device procedures, complete a
27 minimum of an additional twenty-four hours of hands-on training of at least
28 ten cosmetic procedures for each type of procedure that is supervised by a
29 health professional who is acting within the health professional's scope of
30 practice or by a laser technician who has a minimum of one hundred hours of
31 hands-on experience per procedure. The health professional or laser
32 technician must be present in the room during twenty-four hours of ~~actual~~
33 hands-on use of lasers or IPL devices. The supervising health professional

1 or supervising laser technician shall verify that the laser technician has
2 completed the training and supervision as prescribed by this section.

3 4. Submit to the agency the provisional certificate from the training
4 program and certification by the health professional or laser technician who
5 directly supervised the applicant in the room during the hands-on training.

6 F. The agency shall issue a laser technician certificate authorizing
7 the use of lasers and IPL devices only for hair removal if the applicant
8 meets the applicable requirements of subsection E, or for hair removal and
9 other cosmetic procedures if the applicant meets the applicable requirements
10 of subsection E. The agency shall maintain a current register of those laser
11 technicians in good standing and whether certification is only for hair
12 removal or for hair removal and other cosmetic procedures. The agency may
13 establish a fee for the registration of laser technicians and the issuance of
14 certificates pursuant to this subsection. **THE AGENCY SHALL DEPOSIT MONIES
15 COLLECTED PURSUANT TO THIS SUBSECTION IN THE LASER SAFETY FUND ESTABLISHED BY
16 SECTION 32-3234.**

17 G. A laser technician who has been using laser and IPL devices before
18 the effective date of **THIS AMENDMENT TO** this section may continue to do so if
19 the laser technician applies for and receives a certificate pursuant to this
20 section ~~within one year after the effective date of this section~~ **BEFORE
21 OCTOBER 1, 2010.**

22 H. A laser technician may use a laser or IPL device in the following
23 circumstances:

24 1. For hair removal under the indirect supervision of a health
25 professional whose scope of practice permits the supervision.

26 2. For cosmetic purposes other than hair removal if the laser
27 technician is directly supervised by a health professional whose scope of
28 practice permits the supervision.

29 I. The supervising health professional, the employer of a laser
30 technician and the registrant who owns or operates the laser or IPL device
31 are subject to disciplinary action by the appropriate regulatory board for
32 any errors made by a laser technician or for the use of a laser or IPL device
33 not allowed by this article. A person who employs a person who operates a

1 laser or IPL device must report any misuse of a laser or IPL device to the
2 operator's regulatory board and to the agency.

3 J. The agency shall investigate any complaint from a member of the
4 public or another board or agency involving the training, education, practice
5 or complaint of harm resulting from a laser technician performing procedures
6 for cosmetic purposes under this article and shall take appropriate
7 disciplinary action as necessary including revocation of the laser
8 technician's certification or revocation of a registrant's or employer's
9 license to own or operate a laser or IPL device.

10 Sec. 16. Section 33-809, Arizona Revised Statutes, is amended to read:

11 33-809. Request for copies of notice of sale; mailing by
12 trustee; disclosure of information regarding trustee
13 sale

14 A. A person desiring a copy of a notice of sale under a trust deed, at
15 any time subsequent to the recording of the trust deed and prior to the
16 recording of a notice of sale pursuant thereto, shall record in the office of
17 the county recorder in any county in which part of the trust property is
18 situated a duly acknowledged request for a copy of any such notice of sale.
19 The request shall set forth the name and address of the person or persons
20 requesting a copy of such notice and shall identify the trust deed by setting
21 forth the county, docket or book and page of the recording data thereof and
22 by stating the names of the original parties to such deed, the date the deed
23 was recorded and the legal description of the entire trust property and shall
24 be in substantially the following form:

25 Request for Notice

26 Request is hereby made that a copy of any notice of sale
27 under the trust deed recorded in docket or book _____ at
28 page _____, records of _____ county, Arizona,
29 _____, _____,

30 (legal description of trust property)

31 Executed by _____ as trustor, in which
32 _____ is named as beneficiary and _____ as
33 trustee, be mailed to _____ at _____.

Dated this _____ day of _____, ____.

Signature

(Acknowledgement)

B. Not later than thirty days after recording the notice of sale, the trustee shall mail by certified or registered mail, with postage prepaid, a copy of the notice of sale that reflects the recording date together with any notice required to be given by subsection C of this section, addressed as follows:

1. To each person whose name and address are set forth in a request for notice, which has been recorded prior to the recording of the notice of sale, directed to the address designated in such request.

2. To each person who, at the time of recording of the notice of sale, appears on the records of the county recorder in the county in which any part of the trust property is situated to have an interest in any of the trust property. The copy of the notice sent pursuant to this paragraph shall be addressed to the person whose interest appears of record at the address set forth in the document. If no address for the person is set forth in the document, the copy of the notice may be addressed in care of the person to whom the recorded document evidencing such interest was directed to be mailed at the time of its recording or to any other address of the person known or ascertained by the trustee. If the interest that appears on the records of the county recorder is a deed of trust, a copy of the notice only needs to be mailed to the beneficiary under the deed of trust. If any person having an interest of record or the trustor, or any person who has recorded a request for notice, desires to change the address to which notice shall be mailed, the change shall be accomplished by a request as provided under this section.

3. FOR SINGLE FAMILY RESIDENTIAL PROPERTIES ONLY, TO THE PROPERTY ADDRESS, EXCEPT THAT THE COPY MAILED PURSUANT TO THIS PARAGRAPH MAY BE MAILED BY FIRST CLASS MAIL.

C. The trustee, within five business days after the recordation of a notice of sale, shall mail by certified or registered mail, with postage prepaid, a copy of the notice of sale to each of the persons who were parties

1 to the trust deed except the trustee. The copy of the notice mailed to the
2 parties need not show the recording date of the notice. The notice sent
3 pursuant to this subsection shall be addressed to the mailing address
4 specified in the trust deed. In addition, notice to each party shall contain
5 a statement that a breach or nonperformance of the trust deed or the contract
6 or contracts secured by the trust deed, or both, has occurred, and setting
7 forth the nature of such breach or nonperformance and of the beneficiary's
8 election to sell or cause to be sold the trust property under the trust deed
9 and the additional notice shall be signed by the beneficiary or the
10 beneficiary's agent. A copy of the additional notice shall also be sent with
11 the notice provided for in subsection B, paragraph 2 of this section to all
12 persons whose interest in the trust property is subordinate in priority to
13 that of the deed of trust along with a written statement that the interest
14 may be subject to being terminated by the trustee's sale. The written
15 statement may be contained in the statement of breach or nonperformance.

16 D. No request for a copy of a notice recorded pursuant to this
17 section, nor any statement or allegation in any request, nor any record of
18 request, shall affect the title to the trust property or be deemed notice to
19 any person that a person requesting a copy of notice of sale has or claims
20 any interest in, or claim upon, the trust property.

21 E. At any time that the trust deed is subject to reinstatement
22 pursuant to section 33-813, but not sooner than thirty days after recordation
23 of the notice of trustee's sale, the trustee shall upon receipt of a written
24 request, provide, if actually known to the trustee, the following information
25 relating to the trustee's sale and the trust property:

26 1. The unpaid principal balance of the note or other obligation which
27 is secured by the deed of trust.

28 2. The name and address of record of the owner of the trust property
29 as of the date of recordation of the notice of trustee's sale.

30 3. A list of the liens and encumbrances upon the trust property as of
31 the date of recordation of the notice of trustee's sale, excluding those
32 matters set forth in section 33-438, subsection A.

1 If the trustee elects to charge a fee for providing the information
2 requested, the fee shall not exceed five per cent of the amount the trustee
3 may charge pursuant to section 33-813, subsection B, paragraph 4, except that
4 the trustee shall not charge a fee that is more than one hundred dollars or
5 be required to accept a fee that is less than thirty dollars but may accept a
6 lesser fee at the trustee's discretion. The trustee, or any other person
7 furnishing information pursuant to this subsection to the trustee, shall not
8 be subject to liability for any error or omission in providing the
9 information requested, except for the wilful and intentional failure to
10 provide information in the trustee's actual possession.

11 F. Beginning at 9:00 a.m. and continuing until 5:00 p.m. mountain
12 standard time on the last business day preceding the day of sale and
13 beginning at 9:00 a.m. mountain standard time and continuing until the time
14 of sale on the day of the sale, the trustee shall make available the actual
15 bid or a good faith estimate of the credit bid the beneficiary is entitled to
16 make at the sale. If the actual bid or good faith estimate is not available
17 during the prescribed time period, the trustee shall postpone the sale until
18 the trustee is able to comply with this subsection.

19 G. In providing information pursuant to subsections E and F of this
20 section, the trustee, without obligation or liability for the accuracy or
21 completeness of the information, may respond to oral requests, respond orally
22 or in writing or provide additional information not required by such
23 subsections. With respect to property that is the subject of a trustee's
24 sale, the beneficiary of such deed of trust or the holder of any prior lien
25 may, but shall not be required to, provide information concerning such deed
26 of trust or any prior lien that is not required by subsection E or F of this
27 section and may charge a reasonable fee for providing the information. The
28 providing of such information by any beneficiary or holder of a prior lien
29 shall be without obligation or liability for the accuracy or completeness of
30 the information.

1 Sec. 17. Section 33-814, Arizona Revised Statutes, as amended by Laws
2 2009, chapter 68, section 1, is amended to read:

3 33-814. Action to recover balance after sale or foreclosure on
4 property under trust deed

5 A. Except as provided in subsections F and G of this section, within
6 ninety days after the date of sale of trust property under a trust deed
7 pursuant to section 33-807, an action may be maintained to recover a
8 deficiency judgment against any person directly, indirectly or contingently
9 liable on the contract for which the trust deed was given as security
10 including any guarantor of or surety for the contract and any partner of a
11 trustor or other obligor which is a partnership. In any such action against
12 such a person, the deficiency judgment shall be for an amount equal to the
13 sum of the total amount owed the beneficiary as of the date of the sale, as
14 determined by the court less the fair market value of the trust property on
15 the date of the sale as determined by the court or the sale price at the
16 trustee's sale, whichever is higher. A written application for determination
17 of the fair market value of the real property may be filed by a judgment
18 debtor with the court in the action for a deficiency judgment or in any other
19 action on the contract which has been maintained. Notice of the filing of an
20 application and the hearing shall be given to all parties to the action. The
21 fair market value shall be determined by the court at a priority hearing upon
22 such evidence as the court may allow. The court shall issue an order
23 crediting the amount due on the judgment with the greater of the sales price
24 or the fair market value of the real property. For the purposes of this
25 subsection, "fair market value" means the most probable price, as of the date
26 of the execution sale, in cash, or in terms equivalent to cash, or in other
27 precisely revealed terms, after deduction of prior liens and encumbrances
28 with interest to the date of sale, for which the real property or interest
29 therein would sell after reasonable exposure in the market under conditions
30 requisite to fair sale, with the buyer and seller each acting prudently,
31 knowledgeably and for self-interest, and assuming that neither is under
32 duress. Any deficiency judgment recovered shall include interest on the
33 amount of the deficiency from the date of the sale at the rate provided in

1 the deed of trust or in any of the contracts evidencing the debt, together
2 with any costs and disbursements of the action.

3 B. If a trustee's sale is a sale of less than all of the trust
4 property or is a sale pursuant to one of two or more trust deeds securing the
5 same obligation, the ninety day time limitations of subsection A of this
6 section shall begin on either the date of the trustee's sale of the last of
7 the trust property to be sold or the date of sale under the last trust deed
8 securing the obligation, whichever occurs last.

9 C. The obligation of a person who is not a trustor to pay, satisfy or
10 purchase all or a part of the balance due on a contract secured by a trust
11 deed may be enforced, if the person has so agreed, in an action regardless of
12 whether a trustee's sale is held. If, however, a trustee's sale is held, the
13 liability of a person who is not a trustor for the deficiency is determined
14 pursuant to subsection A of this section and any judgment for the deficiency
15 against the person shall be reduced in accordance with subsection A of this
16 section. If any such action is commenced after a trustee's sale has been
17 held, it is subject, in addition, to the ninety day time limitations of
18 subsections A and B of this section.

19 D. If no action is maintained for a deficiency judgment within the
20 time period prescribed in subsections A and B of this section, the proceeds
21 of the sale, regardless of amount, shall be deemed to be in full satisfaction
22 of the obligation and no right to recover a deficiency in any action shall
23 exist.

24 E. Except as provided in subsection F of this section, the provisions
25 of this chapter do not preclude a beneficiary from foreclosing a deed of
26 trust in the same manner as a real property mortgage. In an action for the
27 foreclosure of a deed of trust as a real property mortgage the provisions of
28 chapter 6, article 2 of this title are applicable.

29 F. A deed of trust may, by express language, validly prohibit the
30 recovery of any balance due after trust property is sold pursuant to the
31 trustee's power of sale, or the trust deed is foreclosed in the manner
32 provided by law for the foreclosure of mortgages on real property.

1 G. If trust property of two and one-half acres or less which is
2 limited to and utilized for either a single one-family or a single two-family
3 dwelling ~~by the trustor under the deed of trust for at least six consecutive~~
4 ~~months and for which a certificate of occupancy has been issued~~ is sold
5 pursuant to the trustee's power of sale, no action may be maintained to
6 recover any difference between the amount obtained by sale and the amount of
7 the indebtedness and any interest, costs and expenses. ~~The trustor is~~
8 ~~responsible for demonstrating that the trust property was used by the trustor~~
9 ~~as a one family or a single two family dwelling for at least six consecutive~~
10 ~~months.~~

11 Sec. 18. Section 33-1322, Arizona Revised Statutes, is amended to
12 read:

13 33-1322. Disclosure and tender of written rental agreement

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

18 1. The person authorized to manage the premises.

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

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

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

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

32 1. Service of process and receiving and receipting for notices and
33 demands.

1 SHARE, 0.03 PER CENT OF TOTAL PAYROLL SHALL BE DEPOSITED IN A SEPARATE
2 SUBACCOUNT OF THE PERSONNEL DIVISION FUND FOR USE BY THE PERSONNEL BOARD AND
3 SHALL BE SUBJECT TO LEGISLATIVE APPROPRIATION. Total payroll shall include
4 all fund sources, including the state general fund, federal monies, special
5 revenue funds, intergovernmental revenue monies, trust funds and other
6 payroll fund sources.

7 B. A claim for the pro rata share percentage payment shall be
8 submitted according to the fund source, with the accompanying payroll to the
9 department for deposit in the personnel division fund.

10 C. Notwithstanding section 35-190, only monies in excess of five
11 hundred thousand dollars revert to the state general fund at the end of each
12 fiscal year. The state comptroller shall pay any monies determined to be
13 owed to the federal government from the personnel division fund before
14 calculating the reversion.

15 Sec. 21. Section 48-6203, Arizona Revised Statutes, is amended to
16 read:

17 48-6203. Board of directors

18 A. The district is governed by a board of directors consisting of the
19 following members:

20 ~~1. Two members of the board of supervisors of the county establishing~~
21 ~~the district, elected by the board of supervisors.~~

22 ~~2.~~ 1. Two members of the governing body of the more populous of the
23 two cities establishing the district, elected by the governing body.

24 ~~3.~~ 2. One member of the governing body of the less populous of the
25 two cities establishing the district, elected by the governing body.

26 3. ONE MEMBER OF THE GENERAL PUBLIC WHO RESIDES IN APACHE, COCONINO,
27 MOHAVE, NAVAJO OR YAVAPAI COUNTY, APPOINTED BY THE SPEAKER OF THE HOUSE OF
28 REPRESENTATIVES.

29 4. ONE MEMBER OF THE GENERAL PUBLIC WHO RESIDES IN MARICOPA COUNTY,
30 APPOINTED BY THE PRESIDENT OF THE SENATE.

31 B. Members of the board of directors WHO ALSO SERVE ON THE GOVERNING
32 BODY OF A CITY ESTABLISHING THE DISTRICT serve during their terms of office
33 on the governing body of the ~~county or~~ city, unless a successor is earlier

1 elected by the respective governing body to replace the member for any
2 reason. OTHER MEMBERS OF THE BOARD OF DIRECTORS SHALL SERVE FOUR YEAR TERMS.

3 C. Members are not eligible for compensation for service on the board
4 of directors.

5 Sec. 22. 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 2010-2011 for the purposes
17 prescribed in 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.

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

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

7 Sec. 23. Repeal; department of administration certificates of
8 participation

9 Laws 2008, chapter 289, section 2 is repealed.

10 Sec. 24. Annual budgets

11 Notwithstanding section 35-121, Arizona Revised Statutes, for fiscal
12 year 2009-2010, appropriations for all budget units may be limited to one
13 fiscal year.

14 Sec. 25. Appropriation reduction; military installation fund

15 Notwithstanding section 41-1512.02, Arizona Revised Statutes, the
16 appropriation to the department of commerce for the military installation
17 fund from the state general fund is reduced by \$2,800,000 in fiscal year
18 2009-2010.

19 Sec. 26. Declaration of emergency; limitation

20 Notwithstanding section 35-192, Arizona Revised Statutes, or any other
21 law, the aggregate amount of all liabilities incurred during a declaration of
22 emergency shall not exceed two million nine hundred thousand dollars in
23 fiscal year 2009-2010.

24 Sec. 27. Tourism fund; transfer; limitation

25 Notwithstanding the requirements of section 42-5029, subsection D,
26 paragraph 4, subdivision (b), Arizona Revised Statutes, for fiscal year
27 2009-2010, the state treasurer shall not transfer a sum of more than
28 \$10,655,200 under section 42-5029, subsection D, paragraph 4, subdivision
29 (b), Arizona Revised Statutes.

30 Sec. 28. Moratorium on rule making relating to increased
31 monetary or regulatory costs; exceptions;
32 definitions

1 A. Notwithstanding any other law, for fiscal year 2009-2010, an agency
2 shall not conduct any rule making, including an informal rule making process,
3 that would impose increased monetary or regulatory costs on other state
4 agencies, political subdivisions of this state, persons or individuals or
5 would not reduce the regulatory burden on the persons or individuals so
6 regulated.

7 B. Subsection A of this section does not apply to rule making for any
8 of the following:

9 1. An authorization or requirement enacted by the legislature after
10 January 1, 2009 or as authorized by the governor after January 22, 2009.

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

14 3. To prevent a threat to the public health, peace or safety.

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

17 5. To implement or comply with the fiscal year 2009-2010 state budget
18 or the American recovery and reinvestment act of 2009 (P.L. 111-5).

19 6. A rule or other item that is exempt from title 41, chapter 6,
20 Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised
21 Statutes.

22 7. To eliminate or replace archaic or illegal rules.

23 C. An agency shall not conduct any informal or formal rule making
24 pursuant to this section without the prior written approval of the office of
25 the governor. This subsection does not apply to any agency that is
26 independent of the office of the governor, including any agency that is
27 headed by a single elected official or the corporation commission.

28 D. For the purposes of this section, "agency", "person", "rule" and
29 "rule making" have the same meanings prescribed in section 41-1001, Arizona
30 Revised Statutes.

31 Sec. 29. Federal stimulus funding; reporting; retroactivity

32 A. All agencies receiving monies from the federal American recovery
33 and reinvestment act (P.L. 111-5) in either fiscal year 2008-2009 or

1 2009-2010 shall provide a report on the agency's use of the monies to the
2 joint legislative budget committee by October 1, 2009.

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 C. An agency may meet the requirements of subsection A by notifying
11 the joint legislative budget committee that its report has been posted to the
12 governor's office of economic recovery website, if the information provided
13 through the website meets all of the requirements of subsection B.

14 D. This section is effective retroactively to from and after September
15 30, 2009.

16 Sec. 30. Calculation adjustments; fiscal year 2009-2010 closing
17 state general fund balance

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

25 Sec. 31. Unrestricted federal monies; retroactivity

26 A. Any unrestricted federal monies, excluding monies from the federal
27 American recovery and reinvestment act (P.L. 111-5), received from July 1,
28 2009 through June 30, 2010 shall be deposited in the state general fund. The
29 monies shall be used for the payment of essential governmental services.

30 B. This section is effective retroactively to from and after June 30,
31 2009.

32 Sec. 32. Required reduction in hours

1 than \$200,000,000 and may sell those board funding obligations to a financial
2 institution.

3 B. Except as otherwise provided in this section, section 28-7678,
4 Arizona Revised Statutes, applies to any board funding obligation issued
5 pursuant to subsection A of this section.

6 C. Before selling the board funding obligations, the transportation
7 board shall submit the authorizing resolution to the joint committee on
8 capital review for review.

9 Sec. 36. Performance management software; department of
10 administration contract; report; delayed repeal

11 A. The department of administration shall allow vendors to demonstrate
12 the availability of savings to this state through the use of software that is
13 capable of performance management, including data fusion, fraud reduction,
14 budgeting, planning, business intelligence, reporting and analysis, that has
15 the ability to generate and use dashboards, that can interact with metrics
16 and key performance indicators and that is capable of being implemented in
17 every state agency. The department of administration shall enter into a
18 contract with a software vendor or vendors for the purchase of the software
19 only if the vendor or vendors agree to receive payment for the software
20 through savings realized by this state through the use of the software. The
21 criteria for selection of the contract shall also consider end-user ease of
22 use and ease of administration and shall meet any related standards of the
23 government information technology agency.

24 B. The procedure for entering into the contract specified in
25 subsection A of this section is subject to the requirements of the state
26 procurement code, title 41, chapter 23, Arizona Revised Statutes, and the
27 department of administration may use any request for information issued
28 pursuant to Laws 2008, chapter 285, section 2.

29 C. The department of administration shall annually quantify the
30 savings realized from each state agency using the software. The department
31 of administration shall submit a report of the savings by agency and program
32 to the joint legislative budget committee and the joint legislative audit
33 committee on or before July 1 each year. A copy of the report shall be

1 provided to the secretary of state and the director of the Arizona state
2 library, archives and public records.

3 D. This section is repealed from and after December 31, 2016.

4 Sec. 37. Office of administrative hearings; prompt hearings

5 Notwithstanding section 41-1092.05, subsection A, Arizona Revised
6 Statutes, for fiscal year 2009-2010, the office of administrative hearings
7 shall hold hearings for appealable agency actions and contested cases as soon
8 as reasonably possible after a notice of appeal is filed or a request for a
9 hearing is made.

10 Sec. 38. Department of liquor licenses and control;
11 appropriation

12 A. The sum of \$2,141,000 is appropriated in fiscal year 2009-2010 from
13 the liquor licenses fund established by section 4-120, Arizona Revised
14 Statutes, as added by this act, to the department of liquor licenses and
15 control for operating expenditures.

16 B. In addition to the monies appropriated in subsection A of this
17 section, the sum of \$700,000 shall be deposited in fiscal year 2009-2010 in
18 the liquor licenses fund established by section 4-120, Arizona Revised
19 Statutes, as added by this act, from the monies collected pursuant to section
20 4-115, Arizona Revised Statutes, as amended by this act.

21 Sec. 39. Department of commerce; operating expenses

22 Notwithstanding any other law, for fiscal year 2009-2010, the
23 department of commerce may use monies appropriated from the state general
24 fund and monies in the bond fund, CEDC fund and state lottery fund to
25 administer programs that attract and retain jobs in this state and to pay for
26 associated direct, indirect and other costs.

27 Sec. 40. Department of insurance; operating expenses

28 Notwithstanding any other law, for fiscal year 2009-2010, the
29 department of insurance may use up to \$100,000 from the captive insurance
30 regulatory and supervision fund established by section 20-1098.18, Arizona
31 Revised Statutes, to administer programs in accordance with the department's
32 statutory responsibilities.

33 Sec. 41. Development fees; moratorium; retroactivity

1 A. Notwithstanding any other law, beginning June 30, 2009 through June
2 30, 2011, a municipality shall not:

3 1. Impose any new development fees pursuant to section 9-463.05,
4 Arizona Revised Statutes.

5 2. Increase any existing development fees authorized by section
6 9-463.05, Arizona Revised Statutes.

7 B. This section is effective retroactively to from and after June 29,
8 2009.

9 Sec. 42. Construction contracting tax rate increase;
10 municipalities; moratorium; retroactivity

11 A. Notwithstanding any other law, beginning June 30, 2009 through June
12 30, 2011, a city or town shall not impose an increased tax rate that is
13 levied on construction contracting by submitting the issue to the qualified
14 electors of the city or town at an election or by action of the city or town
15 council.

16 B. This section does not apply to any transaction privilege tax rate
17 that is adopted before June 1, 2009.

18 C. This section is effective retroactively to from and after June 29,
19 2009.

20 Sec. 43. Statewide transportation acceleration needs;
21 restoration subaccount

22 The director of the department of transportation may transfer
23 \$10,000,000 from any of the subaccounts of the statewide transportation
24 acceleration needs account established by section 28-7009, Arizona Revised
25 Statutes, to a subaccount established by the director to restore funding to a
26 project that was previously approved by the state transportation board
27 pursuant to section 28-7009, Arizona Revised Statutes, and that was in an
28 amount of less than \$21,000,000.

29 Sec. 44. Conforming legislation

30 The legislative council staff shall prepare proposed legislation
31 conforming the Arizona Revised Statutes to the provisions of this act for
32 consideration in the forty-ninth legislature, second regular session.

1 Sec. 45. Applicability

2 Section 9-463.05, subsection F, Arizona Revised Statutes, as amended by
3 this act, does not apply to any development that received its final approval
4 before January 1, 2010.

5 Sec. 46. Effective date

6 Section 9-463.05, Arizona Revised Statutes, as amended by this act, is
7 effective from and after December 31, 2009.

8 Sec. 47. Retroactivity

9 A. Section 9-805, Arizona Revised Statutes, as amended by this act,
10 applies retroactively to from and after June 29, 2009.

11 B. Section 33-814, Arizona Revised Statutes, as amended by Laws 2009,
12 chapter 68, section 1 and this act, applies retroactively to from and after
13 September 29, 2009.

14 C. Section 41-764, Arizona Revised Statutes, as amended by this act,
15 applies retroactively to from and after June 30, 2009."

16 Amend title to conform

RUSSELL PEARCE

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