

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1598

AN ACT

AMENDING SECTIONS 9-461, 9-461.05 AND 9-461.06, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-461.14; AMENDING TITLE 9, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4; AMENDING SECTIONS 11-801, 11-804 AND 11-805, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2010, CHAPTER 244, SECTION 7; AMENDING TITLE 11, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2010, CHAPTER 244, SECTION 7, BY ADDING SECTION 11-809; AMENDING TITLE 11, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 11; AMENDING SECTIONS 12-348 AND 48-3603, ARIZONA REVISED STATUTES; RELATING TO CITY AND COUNTY REGULATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-461, Arizona Revised Statutes, is amended to
3 read:

4 9-461. Definitions

5 In this article, unless the context otherwise requires:

6 1. "AGGREGATE" MEANS CINDER, CRUSHED ROCK OR STONE, DECOMPOSED
7 GRANITE, GRAVEL, PUMICE, PUMICITE AND SAND.

8 ~~1-~~ 2. "General plan" means a municipal statement of land development
9 policies, ~~which~~ THAT may include maps, charts, graphs and text ~~which~~ THAT set
10 forth objectives, principles and standards for local growth and redevelopment
11 enacted under the provisions of this article or any prior statute.

12 ~~2-~~ 3. "Municipal" or "municipality" means an incorporated city or
13 town.

14 ~~3-~~ 4. "Planning agency" means the official body designated by local
15 ordinance to carry out the purposes of this article and may be a planning
16 department, a planning commission, a hearing officer, the legislative body
17 itself, or any combination thereof.

18 ~~4-~~ 5. "Right-of-way" means any public right-of-way and includes any
19 area required for public use pursuant to any general or specific plan.

20 ~~5-~~ 6. "Specific plan" means a detailed element of the general plan
21 enacted under the provisions of this article or a prior statute.

22 ~~6-~~ 7. "Street" means streets, highways, freeways, expressways,
23 avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts,
24 subways, tunnels, bridges, public access easements and rights-of-way.

25 ~~7-~~ 8. "Subdivision regulations" means a municipal ordinance
26 regulating the design and improvement of subdivisions enacted under the
27 provisions of article 6.2 of this chapter, or any prior statute, regulating
28 the design and improvement of subdivisions.

29 ~~8-~~ 9. "Zoning ordinance" means a municipal ordinance regulating the
30 use of land, ~~OR~~ structures, or both, under the provisions of this article.

31 Sec. 2. Section 9-461.05, Arizona Revised Statutes, is amended to
32 read:

33 9-461.05. General plans; authority; scope

34 A. Each planning agency shall prepare and the governing body of each
35 municipality shall adopt a comprehensive, long-range general plan for the
36 development of the municipality. The planning agency shall coordinate the
37 production of its general plan with the creation of the state land department
38 conceptual land use plans under title 37, chapter 2, article 5.1 and shall
39 cooperate with the state land department regarding integrating the conceptual
40 state land use plans into the municipality's general land use plan. The
41 general plan shall include provisions that identify changes or modifications
42 to the plan that constitute amendments and major amendments. The plan shall
43 be adopted and readopted in the manner prescribed by section 9-461.06.

1 B. The general plan shall be so prepared that all or individual
2 elements of it may be adopted by the governing body and that it may be made
3 applicable to all or part of the territory of the municipality.

4 C. The general plan shall consist of a statement of community goals
5 and development policies. It shall include maps, any necessary diagrams and
6 text setting forth objectives, principles, standards and plan proposals. The
7 plan shall include the following elements:

8 1. A land use element that:

9 (a) Designates the proposed general distribution and location and
10 extent of such uses of the land for housing, business, industry, agriculture,
11 recreation, education, public buildings and grounds, open space and other
12 categories of public and private uses of land as may be appropriate to the
13 municipality.

14 (b) Includes a statement of the standards of population density and
15 building intensity recommended for the various land use categories covered by
16 the plan.

17 (c) Identifies specific programs and policies that the municipality
18 may use to promote infill or compact form development activity and locations
19 where those development patterns should be encouraged.

20 (d) Includes consideration of air quality and access to incident solar
21 energy for all general categories of land use.

22 (e) Includes policies that address maintaining a broad variety of land
23 uses, including the range of uses existing in the municipality when the plan
24 is adopted, readopted or amended.

25 (f) For cities and towns with territory in the vicinity of a military
26 airport or ancillary military facility as defined in section 28-8461,
27 includes consideration of military airport or ancillary military facility
28 operations. On or before December 31, 2005, if a city or town includes land
29 in a high noise or accident potential zone as defined in section 28-8461, the
30 city or town shall identify the boundaries of the high noise or accident
31 potential zone in its general plan for purposes of planning land uses in the
32 high noise or accident potential zone that are compatible with the operation
33 of the military airport or ancillary military facility pursuant to section
34 28-8481, subsection J.

35 (g) INCLUDES SOURCES OF CURRENTLY IDENTIFIED AGGREGATES FROM MAPS THAT
36 ARE AVAILABLE FROM STATE AGENCIES, POLICIES TO PRESERVE CURRENTLY IDENTIFIED
37 AGGREGATES SUFFICIENT FOR FUTURE DEVELOPMENT AND POLICIES TO AVOID
38 INCOMPATIBLE LAND USES, EXCEPT THAT THIS SUBDIVISION SHALL NOT BE CONSTRUED
39 TO AFFECT ANY PERMITTED UNDERGROUND STORAGE FACILITY OR LIMIT ANY PERSON'S
40 RIGHT TO OBTAIN A PERMIT FOR AN UNDERGROUND STORAGE FACILITY PURSUANT TO
41 TITLE 45, CHAPTER 3.1.

42 2. A circulation element consisting of the general location and extent
43 of existing and proposed freeways, arterial and collector streets, bicycle
44 routes and any other modes of transportation as may be appropriate, all
45 correlated with the land use element of the plan.

1 D. For cities and towns having a population of more than two thousand
2 five hundred persons but less than ten thousand persons and whose population
3 growth rate exceeded an average of two per cent per year for the ten year
4 period before the most recent United States decennial census and for cities
5 and towns having a population of ten thousand or more persons according to
6 the most recent United States decennial census, the general plan shall
7 include, and for other cities and towns the general plan may include:

8 1. An open space element that includes:

9 (a) A comprehensive inventory of open space areas, recreational
10 resources and designations of access points to open space areas and
11 resources.

12 (b) An analysis of forecasted needs, policies for managing and
13 protecting open space areas and resources and implementation strategies to
14 acquire additional open space areas and further establish recreational
15 resources.

16 (c) Policies and implementation strategies designed to promote a
17 regional system of integrated open space and recreational resources and a
18 consideration of any existing regional open space plans.

19 2. A growth area element, specifically identifying those areas, if
20 any, that are particularly suitable for planned multimodal transportation and
21 infrastructure expansion and improvements designed to support a planned
22 concentration of a variety of uses, such as residential, office, commercial,
23 tourism and industrial uses. This element shall include policies and
24 implementation strategies that are designed to:

25 (a) Make automobile, transit and other multimodal circulation more
26 efficient, make infrastructure expansion more economical and provide for a
27 rational pattern of land development.

28 (b) Conserve significant natural resources and open space areas in the
29 growth area and coordinate their location to similar areas outside the growth
30 area's boundaries.

31 (c) Promote the public and private construction of timely and
32 financially sound infrastructure expansion through the use of infrastructure
33 funding and financing planning that is coordinated with development activity.

34 3. An environmental planning element that contains analyses, policies
35 and strategies to address anticipated effects, if any, of plan elements on
36 air quality, water quality and natural resources associated with proposed
37 development under the general plan. The policies and strategies to be
38 developed under this element shall be designed to have community-wide
39 applicability and shall not require the production of an additional
40 environmental impact statement or similar analysis beyond the requirements of
41 state and federal law.

1 4. A cost of development element that identifies policies and
2 strategies that the municipality will use to require development to pay its
3 fair share toward the cost of additional public service needs generated by
4 new development, with appropriate exceptions when in the public interest.
5 This element shall include:

6 (a) A component that identifies various mechanisms that are allowed by
7 law and that can be used to fund and finance additional public services
8 necessary to serve the development, including bonding, special taxing
9 districts, development fees, in lieu fees, facility construction, dedications
10 and service privatization.

11 (b) A component that identifies policies to ensure that any mechanisms
12 that are adopted by the municipality under this element result in a
13 beneficial use to the development, bear a reasonable relationship to the
14 burden imposed on the municipality to provide additional necessary public
15 services to the development and otherwise are imposed according to law.

16 5. A water resources element that addresses:

17 (a) The known legally and physically available surface water,
18 groundwater and effluent supplies.

19 (b) The demand for water that will result from future growth projected
20 in the general plan, added to existing uses.

21 (c) An analysis of how the demand for water that will result from
22 future growth projected in the general plan will be served by the water
23 supplies identified in subdivision (a) of this paragraph or a plan to obtain
24 additional necessary water supplies.

25 E. The general plan shall include for cities of fifty thousand persons
26 or more and may include for cities of less than fifty thousand persons the
27 following elements or any part or phase of the following elements:

28 1. A conservation element for the conservation, development and
29 utilization of natural resources, including forests, soils, rivers and other
30 waters, harbors, fisheries, wildlife, minerals and other natural resources.
31 The conservation element may also cover:

32 (a) The reclamation of land.

33 (b) Flood control.

34 (c) Prevention and control of the pollution of streams and other
35 waters.

36 (d) Regulation of the use of land in stream channels and other areas
37 required for the accomplishment of the conservation plan.

38 (e) Prevention, control and correction of the erosion of soils,
39 beaches and shores.

40 (f) Protection of watersheds.

41 2. A recreation element showing a comprehensive system of areas and
42 public sites for recreation, including the following and, if practicable,
43 their locations and proposed development:

44 (a) Natural reservations.

45 (b) Parks.

1 (c) Parkways and scenic drives.

2 (d) Beaches.

3 (e) Playgrounds and playfields.

4 (f) Open space.

5 (g) Bicycle routes.

6 (h) Other recreation areas.

7 3. The circulation element provided for in subsection C, paragraph 2
8 of this section shall also include for cities of fifty thousand persons or
9 more and may include for cities of less than fifty thousand persons
10 recommendations concerning parking facilities, building setback requirements
11 and the delineations of such systems on the land, a system of street naming
12 and house and building numbering and other matters as may be related to the
13 improvement of circulation of traffic. The circulation element may also
14 include:

15 (a) A transportation element showing a comprehensive transportation
16 system, including locations of rights-of-way, terminals, viaducts and grade
17 separations. This element of the plan may also include port, harbor,
18 aviation and related facilities.

19 (b) A transit element showing a proposed system of rail or transit
20 lines or other mode of transportation as may be appropriate.

21 4. A public services and facilities element showing general plans for
22 police, fire, emergency services, sewage, refuse disposal, drainage, local
23 utilities, rights-of-way, easements and facilities for them.

24 5. A public buildings element showing locations of civic and community
25 centers, public schools, libraries, police and fire stations and other public
26 buildings.

27 6. A housing element consisting of standards and programs for the
28 elimination of substandard dwelling conditions, for the improvement of
29 housing quality, variety and affordability and for provision of adequate
30 sites for housing. This element shall contain an identification and analysis
31 of existing and forecasted housing needs. This element shall be designed to
32 make equal provision for the housing needs of all segments of the community
33 regardless of race, color, creed or economic level.

34 7. A conservation, rehabilitation and redevelopment element consisting
35 of plans and programs for:

36 (a) The elimination of slums and blighted areas.

37 (b) Community redevelopment, including housing sites, business and
38 industrial sites and public building sites.

39 (c) Other purposes authorized by law.

40 8. A safety element for the protection of the community from natural
41 and artificial hazards, including features necessary for such protection as
42 evacuation routes, peak load water supply requirements, minimum road widths
43 according to function, clearances around structures and geologic hazard
44 mapping in areas of known geologic hazards.

1 9. A bicycling element consisting of proposed bicycle facilities such
2 as bicycle routes, bicycle parking areas and designated bicycle street
3 crossing areas.

4 10. An energy element that includes:

5 (a) A component that identifies policies that encourage and provide
6 incentives for efficient use of energy.

7 (b) An assessment that identifies policies and practices that provide
8 for greater uses of renewable energy sources.

9 11. A neighborhood preservation and revitalization element, including:

10 (a) A component that identifies city programs that promote home
11 ownership, that provide assistance for improving the appearance of
12 neighborhoods and that promote maintenance of both commercial and residential
13 buildings in neighborhoods.

14 (b) A component that identifies city programs that provide for the
15 safety and security of neighborhoods.

16 F. The water resources element of the general plan does not require:

17 1. New independent hydrogeologic studies.

18 2. The city or town to be a water service provider.

19 G. The land use element of a general plan of a city with a population
20 of more than one million persons shall include protections from encroaching
21 development for any shooting range that is owned by this state and that is
22 located within or adjacent to the exterior municipal boundaries on or before
23 January 1, 2004. The general plan shall establish land use categories within
24 at least one-half mile from the exterior boundaries of the shooting range
25 that are consistent with the continued existence of the shooting range and
26 that exclude incompatible uses such as residences, schools, hotels, motels,
27 hospitals or churches except that land zoned to permit these incompatible
28 uses on August 25, 2004 are exempt from this exclusion. For the purposes of
29 this subsection, "shooting range" means a permanently located and improved
30 area that is designed and operated for the use of rifles, shotguns, pistols,
31 silhouettes, skeet, trap, black powder or any other similar sport shooting in
32 an outdoor environment. Shooting range does not include:

33 1. Any area for the exclusive use of archery or air guns.

34 2. An enclosed indoor facility that is designed to offer a totally
35 controlled shooting environment and that includes impenetrable walls, floor
36 and ceiling, adequate ventilation, lighting systems and acoustical treatment
37 for sound attenuation suitable for the range's approved use.

38 3. A national guard facility located in a city or town with a
39 population of more than one million persons.

40 4. A facility that was not owned by this state before January 1, 2002.

41 H. The policies and strategies to be developed under these elements
42 shall be designed to have community-wide applicability and this section does
43 not authorize the imposition of dedications, exactions, fees or other
44 requirements that are not otherwise authorized by law.

1 Sec. 3. Section 9-461.06, Arizona Revised Statutes, is amended to
2 read:

3 9-461.06. Adoption and amendment of general plan: expiration
4 and readoption

5 A. In municipalities that have territory in a high noise or accident
6 potential zone as defined in section 28-8461, the legislature finds that in
7 general plans and amendments to general plans land use compatibility with the
8 continued operation of a military airport or ancillary military facility as
9 defined in section 28-8461 is a matter of statewide concern.

10 B. The general plan and any amendment to such plan shall be adopted or
11 readopted in the manner provided in this article.

12 C. The governing body shall:

13 1. Adopt written procedures to provide effective, early and continuous
14 public participation in the development and major amendment of general plans
15 from all geographic, ethnic and economic areas of the municipality. The
16 procedures shall provide for:

17 (a) The broad dissemination of proposals and alternatives.

18 (b) The opportunity for written comments.

19 (c) Public hearings after effective notice.

20 (d) Open discussions, communications programs and information
21 services.

22 (e) Consideration of public comments.

23 2. Consult with, advise and provide an opportunity for official
24 comment by public officials and agencies, the county, school districts,
25 associations of governments, public land management agencies, the military
26 airport if the municipality has territory in the vicinity of a military
27 airport or ancillary military facility as defined in section 28-8461, other
28 appropriate government jurisdictions, public utility companies, civic,
29 educational, professional and other organizations, property owners and
30 citizens generally to secure maximum coordination of plans and to indicate
31 properly located sites for all public purposes on the general plan.

32 D. At least sixty days before the general plan or an element or major
33 amendment of a general plan is noticed pursuant to subsection E of this
34 section, the planning agency shall transmit the proposal to the planning
35 commission, if any, and the governing body and shall submit a copy for review
36 and further comment to:

37 1. The planning agency of the county in which the municipality is
38 located.

39 2. Each county or municipality that is contiguous to the corporate
40 limits of the municipality or its area of extraterritorial jurisdiction.

41 3. The regional planning agency within which the municipality is
42 located.

43 4. The department of commerce or any other state agency that is
44 subsequently designated as the general planning agency for this state.

1 5. The department of water resources for review and comment on the
2 water resources element, if a water resources element is required.

3 6. If the general plan or an element or amendment of the general plan
4 is applicable to territory in the vicinity of a military airport or ancillary
5 military facility as defined in section 28-8461, the military airport.

6 7. If the general plan or an element or major amendment of the general
7 plan is applicable to property in the high noise or accident potential zone
8 of a military airport or ancillary military facility as defined in section
9 28-8461, the attorney general. For the purposes of this paragraph, "major
10 amendment" means a substantial alteration of the municipality's land use
11 mixture or balance as established in the municipality's existing general plan
12 land use element.

13 8. Any person or entity that requests in writing to receive a review
14 copy of the proposal.

15 E. If the municipality has a planning commission, after considering
16 any recommendations from the review required under subsection D of this
17 section the planning commission shall hold at least one public hearing before
18 approving a general plan or any amendment to such plan. When the general
19 plan or any major amendment is being adopted, planning commissions in
20 municipalities having populations over twenty-five thousand persons shall
21 hold two or more public hearings at different locations within the
22 municipality to promote citizen participation. Notice of the time and place
23 of a hearing and availability of studies and summaries related to the hearing
24 shall be given at least fifteen and not more than thirty calendar days before
25 the hearing by:

26 1. Publication at least once in a newspaper of general circulation
27 published or circulated in the municipality, or if there is none, the notice
28 shall be posted in at least ten public places in the municipality.

29 2. Such other manner in addition to publication as the municipality
30 may deem necessary or desirable.

31 F. Action by the planning commission on the general plan or any
32 amendment to the plan shall be transmitted to the governing body of the
33 municipality.

34 G. Before adopting the general plan, or any amendment to it, the
35 governing body shall hold at least one public hearing. Notice of the time
36 and place of the hearing shall be given in the time and manner provided for
37 the giving of notice of the hearing by the planning commission as specified
38 in subsection E of this section.

39 H. The adoption or readoption of the general plan or any amendment to
40 such plan shall be by resolution of the governing body of the municipality,
41 after notice as provided for in subsection E of this section. The adoption
42 or readoption of or a major amendment to the general plan shall be approved
43 by affirmative vote of at least two-thirds of the members of the governing
44 body of the municipality. All major amendments to the general plan proposed
45 for adoption by the governing body of a municipality shall be presented at a

1 single public hearing during the calendar year the proposal is made. The
2 general plan, or any amendment to the plan, shall be endorsed in the manner
3 provided by the governing body to show that it has been adopted by the
4 governing body. If the municipality includes property in the high noise or
5 accident potential zone of a military airport or ancillary military facility
6 as defined in section 28-8461, the governing body of the municipality shall
7 send notice of the approval, adoption or readoption of the general plan or
8 major amendment to the general plan to the attorney general by certified
9 mail, return receipt requested, within three business days after the
10 approval, adoption or readoption. If the attorney general determines the
11 approval, adoption or readoption of the general plan or major amendment to
12 the general plan is not in compliance with section 28-8481, subsection J, the
13 attorney general shall notify the municipality by certified mail, return
14 receipt requested, of the determination of noncompliance. The municipality
15 shall receive the notice from the attorney general within twenty-five days
16 after the notice from the municipality to the attorney general is mailed
17 pursuant to this subsection. The effective date of any approval, adoption or
18 readoption of, or major amendment to, the general plan shall be thirty days
19 after the governing body's receipt of the attorney general's determination of
20 noncompliance. Within thirty days after the receipt of a determination of
21 noncompliance by the attorney general as prescribed by this section, the
22 governing body of the municipality shall reconsider any approval, adoption or
23 readoption of, or major amendment to, the general plan that impacts property
24 in the high noise or accident potential zone of a military airport or
25 ancillary military facility as defined in section 28-8461. If the governing
26 body reaffirms a prior action subject to an attorney general's determination
27 of noncompliance pursuant to this section, the attorney general may institute
28 a civil action pursuant to section 28-8481, subsection L. If the governing
29 body timely sends notice pursuant to this subsection and the attorney general
30 fails to timely notify the governing body of a determination of
31 noncompliance, the general plan or major amendment to the general plan shall
32 be deemed to comply with section 28-8481, subsection J. If the motion to
33 adopt or readopt a general plan or an amendment to the general plan fails to
34 pass, the governing body may reconsider the motion in any manner allowed by
35 the governing body's rules of procedure, but any subsequent motion for the
36 adoption or readoption of the general plan or a major amendment to the
37 general plan must be approved by an affirmative vote of at least two-thirds
38 of the members of the governing body. For the purposes of this subsection,
39 "major amendment" means a substantial alteration of the municipality's land
40 use mixture or balance as established in the municipality's existing general
41 plan land use element. The municipality's general plan shall define the
42 criteria to determine if a proposed amendment to the general plan effects a
43 substantial alteration of the municipality's land use mixture or balance as
44 established in the municipality's existing general plan land use element.

1 I. If the municipality does not have a planning commission, the only
2 procedural steps required for the adoption of the general plan, or any
3 amendment to such plan, shall be those provided in this article for action by
4 the governing body.

5 J. A copy of the adopted general plan of a municipality shall be sent
6 to the planning agency of the county within which the municipality is
7 located, and such plan or any portion of the plan may be adopted as a part of
8 the county general plan.

9 K. A general plan, with any amendments, is effective for up to ten
10 years from the date the plan was initially adopted and ratified pursuant to
11 subsection M of this section, or until the plan is readopted pursuant to this
12 subsection and ratified pursuant to subsection M of this section or a new
13 plan is adopted pursuant to this subsection and ratified pursuant to
14 subsection M of this section, and becomes effective. On or before the tenth
15 anniversary of the plan's most recent adoption, the governing body of the
16 municipality shall either readopt the existing plan for an additional term of
17 up to ten years or shall adopt a new general plan as provided by this
18 article.

19 L. Except for general plans that are required to be submitted to the
20 voters for ratification pursuant to subsection M of this section, the
21 adoption or readoption of a general plan, and any amendment to a general
22 plan, shall not be enacted as an emergency measure and is subject to
23 referendum as provided by article IV, part 1, section 1, subsection (8),
24 Constitution of Arizona, and title 19, chapter 1, article 4.

25 M. The governing body of a city or town having a population of more
26 than two thousand five hundred persons but less than ten thousand persons and
27 whose population growth rate exceeded an average of two per cent per year for
28 the ten year period before the most recent United States decennial census,
29 and any city or town having a population of ten thousand or more persons,
30 shall submit each new general plan adopted pursuant to subsection K of this
31 section to the voters for ratification at the next regularly scheduled
32 municipal election or at a special election scheduled at least one hundred
33 twenty days after the governing body adopted the plan pursuant to section
34 16-204. The governing body shall include a general description of the plan
35 and its elements in the municipal election pamphlet and shall provide public
36 copies of the plan in at least two locations that are easily accessible to
37 the public and may include posting on the municipality's official internet
38 ~~web-site~~ WEBSITE. If a majority of the qualified electors voting on the
39 proposition approves the new plan, it shall become effective as provided by
40 law. If a majority of the qualified electors voting on the proposition fails
41 to approve the new plan, the current plan remains in effect until a new plan
42 is approved by the voters pursuant to this subsection. The governing body
43 shall either resubmit the proposed new plan, or revise the new plan as
44 provided by this section, for subsequent submission to the voters at the next
45 regularly scheduled municipal election or at a special election scheduled at

1 least one hundred twenty days after the governing body readopted the new or
2 revised new plan. All subsequent adoptions and submissions of the new plan
3 or revised plans must comply with the procedures prescribed by this section
4 until the plan is ratified.

5 N. In applying an open space element or a growth element of a general
6 plan a municipality shall not designate private land or state trust land as
7 open space, recreation, conservation or agriculture unless the municipality
8 receives the written consent of the landowner or provides an alternative,
9 economically viable designation in the general plan or zoning ordinance,
10 allowing at least one residential dwelling per acre. If the landowner is the
11 prevailing party in any action brought to enforce this subsection, a court
12 shall award fees and other expenses to the landowner. A municipality may
13 designate land as open space without complying with the requirements of this
14 subsection if the land was zoned as open space and used as a golf course
15 pursuant to a zoning ordinance adopted pursuant to article 6.1 of this
16 chapter before May 1, 2000 and the designation does not impose additional
17 conditions, limitations or restrictions on the golf course, unless the land
18 is state trust land that was not planned and zoned as open space pursuant to
19 title 37, chapter 2, article 5.1.

20 O. A PERSON, AFTER HAVING PARTICIPATED IN THE PUBLIC HEARING PURSUANT
21 TO SUBSECTION H OF THIS SECTION, MAY FILE A PETITION FOR SPECIAL ACTION IN
22 SUPERIOR COURT TO REVIEW THE GOVERNING BODY'S DECISION THAT DOES NOT COMPLY
23 WITH THE MANDATORY REQUIREMENT PRESCRIBED IN SECTION 9-461.05, SUBSECTION C,
24 PARAGRAPH 1, SUBDIVISION (g) WITHIN THIRTY DAYS AFTER THE GOVERNING BODY HAS
25 RENDERED ITS DECISION. THE COURT MAY AFFIRM, MODIFY OR REVERSE, IN WHOLE OR
26 IN PART, THE DECISION REVIEWED.

27 Sec. 4. Title 9, chapter 4, article 6, Arizona Revised Statutes, is
28 amended by adding section 9-461.14, to read:

29 9-461.14. Public works project planning; public service
30 corporation input; definition

31 A. A CITY OR TOWN IN THE DESIGN PHASE OF A PUBLIC WORKS PROJECT SHALL
32 INCLUDE ALL PUBLIC SERVICE CORPORATIONS THAT ARE AFFECTED BY THE PUBLIC WORKS
33 PROJECT IN THE DESIGN PHASE PROCESS OF THE PUBLIC WORKS PROJECT IN ORDER TO
34 BOTH:

35 1. ELIMINATE OR MINIMIZE RELOCATION COSTS OF AERIAL, SURFACE AND
36 UNDERGROUND FACILITIES FOR THOSE PUBLIC SERVICE CORPORATIONS.

37 2. MINIMIZE THE NEED FOR CONSTRUCTION OR CHANGE OF FACILITIES AFTER
38 COMPLETION OF THE PUBLIC WORKS PROJECT.

39 B. THIS SECTION DOES NOT ALTER THE CITY'S OR TOWN'S DUTY TO PAY FOR
40 THE AFFECTED PUBLIC SERVICE CORPORATION'S RELOCATION COSTS PURSUANT TO
41 STATUTE.

42 C. FOR THE PURPOSES OF THIS SECTION, "PUBLIC WORKS PROJECT" HAS THE
43 SAME MEANING PRESCRIBED IN SECTION 12-1141.

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

3 ARTICLE 4. MUNICIPAL REGULATIONS ON BUSINESSES

4 9-831. Definitions

5 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 1. "LICENSE" INCLUDES THE WHOLE OR PART OF ANY MUNICIPAL PERMIT,
7 CERTIFICATE, APPROVAL, REGISTRATION, CHARTER OR SIMILAR FORM OF PERMISSION
8 REQUIRED BY LAW.

9 2. "LICENSING" INCLUDES THE MUNICIPAL PROCESS RESPECTING THE GRANT,
10 DENIAL, RENEWAL, REVOCATION, SUSPENSION, ANNULMENT, WITHDRAWAL OR AMENDMENT
11 OF A LICENSE.

12 3. "MUNICIPAL" OR "MUNICIPALITY" MEANS AN INCORPORATED CITY OR TOWN.

13 4. "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
14 ASSOCIATION, GOVERNMENTAL SUBDIVISION OR UNIT OF A GOVERNMENTAL SUBDIVISION
15 OR A PUBLIC OR PRIVATE ORGANIZATION OF ANY CHARACTER.

16 5. "SUBSTANTIVE POLICY STATEMENT" MEANS A WRITTEN EXPRESSION THAT IS
17 ONLY ADVISORY AND INFORMS THE GENERAL PUBLIC OF A MUNICIPALITY'S CURRENT
18 APPROACH TO, OR OPINION OF, THE REQUIREMENTS OF THE ORDINANCES OR CODES,
19 INCLUDING, WHERE APPROPRIATE, THE MUNICIPALITY'S CURRENT PRACTICE, PROCEDURE
20 OR METHOD OF ACTION BASED ON THAT APPROACH OR OPINION. A SUBSTANTIVE POLICY
21 STATEMENT DOES NOT INCLUDE INTERNAL PROCEDURAL DOCUMENTS THAT ONLY AFFECT THE
22 INTERNAL PROCEDURES OF THE MUNICIPALITY AND DO NOT IMPOSE ADDITIONAL
23 REQUIREMENTS OR PENALTIES ON REGULATED PARTIES OR CONFIDENTIAL INFORMATION.

24 9-832. Regulatory bill of rights

25 TO ENSURE FAIR AND OPEN REGULATION BY MUNICIPALITIES, A PERSON:

26 1. IS ELIGIBLE FOR REIMBURSEMENT OF FEES AND OTHER EXPENSES IF THE
27 PERSON PREVAILS BY ADJUDICATION ON THE MERITS AGAINST A MUNICIPALITY IN A
28 COURT PROCEEDING REGARDING A MUNICIPALITY DECISION AS PROVIDED IN SECTION
29 12-348.

30 2. IS ENTITLED TO RECEIVE INFORMATION AND NOTICE REGARDING INSPECTIONS
31 AS PROVIDED IN SECTION 9-833.

32 3. IS ENTITLED TO HAVE A MUNICIPALITY NOT BASE A LICENSING DECISION IN
33 WHOLE OR IN PART ON LICENSING CONDITIONS OR REQUIREMENTS THAT ARE NOT
34 SPECIFICALLY AUTHORIZED AS PROVIDED IN SECTION 9-834, SUBSECTION A.

35 4. IS ENTITLED TO HAVE A MUNICIPALITY NOT ADOPT AN ORDINANCE OR CODE
36 UNDER A SPECIFIC GRANT OF AUTHORITY THAT EXCEEDS THE SUBJECT MATTER AREAS
37 LISTED IN THE SPECIFIC GRANT OF AUTHORITY OR NOT ADOPT AN ORDINANCE OR CODE
38 UNDER A GENERAL GRANT OF AUTHORITY TO SUPPLEMENT A MORE SPECIFIC GRANT OF
39 AUTHORITY AS PROVIDED IN SECTION 9-834, SUBSECTION B.

40 5. MAY HAVE A MUNICIPALITY APPROVE OR DENY THE PERSON'S LICENSE
41 APPLICATION WITHIN A PREDETERMINED PERIOD OF TIME AS PROVIDED IN SECTION
42 9-835

43 6. IS ENTITLED TO RECEIVE WRITTEN NOTICE FROM A MUNICIPALITY ON DENIAL
44 OF A LICENSE APPLICATION:

1 (a) THAT JUSTIFIES THE DENIAL WITH REFERENCES TO THE ORDINANCE, CODE
2 OR AUTHORIZED SUBSTANTIVE POLICY STATEMENTS ON WHICH THE DENIAL IS BASED AS
3 PROVIDED IN SECTION 9-835.

4 (b) THAT EXPLAINS THE APPLICANT'S RIGHT TO APPEAL THE DENIAL AS
5 PROVIDED IN SECTION 9-835.

6 7. IS ENTITLED TO RECEIVE INFORMATION REGARDING THE LICENSE
7 APPLICATION PROCESS AT THE TIME THE PERSON OBTAINS AN APPLICATION FOR A
8 LICENSE AS PROVIDED IN SECTION 9-836.

9 8. MAY INSPECT ALL ORDINANCES, CODES AND SUBSTANTIVE POLICY STATEMENTS
10 OF A MUNICIPALITY, INCLUDING A DIRECTORY OF DOCUMENTS, AT THE OFFICE OF THE
11 MUNICIPALITY AS PROVIDED IN SECTION 9-837.

12 9. UNLESS SPECIFICALLY AUTHORIZED, MAY EXPECT MUNICIPALITIES TO AVOID
13 DUPLICATION OF OTHER LAWS THAT DO NOT ENHANCE REGULATORY CLARITY AND TO AVOID
14 DUAL PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE AS PROVIDED IN SECTION
15 9-834.

16 10. MAY FILE A COMPLAINT WITH THE CITY COUNCIL CONCERNING AN
17 ORDINANCE, CODE OR SUBSTANTIVE POLICY STATEMENT THAT FAILS TO COMPLY WITH
18 THIS SECTION.

19 9-833. Inspections; applicability

20 A. A MUNICIPAL INSPECTOR OR REGULATOR WHO ENTERS ANY PREMISES OF A
21 REGULATED PERSON FOR THE PURPOSE OF CONDUCTING AN INSPECTION SHALL:

22 1. PRESENT PHOTO IDENTIFICATION ON ENTRY OF THE PREMISES.

23 2. ON INITIATION OF THE INSPECTION, STATE THE PURPOSE OF THE
24 INSPECTION AND THE LEGAL AUTHORITY FOR CONDUCTING THE INSPECTION.

25 3. DISCLOSE ANY APPLICABLE INSPECTION FEES.

26 4. AFFORD AN OPPORTUNITY TO HAVE AN AUTHORIZED ON-SITE REPRESENTATIVE
27 OF THE REGULATED PERSON ACCOMPANY THE MUNICIPAL INSPECTOR OR REGULATOR ON THE
28 PREMISES, EXCEPT DURING CONFIDENTIAL INTERVIEWS.

29 5. PROVIDE NOTICE OF THE RIGHT TO HAVE:

30 (a) COPIES OF ANY ORIGINAL DOCUMENTS TAKEN BY THE MUNICIPALITY DURING
31 THE INSPECTION IF THE MUNICIPALITY IS PERMITTED BY LAW TO TAKE ORIGINAL
32 DOCUMENTS.

33 (b) A SPLIT OF ANY SAMPLES TAKEN DURING THE INSPECTION IF THE SPLIT OF
34 ANY SAMPLES WOULD NOT PROHIBIT AN ANALYSIS FROM BEING CONDUCTED OR RENDER AN
35 ANALYSIS INCONCLUSIVE.

36 (c) COPIES OF ANY ANALYSIS PERFORMED ON SAMPLES TAKEN DURING THE
37 INSPECTION.

38 6. INFORM EACH PERSON WHOSE CONVERSATION WITH THE MUNICIPAL INSPECTOR
39 OR REGULATOR DURING THE INSPECTION IS TAPE RECORDED THAT THE CONVERSATION IS
40 BEING TAPE RECORDED.

41 7. INFORM EACH PERSON INTERVIEWED DURING THE INSPECTION THAT
42 STATEMENTS MADE BY THE PERSON MAY BE INCLUDED IN THE INSPECTION REPORT.

43 B. ON INITIATION OF AN INSPECTION OF ANY PREMISES OF A REGULATED
44 PERSON, A MUNICIPAL INSPECTOR OR REGULATOR SHALL PROVIDE THE FOLLOWING IN
45 WRITING:

1 1. THE RIGHTS DESCRIBED IN SUBSECTION A OF THIS SECTION.
2 2. THE NAME AND TELEPHONE NUMBER OF A CONTACT PERSON AVAILABLE TO
3 ANSWER QUESTIONS REGARDING THE INSPECTION.
4 3. THE DUE PROCESS RIGHTS RELATING TO AN APPEAL OF A FINAL DECISION OF
5 A MUNICIPALITY BASED ON THE RESULTS OF THE INSPECTION, INCLUDING THE NAME AND
6 TELEPHONE NUMBER OF A PERSON TO CONTACT WITHIN THE MUNICIPALITY AND ANY
7 APPROPRIATE MUNICIPALITY, COUNTY OR STATE GOVERNMENT OMBUDSMAN.
8 C. A MUNICIPAL INSPECTOR OR REGULATOR SHALL OBTAIN THE SIGNATURE OF
9 THE REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON ON THE
10 WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION INDICATING THAT THE
11 REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON HAS READ
12 THE WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION AND IS NOTIFIED OF THE
13 REGULATED PERSON'S OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON'S
14 INSPECTION AND DUE PROCESS RIGHTS. THE MUNICIPALITY SHALL MAINTAIN A COPY OF
15 THIS SIGNATURE WITH THE INSPECTION REPORT AND SHALL LEAVE A COPY WITH THE
16 REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON. IF A
17 REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON IS NOT AT
18 THE SITE OR REFUSES TO SIGN THE WRITING PRESCRIBED IN SUBSECTION B OF THIS
19 SECTION, THE MUNICIPAL INSPECTOR OR REGULATOR SHALL NOTE THAT FACT ON THE
20 WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION.
21 D. A MUNICIPALITY THAT CONDUCTS AN INSPECTION SHALL GIVE A COPY OF THE
22 INSPECTION REPORT TO THE REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE
23 REGULATED PERSON EITHER:
24 1. AT THE TIME OF THE INSPECTION.
25 2. NOTWITHSTANDING ANY OTHER STATE LAW, WITHIN THIRTY WORKING DAYS
26 AFTER THE INSPECTION.
27 3. AS OTHERWISE REQUIRED BY FEDERAL LAW.
28 E. THE INSPECTION REPORT SHALL CONTAIN DEFICIENCIES IDENTIFIED DURING
29 AN INSPECTION. UNLESS OTHERWISE PROVIDED BY LAW, THE MUNICIPALITY MAY
30 PROVIDE THE REGULATED PERSON AN OPPORTUNITY TO CORRECT THE DEFICIENCIES
31 UNLESS THE MUNICIPALITY DETERMINES THAT THE DEFICIENCIES ARE:
32 1. COMMITTED INTENTIONALLY.
33 2. NOT CORRECTABLE WITHIN A REASONABLE PERIOD OF TIME AS DETERMINED BY
34 THE MUNICIPALITY.
35 3. EVIDENCE OF A PATTERN OF NONCOMPLIANCE.
36 4. A RISK TO ANY PERSON, THE PUBLIC HEALTH, SAFETY OR WELFARE OR THE
37 ENVIRONMENT.
38 F. IF THE MUNICIPALITY ALLOWS THE REGULATED PERSON AN OPPORTUNITY TO
39 CORRECT THE DEFICIENCIES PURSUANT TO SUBSECTION E OF THIS SECTION, THE
40 REGULATED PERSON SHALL NOTIFY THE MUNICIPALITY WHEN THE DEFICIENCIES HAVE
41 BEEN CORRECTED. WITHIN THIRTY DAYS OF RECEIPT OF NOTIFICATION FROM THE
42 REGULATED PERSON THAT THE DEFICIENCIES HAVE BEEN CORRECTED, THE MUNICIPALITY
43 SHALL DETERMINE IF THE REGULATED PERSON IS IN SUBSTANTIAL COMPLIANCE AND
44 NOTIFY THE REGULATED PERSON WHETHER OR NOT THE REGULATED PERSON IS IN
45 SUBSTANTIAL COMPLIANCE. IF THE REGULATED PERSON FAILS TO CORRECT THE

1 DEFICIENCIES OR THE MUNICIPALITY DETERMINES THE DEFICIENCIES HAVE NOT BEEN
2 CORRECTED WITHIN A REASONABLE PERIOD OF TIME, THE MUNICIPALITY MAY TAKE ANY
3 ENFORCEMENT ACTION AUTHORIZED BY LAW FOR THE DEFICIENCIES.

4 G. A MUNICIPALITY'S DECISION PURSUANT TO SUBSECTION E OR F OF THIS
5 SECTION IS NOT AN APPEALABLE MUNICIPAL ACTION.

6 H. AT LEAST ONCE EVERY MONTH AFTER THE COMMENCEMENT OF THE INSPECTION,
7 A MUNICIPALITY SHALL PROVIDE A REGULATED PERSON WITH AN UPDATE ON THE STATUS
8 OF ANY MUNICIPAL ACTION RESULTING FROM AN INSPECTION OF THE REGULATED PERSON.
9 A MUNICIPALITY IS NOT REQUIRED TO PROVIDE AN UPDATE AFTER THE REGULATED
10 PERSON IS NOTIFIED THAT NO MUNICIPAL ACTION WILL RESULT FROM THE
11 MUNICIPALITY'S INSPECTION OR AFTER THE COMPLETION OF MUNICIPAL ACTION
12 RESULTING FROM THE MUNICIPALITY'S INSPECTION.

13 I. THIS SECTION DOES NOT AUTHORIZE AN INSPECTION OR ANY OTHER ACT THAT
14 IS NOT OTHERWISE AUTHORIZED BY LAW.

15 J. THIS SECTION APPLIES ONLY TO INSPECTIONS NECESSARY FOR THE ISSUANCE
16 OF A LICENSE OR TO DETERMINE COMPLIANCE WITH LICENSURE REQUIREMENTS. THIS
17 SECTION DOES NOT APPLY:

18 1. TO CRIMINAL INVESTIGATIONS, INVESTIGATIONS UNDER TRIBAL-STATE
19 GAMING COMPACTS AND UNDERCOVER INVESTIGATIONS THAT ARE GENERALLY OR
20 SPECIFICALLY AUTHORIZED BY LAW.

21 2. IF THE INSPECTOR OR REGULATOR HAS REASONABLE SUSPICION TO BELIEVE
22 THAT THE REGULATED PERSON MAY BE ENGAGED IN CRIMINAL ACTIVITY.

23 3. TO THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
24 ESTABLISHED BY SECTION 41-1821.

25 K. IF AN INSPECTOR OR REGULATOR GATHERS EVIDENCE IN VIOLATION OF THIS
26 SECTION, THE VIOLATION SHALL NOT BE A BASIS TO EXCLUDE THE EVIDENCE IN A
27 CIVIL OR ADMINISTRATIVE PROCEEDING, IF THE PENALTY SOUGHT IS THE DENIAL,
28 SUSPENSION OR REVOCATION OF THE REGULATED PERSON'S LICENSE OR A CIVIL PENALTY
29 OF MORE THAN ONE THOUSAND DOLLARS.

30 L. FAILURE OF A MUNICIPALITY, BOARD OR COMMISSION EMPLOYEE TO COMPLY
31 WITH THIS SECTION:

32 1. CONSTITUTES CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO
33 SECTION 41-770.

34 2. SHALL BE CONSIDERED BY THE JUDGE AND ADMINISTRATIVE LAW JUDGE AS
35 GROUNDS FOR REDUCTION OF ANY FINE OR CIVIL PENALTY.

36 M. A MUNICIPALITY MAY ADOPT RULES TO IMPLEMENT SUBSECTION A, PARAGRAPH
37 5 OF THIS SECTION.

38 N. THIS SECTION SHALL NOT BE USED TO EXCLUDE EVIDENCE IN A CRIMINAL
39 PROCEEDING.

40 9-834. Prohibited acts by municipalities

41 A. A MUNICIPALITY SHALL NOT BASE A LICENSING DECISION IN WHOLE OR IN
42 PART ON A LICENSING REQUIREMENT OR CONDITION THAT IS NOT SPECIFICALLY
43 AUTHORIZED BY STATUTE, RULE, ORDINANCE OR CODE. A GENERAL GRANT OF AUTHORITY
44 DOES NOT CONSTITUTE A BASIS FOR IMPOSING A LICENSING REQUIREMENT OR CONDITION
45 UNLESS THE AUTHORITY SPECIFICALLY AUTHORIZES THE REQUIREMENT OR CONDITION.

1 B. A MUNICIPALITY SHALL NOT:

2 1. ADOPT AN ORDINANCE OR CODE UNDER A SPECIFIC GRANT OF AUTHORITY THAT
3 EXCEEDS THE SUBJECT MATTER AREAS LISTED IN THE SPECIFIC GRANT OF AUTHORITY.

4 2. ADOPT AN ORDINANCE OR CODE UNDER A GENERAL GRANT OF AUTHORITY TO
5 SUPPLEMENT A MORE SPECIFIC GRANT OF AUTHORITY.

6 C. UNLESS SPECIFICALLY AUTHORIZED, A MUNICIPALITY SHALL AVOID
7 DUPLICATION OF OTHER LAWS THAT DO NOT ENHANCE REGULATORY CLARITY AND SHALL
8 AVOID DUAL PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE.

9 D. THIS SECTION DOES NOT PROHIBIT MUNICIPAL FLEXIBILITY TO ISSUE
10 LICENSES OR ADOPT ORDINANCES OR CODES.

11 9-835. Licensing time frames; compliance; consequence for
12 failure to comply with time frame; exception

13 A. FOR ANY NEW ORDINANCE OR CODE REQUIRING A LICENSE, A MUNICIPALITY
14 SHALL HAVE IN PLACE AN OVERALL TIME FRAME DURING WHICH THE MUNICIPALITY WILL
15 EITHER GRANT OR DENY EACH TYPE OF LICENSE THAT IT ISSUES. THE OVERALL TIME
16 FRAME FOR EACH TYPE OF LICENSE SHALL STATE SEPARATELY THE ADMINISTRATIVE
17 COMPLETENESS REVIEW TIME FRAME AND THE SUBSTANTIVE REVIEW TIME FRAME.

18 B. ON OR BEFORE DECEMBER 31, 2012, A MUNICIPALITY THAT ISSUES LICENSES
19 REQUIRED UNDER EXISTING ORDINANCES OR CODES SHALL HAVE IN PLACE AN OVERALL
20 TIME FRAME DURING WHICH THE MUNICIPALITY WILL EITHER GRANT OR DENY EACH TYPE
21 OF LICENSE THAT IT ISSUES. THE OVERALL TIME FRAME FOR EACH TYPE OF LICENSE
22 SHALL STATE SEPARATELY THE ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME AND
23 THE SUBSTANTIVE REVIEW TIME FRAME. MUNICIPALITIES SHALL PRIORITIZE THE
24 ESTABLISHMENT OF TIME FRAMES FOR THOSE LICENSES THAT HAVE THE GREATEST IMPACT
25 ON THE PUBLIC.

26 C. IN ESTABLISHING TIME FRAMES, MUNICIPALITIES SHALL CONSIDER ALL OF
27 THE FOLLOWING:

28 1. THE COMPLEXITY OF THE LICENSING SUBJECT MATTER.

29 2. THE RESOURCES OF THE MUNICIPALITY.

30 3. THE ECONOMIC IMPACT OF DELAY ON THE REGULATED COMMUNITY.

31 4. THE IMPACT OF THE LICENSING DECISION ON PUBLIC HEALTH AND SAFETY.

32 5. THE POSSIBLE USE OF VOLUNTEERS WITH EXPERTISE IN THE SUBJECT MATTER
33 AREA.

34 6. THE POSSIBLE INCREASED USE OF GENERAL LICENSES FOR SIMILAR TYPES OF
35 LICENSED BUSINESSES OR FACILITIES.

36 7. THE POSSIBLE INCREASED COOPERATION BETWEEN THE MUNICIPALITY AND THE
37 REGULATED COMMUNITY.

38 8. INCREASED MUNICIPAL FLEXIBILITY IN STRUCTURING THE LICENSING
39 PROCESS AND PERSONNEL.

40 D. A MUNICIPALITY SHALL ISSUE A WRITTEN NOTICE OF ADMINISTRATIVE
41 COMPLETENESS OR DEFICIENCIES TO AN APPLICANT FOR A LICENSE WITHIN THE
42 ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME.

43 E. IF A MUNICIPALITY DETERMINES THAT AN APPLICATION FOR A LICENSE IS
44 NOT ADMINISTRATIVELY COMPLETE, THE MUNICIPALITY SHALL INCLUDE A COMPREHENSIVE
45 LIST OF THE SPECIFIC DEFICIENCIES IN THE WRITTEN NOTICE PROVIDED PURSUANT TO

1 SUBSECTION D. IF THE MUNICIPALITY ISSUES A WRITTEN NOTICE OF DEFICIENCIES
2 WITHIN THE ADMINISTRATIVE COMPLETENESS TIME FRAME, THE ADMINISTRATIVE
3 COMPLETENESS REVIEW TIME FRAME AND THE OVERALL TIME FRAME ARE SUSPENDED FROM
4 THE DATE THE NOTICE IS ISSUED UNTIL THE DATE THAT THE MUNICIPALITY RECEIVES
5 THE MISSING INFORMATION FROM THE APPLICANT.

6 F. IF A MUNICIPALITY DOES NOT ISSUE A WRITTEN NOTICE OF ADMINISTRATIVE
7 COMPLETENESS OR DEFICIENCIES WITHIN THE ADMINISTRATIVE COMPLETENESS REVIEW
8 TIME FRAME, THE APPLICATION IS DEEMED ADMINISTRATIVELY COMPLETE. IF A
9 MUNICIPALITY ISSUES A TIMELY WRITTEN NOTICE OF DEFICIENCIES, AN APPLICATION
10 SHALL NOT BE COMPLETE UNTIL ALL REQUESTED INFORMATION HAS BEEN RECEIVED BY
11 THE MUNICIPALITY.

12 G. DURING THE SUBSTANTIVE REVIEW TIME FRAME, A MUNICIPALITY MAY MAKE
13 ONE COMPREHENSIVE WRITTEN REQUEST FOR ADDITIONAL INFORMATION. THE
14 MUNICIPALITY AND APPLICANT MAY MUTUALLY AGREE IN WRITING TO ALLOW THE
15 MUNICIPALITY TO SUBMIT SUPPLEMENTAL REQUESTS FOR ADDITIONAL INFORMATION. IF
16 A MUNICIPALITY ISSUES A COMPREHENSIVE WRITTEN REQUEST OR A SUPPLEMENTAL
17 REQUEST BY MUTUAL WRITTEN AGREEMENT FOR ADDITIONAL INFORMATION, THE
18 SUBSTANTIVE REVIEW TIME FRAME AND THE OVERALL TIME FRAME ARE SUSPENDED FROM
19 THE DATE THE REQUEST IS ISSUED UNTIL THE DATE THAT THE MUNICIPALITY RECEIVES
20 THE ADDITIONAL INFORMATION FROM THE APPLICANT.

21 H. BY MUTUAL WRITTEN AGREEMENT, A MUNICIPALITY AND AN APPLICANT FOR A
22 LICENSE MAY EXTEND THE SUBSTANTIVE REVIEW TIME FRAME AND THE OVERALL TIME
23 FRAME. AN EXTENSION OF THE SUBSTANTIVE REVIEW TIME FRAME AND THE OVERALL
24 TIME FRAME MAY NOT EXCEED TWENTY-FIVE PER CENT OF THE OVERALL TIME FRAME.

25 I. UNLESS A MUNICIPALITY AND AN APPLICANT FOR A LICENSE MUTUALLY AGREE
26 TO EXTEND THE SUBSTANTIVE REVIEW TIME FRAME AND THE OVERALL TIME FRAME
27 PURSUANT TO SUBSECTION H, A MUNICIPALITY SHALL ISSUE A WRITTEN NOTICE
28 GRANTING OR DENYING A LICENSE TO AN APPLICANT. IF A MUNICIPALITY DENIES AN
29 APPLICATION FOR A LICENSE, THE MUNICIPALITY SHALL INCLUDE IN THE WRITTEN
30 NOTICE AT LEAST THE FOLLOWING INFORMATION:

31 1. JUSTIFICATION FOR THE DENIAL WITH REFERENCES TO THE STATUTES,
32 ORDINANCES, CODES OR SUBSTANTIVE POLICY STATEMENTS ON WHICH THE DENIAL IS
33 BASED.

34 2. AN EXPLANATION OF THE APPLICANT'S RIGHT TO APPEAL THE DENIAL. THE
35 EXPLANATION SHALL INCLUDE THE NUMBER OF DAYS IN WHICH THE APPLICANT MUST FILE
36 A PROTEST CHALLENGING THE DENIAL AND THE NAME AND TELEPHONE NUMBER OF A
37 MUNICIPAL CONTACT PERSON WHO CAN ANSWER QUESTIONS REGARDING THE APPEALS
38 PROCESS.

39 J. IF A MUNICIPALITY DOES NOT ISSUE THE APPLICANT THE WRITTEN NOTICE
40 GRANTING OR DENYING A LICENSE WITHIN THE OVERALL TIME FRAME OR WITHIN THE
41 MUTUALLY AGREED UPON TIME FRAME EXTENSION, THE MUNICIPALITY SHALL REFUND TO
42 THE APPLICANT ALL FEES CHARGED FOR REVIEWING AND ACTING ON THE APPLICATION
43 FOR THE LICENSE AND SHALL EXCUSE PAYMENT OF ANY FEES THAT HAVE NOT YET BEEN
44 PAID. THE MUNICIPALITY SHALL NOT REQUIRE AN APPLICANT TO SUBMIT AN
45 APPLICATION FOR A REFUND PURSUANT TO THIS SUBSECTION. THE REFUND SHALL BE

1 MADE WITHIN THIRTY DAYS AFTER THE EXPIRATION OF THE OVERALL TIME FRAME OR THE
2 TIME FRAME EXTENSION. THE MUNICIPALITY SHALL CONTINUE TO PROCESS THE
3 APPLICATION. NOTWITHSTANDING ANY OTHER STATUTE, THE MUNICIPALITY SHALL MAKE
4 THE REFUND FROM THE FUND IN WHICH THE APPLICATION FEES WERE ORIGINALLY
5 DEPOSITED.

6 K. THIS SECTION DOES NOT APPLY TO LICENSES ISSUED WITHIN SEVEN DAYS
7 AFTER RECEIPT OF INITIAL APPLICATION.

8 9-836. License application process

9 A MUNICIPALITY THAT ISSUES LICENSES SHALL PROVIDE THE FOLLOWING
10 INFORMATION TO AN APPLICANT AT THE TIME THE APPLICANT OBTAINS AN APPLICATION
11 FOR A LICENSE:

12 1. A LIST OF ALL OF THE STEPS THE APPLICANT IS REQUIRED TO TAKE IN
13 ORDER TO OBTAIN THE LICENSE.

14 2. THE APPLICABLE LICENSING TIME FRAMES.

15 3. THE NAME AND TELEPHONE NUMBER OF A MUNICIPAL CONTACT PERSON WHO CAN
16 ANSWER QUESTIONS OR PROVIDE ASSISTANCE THROUGHOUT THE APPLICATION PROCESS.

17 9-837. Directory of documents

18 THE MUNICIPALITY SHALL PUBLISH, OR PROMINENTLY PLACE ON THE MUNICIPAL
19 WEBSITE, AT LEAST ANNUALLY A DIRECTORY SUMMARIZING THE SUBJECT MATTER OF ALL
20 CURRENTLY APPLICABLE ORDINANCES, CODES AND SUBSTANTIVE POLICY STATEMENTS.
21 THE MUNICIPALITY SHALL KEEP COPIES OF THIS DIRECTORY AND ALL SUBSTANTIVE
22 POLICY STATEMENTS AT ONE LOCATION. THE DIRECTORY, ORDINANCES, CODES,
23 SUBSTANTIVE POLICY STATEMENTS AND ANY MATERIALS INCORPORATED BY REFERENCE IN
24 THE DOCUMENTS SHALL BE OPEN TO PUBLIC INSPECTION AT THE OFFICE OF THE
25 MUNICIPALITY.

26 9-837. Complaints: governing body review

27 THE GOVERNING BODY MAY RECEIVE COMPLAINTS CONCERNING ORDINANCES, CODES,
28 SUBSTANTIVE POLICY STATEMENTS OR MUNICIPALITY PRACTICES ALLEGED TO VIOLATE
29 THIS ARTICLE. THE GOVERNING BODY MAY REVIEW ANY ORDINANCE, CODE, SUBSTANTIVE
30 POLICY STATEMENT OR MUNICIPAL PRACTICE ALLEGED TO VIOLATE THIS ARTICLE AND
31 MAY HOLD HEARINGS REGARDING THE ALLEGATIONS. THE GOVERNING BODY MAY
32 RECOMMEND ACTIONS TO ALLEVIATE THE ASPECTS OF THE ORDINANCES, CODES,
33 SUBSTANTIVE POLICY STATEMENTS OR MUNICIPALITY PRACTICES ALLEGED TO VIOLATE
34 THIS ARTICLE.

35 Sec. 6. Section 11-801, Arizona Revised Statutes, as added by Laws
36 2010, chapter 244, section 7, is amended to read:

37 11-801. Definitions

38 In this chapter, unless the context otherwise requires:

39 1. "AGGREGATE" MEANS CINDER, CRUSHED ROCK OR STONE, DECOMPOSED
40 GRANITE, GRAVEL, PUMICE, PUMICITE AND SAND.

41 ~~1.~~ 2. "Area of jurisdiction" means that part of the county outside
42 the corporate limits of any municipality.

43 ~~2.~~ 3. "Board" means the board of supervisors.

44 ~~3.~~ 4. "Commission" means the county planning and zoning commission.

45 ~~4.~~ 5. "Indian reservation" means all lands that are held in trust by

1 the United States for the exclusive use and occupancy of Indian tribes by
2 treaty, law or executive order and that are currently recognized as Indian
3 reservations by the United States department of the interior.

4 ~~5-~~ 6. "Inspector" means the county zoning inspector.

5 ~~6-~~ 7. "Newspaper of general circulation in the county seat" means a
6 daily or weekly newspaper if any is published in the county seat.

7 ~~7-~~ 8. "Rezoning" means a change in the zoning ordinance changing the
8 zoning district boundaries within an area previously zoned.

9 ~~8-~~ 9. "Zoning district" means any portion of a county in which the
10 same set of zoning regulations applies.

11 ~~9-~~ 10. "Zoning ordinance" means an ordinance that is adopted by the
12 board of supervisors and that contains zoning regulations together with a map
13 setting forth the precise boundaries of zoning districts within which the
14 various zoning regulations are effective.

15 ~~10-~~ 11. "Zoning regulations" means provisions that govern the use of
16 land or buildings, or both, the height and location of buildings, the size of
17 yards, courts and open spaces, the establishment of setback lines and such
18 other matters as may otherwise be authorized under this chapter and that the
19 board deems suitable and proper.

20 ~~11-~~ 12. "Zoning regulations amendment" means a change in the zoning
21 ordinance that modifies, adds to, transfers or repeals one or more zoning
22 regulations or that adds one or more zoning regulations.

23 Sec. 7. Section 11-804, Arizona Revised Statutes, as added by Laws
24 2010, chapter 244, section 7, is amended to read:

25 11-804. Comprehensive plan: contents

26 A. The commission shall formulate and the board of supervisors shall
27 adopt or readopt a long-term comprehensive plan for the development of the
28 area of jurisdiction in the manner prescribed by this article. The
29 comprehensive plan, with the accompanying maps, plats, charts and descriptive
30 matter, shall show the commission's recommendations for the development of
31 the area of jurisdiction. The comprehensive plan shall be made with the
32 general purpose of guiding and accomplishing a coordinated, adjusted and
33 harmonious development of the area of jurisdiction pursuant to the present
34 and future needs of the county. The comprehensive plan shall be developed so
35 as to conserve the natural resources of the county, to ensure efficient
36 expenditure of public monies and to promote the health, safety, convenience
37 and general welfare of the public. The comprehensive plan may include
38 studies and recommendations relative to the location, character and extent of
39 highways, railroads, bus and other transportation routes, bicycle facilities,
40 bridges, public buildings, public services, schools, parks, open space,
41 housing quality, variety and affordability, parkways, hiking and riding
42 trails, airports, forests, wildlife areas, dams, projects affecting
43 conservation of natural resources, air quality, water quality and floodplain
44 zoning. In the preparation of the comprehensive plan, the commission shall
45 make surveys and studies of the present conditions and prospective future

1 growth of the area of the jurisdiction. The comprehensive plan shall be a
2 public record, but its purpose and effect shall be primarily as an aid to the
3 county planning and zoning commission and to the board of supervisors in the
4 performance of their duties. The comprehensive plan shall include provisions
5 that identify changes or modifications that constitute amendments and major
6 amendments to the plan.

7 B. In addition to the other matters that are required or authorized
8 under this section and this article, for counties with a population of more
9 than one hundred twenty-five thousand persons, the comprehensive plan shall
10 include, and for other counties the comprehensive plan may include:

11 1. Planning for land use that designates the proposed general
12 distribution and location and extent of uses of the land for housing,
13 business, industry, agriculture, recreation, education, public buildings and
14 grounds, open space and other categories of public and private uses of land
15 appropriate to the county. The land use plan shall include:

16 (a) A statement of the standards of population density and building
17 intensity recommended for the various land use categories covered by the
18 plan.

19 (b) Specific programs and policies that the county may use to promote
20 compact form development activity and locations where those development
21 patterns should be encouraged.

22 (c) Consideration of air quality and access to incident solar energy
23 for all general categories of land use.

24 (d) Policies that address maintaining a broad variety of land uses,
25 including the range of uses existing in the county at the time the plan is
26 adopted, readopted or amended.

27 (e) CURRENTLY IDENTIFIED SOURCES OF AGGREGATES FROM MAPS THAT ARE
28 AVAILABLE FROM STATE AGENCIES, POLICIES TO PRESERVE CURRENTLY IDENTIFIED
29 AGGREGATES SUFFICIENT FOR FUTURE DEVELOPMENT AND POLICIES TO AVOID
30 INCOMPATIBLE LAND USES, EXCEPT THAT THIS SUBDIVISION SHALL NOT BE CONSTRUED
31 TO AFFECT ANY PERMITTED UNDERGROUND STORAGE FACILITY OR LIMIT ANY PERSON'S
32 RIGHT TO OBTAIN A PERMIT FOR AN UNDERGROUND STORAGE FACILITY PURSUANT TO
33 TITLE 45, CHAPTER 3.1.

34 2. Planning for circulation consisting of the general location and
35 extent of existing and proposed freeways, arterial and collector streets,
36 bicycle routes and any other modes of transportation as may be appropriate,
37 all correlated with the land use plan under paragraph 1 of this subsection.

38 3. Planning for water resources that addresses:

39 (a) The known legally and physically available surface water,
40 groundwater and effluent supplies.

41 (b) The demand for water that will result from future growth projected
42 in the comprehensive plan, added to existing uses.

1 (c) An analysis of how the demand for water that will result from
2 future growth projected in the comprehensive plan will be served by the water
3 supplies identified in subdivision (a) of this paragraph or a plan to obtain
4 additional necessary water supplies.

5 4. Planning for energy use that:

6 (a) Encourages and provides incentives for efficient use of energy.

7 (b) Identifies policies and practices for greater use of renewable
8 energy.

9 C. In addition to the other matters that are required or authorized
10 under this section and this article, for counties with a population of more
11 than two hundred thousand persons, the comprehensive plan shall include, and
12 for other counties the comprehensive plan may include:

13 1. Planning for open space acquisition and preservation. The open
14 space plan shall include:

15 (a) A comprehensive inventory of open space areas, recreational
16 resources and designations of access points to open space areas and
17 resources.

18 (b) An analysis of forecasted needs, policies for managing and
19 protecting open space areas and resources and implementation strategies to
20 acquire additional open space areas and further establish recreational
21 resources.

22 (c) Policies and implementation strategies designed to promote a
23 regional system of integrated open space and recreational resources and a
24 consideration of any existing regional open space plan.

25 2. Planning for growth areas, specifically identifying those areas, if
26 any, that are particularly suitable for planned multimodal transportation and
27 infrastructure expansion and improvements designed to support a planned
28 concentration of a variety of uses, such as residential, office, commercial,
29 tourism and industrial uses. The mixed use planning shall include policies
30 and implementation strategies that are designed to:

31 (a) Make automobile, transit and other multimodal circulation more
32 efficient, make infrastructure expansion more economical and provide for a
33 rational pattern of land development.

34 (b) Conserve significant natural resources and open areas in the
35 growth area and coordinate their location to similar areas outside the growth
36 area's boundaries.

37 (c) Promote the public and private construction of timely and
38 financially sound infrastructure expansion through the use of infrastructure
39 funding and financing planning that is coordinated with development activity.

40 3. An environmental planning element that contains analyses, policies
41 and strategies to address anticipated effects, if any, of plan elements on
42 air quality, water quality and natural resources associated with proposed
43 development under the comprehensive plan. The policies and strategies to be
44 developed under this element shall be designed to have countywide
45 applicability and shall not require the production of an additional

1 environmental impact statement or similar analysis beyond the requirements of
2 state and federal law.

3 4. A cost of development element that identifies policies and
4 strategies that the county will use to require development to pay its fair
5 share toward the cost of additional public facility needs generated by new
6 development, with appropriate exceptions when in the public interest. This
7 element shall include:

8 (a) A component that identifies various mechanisms that are allowed by
9 law and that can be used to fund and finance additional public services
10 necessary to serve the development, including bonding, special taxing
11 districts, development fees, in lieu fees and facility construction,
12 dedications and privatization.

13 (b) A component that identifies policies to ensure that any mechanisms
14 that are adopted by the county under this element result in a beneficial use
15 to the development, bear a reasonable relationship to the burden imposed on
16 the county to provide additional necessary public facilities to the
17 development and otherwise are imposed pursuant to law.

18 D. The water resources element of the comprehensive plan does not
19 require:

20 1. New independent hydrogeologic studies.

21 2. The county to be a water service provider.

22 E. In applying an open space element or a growth element of a
23 comprehensive plan, a county shall not designate private or state land as
24 open space, recreation, conservation or agriculture unless the county
25 receives the written consent of the landowner or provides an alternative,
26 economically viable designation in the comprehensive plan or zoning
27 ordinance, allowing at least one residential dwelling per acre. If the
28 landowner is the prevailing party in any action brought to enforce this
29 subsection, a court shall award fees and other expenses to the landowner.
30 Each county shall incorporate this subsection into its comprehensive plan and
31 provide a process for a landowner to resolve discrepancies relating to this
32 subsection.

33 F. The policies and strategies to be developed under these elements
34 shall be designed to have regional applicability.

35 G. For counties with territory in the vicinity of a military airport
36 or ancillary military facility as defined in section 28-8461, the commission
37 shall also consider military airport or ancillary military facility
38 operations and, on or before December 31, 2005, shall identify the boundaries
39 of any high noise or accident potential zone as defined in section 28-8461 in
40 its comprehensive plan for purposes of planning land uses in the high noise
41 or accident potential zone that are compatible with the operation of the
42 military airport or ancillary military facility pursuant to section 28-8481,
43 subsection J.

1 Sec. 8. Section 11-805, Arizona Revised Statutes, as added by Laws
2 2010, chapter 244, section 7, is amended to read:

3 11-805. Comprehensive plan adoption; notice; hearing;
4 amendment; expiration; readoption

5 A. The board shall adopt a comprehensive plan and subsequently amend
6 or extend the adopted plan as provided by this article. On adoption or
7 readoption, the plan, or any part of the plan, shall be the official guide
8 for the development of the area of jurisdiction. Any change, amendment,
9 extension or addition of the comprehensive plan may be made only pursuant to
10 this chapter.

11 B. The board of supervisors shall:

12 1. Adopt written procedures to provide effective, early and continuous
13 public participation in the development and major amendment of the
14 comprehensive plan from all geographic, ethnic and economic areas of the
15 county. The procedures shall provide for:

16 (a) The broad dissemination of proposals and alternatives.

17 (b) The opportunity for written comments.

18 (c) Public hearings after effective notice.

19 (d) Open discussions, communications programs and information
20 services.

21 (e) Consideration of public comments.

22 2. Consult with, advise and provide an opportunity for official
23 comment by public officials and agencies, municipalities, school districts,
24 associations of governments, public land management agencies, the military
25 airport if the county's area of jurisdiction includes territory in the
26 vicinity of a military airport or ancillary military facility as defined in
27 section 28-8461, other appropriate government jurisdictions, public utility
28 companies, civic, educational, professional and other organizations, property
29 owners and citizens generally to secure the maximum coordination of plans and
30 to indicate properly located sites for all public purposes on the plan.

31 C. The commission shall confer with the state land department and the
32 governing bodies and planning commissions of cities and towns in the county
33 for the purpose of guiding and accomplishing a coordinated, adjusted and
34 harmonious development of the county, of zoning districts, of urban growth
35 and of public improvements and utilities that do not begin and terminate
36 within the boundaries of any single city or town and that will, pursuant to
37 the present and future needs of the county, best promote with efficiency and
38 economy the health, safety, morals, order, convenience or general welfare of
39 the public.

40 D. The commission shall coordinate the production of the comprehensive
41 plan with the creation of the conceptual state land use plans under title 37,
42 chapter 2, article 5.1. The commission shall cooperate with the state land
43 department regarding integrating the conceptual state land use plans into the
44 comprehensive plan.

1 E. The commission may formulate and draft the comprehensive plan as a
2 whole, or AS separate parts of the plan corresponding with functional
3 divisions of the subject matter, and, subject to the limitations of this
4 chapter, may amend, extend or add to the comprehensive plan.

5 F. At least sixty days before the comprehensive plan or an element or
6 major amendment of a comprehensive plan is noticed pursuant to subsection G
7 of this section, the commission shall transmit the proposal to the board of
8 supervisors and submit a copy for review and further comment to:

9 1. Each municipality in the county.
10 2. Each other county that is contiguous to the county.
11 3. The regional planning agency in the county.
12 4. The department of commerce or any other state agency that is
13 subsequently designated as the general planning agency for this state.

14 5. The department of water resources for review and comment on the
15 water resources element, if a water resources element is required.

16 6. If the comprehensive plan or an element or amendment of the
17 comprehensive plan is applicable to territory in the vicinity of a military
18 airport or ancillary military facility as defined in section 28-8461, the
19 military airport.

20 7. If the comprehensive plan or an element or major amendment of the
21 comprehensive plan is applicable to property in the high noise or accident
22 potential zone of a military airport or ancillary military facility as
23 defined in section 28-8461, the attorney general. For the purposes of this
24 paragraph, "major amendment" means a substantial alteration of the county's
25 land use mixture or balance as established in the county's existing
26 comprehensive plan land use element for that area of the county.

27 8. Any person or entity that requests in writing to receive a review
28 copy of the proposal.

29 G. After considering any recommendations from the review required
30 under subsection F of this section, the commission shall hold at least one
31 public hearing. Notice of the time and place of a hearing and availability
32 of studies and summaries related to the hearing shall be given at least
33 fifteen and not more than thirty calendar days before the hearing by:

34 1. Publication at least once in a newspaper of general circulation in
35 the county seat.

36 2. Publication at least once in a newspaper of general circulation in
37 the area to be affected, or adjacent to the area to be affected, if the area
38 affected is other than the county seat.

39 3. Such other manner in addition to publication as the county may deem
40 necessary or desirable.

41 H. After the commission recommends the comprehensive plan or any
42 section of the plan, the plan shall be submitted to the board of supervisors
43 for its consideration and official action.

1 I. Before the adoption, amendment or extension of the plan, the board
2 shall hold at least one public hearing on the plan. After the board
3 considers the commission's recommendation and any recommendations from the
4 review required under subsection F of this section, the board shall hold at
5 least one public hearing at which residents of the county shall be heard
6 concerning the matters contained in the plan. At least fifteen days' notice
7 of the hearing shall be given by one publication in a newspaper of general
8 circulation in the county seat. The board shall consider protests and
9 objections to the plan and may change or alter any portion of the
10 comprehensive plan. However, before any change is made, that portion of the
11 plan proposed to be changed shall be re-referred to the commission for its
12 recommendation, which may be accepted or rejected by the board.

13 J. The board of supervisors may adopt the county comprehensive plan as
14 a whole or by successive actions adopt separate parts of the plan. The
15 adoption or readoption of the comprehensive plan or any amendment to the plan
16 shall be by resolution of the board. The adoption or readoption of, or a
17 major amendment to, the county comprehensive plan shall be approved by the
18 affirmative vote of at least two-thirds of the members of the board. All
19 major amendments proposed for adoption to the comprehensive plan by the board
20 shall be presented at a single public hearing during the calendar year the
21 proposal is made. The adoption or readoption of the comprehensive plan, and
22 any major amendment to the comprehensive plan, shall not be enacted as an
23 emergency measure and is subject to referendum as provided by article IV,
24 part 1, section 1, subsection (8), Constitution of Arizona, and title 19,
25 chapter 1, article 4. For the purposes of this section, "major amendment"
26 means a substantial alteration of the county's land use mixture or balance as
27 established in the county's existing comprehensive plan land use element for
28 that area of the county. The county's comprehensive plan shall define the
29 criteria to determine if a proposed amendment to the comprehensive plan
30 effects a substantial alteration of the county's land use mixture or balance
31 as established in the county's existing comprehensive plan land use element
32 for that area of the county.

33 K. If the county's area of jurisdiction includes property in the high
34 noise or accident potential zone of a military airport or ancillary military
35 facility as defined in section 28-8461, the board shall send notice of the
36 approval, adoption or readoption of the comprehensive plan or major amendment
37 to the comprehensive plan to the attorney general by certified mail, return
38 receipt requested, within three business days after the approval, adoption or
39 readoption. If the attorney general determines the approval, adoption or
40 readoption of the comprehensive plan or major amendment to the comprehensive
41 plan is not in compliance with section 28-8481, subsection J, the attorney
42 general shall notify the county by certified mail, return receipt requested,
43 of the determination of noncompliance. The board shall receive the notice
44 from the attorney general within twenty-five days after the notice from the
45 board to the attorney general is mailed pursuant to this subsection. The

1 effective date of any approval, adoption or readoption of, or major amendment
2 to, the comprehensive plan shall be thirty days after the board's receipt of
3 the attorney general's determination of noncompliance. Within thirty days
4 after the receipt of a determination of noncompliance by the attorney general
5 as prescribed by this section, the board shall reconsider any approval,
6 adoption or readoption of, or major amendment to, the comprehensive plan that
7 impacts property in the high noise or accident potential zone of a military
8 airport or ancillary military facility as defined in section 28-8461. If the
9 board reaffirms a prior action subject to an attorney general's determination
10 of noncompliance pursuant to this section, the attorney general may institute
11 a civil action pursuant to section 28-8481, subsection L. If the board
12 timely sends notice pursuant to this subsection and the attorney general
13 fails to timely notify the board of a determination of noncompliance, the
14 comprehensive plan or major amendment to the comprehensive plan is deemed to
15 comply with section 28-8481, subsection J. For the purposes of this
16 subsection "major amendment" has the same meaning prescribed in subsection J
17 of this section.

18 L. If the motion to adopt or readopt the plan or an amendment to the
19 plan fails to pass, the board may reconsider the motion in any manner allowed
20 by the board's rules of procedure, but any subsequent motion for the adoption
21 or readoption of the plan or a major amendment to the plan must be approved
22 by an affirmative vote of at least two-thirds of the members of the board.
23 If the board fails to adopt or readopt the plan, the current plan remains in
24 effect until a new plan is adopted. The board shall either reconsider the
25 proposed plan or consider a revised plan within one year and shall continue
26 to do so until one is adopted. All subsequent considerations of a new or
27 revised plan must comply with the procedures prescribed by this article.

28 M. A county comprehensive plan, with any amendments, is effective for
29 up to ten years from the date the plan was initially adopted or until the
30 plan is readopted or a new plan is adopted pursuant to this subsection and
31 becomes effective. On or before the tenth anniversary of the plan's most
32 recent adoption, the board shall either readopt the existing plan for an
33 additional term of up to ten years or shall adopt a new comprehensive plan as
34 provided by this article.

35 N. A PERSON, AFTER HAVING PARTICIPATED IN THE PUBLIC HEARING PURSUANT
36 TO SUBSECTION I OF THIS SECTION, MAY FILE A PETITION FOR SPECIAL ACTION IN
37 SUPERIOR COURT TO REVIEW THE BOARD OF SUPERVISOR'S DECISION THAT DOES NOT
38 COMPLY WITH THE MANDATORY REQUIREMENT PRESCRIBED IN SECTION 11-804,
39 SUBSECTION B, PARAGRAPH 1, SUBDIVISION (e) WITHIN THIRTY DAYS AFTER THE BOARD
40 HAS RENDERED ITS DECISION. THE COURT MAY AFFIRM, MODIFY OR REVERSE, IN WHOLE
41 OR IN PART, THE DECISION REVIEWED.

1 Sec. 9. Title 11, chapter 6, article 1, Arizona Revised Statutes, as
2 added by Laws 2010, chapter 244, section 7, is amended by adding section
3 11-809, to read:

4 11-809. Public works project planning: public service
5 corporation input: definition

6 A. A COUNTY IN THE DESIGN PHASE OF A PUBLIC WORKS PROJECT SHALL
7 INCLUDE ALL PUBLIC SERVICE CORPORATIONS THAT ARE AFFECTED BY THE PUBLIC WORKS
8 PROJECT IN THE DESIGN PHASE PROCESS OF THE PUBLIC WORKS PROJECT IN ORDER TO
9 BOTH:

10 1. ELIMINATE OR MINIMIZE RELOCATION COSTS OF AERIAL, SURFACE AND
11 UNDERGROUND FACILITIES FOR THOSE PUBLIC SERVICE CORPORATIONS.

12 2. MINIMIZE THE NEED FOR CONSTRUCTION OR CHANGE OF FACILITIES AFTER
13 COMPLETION OF THE PUBLIC WORKS PROJECT.

14 B. THIS SECTION DOES NOT ALTER THE COUNTY'S DUTY TO PAY FOR THE
15 AFFECTED PUBLIC SERVICE CORPORATION'S RELOCATION COSTS PURSUANT TO STATUTE.

16 C. FOR THE PURPOSES OF THIS SECTION, "PUBLIC WORKS PROJECT" HAS THE
17 SAME MEANING PRESCRIBED IN SECTION 12-1141.

18 Sec. 10. Title 11, Arizona Revised Statutes, is amended by adding
19 chapter 11, to read:

20 CHAPTER 11

21 COUNTY REGULATIONS ON BUSINESSES

22 ARTICLE 1. GENERAL PROVISIONS

23 11-1601. Definitions

24 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

25 1. "LICENSE" INCLUDES THE WHOLE OR PART OF ANY COUNTY PERMIT,
26 CERTIFICATE, APPROVAL, REGISTRATION, CHARTER OR SIMILAR FORM OF PERMISSION
27 REQUIRED BY LAW.

28 2. "LICENSING" INCLUDES THE COUNTY PROCESS RESPECTING THE GRANT,
29 DENIAL, RENEWAL, REVOCATION, SUSPENSION, ANNULMENT, WITHDRAWAL OR AMENDMENT
30 OF A LICENSE.

31 3. "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
32 ASSOCIATION, GOVERNMENTAL SUBDIVISION OR UNIT OF A GOVERNMENTAL SUBDIVISION,
33 OR A PUBLIC OR PRIVATE ORGANIZATION OF ANY CHARACTER.

34 4. "SUBSTANTIVE POLICY STATEMENT" MEANS A WRITTEN EXPRESSION THAT IS
35 ONLY ADVISORY AND THAT INFORMS THE GENERAL PUBLIC OF A COUNTY'S CURRENT
36 APPROACH TO, OR OPINION OF, THE REQUIREMENTS OF THE ORDINANCES OR CODES,
37 INCLUDING, WHERE APPROPRIATE, THE COUNTY'S CURRENT PRACTICE, PROCEDURE OR
38 METHOD OF ACTION BASED ON THAT APPROACH OR OPINION. A SUBSTANTIVE POLICY
39 STATEMENT DOES NOT INCLUDE INTERNAL PROCEDURAL DOCUMENTS THAT ONLY AFFECT THE
40 INTERNAL PROCEDURES OF THE COUNTY AND DO NOT IMPOSE ADDITIONAL REQUIREMENTS
41 OR PENALTIES ON REGULATED PARTIES OR CONFIDENTIAL INFORMATION.

42 11-1602. Regulatory bill of rights

43 A. TO ENSURE FAIR AND OPEN REGULATION BY COUNTIES, A PERSON:

1 1. IS ELIGIBLE FOR REIMBURSEMENT OF FEES AND OTHER EXPENSES IF THE
2 PERSON PREVAILS BY ADJUDICATION ON THE MERITS AGAINST A COUNTY IN A COURT
3 PROCEEDING REGARDING A COUNTY DECISION AS PROVIDED IN SECTION 12-348.

4 2. IS ENTITLED TO RECEIVE INFORMATION AND NOTICE REGARDING INSPECTIONS
5 AS PROVIDED IN SECTION 11-1603.

6 3. IS ENTITLED TO HAVE A COUNTY NOT BASE A LICENSING DECISION IN WHOLE
7 OR IN PART ON LICENSING CONDITIONS OR REQUIREMENTS THAT ARE NOT SPECIFICALLY
8 AUTHORIZED AS PROVIDED IN SECTION 11-1604.

9 4. IS ENTITLED TO HAVE A COUNTY NOT ADOPT AN ORDINANCE OR CODE UNDER A
10 SPECIFIC GRANT OF AUTHORITY THAT EXCEEDS THE SUBJECT MATTER AREAS LISTED IN
11 THE SPECIFIC GRANT OF AUTHORITY OR NOT ADOPT AN ORDINANCE OR CODE UNDER A
12 GENERAL GRANT OF AUTHORITY TO SUPPLEMENT A MORE SPECIFIC GRANT OF AUTHORITY
13 AS PROVIDED IN SECTION 11-1604.

14 5. MAY HAVE A COUNTY APPROVE OR DENY THE PERSON'S LICENSE APPLICATION
15 WITHIN A PREDETERMINED PERIOD OF TIME AS PROVIDED IN SECTION 11-1605.

16 6. IS ENTITLED TO RECEIVE WRITTEN NOTICE FROM A COUNTY ON DENIAL OF A
17 LICENSE APPLICATION:

18 (a) THAT JUSTIFIES THE DENIAL WITH REFERENCES TO THE ORDINANCE, CODE
19 OR AUTHORIZED SUBSTANTIVE POLICY STATEMENTS ON WHICH THE DENIAL IS BASED AS
20 PROVIDED IN SECTION 11-1605.

21 (b) THAT EXPLAINS THE APPLICANT'S RIGHT TO APPEAL THE DENIAL AS
22 PROVIDED IN SECTION 11-1605.

23 7. IS ENTITLED TO RECEIVE INFORMATION REGARDING THE LICENSE
24 APPLICATION PROCESS AT THE TIME THE PERSON OBTAINS AN APPLICATION FOR A
25 LICENSE AS PROVIDED IN SECTION 11-1606.

26 8. MAY INSPECT ALL ORDINANCES AND SUBSTANTIVE POLICY STATEMENTS OF A
27 COUNTY, INCLUDING A DIRECTORY OF DOCUMENTS, AT THE OFFICE OF THE COUNTY AS
28 PROVIDED IN SECTION 11-1607.

29 9. UNLESS SPECIFICALLY AUTHORIZED, MAY EXPECT COUNTIES TO AVOID
30 DUPLICATION OF OTHER LAWS THAT DO NOT ENHANCE REGULATORY CLARITY AND TO AVOID
31 DUAL PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE AS PROVIDED IN SECTION
32 11-1604.

33 10. MAY FILE A COMPLAINT WITH THE BOARD OF SUPERVISORS CONCERNING AN
34 ORDINANCE, CODE OR SUBSTANTIVE POLICY STATEMENT THAT FAILS TO COMPLY WITH
35 THIS SECTION.

36 11-1603. Inspections; applicability

37 A. A COUNTY INSPECTOR OR REGULATOR WHO ENTERS ANY PREMISES OF A
38 REGULATED PERSON FOR THE PURPOSE OF CONDUCTING AN INSPECTION SHALL:

39 1. PRESENT PHOTO IDENTIFICATION ON ENTRY OF THE PREMISES.

40 2. ON INITIATION OF THE INSPECTION, STATE THE PURPOSE OF THE
41 INSPECTION AND THE LEGAL AUTHORITY FOR CONDUCTING THE INSPECTION.

42 3. DISCLOSE ANY APPLICABLE INSPECTION FEES.

43 4. AFFORD AN OPPORTUNITY TO HAVE AN AUTHORIZED ON-SITE REPRESENTATIVE
44 OF THE REGULATED PERSON ACCOMPANY THE COUNTY INSPECTOR OR REGULATOR ON THE
45 PREMISES, EXCEPT DURING CONFIDENTIAL INTERVIEWS.

1 5. PROVIDE NOTICE OF THE RIGHT TO HAVE:

2 (a) COPIES OF ANY ORIGINAL DOCUMENTS TAKEN BY THE COUNTY DURING THE
3 INSPECTION IF THE COUNTY IS PERMITTED BY LAW TO TAKE ORIGINAL DOCUMENTS.

4 (b) A SPLIT OF ANY SAMPLES TAKEN DURING THE INSPECTION IF THE SPLIT OF
5 ANY SAMPLES WOULD NOT PROHIBIT AN ANALYSIS FROM BEING CONDUCTED OR RENDER AN
6 ANALYSIS INCONCLUSIVE.

7 (c) COPIES OF ANY ANALYSIS PERFORMED ON SAMPLES TAKEN DURING THE
8 INSPECTION.

9 6. INFORM EACH PERSON WHOSE CONVERSATION WITH THE COUNTY INSPECTOR OR
10 REGULATOR DURING THE INSPECTION IS TAPE RECORDED THAT THE CONVERSATION IS
11 BEING TAPE RECORDED.

12 7. INFORM EACH PERSON INTERVIEWED DURING THE INSPECTION THAT
13 STATEMENTS MADE BY THE PERSON MAY BE INCLUDED IN THE INSPECTION REPORT.

14 B. ON INITIATION OF AN INSPECTION OF ANY PREMISES OF A REGULATED
15 PERSON, A COUNTY INSPECTOR OR REGULATOR SHALL PROVIDE THE FOLLOWING IN
16 WRITING:

17 1. THE RIGHTS DESCRIBED IN SUBSECTION A OF THIS SECTION.

18 2. THE NAME AND TELEPHONE NUMBER OF A CONTACT PERSON AVAILABLE TO
19 ANSWER QUESTIONS REGARDING THE INSPECTION.

20 3. THE DUE PROCESS RIGHTS RELATING TO AN APPEAL OF A FINAL DECISION OF
21 A COUNTY BASED ON THE RESULTS OF THE INSPECTION, INCLUDING THE NAME AND
22 TELEPHONE NUMBER OF A PERSON TO CONTACT WITHIN THE COUNTY AND ANY APPROPRIATE
23 MUNICIPALITY, COUNTY OR STATE GOVERNMENT OMBUDSMAN.

24 C. A COUNTY INSPECTOR OR REGULATOR SHALL OBTAIN THE SIGNATURE OF THE
25 REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON ON THE
26 WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION INDICATING THAT THE
27 REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON HAS READ
28 THE WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION AND IS NOTIFIED OF THE
29 REGULATED PERSON'S OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON'S
30 INSPECTION AND DUE PROCESS RIGHTS. THE COUNTY SHALL MAINTAIN A COPY OF THIS
31 SIGNATURE WITH THE INSPECTION REPORT AND SHALL LEAVE A COPY WITH THE
32 REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON. IF A
33 REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON IS NOT AT
34 THE SITE OR REFUSES TO SIGN THE WRITING PRESCRIBED IN SUBSECTION B OF THIS
35 SECTION, THE COUNTY INSPECTOR OR REGULATOR SHALL NOTE THAT FACT ON THE
36 WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION.

37 D. A COUNTY THAT CONDUCTS AN INSPECTION SHALL GIVE A COPY OF THE
38 INSPECTION REPORT TO THE REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE
39 REGULATED PERSON EITHER:

40 1. AT THE TIME OF THE INSPECTION.

41 2. NOTWITHSTANDING ANY OTHER STATE LAW, WITHIN THIRTY WORKING DAYS
42 AFTER THE INSPECTION.

43 3. AS OTHERWISE REQUIRED BY FEDERAL LAW.

44 E. THE INSPECTION REPORT SHALL CONTAIN DEFICIENCIES IDENTIFIED DURING
45 AN INSPECTION. UNLESS OTHERWISE PROVIDED BY LAW, THE COUNTY MAY PROVIDE THE

1 REGULATED PERSON AN OPPORTUNITY TO CORRECT THE DEFICIENCIES UNLESS THE COUNTY
2 DETERMINES THAT THE DEFICIENCIES ARE:

- 3 1. COMMITTED INTENTIONALLY.
- 4 2. NOT CORRECTABLE WITHIN A REASONABLE PERIOD OF TIME AS DETERMINED BY
5 THE COUNTY.
- 6 3. EVIDENCE OF A PATTERN OF NONCOMPLIANCE.
- 7 4. A RISK TO ANY PERSON, THE PUBLIC HEALTH, SAFETY OR WELFARE OR THE
8 ENVIRONMENT.

9 F. IF THE COUNTY ALLOWS THE REGULATED PERSON AN OPPORTUNITY TO CORRECT
10 THE DEFICIENCIES PURSUANT TO SUBSECTION E OF THIS SECTION, THE REGULATED
11 PERSON SHALL NOTIFY THE COUNTY WHEN THE DEFICIENCIES HAVE BEEN CORRECTED.
12 WITHIN THIRTY DAYS OF RECEIPT OF NOTIFICATION FROM THE REGULATED PERSON THAT
13 THE DEFICIENCIES HAVE BEEN CORRECTED, THE COUNTY SHALL DETERMINE IF THE
14 REGULATED PERSON IS IN SUBSTANTIAL COMPLIANCE AND NOTIFY THE REGULATED PERSON
15 WHETHER OR NOT THE REGULATED PERSON IS IN SUBSTANTIAL COMPLIANCE. IF THE
16 REGULATED PERSON FAILS TO CORRECT THE DEFICIENCIES OR THE COUNTY DETERMINES
17 THE DEFICIENCIES HAVE NOT BEEN CORRECTED WITHIN A REASONABLE PERIOD OF TIME,
18 THE COUNTY MAY TAKE ANY ENFORCEMENT ACTION AUTHORIZED BY LAW FOR THE
19 DEFICIENCIES.

20 G. A COUNTY DECISION PURSUANT TO SUBSECTION E OR F OF THIS SECTION IS
21 NOT AN APPEALABLE COUNTY ACTION.

22 H. AT LEAST ONCE EVERY MONTH AFTER THE COMMENCEMENT OF THE INSPECTION
23 A COUNTY SHALL PROVIDE A REGULATED PERSON WITH AN UPDATE ON THE STATUS OF ANY
24 COUNTY ACTION RESULTING FROM AN INSPECTION OF THE REGULATED PERSON. A COUNTY
25 IS NOT REQUIRED TO PROVIDE AN UPDATE AFTER THE REGULATED PERSON IS NOTIFIED
26 THAT NO COUNTY ACTION WILL RESULT FROM THE COUNTY'S INSPECTION OR AFTER THE
27 COMPLETION OF COUNTY ACTION RESULTING FROM THE COUNTY'S INSPECTION.

28 I. THIS SECTION DOES NOT AUTHORIZE AN INSPECTION OR ANY OTHER ACT THAT
29 IS NOT OTHERWISE AUTHORIZED BY LAW.

30 J. THIS SECTION APPLIES ONLY TO INSPECTIONS NECESSARY FOR THE ISSUANCE
31 OF A LICENSE OR TO DETERMINE COMPLIANCE WITH LICENSURE REQUIREMENTS. THIS
32 SECTION DOES NOT APPLY:

33 1. TO CRIMINAL INVESTIGATIONS, INVESTIGATIONS UNDER TRIBAL-STATE
34 GAMING COMPACTS AND UNDERCOVER INVESTIGATIONS THAT ARE GENERALLY OR
35 SPECIFICALLY AUTHORIZED BY LAW.

36 2. IF THE INSPECTOR OR REGULATOR HAS REASONABLE SUSPICION TO BELIEVE
37 THAT THE REGULATED PERSON MAY BE ENGAGED IN CRIMINAL ACTIVITY.

38 3. TO THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
39 ESTABLISHED BY SECTION 41-1821.

40 K. IF AN INSPECTOR OR REGULATOR GATHERS EVIDENCE IN VIOLATION OF THIS
41 SECTION, THE VIOLATION SHALL NOT BE A BASIS TO EXCLUDE THE EVIDENCE IN A
42 CIVIL OR ADMINISTRATIVE PROCEEDING, IF THE PENALTY SOUGHT IS THE DENIAL,
43 SUSPENSION OR REVOCATION OF THE REGULATED PERSON'S LICENSE OR A CIVIL PENALTY
44 OF MORE THAN ONE THOUSAND DOLLARS.

1 L. FAILURE OF A COUNTY, BOARD OR COMMISSION EMPLOYEE TO COMPLY WITH
2 THIS SECTION:

3 1. CONSTITUTES CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO
4 SECTION 41-770.

5 2. SHALL BE CONSIDERED BY THE JUDGE AND ADMINISTRATIVE LAW JUDGE AS
6 GROUNDS FOR REDUCTION OF ANY FINE OR CIVIL PENALTY.

7 M. A COUNTY MAY ADOPT RULES TO IMPLEMENT SUBSECTION A, PARAGRAPH 5 OF
8 THIS SECTION.

9 N. THIS SECTION SHALL NOT BE USED TO EXCLUDE EVIDENCE IN A CRIMINAL
10 PROCEEDING.

11 11-1604. Prohibited acts by county

12 A. A COUNTY SHALL NOT BASE A LICENSING DECISION IN WHOLE OR IN PART ON
13 A LICENSING REQUIREMENT OR CONDITION THAT IS NOT SPECIFICALLY AUTHORIZED BY
14 STATUTE, RULE, ORDINANCE OR CODE. A GENERAL GRANT OF AUTHORITY DOES NOT
15 CONSTITUTE A BASIS FOR IMPOSING A LICENSING REQUIREMENT OR CONDITION UNLESS
16 THE AUTHORITY SPECIFICALLY AUTHORIZES THE REQUIREMENT OR CONDITION.

17 B. A COUNTY SHALL NOT:

18 1. ADOPT AN ORDINANCE OR CODE UNDER A SPECIFIC GRANT OF AUTHORITY THAT
19 EXCEEDS THE SUBJECT MATTER AREAS LISTED IN THE SPECIFIC GRANT OF AUTHORITY.

20 2. ADOPT AN ORDINANCE OR CODE UNDER A GENERAL GRANT OF AUTHORITY TO
21 SUPPLEMENT A MORE SPECIFIC GRANT OF AUTHORITY.

22 C. UNLESS SPECIFICALLY AUTHORIZED, A COUNTY SHALL AVOID DUPLICATION OF
23 OTHER LAWS THAT DO NOT ENHANCE REGULATORY CLARITY AND SHALL AVOID DUAL
24 PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE.

25 D. THIS SECTION DOES NOT PROHIBIT COUNTY FLEXIBILITY TO ISSUE LICENSES
26 OR ADOPT ORDINANCES OR CODES.

27 11-1605. Licensing time frames: compliance: consequence for
28 failure to comply with time frame: exemption

29 A. FOR ANY NEW ORDINANCE OR CODE REQUIRING A LICENSE, A COUNTY SHALL
30 HAVE IN PLACE AN OVERALL TIME FRAME DURING WHICH THE COUNTY WILL EITHER GRANT
31 OR DENY EACH TYPE OF LICENSE THAT IT ISSUES. THE OVERALL TIME FRAME FOR EACH
32 TYPE OF LICENSE SHALL STATE SEPARATELY THE ADMINISTRATIVE COMPLETENESS REVIEW
33 TIME FRAME AND THE SUBSTANTIVE REVIEW TIME FRAME.

34 B. ON OR BEFORE DECEMBER 31, 2012, A COUNTY THAT ISSUES LICENSES
35 REQUIRED UNDER EXISTING ORDINANCES OR CODES SHALL HAVE IN PLACE AN OVERALL
36 TIME FRAME DURING WHICH THE COUNTY WILL EITHER GRANT OR DENY EACH TYPE OF
37 LICENSE THAT IT ISSUES. THE OVERALL TIME FRAME FOR EACH TYPE OF LICENSE
38 SHALL STATE SEPARATELY THE ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME AND
39 THE SUBSTANTIVE REVIEW TIME FRAME. COUNTIES SHALL PRIORITIZE THE
40 ESTABLISHMENT OF TIME FRAMES FOR THOSE LICENSES THAT HAVE THE GREATEST IMPACT
41 ON THE PUBLIC.

42 C. IN ESTABLISHING TIME FRAMES, COUNTIES SHALL CONSIDER ALL OF THE
43 FOLLOWING:

44 1. THE COMPLEXITY OF THE LICENSING SUBJECT MATTER.

45 2. THE RESOURCES OF THE COUNTY.

1 3. THE ECONOMIC IMPACT OF DELAY ON THE REGULATED COMMUNITY.
2 4. THE IMPACT OF THE LICENSING DECISION ON PUBLIC HEALTH AND SAFETY.
3 5. THE POSSIBLE USE OF VOLUNTEERS WITH EXPERTISE IN THE SUBJECT MATTER
4 AREA.

5 6. THE POSSIBLE INCREASED USE OF GENERAL LICENSES FOR SIMILAR TYPES OF
6 LICENSED BUSINESSES OR FACILITIES.

7 7. THE POSSIBLE INCREASED COOPERATION BETWEEN THE COUNTY AND THE
8 REGULATED COMMUNITY.

9 8. INCREASED COUNTY FLEXIBILITY IN STRUCTURING THE LICENSING PROCESS
10 AND PERSONNEL.

11 D. A COUNTY SHALL ISSUE A WRITTEN NOTICE OF ADMINISTRATIVE
12 COMPLETENESS OR DEFICIENCIES TO AN APPLICANT FOR A LICENSE WITHIN THE
13 ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME.

14 E. IF A COUNTY DETERMINES THAT AN APPLICATION FOR A LICENSE IS NOT
15 ADMINISTRATIVELY COMPLETE, THE COUNTY SHALL INCLUDE A COMPREHENSIVE LIST OF
16 THE SPECIFIC DEFICIENCIES IN THE WRITTEN NOTICE PROVIDED PURSUANT TO
17 SUBSECTION D. IF THE COUNTY ISSUES A WRITTEN NOTICE OF DEFICIENCIES WITHIN
18 THE ADMINISTRATIVE COMPLETENESS TIME FRAME, THE ADMINISTRATIVE COMPLETENESS
19 REVIEW TIME FRAME AND THE OVERALL TIME FRAME ARE SUSPENDED FROM THE DATE THE
20 NOTICE IS ISSUED UNTIL THE DATE THAT THE COUNTY RECEIVES THE MISSING
21 INFORMATION FROM THE APPLICANT.

22 F. IF A COUNTY DOES NOT ISSUE A WRITTEN NOTICE OF ADMINISTRATIVE
23 COMPLETENESS OR DEFICIENCIES WITHIN THE ADMINISTRATIVE COMPLETENESS REVIEW
24 TIME FRAME, THE APPLICATION IS DEEMED ADMINISTRATIVELY COMPLETE. IF A COUNTY
25 ISSUES A TIMELY WRITTEN NOTICE OF DEFICIENCIES, AN APPLICATION SHALL NOT BE
26 COMPLETE UNTIL ALL REQUESTED INFORMATION HAS BEEN RECEIVED BY THE COUNTY.

27 G. DURING THE SUBSTANTIVE REVIEW TIME FRAME, A COUNTY MAY MAKE ONE
28 COMPREHENSIVE WRITTEN REQUEST FOR ADDITIONAL INFORMATION. THE COUNTY AND
29 APPLICANT MAY MUTUALLY AGREE IN WRITING TO ALLOW THE COUNTY TO SUBMIT
30 SUPPLEMENTAL REQUESTS FOR ADDITIONAL INFORMATION. IF A COUNTY ISSUES A
31 COMPREHENSIVE WRITTEN REQUEST OR A SUPPLEMENTAL REQUEST BY MUTUAL WRITTEN
32 AGREEMENT FOR ADDITIONAL INFORMATION, THE SUBSTANTIVE REVIEW TIME FRAME AND
33 THE OVERALL TIME FRAME ARE SUSPENDED FROM THE DATE THE REQUEST IS ISSUED
34 UNTIL THE DATE THAT THE COUNTY RECEIVES THE ADDITIONAL INFORMATION FROM THE
35 APPLICANT.

36 H. BY MUTUAL WRITTEN AGREEMENT, A COUNTY AND AN APPLICANT FOR A
37 LICENSE MAY EXTEND THE SUBSTANTIVE REVIEW TIME FRAME AND THE OVERALL TIME
38 FRAME. AN EXTENSION OF THE SUBSTANTIVE REVIEW TIME FRAME AND THE OVERALL
39 TIME FRAME MAY NOT EXCEED TWENTY-FIVE PER CENT OF THE OVERALL TIME FRAME.

40 I. UNLESS A COUNTY AND AN APPLICANT FOR A LICENSE MUTUALLY AGREE TO
41 EXTEND THE SUBSTANTIVE REVIEW TIME FRAME AND THE OVERALL TIME FRAME PURSUANT
42 TO SUBSECTION H, A COUNTY SHALL ISSUE A WRITTEN NOTICE GRANTING OR DENYING A
43 LICENSE TO AN APPLICANT. IF A COUNTY DENIES AN APPLICATION FOR A LICENSE,
44 THE COUNTY SHALL INCLUDE IN THE WRITTEN NOTICE AT LEAST THE FOLLOWING
45 INFORMATION:

1 1. JUSTIFICATION FOR THE DENIAL WITH REFERENCES TO THE STATUTES OR
2 ORDINANCES ON WHICH THE DENIAL IS BASED.

3 2. AN EXPLANATION OF THE APPLICANT'S RIGHT TO APPEAL THE DENIAL. THE
4 EXPLANATION SHALL INCLUDE THE NUMBER OF DAYS IN WHICH THE APPLICANT MUST FILE
5 A PROTEST CHALLENGING THE DENIAL AND THE NAME AND TELEPHONE NUMBER OF A
6 COUNTY CONTACT PERSON WHO CAN ANSWER QUESTIONS REGARDING THE APPEALS PROCESS.

7 J. IF A COUNTY DOES NOT ISSUE TO THE APPLICANT THE WRITTEN NOTICE
8 GRANTING OR DENYING A LICENSE WITHIN THE OVERALL TIME FRAME OR WITHIN THE
9 MUTUALLY AGREED UPON TIME FRAME EXTENSION, THE COUNTY SHALL REFUND TO THE
10 APPLICANT ALL FEES CHARGED FOR REVIEWING AND ACTING ON THE APPLICATION FOR
11 THE LICENSE AND SHALL EXCUSE PAYMENT OF ANY FEES THAT HAVE NOT YET BEEN PAID.
12 THE COUNTY SHALL NOT REQUIRE AN APPLICANT TO SUBMIT AN APPLICATION FOR A
13 REFUND PURSUANT TO THIS SUBSECTION. THE REFUND SHALL BE MADE WITHIN THIRTY
14 DAYS AFTER THE EXPIRATION OF THE OVERALL TIME FRAME OR THE TIME FRAME
15 EXTENSION. THE COUNTY SHALL CONTINUE TO PROCESS THE APPLICATION.
16 NOTWITHSTANDING ANY OTHER STATUTE, THE COUNTY SHALL MAKE THE REFUND FROM THE
17 FUND IN WHICH THE APPLICATION FEES WERE ORIGINALLY DEPOSITED.

18 K. THIS SECTION DOES NOT APPLY TO LICENSES ISSUED WITHIN SEVEN DAYS
19 AFTER RECEIPT OF INITIAL APPLICATION.

20 11-1606. License application process

21 A COUNTY THAT ISSUES LICENSES SHALL PROVIDE THE FOLLOWING INFORMATION
22 TO AN APPLICANT AT THE TIME THE APPLICANT OBTAINS AN APPLICATION FOR A
23 LICENSE:

24 1. A LIST OF ALL OF THE STEPS THE APPLICANT IS REQUIRED TO TAKE IN
25 ORDER TO OBTAIN THE LICENSE.

26 2. THE APPLICABLE LICENSING TIME FRAMES.

27 3. THE NAME AND TELEPHONE NUMBER OF A COUNTY CONTACT PERSON WHO CAN
28 ANSWER QUESTIONS OR PROVIDE ASSISTANCE THROUGHOUT THE APPLICATION PROCESS.

29 11-1607. Directory of documents

30 THE COUNTY SHALL PUBLISH, OR PROMINENTLY PLACE ON THE COUNTY WEBSITE,
31 AT LEAST ANNUALLY A DIRECTORY SUMMARIZING THE SUBJECT MATTER OF ALL CURRENTLY
32 APPLICABLE ORDINANCES, CODES AND SUBSTANTIVE POLICY STATEMENTS. THE COUNTY
33 SHALL KEEP COPIES OF THIS DIRECTORY AND ALL SUBSTANTIVE POLICY STATEMENTS AT
34 ONE LOCATION. THE DIRECTORY, ORDINANCES, CODES, SUBSTANTIVE POLICY STATEMENTS
35 AND ANY MATERIALS INCORPORATED BY REFERENCE IN THESE DOCUMENTS SHALL BE OPEN
36 TO PUBLIC INSPECTION AT THE OFFICE OF THE COUNTY.

37 11-1608. Complaints; board of supervisor review

38 A. THE BOARD OF SUPERVISORS SHALL RECEIVE COMPLAINTS CONCERNING
39 ORDINANCES, CODES, SUBSTANTIVE POLICY STATEMENTS OR COUNTY PRACTICES ALLEGED
40 TO VIOLATE THIS ARTICLE. THE BOARD OF SUPERVISORS MAY REVIEW ANY ORDINANCE,
41 CODE, SUBSTANTIVE POLICY STATEMENT OR COUNTY PRACTICE ALLEGED TO VIOLATE THIS
42 ARTICLE AND MAY HOLD HEARINGS REGARDING THE ALLEGATIONS. THE BOARD OF
43 SUPERVISORS MAY RECOMMEND ACTIONS TO ALLEVIATE THE ASPECTS OF THE ORDINANCES,
44 CODES, SUBSTANTIVE POLICY STATEMENTS OR COUNTY PRACTICES ALLEGED TO VIOLATE
45 THIS ARTICLE.

1 Sec. 11. Section 12-348, Arizona Revised Statutes, is amended to read:

2 12-348. Award of fees and other expenses against the state or a
3 city, town or county; reduction or denial of award;
4 application; basis for amount of award; source of
5 award; definitions

6 A. In addition to any costs ~~which~~ THAT are awarded as prescribed by
7 statute, a court shall award fees and other expenses to any party other than
8 this state or a city, town or county ~~which~~ THAT prevails by an adjudication
9 on the merits in any of the following:

10 1. A civil action brought by the state or a city, town or county
11 against the party.

12 2. A court proceeding to review a state agency decision pursuant to
13 chapter 7, article 6 of this title or any other statute authorizing judicial
14 review of agency, CITY, TOWN OR COUNTY decisions.

15 3. A proceeding pursuant to section 41-1034.

16 4. A special action proceeding brought by the party to challenge an
17 action by ~~the~~ THIS state OR A CITY, TOWN OR COUNTY against the party.

18 5. An appeal by ~~the~~ THIS state to a court of law from a decision of
19 the personnel board under title 41, chapter 4, article 6.

20 6. A civil action brought by the party to challenge the seizure and
21 sale of personal property by ~~the~~ THIS state or a city, town or county.

22 B. In addition to any costs ~~which~~ THAT are awarded as prescribed by
23 statute, a court may award fees and other expenses to any party, other than
24 this state or a city, town or county, ~~which~~ THAT prevails by an adjudication
25 on the merits in an action brought by the party against this state or a city,
26 town or county challenging:

27 1. The assessment or collection of taxes or in an action brought by
28 this state or a city, town or county against the party to enforce the
29 assessment or collection of taxes.

30 2. The adequacy or regularity of notice of delinquent taxes.

31 3. The regularity of sales of property for delinquent taxes.

32 C. The court in its discretion may deny the award provided for in this
33 section or may reduce the award if it finds that any of the following
34 applies:

35 1. During the course of the proceeding the prevailing party unduly and
36 unreasonably protracted the final resolution of the matter.

37 2. The reason that the party other than ~~the~~ THIS state or a city, town
38 or county has prevailed is an intervening change in the applicable law.

39 3. The prevailing party refused an offer of civil settlement ~~which~~
40 THAT was at least as favorable to the party as the relief ultimately granted.

41 D. A party may apply pursuant to the applicable procedural rules for
42 an award of attorney fees and other expenses authorized under this section
43 and shall include as part of the application evidence of the party's
44 eligibility for the award and the amount sought, including an itemized

1 statement from the attorneys and experts stating the actual time expended in
2 representing the party and the rate at which the fees were computed.

3 E. The court shall base any award of fees as provided in this section
4 on prevailing market rates for the kind and quality of the services
5 furnished, except that:

6 1. An expert is not eligible for compensation at a rate in excess of
7 the highest rate of compensation for experts paid by this state or a city,
8 town or county.

9 2. Except for awards made pursuant to subsection B of this section,
10 the award of attorney fees may not exceed the amount ~~which~~ THAT the
11 prevailing party has paid or has agreed to pay the attorney or a maximum
12 amount of seventy-five dollars per hour unless the court determines that an
13 increase in the cost of living or a special factor, such as the limited
14 availability of qualified attorneys for the proceeding involved, justifies a
15 higher fee.

16 3. For awards made pursuant to subsection B of this section, the award
17 of attorney fees may not exceed the amount ~~which~~ THAT the prevailing party
18 has paid or agreed to pay the attorney or a maximum amount of one hundred
19 seventy-five dollars per hour.

20 4. Except for awards made pursuant to subsection B of this section, an
21 award of fees against a city, town or county as provided in this section
22 shall not exceed ten thousand dollars.

23 5. For awards made pursuant to subsection B of this section, an award
24 of fees against ~~the~~ THIS state or a city, town or county shall not exceed
25 thirty thousand dollars for fees incurred at each level of judicial appeal.

26 F. The particular state agency over which a party prevails shall pay
27 the fees and expenses awarded as provided in this section from any monies
28 appropriated to the agency for that purpose. If no agency is involved or if
29 an agency fails or refuses to pay fees and other expenses within thirty days
30 after demand by a person who has received an award pursuant to this section,
31 and if no further review or appeals of the award are pending, the person may
32 file a claim for the fees and other expenses with the department of
33 administration, which shall pay the claim within thirty days, in the same
34 manner as an uninsured property loss under title 41, chapter 3.1, article 1.
35 If, at the time the agency failed or refused to pay the award, it had
36 appropriated monies either designated or assignable for the purpose of paying
37 awards, the legislature shall reduce the agency's operating appropriation for
38 the following year by the amount of the award and shall appropriate the
39 amount of the reduction to the department of administration as reimbursement
40 for the loss.

41 G. A city, town or county shall pay fees and expenses awarded as
42 provided in this section within thirty days after demand by a party who has
43 received an award if no further review or appeal of the award is pending.

1 H. This section does not:

2 1. Apply to an action arising from a proceeding before this state or a
3 city, town or county in which the role of this state or a city, town or
4 county was to determine the eligibility or entitlement of an individual to a
5 monetary benefit or its equivalent, to adjudicate a dispute or issue between
6 private parties or to establish or fix a rate.

7 2. Apply to proceedings brought by this state pursuant to title 13
8 or 28.

9 3. Entitle a party to obtain fees and other expenses incurred in
10 making an application for an award pursuant to this section for fees and
11 other expenses.

12 4. Apply to proceedings involving eminent domain, foreclosure,
13 collection of judgment debts or proceedings in which the state or a city,
14 town or county is a nominal party.

15 5. Personally obligate any officer or employee of this state or a
16 city, town or county for the payment of an award entered under this section.

17 6. Apply, except as provided in subsection A, paragraph 5 of this
18 section, to proceedings involving the personnel board under title 41, chapter
19 4, article 6.

20 7. Apply to proceedings brought by a city, town or county pursuant to
21 title 13 or 28.

22 8. Apply to proceedings brought by a city, town or county on
23 collection of taxes or pursuant to traffic ordinances or to criminal
24 proceedings brought by a city, town or county on ordinances which contain a
25 criminal penalty or fine for violations of those ordinances.

26 I. ~~As used in~~ FOR THE PURPOSES OF this section:

27 1. "Fees and other expenses" means the reasonable expenses of expert
28 witnesses, the reasonable cost of any study, analysis, engineering report,
29 test or project which the court finds to be directly related to and necessary
30 for the presentation of the party's case and reasonable and necessary
31 attorney fees, and in the case of an action to review an agency decision
32 pursuant to subsection A, paragraph 2 of this section, all fees and other
33 expenses that are incurred in the contested case proceedings in which the
34 decision was rendered.

35 2. "Party" means an individual, partnership, corporation, association
36 or public or private organization.

37 3. "State" means this state and any agency, officer, department, board
38 or commission of this state.

39 Sec. 12. Section 48-3603, Arizona Revised Statutes, is amended to
40 read:

41 48-3603. Powers, duties and immunities of district and board;
42 exemptions

43 A. A county flood control district organized under this article is a
44 political taxing subdivision of this state and has all the powers, privileges
45 and immunities granted generally to municipal corporations by the

1 constitution and laws of this state, including immunity of its property and
2 bonds from taxation.

3 B. The board of directors shall exercise all powers and duties in the
4 acquisition and operation of the properties of the district and in carrying
5 out its regulatory functions under this article as are ordinarily exercised
6 by the governing body of a municipal corporation.

7 C. A district organized under this article, acting through its board
8 of directors, may:

9 1. Acquire by eminent domain, purchase, donation, dedication, exchange
10 or other lawful means rights-of-way for and construct, operate and maintain
11 flood control works and storm drainage facilities within or without the
12 district for the benefit of the district.

13 2. Acquire by eminent domain, purchase, donation, dedication, exchange
14 or other lawful means and dispose of by sale, exchange or other lawful means
15 real and personal property within the boundaries of the district.

16 3. Contract and join with this state, the United States or any other
17 flood control district or floodplain board, municipality, political
18 subdivision, governmental agency, irrigation or agricultural improvement
19 district, association, corporation or individual in acquiring, constructing,
20 maintaining and operating flood control works, and regulating floodplains.

21 4. Enter into contracts of indemnity to indemnify this state, the
22 United States or any other flood control district, municipality, political
23 subdivision, governmental agency, irrigation or agricultural improvement
24 district, association, corporation or individual against liability by virtue
25 of injuries, losses or damages occurring through the use of their facilities,
26 structures, streets, rights-of-way or properties in connection with the
27 operation of a flood control district and the regulation of floodplains.

28 5. Acquire and maintain existing flood control and drainage facilities
29 within the district for the benefit of the district if mutually agreeable to
30 the owners of such facilities.

31 6. Acquire, convert and maintain surplus irrigation facilities as
32 storm drainage facilities if mutually agreeable to owners of such facilities.

33 7. Construct, maintain and operate flood control and storm drainage
34 facilities and regulate floodplains in the district by agreement with this
35 state, counties, other municipal corporations, political subdivisions and
36 other persons and reimburse such agencies or persons for the cost of the
37 work.

38 8. On the dissolution of any other flood control district, assume the
39 assets and obligations of the other district.

40 9. Enter into intergovernmental agreements with other public agencies
41 pursuant to title 11, chapter 7, article 3 to carry out the objects and
42 purposes of the district.

43 10. Apply for, obtain, expend and repay flood control loans pursuant to
44 title 45, chapter 8, article 5.

1 11. Apply to the director of water resources for alternative flood
2 control assistance for flood control projects pursuant to section 45-1471,
3 except that the director shall not grant any such assistance for any project
4 unless the director has approved the project in advance of planning.

5 12. Sue and be sued, enter into contracts and generally do all things
6 which may be necessary to construct, acquire and maintain facilities, operate
7 the district and perform its regulatory functions and which are in the
8 interests of the district.

9 13. Adopt such rules and bylaws for its orderly operation as it sees
10 fit.

11 14. Appoint a chief engineer and general manager, who may be the county
12 engineer.

13 15. Appoint a treasurer, who may be the county treasurer, an attorney,
14 who may be the county attorney, and other employees it considers desirable
15 and necessary to carry out the purposes of the district. Any other work
16 required by the district may be performed by regular employees of the county
17 on assignment by the board of supervisors, except that regular county
18 employees shall not undertake construction projects with an estimated cost of
19 five thousand dollars or more.

20 16. Allow variances from the terms or regulations adopted pursuant to
21 this article to the extent permitted by section 48-3609, subsection B,
22 paragraph 7 and if, owing to peculiar conditions, a strict interpretation
23 would work an unnecessary hardship, if in granting the variance the general
24 intent and purposes of this article and the regulations will be preserved.

25 17. Construct, operate and maintain artificial groundwater recharge
26 facilities, and, if organized in a county having a population of more than
27 five hundred thousand persons according to the most recent United States
28 decennial census, underground storage and recovery facilities, if they have
29 flood control benefits, and contract and join with the United States, this
30 state and other governmental units for the purpose of constructing, operating
31 and maintaining multipurpose groundwater recharge, underground storage and
32 recovery and flood control facilities, except that a district shall not
33 expend district funds for any underground storage and recovery facility that
34 does not have flood control benefits.

35 18. Acquire real property by purchase, donation, dedication, exchange
36 or other lawful means, except by eminent domain, in areas suitable for
37 groundwater recharge projects.

38 19. Cooperate and join with other entities that engage in underground
39 water storage and recovery projects under title 45, chapter 3, including
40 multi-county water conservation districts and other political subdivisions.

41 20. Either alone, or by entering into any combination of contracts with
42 this state, the United States, any other flood control district, a floodplain
43 board, a municipality or other political subdivision, a government agency, an
44 irrigation or agricultural improvement district or an association,

1 corporation or individual, implement flood control enhancement solutions
2 including:

3 (a) Assistance for property owners within the floodplain and through
4 the elevation, bank stabilization and flood proofing of existing structures.

5 (b) Preservation and restoration of the floodplain.

6 (c) Maintenance of flood warning systems and associated flood response
7 plans.

8 21. If a part of a parcel of land is to be taken for drainage, basins,
9 impoundments or any other flood control related use and the board and the
10 affected property owner determine that the remainder will be left in such a
11 condition as to give rise to a claim or litigation concerning severance or
12 other damage, acquire the whole parcel by purchase, donation, dedication,
13 exchange, condemnation or other lawful means, and the remainder may be sold
14 or exchanged for other properties needed for flood control use.

15 22. Adopt and enforce civil penalties for violations of its regulations
16 or ordinances and for unauthorized damage and interference to those district
17 facilities that are authorized pursuant to this chapter.

18 23. Pursuant to the authority prescribed in this chapter, appoint
19 hearing officers to hear and determine actions.

20 24. For any district that intends to take enforcement action pursuant
21 to section 48-3615.01, adopt written rules of procedure for the hearing and
22 review of decisions on actions prescribed by this chapter.

23 25. Establish a board of hearing review to review decisions of hearing
24 officers that are issued pursuant to section 48-3615.01. The board of
25 hearing review shall consist of one member from each board of directors'
26 district or the board of directors may authorize the citizens' flood control
27 advisory board or the board of review to designate a like number of its
28 members to serve as the board of hearing review.

29 26. Authorize the chief engineer of the district to apply for and
30 obtain administrative search warrants for entry and inspection from a local
31 court of general jurisdiction to determine if violations of section 48-3609,
32 48-3613, 48-3614 or 48-3615 have occurred. The warrants shall be served by a
33 peace officer as defined in section 1-215. A report of any inspections made
34 pursuant to this section shall be prepared and made available in the records
35 of the district and a copy mailed or otherwise delivered to the owner within
36 fifteen days after the inspection of the owner's premises.

37 D. The board shall adopt and enforce floodplain regulations as
38 provided in section 48-3609.

39 E. The board may adopt a fee schedule for review of applications for
40 permits and variances from or interpretations of the floodplain regulations.

41 F. The affirmative vote of a majority of the board of directors is
42 necessary to approve any measure. One member may adjourn any meeting at
43 which a quorum is not present.

44 G. The board shall keep a proper written record of all of its
45 proceedings, which shall be open to public inspection.

1 H. The accounts of the district are subject to annual and other audits
2 as provided by law.

3 I. Section 9-403 does not apply to a flood control district organized
4 under this article and section 9-402 does not apply when the district is
5 selling property to the state or a political subdivision. Before selling any
6 property to the state or a political subdivision of the state, the flood
7 control district shall obtain an appraisal of the fair market value of the
8 property by a person who is certified pursuant to title 32, chapter 36. If
9 any property sold by the district to the state or a political subdivision
10 without complying with section 9-402 is subsequently sold by the state or
11 political subdivision as undeveloped property for a price exceeding the
12 original sale price, the district shall be paid the difference between the
13 original price and the subsequent sale price. For the purposes of this
14 subsection, "political subdivision" means any incorporated city or town,
15 county, school district, charter school, community college or university.

16 J. A DISTRICT THAT IS ORGANIZED PURSUANT TO THIS ARTICLE IS SUBJECT TO
17 THE PROVISIONS OF TITLE 11, CHAPTER 11.

18 Sec. 13. Effective dates

19 A. Sections 11-801, 11-804 and 11-805, Arizona Revised Statutes, as
20 added by Laws 2010, chapter 244, section 7 and as amended by this act, and
21 section 11-809, Arizona Revised Statutes, as added by this act, are effective
22 from and after September 30, 2011.

23 B. Sections 9-833 and 11-1603, Arizona Revised Statutes, as added by
24 this act, are effective from and after December 31, 2011.