

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HOUSE BILL 2443

AN ACT

AMENDING SECTIONS 9-461.05, 9-831, 9-833, 9-835, 9-840, 11-804, 11-1601, 11-1603, 11-1605, 11-1610, 48-3641, 48-3643 AND 48-3645, ARIZONA REVISED STATUTES; RELATING TO REGULATORY REVIEW.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-461.05, Arizona Revised Statutes, is amended to
3 read:

4 9-461.05. General plans; authority; scope

5 A. Each planning agency shall prepare and the governing body of each
6 municipality shall adopt a comprehensive, long-range general plan for the
7 development of the municipality. The planning agency shall coordinate the
8 production of its general plan with the creation of the state land department
9 conceptual land use plans under title 37, chapter 2, article 5.1 and shall
10 cooperate with the state land department regarding integrating the conceptual
11 state land use plans into the municipality's general land use plan. The
12 general plan shall include provisions that identify changes or modifications
13 to the plan that constitute amendments and major amendments. The plan shall
14 be adopted and readopted in the manner prescribed by section 9-461.06.

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

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

22 1. A land use element that:

23 (a) Designates the proposed general distribution and location and
24 extent of such uses of the land for housing, business, industry, agriculture,
25 recreation, education, public buildings and grounds, open space and other
26 categories of public and private uses of land as may be appropriate to the
27 municipality.

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

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

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

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

39 (f) For cities and towns with territory in the vicinity of a military
40 airport or ancillary military facility as defined in section 28-8461,
41 includes consideration of military airport or ancillary military facility
42 operations. On or before December 31, 2005, if a city or town includes land
43 in a high noise or accident potential zone as defined in section 28-8461, the
44 city or town shall identify the boundaries of the high noise or accident
45 potential zone in its general plan for purposes of planning land uses in the

1 high noise or accident potential zone that are compatible with the operation
2 of the military airport or ancillary military facility pursuant to section
3 28-8481, subsection J.

4 (g) Includes sources of currently identified aggregates from maps that
5 are available from state agencies, policies to preserve currently identified
6 aggregates sufficient for future development and policies to avoid FUTURE
7 incompatible land uses, except that this subdivision shall not be construed
8 to affect any permitted underground storage facility or limit any person's
9 right to obtain a permit for an underground storage facility pursuant to
10 title 45, chapter 3.1.

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

15 D. For cities and towns having a population of more than two thousand
16 five hundred persons but less than ten thousand persons and whose population
17 growth rate exceeded an average of two per cent per year for the ten-year
18 period before the most recent United States decennial census and for cities
19 and towns having a population of ten thousand or more persons according to
20 the most recent United States decennial census, the general plan shall
21 include, and for other cities and towns the general plan may include:

22 1. An open space element that includes:

23 (a) A comprehensive inventory of open space areas, recreational
24 resources and designations of access points to open space areas and
25 resources.

26 (b) An analysis of forecasted needs, policies for managing and
27 protecting open space areas and resources and implementation strategies to
28 acquire additional open space areas and further establish recreational
29 resources.

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

33 2. A growth area element, specifically identifying those areas, if
34 any, that are particularly suitable for planned multimodal transportation and
35 infrastructure expansion and improvements designed to support a planned
36 concentration of a variety of uses, such as residential, office, commercial,
37 tourism and industrial uses. This element shall include policies and
38 implementation strategies that are designed to:

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

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

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

4 3. An environmental planning element that contains analyses, policies
5 and strategies to address anticipated effects, if any, of plan elements on
6 air quality, water quality and natural resources associated with proposed
7 development under the general plan. The policies and strategies to be
8 developed under this element shall be designed to have community-wide
9 applicability and shall not require the production of an additional
10 environmental impact statement or similar analysis beyond the requirements of
11 state and federal law.

12 4. A cost of development element that identifies policies and
13 strategies that the municipality will use to require development to pay its
14 fair share toward the cost of additional public service needs generated by
15 new development, with appropriate exceptions ~~when~~ IF in the public interest.
16 This element shall include:

17 (a) A component that identifies various mechanisms that are allowed by
18 law and that can be used to fund and finance additional public services
19 necessary to serve the development, including bonding, special taxing
20 districts, development fees, in-lieu fees, facility construction, dedications
21 and service privatization.

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

27 5. A water resources element that addresses:

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

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

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

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

39 1. A conservation element for the conservation, development and
40 utilization of natural resources, including forests, soils, rivers and other
41 waters, harbors, fisheries, wildlife, minerals and other natural resources.
42 The conservation element may also cover:

43 (a) The reclamation of land.

44 (b) Flood control.

- 1 (c) Prevention and control of the pollution of streams and other
2 waters.
- 3 (d) Regulation of the use of land in stream channels and other areas
4 required for the accomplishment of the conservation plan.
- 5 (e) Prevention, control and correction of the erosion of soils,
6 beaches and shores.
- 7 (f) Protection of watersheds.
- 8 2. A recreation element showing a comprehensive system of areas and
9 public sites for recreation, including the following and, if practicable,
10 their locations and proposed development:
- 11 (a) Natural reservations.
12 (b) Parks.
13 (c) Parkways and scenic drives.
14 (d) Beaches.
15 (e) Playgrounds and playfields.
16 (f) Open space.
17 (g) Bicycle routes.
18 (h) Other recreation areas.
- 19 3. The circulation element provided for in subsection C, paragraph 2
20 of this section shall also include for cities of fifty thousand persons or
21 more and may include for cities of less than fifty thousand persons
22 recommendations concerning parking facilities, building setback requirements
23 and the delineations of such systems on the land, a system of street naming
24 and house and building numbering and other matters as may be related to the
25 improvement of circulation of traffic. The circulation element may also
26 include:
- 27 (a) A transportation element showing a comprehensive transportation
28 system, including locations of rights-of-way, terminals, viaducts and grade
29 separations. This element of the plan may also include port, harbor,
30 aviation and related facilities.
- 31 (b) A transit element showing a proposed system of rail or transit
32 lines or other mode of transportation as may be appropriate.
- 33 4. A public services and facilities element showing general plans for
34 police, fire, emergency services, sewage, refuse disposal, drainage, local
35 utilities, rights-of-way, easements and facilities for them.
- 36 5. A public buildings element showing locations of civic and community
37 centers, public schools, libraries, police and fire stations and other public
38 buildings.
- 39 6. A housing element consisting of standards and programs for the
40 elimination of substandard dwelling conditions, for the improvement of
41 housing quality, variety and affordability and for provision of adequate
42 sites for housing. This element shall contain an identification and analysis
43 of existing and forecasted housing needs. This element shall be designed to
44 make equal provision for the housing needs of all segments of the community
45 regardless of race, color, creed or economic level.

- 1 7. A conservation, rehabilitation and redevelopment element consisting
2 of plans and programs for:
- 3 (a) The elimination of slums and blighted areas.
4 (b) Community redevelopment, including housing sites, business and
5 industrial sites and public building sites.
6 (c) Other purposes authorized by law.
- 7 8. A safety element for the protection of the community from natural
8 and artificial hazards, including features necessary for such protection as
9 evacuation routes, peak load water supply requirements, minimum road widths
10 according to function, clearances around structures and geologic hazard
11 mapping in areas of known geologic hazards.
- 12 9. A bicycling element consisting of proposed bicycle facilities such
13 as bicycle routes, bicycle parking areas and designated bicycle street
14 crossing areas.
- 15 10. An energy element that includes:
- 16 (a) A component that identifies policies that encourage and provide
17 incentives for efficient use of energy.
18 (b) An assessment that identifies policies and practices that provide
19 for greater uses of renewable energy sources.
- 20 11. A neighborhood preservation and revitalization element, including:
- 21 (a) A component that identifies city programs that promote home
22 ownership, that provide assistance for improving the appearance of
23 neighborhoods and that promote maintenance of both commercial and residential
24 buildings in neighborhoods.
- 25 (b) A component that identifies city programs that provide for the
26 safety and security of neighborhoods.
- 27 F. The water resources element of the general plan does not require:
- 28 1. New independent hydrogeologic studies.
29 2. The city or town to be a water service provider.
- 30 G. The land use element of a general plan of a city with a population
31 of more than one million persons shall include protections from encroaching
32 development for any shooting range that is owned by this state and that is
33 located within or adjacent to the exterior municipal boundaries on or before
34 January 1, 2004. The general plan shall establish land use categories within
35 at least one-half mile from the exterior boundaries of the shooting range
36 that are consistent with the continued existence of the shooting range and
37 that exclude incompatible uses such as residences, schools, hotels, motels,
38 hospitals or churches except that land zoned to permit these incompatible
39 uses on August 25, 2004 are exempt from this exclusion. For the purposes of
40 this subsection, "shooting range" means a permanently located and improved
41 area that is designed and operated for the use of rifles, shotguns, pistols,
42 silhouettes, skeet, trap, black powder or any other similar sport shooting in
43 an outdoor environment. Shooting range does not include:
- 44 1. Any area for the exclusive use of archery or air guns.

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

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

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

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

12 Sec. 2. Section 9-831, Arizona Revised Statutes, is amended to read:

13 9-831. Definitions

14 In this article, unless the context otherwise requires:

15 1. "FIRE AND LIFE SAFETY INSPECTION" MEANS AN INSPECTION OF A
16 REGULATED PERSON OR FACILITY CONDUCTED TO ENSURE FIRE SAFETY COMPLIANCE.

17 ~~1-~~ 2. "Food and swimming pool inspection" means an inspection of a
18 regulated person OR FACILITY conducted to ensure the safety of food services,
19 swimming pools and other bathing places.

20 ~~2-~~ 3. "License" includes the whole or part of any municipal permit,
21 certificate, approval, registration, charter or similar form of permission
22 required by law. LICENSE DOES NOT INCLUDE A TRANSACTION PRIVILEGE TAX
23 LICENSE.

24 ~~3-~~ 4. "Licensing" includes the municipal process respecting the
25 grant, denial, renewal, revocation, suspension, annulment, withdrawal or
26 amendment of a license.

27 ~~4-~~ 5. "Municipal" or "municipality" means an incorporated city or
28 town.

29 ~~5-~~ 6. "Person" means an individual, partnership, corporation,
30 association, governmental subdivision or unit of a governmental subdivision
31 or a public or private organization of any character.

32 7. "REQUEST FOR CORRECTIONS" MEANS A REQUEST FOR TECHNICAL OR
33 CLARIFYING CORRECTIONS FROM AN APPLICANT WHO HAS SUBMITTED AN
34 ADMINISTRATIVELY COMPLETE APPLICATION FOR A LICENSE.

35 ~~6-~~ 8. "Substantive policy statement" means a written expression that
36 is only advisory and THAT informs the general public of a municipality's
37 current approach to, or opinion of, the requirements of the ordinances or
38 codes, including, ~~where~~ IF appropriate, the municipality's current practice,
39 procedure or method of action based on that approach or opinion. A
40 substantive policy statement does not include internal procedural documents
41 that only affect the internal procedures of the municipality and THAT do not
42 impose additional requirements or penalties on regulated parties or
43 confidential information.

44 ~~7-~~ 9. "Working day" means a twenty-four hour period excluding
45 weekends and legal holidays.

1 Sec. 3. Section 9-833, Arizona Revised Statutes, is amended to read:
2 9-833. Inspections: applicability

3 A. A municipal inspector or regulator who enters any premises of a
4 regulated person for the purpose of conducting an inspection shall:

5 1. Present photo identification on entry of the premises.

6 2. On initiation of the inspection, state the purpose of the
7 inspection and the legal authority for conducting the inspection.

8 3. Disclose any applicable inspection fees.

9 4. Except for a FIRE AND LIFE SAFETY INSPECTION OF AREAS THAT ARE
10 ACCESSIBLE TO THE GENERAL PUBLIC OR A food and swimming pool inspection,
11 afford an opportunity to have an authorized on-site representative of the
12 regulated person accompany the municipal inspector or regulator on the
13 premises, except during confidential interviews.

14 5. Provide notice of the right to have:

15 (a) Copies of any original documents taken from the premises by the
16 municipality during the inspection if the municipality is permitted by law to
17 take original documents.

18 (b) A split or duplicate of any samples taken during the inspection if
19 the split or duplicate of any samples, ~~where~~ IF appropriate, would not
20 prohibit an analysis from being conducted or render an analysis inconclusive.

21 (c) Copies of any analysis performed on samples taken during the
22 inspection.

23 6. Inform each person whose conversation with the municipal inspector
24 or regulator during the inspection is tape recorded that the conversation is
25 being tape recorded.

26 7. Inform each person interviewed during the inspection that
27 statements made by the person may be included in the inspection report.

28 B. On initiation of, or two working days before, an inspection of any
29 premises of a regulated person, except for a FIRE AND LIFE SAFETY INSPECTION
30 OF AREAS THAT ARE ACCESSIBLE TO THE GENERAL PUBLIC OR A food and swimming
31 pool inspection that has up to one working day after an inspection, a
32 municipal inspector or regulator shall provide the following in writing or
33 electronically:

34 1. The rights described in subsection A of this section.

35 2. The name and telephone number of a municipal contact person
36 available to answer questions regarding the inspection.

37 3. The due process rights relating to an appeal of a final decision of
38 a municipality based on the results of the inspection, including the name and
39 telephone number of a person to contact within the municipality and any
40 appropriate municipality, county or state government ombudsman.

41 C. A municipal inspector or regulator shall obtain the signature of
42 the regulated person or on-site representative of the regulated person on the
43 writing prescribed in subsection B of this section indicating that the
44 regulated person or on-site representative of the regulated person has read
45 the writing ~~prescribed in subsection B of this section~~ and is notified of the

1 regulated person's or on-site representative of the regulated person's
2 inspection and due process rights. The municipality shall maintain a copy of
3 this signature with the inspection report. Unless the regulated person at
4 the time of the inspection is informed how the report can be located
5 electronically, the municipality shall leave a copy with the regulated person
6 or on-site representative of the regulated person. If a regulated person or
7 on-site representative of the regulated person is not at the site or refuses
8 to sign the writing prescribed in subsection B of this section, the municipal
9 inspector or regulator shall note that fact on the writing ~~prescribed in~~
10 ~~subsection B of this section.~~

11 D. A municipality that conducts an inspection shall give a copy of, or
12 provide electronic access to, the inspection report to the regulated person
13 or on-site representative of the regulated person either:

- 14 1. At the time of the inspection.
- 15 2. Notwithstanding any other state law, within thirty working days
16 after the inspection.

17 3. As otherwise required by federal law.

18 E. The inspection report shall contain deficiencies identified during
19 an inspection. Unless otherwise provided by law, the municipality may
20 provide the regulated person an opportunity to correct the deficiencies
21 unless the municipality determines that the deficiencies are:

- 22 1. Committed intentionally.
- 23 2. Not correctable within a reasonable period of time as determined by
24 the municipality.
- 25 3. Evidence of a pattern of noncompliance.
- 26 4. A risk to any person, the public health, safety or welfare or the
27 environment.

28 F. If the municipality allows the regulated person an opportunity to
29 correct the deficiencies pursuant to subsection E of this section, the
30 regulated person shall notify the municipality when the deficiencies have
31 been corrected. Within thirty working days of receipt of notification from
32 the regulated person that the deficiencies have been corrected, the
33 municipality shall determine if the regulated person is in substantial
34 compliance and notify the regulated person whether or not the regulated
35 person is in substantial compliance, unless the determination is not possible
36 due to conditions of normal operations at the premises. If the regulated
37 person fails to correct the deficiencies or the municipality determines the
38 deficiencies have not been corrected within a reasonable period of time, the
39 municipality may take any enforcement action authorized by law for the
40 deficiencies.

41 G. A municipality's decision pursuant to subsection E or F of this
42 section is not an appealable municipal action.

43 H. At least once every month after the commencement of the inspection,
44 a municipality shall provide the regulated person with an update, in writing
45 or electronically, on the status of any municipal action resulting from an

1 inspection of the regulated person. A municipality is not required to
2 provide an update after the regulated person is notified that no municipal
3 action will result from the municipality's inspection or after the completion
4 of municipal action resulting from the municipality's inspection.

5 I. This section does not authorize an inspection or any other act that
6 is not otherwise authorized by law.

7 J. This section applies only to inspections necessary for the issuance
8 of a license or to determine compliance with licensure requirements. This
9 section does not apply:

10 1. To criminal investigations and undercover investigations that are
11 generally or specifically authorized by law.

12 2. If the municipal inspector or regulator has reasonable suspicion to
13 believe that the regulated person may be or has been engaged in criminal
14 activity.

15 3. TO inspections by a county board of health or a local health
16 department pursuant to section 36-603.

17 K. If a municipal inspector or regulator gathers evidence in violation
18 of this section, the violation shall not be a basis to exclude the evidence
19 in a civil or administrative proceeding, if the penalty sought is the denial,
20 suspension or revocation of the regulated person's license or IS a civil
21 penalty of more than one thousand dollars.

22 L. Failure of a municipal employee to comply with this section:

23 1. Constitutes cause for disciplinary action or dismissal pursuant to
24 adopted municipal personnel policy.

25 2. Shall be considered by the judge and administrative law judge as
26 grounds for reduction of any fine or civil penalty.

27 M. A municipality may adopt rules or ordinances to implement this
28 section.

29 N. This section:

30 1. Shall not be used to exclude evidence in a criminal proceeding.

31 2. Does not apply to a municipal inspection that is requested AND
32 SCHEDULED by the regulated person.

33 Sec. 4. Section 9-835, Arizona Revised Statutes, is amended to read:

34 9-835. Licensing time frames; compliance; consequence for
35 failure to comply with time frame; exception

36 A. For any new ordinance or code requiring a license, a municipality
37 shall have in place an overall time frame during which the municipality will
38 either grant or deny each type of license that it issues. The overall time
39 frame for each type of license shall state separately the administrative
40 completeness review time frame and the substantive review time frame AND
41 SHALL BE POSTED ON THE MUNICIPALITY'S WEBSITE OR THE WEBSITE OF AN
42 ASSOCIATION OF CITIES AND TOWNS IF THE MUNICIPALITY DOES NOT HAVE A WEBSITE.

43 B. On or before December 31, 2012, a municipality that issues licenses
44 required under existing ordinances or codes shall have in place an overall
45 time frame during which the municipality will either grant or deny each type

1 of license that it issues. The overall time frame for each type of license
2 shall state separately the administrative completeness review time frame and
3 the substantive review time frame AND SHALL BE POSTED ON THE MUNICIPALITY'S
4 WEBSITE OR THE WEBSITE OF AN ASSOCIATION OF CITIES AND TOWNS IF THE
5 MUNICIPALITY DOES NOT HAVE A WEBSITE. Municipalities shall prioritize the
6 establishment of time frames for those licenses that have the greatest impact
7 on the public.

8 C. In establishing time frames, municipalities shall consider all of
9 the following:

- 10 1. The complexity of the licensing subject matter.
- 11 2. The resources of the municipality.
- 12 3. The economic impact of delay on the regulated community.
- 13 4. The impact of the licensing decision on public health and safety.
- 14 5. The possible use of volunteers with expertise in the subject matter
15 area.
- 16 6. The possible increased use of general licenses for similar types of
17 licensed businesses or facilities.
- 18 7. The possible increased cooperation between the municipality and the
19 regulated community.
- 20 8. Increased municipal flexibility in structuring the licensing
21 process and personnel including:
 - 22 (a) Adult businesses and other licenses that are related to the first
23 amendment.
 - 24 (b) Master planned communities.
 - 25 (c) Suspension of the substantive and overall time frames for purposes
26 including DELAYS CAUSED BY THE NEED FOR public hearings or state or federal
27 licenses.

28 9. THAT THE SUBSTANTIVE REVIEW TIME FRAMES AND OVERALL TIME FRAMES DO
29 NOT INCLUDE THE TIME REQUIRED FOR AN APPLICANT TO OBTAIN OTHER NONMUNICIPAL
30 LICENSES OR TO PARTICIPATE IN MEETINGS AS REQUIRED BY LAW.

31 D. A municipality shall issue a written or electronic notice of
32 administrative completeness or deficiencies to an applicant for a license
33 within the administrative completeness review time frame. If the permit
34 sought requires approval of more than one department of the municipality,
35 each department may issue a written or electronic notice of administrative
36 completeness or deficiencies.

37 E. If a municipality determines that an application for a license is
38 not administratively complete, the municipality shall include a comprehensive
39 list of the specific deficiencies in the written or electronic notice
40 provided pursuant to subsection D OF THIS SECTION. If the municipality
41 issues a written or electronic notice of deficiencies within the
42 administrative completeness time frame, the administrative completeness
43 review time frame and the overall time frame are suspended from the date the
44 notice is issued until the date that the municipality receives the missing
45 information from the applicant. The municipality may issue an additional

1 written or electronic notice of administrative completeness or deficiencies
2 based on the applicant's submission of missing information. If the permit
3 sought requires approval of more than one department of the municipality,
4 each department may issue an additional written or electronic notice of
5 administrative completeness or deficiencies based on the applicant's
6 submission of missing information.

7 F. If a municipality does not issue a written or electronic notice of
8 administrative completeness or deficiencies within the administrative
9 completeness review time frame, the application is deemed administratively
10 complete. If a municipality issues a timely written or electronic notice of
11 deficiencies, an application shall not be complete until all requested
12 information has been received by the municipality. A MUNICIPALITY MAY
13 CONSIDER AN APPLICATION WITHDRAWN IF, BY FIFTEEN DAYS OR MORE AFTER THE DATE
14 OF NOTICE, AS ESTABLISHED BY THE MUNICIPALITY, THE APPLICANT DOES NOT SUPPLY
15 THE DOCUMENTATION OR INFORMATION REQUESTED OR AN EXPLANATION OF WHY THE
16 INFORMATION CANNOT BE PROVIDED WITHIN THE ESTABLISHED TIME PERIOD.

17 G. During the substantive review time frame, a municipality may make
18 one comprehensive written or electronic request for ~~additional information~~
19 CORRECTIONS. IF THE MUNICIPALITY IDENTIFIES LEGAL REQUIREMENTS THAT WERE NOT
20 INCLUDED IN THE COMPREHENSIVE REQUEST FOR CORRECTIONS, THE MUNICIPALITY MAY
21 AMEND THE COMPREHENSIVE REQUEST FOR CORRECTIONS ONCE TO INCLUDE THE LEGAL
22 REQUIREMENTS AND THE LEGAL AUTHORITY FOR THE REQUIREMENTS. If the permit
23 sought requires approval of more than one department of the municipality,
24 each department may issue a COMPREHENSIVE written or electronic request for
25 ~~additional information~~ CORRECTIONS. ~~The municipality and applicant may~~
26 ~~mutually agree in writing or electronically to allow the municipality to~~
27 ~~submit supplemental requests for additional information.~~ IF THE APPLICANT
28 FAILS TO RESOLVE AN ISSUE IDENTIFIED IN A REQUEST FOR CORRECTIONS, THE
29 MUNICIPALITY MAY MAKE SUPPLEMENTAL WRITTEN OR ELECTRONIC REQUESTS FOR
30 CORRECTIONS THAT ARE LIMITED TO ISSUES PREVIOUSLY IDENTIFIED IN A
31 COMPREHENSIVE REQUEST FOR CORRECTIONS. If a municipality issues a
32 comprehensive written or electronic request or a supplemental request ~~by~~
33 ~~mutual written or electronic agreement~~ for ~~additional information~~
34 CORRECTIONS, the substantive review time frame and the overall time frame are
35 suspended from the date the request is issued until the date that the
36 municipality receives the ~~additional information~~ CORRECTIONS from the
37 applicant. IF AN APPLICANT REQUESTS SIGNIFICANT CHANGES, ALTERATIONS,
38 ADDITIONS OR AMENDMENTS TO AN APPLICATION THAT ARE CONSISTENT WITH THE
39 PURPOSES OF THE ORIGINAL APPLICATION AND THAT ARE NOT IN RESPONSE TO THE
40 REQUEST FOR CORRECTIONS, A MUNICIPALITY MAY MAKE ONE ADDITIONAL COMPREHENSIVE
41 WRITTEN OR ELECTRONIC REQUEST FOR CORRECTIONS AND MAY HAVE NO MORE THAN AN
42 ADDITIONAL FIFTY PER CENT OF THE SUBSTANTIVE REVIEW TIME FRAME AS ESTABLISHED
43 BY THE MUNICIPALITY FOR THAT LICENSE TO GRANT OR DENY THE LICENSE. NOTHING
44 SHALL PREVENT COMMUNICATION BETWEEN A MUNICIPALITY AND AN APPLICANT REGARDING
45 A COMPREHENSIVE WRITTEN OR ELECTRONIC REQUEST FOR CORRECTIONS OR A

1 SUPPLEMENTAL REQUEST FOR CORRECTIONS. A MUNICIPALITY MAY CONSIDER AN
2 APPLICATION WITHDRAWN IF, BY THIRTY DAYS OR MORE AFTER THE DATE OF NOTICE, AS
3 ESTABLISHED BY THE MUNICIPALITY, THE APPLICANT DOES NOT SUPPLY THE
4 DOCUMENTATION OR INFORMATION REQUESTED OR AN EXPLANATION OF WHY THE
5 INFORMATION CANNOT BE PROVIDED WITHIN THE ESTABLISHED TIME PERIOD.

6 H. NOTHING SHALL PREVENT THE MUNICIPALITY FROM CONTINUING TO PROCESS
7 THE APPLICATION DURING THE SUSPENSION OF THE SUBSTANTIVE REVIEW TIME FRAME
8 AND OVERALL TIME FRAME.

9 ~~H-~~ I. By mutual written or electronic agreement, a municipality and
10 an applicant for a license may extend the substantive review time frame and
11 the overall time frame. An extension of the substantive review time frame
12 and the overall time frame may not exceed ~~twenty-five~~ FIFTY per cent of the
13 overall time frame.

14 ~~I-~~ J. Unless a municipality and an applicant for a license mutually
15 agree to extend the substantive review time frame and the overall time frame
16 pursuant to subsection ~~H-~~ I OF THIS SECTION, a municipality shall issue a
17 written or electronic notice granting or denying a license to an applicant.
18 If a municipality denies OR WITHDRAWS an application for a license, the
19 municipality shall include in the written or electronic notice at least the
20 following information:

21 1. Justification for the denial OR WITHDRAWAL with references to the
22 statutes, ordinances, codes or substantive policy statements on which the
23 denial OR WITHDRAWAL is based.

24 2. An explanation of the applicant's right to appeal the denial OR
25 WITHDRAWAL. The explanation shall include the number of working days in
26 which the applicant must file a protest challenging the denial OR WITHDRAWAL
27 and the name and telephone number of a municipal contact person who can
28 answer questions regarding the appeals process.

29 3. AN EXPLANATION OF THE APPLICANT'S RIGHT TO RESUBMIT THE
30 APPLICATION, THE TOTAL AMOUNT OF FEES THAT WILL BE ASSESSED IF THE APPLICANT
31 RESUBMITS THE APPLICATION AND THE METHOD IN WHICH THOSE FEES WERE CALCULATED.

32 ~~J-~~ K. If a municipality does not issue the applicant the written or
33 electronic notice granting or denying a license within the overall time frame
34 or within the mutually agreed ~~upon~~ ON time frame extension, the municipality
35 shall refund to the applicant all fees charged for reviewing and acting on
36 the application for the license and shall excuse payment of any fees that
37 have not yet been paid. The municipality shall not require an applicant to
38 submit an application for a refund pursuant to this subsection. The refund
39 shall be made within thirty working days after the expiration of the overall
40 time frame or the time frame extension. The municipality shall continue to
41 process the application. Notwithstanding any other statute, the municipality
42 shall make the refund from the fund in which the application fees were
43 originally deposited. THE RIGHT TO RECEIVE A REFUND OF FEES CHARGED FOR
44 REVIEWING AND ACTING ON THE APPLICATION FOR THE LICENSE MAY NOT BE WAIVED BY
45 AN APPLICANT.

1 L. IF AN APPLICATION FOR A LICENSE IS DENIED AND THE APPLICANT
2 RESUBMITS THE APPLICATION FOR THE SAME PURPOSES WITH ONLY REVISIONS OR
3 CORRECTIONS TO THE ORIGINAL APPLICATION, THE MUNICIPALITY SHALL NOT ASSESS
4 ANY ADDITIONAL APPLICATION FEES THAT EXCEED THE COST OF PROCESSING THE
5 RESUBMITTED REVISIONS OR CORRECTIONS. THIS SUBSECTION DOES NOT APPLY TO
6 LICENSE APPLICATIONS THAT WERE DENIED FOR DISQUALIFYING CRIMINAL CONVICTIONS
7 OR THAT WERE SUBMITTED FRAUDULENTLY.

8 M. IF AN APPLICATION FOR A LICENSE IS WITHDRAWN AND THE APPLICANT
9 RESUBMITS THE APPLICATION FOR THE SAME PURPOSE, THE MUNICIPALITY SHALL NOT
10 ASSESS ANY ADDITIONAL APPLICATION FEES THAT EXCEED FIFTY PER CENT OF THE
11 ORIGINAL APPLICANT FEES THAT HAVE NOT BEEN REFUNDED TO THE APPLICANT. THIS
12 SUBSECTION DOES NOT APPLY TO LICENSE APPLICATIONS THAT WERE DENIED FOR
13 DISQUALIFYING CRIMINAL CONVICTIONS OR THAT WERE SUBMITTED FRAUDULENTLY.

14 ~~K.~~ N. This section does not apply to ~~licenses~~ A LICENSE THAT IS
15 issued within seven working days after receipt of the initial application or
16 A permit that ~~expire~~ EXPIRES within twenty-one working days after issuance.

17 Sec. 5. Section 9-840, Arizona Revised Statutes, is amended to read:
18 9-840. Exemptions

19 This article does not apply to:

20 1. An ordinance, code, regulation or substantive policy statement that
21 relates only to the internal management of a municipality and that does not
22 directly and substantially affect the procedural or substantive rights or
23 duties of any segment of the public.

24 2. An ordinance, code, regulation or substantive policy statement that
25 relates only to the physical servicing, maintenance or care of ~~a municipal~~
26 MUNICIPALLY owned or operated facilities or property.

27 3. An ordinance, regulation or substantive policy statement that
28 relates to inmates or committed youth, a correctional or detention facility
29 under the jurisdiction of the municipality or a patient admitted to an
30 institution or treatment center pursuant to court order.

31 4. An ordinance, code, regulation or substantive policy statement that
32 relates to a municipal contract.

33 5. THE FUNCTION OR OPERATION OF A MUNICIPAL AIRPORT, PUBLIC SAFETY
34 DEPARTMENT, POLICE DEPARTMENT, TOWN MARSHAL'S OFFICE, FIRE DEPARTMENT,
35 AMBULANCE SERVICE OR ZONING ADJUSTMENT PROCESS PURSUANT TO 9-462.06.

36 Sec. 6. Section 11-804, Arizona Revised Statutes, is amended to read:
37 11-804. Comprehensive plan; contents

38 A. The commission shall formulate and the board of supervisors shall
39 adopt or readopt a long-term comprehensive plan for the development of the
40 area of jurisdiction in the manner prescribed by this article. The
41 comprehensive plan, with the accompanying maps, plats, charts and descriptive
42 matter, shall show the commission's recommendations for the development of
43 the area of jurisdiction. The comprehensive plan shall be made with the
44 general purpose of guiding and accomplishing a coordinated, adjusted and
45 harmonious development of the area of jurisdiction pursuant to the present

1 and future needs of the county. The comprehensive plan shall be developed so
2 as to conserve the natural resources of the county, to ensure efficient
3 expenditure of public monies and to promote the health, safety, convenience
4 and general welfare of the public. The comprehensive plan may include
5 studies and recommendations relative to the location, character and extent of
6 highways, railroads, bus and other transportation routes, bicycle facilities,
7 bridges, public buildings, public services, schools, parks, open space,
8 housing quality, variety and affordability, parkways, hiking and riding
9 trails, airports, forests, wildlife areas, dams, projects affecting
10 conservation of natural resources, air quality, water quality and floodplain
11 zoning. In the preparation of the comprehensive plan, the commission shall
12 make surveys and studies of the present conditions and prospective future
13 growth of the area of the jurisdiction. The comprehensive plan shall be a
14 public record, but its purpose and effect shall be primarily as an aid to the
15 county planning and zoning commission and to the board of supervisors in the
16 performance of their duties. The comprehensive plan shall include provisions
17 that identify changes or modifications that constitute amendments and major
18 amendments to the plan.

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

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

28 (a) A statement of the standards of population density and building
29 intensity recommended for the various land use categories covered by the
30 plan.

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

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

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

39 (e) Currently identified sources of aggregates from maps that are
40 available from state agencies, policies to preserve currently identified
41 aggregates sufficient for future development and policies to avoid **FUTURE**
42 incompatible land uses, except that this subdivision shall not be construed
43 to affect any permitted underground storage facility or limit any person's
44 right to obtain a permit for an underground storage facility pursuant to
45 title 45, chapter 3.1.

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

5 3. Planning for water resources that addresses:

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

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

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

14 4. Planning for energy use that:

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

16 (b) Identifies policies and practices for greater use of renewable
17 energy.

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

22 1. Planning for open space acquisition and preservation. The open
23 space plan shall include:

24 (a) A comprehensive inventory of open space areas, recreational
25 resources and designations of access points to open space areas and
26 resources.

27 (b) An analysis of forecasted needs, policies for managing and
28 protecting open space areas and resources and implementation strategies to
29 acquire additional open space areas and further establish recreational
30 resources.

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

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

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

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

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

4 3. An environmental planning element that contains analyses, policies
5 and strategies to address anticipated effects, if any, of plan elements on
6 air quality, water quality and natural resources associated with proposed
7 development under the comprehensive plan. The policies and strategies to be
8 developed under this element shall be designed to have countywide
9 applicability and shall not require the production of an additional
10 environmental impact statement or similar analysis beyond the requirements of
11 state and federal law.

12 4. A cost of development element that identifies policies and
13 strategies that the county will use to require development to pay its fair
14 share toward the cost of additional public facility needs generated by new
15 development, with appropriate exceptions ~~when~~ IF in the public interest.
16 This element shall include:

17 (a) A component that identifies various mechanisms that are allowed by
18 law and that can be used to fund and finance additional public services
19 necessary to serve the development, including bonding, special taxing
20 districts, development fees, in-lieu fees and facility construction,
21 dedications and privatization.

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

27 D. The water resources element of the comprehensive plan does not
28 require:

- 29 1. New independent hydrogeologic studies.
- 30 2. The county to be a water service provider.

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

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

44 G. For counties with territory in the vicinity of a military airport
45 or ancillary military facility as defined in section 28-8461, the commission

1 shall also consider military airport or ancillary military facility
2 operations and, on or before December 31, 2005, shall identify the boundaries
3 of any high noise or accident potential zone as defined in section 28-8461 in
4 its comprehensive plan for purposes of planning land uses in the high noise
5 or accident potential zone that are compatible with the operation of the
6 military airport or ancillary military facility pursuant to section 28-8481,
7 subsection J.

8 Sec. 7. Section 11-1601, Arizona Revised Statutes, is amended to read:
9 11-1601. Definitions

10 In this article, unless the context otherwise requires:

11 1. "DESIGN-BUILD" MEANS A CONSTRUCTION PROJECT DELIVERY SYSTEM IN
12 WHICH THE DESIGN AND CONSTRUCTION ASPECTS ARE CONTRACTED FOR WITH A SINGLE
13 ENTITY KNOWN AS THE DESIGN-BUILDER OR DESIGN-BUILD CONTRACTOR, AND IN WHICH
14 THE SYSTEM IS USED TO MINIMIZE THE PROJECT RISK FOR AN OWNER AND TO REDUCE
15 THE DELIVERY SCHEDULE BY OVERLAPPING THE DESIGN PHASE AND CONSTRUCTION PHASE
16 OF A PROJECT ENTITY.

17 2. "FIRE AND LIFE SAFETY INSPECTION" MEANS AN INSPECTION OF A
18 REGULATED PERSON OR FACILITY CONDUCTED TO ENSURE FIRE SAFETY COMPLIANCE.

19 ~~1-~~ 3. "Food and swimming pool inspection" means an inspection of a
20 regulated person conducted to ensure the safety of food services, swimming
21 pools and other bathing places.

22 ~~2-~~ 4. "License" includes the whole or part of any county permit,
23 certificate, approval, registration, charter or similar form of permission
24 required by law.

25 ~~3-~~ 5. "Licensing" includes the county process respecting the grant,
26 denial, renewal, revocation, suspension, annulment, withdrawal or amendment
27 of a license.

28 ~~4-~~ 6. "Person" means an individual, partnership, corporation,
29 association, governmental subdivision or unit of a governmental subdivision,
30 or a public or private organization of any character.

31 7. "REQUEST FOR CORRECTIONS" MEANS A REQUEST FOR TECHNICAL OR
32 CLARIFYING CORRECTIONS FROM AN APPLICANT WHO HAS SUBMITTED AN
33 ADMINISTRATIVELY COMPLETE APPLICATION FOR A LICENSE.

34 ~~5-~~ 8. "Substantive policy statement" means a written expression that
35 is 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
37 regulations, including, ~~where~~ IF appropriate, the county's current practice,
38 procedure or method of action based on that approach or opinion. A
39 substantive policy statement does not include internal procedural documents
40 that only affect the internal procedures of the county and THAT do not impose
41 additional requirements or penalties on regulated parties or confidential
42 information.

43 ~~6-~~ 9. "Working day" means a twenty-four hour period excluding
44 weekends and legal holidays.

1 Sec. 8. Section 11-1603, Arizona Revised Statutes, is amended to read:
2 11-1603. Inspections; applicability

3 A. A county inspector or regulator who enters any premises of a
4 regulated person for the purpose of conducting an inspection shall:

5 1. Present photo identification on entry of the premises.

6 2. On initiation of the inspection, state the purpose of the
7 inspection and the legal authority for conducting the inspection.

8 3. Disclose any applicable inspection fees.

9 4. Except for a FIRE AND LIFE SAFETY INSPECTION OF AREAS THAT ARE
10 ACCESSIBLE TO THE GENERAL PUBLIC OR A food and swimming pool inspection,
11 afford an opportunity to have an authorized on-site representative of the
12 regulated person accompany the county inspector or regulator on the premises,
13 except during confidential interviews.

14 5. Provide notice of the right to have:

15 (a) Copies of any original documents taken from the premises by the
16 county during the inspection if the county is permitted by law to take
17 original documents.

18 (b) A split or duplicate of any samples taken during the inspection if
19 the split or duplicate of any samples, ~~where~~ IF appropriate, would not
20 prohibit an analysis from being conducted or render an analysis inconclusive.

21 (c) Copies of any analysis performed on samples taken during the
22 inspection.

23 6. Inform each person whose conversation with the county inspector or
24 regulator during the inspection is tape recorded that the conversation is
25 being tape recorded.

26 7. Inform each person interviewed during the inspection that
27 statements made by the person may be included in the inspection report.

28 B. On initiation of, or two working days before, an inspection of any
29 premises of a regulated person, except for a FIRE AND LIFE SAFETY INSPECTION
30 OF AREAS THAT ARE ACCESSIBLE TO THE GENERAL PUBLIC OR A food and swimming
31 pool inspection that has up to one working day after an inspection, a county
32 inspector or regulator shall provide the following in writing or
33 electronically:

34 1. The rights described in subsection A of this section.

35 2. The name and telephone number of a county contact person available
36 to answer questions regarding the inspection.

37 3. The due process rights relating to an appeal of a final decision of
38 a county based on the results of the inspection, including the name and
39 telephone number of a person to contact within the county and any appropriate
40 municipality, county or state government ombudsman.

41 C. A county inspector or regulator shall obtain the signature of the
42 regulated person or on-site representative of the regulated person on the
43 writing prescribed in subsection B of this section indicating that the
44 regulated person or on-site representative of the regulated person has read
45 the writing ~~prescribed in subsection B of this section~~ and is notified of the

1 regulated person's or on-site representative of the regulated person's
2 inspection and due process rights. The county shall maintain a copy of this
3 signature with the inspection report. Unless the regulated person at the
4 time of the inspection is informed how the report can be located
5 electronically, the county shall leave a copy with the regulated person or
6 on-site representative of the regulated person. If a regulated person or
7 on-site representative of the regulated person is not at the site or refuses
8 to sign the writing prescribed in subsection B of this section, the county
9 inspector or regulator shall note that fact on the writing ~~prescribed in~~
10 ~~subsection B of this section.~~

11 D. A county that conducts an inspection shall give a copy of, or
12 provide electronic access to, the inspection report to the regulated person
13 or on-site representative of the regulated person either:

- 14 1. At the time of the inspection.
- 15 2. Notwithstanding any other state law, within thirty working days
16 after the inspection.

17 3. As otherwise required by federal law.

18 E. The inspection report shall contain deficiencies identified during
19 an inspection. Unless otherwise provided by law, the county may provide the
20 regulated person an opportunity to correct the deficiencies unless the county
21 determines that the deficiencies are:

- 22 1. Committed intentionally.
- 23 2. Not correctable within a reasonable period of time as determined by
24 the county.
- 25 3. Evidence of a pattern of noncompliance.
- 26 4. A risk to any person, the public health, safety or welfare or the
27 environment.

28 F. If the county allows the regulated person an opportunity to correct
29 the deficiencies pursuant to subsection E of this section, the regulated
30 person shall notify the county when the deficiencies have been corrected.
31 Within thirty working days of receipt of notification from the regulated
32 person that the deficiencies have been corrected, the county shall determine
33 if the regulated person is in substantial compliance and notify the regulated
34 person whether or not the regulated person is in substantial compliance,
35 unless the determination is not possible due to conditions of normal
36 operations at the premises. If the regulated person fails to correct the
37 deficiencies or the county determines the deficiencies have not been
38 corrected within a reasonable period of time, the county may take any
39 enforcement action authorized by law for the deficiencies.

40 G. A county decision pursuant to subsection E or F of this section is
41 not an appealable county action.

42 H. At least once every month after the commencement of the inspection
43 a county shall provide the regulated person with an update, in writing or
44 electronically, on the status of any county action resulting from an
45 inspection of the regulated person. A county is not required to provide an

1 update after the regulated person is notified that no county action will
2 result from the county's inspection or after the completion of county action
3 resulting from the county's inspection.

4 I. This section does not authorize an inspection or any other act that
5 is not otherwise authorized by law.

6 J. This section applies only to inspections necessary for the issuance
7 of a license or to determine compliance with licensure requirements. This
8 section does not apply:

9 1. To criminal investigations and undercover investigations that are
10 generally or specifically authorized by law.

11 2. If the county inspector or regulator has reasonable suspicion to
12 believe that the regulated person may be or has been engaged in criminal
13 activity.

14 3. ~~TO~~ inspections by a county board of health or a local health
15 department pursuant to section 36-603.

16 K. If a county inspector or regulator gathers evidence in violation of
17 this section, the violation shall not be a basis to exclude the evidence in a
18 civil or administrative proceeding, if the penalty sought is the denial,
19 suspension or revocation of the regulated person's license or ~~IS~~ a civil
20 penalty of more than one thousand dollars.

21 L. Failure of a county employee to comply with this section:

22 1. Constitutes cause for disciplinary action or dismissal pursuant to
23 chapter 2, article 10 of this title.

24 2. Shall be considered by the judge and administrative law judge as
25 grounds for reduction of any fine or civil penalty.

26 M. A county may adopt rules or ordinances to implement this section.

27 N. This section:

28 1. Shall not be used to exclude evidence in a criminal proceeding.

29 2. Does not apply to a county inspection that is requested ~~AND~~
30 ~~SCHEDULED~~ by the regulated person.

31 Sec. 9. Section 11-1605, Arizona Revised Statutes, is amended to read:

32 ~~11-1605.~~ Licensing time frames; compliance; consequence for
33 failure to comply with time frame; exemption

34 A. For any new ordinance or ~~regulation~~ ~~CODE~~ requiring a license, a
35 county shall have in place an overall time frame during which the county will
36 either grant or deny each type of license that it issues. The overall time
37 frame for each type of license shall state separately the administrative
38 completeness review time frame and the substantive review time frame ~~AND~~
39 ~~SHALL BE POSTED ON THE COUNTY'S WEBSITE OR THE WEBSITE OF AN ASSOCIATION OF~~
40 ~~COUNTIES IF THE COUNTY DOES NOT HAVE A WEBSITE.~~

41 B. On or before December 31, 2012, a county that issues licenses
42 required under existing ordinances or codes shall have in place an overall
43 time frame during which the county will either grant or deny each type of
44 license that it issues. The overall time frame for each type of license
45 shall state separately the administrative completeness review time frame and

1 the substantive review time frame AND SHALL BE POSTED ON THE COUNTY'S WEBSITE
2 OR THE WEBSITE OF AN ASSOCIATION OF COUNTIES IF THE COUNTY DOES NOT HAVE A
3 WEBSITE. Counties shall prioritize the establishment of time frames for
4 those licenses that have the greatest impact on the public.

5 C. In establishing time frames, counties shall consider all of the
6 following:

- 7 1. The complexity of the licensing subject matter.
- 8 2. The resources of the county.
- 9 3. The economic impact of delay on the regulated community.
- 10 4. The impact of the licensing decision on public health and safety.
- 11 5. The possible use of volunteers with expertise in the subject matter
12 area.
- 13 6. The possible increased use of general licenses for similar types of
14 licensed businesses or facilities.
- 15 7. The possible increased cooperation between the county and the
16 regulated community.
- 17 8. Increased county flexibility in structuring the licensing process
18 and personnel including:

19 (a) Adult businesses and other licenses that are related to the first
20 amendment.

21 (b) Master planned communities.

22 (c) Suspension of the substantive and overall time frames for purposes
23 including DELAYS CAUSED BY THE NEED FOR public hearings or state or federal
24 licenses.

25 9. THAT THE SUBSTANTIVE REVIEW TIME FRAMES AND OVERALL TIME FRAMES DO
26 NOT INCLUDE THE TIME REQUIRED FOR AN APPLICANT TO OBTAIN OTHER NONCOUNTY
27 LICENSES OR TO PARTICIPATE IN MEETINGS AS REQUIRED BY LAW.

28 D. A county shall issue a written or electronic notice of
29 administrative completeness or deficiencies to an applicant for a license
30 within the administrative completeness review time frame. If the permit
31 sought requires approval of more than one department of the county, each
32 department may issue a written or electronic notice of administrative
33 completeness or deficiencies.

34 E. If a county determines that an application for a license is not
35 administratively complete, the county shall include a comprehensive list of
36 the specific deficiencies in the written or electronic notice provided
37 pursuant to subsection D OF THIS SECTION. If the county issues a written or
38 electronic notice of deficiencies within the administrative completeness time
39 frame, the administrative completeness review time frame and the overall time
40 frame are suspended from the date the notice is issued until the date that
41 the county receives the missing information from the applicant. The county
42 may issue an additional written or electronic notice of administrative
43 completeness or deficiencies based on the applicant's submission of missing
44 information. If the permit sought requires approval of more than one
45 department of the county, each department may issue an additional written or

1 electronic notice of administrative completeness or deficiencies based on the
2 applicant's submission of missing information.

3 F. If a county does not issue a written or electronic notice of
4 administrative completeness or deficiencies within the administrative
5 completeness review time frame, the application is deemed administratively
6 complete. If a county issues a timely written or electronic notice of
7 deficiencies, an application shall not be complete until all requested
8 information has been received by the county. A COUNTY MAY CONSIDER AN
9 APPLICATION WITHDRAWN IF, BY FIFTEEN DAYS OR MORE AFTER THE DATE OF NOTICE,
10 AS ESTABLISHED BY THE COUNTY, THE APPLICANT DOES NOT SUPPLY THE DOCUMENTATION
11 OR INFORMATION REQUESTED OR AN EXPLANATION OF WHY THE INFORMATION CANNOT BE
12 PROVIDED WITHIN THE ESTABLISHED TIME PERIOD.

13 G. During the substantive review time frame, a county may make one
14 comprehensive written or electronic request for ~~additional information~~
15 CORRECTIONS. IF THE COUNTY IDENTIFIES LEGAL REQUIREMENTS THAT WERE NOT
16 INCLUDED IN THE COMPREHENSIVE REQUEST FOR CORRECTIONS, THE COUNTY MAY AMEND
17 THE COMPREHENSIVE REQUEST FOR CORRECTIONS ONCE TO INCLUDE THE LEGAL
18 REQUIREMENTS AND THE LEGAL AUTHORITY FOR THE REQUIREMENTS. If the permit
19 sought requires approval of more than one department of the county, each
20 department may issue a COMPREHENSIVE written or electronic request for
21 ~~additional information~~ CORRECTIONS. ~~The county and applicant may mutually~~
22 ~~agree in writing or electronically to allow the county to submit supplemental~~
23 ~~requests for additional information.~~ IF THE APPLICANT FAILS TO RESOLVE AN
24 ISSUE IDENTIFIED IN A REQUEST FOR CORRECTIONS, THE COUNTY MAY MAKE
25 SUPPLEMENTAL WRITTEN OR ELECTRONIC REQUESTS FOR CORRECTIONS THAT ARE LIMITED
26 TO ISSUES PREVIOUSLY IDENTIFIED IN A COMPREHENSIVE REQUEST FOR CORRECTIONS.
27 If a county issues a comprehensive written or electronic request or a
28 supplemental request ~~by mutual written or electronic agreement~~ for ~~additional~~
29 ~~information~~ CORRECTIONS, the substantive review time frame and the overall
30 time frame are suspended from the date the request is issued until the date
31 that the county receives the ~~additional information~~ CORRECTIONS from the
32 applicant. IF AN APPLICANT REQUESTS SIGNIFICANT CHANGES, ALTERATIONS,
33 ADDITIONS OR AMENDMENTS TO AN APPLICATION THAT ARE CONSISTENT WITH THE
34 PURPOSES OF THE ORIGINAL APPLICATION AND THAT ARE NOT IN RESPONSE TO A
35 REQUEST FOR CORRECTIONS AND MAY HAVE NO MORE THAN AN ADDITIONAL FIFTY PER
36 CENT OF THE SUBSTANTIVE REVIEW TIME FRAME AS ESTABLISHED BY THE COUNTY FOR
37 THAT LICENSE TO GRANT OR DENY THE LICENSE, A COUNTY MAY MAKE ONE ADDITIONAL
38 COMPREHENSIVE WRITTEN OR ELECTRONIC REQUEST FOR CORRECTIONS. NOTHING SHALL
39 PREVENT COMMUNICATION BETWEEN A COUNTY AND AN APPLICANT REGARDING A
40 COMPREHENSIVE WRITTEN OR ELECTRONIC REQUEST FOR CORRECTIONS OR A SUPPLEMENTAL
41 REQUEST FOR CORRECTIONS. A COUNTY MAY CONSIDER AN APPLICATION WITHDRAWN IF,
42 BY THIRTY DAYS OR LONGER AFTER THE DATE OF NOTICE, AS ESTABLISHED BY THE
43 COUNTY, THE APPLICANT DOES NOT SUPPLY THE DOCUMENTATION OR INFORMATION
44 REQUESTED OR AN EXPLANATION OF WHY THE INFORMATION CANNOT BE PROVIDED WITHIN
45 THE ESTABLISHED TIME PERIOD.

1 H. NOTHING SHALL PREVENT THE COUNTY FROM CONTINUING TO PROCESS THE
2 APPLICATION DURING THE SUSPENSION OF THE SUBSTANTIVE REVIEW TIME FRAME AND
3 OVERALL TIME FRAME.

4 ~~H-~~ I. By mutual written or electronic agreement, a county and an
5 applicant for a license may extend the substantive review time frame and the
6 overall time frame. An extension of the substantive review time frame and
7 the overall time frame may not exceed ~~twenty-five~~ FIFTY per cent of the
8 overall time frame.

9 ~~I-~~ J. Unless a county and an applicant for a license mutually agree
10 to extend the substantive review time frame and the overall time frame
11 pursuant to subsection ~~H- I OF THIS SECTION~~, a county shall issue a written
12 or electronic notice granting or denying a license to an applicant. If a
13 county denies ~~OR WITHDRAWS~~ an application for a license, the county shall
14 include in the written or electronic notice at least the following
15 information:

16 1. Justification for the denial ~~OR WITHDRAWAL~~ with references to the
17 statutes, ordinances, regulations, substantive policy statements or
18 delegation agreements on which the denial ~~OR WITHDRAWAL~~ is based.

19 2. An explanation of the applicant's right to appeal the denial ~~OR~~
20 ~~WITHDRAWAL~~. The explanation shall include the number of working days in
21 which the applicant must file a protest challenging the denial ~~OR WITHDRAWAL~~
22 and the name and telephone number of a county contact person who can answer
23 questions regarding the appeals process.

24 3. AN EXPLANATION OF THE APPLICANT'S RIGHT TO RESUBMIT THE
25 APPLICATION, THE TOTAL AMOUNT OF FEES THAT WILL BE ASSESSED IF THE APPLICANT
26 RESUBMITS THE APPLICATION AND THE METHOD IN WHICH THOSE FEES WERE CALCULATED.

27 ~~J-~~ K. If a county does not issue to the applicant the written or
28 electronic notice granting or denying a license within the overall time frame
29 or within the mutually agreed ~~upon~~ ON time frame extension, the county shall
30 refund to the applicant all fees charged for reviewing and acting on the
31 application for the license and shall excuse payment of any fees that have
32 not yet been paid. The county shall not require an applicant to submit an
33 application for a refund pursuant to this subsection. The refund shall be
34 made within thirty working days after the expiration of the overall time
35 frame or the time frame extension. The county shall continue to process the
36 application. Notwithstanding any other statute, the county shall make the
37 refund from the fund in which the application fees were originally deposited.
38 THE RIGHT TO RECEIVE A REFUND OF FEES CHARGED FOR REVIEWING AND ACTING ON THE
39 APPLICATION FOR THE LICENSE MAY NOT BE WAIVED BY THE APPLICANT.

40 L. IF AN APPLICATION FOR A LICENSE IS DENIED BECAUSE REVISIONS OR
41 CORRECTIONS WERE NOT SUBMITTED OR CONSIDERED WITHIN THE ALLOWED TIME FRAME,
42 OR WITHDRAWN, AND THE APPLICANT RESUBMITS THE APPLICATION FOR THE SAME
43 PURPOSES WITH ONLY REVISIONS OR CORRECTIONS TO THE ORIGINAL APPLICATION, THE
44 COUNTY SHALL NOT ASSESS ANY ADDITIONAL FEES THAT EXCEED FIFTY PER CENT OF THE
45 ORIGINAL APPLICATION FEES THAT HAVE NOT BEEN REFUNDED TO THE APPLICANT. THIS

1 SUBSECTION DOES NOT APPLY TO LICENSE APPLICATIONS THAT WERE DENIED FOR
2 DISQUALIFYING CRIMINAL CONVICTIONS OR THAT WERE SUBMITTED FRAUDULENTLY.

3 ~~K~~ M. This section does not apply to ~~licenses~~ A LICENSE THAT IS
4 issued within seven working days after receipt of the initial application or
5 A permit that ~~expire~~ EXPIRES within twenty-one working days after issuance.

6 Sec. 10. Section 11-1610, Arizona Revised Statutes, is amended to
7 read:

8 11-1610. Exemptions

9 This article does not apply to:

10 1. A county function, power or duty to the extent that ~~they are~~ IT IS
11 subject to title 49, chapter 3, article 3.

12 2. An ordinance, regulation or substantive policy statement that
13 relates to only the internal management of a county and that does not
14 directly and substantially affect the procedural or substantive rights or
15 duties of any segment of the public.

16 3. An ordinance, regulation or substantive policy statement ~~relating~~
17 THAT RELATES to only the physical servicing, maintenance, OPERATION or care
18 of county owned or operated facilities or property.

19 4. An ordinance, regulation or substantive policy statement that
20 relates to inmates or committed youth, a correctional or detention facility
21 under the jurisdiction of the county or a patient admitted to an institution
22 or treatment center pursuant to court order.

23 5. An ordinance, regulation or substantive policy statement ~~relating~~
24 THAT RELATES to a county contract.

25 6. A DESIGN-BUILD PROJECT IN WHICH, AT THE REQUEST OF THE APPLICANT,
26 THE COUNTY AGREES TO EXEMPT THE PROJECT FROM THIS ARTICLE. IF THERE IS NO
27 SUCH AGREEMENT, ALL OF THE REQUIREMENTS OF THIS ARTICLE APPLY.

28 Sec. 11. Section 48-3641, Arizona Revised Statutes, is amended to
29 read:

30 48-3641. Definitions

31 In this article, unless the context otherwise requires:

32 1. "District" means a district organized pursuant to article 1 of this
33 chapter.

34 2. "Emergency" means a situation that creates an immediate threat to
35 the health or safety of a person or property caused by flood, earthquake,
36 hurricane, tornado, explosion, fire or other catastrophe.

37 3. "License" includes the whole or part of any district permit,
38 certificate, approval, registration, charter or similar form of permission
39 required by law.

40 4. "Licensing" includes the district process respecting the grant,
41 denial, renewal, revocation, suspension, annulment, withdrawal or amendment
42 of a license.

43 5. "Person" means an individual, partnership, corporation,
44 association, governmental subdivision or unit of a governmental subdivision
45 or a public or private organization of any character.

1 6. "REQUEST FOR CORRECTIONS" MEANS SEEKING A TECHNICAL OR CLARIFYING
2 CORRECTION FROM AN APPLICANT WHO HAS SUBMITTED AN ADMINISTRATIVELY COMPLETE
3 APPLICATION FOR A LICENSE.

4 ~~6-~~ 7. "Substantive policy statement" means a written expression that
5 is only advisory and THAT informs the general public of a district's current
6 approach to, or opinion of, the requirements of the ordinances or
7 regulations, including, ~~where~~ IF appropriate, the district's current
8 practice, procedure or method of action based on that approach or opinion. A
9 substantive policy statement does not include internal procedural documents
10 that only affect the internal procedures of the district and do not impose
11 additional requirements or penalties on regulated parties or confidential
12 information.

13 ~~7-~~ 8. "Working day" means a twenty-four hour period excluding
14 weekends and legal holidays.

15 Sec. 12. Section 48-3643, Arizona Revised Statutes, is amended to
16 read:

17 48-3643. Inspections; applicability

18 A. A district inspector or regulator who enters any premises of a
19 regulated person for the purpose of conducting an inspection shall:

20 1. Present photo identification on entry of the premises.

21 2. On initiation of the inspection, state the purpose of the
22 inspection and the legal authority for conducting the inspection.

23 3. Disclose any applicable inspection fees.

24 4. Afford an opportunity to have an authorized on-site representative
25 of the regulated person accompany the district inspector or regulator on the
26 premises, except during confidential interviews.

27 5. Provide notice of the right to have:

28 (a) Copies of any original documents taken from the premises by the
29 district during the inspection if the district is permitted by law to take
30 original documents.

31 (b) A split or duplicate of any samples taken during the inspection if
32 the split or duplication of any samples, ~~where~~ IF appropriate, would not
33 prohibit an analysis from being conducted or render an analysis inconclusive.

34 (c) Copies of any analysis performed on samples taken during the
35 inspection.

36 6. Inform each person whose conversation with the district inspector
37 or regulator during the inspection is tape recorded that the conversation is
38 being tape recorded.

39 7. Inform each person interviewed during the inspection that
40 statements made by the person may be included in the inspection report.

41 B. On initiation of, or two working days before, an inspection of any
42 premises of a regulated person, a district inspector or regulator shall
43 provide the following in writing or electronically:

44 1. The rights described in subsection A of this section.

1 2. The name and telephone number of a district contact person
2 available to answer questions regarding the inspection.

3 3. The due process rights relating to an appeal of a final decision of
4 a district based on the results of the inspection, including the name and
5 telephone number of a person to contact within the district and any
6 appropriate municipality, county, district or state government ombudsman.

7 C. A district inspector or regulator shall obtain the signature of the
8 regulated person or on-site representative of the regulated person on the
9 writing prescribed in subsection B of this section indicating that the
10 regulated person or on-site representative of the regulated person has read
11 the writing ~~prescribed in subsection B of this section~~ and is notified of the
12 regulated person's or on-site representative of the regulated person's
13 inspection and due process rights. The district shall maintain a copy of
14 this signature with the inspection report. Unless the regulated person, at
15 the time of the inspection, is informed how the report can be located
16 electronically, the district shall leave a copy with the regulated person or
17 on-site representative of the regulated person. If a regulated person or
18 on-site representative of the regulated person is not at the site or refuses
19 to sign the writing prescribed in subsection B of this section, the district
20 inspector or regulator shall note that fact on the writing ~~prescribed in~~
21 ~~subsection B of this section~~.

22 D. A district that conducts an inspection pursuant to this section,
23 shall give a copy of, or provide electronic access to, the inspection report
24 to the regulated person or on-site representative of the regulated person
25 either:

- 26 1. At the time of the inspection.
- 27 2. Notwithstanding any other state law, within thirty working days
28 after the inspection.
- 29 3. As otherwise required by federal law.

30 E. The inspection report shall contain deficiencies identified during
31 an inspection. Unless otherwise provided by law, the district may provide
32 the regulated person an opportunity to correct the deficiencies unless the
33 district determines that the deficiencies are:

- 34 1. Committed intentionally.
- 35 2. Not correctable within a reasonable period of time as determined by
36 the district.
- 37 3. Evidence of a pattern of noncompliance.
- 38 4. A risk to any person, the public health, safety or welfare or the
39 environment.

40 F. If the district allows the regulated person an opportunity to
41 correct the deficiencies pursuant to subsection E of this section, the
42 regulated person shall notify the district when the deficiencies have been
43 corrected. Within thirty working days of receipt of notification from the
44 regulated person that the deficiencies have been corrected, the district
45 shall determine if the regulated person is in substantial compliance and

1 notify the regulated person whether or not the regulated person is in
2 substantial compliance, unless it is not possible due to conditions of normal
3 operations at the premises. If the regulated person fails to correct the
4 deficiencies or the district determines the deficiencies have not been
5 corrected within a reasonable period of time, the district may take any
6 enforcement action authorized by law for the deficiencies.

7 G. A district decision pursuant to subsection E or F of this section
8 is not an appealable district action.

9 H. At least once every month after the commencement of the inspection
10 a district shall provide a regulated person with an update, in writing or
11 electronically, on the status of any district action resulting from an
12 inspection of the regulated person. A district is not required to provide an
13 update after the regulated person is notified that no district action will
14 result from the district's inspection or after the completion of district
15 action resulting from the district's inspection.

16 I. This section does not authorize an inspection or any other act that
17 is not otherwise authorized by law.

18 J. This section applies only to inspections necessary for the issuance
19 of a license or to determine compliance with licensure requirements. This
20 section does not apply:

21 1. To criminal investigations and undercover investigations that are
22 generally or specifically authorized by law.

23 2. If the district inspector or regulator has reasonable suspicion to
24 believe that the regulated person may be or has been engaged in criminal
25 activity.

26 3. If the district inspector or regulator reasonably believes that an
27 emergency exists.

28 4. To inspections conducted pursuant to section 48-3609, subsection K
29 of persons not licensed by the district or which are not necessary for the
30 issuance of a license.

31 K. If a district inspector or regulator gathers evidence in violation
32 of this section, the violation shall not be a basis to exclude the evidence
33 in a civil or administrative proceeding, if the penalty sought is the denial,
34 suspension or revocation of the regulated person's license or a civil penalty
35 of more than one thousand dollars.

36 L. Failure of a district employee to comply with this section:

37 1. Constitutes cause for disciplinary action or dismissal pursuant to
38 adopted district personnel policy.

39 2. Shall be considered by the judge and administrative law judge as
40 grounds for reduction of any fine or civil penalty.

41 M. A district may adopt rules or ordinances to implement this section.

42 N. This section:

43 1. Shall not be used to exclude evidence in a criminal proceeding.

44 2. Does not apply to district inspections that are requested **AND**
45 **SCHEDULED** by the regulated person.

1 Sec. 13. Section 48-3645, Arizona Revised Statutes, is amended to
2 read:

3 48-3645. Licensing time frames; compliance; consequence for
4 failure to comply with time frame; exemption

5 A. For any new ordinance or regulation requiring a license, a district
6 shall have in place an overall time frame during which the district will
7 either grant or deny each type of license that it issues. The overall time
8 frame for each type of license shall state separately the administrative
9 completeness review time frame and the substantive review time frame AND
10 SHALL BE POSTED ON THE DISTRICT'S WEBSITE, IF THE DISTRICT MAINTAINS A
11 WEBSITE.

12 B. On or before December 31, 2012, a district that issues licenses
13 required under existing ordinances or codes shall have in place an overall
14 time frame during which the district will either grant or deny each type of
15 license that it issues. The overall time frame for each type of license
16 shall state separately the administrative completeness review time frame and
17 the substantive review time frame AND SHALL BE POSTED ON THE DISTRICT'S
18 WEBSITE, IF THE DISTRICT MAINTAINS A WEBSITE. Districts shall prioritize the
19 establishment of time frames for those licenses that have the greatest impact
20 on the public.

21 C. In establishing time frames, districts shall consider all of the
22 following:

- 23 1. The complexity of the licensing subject matter.
- 24 2. The resources of the district.
- 25 3. The economic impact of delay on the regulated community.
- 26 4. The impact of the licensing decision on public health and safety.
- 27 5. The possible use of volunteers with expertise in the subject matter
28 area.
- 29 6. The possible increased use of general licenses for similar types of
30 licensed businesses or facilities.
- 31 7. The possible increased cooperation between the district and the
32 regulated community.
- 33 8. Increased district flexibility in structuring the licensing process
34 and personnel including:
 - 35 (a) Master planned communities.
 - 36 (b) Suspension of the substantive and overall time frames for purposes
37 including DELAYS CAUSED BY THE NEED FOR public hearings or state or federal
38 approvals.
- 39 9. THAT THE SUBSTANTIVE REVIEW AND OVERALL TIME FRAMES DO NOT INCLUDE
40 THE TIME REQUIRED BY THE APPLICANT TO OBTAIN OTHER NONDISTRICT LICENSES OR TO
41 PARTICIPATE IN MEETINGS AS REQUIRED BY LAW.

42 D. A district shall issue a written or electronic notice of
43 administrative completeness or deficiencies to an applicant for a license
44 within the administrative completeness review time frame. If the permit
45 sought requires approval of more than one department of the district, each

1 department may issue a written or electronic notice of administrative
2 completeness or deficiencies.

3 E. If a district determines that an application for a license is not
4 administratively complete, the district shall include a comprehensive list of
5 the specific deficiencies in the written or electronic notice provided
6 pursuant to subsection D OF THIS SECTION. If the district issues a written
7 or electronic notice of deficiencies within the administrative completeness
8 time frame, the administrative completeness review time frame and the overall
9 time frame are suspended from the date the notice is issued until the date
10 that the district receives the missing information from the applicant. The
11 district may issue an additional written or electronic notice of
12 administrative completeness or deficiencies based on the applicant's
13 submission of missing information. If the permit sought requires approval of
14 more than one department of the district, each department may issue an
15 additional written or electronic notice of administrative completeness or
16 deficiencies based on the applicant's submission of missing information.

17 F. If a district does not issue a written or electronic notice of
18 administrative completeness or deficiencies within the administrative
19 completeness review time frame, the application is deemed administratively
20 complete. If a district issues a timely written or electronic notice of
21 deficiencies, an application shall not be complete until all requested
22 information has been received by the district. A DISTRICT MAY CONSIDER AN
23 APPLICATION WITHDRAWN IF BY FIFTEEN DAYS OR LONGER AFTER THE DATE OF THE
24 NOTICE, AS ESTABLISHED BY THE DISTRICT, THE APPLICANT DOES NOT SUPPLY THE
25 DOCUMENTATION OR INFORMATION REQUESTED OR AN EXPLANATION OF WHY THE
26 INFORMATION CANNOT BE PROVIDED WITHIN THE ESTABLISHED TIME PERIOD.

27 G. During the substantive review time frame, a district may make one
28 comprehensive written or electronic request for ~~additional information~~
29 CORRECTIONS. IF THE DISTRICT IDENTIFIES LEGAL REQUIREMENTS THAT WERE NOT
30 INCLUDED IN THE COMPREHENSIVE REQUEST FOR CORRECTIONS, THE DISTRICT MAY AMEND
31 THE COMPREHENSIVE REQUEST FOR CORRECTIONS ONCE TO INCLUDE THE LEGAL
32 REQUIREMENTS AND THE LEGAL AUTHORITY FOR THE REQUIREMENTS. If the permit
33 sought requires approval of more than one department of the district, each
34 department may issue a COMPREHENSIVE written or electronic request for
35 ~~additional information~~ CORRECTIONS. ~~The district and applicant may mutually~~
36 ~~agree in writing or electronically to allow the district to submit~~
37 ~~supplemental requests for additional information.~~ IF THE APPLICANT FAILS TO
38 RESOLVE AN ISSUE IDENTIFIED IN A REQUEST FOR CORRECTIONS, THE DISTRICT MAY
39 MAKE SUPPLEMENTAL WRITTEN OR ELECTRONIC REQUESTS FOR CORRECTIONS THAT ARE
40 LIMITED TO ISSUES PREVIOUSLY IDENTIFIED IN A COMPREHENSIVE REQUEST FOR
41 CORRECTIONS. If a district issues a comprehensive written or electronic
42 request or a supplemental request ~~by mutual written or electronic agreement~~
43 ~~for additional information~~ FOR CORRECTIONS, the substantive review time frame
44 and the overall time frame are suspended from the date the request is issued
45 until the date that the district receives the ~~additional information~~

1 CORRECTIONS from the applicant. IF AN APPLICANT REQUESTS SIGNIFICANT
2 CHANGES, ALTERATIONS, ADDITIONS OR AMENDMENTS TO AN APPLICATION THAT ARE
3 CONSISTENT WITH THE PURPOSES OF THE ORIGINAL APPLICATION AND THAT ARE NOT IN
4 RESPONSE TO A REQUEST FOR CORRECTION, A DISTRICT MAY MAKE ONE ADDITIONAL
5 COMPREHENSIVE WRITTEN OR ELECTRONIC REQUEST FOR CORRECTIONS AND MAY HAVE NO
6 MORE THAN AN ADDITIONAL FIFTY PER CENT OF THE SUBSTANTIVE REVIEW TIME FRAME
7 AS ESTABLISHED BY THE DISTRICT FOR THAT LICENSE TO GRANT OR DENY THE LICENSE.
8 NOTHING SHALL PREVENT COMMUNICATION BETWEEN A DISTRICT AND AN APPLICANT
9 REGARDING A COMPREHENSIVE WRITTEN OR ELECTRONIC REQUEST FOR CORRECTIONS OR A
10 SUPPLEMENTAL REQUEST FOR CORRECTIONS. A DISTRICT MAY CONSIDER AN APPLICATION
11 WITHDRAWN IF, BY THIRTY DAYS OR MORE AFTER THE DATE OF NOTICE, AS ESTABLISHED
12 BY THE DISTRICT, THE APPLICANT DOES NOT SUPPLY THE DOCUMENTATION OR
13 INFORMATION REQUESTED OR AN EXPLANATION OF WHY THE INFORMATION CANNOT BE
14 PROVIDED WITHIN THE ESTABLISHED TIME PERIOD.

15 H. NOTHING SHALL PREVENT THE DISTRICT FROM CONTINUING TO PROCESS THE
16 APPLICATION DURING THE SUSPENSION OF THE SUBSTANTIVE REVIEW TIME FRAME AND
17 OVERALL TIME FRAME.

18 ~~H.~~ I. By mutual written or electronic agreement, a district and an
19 applicant for a license may extend the substantive review time frame and the
20 overall time frame. An extension of the substantive review time frame and
21 the overall time frame may not exceed ~~twenty-five~~ FIFTY per cent of the
22 overall time frame.

23 ~~I.~~ J. Unless a district and an applicant for a license mutually agree
24 to extend the substantive review time frame and the overall time frame
25 pursuant to subsection ~~H.~~ I OF THIS SECTION, a district shall issue a written
26 or electronic notice granting or denying a license to an applicant. If a
27 district denies OR WITHDRAWS an application for a license, the district shall
28 include in the written or electronic notice at least the following
29 information:

30 1. Justification for the denial OR WITHDRAWAL with references to the
31 statutes, ordinances, executive orders, substantive policy statements or
32 delegation agreements on which the denial OR WITHDRAWAL is based.

33 2. An explanation of the applicant's right to appeal the denial OR
34 WITHDRAWAL. The explanation shall include the number of working days in
35 which the applicant must file a protest challenging the denial OR WITHDRAWAL
36 and the name and telephone number of a district contact person who can answer
37 questions regarding the appeals process.

38 3. AN EXPLANATION OF THE APPLICANT'S RIGHT TO RESUBMIT THE
39 APPLICATION, THE TOTAL AMOUNT OF FEES THAT WILL BE ASSESSED IF THE APPLICANT
40 RESUBMITS THE APPLICATION AND THE METHOD IN WHICH THE FEES WERE CALCULATED.

41 ~~J.~~ K. If a district does not issue to the applicant the written or
42 electronic notice granting or denying a license within the overall time frame
43 or within the mutually agreed upon time frame extension, the district shall
44 refund to the applicant all fees charged for reviewing and acting on the
45 application for the license and shall excuse payment of any fees that have

1 not yet been paid. The district shall not require an applicant to submit an
2 application for a refund pursuant to this subsection. The refund shall be
3 made within thirty working days after the expiration of the overall time
4 frame or the time frame extension. The district shall continue to process
5 the application. Notwithstanding any other statute, the district shall make
6 the refund from the fund in which the application fees were originally
7 deposited. THE RIGHT TO RECEIVE A REFUND OF FEES CHARGED FOR REVIEWING AND
8 ACTING ON THE APPLICATION FOR THE LICENSE MAY NOT BE WAIVED BY THE APPLICANT.

9 L. IF AN APPLICATION FOR A LICENSE IS DENIED BECAUSE REVISIONS OR
10 CORRECTIONS WERE NOT SUBMITTED OR CONSIDERED WITHIN THE ALLOWED TIME FRAME,
11 OR WITHDRAWN, AND THE APPLICANT RESUBMITS THE APPLICATION FOR THE SAME
12 PURPOSES WITH ONLY REVISIONS OR CORRECTIONS TO THE ORIGINAL APPLICATION, THE
13 DISTRICT SHALL NOT ASSESS ANY ADDITIONAL FEES THAT EXCEED FIFTY PER CENT OF
14 THE ORIGINAL PERMIT FEE THAT HAS NOT BEEN REFUNDED TO THE APPLICANT. THIS
15 SUBSECTION DOES NOT APPLY TO LICENSE APPLICATIONS THAT WERE DENIED FOR
16 DISQUALIFYING CRIMINAL CONVICTIONS OR THAT WERE SUBMITTED FRAUDULENTLY.

17 ~~K.~~ M. This section does not apply to licenses issued within seven
18 working days after receipt of the initial application or a permit that
19 expires within twenty-one working days after issuance.

20 Sec. 14. Effective date

21 Sections 9-461.05 and 11-804, Arizona Revised Statutes, as amended by
22 this act, are effective from and after December 31, 2013.