

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2645

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 1-501, Arizona Revised Statutes, as amended by
3 Senate Bill 1035, section 1, forty-ninth legislature, first regular session,
4 as transmitted to the governor, is amended to read:

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

7 A. Notwithstanding any other state law and to the extent permitted by
8 federal law, any person who applies for a federal public benefit that is
9 administered by this state or a political subdivision of this state and
10 that requires participants to be citizens of the United States, legal
11 residents of the United States or otherwise lawfully present in the United
12 States shall submit at least one of the following documents to the entity
13 that administers the federal public benefit demonstrating lawful presence
14 in the United States:

15 1. An Arizona driver license issued after 1996 or an Arizona
16 nonoperating identification license.

17 2. A birth certificate or delayed birth certificate issued in any
18 state, territory or possession of the United States.

19 3. A United States certificate of birth abroad.

20 4. A United States passport.

21 5. A foreign passport with a United States visa.

22 6. An I-94 form with a photograph.

23 7. A United States citizenship and immigration services employment
24 authorization document or refugee travel document.

25 8. A United States certificate of naturalization.

1 9. A United States certificate of citizenship.

2 10. A tribal certificate of Indian blood.

3 11. A tribal or bureau of Indian affairs affidavit of birth.

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

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

13 ~~B.~~ D. Any person who applies for federal public benefits shall sign a
14 sworn affidavit stating that the documents presented pursuant to subsection A
15 are true under penalty of perjury.

16 ~~C.~~ E. Failure to report discovered violations of federal immigration
17 law by an employee of an agency of this state or a political subdivision of
18 this state that administers any federal public benefit is a class 2
19 misdemeanor. If that employee's supervisor knew of the failure to report and
20 failed to direct the employee to make the report, the supervisor is guilty of
21 a class 2 misdemeanor.

22 ~~D.~~ F. This section shall be enforced without regard to race, color,
23 religion, sex, age, disability or national origin.

24 ~~E.~~ G. Any person who is a resident of this state has standing in any
25 court of record to bring suit against any agent or agency of this state or
26 its political subdivisions to remedy any violation of any provision of this
27 section, including an action for mandamus. Courts shall give preference to
28 actions brought under this section over other civil actions or proceedings
29 pending in the court.

30 ~~F.~~ H. For the purposes of this section, "federal public benefit" has
31 the same meaning prescribed in 8 United States Code section 1611.

1 Sec. 2. Section 1-502, Arizona Revised Statutes, as added by Senate
2 Bill 1035, section 2, forty-ninth legislature, first regular session, as
3 transmitted to the governor, is amended to read:

4 1-502. Eligibility for state or local public benefits;
5 documentation; violation; classification; citizen
6 suits; definition

7 A. Notwithstanding any other state law and to the extent permitted by
8 federal law, any agency of this state or a political subdivision of this
9 state that administers any state or local public benefit shall require each
10 person who applies for the state or local public benefit to submit at least
11 one of the following documents to the entity that administers the state or
12 local public benefit demonstrating lawful presence in the United States:

13 1. An Arizona driver license issued after 1996 or an Arizona
14 nonoperating identification license.

15 2. A birth certificate or delayed birth certificate issued in any
16 state, territory or possession of the United States.

17 3. A United States certificate of birth abroad.

18 4. A United States passport.

19 5. A foreign passport with a United States visa.

20 6. An I-94 form with a photograph.

21 7. A United States citizenship and immigration services employment
22 authorization document or refugee travel document.

23 8. A United States certificate of naturalization.

24 9. A United States certificate of citizenship.

25 10. A tribal certificate of Indian blood.

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28 CONTAINMENT SYSTEM, DOCUMENTATION OF CITIZENSHIP AND LEGAL RESIDENCE SHALL
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31 POLITICAL SUBDIVISION OF THIS STATE MAY ALLOW TRIBAL MEMBERS, THE ELDERLY AND
32 PERSONS WITH DISABILITIES OR INCAPACITY OF THE MIND OR BODY TO PROVIDE

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

4 ~~B.~~ D. Any person who applies for state or local public benefits shall
5 sign a sworn affidavit stating that the documents presented pursuant to
6 subsection A are true under penalty of perjury.

7 ~~C.~~ E. Failure to report discovered violations of federal immigration
8 law by an employee of an agency of this state or a political subdivision of
9 this state that administers any state or local public benefit is a class 2
10 misdemeanor. If that employee's supervisor knew of the failure to report and
11 failed to direct the employee to make the report, the supervisor is guilty of
12 a class 2 misdemeanor.

13 ~~D.~~ F. This section shall be enforced without regard to race, color,
14 religion, sex, age, disability or national origin.

15 ~~E.~~ G. Any person who is a resident of this state has standing in any
16 court of record to bring suit against any agent or agency of this state or
17 its political subdivisions to remedy any violation of any provision of this
18 section, including an action for mandamus. Courts shall give preference to
19 actions brought under this section over other civil actions or proceedings
20 pending in the court.

21 ~~F.~~ H. For the purposes of this section, "state or local public
22 benefit" has the same meaning prescribed in 8 United States Code section
23 1621, except that it does not include commercial or professional licenses.

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

25 4-115. Disposition of fees and penalties

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

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

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

21 **4-120. Liquor licenses fund; exemption**

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

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

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

1 sites, improvements and other necessary public services included in the
2 infrastructure improvements plan and for which a development fee is assessed,
3 to the extent the public sites, improvements and necessary public services
4 are provided by the developer. The developer of residential dwelling units
5 shall be required to pay development fees when construction permits for the
6 dwelling units are issued, or at a later time if specified in a development
7 agreement pursuant to section 9-500.05. If a development agreement provides
8 for fees to be paid at a time later than the issuance of construction
9 permits, the deferred fees shall be paid no later than fifteen days after the
10 issuance of a certificate of occupancy. The development agreement shall
11 provide for the value of any deferred fees to be supported by appropriate
12 security, including a surety bond, letter of credit or cash bond.

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

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

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

31 C. A municipality shall give at least sixty days' advance notice of
32 intention to assess a new or modified development fee and shall release to

1 the public a written report that identifies the methodology for calculating
2 the amount of the development fee, explains the relationship between the
3 development fee and the infrastructure improvements plan, includes
4 documentation that supports the assessment of a new or modified development
5 fee and identifies any index or indices to be used for automatic adjustment
6 of the development fee pursuant to subsection ~~F~~ G of this section and the
7 timing of those adjustments. The municipality shall conduct a public hearing
8 on the proposed new or modified development fee at any time after the
9 expiration of the sixty day notice of intention to assess a new or modified
10 development fee and at least thirty days prior to the scheduled date of
11 adoption of the new or modified fee by the governing body. A development fee
12 assessed pursuant to this section shall not be effective until seventy-five
13 days after its formal adoption by the governing body of the municipality.
14 Nothing in this subsection shall affect any development fee adopted prior to
15 July 24, 1982.

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

24 1. An infrastructure improvements plan may be adopted concurrently
25 with the report required by subsection C of this section, and the
26 municipality may provide for and schedule the notices and hearings required
27 by this subsection together with the notices and hearings required by
28 subsection C of this section.

29 2. A municipality may amend an infrastructure improvements plan
30 without a public hearing if the amendment addresses only elements of
31 necessary public services that are included in the existing infrastructure

1 improvements plan. The municipality shall provide public notice of those
2 amendments at least fourteen days in advance of their effective date.

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

5 1. Estimate future necessary public services that will be required as
6 a result of new development **IN THE AREA, AS DEFINED IN THE INFRASTRUCTURE**
7 **IMPROVEMENTS PLAN, WITHIN WHICH THE DEVELOPMENT FEE WILL BE ASSESSED** and the
8 basis for the estimate, **INCLUDING A COMPARISON OF THE NECESSARY PUBLIC**
9 **SERVICES PROVIDED TO EXISTING DEVELOPMENT AND THE NECESSARY PUBLIC SERVICES**
10 **TO BE PROVIDED TO NEW DEVELOPMENT.**

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

15 3. **FORECAST THE REVENUE SOURCES THAT WILL BE AVAILABLE TO FUND THE**
16 **NECESSARY PUBLIC SERVICES** and estimate the time required to finance and
17 provide the necessary public services.

18 F. **EXCEPT FOR ADJUSTMENTS PURSUANT TO SUBSECTION G OF THIS SECTION, A**
19 **MUNICIPALITY'S DEVELOPMENT FEE ORDINANCE SHALL PROVIDE THAT A NEW DEVELOPMENT**
20 **FEE OR AN INCREASED PORTION OF A MODIFIED DEVELOPMENT FEE SHALL NOT BE**
21 **ASSESSED AGAINST A DEVELOPMENT FOR TWENTY-FOUR MONTHS AFTER THE DATE OF THE**
22 **MUNICIPALITY'S FINAL APPROVAL OF THE DEVELOPMENT, PROVIDED THAT NO MATERIAL**
23 **CHANGES ARE MADE TO THE SITE PLAN OR SUBDIVISION PLAT THAT WAS THE SUBJECT OF**
24 **THE FINAL APPROVAL. THE TWENTY-FOUR MONTH PERIOD SHALL NOT BE EXTENDED BY A**
25 **RENEWAL OR AMENDMENT OF THE SITE PLAN OR THE FINAL SUBDIVISION PLAT THAT WAS**
26 **THE SUBJECT OF THE FINAL APPROVAL. THE MUNICIPALITY SHALL ISSUE, ON REQUEST,**
27 **A WRITTEN STATEMENT OF THE DEVELOPMENT FEE SCHEDULE APPLICABLE TO THE**
28 **DEVELOPMENT.**

29 ~~F.~~ G. A municipality may automatically adjust a development fee on an
30 annual basis without a public hearing if the adjustment is based on a
31 nationally recognized index applicable to the cost of the necessary public
32 service that is the subject of the development fee and the adjustment

1 mechanism is identified in the report required by subsection C of this
2 section. The municipality shall provide public notice of those adjustments
3 at least thirty days in advance of their effective date.

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

7 1. The amount assessed by the municipality for each type of
8 development fee.

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

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

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

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

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

19 5. The amount of development fee monies spent on each capital
20 improvement project that is the subject of a development fee assessment and
21 the physical location of each capital improvement project.

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

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

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

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

1 ~~L.~~ L. For the purposes of this section~~,—~~:

2 1. "FINAL APPROVAL" MEANS:

3 (a) FOR A NONRESIDENTIAL OR MULTIFAMILY DEVELOPMENT, THE APPROVAL OF A
4 SITE PLAN OR, IF NO SITE PLAN IS SUBMITTED FOR THE DEVELOPMENT, THE APPROVAL
5 OF A FINAL SUBDIVISION PLAT.

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

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

13 Sec. 7. Repeal

14 Senate Bill 1035, section 4, forty-ninth legislature, first regular
15 session, as transmitted to the governor, is repealed.

16 Sec. 8. Section 9-805, Arizona Revised Statutes, as added by Senate
17 Bill 1035, section 5, forty-ninth legislature, first regular session, as
18 transmitted to the governor, is amended to read:

19 9-805. Building code moratorium on residential and commercial
20 buildings

21 Beginning July 1, 2009 through June 30, ~~2012~~ 2011, any new or modified
22 residential or commercial building code or other related code that is adopted
23 by a municipality does not apply to a residential or commercial building that
24 received a final site plan or subdivision plat, planned area development or
25 similar approval by a municipality before June 1, 2009. This section does
26 not prohibit any code changes to the extent and duration required to comply
27 with conditions for federal stimulus funding.

28 Sec. 9. Title 9, chapter 7, article 1, Arizona Revised Statutes, is
29 amended by adding section 9-807, to read:

30 9-807. Uniform development fee commission rules

31 ON OR BEFORE JUNE 30, 2011, ALL CITIES AND TOWNS SHALL ADOPT THE
32 FRAMEWORK, DEFINITIONS AND DETERMINATIONS OF THE UNIFORM DEVELOPMENT FEE

1 COMMISSION ESTABLISHED BY SECTION 41-3958 REGARDING THE IMPOSITION,
2 COLLECTION AND USE OF DEVELOPMENT FEES.

3 Sec. 10. Section 11-413, Arizona Revised Statutes, is amended to read:

4 11-413. County offices; business periods

5 A. Every county officer ~~in counties of the first and second class,~~
6 except the sheriff, shall, ~~except on legal holidays, keep his office open for~~
7 ~~the transaction of business from nine o'clock a.m. to five o'clock p.m. each~~
8 ~~day from Monday through Friday, and from nine o'clock a.m. to one o'clock~~
9 ~~p.m. on Saturday~~ KEEP THE OFFICER'S OFFICE OPEN FOR NOT LESS THAN FORTY HOURS
10 EACH WEEK OR NOT LESS THAN THIRTY-TWO HOURS EACH WEEK IF THE WEEK CONTAINS A
11 DAY THAT IS A LEGAL HOLIDAY. NOTWITHSTANDING SECTION 1-301, FOR THE PURPOSES
12 OF OPENING COUNTY OFFICES FOR THE TRANSACTION OF BUSINESS, THE BOARD OF
13 SUPERVISORS OF ANY COUNTY BY RESOLUTION MAY DESIGNATE THE FOURTH FRIDAY IN
14 NOVEMBER AS A LEGAL HOLIDAY IN PLACE OF THE SECOND MONDAY IN OCTOBER. IF THE
15 BOARD OF SUPERVISORS MAKES SUCH A DESIGNATION, EVERY COUNTY OFFICER, EXCEPT
16 THE SHERIFF, SHALL KEEP THE OFFICER'S OFFICE OPEN FOR NOT LESS THAN
17 TWENTY-FOUR HOURS FOR THAT NOVEMBER WEEK.

18 B. The criminal division of the sheriff's office shall be open at all
19 times.

20 ~~C. In counties of the third class, every county officer shall, except~~
21 ~~on legal holidays, keep his office open for the transaction of business from~~
22 ~~nine o'clock a.m. to twelve o'clock noon, and from one o'clock p.m. to five~~
23 ~~o'clock p.m. each day from Monday through Friday, and from nine o'clock a.m.~~
24 ~~to one o'clock p.m. on Saturday.~~

25 Sec. 11. Repeal

26 Section 11-413.01, Arizona Revised Statutes, is repealed.

27 Sec. 12. Section 11-1102, Arizona Revised Statutes, is amended to
28 read:

29 11-1102. County development fees; annual report

30 A. If a county has adopted a capital improvements plan, the county may
31 assess development fees within the covered planning area in order to offset
32 the capital costs for water, sewer, streets, parks and public safety

1 facilities determined by the plan to be necessary for public services
2 provided by the county to a development in the planning area.

3 B. Development fees assessed under this section are subject to the
4 following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 H. This section does not affect any development fee adopted before May
14 18, 2000.

15 Sec. 13. Repeal

16 Senate Bill 1035, section 14, forty-ninth legislature, first regular
17 session, as transmitted to the governor, is repealed.

18 Sec. 14. Section 41-764, Arizona Revised Statutes, is amended to read:

19 41-764. Contribution of pro rata share for personnel division
20 fund

21 A. State service agencies within the covered service shall contribute
22 a pro rata share of the overall cost of personnel administration services
23 provided by the department. The pro rata share shall be payable by payroll
24 fund source and the resultant amount shall be deposited, pursuant to sections
25 35-146 and 35-147, in a personnel division fund for appropriation by the
26 legislature for THE PERSONNEL BOARD AND the personnel division of the
27 department. ~~Beginning July 1, 2007,~~ The pro rata share shall be ~~1.07~~ 1.10
28 per cent of the total payroll of the agency. OF THE 1.10 PER CENT PRO RATA
29 SHARE, 0.03 PER CENT OF TOTAL PAYROLL SHALL BE DEPOSITED IN A SEPARATE
30 SUBACCOUNT OF THE PERSONNEL DIVISION FUND FOR USE BY THE PERSONNEL BOARD AND
31 SHALL BE SUBJECT TO LEGISLATIVE APPROPRIATION. Total payroll shall include
32 all fund sources, including the state general fund, federal monies, special

1 revenue funds, intergovernmental revenue monies, trust funds and other
2 payroll fund sources.

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

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

11 Sec. 15. [Repeal](#)

12 Senate Bill 1035, section 15, forty-ninth legislature, first regular
13 session, as transmitted to the governor, is repealed.

14 Sec. 16. [Repeal](#)

15 Senate Bill 1035, section 16, forty-ninth legislature, first regular
16 session, as transmitted to the governor, is repealed.

17 Sec. 17. [Repeal](#)

18 Senate Bill 1035, section 17, forty-ninth legislature, first regular
19 session, as transmitted to the governor, is repealed.

20 Sec. 18. [Repeal](#)

21 Senate Bill 1035, section 18, forty-ninth legislature, first regular
22 session, as transmitted to the governor, is repealed.

23 Sec. 19. [Repeal](#)

24 Senate Bill 1035, section 19, forty-ninth legislature, first regular
25 session, as transmitted to the governor, is repealed.

26 Sec. 20. [Repeal](#)

27 Senate Bill 1035, section 20, forty-ninth legislature, first regular
28 session, as transmitted to the governor, is repealed.

29 Sec. 21. [Repeal](#)

30 Senate Bill 1035, section 21, forty-ninth legislature, first regular
31 session, as transmitted to the governor, is repealed.

1 Sec. 22. Repeal

2 Senate Bill 1035, section 22, forty-ninth legislature, first regular
3 session, as transmitted to the governor, is repealed.

4 Sec. 23. Repeal

5 Senate Bill 1035, section 23, forty-ninth legislature, first regular
6 session, as transmitted to the governor, is repealed.

7 Sec. 24. Title 41, chapter 37, article 2, Arizona Revised Statutes, is
8 amended by adding section 41-3958, to read:

9 41-3958. Uniform development fee commission; duties; report

10 A. THE UNIFORM DEVELOPMENT FEE COMMISSION IS ESTABLISHED IN THE
11 ARIZONA DEPARTMENT OF HOUSING CONSISTING OF THE FOLLOWING ELEVEN MEMBERS WHO
12 SHALL SERVE AT THE PLEASURE OF THE APPOINTING OFFICE:

13 1. ONE MEMBER WHO REPRESENTS A CITY IN MARICOPA COUNTY WITH A
14 POPULATION OF MORE THAN TWO HUNDRED THOUSAND PERSONS AND WHO IS APPOINTED BY
15 THE GOVERNOR.

16 2. ONE MEMBER WHO REPRESENTS A CITY IN MARICOPA COUNTY WITH A
17 POPULATION OF LESS THAN TWO HUNDRED THOUSAND PERSONS AND WHO IS APPOINTED BY
18 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

19 3. ONE MEMBER WHO REPRESENTS A CITY IN PIMA COUNTY AND WHO IS
20 APPOINTED BY THE GOVERNOR.

21 4. ONE MEMBER WHO REPRESENTS A CITY IN A COUNTY WITH A POPULATION OF
22 LESS THAN EIGHT HUNDRED THOUSAND PERSONS AND WHO IS APPOINTED BY THE
23 PRESIDENT OF THE SENATE.

24 5. ONE MEMBER WHO REPRESENTS A STATEWIDE ORGANIZATION THAT REPRESENTS
25 THE INTERESTS OF CITIES AND TOWNS AND WHO IS APPOINTED BY THE GOVERNOR.

26 6. ONE MEMBER WHO REPRESENTS A LARGE HOMEBUILDER AND WHO IS APPOINTED
27 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

28 7. ONE MEMBER WHO REPRESENTS A SMALL HOMEBUILDER AND WHO IS APPOINTED
29 BY THE GOVERNOR.

30 8. ONE MEMBER WHO REPRESENTS A STATEWIDE ASSOCIATION THAT REPRESENTS
31 THE INTERESTS OF HOMEBUILDERS AND WHO IS APPOINTED BY THE PRESIDENT OF THE
32 SENATE.

1 9. ONE MEMBER WHO REPRESENTS A NATIONAL ASSOCIATION THAT REPRESENTS
2 THE INTERESTS OF OFFICE AND INDUSTRIAL PROPERTIES AND WHO IS APPOINTED
3 JOINTLY BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF
4 THE SENATE.

5 10. ONE MEMBER WHO REPRESENTS A STATEWIDE ASSOCIATION CONCERNING
6 MULTIHOUSING AND WHO IS APPOINTED BY THE GOVERNOR.

7 11. ONE MEMBER OF THE PUBLIC WHO IS NOT EMPLOYED BY A CITY, TOWN OR
8 HOMEBUILDER, WHO HAS EXPERIENCE IN THE ANALYSIS OF DEVELOPMENT FEES AND WHO
9 IS APPOINTED BY THE GOVERNOR.

10 B. THE UNIFORM DEVELOPMENT FEE COMMISSION SHALL SELECT FROM ITS
11 MEMBERSHIP A CHAIRPERSON FOR THE COMMISSION.

12 C. ON OR BEFORE DECEMBER 31, 2010, THE COMMISSION SHALL:

13 1. ADOPT A FRAMEWORK FOR DETERMINING THE AMOUNT AND USE OF DEVELOPMENT
14 FEES AND THE REFUND OF ANY UNUSED PORTION OF DEVELOPMENT FEES THAT HAVE BEEN
15 COLLECTED.

16 2. DEFINE WHAT A NECESSARY PUBLIC SERVICE IS FOR WHICH A DEVELOPMENT
17 FEE MAY BE USED.

18 3. DETERMINE THE APPROPRIATE LEVEL OF A NECESSARY PUBLIC SERVICE FOR
19 WHICH A DEVELOPMENT FEE MAY BE COLLECTED.

20 4. DETERMINE THE PROPORTIONALITY OF INFRASTRUCTURE SERVICE THAT SHOULD
21 BE PAID BY DEVELOPMENT FEES VERSUS THE EXISTING RESIDENTS OF A GEOGRAPHIC
22 AREA.

23 5. DEFINE THE COMPONENTS OF AN INFRASTRUCTURE IMPROVEMENT PLAN.

24 6. DETERMINE THE PROCESS BY WHICH A CITY OR TOWN MAY RESOLVE ANY
25 GRIEVANCES THE CITY OR TOWN MAY HAVE WITH THE FRAMEWORK ADOPTED BY THE
26 COMMISSION.

27 D. THE COMMISSION SHALL:

28 1. ANALYZE THE IMPACT OF DEVELOPMENT FEES ON AFFORDABLE HOUSING.

29 2. ANALYZE THE ASSESSMENT OF DEVELOPMENT FEES IN OTHER STATES.

30 E. THE COMMISSION MAY CONSIDER ANY OTHER ISSUE THE COMMISSION THINKS
31 IS PERTINENT TO THE WORK OF THE COMMISSION.

1 F. THE COMMISSION SHALL ISSUE A REPORT EVERY SIX MONTHS TO THE JOINT
2 LEGISLATIVE BUDGET COMMITTEE ON THE COMMISSION'S PROGRESS. ON OR BEFORE
3 JANUARY 15, 2011, THE COMMISSION SHALL SUBMIT TO THE GOVERNOR, THE SPEAKER OF
4 THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE ANY RECOMMENDED
5 STATUTORY CHANGES THAT ARE NECESSARY TO EFFECTUATE THE FRAMEWORK ADOPTED BY
6 THE COMMISSION.

7 G. MEMBERS OF THE COMMISSION ARE NOT ELIGIBLE TO RECEIVE COMPENSATION
8 FOR SERVICE ON THE COMMISSION BUT ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES
9 PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

10 H. THE ARIZONA DEPARTMENT OF HOUSING STAFF SHALL PROVIDE SUPPORT
11 SERVICES TO THE COMMISSION.

12 Sec. 25. Senate Bill 1035, section 29, forty-ninth legislature, first
13 regular session, as transmitted to the governor, is amended to read:

14 Sec. 29. Declaration of emergency; limitation

15 Notwithstanding section 35-192, Arizona Revised Statutes, or any other
16 law, the aggregate amount of all liabilities incurred during a declaration of
17 emergency shall not exceed ~~three~~ TWO million ~~five~~ NINE hundred thousand
18 dollars in fiscal year 2009-2010.

19 Sec. 26. Senate Bill 1035, section 31, forty-ninth legislature, first
20 regular session, as transmitted to the governor, is amended to read:

21 Sec. 31. Moratorium on rule making relating to increased
22 monetary or regulatory costs; exceptions;
23 definitions

24 A. Notwithstanding any other law, for fiscal year 2009-2010, an agency
25 shall not conduct any rule making, INCLUDING AN INFORMAL RULE MAKING PROCESS,
26 that would impose increased monetary or regulatory costs on other state
27 agencies, political subdivisions of this state, persons or individuals or
28 would not reduce the regulatory burden on the persons or individuals so
29 regulated.

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

1 1. An authorization or requirement enacted by the legislature after
2 January 1, 2009 OR AS AUTHORIZED BY THE GOVERNOR AFTER JANUARY 22, 2009.

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

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

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

14 5. TO IMPLEMENT OR COMPLY WITH THE FISCAL YEAR 2009-2010 STATE BUDGET
15 OR THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (P.L. 111-5).

16 6. A RULE OR OTHER ITEM THAT IS EXEMPT FROM TITLE 41, CHAPTER 6,
17 ARIZONA REVISED STATUTES, PURSUANT TO SECTION 41-1005, ARIZONA REVISED
18 STATUTES.

19 7. TO ELIMINATE OR REPLACE ARCHAIC OR ILLEGAL RULES.

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

31 C. AN AGENCY SHALL NOT CONDUCT ANY INFORMAL OR FORMAL RULE MAKING
32 PURSUANT TO THIS SECTION WITHOUT THE PRIOR WRITTEN APPROVAL OF THE OFFICE OF

1 THE GOVERNOR. THIS SUBSECTION DOES NOT APPLY TO ANY AGENCY THAT IS
2 INDEPENDENT OF THE OFFICE OF THE GOVERNOR, INCLUDING ANY AGENCY THAT IS
3 HEADED BY A SINGLE ELECTED OFFICIAL OR THE CORPORATION COMMISSION.

4 D. FOR THE PURPOSES OF THIS SECTION, "AGENCY", "PERSON", "RULE" AND
5 "RULE MAKING" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 41-1001, ARIZONA
6 REVISED STATUTES.

7 Sec. 27. Repeal

8 Senate Bill 1035, section 32, forty-ninth legislature, first regular
9 session, as transmitted to the governor, is repealed.

10 Sec. 28. Senate Bill 1035, section 33, forty-ninth legislature, first
11 regular session, as transmitted to the governor, is amended to read:

12 Sec. 33. Federal stimulus funding; reporting

13 A. All agencies receiving monies from the federal American recovery
14 and reinvestment act (P.L. 111-5) in either fiscal year 2008-2009 or
15 2009-2010 shall provide a report on the agency's use of the monies to the
16 joint legislative budget committee by October 1, 2009.

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

24 C. AN AGENCY MAY MEET THE REQUIREMENTS OF SUBSECTION A BY NOTIFYING
25 THE JOINT LEGISLATIVE BUDGET COMMITTEE THAT ITS REPORT HAS BEEN POSTED TO THE
26 GOVERNOR'S OFFICE OF ECONOMIC RECOVERY WEBSITE, IF THE INFORMATION PROVIDED
27 THROUGH THE WEBSITE MEETS ALL OF THE REQUIREMENTS OF SUBSECTION B.

28 Sec. 29. Repeal

29 Senate Bill 1035, section 38, forty-ninth legislature, first regular
30 session, as transmitted to the governor, is repealed.

1 Sec. 30. Senate Bill 1035, section 39, forty-ninth legislature, first
2 regular session, as transmitted to the governor, is amended to read:

3 Sec. 39. Secretary of state; purchase of telephone system

4 ~~A. Any person who is employed on the effective date of this act by the~~
5 ~~secretary of state in a position that is subject to title 41, chapter 4,~~
6 ~~articles 5 and 6, Arizona Revised Statutes, continues to be subject to title~~
7 ~~41, chapter 4, articles 5 and 6, Arizona Revised Statutes.~~

8 ~~B.~~ Subject to legislative appropriation, the secretary of state may
9 purchase a voice over internet protocol system for use by the department of
10 state to replace the department's existing telephone system.

11 Sec. 31. Repeal

12 Senate Bill 1035, section 40, forty-ninth legislature, first regular
13 session, as transmitted to the governor, is repealed.

14 Sec. 32. Repeal

15 Senate Bill 1035, section 41, forty-ninth legislature, first regular
16 session, as transmitted to the governor, is repealed.

17 Sec. 33. Repeal

18 Senate Bill 1035, section 42, forty-ninth legislature, first regular
19 session, as transmitted to the governor, is repealed.

20 Sec. 34. Senate Bill 1035, section 44, forty-ninth legislature, first
21 regular session, as transmitted to the governor, is amended to read:

22 Sec. 44. Retroactivity

23 ~~A. Sections 9-463.05 and 42-6006, Arizona Revised Statutes, as amended~~
24 ~~by this act, apply and~~ Section 9-805, Arizona Revised Statutes, as added by
25 ~~this act~~ SENATE BILL 1035, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS
26 TRANSMITTED TO THE GOVERNOR, is effective retroactively to from and after
27 June 30, 2009.

28 B. SECTION 9-805, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT,
29 APPLIES RETROACTIVELY TO FROM AND AFTER JUNE 30, 2009.

30 Sec. 35. Wireless equipment; reporting

31 A. On or before January 31, 2010, all state agencies, including
32 universities and community colleges, shall report on their use of wireless

1 telephones and any other mobile voice or data communications services in the
2 first half of the fiscal year, regardless of fund source, to the joint
3 committee on capital review.

4 B. The report shall include the number of devices in service, the
5 number of devices purchased and the associated service expenditures by fund
6 source and shall indicate what resources were used by employees in health and
7 safety positions.

8 Sec. 36. Construction contracting tax rate increase:
9 municipalities; moratorium

10 A. Notwithstanding any other law, beginning July 1, 2009 through June
11 30, 2011, a city or town shall not impose an increased tax rate that is
12 levied on construction contracting by submitting the issue to the qualified
13 electors of the city or town at an election or by action of the city or town
14 council.

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

17 Sec. 37. Transportation board funding obligations

18 A. Notwithstanding section 28-7678, Arizona Revised Statutes, in
19 fiscal year 2009-2010, if the transportation board is unable to sell board
20 funding obligations to the state treasurer pursuant to section 28-7678,
21 Arizona Revised Statutes, the transportation board may deliver nonnegotiable
22 board funding obligations that are in a principal amount that is not more
23 than \$200,000,000 and may sell those board funding obligations to a financial
24 institution.

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

28 C. Before selling the board funding obligations, the transportation
29 board shall submit the authorizing resolution to the joint committee on
30 capital review for review.

1 as reasonably possible after a notice of appeal is filed or a request for a
2 hearing is made.

3 Sec. 40. Department of liquor licenses and control;
4 appropriation

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

9 B. In addition to the monies appropriated in subsection A of this
10 section, the sum of \$700,000 shall be deposited in fiscal year 2009-2010 in
11 the liquor licenses fund established by section 4-120, Arizona Revised
12 Statutes, as added by this act, from the monies collected pursuant to section
13 4-115, Arizona Revised Statutes, as amended by this act.

14 Sec. 41. Department of commerce; operating expenses

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

20 Sec. 42. Department of insurance; operating expenses

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

26 Sec. 43. Development fees; moratorium; retroactivity

27 A. Notwithstanding any other law, beginning July 1, 2009 through June
28 30, 2011, a municipality shall not:

29 1. Impose any new development fees pursuant to section 9-463.05,
30 Arizona Revised Statutes, as amended by this act.

31 2. Increase any existing development fees authorized by section
32 9-463.05, Arizona Revised Statutes, as amended by this act.

1 B. This section is effective retroactively to from and after June 30,
2 2009.

3 Sec. 44. Delayed repeal

4 Section 41-3958, Arizona Revised Statutes, as added by this act, is
5 repealed from and after December 31, 2011.

6 Sec. 45. Applicability

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

10 Sec. 46. Effective date

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

13 Sec. 47. Retroactivity

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

16 Sec. 48. Conditional enactment

17 This act does not become effective unless Senate Bill 1035, forty-ninth
18 legislature, first regular session, relating to general government budget
19 reconciliation becomes law."

20 Amend title to conform

JOHN KAVANAGH

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