

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SENATE BILL 1473

AN ACT

AMENDING SECTION 1-501, ARIZONA REVISED STATUTES, AS AMENDED BY SENATE BILL 1035, SECTION 1, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SECTION 1-502, ARIZONA REVISED STATUTES, AS ADDED BY SENATE BILL 1035, SECTION 2, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SECTION 4-115, ARIZONA REVISED STATUTES; AMENDING TITLE 4, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 4-120; REPEALING SENATE BILL 1035, SECTION 3, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SECTION 9-463.05, ARIZONA REVISED STATUTES; REPEALING SENATE BILL 1035, SECTION 4, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SECTION 9-805, ARIZONA REVISED STATUTES, AS ADDED BY SENATE BILL 1035, SECTION 5, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SECTION 11-413, ARIZONA REVISED STATUTES; REPEALING SECTION 11-413.01, ARIZONA REVISED STATUTES; AMENDING SECTIONS 11-1102, 32-516, 32-702, 32-703, 32-730 AND 32-3233, ARIZONA REVISED STATUTES; REPEALING SENATE BILL 1035, SECTION 14, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SECTION 41-764, ARIZONA REVISED STATUTES; REPEALING SENATE BILL 1035, SECTIONS 15, 16, 17, 18, 19, 20, 21, 22 AND 23, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SENATE BILL 1035, SECTIONS 29 AND 31, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; REPEALING SENATE BILL 1035, SECTION 32, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SENATE BILL 1035, SECTION 33, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; REPEALING SENATE BILL 1035, SECTION 38, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE

GOVERNOR; AMENDING SENATE BILL 1035, SECTION 39, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; REPEALING SENATE BILL 1035, SECTIONS 40, 41 AND 42, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SENATE BILL 1035, SECTION 44, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; MAKING APPROPRIATIONS; RELATING TO GENERAL GOVERNMENT BUDGET RECONCILIATION; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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.

26 9. A United States certificate of citizenship.

27 10. A tribal certificate of Indian blood.

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

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

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

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

41 ~~C.~~ E. Failure to report discovered violations of federal immigration
42 law by an employee of an agency of this state or a political subdivision of
43 this state that administers any federal public benefit is a class 2
44 misdemeanor. If that employee's supervisor knew of the failure to report and

1 failed to direct the employee to make the report, the supervisor is guilty of
2 a class 2 misdemeanor.

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

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

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

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

16 1-502. Eligibility for state or local public benefits;
17 documentation; violation; classification; citizen
18 suits; definition

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

25 1. An Arizona driver license issued after 1996 or an Arizona
26 nonoperating identification license.

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

29 3. A United States certificate of birth abroad.

30 4. A United States passport.

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

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

33 7. A United States citizenship and immigration services employment
34 authorization document or refugee travel document.

35 8. A United States certificate of naturalization.

36 9. A United States certificate of citizenship.

37 10. A tribal certificate of Indian blood.

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

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

42 C. TO THE EXTENT PERMITTED BY FEDERAL LAW, AN AGENCY OF THIS STATE OR
43 POLITICAL SUBDIVISION OF THIS STATE MAY ALLOW TRIBAL MEMBERS, THE ELDERLY AND
44 PERSONS WITH DISABILITIES OR INCAPACITY OF THE MIND OR BODY TO PROVIDE
45 DOCUMENTATION AS SPECIFIED IN SECTION 6036 OF THE FEDERAL DEFICIT REDUCTION

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

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

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

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

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

20 ~~F.~~ H. For the purposes of this section, "state or local public
21 benefit" has the same meaning prescribed in 8 United States Code section
22 1621, except that it does not include commercial or professional licenses OR
23 BENEFITS PROVIDED BY THE PUBLIC RETIREMENT SYSTEMS AND PLANS OF THIS STATE.

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~~ 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.

32 B. Two-thirds of the license fees collected pursuant to this title in
33 each county shall be deposited, pursuant to sections 35-146 and 35-147, IN
34 THE LIQUOR LICENSES FUND ESTABLISHED BY SECTION 4-120, EXCEPT THAT MONIES IN
35 EXCESS OF THE ANNUAL LEGISLATIVE APPROPRIATION TO THE DEPARTMENT SHALL BE
36 DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, in the state general fund.
37 One-third of the license fees collected in each county with a population of
38 five hundred thousand persons or less as shown by the most recent United
39 States decennial census shall be paid monthly by the director to the county
40 treasurer of that county. For each county with a population of more than
41 five hundred thousand persons as shown by the most recent United States
42 decennial census, the director shall pay monthly to the county treasurer from
43 the remaining one-third of the license fees three thousand dollars for each
44 new license issued for premises in unincorporated areas of that county but
45 not more than one hundred fifty thousand dollars annually. The remainder of

1 the one-third of the license fees collected for premises in each county with
2 a population of more than five hundred thousand persons as shown by the most
3 recent United States decennial census shall be deposited in the state general
4 fund.

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

7 4-120. Liquor licenses fund; exemption

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

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

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

17 Sec. 5. Repeal

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

20 Sec. 6. Section 9-463.05, Arizona Revised Statutes, is amended to
21 read:

22 9-463.05. Development fees; imposition by cities and towns;
23 infrastructure improvements plan; annual report;
24 limitation on actions; definitions

25 A. A municipality may assess development fees to offset costs to the
26 municipality associated with providing necessary public services to a
27 development, including the costs of infrastructure, improvements, real
28 property, engineering and architectural services, financing, other capital
29 costs and associated appurtenances, equipment, vehicles, furnishings and
30 other personalty.

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

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

35 2. Monies received from development fees assessed pursuant to this
36 section shall be placed in a separate fund and accounted for separately and
37 may only be used for the purposes authorized by this section. Monies
38 received from a development fee identified in an infrastructure improvements
39 plan adopted or amended pursuant to subsection D of this section shall be
40 used to provide the same category of necessary public service for which the
41 development fee was assessed FOR THE BENEFIT OF THE SAME AREA, AS DEFINED IN
42 THE INFRASTRUCTURE IMPROVEMENTS PLAN, WITHIN WHICH THE DEVELOPMENT FEE WAS
43 ASSESSED. Interest earned on monies in the separate fund shall be credited
44 to the fund.

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

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

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

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

35 C. A municipality shall give at least sixty days' advance notice of
36 intention to assess a new or modified development fee and shall release to
37 the public a written report that identifies the methodology for calculating
38 the amount of the development fee, explains the relationship between the
39 development fee and the infrastructure improvements plan, includes
40 documentation that supports the assessment of a new or modified development
41 fee and identifies any index or indices to be used for automatic adjustment
42 of the development fee pursuant to subsection ~~F~~ **G** of this section and the
43 timing of those adjustments. The municipality shall conduct a public hearing
44 on the proposed new or modified development fee at any time after the
45 expiration of the sixty day notice of intention to assess a new or modified

1 development fee and at least thirty days prior to the scheduled date of
2 adoption of the new or modified fee by the governing body. A development fee
3 assessed pursuant to this section shall not be effective until seventy-five
4 days after its formal adoption by the governing body of the municipality.
5 Nothing in this subsection shall affect any development fee adopted prior to
6 July 24, 1982.

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

15 1. An infrastructure improvements plan may be adopted concurrently
16 with the report required by subsection C of this section, and the
17 municipality may provide for and schedule the notices and hearings required
18 by this subsection together with the notices and hearings required by
19 subsection C of this section.

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

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

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

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

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

40 F. **EXCEPT FOR ADJUSTMENTS PURSUANT TO SUBSECTION G OF THIS SECTION, A**
41 **MUNICIPALITY'S DEVELOPMENT FEE ORDINANCE SHALL PROVIDE THAT A NEW DEVELOPMENT**
42 **FEE OR AN INCREASED PORTION OF A MODIFIED DEVELOPMENT FEE SHALL NOT BE**
43 **ASSESSED AGAINST A DEVELOPMENT FOR TWENTY-FOUR MONTHS AFTER THE DATE OF THE**
44 **MUNICIPALITY'S FINAL APPROVAL OF THE DEVELOPMENT, PROVIDED THAT NO MATERIAL**
45 **CHANGES ARE MADE TO THE SITE PLAN OR SUBDIVISION PLAT THAT WAS THE SUBJECT OF**

1 THE FINAL APPROVAL. THE TWENTY-FOUR MONTH PERIOD SHALL NOT BE EXTENDED BY A
2 RENEWAL OR AMENDMENT OF THE SITE PLAN OR THE FINAL SUBDIVISION PLAT THAT WAS
3 THE SUBJECT OF THE FINAL APPROVAL. THE MUNICIPALITY SHALL ISSUE, ON REQUEST,
4 A WRITTEN STATEMENT OF THE DEVELOPMENT FEE SCHEDULE APPLICABLE TO THE
5 DEVELOPMENT.

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

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

16 1. The amount assessed by the municipality for each type of
17 development fee.

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

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

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

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

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

28 5. The amount of development fee monies spent on each capital
29 improvement project that is the subject of a development fee assessment and
30 the physical location of each capital improvement project.

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

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

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

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

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

43 1. "FINAL APPROVAL" MEANS:

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

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

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

11 Sec. 7. Repeal

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

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

17 9-805. Building code moratorium on residential and commercial
18 buildings

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

26 Sec. 9. Section 11-413, Arizona Revised Statutes, is amended to read:

27 11-413. County offices: business periods

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

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

43 ~~C. In counties of the third class, every county officer shall, except~~
44 ~~on legal holidays, keep his office open for the transaction of business from~~
45 ~~nine o'clock a.m. to twelve o'clock noon, and from one o'clock p.m. to five~~

~~o'clock p.m. each day from Monday through Friday, and from nine o'clock a.m. to one o'clock p.m. on Saturday.~~

Sec. 10. Repeal

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

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

11-1102. County development fees; annual report

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

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

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

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

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

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

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

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

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

1 C. Before assessing or increasing a development fee, the county shall:
2 1. Give at least one hundred twenty days' advance notice of intention
3 to assess a new or increased development fee.
4 2. Release to the public a written report including all documentation
5 that supports the assessment of a new or increased development fee.
6 3. Conduct a public hearing on the proposed new or increased
7 development fee at any time after the expiration of the one hundred twenty
8 day notice of intention to assess a new or increased development fee and at
9 least fourteen days before the scheduled date of adoption of the new or
10 increased fee.
11 D. A development fee assessed pursuant to this section is not
12 effective for at least ninety days after its formal adoption by the board of
13 supervisors.
14 E. Each county that assesses development fees shall submit an annual
15 report accounting for the collection and use of the fees. The annual report
16 shall include the following:
17 1. The amount assessed by the county for each type of development fee.
18 2. The balance of each fund maintained for each type of development
19 fee assessed as of the beginning and end of the fiscal year.
20 3. The amount of interest or other earnings on the monies in each fund
21 as of the end of the fiscal year.
22 4. The amount of development fee monies used to repay:
23 (a) Bonds issued by the county to pay the cost of a capital
24 improvement project that is the subject of a development fee assessment.
25 (b) Monies advanced by the county from funds other than the funds
26 established for development fees in order to pay the cost of a capital
27 improvement project that is the subject of a development fee assessment.
28 5. The amount of development fee monies spent on each capital
29 improvement project that is the subject of a development fee assessment and
30 the physical location of each capital improvement project.
31 6. The amount of development fee monies spent for each purpose other
32 than a capital improvement project that is the subject of a development fee
33 assessment.
34 F. Within ninety days following the end of each fiscal year, each
35 county shall submit a copy of the annual report to the clerk of the board of
36 supervisors. Copies shall be made available to the public on request. The
37 annual report may contain financial information that has not been audited.
38 G. A county that fails to file the report required by this section
39 shall not collect development fees until the report is filed.
40 H. This section does not affect any development fee adopted before May
41 18, 2000.

1 Sec. 12. Section 32-516, Arizona Revised Statutes, is amended to read:

2 32-516. Aestheticians; cosmetic laser and IPL device use;
3 certification; fees; definitions

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

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

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

8 3. Successfully complete forty hours of didactic training as required
9 by agency rules at an agency certified training program. The program shall
10 provide a provisional certificate to the applicant verifying the successful
11 completion of the didactic training.

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

20 5. For other cosmetic laser and IPL device procedures, complete a
21 minimum of an additional twenty-four hours of hands-on training of at least
22 ten cosmetic procedures for each type of specific procedure that is
23 supervised by a health professional who is acting within the health
24 professional's scope of practice or by a laser technician who has a minimum
25 of one hundred hours of hands-on experience per procedure. The health
26 professional or laser technician must be present in the room during
27 twenty-four hours of ~~actual~~ hands-on use of lasers or IPL devices. The
28 supervising health professional or laser technician shall verify that the
29 aesthetician has completed the training and supervision as prescribed by this
30 section.

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

34 B. The agency shall issue a laser technician certificate authorizing
35 the aesthetician to use lasers and IPL devices if the applicant has completed
36 the training for hair removal or lasers and IPL devices for other cosmetic
37 procedures, as applicable, and shall maintain a current register of those
38 laser technicians in good standing and whether certification is for hair
39 removal only or other cosmetic procedures as well. The agency may establish
40 a fee for the registration of aestheticians as laser technicians and the
41 issuance of certificates pursuant to this subsection. The agency shall
42 deposit monies collected pursuant to this subsection in the laser safety fund
43 established by section 32-3234.

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

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

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

7 D. The board shall investigate any complaint from the public or from
8 another board or agency regarding a licensed aesthetician who performs
9 cosmetic laser procedures or procedures using IPL devices pursuant to this
10 section. The board shall report to the agency any complaint it receives
11 about the training or performance of an aesthetician who is certified as a
12 laser technician.

13 E. An aesthetician who has been using laser and IPL devices before the
14 effective date of this ~~AMENDMENT TO THIS~~ section may continue to do so if the
15 aesthetician applies for and receives a certificate pursuant to this section
16 ~~within one year after the effective date of this section~~ BEFORE OCTOBER 1,
17 2010.

18 F. For the purposes of this section:

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

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

25 3. "Health professional" means a person licensed pursuant to chapter
26 13, 14, 15, 17 or 25 of this title.

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

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

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

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

40 Sec. 13. Section 32-702, Arizona Revised Statutes, is amended to read:

41 32-702. Arizona state board of accountancy; membership;
42 administrative duties; compensation

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

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

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

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

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

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

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

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

26 1. All documents under oath that are filed with the board.

27 2. Records of its proceedings.

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

34 Sec. 14. Section 32-703, Arizona Revised Statutes, is amended to read:

35 32-703. Powers and duties; rules; executive director; advisory
36 committees and individuals

37 A. The primary duty of the board is to protect the public from
38 unlawful, incompetent, unqualified or unprofessional certified public
39 accountants or public accountants through certification, regulation and
40 rehabilitation.

41 B. The board may:

42 1. Investigate complaints filed with the board or on its own motion to
43 determine whether a certified public accountant or public accountant has
44 engaged in conduct in violation of this chapter or rules adopted pursuant to
45 this chapter.

1 2. Establish and maintain high standards of competence, independence
2 and integrity in the practice of accounting by a certified public accountant
3 or by a public accountant as required by generally accepted auditing
4 standards and generally accepted accounting principles and, in the case of
5 publicly held corporations or enterprises offering securities for sale, in
6 accordance with state or federal securities agency accounting requirements.

7 3. Establish reporting requirements that require registrants to
8 report:

9 (a) The imposition of any discipline on the right to practice before
10 the federal securities and exchange commission, the internal revenue service,
11 any state board of accountancy, other government agencies or the public
12 company accounting oversight board.

13 (b) Any criminal conviction, any civil judgment involving negligence
14 in the practice of accounting by a certified public accountant or by a public
15 accountant and any judgment or order as described in section 32-741,
16 subsection A, paragraphs 7 and 8.

17 4. Establish basic requirements for continuing professional education
18 of certified public accountants and public accountants, except that the
19 requirements shall not exceed eighty classroom hours in any registration
20 renewal period.

21 5. Adopt procedures concerning disciplinary actions, administrative
22 hearings and consent decisions.

23 6. Issue to qualified applicants certificates executed for and on
24 behalf of the board by the signatures of the president and secretary of the
25 board.

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

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

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

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

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

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

42 13. Adopt and amend rules concerning the definition of terms, the
43 orderly conduct of the board's affairs and the effective administration of
44 this chapter.

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

2 1. Issue subpoenas to compel the attendance of witnesses or the
3 production of documents. If a subpoena is disobeyed, the board may invoke
4 the aid of any court in requiring the attendance and testimony of witnesses
5 and the production of documents.

6 2. Administer oaths and take testimony.

7 3. Cooperate with the appropriate authorities in other jurisdictions
8 in investigation and enforcement concerning violations of this chapter and
9 comparable statutes of other jurisdictions.

10 4. Receive evidence concerning all matters within the scope of this
11 chapter.

12 Sec. 15. Section 32-730, Arizona Revised Statutes, is amended to read:

13 32-730. Biennial registration; continuing education; inactive
14 certificates; cancellation

15 A. Except as provided in subsection C of this section and in section
16 32-4301, the board shall biennially require every certified public
17 accountant, public accountant and firm to register with the board and pay a
18 registration fee of not less than one hundred nor more than three hundred
19 dollars during the month of the anniversary of the registrant's birth in the
20 case of an individual or, in the case of a registered firm, during the month
21 of the anniversary of the effective date of the firm's formation. In the
22 administration of this section, registrants for less than two years shall be
23 charged on a pro rata basis for the remainder of the registration period.

24 B. A certified public accountant or public accountant who is not
25 actively engaged in the practice of accounting may request that the
26 individual's certificate be placed on inactive status by meeting the
27 requirements for inactive status and completing the forms prescribed by the
28 board. A certified public accountant or public accountant whose certificate
29 has been suspended by the board or against whom disciplinary proceedings have
30 been initiated may not place or maintain his certificate on inactive status.
31 A certified public accountant or public accountant who elects to place a
32 certificate on inactive status:

33 1. Shall continue to biennially register with the board and pay the
34 required fees.

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

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

40 C. The registration fee for certified public accountants and public
41 accountants may be reduced or waived by the board for registrants who are at
42 least sixty-five years of age or who have become disabled to a degree
43 precluding the continuance of their practice for six months or more prior to
44 the due date of any renewal fee.

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

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

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

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

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

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

27 G. A certificate that has been inactive for more than six years
28 expires.

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

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

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

37 3. Takes and passes the examination required of applicants for initial
38 certification.

39 I. A certified public accountant or public accountant who is not
40 actively engaged in the practice of accounting **OR WHO QUALIFIES FOR LIMITED**
41 **RECIPROCITY PRIVILEGE PURSUANT TO SECTION 32-725** and who does not want to
42 renew or place the certificate on inactive status may request that the
43 certificate be canceled by submitting a written request on a form approved by
44 the board. This subsection does not apply if a complaint has been filed with

1 the board or disciplinary proceedings are pending against the certified
2 public accountant or public accountant.

3 J. Each firm established or maintained in this state for the purpose
4 of a certified public accountant or a public accountant to practice
5 accounting in this state shall register biennially under this chapter with
6 the board. The board shall not charge a fee for registration of additional
7 offices of the same firm or sole practitioner. The board shall prescribe by
8 rule the required registration procedures for this subsection.

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

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

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

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

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

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

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

37 1. The health professional is licensed pursuant to chapter 13, 14, 15,
38 17 or 25 of this title and the supervision is within the health
39 professional's scope of practice.

40 2. The supervision does not conflict with the requirements of this
41 article.

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

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

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

5 2. For hair removal, complete hands-on training that is supervised by
6 a health professional who is acting within the health professional's scope of
7 practice or by a laser technician who has a minimum of one hundred hours of
8 hands-on experience per procedure. The health professional or laser
9 technician must be present in the room during twenty-four hours of ~~actual~~
10 hands-on use of lasers or IPL devices. The supervising health professional
11 or supervising laser technician shall verify that the laser technician has
12 completed the training and supervision as prescribed by this section.

13 3. For other cosmetic laser and IPL device procedures, complete a
14 minimum of an additional twenty-four hours of hands-on training of at least
15 ten cosmetic procedures for each type of procedure that is supervised by a
16 health professional who is acting within the health professional's scope of
17 practice or by a laser technician who has a minimum of one hundred hours of
18 hands-on experience per procedure. The health professional or laser
19 technician must be present in the room during twenty-four hours of ~~actual~~
20 hands-on use of lasers or IPL devices. The supervising health professional
21 or supervising laser technician shall verify that the laser technician has
22 completed the training and supervision as prescribed by this section.

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

26 F. The agency shall issue a laser technician certificate authorizing
27 the use of lasers and IPL devices only for hair removal if the applicant
28 meets the applicable requirements of subsection E, or for hair removal and
29 other cosmetic procedures if the applicant meets the applicable requirements
30 of subsection E. The agency shall maintain a current register of those laser
31 technicians in good standing and whether certification is only for hair
32 removal or for hair removal and other cosmetic procedures. The agency may
33 establish a fee for the registration of laser technicians and the issuance of
34 certificates pursuant to this subsection. ~~THE AGENCY SHALL DEPOSIT MONIES~~
35 ~~COLLECTED PURSUANT TO THIS SUBSECTION IN THE LASER SAFETY FUND ESTABLISHED BY~~
36 ~~SECTION 32-3234.~~

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

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

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

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

I. The supervising health professional, the employer of a laser technician and the registrant who owns or operates the laser or IPL device are subject to disciplinary action by the appropriate regulatory board for any errors made by a laser technician or for the use of a laser or IPL device not allowed by this article. A person who employs a person who operates a laser or IPL device must report any misuse of a laser or IPL device to the operator's regulatory board and to the agency.

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

Sec. 17. Repeal

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

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

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

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

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

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

1 Sec. 19. Repeal
2 Senate Bill 1035, section 15, forty-ninth legislature, first regular
3 session, as transmitted to the governor, is repealed.
4 Sec. 20. Repeal
5 Senate Bill 1035, section 16, forty-ninth legislature, first regular
6 session, as transmitted to the governor, is repealed.
7 Sec. 21. Repeal
8 Senate Bill 1035, section 17, forty-ninth legislature, first regular
9 session, as transmitted to the governor, is repealed.
10 Sec. 22. Repeal
11 Senate Bill 1035, section 18, forty-ninth legislature, first regular
12 session, as transmitted to the governor, is repealed.
13 Sec. 23. Repeal
14 Senate Bill 1035, section 19, forty-ninth legislature, first regular
15 session, as transmitted to the governor, is repealed.
16 Sec. 24. Repeal
17 Senate Bill 1035, section 20, forty-ninth legislature, first regular
18 session, as transmitted to the governor, is repealed.
19 Sec. 25. Repeal
20 Senate Bill 1035, section 21, forty-ninth legislature, first regular
21 session, as transmitted to the governor, is repealed.
22 Sec. 26. Repeal
23 Senate Bill 1035, section 22, forty-ninth legislature, first regular
24 session, as transmitted to the governor, is repealed.
25 Sec. 27. Repeal
26 Senate Bill 1035, section 23, forty-ninth legislature, first regular
27 session, as transmitted to the governor, is repealed.
28 Sec. 28. Senate Bill 1035, section 29, forty-ninth legislature, first
29 regular session, as transmitted to the governor, is amended to read:
30 Sec. 29. Declaration of emergency; limitation
31 Notwithstanding section 35-192, Arizona Revised Statutes, or any other
32 law, the aggregate amount of all liabilities incurred during a declaration of
33 emergency shall not exceed ~~three~~ TWO million ~~five~~ NINE hundred thousand
34 dollars in fiscal year 2009-2010.
35 Sec. 29. Senate Bill 1035, section 31, forty-ninth legislature, first
36 regular session, as transmitted to the governor, is amended to read:
37 Sec. 31. Moratorium on rule making relating to increased
38 monetary or regulatory costs; exceptions;
39 definitions
40 A. Notwithstanding any other law, for fiscal year 2009-2010, an agency
41 shall not conduct any rule making, INCLUDING AN INFORMAL RULE MAKING PROCESS,
42 that would impose increased monetary or regulatory costs on other state
43 agencies, political subdivisions of this state, persons or individuals or
44 would not reduce the regulatory burden on the persons or individuals so
45 regulated.

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

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

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

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

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

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

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

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

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

33 C. AN AGENCY SHALL NOT CONDUCT ANY INFORMAL OR FORMAL RULE MAKING
34 PURSUANT TO THIS SECTION WITHOUT THE PRIOR WRITTEN APPROVAL OF THE OFFICE OF
35 THE GOVERNOR. THIS SUBSECTION DOES NOT APPLY TO ANY AGENCY THAT IS
36 INDEPENDENT OF THE OFFICE OF THE GOVERNOR, INCLUDING ANY AGENCY THAT IS
37 HEADED BY A SINGLE ELECTED OFFICIAL OR THE CORPORATION COMMISSION.

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

41 Sec. 30. Repeal

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

44 Sec. 31. Senate Bill 1035, section 33, forty-ninth legislature, first
45 regular session, as transmitted to the governor, is amended to read:

1 Sec. 33. Federal stimulus funding: reporting

2 A. All agencies receiving monies from the federal American recovery
3 and reinvestment act (P.L. 111-5) in either fiscal year 2008-2009 or
4 2009-2010 shall provide a report on the agency's use of the monies to the
5 joint legislative budget committee by October 1, 2009.

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

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

17 Sec. 32. Repeal

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

20 Sec. 33. Senate Bill 1035, section 39, forty-ninth legislature, first
21 regular session, as transmitted to the governor, is amended to read:

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

23 ~~A. Any person who is employed on the effective date of this act by the~~
24 ~~secretary of state in a position that is subject to title 41, chapter 4,~~
25 ~~articles 5 and 6, Arizona Revised Statutes, continues to be subject to title~~
26 ~~41, chapter 4, articles 5 and 6, Arizona Revised Statutes.~~

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

30 Sec. 34. Repeal

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

33 Sec. 35. Repeal

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

36 Sec. 36. Repeal

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

39 Sec. 37. Senate Bill 1035, section 44, forty-ninth legislature, first
40 regular session, as transmitted to the governor, is amended to read:

41 Sec. 38. Retroactivity

42 ~~A. Sections 9-463.05 and 42-6006, Arizona Revised Statutes, as amended~~
43 ~~by this act, apply and~~ Section 9-805, Arizona Revised Statutes, as added by
44 ~~this act~~ SENATE BILL 1035, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS

1 TRANSMITTED TO THE GOVERNOR, is effective retroactively to from and after
2 June 30, 2009.

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

5 Sec. 39. Wireless equipment; reporting

6 A. On or before January 31, 2010, all state agencies, including
7 universities and community colleges, shall report on their use of wireless
8 telephones and any other mobile voice or data communications services in the
9 first half of the fiscal year, regardless of fund source, to the joint
10 committee on capital review.

11 B. The report shall include the number of devices in service, the
12 number of devices purchased and the associated service expenditures by fund
13 source and shall indicate what resources were used by employees in health and
14 safety positions.

15 Sec. 40. Construction contracting tax rate increase;
16 municipalities; moratorium

17 A. Notwithstanding any other law, beginning June 30, 2009 through June
18 30, 2011, a city or town shall not impose an increased tax rate that is
19 levied on construction contracting by submitting the issue to the qualified
20 electors of the city or town at an election or by action of the city or town
21 council.

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

24 Sec. 41. Transportation board funding obligations

25 A. Notwithstanding section 28-7678, Arizona Revised Statutes, in
26 fiscal year 2009-2010, if the transportation board is unable to sell board
27 funding obligations to the state treasurer pursuant to section 28-7678,
28 Arizona Revised Statutes, the transportation board may deliver nonnegotiable
29 board funding obligations that are in a principal amount that is not more
30 than \$200,000,000 and may sell those board funding obligations to a financial
31 institution.

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

35 C. Before selling the board funding obligations, the transportation
36 board shall submit the authorizing resolution to the joint committee on
37 capital review for review.

38 Sec. 42. Performance management software; department of
39 administration contract; report; delayed repeal

40 A. The department of administration shall allow vendors to demonstrate
41 the availability of savings to this state through the use of software that is
42 capable of performance management, including data fusion, fraud reduction,
43 budgeting, planning, business intelligence, reporting and analysis, that has
44 the ability to generate and use dashboards, that can interact with metrics
45 and key performance indicators and that is capable of being implemented in

1 every state agency. The department of administration shall enter into a
2 contract with a software vender or venders for the purchase of the software
3 only if the vender or venders agree to receive payment for the software
4 through savings realized by this state through the use of the software. The
5 criteria for selection of the contract shall also consider end-user ease of
6 use and ease of administration and shall meet any related standards of the
7 government information technology agency.

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

13 C. The department of administration shall annually quantify the
14 savings realized from each state agency using the software. The department
15 of administration shall submit a report of the savings by agency and program
16 to the joint legislative budget committee and the joint legislative audit
17 committee on or before July 1 each year. A copy of the report shall be
18 provided to the secretary of state and the director of the Arizona state
19 library, archives and public records.

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

21 Sec. 43. Office of administrative hearings; prompt hearings

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

27 Sec. 44. Department of liquor licenses and control:
28 appropriation

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

33 B. In addition to the monies appropriated in subsection A of this
34 section, the sum of \$700,000 shall be deposited in fiscal year 2009-2010 in
35 the liquor licenses fund established by section 4-120, Arizona Revised
36 Statutes, as added by this act, from the monies collected pursuant to section
37 4-115, Arizona Revised Statutes, as amended by this act.

38 Sec. 45. Department of commerce; operating expenses

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

1 Sec. 46. Department of insurance: operating expenses

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

7 Sec. 47. Development fees; moratorium; retroactivity

8 A. Notwithstanding any other law, beginning June 30, 2009 through June
9 30, 2011, a municipality shall not:

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

12 2. Increase any existing development fees authorized by section
13 9-463.05, Arizona Revised Statutes, as amended by this act.

14 B. This section is effective retroactively to from and after June 29,
15 2009.

16 Sec. 48. Statewide transportation acceleration needs;
17 restoration subaccount

18 The director of the department of transportation may transfer
19 \$10,000,000 from any of the subaccounts of the statewide transportation
20 acceleration needs account established by section 28-7009, Arizona Revised
21 Statutes, to a subaccount established by the director to restore funding to a
22 project that was previously approved by the state transportation board
23 pursuant to section 28-7009, Arizona Revised Statutes, and that was in an
24 amount less than \$21,000,000.

25 Sec. 49. Applicability

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

29 Sec. 50. Effective date

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

32 Sec. 51. Retroactivity

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

35 Sec. 52. Conditional enactment

36 This act does not become effective unless Senate Bill 1035, forty-ninth
37 legislature, first regular session, relating to general government budget
38 reconciliation becomes law.