

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HOUSE BILL 2827

AN ACT

AMENDING SECTIONS 11-142, 11-241, 11-251 AND 11-251.05, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 11-251.16 AND 11-251.17; AMENDING SECTIONS 11-269.10, 11-403, 11-583, 11-802, 11-807, 11-833, 11-863, 11-1602, 11-1605, 11-1607 AND 11-1608, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 11-1611 AND 11-1612; AMENDING SECTION 48-3603, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 21, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 48-3609.02 AND 48-3609.03; AMENDING SECTIONS 48-3642, 48-3648 AND 48-3649, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 21, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 48-3651 AND 48-3652; RELATING TO ADMINISTRATIVE PROCEDURES FOR COUNTIES AND FLOOD CONTROL DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-142, Arizona Revised Statutes, is amended to
3 read:

4 11-142. Organization of new county; powers and duties of county
5 officers pending organization

6 A. A new county approved pursuant to this article is officially
7 organized and exists and the affected county or counties are officially
8 terminated from and after December 31 following the election of county
9 officers pursuant to section 11-140. The affected county or counties shall
10 continue to provide necessary services through December 31.

11 B. After the canvass of the election of county officers the initial
12 board of supervisors and other officers of each new county shall begin the
13 organization of their respective counties. Any action taken before January 1
14 is merely preparatory in nature but shall be confirmed on the official
15 organization of the county. For these purposes, and according to the
16 determination of the commission, the county officers may arrange for:

- 17 1. Employing and terminating personnel.
- 18 2. Purchasing or otherwise acquiring and disposing of property.

19 C. Before January 1 the boards of supervisors of the new counties may
20 enter into contracts, including intergovernmental agreements pursuant to
21 chapter 7, article 3 of this title, to become effective January 1.

22 D. The budgets of the new counties for the period before the first
23 full fiscal year after the establishment of the new county governments shall
24 be set by the distribution board, derived from the budget of the affected
25 county or counties and apportioned among the new counties according to their
26 respective populations.

27 E. The governor shall appoint a clerk of the superior court in each
28 new county to hold office until the time provided by general law for the next
29 election and qualification of an elected clerk of the court. Legal actions
30 pending at the time of organizing new counties shall be transferred or
31 otherwise disposed of pursuant to sections 12-402 and 12-403.

32 F. All ordinances, codes and rules of the affected county continue in
33 effect, apply to and shall be enforced by the new county until revoked or
34 superseded by ordinances, ~~OR~~ codes ~~or rules~~ adopted by the new county.

35 Sec. 2. Section 11-241, Arizona Revised Statutes, is amended to read:
36 11-241. Appointment; duties

37 The board of supervisors shall appoint a clerk of the board, who shall:

- 38 1. Record all proceedings of the board.
- 39 2. Make full entries of the board's resolutions and decisions on all
40 questions concerning the raising of money for and allowance of accounts
41 against the county.
- 42 3. Record the vote of each member on every question upon which there
43 is a division or at the request of any member present.

- 1 4. Sign all orders made and warrants issued by order of the board for
2 the payment of money.
- 3 5. Record the reports of the county treasurer of the receipts and
4 disbursements of the county.
- 5 6. Preserve and file all accounts acted upon by the board.
- 6 7. Preserve and file all petitions and record the actions of the board
7 thereon.
- 8 8. Record all orders levying taxes.
- 9 9. Perform all other duties required by law ~~or rule~~ or order of the
10 board.
- 11 Sec. 3. Section 11-251, Arizona Revised Statutes, is amended to read:
12 11-251. Powers of board
- 13 The board of supervisors, under such limitations and restrictions as
14 are prescribed by law, may:
 - 15 1. Supervise the official conduct of all county officers and officers
16 of all districts and other subdivisions of the county charged with assessing,
17 collecting, safekeeping, managing or disbursing the public revenues, see that
18 such officers faithfully perform their duties and direct prosecutions for
19 delinquencies, and, when necessary, require the officers to renew their
20 official bonds, make reports and present their books and accounts for
21 inspection.
 - 22 2. Divide the counties into such districts or precincts as required by
23 law, change them and create others as convenience requires.
 - 24 3. Establish, abolish and change election precincts, appoint
25 inspectors and judges of elections, canvass election returns, declare the
26 result and issue certificates thereof.
 - 27 4. Lay out, maintain, control and manage public roads, ferries and
28 bridges within the county and levy such tax for that purpose as may be
29 authorized by law.
 - 30 5. Provide for the care and maintenance of the sick of the county,
31 erect and maintain hospitals for that purpose and, in its discretion, provide
32 a farm in connection with the county hospital and adopt ordinances for
33 working the farm.
 - 34 6. Provide suitable rooms for county purposes.
 - 35 7. Purchase, receive by donation or lease real or personal property
36 necessary for the use of the county prison and take care of, manage and
37 control the property, but no purchase of real property shall be made unless
38 the value has been previously estimated by three disinterested citizens of
39 the county, appointed by the board for that purpose, and no more than the
40 appraised value shall be paid for the property.
 - 41 8. Cause to be erected and furnished a courthouse, jail and hospital
42 and such other buildings as necessary, and construct and establish a branch
43 jail, when necessary, at a point distant from the county seat.

1 9. Sell at public auction, after thirty days' previous notice given by
2 publication in a newspaper of the county, stating the time and place of the
3 auction, and convey to the highest bidder, for cash or contract of purchase
4 extending not more than ten years from the date of sale and on such terms and
5 for such consideration as the board shall prescribe, any property belonging
6 to the county that the board deems advantageous for the county to sell, or
7 that the board deems unnecessary for use by the county, and shall pay the
8 proceeds thereof into the county treasury for use of the county, except that
9 personal property need not be sold but may be used as a trade-in on the
10 purchase of personal property when the board deems this disposition of the
11 personal property to be in the best interests of the county. When the
12 property for sale is real property, the board shall have such property
13 appraised by a qualified independent fee appraiser who has an office located
14 in this state. The appraiser shall establish a minimum price, which shall
15 not be less than ninety per cent of the appraised value. The notice
16 regarding the sale of real property shall be published in the county where
17 the property is situated and may be published in one or more other counties,
18 and shall contain, among other things, the appraised value, the minimum
19 acceptable sale price, and the common and legal description of the real
20 property. Notwithstanding the requirement for a sale at public auction
21 prescribed in this paragraph, a county, with unanimous consent of the board
22 and without a public auction, may sell or lease any county property to any
23 other duly constituted governmental entity, including the state, cities,
24 towns and other counties. A county, with unanimous consent of the board and
25 without public auction, may grant an easement on county property for public
26 purposes to a utility as defined in section 40-491. A county, with unanimous
27 consent of the board and without public auction, may sell or lease any county
28 property for a specific use to any solely charitable, social or benevolent
29 nonprofit organization incorporated or operating in this state. A county may
30 dispose of surplus equipment and materials that have little or no value or
31 that are unactionable in any manner authorized by the board.

32 10. Examine and exhibit the accounts and performance of all officers
33 having the care, management, collection or disbursement of monies belonging
34 to the county or appropriated by law or otherwise for the use and benefit of
35 the county. The working papers and other audit files in an examination and
36 audit of the accounts and performance of a county officer are not public
37 records and are exempt from title 39, chapter 1. The information contained
38 in the working papers and audit files prepared pursuant to a specific
39 examination or audit is not subject to disclosure, except to the county
40 attorney and the attorney general in connection with an investigation or
41 action taken in the course of their official duties.

42 11. Examine, settle and allow all accounts legally chargeable against
43 the county, order warrants to be drawn on the county treasurer for that
44 purpose and provide for issuing the warrants.

- 1 12. Levy such tax annually on the taxable property of the county as may
2 be necessary to defray the general current expenses thereof, including
3 salaries otherwise unprovided for, and levy such other taxes as are required
4 to be levied by law.
- 5 13. Equalize assessments.
- 6 14. Direct and control the prosecution and defense of all actions to
7 which the county is a party, and compromise them.
- 8 15. Insure the county buildings in the name of and for the benefit of
9 the county.
- 10 16. Fill by appointment all vacancies occurring in county or precinct
11 offices.
- 12 17. Adopt provisions necessary to preserve the health of the county,
13 and provide for the expenses thereof.
- 14 18. With the approval of the department of health services, contract
15 with any qualified person to provide all or part of the health services,
16 funded through the department of health services with federal or state
17 monies, that the board in its discretion extends to residents of the county.
- 18 19. Contract for county printing and advertising, and provide books and
19 stationery for county officers.
- 20 20. Provide for rebinding county records, or, if necessary, the
21 transcribing of county records.
- 22 21. ~~Make~~ ADOPT and enforce necessary ~~rules~~ ORDINANCES and regulations
23 for the government of its body, the preservation of order and the transaction
24 of business.
- 25 22. Adopt a seal for the board, a description and impression of which
26 shall be filed by the clerk in the office of the county recorder and the
27 secretary of state.
- 28 23. Establish, maintain and conduct or aid in establishing, maintaining
29 and conducting public aviation fields, purchase, receive by donation or lease
30 any property necessary for that purpose, lease, at a nominal rental if
31 desired, sell such aviation fields or property to the United States or any
32 department, or sell or lease such aviation fields to a city, exchange lands
33 acquired pursuant to this section for other lands, or act in conjunction with
34 the United States in maintaining, managing and conducting all such property.
35 If any such property or part of that property is not needed for these
36 purposes, it shall be sold by the board and the proceeds shall be paid into
37 the general fund of the county.
- 38 24. Acquire and hold property for the use of county fairs, and conduct,
39 take care of and manage them.
- 40 25. Authorize the sheriff to offer a reward, not exceeding ten thousand
41 dollars in one case, for information leading to the arrest and conviction of
42 persons charged with crime.
- 43 26. Contract for the transportation of insane persons to the state
44 hospital or direct the sheriff to transport such persons. The county is

1 responsible for such expense to the extent the expense is not covered by any
2 third party payor.

3 27. Provide for the reasonable expenses of burial for deceased
4 indigents as provided in section 36-831 and maintain a permanent register of
5 deceased indigents, including name, age and date of death, and when burial
6 occurs, the board shall mark the grave with a permanent marker giving the
7 name, age, and date of birth, if known.

8 28. Sell or grant to the United States the title or interest of the
9 county in any toll road or toll train in or partly within a national park, on
10 such terms as may be agreed on by the board and the secretary of the interior
11 of the United States.

12 29. Enter into agreements for acquiring rights-of-way, construction,
13 reconstruction or maintenance of highways in their respective counties,
14 including highways that pass through Indian reservations, with the government
15 of the United States, acting through its duly authorized officers or agents
16 pursuant to any act of Congress, except that the governing body of any Indian
17 tribe whose lands are affected must consent to the use of its land, and any
18 such agreements entered into before June 26, 1952 are validated and
19 confirmed.

20 30. Do and perform all other acts and things necessary to the full
21 discharge of its duties as the legislative authority of the county
22 government, including receiving and accepting payment of monies by credit
23 card or debit card, or both. Any fees or costs incurred by the use of the
24 credit or debit card shall be paid by the person tendering payment unless the
25 charging entity determines that the financial benefits of accepting credit
26 cards or debit cards exceeds the additional processing fees.

27 31. Make and enforce all local, police, sanitary and other regulations
28 not in conflict with general law.

29 32. Budget for funds for foster home care during the school week for
30 children with intellectual disabilities and otherwise handicapped children
31 who reside within the county and attend a school for the handicapped in a
32 city or town within such county.

33 33. Do and perform all acts necessary to enable the county to
34 participate in the economic opportunity act of 1964 (P.L. 88-452; 78 Stat.
35 508), as amended.

36 34. Provide a plan or plans for its employees that provide tax deferred
37 annuity and deferred compensation plans as authorized pursuant to title 26,
38 United States Code. Such plans shall allow voluntary participation by all
39 employees of the county. Participating employees shall authorize the board
40 to make reductions in their remuneration as provided in an executed deferred
41 compensation agreement.

42 35. Adopt and enforce standards for shielding and filtration of
43 commercial or public outdoor portable or permanent light fixtures in
44 proximity to astronomical or meteorological laboratories.

1 36. Subject to the prohibitions, restrictions and limitations as set
2 forth in section 11-812, adopt and enforce standards for excavation, landfill
3 and grading to prevent unnecessary loss from erosion, flooding and
4 landslides.

5 37. Make and enforce necessary ordinances for the operation and
6 licensing of any establishment not in the limits of an incorporated city or
7 town in which is carried on the business of providing baths, showers or other
8 forms of hydrotherapy or any service of manual massage of the human body.

9 38. Provide pecuniary compensation as salary or wages for overtime work
10 performed by county employees, including those employees covered by title 23,
11 chapter 2, article 9. In so providing, the board may establish salary and
12 wage plans incorporating classifications and conditions prescribed by the
13 federal fair labor standards act.

14 39. Establish, maintain and operate facilities that provide for
15 physical evaluation, diagnosis and treatment of patients and that do not keep
16 patients overnight as bed patients or treat patients under general
17 anesthesia.

18 40. Enact ordinances under its police authority prescribing reasonable
19 curfews in the entire unincorporated area or any area less than the entire
20 unincorporated area of the county for minors and fines not to exceed the fine
21 for a petty offense for violation of such ordinances. Nothing in this
22 paragraph shall be construed to require a request from an association or a
23 majority of the residents of an area before the board may enact an ordinance
24 applicable to the entire or any portion of the unincorporated area. An
25 ordinance enacted pursuant to this paragraph shall provide that a minor is
26 not violating a curfew if the minor is accompanied by a parent, a guardian or
27 an adult having supervisory custody, is on an emergency errand or has been
28 specifically directed to the location on reasonable, legitimate business or
29 some other activity by the parent, guardian or adult having supervisory
30 custody. If no curfew ordinance is applicable to a particular unincorporated
31 area of the county, the board may adopt a curfew ordinance on the request or
32 petition of either:

33 (a) A homeowners' association that represents a majority of the
34 homeowners in the area covered by the association and to which the curfew
35 would apply.

36 (b) A majority of the residents of the area to which the curfew would
37 apply.

38 41. Lease or sublease personal property owned by the county to other
39 political subdivisions of this state to be used for a public purpose.

40 42. In addition to the agreements authorized by section 11-651, enter
41 into long-term agreements for the purchase of personal property, provided
42 that the board may cancel any such agreement at the end of a fiscal year, at
43 which time the seller may repossess the property and the agreement shall be
44 deemed terminated.

1 43. Make and enforce necessary ordinances not in conflict with the laws
2 of this state to regulate off-road recreational motor vehicles that are
3 operated within the county on public lands without lawful authority or on
4 private lands without the consent of the lawful owner or that generate air
5 pollution. For the purposes of this paragraph, "off-road recreational motor
6 vehicle" means three and four wheel vehicles manufactured for recreational
7 nonhighway all terrain travel.

8 44. Acquire land for roads, drainage ways and other public purposes by
9 exchange without public auction, except that notice shall be published thirty
10 days before the exchange, listing the property ownership and descriptions.

11 45. Purchase real property for public purposes, provided that final
12 payment shall be made not later than five years after the date of purchase.

13 46. Lease-purchase real property and improvements for real property for
14 public purposes, provided that final payment shall be made not later than
15 twenty-five years after the date of purchase. Any increase in the final
16 payment date from fifteen years up to the maximum of twenty-five years shall
17 be made only on unanimous approval by the board of supervisors.

18 47. Make and enforce ordinances for the protection and disposition of
19 domestic animals subject to inhumane, unhealthful or dangerous conditions or
20 circumstances provided that nothing in this paragraph limits or restricts the
21 authority granted to incorporated cities and towns or counties pursuant to
22 section 13-2910. An ordinance enacted pursuant to this paragraph shall not
23 restrict or limit the authority of the game and fish commission to regulate
24 the taking of wildlife. For the purposes of this paragraph, "domestic
25 animal" means an animal kept as a pet and not primarily for economic
26 purposes.

27 48. If a part of a parcel of land is to be taken for roads, drainage,
28 flood control or other public purposes and the board and the affected
29 property owner determine that the remainder will be left in such a condition
30 as to give rise to a claim or litigation concerning severance or other
31 damage, acquire the whole parcel by purchase, donation, dedication, exchange,
32 condemnation or other lawful means, and the remainder may be sold or
33 exchanged for other properties needed for any public purpose.

34 49. Make and enforce necessary rules providing for the reimbursement of
35 travel and subsistence expenses of members of county boards, commissions and
36 advisory committees when acting in the performance of their duties, if the
37 board, commission or advisory committee is authorized or required by federal
38 or state law or county ordinance, and the members serve without compensation.

39 50. Provide a plan or plans for county employee benefits that allow for
40 participation in a cafeteria plan that meets the requirements of the United
41 States internal revenue code of 1986.

42 51. Provide for fringe benefits for county employees, including sick
43 leave, personal leave, vacation and holiday pay and jury duty pay.

44 52. Make and enforce ordinances that are more restrictive than state
45 requirements to reduce or encourage the reduction of carbon monoxide and

1 ozone levels, provided an ordinance does not establish a standard for
2 vehicular emissions, including ordinances to reduce or encourage the
3 reduction of the commuter use of motor vehicles by employees of the county
4 and employees whose place of employment is in unincorporated areas of the
5 county.

6 53. Make and enforce ordinances to provide for the reimbursement of up
7 to one hundred per cent of the cost to county employees of public bus or van
8 pool transportation to and from their place of employment.

9 54. Lease for public purposes any real property, improvements for real
10 property and personal property under the same terms and conditions, to the
11 extent applicable, as are specified in sections 11-651 and 11-653 for
12 lease-purchases.

13 55. Enact ordinances prescribing regulation of alarm systems and
14 providing for civil penalties to reduce the incidence of false alarms at
15 business and residential structures relating to burglary, robbery, fire and
16 other emergencies not within the limits of an incorporated city or town.

17 56. In addition to paragraph 9 of this section, and notwithstanding
18 section 23-504, sell or dispose of, at no less than fair market value, county
19 personal property that the board deems no longer useful or necessary through
20 a retail outlet or to another government entity if the personal property has
21 a fair market value of no more than one thousand dollars, or by retail sale
22 or private bid, if the personal property has a fair market value of no more
23 than fifteen thousand dollars. Notice of sales in excess of one thousand
24 dollars shall include a description and sale price of each item and shall be
25 published in a newspaper of general circulation in the county, and for thirty
26 days after notice other bids may be submitted that exceed the sale price by
27 at least five per cent. The county shall select the highest bid received at
28 the end of the thirty day period.

29 57. Sell services, souvenirs, sundry items or informational
30 publications that are uniquely prepared for use by the public and by
31 employees and license and sell information systems and intellectual property
32 developed from county resources that the county is not obligated to provide
33 as a public record.

34 58. On unanimous consent of the board of supervisors, license, lease or
35 sell any county property pursuant to paragraphs 56 and 57 of this section at
36 less than fair market value to any other governmental entity, including this
37 state, cities, towns, public improvement districts or other counties within
38 or outside of this state, or for a specific purpose to any charitable, social
39 or benevolent nonprofit organization incorporated or operating in this state.

40 59. On unanimous consent of the board of supervisors, provide technical
41 assistance and related services to a fire district pursuant to an
42 intergovernmental agreement.

43 60. Adopt contracting procedures for the operation of a county health
44 system pursuant to section 11-291. Before the adoption of contracting
45 procedures the board shall hold a public hearing. The board shall publish

1 one notification in a newspaper of general circulation in the county seat at
2 least fifteen days before the hearing.

3 61. Enter into an intergovernmental agreement pursuant to chapter 7,
4 article 3 of this title for a city or town to provide emergency fire or
5 emergency medical services pursuant to section 9-500.23 to a county island as
6 defined in section 11-251.12. The board may charge the owners of record in
7 the county island a fee to cover the cost of an intergovernmental agreement
8 that provides fire and emergency medical services.

9 62. In counties that employ or have designated an animal control county
10 enforcement agent pursuant to section 11-1005, enter into agreements with
11 foundations or charitable organizations to solicit donations, property or
12 services, excluding enforcement or inspection services, for use by the county
13 enforcement agent solely to perform nonmandated services and to fund capital
14 improvements for county animal control, subject to annual financial and
15 performance audits by an independent party as designated by the county board
16 of supervisors. For the purposes of this paragraph, nonmandated services are
17 limited to low cost spay and neuter services, public education and outreach
18 efforts, pet adoption efforts, care for pets that are victims of cruelty or
19 neglect and support for volunteer programs.

20 63. Adopt and provide for the enforcement of ordinances prohibiting
21 open fires and campfires on designated lands in the unincorporated areas of
22 the county when a determination of emergency is issued by the county
23 emergency management officer and the board deems it necessary to protect
24 public health and safety on those lands.

25 64. Fix the amount of license fees to be paid by any person, firm,
26 corporation or association for carrying on any game or amusement business in
27 unincorporated areas of the county and prescribe the method of collection or
28 payment of those fees, for a stated period in advance, and fix penalties for
29 failure to comply by fine. Nothing in this article shall be construed as
30 authorizing any county to require an occupational license or fee for any
31 activity if state law precludes requiring such a license or fee.

32 65. Adopt and enforce ordinances for the prevention, abatement and
33 removal of graffiti, providing that any restrictions on the retail display of
34 potential graffiti tools be limited to any of the following, as determined by
35 the retail business:

36 (a) In a place that is in the line of sight of a cashier or in the
37 line of sight from a work station normally continuously occupied during
38 business hours.

39 (b) In a manner that makes the product accessible to a patron of the
40 business establishment only with the assistance of an employee of the
41 establishment.

42 (c) In an area electronically protected, or viewed by surveillance
43 equipment that is monitored, during business hours.

44 66. Adopt ordinances and fees related to the implementation of a local
45 stormwater quality program pursuant to title 49, chapter 2, article 11.

1 Sec. 4. Section 11-251.05, Arizona Revised Statutes, is amended to
2 read:

3 11-251.05. Ordinances

4 A. The board of supervisors may:

5 1. In the conduct of county business, adopt, amend and repeal all
6 ordinances necessary or proper to carry out the duties, responsibilities and
7 functions of the county which are not otherwise specifically limited by
8 section 11-251 or any other law or in conflict with any rule or law of this
9 state.

10 2. Prescribe punishment by fine or imprisonment, or both, for the
11 violation of an ordinance adopted pursuant to paragraph 1 of this
12 subsection. A fine or imprisonment shall not exceed the maximum limitations
13 for a class 1 misdemeanor.

14 B. Ordinance authority under subsection A of this section shall be in
15 addition to and preemptive of ordinance, rule making or regulatory authority
16 of any other county board or county commission. **THE ADOPTION OF ORDINANCES
17 IS SOLELY WITHIN THE AUTHORITY OF THE BOARD UNLESS OTHERWISE EXPLICITLY
18 PROVIDED BY STATUTE. THE BOARD MAY NOT DELEGATE THIS AUTHORITY TO ANY COUNTY
19 BOARD, COMMISSION OR ADMINISTRATIVE UNIT.** A county may not impose taxes
20 except as otherwise provided by law and as specified in section 11-251.

21 C. Prior to adoption, amendment or repeal of an ordinance under this
22 section, the board of supervisors **SUBSTANTIALLY COMPLY WITH THE PROCEDURES IN
23 SECTION 11-251.16 AND** shall hold a public hearing thereon at least fifteen
24 days' notice of which shall be given by one publication in a newspaper of
25 general circulation in the county seat. After adopted or amended, the
26 ordinance shall be published at least once in a newspaper of general
27 circulation in the county seat.

28 D. An ordinance adopted under this section may apply to the
29 unincorporated and incorporated areas in the county if the ordinance is not
30 in conflict with an existing city or town ordinance or state law or otherwise
31 regulated by the state. If the ordinance is intended to apply to any
32 incorporated area of the county, prior to the ordinance becoming effective
33 within the boundaries of a city or town, the city or town council shall
34 consider the ordinance and, if the council finds that the subject matter of
35 the ordinance is not either a matter of local concern or governed by an
36 existing city or town ordinance, the council shall approve by resolution the
37 application or enforcement of such ordinance within the boundaries of the
38 city or town. Upon thirty days' notice to the county, a city or town council
39 may rescind such approval by resolution if the subject matter of the
40 ordinance is governed or to be governed by a city or town ordinance. An
41 ordinance may apply to the unincorporated areas of the county, to part or
42 parts of such areas or to a combination of incorporated and unincorporated
43 areas of the county, as the board deems appropriate and subject to the
44 approval of a city or town as specified in this subsection.

1 E. Nothing contained in this section shall be construed to prohibit a
2 county from exercising such powers and authority as are granted under other
3 provisions of state law.

4 Sec. 5. Title 11, chapter 2, article 4, Arizona Revised Statutes, is
5 amended by adding sections 11-251.16 and 11-251.17, to read:

6 11-251.16. Adoption of ordinances; procedures

7 A. AT LEAST SIXTY DAYS BEFORE THE ADOPTION OF AN ORDINANCE BY THE
8 BOARD, THE CLERK OF THE BOARD SHALL PROVIDE A NOTICE AND MAKE AVAILABLE THE
9 ENTIRE TEXT OF ANY PROPOSED ORDINANCE AT THE OFFICE OF THE CLERK AND ON THE
10 COUNTY WEBSITE. THE NOTICE SHALL CONTAIN AN EXPLANATION OF THE ORDINANCE,
11 INCLUDING THE COUNTY'S REASONS FOR INITIATING THE ORDINANCE, THE STATUTORY
12 AUTHORITY FOR THE ORDINANCE, A REFERENCE TO ANY STUDY KNOWN AT THAT TIME TO
13 BE USED IN CONSIDERATION OF THE ORDINANCE AND WHERE IT MAY BE OBTAINED, THE
14 NAME AND ADDRESS OF COUNTY PERSONNEL WITH WHOM PERSONS MAY COMMUNICATE
15 REGARDING THE ORDINANCE, AND WHERE ANY ELECTRONIC OR WRITTEN STATEMENTS
16 CONCERNING THE ORDINANCE SHOULD BE ADDRESSED. THE NOTICE SHALL ALSO CONTAIN
17 THE DATE, TIME AND PLACE OF ANY PUBLIC HEARING TO BE CONDUCTED BY THE BOARD
18 OF SUPERVISORS OR ANY COUNTY BOARD, COMMISSION OR ADMINISTRATIVE UNIT
19 DESIGNATED BY THE BOARD.

20 B. NOT LESS THAN THIRTY DAYS AFTER THE POSTING OF THE NOTICE, THE
21 BOARD OF SUPERVISORS OR THE COUNTY BOARD, COMMISSION OR ADMINISTRATIVE UNIT
22 DESIGNATED BY THE BOARD SHALL CONDUCT A PUBLIC HEARING AND RECEIVE WRITTEN,
23 ELECTRONIC AND ORAL STATEMENTS CONCERNING THE PROPOSED ORDINANCE.

24 C. AT LEAST FIFTEEN DAYS BEFORE THE MEETING AT WHICH THE BOARD OF
25 SUPERVISORS WILL ADOPT, AMEND OR REPEAL AN ORDINANCE, A NOTICE SHALL BE GIVEN
26 OF THE DATE, TIME AND LOCATION OF THE MEETING BY PUBLICATION ON THE COUNTY
27 WEBSITE. THE NOTICE ALSO SHALL CONTAIN A RESPONSE TO THE PUBLIC COMMENTS,
28 EXCEPT FOR COMMENTS PROVIDED AT THE PUBLIC HEARING IF CONDUCTED BEFORE THE
29 BOARD OF SUPERVISORS.

30 D. THE BOARD SHALL RECEIVE A RECORD OF ALL WRITTEN, ELECTRONIC AND
31 ORAL STATEMENTS, INCLUDING THE RESPONSES TO THE PUBLIC COMMENTS PURSUANT TO
32 SUBSECTION C OF THIS SECTION, BEFORE ADOPTING AN ORDINANCE.

33 E. IF AS A RESULT OF PUBLIC COMMENTS OR INTERNAL REVIEW, THE BOARD OF
34 SUPERVISORS DETERMINES THAT A PROPOSED ORDINANCE REQUIRES SUBSTANTIAL CHANGE,
35 THE BOARD SHALL ISSUE A SUPPLEMENTAL NOTICE CONTAINING THE CHANGES IN THE
36 PROPOSED ORDINANCE AND PROVIDE FOR ADDITIONAL PUBLIC COMMENT PURSUANT TO THIS
37 SECTION BEFORE ADOPTION.

38 F. NOTWITHSTANDING THIS SECTION, THE BOARD MAY ADOPT AN ORDINANCE WHEN
39 THE BOARD MAKES A FINDING THAT AN EMERGENCY EXISTS PROVIDED THAT THE
40 ORDINANCE SHALL TERMINATE AFTER THE BOARD DETERMINES THE EMERGENCY SITUATION
41 NO LONGER EXISTS. AN EMERGENCY EXISTS TO DO ANY OF THE FOLLOWING:

- 42 1. PROTECT THE PUBLIC HEALTH, SAFETY OR WELFARE.
- 43 2. COMPLY WITH DEADLINES IN AMENDMENTS TO A COUNTY'S GOVERNING LAW OR
44 FEDERAL PROGRAMS.

- 1 3. AVOID VIOLATION OF FEDERAL LAW OR REGULATION OR OTHER STATE LAW IF
2 THE SITUATION IS NOT THE RESULT OF DELAY OR INACTION BY THE BOARD.
- 3 4. AVOID AN IMMINENT BUDGET REDUCTION.
- 4 5. AVOID SERIOUS PREJUDICE TO THE PUBLIC INTEREST OR THE INTEREST OF
5 THE PARTIES CONCERNED.
- 6 G. THE BOARD OF SUPERVISORS SHALL CONSIDER EACH OF THE FOLLOWING
7 METHODS AND MAY REDUCE THE IMPACT OF THE ORDINANCE ON SMALL BUSINESSES BY
8 USING ONE OR MORE OF THE FOLLOWING METHODS IF IT FINDS THAT THE METHODS ARE
9 LEGAL AND FEASIBLE IN MEETING THE OBJECTIVES THAT ARE THE BASIS OF THE
10 PROPOSED ORDINANCE:
- 11 1. ESTABLISH LESS STRINGENT COMPLIANCE OR REPORTING REQUIREMENTS.
12 2. ESTABLISH LESS STRINGENT SCHEDULES OR DEADLINES.
13 3. CONSOLIDATE OR SIMPLIFY THE COMPLIANCE OR REPORTING REQUIREMENTS.
14 4. ESTABLISH PERFORMANCE STANDARDS FOR SMALL BUSINESSES TO REPLACE
15 DESIGN OR OPERATIONAL STANDARDS.
16 5. EXEMPT SMALL BUSINESSES FROM ANY OR ALL REQUIREMENTS.
- 17 H. THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO:
- 18 1. SUBSTANTIVE POLICY STATEMENTS.
19 2. INTERNAL PROCEDURAL DOCUMENTS THAT ONLY AFFECT THE INTERNAL
20 PROCEDURES OF THE COUNTY AND DO NOT IMPOSE ADDITIONAL REQUIREMENTS OR
21 PENALTIES ON REGULATED PARTIES.
22 3. AN INTERPRETATION REQUESTED BY A REGULATED PERSON PROVIDED IT IS
23 SUBJECT TO A PUBLIC APPEALS PROCESS.
24 4. AUTHORIZED FUNCTIONS OF AN ELECTED COUNTY OFFICER AS ESTABLISHED BY
25 CHAPTER 3, ARTICLES 2, 3, 4, 5, 6 AND 7.
26 5. ANY FORM WHOSE CONTENTS OR SUBSTANTIVE REQUIREMENTS ARE PRESCRIBED
27 BY ORDINANCE OR STATUTE AND INSTRUCTIONS FOR THE EXECUTION OR USE OF THE
28 FORM.
- 29 11-251.17. Publication of county ordinances; register
- 30 A. THE CLERK OF THE BOARD SHALL PUBLISH ON THE COUNTY WEBSITE ALL
31 ORDINANCES ADOPTED BY THE COUNTY BOARD OF SUPERVISORS.
- 32 B. THE CLERK OF THE BOARD SHALL MAINTAIN ON THE COUNTY WEBSITE A
33 REGISTER OF ACTIVITIES RELATED TO THE ADOPTION OF ORDINANCES THAT SHALL
34 INCLUDE:
- 35 1. A SCHEDULE OF THE TIME, DATE AND PLACE OF ALL HEARINGS ON PROPOSED
36 REPEALS, ADOPTIONS OR AMENDMENTS OF ORDINANCES.
37 2. ANY NOTICES RELATED TO PROPOSED ORDINANCES, INCLUDING THE FULL TEXT
38 OF ANY PROPOSED ORDINANCE, AN EXPLANATION OF ANY PROPOSED ORDINANCE, AND THE
39 STATUTORY AUTHORITY FOR THE ORDINANCE.
40 3. A SUMMARY OF BOARD ACTION ON EACH ORDINANCE.

1 4. SUPPLEMENTAL NOTICES AND ANY NEW AMENDED OR ADDED LANGUAGE TO A
2 PROPOSED ORDINANCE.

3 Sec. 6. Section 11-269.10, Arizona Revised Statutes, is amended to
4 read:

5 11-269.10. Parking; public service and public safety emergency
6 vehicles; definition

7 A. Notwithstanding any ~~provision in rule or~~ ordinance, a county shall
8 not prohibit a resident from parking a motor vehicle on a street or driveway
9 in the county if the vehicle is required to be available at designated
10 periods at the person's residence as a condition of the person's employment
11 and either of the following applies:

12 1. The resident is employed by a public service corporation that is
13 regulated by the ARIZONA corporation commission, an entity regulated by the
14 federal energy regulatory commission or a municipal utility and the public
15 service corporation, federally regulated utility or municipal utility is
16 required to prepare for emergency deployments of personnel and equipment for
17 repair or maintenance of natural gas, electrical, telecommunications or water
18 infrastructure, the vehicle has a gross vehicle weight rating of twenty
19 thousand pounds or less and is owned or operated by the public service
20 corporation, federally regulated utility or municipal utility and the vehicle
21 bears an official emblem or other visible designation of the public service
22 corporation, federally regulated utility or municipal utility.

23 2. The resident is employed by a public safety agency, including
24 police or fire service for a federal, state, local or tribal agency or a
25 private fire service provider or an ambulance service provider that is
26 regulated pursuant to title 36, chapter 21.1, and the vehicle has a gross
27 vehicle weight rating of ten thousand pounds or less and bears an official
28 emblem or other visible designation of that agency.

29 B. For the purposes of this section, "telecommunications" means the
30 transmission of information of the user's choosing between or among points
31 specified by the user without change in the form or content of the
32 information as sent and received. Telecommunications does not include
33 commercial mobile radio services.

34 Sec. 7. Section 11-403, Arizona Revised Statutes, is amended to read:

35 11-403. Practice of law prohibited to certain officers;
36 exceptions

37 A. The sheriff and constable and their deputies are prohibited from
38 practicing law, or forming a partnership with an attorney-at-law.

39 B. In a county ~~of the first class~~ having a population of sixty
40 thousand or over, as determined by the official census of the United States,
41 the county attorney or his deputies shall not engage in the private practice
42 of law, except:

43 1. With consent of the board of supervisors, a special deputy county
44 attorney may be appointed upon a fee basis in like manner as a special
45 assistant attorney general.

1 2. Deputy county attorneys may, but in no circumstances shall be
2 required to, represent private clients in pro bono, private civil matters
3 under the following circumstances:

4 (a) The representation will be conducted exclusively during off hours
5 or while on leave and the attorney will not receive any compensation for such
6 services.

7 (b) The client is not seeking an award of attorney fees for the
8 services.

9 (c) The services are for an individual in need of personal legal
10 services who does not have the financial resources to pay for the
11 professional services or for a nonprofit, tax exempt charitable organization
12 formed for the purpose of providing social services to individuals and
13 families.

14 (d) The representation will not interfere with the performance of any
15 official duties.

16 (e) The subject matter of pro bono representation is outside of the
17 area of practice to which the attorney is assigned in the county attorney's
18 office and the activity will not appear to create a conflict of interest.

19 (f) The activity will not reflect adversely on this state, the county
20 or any of their agencies.

21 (g) The deputy county attorney's position will not influence or appear
22 to influence the outcome of any matter.

23 (h) The activity will not involve assertions that are contrary to the
24 interest or position of this state, the county or any of their agencies.

25 (i) The activity does not involve a criminal matter or proceeding or
26 any matter in which this state or the county is a party or has a direct or
27 substantial interest.

28 (j) The activity will not utilize resources that will result in a cost
29 to this state, the county or any of their agencies.

30 (k) The attorney's supervisor may require the attorney to submit a
31 prior written request to engage in pro bono work which includes a provision
32 holding the agency harmless from any of the work undertaken by the attorney.

33 C. Notwithstanding any provision of law ~~or rule to the contrary~~,
34 representation by an attorney of a pro bono client **UNDER SUBSECTION B,**
35 **PARAGRAPH 2 OF THIS SECTION** shall not disqualify the office from subsequently
36 participating in any action affecting the client.

37 Sec. 8. Section 11-583, Arizona Revised Statutes, is amended to read:
38 **11-583. Private practice of civil and criminal law prohibited;**
39 **exception; limitation**

40 A. The public defender and his full-time deputies shall not engage in
41 the private practice of law, except:

42 1. Such prohibition shall not apply to part-time deputies, except that
43 in no instance shall part-time deputies engage in any private litigation in
44 which the county or an officer thereof in his official capacity is a party.

1 2. Deputy county public defenders may, but in no circumstances shall
2 be required to, represent private clients in pro bono, private civil matters
3 under the following circumstances:

4 (a) The representation will be conducted exclusively during off hours
5 or while on leave and the attorney will not receive any compensation for such
6 services.

7 (b) The client is not seeking an award of attorney fees for the
8 services.

9 (c) The services are for an individual in need of personal legal
10 services who does not have the financial resources to pay for the
11 professional services or for a nonprofit, tax exempt charitable organization
12 formed for the purpose of providing social services to individuals and
13 families.

14 (d) The representation will not interfere with the performance of any
15 official duties.

16 (e) The subject matter of pro bono representation is outside of the
17 area of practice to which the attorney is assigned in the public defender's
18 office and the activity will not appear to create a conflict of interest.

19 (f) The activity will not reflect adversely on this state, the county
20 or any of their agencies.

21 (g) The deputy county public defender's position will not influence or
22 appear to influence the outcome of any matter.

23 (h) The activity will not involve assertions that are contrary to the
24 interest or position of this state, the county or any of their agencies.

25 (i) The activity does not involve a criminal matter or proceeding or
26 any matter in which this state or the county is a party or has a direct or
27 substantial interest.

28 (j) The activity will not utilize resources that will result in cost
29 to this state, the county or any of their agencies.

30 (k) The attorney's supervisor may require the attorney to submit a
31 prior written request to engage in pro bono work which includes a provision
32 holding the agency harmless from any of the work undertaken by the attorney.

33 ~~B.~~ Notwithstanding any provision of law ~~or rule to the contrary~~,
34 representation by an attorney of a pro bono client **UNDER SUBSECTION A,**
35 **PARAGRAPH 2 OF THIS SECTION** shall not disqualify the office from subsequently
36 participating in any action affecting the client.

37 ~~B-~~ **C.** The public defender shall not during his incumbency defend or
38 assist in the defense of, or act as counsel for, any person accused of any
39 crime in any county except as provided in this article unless authorized by
40 the board of supervisors to enter into an intergovernmental agreement with
41 another county pursuant to chapter 7, article 3 of this title.

42 Sec. 9. Section 11-802, Arizona Revised Statutes, is amended to read:
43 11-802. County planning and zoning commissions

44 A. The board of supervisors of a county, in order to conserve and
45 promote the public health, safety, convenience and general welfare and

1 pursuant to this chapter, shall plan and provide for the future growth and
2 improvement of its area of jurisdiction, coordinate all public improvements
3 pursuant to the plan, form a planning and zoning commission to consult with
4 and advise it regarding matters of planning, zoning and subdivision platting
5 and, in the manner provided in this chapter, adopt and enforce those ~~rules,~~
6 regulations, ordinances and plans as may apply to the development of its area
7 of jurisdiction.

8 B. The commission shall act in an advisory capacity to the board and
9 may or, if requested by the board, shall make a report or recommendation in
10 connection with any matter relating to the development of the county under
11 the jurisdiction of the board. The commission shall make those
12 investigations, maps, reports and recommendations in connection with those
13 investigations, maps and reports as seem desirable within the limits of the
14 monies available.

15 C. In the counties having three supervisorial districts, each county
16 planning and zoning commission shall consist of nine members who shall be
17 qualified electors of the county. Three members shall be appointed from each
18 supervisorial district by the supervisor from that district, and not more
19 than one of the three may be a resident of an incorporated municipality.
20 Members of the commission shall serve without compensation except for
21 reasonable travel expenses.

22 D. Except as provided in subsection E of this section, in the counties
23 having five supervisorial districts, each county planning and zoning
24 commission shall consist of ten members who shall be qualified electors of
25 the county. Two members shall be appointed from each supervisorial district
26 by the supervisor from that district. Members shall be residents of the
27 district from which they are appointed. Members of the commission shall
28 serve without compensation except for reasonable travel expenses.

29 E. If any supervisorial district is at least ninety per cent Indian
30 reservation and at least ninety per cent of the district is not subject to
31 county zoning regulations, the supervisor from the district may appoint some
32 or all of the members to the commission from any supervisorial district in
33 the county if there is no appointee who is willing to serve within the
34 supervisorial district. These appointments are subject to the limitations on
35 residency required by subsections C and D of this section. Members appointed
36 to the commission pursuant to this subsection require the approval of the
37 board.

38 F. In counties with a population of less than one hundred seventy-nine
39 thousand persons, an alternate member may be appointed by the appointing
40 supervisor for each commission member appointed pursuant to subsections C, D
41 and E of this section to serve in the absence of that member. Alternate
42 members may be appointed from any supervisorial district in the county.
43 During any meeting of the commission, if the regularly appointed member
44 becomes available, the alternate member shall conclude any action on the

1 agenda item under consideration and the regularly appointed member shall be
2 seated for the remaining items.

3 G. The terms of the members of the commissions shall be for four years
4 except for those initially appointed. Of those members initially appointed
5 pursuant to subsection C of this section, five members shall be appointed to
6 a two year term and four members shall be appointed to a four year term. Of
7 those members initially appointed pursuant to subsection D of this section,
8 five members shall be appointed to a two year term and five members shall be
9 appointed to a four year term. Thereafter, each term shall be four years.
10 If a vacancy occurs otherwise than by expiration of term, the vacancy shall
11 be filled by appointment for the unexpired portion of the term. The board
12 may remove members of the commission for cause.

13 H. On a conversion from three to five supervisorial districts pursuant
14 to section 11-212, the board of supervisors, on expiration of the terms of
15 members of the commission serving on the date of the conversion, shall make
16 those appointments to fill the vacancies to conform to subsection D of this
17 section as soon as is practicable.

18 I. The county assessor, county engineer, county health officer and
19 county attorney shall serve in an advisory capacity to the commission and to
20 the boards of adjustment.

21 J. The commission shall:

22 1. Elect a chairperson from among its members for a term of one year
23 and those other officers as it determines.

24 2. By resolution fix the time and place within the district of regular
25 meetings, hold at least one regular meeting each month when there is new
26 official business to transact and hold additional meetings as the chairperson
27 or a majority of the commission deems necessary.

28 3. Adopt **PROCEDURAL** rules for the transaction of business and keep a
29 record of its resolutions, transactions, findings and determinations, which
30 record shall be a public record and be open to public inspection.

31 4. Transmit all of its recommendations, decisions, findings, reports
32 and official actions, regardless of vote, to the board of supervisors.

33 K. A majority of the commission constitutes a quorum for the
34 transaction of business and a majority vote of the quorum is required for any
35 official action.

36 Sec. 10. Section 11-807, Arizona Revised Statutes, is amended to read:
37 11-807. Specific zoning plans; adoption; administration;
38 contents

39 A. The board or commission of a county with a population of less than
40 two million persons may prepare specific zoning plans for designated parcels
41 of land, which shall include a text and maps of a land use plan and specific
42 zoning, sign, street and other regulations for implementation of the county
43 master plans. All property owners within the boundaries of the specific
44 zoning plan shall give written consent before the plan may be established. A

1 specific zoning plan shall not be adopted if it creates an area that is not
2 within the plan but is completely surrounded by the plan boundaries.

3 B. A specific zoning plan may be adopted or amended after notice and
4 hearings before the commission and board as provided in section 11-813. If
5 the board adopts a specific zoning plan, it shall **ADOPT ORDINANCES AND**
6 establish ~~administrative rules and~~ procedures for the application and
7 enforcement of the plan and may assign or delegate administrative functions,
8 powers and duties for the plan to county officers and officials.

9 C. A specific zoning plan shall include text, maps and illustrations
10 specifying all of the following:

11 1. The distribution, location and extent of land uses, including open
12 space.

13 2. The distribution, location, extent and intensity of major
14 components of public and private transportation, sewage and solid waste
15 disposal, drainage and other facilities necessary to provide for the land
16 uses described in the specific zoning plan.

17 3. Standards by which development shall proceed and, if applicable,
18 requirements for conservation, development and utilization of natural
19 resources.

20 4. A statement of whether the specific zoning plan is consistent with
21 the comprehensive plan required by section 11-804.

22 5. Any other matters necessary or desirable for implementation of the
23 specific zoning plan.

24 D. All specific zoning plans adopted under this article shall be
25 consistent with and conform to the adopted comprehensive plan.

26 Sec. 11. Section 11-833, Arizona Revised Statutes, is amended to read:
27 11-833. Standards for enactment of moratorium: land
28 development; limitations; definitions

29 A. A county shall not adopt a moratorium on construction or land
30 development unless it first:

31 1. Provides notice to the public published once in a newspaper of
32 general circulation in the community at least thirty days before a final
33 public hearing to be held to consider the adoption of the moratorium.

34 2. Makes written findings justifying the need for the moratorium in
35 the manner provided for in this section.

36 3. Holds a public hearing on the adoption of the moratorium and the
37 findings that support the moratorium.

38 B. For urban land or land subject to potential urbanization, a
39 moratorium may be justified by demonstration of a need to prevent a shortage
40 of essential public facilities that would otherwise occur during the
41 effective period of the moratorium. This demonstration shall be based on
42 reasonably available information and shall include at least the following
43 findings:

44 1. A showing of the extent of need beyond the estimated capacity of
45 existing essential public facilities expected to result from new land

1 development, including identification of any essential public facilities
2 currently operating beyond capacity and the portion of this capacity already
3 committed to development, or in the case of water resources, a showing that,
4 in an active management area as defined in section 45-402, an assured water
5 supply cannot be provided, or outside an active management area, a sufficient
6 water supply cannot be provided, to the new land development, including
7 identification of current water resources and the portion already committed
8 to development.

9 2. That the moratorium is reasonably limited to those areas of the
10 county where a shortage of essential public facilities would otherwise occur
11 and on property that has not received development approvals based on the
12 sufficiency of existing essential public facilities.

13 3. That the housing and economic development needs of the area
14 affected have been accommodated as much as possible in any program for
15 allocating any remaining essential public facility capacity.

16 C. A moratorium not based on a shortage of essential public facilities
17 under subsection B of this section may be justified only by a demonstration
18 of compelling need for other public facilities, including police and fire
19 facilities. This demonstration shall be based on reasonably available
20 information and shall include at least the following findings:

21 1. For urban land or land subject to potential urbanization:

22 (a) That application of existing development ordinances or regulations
23 and other applicable law is inadequate to prevent irrevocable public harm
24 from development in affected geographical areas.

25 (b) That the moratorium is sufficiently limited to ensure that a
26 needed supply of affected housing types and the supply of commercial and
27 industrial facilities within or in proximity to the county are not
28 unreasonably restricted by the adoption of the moratorium.

29 (c) The reasons that alternative methods of achieving the objectives
30 of the moratorium are unsatisfactory.

31 (d) That the county has determined that the public harm that would be
32 caused by failure to impose a moratorium outweighs the adverse effects on
33 other affected local governments, including shifts in demand for housing or
34 economic development, public facilities and services and buildable lands and
35 the overall impact of the moratorium on population distribution.

36 (e) That the city or town proposing the moratorium has developed a
37 work plan and time schedule for achieving the objectives of the moratorium.

38 2. For rural land:

39 (a) That application of existing development ordinances or regulations
40 and other applicable law is inadequate to prevent irrevocable public harm
41 from development in affected geographical areas.

42 (b) The reasons that alternative methods of achieving the objectives
43 of the moratorium are unsatisfactory.

1 (c) That the moratorium is sufficiently limited to ensure that lots or
2 parcels outside the affected geographical areas are not unreasonably
3 restricted by the adoption of the moratorium.

4 (d) That the county proposing the moratorium has developed a work plan
5 and time schedule for achieving the objectives of the moratorium.

6 D. Any moratorium adopted pursuant to this section does not affect any
7 express provision in a development agreement entered into pursuant to section
8 9-500.05 or as defined in section 11-1101 governing the rate, timing and
9 sequencing of development, nor does it affect rights acquired pursuant to a
10 protected development right granted according to chapter 9 of this title or
11 title 9, chapter 11. Any moratorium adopted pursuant to this section shall
12 provide a procedure pursuant to which an individual landowner may apply for a
13 waiver of the moratorium's applicability to its property by claiming rights
14 obtained pursuant to a development agreement, a protected development right
15 or any vested right or by providing the public facilities that are the
16 subject of the moratorium at the landowner's cost.

17 E. A moratorium adopted under subsection C, paragraph 1 of this
18 section shall not remain in effect for more than one hundred twenty days, but
19 such a moratorium may be extended for additional periods of time of up to one
20 hundred twenty days if the county adopting the moratorium holds a public
21 hearing on the proposed extension and adopts written findings that:

22 1. Verify the problem requiring the need for the moratorium to be
23 extended.

24 2. Demonstrate that reasonable progress is being made to alleviate the
25 problem resulting in the moratorium.

26 3. Set a specific duration for the renewal of the moratorium.

27 F. A county considering an extension of a moratorium shall provide
28 notice to the general public published once in a newspaper of general
29 circulation in the community at least thirty days before a final hearing is
30 held to consider an extension of a moratorium.

31 G. This section does not prevent a city or town from complying with
32 any state or federal law, regulation or order issued in writing by a legally
33 authorized governmental entity.

34 H. A landowner aggrieved by a county's adoption of a moratorium
35 pursuant to this section, at any time within thirty days after the moratorium
36 has been adopted, may file a complaint for a trial de novo in the superior
37 court on the facts and the law regarding the moratorium. All matters
38 presented to the superior court pursuant to this section have preference on
39 the court calendar on the same basis as condemnation matters. The court may
40 award reasonable attorney fees incurred in the appeal and trial pursuant to
41 this section to the prevailing party.

42 I. For the purposes of this section:

43 1. "Compelling need" means a clear and imminent danger to the health
44 and safety of the public.

1 2. "Essential public facilities" means water, sewer and street
2 improvements and water resources to the extent that these improvements and
3 water resources are provided by the county or private utility.

4 3. "Moratorium on construction or land development" means engaging in
5 a pattern or practice of delaying or stopping issuance of permits,
6 authorizations or approvals necessary for the subdivision and partitioning
7 of, or construction on, any land. It does not include denial or delay of
8 permits or authorizations because they are inconsistent with applicable
9 statutes, ~~rules~~, zoning or other ordinances.

10 4. "Rural land" means all property in the unincorporated area of a
11 county or in the incorporated area of the city or town with a population of
12 two thousand nine hundred or less persons.

13 5. "Urban land or land subject to potential urbanization" means all
14 property in the incorporated area of a city or town with a population of more
15 than two thousand nine hundred persons.

16 6. "Vested right" means a right to develop property established by the
17 expenditure of substantial sums of money pursuant to a permit or approval
18 granted by the city, town or county.

19 Sec. 12. Section 11-863, Arizona Revised Statutes, is amended to read:
20 11-863. Contract by county and city for enforcement;
21 ordinances; fees for permits

22 A. Any county may contract with a city or town to provide for
23 enforcement of such codes or ~~rules and regulations~~ ORDINANCES adopted
24 pursuant thereto.

25 B. The board may adopt necessary ~~rules and regulations~~ ORDINANCES for
26 the enforcement of any code adopted under this article, provided that any
27 such ~~rules or regulations~~ ORDINANCES relating to inspections shall require
28 that such inspections be made at the earliest reasonable time.

29 C. The board may establish and charge reasonable fees for permits
30 issued and inspections made pursuant to any code.

31 Sec. 13. Section 11-1602, Arizona Revised Statutes, is amended to
32 read:

33 11-1602. Regulatory bill of rights

34 To ensure fair and open regulation by counties, a person:

35 1. Is eligible for reimbursement of fees and other expenses if the
36 person prevails by adjudication on the merits against a county in a court
37 proceeding regarding a county decision as provided in section 12-348.

38 2. Is entitled to receive information and notice regarding inspections
39 as provided in section 11-1603.

40 3. Is entitled to have a county not base a licensing decision in whole
41 or in part on licensing conditions or requirements that are not specifically
42 authorized as provided in section 11-1604.

43 4. May have a county approve or deny the person's license application
44 within a predetermined period of time as provided in section 11-1605.

1 5. Is entitled to receive written or electronic notice from a county
2 on denial of a license application:

3 (a) That justifies the denial with references to the statute,
4 ordinance, regulation, delegation agreement or authorized substantive policy
5 statements on which the denial is based as provided in section 11-1605.

6 (b) That explains the applicant's right to appeal the denial as
7 provided in section 11-1605.

8 6. Is entitled to receive information regarding the license
9 application process at the time the person obtains an application for a
10 license as provided in section 11-1606.

11 7. May inspect all ordinances, regulations and substantive policy
12 statements of a county, including a directory of documents, at the office of
13 the county or on the county's website as provided in section 11-1607.

14 8. Unless specifically authorized, may expect counties to avoid
15 duplication of other laws that do not enhance regulatory clarity and to avoid
16 dual permitting to the maximum extent practicable as provided in section
17 11-1604.

18 9. May file a complaint with the board of supervisors concerning an
19 ordinance, regulation or substantive policy statement that fails to comply
20 with this section.

21 10. MAY REVIEW THE FULL TEXT OR SUMMARY OF ALL ORDINANCE ADOPTION
22 ACTIVITY, THE SUMMARY OF SUBSTANTIVE POLICY STATEMENTS AND THE FULL TEXT OF
23 EXECUTIVE ORDERS IN THE REGISTER AS PROVIDED IN ARTICLE 2 OF THIS CHAPTER.

24 11. MAY PARTICIPATE IN THE ORDINANCE ADOPTION PROCESS AS PROVIDED IN
25 SECTION 11-251.16, INCLUDING PROVIDING WRITTEN OR ORAL COMMENTS ON PROPOSED
26 ORDINANCES TO A COUNTY AND HAVING THE COUNTY ADDRESS THOSE COMMENTS AS
27 PROVIDED IN THAT SECTION.

28 12. MAY ALLEGE, PURSUANT TO SECTIONS 11-1608 AND 11-1612, THAT AN
29 EXISTING COUNTY PRACTICE OR SUBSTANTIVE POLICY STATEMENT CONSTITUTES AN
30 ORDINANCE AND HAVE THAT COUNTY PRACTICE OR SUBSTANTIVE POLICY STATEMENT
31 DECLARED VOID BECAUSE THE PRACTICE OR SUBSTANTIVE POLICY STATEMENT
32 CONSTITUTES AN ORDINANCE AS PROVIDED IN SECTION 11-251.05.

33 Sec. 14. Section 11-1605, Arizona Revised Statutes, is amended to
34 read:

35 11-1605. Licensing time frames; compliance; consequence for
36 failure to comply with time frame; exemption

37 A. For any new ordinance ~~or regulation~~ requiring a license, a county
38 shall have in place an overall time frame during which the county will either
39 grant or deny each type of license that it issues. The overall time frame
40 for each type of license shall state separately the administrative
41 completeness review time frame and the substantive review time frame.

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

1 shall state separately the administrative completeness review time frame and
2 the substantive review time frame. Counties shall prioritize the
3 establishment of time frames for those licenses that have the greatest impact
4 on the public.

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

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

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

21 (b) Master planned communities.

22 (c) Suspension of the substantive and overall time frames for purposes
23 including public hearings or state or federal licenses.

24 9. THAT THE SUBSTANTIVE REVIEW AND OVERALL TIME FRAMES DO NOT INCLUDE
25 THE TIME REQUIRED BY THE APPLICANT TO OBTAIN OTHER NON-COUNTY LICENSES OR TO
26 PARTICIPATE IN MEETINGS AS REQUIRED BY LAW.

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

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

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

3 F. If a county does not issue a written or electronic notice of
4 administrative completeness or deficiencies within the administrative
5 completeness review time frame, the application is deemed administratively
6 complete. If a county issues a timely written or electronic notice of
7 deficiencies, an application shall not be complete until all requested
8 information has been received by the county.

9 G. During the substantive review time frame, a county may make one
10 comprehensive written or electronic request for additional information. If
11 the permit sought requires approval of more than one department of the
12 county, each department may issue a written or electronic request for
13 additional information. The county and applicant may mutually agree in
14 writing or electronically to allow the county to submit supplemental requests
15 for additional information. If a county issues a comprehensive written or
16 electronic request or a supplemental request by mutual written or electronic
17 agreement for additional information, the substantive review time frame and
18 the overall time frame are suspended from the date the request is issued
19 until the date that the county receives the additional information from the
20 applicant.

21 H. By mutual written or electronic agreement, a county and an
22 applicant for a license may extend the substantive review time frame and the
23 overall time frame. An extension of the substantive review time frame and
24 the overall time frame may not exceed twenty-five per cent of the overall
25 time frame.

26 I. Unless a county and an applicant for a license mutually agree to
27 extend the substantive review time frame and the overall time frame pursuant
28 to subsection H, a county shall issue a written or electronic notice granting
29 or denying a license to an applicant. If a county denies an application for
30 a license, the county shall include in the written or electronic notice at
31 least the following information:

32 1. Justification for the denial with references to the statutes,
33 ordinances, regulations, substantive policy statements or delegation
34 agreements on which the denial is based.

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

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

1 application for a refund pursuant to this subsection. The refund shall be
2 made within thirty working days after the expiration of the overall time
3 frame or the time frame extension. The county shall continue to process the
4 application. Notwithstanding any other statute, the county shall make the
5 refund from the fund in which the application fees were originally deposited.

6 K. This section does not apply to EITHER licenses issued within seven
7 working days after receipt of the initial application or A permit that ~~expire~~
8 EXPIRES within twenty-one working days after issuance.

9 Sec. 15. Section 11-1607, Arizona Revised Statutes, is amended to
10 read:

11 11-1607. Directory of documents

12 The county shall publish, or prominently place on the county website,
13 at least annually a directory summarizing the subject matter of all currently
14 applicable ~~ordinances, regulations and~~ substantive policy statements. The
15 county shall keep copies of this directory and all substantive policy
16 statements at one location. The directory, ~~ordinances, regulations,~~
17 substantive policy statements and any materials incorporated by reference in
18 these documents shall be open to public inspection at the office of the
19 county or the county website.

20 Sec. 16. Section 11-1608, Arizona Revised Statutes, is amended to
21 read:

22 11-1608. Complaints; board of supervisors review

23 A. The board of supervisors shall receive complaints FROM AN AFFECTED
24 PERSON concerning ordinances, ~~regulations,~~ substantive policy statements or
25 county practices alleged to violate this ~~article~~ CHAPTER OR SECTION
26 11-251.05. The board of supervisors may review any ordinance, ~~regulation,~~
27 substantive policy statement or county practice alleged to violate this
28 ~~article~~ CHAPTER OR SECTION 11-251.05. ~~and may hold hearings regarding the~~
29 ~~allegations. The board of supervisors may recommend actions to alleviate the~~
30 ~~aspects of the ordinances, regulations, substantive policy statements or~~
31 ~~county practices alleged to violate this article.~~

32 B. THE BOARD OF SUPERVISORS MAY REQUIRE THE COMPLAINT TO BE MADE IN
33 WRITING AND INCLUDE THE FOLLOWING INFORMATION:

- 34 1. THE NAME AND ADDRESS OF THE AFFECTED PERSON MAKING THE COMPLAINT.
- 35 2. THE ORDINANCE, SUBSTANTIVE POLICY STATEMENT OR COUNTY PRACTICE
36 ALLEGED TO VIOLATE THIS CHAPTER.
- 37 3. ANY FACTS RELEVANT TO AND THE LEGAL BASIS FOR THE COMPLAINT.

38 C. IF THE COMPLAINT CONCERNS THE ENFORCEABILITY OF A SUBSTANTIVE
39 POLICY STATEMENT OR COUNTY PRACTICE THE COMPLAINT SHALL BE SUBMITTED TO THE
40 BOARD, COMMISSION OR ADMINISTRATIVE UNIT WITH WHICH THE AFFECTED PERSON HAS A
41 COMPLAINT. WITHIN FORTY-FIVE DAYS AFTER SUBMISSION, THE BOARD, COMMISSION OR
42 ADMINISTRATIVE UNIT SHALL IN WRITING APPROVE, DENY OR MODIFY THE PETITION IN
43 WRITING OR MAKE RECOMMENDATIONS FOR ACTION TO THE BOARD OF SUPERVISORS.

44 D. THE AFFECTED PERSON, BY FILING WITH THE CLERK OF THE BOARD, MAY
45 APPEAL TO THE BOARD OF SUPERVISORS WITHIN THIRTY DAYS AFTER THE COMMISSION OR

1 ADMINISTRATIVE UNIT GIVES A WRITTEN DECISION PURSUANT TO SUBSECTION C OF THIS
2 SECTION. THE BOARD SHALL PLACE THE COMPLAINT CONCERNING A SUBSTANTIVE POLICY
3 STATEMENT OR COUNTY PRACTICE ON ITS AGENDA WITHIN THIRTY DAYS OF ITS FILING
4 WITH THE CLERK. THE BOARD SHALL DENY, APPROVE OR MODIFY THE PETITION.

5 E. IF THE COMPLAINT CONCERNS AN ORDINANCE, THE AFFECTED PERSON, BY
6 FILING A COMPLAINT WITH THE CLERK OF THE BOARD, MAY REQUEST A REVIEW OF THE
7 VALIDITY OF AN ORDINANCE. THE BOARD SHALL PLACE THE COMPLAINT ON ITS AGENDA
8 WITHIN THIRTY DAYS OF ITS FILING WITH THE CLERK. THE BOARD SHALL DENY,
9 APPROVE OR MODIFY THE PETITION.

10 F. IF THE COMPLAINANT IS UNSATISFIED WITH AN ACTION TAKEN BY THE BOARD
11 ON THE COMPLAINT, THE COMPLAINANT MAY FILE AN ACTION FOR DECLARATORY JUDGMENT
12 PURSUANT TO SECTION 11-1612.

13 Sec. 17. Title 11, chapter 11, article 1, Arizona Revised Statutes, is
14 amended by adding sections 11-1611 and 11-1612, to read:

15 11-1611. Substantive policy statement; directory

16 A. A COUNTY SHALL FILE SUBSTANTIVE POLICY STATEMENTS PURSUANT TO
17 SECTION 11-1623.

18 B. A COUNTY SHALL ENSURE THAT THE FIRST PAGE OF EACH SUBSTANTIVE
19 POLICY STATEMENT INCLUDES THE FOLLOWING NOTICE:

20 THIS SUBSTANTIVE POLICY STATEMENT IS ADVISORY ONLY. A
21 SUBSTANTIVE POLICY STATEMENT DOES NOT INCLUDE INTERNAL
22 PROCEDURAL DOCUMENTS THAT ONLY AFFECT THE INTERNAL PROCEDURES OF
23 THE COUNTY AND DOES NOT IMPOSE ADDITIONAL REQUIREMENTS OR
24 PENALTIES ON REGULATED PARTIES OR INCLUDE CONFIDENTIAL
25 INFORMATION OR ORDINANCES MADE PURSUANT TO TITLE 11, CHAPTER 11,
26 ARTICLE 1, ARIZONA REVISED STATUTES. IF YOU BELIEVE THAT THIS
27 SUBSTANTIVE POLICY STATEMENT DOES IMPOSE ADDITIONAL REQUIREMENTS
28 OR PENALTIES ON REGULATED PARTIES YOU MAY PETITION THE COUNTY
29 UNDER SECTION 11-1608, ARIZONA REVISED STATUTES, FOR A REVIEW OF
30 THE STATEMENT.

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

38 11-1612. Declaratory judgment

39 A. ANY PERSON WHO IS AFFECTED BY A COUNTY POLICY OR PRACTICE MAY
40 OBTAIN A JUDICIAL DECLARATION OF THE ENFORCEABILITY OF THE POLICY OR PRACTICE
41 UNDER SECTION 11-251.05 BY FILING AN ACTION FOR DECLARATORY RELIEF PURSUANT
42 TO TITLE 12, CHAPTER 10, ARTICLE 2.

43 B. ANY PERSON WHO IS AFFECTED BY A COUNTY ORDINANCE MAY OBTAIN A
44 JUDICIAL DECLARATION OF WHETHER THE ORDINANCE IS VOID BECAUSE THE ORDINANCE
45 FAILS TO SUBSTANTIALLY COMPLY WITH THE PROCEDURES ADOPTED BY THE BOARD

1 PURSUANT TO SECTION 11-251.16 BY FILING AN ACTION FOR DECLARATORY RELIEF
2 PURSUANT TO TITLE 12, CHAPTER 10, ARTICLE 2.

3 C. BEFORE FILING AN ACTION PURSUANT TO THIS SECTION THE PERSON MUST
4 COMPLY WITH THE REQUIREMENTS OF SECTION 11-1608.

5 Sec. 18. Section 48-3603, Arizona Revised Statutes, is amended to
6 read:

7 48-3603. Powers, duties and immunities of district and board;
8 exemptions

9 A. A county flood control district organized under this article is a
10 political taxing subdivision of this state and has all the powers, privileges
11 and immunities granted generally to municipal corporations by the
12 constitution and laws of this state, including immunity of its property and
13 bonds from taxation.

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

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

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

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

27 3. Contract and join with this state, the United States or any other
28 flood control district or floodplain board, municipality, political
29 subdivision, governmental agency, irrigation or agricultural improvement
30 district, association, corporation or individual in acquiring, constructing,
31 maintaining and operating flood control works, and regulating floodplains.

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

39 5. Acquire and maintain existing flood control and drainage facilities
40 within the district for the benefit of the district if mutually agreeable to
41 the owners of such facilities.

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

44 7. Construct, maintain and operate flood control and storm drainage
45 facilities and regulate floodplains in the district by agreement with this

1 state, counties, other municipal corporations, political subdivisions and
2 other persons and reimburse such agencies or persons for the cost of the
3 work.

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

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

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

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

15 12. Sue and be sued, enter into contracts and generally do all things
16 that may be necessary to construct, acquire and maintain facilities, operate
17 the district and perform its regulatory functions and that are in the
18 interests of the district.

19 13. Adopt such PROCEDURAL rules and bylaws for its orderly operation as
20 it sees fit.

21 14. Appoint a chief engineer and general manager, who may be the county
22 engineer.

23 15. Appoint a treasurer, who may be the county treasurer, an attorney,
24 who may be the county attorney, and other employees it considers desirable
25 and necessary to carry out the purposes of the district. Any other work
26 required by the district may be performed by regular employees of the county
27 on assignment by the board of supervisors, except that regular county
28 employees shall not undertake construction projects with an estimated cost of
29 five thousand dollars or more.

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

35 17. Construct, operate and maintain artificial groundwater recharge
36 facilities, and, if organized in a county having a population of more than
37 five hundred thousand persons according to the most recent United States
38 decennial census, underground storage and recovery facilities, if they have
39 flood control benefits, and contract and join with the United States, this
40 state and other governmental units for the purpose of constructing, operating
41 and maintaining multipurpose groundwater recharge, underground storage and
42 recovery and flood control facilities, except that a district shall not
43 expend district funds for any underground storage and recovery facility that
44 does not have flood control benefits.

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

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

7 20. Either alone, or by entering into any combination of contracts with
8 this state, the United States, any other flood control district, a floodplain
9 board, a municipality or other political subdivision, a government agency, an
10 irrigation or agricultural improvement district or an association,
11 corporation or individual, implement flood control enhancement solutions
12 including:

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

15 (b) Preservation and restoration of the floodplain.

16 (c) Maintenance of flood warning systems and associated flood response
17 plans.

18 (d) Construction of bridges or other access over watercourses that are
19 impassable to emergency vehicle traffic for fourteen or more days a year.

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

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

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

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

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

41 26. Authorize the chief engineer of the district to apply for and
42 obtain administrative search warrants for entry and inspection from a local
43 court of general jurisdiction to determine if violations of section 48-3609,
44 48-3613, 48-3614 or 48-3615 have occurred. The warrants shall be served by a
45 peace officer as defined in section 1-215. A report of any inspections made

1 pursuant to this section shall be prepared and made available in the records
2 of the district and a copy mailed or otherwise delivered to the owner within
3 fifteen days after the inspection of the owner's premises.

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

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

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

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

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

15 I. Section 9-403 does not apply to a flood control district organized
16 under this article and section 9-402 does not apply when the district is
17 selling property to this state or a political subdivision. Before selling
18 any property to this state or a political subdivision of this state, the
19 flood control district shall obtain an appraisal of the fair market value of
20 the property by a person who is certified pursuant to title 32, chapter 36.
21 If any property sold by the district to this state or a political subdivision
22 without complying with section 9-402 is subsequently sold by this state or
23 political subdivision as undeveloped property for a price exceeding the
24 original sale price, the district shall be paid the difference between the
25 original price and the subsequent sale price. For the purposes of this
26 subsection, "political subdivision" means any incorporated city or town,
27 county, school district, fire district, charter school, community college or
28 university.

29 Sec. 19. Title 48, chapter 21, article 1, Arizona Revised Statutes, is
30 amended by adding sections 48-3609.02 and 48-3609.03, to read:

31 48-3609.02. Adoption of rules or regulations: procedures:
32 definition

33 A. AT LEAST SIXTY DAYS BEFORE THE ADOPTION OF RULES OR REGULATIONS BY
34 THE BOARD OF DIRECTORS, THE DISTRICT SHALL PROVIDE A NOTICE AND MAKE
35 AVAILABLE THE ENTIRE TEXT OF ANY PROPOSED RULE OR REGULATION AT THE OFFICE OF
36 THE DISTRICT AND ON THE DISTRICT WEBSITE. THE NOTICE SHALL CONTAIN AN
37 EXPLANATION OF THE RULE OR REGULATION, INCLUDING THE DISTRICT'S REASONS FOR
38 INITIATING THE RULE OR REGULATION, THE STATUTORY AUTHORITY FOR THE RULE OR
39 REGULATION, A REFERENCE TO ANY STUDY KNOWN AT THAT TIME TO BE USED IN
40 CONSIDERATION OF THE RULE OR REGULATION AND WHERE IT MAY BE OBTAINED, THE
41 NAME AND ADDRESS OF DISTRICT PERSONNEL WITH WHOM PERSONS MAY COMMUNICATE
42 REGARDING THE RULE OR REGULATION AND WHERE ANY ELECTRONIC OR WRITTEN
43 STATEMENTS CONCERNING THE RULE OR REGULATION SHOULD BE ADDRESSED. THE
44 DISTRICT SHALL ALSO POST NOTICE OF THE DATE, TIME AND PLACE OF A PUBLIC

1 HEARING TO BE CONDUCTED BY THE CITIZENS FLOOD CONTROL ADVISORY BOARD OR OTHER
2 ENTITY DESIGNATED BY THE BOARD.

3 B. NOT LESS THAN THIRTY DAYS AFTER THE POSTING OF THE NOTICE, THE
4 ADVISORY BOARD OR OTHER ENTITY DESIGNATED BY THE BOARD SHALL CONDUCT A PUBLIC
5 HEARING AND RECEIVE WRITTEN, ELECTRONIC AND ORAL STATEMENTS CONCERNING THE
6 PROPOSED RULE OR REGULATION.

7 C. AT LEAST FIFTEEN DAYS BEFORE THE MEETING AT WHICH THE BOARD OF
8 DIRECTORS WILL ADOPT, AMEND OR REPEAL A RULE OR REGULATION, A NOTICE SHALL BE
9 GIVEN OF THE DATE, TIME AND LOCATION OF THE MEETING BY PUBLICATION ON THE
10 COUNTY WEBSITE. THE NOTICE ALSO SHALL CONTAIN A RESPONSE TO THE PUBLIC
11 COMMENTS.

12 D. THE BOARD OF DIRECTORS SHALL RECEIVE A RECORD OF ALL WRITTEN,
13 ELECTRONIC AND ORAL STATEMENTS, INCLUDING THE RESPONSES TO THE PUBLIC
14 COMMENTS PURSUANT TO SUBSECTION C OF THIS SECTION, BEFORE ADOPTING THE RULE
15 OR REGULATION.

16 E. IF AS A RESULT OF PUBLIC COMMENTS OR INTERNAL REVIEW THE BOARD OF
17 DIRECTORS DETERMINES THAT A PROPOSED RULE OR REGULATION REQUIRES SUBSTANTIAL
18 CHANGE, THE BOARD SHALL ISSUE A SUPPLEMENTAL NOTICE CONTAINING THE CHANGES IN
19 THE PROPOSED RULE OR REGULATION AND PROVIDE FOR ADDITIONAL PUBLIC COMMENT
20 PURSUANT TO THIS SECTION BEFORE ADOPTION.

21 F. NOTWITHSTANDING THIS SECTION, THE BOARD MAY ADOPT A RULE OR
22 REGULATION WHEN THE BOARD MAKES A FINDING THAT AN EMERGENCY EXISTS IF THE
23 RULE OR REGULATION TERMINATES AFTER THE BOARD DETERMINES THE EMERGENCY
24 SITUATION NO LONGER EXISTS. AN EMERGENCY EXISTS TO DO ANY OF THE FOLLOWING:

25 1. PROTECT THE PUBLIC HEALTH, SAFETY OR WELFARE.

26 2. COMPLY WITH DEADLINES IN AMENDMENTS TO A COUNTY'S GOVERNING LAW OR
27 FEDERAL PROGRAMS.

28 3. AVOID VIOLATION OF FEDERAL LAW OR REGULATION OR OTHER STATE LAW IF
29 THE SITUATION IS NOT THE RESULT OF DELAY OR INACTION BY THE BOARD.

30 4. AVOID AN IMMINENT BUDGET REDUCTION.

31 5. AVOID SERIOUS PREJUDICE TO THE PUBLIC INTEREST OR THE INTEREST OF
32 THE PARTIES CONCERNED.

33 G. THE BOARD OF DIRECTORS, ADVISORY BOARD OR OTHER ENTITY DESIGNATED
34 BY THE BOARD SHALL CONSIDER EACH OF THE FOLLOWING METHODS AND MAY REDUCE THE
35 IMPACT OF THE RULE OR REGULATION ON SMALL BUSINESSES BY USING ONE OR MORE OF
36 THE FOLLOWING METHODS IF IT FINDS THAT THE METHODS ARE LEGAL AND FEASIBLE IN
37 MEETING THE OBJECTIVES THAT ARE THE BASIS OF THE PROPOSED RULE OR REGULATION:

38 1. ESTABLISH LESS STRINGENT COMPLIANCE OR REPORTING REQUIREMENTS.

39 2. ESTABLISH LESS STRINGENT SCHEDULES OR DEADLINES.

40 3. CONSOLIDATE OR SIMPLIFY THE COMPLIANCE OR REPORTING REQUIREMENTS.

41 4. ESTABLISH PERFORMANCE STANDARDS FOR SMALL BUSINESSES TO REPLACE
42 DESIGN OR OPERATIONAL STANDARDS.

43 5. EXEMPT SMALL BUSINESSES FROM ANY OR ALL REQUIREMENTS.

44 H. A RULE OR REGULATION IS INVALID UNLESS IT IS MADE AND APPROVED IN
45 SUBSTANTIAL COMPLIANCE WITH THIS SECTION, UNLESS OTHERWISE PROVIDED BY LAW.

1 I. THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO:
2 1. SUBSTANTIVE POLICY STATEMENTS.
3 2. INTERNAL PROCEDURAL DOCUMENTS THAT ONLY AFFECT THE INTERNAL
4 PROCEDURES OF THE DISTRICT AND DO NOT IMPOSE ADDITIONAL REQUIREMENTS OR
5 PENALTIES ON REGULATED PARTIES.
6 3. AN INTERPRETATION REQUESTED BY A REGULATED PERSON PROVIDED IT IS
7 SUBJECT TO A PUBLIC APPEALS PROCESS.
8 4. ANY FORM WHOSE CONTENTS OR SUBSTANTIVE REQUIREMENTS ARE PRESCRIBED
9 BY ORDINANCE OR STATUTE, AND INSTRUCTIONS FOR THE EXECUTION OR USE OF THE
10 FORM.
11 J. FOR THE PURPOSE OF THIS CHAPTER, "RULE" MEANS A DISTRICT STATEMENT
12 OF GENERAL APPLICABILITY THAT IMPLEMENTS, INTERPRETS OR PRESCRIBES LAW OR
13 POLICY, OR DESCRIBES THE PROCEDURE OR PRACTICE REQUIREMENTS OF A DISTRICT.
14 RULE INCLUDES PRESCRIBING FEES OR THE AMENDMENT OR REPEAL OF A PRIOR RULE BUT
15 DOES NOT INCLUDE A DISTRICT'S SUBSTANTIVE POLICY STATEMENT OR INTERNAL
16 PROCEDURAL DOCUMENTS THAT ONLY AFFECT THE INTERNAL PROCEDURES OF THE DISTRICT
17 AND DO NOT IMPOSE ADDITIONAL REQUIREMENTS OR PENALTIES ON REGULATED PARTIES.
18 48-3609.03. Publication of rules or regulations
19 A. THE CLERK OF THE BOARD SHALL PUBLISH ON THE DISTRICT WEBSITE ALL
20 RULES AND REGULATIONS ADOPTED BY THE DISTRICT BOARD OF DIRECTORS.
21 B. THE CLERK OF THE BOARD SHALL MAINTAIN ON THE DISTRICT WEBSITE A
22 REGISTER OF ACTIVITIES RELATED TO THE ADOPTION OF RULE OR REGULATIONS THAT
23 SHALL INCLUDE:
24 1. A SCHEDULE OF THE TIME, DATE AND PLACE OF ALL HEARINGS ON PROPOSED
25 REPEALS, ADOPTIONS OR AMENDMENTS OF RULES OR REGULATIONS.
26 2. ANY NOTICES RELATED TO PROPOSED RULES OR REGULATIONS, INCLUDING THE
27 FULL TEXT OF ANY PROPOSED RULE OR REGULATION, AN EXPLANATION OF ANY PROPOSED
28 RULE OR REGULATION, AND THE STATUTORY AUTHORITY FOR THE RULE OR REGULATION.
29 3. A SUMMARY OF BOARD ACTION ON EACH RULE OR REGULATION.
30 4. SUPPLEMENTAL NOTICES AND ANY NEW AMENDED OR ADDED LANGUAGE TO A
31 PROPOSED RULE OR REGULATION.
32 Sec. 20. Section 48-3642, Arizona Revised Statutes, is amended to
33 read:
34 48-3642. Regulatory bill of rights
35 To ensure fair and open regulation by districts, a person:
36 1. Is eligible for reimbursement of fees and other expenses if the
37 person prevails by adjudication on the merits against a district in a court
38 proceeding regarding a district decision as provided in section 12-348.
39 2. Is entitled to receive information and notice regarding inspections
40 as provided in section 48-3643.
41 3. Is entitled to have a district not base a licensing decision in
42 whole or in part on licensing conditions or requirements that are not
43 specifically authorized as provided in section 48-3644.

1 4. May have a district approve or deny the person's license
2 application within a predetermined period of time as provided in section
3 48-3645.

4 5. Is entitled to receive written or electronic notice from a district
5 on denial of a license application:

6 (a) That justifies the denial with references to the statute,
7 ordinance, regulation, executive order, delegation agreement or authorized
8 substantive policy statement on which the denial is based as provided in
9 section 48-3645.

10 (b) That explains the applicant's right to appeal the denial as
11 provided in section 48-3645.

12 6. Is entitled to receive information regarding the license
13 application process at the time the person obtains an application for a
14 license as provided in section 48-3646.

15 7. May inspect all ordinances, regulations and substantive policy
16 statements of a district, including a directory of documents, at the office
17 of the district or a district website as provided in section 48-3647.

18 8. Unless specifically authorized, may expect districts to avoid
19 duplication of other laws that do not enhance regulatory clarity and to avoid
20 dual permitting to the maximum extent practicable as provided in section
21 48-3644.

22 9. May file a complaint with the board of review concerning an
23 ordinance, **RULE**, regulation or substantive policy statement that fails to
24 comply with this section.

25 10. **MAY REVIEW THE FULL TEXT OR SUMMARY OF ALL ACTIVITY RELATED TO THE**
26 **ADOPTION OF RULES OR REGULATIONS PURSUANT TO SECTION 48-3609.03 AND THE**
27 **SUMMARY OF SUBSTANTIVE POLICY STATEMENTS.**

28 11. **MAY PARTICIPATE IN THE RULE MAKING PROCESS AS PROVIDED IN ARTICLE 4**
29 **OF THIS CHAPTER, INCLUDING PROVIDING WRITTEN OR ORAL COMMENTS ON PROPOSED**
30 **RULES TO A DISTRICT AS PROVIDED IN SECTION 48-3674 AND HAVING THE DISTRICT**
31 **ADEQUATELY ADDRESS THOSE COMMENTS AS PROVIDED IN SECTION 48-3675.**

32 12. **MAY ALLEGE THAT AN EXISTING DISTRICT PRACTICE OR SUBSTANTIVE POLICY**
33 **STATEMENT CONSTITUTES A RULE AND HAVE THAT DISTRICT PRACTICE OR SUBSTANTIVE**
34 **POLICY STATEMENT DECLARED VOID BECAUSE THE PRACTICE OR SUBSTANTIVE POLICY**
35 **STATEMENT CONSTITUTES A RULE OR REGULATION AS PROVIDED IN SECTION 48-3648.**

36 Sec. 21. Section 48-3648, Arizona Revised Statutes, is amended to
37 read:

38 48-3648. **Complaints; board of review**

39 A. The board of review shall receive complaints concerning ordinances,
40 **RULE, REGULATIONS**, substantive policy statements or district practices
41 alleged to violate this ~~article~~ **CHAPTER**. The board of review may review any
42 ordinance, **RULE**, regulation, substantive policy statement or district
43 practice alleged to violate this ~~article~~ **CHAPTER**. ~~and may hold hearings~~
44 ~~regarding the allegations. The board of review may recommend actions to~~

1 ~~alleviate the aspects of the ordinances, regulations, substantive policy~~
2 ~~statements or district practices alleged to violate this article.~~

3 B. THE BOARD OF DIRECTORS MAY REQUIRE THE COMPLAINT TO BE MADE IN
4 WRITING AND INCLUDE THE FOLLOWING INFORMATION:

5 1. THE NAME AND ADDRESS OF THE PERSON MAKING THE COMPLAINT.

6 2. THE ORDINANCE, RULE, SUBSTANTIVE POLICY STATEMENT ALLEGED TO
7 VIOLATE THIS CHAPTER.

8 3. ANY FACTS RELEVANT TO AND THE LEGAL BASIS FOR THE COMPLAINT.

9 C. IF THE COMPLAINT CONCERNS THE VALIDITY OF AN ENFORCEABLE RULE,
10 REGULATION, SUBSTANTIVE POLICY STATEMENT OR DISTRICT PRACTICE, THE COMPLAINT
11 SHALL BE SUBMITTED TO THE BOARD OF REVIEW. WITHIN FORTY-FIVE DAYS AFTER
12 SUBMISSION, THE BOARD OF REVIEW SHALL IN WRITING APPROVE, DENY OR MODIFY THE
13 PETITION OR MAKE RECOMMENDATIONS FOR ACTION TO THE BOARD OF DIRECTORS.

14 D. THE AFFECTED PERSON, BY FILING WITH THE CLERK OF THE BOARD, MAY
15 APPEAL TO THE BOARD OF DIRECTORS WITHIN THIRTY DAYS AFTER THE BOARD OF REVIEW
16 GIVES A WRITTEN DECISION PURSUANT TO SUBSECTION C OF THIS SECTION. THE BOARD
17 OF DIRECTORS SHALL PLACE THE COMPLAINT CONCERNING A RULE, REGULATION,
18 SUBSTANTIVE POLICY STATEMENT OR DISTRICT PRACTICE ON ITS AGENDA WITHIN THIRTY
19 DAYS OF ITS FILING WITH THE CLERK.

20 E. THE BOARD SHALL DENY, APPROVE OR MODIFY THE PETITION OR PROVIDE
21 OTHER RELIEF.

22 F. IF THE COMPLAINANT IS UNSATISFIED WITH AN ACTION TAKEN BY THE BOARD
23 ON THE COMPLAINT, THE COMPLAINANT MAY FILE AN ACTION FOR DECLARATORY JUDGMENT
24 PURSUANT TO SECTION 48-3652.

25 Sec. 22. Section 48-3649, Arizona Revised Statutes, is amended to
26 read:

27 48-3649. Clarification of interpretation

28 A. A REGULATED person may request a district to clarify its
29 interpretation or application of a statute, ordinance, regulation, executive
30 order, delegation agreement or authorized substantive policy statement
31 affecting the REGULATED PERSON'S procurement of a license by providing the
32 district with a written request that states:

33 1. The name and address of the REGULATED person requesting the
34 clarification.

35 2. The statute, ordinance, RULE, regulation, executive order,
36 delegation agreement or authorized substantive policy statement or part of
37 the statute, ordinance, RULE, regulation, executive order, delegation
38 agreement or authorized substantive policy statement that requires
39 clarification.

40 3. Any facts relevant to the requested ~~ruling~~ CLARIFICATION.

41 4. The REGULATED person's proposed interpretation of the applicable
42 statute, ordinance, RULE, regulation, executive order, delegation agreement
43 or authorized substantive policy statement or part of the statute, ordinance,
44 RULE, regulation, executive order, delegation agreement or authorized
45 substantive policy statement.

1 5. Whether, to the best knowledge of the **REGULATED** person, the issues
2 or related issues are being considered by the district in connection with an
3 existing license or license application.

4 B. On receipt of a request that complies with subsection A, the
5 district may meet with the **REGULATED** person to discuss the written request
6 and shall respond within thirty days of the receipt of the written request
7 with a written explanation of its interpretation or application as raised in
8 the written request. The district shall provide the requestor with an
9 opportunity to meet and discuss the district's written explanation.

10 C. A district may modify a written explanation provided under
11 subsection B on written notice to the **REGULATED** person if required by a
12 change in the law that was applicable at the time the clarification ~~of~~ **OF**
13 interpretation was issued, including changes caused by legislation,
14 administrative rules formally adopted by the governing body or a court
15 decision.

16 Sec. 23. Title 48, chapter 21, article 2, Arizona Revised Statutes, is
17 amended by adding sections 48-3651 and 48-3652, to read:

18 **48-3651. Substantive policy statements; directory**

19 **A. A DISTRICT SHALL FILE SUBSTANTIVE POLICY STATEMENTS PURSUANT TO**
20 **SECTION 48-3647.**

21 **B. A DISTRICT SHALL ENSURE THAT THE FIRST PAGE OF EACH SUBSTANTIVE**
22 **POLICY STATEMENT INCLUDES THE FOLLOWING NOTICE:**

23 **THIS SUBSTANTIVE POLICY STATEMENT IS ADVISORY ONLY. A**
24 **SUBSTANTIVE POLICY STATEMENT DOES NOT INCLUDE INTERNAL**
25 **PROCEDURAL DOCUMENTS THAT ONLY AFFECT THE INTERNAL PROCEDURES OF**
26 **THE DISTRICT AND DOES NOT IMPOSE ADDITIONAL REQUIREMENTS OR**
27 **PENALTIES ON REGULATED PARTIES OR INCLUDE CONFIDENTIAL**
28 **INFORMATION OR RULES MADE IN ACCORDANCE WITH THE DISTRICT**
29 **ADMINISTRATIVE PROCEDURE ACT. IF YOU BELIEVE THAT THIS**
30 **SUBSTANTIVE POLICY STATEMENT DOES IMPOSE ADDITIONAL REQUIREMENTS**
31 **OR PENALTIES ON REGULATED PARTIES YOU MAY PETITION THE DISTRICT**
32 **UNDER SECTION 48-3682, ARIZONA REVISED STATUTES, FOR A REVIEW OF**
33 **THE STATEMENT.**

34 **C. THE DISTRICT SHALL PUBLISH AT LEAST ANNUALLY A DIRECTORY**
35 **SUMMARIZING THE SUBJECT MATTER OF ALL CURRENTLY APPLICABLE RULES AND**
36 **SUBSTANTIVE POLICY STATEMENTS. THE DISTRICT SHALL KEEP COPIES OF THIS**
37 **DIRECTORY AND ALL OF ITS SUBSTANTIVE POLICY STATEMENTS AT ONE LOCATION. THE**
38 **DIRECTORY, RULES AND SUBSTANTIVE POLICY STATEMENTS AND ANY MATERIALS**
39 **INCORPORATED BY REFERENCE IN THE RULES OR SUBSTANTIVE POLICY STATEMENTS SHALL**
40 **BE OPEN TO PUBLIC INSPECTION AT THE OFFICE OF THE DISTRICT DIRECTOR OR**
41 **DISTRICT WEBSITE.**

1 48-3652. Declaratory judgment

2 A. ANY PERSON WHO IS AFFECTED BY A DISTRICT RULE OR REGULATION OR
3 ALLEGES THAT A DISTRICT POLICY OR PRACTICE CONSTITUTES A RULE OR REGULATION
4 MAY OBTAIN A JUDICIAL DECLARATION OF WHETHER THE RULE OR REGULATION IS VOID
5 BECAUSE IT FAILS TO SUBSTANTIALLY COMPLY WITH THE PROCEDURES ADOPTED BY THE
6 BOARD PURSUANT SECTION 48-3609.02 OR THE PROVISIONS OF THIS CHAPTER BY FILING
7 AN ACTION FOR DECLARATORY RELIEF PURSUANT TO TITLE 12, CHAPTER 10, ARTICLE 2.

8 B. BEFORE FILING AN ACTION PURSUANT TO THIS SECTION THE PERSON MUST
9 COMPLY WITH THE REQUIREMENTS OF SECTION 48-3648.

10 Sec. 24. Effective date

11 This act is effective from and after December 31, 2012.