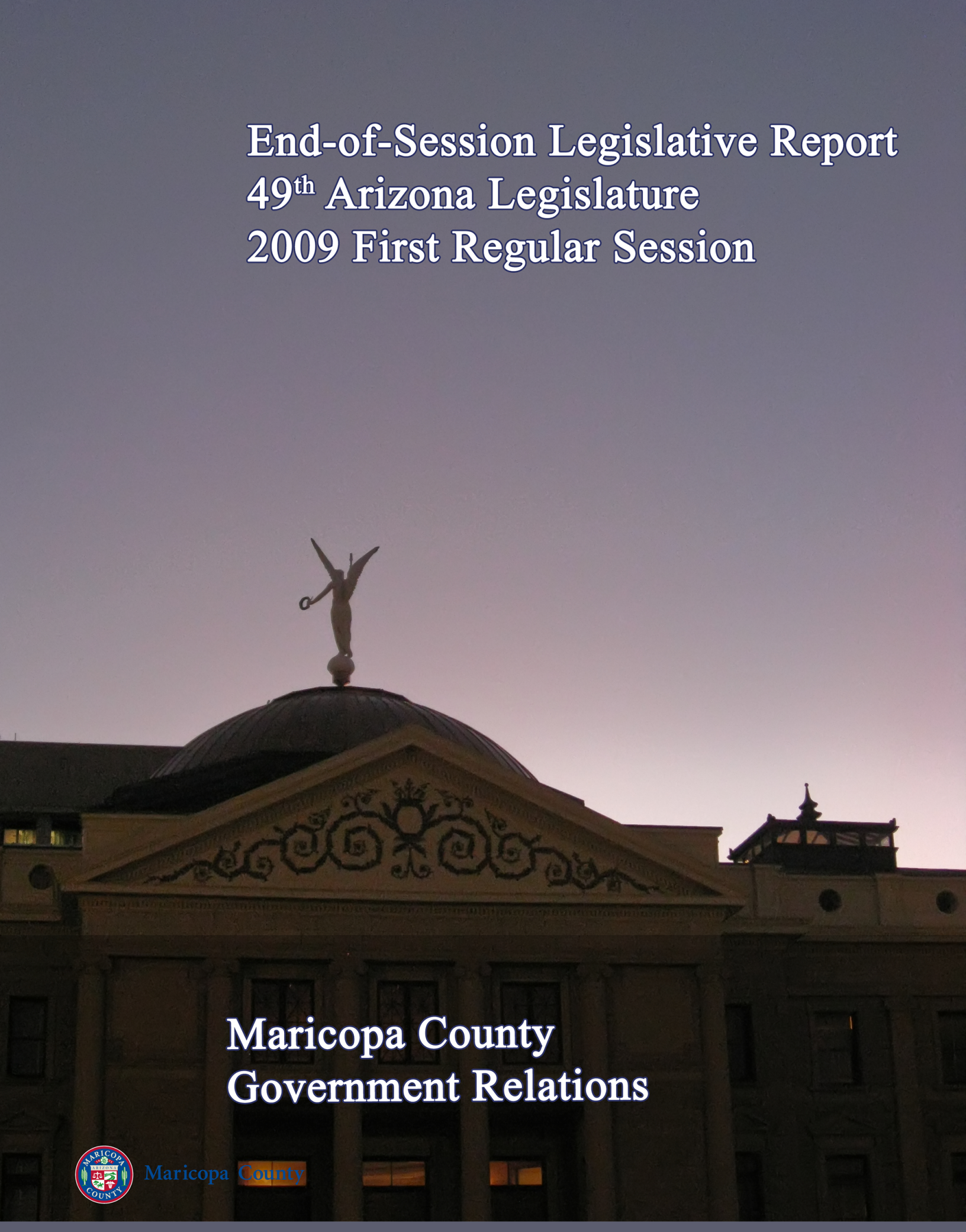
End-of-Session Legislative Report
49th Arizona Legislature
2009 First Regular Session



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August 28, 2009

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SUBJECT: 2009 LEGISLATIVE SESSION OVERVIEW (PART I)

The 49th Legislature, First Regular Session, adjourned sine die on Wednesday, July 1, 2009 at 7:31 a.m., on Day 170 of the session.

A total of 190 bills were signed into law and one became law without the Governor's signature. A total of 22 were vetoed in their entirety (representing six vetoes of regular bills and the other 16 all budget bills) and two bills were line-item vetoed. The list of vetoed bills and the Governor's messages are included at the end of this report.

The general effective date for bills is 90 days after legislative adjournment, which is Wednesday, **September 30, 2009**. This report provides the almost-final overview of the 2009 legislative session from Maricopa County's perspective. The report remains incomplete because the Third Special Session was adjourned sine die on August 25th, on day 51 of the special session, with no final budget resolution. We will provide an update once there is a final budget. Please let us know if we may provide any additional information or if you would like to be more fully briefed on any of the bills included in this report in the meantime.

At the time of this writing, the Governor has until ***September 5, 2009*** to sign or veto the budget bills sent to her most recently by the state Legislature. If she signs the bills, or allows them to become law without her signature, the impact on Maricopa County will be approximately $27 million as outlined in the following report. The state equalization property tax is also repealed in this budget. If the Governor vetoes the bills, she will likely call for a Fourth Special Session, at which time the impact may or may not remain the same.

The State Budget

When the regular session started, it was all about the budget, when it ended, it was all about the budget, and even now, as the Third Special Session concludes with no real closure, it's all about the budget. The budget crisis situation in Arizona remains unresolved. Extraordinary pronouncements have become the norm; there is talk of the State running out of money, severe cash flow problems, and mention of IOUs. The State of Arizona has an historic $3.4 billion state budget shortfall for FY 2010, and there may still be as much as a $300 million unresolved deficit left over for FY 2009. Just last week, the State's credit outlook was revised from "stable" to "negative" by Standard & Poor's credit-rating agency.

The protection of County financial resources in the State budget was the number one priority for the County this session. Coming into the session, a major policy change of shifting the responsibility for housing vast numbers of prisoners from the State to the County was still under discussion as a very real possibility. Maricopa County was told point-blank numerous times by key legislative policy-makers and staff that shifting prisoners to the County was something that "absolutely had to be done" due to the State's structural deficit, as legislators were looking for solutions that had long-term cost avoidance. This was while former Governor Napolitano was still in office and thus the proposal had momentum from the Executive, as well. This was only the first of many unfavorable budget proposals that had to be fought off.

Many more were in the offing. Once again, Maricopa County had started out the session gingerly negotiating with House and Senate leadership on the budget, looking for common ground in having the County assist with the state budget deficit to a certain "acceptable" level and only in a way that made good policy sense, and also receiving something of value in return. While it was the case that this Board had excellent relationships (and still do) with both the President and the Speaker, the fact remained that, due to budget

realities and a sense of desperation, the Legislature still came out with budget proposals that would have severely and unacceptably impacted counties. At various times during the budget process, Maricopa County's impact ranged anywhere from $75 to $103 million.

The dynamics changed when Governor Brewer came into office. Throughout the process, the Governor steadfastly supported Maricopa County. At one point, when the legislative budget proposed taking $190 million in state-shared Vehicle License Tax revenues from cities and counties, the Governor objected that it was irresponsible to try to fix the state's budget problem by taking revenue from cities and counties and that local officials had been quick to respond to the recession, adjusting their own budgets to deal with shrinking revenues, much earlier than the state.

Chronology of the Budget and Impact on Maricopa County To Date

Many have found the budget process this year confusing and difficult to follow without a scorecard. It may be instructive to review the various budget proposals, actions and impacts to date:

Fixing the FY 2009 Budget

The First Special Session to make FY 2009 budget corrections ended January 31st. This is where the Legislature first tried to make counties shoulder a portion of paying for state tourism costs. That provision was ultimately removed. The Legislature passed out a six-bill Republican-only package making wide-ranging cuts. The only thing that really affected Maricopa County here was a $12,000 county assistance fund reduction (lottery monies - LTAF II).

Next, the Legislature made a further fix to the FY 2009 budget year in May, passing a two-bill package that resolved what was then a $650 million budget deficit for FY 2009. That fix did not affect counties. Thus, the final amount for Maricopa County in terms of FY '09 budget impact totaled approximately $41.2 million (*down from $46 million following the League of Arizona Cities and Towns' successful Supreme Court suit to eliminate last year's mandated $30 million contribution to the State general fund from cities, towns and counties, of which Maricopa's portion was $4.7 million*).

The FY 2010 Budget

Once the FY '09 fix was done, the Legislature turned to the FY 2010 budget. Leadership came out with a proposed budget that had a host of

unfavorable provisions in it for local governments. At one point the House Appropriations Committee considered a proposal targeting $55 million in "county cash balances," an arbitrary number appearing out of the blue. Also of great concern in this budget was a baseline continuation of the mandated direct transfer of $24 million from Maricopa to the State and the unprecedented diversion of county VLT revenues to fund a portion of the State's obligation to K-12 education. This budget would have impacted counties in the amount of over $106 million (Maricopa County was at about $82 million–plus in this budget). In fighting off this proposal, Chairman Max Wilson stated during hearings at the Capitol that "The counties pay our own bills, and we live within our means. When the state can't live within its means, they just pass the bills on to us."

First FY 2010 Budget: The "June 4th Budget

The Republican-only budget package which the Legislature then passed out along party lines, known as the "June 4th budget," did not include the Governor's priority item of putting the question of a sales tax increase to voters. Knowing a veto was likely, this is when leadership famously delayed transmitting it to the Governor until the end of the regular session and the Governor took the Legislature to the Supreme Court.

At this point in the process, the legislative budget included a VLT shift of $95 million to local governments. Counties were hit for a total of $53 million and Maricopa was approximately $35 million of this. In addition, Maricopa was slated for a $24 million ALTCS contribution along with a $6 million HURF hit, and a whole variety of other hits and fund sweeps for a total of over $75 million.

Second FY 2010 Budget: The "Trailer Budget"

Next, the Legislature passed, with all Republican votes, the second budget package, known as the "trailer bill budget." The trailer bills made modifications to all the earlier budget bills. This was based on a compromise with the Governor. However, a central tenant of this compromise was the Governor's insistence that the Legislature include referral of a temporary, three-year, one-cent sales tax increase measure to the ballot to be held in a fall special election, with the revenues going specifically for the support of primary and secondary education, health and human services and public safety. The Legislature failed to include such a ballot referral again. (Also, it should be noted that the legislation provided for reimbursement of counties for costs incurred in running a special election.)

The trailer budget that was passed was a relatively "good" budget for us, given the fiscal realities, with an impact of approximately $27 million for Maricopa County (with an all-county impact of approximately $44 million). This included the now-perennial $6 million HURF shift to DPS, $19 million in mandated county transfers to the state (ALTCS growth) (down from last year's $24 million), a new county responsibility for sharing in the cost of housing sexually violent persons (SVPs) at ASH, a 10% reduction in county lottery revenues and some fund sweeps.

The Budget Reconciliation Bills (BRBs) also included all four of the budget policy provisions that Maricopa County had requested, which were:

- **Budget Flexibility Language (in vetoed SB 1036, section 45)**

  (A critical provision which allows counties to pay certain legislatively-imposed state budget impacts out of county non-general fund sources)

- **Photo radar JPC exemption through the end of FY 2010 (in vetoed SB 1028, section 32)**

  (Counties receive no portion whatsoever of the revenues from the photo radar citations in order to help cover costs. Having to fully count photo radar citations toward Judicial Productivity Credits would mean at least an additional 6800 JPCs for Maricopa County on an annualized basis. Given the 1200 JPC limit currently in law, that would require at least five to six new JPs and constables, translating into one to two new regional centers which contain four courts each. Such a mandate would mean the expenditure by the County of tens of millions of dollars. And it should be noted that DPS at present continues to talk about further expansion of the photo radar program.)

  Note: There were at least ten different photo radar-related bills considered this session making a variety of changes to the process or aimed at eliminating the program, all of which failed, with the exception of a provision relating to commercial drivers licenses.

- **County Furlough Authority (in vetoed SB 1035, section 6)**
  (to allow the County to make Reductions in Force adjustments if necessary in order to deal with budget constraints)

- **Adult Intensive Probation Teams language (in vetoed SB 1028, section 8)** *(similarly to allow the County to make RIFs within this particular work force if necessary)*

Outcome

This second (trailer) budget package was passed on July 1st and vetoed on July 1st (basically in the elevator on its way up to the ninth floor- that quick!), as this package still lacked the sales tax referral or any other new revenue source. The Governor also stated that the cuts to social programs and education were too deep. Almost all of this budget was vetoed, with the exception of two general appropriations budget bills which the Governor line-item vetoed (HB 2643 and SB 1188). All of the budget reconciliation bills (BRBs) were vetoed. BRBs are the bills that provide language to implement the budget and also contain a number of policy issues. The original June 4th budget bills were also sent up to the ninth floor at this time along with the trailer bills.

- All of the original June 4th BRBs were outright vetoed:

  SB 1028 - Criminal justice
  SB 1029 - Higher education
  SB 1031 - State assets
  SB 1035 - General government
  SB 1036 - General revenues
  SB 1145 - Health and welfare
  SB 1187 - K-12 education
  SB 1258 – Environment

- And all of the budget trailer bills and BRBs were outright vetoed:

  HB 2644 - General revenues
  HB 2645 - General government
  HB 2646 - State properties
  HB 2647 - Criminal justice
  HB 2648 - K-12 education
  HB 2649 - Higher education
  HB 2650 - Health and welfare

Third Special Session

At the conclusion of the Regular Session on July 1 (day 170 of the session), after vetoing most of the bills, the Governor then immediately called the Legislature back into Special Session, to the Legislature's surprise. There were harsh words for the Governor from legislative leadership. The Third Special Session to work on the budget began on Monday, July 6th.

While most observers expected things to languish indefinitely at that point, Republicans and Democrats surprised almost everyone by joining together that first day of the Third Special to pass out unanimously, in a veto-proof manner, a four-bill package, which the Governor then signed.

- These were three budget bills and one relating to the legislators' per diem:

  HB 2001 (3S) – Education; appropriations; 2009-2010
  HB 2002 (3S) – K-12 education; budget reconciliation (w/ Emerg.)
  HB 2003 (3S) – Health and welfare; budget reconciliation (w/ Emerg.)
  HB 2004 (3S) – Legislative subsistence payments; exception (dealt with cutting down legislators' per diem during the special) (w/ Emerg.)
  **(Please note "3S" denotes a Third Special Session bill.)*

The three budget bills restored some education and health care funding and also dealt with AHCCCS FMAP (Federal Medical Assistance Percentages), in order to be able to allow the State to go ahead and drawn down federal stimulus funds without jeopardizing their receipt.

The language in HB 2003 (3S), the Health BRB, with regard to Maricopa County's mandated ALTCS contribution, was the same language that had been in the trailer bill budget package vetoed previously, and that language was the most favorable for us. Thus, the end result was that our FY 2010 ALTCS revised contribution was in the amount of $119 million, reduced from the original projected FY'10 contribution of $164,638,800. This decrease reflected Maricopa County's portion ($45,355,400) of the total $72 million FMAP federal stimulus fund distribution to counties.

With regard to FY 2009 increased FMAP savings, there should be a grand total distribution of $34 million to Maricopa County (all-county total of $57 million).

While a few things were taken care of temporarily with these three signed budget bills in the Third Special Session, the remainder of the State budget remains up in the air.

The Current Status of the Budget *[as of this writing]*

Most recently, the Legislature passed and sent to the Governor for her consideration another all-Republican budget package on August 20, 2009, but, significantly, again without the Governor's desired sales tax referral to the ballot. This nine-bill package, which for the most part is largely identical to

the original June 30th budget bill package [the "trailer budget"] which was previously vetoed, is comprised of the following bills:

HB 2006 (3S) – General Appropriations; FY 2009-10
SB 1025 (3S) – (substituted for HB 2007) – General Revenues; budget reconciliation
HB 2008 (3S) – General Government; budget reconciliation
HB 2009 (3S) – Sale of Assets; budget reconciliation
HB 2010 (3S) – Criminal Justice; budget reconciliation
HB 2011 (3S) – K-12; budget reconciliation
HB 2012 (3S) – Higher Education; budget reconciliation
HB 2013 (3S) – Health and Welfare; budget reconciliation
HB 2014 (3S) – Environment; budget reconciliation

One bill of the package, HB 2014 (3S), considered the least controversial, dealing with Parks, the State Land Dept., DEQ and the Dept. of Water Resources, was signed by the Governor on August 21, 2009 (although there may be a constitutional challenge to parts of this bill relating to the State Land Dept.). The rest of the bills remain unsigned and under consideration by the Governor while negotiations with all four legislative caucuses continue. The Governor has ten days (not including Sundays) to dispose of legislation when the Legislature is not in session; the deadline for action on this package of bills is now September 5, 2009.

The Budget Currently Under Consideration by the Governor

The major cornerstones of this $8.4 billion budget package are $630 million in state agency spending reductions, approx. $1.1 billion in federal stimulus funding, $835 million in borrowing through lease, sale or privatization of state assets and other accounting maneuvers, and a host of fund sweeps and transfers. This budget, on its own, does not come close to wholly resolving the long-term budget deficit situation.

This budget package also contains the permanent repeal of the state equalization property tax that is scheduled to be reinstated after being suspended for three years (tax years 2006 through 2008), if there is no final enactment to repeal it (as contained in SB 1025). It is estimated the tax would generate $250 million if not repealed.

At one point, this budget package contained the combination of three different measures to be referred to voters at a special election; (1) the sales tax referral which would ask voters to approve a full cent in years one and two and a half-cent in the third year, (2) asking voters to allow a three-year

suspension of Proposition 105, the Voter Protection Act passed by voters in 1998, to help address the State budget deficit, and (3) putting in place a three-year spending cap of $10.2 billion imposed on the State budget.

Supporters viewed the Prop. 105 provision as a necessary relaxation of state constitutional protections of expensive "auto-pilot" voter-approved spending mandates during difficult economic times, so that cuts didn't have to be concentrated only in non-protected areas. Detractors saw it as a wholesale dismantling of programs that had won hard-fought voter protection. Democrats as a caucus opposed both the Prop. 105 and spending cap provisions. Leadership planned to send the combination of these three measures to voters in what was to be called "The Arizona State Budget Stabilization Act."

An additional provision that was in this budget package at one time was a $400 million individual and corporate income tax cut desired by the business community which would have gone into effect in fiscal year 2012, which was to be legislatively enacted and not referred to voters. The tax cut package would have gone into effect regardless of the outcome of the ballot measures. This provision, as well, was ultimately removed from the budget package that went to the Governor. While the House passed the whole plan, it fell short of votes in the Senate, lacking the 16 votes necessary out of the 18-member Senate majority caucus, as that was the only caucus in play at that point.

Thus, out of the various options that the Legislature considered, the repeal of the state equalization property tax was the only one that was retained in the budget sent to the Governor. This provision, too, is strongly opposed by both Democrat caucuses.

Detailed County Impact

Under this budget now under consideration by the Governor, the provisions pertaining to counties are the same as those that were contained in the trailer budget. Thus, the current impact on Maricopa County of the budget on the table is an approximate **$27 million** ($44 million is the all-county impact). *[It should be noted that the provisions and financial impacts listed below could change, depending upon the final disposition of the budget.]*

- Breakdown of the approximate $27 million Maricopa County impact:

  - No VLT shift for counties [applies to cities only]
  - $5,889,525 million HURF shift to DPS

- $19,014,600 million in county payment to the State (representing ALTCS growth). Contributions are excluded from the county expenditure limit.
- Requires cities and counties to pay for 25% of the cost of housing SVPs (sexually violent persons) in the Arizona Community Protection and Treatment Center within the Arizona State Hospital for FY 2009-10. *[The all-county projected cost is $2.15 million – specific Maricopa County portion is unknown at this point]*
- 10% reduction in County Assistance Fund (lottery) *[projected Maricopa loss $25,298]*
- Eliminate Summer Youth Employment Program *[anticipated loss of approx. $131,000]*
- and some fund sweeps *[exact amount yet undetermined]*

➢ Other Provisions:

- FY 2010 annual ALTCS contribution decreased from $164.6 million to $119 million due to enhanced FMAP federal stimulus fund distribution to counties. *[All-county amount is $190,467,500. Without the federal stimulus monies, the amount for all counties would have been $262,889,400]* (contained in already-signed HB 2003 – 3S- Ch.3 -E)
- Sets county AHCCCS acute care contributions at a total of $51.7 million. (HB 2013 – 3S – not signed)
- Changed, for FY '09 and FY '10, the current 50/50 split for excess ALTCS appropriations to a new split of 62.2%-counties and 37.8%-State in accordance with American Recovery & Restoration Act (ARRA) requirements. (HB 2003 - 3S – Ch. 3-E)
- Requires AHCCCS to transfer acute care county savings due to ARRA provisions in FY 2008-09 to counties by Dec. 31, 2009. (HB 2003 – 3S-Ch.3-E)

➢ County-related policy provisions in the pending budget:

- Budget Flexibility Language for Counties *[The required $19 million Maricopa County payment can be made from any revenue source.]* (SB 1025 – 3S)

- Photo radar JPC exemption for counties through the end of FY 2010. This exemption is applied retroactively to June 30, 2009. (HB 2010 – 3S)

- County Furlough Authority
  [Allows counties to furlough classified employees to address budget shortfalls or structural imbalances.] (HB 2008 – 3S)

- Revision to Adult Intensive Probation Teams statutory language
  [Allows a probation team to consist of two probation officers, instead of requiring a team to include at least one surveillance officer.] (HB 2010 – 3S)

- County Criminal Justice Funds – Non-supplanting provision
  [Temporarily suspends non-supplanting restrictions on certain funds such as Alternative Dispute Resolution, Adult Probation Services, and others, to allow counties to continue to receive state funding even if local funding is reduced. Requires a report on any county funding reduced in accordance with this provision.] (HB 2010 – 3S)

- DPS Crime Lab
  [Unlike last year's objectionable budget provision which required counties, cities and towns to reimburse DPS lab costs, the DPS crime lab is now funded using money from defensive driving school surcharges.] (HB 2010 – 3S)

- Property Tax Valuation
  [Beginning December 31, 2011, permanently sets the assessment ratio for secondary property tax purposes on Class One (commercial) property at 16%. This applies prospectively to all voter-approved secondary districts, bonds, and overrides.] (SB 1025 – 3S)

- Prohibits local governments from providing benefits without proof of legal presence. *[Requires proof of citizenship or legal presence for the receipt of federal, state and local benefits administered by the State or a political subdivision of the State.]* (HB 2008 – 3S)

- Impact Fees
  [For cities - existing impact fees are frozen for two years, effective retroactively to June 29, 2009, any new impact fees are prohibited, and their use restricted. For counties – prohibits a county from assessing or

collecting development fees from a school district or charter school, except for fees for streets, water or sewer.] (HB 2008 – 3S)

- VLT Payments from Cities
  [Requires cities to contribute $22 million of local vehicle license tax collections to county treasurers for distribution to local school districts.] (SB 1025 – 3S)

- County Stadium Districts
  [Makes a number of statutory changes relating to county stadium districts. These changes are directed at Tucson's Rio Nuevo project.] (SB 1025 – 3S)

- Permanent Repeal of State equalization property tax
  (SB 1025 – 3S)

- Restriction on State Promulgation of Rules
  [Prohibits State agencies from adopting rules that result in monetary or regulatory cost increases to other agencies, political subdivisions, or Arizona citizens in FY 2009-10, with certain exceptions.] (HB 2008 – 3S)

Bills

In a normal year, Government Relations has historically been successful in getting all of the bills in the Board's legislative package through the process and signed into law. However, this was (and is) certainly not a normal year. The House heard bills all through the budget process during the session, but the Senate President made a decision not to hear any regular bills this session until the budget was complete, and thus the Senate waited until the last two weeks of the regular session to consider bills. Many good bills (and bad bills!) were lost in the unusual, truncated process. As an example, last year, 315 bills were signed into law. This year, 190 bills were passed and signed.

In addition, our efforts were primarily focused this year on the budget and defending against unfavorable legislation; passing the bills in the board's package, while very important, was considered secondary in this strange session.

And, finally, more important this year than ever before, were the policy provisions that are inserted into the budget reconciliation bills (BRBs), the series of bills that accompany and implement the State budget. The policy changes that get put into BRBs under the auspices of the budget are as important, or in some cases even more so, than regular bills.

[A full description of the bills contained in the Board's legislative package are in the following section entitled "2009 Board Legislative Agenda", along with other bills of interest to the Board.]

- The bills in the Board's legislative package that were passed and signed were as follows:
  - HB 2458 – Sterilization of Unlicensed Companion Animals - change in procedures of how dogs are licensed, impounded, spayed/neutered and returned to owners.
  - SB 1297 – Flood Control Districts; Remainder Parcels – authorizes county FCDs to obtain whole parcels of land from owners in certain instances
  - HB 2202 – County Stormwater Management corrections

- While not originally in the Board's original package, we also worked hard to pass:
  - HB 2164 – Immunization of persons and creating an immunization registry (strongly supported by Dr. England and never able to get through until this year)
  - HB 2236 – County Operations; Management – allows four-day work weeks and also allows boards to take the Friday after Thanksgiving as a legal holiday in place of Columbus Day if desired (discretionary). Also makes a number of changes to the county merit system and hearing officers.
  - HB 2581 – Library Districts; County Reimbursement – allows boards of supervisors to require a county library district to reimburse the county for the cost of services provided to the special district.
  - HB 2336 – County Renewable Energy Incentive District – allows for the creation of such districts for counties and cities.

- There were three other bills originally contained in the Board's package which did not reach the finish line. They passed out of their houses of origin but ran out of time in the session. These were:
  - HB 2431 – Increase Penalties for not properly controlling vicious dogs
  - HB 2190 – Gain expedited authority for county environmental services departments to enter private premises for inspection and abatement of dangerous nuisances such as green pools
  - SB 1193 – Remove sunset clause on authority to use Alternative Project Delivery Methods (ADMPs)
  - These bills will automatically, with board approval, be put back onto the 2010 legislative agenda

- However, just as important were unfavorable bills which were prevented from passing, which negatively affected the board's discretion, authority or finances, or were not good public policy. There were a number of such bills this year, including, among others:
  - Fundamentally changing county governance by restricting county boards of supervisors' budget authority to oversee the fiscal operations of a county and set policy
  - Taking the board out of the process to appoint legislative vacancies
  - A number of costly and burdensome bills requiring political subdivisions to create public expenditure data bases for purposes of "government transparency"
  - Diversion of a portion of counties' state-shared sales tax to tribes
  - Elimination of counties' current authority to form public health services districts by unanimous vote of the board
  - Imposing a "filing fee" for a person's restoration of rights
  - A lessening of public disclosure requirements for buyers of unsubdivided property

Ballot Measures

The Legislature passed three measures which will go on the 2010 general election ballot.

These are:

HCR 2014 – Health Care Choice (Barto)
This House Concurrent Resolution would ask voters to amend the Arizona Constitution to state that no rule or law shall require citizens to participate in any health care system or to be penalized for doing so (previously seen on the 2008 general election ballot as the "Freedom of Choice in Health Care Act, which failed to pass by 8,687 votes).

HCR 2019 – Affirmative Action; Prohibition (Montenegro)
This HCR would ask voters to amend the Arizona Constitution to prohibit preferential treatment for or against any individual or group on the basis of race, sex, color, ethnicity or national origin in the areas of public employment, public education or public contracting.

SCR 1026 – Secret Ballot; Fundamental Right (Paton)
This Senate Concurrent Resolution would ask voters to amend the Arizona Constitution to constitutionally guarantee the right of individuals to vote by secret ballot in elections of local, state and federal public officers and ballot measures, or union representation.

What's Next

Once this FY '10 budget is finally completed, it is likely it will have to be revised again, and perhaps multiple times. Holding additional special sessions in September, October and November is a distinct possibility. Recent reports from the Joint Legislative Budget Committee on the State's finances currently project, *even with* some type of new revenue injection such as the proposed sales tax increase, continuing deficits through FY 2013. State enrollment and caseloads for AHCCCS, K-12, and Corrections are all up and expected to continue to grow. Given the gravity of the State's fiscal situation and the continued shortfall in revenues, Maricopa County remains at grave risk with regard to the State budget. The County will continue to be extremely proactive in letting State policy-makers know how their budget decisions affect Maricopa County both financially and

programmatically. We will keep you closely apprised of all future budget developments.

The Second Regular Session of the 49th Legislature begins on Monday, January 11, 2010. One would not be remiss in speculating that it will be another difficult session. Legislative and gubernatorial election-year politics will undoubtedly be a major factor. This will be the last session for many veteran members who are termed out or retiring from the Legislature, including the Senate President.

Thank you for your help and support during a very difficult session. Once again this year, the personal involvement in the legislative and budget process at crucial times by Board members, county elected officials and county management was very important.

Within Maricopa County, legislative development is underway for the 2010 legislative session. We look forward to working on the Board's and County management's priorities, and assisting other county elected officials whenever possible. A legislative development request form for 2010 has been sent out to all the county departments, and can be linked to on the EBC.

End-of-Session Report 2009

49th Arizona Legislature, First Regular Session

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[Bills in this report are noted in Chapter order, and an "E" next to the chapter number denotes an emergency measure.]

HB 2202 – County Storm Water Management; Reference Correction
(Chapter 43) Barnes
The legislation corrects a reference to the Arizona Administrative Code relating to exclusions for discharges under local storm water quality programs. According to the Environmental Protection Agency (EPA), the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are conveyances such as pipes or man-made ditches. In 2002, Arizona, along with 45 other states, was given authorization from EPA to operate the NPDES program at the state level. The Arizona Department of Environmental Quality (ADEQ) developed rules for the Arizona Pollutant Discharge Elimination System (AZPDES) in 2001. ADEQ offers two specific types of permits: individual permits and general permits. An individual permit is tailored for a specific facility based on an individual application. A general permit is developed and issued to cover multiple facilities within a specific category, industry or area. General permits offer a cost-effective and efficient option for agencies to cover a large number of facilities with elements in common under one permit.

A.R.S. § 49-371 regulates local storm water quality programs for counties that are required to obtain coverage under AZPDES. "*Arizona Administrative Code* 18-9-1-902(G)" is currently referenced under A.R.S. § 49-371(E), which is an incorrect reference to administrative code. HB 2202 corrects the reference to 18-9-A902(G), relating to exclusions for discharges that do not require an AZPDES permit.

SB 1297 – Flood Control Districts; Remainder Parcels
(Chapter 72) Nelson
The legislation authorizes a County Flood Control District, under certain circumstances, to obtain whole parcels of land through eminent domain that include portions not needed for flood control. Counties have the power of eminent domain and the ability to acquire remainder parcels of land. If a County takes a portion of a parcel of land through eminent domain for public use and a remainder parcel is left, the County is authorized to acquire the remainder parcel of land with agreement from the landowner in order to avoid litigation relating to severances or damages. The County may acquire the remainder parcel by purchase, donation, dedication, exchange, condemnation or other lawful means and may sell or exchange the remainder parcel for other properties needed for public use. The bill allows a district to acquire a whole parcel of land, when only a portion is to be used for flood control purposes, through purchase, donation, dedication, exchange, condemnation or other lawful means if the District Board and the affected property owner agree that the remainder portion, which is not needed for flood control purposes, would be left in a condition that would give rise to litigation concerning severance or other damages.

HB 2458 – Dogs; Cats; Release from Pound
(Chapter 106) Court
The legislation specifies that if an animal is impounded for biting a person or any other reason, the animal cannot be released until at least one of the following conditions has been met:

- The animal is licensed at the time of impoundment
- The animal is micro chipped and spayed or neutered at the time of impoundment
- A veterinarian determines that a spay or neuter surgery is unsafe, or there is no veterinarian within 20 miles able to perform the surgery
- The owner pays $50 fee as well as other costs
- The bite occurred on the owner's premises and involved a family member

☐ BILLS ACTIVELY SUPPORTED BY MARICOPA COUNTY

SB 1303 – Open Meeting Law; Minutes; Notice
(Chapter 27) Tibshraeny
The legislation clarifies public meeting laws related to local government electronic posting requirements and public meeting notices. The bill requires that electronic postings required by statute remain on the local government's applicable internet website for at least one year after the date of the posting. It also clarifies that the 24 meeting notice requirement includes Saturdays if the public has access to the physical posted location in addition to any internet website posting, but excludes Sundays and statutorily enumerated holidays.

HB 2164 – Administration of Immunizations; Pharmacists
(Chapter 41) Barto
The legislation modifies the Arizona State Immunization Information System statutes to allow a person's health care provider to access that person's information that was entered when that person was a child, and allows that person to request that his or her information be withheld from disclosure from the system. It also requires the Board to appoint an advisory committee to assist the Board in adopting and amending rules and developing protocols relating to the administration of immunizations, vaccines, and emergency medications.

HB 2236 – County Operation; Management
(Chapter 45 E) Tobin
The legislation removes the statutory restriction that prohibits the Board of Supervisors in counties with a population of 300,000 or less from expending public funds on group health and accident insurance premiums for retired county employees. It also allows the County Merit Commission to appoint hearing officers to conduct hearings and take evidence on behalf of the Commission. The bill deletes statutory requirements that county officers keep their office open from 9:00 a.m. to 5:00 p.m. Monday through Friday.

HB 2581 – Library Districts; County Reimbursement
(Chapter 53) Jones
The legislation allows a County's Board of Supervisors to require a county free Library District to reimburse the county for the cost of services provided to the Special District. County free Library Districts are special taxing districts established by County Boards of Supervisors for the establishment of county libraries or networks of county libraries. The Library Districts may be funded by bonds and by a county free library tax. County free Library Districts rely on counties for services such as finance and legal work. Currently, 22 of the 37 types of special taxing districts specified in Arizona statute may be required by a County Board of Supervisors to reimburse the county for services performed.

HB 2336 – County Renewable Energy Incentive District
(Chapter 86) Mason
The legislation allows for the creation of a Renewable Energy Incentive District (District) for counties and cities. The bill authorizes the county board of supervisors to designate a renewable energy incentive district in any unincorporated area of the county, provided the area meets the following criteria:

- The District consists of vacant or underused parcels, or other property the board deems suitable for renewable energy equipment, and are the appropriate size for the construction and operation of renewable energy equipment
- The District is located in an area that does not cause the construction and operation of renewable energy equipment to be incompatible with other uses of surrounding property
- The District is consistent with the existing county comprehensive plan
- Specifies that the board may determine that the District is not a major amendment to the county comprehensive plan.
- Stipulates that the District may consist of large portions of unincorporated county land, or non-contiguous plots
- Requires the Board to follow certain steps before establishing a district. Specifically, the Board must:
    1. Identify the boundaries of the proposed district
    2. Notify the owners of private property in the proposed district, property managers of federal and state land in the proposed district and all property owners with land one mile of the outer perimeter of the proposed district by first class mail sent to the addresses on the most recent tax roll. The notice has to be mailed at least 15 days before the hearing is scheduled to be held regarding the formation of the district
    3. Publish a notice of the proposed district in a newspaper of general circulation in the county once each week for two consecutive weeks before holding the required hearing
    4. Hold at least one public hearing in the county supervisorial district in which the proposed district is located to provide information and receive public comments

☐ OTHER BILLS OF COUNTY INTEREST

➢ CRIMINAL JUSTICE

HB 2006 Schools; Juvenile Probation Officers
(Chapter 14) Konopnicki
The legislation allows school districts and charter schools to enter into an intergovernmental agreement (IGA) to hire Juvenile Probation Officers (JPOs) for law-related education programs.

The School Safety Program (Program) was originally established in session law in 1994 to address school safety needs in order to prevent juvenile referrals and detention in state facilities. Participating schools use trained School Resource Officers (SROs) or JPOs to teach law-related education programs to students. As defined in statute, a *law-related education program* is designed to provide children and youth with knowledge, skills, and activities pertaining to the law and legal process, and to promote law-abiding behavior with the purpose of preventing children and youth from engaging in delinquency or violence and enabling them to become productive citizens (A.R.S. § 15-154).

The Program receives funding from the State General Fund and Proposition 301 monies. The Arizona Department of Education (ADE) administers the distributions of monies among the districts approved to participate in the Program by the School Safety Oversight Committee (Committee). The Committee approved 83 school districts for participation in the program in the 2007-2008 school year and 74 school districts in the 2008-2009 school year under the new application process. Once approved, ADE works with local law enforcement agencies or juvenile court to assign a Peace Officer or JPO to the participating schools. Currently, school districts not accepted by the Program do not have the statutory authority to directly contract with a juvenile court for the purpose of employing a JPO outside of the Program.

SB 1323 – Emergency Mutual Aid Agreements
(Chapter 29) Leff, Rios
The legislation allows any county, city, town, private water or wastewater utility or Special Taxing District to enter into mutual aid agreements during an emergency. Arizona statute allows each county and incorporated city and town to appropriate and expend funds, make contracts and obtain and distribute equipment, materials and supplies for emergency management purposes. Statute further requires each county and incorporated city or town to establish and provide for emergency management within its jurisdiction in accordance with state emergency plans and programs. The bill allows any county, city, town, private water or wastewater utility or Special Taxing District requiring outside aid during an emergency to enter into mutual aid agreements and clarifies that these entities may enter into mutual aid agreements with each other if the entity provides water or wastewater services. It also states that the mutual aid agreements must address responding to emergencies that affect water and wastewater

services as well as specify how the costs of the responding service provider will be reimbursed by the service provider that requests aid.

SB 1011 – Sex Offenders; Probation; Monitoring
(Chapter 125) Gray, L.
The legislation establishes the Federal Sex Offender Registration Notification Act Study Committee and requires registered level three sex offenders to be placed on global position system (GPS) or electronic monitoring if serving a term of probation. The bill also creates the Federal Sex Offender registration Notification Act study committee.

SB 1062 – Law Enforcement Officers; Discipline Procedures
(Chapter 128) Gray, L.
The legislation makes numerous changes to statutes regarding disciplinary hearings for law enforcement officers, including:

- Allowing an officer to consult with their representative and to present a statement at the hearing
- Allowing an employer to modify a decision made by a hearing officer if the decision was arbitrary or without reasonable justification
- Prohibiting an employer from including information about an investigation in the personnel file until the investigation is complete, including appeals

SB 1115 – Animals Fighting
(Chapter 151) Paton, Young-Wright
The legislation expands, to all animals, the offense of dog fighting, presence at a dog fight and theft of a dog for the purpose of fighting. Specifies requirements for obtaining a kennel permit and operating a kennel. Requires the Department of Agriculture to establish a registry of equine rescue facilities and classifies, as a class one misdemeanor, the offense of knowingly or intentionally tripping an equine for sport or entertainment.

SB 1336 – Afflicted Persons; Orders for Transportation
(Chapter 157) Pearce
The legislation removes the requirement that a law enforcement officer transport a person whom receives an emergency custody order for not complying with tuberculosis treatment instructions. The bill requires, if directed, that a person remain in law enforcement custody until the person is delivered to the destination.

SB 1242 – Weapons; Peace Officers; Posse; Reserves
(Chapter 182) Pearce
The legislation allows a Sheriff to authorize members of his volunteer posse who meet certain criteria to carry a deadly weapon without a concealed carry weapon permit (CCW). The bill also allows retired law enforcement officers meeting specified criteria to carry concealed without a CCW and increases the penalty for using a deadly weapon in furtherance of an act of terrorism.

SB 1420 – DUI; Juvenile; Adjudication; Diversion
(Chapter 189) Verschoor
The legislation modifies juvenile DUI statutes and makes changes to statutes relating to juveniles who are adjudicated delinquent and are alleged to have committed an offense involving alcohol or drugs. The bill removes authorization from the presiding judge of the juvenile court for approving matters heard by a juvenile hearing officer. Requires notice to the presiding judge of the juvenile court in these matters for diversion programs established by the city or town attorney or the prosecutor. It also requires, beginning January 1, 2011, a municipal attorney or prosecutor or law enforcement agency that establishes or conducts a diversion or community based alternative program to report the citation number and the name and date of birth of the juveniles who participate in the program to the juvenile court in a format approved by the presiding judge of the juvenile court.

➢ ELECTIONS

HB 2048 – Local Elections; Signature Requirements
(Chapter 16) Reagan, et al.
The legislation reduces the number of signatures required to run in non-partisan city wide elections to either 1,000 signatures of 5% of the last election, whichever is less. Cities which recently moved to a November election date saw a dramatic increase in turnout, which drives the amount of signatures needed for future elections. This proposal caps the required signatures at 1,000.

SB 1074 – Amendments; Election Law
(Chapter 149) Paton
The legislation makes numerous changes to election statutes including extending the deadline for County Boards of Supervisors or County Elections Officers to canvass the results of bond elections 30 days after the election (instead of 14), clarifies that County Recorders must provide (at no cost) a daily and weekly list of persons who have requested an early ballot to County and State Chairmen through the Friday preceding the election and that those lists may be distributed to any person or entity that is deemed to be using the precinct list in a lawful manner. The measure also requires (at no cost), upon request by a county chairman or state chairman, Maricopa or Pima Counties' County Recorder to provide a daily listing of persons who have returned their early ballots. The primary election date is changed to the tenth Tuesday before the general election, rather than the ninth Tuesday before the general election. The requirement for sample ballots to be mailed to households where voters are on the permanent early voting list is eliminated and hand counts of ballots are exempt from live video requirements. Session law specifies that changes to circulation or filing requirements do not apply to nominating or referendum petitions circulated prior to the effective date of this legislation.

HB 2627 – Voter Identification; Valid Forms
(Chapter 173) Gowan, Stevens, Paton
The legislation specifies what is acceptable as valid forms of identification to participate in elections. In 2004, the voters approved Proposition 200, which amended Arizona Revised Statutes (A.R.S.) § 16-579. The text of the proposition did not include A.R.S. § 16-579 as amended by Laws 2003, Chapter 260, § 18 and as a result, there are now two sections of A.R.S. § 16-579. As amended by Proposition 200, A.R.S. § 16-579 requires that to obtain a ballot every elector present one form of identification that includes the name, address and photograph of the elector or two different forms of identification that bear the name and address of the elector.

SB 1123 – City Elections; Nonpartisan Primaries; Districts
(Chapter 176) Paton
The legislation prohibits, notwithstanding any other law, a city or town from holding any election on candidates for which there is any indication on the ballot of the source of the candidacy or of the support of the candidate. It also specifies, notwithstanding any other law, for any city or town that provides for election of city or town council members by district, ward, precinct or other geographical designation, only those voters who are qualified electors of the district, ward, precinct or other geographic designation are eligible to vote for that council member candidate in the city or town's primary, general, runoff or other election.

➢ GENERAL GOVERNMENT

HB 2014 – Municipalities; Exchange of Real Property
(Chapter 15) Konopnicki
The legislation permits cities and towns to exchange real property outside their boundaries. A.R.S. § 9-401 allows a city or town to purchase, lease, or rent land lying outside its corporate limits for its purposes and uses. Statute also allows a city or town to sell and convey all or any part of its real or personal property, whether or not the property is devoted exclusively to public use (A.R.S. § 9-402). This law extends municipal authority by also allowing the transference of municipal property through exchange.

SB 1157 – Department of Environmental Quality; Continuation
(Chapter 23) Nelson
The legislation continues the Arizona Department of Environmental Quality (ADEQ) for five years, until July 1, 2014. The ADEQ was established by the Legislature in 1986 under the Environmental Quality Act of 1986, with a mission is to protect and enhance public health, welfare and the environment in Arizona.

SB 1178 – Homeland Security Councils; Coordinating; Advisory
(Chapter 25) Nelson
The legislation replaces the Arizona Department of Homeland Security (Department) Coordinating Council (Council) with the Senior Advisory Committee (Committee). Pursuant to A.R.S. Section 41-4256, the Council is responsible for providing advice to

the Director of the Department (Director) regarding issues that relate to homeland security. Additionally, the Council also coordinates the gathering of requests of state homeland security grant program monies from each Regional Advisory Council (RAC) and the Director. A.R.S. Section 41-4258 establishes five RACs, the North, East, South, West and Central Regions. Each RAC consists of 12 members who serve for a term of two years and must live and work in the region they represent. The main functions of the RACs include developing, implementing and maintaining regional homeland security strategies. Furthermore, each RAC must develop a list of requests for state homeland security grant program monies and forward these requests to the Director after first presenting the requests to the Council. The bill replaces the Council with the Committee, which is established to enhance integration of disciplines involved in homeland security and allows County Sheriffs, Mayors and County Supervisors to appoint proxies who meet specified requirements and who are approved by the Director.

HB 2110 – Public Retirement Plans; Federal Changes
(Chapter 35) Boone
The legislation makes various technical changes to EORP, CORP, and PSPRS to conform the plans to federal law. It mandates that the plan make payments under the regulations of the Internal Revenue Code (IRC) and instructs that payments of benefits shall not begin any later than April 1, following the year which the member reaches 70.5 years of age or the date the member terminates employment. The bill also caps member compensation at $150,000 from January 1, 1996 through December 31, 2001 and caps member compensation at $200,000 beginning January 1, 2002.

HB 2118 – Retirement; ASRS; LTD Amendments
(Chapter 36) Boone
The legislation makes omnibus changes to the statutes governing the Arizona State Retirement System (ASRS). Areas changed by the bill include Retiree Accumulated Sick Leave, ASRS Administration, Service Credit Transfers and Dual Employment.

HB 2480 – Regional Transportation Authorities; Qualifying Counties
(Chapter 52) Jones
The legislation allows counties with a population of greater than 200,000 but equal to or less than 400,000 to create a regional transportation authority (RTA). A RTA, as currently defined in statute, is a public, political, tax-levying public improvement and taxing subdivision of the state and a municipal corporation created in a county with a population of between 400,000 and 1.2 million persons. Authority is vested in a Board composed of members of the regional council of governments. The Board is charged with approving a request to the electorate for the transportation excise tax and elements of and changes to the regional transportation plan (RTP). The Board has the sole authority to implement elements of the RTP. Counties in Arizona may adopt special privilege taxes called *excise taxes* for transportation purposes. The tax may not exceed 10% of the state tax rate which equates .5%. Maricopa, Pinal, Gila and Pima counties currently have excise taxes. Revenues collected from the tax for counties between

400,000 and 1.2 million are deposited in the regional transportation fund (RTF). Other counties deposit the excise tax the county's regional area road fund.

SB 1318 – Geospatial Data; Geographic Information Council
(Chapter 74) Nelson
The legislation establishes the Arizona Geographic Information Council (Council) in statute and prescribes its duties. Also, the bill updates technological terminology in statute relating to geographic information systems and provides specifications for data sharing among public agencies. The Council was established in 1989. It replaced the Arizona Mapping Advisory Committee that had been established in 1982. The Council is responsible for coordinating the management of statewide geographic information and advising the Arizona State Land Department (ASLD) in the management of a statewide geographic information system. The membership of the Council includes various representatives of state and federal agencies, universities, local government associations and the private sector. The bill establishes that the duties of the Council are advising the State Cartographer's Office, facilitating interagency coordination, collecting information on user requirements of geospatial data, serving as a forum for informational exchange and appointing technical committees.

HB 2432 School Board Membership; Family Members
(Chapter 90) Miranda B.
The legislation prohibits immediate family members from serving together on a five-member school district governing board. The bill also Restricts a person related as immediate family who has the same household of residence within four years prior to a current member of a five-member school district governing board from being an eligible candidate for nomination or election to that governing board unless the current board member is serving in his or her last year of a term of office.

SB 1403 – Renewable; High-wage Industries Incentives
(Chapter 96) Leff, Mason
The legislation creates income and property tax incentives for renewable energy businesses in Arizona meeting certain conditions. In order to qualify for the incentives, a business must:

- Make capital investments in the form of a headquarters or manufacturing facility
- Submit an application and comply with numerous application and reporting requirements
- Allow the Arizona Department of Commerce to visit or audit the facility and to get tax information from the Department of Revenue to ensure compliance with the program's requirements

The bill also requires an eligible company to annually provide documentation to the County Assessor that indicates the company is engaged in renewable energy manufacturing or serves as a headquarters and requires the Department of Commerce to notify the Department of Revenue and the appropriate County Assessor if a company becomes ineligible for the program. It also notes that if a company moves the facility out

of Arizona within five years, the tax incentives are subject to recapture. The program terminates on January 1, 2016.

HB 2099 – Charter Schools; Zoning
(Chapter 98) Crandall
The legislation specifies that charter schools are classified as public schools for the purposes of zoning and requires municipalities and counties to allow a charter school to operate at a location or in a facility where a school in a school district would be allowed to operate. The bills also authorizes municipalities and counties to adopt zoning regulations that prohibit charter schools from operating in an existing single family residence located on property of less than an acre and stipulates that charter schools are subject to the same level of oversight and the same ordinances, limitations, and requirements applicable to a school operated by a school district. It also states that the construction and development of a charter school is subject to the building codes of the municipality or county.

SB 1073 – Population Thresholds; Counties
(Chapter 113) Paton
The legislation adjusts county population thresholds for numerous powers and board memberships. None of these adjustments impact Maricopa County. Some of the changes are in the area of operation of a sewage system, percent of at risk youth funding, and percent of HURF funding received based on population.

HB 2101 – County Supervisors; Membership
(Chapter 134) Williams, Melvin, Pratt
The legislation lowers the population threshold for when a county is required to have a five-member Board of Supervisors from 200,000 to 175,000 people. Ten Arizona counties currently have three-member Boards and five counties have five-member Boards. The bill applied specifically to the Pinal County Board of Supervisors (who asked, unsuccessfully, for a veto). Current statute allows those counties with a population between 100,000 and 200,000 persons to hold a special election to change from a three-member to a five-member Board upon receipt of a petition signed by at least 10% of the qualified voters who voted at the most recent presidential election. The special election shall be held before the first Monday in January preceding the next general election, and statute further outlines how the question must be written. If passed by a majority of the qualified electors voting on the question, the Board shall redistrict the county in accordance with statute. The bill requires, on the effective date of this act, a county that exceeded 175,000 persons according to the 2000 United States decennial census to begin the process of electing two additional Supervisors at the next general election (2010, rather than 2012, when the process of adding two additional supervisors would have taken place under current law).

HB 2317 – Fiduciaries
(Chapter 138) Driggs
The legislation requires fiduciaries to be licensed by the Court rather than certified and that the fiduciaries renew their licenses every two years. The bill also specifies that the

Supreme Court's authority over licensed fiduciaries applies to those acting as a guardian, conservator, personal representative, trustee or agent under a power of attorney, whether or not the person is court-appointed. This includes, but is not limited to, the Supreme Court's ability to conduct an investigation and hearing and revoke a fiduciary's license.

HB 2360 – General Obligation Bond Requirements
(Chapter 140) Murphy
The legislation will update the information that must be provided in the publicity pamphlet and on the ballot related to government general obligation bonds and modifies the refinancing requirements. The dramatic growth in property values over the past few years has led to dramatic growth in property tax levies for debt service on GO bonds. During a time when rates should have been dropping due to the growth in property values, many local governments kept rates the same, resulting in tax increases. A political subdivision is asking for voter approval of a bond issue and it will exceed the political subdivision's constitutional debt limit, then a statement in **bold face type** must be placed in the publicity pamphlet to that effect. This bill will require that the examples in the publicity pamphlet that shows the estimated impact of the bonds on the average residential and commercial properties will use a valuation growth factor that is 50% of the rate used for the growth of aggregate secondary assessed value instead of a constant value. The bill also requires the ballot for any authorization for GO bonds to contain a statement that the bonds will result in an increase of property taxes in an amount sufficient to pay the annual debt service of the bonds.

HB 2465 – Scrap Metal; Theft; Dealers
(Chapter 144) Weiers, JP
The legislation makes numerous changes to scrap metal laws including prohibiting the sale or purchase of certain used catalytic converters and prohibiting scrap metal dealers from purchasing certain types of scrap metal in its original manufactured form. Arizona has regulated the purchase of scrap metal since 1968, when the Legislature first required scrap metal dealers to maintain transaction records. In 2007, the state enacted several additional requirements for scrap metal dealers and sellers and also extended the offense of aggravated criminal damage to address damage caused by scrap metal theft. This bill adds to the dissemination of information regarding scrap metal brought to dealers and prohibits the acceptance of catalytic converters by dealers.

SB 1139 – Global Positioning Systems; Committee Extension
(Chapter 152) Waring
The legislation extends the Joint Legislative Study Committee on Global Position System Monitoring (Committee) to October 1, 2011. Laws 2007, Chapter 54, established a 13-member legislative GPS monitoring study committee. The purpose of the Committee is to review issues relating to the following: implementation of GPS as required by statute; the use of active GPS monitoring compared to the use of passive GPS monitoring and the costs associated with both systems; the types of crimes for which active or passive GPS monitoring should be required; the use of active and passive GPS monitoring in other states; the appropriate staffing levels to administer

active or passive GPS monitoring and the role of a law enforcement agency in monitoring active or passive GPS monitoring.

HB 2103 – State Treasurer; Independent Legal Counsel
(Chapter 162) Crump
The legislation adds the State Treasurer's Office to a list of agencies exempted from employing the State Attorney General's Office as legal counsel. The Attorney General is required to represent and provide legal advice to all state agencies except those exempted under ARS 41-192. The current exempted agencies are:

- The Director of Water Resources
- The Residential Utility Consumer Office
- The Industrial Commission
- The Arizona Board of Regents
- The Auditor General
- The Corporation Commissioners and the Corporation Commission other than the Securities Division
- The Advocate for Private Property Rights
- The Office of the Governor
- The Constitutional Defense Council

HB 2401 – Administrative Rules Oversight Committee
(Chapter 171) Williams, Barnes
The legislation establishes the Administrative Rules Oversight Committee (AROC) which has oversight over any rules except for those exempted by law. The 11-member committee is made up from members appointed by the Speaker and Senate President and the Governor is also a member. The AROC was originally established in 1995 and repealed in 1998. The bill requires that a party contesting the legality of a rule, agency practice or substantive policy statement is not required to file a complaint with the Committee in order to exhaust its administrative remedies. The AROC is to terminate July 1, 2015.

SB 1168 – Storage; Firearms; Motor Vehicles
(Chapter 177) Pearce R.
The legislation prevents property owners, tenants, employers and businesses from prohibiting the storage or transport of lawfully possessed firearms in locked and privately-owned vehicles parked in a parking lot, parking garage, or other designated parking area.

SB 1225 – Dust Control; Best Management Practices
(Chapter 180) Pierce
The legislation increases membership in the Best Practices Committee for Regulated Agricultural Activities from 10 to 15 members by adding a representative from a county Air Quality Department and a person actively engaged in each of the following: cattle feed lot, dairy, poultry and swine production. The duties of the committee are expanded to include adopting best management practice rules to control PM-10 particulate

emissions by animal agriculture facilities. Facilities must comply with the rules within six months of the effective date of the rule.

SB 1235 – Cooperative Purchasing Agreements
(Chapter 181) Nelson
The legislation clarifies the definition of services relating to cooperative purchasing agreements. State law allows any public procurement entity to either participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of any materials, services or construction with one or more public procurement units. Benefits relating to cooperative purchasing agreements include lower costs for products and services due to volume discounts and reduced administrative costs.

➢ PLANNING AND DEVELOPMENT

HB 2310 – Subdivision Public Reports
(Chapter 17) Driggs
The legislation modifies the Department of Real Estate's procedure for reviewing subdividers' notices and public reports for the sale of improved lots. Subdividers are defined in statute as private developers who seek to sell six or more lots of subdivided land, or who develop or subdivide land (A.R.S. § 32-2101). Subdividers are required to submit a notice and public report to the Commissioner before offering lands for sale or lease. Currently, statute permits subdividers of improved lots to undergo an expedited process in order to receive approval of their subdivision. Under this provision, the Commissioner must determine whether a subdivider's notification and public report are complete within 15 business days. The proposal decreases the number of days allowed for the Department to determine if a subdivider's notification and public report is complete from 15 business days to 10 business days and requires the Department to issue a letter of denial upon rejection of a subdivider's notice and public report. It also clarifies that if the Commissioner has received a public report but has not issued a certification or denial letter within 10 business days, then the public report is considered administratively complete and clarifies that the Department may examine a public report which has been deemed administratively complete due to the Department's failure to issue a certification or denial letter within 10 business days.

SB 1260 – Aggregate Mine Reclamation Law; Exemption
(Chapter 65) Allen, S.
The legislation exempts an aggregate mining unit that is occasionally used for specific governmental projects from regulatory and reclamation requirements of statute if the unit is less than 20 contiguous acres and a single pit of not more than 10 acres. The unit is also subject to the requirements of the Clean Water Act, its depth of excavation must not exceed 25 feet below the lowest existing surface elevation and the aggregate material removed from excavation is used only for governmental purposes and not for private commercial purposes. At the end of the specific project use, the unit will be reclaimed in a manner consistent with the requirements of the owner of the land and all safety conditions prescribed by law.

➢ SPECIAL DISTRICTS

SB 1155 – Elections; Hospital Districts
(Chapter 7) Pierce, Nelson
The legislation allows a Hospital District to hold a special election to reauthorize an existing property tax and specifies provisions for the election. It also allows the District to hold a mail-in election without approval from the County Board of Supervisors. The bill was drafted to allow a special election for the Williams Hospital District, whose taxing authority expired on June 30, 2009. Usually, Hospital District elections must be conducted in November.

HB 2312 – Small Special Districts; Financial Review
(Chapter 18) Driggs
The legislation removes the requirement of biennial financial reviews for districts with a budget of less than $50,000, and makes new financial review requirements. Current law mandates that audits are performed annually for Special Taxing Districts (Districts) with a budget of $1 million or more. Districts with budgets between $100,000 and $1 million will have a financial review annually. Any Districts with budgets of less than $100,000 are subject to biennial financial reviews. The biennial review required by a CPA firm typically costs the District between $3,500 - $10,000 thus requiring a significant portion of their budget to comply with these financial requirements. For some small districts, this amounts to over $100 per review per each transaction they conduct. This bill will retain the ability to do a financial review upon request. The statutory change removes the requirement of a biennial financial review for a special taxing district with a budget of less than $50,000, stipulates that a financial review will only be conducted by request of the County Board of Supervisors, or 10 or more residents and directs each District with a budget of $50,000 or less, to submit a financial review to the County Treasurer, and Board of Supervisors within 180 days after the request.

SB 1330 – Special Health Care Districts; Terms
(Chapter 115) Allen, S.
The legislation requires that directors of Special Health Care Districts only serve staggered four-year terms in counties with a population of two million or more persons. A Special Health Care District is created by a County Board of Supervisors and additionally must be voter approved. Basic duties of a Special Health Care District include operating, maintaining or providing for the operation and maintenance of hospitals, urgent care centers, medical clinics and nursing care institutions. Special Health Care Districts are statutorily authorized to levy a secondary property tax and issue bonds – with voter approval – for the purpose of funding the district's operations. Each Special Health Care District is managed by a Board of Directors consisting of five members who are qualified electors and resident real property owners within the Special Health Care District boundaries. The Special Health Care District is broken into five directorship districts, with one member elected from each region to serve a four-year term. There are three Special Health Care Districts in Arizona. In 2003, legislation was further enacted to allow for the establishment of a Special Health Care District in counties with more than two million people (Laws 2003, Chapter 268). In November of

2003, the voters of Maricopa County authorized the creation of the Maricopa County Special Health Care District to encompass the operations of the Maricopa Integrated Healthcare System (MIHS). MIHS operations include the Maricopa Medical Center, the Arizona Burn Center, the Comprehensive Healthcare Center, 10 community-oriented family health centers and an attendant care program.

In 2008, the legislature further amended statute to allow for staggered terms for elected members of a Special Health Care District Board of Directors. In order to implement this change, a fraction of the Board of Directors is elected to serve initial terms of two or three years. This causes members' terms to end at different times and therefore, elections to be held more frequently. The bill requires directors of Special Health Care Districts in a county with a population of two million or more to serve staggered four-year terms of office beginning on the first Monday immediately following the declaration of election to office. It stipulates that directors in all other Special Health Care Districts shall serve non-staggered four-year terms or office beginning on the first Monday immediately following the declaration of election to office and revises the schedule of elections for Special Health Care Districts to be consistent with current statewide consolidated election dates.

SB 1421 – Special Districts; Secondary Levy Limits
(Chapter 118) Waring
The legislation establishes a statutory levy limit for secondary property taxes that are levied by fire districts. County Fire Districts receive funding from two sources of revenue, both generated from secondary property taxes. First, County Fire Districts receive funding from the county through the Fire District Assistance Tax (FDAT). The FDAT is levied by the county on all taxpayers and the rate is limited to no more than 10 cents per $100 of assessed valuation. The amount of funding from this source is equal to 20% of the district's levy, but is capped at $300,000 each fiscal year. If the FDAT does not raise sufficient revenue to cover 20% of each fire district's budget, then the amount is prorated among the County Fire Districts. In addition to the FDAT, the fire district may levy a secondary property tax to fund the remainder its budget and that tax *rate* is capped at $3.25. There is no levy limit for fire districts and this bill is proposing a statutory levy limit for these secondary taxes. The bill imposes a statutory secondary property tax levy limit for fire districts that is the lesser of 8% greater than the amount of the levy in the preceding tax year or $3.25 per $100 of assessed value.

HB 2572 – Sports Authority Districts
(Chapter 122) Stevens, Pratt
The legislation allows the Pima County Board of Supervisors to form a Sports Authority District and ask voters to approve taxing and bonding authority for the purposes of building and financing Cactus League and youth sports facilities. The Board is required to call an election for the establishment of the Authority and appoint some of the members to a Governing Board. The District is a separate corporate and political body that is independent of the state and county and has all the rights and powers of a municipal corporation except to acquire property by eminent domain. The bill prohibits

members of the Board of Directors from having any financial interest in property owned by the District or contracts entered into by the District.

SB 1183 – Recreational Corridor Districts; Termination Date
(Chapter 179) Burns
The legislation maintains sections of statute which provide procedures for the establishment of a District and moves the District formation deadline from July 1, 2010 to July 1, 2015. In 2004, the legislature provided for the formation of recreational corridor channelization districts (Districts). A District can receive preliminary approval for formation after the County Board of Supervisors receives a petition and a memorandum of intent and holds a hearing on the memorandum of intent. After preliminary approval, a District concept report must be developed for the District and must include provisions relating to the watercourse master plan, the land use plan, the financial plan and the governance plan. Upon completion of the District concept report and a submittal of a petition signed by property owners, the County Board of Supervisors may approve and take steps to officially form the District.

➢ TRANSPORTATION

HB 2388 – STAN Repayment
(Chapter 105) Biggs
The legislation requires a city or town to repay monies received from the Statewide Transportation Acceleration Needs (STAN I) Account within 15 years after receiving the monies. The legislature established the STAN I Account as a separate account within the State Highway Fund (SHF) to expedite approved transportation projects in Arizona. In 2007, the Legislature created two subaccounts within the STAN I Account, the Transportation Acceleration Interest Reimbursement (TAIR) and the Roads of Regional Significance Congestion Mitigation (RRSCM). The TAIR and RRSCM subaccounts are collectively referred to as the STAN II Account. The RRSCM subaccount is used to lend monies to governmental entities for transportation projects in high growth counties, cities and towns. A governmental entity that receives monies from the RRSCM must reimburse that account the entire amount received for the transportation project. The legislative change requires a city or town to repay monies received from the RRSCM subaccount within 15 years after receiving the loan and contains a termination date of July 1, 2012.

HB 2396 – Transportation; Public-Private Partnership
(Chapter 141) Biggs
The legislation modifies the requirements of and outlines provisions for Public-Private Partnerships (P3s). It allows ADOT and the State Transportation Board to consider and enter into these agreements if it determined to be in ADOT's best interest. ADOT is also given authority to hire consultants with P3 experience. The bill sets out criteria to be followed and sets forth how to share revenues and other financial responsibilities.

SB 1320 – Omnibus; ADOT
(Chapter 187) Nelson

The legislation makes a number of changes related to the statutes governing the Arizona Department of Transportation (ADOT). County-related provisions include:

- Allowing a court to require a commercial drivers license (CDL) holder to attend a defensive driving program, but stipulates that CDL holders are not eligible for the diversion plan
- Requiring that a court transmit records of photo enforcement violations by CDL holders to the Motor Vehicle Department
- Exempting emergency responders in the line of duty from photo enforcement actions
- Altering the formula for State Aviation Fund grants by specifying that the amount of available grants is based on an average of annual revenues in the fund over the last three years
- Allowing an owner of a trailer to be exempt from commercial Vehicle License Tax (VLT) if they affirm the trailer is not used for commercial purposes and allows certain non-commercial trailers to pay one-time VLT
- Requiring a Board of Supervisors to designate locations to mark school crossings on county highways
- Permitting a local authority to create a public transportation or bus stop on a state highway if the speed limit is 55 miles per hour or less

Bills Vetoed – 2009 First Regular Session

H2258:	CONSUMER FIREWORKS; NOVELTIES; SALES	7/14/09 10:07 AM
S1022:	POLITICAL SIGNS; REMOVAL PROHIBITION	7/13/09 7:35 PM
H2341:	RENEWABLE ENERGY PRODUCTION TAX CREDIT	7/13/09 7:26 PM
S1464:	STATE BUDGET REPORTS; FINANCIAL CONDITION	7/13/09 4:03 PM
S1017:	SPECIAL LICENSE PLATES; MULTIPLE SCLEROSIS AWARENESS	7/13/09 3:58 PM
H2369:	FEDERAL MONIES; LEGISLATIVE APPROPRIATIONS	7/13/09 3:54 PM
H2651:	BUDGET TRAILER; ENVIRONMENT	7/8/09 1:40 PM
H2650:	BUDGET TRAILER; HEALTH & WELFARE	7/1/09 2:46 PM
H2649:	BUDGET TRAILER; HIGHER EDUCATION	7/1/09 2:42 PM
H2648:	BUDGET TRAILER; K-12 EDUCATION	7/1/09 2:39 PM
H2647:	BUDGET TRAILER; CRIMINAL JUSTICE	7/1/09 2:36 PM
H2646:	BUDGET TRAILER; STATE PROPERTIES	7/1/09 2:34 PM
H2645:	BUDGET TRAILER; GENERAL GOVERNMENT	7/1/09 2:31 PM
H2644:	BUDGET TRAILER; GENERAL REVENUES	7/1/09 2:28 PM
S1258:	BUDGET RECONCILIATION; ENVIRONMENT; FY 09-10	7/1/09 2:13 PM
S1187:	BUDGET RECONCILIATION; K-12 EDUCATION; FY 09-10	7/1/09 2:02 PM
S1145:	BUDGET RECONCILIATION; HEALTH & WELFARE; FY 09-10	7/1/09 1:58 PM
S1036:	BUDGET RECONCILIATION; GENERAL REVENUES; FY 09-10	7/1/09 1:54 PM
S1035:	BUDGET RECONCILIATION; GENERAL GOVERNMENT; FY09-10	7/1/09 1:52 PM
S1031:	BUDGET RECONCILIATION; STATE ASSETS; FY 09-10	7/1/09 1:48 PM
S1029:	BUDGET RECONCILIATION; HIGHER ED; FY 09-10	7/1/09 1:44 PM
S1028:	BUDGET RECONCILIATION; CRIMINAL JUSTICE; FY 09-10	7/1/09 1:36 PM

STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 13, 2009

The Honorable Kirk Adams
Speaker
Arizona House of Representatives
1700 W. Washington
Phoenix, Arizona 85007

RE: HB 2258; Consumer Fireworks

Dear Speaker Adams,

Today I reluctantly vetoed House Bill 2258 *Consumer Fireworks*. I have been a supporter of responsible fireworks usage dating back to the time I served in the Legislature. However, I fear the language contained in this specific bill does not sufficiently address the risk of fire on federal, state, and county lands. As you well know Arizona is very susceptible to wildfire, particularly during our driest months.

Over the course of the last several days I have received numerous contacts from opponents deeply concerned about the ramifications of this legislation. They include contacts from multiple municipal jurisdictions including rural and urban elected officials. I have also received written opposition to this legislation from the United States Forest Service, as they share many state and local official's concerns over an increased potential for wildland fires.

I encourage the stakeholders to work together to develop a plan that protects individual rights and allows Arizona residents to enjoy fireworks in a responsible manner while also addressing the risk of fire on our local, county and state public lands.

Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

JKB/nb

cc: The Honorable Bob Burns
The Honorable Andy Biggs
The Honorable Ken Bennett

1700 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007
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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 13, 2009

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 W. Washington
Phoenix, AZ 85007

RE: House Bill 2341; renewable energy production tax credit

Dear Speaker Adams:

Today I, with much deliberation, vetoed HB 2341. This bill attempted to revise current tax credits for the production of renewable energy to keep pace with similar tax credits offered by neighboring states. The bill sought to apply these credits against tax liabilities of the energy producer for new sources of power-generated beginning in 2010, instead of offering refundable tax credits.

While these efforts are necessary and should produce much needed renewable energy investment in Arizona, the bill goes too far in that there is no cap on the amount of tax credits which can be garnered by large scale solar energy producers. Both OSPB and the Department of Commerce expressed concern that there is no way to know how many potential tax dollars are being offered in this legislation because there is no way to know how many new megawatt hours may be produced over the next ten years. Some preliminary calculations have suggested that a single 100MW concentrated solar facility could claim tax credits in excess of $88 million over the ten-year period. That example facility is relatively small compared to the several being proposed at the moment.

I support the concepts being advanced by this legislation and urge lawmakers to revisit the tax credits specifically by placing a reasonable cap on the amount of credit that can be claimed. In order to prevent any delay which may send the wrong message to renewable energy producers interested in our State, I will immediately amend the "call" of the current special session to allow consideration of a revised version of this bill.

Sincerely,

Janice K. Brewer

Janice K. Brewer
GOVERNOR

JKB/ma
Cc: The Honorable Bob Burns
The Honorable. Lucille L. Mason
The Honorable Ken Bennett

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JANICE K. BREWER
GOVERNOR

STATE OF ARIZONA

EXECUTIVE OFFICE

July 13, 2009

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 West Washington Street
Phoenix, Arizona 85007

Re: House Bill 2369; (NOW: noncustodial federal monies; legislative appropriation)

Dear Speaker Adams:

Today I vetoed HB 2369; noncustodial federal monies; legislative appropriation, which would have granted the Legislature the authority to appropriate non-custodial federal funds received by state budget units.

Upon becoming Governor, I articulated the need to put Arizona's fiscal house in order and swiftly delivered a Five Point Plan to accomplish this objective. To subject federal funds to legislative appropriation would unnecessarily complicate the administration of those programs and divert the Legislature's attention away from creating real solutions to our state's fiscal problems. Appropriating federal funds is not the solution to our state's budget crisis.

I look forward to working with the bill sponsor and the Legislature to bring about the comprehensive budget solution our state so desperately needs.

For those and other reasons, I have vetoed HB 2369.

Sincerely,

Janice K. Brewer
Governor

JKB/nb
cc: The Honorable Robert Burns
The Honorable Rick Murphy
The Honorable Ken Bennett

1700 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007
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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 1, 2009

The Honorable Kirk Adams
Speaker of the House of Representatives
Arizona State House of Representatives
1700 West Washington
Phoenix, AZ 85007

Dear Speaker Adams:

Today I signed House Bill 2643, the "trailer" bill making revisions to Senate Bill 1188, the General Appropriations Act for FY 2009-10.

My signature on the bill, setting aside the line item actions I have taken, reflects my view that a shutdown of government services is not in the best interests of our State and its citizens. This bill reflects many improvements over Senate Bill 1188 but there are too many inadequacies in light of the legislature's failure to provide a comprehensive solution to the State's FY 2009-10 fiscal crisis. By refusing to turn over all the budget bills until early on July 1, 2009, I have been unable to express my concerns using my Constitutional powers in a timeframe in which a complete FY 2010 package could have been adopted. As a result, I am forced to cobble together a resolution that contains flaws, but is superior to Senate Bill 1188 or House Bill 2643 taken independently.

My line item vetoes and brief explanations follow:

A. Excessive Lump Sum Reductions

1. Department of Economic Security
   Page 38, lines 6-25
2. Department of Environmental Quality
   a. Page 46, lines 29-43
   b. Page 47, lines 1-14
3. Department of Health Services
   Page 61, lines 19-34
4. Universities
   Page 78, lines 20-39
5. Department of Economy Security
   Page 100, lines 8-13

B. Underfunded K-12 Budget. I have stated throughout my time in office that I am unwilling to agree to a K-12 Budget that does not adequately meet the needs of

our public education system. While the extreme fiscal condition of our state makes some reductions necessary, the cuts enacted by the legislature in Senate Bill 1188 are significantly greater than those advanced in my budget. The possibility of revenues from the temporary sales tax would have helped mitigate the impacts of the proposed cuts to K-12 schools. Furthermore, the federal stimulus funds will be woefully inadequate to offset the impacts of these reductions for FY 2010, creating the specter of even larger unmitigated cuts for FY 2011 and beyond. Consequently, I am eliminating the proposed appropriation to K-12 in hopes that I can work with the legislature to enact an acceptable level of funding for the upcoming fiscal year.

1. Page 39, lines 21-29
   Page 39, lines 30-35
2. Page 40, line 5
   Page 40, lines 7-13

C. Inappropriate and Excessive Tax Distribution Change: I am vetoing the transfer of $43,170,600 in VLT monies to the State General Fund which is being done instead of the normal distribution to the State Highway Fund.

Page 94, lines 1-9

D. Legislative Attempts to Appropriate Federal Funds. These actions do not fall within the authority of the Legislature.

1. Page 26, lines 38-42
2. Page 29, lines 5-11
3. Page 32, lines 24-28
   Page 32, lines 35-39
4. Page 35, lines 41-45
5. Page 56, lines 13-17
6. Page 95, lines 22-41
7. Page 96, lines 1-40

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Robert Burns
The Honorable John Kavanagh
The Honorable Russell Pearce

STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

July 1, 2009

EXECUTIVE OFFICE

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Re: House Bill 2644: budget reconciliation; general revenues

Dear Speaker Adams:

Today I returned with my veto House Bill 2644.

In March I presented the legislature a comprehensive 5-point plan to address the State's pending financial crisis and to consider long-term structural improvements that would diminish or prevent a repeat of this fiscal disaster. This plan, along with the detailed budget plan I released publicly to you on June 1, 2009, contains a reasonable and sound approach to creating a balanced budget that takes into account the impacts and challenges of future budget years.

Unfortunately, House Bill 2644, along with the other FY 2010 budget bills adopted by the legislature, does not balance the state budget. We have a duty to adopt a budget that honestly and realistically addresses Arizona's growing fiscal crisis in a fashion that does not devastate the foundation of our most critical state government functions and services. These budget bills would prevent the proper function of many critical components of state government, as well as undermine our efforts to develop and encourage a prosperous future.

I am very well aware of the tremendous challenges that leadership must confront in the formation of balanced budget plan. I am also deeply and sincerely grateful for the months of hard work and diligence of the legislature in developing potential solutions. I stand willing to continue our many weeks of negotiations and welcome the opportunity to work closely with you and your members to develop a consensus solution that balances our state budget.

Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

cc: President Robert Burns
Rep. John Kavanagh
Sen. Russell Pearce

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 1, 2009

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 W. Washington
Phoenix, Arizona 85007

Re: House Bill 2645: budget reconciliation; general government

Dear Speaker Adams:

Today I returned with my veto House Bill 2645.

In March I presented the legislature a comprehensive 5-point plan to address the State's pending financial crisis and to consider long-term structural improvements that would diminish or prevent a repeat of this fiscal disaster. This plan, along with the detailed budget plan I released publicly to you on June 1, 2009, contains a reasonable and sound approach to creating a balanced budget that takes into account the impacts and challenges of future budget years.

Unfortunately, House Bill 2645, along with the other FY 2010 budget bills adopted by the legislature, does not balance the state budget. We have a duty to adopt a budget that honestly and realistically addresses Arizona's growing fiscal crisis in a fashion that does not devastate the foundation of our most critical state government functions and services. These budget bills would prevent the proper function of many critical components of state government, as well as undermine our efforts to develop and encourage a prosperous future.

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Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

cc: President Robert Burns
Rep. John Kavanagh
Sen. Russell Pearce

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 1, 2009

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 W. Washington
Phoenix, Arizona 85007

Re: House Bill 2646: technical correction; state highways (NOW: state properties; trailer)

Dear Speaker Adams:

Today I returned with my veto House Bill 2646.

In March I presented the legislature a comprehensive 5-point plan to address the State's pending financial crisis and to consider long-term structural improvements that would diminish or prevent a repeat of this fiscal disaster. This plan, along with the detailed budget plan I released publicly to you on June 1, 2009, contains a reasonable and sound approach to creating a balanced budget that takes into account the impacts and challenges of future budget years.

Unfortunately, House Bill 2646, along with the other FY 2010 budget bills adopted by the legislature, does not balance the state budget. We have a duty to adopt a budget that honestly and realistically addresses Arizona's growing fiscal crisis in a fashion that does not devastate the foundation of our most critical state government functions and services. These budget bills would prevent the proper function of many critical components of state government, as well as undermine our efforts to develop and encourage a prosperous future.

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Sincerely,

Janice K. Brewer
Governor

cc: President Robert Burns
Rep. John Kavanagh
Sen. Russell Pearce

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 1, 2009

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 W. Washington
Phoenix, Arizona 85007

Re: House Bill 2647: technical correction; abandoned vehicles (NOW: budget reconciliation; criminal justice; trailer)

Dear Speaker Adams:

Today I returned with my veto House Bill 2647.

In March I presented the legislature a comprehensive 5-point plan to address the State's pending financial crisis and to consider long-term structural improvements that would diminish or prevent a repeat of this fiscal disaster. This plan, along with the detailed budget plan I released publicly to you on June 1, 2009, contains a reasonable and sound approach to creating a balanced budget that takes into account the impacts and challenges of future budget years.

Unfortunately, House Bill 2647, along with the other FY 2010 budget bills adopted by the legislature, does not balance the state budget. We have a duty to adopt a budget that honestly and realistically addresses Arizona's growing fiscal crisis in a fashion that does not devastate the foundation of our most critical state government functions and services. These budget bills would prevent the proper function of many critical components of state government, as well as undermine our efforts to develop and encourage a prosperous future.

I am very well aware of the tremendous challenges that leadership must confront in the formation of a balanced budget plan. I am also deeply and sincerely grateful for the months of hard work and diligence of the legislature in developing potential solutions. I stand willing to continue our many weeks of negotiations and welcome the opportunity to work closely with you and your members to develop a consensus solution that balances our state budget.

Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

cc: President Robert Burns
Rep. John Kavanagh
Sen. Russell Pearce

STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 1, 2009

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 W. Washington
Phoenix, Arizona 85007

Re: House Bill 2648: technical correction; industrial development; insurance
(NOW: budget reconciliation; K-12 education; trailer)

Dear Speaker Adams:

Today I returned with my veto House Bill 2648.

In March I presented the legislature a comprehensive 5-point plan to address the State's pending financial crisis and to consider long-term structural improvements that would diminish or prevent a repeat of this fiscal disaster. This plan, along with the detailed budget plan I released publicly to you on June 1, 2009, contains a reasonable and sound approach to creating a balanced budget that takes into account the impacts and challenges of future budget years.

Unfortunately, House Bill 2648, along with the other FY 2010 budget bills adopted by the legislature, does not balance the state budget. We have a duty to adopt a budget that honestly and realistically addresses Arizona's growing fiscal crisis in a fashion that does not devastate the foundation of our most critical state government functions and services. These budget bills would prevent the proper function of many critical components of state government, as well as undermine our efforts to develop and encourage a prosperous future.

I am very well aware of the tremendous challenges that leadership must confront in the formation of a balanced budget plan. I am also deeply and sincerely grateful for the months of hard work and diligence of the legislature in developing potential solutions. I stand willing to continue our many weeks of negotiations and welcome the opportunity to work closely with you and your members to develop a consensus solution that balances our state budget.

Sincerely,

Janice K. Brewer
Governor

cc: President Robert Burns
Rep. John Kavanagh
Sen. Russell Pearce

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 1, 2009

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 W. Washington
Phoenix, Arizona 85007

Re: House Bill 2649: budget reconciliation; higher education

Dear Speaker Adams:

Today I returned with my veto House Bill 2649.

In March I presented the legislature a comprehensive 5-point plan to address the State's pending financial crisis and to consider long-term structural improvements that would diminish or prevent a repeat of this fiscal disaster. This plan, along with the detailed budget plan I released publicly to you on June 1, 2009, contains a reasonable and sound approach to creating a balanced budget that takes into account the impacts and challenges of future budget years.

Unfortunately, House Bill 2649, along with the other FY 2010 budget bills adopted by the legislature, does not balance the state budget. We have a duty to adopt a budget that honestly and realistically addresses Arizona's growing fiscal crisis in a fashion that does not devastate the foundation of our most critical state government functions and services. These budget bills would prevent the proper function of many critical components of state government, as well as undermine our efforts to develop and encourage a prosperous future.

I am very well aware of the tremendous challenges that leadership must confront in the formation of balanced budget plan. I am also deeply and sincerely grateful for the months of hard work and diligence of the legislature in developing potential solutions. I stand willing to continue our many weeks of negotiations and welcome the opportunity to work closely with you and your members to develop a consensus solution that balances our state budget.

Sincerely,

Janice K. Brewer
Governor

cc: President Robert Burns
Rep. John Kavanagh
Sen. Russell Pearce

1700 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007
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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 1, 2009

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 W. Washington
Phoenix, Arizona 85007

Re: House Bill 2650: budget reconciliation; health; welfare

Dear Speaker Adams:

Today I returned with my veto House Bill 2650.

In March I presented the legislature a comprehensive 5-point plan to address the State's pending financial crisis and to consider long-term structural improvements that would diminish or prevent a repeat of this fiscal disaster. This plan, along with the detailed budget plan I released publicly to you on June 1, 2009, contains a reasonable and sound approach to creating a balanced budget that takes into account the impacts and challenges of future budget years.

Unfortunately, House Bill 2650, along with the other FY 2010 budget bills adopted by the legislature, does not balance the state budget. We have a duty to adopt a budget that honestly and realistically addresses Arizona's growing fiscal crisis in a fashion that does not devastate the foundation of our most critical state government functions and services. These budget bills would prevent the proper function of many critical components of state government, as well as undermine our efforts to develop and encourage a prosperous future.

I am very well aware of the tremendous challenges that leadership must confront in the formation of balanced budget plan. I am also deeply and sincerely grateful for the months of hard work and diligence of the legislature in developing potential solutions. I stand willing to continue our many weeks of negotiations and welcome the opportunity to work closely with you and your members to develop a consensus solution that balances our state budget.

Sincerely,

Janice K. Brewer
Governor

Cc: President Robert Burns
Rep. John Kavanagh
Sen. Russell Pearce

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 1, 2009

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 W. Washington
Phoenix, Arizona 85007

Re: House Bill 2651: technical correction; national guard
(budget reconciliation; environment; trailer)

Dear Speaker Adams:

Today I returned with my veto House Bill 2651.

In March I presented the legislature a comprehensive 5-point plan to address the State's pending financial crisis and to consider long-term structural improvements that would diminish or prevent a repeat of this fiscal disaster. This plan, along with the detailed budget plan I released publicly to you on June 1, 2009, contains a reasonable and sound approach to creating a balanced budget that takes into account the impacts and challenges of future budget years.

Unfortunately, House Bill 2651, along with the other FY 2010 budget bills adopted by the legislature, does not balance the state budget. We have a duty to adopt a budget that honestly and realistically addresses Arizona's growing fiscal crisis in a fashion that does not devastate the foundation of our most critical state government functions and services. These budget bills would prevent the proper function of many critical components of state government, as well as undermine our efforts to develop and encourage a prosperous future.

I am very well aware of the tremendous challenges that leadership must confront in the formation of balanced budget plan. I am also deeply and sincerely grateful for the months of hard work and diligence of the legislature in developing potential solutions. I stand willing to continue our many weeks of negotiations and welcome the opportunity to work closely with you and your members to develop a consensus solution that balances our state budget.

Sincerely,

Janice K. Brewer
Governor

cc: President Robert Burns
Rep. John Kavanagh
Sen. Russell Pearce

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 13, 2009

The Honorable Bob Burns
President
Arizona State Senate
1700 W. Washington
Phoenix, Arizona 85007

RE: SB 1017; multiple sclerosis awareness special plates

Dear President Burns,

Today, I vetoed Senate Bill 1017 which would have created the Multiple Sclerosis Awareness special license plate and Fund, the Arizona Masonic Fraternity special license plate and Fund, the Hunger Relief special license plate and Fund and the Childhood Cancer Research special license plate and Fund.

I share the goals of the bill sponsor to create awareness and a funding source for these important causes. Unfortunately, this bill as amended contains a flaw that could easily have been fixed, but was not.

SB 1017 states that the funds accumulated from the childhood cancer research fund shall be allocated by the Department of Health Services director "as directed by the person or entity" who initiates the special plates process. This language is problematic because it allows a non-governmental entity the power to control the decisions of a state agency. Once these funds are deposited with a state agency, they become state funds and are subject to the restrictions of state law and procurement codes. The language may also violate Arizona's constitutional gift clause. Other special plate funds statutorily allow a state agency director to distribute the funds or require a director to distribute the funds to an organization with a 501c3 status.

It is important to note that this provision was originally proposed by Senator Pamela Gorman as SB 1374 license plates; childhood cancer research. The Department of Health Services and the Department's representative from the Attorney General's office found the provision and contacted the Senator's office to express concerns and offer amended language conforming the bill to other special plate funds. These communications occurred in February, yet no changes were made to this provision before it was adopted to SB 1017 in the last days of session.

For those and other reasons, I have vetoed SB 1017.

Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

Cc: The Honorable Kirk Adams
The Honorable Linda Gray
The Honorable Ken Bennett

1700 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007
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STATE OF ARIZONA

EXECUTIVE OFFICE

JANICE K. BREWER
GOVERNOR

July 13, 2009

The Honorable Bob Burns
President
Arizona State Senate
1700 W. Washington
Phoenix, Arizona 85007

Re: SB 1022; political signs; tampering

Dear President Burns,

Today, I vetoed Senate Bill 1022 which would have prohibited the removal of political signs that support or oppose candidates for public office or ballot measures from public rights-of-way.

The bill states that if the state, city, town or county deems that the placement of a political sign constitutes an emergency, the jurisdiction may immediately relocate the sign. A government worker relocating a political sign is against other state laws that prohibit a city or county from expending public monies to influence the outcome of an election.

The bill also allows the removal of a sign 24 hours after a notification is made to a candidate. This would prohibit the state, a city or county from removing a sign that is clearly a traffic hazard in order to contact a candidate.

While this bill was amended to specify size limitations and prohibit an attachment to traffic signal poles, campaign signs placed in public rights-of-way are a constant challenge to citizens, counties, cities and the state.

This bill is a preemption of local citizens' preferences to regulate such signage in their own communities and allows a political candidate to post signs virtually anywhere.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Jim Waring
The Honorable Ken Bennett

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

July 1, 2009

EXECUTIVE OFFICE

The Honorable Bob Burns
President
Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

Re: Senate Bill 1028: budget reconciliation; criminal justice

Dear President Burns:

Today I returned with my veto Senate Bill 1028.

In March I presented the legislature a comprehensive 5-point plan to address the State's pending financial crisis and to consider long-term structural improvements that would diminish or prevent a repeat of this fiscal disaster. This plan, along with the detailed budget plan I released publicly to you on June 1, 2009, contains a reasonable and sound approach to creating a balanced budget that takes into account the impacts and challenges of future budget years.

Unfortunately, Senate Bill 1028, along with the other FY 2010 budget bills adopted by the legislature, does not balance the state budget. We have a duty to adopt a budget that honestly and realistically addresses Arizona's growing fiscal crisis in a fashion that does not devastate the foundation of our most critical state government functions and services. These budget bills would prevent the proper function of many critical components of state government, as well as undermine our efforts to develop and encourage a prosperous future.

I am very well aware of the tremendous challenges that leadership must confront in the formation of a balanced budget plan. I am also deeply and sincerely grateful for the months of hard work and diligence of the legislature in developing potential solutions. I stand willing to continue our many weeks of negotiations and welcome the opportunity to work closely with you and your members to develop a consensus solution that balances our state budget.

Sincerely,

Janice K. Brewer
Governor

cc: Speaker Kirk Adams
Sen. Russell Pearce
Rep. John Kavanagh

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 1, 2009

The Honorable Bob Burns
President
Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

Re: Senate Bill 1029: budget reconciliation: higher education

Dear President Burns:

Today I returned with my veto Senate Bill 1029.

In March I presented the legislature a comprehensive 5-point plan to address the State's pending financial crisis and to consider long-term structural improvements that would diminish or prevent a repeat of this fiscal disaster. This plan, along with the detailed budget plan I released publicly to you on June 1, 2009 contains a reasonable and sound approach to creating a balanced budget that takes into account the impacts and challenges of future budget years.

Unfortunately, Senate Bill 1029, along with the other FY 2010 budget bills adopted by the legislature, does not balance the state budget. We have a duty to adopt a budget that honestly and realistically addresses Arizona's growing fiscal crisis in a fashion that does not devastate the foundation of our most critical state government functions and services. These budget bills would prevent the proper function of many critical components of state government, as well as undermine our efforts to develop and encourage a prosperous future.

I am very well aware of the tremendous challenges that leadership must confront in the formation of balanced budget plan. I am also deeply and sincerely grateful for the months of hard work and diligence of the legislature in developing potential solutions. I stand willing to continue our many weeks of negotiations and welcome the opportunity to work closely with you and your members to develop a consensus solution that balances our state budget.

Sincerely,

Janice K. Brewer
Governor

cc: Speaker Kirk Adams
Sen. Russell Pearce
Rep. John Kavanagh

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 1, 2009

The Honorable Bob Burns
President
Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

Re: Senate Bill 1031: budget reconciliation; assets

Dear President Burns:

Today I returned with my veto Senate Bill 1031.

In March I presented the legislature a comprehensive 5-point plan to address the State's pending financial crisis and to consider long-term structural improvements that would diminish or prevent a repeat of this fiscal disaster. This plan, along with the detailed budget plan I released publicly to you on June 1, 2009, contains a reasonable and sound approach to creating a balanced budget that takes into account the impacts and challenges of future budget years.

Unfortunately, Senate Bill 1031, along with the other FY 2010 budget bills adopted by the legislature, does not balance the state budget. We have a duty to adopt a budget that honestly and realistically addresses Arizona's growing fiscal crisis in a fashion that does not devastate the foundation of our most critical state government functions and services. These budget bills would prevent the proper function of many critical components of state government, as well as undermine our efforts to develop and encourage a prosperous future.

I am very well aware of the tremendous challenges that leadership must confront in the formation of a balanced budget plan. I am also deeply and sincerely grateful for the months of hard work and diligence of the legislature in developing potential solutions. I stand willing to continue our many weeks of negotiations and welcome the opportunity to work closely with you and your members to develop a consensus solution that balances our state budget.

Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

cc: Speaker Kirk Adams
Sen. Russell Pearce
Rep. John Kavanagh

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 1, 2009

The Honorable Bob Burns
President
Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

Re: Senate Bill 1035: budget reconciliation; general government

Dear President Burns:

Today I returned with my veto Senate Bill 1035.

In March I presented the legislature a comprehensive 5-point plan to address the State's pending financial crisis and to consider long-term structural improvements that would diminish or prevent a repeat of this fiscal disaster. This plan, along with the detailed budget plan I released publicly to you on June 1, 2009, contains a reasonable and sound approach to creating a balanced budget that takes into account the impacts and challenges of future budget years.

Unfortunately, Senate Bill 1035, along with the other FY 2010 budget bills adopted by the legislature, does not balance the state budget. We have a duty to adopt a budget that honestly and realistically addresses Arizona's growing fiscal crisis in a fashion that does not devastate the foundation of our most critical state government functions and services. These budget bills would prevent the proper function of many critical components of state government, as well as undermine our efforts to develop and encourage a prosperous future.

I am very well aware of the tremendous challenges that leadership must confront in the formation of balanced budget plan. I am also deeply and sincerely grateful for the months of hard work and diligence of the legislature in developing potential solutions. I stand willing to continue our many weeks of negotiations and welcome the opportunity to work closely with you and your members to develop a consensus solution that balances our state budget.

Sincerely,

Janice K. Brewer
Governor

cc: Speaker Kirk Adams
Sen. Russell Pearce
Rep. John Kavanagh

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 1, 2009

The Honorable Bob Burns
President
Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

Re: Senate Bill 1036: budget reconciliation; general revenues

Dear President Burns:

Today I returned with my veto Senate Bill 1036.

In March I presented the legislature a comprehensive 5-point plan to address the State's pending financial crisis and to consider long-term structural improvements that would diminish or prevent a repeat of this fiscal disaster. This plan, along with the detailed budget plan I released publicly to you on June 1, 2009, contains a reasonable and sound approach to creating a balanced budget that takes into account the impacts and challenges of future budget years.

Unfortunately, Senate Bill 1036, along with the other FY 2010 budget bills adopted by the legislature, does not balance the state budget. We have a duty to adopt a budget that honestly and realistically addresses Arizona's growing fiscal crisis in a fashion that does not devastate the foundation of our most critical state government functions and services. These budget bills would prevent the proper function of many critical components of state government, as well as undermine our efforts to develop and encourage a prosperous future.

I am very well aware of the tremendous challenges that leadership must confront in the formation of balanced budget plan. I am also deeply and sincerely grateful for the months of hard work and diligence of the legislature in developing potential solutions. I stand willing to continue our many weeks of negotiations and welcome the opportunity to work closely with you and your members to develop a consensus solution that balances our state budget.

Sincerely,

Janice K. Brewer
Governor

cc: Speaker Kirk Adams
Sen. Russell Pearce
Rep. John Kavanagh

STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

July 1, 2009

EXECUTIVE OFFICE

The Honorable Bob Burns
President
Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

Re: Senate Bill 1145: budget reconciliation; health and welfare

Dear President Burns:

Today I returned with my veto Senate Bill 1145.

In March I presented the legislature a comprehensive 5-point plan to address the State's pending financial crisis and to consider long-term structural improvements that would diminish or prevent a repeat of this fiscal disaster. This plan, along with the detailed budget plan I released publicly to you on June 1, 2009, contains a reasonable and sound approach to creating a balanced budget that takes into account the impacts and challenges of future budget years.

Unfortunately, Senate Bill 1145, along with the other FY 2010 budget bills adopted by the legislature, does not balance the state budget. We have a duty to adopt a budget that honestly and realistically addresses Arizona's growing fiscal crisis in a fashion that does not devastate the foundation of our most critical state government functions and services. These budget bills would prevent the proper function of many critical components of state government, as well as undermine our efforts to develop and encourage a prosperous future.

I am very well aware of the tremendous challenges that leadership must confront in the formation of balanced budget plan. I am also deeply and sincerely grateful for the months of hard work and diligence of the legislature in developing potential solutions. I stand willing to continue our many weeks of negotiations and welcome the opportunity to work closely with you and your members to develop a consensus solution that balances our state budget.

Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

cc: Speaker Kirk Adams
Sen. Russell Pearce
Rep. John Kavanagh

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

July 1, 2009

EXECUTIVE OFFICE

The Honorable Bob Burns
President
Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

Re: Senate Bill 1187: budget reconciliation; K-12

Dear President Burns:

Today I returned with my veto Senate Bill 1187.

In March I presented the legislature a comprehensive 5-point plan to address the State's pending financial crisis and to consider long-term structural improvements that would diminish or prevent a repeat of this fiscal disaster. This plan, along with the detailed budget plan I released publicly to you on June 1, 2009, contains a reasonable and sound approach to creating a balanced budget that takes into account the impacts and challenges of future budget years.

Unfortunately, Senate Bill 1187, along with the other FY 2010 budget bills adopted by the legislature, does not balance the state budget. We have a duty to adopt a budget that honestly and realistically addresses Arizona's growing fiscal crisis in a fashion that does not devastate the foundation of our most critical state government functions and services. These budget bills would prevent the proper function of many critical components of state government, as well as undermine our efforts to develop and encourage a prosperous future.

I am very well aware of the tremendous challenges that leadership must confront in the formation of balanced budget plan. I am also deeply and sincerely grateful for the months of hard work and diligence of the legislature in developing potential solutions. I stand willing to continue our many weeks of negotiations and welcome the opportunity to work closely with you and your members to develop a consensus solution that balances our state budget.

Sincerely,

Janice K. Brewer
Governor

cc: Speaker Kirk Adams
Sen. Russell Pearce
Rep. John Kavanagh

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 1, 2009

The Honorable Robert Burns
President of the Senate
Arizona State Senate
1700 West Washington
Phoenix, AZ 85007

Dear President Burns:

Today I signed Senate Bill 1188, the 2009-10 General Appropriations Act, while at the same time exercising my line item veto authority with respect to several specific items of appropriation.

My signature on the bill, setting aside the line item actions I have taken, reflects my view that a shutdown of government services is not in the best interests of our State and its citizens. I believe that the public interest would not be well served by a complete veto or a broader set of line item vetoes. In addition, given the legislature's unconstitutional delay in delivering the bills and the timing problems which have ensued, I am unable to exercise my Constitutional authority to let the Act, net of my line item vetoes, go into law without my signature.

While I am compelled to accept the bulk of the Act, I cannot agree to all of it. Specifically, I have line item vetoed the following items of appropriation for the reasons outlined below:

A. Agency Lump Sum Reductions. Senate Bill 1188 makes lump sum reductions for several important agencies. These agencies have already suffered significant across the board reductions over the last two years and are simply not in a position to sustain additional reductions without compromising their missions. Further, the lack of willingness to implement the full and complete compromise agreed to by my office, the Speaker of the House and the Senate President leaves me no option but to strike some of these reductions. While I recognize reductions are in order, the magnitude of what has been sent to me, absent some counterbalancing measures, is an unacceptable hit to critical agencies. I remain open to further negotiations.

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1. Page 45, lines 18-32 (Dept. of Economic Security lump sum reduction)
2. Page 53, lines 29-40 (Dept. of Environmental Quality lump sum reduction)
   Page 54, lines 1-13 (DEQ continued)
3. Page 68, lines 36-43 (Dept. of Health Services lump sum reduction)
   Page 69, lines 1-6 (DHS continued)
4. Page 102, lines 16-18 (ASU – Main Campus lump sum reduction)
5. Page 103, lines 17-19 (ASU – East Campus lump sum reduction)
6. Page 104, lines 19-21 (ASU – West Campus lump sum reduction)
7. Page 105, lines 22-24 (NAU lump sum reduction)
8. Page 106, lines 28-29 (U of A lump sum reduction)
9. Page 107, lines 11-12 (U of A Health Sciences Center lump sum reduction)
   Page 107, lines 20-21 (U of A totals)
10. Page 108, lines 1-18 (University lump sum reduction and lump sum reduction deferral)

B. Legislative Attempts to Appropriate Federal Funds. These actions do not fall within the authority of the legislature.

1. Page 127, lines 26-43 Arizona Board of Regents and Arizona Community Colleges
2. Page 128, lines 1-43
   a. lines 1-6, continuation of B.1. above
   b. lines 7-19, K-12 education
   c. lines 20-43 Higher education
3. Page 129, lines 1-13 continuation from B.2.c. above

C. Underfunded K-12 Budget. I have stated throughout my time in office that I am unwilling to agree to a K-12 Budget that does not adequately meet the needs of our public education system. While the extreme fiscal condition of our state makes some reductions necessary, the cuts enacted by the legislature in Senate Bill 1188 are significantly greater than those advanced in my budget. The possibility of revenues from the temporary sales tax would have helped mitigate the impacts of the proposed cuts to K-12 schools. Furthermore, the federal stimulus funds will be woefully inadequate to offset the impacts of these reductions for FY 2010, creating the specter of even larger unmitigated cuts for FY 2011 and beyond. Consequently, I am eliminating the proposed appropriation to K-12 in hopes that I can work with the legislature to enact an acceptable level of funding for the upcoming fiscal year.

1. Page 46, lines 31-43 Formula Programs
2. Page 47, line 15 Additional State Aid
   Page 47, line 17 Other State Aid
   Page 47, lines 18-21 Total and Fund Source lines

D. VLT Transfer. I am vetoing the transfer of $76,783,600 in VLT monies to the State General Fund which is being done instead of the normal distribution to the State Highway Fund.

1. Page 125, lines 11-17

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable John Kavanagh
The Honorable Russell Pearce

STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 1, 2009

The Honorable Bob Burns
President
Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

Re: Senate Bill 1258: budget reconciliation; environment

Dear President Burns:

Today I returned with my veto Senate Bill 1258.

In March I presented the legislature a comprehensive 5-point plan to address the State's pending financial crisis and to consider long-term structural improvements that would diminish or prevent a repeat of this fiscal disaster. This plan, along with the detailed budget plan I released publicly to you on June 1, 2009, contains a reasonable and sound approach to creating a balanced budget that takes into account the impacts and challenges of future budget years.

Unfortunately, Senate Bill 1258, along with the other FY 2010 budget bills adopted by the legislature, does not balance the state budget. We have a duty to adopt a budget that honestly and realistically addresses Arizona's growing fiscal crisis in a fashion that does not devastate the foundation of our most critical state government functions and services. These budget bills would prevent the proper function of many critical components of state government, as well as undermine our efforts to develop and encourage a prosperous future.

I am very well aware of the tremendous challenges that leadership must confront in the formation of balanced budget plan. I am also deeply and sincerely grateful for the months of hard work and diligence of the legislature in developing potential solutions. I stand willing to continue our many weeks of negotiations and welcome the opportunity to work closely with you and your members to develop a consensus solution that balances our state budget.

Sincerely,

Janice K. Brewer
Governor

cc: Speaker Kirk Adams
Sen. Russell Pearce
Rep. John Kavanagh

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 13, 2009

The Honorable Bob Burns
President
Arizona State Senate
1700 W. Washington Street
Phoenix, Arizona 85007

Re: Senate Bill 1464; state budget reports; financial condition

Dear President Burns:

Today I vetoed Senate Bill 1464, which requires the State Treasurer to prepare an annual financial condition statement for the Governor, President of the Senate and Speaker of the House of Representatives.

My five-point plan calls for substantive reforms in the way the State of Arizona forecasts revenues and also called for reforms to ensure that the State of Arizona balances on-going revenues with on-going expenses. While Senate Bill 1464 addresses some of the issues raised by the Executive, it comes up short of a comprehensive, collaborative solution.

Senate Bill 1464 provides for several new statements regarding revenues and expenditures. The State Treasurer would be required to provide an estimate of "probable receipts and disbursements from the treasury" for the current year and an itemized estimate of anticipated revenues for the next two fiscal years.

The Treasurer is the state's banker and cash manager. Any revenue forecasting undertaken by the Treasurer's office would be reliant on the Department of Administration's accounting systems and the Department of Revenue's tax collection tracking systems. In addition, the Executive and Legislative Branches already have internal and contractual expertise in revenue forecasting. Transferring the responsibility of forecasting revenues to the Treasurer's office would not be an efficient solution and would

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not encourage collaboration between the Executive Branch and the Legislative Branch to reach a consensus revenue estimate upon which sound budgets can be based.

Senate Bill 1464 also calls for expenditure reporting requirements that are similar in concept to the constitutional expenditure limits imposed on Arizona local governments and TABOR (Taxpayer Bill of Rights) in other states. Unfortunately, the formula prescribed in Senate Bill 1464 contains inconsistencies that make meaningful conclusions difficult. For example, the spending increases for K-12 enrollment is included as an adjustment, but neither university nor community college enrollments are considered.

For these and other reasons, I have vetoed Senate Bill 1464.

Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Pamela Gorman
The Honorable Jack W. Harper
The Honorable Ken Bennett

STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 13, 2009

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Re: House Bill 2206: psychologist examiners board; omnibus

Dear Speaker Adams:

Today I signed House Bill 2206, which would require parties having complaints against family court-appointed psychologists for evaluation, *treatment or psychoeducation*, to first file the complaints with the Court and not the Board of Psychologist Examiners (Board). If the Court determines a "substantial basis" exists for the complaint, the Court may refer the complaint to the Board.

I am concerned that expanding those areas in which parties complaints against psychologists will first be heard by a Court instead of the regulatory board will increase the cost in time and money to the judiciary and to parties involved in family court cases. The Psychology Board is eminently qualified to determine complaints of standard of care and unprofessional behavior filed by members of the public.

I have been assured by Representative Barto that my concerns will be addressed next session. With this understanding, I have signed House Bill 2206.

Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

cc: The Honorable Robert Burns
The Honorable Nancy Barto
The Honorable David Bradley
The Honorable Ken Bennett

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 13, 2009

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Re: House Bill 2207; behavior analysts

Dear Speaker Adams:

Today I signed House Bill 2207, relating to the licensure of behavioral analysts. I did so despite language in the bill that is the basis of my concerns in House Bill 2206.

While the same clause appears in House Bill 2207, few behavior analysts are appointed for court-ordered evaluations, treatment, or psychoeducation. Further, because behavior analyst services for autistic children is now recognized treatment, licensure is necessary for reimbursement.

I have been assured by Representative Barto that my concerns will be addressed next session. With this understanding, I have signed House Bill 2207.

Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

cc: The Honorable Robert Burns
The Honorable Nancy Barto
The Honorable David Bradley
The Honorable Ken Bennett

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

July 10, 2009

EXECUTIVE OFFICE

The Honorable Robert Burns
President of the Senate
Arizona State Senate
1700 W. Washington
Phoenix, Arizona 85007

RE: Senate Bill 1091: Secretary of State; Elections; Filing

Dear President Burns:

Today I signed Senate Bill 1091. This bill contains improvements to our state election laws, many of which I advocated for as Secretary of State. I am, however, very concerned about Section 16 of this bill, which contains vague language allowing the Secretary of State to reject filings based on a "reasonable belief" that the filing is unlawful, illegitimate, false, fraudulent, or is being submitted in bad faith or for the purpose of harassing or defrauding a person or entity.

This provision fails to define what constitutes a reasonable belief and provides no clear process or remedy in the event that the Secretary of State refuses a filing on this basis. Moreover, as written, this provision would allow the Secretary of State to reject election filings, including candidate and initiative petitions, based on a similar belief. This raises serious constitutional and policy concerns. Secretary of State Ken Bennett has assured me that he will seek legislation to address these concerns.

Given the overall improvements to the election process, I am signing Senate Bill 1091 into law with the understanding that my concerns regarding Section 16 will be addressed during the next legislative session.

Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

JKB/jk

cc: The Honorable Kirk Adams
The Honorable Jonathan Paton
The Honorable Ken Bennett

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 13, 2009

The Honorable Bob Burns
President
Arizona State Senate
1700 W. Washington
Phoenix, Arizona 85007

Dear President Burns,

Today, I signed Senate Bill 1169 which establishes the Capitol Police Administrative Towing Fund and provides that administrative charges collected must be deposited into the fund. The bill also prohibits administrative charges relating to vehicle immobilization or impoundment from being assessed to a towing company that performs removal, immobilization, impoundment, storage or release of a vehicle. The bill contains a retroactive date from and after December 31, 2007.

Cities have informed me that the prohibition of charges to towing companies is in conflict with municipal and towing company contracts. The retroactivity clause also poses a concern for contracts that have been established since 2007. The sponsor assures me that this language was not meant to interfere with contracts established between cities and towing companies. I urge the cities to work with the sponsor for further clarification as soon as possible.

Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

Cc: The Honorable Kirk Adams
The Honorable Russell Pearce

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

July 13, 2009

EXECUTIVE OFFICE

The Honorable Robert Burns
President of the Senate
Arizona State Senate
1700 W. Washington
Phoenix, Arizona 85007

RE: Senate Bill 1209: Children; Foster Care; Rights

Dear President Burns:

Today I signed Senate Bill 1209. This bill enumerates important rights for children in foster care and expressly notes that no cause of action is established on behalf of any person. I am very concerned that this bill does not adequately assure that no new legally enforceable right is established for or on behalf of any person, including a child, parent or guardian.

While these rights are critical for children and parents, oversight must remain with the Arizona Legislature and not the courts. I am signing this bill only with the assurance the Legislature will clarify this bill next session to specify that no new legally enforceable right or cause of action is established for a foster child, anyone acting on behalf of a foster child, or a parent or guardian.

Given the importance of establishing a bill of rights for children in foster care, I am signing Senate Bill 1209 into law with the understanding that my concerns will be addressed during the next legislative session.

Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

JKB/jk

cc: The Honorable Kirk Adams
The Honorable Leah Landrum Taylor
The Honorable Linda Lopez
The Honorable Richard Miranda
The Honorable Rebecca Rios

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 13, 2009

The Honorable Robert Burns
President
Arizona State Senate
1700 West Washington
Phoenix, Arizona 85007

Re: Senate Bill 1246: CPS information

Dear President Burns:

Today I signed into law SB 1246, relating to open court proceedings. I share the sponsor's belief that our child welfare system should be as open and public as possible, while ensuring the protection and well-being of children affected by the proceedings.

The bill contains what I believe is likely a drafting error at the bottom of page one, which eliminates the ability of a person to request the reopening of closed proceedings related to dependent children, permanent guardianship and termination of parental rights. Given Senator Paton's efforts on transparency over the years, I have no doubt that this was unintentional.

I look forward to working with the legislature over the next year to return this provision to current law.

Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Jonathan Paton
The Honorable Ken Bennett

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

July 13, 2009

EXECUTIVE OFFICE

The Honorable Robert Burns
President of the Senate
Arizona State Senate
1700 W. Washington
Phoenix, Arizona 85007

RE: Senate Bill 1314 (NOW: custodial and janitorial services; transfer)

Dear President Burns:

Today I signed Senate Bill 1314. This measure requires the Arizona Department of Administration (ADOA) to transfer monies received from budget units for custodial services back to those budget units on a proportional basis by square footage for the purpose of hiring current or former state employees to provide custodial services.

I am concerned about the administrative difficulties of implementing the bill, as well as the potential negative impacts on the ADOA budget and existing vendor contracts. Specifically, the approach taken in Senate Bill 1314 includes the following deficiencies/challenges:

- the lack of a mechanism to pool monies under ADOA to assist agencies that cannot, on their own, afford custodial services, or that do not wish to have separate contracts, even after receiving monies back from ADOA; and
- the absence of an option to select a private vendor solution

The need to pool monies is particularly critical since there are fewer funds available to pay for custodial services. I believe it is important to avoid raising expectations of agencies and former staff regarding what is possible after accounting for budget reductions.

I have seriously considered vetoing this legislation since it seeks to undo one of the many painful steps taken following the FY09 budget cutting process. I have opted to work with the sponsor because of the narrowness of the request and his willingness and commitment to work toward a solution that can be implemented efficiently and effectively.

Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Thayer Verschoor
The Honorable Ken Bennett

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 10, 2009

The Honorable Bob Burns
President
Arizona State Senate
1700W. Washington
Phoenix, Arizona 85007

Re: SB 1403; renewable, high-wage industries incentives

Dear President Burns,

I believe in this current time of economic stress and with national efforts to spur the development of renewable energy production, Arizona finds itself in a great position to welcome the industries that build the equipment and technology that are necessary for the development of renewable energy resources. These types of companies have the potential to bring higher than average wage jobs to the state and provide desperately needed economic benefits. However, it is a simple economic fact that in order to lure these renewable energy industries to Arizona, we are in competition with our neighboring states.

SB 1403 was an attempt by the Legislature to provide economic incentives to manufacturers of renewable energy equipment in an effort to get them to locate their facilities or corporate headquarters in this state. The bill provides for lower property taxes and refundable tax credits for companies that create higher wage jobs in this state. The Legislature saw fit to put limits on the amount of tax credits that could be awarded, which is prudent given the fact that these credits could be a drain on General Fund.

Probably due to the hurried, stop and go nature of the Legislative Session this year, however, it is my belief that a number of necessary amendments to the legislation were not offered and adopted. There are issues regarding implementation of this program by a budget ravaged Department of Commerce that need serious thought. There are issues regarding the interpretation of ill-defined terms in the bill, there are terms in the bill that are not defined, and there are conflicting requirements and formulas found in the bill. I also remain concerned that the tax credits are refundable. While I believe in meaningful incentives, it is important that the program and the State realize the economic gains the legislation promises.

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A key component of my Five Point Plan is tax reform to encourage economic development. For those reasons, I have elected to sign SB 1403 strongly urging the Legislature to revisit this legislation and make the necessary repairs to strengthen this package into a clear, defined, manageable economic development tool which will lure high paying, long term industries to our State.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Barbara Leff
The Honorable Lucy Mason
The Honorable Michele Reagan
The Honorable Ken Bennett

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Resolutions & Memorials Passed And Filed – 2009 First Regular Session

HCM2006: STATE LAND; NATURAL RESOURCES

HCM2009: OPPOSING FEDERAL FIREARMS LEGISLATION

HCR2014: HEALTH CARE CHOICE - **TO BALLOT**

HCR2019: AFFIRMATIVE ACTION; PROHIBITION - **TO BALLOT**

HCR2030: OPPOSE FEDERAL POINT SOURCE DISCHARGE PGM

HCR2034: VETERANS' CEMETERY; TUCSON

HR2001: DEATH RESOLUTION; DAVID HURT

SCM1002: STATEWIDE STRATEGY; RESTORING ARIZONA'S FORESTS

SCR1004: U.S. OUT OF U.N.

SCR1026: SECRET BALLOT; FUNDAMENTAL RIGHT - **TO BALLOT**

SCR1045: DEATH RESOLUTION; JAKE FLAKE

SR1003: NATIONAL DAY OF THE COWBOY