

<p>CHAPTER 1 SB 1034</p>	<p style="text-align: center;">ARIZONA STATE HOSPITAL</p> <p>A supplemental appropriation of \$4.4 million is provided to the Department of Health Services (DHS) to fund shortages at the Arizona State Hospital (ASH). This includes the new male restoration to competency program and self-care transitional unit. The Director of DHS is to develop a plan for ASH to acquire re-certification by February 28, 1999.</p>
<p>CHAPTER 2 HB 2477</p>	<p style="text-align: center;">MENTAL HEALTH TASK FORCE</p> <p>The seven member Task Force on Improving the Arizona Mental Health System is established, with appointments by the Legislature and the Governor. The Task Force is to review and make recommendations to improve the current mental health system in a cost effective manner. This review will include the Arizona State Hospital and any new facility with requirements for the civil, forensic, juvenile and sexually violent populations; alternative housing; cost sharing between members in the system and government; and resolution of jurisdictional issues. The Task Force is to report its findings on the facilities and alternative housing by September 30, 1999. The report on jurisdictional and cost sharing issues is due by November 30, 1999. The task force repeals on December 31, 1999. Effective February 9, 1999.</p>
<p>CHAPTER 34 SB 1349</p>	<p style="text-align: center;">COUNTY PURCHASING PROCEDURES</p> <p>The county board of supervisors in each county may adopt the state aggregate dollar amount thresholds for procurement exemptions from the competitive sealed bidding process. The state thresholds are \$25,000 for goods and services and \$100,000 for construction contracts.</p>
<p>CHAPTER 50 SB 1051</p>	<p style="text-align: center;">ELECTED OFFICIALS' RETIREMENT</p> <p>The pension amount paid to surviving spouses of members of the Elected Officials' Retirement Plan is increased from two-thirds to three-fourths of the pension amount of the member and surviving children who are full-time students may receive benefits until age 23 (previously age 22). A one time permanent benefit increase of 12.5% is granted to surviving spouses. Retroactive to July 1, 1999, retired members under the age of 55 will receive automatic benefit increases if they have been retired for two years. Except as noted, effective August 6, 1999.</p>

<p>CHAPTER 57 SB 1142</p>	<p style="text-align: center;">OATH OF PUBLIC OFFICE</p> <p>The time frame for taking the oath of office for appointed public officers is changed from within ten days after the officer has notice of the appointment to at least one day before commencement of the term of office.</p>
<p>CHAPTER 80 SB 1099</p>	<p style="text-align: center;">LONG TERM CARE BENEFITS</p> <p>The Department of Administration is directed to conduct a feasibility study relating to offering long term health care coverage to state officers and employees and is to report to the Legislature and Governor by November 15, 1999.</p>
<p>CHAPTER 89 SB 1288</p>	<p style="text-align: center;">COUNTY RECORDERS</p> <p>County recorders may accept digitized and scanned documents from title insurers, title insurance agents, banks and government entities and may use digitized notations to indicate the identification and location of the documents.</p>
<p>CHAPTER 121 SB 1012</p>	<p style="text-align: center;">RETIREMENT BENEFITS</p> <p>A retired member of the Arizona State Retirement System who transferred from a joint and survivor annuity option to a straight life annuity may now switch back to the joint and survivor annuity option.</p>
<p>CHAPTER 138 SB 1081</p>	<p style="text-align: center;">PERFORMANCE INCENTIVES PILOT PROGRAM</p> <p>The Performance Based Incentives Pilot Program, designed to promote efficiency and effectiveness in state government, is extended five years to December 31, 2005.</p>

<p>CHAPTER 139 SB 1132</p>	<p style="text-align: center;">STATE EMPLOYEE COMPENSATION</p> <p>The judicial department is required to prepare an annual report on personnel detailing employee compensation, overtime and turnover, with advisory recommendations for salary adjustments. The Special Market Adjustment Committee is established replacing the prior Department of Administration (DOA) Review Committee. The new committee is to assist the Director of DOA in developing a system of special market adjustments for state employees. The Director of the Administrative Office of the Courts or the director's designee will serve on the committee.</p> <p>The merit award program, originally established to recognize state employees who develop innovative programs or perform a special act or service, is renamed the State Employee Suggestion Program. Elected officials, directors, deputy directors, managers and supervisors are not eligible for awards.</p>
<p>CHAPTER 148 SB 1365</p>	<p style="text-align: center;">STRATEGIC PROGRAM AREA REVIEWS</p> <p>Modifications are made to the Program Authorization Review (PAR) and strategic planning process. Originally enacted in 1993 as a component of budget reform, the PAR process establishes a process for assessment of state agencies and budget unit programs and provides for legislative oversight. PAR is renamed the Strategic Program Area Review (SPAR). Changes are made to the time frames, information that must be contained in the required reports on a program and legislative review process. Domestic violence programs are included in the current phase of the SPAR process, to be reviewed by the Legislature during the 2000 legislative session.</p>
<p>CHAPTER 164 SB 1323</p>	<p style="text-align: center;">DEPARTMENT OF VETERANS' SERVICES</p> <p>The Department of Veterans' Services (DVS) is established with a termination date of July 1, 2002. All matters, including contracts, orders and judicial or quasi-judicial actions, personnel, property, records and appropriated monies are transferred from the Veterans' Services Commission to DVS.</p>

<p>CHAPTER 175 SB 1019</p>	<p style="text-align: center;">LIMITED JURISDICTION COURTS</p> <p>This omnibus legislation primarily addresses technical changes to the statutes regarding the limited jurisdiction courts. If the court sentences a defendant to pay a fine, and the defendant fails to comply with the order, the court may, after a hearing, order that the defendant receive credit toward payment of the fine for jail time served at a minimum of one dollar of the fine for each day of imprisonment. Cities and towns are authorized to classify violations of local ordinances as either criminal or civil offenses, unless specifically prohibited by statute.</p> <p>A technical correction is made to remove reference to municipal courts from a section in Title 11 addressing the duties of the county public defender. Instead, the right to indigent representation in a municipal court is specified by adding a section to Title 9 that requires the court to appoint indigent legal counsel pursuant to the Arizona Rules of Criminal Procedure. Municipal courts may also assess defendants an administrative fee of a maximum of \$25, in addition to court appointed reimbursement costs. This fee is to be deposited in the city or town general fund to defray the costs of court appointed counsel.</p> <p>The time payment fee is maintained at \$20 until December 31, 2001, when it reverts back to \$12. Under the prior law, this was to revert back to \$12 on December 31, 1999. In addition to the current statutorily permissible uses of the Judicial Collection Enhancement Fund (JCEF), the Supreme Court may utilize fund monies for the training of court personnel.</p>
<p>CHAPTER 197 HB 2099</p>	<p style="text-align: center;">PRIVATE FIDUCIARIES</p> <p>Financial institutions are exempted from the requirement of posting a cash deposit or surety bond with the Supreme Court as a condition of registration as a private fiduciary. Instead, within 30 days of the date the Director of the Administrative Office of the Courts finds a violation of any rule adopted pursuant to the private fiduciary law, the financial institution must pay for any investigation and hearing, up to the bond amount established by court rule for all other private fiduciaries. Any financial institution that fails to comply with the 30 day payment requirement is thereafter required to post the bond. A “financial institution” is defined as a bank insured by the Federal Deposit Insurance Corporation and chartered under federal or state law, a trust company owned by a bank regulated by the Federal Reserve Board or a trust company chartered under federal or state law. The definition of “private fiduciary” is amended to include a person employed by a financial institution who supervises or makes substantive decisions about the administration of the decedent’s estate, conservatorship or guardianship, but does not include a person who completes tasks under the direction of the supervising employee.</p>

<p>CHAPTER 204 HB 2242</p>	<p style="text-align: center;">DEVELOPMENTAL DISABILITIES OVERSIGHT COMMITTEE</p> <p>The Joint Legislative Developmental Disabilities Oversight Committee is given the responsibility of determining the number of additional people who would be eligible for client services if the Department of Economic Security adopted the federal definition of “developmentally disabled.” The Division of Developmental Disabilities is to report to the committee regarding the potential increase in clients and the related costs. The committee is extended until January 31, 2003.</p>
<p>CHAPTER 211 HB 2343</p>	<p style="text-align: center;">STATUTORY CORRECTIONS</p> <p>This annual corrections legislation makes technical amendments to a number of statutes. The statutes affecting the judicial department include §12-282, custody of records; §13-702, sentencing; §14-3803, claims against a decedent’s estate; §36-2005, Substance Abuse Services Fund; §41-1750, criminal history information; §41-2401, Criminal Justice Enhancement Fund; and §41-2402 Drug and Gang Enforcement Account. There are retroactive and general effective dates.</p>
<p>CHAPTER 213 HB 2374</p>	<p style="text-align: center;">GRAND CANYON AIRPORT AUTHORITY</p> <p>The Grand Canyon Airport Authority (GCAA) is created to operate the Grand Canyon National Park Airport. Any contracts, orders or judicial or quasi-judicial actions related to the Grand Canyon National Park Airport are transferred to the GCAA. Effective October 1, 1999.</p>
<p>CHAPTER 224 HB 2100</p>	<p style="text-align: center;">CANDIDATE PETITION FILINGS</p> <p>The period for filing candidate nomination papers for both partisan and nonpartisan election candidates is accelerated by 15 days. A candidate’s nomination papers must now be filed between 120 and 90 days before an election.</p>

<p>CHAPTER 230 HB 2659</p>	<p style="text-align: center;">NOTARIES PUBLIC</p> <p>This omnibus legislation makes numerous changes to the statutes regulating notaries public. The state or its political subdivisions are to pay the fees and costs for the commissioning of a notary who is a public employee if the employee is required to perform notarial services in the course of employment. Notarial acts that are confidential pursuant to federal or state law are not public record. Every non-attorney notary who advertises in a language other than English must include in the advertisement a statement in English that states the notary is not an attorney and cannot give legal advice. A violation is a class 6 felony and results in the permanent revocation of the notary's commission.</p>
<p>CHAPTER 262 SB 1336</p>	<p style="text-align: center;">JOINT LEGISLATIVE COMMITTEES</p> <p>Numerous changes are made to various legislative committees. The Protective Services Caseload Standards Advisory Committee and the Council on Children's Behavioral Health are repealed on January 1, 2000. The Community Notification Guidelines Committee and the DUI Abatement Council are repealed on January 1, 2003.</p> <p>Court members on the Fund Manager for the Public Safety Personnel Retirement System will now be appointed by the Governor. Members were previously appointed alternately by the President of the Senate and the Speaker of the House. The Department of Administration is required to report twice a year to the Joint Legislative Study Committee on State Employee Compensation on the performance of employee health and dental plans.</p>
<p>CHAPTER 264 HB 2639</p>	<p style="text-align: center;">INTERNET STUDY COMMITTEE</p> <p>A study committee is established to review the issues of Internet privacy, jurisdiction, regulation and taxation. The membership includes representation from the Legislature, Government Information Technology Agency, universities and public. The committee is to prepare a report of its findings and recommendations by December 1, 1999.</p>
<p>CHAPTER 266 SB 1170</p>	<p style="text-align: center;">BURKE LITIGATION</p> <p>Employers of members of the Arizona State Retirement System (ASRS) must make up for contribution rates and earnings that were not paid to their employees from 1984 to the present, if these employees were previously required to involuntarily transfer from a defined contribution plan to the ASRS defined benefit plan. This legislation addresses the issues in the Burke class action lawsuit that was decided in favor of the plaintiffs by the Superior Court in Pima County in November 1997.</p>

<p>CHAPTER 268 SB 1340</p>	<p style="text-align: center;">JUDICIAL PERFORMANCE REVIEW</p> <p>The publicity pamphlets prepared by the Secretary of State for the state general election are now to include the report of the Commission on Judicial Performance Review. This report provides information on justices of the Supreme Court and judges of the Court of Appeals and Superior Court who are subject to merit election and retention. The Secretary of State is further required to mail a publicity pamphlet to every household containing a registered voter.</p> <p>Funding is provided to the Secretary of State through a transfer of funds allocated to the Supreme Court and a state general fund appropriation, for the purpose of distributing the publicity pamphlets.</p>
<p>CHAPTER 288 SB 1338</p>	<p style="text-align: center;">COUNTY CAPITAL PROJECTS TAX</p> <p>In counties with a population of less than two million persons, the board of supervisors, on a unanimous vote, may submit a proposed county capital projects tax for voter approval at a countywide special election or at a general election. If approved by a majority of the voters, the revenues from the tax are to be deposited in the county's Transportation and Capital Projects Fund. The county board of supervisors may use this fund for capital projects and to purchase, construct and lease buildings, facilities, roads, highways, and other county projects.</p>
<p>CHAPTER 289 HB 2046</p>	<p style="text-align: center;">TRIAL COURT FUNDING</p> <p>The Trial Court Funding Study Committee is established, consisting of six legislators. The committee's duties include reviewing current and alternative methods of funding the Superior Court and administration of justice in Arizona. The committee is to report its findings to the Legislature and Governor by December 1, 1999 and repeals on the same date.</p>
<p>CHAPTER 290 HB 2061</p>	<p style="text-align: center;">DEPARTMENT OF REVENUE OMNIBUS</p> <p>Changes are made to the Debt Setoff Program, the Department of Revenue (DOR) program that allows the withholding of a tax refund to satisfy debts a taxpayer owes to a court or the state. DOR must now release a refund to the taxpayer if the state agency or court does not respond within 45 days of a DOR request for confirmation of the debt. The courts and state agencies may provide DOR with debt setoff information updates on a quarterly or more frequent basis. DOR is no longer required to notify a taxpayer of a debt setoff by certified mail.</p> <p>A person who sells or offers for sale cigarette packages that are stamped in violation of specified tax stamp provisions is guilty of a class 2 misdemeanor. There are additional changes to the tax laws.</p>

<p>CHAPTER 292 HB 2077</p>	<p style="text-align: center;">DEVELOPMENTAL DISABILITIES</p> <p>Beginning July 1, 2000, the Department of Economic Security (DES) is to establish two pilot projects for developmental disabilities case management. The Developmental Disabilities Case Management Pilot Projects Committee is established to develop recommendations relating to the pilot projects. DES is directed to send a satisfaction survey to consumers using the pilot projects. The survey will be developed and analyzed by the committee and findings will be reported to the Legislature and Governor.</p>
<p>CHAPTER 294 HB 2113</p>	<p style="text-align: center;">FISCAL IMPACT OF BALLOT MEASURES</p> <p>The publicity pamphlets currently published by the Secretary of State concerning proposed amendments to the Arizona Constitution must now include the fiscal impact of each proposed amendment. This impact statement is to be prepared by the staff of the Joint Legislative Budget Committee.</p>
<p>CHAPTER 300 HB 2353</p>	<p style="text-align: center;">DEPARTMENT OF ADMINISTRATION OMNIBUS</p> <p>State vehicles used primarily for rehabilitation or social programs or for investigations or activities of a confidential nature are not required to display alternative fuel license plates.</p> <p>Budget units and other agencies responsible for the collection of public monies are required to report all accounts receivable to the state comptroller. The Attorney General is to annually notify the state comptroller of any uncollectible debt owed to the state. After receiving this notice and upon review of the Joint Legislative Budget Committee, the state comptroller may remove all or part of the debt from the state accounting system.</p>
<p>CHAPTER 311 HB 2706</p>	<p style="text-align: center;">ABORTION CLINICS</p> <p>The Director of the Department of Health Services is required to establish licensing requirements and standards for abortion clinics. Conditional repeal and enactment provisions relating to any possible future court decision on the definition of “abortion clinics” are included.</p>

<p>CHAPTER 316 SB 1362</p>	<p style="text-align: center;">FINGERPRINTING PERSONNEL</p> <p>A number of changes are made to the 1998 legislation on fingerprinting personnel including extending the effective date of this law from June 30, 1999, to August 16, 1999. The Board of Fingerprinting may request that the Department of Public Safety (DPS) revoke a person's fingerprint card if the person is convicted of an offense that would have originally precluded issuance of the card. The board may deny a card to a person who is awaiting trial on a specified offense; the prior law was limited to convicted individuals. DPS must inform applicants who submit fingerprints of their right to petition for a good cause exception hearing. Falsification or misrepresentation on an application for employment with a school district or application for teacher certification is a class 3 misdemeanor. Effective May 19, 1999.</p>
<p>CHAPTER 321 HB 2350</p>	<p style="text-align: center;">EMPLOYEE PAYDAYS</p> <p>Overtime and exception wages are to be paid to an employee no later than 15 days after the end of the most recent pay period. This is a change from current statute that requires payment no more than 15 days after the wages are earned. This change is meant to address those situations where employees accrue overtime based on hours worked per day as opposed to hours worked per week.</p>
<p>CHAPTER 327 SB 1083</p>	<p style="text-align: center;">PUBLIC RETIREMENT SYSTEMS</p> <p>A number of technical and substantive amendments are made to the statutes relating to the Arizona State Retirement System (ASRS), Elected Officials' Retirement Plan (EORP) and the other two retirement systems administered by the state. The multiplier used to determine an ASRS member's benefit is increased from 2% to 2.1%. For retired members of ASRS, pensions are increased by 5%. The increases in pension and the multiplier are effective July 1, 2000, and are mathematically equivalent benefit increases. An active member of ASRS who was previously employed by the United States government, one of the 50 states or one of the states' political subdivisions may buy credited service in ASRS for the period of employment as long as the member is not receiving a retirement benefit from the previous government's retirement system.</p> <p>Members of the ASRS and Elected Officials' Retirement Plan (EORP) who leave the plan prior to retirement are now entitled to a portion of the employer's contribution if they have accumulated a minimum of five years of credited service. A schedule specifying the percentage of employer contributions a member is entitled to is established in statute. The percentage of employer contributions received by the member is dependent upon the number of years of credited service. The minimum contribution rate for ASRS is changed from 2.17% to 2%.</p>

<p>CHAPTER 328 SB 1180</p>	<p style="text-align: center;">TANF APPROPRIATION</p> <p>A total appropriation of \$2.65 million from the Temporary Assistance for Needy Families (TANF) block grant is made in both FY 1999 - 2000 and FY 2000 - 2001 for a variety of programs. These include post-shelter training for domestic violence victims, short-term crisis and child neglect services, parenting classes, character training education for youth under the age of 19 and homeless youth intervention programs for youth not currently served by Child Protective Services or the juvenile justice system. All participants must be TANF eligible. The Department of Economic Security is to provide interim and annual reports on the program and the Auditor General is to perform an evaluation of the Homeless Youth Intervention Program.</p>
<p>CHAPTER 329 SB 1238</p>	<p style="text-align: center;">STATE OFFICERS' RETIREMENT</p> <p>Changes are made to the Elected Officials' Retirement Plan (EORP) and to retirement plans for specified state employees. Members of EORP may now retire after 20 years of service, with no age requirement and are eligible for early retirement at any age after five (previously ten) years of credited service. The penalty for early retirement continues to be a 3% reduction per year, but the maximum reduction is now 30%. Any active elected official who has previous service as an elected official (city, county or state) but was not covered by a retirement system or plan during that service may buy back the time at its actuarially present value.</p> <p>Beginning December 1, 2000, employers of term-limited state elected officials and exempt state officers and employees (including employees of the Arizona Supreme Court and Court of Appeals) must offer their employees a defined contribution retirement plan (DC) as an alternative to their current retirement plan. To participate in the plan, the official, officer or employee must sign a written participation form on or before the effective date of their employment or within 30 days of the effective date of the DC plan option. This participation is irrevocable and continues for the remainder of the member's employment. The employer and the participating member are to both contribute 2.66% of the member's gross salary into the DC optional plan. The member may make additional contributions, as long as the total annual contributions do not exceed the maximum amount permitted under the Internal Revenue Code. Employer contributions and earnings are vested after one year. Employee monies are immediately vested.</p> <p>Except as specified, effective August 6, 1999.</p>

**CHAPTER
332
SB 1056**

FREE EXERCISE OF RELIGION

The state and its political subdivisions are prohibited from substantially burdening a person's free exercise of religion, even if the burden results from a law that is facially neutral and applies generally to all people in the state. The government may restrict a person's exercise of religion if it demonstrates both that there is a compelling state interest and that the least restrictive means are used to further this interest. A person whose religious exercise is burdened in violation of this statute may assert the violation in a claim or defense in a judicial proceeding and the court must award attorney fees and costs to a prevailing plaintiff.

A legislative intent clause specifies that the Legislature finds the compelling interest list, as set forth in the United States Supreme Court cases of *Wisconsin v. Yoder* and *Sherbet v. Verner*, to be a workable test for a sensible balance between religious liberty and competing government interests.

COURT REPORTERS

The Supreme Court is to administer the newly established Court Reporter Certification Program. A person who engages in stenographic reporting of proceedings in any court in Arizona or who takes stenographic depositions for use in any court in the state must be certified by the Board of Certified Court Reporters. This nine member board, appointed by the Chief Justice of the Supreme Court, includes representation from the judicial department, court reporter and legal communities, and public. The board's responsibilities include recommending fees and rules to the Supreme Court for the funding and implementation of the program, determining a person's ability to make a verbatim record of proceedings, issuing certificates to qualified candidates, adopting a code of conduct for court reporters and investigating and disciplining court reporters for misconduct.

Minimum qualifications and testing requirements for applicants seeking certification are established. The examination consists of two components: a National Court Reporters Association's registered professional reporter examination or an **alternative test approved by the Supreme Court**, and a second written exam on relevant court rule and statutes. An applicant who has previously passed a national or registered examination may be exempted from the first component of these testing requirements.

The board is to grant temporary court reporter certificates to applicants who meet the minimum qualifications for examination, are actively employed as court reporters on August 6, 1999 and have applied for a temporary certificate before January 1, 2000. In addition, the board will grant temporary certificates to persons who are not actively employed as court reporters and have not applied for a temporary certificate by January 1, 2000, but who meet the minimum qualifications for examination. All temporary certificates expire on December 31, 2002, except that the board may extend a temporary certificate for extenuating circumstances.

All certificates must be renewed annually. Renewal requires completion of at least ten hours of continuing education approved by the board and payment of a fee. The board is authorized, and in some circumstances required, to not renew or issue a certificate. In addition, the board may suspend or revoke a certificate for specified reasons, including unprofessional conduct, gross negligence or incompetence and dishonesty. This new law does not limit the contempt powers or authority of the court to discipline court employees.

The Board of Certified Court Reporters Fund is established, consisting of court reporter fees and an appropriation of \$30,000 from the state general fund. This appropriation, intended to cover the start-up costs of the program, is to be paid back to the state general fund by June 30, 2001.

**CHAPTER
353
HB 2656**

INITIATIVES AND REFERENDUMS

The requirement that persons circulating nominating, initiative, referendum, or recall petitions be registered is eliminated. Petition circulators must now be **qualified** to be registered to vote. This change conforms Arizona law to the recent United States Supreme Court decision in *Buckley v. American Constitutional Law Foundation, Inc.*

SLUMLORDS

The nuisance statutes are rewritten and the enforcement powers of governmental bodies over slum properties are enhanced. In addition to the owner of a residential property, an abatement action may also be brought against the owner's managing agent or any other party responsible for the property. If an owner or managing agent receives notice from a governmental authority regarding criminal activity occurring on the residential property and fails to take action to abate the nuisance, a government authority may abate the nuisance and the court may assess the owner for the applicable costs. A legal tenant of a property subject to a temporary restraining order must receive notice of the order and may intervene in the action. The court shall hold the hearing within **ten** (previously 30) days. The civil penalty the court may impose is **increased from \$2,500 to \$10,000**. Upon the issuance of two or more injunctions within three years, the court may order the property owner to pay three times the cost of abating the nuisance. The court is to dismiss a restraining order if the tenant was the source of the criminal activity and the owner attempted a forcible entry and detainer action against the tenant.

A new section (§12-997) is added, authorizing the court to issue a closing order against a **residential** property and specifying the responsibilities of local law enforcement to serve and enforce the order. Under specified circumstances, the court may order a defendant who failed to take action upon notice of the nuisance to provide moving assistance to a tenant ordered to vacate the premises. The court is to determine the amount of the moving expenses. Failure by a defendant to comply with this order may result in the filing of a lien against the property. A person who removes or mutilates a closing notice or order is guilty of a class 1 misdemeanor.

Violation of a temporary restraining order, preliminary or permanent injunction or any other **residential** property abatement order is increased from a **class 6 to class 5 felony**. Violation of orders pertaining to **commercial** properties is a **class 5 felony**.

Government entities may inspect residential rental properties and may designate a property as a "slum property." The owner of the property may file an administrative appeal pursuant to procedures established by the governmental agency. The decision at the hearing on the administrative appeal is final.

An owner of a residential rental property is required to record information on the property with the county assessor. Failure to comply with this registration provision is a **mandatory** civil penalty of \$1,000 plus \$100 for each month after the original violation until compliance occurs. The court may not suspend any portion of this penalty, however, if the person complies within 10 days after receiving the complaint, the court shall dismiss the complaint and shall not impose a civil penalty.

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<p>CHAPTER 4 SB 1278</p>	<p style="text-align: center;">SLUMLORDS <i>(continued)</i></p> <p>Under specified circumstances the court may appoint a temporary receiver, for a maximum period of one year, to manage or operate a residential property or property designated as a slum property. The qualifications and powers of the receiver are specified. The court is authorized to determine the duties and compensation of the receiver and is required to approve expenditures by the receiver that exceed \$10,000.</p> <p>Landlords may terminate rental agreements if a tenant discharges a weapon, or is convicted of homicide, prostitution, drug offenses, assault, threatening or intimidating or acts constituting a nuisance under the residential criminal abatement statute.</p>
<p>CHAPTER 17 SB 1346</p>	<p style="text-align: center;">RECOVERY OF MEDICAL COSTS</p> <p>The authority of the state or its political subdivisions to seek recovery of medical costs from a third party claim when it has provided medical care is amended to authorize recovery in all cases including those involving care that is not “required by law.”</p>
<p>CHAPTER 26 SB 1379</p>	<p style="text-align: center;">RECLAIMED WATER VIOLATIONS</p> <p>The Department of Environmental Quality may adopt rules and issue permits governing conveyance and direct use of reclaimed wastewater. The Director may issue a compliance order to a person in violation of these rules or permits. This order is enforceable in the Superior Court within 30 days unless the alleged violator requests an administrative hearing. If the director, Attorney General or county attorney believe this violation is an endangerment to the public health or environment, the Attorney General or county attorney may seek a temporary restraining order, preliminary or permanent injunction or other relief. There are both general and delayed effective dates.</p>
<p>CHAPTER 27 SB 1394</p>	<p style="text-align: center;">BASEBALL TEAMS LIABILITY</p> <p>Under specified conditions, registered design professionals and licensed contractors involved in the design, construction or operation of a baseball facility are protected from liability for injuries to spectators attending baseball games.</p>

<p>CHAPTER 32 SB 1227</p>	<p style="text-align: center;">ELECTION LAW REVISIONS</p> <p>If an elector signs more nomination petitions than permitted by law, the earlier signatures of the elector are deemed valid, as determined by the date of the signature. If the signatures are all dated the same day, all signatures by the elector on that day are invalid. On-site early voting locations established by a county recorder are added to the statute protecting voters from interference and influence at polling places. A person who violates this section is guilty of a class 2 misdemeanor.</p>
<p>CHAPTER 33 SB 1252</p>	<p style="text-align: center;">REUSED EYEGLASSES</p> <p>Health care professionals are not liable for injuries to recipients of previously owned eyeglasses if the eyeglasses were distributed by a charitable organization free of charge and the recipient signed a medical malpractice release. This protection does not cover injuries caused by the professional's gross negligence or intentional misconduct.</p>
<p>CHAPTER 61 SB 1224</p>	<p style="text-align: center;">UTILIZATION REVIEW</p> <p>A record of the proceedings conducted by an independent reviewer regarding utilization review in a health care case is to be transmitted by the Department of Insurance to the Office of Administrative Hearings or the Superior Court.</p>
<p>CHAPTER 64 SB 1294</p>	<p style="text-align: center;">Y2K LIABILITY</p> <p>A new article is added to Title 12 pertaining to liability for Year 2000 (Y2K) date failures. Under specified conditions, an affirmative defense is allowed against a Y2K date failure lawsuit. These conditions include notice and remedial actions by the defendant, good faith reliance by the defendant on false or misleading Y2K statements, and compliance testing of the equipment by the defendant. Time frames are established for notice to the defendant by the plaintiff of a pending lawsuit and restrictions are placed on discovery and court action during this time period. The court must dismiss the claim if the plaintiff fails to provide the required written notice. If a defendant cures or offers to cure the Y2K failure or makes restitution, the court may deduct from the damages an amount equal to the value the plaintiff received or rejected. The defendant has the burden of proving by a preponderance of the evidence the value the plaintiff received or would have received. A plaintiff may not use a</p> <p style="text-align: right;"><i>continued....</i></p>

<p>CHAPTER 64 SB 1294</p>	<p style="text-align: center;">Y2K LIABILITY <i>(continued)</i></p> <p>defendant’s Y2K remedial measures to prove negligence, culpable conduct, defectiveness or unreasonable dangerousness, however, other independent sources may be used to make these showings. Information regarding a Y2K compliance analysis and review is discoverable and subject to disclosure, however, a portion may be designated confidential and protected from public disclosure pursuant to court rule. The court shall determine any confidentiality dispute after an in camera review of the portion of the analysis or review in question. Effective April 26, 1999, and applicable to all civil actions commenced on or after that date.</p>
<p>CHAPTER 65 SB 1295</p>	<p style="text-align: center;">MOTOR SPORT LIABILITY</p> <p>Under specified conditions, an operator of a closed course speedway or racetrack is not liable for injuries or death suffered by a spectator, unless the injury or death results from the intentional misconduct or gross negligence of the operator. The specified conditions include requiring the spectator to sign a liability release form, that the injury must occur within an area designated as a “non-general spectator area” and within the time period covered by the release form.</p>
<p>CHAPTER 72 HB 2668</p>	<p style="text-align: center;">DWELLING ACTIONS</p> <p>A homeowners’ association must comply with various statutory requirements prior to filing an “association dwelling action.” This action is defined as litigation by the association against the seller of the dwelling relating to the design, construction, condition or sale of the dwelling. The requirements include the association’s board of directors authorizing the filing of the action, full disclosure of all material information relating to the filing to all association members, and the association holding a meeting of its members and board of directors after all members receive adequate notice of the meeting. If the notice of the meeting is provided to the members less than 60 days prior to the statute of limitations affecting the right of the association to bring the action, the statute of limitations is tolled for 60 days. Liability protections are provided to an association director who acts in good faith to comply with the requirements.</p>
<p>CHAPTER 75 SB 1014</p>	<p style="text-align: center;">DONATED FIRE EQUIPMENT</p> <p>Public and legal entities and persons who donate or receive donated fire emergency or medical equipment are exempted from liability for damages in any civil action brought due to injury or death caused by the condition of the equipment. This exemption does not apply if the injury or death was a direct result of the intentional misconduct or gross or ordinary negligence of the donor or recipient.</p>

INCAPACITATED PERSONS

The statutory provisions related to incapacitated persons are rewritten to allow for a person to make **mental** health care decisions for an incapacitated person. The statutes prescribing guardianships for gravely disabled persons are repealed and replaced with provisions providing for guardianships for incapacitated persons with mental disorders. A new statutory article establishes a mental health care power of attorney to enable individuals to designate others to make mental health care decisions for them if they are incapacitated in the future.

Guardians for incapacitated persons are authorized to consent to outpatient psychiatric and psychological care. The court may authorize a guardian to consent to inpatient mental health care if it finds, by clear and convincing evidence, that the ward is incapacitated and requires inpatient care. In a hearing to determine the need for inpatient care, the evidence must be supported by the opinion of a mental health expert. The duration of the guardian's authority to consent to inpatient care may be limited by the court. The court is required to consider the cause of the ward's disability and clinical needs when granting guardianship authority of an incapacitated person. Within three days of a request by a ward's attorney, the court is required to review the appropriateness of a guardian's inpatient placement of the ward.

A ward or an interested party may petition the court for court-ordered discharge from an inpatient facility if a guardian fails to promptly discharge the ward once notified that inpatient care is no longer necessary. A ward's court-appointed attorney is the attorney of record until discharged by the court. The attorney fees are to be paid by the ward unless the court finds that the ward is unable to pay for essential care. The court may order an independent evaluation or accept a report from the behavioral treatment facility to assess a request for mental health treatment or review the ward's placement in a treatment facility. If a ward contests the continuation of a guardian's authority, the court is to hold a hearing within 30 days. The guardian has the burden of showing, by clear and convincing evidence, that the ward requires inpatient mental health care.

A guardian who does not have the authority to consent to mental health care may petition the court to convert the guardianship to obtain authority. The petition to convert must be supported by an opinion from a mental health expert who finds that the ward is incapacitated and requires inpatient care. In lieu of holding a hearing, the court may accept the opinion of the mental health expert. A hearing is required if requested by the ward, ward's attorney or guardian.

A mental health power of attorney who makes decisions in good faith is exempt from civil and criminal liability. The mental health power of attorney is effective from the time of execution until revoked by the principal or a court order.

<p>CHAPTER 94 HB 2643</p>	<p style="text-align: center;">WATER QUALITY CONTROL</p> <p>The Director of the Department of Environmental Quality is authorized to reopen a Water Quality Assurance Revolving Fund (WQARF) settlement that was based upon financial hardship to determine whether the amount of the settlement should be revised. If it is determined that the amount should be revised, the director must petition the court for review within 30 days of the determination. The court is authorized to determine whether the settlement amount is reopened and, if reopened, what the new settlement amount will be. The amount shall not be more than the allocated share of responsibility given to the person who was party to the original settlement.</p>
<p>CHAPTER 103 SB 1133</p>	<p style="text-align: center;">NON-NAVIGABLE STREAMS</p> <p>The Legislature determines that the following streams were non-navigable at the time of statehood: the upper Salt to the Granite Reef Dam, Bill Williams, San Pedro, Santa Cruz, Gila, Puerco and San Pedro rivers. This ratifies the findings and recommendations of the Arizona Navigable Stream Adjudication Commission, pursuant to §37-1128. The state waives any state claims to the beds of these rivers contingent upon the river's navigability. This new law was enacted without Governor Hull's signature.</p>
<p>CHAPTER 131 HB 2342</p>	<p style="text-align: center;">CONDEMNATION ACTIONS</p> <p>In a condemnation action the Superior Court may order that payment be made directly to the property owner, instead of in the form of a bank deposit. Subject to court approval, the parties may stipulate the amount of money to be deposited or paid directly or for the release of any bond on payment. The interest rate on condemnation proceedings instituted by power or agricultural districts is revised to the prime rate charged by banks on short-term business loans, consistent with the current rate for proceedings instituted by cities, towns, counties and flood control districts.</p>
<p>CHAPTER 140 SB 1159</p>	<p style="text-align: center;">ATTORNEY FEES</p> <p>The statute relating to awarding of attorney fees in contested actions arising out of contracts (§12-341.01) is amended. If the judgment obtained is equal or more favorable to the offeror than a written settlement offer that was rejected, then the offeror is deemed to be the successful party from the date of the offer. The court may award the successful party reasonable attorney fees.</p>

<p>CHAPTER 141 SB 1161</p>	<p style="text-align: center;">PUBLIC HEALTH NUISANCES</p> <p>Cities and counties are given additional authority to enforce compliance with any order of abatement concerning public health nuisances. Liens against property recorded for the purpose of recovering costs associated with the city or county’s removal of the nuisance are now superior, not inferior, to all other liens, obligations, or encumbrances except for liens for general taxes and prior recorded mortgages. A city or town may file an action in the Superior Court to enforce an abatement lien.</p>
<p>CHAPTER 142 SB 1171</p>	<p style="text-align: center;">RECOVERY OF COSTS</p> <p>The statutory authority of the court to award a prevailing party fees and expenses in a case brought by a government entity or in a case challenging a state agency decision is reduced by amending the definition of “fees and other expenses.” This is now defined as those expenses and costs directly related to and necessary for the presentation (previously preparation) of the party’s case. This law addresses issues raised in <i>SMP II v. Arizona Department of Revenue</i> and <i>Phoenix v. Paper Distributors of Arizona, Inc.</i></p>
<p>CHAPTER 155 HB 2415</p>	<p style="text-align: center;">LIQUOR SHIPMENT</p> <p>Out-of-state businesses that produce liquor may obtain an Arizona direct shipment license and ship liquor directly to Arizona customers. Licensees who violate state law or rules are subject to a fine, civil or criminal penalty or revocation of their license.</p>
<p>CHAPTER 160 HB 2607</p>	<p style="text-align: center;">QUALIFIED IMMUNITY</p> <p>The statute granting qualified immunity to public entities and employees (§12-820.02) is amended to grant this immunity for failure of any inspection of property. Previously, this immunity applied only to required inspections. The statutes granting immunity to the Industrial Commission and its employees are repealed. The commission and its employees will now be covered by the more comprehensive provisions of §12-820.02.</p>

<p>CHAPTER 161 HB 2635</p>	<p style="text-align: center;">CONSTRUCTION STOP NOTICES</p> <p>Amendments are made to Laws 1998, Chapter 277, regarding construction “stop notices,” a written notice claimants may file against owners of a construction project in order to secure payment for completed work. The 1999 amendments specify that any person entitled to give a stop notice to an owner or construction lender and who fails to serve this notice within 30 days after written demand from the owner or lender, forfeits the right to any stop notice, rather than to a mechanics’ and materialmen’s lien on the work in the demand. The maximum time that monies can be withheld by reason of service of a stop notice is reduced from six to three months, unless an action is commenced against the owner or lender to enforce payment of the claim.</p>
<p>CHAPTER 166 HB 2101</p>	<p style="text-align: center;">NOMINATING PROCEDURES</p> <p>The deadline for filing an action contesting the validity of nominating petitions is extended from five days to ten days after the last day for filing nomination papers and petitions. The filing shall specify the petition and line numbers and basis for each signature being challenged. If the information is not provided, the court must dismiss the action.</p>
<p>CHAPTER 169 HB 2560</p>	<p style="text-align: center;">UTILITY FACILITIES</p> <p>The maximum civil penalty that may be imposed by a court for violations relating to underground facilities is increased from \$2,000 to \$5,000. For violations relating to power lines and safety restrictions, the maximum penalty is increased from \$1,000 to \$5,000. The fines are to be awarded in favor of the state, with remittance to the State General Fund.</p>
<p>CHAPTER 189 SB 1201</p>	<p style="text-align: center;">TRANSPORTATION BOARD</p> <p>At the request of the State Transportation Board (STB), the Attorney General is authorized to take any necessary action to enforce loan repayment agreements that are part of the Highway Expansion and Extension Loan Program. A member of the STB or a person executing a funding obligation of the board is not personally liable for the payment of the obligation.</p>

<p>CHAPTER 194 HB 2362</p>	<p style="text-align: center;">CLAIMS AGAINST LICENSED PROFESSIONALS</p> <p>A new expert affidavit law is established to address issues raised in the 1997 Court of Appeals case <i>Hunter Contracting Co. v. Superior Court</i>. In certain suits against licensed professionals, claimants will be required to provide a preliminary expert opinion if the claimant, or the court upon motion of the defendant, determines that expert testimony will be necessary to prove the professional's standard of care or liability.</p>
<p>CHAPTER 203 HB 2235</p>	<p style="text-align: center;">UNIFORM COMMERCIAL CODE</p> <p>The Uniform Commercial Code addressing secured transactions is rewritten to conform with the national standard. It is a class 1 misdemeanor for a person to make an unauthorized or fictitious secured transaction filing with the Secretary of State. Effective July 1, 2001.</p>
<p>CHAPTER 206 HB 2262</p>	<p style="text-align: center;">GROUNDWATER MANAGEMENT</p> <p>A determination by the Director of the Department of Water Resources regarding a conservation district's ability to grant water availability status to member service areas is subject to judicial review. The court is prohibited from issuing a temporary restraining order or preliminary injunction to prevent the director from taking action regarding water sufficiency and availability while the action is pending.</p>
<p>CHAPTER 212 HB 2355</p>	<p style="text-align: center;">PUBLIC HOUSING</p> <p>Arizona's public housing laws are updated and amended to conform with federal law. The governing body of a city, town or county may delegate certain powers and duties, including acquiring, owning, maintaining and disposing of real estate to independent housing authority commissions formed by the governing body. These commissions may exercise the powers of eminent domain only if the governing body pre-approves the action on a specific, formal case-by-case project basis. Approval to exercise eminent domain or issue bonds must be made in writing upon a resolution of the governing body. A public agency is not liable for personal injury or property damage caused by a pet kept in a housing project by an elderly or handicapped tenant unless it is proved that the agents or employees of the agency did not take timely and reasonable measures to mitigate or protect against the perceived threat.</p>

<p>CHAPTER 217 HB 2475</p>	<p style="text-align: center;">DEFIBRILLATORS</p> <p>A new section is added to Title 36 regulating the use of automated external defibrillators (AEDs) for heart conditions. Specified individuals are immune from civil liability from personal injury resulting from the use of an AED, except as the result of wilful misconduct or gross negligence or failure to comply with prescribed training and use guidelines.</p>
<p>CHAPTER 226 HB 2221</p>	<p style="text-align: center;">TELECOMMUNICATIONS REGULATION</p> <p>The Arizona Consumer Fraud Act, enacted by Laws 1967, Chapter 43, is amended to specifically provide protection for consumers against local, long distance or ancillary telecommunication service providers from making service or charge changes without the consumer's consent. These protections may be enforced by the Attorney General in the same manner as other protections of this act.</p>
<p>CHAPTER 227 HB 2234</p>	<p style="text-align: center;">MOBILE HOMES</p> <p>The Mobile Home Parks Residential Landlord and Tenant Act is amended to require landlords to offer long term rental agreements and to disclose prior rent increases to a tenant before entering into an initial rental agreement. A landlord may immediately terminate a rental agreement for unlawful discharge of a weapon, prostitution, illegal drug activity or infliction of serious bodily harm or assault that is both material and irreparable, regardless of where the offense occurs. In the execution of a writ of restitution, a landlord may provide written instruction to not remove the mobile home from its space and the writ may be executed by removing the occupants and their possessions. An owner of a mobile home with title to the home may recover possession of the home, in compliance with a judgment for forcible detainer. A mobile home that is subject to a forcible detained order may not be removed from its space until the tenant has received clearance from the landlord indicating that all monies due have been paid.</p>
<p>CHAPTER 231 HB 2683</p>	<p style="text-align: center;">HOMEOWNER ASSOCIATIONS</p> <p>Under specified conditions, homeowners' association liens have priority over all other liens, interests and encumbrances on condominium units.</p>

<p>CHAPTER 237 SB 1192</p>	<p style="text-align: center;">FIREARM LAWSUITS</p> <p>Political subdivisions of the state are prohibited from filing civil lawsuits against manufacturers and sellers of non-defective firearms and ammunition for damages resulting from their unlawful misuse by a third party. This does not apply to an action brought against a person who is convicted under federal or state law for transferring a firearm to another person if the transferor knew that the other person would use the firearm in the commission of a felony. The Legislature finds that, "The possibility of imposing liability on an entire industry for harm that is the sole responsibility of others is an abuse of the legal system...."</p>
<p>CHAPTER 238 SB 1276</p>	<p style="text-align: center;">SCHOOL DISTRICT PROCUREMENT</p> <p>The procurement practices of school districts, nonexempt charter schools and school purchasing cooperatives are subject to independent review by the Auditor General. The county attorney, in addition to the Attorney General, has authority to enforce violations of procurement practices by these entities. The county attorney or Attorney General may seek relief for any violation through an appropriate civil or criminal action in the Superior Court, including an action to enjoin a threatened or pending violation of the procurement practices, and an action to enforce compliance with any requests for documents made by the Auditor General.</p>
<p>CHAPTER 247 HB 2320</p>	<p style="text-align: center;">WASTEWATER IMPROVEMENT DISTRICTS</p> <p>Under specified conditions, domestic wastewater improvement districts and domestic water improvement districts may file liens on property for nonpayment of user fees. A district may bring an action to foreclose the lien in the Superior Court in the county in which the property is located at any time after the lien is recorded. Multiple liens on the same parcel of property may be enforced in the same action. Effective May 17, 1999.</p>
<p>CHAPTER 258 HB 2579</p>	<p style="text-align: center;">AGRICULTURE PRESERVATION DISTRICTS</p> <p>A new section is added to Title 48, granting the board of supervisors in each county the authority to establish agriculture preservation districts. This decision is subject to judicial review.</p>

<p>CHAPTER 273 HB 2423</p>	<p style="text-align: center;">RELIGIOUS ORGANIZATIONS CONTRACTS</p> <p>Public bodies may not discriminate against religious organizations when contracting for goods and services. The religious organizations shall not be required to alter their internal governance or remove any religious art, icons, scriptures or other symbols from their premises. A public body must provide alternative services to a person who objects to receiving services from a religious organization under contract.</p>
<p>CHAPTER 284 SB 1243</p>	<p style="text-align: center;">MERCHANDISE PALLETS</p> <p>The statutory definition of a “container” is expanded to include “merchandise pallets,” wooden or plastic containers used by manufacturers or distributors to transport merchandise. Expansion of the definition allows owners of merchandise pallets to file a civil action in specified instances to recover losses.</p>
<p>CHAPTER 297 HB 2237</p>	<p style="text-align: center;">BUSINESS ENTITIES</p> <p>This omnibus legislation includes the addition of a new section to Title 10, addressing investments by charitable organizations. The body responsible for managing a charitable fund (“governing body”) may release a restriction imposed by the applicable gift instrument on the use or investment of an institutional fund with the written consent of the donor. If the donor’s written consent cannot be obtained, for specified reasons, the governing body may apply, in the name of the institution, to the Superior Court for the release of the restriction. The Attorney General must be notified of the application and given the opportunity to be heard. The court may order the restriction released, in whole or in part, upon a finding it is obsolete, inappropriate or impeachable. The provisions relating to charitable organizations are effective retroactively to January 1, 1999, all other provisions are effective August 6, 1999.</p>
<p>CHAPTER 302 HB 2391</p>	<p style="text-align: center;">OPEN RANGE LAW</p> <p>Enforcement of a municipal ordinance related to livestock running at large shall not apply to animals running on land annexed or incorporated into a city or town until two years after the annexation or incorporation.</p>

<p>CHAPTER 309 HB 2502</p>	<p style="text-align: center;">INDIGENT MEDICAL CARE DISPUTES</p> <p>An informal claims resolution and binding arbitration process is established for the resolution of disputed claims regarding the county indigent medical care program. For those cases not subject to binding arbitration, a hospital or health care provider must file an action in court within 90 days of written receipt of a claim denied by the county. A hospital or health care provider using binding arbitration may request a stay of arbitration to seek a declaratory judgment from the court if the judgment is necessary to resolve questions of law relating to county indigent medical care.</p>
<p>CHAPTER 313 SB 1357</p>	<p style="text-align: center;">HEALTH PLANS</p> <p>A laboratory that complies with a request for laboratory requests from a health plan or program contractor is not subject to civil liability for providing the data. The health plan is civilly liable if the data is used for reasons other than quality improvement activities.</p>
<p>CHAPTER 331 SB 1410</p>	<p style="text-align: center;">WORKERS' COMPENSATION</p> <p>Changes are made to the workers' compensation statutes to address claims related to hepatitis C and employers with drug and alcohol testing programs. A person who is deemed to be the source of a worker's significant exposure to hepatitis C shall not be compelled by court order to provide confidential hepatitis C related information in the course of a worker's efforts to obtain workers' compensation benefits. Effective retroactively to March 1, 1999.</p>
<p>CHAPTER 341 HB 2564</p>	<p style="text-align: center;">REAL ESTATE DISCLOSURES</p> <p>The criminal, civil and administrative immunity extended to transferors of real estate and real estate licensees who fail to disclose that the property being sold or transferred was the scene of a felony, suicide or natural death, the residence of a person with AIDS or HIV, or located in the vicinity of a sex offender is also extended to persons who lease real property. The reference to sex offenders is amended to include all sex offenders, instead of only those subject to community notification guidelines.</p>

<p>CHAPTER 15 HB 2448</p>	<p style="text-align: center;">PRECURSOR CHEMICALS</p> <p>The criminal statutes regulating precursor chemicals are expanded to further regulate cough and cold medications commonly used in the illegal production of methamphetamine. Relevant definitions are expanded and added, including those of “precursor chemical I” “precursor chemical II” and “regulated chemical.” The unlawful possession or sale of precursor chemicals is expanded by adding or clarifying acts that constitute a violation of the law and by specifying the penalties for violations. These penalties range from a class 1 misdemeanor to a class 2 felony and address violations for illegal possession, sale, purchase or transfer of precursor chemicals and for failure to comply with reporting and record keeping requirements. Businesses are not criminally liable for the conduct of persons who violate the law by selling more than a total of 24 grams of precursor chemicals in a single transaction, unless the conduct is engaged in, authorized, ordered or recklessly tolerated by the upper management. There are both general and delayed effective dates, with most of the provisions taking effect on October 1, 1999.</p>
<p>CHAPTER 18 SB 1407</p>	<p style="text-align: center;">CRIB SAFETY</p> <p>“Commercial users” of cribs are guilty of a class 1 misdemeanor if they knowingly place into the stream of commerce a crib that has dangerous design characteristics or fails to comply with federal codes. A “commercial user” is defined as a person who deals in cribs, claims knowledge or skill in cribs, or who remanufactures, retrofits, sells, leases, sublets or otherwise places cribs in the stream of commerce. This includes child care facilities, licensed child care group homes, hotels and motels. A person may apply to the Superior Court for a temporary restraining order or temporary or permanent injunction to enjoin a commercial user from placing dangerous cribs into the stream of commerce. Effective January 1, 2001.</p>
<p>CHAPTER 22 HB 2344</p>	<p style="text-align: center;">DRUG COURTS</p> <p>Changes are made to the 1998 drug court law (§13-3422) to clarify that this statute applies only to “deferred entry of guilt” drug court programs. The Presiding Judge of the Superior Court, in cooperation with the county attorney, may establish such a program for the purpose of prosecuting, adjudicating and treating drug dependent persons who meet the criteria and guidelines for entry into the program developed and agreed upon by the judge and county attorney. A defendant may be admitted into the program prior to a guilty plea or trial only on agreement of the court and prosecutor. Defendants who have previously participated in a drug diversion or drug court program, with the exception of juvenile drug diversion and drug court programs, are not eligible for the “deferred entry of guilt” drug court program.</p> <p style="text-align: right;"><i>continued....</i></p>

<p>CHAPTER 22 HB 2344</p>	<p style="text-align: center;">DRUG COURTS <i>(continued)</i></p> <p>When a defendant admitted to the program is subsequently found guilty, the court may, without entering a judgment of guilt, defer further proceedings and place the defendant on probation. Upon successful completion of probation, the court may dismiss the proceedings against the defendant. The Presiding Judge of the Superior Court may also establish drug court programs with other terms and conditions.</p> <p>Titles 8 and 11 are amended to specify that the county attorney has sole discretion to decide whether to divert or defer prosecution of an juvenile or adult offender.</p>
<p>CHAPTER 39 HB 2005</p>	<p style="text-align: center;">ATHLETE AGENTS</p> <p>Misconduct by athlete agents related to their interaction with athletes eligible to participate in intercollegiate sports is a class 1 misdemeanor. An institution of higher education may initiate a civil action against an athlete agent to recover revenue lost by the institution if an athlete becomes ineligible to participate in intercollegiate sports as a result of the agent’s misconduct.</p>
<p>CHAPTER 92 SB 1416</p>	<p style="text-align: center;">VIOLENT SEXUAL ASSAULT</p> <p>The sexual assault laws are expanded by designating the new crime of “violent sexual assault.” A person with a historical prior felony for a sexual offense who intentionally or knowingly uses a deadly weapon or dangerous instrument, or who causes serious physical injury while committing sexual abuse (§13-1404), sexual conduct with a minor (§13-1405), sexual assault (§13-1406), sexual assault of a spouse (§13-1406.01), or molestation of a child (§13-1410) is guilty of this offense. The court must impose a sentence of natural life.</p>
<p>CHAPTER 104 SB 1008</p>	<p style="text-align: center;">VICTIM IMPACT STATEMENTS</p> <p>When evaluating the mitigating circumstances for sentencing purposes in a first degree murder case, the judge must consider information provided by the victim regarding the murdered person and the impact of the murder on the victim and other family members. The judge is not to consider any recommendation by the victim regarding the sentence to be imposed. The definition of “victim” and the rights of the victim to be present and testify at the sentencing hearing, to submit a written, audio, video tape or oral victim impact statement to the probation officer preparing the pre-sentence report, and the requirement that the probation officer consider and include the impact statement in the pre-sentence report are consistent with the existing Victims’ Rights statutes. Effective April 29, 1999.</p>

<p>CHAPTER 106 SB 1018</p>	<p style="text-align: center;">CRIMINAL RESTITUTION ORDERS</p> <p>The requirement that outstanding criminal restitution orders be renewed after five years in order to remain effective is eliminated. Restitution orders will now remain effective until the offender satisfies the restitution obligation.</p>
<p>CHAPTER 110 HB 2022</p>	<p style="text-align: center;">PSYCHIATRIC SECURITY REVIEW BOARD</p> <p>If a court places a person found guilty but insane under the jurisdiction of the Psychiatric Security Review Board and the offense involved death or serious physical injury, the court shall state the beginning date, length and ending date of the board's jurisdiction over the person. These offenders placed under the jurisdiction of the board may not receive new release hearings more frequently than once every 20 months after a prior release hearing, unless a hearing is requested by the medical director of the state mental health facility. The current minimum length between hearings is six months.</p>
<p>CHAPTER 132 HB 2345</p>	<p style="text-align: center;">BAD CHECKS</p> <p>The county attorney may prosecute all bad check charges against a defendant in the justice of the peace precinct where the greatest number of alleged violations occurred. This applies only to those violations that have not previously been filed.</p>
<p>CHAPTER 143 SB 1174</p>	<p style="text-align: center;">ANIMAL CRUELTY</p> <p>The crime of cruelty to animals is expanded by including additional misdemeanor and felony violations and by defining several items. It is a class 6 felony to intentionally or knowingly torture an animal, kill an animal in a manner that causes protracted suffering or fail to provide an animal with necessary food, water and shelter with the failure resulting in serious physical injury to the animal. It is a class 1 misdemeanor to intentionally, knowingly or recklessly inflict unnecessary physical injury to any animal or fail to provide medical attention necessary to prevent protracted suffering by any animal under a person's control. Incorporated cities and towns and counties may establish misdemeanor ordinances that are at least as stringent as the state statute.</p>

<p>CHAPTER 176 SB 1147</p>	<p style="text-align: center;">DEPARTMENT OF HEALTH SERVICES OMNIBUS</p> <p>The competency restoration program for criminal defendants at the Arizona State Hospital (ASH) is limited to a maximum of 77 adults: 69 males and 8 females; and 16 juveniles: 12 males and 4 females, at any given time. These limitations implement the provisions of Chapter 255, HB 2478 (refer to page 31).</p> <p>Some of the responsibilities related to maintaining vital records are shifted from the Department of Health Services (DHS) to the Department of Library, Archives and Public Records (DLAPR). By June 30, 2000, DHS is to transfer to DLAPR for archiving each birth certificate 75 years after the birth and each death certificate ten years after the death. The Joint Advisory Committee on Vital Records is established to review state laws regarding vital records, methods used to preserve records and progress made by DHS and DLAPR in improving customer service.</p>
<p>CHAPTER 177 HB 2015</p>	<p style="text-align: center;">MIGRATORY BIRDS</p> <p>Beginning July 1, 2000, it will be unlawful for a person 16 years of age or older to take or possess a migratory bird in the field, excluding ducks, geese or swans, without possessing a valid migratory bird stamp issued by the Game and Fish Commission.</p>
<p>CHAPTER 192 SB 1326</p>	<p style="text-align: center;">TELEPHONE SOLICITATION</p> <p>Telephone solicitors previously exempt from filing a limited registration form with the Secretary of State are now required to do so. Failure to file is a class 3 misdemeanor. A number of acts by telephone solicitors are added to the list of offenses constituting unlawful practices under the consumer fraud statutes.</p>
<p>CHAPTER 215 HB 2460</p>	<p style="text-align: center;">VETERINARY TITLES</p> <p>A technical change is made to §33-2238 to remove the clause that prohibits persons from adding a veterinary title to their name without being licensed by the State Veterinary Examining Board. It remains a class 1 misdemeanor to advertise, falsely impersonate or practice as a veterinarian without being licensed by the board.</p>

<p>CHAPTER 254 HB 2447</p>	<p style="text-align: center;">ASSAULTS ON OFFICERS</p> <p>The statute regarding assault on firefighters, law enforcement and correctional officers is expanded to specify that the person charged with the assault is subject to a court order requiring testing for common blood borne diseases or other diseases specified in the petition for which there are reasonable grounds to believe an exposure occurred. The current law is restricted to testing for the human immunodeficiency virus (HIV). Clarification is also provided specifying that the provisions of §36-665, pertaining to court orders for disclosure of confidential communicable disease information, do not apply to this statute.</p>
<p>CHAPTER 255 HB 2478</p>	<p style="text-align: center;">COMPETENCY RESTORATION</p> <p>Significant changes are made to the procedures related to court-ordered competency restoration of death row inmates and criminal defendants. Death row inmates who are ordered to competency restoration treatment will receive the treatment within a Department of Corrections (DOC) facility instead of at the Arizona State Hospital (ASH). Providing treatment to these inmates will remain the responsibility of ASH staff. The court is authorized to order a death row inmate to undergo an examination to determine competency. A court appointed expert appointed must include in the court report whether the inmate is incompetent to be executed due to mental illness and is likely to benefit from treatment. The inmate is required to cooperate with all examinations ordered by the court. If the inmate refuses to be examined by the state's expert, the court is prohibited from considering the inmate's evidence regarding competency. It is now court discretion as to whether a hearing is necessary to determine an inmate's competency. If an inmate is ordered to treatment, the treatment supervisor is required to submit a report to the court, prosecutor and inmate's attorney when competency has been restored. A motion for a competency examination must be filed within 20 days of the scheduled execution in order to be deemed timely. This is a reduction from the current 45 days. A late motion constitutes consent by the prisoner to be evaluated by an expert designated by DOC. The court is required to dismiss a motion for an evaluation if the inmate does not cooperate.</p> <p>The number of adult criminal defendants who can be treated for competency restoration at ASH is limited to that specified by the Legislature. Until June 30, 2001, no more than 69 males and 8 females may be treated at any one time. If additional orders are received by the courts, the ASH superintendent is to establish a waiting list. Competency restoration capacity for juveniles at ASH is limited in the same manner as for adults. The limits set by the Legislature for juveniles until June 30, 2001 are 12 males and 4 females. The court is to consider a defendant's cooperation during outpatient examination for competency and willingness to submit to outpatient restoration as a condition of pretrial release when attempting to find the least restrictive treatment setting. Inpatient competency restoration programs, other than those at ASH, are to be approved by the court instead of the Department of Health Services (DHS). A court order for competency restoration may be terminated if a physician representing ASH determines that the defendant is no longer incompetent.</p> <p style="text-align: right;"><i>continued...</i></p>

<p>CHAPTER 255 HB 2478</p>	<p style="text-align: center;">COMPETENCY RESTORATION <i>(continued)</i></p> <p>The Senate and House Health Committee of Reference is to study issues relating to competency restoration. As part of this study, each county is to submit a report to the committee by August 15, 1999, detailing the courts' use of inpatient and outpatient treatment programs. The report will include the number of defendants ordered to competency restoration and the identity of the treatment facility. The committee's preliminary report to the Legislature is due by December 1, 1999, and the final report by December 1, 2000.</p> <p>The amendments to the statutes related to defendant competency restoration treatment are repealed June 30, 2001.</p>
<p>CHAPTER 261 SB 1279</p>	<p style="text-align: center;">CRIMINAL CODE OMNIBUS</p> <p>Technical and substantive amendments are made to the Criminal Code. The police may use electronic communication, including telephones, to request an order to detain a person for the purpose of obtaining physical evidence and the judge may grant an additional 15 days to execute the order. An executed search warrant may now be returned to any judge, instead of the issuing judge.</p> <p>A number of new crimes are added, including unauthorized access to criminal history information (class 6 felony), deceiving another person by misrepresenting the geographical origin or location of a business (class 2 misdemeanor), use of body armor (class 4 felony) and providing personal information on a police officer on the Internet (class 5 felony). Crimes that are expanded and updated include transfer of drugs in a drug free school zone, unlawful sexual conduct with a prisoner, assault involving violation of an order of protection and sexual exploitation involving "visual depiction" of minors. The list of aggravating circumstances for criminal sentencing purposes now includes specified offenses committed while driving a motor vehicle with a blood alcohol level of 0.18 or greater and lying in wait or ambushing a victim during the commission of a felony. The court must impose at least the presumptive sentence upon a defendant who assaults a peace officer and the defendant is not eligible for early release from incarceration. The theft by extortion statute is amended regarding causing a person "to part with any property" and to provide an affirmative defense to prosecution. The scope of the crime of unlawful solicitation of a tort victim is narrowed. A statute that conflicts with court rule, regarding forfeiture of bonds, is repealed.</p> <p style="text-align: right;"><i>continued...</i></p>

<p>CHAPTER 261 SB 1279</p>	<p style="text-align: center;">CRIMINAL CODE OMNIBUS <i>(continued)</i></p> <p>Other provisions address renewal of nonoperating identification by sex offenders and consideration of pre-1978 criminal code convictions when determining whether a person is a sexually violent person. The Supreme Court may appoint counsel in a capital post-conviction relief case upon the court’s affirmation of the defendant’s conviction and clarification is provided regarding financial responsibility for any court approved investigation and expert services. The adult and juvenile Victims’ Rights laws are amended to expand a victim’s right, under specified conditions, to refuse an interview conducted by the defendant. City and county attorneys, and the Attorney General, may bring an action in the Superior Court to abate and enforce public nuisances.</p> <p>Clarification is provided regarding terms of probation for juveniles. The Minority Youth Overrepresentation in the Criminal Justice System Committee, with membership from all three branches of government and the public will study the impact of state and local juvenile justice programs and policies on minority youth. The committee is to report to the Legislature and Governor by December 31, 1999 and repeals on the same date.</p> <p>The law restricting public access to personal information on police officers contained in county recorder records is expanded to include records of the county assessor and county treasurer. The current procedures for requesting this protection, review by the Presiding Judge of the Superior Court and filing of the order are amended to consolidate the requests into one affidavit by each officer and to specify that the Clerk of the Superior Court is to attach a copy of the affidavit with the court order that is forwarded to the appropriate county official.</p>
<p>CHAPTER 278 HB 2567</p>	<p style="text-align: center;">HIV TESTING</p> <p>The agency submitting a specimen to a laboratory for HIV testing of an alleged sexual offender is to determine the type of specimen to be submitted. The prosecuting attorney is to provide to the Department of Health Services (DHS) the victim’s name and last known address for notification purposes. This information is confidential except that DHS may disclose the information to a local health department for notification purposes. The lab performing the HIV test is required to report test results to the submitting entity. The entity is required to report test results to DHS or the local health department, and DHS or the local health department must notify the victim. The entity submitting the specimen must notify the person tested of the results and provide counseling. The entity may defer this duty to the local health department or DHS. “Submitting entity” includes detention facilities.</p>

<p>CHAPTER 281 SB 1049</p>	<p style="text-align: center;">VICTIMS' RIGHTS</p> <p>The juvenile and adult Victims' Rights statutes are amended to specify that victims have a right to not receive mail from a juvenile or adult who has been adjudicated or convicted of an offense against the victim, if the offender is committed to the Department of Juvenile Corrections (DJC) or Department of Corrections (DOC). Notice to the victim must be provided within 15 days of the commitment or sentencing and is to be part of the post- adjudication or post-conviction form provided by the prosecutor to the victim. It must contain information concerning the victim's rights, including how to file a completed form with DJC or DOC and how to report violations to these agencies. The DJC and DOC are to inform the offender that a victim has exercised this right, must not forward any mail to the victim, and are to impose appropriate sanctions against an offender who violates or attempts to violate this provision. On receipt of a notice that an offender has violated this law, DJC or DOC is to review all of the offender's outgoing mail to ensure that subsequent violations do not occur. Effective January 30, 2000.</p>
<p>CHAPTER 285 SB 1267</p>	<p style="text-align: center;">PROCUREMENT</p> <p>A person who knowingly participates in the award of a grant from the state in order to avoid statutory grant award requirements is guilty of a class 4 felony.</p>
<p>CHAPTER 298 HB 2254</p>	<p style="text-align: center;">VEHICLE EMISSIONS</p> <p>A person who violates the article prescribing the requirements of the vehicle emissions inspection program or any related rule adopted by the Director of the Department of Transportation is guilty of a class 2 misdemeanor. Persons who make false certificates of inspection or false waivers are guilty of a class 5 felony. Charging a vehicle inspection fee other than that set by the director is a class 2 felony. A person who fails to comply with a required vehicle emissions test is subject to a civil penalty of \$100 for a first offense and \$300 for a second offense within a one year period. The court shall reduce the civil penalty to \$25 for a first offense if the vehicle owner presents proof of compliance. Effective January 1, 2002.</p>

<p>CHAPTER 305 HB 2451</p>	<p style="text-align: center;">SEX OFFENDER REGISTRATION</p> <p>The sex offender registration statutes are amended to more fully bring Arizona law into compliance with the federal Jacob Wetterling Guidelines. Nonresident juvenile and adult sex offenders are required to register pursuant to Arizona law if the offender is employed or enrolled in school, full or part time, for more than 14 consecutive days or 30 aggregate days in a year. Registration requirements for out-of-state juvenile sex offenders terminate when the person turns age 25, consistent with the current termination date for resident juveniles and adult offenders. A person convicted of unlawful imprisonment or kidnaping a minor must register for life if the offender was previously convicted of an offense that required registration.</p> <p>The Department of Corrections (DOC), in cooperation with the Department of Public Safety (DPS), and each county sheriff, may complete the registration of a sex offender while the offender is still imprisoned. Within three days of the offender’s release from prison, DOC must forward the registered person’s records to DPS and the sheriff in the county where the offender intends to reside. DPS is required to annually verify the addresses of all registered sex offenders.</p> <p>The statute requiring DNA testing of sex offenders (§31-281) is amended to clarify that it applies to both adult and juvenile offenders and includes offenders adjudicated or convicted of a violation of the sex offender registration (§13-3821) or change of address (§13-3822) laws.</p> <p>The Community Notification Guidelines Committee is required to meet only at the direction of the co-chairpersons. This replaces the current requirement that the committee meet quarterly.</p>
<p>CHAPTER 323 HB 2666</p>	<p style="text-align: center;">TATTOOS</p> <p>The crime of tattooing a minor (§13-3721) is expanded to include intentionally branding, scarifying, implanting, mutilating or piercing the body of a juvenile under the age of 18 without the physical presence of the parent or legal guardian. This does not apply to ear piercing of a juvenile who has written or verbal permission from a parent or legal guardian or to any procedures prescribed by a licensed health care provider. It is a defense to prosecution if the person requested age identification and relied in good faith on the information provided on the identification. The statute is further expanded to prohibit certain practices in tattooing or piercing, including the use of unsterilized needles and engaging in the business of tattooing or body piercing out of mobile structures. A violation is a class 6 felony.</p>

<p>CHAPTER 345 HB 2701</p>	<p style="text-align: center;">TOBACCO SALES</p> <p>Title 36 is expanded to further prohibit smoking in school buildings, restrict the sale of tobacco products through vending machines and to add new definitions governing tobacco sales. Tobacco products are now prohibited on school grounds, buses, vehicles, parking lots, fields and at off campus school events, in addition to school buildings. A violation is a petty offense. The penalty for a retailer who sells or distributes “beedies” or “bides” to minors is increased from a petty offense to a class 3 misdemeanor. The sale of tobacco products in a vending machine is permissible only if the machine is located in a bar or an employee lounge not accessible to the public or minors. A violation is a petty offense. Cities and towns may adopt local tobacco ordinances that are more stringent than the state statute.</p>
<p>CHAPTER 346 SB 1013</p>	<p style="text-align: center;">CRIMINAL JUSTICE FUNDING</p> <p>Funding is provided for the “middle part” of the criminal justice system - the courts, public defenders and prosecutors - to reduce the delay in criminal case processing. This “Fill the Gap” legislation, a strategic initiative of <i>Justice 2002</i>, builds upon the 1998 legislation that provided \$350,000 for criminal case “reengineering” projects.</p> <p>Three sources of funding are provided: an appropriation from the state general fund, an additional 7% surcharge on fines, penalties and assessments, and dedication of 5% of the revenues collected by the courts. These monies are distributed pursuant to statutory formulas to the Fill the Gap entities in each county - the county attorney, indigent defense and courts, and to the Attorney General.</p> <p>Effective July 1, 1999, the State Aid to the Courts Fund, State Aid to the County Attorneys Fund and State Aid to Indigent Defense Fund are established. The Supreme Court will administer the State Aid to the Courts Fund for the purpose of providing funding to the justice courts and the Superior Court, including the Clerk of the Superior Court. The Arizona Criminal Justice Commission will administer the funds for the county attorneys and indigent defense.</p> <p>The sum of \$2 million is appropriated from the state general fund in FY 1999 -2000 and \$3 million is appropriated in FY 2000 - 2001. As approved by the Legislature, the bill provided for an additional \$3 million appropriation each year from FY 2001 - 2002 to FY 2005 - 2006, however, Governor Hull line-item vetoed these appropriations.</p> <p>The additional 7% surcharge is effective September 1, 1999. A portion of this surcharge is dedicated to the municipal courts and the state, county and city crime labs. The total surcharge will now be 77%.</p> <p style="text-align: right;"><i>continued....</i></p>

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SB 1013**

CRIMINAL JUSTICE FUNDING *(continued)*

Effective September 1, 1999, 5% of monies collected by the Supreme Court, Court of Appeals, Superior Court and justice courts is dedicated to the Fill the Gap effort. This applies to filing fees, clerk fees, adult and juvenile probation fees, diversion fees, fines, penalties, surcharges, sanctions and forfeitures but not to revenues from restitution, the Clean Elections surcharge, child support or exonerated bonds.

As part of the pre-sentence investigation, adult probation officers are required to assess the ability of the offender to contribute to reimbursement for the costs of legal defense and to include a contribution recommendation in the pre-sentence report. Each December, the county public defender is to file a report with the Presiding Judge of the Superior Court, Chief Probation Officer and board of supervisors detailing the average cost of defending a felony case. **Effective October 1, 1999.**

The purpose of the Criminal Case Processing Improvement Fund, as established by the 1998 legislation, is expanded to include that the fund may be used to improve the enforcement of court orders and collection of court assessments. Each January the Supreme Court is to publish a report on the progress of the criminal case processing projects and the efforts to enforce court orders.

An intent clause specifies that the purpose of the Legislature in providing the Fill the Gap funding is to make progress toward processing 90% of the criminal cases within 100 days and 99% within 180 days, and that the effort to improve the enforcement of court orders is expected to result in a minimum 5% increase in collections and revenues each fiscal year.

A technical change is also made to the distribution formula for the Superior Court filing fees to amend an incorrect distribution of revenues to the Elected Officials' Retirement Plan as the result of the 1997 filing fee legislation. **Effective July 1, 1999.**

Except as specified, effective on August 6, 1999.

<p>CHAPTER 59 SB 1183</p>	<p style="text-align: center;">MARRIAGE LICENSES</p> <p>A number of technical and substantive changes are made to the statutes relating to marriages and marriage licenses. The technical changes include amendments to the 1998 covenant marriage law to specify that limited jurisdiction courts designated by the Clerk of the Superior Court may issue marriage licenses, including covenant marriage licenses and conversion of existing marriages to covenant marriages. Conversion of an existing marriage to a covenant marriage now requires the couple to file with the Clerk of the Superior Court or other designated court official a sworn statement with their names, social security numbers and date of their original marriage. A converted covenant marriage does not need to be separately solemnized and the couple is not required to undergo premarital counseling. Conversion to a covenant marriage does not validate a marriage that is otherwise prohibited or not valid under Arizona law. The filing fee for converting to a covenant marriage is \$18. A petition for separation or dissolution of a covenant marriage is to include the statutorily required grounds applicable to covenant marriages.</p> <p>Individuals applying for a marriage license must sign an affidavit that includes a statement that they understand information on sexually transmitted diseases is available from the county health department and that these diseases may be transmitted to their unborn children. If a couple lose their marriage license prior to solemnization, they must re-apply for a license and pay the filing fee. A license that is lost after solemnization shall be replaced by the clerk without cost upon presentation of appropriate documentation. Procedures are established for those circumstances when an individual is unable to provide this documentation.</p>
<p>CHAPTER 77 SB 1053</p>	<p style="text-align: center;">CHILD SUPPORT EXEMPTION</p> <p>The court may determine that a minor parent is not obligated to contribute to the support of a child conceived as the result of illegal sexual conduct with the minor parent. This exemption applies only if the other parent has been found guilty of sexual conduct with a minor (§13-1405) or sexual assault. The exemption from support may also be applied to the parents or legal guardians of the child's parent.</p>
<p>CHAPTER 84 SB 1184</p>	<p style="text-align: center;">CHILD SUPPORT INTERNET INFORMATION</p> <p>The Department of Economic Security (DES) is required to post identifying information of at least ten non-payers of child support on the Internet on a quarterly basis. Arrest warrants for failure to pay support must have been issued against the non-payers before their information may be posted. The information includes a photograph of the person.</p>

<p>CHAPTER 85 SB 1185</p>	<p style="text-align: center;">CHILD CUSTODY</p> <p>When both parents are entitled to custody or visitation and reside within Arizona, a relocating parent must provide the other parent with notice 60 days prior to relocating unless there is a provision for child relocation in a court order or a written agreement between the parties that is dated within one year of the proposed relocation of the child. Previously, there was no limitation on the exemption from the 60 day notice requirement. When determining whether a relocation is in the child's best interests, the court shall consider the potential effect of relocation on the child's stability in addition to the other factors currently listed in statute.</p>
<p>CHAPTER 182 HB 2670</p>	<p style="text-align: center;">DOMESTIC VIOLENCE SHELTERS</p> <p>The sum of \$800,000 is appropriated from the state general fund, in both FY 1999 - 2000 and FY 2000 - 2001, to the Department of Economic Security (DES) for domestic violence shelters. A priority is placed on using these monies for emergency residential programs, programs currently not receiving DES funding and increasing shelter beds in areas with large underserved populations.</p>
<p>CHAPTER 199 HB 2126</p>	<p style="text-align: center;">CHILD SUPPORT AUDIT</p> <p>The date by which the Auditor General must complete an audit of the Division of Child Support Enforcement is extended from July 1, 1999 to July 1, 2000.</p>
<p>CHAPTER 283 SB 1152</p>	<p style="text-align: center;">CHILD SUPPORT DUTIES</p> <p>Proposed by the Child Support Coordinating Council Subcommittee, the primary provisions of this legislation extend the duration of child support judgments. Money judgments for child support arrearage established during the minority of the children are now enforceable from the date of issue until paid in full. The requirement for renewal of the judgment is repealed.</p> <p>An unpaid child support judgment that becomes a judgment by operation of law expires, with specified exceptions, three years after the emancipation of the last remaining child who was included in the child support order. The specified exceptions are when the court finds that an obligor impeded the establishment of a written money judgment or that the obligor threatened or coerced the obligee not to reduce any support arrearage to a written money judgment. The term "emancipation" is specifically defined for the purpose of enforcing these judgments. It applies to a child who has married, reached 18 years of age, is adopted, or dies, or to termination of a support obligation that was extended for specified reasons. Beginning January 1, 2000, child support orders, including modified orders, must include notification to the parties of the expiration date.</p> <p style="text-align: right;"><i>continued...</i></p>

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SB 1152**

CHILD SUPPORT DUTIES *(continued)*

Adults may bring actions to establish the identity of their biological parents. For the purpose of establishing an obligation to pay child support or past support, the proceedings must be initiated before the child's eighteenth birthday. An employer or payor must serve a copy of an ex parte order of assignment upon an employee within five (previously ten) days. A support obligor must serve, instead of mail, a request for a hearing to contest an ex parte order of assignment. The Title IV-D child support agency may not adjust an order of assignment by administrative process under §25-505 if the court orders otherwise. At any time, an obligor who is the subject of two or more orders of assignment for the same children may request that the court terminate an order of assignment. No filing fee may be charged to an obligor making this request.

<p>CHAPTER 36 SB 1186</p>	<p style="text-align: center;">TITLE 8 CORRECTIONS</p> <p>Technical changes are made to Title 8 and Title 11 to conform and blend multiple amendments to the juvenile statutes enacted through a number of bills in recent years. There are retroactive, general and delayed effective dates.</p>
<p>CHAPTER 37 SB 1229</p>	<p style="text-align: center;">CHILD WELFARE REPORTS</p> <p>The child welfare report that the Department of Economic Security (DES) is currently required to submit annually is now required on a semi-annual basis and the content of the report is expanded to provide additional information on children in out-of-home care, case plan goals and adoptive placements. The report must also include the number of child welfare reports not responded to, identified by priority and county. Previously, the law required information on reports “not investigated.” A definition of “reasons for leaving care” is provided in Title 8.</p>
<p>CHAPTER 46 HB 2614</p>	<p style="text-align: center;">SCHOOL RESIDENCY</p> <p>If a child living with a family member other than the child’s parent wishes to be deemed a resident of the school district in which the family member resides, the family member must provide written proof that the family member is attempting to obtain either legal guardianship or custody of the child in an unresolved and uncontested proceeding.</p>
<p>CHAPTER 51 SB 1055</p>	<p style="text-align: center;">CHILDREN AND FAMILY SERVICES COMMITTEE</p> <p>The Joint Legislative Committee on Children and Family Services is reestablished. The purpose of the committee is to monitor and make recommendations on children and family services and to provide a forum for the public to express concerns regarding these programs. The committee is to work with the Ombudsman-Citizen’s Aide Office on this effort. The committee repeals on January 1, 2009.</p>
<p>CHAPTER 73 HB 2409</p>	<p style="text-align: center;">COMPUTER ACCESS BY MINORS</p> <p>Public schools and libraries must equip their public access computers with software or otherwise prevent minors from accessing sexually explicit material. A school or library that complies with this provision is not liable for damages that arise from a minor accessing the information through a public access computer.</p>

<p>CHAPTER 81 SB 1109</p>	<p style="text-align: center;">DEPENDENCY</p> <p>Conforming changes are made to a number of statutes to remove statutory conflicts and reflect current practices implemented under the Model Court Program for dependent children. The Model Court process that allows termination of parental rights to be heard as part of a dependency action may now be used in those cases where a party wishes to establish a permanent guardianship. This change applies to any permanent guardianships filed on or after August 6, 1999.</p> <p>This legislation also addresses issues raised in the 1998 Court of Appeals decision <i>Don L. v. Arizona Department of Economic Security</i> concerning severance of parental rights. Statutory authority is granted to the court to determine that a parent who has been properly served with notice of the filing of a dependency petition and who subsequently fails to appear at the court hearing, may be deemed to have waived his or her rights to attend and contest the petition. The court may then proceed to determine the issues, including severance of parental rights.</p>
<p>CHAPTER 82 SB 1114</p>	<p style="text-align: center;">ADOPTION AND FOSTER CARE COMMITTEE</p> <p>The Adoption and Foster Care System Improvement Committee is established for the purpose of developing a bill of rights for foster parents and adoptive parents and to review the processes within the foster care and adoption system that delay or impede adoption of children in state care. The committee is required to meet bi-monthly and submit a written report of its findings and recommendations to the Governor, Legislature, Secretary of State and Director of Library, Archives and Public Records by November 15 of each year. Membership on the committee includes representation from the Legislature, Office of the Ombudsman - Citizen's Aide, State Foster Care Review Board, Court Appointed Special Advocate Program, Department of Economic Security, Office of the Attorney General, adoptive and foster care communities, children's advocacy organizations, tribal government, and the judicial department. The judicial department members are two juvenile court judges appointed by the Chief Justice of the Supreme Court. The committee repeals on July 1, 2003.</p>
<p>CHAPTER 107 SB 1073</p>	<p style="text-align: center;">JUVENILE JUSTICE COMMITTEE</p> <p>The Juvenile Justice Coordinating Committee is established to supervise and assist in the implementation of the recommendations of the Deloitte-Touche audit of the juvenile justice system. The membership includes representation from the Department of Economic Security, Department of Education, Department of Health Services, Office of the Attorney General, County Supervisor's Association, Department of Juvenile Corrections, State Bar of Arizona, Office of the Governor, Legislature, county prosecutors, business community, juvenile treatment providers, public and judicial department. The six judicial department representatives include two presiding judges of the Juvenile Court, two directors of Juvenile</p> <p style="text-align: right;"><i>continued....</i></p>

<p>CHAPTER 107 SB 1073</p>	<p style="text-align: center;">JUVENILE JUSTICE COMMITTEE <i>(continued)</i></p> <p>Court Services, a clerk of the Superior Court and the Director of the Administrative Office of the Courts or the director's designee. The committee is to adopt policies for the better coordination and dissemination of information among city, county and state agencies that work with juvenile offenders. An annual report is to be published by the committee with distribution to the Governor, Chief Justice of the Supreme Court, Legislature, Secretary of State and Department of Library, Archives and Public Records. The committee repeals on December 31, 2001. Effective April 29, 1999.</p>
<p>CHAPTER 186 SB 1040</p>	<p style="text-align: center;">CPS RECORDS</p> <p>The ability of Child Protective Services (CPS) to share records of child abuse and neglect with individuals and public and private entities is expanded. A court may obtain confidential records, on request of a party, if the court finds the information is necessary for the determination of an issue. The court is to conduct an in camera review of the information to determine the relevance and necessity of the disclosure. The disclosure to the requesting party must be limited to legally relevant information. The process for records transfer from CPS to the court is specified. When a person who is not specifically authorized by statute to gain access to CPS records petitions the court for release of information, the court may receive evidence in making its decision and shall make written findings to support its decision.</p> <p>The Department of Economic Security (DES) may refuse to release CPS records if disclosure would endanger the safety or emotional well-being of a child or the safety of any other person, compromise a CPS or criminal investigation or judicial proceeding or violate attorney-client privilege. A statutory formula is specified for costs that can be recovered by CPS when providing records to a person who received a court order authorizing the disclosure. DES is authorized to publicly release a summary of information related to a child neglect or abuse report if the information has already been publicly disclosed as a result of official activity or by the person who is the subject of the report. Parents and guardians are added to the list of persons afforded a right to privacy in CPS cases.</p>
<p>CHAPTER 198 HB 2105</p>	<p style="text-align: center;">FOSTER CARE RIGHTS</p> <p>A child placed in foster care has the right to maintain contact with friends, siblings, and other relatives, unless the court determines that such contact is not in the child's best interests. The Department of Economic Security is directed to develop policies and procedures, with public input, to allow a child to maintain contact by telephone, mail, or visits with the child's parents, family members, friends and other relatives and any former foster parent, unless the court determines that such contact is not in the child's best interests.</p>

<p>CHAPTER 220 HB 2491</p>	<p style="text-align: center;">PREADoption CERTIFICATION</p> <p>Changes are made to the adoption certification process regarding court time frames, expiration of certification and information in the preadoption certification report. These same changes are included in Chapter 347, SB 1116, Adoption (refer to page 46).</p>
<p>CHAPTER 232 SB 1006</p>	<p style="text-align: center;">JUVENILE PERSONNEL</p> <p>Hospital employees, licensed medical personnel, and staff and volunteers who provide services to juveniles in a health care facility located outside of a secure care facility are exempted from current fingerprinting requirements. This exemption only applies if direct supervision is provided by the Department of Juvenile Corrections (DJC) security or employees in the health care facility, unless it is not medically reasonable to do so.</p> <p>For DJC employees or contractors, the list of offenses that they must disclose to their employer is amended to include extreme DUI. It is a class 3 misdemeanor to make false statements, representation or certification in an application for employment with DJC.</p>
<p>CHAPTER 233 SB 1007</p>	<p style="text-align: center;">JUVENILE EDUCATION PROGRAMS</p> <p>Funding is increased for educational services for youth incarcerated with the Department of Corrections (DOC). The multiplier rate used in the statutory funding formula is increased and \$200,000 is appropriated in FY 1999 - 2000 and FY 2000 - 2001 for distribution to DOC. Effective retroactively to July 1, 1999.</p>
<p>CHAPTER 245 HB 2252</p>	<p style="text-align: center;">JUVENILE EDUCATIONAL RECORDS</p> <p>The Juvenile Court may require a school district to provide the court with the educational records of a juvenile accused of committing an incorrigible or delinquent act before the juvenile is adjudicated. Nothing, however, prevents the court from proceeding with an adjudication prior to receiving the educational records. The records are to include the juvenile's cumulative and discipline file and any information compiled pursuant to the federal Individuals with Disabilities Act or the Rehabilitation Act of 1973. The Presiding Judge of the Juvenile Court is to adopt procedures for the transmission of the school records. The disclosure of the records must comply with the federal Family Educational and Privacy Rights Act of 1974.</p>

<p>CHAPTER 251 HB 2417</p>	<p style="text-align: center;">GUARDIANSHIP SUBSIDY</p> <p>The Department of Economic Security (DES) is to establish and administer an ongoing program of subsidized permanent guardianship for persons appointed as permanent guardians of dependent children. DES is to determine the appropriate amount of the subsidy, however, the child's guardian must first apply for any other state or federal benefits. The subsidy must be offset by other benefits received and may not be more than an adoption subsidy maintenance payment. DES is to conduct an annual review to determine whether the guardian remains entitled to the benefits and must, under specified conditions, discontinue the subsidy. A decision denying, reducing, or terminating a subsidy is subject to the administrative appeal process. DES receives an appropriation of \$105,000 in FY 1999-2000 and \$124,000 in FY 2000-2001 for this program.</p>
<p>CHAPTER 269 HB 2007</p>	<p style="text-align: center;">JUVENILE JAIL DISTRICTS</p> <p>A county board of supervisors, upon the joint request of the sheriff and the Presiding Judge of the Juvenile Court, may include the juvenile detention center in the county jail district for the purpose of constructing and maintaining the center. Voter approval is required before a detention center may be incorporated into a jail district. The Presiding Judge retains the authority to supervise the juvenile detention center and may appoint a person to operate and manage the facility. Adult jail facilities have priority for funding over juvenile facilities included in the district and the county is required to maintain its financial support of juvenile detention centers.</p>
<p>CHAPTER 301 HB 2383</p>	<p style="text-align: center;">CHILD PROTECTIVE SERVICES</p> <p>A number of changes are made to the statutes relating to child abuse hearings and reports. Beginning on September 1, 1999, the Department of Economic Security (DES) must keep substantiated reports of child abuse on file with the Child Protective Services Central Registry (CPSCR) for 25 years. The retention schedule for reports of abuse that are either uninvestigated, undetermined or referred to the Family Builders Program is reduced from five to two years. All reports maintained in CPSCR before September 1, 1999 are subject to the current retention schedule.</p> <p>DES must redact the identity of the reporting source before sending Child Protective Services (CPS) records to the Office of Administrative Hearings, however, with the permission of the reporting source, the identity may be disclosed in an administrative hearing. DES is required to notify persons requesting a CPSCR check of a substantiated finding on any report dated after January 1, 1998. With the exception of individuals who are a party in a civil, criminal or administrative hearing in which the allegations of abuse or neglect are at issue, DES must notify persons requesting a CPSCR check on a substantiated report dated prior to January 1, 1998 of their right to request an administrative hearing.</p> <p style="text-align: right;"><i>continued...</i></p>

<p>CHAPTER 301 HB 2383</p>	<p style="text-align: center;">CHILD PROTECTIVE SERVICES <i>(continued)</i></p> <p>The pilot program that has operated in Maricopa County since 1997 whereby the Superior Court may open child abuse and neglect hearings and records to the public is expanded and extended. This program will now continue until October 1, 2004 and will be expanded to two additional counties, as designated by the Joint Legislative Committee on Children and Family Services. One of the counties will have a population of more than one million persons and the other a population of less than one million persons. The requirement for the committee to report on the program by January 1, 1999 is expanded to require an annual report.</p> <p>Except as noted, effective on August 6, 1999.</p>
<p>CHAPTER 347 SB 1116</p>	<p style="text-align: center;">EXPEDITED ADOPTIONS</p> <p>The adoption process is expedited. A person may begin adoption proceedings in the county of residence of the prospective adoptive parent or the county where the child is a ward. The court's certification of a child's suitability for adoption is eliminated. Certification of a prospective adoptive parent is to be considered by the court within 60 days of receipt of the investigation report. Certification remains in effect for 18 (previously 12) months. Only an update report is required if the applicant is a licensed foster parent or has adopted a child within the preceding three years. The court is to consider information from the prior report in determining the suitability of the applicant to adopt.</p> <p>The interim placement report is eliminated, with the information transferred to the social study. Under specified circumstances, a social study regarding a prospective adoption may consist only of a criminal history background check and Child Protective Services central registry check. These include that the prospective adoptive parent is the child's stepparent, has been legally married to the child's natural or legal parent for at least one year and the child has resided with the stepparent and parent for at least one year; or if the prospective adoptive parent is an adult sibling, aunt, uncle or grandparent of the child and the child has resided with the prospective adoptive parent for at least one year. If the child has resided with the prospective adoptive parent for at least six months and the prospective adoptive parent has either previously adopted a child or acted as a permanent guardian of the child within the preceding three years, or is a licensed foster parent, the social study may only consist of the CPS central registry check and a review of any material changes in circumstances since the previous adoption, permanent guardianship or license renewal. Notwithstanding these provisions, the legislation also authorizes the court to order additional social studies or waive the social study, in the best interests of the child. Legislators in both the Arizona House of Representative and Senate, when voting on this bill, clarified their intent was to allow a judge to order a social study in any circumstance. These intent statements have been preserved in the official legislative record. Social studies are to be submitted to the court at least ten days before the adoption hearing.</p> <p style="text-align: right;"><i>continued....</i></p>

<p>CHAPTER 347 SB 1116</p>	<p style="text-align: center;">EXPEDITED ADOPTIONS <i>(continued)</i></p> <p>New time frames are established for the final adoption hearing. This shall occur within 60 days after filing of the petition when the child has been in the home of the prospective adoptive parent for at least one year and within 90 days if the child has been in the home for at least six months or is under six months of age. The court must postpone a hearing for 21 days if required records are not received prior to the hearing, and the court or the petitioner may postpone the hearing for a maximum of 60 days to give notice to an interested party or for other good cause.</p> <p>A maximum of \$1,500 may be advanced for the living expenses of a birth mother prior to a court hearing. The verified accounting of expenses by the prospective adoptive parent is to be filed with the court ten (previously 60) days prior to adoption hearing and it is no longer necessary to file this information with the Department of Economic Security.</p> <p>Provisions are added for court approval and enforcement of agreements regarding communication among the child, birth parents and adoptive parents. The court may consider the wishes of a child age 12 or older when approving or modifying an agreement, and the adoptive parent retains the right to terminate contact between the birth parent and the child at any time.</p> <p>The sum of \$300,000 is appropriated to the Department of Economic Security in FY 2000-2001 for adoptive services.</p>
<p>CHAPTER 350 SB 1299</p>	<p style="text-align: center;">JUVENILE JAILS</p> <p>The sum of \$735,000 is appropriated from the state general fund in FY 1999 - 2000 and again in FY 2000 - 2001 to the Arizona Criminal Justice Commission for the construction of new juvenile jail beds in rural counties. Additional funding for FY 2001 - 2002 and FY 2002 -2003 was line-item vetoed by Governor Hull.</p>
<p>CHAPTER 351 HB 2449</p>	<p style="text-align: center;">JUVENILE DETENTION CENTERS</p> <p>Funding is provided for Phase III of the Arizona Juvenile Detention Master Plan. The sum of \$1.5 million is appropriated to the State Aid to Detention Fund in FY 1999 - 2000 and \$2.5 million is appropriated in FY 2000 - 2001, for total funding of \$4 million over the two years. Additional funding for FY 2001 - 2002 and FY 2002 - 2003 was line-item vetoed by Governor Hull. The Joint Committee on Capital Review is to review plans submitted to the Supreme Court by the counties requesting funding. These plans must detail a procurement process for the expenditure of the monies that allows public and private bidding for the detention projects.</p>

<p>CHAPTER 134 SB 1037</p>	<p style="text-align: center;">DRUG TREATMENT AND EDUCATION FUND</p> <p>The Department of Corrections (DOC) will continue to receive a portion of the revenues from the tax on alcohol and tobacco products for the purpose of providing drug treatment services for DOC inmates released from confinement. Under the prior law, after December 31, 1999, the monies currently dedicated to DOC would instead be transmitted to the Drug Treatment and Education Fund. This fund is administered by the Administrative Office of the Courts for the purpose of providing drug treatment for probationers and funding for the Arizona Parents Commission on Drug Education and Prevention. The Drug Treatment and Education Fund will continue to receive the tax revenues that are currently being deposited in the fund. Effective September 1, 1999.</p>
<p>CHAPTER 234 SB 1042</p>	<p style="text-align: center;">DEPARTMENT OF CORRECTIONS OMNIBUS</p> <p>A number of changes are made to the statutes relating to the Department of Corrections (DOC). These changes address privatization of prisons and granting authority to the Director of DOC to enter into emergency contracts with public or private institutions for prison facilities or operations. The director may declare an emergency for conditions relating to overcrowding, prison riots or natural disasters.</p>
<p>CHAPTER 242 HB 2084</p>	<p style="text-align: center;">JAIL EDUCATION PROGRAMS</p> <p>Funding for county jail education programs for juveniles and disabled prisoners is increased.</p>

<p>CHAPTER 153 HB 2395</p>	<p style="text-align: center;">PRIVILEGE AND USE TAX EXEMPTIONS</p> <p>Tangible personal property that is expendable is exempt from transaction privilege tax and use tax regardless of the cost or useful life of the property if it would otherwise be exempt from either tax. This legislation addresses the 1998 court decision in <i>Arizona Department of Revenue v. Capitol Casting, Inc.</i> Effective retroactively to May 20, 1977.</p>
<p>CHAPTER 240 HB 2056</p>	<p style="text-align: center;">PROPERTY VALUE ASSESSMENTS</p> <p>The time frames and procedures for issuing, hearing and appealing equalization orders regarding property value assessments by county assessors are changed. These changes include requiring the Tax Court to hear appeals from the State Board of Equalization relating to equalization orders and render its decision by September 1 of the year in which the appeal is filed.</p>
<p>CHAPTER 250 HB 2396</p>	<p style="text-align: center;">TAXPAYER RIGHTS</p> <p>Extensive changes are made to the Tax Code to expand the Taxpayers' Bill of Rights. The statute of limitations for the Department of Revenue (DOR) to bring an action in a court of competent jurisdiction to recover taxes is reduced from ten to six years after the amount of taxes determined to be due becomes final. DOR and the taxpayer may agree to extend the six year limitation. The limitation is also extended if enforced collection has been stayed by federal or state law. As specified in federal law, liens against property for collection of taxes are not valid against personal property purchased in casual sale or residential property subject to a mechanic's lien. A decision by the Director of DOR regarding abatement of interest for errors or delays caused by DOR, the statute of limitations on tax debts and suspension of this period of limitations during a taxpayer's financial disability relief from joint and several liability, and separate liability election is appealable to the State Board of Tax Appeals, subject to the current provisions of §42-1254.</p> <p>Communication between a taxpayer and a federally authorized tax advisor has the same common law protections of confidentiality as that of a taxpayer and an attorney. This confidentiality only applies in non-criminal tax matters before DOR or in Tax Court and proceedings before the State Board of Tax Appeals. A practitioner aggrieved by a DOR decision denying coverage of this privilege may appeal the decision to the State Board of Tax Appeals or the Tax Court.</p> <p>DOR may not levy taxes or proceed in court to collect taxes for any years a taxpayer is claiming relief from joint and several or separate liability. Exceptions are granted for specified circumstances.</p> <p style="text-align: right;"><i>continued....</i></p>

<p>CHAPTER 250 HB 2396</p>	<p style="text-align: center;">TAXPAYER RIGHTS <i>(continued)</i></p> <p>Provisions are added to statute to provide safeguards for any computer software or related materials provided to DOR. Under specified restrictions, DOR may issue or commence a proceeding or enforce a subpoena duces tecum to produce computer software. In any court proceeding to enforce a subpoena duces tecum, the court may receive evidence and issue any order to prevent the disclosure of trade secrets and other confidential information. DOR must either obtain the owner's permission or a court order before removing the computer source code from the owner's place of business.</p> <p>There are retroactive, general and delayed effective dates.</p>
<p>CHAPTER 253 HB 2428</p>	<p style="text-align: center;">PERSONAL PROPERTY TAXES</p> <p>The distinction between unsecured and secured personal property subject to taxation is removed from the Tax Code. Effective January 1, 2001.</p>
<p>CHAPTER 344 HB 2634</p>	<p style="text-align: center;">PROPERTY TAX CLASSIFICATION</p> <p>Current property tax classifications are changed by consolidating classes 1 (mining), 2 (utilities), and 3 (commercial) into a new class A (business). The remaining classifications are renumbered to conform to the changes. The act applies for the purpose of computing property tax beginning with the 2000 valuation year.</p>

<p>CHAPTER 11 HB 2340</p>	<p style="text-align: center;">DRIVING REGULATIONS</p> <p>Conforming changes are made to a number of statutes to address changes made by 1998 laws, primarily those addressing DUI offenses. An ambiguity in the DUI law is resolved by clarifying that a defendant may arrange for the administration of a variety of tests to determine alcohol content - not only a breath test. This change is retroactive to December 1, 1998. Technical amendments are made throughout statute to refer to prior DUI convictions from another jurisdiction. Previously, the law referred to convictions in other states, federal or tribal courts. Clarification is provided that assessments, restitution and incarceration costs, together with any fines, take priority for payment over the additional \$250 assessment required for offenders convicted of extreme DUI. The fingerprinting statutes are amended to include the offense of extreme DUI. The implied consent provisions relating to traffic accidents are moved from §28-1321 to a new, separate section, §28-673. A minor's driver license is to be suspended for three (previously two) years for aggravated DUI. Except as noted, effective April 1, 1999.</p>
<p>CHAPTER 14 HB 2438</p>	<p style="text-align: center;">GRADUATED DRIVER LICENSES</p> <p>A new restricted driver license is established for all drivers who are between 16 and 18 years of age. To be eligible to apply for the new "class G" license, a driver must be at least 16 years of age and have completed an approved driver education program or have a parent or guardian certify to the Motor Vehicle Division (MVD) that the applicant has at least 25 hours of supervised driving practice, with at least five hours of night driving included. A qualified applicant who passes a MVD examination will be issued the class G license. The MVD may issue a class G instruction permit to a person who is at least 15 years and seven months of age.</p> <p>If a person with a class G driver license is convicted or found responsible for a moving violation, the MVD is to take the following action: for a first offense, order the driver to attend Traffic Survival School; for a second offense, suspend the person's driving privileges for three months; and for a third offense, suspend the person's privileges for six months. A person with a class G license may apply for a "class D" (standard) license at the age of 18. Persons under 18 years of age with class D licenses upon the effective date of this law are exempt from the requirement to obtain a class G license. However, these drivers are subject to the penalties prescribed for drivers with class G licenses if they are convicted or found guilty for moving violations. Effective January 1, 2000.</p>

<p>CHAPTER 97 SB 1082</p>	<p style="text-align: center;">ACCIDENTS AND MOVING VIOLATIONS</p> <p>In addition to existing penalties, a judge may order a person to perform community service if the person violates traffic laws pertaining to red lights, left turns and stop signs and the violation results in serious injury or death. If the person does not complete the community service ordered, the court shall notify the Motor Vehicle Division (MVD) and the division shall suspend the person's driver license until the order is satisfied. The current provisions in law that require the court to take and destroy an offender's driver license when the license is suspended or revoked are eliminated and replaced with permissive language allowing the court to require the offender to surrender the license to a police officer. Technical amendments are made to the statutes specifying the jurisdiction of municipal and justice courts over Title 28 offenses, clarification is provided that the Department of Transportation administers the Traffic Survival School Program and changes are made to permit the courts to transmit court judgments to MVD electronically.</p>
<p>CHAPTER 100 SB 1203</p>	<p style="text-align: center;">DRIVER LICENSES</p> <p>The current law that requires the Motor Vehicle Division (MVD) to suspend a person's driver license upon a court order because the person has failed to pay a civil fine is expanded. MVD must now also suspend a person's application for a driver license or the privilege to apply for a driver license or permit upon notification that a person has an outstanding civil fine.</p>
<p>CHAPTER 168 HB 2405</p>	<p style="text-align: center;">ALTERNATIVE FUEL VEHICLES</p> <p>Motorists may not park a motor vehicle in a parking spot designated for electric vehicles unless their vehicle is powered by electricity and has an alternative fuel vehicle license plate. A violation is a civil penalty with a minimum fine of \$50. Effective May 5, 1999.</p>
<p>CHAPTER 202 HB 2180</p>	<p style="text-align: center;">HURF REVENUES</p> <p>Counties and incorporated cities and towns may not use Highway User Revenue Fund (HURF) monies for enforcement of traffic laws or administration of traffic safety programs. The Auditor General may conduct performance audits to ensure compliance with these provisions and HURF revenues may be withheld until satisfactory evidence is presented documenting compliance.</p>

<p>CHAPTER 214 HB 2440</p>	<p style="text-align: center;">MOTOR VEHICLE DIVISION COMMERCIAL LICENSES</p> <p>This omnibus Motor Vehicle Division (MVD) legislation includes amendments to the commercial licensing requirements pertaining to motor vehicle dealers, automotive recyclers, third parties and title service companies. It is a class 1 misdemeanor for vehicle dealers, automotive recyclers and transporters to engage in business without a license. This same penalty applies to a dealer who fails to maintain prescribed records pertaining to vehicle service transporter license plates and for a person who assigns a title service company license to another person. Knowingly inserting false information on the face of a temporary registration plate or marker is a class 2 misdemeanor. The penalty for issuing a temporary registration plate or marker containing a misstatement of fact is prescribed as a class 3 misdemeanor. Technical changes are also made to the transportation statutes, including clarification of appropriate reference to the Traffic Survival School administered by MVD.</p>
<p>CHAPTER 303 HB 2408</p>	<p style="text-align: center;">IGNITION INTERLOCKS</p> <p>Changes are made to the 1998 “Extreme DUI” law to expand the use of ignition interlock devices. The court must order an ignition interlock for repeat offenders convicted of DUI (§28-1381, K) or extreme DUI (§28-1382, F) and for aggravated DUI offenders convicted pursuant to §28-1383, A - 1 or A-2. The court may continue to order an interlock device for offenders convicted of a first violation of extreme DUI (§28-1382, A). In each case, the device must be equipped on any motor vehicle the offender operates for at least one year after the conclusion of the person’s license suspension or revocation. A court may extend the duration of an ignition interlock device order for a person convicted of violating the statutory requirements and prohibitions regarding the interlock devices. The prior statutory provision limiting the number of interlock devices that can be ordered by the courts from December 1, 1998 to November 30, 1999 is repealed. The DUI Abatement Council is given the additional responsibility of evaluating and making recommendations on the implementation of a sliding scale fee or financial assistance for interlock devices.</p>

<p>HB 2044</p>	<p style="text-align: center;">COUNTY PERSONNEL POWERS</p> <p>Gave the county board of supervisors the sole authority to determine the classification, salary and allocation of all personnel positions within the county.</p>
<p>HB 2051</p>	<p style="text-align: center;">LIQUOR IN MOTOR VEHICLES</p> <p>Reduced the blood alcohol content for DUI from .10 to .08 within two hours of operating a water craft or motor vehicle. Prohibited alcohol consumption while operating or while in the passenger compartment of a motor vehicle and specified that violations would be classified as a class 2 misdemeanor.</p>
<p>HB 2063</p>	<p style="text-align: center;">GRANDPARENT VISITATION RIGHTS</p> <p>Authorized the court to provide grandparents and great-grandparents visitation rights if it determined that visitation is in the best interests of the child. The court finding that the visitation is in the child's best interests was to be the sole requirement for grandparents and great-grandparents to obtain visitation rights.</p>
<p>HB 2091</p>	<p style="text-align: center;">POLYGRAPHS</p> <p>Polygraph tests would have been prohibited from admittance into evidence in any criminal or civil proceeding, by employers as a condition of employment and in the outpatient treatment of sexually violent persons. The possession, use, manufacture, purchase or sale of a polygraph instrument would also have been prohibited.</p>
<p>HB 2092</p>	<p style="text-align: center;">SEAT BELTS</p> <p>Authorized a peace officer to stop and cite a person for a seat belt violation as a primary offense.</p>

<p>HB 2094</p>	<p style="text-align: center;">WORKPLACE VIOLENCE ACT</p> <p>Authorized an employer to request an injunction against harassment against a person who either damaged or threatened to damage the employer’s property on more than one occasion or who harassed any person entering the employer’s property. The court was authorized to order that the defendant not possess firearms and not go near the employer’s business property or contact any person who is on the employer’s property or performing official duties.</p>
<p>HB 2110</p>	<p style="text-align: center;">GUILTY EXCEPT INSANE</p> <p>Added to the definition of “mental disease or defect” to include post-traumatic stress disorder, if a person is receiving treatment for the disorder. Also proposed the repeal of the current provision that requires the court to commit a person found guilty except insane to a secure state mental facility.</p>
<p>HB 2121</p>	<p style="text-align: center;">CREDITOR INFORMATION</p> <p>Required the Superior Court to inform divorcing or separating couples of their joint responsibility to creditors regarding debts accumulated during marriage. If requested by either party, creditors would have been required to send account statements and other notices to both parties.</p>
<p>HB 2125</p>	<p style="text-align: center;">COLLECTION AGENCIES</p> <p>Required agencies and courts to use the services of collection agencies to collect fines, surcharges and penalties that are more than 120 days past due, unless the agency or court determined that the services would not be cost effective. The Administrative Office of the Courts and agencies were required to submit an annual report to the Legislature and Governor detailing the amount of fines that were overdue for various periods of time, a description of the efforts employed to collect the monies and the amount of monies collected by collection agencies.</p>

<p>HB 2131</p>	<p style="text-align: center;">JUVENILE SOCIAL WORKERS</p> <p>Juvenile court employees, child protective services workers, and other employees authorized to conduct investigations involving juveniles were liable for certain malicious acts intended to cause injury or that consciously disregarded the rights of a juvenile. The malicious acts included perjury, fabrication of evidence and failure to disclose pertinent information or information that was obtained fraudulently.</p>
<p>HB 2136</p>	<p style="text-align: center;">GUARDIAN AD LITEMS</p> <p>Restricted a guardian ad litem who files a petition on behalf of a child from receiving compensation from the court, unless the child was adjudicated dependent or a ward of the court.</p>
<p>HB 2139</p>	<p style="text-align: center;">PSYCHIATRIC DRUG TREATMENT OF MINORS</p> <p>Proposed limitations for the treatment of children under the age of 16 admitted to a mental health facility. The child could be admitted temporarily to undergo medical testing but the mental facility would be prohibited from medicating or otherwise treating the child without the permission of the child’s parent or guardian. If testing determined that the child has an underlying physical disease or illness, the mental health facility was mandated to transfer the child to a general hospital for treatment by a doctor chosen by the parent or guardian.</p>
<p>HB 2157</p>	<p style="text-align: center;">DOMESTIC VIOLENCE</p> <p>Conformed the injunction against harassment and order of protection statutes by specifying that law enforcement is required to serve injunctions if the petitioner requests service. Correctional officers working in their official capacities were authorized to serve orders of protection and injunctions against harassment. A judge was authorized to waive the requirement that a misdemeanor domestic violence offender complete a domestic violence offender treatment program if the offender was previously ordered to complete a treatment program and the court deemed alternative sanctions more appropriate.</p> <p style="text-align: right;"><i>continued....</i></p>

<p>HB 2157</p>	<p style="text-align: center;">DOMESTIC VIOLENCE <i>(continued)</i></p> <p>The court was authorized to allow a defendant in an order of protection case granting the plaintiff the exclusive use of the parties' residence to return to the residence on one occasion with law enforcement to retrieve belongings. A judge was permitted to order a defendant in an order of protection to surrender ammunition, in addition to any firearms. A number of technical changes were proposed relating to the definition of domestic violence, supervised probation for domestic violence offenders and hearings in the limited jurisdiction courts.</p>
<p>HB 2160</p>	<p style="text-align: center;">STATE OF THE JUDICIARY ADDRESS</p> <p>Required the Chief Justice of the Supreme Court to annually deliver a state of the judiciary address to a joint assembly of the Arizona Senate and House of Representatives. The address was intended to promote better communication and understanding among the three branches of state government and to provide increased accountability of the judicial branch.</p>
<p>HB 2186</p>	<p style="text-align: center;">GROUP HOMES</p> <p>Required a number of specific contract provisions for each group home contract awarded, renewed or amended by state agencies that contract directly with group homes. A central registry within the Department of Health Services was to be established and each agency would have been required to provide updated information on a regular basis to the department regarding the location and contacts of group homes.</p>
<p>HB 2212</p>	<p style="text-align: center;">LIQUID ASSETS</p> <p>Permitted a party to an action for marriage dissolution, annulment or legal separation to move for equal division of the liquid assets of the marital estate. Liquid assets were defined as cash, traveler's checks, cash in financial institutions, and lottery winnings. The court, unless it found good cause not to do so, would have been required to grant the motion.</p>
<p>HB 2333</p>	<p style="text-align: center;">PUBLIC RECORDS OF JUDGES</p> <p>Supreme Court justices, judges of the Court of Appeals and municipal courts and Superior Court judges and commissioners could have requested that Motor Vehicle Division and county recorder records be protected to prevent public access to the judicial officer's home address and telephone number.</p>

<p>HB 2381</p>	<p style="text-align: center;">CHILD AND FAMILY SERVICE COUNCIL</p> <p>Established the State Children and Family Services Citizen Council to study the coordination, integration, and improvement of children and family services.</p>
<p>HB 2384</p>	<p style="text-align: center;">INSTITUTE FOR EXCELLENCE IN HUMAN SERVICES</p> <p>Required the Department of Economic Security (DES) to develop a comprehensive plan to establish an Institute for Excellence in Human Services. The plan's mission was the collaboration of government agencies, public and private care providers, advocacy groups and educational institutions to develop a systematic approach to train professionals who provide services to children and families. The council included judicial department representation.</p>
<p>HB 2385</p>	<p style="text-align: center;">INTEGRATED SERVICES</p> <p>Required the Administrative Office of the Courts to develop a statewide integrated delivery system with all other state entities providing services to juveniles and their families. The final report of developed strategies was to be submitted to the Governor and Legislature by January 1, 2001.</p>
<p>HB 2407</p>	<p style="text-align: center;">SUSPENDED DRIVER LICENSE</p> <p>Required peace officers to impound a vehicle operated by a person whose driving privilege was suspended or revoked and authorized the court to order installation of a certified ignition interlock device if the person was convicted of DUI while driving on a suspended or revoked license.</p>
<p>HB 2414</p>	<p style="text-align: center;">OMBUDSMAN-CITIZENS' AIDE</p> <p>Expanded the investigative authority of the Ombudsman-Citizens' Aide to include political subdivisions of the state, legislatively established programs and boards administered by the judicial branch subject to audit by the Auditor General, and individuals and organizations under contract that provide services to an agency. Elected state and local officials and their chief advisors were to be exempt from the investigative authority of the Ombudsman-Citizens' Aide.</p>

<p>HB 2420</p>	<p style="text-align: center;">PARENTING PLANS</p> <p>Changed the process by which the courts determine child custody, the best interests of a child and joint custody by repealing the existing child custody statute and replacing it with a new procedure whereby parents would have been required to submit a jointly agreed upon parenting plan to the court. The parenting plan was to address parental responsibilities and decision making, the physical residence of the child, communication between the child and each parent, and a periodic review of the plan by the parents. If any or all of the provisions were contested, the court was to consider the best interests of the child in making its decision. Modifications of the parenting plan and the determination of child support were authorized.</p>
<p>HB 2450</p>	<p style="text-align: center;">CRIMINAL JUSTICE ENHANCEMENT FUND</p> <p>Redistributed the 9% of the Criminal Justice Enhancement Fund that is currently deposited in the state general fund to the other recipients of fund monies, including the courts.</p>
<p>HB 2464</p>	<p style="text-align: center;">LANDLORD REPRESENTATION</p> <p>Authorized a real estate broker, corporate officer of a property management company or employee of a landlord to represent the landlord in forcible entry and detainer actions or special detainer actions in a justice court.</p>
<p>HB 2510</p>	<p style="text-align: center;">EXCESSIVE SCHOOL ABSENCES</p> <p>Allowed a child who has excessive absences to be adjudicated as an incorrigible child. Absences may have been considered excessive when the number of absent days exceeded 10% of the number of required attendance days.</p>
<p>HB 2522</p>	<p style="text-align: center;">APPROPRIATION OF FEDERAL MONIES</p> <p>Authorized the Legislature to appropriate and specify the purposes of non-custodial federal monies. This included block grants and other federal monies that provide the state with discretion regarding the development, implementation or operation of a program or service.</p>

<p>HB 2524</p>	<p style="text-align: center;">MARRIAGE BLOOD TESTS</p> <p>Required marriage license applicants to file with the court the results of a blood test showing that neither applicant had any communicable sexually transmitted diseases. Upon petition of the applicants, the court could exempt them from providing the blood test if it found that the public health and safety was not endangered. No cost was to be associated with the petition.</p>
<p>HB 2537</p>	<p style="text-align: center;">BICYCLE SAFETY HELMETS</p> <p>Required minors to wear a helmet when riding a bicycle. Parents of violators were to receive a written warning for a first offense and a civil penalty for subsequent violations and may have been required to take bicycle education instruction. Monies received from the civil penalties were to be paid into a newly established Bicycle Helmet Fund used for educational purposes and to assist parents who needed assistance in purchasing bike helmets.</p>
<p>HB 2539</p>	<p style="text-align: center;">DEATH PENALTY PROHIBITED</p> <p>Prohibited the court from imposing the death penalty on a mentally retarded person convicted of first degree murder.</p>
<p>HB 2541</p>	<p style="text-align: center;">TRUCK PASSENGERS</p> <p>Prohibited carrying minor passengers in the bed of a truck on a highway. Violations would have resulted in a \$10 civil penalty, with an annual increase in the penalty until it peaked at \$50 on January 1, 2003. The record of a violation was not to be transmitted to the Motor Vehicles Division, or considered by an insurer in setting insurance rates.</p>
<p>HB 2554</p>	<p style="text-align: center;">JUVENILE DELINQUENT RIGHTS</p> <p>Created a children's bill of rights for children residing in child welfare agencies. For those agencies providing residential care to children adjudicated delinquent, this bill would have specifically required the agency to provide children with a safe, humane and clean environment. Agencies would also have been directed to establish policies that ensured the safety of the children in the facility, similar to the rights established for a child residing in a child welfare agency.</p>

<p>HB 2626</p>	<p style="text-align: center;">EXTREME DUI</p> <p>Reduced the blood alcohol level for extreme DUI from .18 to .15.</p>
<p>HB 2669</p>	<p style="text-align: center;">DES REPLACEMENT</p> <p>Eliminated the State Department of Developmental Disabilities, the Department of Economic Security, and the state welfare program and established a State Administrative Office to distribute grants to the counties.</p>
<p>HB 2680</p>	<p style="text-align: center;">RED LIGHT COMPLIANCE</p> <p>Specified that the registered owner of a vehicle captured in violation of the law by a photo traffic monitoring system is responsible for the violation. If the owner was not the operator of the vehicle at the time of the violation, the owner could have transferred responsibility to the actual operator by providing a statement to the court containing the name and address of the operator. If the operator failed to respond to the citation, the registered owner would have been responsible for the violation, the Motor Vehicle Division (MVD) was required to suspend the owner's vehicle registration, and the fine for the offense was to be increased by 50%. The court was prohibited from transferring abstracts of records of judgment to MVD if the owner responded to the citation. A photo monitoring system was only required to capture a picture of a vehicle's rear license plate.</p>
<p>HB 2685</p>	<p style="text-align: center;">JUSTICE COURT COLLECTIONS</p> <p>Established the After School Academic Enrichment Grant Program for the funding of after school tutoring programs. Justice courts were required to hire private collection agencies to collect on all fines and penalties "overdue" for longer than six months. All of the monies collected by the collection agencies were to be transferred to the "Justice Court Private Collections Fund." The fund monies were to be distributed to the After School Academic Enrichment Grant Program, to the Supreme Court for developing and promoting "court authorized diversion programs" and to the Department of Public Safety for the purchase of equipment.</p>

<p>HB 2699</p>	<p style="text-align: center;">THREATENING OR INTIMIDATING EMPLOYEES</p> <p>Specified that threatening or intimidating a state employee was a class 4 felony if the action impeded the employee from fulfilling legally imposed duties. Defined “employee of the state” as a law enforcement officer, elected official, firefighter or judge.</p>
<p>HCR 2001</p>	<p style="text-align: center;">ELECTED OFFICIALS’ SALARY COMMISSION</p> <p>The Commission on Salaries for Elective State Officers was renamed the “Arizona Citizens Commission on Elective State Officers.” The committee membership was expanded and the appointment process was changed. The requirement that the commission report to the Governor was amended to require the report to also be submitted to the Legislature and to specify biennial reporting. The Governor’s current authority to recommend a rate of pay other than that in the report was deleted. The recommendations were to become effective September 1, unless the Legislature specifically disapproved it or the issue was referred to the voters by the Legislature on a referendum petition.</p>
<p>SB 1138</p>	<p style="text-align: center;">SMALL CLAIMS</p> <p>A party in a small claims case was prohibited from transferring the case to the civil division of the justice court unless the other party consented.</p>
<p>SB 1153</p>	<p style="text-align: center;">PHOTO RADAR</p> <p>Drivers found responsible for speeding less than 15 miles over the speed limit who were identified by photo radar could not have been assessed increased insurance rates. This did not apply to a subsequent violation within two years or a violation within a residential district or a school crossing area.</p>
<p>SB 1169</p>	<p style="text-align: center;">SUPREME COURT FUNDS</p> <p>Specified that the Judicial Collection Enhancement Fund, Case Processing Assistance Fund and Juvenile Crime Reduction Fund are non-lapsing and clarified that the Criminal Case Processing Improvement Fund, Defensive Driving School Fund and the State Aid to Detention Fund are non-lapsing.</p>

<p>SB 1239</p>	<p style="text-align: center;">STATE BUDGET REFUNDS</p> <p>Limited the growth of state general fund expenditures in any fiscal year to the sum of the percentage growth in state population plus the percentage increase, if any, in the Gross Domestic Product price deflator. Any unencumbered revenue balances would have been returned to each taxpayer as a refund.</p>
<p>SB 1284</p>	<p style="text-align: center;">CUSTODY AND VISITATION</p> <p>Specified that if a court, during an action for custody or visitation, determines that a parent has committed an act of domestic violence, there is a rebuttable presumption that it is not in the child's best interests to be placed in sole custody, joint legal custody or joint physical custody of the parent who committed the act. Prohibited a parent's absence or relocation because of an act of domestic violence by the other parent from being weighed when the court makes its decision regarding custody or visitation. A court was authorized to award visitation to a parent who committed an act of domestic violence only if it could have made adequate provisions for the safety of the domestic violence victim and the child.</p>
<p>SB 1309</p>	<p style="text-align: center;">DOMESTIC VIOLENCE SENTENCING</p> <p>Increased the maximum penalty by two years for a defendant convicted of domestic violence committed against a pregnant victim, if the defendant knew of the pregnancy.</p>
<p>SB 1313</p>	<p style="text-align: center;">DUI AFFIRMATIVE DEFENSE</p> <p>Eliminated the affirmative defense for DUI and extreme DUI charges.</p>
<p>SB 1324</p>	<p style="text-align: center;">USE OF FORCE</p> <p>Allowed the threat or use of physical force and deadly force if reasonably and immediately necessary to prevent an act of domestic violence.</p>

SB 1386

PARKING TICKETS

Specified that the statutory 70% surcharge did not apply to parking/standing violations dating back to January 1, 1984.

HB 2142

ARBITRATION OF CLAIMS

If a person appeals an arbitration and makes a deposit equal to the arbitrators' total compensation, the judgement on the trial de novo was to be at least 30% more favorable to the appellant than the original settlement, in order for the deposit to be returned to the appellant. Currently, a 10% increase in the judgment is required.

