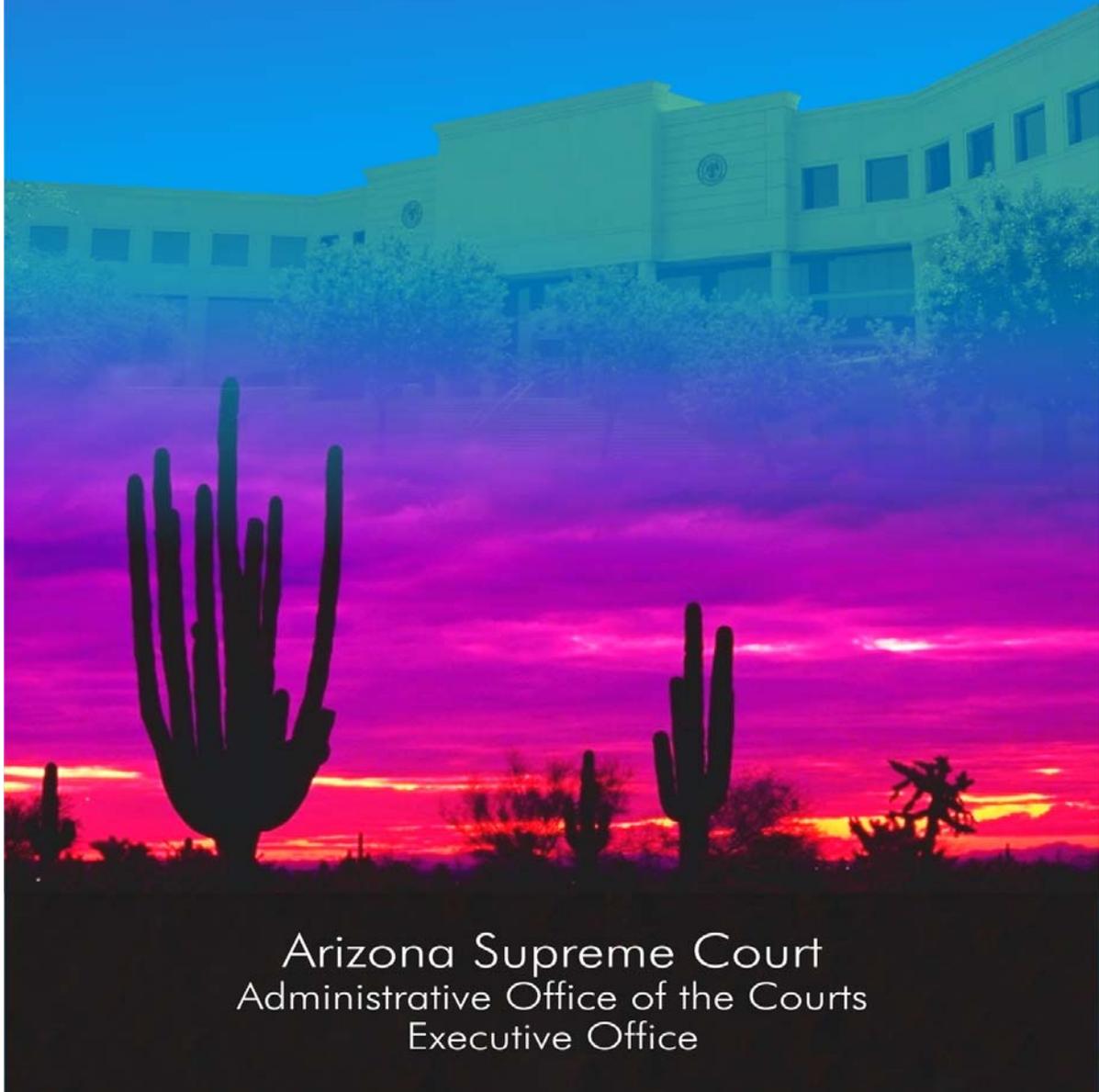




End-of-Session Legislative Report
47th Arizona Legislature
2006 Second Regular Session



Arizona Supreme Court
Administrative Office of the Courts
Executive Office



2006 Legislative Summary

2nd Regular Session of the 47th Arizona Legislature

The 2006 Second Regular Session of the 47th Arizona Legislature was the first session for the judicial branch under the administration of Chief Justice Ruth V. McGregor. The Legislature adjourned, *sine die*, June 22nd at 12:12 am. Chief Justice McGregor has never been a stranger to the legislative process, and this year was no different. She moved forward with leadership and commitment to meet the challenge of taking the Arizona court system from very good to truly great, including her goal of improving communication across all branches and levels of government.

At 164 days, this session ranked as the 5th longest session in the state's history. The 2006 session saw the introduction of a number of bills impacting the administrative operations of the judicial branch, several of which were proposed by the Arizona Judicial Council (AJC). These included bills affecting the lengthy jury trial fund, traffic ticket enforcement assistance program and probation, all of which were passed by the legislature and signed by the Governor.

Lawmakers proposed a number of bills and constitutional amendments that, if passed, would have altered the structure of the judiciary. Judges, court officials and other interested parties from the Chief Justice to the Justices of the Peace traveled to the Capitol to testify about issues ranging from Senate confirmation of appellate judges, to merit selection and the practice of law.

One such example was SCR 1028, which would have amended the Constitution to require that each appellate court judge be confirmed by the Senate and be reconfirmed every four years. This bill was actually a last minute strike everything amendment on a Friday afternoon, leaving only the weekend and Monday to prepare testimony. The Chief Justice testified with grace and persuasion and as a result, the bill was held in the committee. In fact, all of the 'judicial reform' bills failed to pass.

This session was very successful. The judicial branch enjoyed a very positive working relationship with the Executive and Legislative branches as well as representatives from state, county and municipal agencies and the private sector. The Supreme Court legislative group wishes to thank all of you for your assistance and for your extremely important input.

Detailed here are the bills affecting the Arizona Judiciary and other bills of interest from the 2006 regular session. They are cross-referenced in different formats and categories in order to aide review. The bill narratives were written by the Administrative Office of the Courts legislative staff.

The general effective date for 2006 enactments not containing an “emergency” clause, or other specified date is the 91st day after the Legislature adjourns the session (*sine die*). For this past regular legislative session, the general effective date is at 12:01 a.m., September 21st, 2006.

For 2006, there were a total of 1,453 bills introduced. Of those, the Legislature passed 438. Of the 438 passed, the Governor signed or allowed into law 395 bills and vetoed 43 bills. In addition, there were 134 Memorials and Resolutions introduced, of which 26 were approved by the legislature.

The Administrative Office of the Courts expresses its appreciation to the staff of the Arizona State Senate, the Arizona House of Representative and Governor Janet Napolitano’s office for their assistance and coordination throughout the 2006 legislative session. This document is intended to provide general information about new legislation of interest to the Arizona court community, and should not be relied upon for official purposes. Please refer to the Arizona Legislative Service of West Publishing and the official chapter laws as released by the Arizona Secretary of State for the official copy of newly enacted legislation.

Any comments or inquiries should be referred to the Legislative Staff at the Administrative Office of the Courts, 1501 W. Washington, Suite #411, Phoenix, Arizona 85007, 602-542-9301.

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This publication is also available on the Internet at www.supreme.state.az.us. The web site will provide the summaries contained here, links to the actual chapter laws and opportunities to contact the AOC legislative staff via e-mail.

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Administration and Government

<p>Chapter 1 HB 2661 Titles 35, 38, 41</p>	<p style="text-align: center;">STATE EMPLOYEES; PAY INCREASE Rep. Konopnicki</p> <p>State employees are to receive an average 6.3% base salary increase and be eligible for performance pay incentives as of March 11, 2006. All state agencies, departments, boards and commissions are expected to establish a list of reasonable performance measures and follow the performance pay requirements. The Chief Justice of the Supreme Court may elect to participate in the performance pay program.</p> <p>Statutes affected: 35-124; 38-618.01; 38-619; 41-771</p>
<p>Chapter 28 SB 1038 Title 41</p>	<p style="text-align: center;">CRIMINAL JUSTICE COMMISSION; DUTIES Sen. Waring</p> <p>Authorizes the Arizona Criminal Justice Commission to accept and spend private grants and contributions for the purposes of enhancing efforts to investigate, prosecute and adjudicate any crime and to implement the Commission's duties.</p> <p>Statute affected: 41-2405</p>
<p>Chapter 30 SB 1092 Title 41</p>	<p style="text-align: center;">JUVENILE CORRECTIONS; MEDICAL SERVICES Sen. Huppenthal</p> <p>Adds a clarifying change to the Arizona Department of Juvenile Corrections medical services statute referencing a secure care facility.</p> <p>Statute affected: 41-2807</p>

<p>Chapter 70 HB 2584 Title 13</p>	<p align="center">CONCEALED WEAPONS; FIREARMS SAFETY TRAINING Rep. Pearce, et al</p> <p>A person who receives a certificate of firearms proficiency from the Department of Public Safety is not required to complete a firearms safety training program in order to obtain a concealed weapons permit.</p> <p>Statute affected: 13-3112</p>
<p>Chapter 101 SB 1125 Titles 11, 13, 41</p>	<p align="center">DPS; CRIMINAL JUSTICE INFORMATION Sen. Huppenthal</p> <p>Expands the definition of “Criminal justice information” that must be stored by DPS to include system network log searches. Makes other conforming changes to statutes relating to criminal justice information.</p> <p>Statutes affected: 11-593; 13-3821; 13-3822; 13-3905; 41-172; 41-1279.02; 41-1750; 41-1751</p>
<p>Chapter 117 HB 2024 Title 41</p>	<p align="center">GOVERNMENT ANTI-IDENTIFICATION THEFT ASSESSMENT Rep. Robson</p> <p>Governmental agencies are required to establish and develop commercially reasonable procedures to ensure that any entity identifying information or personal information collected or obtained is secure and cannot be accessed, viewed or acquired unless authorized by law. Title 39, relating to public records, is not to be restricted, diminished or otherwise affected by the procedures. ‘Government agency,’ ‘entity identifying information,’ and ‘personal identifying information’ are defined.</p> <p>Statutes affected: 41-4151; 41-4171; 41-4172</p>

<p>Chapter 125 HB 2113 Title 41</p>	<p style="text-align: center;">RETIREMENT PLANS; CONTINUATION Rep. McClure</p> <p>Continues the Elected Official's Retirement Plan (EORP), the Public Safety Personnel Retirement System (PSPRS), the Corrections Officer Retirement Plan (CORP) and the Arizona State Retirement System (ASRS) Board and Director until January 1, 2017.</p> <p>Statutes affected: 41-3006.08; 41-3006.09; 41-3016.01; 41-3016.02</p>
<p>Chapter 151 SB 1096 Title 23</p>	<p style="text-align: center;">PROBATION OFFICERS; OVERTIME COMPENSATION Sen. Johnson</p> <p>Adds the definition of "Person engaged in probation officer activities" to conform to current statute. Exempts those in executive or administrative capacities from the 80 hour two week over-time requirement.</p> <p>Emergency clause: effective date of April 17, 2006</p> <p>Statute affected: 23-392</p>
<p>Chapter 174 HB 2387 Titles 9, 11</p>	<p style="text-align: center;">MEXICO; ENTRY; MINORS Rep. Pierce, et al</p> <p>Enables a city, town or county to adopt an ordinance allowing a peace officer or sheriff to prevent a minor from entering Mexico if the minor is unaccompanied by or does not have written consent from a parent or guardian. The law enforcement officer may prevent entry but cannot detain the minor.</p> <p>Statutes affected: 9-500.26; 11-441</p>

<p>Chapter 255 SB 1188 Title 20</p>	<p style="text-align: center;">BAIL BOND AGENT PROHIBITIONS Sen. Arzberger</p> <p>Permits a bail bond agent to employ or assist in the employment of a person whose felony conviction has been set aside or whose civil rights have been restored except if the person was convicted of theft or any crime involving carrying or the possession of a deadly weapon or dangerous instrument.</p> <p>Retroactive to May 1, 2006.</p> <p>Statute affected: 20-340.03</p>
<p>Chapter 257 HB 2163 Title: None</p>	<p style="text-align: center;">RETIREMENT; ASRS; CREDITED SERVICE PAYMENT Rep. Carpenter</p> <p>Allows an employee of a political subdivision to transfer assets from an existing retirement plan or program and join the Arizona State Retirement System by paying the cost of transferring credited service, forfeiting all benefits under the employees existing plan or program, and transferring any remaining balance to another qualified plan or receiving direct payment of the balance. Repealed on January 1, 2007.</p> <p>Emergency clause: effective date of May 8, 2006</p> <p>Statutes affected: Session Law</p>

Chapter 261
HB 2819
Titles 11, 12

ADULT PROBATION; COUNTY RESPONSIBILITY
Rep. Pearce

Beginning in fiscal year 2006-2007, counties with a population of at least 2 million persons (Maricopa County) will fund both adult and juvenile probation services. Centralized support services will be provided by AOC. AOC will not disburse any direct state aid for probation services.

Probation ratios will not apply; however, Maricopa County must maintain probation standards that are consistent with evidence based practices in differentiated case management. The county will give annual performance reports to the Chief Justice, Speaker of the House and President of the Senate on or before October 1 of each year. Probation surcharges collected in Maricopa County superior, justice, and municipal courts will be transmitted to Maricopa County. The probation surcharge fee is increased from \$5 to \$10 for all counties other than Maricopa County. The probation surcharge fee in Maricopa County is set by the Maricopa County Board of Supervisors.

Statutes affected: 11-292; 12-114.01; 12-262; 12-269

<p>Chapter 280 SB 1180 Titles 11, 22</p>	<p style="text-align: center;">CONSTABLE ETHICS COMMITTEE; MEMBERSHIP Sen. Jarrett</p> <p>Removes the superior court judge from the Constable Ethics Committee. Removes the chair of the Arizona Commission on Judicial Conduct as the chair of the Constable Ethics Committee and adds a board member from the Arizona Multi-housing Association.</p> <p>Requires a fee be imposed for every writ served on behalf of a justice of the peace but not to exceed \$5. The fee for posting a writ of restitution shall not exceed \$10. Monies to be deposited in the Constable Ethics Committee fund. Permits the Sheriff to charge a reasonable fee for executing a civil arrest warrant; fee may only be charged to the person requesting the warrant.</p> <p>Establishes a Constable Ethics fund and sets forth permitted use of monies in the fund.</p> <p>Statutes affected: 11-445; 22-136</p>
<p>Chapter 298 HB 2220 Titles 11, 28, 39</p>	<p style="text-align: center;">IDENTIFYING INFORMATION; CODE ENFORCEMENT OFFICER Rep. Nelson</p> <p>Expands the list of individuals that may request the county recorder, treasurer, assessor and MVD to prohibit the general public from accessing the person's residential address and telephone number to include code enforcement officers. Code enforcement officers are added to the list of persons whose residence address and telephone number may not be disclosed as public record. A violation is a Class 6 felony under certain circumstances.</p> <p>Statutes affected: 11-483; 11-484; 28-454, 39-123; 39-124</p>

Chapter 299
HB 2239
Titles 11, 15, 28,
33, 41, 48

REVISOR'S TECHNICAL CORRECTIONS
Rep. Konopnicki

Pursuant to statute, applies technical changes to the Arizona Revised Statutes for the 2006 edition.

Statutes affected: 11-483; 11-484; 15-2041; 28-1383; 28-3166; 33-1476.01; 33-1476.02; 41-723; 41-2123; 48-261

Chapter 304
HB 2614
Title 28

**DISCLOSURE OF PERSONAL INFORMATION; MVD
Rep. Biggs**

Conforms Arizona statute to the Driver's Privacy Protection Act of 1994. Prohibits MVD from disclosing personal information unless otherwise permitted by law. Permissible disclosure includes use by government agencies, including any court or law enforcement agency, in order to carry out functions in connection with any civil, criminal, administrative or arbitration proceeding in any court or government agency, including the service of process, investigation in anticipation of litigation and the execution or enforcement of judgments and orders, or pursuant to a court order.

Personal information does not include an individual's 5 digit zip code or information about vehicular accidents, driving violations and driver status.

Classifies the following as Class 1 misdemeanor offenses:

- The transportation department, including department employees, knowingly obtaining or disclosing personal information or highly restrictive personal information
- An individual knowingly obtaining or disclosing personal information or highly restrictive personal information from a motor vehicle record for any non-permitted use
- An individual making a false representation to obtain any personal information or highly restrictive personal information from an individual's motor vehicle record

Medical code information may only be recorded on a person's driver license and may not be maintained in any computer record unless the person requests otherwise in writing.

Permits civil action in U.S. District Court by a person whose records are disclosed.

Statutes affected: 28-440; 28-447; 28-450; 28-452; 28-454; 28-455; 28-456; 28-457; 28-458; 28-3158; 28-3167; 28-5101

<p>Chapter 308 SB 1142 Title 38</p>	<p style="text-align: center;">RETIREMENT; CORP; JUDICIARY Sen. Johnson</p> <p>Adds probation, surveillance and juvenile detention officers to CORP. Establishes local judiciary boards with two members elected by secret ballot by members who are probation, surveillance, or juvenile detention officers; a designee of the Chief Justice; and two citizens, one being appointed by the Chief Justice as head of a human resource department for the group of members. Defines probation and surveillance officers. Establishes a joinder mechanism.</p> <p>Statutes affected: 38-881; 38-893; 38-902</p>
<p>Chapter 318 SB 1279 Title 11</p>	<p style="text-align: center;">MINIMUM CONSTABLE SALARIES Sen. Hale</p> <p>Requires the salary of a constable to be based on the number of registered voters rather than the number of civil cases filed. Changes to current law are as follows:</p> <ul style="list-style-type: none"> • In precincts with 5,000 or fewer registered voters; constables shall receive an annual salary of not more than \$15,000. • In precincts with more than 5,000 registered voters but fewer than 10,000 registered voters; constables shall receive an annual salary of not more than \$23,500. • In precincts with 16,000 or more registered voters; constable shall receive an annual salary of not more than \$61,208. <p>Statute affected: 11-424.01</p>

<p>Chapter 348 HB 2868 Title 12, 41</p>	<p style="text-align: center;">BUDGET; CRIMINAL JUSTICE; RECONCILIATION Rep. Pierce</p> <p>As of the general effective date, adds the Speaker of the House of Representatives and President of the Senate to the list of persons to be served and copied with any pleadings, motions or documents in addition to the Attorney General in any proceeding when a state statute, ordinance, franchise or rule is alleged to be unconstitutional. If the Attorney General, Speaker of the House or President of the Senate is not served, the court will vacate any finding of unconstitutionality and provide reasonable notice for the parties to prepare to be heard.</p> <p>As of July 1, 2006, adds State General Fund monies to the definition of 'total payroll' and exempts the Superior Court, Court of Appeals, Supreme Court, as well as certain listed state agencies from contributing a pro rata share of their appropriated and non-appropriated funds to the Attorney General's Legal Services Cost Allocation Fund.</p> <p>Statutes affected: 12-1841; 41-191.09</p>
<p>Chapter 385 HB 2788 Title 41</p>	<p style="text-align: center;">COMMISSION; CIVIC EDUCATION AND ENGAGEMENT Rep. Burns, et al</p> <p>Establishes the nine-member State Commission on Civic Education and Civic Engagement. Requires the Commission to promote participation in political activities by American citizens committed to the fundamental values and principles of the American system as well as promote civic education and engagement in civic activities for persons of all ages. The Chief Justice has one appointment.</p> <p>Statutes affected: 41-3016.01; 41-4251</p>



Civil

<p>Chapter 26 SB 1020 Title 14</p>	<p style="text-align: center;">INFORMAL PROBATE; VALUE OF PROPERTY Sen. Tibshraeny</p> <p>Allows a person to claim an interest in the estate of a decedent if the total value of the estate does not exceed \$75,000 (previously \$50,000).</p> <p>Statute affected: 14-3971</p>
<p>Chapter 162 SB 1260 Title 12</p>	<p style="text-align: center;">PROSTITUTION; HOUSE ABATEMENT Sen. Huppenthal, et al</p> <p>Allows a city attorney to bring an action to abate a nuisance where prostitution is believed to occur. In seeking a temporary injunction, complaints filed by a city attorney are exempt from verification.</p> <p>Statutes affected: 12-803; 12-804</p>

Chapter 254
SB 1072
Title 12

CIVIL LIABILITY; PRESUMPTIONS; POLICE TOOLS
Sen. Martin, Rep. Gorman

If the court in a civil case finds by a preponderance of evidence that a plaintiff was harmed while attempting to commit, committing, or fleeing after having committed a felony, a victim or peace officer is assumed to be acting reasonably if the victim or officer threatens to use or uses physical or deadly physical force to defend against another person's use or attempted use of physical or deadly physical force or to arrest a plaintiff or prevent a plaintiff's escape. Peace officers are presumed to have been reasonably hired and trained to use physical or deadly physical force to defend against another person's use or attempted use of physical or deadly physical force or to arrest a plaintiff or prevent a plaintiff's escape. Any police tool, safety equipment or product used by law enforcement that caused the physical harm is considered not to be defective and the manufacturer not to be negligent if it either conforms with the generally recognized state of the art applicable when designed and manufactured or complies with applicable code, standard, regulation or specification, established by the United States or the state of Arizona.

Statute affected: 12-716



Court Administration

<p>Chapter 51 SB 1227 Title 31</p>	<p style="text-align: center;">INTERSTATE COMPACT; ADULT OFFENDER SUPERVISION Sen. Huppenthal</p> <p>Increases the maximum annual levied assessment Arizona is permitted to pay to the Interstate Commission on Adult Offenders by \$500 to \$25,500, unless approved by the state council and appropriated by the legislature.</p> <p>Statute affected: 31-467</p>
<p>Chapter 74 SB 1047 Title 12</p>	<p style="text-align: center;">COURTS; PERSONNEL AND VOLUNTEERS Sen. Huppenthal</p> <p>Provides authority for the court to obtain a full set of fingerprints in order to conduct criminal background checks of current and prospective judicial branch contractors and volunteers. Includes applicants applying for certification to become legal document preparers.</p> <p>Statutes affected: 12-102; 12-323</p>
<p>Chapter 116 HB 2013 Title 21</p>	<p style="text-align: center;">VOTER REGISTRATION ROLLS; JURIES Rep. Gray, C., Sen. Harper</p> <p>Upon notice from the jury commissioner that a jury notice was returned as undeliverable, the county recorder must send a follow-up notice to the prospective juror including information regarding possible removal from the voter registration rolls. Following completion of the notification process and failure of the perspective juror to provide current information, the jurors name must be transferred to the inactive voter list.</p> <p>Statute affected: 21-331</p>

<p>Chapter 179 HB 2133 Title 21</p>	<p style="text-align: center;">LENGTHY TRIAL FUND; JUROR COMPENSATION Rep. Nelson, et al</p> <p>A juror who serves on a trial for over five days and does not receive normal reimbursement wages from employer is eligible to receive reimbursement of lost income up to \$300 per day beginning on the fourth day.</p> <p>Statute affected: 21-222</p>
<p>Chapter 183 SB 1219 Title 44</p>	<p style="text-align: center;">PERSONAL IDENTIFYING INFORMATION; RECORDED DOCUMENTS Sen. Leff</p> <p>Article heading of Title 44, Chapter 9, Article 17, A.R.S. is changed from "Confidentiality of Social Security Numbers" to "Confidentiality of Personal Identifying Information." Documents or records that are recorded and made available on the recording party's website after December 31, 2006 must not contain more than 5 numbers of a person's social security number, credit, charge or debit card number, retirement account numbers or bank or securities numbers. Violators are subject to a maximum \$500 penalty per violation. Exemption for judiciary.</p> <p>Delayed effective date of January 1, 2007</p> <p>Statute affected: 44-1373</p>

Chapter 187
HB 2001
Title 42

TAXES; REFUND INTERCEPT; VERIFICATION OF ID
Rep. Knaperek

An agency or court requesting a tax intercept from the Department of Revenue must provide in written or electronic form a middle name or initial, and suffix, and other available information the agency or court deems appropriate in addition to what is currently required. The department must request written or electronic confirmation within ten days of the match and the continuation of the debt. If the refund was intercepted in error through no fault of the taxpayer, the taxpayer may be entitled not only to a full refund and interest, but penalties. The amount of the penalty is a function of the time it takes the agency or court to affect the refund from the time the agency or court receives notification of the erroneous error:

- Between 16 and 180 days: 10%
- Between 6 months and one year: 15%
- One year or longer: 20%

The taxpayer now has the right to appeal a court ordered setoff. Procedures are set forth in statute.

Statute affected: 42-1122

<p>Chapter 208 HB 2484 Title 44</p>	<p style="text-align: center;">SECURE RECORDS DISPOSAL Rep. McComish</p> <p>Prohibits an entity from knowingly discarding or disposing documents that contain an individual's first and last name or first initial and last name in combination with either the person's social security number, credit or debit card number, retirement account number, savings or checking number, securities entitlement account number, or driver's license or ID number. This only applies to paper records and paper documents. Civil penalties will be imposed for violations. An entity (defined) that maintains and complies with the entity's own procedures for discarding or disposing of documents that are consistent with the requirements set forth in this bill will be deemed in compliance. Exceptions for certain businesses and HIPAA covered entities.</p> <p>Delayed effective date of October 1, 2006</p> <p>Statute affected: 44-7501</p>
<p>Chapter 232 SB 1338 Title 44</p>	<p style="text-align: center;">PERSONAL INFORMATION; SECURITY BREACH; NOTIFICATION Sen. Huppenthal</p> <p>In pertinent part, requires law enforcement agencies, prosecution agencies and courts to create and maintain an information security policy that includes notification of a breach of the security system.</p> <p>Delayed effective date of January 1, 2007</p> <p>Statute affected: 44-7501</p>

Chapter 244
HB 2712
Titles 12, 42

TAX DECISIONS; DISTRIBUTION
Rep. Yarbrough

Requires the Supreme Court to adopt rules to establish procedures to distribute tax memorandum decisions to the general public and determine which memorandum decisions are appropriate for distribution. Requires various state agencies to provide tax decisions to the law libraries of Maricopa County, ASU and U of A Colleges of Law. Tax decisions must be published on the agencies official website.

Statutes affected: 12-163; 42-2077



Criminal and Juvenile

<p>Chapter 46 SB 1051 Titles 8, 13</p>	<p style="text-align: center;">VICTIMS' RIGHTS; CLEANUP Sen. Huppenthal</p> <p>Repeals one of two versions of A.R.S. §8-241 and A.R.S. §13-4402.01 that were double enacted in 2005 regarding victims' rights. The other versions remain in statute. No substantive change.</p> <p>Statutes affected: 8-421; 13-4402.01</p>
<p>Chapter 50 SB 1126 Titles 8, 13</p>	<p style="text-align: center;">VICTIM'S RIGHT TO REFUSE INTERVIEW Sen. Huppenthal</p> <p>Extends the right of a victim to refuse to submit to an interview with the defendant or defendant's attorney to include the parent or legal guardian of a minor child who exercises victims' rights on behalf of the child.</p> <p>Statutes affected: 8-382; 8-412; 13-4401; 13-4433</p>
<p>Chapter 55 SB 1305 Title 13</p>	<p style="text-align: center;">CAPITAL DEFENDANTS; MENTAL EVALUATIONS Sen. Huppenthal</p> <p>Allows the defendant in a capital case to object to the prescreening that determines the defendant's intelligence quotient. By objecting to prescreening the defendant waives the right to a pretrial determination of mental retardation status. This waiver does not preclude the defendant from offering evidence of mental retardation in the penalty phase. Expands those authorized to determine if a defendant has mental retardation to include certain physicians as well as psychologists with at least five years experience in testing or testing assessment, evaluation and diagnosis of mental retardation, defined in statute as an 'expert in mental retardation.'</p> <p>Statute affected: 13-703.02</p>

<p>Chapter 73 SB 1027 Title 13</p>	<p style="text-align: center;">VEHICLE THEFT; CHOP SHOPS Sen. Jarrett</p> <p>The definition of vehicle is expanded to include a device that could have been transported or drawn upon a highway, waterway or airway. Classifies theft of any vehicle engine or transmission as a Class 4 felony regardless of value. Expands the crime of conducting a chop shop to include a violation of buying, selling, transferring or possessing a motor vehicle or a motor vehicle part knowing that the identification number that was placed on the motor vehicle or motor vehicle part by the manufacturer has been removed, altered or destroyed.</p> <p>Statutes affected: 13-105; 13-1802; 13-4702</p>
<p>Chapter 79 SB 1093 Title 13</p>	<p style="text-align: center;">BLANK SUBPOENAS; VICTIMS; NOTICE Sen. Huppenthal</p> <p>Prohibits blank subpoenas from being issued to procure discovery in a criminal case including the records of a victim. Records relating to recovered or disassociated memories may be subject to subpoena only if the state seeks to introduce evidence of the victim's recovered or disassociated memory, the records are not otherwise privileged, and the court approves the subpoena after a hearing. The victim must be given notice and the right to be heard at a proceeding in which the victim's records are requested from a third party.</p> <p>Statute affected: 13-4071</p>
<p>Chapter 80 SB 1128 Title 8</p>	<p style="text-align: center;">JUVENILE; COMPETENCY Sen. Tibshraeny</p> <p>A juvenile may not be found incompetent based solely on age.</p> <p>Statute affected: 8-291</p>

<p>Chapter 85 SB 1176 Title 13</p>	<p style="text-align: center;">VICTIMS' RIGHTS; FAILURE TO COMPLY Sen. Huppenthal</p> <p>A victim has a right to request a re-examination hearing within ten days of the proceeding at which the victim's constitutional or statutory right was not complied with or for good cause shown in order to consider issues raised by the denial of a victim's rights in a criminal case. If the victim was not voluntarily absent from the proceeding and asserted the right to be heard and was denied the right or if the accused has not pled to the highest offense charged the victim may make a motion to reopen any proceeding, excluding sentencing, except a trial.</p> <p>Statute affected: 13-4436</p>
<p>Chapter 104 HB 2083 Title 13</p>	<p style="text-align: center;">HIT AND RUN; MITIGATING; AGGRAVATING Rep. Konopnicki</p> <p>Adds commission of leaving the scene of an accident to the list of aggravating factors in sentencing and adds compliance with hit-and-run statutes to the list of mitigating factors in sentencing.</p> <p>Statute affected: 13-702</p>
<p>Chapter 135 HB 2376 Titles 13, 41</p>	<p style="text-align: center;">INDECENT EXPOSURE; BREAST-FEEDING Rep. Paton, Sen. Bee</p> <p>Excludes breast-feeding an infant from the crime of indecent exposure. Adds an accommodation for a mother to breast-feed in public when the mother is otherwise lawfully present.</p> <p>Statutes affected: 13-1402; 13-3821; 41-1443</p>

<p>Chapter 146 SB 1039 Title 13</p>	<p style="text-align: center;">VOYEURISM; SURREPTITIOUS VIEWING Sen. Waring</p> <p>Establishes the crime of voyeurism, a Class 5 felony, as either the knowing invasion of another person's privacy for the purposes of sexual stimulation without that person's knowledge or the disclosure, display, distribution or publication of a photograph, videotape, film or digital recording without the consent or knowledge of the person depicted. It is a Class 4 felony if the depicted person is recognizable. Expands the definition of 'surreptitious viewing' to include violations committed in a manner that captures or allows the viewing genitalia, buttocks or female breast, clothed or unclothed, that is not otherwise viewable by the public. The law now includes individuals committing a violation without the use of a device. If a device is not utilized, the charge is a Class 6 felony, and a second or subsequent violation is a Class 5 felony. Photographs, videotape, film or digital recording used for security purposes are exempt so long as notice of a camera is clearly posted if the location is one in which the person has a reasonable expectation of privacy. Exceptions for security purposes include correctional facilities for purposes of an investigation of alleged misconduct, by law enforcement officers pursuant to a lawful investigation, or the use of a child monitoring device as defined in statute.</p> <p>Statute affected: 13-1424; 13-3019</p>
<p>Chapter 147 SB 1048 Title 13</p>	<p style="text-align: center;">SERIOUS DRUG OFFENSES; DEFINITION Sen. Huppenthal</p> <p>Expands the definition of 'serious drug offense' to include any attempt or conspiracy to commit a violation of listed offenses.</p> <p>Statute affected: 13-3410</p>

<p>Chapter 148 SB 1050 Title 13</p>	<p>PRIOR CONVICTIONS AND ADMISSIONS; SENTENCING Sen. Huppenthal</p> <p>The aggravating circumstance of a prior conviction is to be found by the court instead of the trier of fact.</p> <p>Statutes affected: 13-702; 13-702.01</p>
<p>Chapter 149 SB 1052 Title 41</p>	<p>VICTIM COMPENSATION AND ASSISTANCE FUND Sen. Huppenthal</p> <p>A person who suffered a personal injury or death that resulted from an attempt to aid a public safety officer may be eligible for compensation from the Victim Compensation and Assistance Fund. The Arizona Criminal Justice Commission must establish rules that provide for eligibility of compensation from the fund.</p> <p>Statute affected: 41-2407</p>
<p>Chapter 153 SB 1116 Titles 8, 13</p>	<p>COMPETENCY; SEALED REPORTS; EXCEPTIONS Sen. Huppenthal</p> <p>Expands the list of individuals for whom competency reports may be opened for use to include a treatment provider responsible for assessing and treating the defendant and the probation department or ADJC for assessment, supervision, or monitoring of the defendant. Reports may only be opened after plea, trial, or finding of a defendant not restorable.</p> <p>Statutes affected: 8-291.06; 13-4508</p>

<p>Chapter 160 SB 1230 Title 13</p>	<p style="text-align: center;">SEX OFFENDERS; ADDRESS VERIFICATION Sen. Huppenthal</p> <p>Requires the Motor Vehicle Division annually update the addresses of sex offenders and provide daily address updates to DPS. Requires that the sheriff secure a sufficient sample of blood or other bodily substance for testing and submit the sample to DPS if the person registering was convicted of a sex offense in another jurisdiction. Failure to register is reclassified from a Class 1 misdemeanor to a Class 6 felony.</p> <p>Statutes affected: 13-3821; 13-3822; 13-3824</p>
<p>Chapter 165 SB 1328 Title: None</p>	<p style="text-align: center;">YOUTHFUL SEX OFFENDERS; STUDY COMMITTEE Sen. Johnson</p> <p>Establishes a Joint Legislative Committee on Youthful Sex Offenders. Charge and membership of the committee are defined in statute. Repealed October 1, 2007</p> <p>Statutes affected: Session Law</p>
<p>Chapter 167 SB 1386 Title 39</p>	<p style="text-align: center;">CRIME VICTIMS; FREE POLICE REPORTS Sen. Tibshraeny</p> <p>A person or an immediate family member of a person who is killed or incapacitated as a victim of a Part I crime has the right to receive a free copy of the police report from the investigating agency.</p> <p>Statute affected: 39-121.01; 39-127</p>

<p>Chapter 177 SB 1444 Title 13</p>	<p style="text-align: center;">SENTENCING; THIRD FELONY OFFENSES Sen. Verschoor</p> <p>Requires a life sentence for a 3rd violent or aggravated offense (defined). Prior convictions must have occurred within 15 years of the current offense and sentencing for each felony convictions must have been imposed before the new crime is committed.</p> <p>Statutes affected: 13-101.01; 13-713</p>
<p>Chapter 182 SB 1053 Titles 13, 31</p>	<p style="text-align: center;">PROBATION; EXTENSION Sen. Huppenthal</p> <p>Allows inmates sentenced with a probation tail to be eligible for temporary early release to probation, up to 90 days, for purposes preparatory to the return to the community, if community supervision is waived. The bill is prospective only and the 90 days would be added to the probation term.</p> <p>Statutes affected: 13-901; 31-233</p>
<p>Chapter 184 SB 1229 Title 13</p>	<p style="text-align: center;">SEX OFFENDER REGISTRATION; HOMELESS OFFENDERS Sen. Huppenthal</p> <p>Requires a person who does not have an address or permanent place of residence to register with the sheriff of the county where the person is physically present not less than every 90 days.</p> <p>Statutes affected: 13-3821; 13-3822</p>

Chapter 186
SB 1471
Title 13

**SEX OFFENDER TREATMENT; PRIVILEGED
COMMUNICATIONS**
Sen. Huppenthal

Sex offender privileged communication provisions do not apply if there is a reasonable belief the person has committed a new violation of Title 13, Chapter 14 or 35.1 during the course of treatment. A treatment provider who reports communication is not violating any legally established privilege.

Statute affected: 13-4066

Chapter 195
HB 2581
Title 13

FELONIES; RECLASSIFICATION Rep. Farnsworth

Reclassifies the following Class 6 felony offenses as Class 1 misdemeanors:

- §13-1208 Assault; vicious animals
- §13-1802 Theft (value under \$1,000)
- §13-1805 Shoplifting (value under \$1,000)
- §13-1806 Unlawful failure to return rented or leased property
- §13-2704 Unsworn falsification
- §13-3002 False or forged messages
- §13-3305 Betting and wagering
- §13-3610 Abandonment of spouse
- §13-3611 Refusal or neglect to provide for spouse

Increases the value thresholds for theft and shoplifting as follows:

Value	Classification
\$25,000 or more	Class 2 felony
\$4,000 or more but less than \$25,000	Class 3 felony
\$3,000 or more but less than \$4,000	Class 4 felony
\$2,000 or more but less than \$3,000	Class 5 felony
\$1,000 or more but less than \$2,000	Class 6 felony

Statutes affected: 13-1208; 13-1802; 13-1805; 13-1806; 13-2208; 13-2704; 13-3002; 13-3305; 13-3610; 13-3611

Chapter 199
SB 1145
Title 13

SELF DEFENSE; HOME PROTECTION
Sen. Bee, et al

A person is justified in using physical and deadly physical force to protect against imminent peril of death or serious injury at the hand of an individual who is either in the process of unlawfully entering or attempting to remove another person from a dwelling, residence or occupied vehicle. A person has no duty to retreat before threatening or using physical or deadly physical force.

A person is presumed to be acting reasonably against an individual who unlawfully or forcefully entered the person's dwelling, residence or occupied vehicle unless the individual:

- is a lawful resident of the dwelling, residence or vehicle
- had the right to be in the dwelling, residence or vehicle
- is the parent, grandparent or legal guardian of a child being removed from the house or vehicle
- is a law enforcement officer performing official duties

Presumptions do not apply if the person using physical or deadly physical force is engaged in unlawful activity.

Justification defenses are not affirmative defenses; if a defendant presents evidence of justification, the burden of proof is on the state to disprove the evidence a reasonable doubt that the defendant did not act with justification.

Requires the court to award reasonable costs, attorney's fees, lost wages and expenses in the defense if a defendant prevails in a civil action based on justified conduct.

Emergency clause: effective date of April 26, 2006

Statutes affected: 13-103; 13-205; 13-411; 13-418; 13-419; 13-420

<p>Chapter 202 SB 1396 Title 41</p>	<p style="text-align: center;">JUVENILE CORRECTIONS; WORK RESTITUTION Sen. Huppenthal</p> <p>When a youth is committed by the court to the Department of Juvenile Corrections and ordered to pay the minimum fee of \$50 per month as required in A.R.S. §41-2812 for the purposes of supervision, the parent or guardian of the youth may pay the fee directly to the department for deposit into the Department of Juvenile Corrections restitution fund.</p> <p>Statute affected: 41-2812</p>
<p>Chapter 221 SB 1339 Titles 8, 13, 41</p>	<p style="text-align: center;">FIREARMS; JUVENILE POSSESSORS Sen. Blendu</p> <p>Juveniles adjudicated delinquent for a misdemeanor may be prohibited from carrying or possessing a gun or firearm while the juvenile is under the jurisdiction of the Department of Juvenile Corrections or the Juvenile Court. The law prohibiting a juvenile adjudicated delinquent for a misdemeanor from carrying or possessing a firearm is repealed, subject to the provision noted above. Removes the previously declared unconstitutional provisions applying §13-3111 to only Maricopa and Pima Counties.</p> <p>Statutes affected: 8-341; 13-904; 13-3101; 13-3111; 13-3113; 41-1750</p>

Chapter 227
HB 2490
Title 13

**SEXUALLY ORIENTED BUSINESS; LOCATION;
PENALTY**

Rep. Knaperek

Prohibits an adult oriented business from being located within a quarter mile of the following: child care facility, private, public or charter school, public playground, public recreational facility, residence, or place of worship.

The distance is measured in a straight line in all directions, without regard to structures or objects, to the nearest point on the property line. Each day of violation of either the quarter mile location restriction or the operating hours requirement is a separate Class 1 misdemeanor offense. The county attorney or a citizen residing in the county or city may bring an action to abate the violation.

Exempts existing established and operating adult oriented business that are in compliance with the section relating to adult oriented businesses.

Statute affected: 13-1422

<p>Chapter 238 HB 2129 Titles 8, 13, 17</p>	<p style="text-align: center;">ILLEGAL HUNTING; PENALTIES Rep. Weiers, JP</p> <p>Action taken pursuant to §17-340 may be used as evidence in a juvenile case pursuant to §8-207. Prohibits a judge, justice of the peace or magistrate from ordering that a person be released from all penalties and disabilities imposed by the Arizona Game and Fish Commission for the unlawful taking or wounding of certain wildlife. Adds juvenile adjudications to the provisions of §17-340 dealing with revocation of license to take wildlife and increases the revocation periods in certain instances. The unlawful taking or possession of wildlife while under permanent license revocation by the Commission is added to the list of violations in Title 17, Chapter 3 and classified as a Class 6 felony. Creates a new offense, "Unlawful feeding of wildlife," classified as a petty offense. Increases civil penalties imposed by Game and Fish for certain wildlife violations and expands administrative revocations by Game and Fish for wildlife violations.</p> <p>Statutes affected: 8-207; 13-907; 13-2927; 17-101; 17-309, 17-314; 17-315; 17-340</p>
<p>Chapter 248 SB 1147 Title 13</p>	<p style="text-align: center;">TELEPHONE USAGE; EMERGENCY INTERFERENCE Sen. Martin</p> <p>Classifies the prevention or interference with the use of a telephone by another person in an emergency situation as a Class 2 misdemeanor. A person is not required to allow another person to enter the person's home or place of residence for the purpose of using a telephone in an emergency situation.</p> <p>Statute affected: 13-2915</p>

Chapter 259
HB 2307
Title 13

PROSTITUTION; CITY ORDINANCES
Rep. Gray, C.

Establishes the following mandatory jail penalties for Class 1 misdemeanor prostitution:

- 15 consecutive days in jail for a 1st offense
- 30 consecutive days in jail for a 2nd offense
- 60 consecutive days in jail for a 3rd offense and completion of an education or treatment program

A fourth or subsequent offense committed after conviction of the first three offenses is a Class 5 felony and requires a mandatory 180 day sentence.

Cities and towns are not prohibited from enacting and enforcing prostitution ordinances that provide stricter penalties.

Statute affected: 13-3214

Chapter 260
HB 2785
Title 44

**TELEPHONE RECORDS; UNAUTHORIZED SALE
PROHIBITED**

Rep. Paton, Sen. Bee, Rep. Mason

Establishes a new offense, "Unauthorized or fraudulent procurement, sales, or receipt of telephone records" belonging to any resident of this state without the authorization of the customer, a Class 1 misdemeanor. Telephone companies that maintain telephone records are required to establish reasonable procedures to protect against the disclosure of records that could result in a substantial harm or inconvenience to any customer. Procedures are considered reasonable if in compliance with federal regulations.

Law enforcement officers may obtain telephone records in connection with the performance of the official duties of the agency. Telephone companies may permit access to any telephone record to a governmental entity if, among other reasons, an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information.

A violation classified as a Class 1 misdemeanor is also classified as an unlawful act or practice. A customer whose telephone records are sold or received fraudulently is entitled to actual damages and any profits made by the violator, reasonable attorney fees and other litigation costs within two years of discovering the violation.

Statutes affected: 44-1376; 44-1376.02; 44-1376.03; 44-1376.04; 44-1376.05

<p>Chapter 288 HB 2649 Title 13</p>	<p style="text-align: center;">FIREARMS; POSSESSION; STORAGE Rep. Murphy</p> <p>With the exception of the legislature, agencies and political subdivisions are prohibited from enacting or implementing laws, rules or ordinances relating to the possession or storage of firearms. Political subdivisions of this state may enact rules or ordinances requiring a business that obtains a secondhand firearm to retain the firearm for a period of not more than ten days at its place of business or a storage location that is approved by the law enforcement agency. State, county or municipal judicial departments, law enforcement agencies or prosecutorial agencies may prohibit a deadly weapon pursuant to §13-3102 relating to misconduct involving weapons.</p> <p>Statute affected: 13-3118</p>
<p>Chapter 297 HB 2208 Title 28</p>	<p style="text-align: center;">MOTOR VEHICLES; UNLAWFUL OPERATION Rep. Biggs</p> <p>Reclassifies a violation of §28-672 from a civil traffic violation to a Class 3 misdemeanor. If a victim of serious physical injury appears before the court prior to trial and acknowledges receipt of satisfaction for the injury, upon payment of the costs incurred, the court must order the prosecution be dismissed, and the defendant be discharged and exempt from further prosecution for the same offense. Restitution for a violation of §28-672 shall not exceed \$10,000.</p> <p>Establishes two new crimes, “Causing death by use of a vehicle” (a Class 4 felony) and “Causing serious physical injury by use of a vehicle” (a Class 5 felony), if a person causes serious physical injury or death while committing one of the enumerated traffic violations and is driving in violation of the one of the enumerated driver license requirements.</p> <p>Chapter 297 can not be blended with Chapter 276, adding “Overtaking and passing a school bus” to the provisions of §28-672.</p> <p>Statutes affected: 28-672; 28-675; 28-676</p>

<p>Chapter 313 HB 2076 Title 13</p>	<p align="center">WEAPONS; MISCONDUCT; STORAGE; MAP POCKET Rep. Gray, C.</p> <p>Clarifies the provisions of A.R.S. §13-3102 as to the responsibilities of an operator of a public establishment or sponsor of a public event who requests a person carrying a deadly weapon remove the weapon. The operator or sponsor must provide temporary and secure storage, readily accessible on entry and further allow for immediate retrieval on exit, in order for the person carrying the weapon to fall within the provisions of §13-3102, paragraph 10, relating to misconduct involving weapons. Permits the carrying of a deadly weapon in a case, holster, scabbard, pack or luggage that is carried in a map pocket of a means of transportation.</p> <p>Statutes affected: 13-3102; 13-3102.01</p>
<p>Chapter 337 HB 2554 Title 36</p>	<p align="center">SUBSTANCE ABUSE TREATMENT; METH INTERDICTION Rep. Anderson</p> <p>Establishes an Addiction Reduction and Recovery Fund to be administered by the Director of the Department of Health Services.</p> <p>The director will spend monies in the fund through RBHAs for rural detoxification programs including methamphetamine detoxification programs and related follow-up services and for substance abuse and prevention programs including methamphetamine abuse and addiction prevention programs. The RBHAs will make efforts to partner with community and faith based organizations for implementation. Includes appropriations.</p> <p>Statute affected: 36-2007</p>

Chapter 368
SB 1371
Titles 13, 41

**SEX OFFENDERS; GPS MONITORING;
APPROPRIATIONS
Sen. Waring**

GPS monitoring is required for persons convicted on or after November 1, 2006 of a dangerous crime against children and placed on probation, and for persons sentenced to ADC for a dangerous crime against children and released on or after June 21, 2006. Creates the offense of "Interfering with or aiding in the interference of a monitoring device by removal or bypass," a Class 4 felony. Appropriates \$750,000 to AOC and \$750,000 to ADC.

Establishes a thirteen member joint legislative study committee on GPS that includes, among others, two judges, two probation officers appointed by the Chief Justice, and a representative of the AOC with probation experience.

Statutes affected: 13-902; 13-3725; 41-1604.08

Chapter 369
SB 1376
Titles 12, 13, 41

**CAPITAL CASE LITIGATION; PUBLIC DEFENDER
Sen. Huppenthal**

Establishes a state capital post-conviction public defender office effective February 2007.

Allocates monies from the Public Defenders Training Fund to the office based upon the number of felony cases assigned the previous year.

Specifies appointment, qualifications and duties of employees of the office. Establishes the Nomination, Retention and Standards Commission on Indigent Defense and specifies requirements for members of the Commission. Limits the public defender from employing more than three deputies and more than four other employees.

Effective January 1, 2007, court appointed counsel for capital defendants in post-conviction proceedings must be from the capital post-conviction public defender's office unless a conflict exists or the court makes a finding that the office cannot represent the defendant. Any non-public defender appointees must be in good standing of the state bar for at least five years, have practiced state criminal appeal or post-conviction proceedings for at least three years and have never represented the defendant in question unless the defendant and counsel expressly request continued representation. Employees of the office are prohibited from lobbying against capital punishment at the state legislature or U.S. Congress during working hours. For every person represented the state capital post-conviction public defender's office must request reimbursement from the county in which the person was convicted for costs incurred not to exceed \$30,000.

Appropriates \$220,000 for fiscal year 2006-2007.

Statutes affected: 12-116; 12-117; 13-4041; 13-4234; 41-3011.11; 41-4251; 41-4252

Chapter 380
HB 2580
Title 13

ILLEGAL ALIENS; INCARCERATION; BAIL
Rep. Pearce, et al

Adds a Class 2 felony for smuggling a minor not accompanied by a family member over the age of 18. Requires an arresting agency to determine the person's country of citizenship and must notify the country of the person's detention if the person does not waive notification or if the country requires notification. The failure or inability of a law enforcement agency to provide notice does not affect the admissibility of any statements, a voluntary guilty plea, the validity of a conviction, or afford a defendant any rights in a proceeding related to deportation, exclusion or denial of naturalization.

Prohibits bail for a serious felony if the defendant is in the United States illegally. Allows a judicial officer to take into account whether the accused is in the United States illegally and if the person's residence is in this state, another state or outside of the United States in determining method of release or bail amount.

Statutes affected: 13-2319; 13-3906; 13-3961; 13-3967



Family Law

<p>Chapter 9 HB 2125 Title 41</p>	<p style="text-align: center;">FOSTER CARE REVIEW BOARD; CONTINUATION Rep. Chase, Rep. Herschberger</p> <p>Extends the Arizona Foster Care Review Board to July 1, 2016. Retroactive to July 1, 2006.</p> <p>Statutes affected: 41-3006.12; 41-3016.01</p>
<p>Chapter 20 HB 2106 Title 36</p>	<p style="text-align: center;">CERTIFICATES OF FOREIGN BIRTH Rep. Quelland</p> <p>Requires the State Registrar to create and register a certificate of foreign birth for adopted persons who meet the requirements set forth in statute.</p> <p>Prior to the creation and registration of a certificate of foreign birth, a state court, adoptive parent or adult adopted person must submit an adoption decree or other official document finalizing the adoption from the country of the adopted person's birth that has been translated into English and a copy of the passport page showing the IR-3 stamp. The parent of an adopted child who has been issued an IR-3 visa must provide the registrar with either an original state of Arizona certificate of adoption issued by an Arizona court or a certified court order of adoption issued by an Arizona court along with either a birth certificate from the country of origin or any other written documentation that establishes the date and place of the adopted person's birth. All documents must be translated into English.</p> <p>If the adopted person does not have an IR-3 stamped passport, an adoptive parent or an adult adopted person must submit one of the aforementioned documents or, if the person was not adopted in this state, a court order issued in this state that recognizes the adoption. A certificate of foreign birth is not evidence of US citizenship.</p> <p>Emergency clause: effective date of March 29, 2006</p> <p>Statute affected: 36-338</p>

<p>Chapter 58 SB 1415 Title 8</p>	<p style="text-align: center;">ADOPTION; TERMINATION OF PARENTAL RIGHTS Sen. Johnson</p> <p>After proper notice to a potential father of a child who is eligible for adoption, the potential father has 30 days to file a paternity action and comply with applicable service requirements. Failure to do so results in a waiver of his right to be notified of any judicial hearing regarding the child's adoption or the termination of parental rights; further, his consent to the adoption or termination is no longer required.</p> <p>Statutes affected: 8-106; 8-535</p>
<p>Chapter 110 HB 2342 Title 25</p>	<p style="text-align: center;">CHILD SUPPORT; SELF-EMPLOYED PARENT Rep. McComish, et al</p> <p>Authorizes the court to determine the portion of the cost each parent must pay a federally authorized tax practitioner assisting with the determination of child support obligations when a parent is self-employed (the cost was previously shared).</p> <p>Statute affected: 25-320.02</p>

<p>Chapter 164 SB 1303 Title 12</p>	<p style="text-align: center;">CHANGE OF NAME; APPLICATION; VENUE Sen. Huppenthal</p> <p>A person who files an application for a name change must include a statement, made under penalty of perjury, stating the following: the person has not been convicted of a felony; whether any of certain enumerated charges involving false statements or misrepresenting the person's identity are pending; the person is not knowingly changing the name to that of another for the purposes of committing certain enumerated offenses or any offense involving false statements; the person acknowledges that the change of name will not release the person from any obligations incurred under their original name. The court must consider the above criteria in determining whether to enter judgment that the adopted name of the party be substituted for the original name. The court may set aside a name change if the person is convicted of certain enumerated offenses.</p> <p>Statute affected: 12-601</p>
<p>Chapter 180 HB 2292 Title 25</p>	<p style="text-align: center;">CHILD SUPPORT; COURT ORDERS Rep. Herschberger</p> <p>If a court order does not specify the date when current support begins, the support obligation begins on the first day of the month that follows the entry of the orders. In calculating child support arrearages not reduced to a final written money judgment, interest accrues at the annual rate of 10% beginning at the end of the month following the month in which the support payment is due. Past support that is reduced to final written money judgment accrues interest at the annual rate of 10% beginning on the entry of the judgment. Direct payments or equitable credits are applied to support arrearages as directed in the court order. Any written agreement between parties regarding support arrearages must be made only by written affidavit signed by both parties. An arrearage calculator may be developed by a government agency using an automated transfer of data from the child support registry.</p> <p>Statutes affected: 25-503; 25-510</p>

Chapter 204
HB 2094
Title 8

**DEPENDENCY HEARINGS; PRIVATE SERVICE
PROVIDER**

Rep. Herschberger

In a juvenile action, if the court makes a finding that a parent or child has the right to receive services from an agency or private service provider (defined), after giving notice and an opportunity to be heard, the court may order the agency or private service provider to appear and discuss the child or parent's service plan. If the child or parent is eligible to receive behavioral health services with Title XIX or XXI monies, the court may order only those services that an agency or service provider determines medically necessary. An agency or service provider may meet with the parent or child's representative prior to the hearing to coordinate services.

Statute affected: 8-248

Chapter 209
HB 2488
Title 25

**CHILD SUPPORT ENFORCEMENT; PERFORMANCE
AUDIT**

Rep. Burges

A presumptive father may petition the court to terminate a child support order and the court must order the petitioner, each child and the child's mother to submit to genetic testing. If the petitioner is not the child's biological father, the determination of paternity must be vacated and the child support obligation terminated. The court may also terminate an order for child support if the paternity was established by fraud, duress or material mistake of fact. The order is prospective and does not alter the obligation to pay child support arrearages or any other amount previously ordered by the court, unless ordered otherwise. Obligations are in effect until the court rules in favor of the petitioner. The court may order, if in the child's best interests, the biological father to pay restitution to a petitioner for any child support paid before the court ruled in favor of the petitioner.

Eliminates the three year expiration date following emancipation of the last child for unpaid child support judgments that are not reduced to a written money judgment. If the attempt to collect the debt occurred more than ten years after the emancipation of the youngest child, the child support obligor may assert that there was an unreasonable delay in attempting to collect the debt. The obligor has the burden of proving an unreasonable delay and the court, should such a delay be found, may determine that some or all of the debt is no longer collectible after the date of the finding.

Any judgment for support is exempt from renewal and is enforceable until paid in full.

Statutes affected: 25-503; 25-809

Chapter 246
SB 1087
Titles 25, 42

SPOUSAL MAINTENANCE; TAX REFUND; SETOFF
Sen. Brotherton, Sen. Johnson

The Clerk of the Court may assist a person with the collection of spousal maintenance including intercepting a taxpayer's state income tax refund for collection purposes. In the statutes dealing with setoff of debts to state agencies 'debt' now includes monies owed by a taxpayer to the clerk of the court.

Statutes affected: 25-551; 42-1122

Chapter 247
SB 1119
Title 8

CHILDREN; FOSTER CARE PLACEMENT
Sen. Garcia, et al

Enacts an order of placement preference for children placed in a foster home, as enumerated in statute. A child should also be placed in the least restrictive type of placement, consistent with the needs of the child. Identifies a separate priority for placement of Native American children. If a placement does not include the child being placed with a grandparent or other member of the child's extended family including a person who has a significant relationship with the child, the social study report to the court must provide information as to whether it is in the best interest of the child to be placed with such person. If the court finds that placement with such person is not in the child's best interests, the court will make specific written findings supporting its decision.

At the preliminary protective hearing, the court must review evidence that DES is attempting to identify and place the child with a grandparent or other member of the child's extended family, including a person who has a significant relationship with the child. If a child is removed from the home and is not placed with such a person within sixty days of the child being removed from the home, the court will make a determination as to why such placement is not in the child's best interests. The petitioner has the burden of presenting evidence at the first court hearing after that determination that such a placement is not in the child's best interest.

At a disposition hearing, the court may enter orders awarding the child to a grandparent or another member of the child's extended family including a person who has a significant relationship with the child, unless the court has determined such placement is not in the child's best interests.

Statutes affected: 8-514; 8-536; 8-538; 8-824; 8-829; 8-845

Chapter 364
SB 1267
Title 25

INTEGRATED FAMILY COURT; PILOT PROGRAMS
Sen. Johnson

Requires implementation of the two year Integrated Family Court pilot program that was recommended by the Domestic Relations Committee. The Supreme Court will implement the program in one county with a population of 500,000 or less beginning on July 1, 2006 using an appropriation of \$850,000 dollars from the State general fund.

Statutes affected: 25-323.01; 25-323.02



Traffic

<p>Chapter 23 HB 2322 Title 28</p>	<p style="text-align: center;">DRIVING SCHOOLS; LIMITATION OF HOURS Rep. Allen</p> <p>Prohibits defensive driving school sessions from exceeding 4½ hours in duration.</p> <p>Statute affected: 28-3395</p>
<p>Chapter 84 SB 1166 Title 28</p>	<p style="text-align: center;">STOPPING VEHICLES ON HIGHWAYS Sen. Verschoor, et al</p> <p>Permits motor vehicles providing a public entity's public transportation (defined) to stop on a state highway or state route to allow passengers to enter or exit as long as certain enumerated safety conditions are met.</p> <p>Statute affected: 28-873</p>
<p>Chapter 205 HB 2345 Title 28</p>	<p style="text-align: center;">COMMERCIAL DRIVER LICENSES; MOTOR CARRIERS Rep. Jones</p> <p>Unless a court expressly directs otherwise and sets forth on record, commercial driver license disqualifications must run consecutively. Increases the minimum civil penalty to \$1,100 and not more than \$2,750 on a driver who violates or fails to comply with an out-of-service order. Increases the civil penalty to a minimum of \$2,750 and not more than \$11,000 on a motor carrier who violates an out-of-service order or who requires or permits a driver to violate or fail to comply with such an order. Imposes a civil penalty of not more than \$10,000 on a motor carrier who knowingly requires or allows a driver to violate any federal, state or local railroad crossing law, ordinance or regulation. The motor carrier is also subject to disqualification.</p> <p>Statutes affected: 28-3001; 28-3103; 28-3153; 28-3222; 28-3312; 28-5241; 28-5243; 28-5474; 28-6547</p>

Chapter 271
SB 1275
Titles 5, 28

**IGNITION INTERLOCK INSTALLERS; MANUFACTURERS;
CERTIFICATION
Sen. Gray, L.**

The results of a breath test administered are admissible as evidence in any trial, action, or proceeding in a boating DUI case if:

- the breath testing device was approved by DPS as well as DHS
- the operator who conducted the test possessed a valid permit issued by DHS or DPS
- an operational check list was followed
- the device was in proper operating condition

DPS may establish rules for preliminary breath testing devices.

In DUI and OUI cases calibration checks bracketing each person's duplicate breath test are included in the description of 'records of periodic maintenance' that show a device was in proper operating condition. The admissibility of the results of a breath test will not be affected by any inability to obtain manufacturer's instrument schematics and software details for a quantitative breath testing device.

Changes made to the definition of 'installer' and 'manufacturer' in the ignition interlock provisions.

Emergency clause: effective date of May 11, 2006

Statutes affected: 5-395.02; 5-395.04; 28-1301; 28-1304; 28-1323; 28-1465; 28-1466; 28-1467

Chapter 276
HB 2389
Title 28

SIGNS; COVERING; SCHOOL BUS
Rep. Pierce, Rep. Jones

Adds a violation of §28-857, "Overtaking and passing a school bus" to the provisions of §28-672, "Accidents and moving violations; serious physical injury; death." However, it is an open question as to whether a violation of §28-672, based upon the predicate offense of §28-857 is a civil or criminal violation, whereas all other violations of §28-672 are reclassified as a Class 3 misdemeanor (Chapter 297). Chapter 276 can not be blended with Chapter 297.

Reclassifies §28-857, "Overtaking and passing a school bus" from a Class 3 misdemeanor to a civil traffic violation and sets forth the following penalties:

- \$250 for a first violation
- \$750 for a second violation within 36 months and suspension of the person's driver license for up to 6 months.
- \$1,000 for a third or subsequent violation within 36 months and suspension of the person's driver license for a minimum of 6 months but not more than one year

Limits the ability to cover markings indicating that the vehicle is a school bus under certain conditions as enumerated in statute.

Statutes affected: 28-672; 28-857; 28-930

Chapter 286
HB 2615
Title 28

**SCHOOL CROSSINGS; TRAFFIC VIOLATIONS;
ASSESSMENT
Rep. Nelson**

An individual found responsible for a violation of §28-797 is subject to a civil penalty as well as an additional assessment equal to the amount of the civil penalty. The additional assessment is not subject to any surcharges but the court must collect both monies simultaneously, must treat any failure to pay the additional assessment as failure to pay the civil penalty and may take action against the person's driver license, permit or privilege to drive. Justice and superior courts are required to transmit monies collected from the additional assessment to the county treasurer while municipal courts must transmit monies to the city treasurer for deposit into a fund established to pay the cost of enforcing the school crossing statute.

Statute affected: 28-797

<p>Chapter 296 SB 1242 Title 28</p>	<p style="text-align: center;">TRAFFIC TICKET ENFORCEMENT ASSISTANCE PROGRAM Sen. Huppenthal</p> <p>Permits the court to request MVD to withhold the renewal on all registered owner's registration of a vehicle if at least one owner has failed to pay any outstanding fees, court costs, assessments and penalty enhancements, in addition to any fines, penalties and surcharges covered by current law. Two attempts at notification must be given by first-class mail to all persons listed on the title that the court is sending notice to MVD to hold renewal of the person's vehicle. Removes the \$200 threshold in order to trigger TTEAP.</p> <p>A co-owner of the vehicle subject to TTEAP, who did not receive any of the citations that resulted in the request to hold the registration, may file a sworn petition in any court where the citation(s) was issued to waive the request to MVD requiring the withholding of a registration renewal. If the person does not live in the jurisdiction of the court in which the citation(s) was filed, the person can appear telephonically if oral argument is required.</p> <p>Statutes affected: 28-1630; 28-1631; 28-1632; 28-1633; 28-1635; 28-1636</p>
<p>Chapter 312 SB 1274 Title 28</p>	<p style="text-align: center;">IGNITION INTERLOCK DEVICES Sen. Gray, L.</p> <p>Expands Aggravated DUI to include a person who is subject to an ignition interlock device requirement and does one of the following:</p> <ul style="list-style-type: none"> • Refuses to submit to a law enforcement officers request for a BAC test (Class 6 Felony) • Commits a DUI offense (Class 4 Felony) <p>Makes technical corrections to the Aggravated DUI statute.</p> <p>Statutes affected: 28-1383; 28-1385; 28-1387; 28-1402; 28-3319</p>

Chapter 395
SB 1560
Title 28

DUI PENALTIES
Sen. Waring

Increases the period in which a prior DUI conviction was committed in order to be alleageable as a prior conviction from 60 to 84 months. Individuals refusing to submit to and complete tests under implied consent law more than once in an 84 month period (increased from 60 months) will have driving privileges suspended or denied for two years. Increases the period in which a prior DUI conviction was committed in order to preclude an admin *per se* restricted license from 60 to 84 months. MVD is required to revoke a driver license upon a second conviction within 84 months of DUI, reckless driving or racing on the highway or any combination. Any person convicted of a second offense DUI or Extreme DUI must be ordered by the court to complete 30 hours of community restitution.

Makes technical changes to the Aggravated DUI statute.

Statues Affected: 28-673; 28-1321; 28-1381; 28-1382; 28-1383; 28-1385; 28-1387; 28-3304; 28-3319



Bills that Failed to Pass

<p>HB 2392</p>	<p style="text-align: center;">HOME PROTECTION; SELF-DEFENSE S/E: PRACTICE OF LAW Rep. Pearce</p> <p>Establishes two types of methods a person can practice law without attending or graduating a law school: legal apprenticeship and probationary membership. A person can be granted admittance to the State Bar if the person is approved by the committee on character and fitness, has completed a legal apprenticeship period or a probationary membership period, has completed a class in legal ethics and has passed the bar exam. Sets forth the requirements for a legal apprenticeship. Sets forth the manners under which a legal apprentice must study law. Alternatively the bill sets up a probation membership period. Requirements for admittance as a probationary member are similar to that of a legal apprenticeship.</p> <p><i>This bill failed in the Senate Judiciary Committee 3-5.</i></p>
<p>HCR 2010</p>	<p style="text-align: center;">JUSTICE COURTS; JURISDICTION Rep. Gray, C.</p> <p>Amends the Constitution to allow the 2006 general election ballot to carry the question of amending Article 6, Section 32 to remove the \$10,000 cap on civil matters brought before JP courts. New language requires the Legislature to increase or decrease the justice courts jurisdiction by statute with a two-thirds majority in both houses.</p> <p><i>This bill passed the Senate Committee of the Whole but failed to receive a third reading.</i></p>

<p>HCR 2011</p>	<p style="text-align: center;">SUPREME COURT; JURISDICTIONAL LIMITS Rep. Gray, C.</p> <p>Amends the Constitution to allow the 2006 general election ballot to carry the question of amending Article 6, Section 5 to add language that states the Supreme Court shall not "infringe on the authority of the Legislature or the people to enact otherwise constitutional substantive, procedural and evidentiary laws."</p> <p><i>This bill was held in the House Rules Committee.</i></p>
<p>HCR 2012</p>	<p style="text-align: center;">ELECTION; PRESIDING SUPERIOR COURT JUDGES Rep. Gray, C.</p> <p>Amends the Constitution to allow the 2006 general election ballot to carry the question of amending Article 6, Section 11 to say that the presiding superior court judge in each county be selected by the superior court judges and in a manner determined by the Legislature rather than be appointed by the Supreme Court. Additionally, administrative supervision of the presiding judge is limited to the superior court.</p> <p><i>This bill never received a hearing.</i></p>
<p>HCR 2015</p>	<p style="text-align: center;">JUDGES; MERIT SELECTION, POPULATIONS Rep. Rios</p> <p>Amends the Constitution to allow the 2006 general election ballot to carry the question of amending various sections of Article 6 to change the population threshold for direct election of superior court judges to counties with a population of less than 600,000.</p> <p><i>This bill never received a hearing in Senate Committee of the Whole as it was stricken from the consent calendar.</i></p>

<p>HCR 2016</p>	<p align="center">JUSTICES AND JUDGES; GOVERNOR APPOINTMENT Rep. Gray</p> <p>Amends the Constitution to allow the 2006 general election ballot to carry the question of whether to amend various sections in Article 6 to require senate confirmation of appellate and supreme court justices and superior court judges in counties with a population of more than 250,000. All justices and judges subject to Senate confirmation must be reconfirmed by the Senate every four years.</p> <p><i>This bill never received a hearing.</i></p>
<p>HCR 2019</p>	<p align="center">SINGLE SUBJECT; INITIATIVE; COURT REVIEW Rep. Knaperek</p> <p>Amends the Constitution to allow a mechanism for the Supreme Court to issue a decision as to whether a proposed initiative complies with the separate amendment requirement.</p> <p><i>This bill passed the Senate Judiciary Committee but was held in the Senate Rules Committee.</i></p>
<p>HCR 2020</p>	<p align="center">SEPARATION OF POWERS; JUDICIAL LAWMAKING Rep. Pearce</p> <p>Amends the Constitution to prohibit the Courts' from establishing rules of law retroactively, including rules of law arising before a claim is filed.</p> <p><i>This bill passed the Senate Judiciary Committee but was held in the Senate Rules Committee.</i></p>

<p style="text-align: center;">SB 1342</p>	<p style="text-align: center;">ORDERS OF PROTECTION; SERVICE Sen. Huppenthal</p> <p>Currently an order of protection issued by a municipal court can be served by a city police agency, an order issued by a justice court can be served by a sheriff or constable and orders from the superior court can be served by the sheriff. Adds that any law enforcement agency where a defendant is located may serve an order of protection. Additionally, if the court finds that it is in the best interest of justice and public safety, the court may require a municipal police agency, county sheriff or constable in the jurisdiction where the defendant is located to serve the order of protection.</p> <p><i>This bill never received a hearing.</i></p>
<p style="text-align: center;">SB 1430</p>	<p style="text-align: center;">CHILDREN; CPS Sen. Johnson</p> <p>Requires CPS to inform person under investigation of certain enumerated rights. The CPS worker must make all reasonable efforts to provide these rights and receive written confirmation of doing so before a child can be removed from the home. Changes the makeup of the review team by removing one DES member. At least one FCRB member must be present at a review team meeting. If two members of the FCRB are not available, the review team must consult an employee of the family advocacy office established in section 8-902. Establishes an 11 member Family Advocacy Council (FAC) and FAC Office to serve as a resource to families as well as advocate on the parent's behalf.</p> <p><i>Failed third reading in the House twice after being brought back on reconsideration.</i></p>

<p>SCR 1013</p>	<p style="text-align: center;">JUSTICES AND JUDGES; RETIREMENT AGE Sen. Huppenthal</p> <p>Amends the Constitution to change the age that a superior court judge must retire from seventy to seventy-five years.</p> <p><i>This bill passed the Senate and was transmitted to the House where it was used as a striker for clean elections.</i></p>
<p>SCR 1026</p>	<p style="text-align: center;">SINGLE SUBJECT; COURT REVIEW Sen. Martin</p> <p>The 2006 general election ballot is to carry the question of whether to amend Article 21 of the constitution to state that before filing of an initiative petition with the Secretary of State that proposes an amendment to the Constitution proponents may submit the petition to the Supreme Court for a determination of whether the petition contains a single subject.</p> <p><i>This bill never received a hearing.</i></p>
<p>SCR 1028</p>	<p style="text-align: center;">ARIZONA AVIATION MAINTENANCE TECHNICIAN DAY S/E JUDICIAL VACANCIES AND APPOINTMENTS; SENATE CONFIRMATION SEN. MARTIN</p> <p>Requires Senate confirmation of all appellate court judge nominees appointed by the Governor. If the Senate does not act to confirm the nominee is deemed confirmed. Each appellate court judge who is confirmed by the Senate must be reconfirmed every four years. An appellate court judge who is currently holding office is also subject to Senate confirmation and must file a declaration to be retained in office. If a nominee is not confirmed by the Senate the governor may appoint any person of her choosing to the position, subject to Senate confirmation.</p> <p><i>This bill passed the Senate and was transmitted to the House. It was ultimately held in House Appropriations B Committee following some discussion.</i></p>



Vetoed Bills

<p>HB 2004 1/18/06</p>	<p style="text-align: center;">SCHOOL TUITION ORGANIZATIONS; TAX CREDIT Rep. Tully, et al</p> <p>HB 2004 would have established a corporate income tax credit for contributions by a corporation to a Student Tuition Organization.</p> <p>GOVERNOR'S VETO MESSAGE indicated it was premature to consider budget-related legislation at a time when a comprehensive budget agreement had not yet been made.</p>
<p>HB 2005 1/18/06</p>	<p style="text-align: center;">FEDERAL MONIES; DEPOSIT Rep. Tully, et al</p> <p>HB 2005 would have directed any unrestricted federal monies received through June 30, 2006 for deposit in the state General Fund for the payment of essential government services.</p> <p>GOVERNOR'S VETO MESSAGE indicated the bill dealt with issues addressed in four previous vetoed bills dealing with the subject of state legislative efforts to appropriate federal monies.</p>
<p>HB 2006 1/18/06</p>	<p style="text-align: center;">APPROPRIATION; BUDGET STABILIZATION FUND Rep. Tully, et al</p> <p>HB 2006 would have appropriated \$313,836,000 from the State General Fund to the Budget Stabilization Fund in FY 2006.</p> <p>GOVERNOR'S VETO MESSAGE indicated it was premature to consider budget-related legislation at a time when a comprehensive budget agreement had not yet been reached.</p>

<p>HB 2102 4/26/06</p>	<p style="text-align: center;">SPECIAL AUDIT; OAG; SOLE SOURCE Rep. McClure</p> <p>HB 2102 would have required the Auditor General to review ADOA's selection of an exclusive vendor for the state office supplies contract per the Joint Legislative Audit Committee.</p> <p>GOVERNORS VETO LETTER indicated that such a review had already been satisfactorily conducted by her Efficiency Review Steering Committee and ADOA.</p>
<p>HB 2118 4/25/06</p>	<p style="text-align: center;">CHARTER SCHOOLS; FINGERPRINTING; PENALTIES Rep. Anderson</p> <p>HB 2118 would have subjected charter schools to civil penalties for failure to comply with specified statutory fingerprinting requirements. Would have required the Department of Public Safety to issue a permanent fingerprint clearance card to a teacher employed by a school district or charter school on the teacher's second renewal of the card if certain criteria were met.</p> <p>GOVERNOR'S VETO MESSAGE indicated there was concern about a permanent fingerprint clearance card that could prevent DPS from discovering important information on felonies that could have been committed by a teacher following the previous background check.</p>
<p>HB 2142 4/17/06</p>	<p style="text-align: center;">HUMAN EGGS; SALE; PROHIBITION Rep. Stump, et al</p> <p>HB 2142 would have classified the sale or purchase of or the offer to sell or purchase, a human oocyte for human somatic cell nuclear transfer as a Class 6 felony.</p> <p>GOVERNORS VETO MESSAGE indicated the bill represented an unwarranted intrusion into the medical decisions of women.</p>

<p>HB 2186 3/29/06</p>	<p style="text-align: center;">STATE ANNUAL FINANCIAL REPORT; FORMAT Rep. Biggs, et al</p> <p>HB 2186 would have required the director of the Arizona Department of Administration to submit the annual financial report to the Legislature. The report and any consolidated financial reports were to be itemized with federal funds separated from state funds.</p> <p>GOVERNORS VETO LETTER indicated the expense of altering the format of the annual report was unnecessary as the legislature already receives the information being sought in the bill.</p>
<p>HB 2191 4/17/06</p>	<p style="text-align: center;">COURT SETTLEMENTS; JLBC; ATTORNEY GENERAL Rep. Biggs</p> <p>HB 2191 would have required the Joint Legislative Budget Committee and the Attorney General to approve:</p> <ul style="list-style-type: none"> • settlements of claims over \$50,000 or a higher amount set by JLBC for which a monetary amount is not prescribed • claims settled by way of consent decree • any change in legislative funding formula that already exists in law <p>GOVERNOR'S VETO LETTER indicated the bill was an 'unwarranted encroachment by the legislature' into affairs statutorily authorized to the Attorney General and said it would inhibit the office's ability to settle cases in a timely and efficient manner.</p>

<p>HB 2254 4/11/06</p>	<p style="text-align: center;">ABORTION; FETAL PAIN Rep. Gorman</p> <p>HB 2254 would have required a doctor performing an abortion on a woman at least twenty weeks pregnant to inform the woman that the unborn child has the physical structures necessary to experience pain as well as other information.</p> <p>GOVERNOR'S VETO LETTER indicated that the legislature should not interfere with the doctor-patient relationship or attempt to substitute its judgment for professional advice given to a person by a physician.</p>
<p>HB 2315 5/2/06</p>	<p style="text-align: center;">BURDEN OF PROOF; EMERGENCY TREATMENT Rep. Barnes</p> <p>HB 2315 would have increased the burden of proof to 'clear and convincing evidence' in order to establish a malpractice action against health care professionals that provided services in compliance with the federal Emergency Medical Treatment and Active Labor Act.</p> <p>GOVERNOR'S VETO LETTER indicated that while there is a shortage of on-call specialists in emergency rooms, data has not proven that raising the burden of proof would address the various causes of the shortage.</p>

<p>HB 2373 4/21/06</p>	<p style="text-align: center;">SUPREME COURT OPINION; SINGLE SUBJECT Rep. Knaperek</p> <p>HB 2373 would have required the Arizona Supreme Court upon request of the petitioner to review any ballot initiative that obtains ten percent of the required signatures for a determination if the text complies with the separate amendment rule.</p> <p>GOVERNOR'S VETO LETTER indicated that the bill would have required the Court to issue an advisory opinion; further, the bill could not ensure that multiple points of view would be offered to the court on the subject(s) addressed by an initiative. The bill would also force the Supreme Court to review a significant number of petitions that would not qualify for the ballot for reasons other than the single subject rule.</p>
<p>HB 2381 5/15/06</p>	<p style="text-align: center;">DEVELOPMENT FEE; CAPITAL IMPROVEMENTS PLAN Rep. Paton, Sen. Bee</p> <p>HB 2381 would have made numerous changes to the assessment and collection of municipal development fees.</p> <p>GOVERNOR'S VETO LETTER indicated that the bill would put unnecessary restrictions on local municipalities and "hamper the ability of our cities and towns to manage their own growth."</p>

<p>HB 2478 4/11/06</p>	<p style="text-align: center;">WORKERS' COMPENSATION; VEHICLE LESSORS; SCOPE Rep. McComish, et al</p> <p>HB 2478 would have exempted businesses leasing a vehicle to a taxi or delivery vehicle driver from being liable for workers' compensation coverage or payment of premiums if, among other provisions, the business obtained a sole proprietorship waiver or contract agreement from the driver.</p> <p>GOVERNOR'S VETO LETTER indicated that by eliminating workman's compensation coverage, drivers may turn to AHCCCS for medical coverage. Concern was also expressed about a possible violation of Article XVIII, § 8 of the Arizona Constitution.</p>
<p>HB 2559 6/28/06</p>	<p style="text-align: center;">JUVENILE HEARINGS; JURY TRIALS Rep. Anderson, et al</p> <p>HB 2559 would have continued the jury trial option for termination of parental rights and prohibited the bringing of another TPR action after a court decision not to terminate the parent's rights, unless the action related to new information.</p> <p>GOVERNOR'S VETO LETTER indicated that it was unwise to repeal the sunset provisions of the jury trial option as there was little difference in terms of outcome between jury and bench trials; however, there were disruptions to the courts and unnecessary expenses related to the jury trials. Further, the message stated that the inability to bring an action related to previous information makes it unnecessarily difficult to re-file based solely on the passage of time, thereby forcing children to stay in foster care indefinitely.</p>

<p>HB 2575 6/28/06</p>	<p align="center">COUNTY SUPERVISORS; MEMBERSHIP; NUMBER Rep. Chase, et al</p> <p>HB 2575 would have reduced the population threshold for counties to elect a five-member board of supervisors to 165,000 persons, and required the applicable board of supervisors to begin the process of electing two additional members at the next presidential election.</p> <p>GOVERNOR'S VETO LETTER indicated the bill was 'neither timely, necessary nor cost effective' and could cost taxpayers in a county such as Pinal County almost \$1 million.</p>
<p>HB 2577 6/6/06</p>	<p align="center">IMMIGRATION LAW; EMPLOYMENT; ENFORCEMENT Rep. Pearce</p> <p>HB 2557 would have made numerous changes relating to immigration policy, including:</p> <ul style="list-style-type: none"> • the employment of unauthorized workers • trespassing by illegal aliens • prohibition against the award of punitive damages for violators of certain federal immigration laws • cooperation and assistance in enforcement of federal immigration laws by political subdivisions • expansion of the Gang Intelligence Team Enforcement Mission (GITEM) • the establishment of an Arizona Border Enforcement Security Team, Border Security Fund and Joint Legislative Committee on Immigration. <p>GOVERNOR'S VETO LETTER indicated the bill offered amnesty to employers, indemnified employers, violated the constitution, and was opposed by law enforcement and border officials.</p>

<p>HB 2650 4/28/06</p>	<p style="text-align: center;">APPROPRIATION OF FEDERAL MONIES Rep. Murphy</p> <p>HB 2650 would have provided the Legislature with appropriation authority over non-custodial federal monies.</p> <p>GOVERNOR'S VETO MESSAGE indicated there were a number of previously vetoed bills dealing with the subject of state legislative efforts to control federal monies.</p>
<p>HB 2666 4/17/06</p>	<p style="text-align: center;">ABORTION; PARENTAL CONSENT; NOTARIZED STATEMENT Rep. Nichols, et al</p> <p>HB 2666 would have required the written parental consent needed for a minor to receive an abortion to be notarized, with the exception of instances in which judicial authorization is ordered. The notarized parental consent statement would have been confidential.</p> <p>GOVERNOR'S VETO LETTER indicated that the requirement to procure a notary could prove difficult for individuals, particularly in smaller communities, and would force women to disclose private medical decisions to persons not bound by doctor-patient privilege.</p>
<p>HB 2675 6/6/06</p>	<p style="text-align: center;">SLUM CLEARANCE Rep. Gray, C.</p> <p>HB 2675 would have terminated all existing slum clearance and redevelopment areas 5 years after a municipality makes the designation unless substantial action had been taken to remove the slum conditions.</p> <p>GOVERNOR'S VETO LETTER indicated there is a lack of a consensus among major stakeholders in the issue and urged the sponsors to continue working on negotiations without restricting a city's ability to deal with slums and gangs.</p>

<p>HB 2701 3/9/06</p>	<p style="text-align: center;">NATIONAL GUARD MOBILIZATION; BORDER; APPROPRIATION Rep. Allen, J.</p> <p>HB 2701 would have required the Governor to call on the National Guard in the case of a declaration of a state of emergency resulting from increased unauthorized border crossing and appropriated \$5 million dollars to the cause.</p> <p>GOVERNOR'S VETO LETTER indicated the bill would limit any governor of this state's ability to determine the most cost-effective response to a border emergency, referencing the Arizona Constitution regarding the executive branch's authority over the military.</p>
<p>HB 2776 4/25/06</p>	<p style="text-align: center;">ABORTION; PARENTAL CONSENT Rep. Allen, J.</p> <p>HB 2776 would have required a pregnant minor to consult with a physician and prove by 'clear and convincing evidence' that she is mature and capable enough to give her informed consent if seeking a judicial by-pass in order to have an abortion.</p> <p>GOVERNOR'S VETO LETTER indicated that the 'basic evidentiary standards for judicial bypass of the parental consent requirement are already set forth in case law.' The bill would have imposed 'an unduly burdensome cost' on a pregnant minor.</p>

<p>HB 2875 6/21/06</p>	<p style="text-align: center;">SCHOOL FACILITIES BOARD; BUDGET RECONCILIATION Rep. Boone</p> <p>HB 2875 would have prohibited the School Facilities Board and school districts from entering into lease-to-own transactions, and would have retroactively amended the building renewal formula and retroactively appropriated \$86,283,500 to the Building Renewal Fund.</p> <p>GOVERNOR'S VETO LETTER indicated that there have been 5 previous vetoes of bills dealing with the proposed formula change.</p>
<p>SB 1040 6/13/06</p>	<p style="text-align: center;">SCHOOL DISTRICTS; MINOR BOUNDARY CHANGES Sen. Waring</p> <p>SB 1040 would have enabled school district boundaries to be changed more than once without a majority vote of the district's population. It also would have increased the maximum number of minor boundary adjustments allowed between adjacent school districts in order to continue to qualify for minor boundary adjustments and allow school districts to charge non-resident pupils tuition if two school districts have entered into a voluntary agreement for the payment of tuition for certain pupils.</p> <p>GOVERNOR'S VETO MESSAGE indicated the bill would enable a minority of residents in one school district to become part of another district without consent of a majority of residents in either district. It also stated that people who are dissatisfied with their school districts should work to improve their school districts or get voter approval before redrawing the district's lines.</p>

<p>SB 1071 6/28/06</p>	<p align="center">CORPORATE TUITION TAX CREDIT; ADMINISTRATION Sen. Martin</p> <p>SB 1071 would have made further changes to the new corporate tuition tax credit law. Specifically, it would have modified the pre-approval process for corporate tuition tax credits for contributions to school tuition organizations.</p> <p>GOVERNOR'S VETO MESSAGE indicated changes are not prudent at this time; the tuition tax credit legislation signed into law has not been in effect long enough to evaluate if changes are needed.</p>
<p>SB 1075 5/2/06</p>	<p align="center">ARBITRATION AGREEMENTS; VALIDITY Sen. Huppenthal, et al</p> <p>SB 1075 would have allowed arbitration to be used to resolve disputes between an employer and any employee. This bill would have repealed A.R.S. §12-1517 and made arbitration agreements between employers and employees subject to A.R.S. Title 12, Chapter 9, Article 1 dealing with arbitration agreements.</p> <p>GOVERNOR'S VETO MESSAGE indicated such legislation would unduly deprive employees of access to the courts to resolve employment disputes.</p>
<p>SB 1097 6/28/06</p>	<p align="center">HUMAN EGG DONOR; INFORMED CONSENT Sen. Johnson, et al</p> <p>SB 1097 would have required voluntary and informed consent for the harvest of a human oocyte from a donor. Classified violations of the informed consent requirement by medical and osteopathic physicians as unprofessional conduct.</p> <p>GOVERNOR'S VETO MESSAGE indicated health care providers are subject to existing professional and ethical obligations to give patients, including prospective egg donors, complete and accurate advice about this or any other medical procedure.</p>

<p>SB 1151 5/16/06</p>	<p style="text-align: center;">TAX CREDITS; WITHHOLDING TAX REDUCTIONS Sen. Martin, et al</p> <p>SB 1151 would have allowed an employee to elect a reduced income tax withholding by the amount of the tax credit for contributions to a school tuition organization, a public school in support of extracurricular fees, a character education program or a qualified charitable organization that provides assistance to the working poor.</p> <p>GOVERNOR'S VETO MESSAGE indicated employees already have the option to adjust their withholding percentages for any reason. Pressuring employers to reduce withholding tax amounts for specific contributions poses undue burdens on employers and their payroll service companies.</p>
<p>SB 1153 6/28/06</p>	<p style="text-align: center;">POSTSECONDARY INSTITUTIONS; RELIGIOUS ORGANIZATIONS; EQUALITY Sen. Gray, L., et al</p> <p>SB 1153 would have prohibited a public postsecondary institution from denying registration or recognition to a student organization that advocates its membership criteria based upon religious, political or philosophical beliefs.</p> <p>GOVERNOR'S VETO MESSAGE indicated students at public postsecondary institutions should not be prohibited from participating in the student organizations of their choice simply based on their religious or political beliefs. Such legislation would likely encounter unintended consequences.</p>

<p>SB 1157 4/17/06</p>	<p style="text-align: center;">TRESPASSING BY ILLEGAL ALIENS Sen. Leff, et al</p> <p>SB 1157 would have established the crime of trespassing by illegal aliens. Would have permitted a peace officer to question the immigration status of a person in certain situations. Provided the public employee and public entity qualified immunity for questioning immigration status.</p> <p>GOVERNOR'S VETO MESSAGE indicated she agrees with several components of the bill; however, she does not agree that all persons in the country illegally should be charge with criminal trespass. She disagreed with the premise that the risk of a misdemeanor trespass violation will deter illegal immigration. The message stated that Arizona's law enforcement efforts should not be diverted away from investigating and prosecuting violent felonies in order to pursue misdemeanor cases.</p>
<p>SB 1198 1/24/06</p>	<p style="text-align: center;">ELL; SEI MODELS; BUDGET REQUESTS Sen. Bennett, et al</p> <p>SB 1198 would have appropriated \$2.6 million in FY 2005-2006 and \$31.4 million in FY 2006-2007 from the state General Fund for English Language Learner (ELL) programs; created an eight-member Arizona English Language Learners Task Force to develop and adopt research based models of Structured English Immersion (SEI); required school districts and charter schools to submit budget requests for the newly created Arizona Structured English Immersion Fund and the Statewide Compensatory Instruction Fund (SCIF); established a new individual and corporate income tax credit for contributions made to student tuition organizations to provide scholarship and tuition grants to ELL pupils; contained a conditional enactment for the Group B weight increase in FY 2006-2007.</p> <p>GOVERNOR'S VETO MESSAGE indicated the state has a responsibility to educate English Language Learners. SB 1198 was so flawed the Governor stated she would call the Legislature into special session to further address the <i>Flores</i> case.</p>

<p>SB 1206 4/17/06</p>	<p style="text-align: center;">SCHOOLS; MAXIMUM PROPERTY TAX RATE Sen. Burns</p> <p>SB 1206 would have established a maximum primary property tax rate that school districts can impose.</p> <p>GOVERNOR'S VETO MESSAGE indicated SB 1206 is identical to HB 2143 which she also vetoed on April 22, 2005. The Governor's veto message of April 22, 2005 indicated that school district governing boards should have the ability to set their own budget priorities and be held accountable by voters whom elected them. Also, the Governor stated this legislation would effectively eliminate a school district's ability to better invest in education for their children.</p>
<p>SB 1217 4/25/06</p>	<p style="text-align: center;">PUBLIC HEALTH SERVICES DISTRICT Sen. Martin</p> <p>SB 1217 would have eliminated the ability of a county board of supervisors to establish a public health services district by unanimous vote of the board.</p> <p>GOVERNOR'S VETO MESSAGE indicated that counties have exercised their current authority responsibly. The governor stated that if county voters disagree with a unanimous vote of a County Board of Supervisors, they can either vote for new supervisors at the next regularly scheduled election or in some cases have the matter sent to the ballot through the referendum process.</p>

<p>SB 1290 6/28/06</p>	<p align="center">ELECTRIC GENERATION FACILITIES; TAX VALUATION Sen. Martin, et al</p> <p>SB 1290 would have changed the tax valuation tables for real and personal property used in operating electric generation facilities.</p> <p>GOVERNOR'S VETO MESSAGE indicated the Arizona Department of Revenue's valuation table has been developed as a result of careful and deliberate consideration of appropriate personal property depreciation for electric generation facilities, and our courts have upheld it as reasonable. This bill sets aside that table without considering either the Department's expertise in this area or our courts' rulings.</p>
<p>SB 1325 4/17/06</p>	<p align="center">PUBLIC FUNDS ABORTION; PROHIBITION Sen. Johnson, et al</p> <p>SB 1325 would have prohibited the expenditure of public funds to pay the costs associated with a health insurance plan that covers abortion-related services.</p> <p>GOVERNOR'S VETO MESSAGE indicated the bill prevents local governments from making their own decisions about the health care coverage they offer and for which most employees pay their own premiums. Also, the bill's narrow definition of the exception under which abortions could be paid for under a public health care plan is far too restrictive and appears to be in violation of the Arizona Supreme Court's holding in <i>Simat Corp. v. Arizona Health Care Cost Containment System</i>, 203 Ariz. 454, 460, 56 P.3d 28, 34 (2002).</p>

<p>SB 1356 5/2/06</p>	<p style="text-align: center;">HAZARDOUS AIR POLLUTANTS; DE MINIMIS Sen. Allen, C.</p> <p>SB 1356 would have required the Arizona Department of Environmental Quality (ADEQ) to establish by rule <i>de minimis</i> amounts for federally listed hazardous air pollutants according to specified criteria.</p> <p>GOVERNOR'S VETO MESSAGE indicated the bill is in opposition to the rule on Hazardous Air Pollutants recently promulgated by the Department of Environmental Quality ("ADEQ"). This bill could be construed to place significant new and unnecessary obstacles in the way of ADEQ's efforts to regulate toxic air pollutants. Such obstacles are not in the best interest of Arizona's children and families.</p>
<p>SB 1370 4/24/06</p>	<p style="text-align: center;">WRONGFUL TERMINATION; CAUSE OF ACTION Sen. Martin, et al</p> <p>SB 1370 would have designated when the cause of action for breach of an employment contract or damages for wrongful termination accrued.</p> <p>GOVERNOR'S VETO MESSAGE indicated the general rule in Arizona is that tort actions typically do not begin to accrue until the plaintiff discovers (or should discover through the exercise of reasonable diligence) the wrongful nature of the defendant's action. See <i>Taylor v. State Farm Mut. Auto. Ins. Co.</i>, 185 Ariz. 174, 177, 913 P.2d 1092, 1095 (Ariz. 1996). Employment termination law should be no different, and wrongfully terminated workers should be entitled to a one-year statute of limitations following the date they discovered (or reasonably should have discovered) the wrongful act.</p>

<p>SB 1425 4/26/06</p>	<p style="text-align: center;">EMERGENCY; CONFISCATION OF FIREARMS; PROHIBITION Sen. Martin, et al</p> <p>SB 1425 would have prohibited the emergency power of the Governor, Adjutant General or any other official from placing restrictions on firearms or ammunition during a state of emergency.</p> <p>THE GOVERNOR'S VETO MESSAGE indicated the bill addresses a problem that does not and never has existed in Arizona. The bill is predicated on an incident that occurred in New Orleans after Hurricane Katrina. Subsection (J) is much broader than the Katrina incident and would have serious consequences in Arizona.</p>
<p>SB 1432 6/28/06</p>	<p style="text-align: center;">WATER UTILITY SYSTEMS; VALUATION Sen. Martin, et al</p> <p>SB 1432 would have prescribed a maximum property valuation for water utility systems regulated by the Arizona Corporation Commission regardless of the number of parcels involved.</p> <p>THE GOVERNOR'S VETO MESSAGE indicated that among other things, this bill would have set a dangerous precedent by providing what amounts to a property tax exemption to for-profit businesses simply because there are other non-profit or public sector companies within the same industry that are exempt from property taxation.</p>

<p>SB 1455 6/28/06</p>	<p style="text-align: center;">CHARTER SCHOOLS; SPONSORSHIP Sen. Martin</p> <p>SB 1455 would have permitted a public university, college or community college to sponsor charter schools. Also, it would have allowed a charter school sponsor to impose a civil penalty on a charter school that does not comply with fingerprinting regulations.</p> <p>THE GOVERNOR'S VETO MESSAGE indicated this bill was vetoed for the same reasons why SB 1085 was vetoed on April 25, 2005. In that veto message the Governor stated SB 1085 did not improve state law on charter schools. Although it allowed for non-profit universities, colleges and community colleges to sponsor charters, it does not allow for them to participate in day-to-day administration; therefore, preventing their effectiveness. The Governor also stated that the bill fails to include ELL requirements.</p>
<p>SB 1477 5/2/06</p>	<p style="text-align: center;">PSYCHOTROPIC DRUGS; TESTING; INFORMED CONSENT Sen. Bee, et al</p> <p>SB1477 would have established informed consent requirements for the testing of psychotropic drugs or any other previously prescribed or administered psychotropic drug by state funded institutions or agencies.</p> <p>THE GOVERNOR'S VETO MESSAGE indicated this bill is not needed to safeguard patients because adequate and comprehensive procedures currently exist to protect participants in drug trials and ensure each participant provides informed consent.</p>

<p>SB 1479 4/17/06</p>	<p style="text-align: center;">LOCAL PLANNING; RESIDENTIAL HOUSING INCENTIVES Sen. Bee, et al</p> <p>SB 1479 would have prohibited a city, town or county from requiring that certain housing units, residential building lots or parcels be designated for sale to a specific class of purchasers.</p> <p>THE GOVERNOR'S VETO MESSAGE indicated the conversations called for last year among cities, builders, realtors and affordable housing advocates are on-going and have yet to result in a consensus for dealing with this issue on a statewide basis and in a manner that takes into account the best interest of all Arizonans. As a result, consideration of this bill remains premature.</p>
<p>SB 1543 6/28/06</p>	<p style="text-align: center;">PROPERTY TAX VALUATION; PIPELINES Sen. Martin, et al</p> <p>SB 1543 would have modified the statutory formula for determining the valuation of pipeline property, for purposes of property taxation.</p> <p>THE GOVERNOR'S VETO MESSAGE indicated the bill made a number of unwise changes in the law that would result in a tax shift from the pipeline companies to other taxpayers of over \$10 million annually. Also, the bill would have changed the allocation factor by eliminating certain costs from the numerator in the factor (Arizona Property Cost) while continuing to include the same costs in the denominator (Total System Property Cost).</p>