

FILED

**Jane Dee Hull
Secretary of State**

State of Arizona
Senate
Forty-second Legislature
Second Regular Session
1996

CHAPTER 82

SENATE BILL 1064

AN ACT

AMENDING SECTION 35-457, ARIZONA REVISED STATUTES; RELATING TO PUBLIC BONDS.

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

2 Section 1. Section 35-457, Arizona Revised Statutes, is amended to
3 read:

4 35-457. Sale of bonds; notice; bids; forfeiture of deposit

5 A. Any or all of the bonds may be sold by calling for bids at public
6 sale or bonds may be sold under an accelerated bidding process. If sold
7 under an accelerated bidding process, the bonds shall be sold at the lowest
8 cost the governing body deems then available after having received at least
9 three pricing quotations from recognized purchasers of bonds of the type
10 being sold. The bonds may be sold below, at or above par. If the bonds are
11 sold below par, the aggregate amount of discount plus interest to be paid on
12 the bonds must not exceed the amount of interest that would be payable on the
13 bonds over the maturity schedule prescribed by the governing body at the
14 maximum rate set out in the resolution calling the election at which the
15 bonds were voted. If sold by public sale before the sale of any bonds the
16 governing body or board shall at a meeting thereof enter upon its record an
17 order directing the sale of the bonds and the date and hour of the sale, and
18 cause a copy of the order to be published at least once a week for two
19 successive weeks in cities having a population of fifteen thousand or more
20 persons according to the most recent federal census, and once a week for four
21 successive weeks in all other political subdivisions before the sale in one
22 or more designated daily or weekly newspapers, together with a notice that

1 sealed proposals will be received for purchase of the bonds on the date and
2 hour named in the order.

3 B. If the bonds are sold by public sale, all sealed proposals shall
4 be received on the date and hour named in the order and the governing body
5 or board shall award the bonds to the highest and most responsible bidder.
6 All bids shall be accompanied by a ~~certified check~~ BID GUARANTEE for not less
7 than two per cent of the total par value of the bonds. THE BID GUARANTEE MAY
8 BE IN THE FORM OF A CERTIFIED CHECK OR A BOND ISSUED BY A SURETY COMPANY
9 LICENSED BY THE DEPARTMENT OF INSURANCE TO DO BUSINESS IN THIS STATE. The
10 governing body or board may reject any and all bids and return such ~~certified~~
11 ~~checks~~ BID GUARANTEES. If the successful bidder does not carry out the terms
12 of the proposal to purchase the bonds, the ~~certified check deposited by such~~
13 ~~bidder~~ BID GUARANTEE shall be ~~cash~~ and the amount thereof forfeited as
14 stipulated and liquidated damages.

15 C. Notwithstanding any other provision of this section, bonds may be
16 sold to natural persons residing in this state by negotiated sale on terms
17 the governing body deems to be the best then available and may bear interest
18 payable at such times as shall be determined by the governing body. Bonds
19 may be sold below, at or above par, provided that if the bonds are sold below
20 par, the aggregate amount of discount plus interest to be paid on the bonds
21 must not exceed the amount of interest that would be payable on the bonds
22 over the maturity schedule prescribed by the governing body at the maximum
23 rate set out in the resolution calling the election at which the bonds were
24 voted.

APPROVED BY THE GOVERNOR APRIL 3, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 1996

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**Jane Dee Hull
Secretary of State**

State of Arizona
House of Representatives
Forty-second Legislature
Second Regular Session
1996

CHAPTER 83

HOUSE BILL 2089

AN ACT

AMENDING SECTION 8-225, ARIZONA REVISED STATUTES; AMENDING SECTION 11-584, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1985, CHAPTER 78, SECTION 1; AMENDING SECTION 11-584, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1995, CHAPTER 250, SECTION 1; RELATING TO PUBLIC DEFENDERS.

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

2 Section 1. Section 8-225, Arizona Revised Statutes, is amended to
3 read:

4 8-225. Counsel right of child, parent or guardian; waiver;
5 appointment; reimbursement; guardian ad litem

6 A. In all proceedings conducted pursuant to this title and the rules
7 of procedure for the juvenile court, a child has the right to be represented
8 by counsel.

9 B. If a child, parent or guardian is found to be indigent, the
10 juvenile court shall appoint an attorney to represent such person or persons
11 unless counsel for the child is waived by both the child and the parent or
12 guardian.

13 C. Prior to any court appearance which may result in detention,
14 institutionalization or mental health hospitalization of a child, the court
15 shall appoint counsel for the child if counsel has not been retained by or
16 for the child, unless counsel is waived by both the child and a parent or
17 guardian with whom the child resides or resided prior to the filing of a
18 petition. The child, parent or guardian may withdraw the waiver of counsel
19 at any time.

1 D. Waiver of counsel pursuant to this section is subject to the
2 provisions of rule 6, subsection (c) of the rules of procedure for the
3 juvenile court.

4 E. If there appears to be a conflict of interest between a child and
5 ~~his~~ THE CHILD'S parent or guardian including a conflict of interest arising
6 from payment of the fee for appointed counsel under subsection G, the
7 juvenile court may appoint an attorney for the child in addition to ~~that~~ THE
8 ATTORNEY appointed for the parent or guardian or employed by the parent or
9 guardian.

10 F. The judge of the juvenile court may fix a reasonable sum to be paid
11 by the county for the services of an appointed attorney.

12 G. If the court finds that the parent or guardian of a child has
13 sufficient financial resources to reimburse, at least in part, the costs of
14 the services of an attorney appointed pursuant to this section, the court
15 shall order the parent or guardian to pay to the appointed attorney or the
16 county, through the clerk of the court, an amount that the parent or guardian
17 is able to pay without incurring substantial hardship to the family. Failure
18 to obey an order under this subsection is not grounds for contempt or grounds
19 for withdrawal by the appointed attorney. An order under this section may
20 be enforced in the manner of a civil judgment.

21 H. In a county where there is a public defender, the public defender
22 may act as attorney in EITHER:

23 1. A delinquency or incorrigibility proceeding when requested by the
24 juvenile court.

25 2. ANY OTHER JUVENILE PROCEEDING THAT IS CONDUCTED PURSUANT TO THIS
26 TITLE IF THE BOARD OF SUPERVISORS AUTHORIZES THE APPOINTMENT OF THE PUBLIC
27 DEFENDER.

28 I. In all juvenile court proceedings in which the dependency petition
29 includes an allegation that the child is abused or neglected, the court shall
30 appoint a guardian ad litem to protect the child's best interests. This
31 guardian may be an attorney or a court appointed special advocate.

32 Sec. 2. Section 11-584, Arizona Revised Statutes, as amended by Laws
33 1985, chapter 78, section 1, is amended to read:

34 11-584. Duties: reimbursement

35 A. The public defender shall perform the following duties:

36 1. Upon order of the court, defend, advise and counsel without
37 expense, subject to the provisions of subsection B, to the defendant any
38 person who is not financially able to employ counsel in the following
39 proceedings:

40 (a) Offenses triable in the superior, municipal or justice courts at
41 all stages of the proceedings, including the preliminary examination, but
42 only for those offenses which by law require that counsel be provided.

43 (b) Extradition hearings.

1 (c) Sanity hearings only when appointed by the court under ~~provisions~~
2 ~~of~~ title 36, chapter 5.

3 (d) Involuntary commitment hearings held pursuant to title 36, chapter
4 18, only if appointed by the court.

5 (e) Juvenile delinquency and incorrigibility proceedings only when
6 appointed by the court under ~~provisions of~~ section 8-225.

7 (f) Appeals to a higher court or courts.

8 (g) ALL JUVENILE PROCEEDINGS OTHER THAN DELINQUENCY AND
9 INCORRIGIBILITY PROCEEDINGS UNDER SUBDIVISION (e), INCLUDING SERVING AS A
10 GUARDIAN AD LITEM, WHEN APPOINTED BY THE COURT PURSUANT TO SECTION 8-225, IF
11 THE COURT APPOINTS THE PUBLIC DEFENDER AND THE BOARD OF SUPERVISORS HAS
12 ADVISED THE PRESIDING JUDGE OF THE COUNTY THAT THE PUBLIC DEFENDER IS
13 AUTHORIZED TO ACCEPT THE APPOINTMENT.

14 2. Keep a record of all services rendered by ~~him~~ THE PUBLIC DEFENDER
15 in that capacity and file with the board of supervisors an annual report of
16 those services.

17 B. Although the services of the public defender shall be without
18 expense to the defendant the sentencing court may, as a condition of
19 probation, require that the defendant repay to the county a reasonable amount
20 to reimburse the county for the cost of such defendant's defense. In
21 determining the amount and method of payment the court shall take into
22 account the financial resources of the defendant and the nature of the burden
23 that such payment will impose.

24 Sec. 3. Section 11-584, Arizona Revised Statutes, as amended by Laws
25 1995, chapter 250, section 1, is amended to read:

26 11-584. Duties; reimbursement

27 A. The public defender shall perform the following duties:

28 1. Upon order of the court, defend, advise and counsel without
29 expense, subject to the provisions of subsection B of this section, to the
30 defendant any person who is not financially able to employ counsel in the
31 following proceedings:

32 (a) Offenses triable in the superior, municipal or justice courts at
33 all stages of the proceedings, including the preliminary examination, but
34 only for those offenses which by law require that counsel be provided.

35 (b) Extradition hearings.

36 (c) Sanity hearings only when appointed by the court under ~~provisions~~
37 ~~of~~ title 36, chapter 5.

38 (d) Involuntary commitment hearings held pursuant to title 36, chapter
39 18, only if appointed by the court.

40 (e) Commitment hearings held pursuant to section 13-4518 only if
41 appointed by the court.

42 (f) Juvenile delinquency and incorrigibility proceedings only when
43 appointed by the court under ~~provisions of~~ section 8-225.

44 (g) Appeals to a higher court or courts.

1 (h) ALL JUVENILE PROCEEDINGS OTHER THAN DELINQUENCY AND
2 INCORRIGIBILITY PROCEEDINGS UNDER SUBDIVISION (f), INCLUDING SERVING AS A
3 GUARDIAN AD LITEM, WHEN APPOINTED BY THE COURT PURSUANT TO SECTION 8-225, IF
4 THE COURT APPOINTS THE PUBLIC DEFENDER AND THE BOARD OF SUPERVISORS HAS
5 ADVISED THE PRESIDING JUDGE OF THE COUNTY THAT THE PUBLIC DEFENDER IS
6 AUTHORIZED TO ACCEPT THE APPOINTMENT.

7 2. Keep a record of all services rendered by ~~him~~ THE PUBLIC DEFENDER
8 in that capacity and file with the board of supervisors an annual report of
9 those services.

10 B. Although the services of the public defender shall be without
11 expense to the defendant the sentencing court may, as a condition of
12 probation, require that the defendant repay to the county a reasonable amount
13 to reimburse the county for the cost of such defendant's defense. In
14 determining the amount and method of payment the court shall take into
15 account the financial resources of the defendant and the nature of the burden
16 that such payment will impose.

17 Sec. 4. Delayed effective date

18 Section 3 of this act is effective on October 1, 1996.

APPROVED BY THE GOVERNOR APRIL 3, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 1996