

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 23

SENATE BILL 1525

AN ACT

AMENDING SECTIONS 9-461.05, 9-461.06, 9-462.04, 11-806, 11-829, 15-2002, 15-2041, 28-8461, 28-8481, 28-8482, 28-8483, 28-8484, 32-2181, 32-2183, 32-2195 AND 32-2195.03, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2113; RELATING TO MILITARY AIRPORTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-461.05, Arizona Revised Statutes, is amended to
3 read:

4 9-461.05. General plans; authority; scope

5 A. Each planning agency shall prepare and the legislative body of
6 each municipality shall adopt a comprehensive, long-range general plan for
7 the development of the municipality. The planning agency shall coordinate
8 the production of its general plan with the creation of the state land
9 department conceptual land use plans under title 37, chapter 2, article 5.1
10 and shall cooperate with the state land department regarding integrating the
11 conceptual state land use plans into the municipality's general land use
12 plan. The general plan shall include provisions that identify changes or
13 modifications to the plan that constitute amendments and major amendments.
14 The plan shall be adopted and readopted in the manner prescribed by section
15 9-461.06.

16 B. The general plan shall be so prepared that all or individual
17 elements of it may be adopted by the legislative body and that it may be made
18 applicable to all or part of the territory of the municipality.

19 C. The general plan shall consist of a statement of community goals
20 and development policies. It shall include maps, any necessary diagrams and
21 text setting forth objectives, principles, standards and plan proposals. The
22 plan shall include the following elements:

23 1. A land use element that:

24 (a) Designates the proposed general distribution and location and
25 extent of such uses of the land for housing, business, industry, agriculture,
26 recreation, education, public buildings and grounds, open space and other
27 categories of public and private uses of land as may be appropriate to the
28 municipality.

29 (b) Includes a statement of the standards of population density and
30 building intensity recommended for the various land use categories covered
31 by the plan.

32 (c) Identifies specific programs and policies that the municipality
33 may use to promote infill or compact form development activity and locations
34 where those development patterns should be encouraged.

35 (d) Includes consideration of air quality and access to incident
36 solar energy for all general categories of land use.

37 (e) Includes policies that address maintaining a broad variety of
38 land uses including the range of uses existing in the municipality when the
39 plan is adopted, readopted or amended.

40 (f) FOR CITIES AND TOWNS WITH TERRITORY IN THE VICINITY OF A MILITARY
41 AIRPORT AS DEFINED IN SECTION 28-8461, INCLUDES CONSIDERATION OF MILITARY
42 AIRPORT OPERATIONS.

43 2. A circulation element consisting of the general location and
44 extent of existing and proposed freeways, arterial and collector streets,

1 bicycle routes and any other modes of transportation as may be appropriate,
2 all correlated with the land use element of the plan.

3 D. For cities and towns having a population of more than two thousand
4 five hundred persons but less than ten thousand persons and whose population
5 growth rate exceeded an average of two per cent per year for the ten year
6 period before the most recent United States decennial census and for cities
7 and towns having a population of ten thousand or more persons according to
8 the most recent United States decennial census, the general plan shall
9 include, and for other cities and towns the general plan may include:

10 1. An open space element that includes:

11 (a) A comprehensive inventory of open space areas, recreational
12 resources and designations of access points to open space areas and
13 resources.

14 (b) An analysis of forecasted needs, policies for managing and
15 protecting open space areas and resources and implementation strategies to
16 acquire additional open space areas and further establish recreational
17 resources.

18 (c) Policies and implementation strategies designed to promote a
19 regional system of integrated open space and recreational resources and a
20 consideration of any existing regional open space plans.

21 2. A growth area element, specifically identifying those areas, if
22 any, that are particularly suitable for planned multimodal transportation and
23 infrastructure expansion and improvements designed to support a planned
24 concentration of a variety of uses, such as residential, office, commercial,
25 tourism and industrial uses. This element shall include policies and
26 implementation strategies that are designed to:

27 (a) Make automobile, transit and other multimodal circulation more
28 efficient, make infrastructure expansion more economical and provide for a
29 rational pattern of land development.

30 (b) Conserve significant natural resources and open space areas in
31 the growth area and coordinate their location to similar areas outside the
32 growth area's boundaries.

33 (c) Promote the public and private construction of timely and
34 financially sound infrastructure expansion through the use of infrastructure
35 funding and financing planning that is coordinated with development activity.

36 3. An environmental planning element that contains analysis, policies
37 and strategies to address anticipated effects, if any, of plan elements on
38 air quality, water quality and natural resources associated with proposed
39 development under the general plan. The policies and strategies to be
40 developed under this element shall be designed to have community-wide
41 applicability and shall not require the production of an additional
42 environmental impact statement or similar analysis beyond the requirements
43 of state and federal law.

1 4. A cost of development element that identifies policies and
2 strategies that the municipality will use to require development to pay its
3 fair share toward the cost of additional public service needs generated by
4 new development, with appropriate exceptions when in the public interest.
5 This element shall include:

6 (a) A component that identifies various mechanisms that are allowed
7 by law and that can be used to fund and finance additional public services
8 necessary to serve the development, including bonding, special taxing
9 districts, development fees, in lieu fees, facility construction, dedications
10 and service privatization.

11 (b) A component that identifies policies to ensure that any
12 mechanisms that are adopted by the municipality under this element result in
13 a beneficial use to the development, bear a reasonable relationship to the
14 burden imposed on the municipality to provide additional necessary public
15 services to the development and otherwise are imposed according to law.

16 5. A water resources element that addresses:

17 (a) The currently available surface water, groundwater and effluent
18 supplies.

19 (b) An analysis of how the future growth projected in the general
20 plan will be adequately served by the legally and physically available water
21 supply or a plan to obtain additional necessary water supplies.

22 E. The general plan shall include for cities of fifty thousand
23 persons or more and may include for cities of less than fifty thousand
24 persons the following elements or any part or phase of the following
25 elements:

26 1. A conservation element for the conservation, development and
27 utilization of natural resources, including forests, soils, rivers and other
28 waters, harbors, fisheries, wildlife, minerals and other natural resources.
29 The conservation element may also cover:

30 (a) The reclamation of land.

31 (b) Flood control.

32 (c) Prevention and control of the pollution of streams and other
33 waters.

34 (d) Regulation of the use of land in stream channels and other areas
35 required for the accomplishment of the conservation plan.

36 (e) Prevention, control and correction of the erosion of soils,
37 beaches and shores.

38 (f) Protection of watersheds.

39 2. A recreation element showing a comprehensive system of areas and
40 public sites for recreation, including the following and, if practicable,
41 their locations and proposed development:

42 (a) Natural reservations.

43 (b) Parks.

44 (c) Parkways and scenic drives.

- 1 (d) Beaches.
- 2 (e) Playgrounds and playfields.
- 3 (f) Open space.
- 4 (g) Bicycle routes.
- 5 (h) Other recreation areas.

6 3. The circulation element provided for in subsection C, paragraph 2
7 shall also include for cities of fifty thousand persons or more and may
8 include for cities of less than fifty thousand persons recommendations
9 concerning parking facilities, building setback requirements and the
10 delineations of such systems on the land, a system of street naming and house
11 and building numbering and other matters as may be related to the improvement
12 of circulation of traffic. The circulation element may also include:

13 (a) A transportation element showing a comprehensive transportation
14 system, including locations of rights-of-way, terminals, viaducts and grade
15 separations. This element of the plan may also include port, harbor,
16 aviation and related facilities.

17 (b) A transit element showing a proposed system of rail or transit
18 lines or other mode of transportation as may be appropriate.

19 4. A public services and facilities element showing general plans for
20 police, fire, emergency services, sewage, refuse disposal, drainage, local
21 utilities, rights-of-way, easements and facilities for them.

22 5. A public buildings element showing locations of civic and
23 community centers, public schools, libraries, police and fire stations, and
24 other public buildings.

25 6. A housing element consisting of standards and programs for the
26 elimination of substandard dwelling conditions, for the improvement of
27 housing quality, variety and affordability and for provision of adequate
28 sites for housing. This element shall contain an identification and analysis
29 of existing and forecasted housing needs. This element shall be designed to
30 make equal provision for the housing needs of all segments of the community
31 regardless of race, color, creed or economic level.

32 7. A conservation, rehabilitation and redevelopment element
33 consisting of plans and programs for:

- 34 (a) The elimination of slums and blighted areas.
- 35 (b) Community redevelopment, including housing sites, business and
36 industrial sites and public building sites.
- 37 (c) Neighborhood preservation and revitalization.
- 38 (d) Other purposes authorized by law.

39 8. A safety element for the protection of the community from natural
40 and man-made hazards including features necessary for such protection as
41 evacuation routes, peak load water supply requirements, minimum road widths
42 according to function, clearances around structures and geologic hazard
43 mapping in areas of known geologic hazards.

1 4. The department of commerce or any other state agency that is
2 subsequently designated as the general planning agency for this state.

3 5. IF THE GENERAL PLAN OR A PORTION, ELEMENT OR AMENDMENT OF THE
4 GENERAL PLAN IS APPLICABLE TO TERRITORY IN THE VICINITY OF A MILITARY AIRPORT
5 AS DEFINED IN SECTION 28-8461, THE MILITARY AIRPORT.

6 ~~5.~~ 6. Any person or entity that requests in writing to receive a
7 review copy of the proposal.

8 D. If the municipality has a planning commission, the planning
9 commission shall hold at least one public hearing before approving a general
10 plan or any amendment to such plan. When the general plan or any major
11 amendment is being adopted, planning commissions in municipalities having
12 populations over twenty-five thousand PERSONS shall hold two or more public
13 hearings at different locations within the municipality to promote citizen
14 participation. Notice of the time and place of a hearing and availability
15 of studies and summaries related thereto TO THE HEARING shall be given at
16 least fifteen and not more than thirty calendar days before the hearing by:

17 1. Publication at least once in a newspaper of general circulation
18 published or circulated in the municipality, or if there is none, the notice
19 shall be posted in at least ten public places in the municipality.

20 2. Such other manner in addition to publication as the municipality
21 may deem necessary or desirable.

22 E. Action by the planning commission on the general plan or any
23 amendment to the plan shall be transmitted to the ~~legislative~~ GOVERNING body
24 of the municipality.

25 F. Before adopting the general plan, or any amendment to it, the
26 ~~municipal~~ legislative GOVERNING body shall hold at least one public hearing.
27 Notice of the time and place of the hearing shall be given in the time and
28 manner provided for the giving of notice of the hearing by the planning
29 commission as specified in subsection D of this section.

30 G. The adoption or readoption of the general plan or any amendment to
31 such plan shall be by resolution of the ~~legislative~~ GOVERNING body of the
32 municipality, after notice as provided for in subsection D of this section.
33 The adoption or readoption of or a major amendment to the general plan shall
34 be approved by affirmative vote of at least two-thirds of the members of the
35 ~~legislative~~ GOVERNING body of the municipality. All major amendments to the
36 general plan proposed for adoption by the governing body of a municipality
37 shall be presented at a single public hearing during the calendar year the
38 proposal is made. The general plan, or any amendment to the plan, shall be
39 endorsed in the manner provided by the ~~legislative~~ GOVERNING body to show
40 that it has been adopted by the ~~legislative~~ GOVERNING body. For purposes of
41 this subsection, "major amendment" means a substantial alteration of the
42 municipality's land use mixture or balance as established in the
43 municipality's existing general plan land use element. The municipality's
44 general plan shall define the criteria to determine if a proposed amendment

1 to the general plan effects a substantial alteration of the municipality's
2 land use mixture or balance as established in the municipality's existing
3 general plan land use element.

4 H. If the municipality does not have a planning commission, the only
5 procedural steps required for the adoption of the general plan, or any
6 amendment to such plan, shall be those provided in this article for action
7 by the legislative GOVERNING body.

8 I. A copy of the adopted general plan of a municipality shall be sent
9 to the planning agency of the county within which the municipality is
10 located, and such plan or any portion thereof OF THE PLAN may be adopted as
11 a part of the county general plan.

12 J. A general plan, with any amendments, is effective for up to ten
13 years from the date the plan was initially adopted and ratified pursuant to
14 subsection L of this section, or until the plan is readopted pursuant to this
15 subsection and ratified pursuant to subsection L of this section or a new
16 plan is adopted pursuant to this subsection and ratified pursuant to
17 subsection L of this section, and becomes effective. On or before the tenth
18 anniversary of the plan's most recent adoption, the legislative GOVERNING
19 body of the municipality shall either readopt the existing plan for an
20 additional term of up to ten years or shall adopt a new general plan as
21 provided by this article.

22 K. Except for general plans that are required to be submitted to the
23 voters for ratification pursuant to subsection L of this section, the
24 adoption or readoption of a general plan, and any amendment to a general
25 plan, shall not be enacted as an emergency measure and is subject to
26 referendum as provided by article IV, part 1, section 1, subsection (8),
27 Constitution of Arizona, and title 19, chapter 1, article 4.

28 L. The legislative GOVERNING body of a city or town having a
29 population of more than two thousand five hundred persons but less than ten
30 thousand persons and whose population growth rate exceeded an average of two
31 per cent per year for the ten year period before the most recent United
32 States decennial census, and any city or town having a population of ten
33 thousand or more persons, shall submit each new general plan adopted pursuant
34 to subsection J of this section to the voters for ratification at an election
35 held pursuant to section 16-204. The legislative GOVERNING body shall
36 include a general description of the plan and its elements in the municipal
37 election pamphlet and shall provide public copies of the plan in at least two
38 locations that are easily accessible to the public and may include posting
39 on a site on a worldwide public network of interconnected computers. If a
40 majority of the qualified electors voting on the proposition approves the new
41 plan, it shall become effective as provided by law. If a majority of the
42 qualified electors voting on the proposition fails to approve the new plan,
43 the current plan remains in effect until a new plan is approved by the voters
44 pursuant to this subsection. The legislative GOVERNING body may resubmit the

1 proposed new plan, or revise the new plan as provided by this section, for
2 subsequent submission to the voters.

3 M. In applying an open space element or a growth element of a general
4 plan a municipality shall not designate private land or state trust land as
5 open space, recreation, conservation or agriculture unless the municipality
6 receives the written consent of the landowner or provides an alternative,
7 economically viable designation in the general plan or zoning ordinance,
8 allowing at least one residential dwelling per acre. If the landowner is the
9 prevailing party in any action brought to enforce this subsection, a court
10 shall award fees and other expenses to the landowner.

11 Sec. 3. Section 9-462.04, Arizona Revised Statutes, is amended to
12 read:

13 9-462.04. Public hearing required

14 A. If the municipality has a planning commission or a hearing
15 officer, the planning commission or hearing officer shall hold a public
16 hearing on any zoning ordinance. Notice of the time and place of the hearing
17 including a general explanation of the matter to be considered and including
18 a general description of the area affected shall be given at least fifteen
19 days before the hearing in the following manner:

20 1. The notice shall be published at least once in a newspaper of
21 general circulation published or circulated in the municipality, or if there
22 is none, it shall be posted on the affected property in such a manner as to
23 be legible from the public right-of-way and in at least ten public places in
24 the municipality. A posted notice shall be printed so that the following are
25 visible from a distance of one hundred feet: the word "zoning", the present
26 zoning district classification, the proposed zoning district classification
27 and the date and time of the hearing.

28 2. In proceedings involving rezoning of land which abuts other
29 municipalities or unincorporated areas of the county or a combination
30 thereof, copies of the notice of public hearing shall be transmitted to the
31 planning agency of such governmental unit abutting such land. IN PROCEEDINGS
32 INVOLVING REZONING OF LAND THAT IS LOCATED WITHIN THE TERRITORY IN THE
33 VICINITY OF A MILITARY AIRPORT AS DEFINED IN SECTION 28-8461, THE
34 MUNICIPALITY SHALL SEND COPIES OF THE NOTICE OF PUBLIC HEARING BY FIRST CLASS
35 MAIL TO THE MILITARY AIRPORT. In addition to notice by publication, a
36 municipality may give notice of the hearing in such other manner as it may
37 deem necessary or desirable.

38 3. In proceedings that are not initiated by the property owner
39 involving rezoning of land which may change the zoning classification, notice
40 by first class mail shall be sent to each real property owner, as shown on
41 the last assessment of the property, of the area to be rezoned and all
42 property owners, as shown on the last assessment of the property, within
43 three hundred feet of the property to be rezoned.

1 4. In proceedings involving one or more of the following proposed
2 changes or related series of changes in the standards governing land uses,
3 notice shall be provided in the manner prescribed by paragraph 5:

4 (a) A ten per cent or more increase or decrease in the number of
5 square feet or units that may be developed.

6 (b) A ten per cent or more increase or reduction in the allowable
7 height of buildings.

8 (c) An increase or reduction in the allowable number of stories of
9 buildings.

10 (d) A ten per cent or more increase or decrease in setback or open
11 space requirements.

12 (e) An increase or reduction in permitted uses.

13 5. In proceedings governed by paragraph 4, the municipality shall
14 provide notice to real property owners pursuant to at least one of the
15 following notification procedures:

16 (a) Notice shall be sent by first class mail to each real property
17 owner, as shown on the last assessment, whose real property is directly
18 governed by the changes.

19 (b) If the municipality issues utility bills or other mass mailings
20 that periodically include notices or other informational or advertising
21 materials, the municipality shall include notice of such changes with such
22 utility bills or other mailings.

23 (c) The municipality shall publish such changes prior to the first
24 hearing on such changes in a newspaper of general circulation in the
25 municipality. The changes shall be published in a "display ad" covering not
26 less than one-eighth of a full page.

27 6. If notice is provided pursuant to paragraph 5, subdivision (b) or
28 (c), the municipality shall also send notice by first class mail to persons
29 who register their names and addresses with the municipality as being
30 interested in receiving such notice. The municipality may charge a fee not
31 to exceed five dollars per year for providing this service and may adopt
32 procedures to implement this paragraph.

33 7. Notwithstanding the notice requirements set forth in paragraph 4,
34 the failure of any person or entity to receive notice shall not constitute
35 grounds for any court to invalidate the actions of a municipality for which
36 the notice was given.

37 B. IF THE MATTER TO BE CONSIDERED APPLIES TO TERRITORY IN A HIGH
38 NOISE OR ACCIDENT POTENTIAL ZONE AS DEFINED IN SECTION 28-8461, THE NOTICE
39 PRESCRIBED IN SUBSECTION A OF THIS SECTION SHALL INCLUDE A GENERAL STATEMENT
40 THAT THE MATTER APPLIES TO PROPERTY LOCATED IN THE HIGH NOISE OR ACCIDENT
41 POTENTIAL ZONE.

42 C. After the hearing, the planning commission or hearing officer
43 shall render a decision in the form of a written recommendation to the
44 legislative GOVERNING body. The recommendation shall include the reasons for

1 the recommendation and be transmitted to the legislative GOVERNING body in
2 such form and manner as may be specified by the legislative GOVERNING body.

3 ~~C.~~ D. If the planning commission or hearing officer has held a
4 public hearing, the governing body may adopt the recommendations of the
5 planning commission or hearing officer without holding a second public
6 hearing if there is no objection, request for public hearing, or other
7 protest. The governing body shall hold a public hearing if requested by the
8 party aggrieved or any member of the public or of the governing body, or, in
9 any case, if no public hearing has been held by the planning commission or
10 hearing officer. IN MUNICIPALITIES WITH TERRITORY IN THE VICINITY OF A
11 MILITARY AIRPORT AS DEFINED IN SECTION 28-8461, THE GOVERNING BODY SHALL HOLD
12 A PUBLIC HEARING IF, AFTER NOTICE IS TRANSMITTED TO THE MILITARY AIRPORT
13 PURSUANT TO SUBSECTION A OF THIS SECTION AND BEFORE THE PUBLIC HEARING, THE
14 MILITARY AIRPORT PROVIDES COMMENTS OR ANALYSIS CONCERNING THE COMPATIBILITY
15 OF THE PROPOSED REZONING WITH THE HIGH NOISE OR ACCIDENT POTENTIAL GENERATED
16 BY MILITARY AIRPORT OPERATIONS THAT MAY HAVE AN ADVERSE IMPACT ON PUBLIC
17 HEALTH AND SAFETY, AND THE GOVERNING BODY SHALL CONSIDER AND ANALYZE THE
18 COMMENTS OR ANALYSIS BEFORE MAKING A FINAL DETERMINATION. Notice of the time
19 and place of the hearing shall be given in the time and manner provided for
20 the giving of notice of the hearing by the planning commission as specified
21 in subsection A of this section. In addition a municipality may give notice
22 of the hearing in such other manner as it may deem necessary or desirable.

23 ~~D.~~ E. A municipality may enact an ordinance authorizing county
24 zoning to continue in effect until municipal zoning is applied to land
25 previously zoned by the county and annexed by the municipality, but in no
26 event for longer than six months after the annexation.

27 ~~E.~~ F. A municipality is not required to adopt a general plan prior
28 to the adoption of a zoning ordinance.

29 ~~F.~~ G. If there is no planning commission or hearing officer, the
30 legislative GOVERNING body of the municipality shall perform the functions
31 assigned to the planning commission or hearing officer.

32 ~~G.~~ H. If the owners of twenty per cent or more either of the area of
33 the lots included in a proposed change, or of those immediately adjacent in
34 the rear or any side thereof extending one hundred fifty feet therefrom, or
35 of those directly opposite thereto extending one hundred fifty feet from the
36 street frontage of the opposite lots, file a protest in writing against a
37 proposed amendment, it shall not become effective except by the favorable
38 vote of three-fourths of all members of the governing body of the
39 municipality. If any members of the governing body are unable to vote on
40 such a question because of a conflict of interest, then the required number
41 of votes for passage of the question shall be three-fourths of the remaining
42 membership of the governing body, provided that such required number of votes
43 shall in no event be less than a majority of the full membership of the
44 legally established governing body.

1 H. I. In applying an open space element or a growth element of a
2 general plan, a parcel of land shall not be rezoned for open space,
3 recreation, conservation or agriculture unless the owner of the land consents
4 to the rezoning in writing.

5 I. J. Notwithstanding the provisions of section 19-142, subsection
6 B, a decision by the governing body involving rezoning of land which is not
7 owned by the municipality and which changes the zoning classification of such
8 land may not be enacted as an emergency measure and such change shall not be
9 effective for at least thirty days after final approval of the change in
10 classification by the governing body.

11 Sec. 4. Section 11-806, Arizona Revised Statutes, is amended to read:

12 11-806. Powers and duties; comprehensive plan

13 A. The commission shall act in an advisory capacity to the board and
14 may from time to time, and shall, when requested by the board, make a report
15 or recommendation in connection with any matter relating to the development
16 of the county under the jurisdiction of the board. The commission shall make
17 such investigations, maps, reports and recommendations in connection
18 therewith as seem desirable within the limits of the funds available.

19 B. The commission shall prepare and recommend to the board a
20 comprehensive plan of the area of jurisdiction of the county in the manner
21 prescribed by article 2 of this chapter. The purpose of the plan is to bring
22 about coordinated physical development in accordance with the present and
23 future needs of the county. The comprehensive plan shall be developed so as
24 to conserve the natural resources of the county, to insure efficient
25 expenditure of public funds, and to promote the health, safety, convenience,
26 and general welfare of the public. Such comprehensive plan may include but
27 not be limited to, among other things, studies and recommendations relative
28 to the location, character and extent of highways, railroads, bus and other
29 transportation routes, bicycle facilities, bridges, public buildings, public
30 services, schools, parks, open space, housing quality, variety and
31 affordability, parkways, hiking and riding trails, airports, forests,
32 wildlife areas, dams, projects affecting conservation of natural resources,
33 air quality, water quality and floodplain zoning. FOR COUNTIES WITH
34 TERRITORY IN THE VICINITY OF A MILITARY AIRPORT AS DEFINED IN SECTION
35 28-8461, THE COMMISSION SHALL ALSO CONSIDER MILITARY AIRPORT OPERATIONS.
36 Such comprehensive plan shall be a public record, but its purpose and effect
37 shall be primarily as an aid to the county planning and zoning commission in
38 the performance of its duties.

39 C. The board shall adopt a comprehensive plan and subsequently amend
40 or extend the adopted plan as provided by article 2 of this chapter. Before
41 the adoption, amendment or extension of the plan, the board shall hold at
42 least one public hearing on the plan.

1 D. The board of supervisors shall:

2 1. Adopt written procedures to provide effective, early and
3 continuous public participation in the development and major amendment of
4 comprehensive plans from all geographic, ethnic and economic areas of the
5 county. The procedures shall provide for:

- 6 (a) The broad dissemination of proposals and alternatives.
- 7 (b) The opportunity for written comments.
- 8 (c) Public hearings after effective notice.
- 9 (d) Open discussions, communications programs and information
10 services.
- 11 (e) Consideration of public comments.

12 2. Consult with, advise and provide an opportunity for official
13 comment by public officials and agencies, municipalities, school districts,
14 associations of governments, public land management agencies, THE MILITARY
15 AIRPORT IF THE COUNTY HAS TERRITORY IN THE VICINITY OF A MILITARY AIRPORT AS
16 DEFINED IN SECTION 28-8461, other appropriate government jurisdictions,
17 public utility companies, civic, educational, professional and other
18 organizations, property owners and citizens generally to secure the maximum
19 coordination of plans and to indicate properly located sites for all public
20 purposes on the plan.

21 3. In counties having a population of less than four hundred thousand
22 persons, receive petitions to form a rural planning area that are signed by
23 persons who own real property in any specific portion of the county outside
24 the corporate boundaries of any cities and towns. The petitions must be
25 signed by owners of a majority of the acres of real property in the proposed
26 planning area. Participation in the rural planning area is voluntary, and
27 any person may withdraw real property owned by the person from the planning
28 area. The board of supervisors shall encourage voluntary participation in
29 the planning area and shall aid the planning areas in providing a sound
30 factual and policy basis for planning. The recommendations of rural planning
31 areas shall emphasize voluntary, nonregulatory incentives for compliance and
32 accommodation of continuing traditional rural and agricultural enterprises.
33 Rural planning areas shall transmit their recommendations to the board of
34 supervisors for its consideration for inclusion in the county comprehensive
35 plan.

36 E. In any county having a population of less than four hundred
37 thousand persons, any cities, AND towns and the county sharing a
38 multijurisdictional area with a combined population of more than fifty
39 thousand but less than one hundred thousand persons, according to the most
40 recent department of economic security estimates, may voluntarily form rural
41 planning zones to develop coordinated and comprehensive regional plans.

42 F. The commission shall confer with the state land department and the
43 governing bodies and planning commissions of cities and towns in the county
44 for the purpose of guiding and accomplishing a coordinated, adjusted and

1 harmonious development of the county, of zoning districts, of urban growth
2 and of public improvements and utilities which do not begin and terminate
3 within the boundaries of any single city or town and which will, in
4 accordance with the present and future needs of the county, best promote with
5 efficiency and economy the health, safety, morals, order, convenience or
6 general welfare of the public.

7 G. At least sixty days before the comprehensive plan or a portion,
8 element or major amendment of a comprehensive plan is adopted, the commission
9 shall transmit the proposal to the board of supervisors and submit a copy for
10 review and further comment to:

- 11 1. Each municipality in the county.
- 12 2. Each other county that is contiguous to the county.
- 13 3. The regional planning agency in the county.
- 14 4. The department of commerce or any other state agency that is
15 subsequently designated as the general planning agency for this state.
- 16 5. IF THE COMPREHENSIVE PLAN OR A PORTION, ELEMENT OR AMENDMENT OF
17 THE COMPREHENSIVE PLAN IS APPLICABLE TO TERRITORY IN THE VICINITY OF A
18 MILITARY AIRPORT AS DEFINED IN SECTION 28-8461, THE MILITARY AIRPORT.

19 ~~5.~~ 6. Any person or entity that requests in writing to receive a
20 review copy of the proposal.

21 Sec. 5. Section 11-829, Arizona Revised Statutes, is amended to read:
22 11-829. Amendment of ordinance or change of zoning district
23 boundaries; definition

24 A. A property owner or authorized agent of a property owner desiring
25 an amendment or change in the zoning ordinance changing the zoning district
26 boundaries within an area previously zoned shall file an application for the
27 amendment or change. All zoning and rezoning ordinances, regulations or
28 specific plans adopted under this article shall be consistent with and
29 conform to the adopted county plan. In the case of uncertainty in
30 constructing or applying the conformity of any part of a proposed rezoning
31 ordinance to the adopted county plan, the ordinance shall be construed in a
32 manner that will further the implementation of, and not be contrary to, the
33 goals, policies and applicable elements of the county plan. A rezoning
34 ordinance conforms with the county plan if it proposes land uses, densities
35 or intensities within the range of identified uses, densities and intensities
36 of the county plan.

37 B. The board of supervisors shall adopt by ordinance, for each
38 rezoning application that requires a public hearing, a citizen review process
39 that includes components that identify the procedure through which:

- 40 1. Adjacent landowners and other potentially affected citizens will
41 be notified of the application.
- 42 2. The county will inform adjacent landowners and other potentially
43 affected citizens of the substance of the proposed rezoning.

1 3. Adjacent landowners and other potentially affected citizens will
2 be provided an opportunity to express any issues or concerns that they may
3 have with the proposed rezoning before the public hearing.

4 C. Upon receipt of the application the board shall submit it to the
5 commission for a report. Prior to reporting to the board, the commission
6 shall hold at least one public hearing thereon after giving at least fifteen
7 days' notice thereof by one publication in a newspaper of general circulation
8 in the county seat and by posting of the area included in the proposed
9 change. IF THE MATTER TO BE CONSIDERED APPLIES TO TERRITORY IN A HIGH NOISE
10 OR ACCIDENT POTENTIAL ZONE AS DEFINED IN SECTION 28-8461, THE NOTICE SHALL
11 INCLUDE A GENERAL STATEMENT THAT THE MATTER APPLIES TO PROPERTY LOCATED IN
12 THE HIGH NOISE OR ACCIDENT POTENTIAL ZONE. In case of a rezoning, the
13 posting shall be in no less than two places with at least one notice for each
14 quarter mile of frontage along perimeter public rights-of-way so that the
15 notices are visible from the nearest public right-of-way. The commission
16 shall also send notice by first class mail to each real property owner as
17 shown on the last assessment of the property within three hundred feet of the
18 proposed amendment or change and each county and municipality which is
19 contiguous to the area of the amendment or change. IN PROCEEDINGS INVOLVING
20 REZONING OF LAND THAT IS LOCATED WITHIN TERRITORY IN THE VICINITY OF A
21 MILITARY AIRPORT AS DEFINED IN SECTION 28-8461, THE COMMISSION SHALL SEND
22 COPIES OF THE NOTICE OF PUBLIC HEARING BY FIRST CLASS MAIL TO THE MILITARY
23 AIRPORT. The notice sent by mail shall include, at a minimum, the date, time
24 and place of the hearing on the proposed amendment or change including a
25 general explanation of the matter to be considered, a general description of
26 the area of the proposed amendment or change, how the real property owners
27 within the zoning area may file approvals or protests of the proposed
28 rezoning, and notification that if twenty per cent of the property owners by
29 area and number within the zoning area file protests, an affirmative vote of
30 three-fourths of all members of the board will be required to approve the
31 rezoning. The following specific notice provisions also apply:

32 1. In proceedings that are initiated by the commission involving
33 rezoning, notice by first class mail shall be sent to each real property
34 owner, as shown on the last assessment of the property, of the area to be
35 rezoned and all property owners, as shown on the last assessment of the
36 property, within three hundred feet of the property to be rezoned.

37 2. In proceedings involving one or more of the following proposed
38 changes or related series of changes in the standards governing land uses,
39 notice shall be provided in the manner prescribed by paragraph 3 of this
40 subsection:

41 (a) A ten per cent or more increase or decrease in the number of
42 square feet or units that may be developed.

43 (b) A ten per cent or more increase or reduction in the allowable
44 height of buildings.

1 (c) An increase or reduction in the allowable number of stories of
2 buildings.

3 (d) A ten per cent or more increase or decrease in setback or open
4 space requirements.

5 (e) An increase or reduction in permitted uses.

6 3. In proceedings governed by paragraph 2 of this subsection, the
7 county shall provide notice to real property owners pursuant to at least one
8 of the following notification procedures:

9 (a) Notice shall be sent by first class mail to each real property
10 owner, as shown on the last assessment, whose real property is directly
11 affected by the changes.

12 (b) If the county issues utility bills or other mass mailings that
13 periodically include notices or other informational or advertising materials,
14 the county shall include notice of such changes with such utility bills or
15 other mailings.

16 (c) The county shall publish such changes prior to the first hearing
17 on such changes in a newspaper of general circulation in the county. The
18 changes shall be published in a display advertisement covering not less than
19 one-eighth of a full page.

20 4. If notice is provided pursuant to paragraph 3, subdivision (b) or
21 (c) of this subsection, the county shall also send notice by first class mail
22 to persons who register their names and addresses with the county as being
23 interested in receiving such notice. The county may charge a fee not to
24 exceed five dollars per year for providing this service and may adopt
25 procedures to implement this paragraph.

26 5. Notwithstanding the notice requirements set forth in paragraph 2
27 of this subsection, the failure of any person or entity to receive notice
28 shall not constitute grounds for any court to invalidate the actions of a
29 county for which the notice was given.

30 D. If the planning commission or hearing officer has held a public
31 hearing, the board may adopt the recommendations of the planning commission
32 or hearing officer through use of a consent calendar without holding a second
33 public hearing if there is no objection, request for public hearing or other
34 protest. If there is an objection, a request for public hearing or a
35 protest, the board shall hold a public hearing thereon at least fifteen days'
36 notice of which shall be given by one publication in a newspaper of general
37 circulation in the county seat and by posting the area included in the
38 proposed change. IN COUNTIES WITH TERRITORY IN THE VICINITY OF A MILITARY
39 AIRPORT AS DEFINED IN SECTION 28-8461, THE BOARD SHALL HOLD A PUBLIC HEARING
40 IF, AFTER NOTICE IS MAILED TO THE MILITARY AIRPORT PURSUANT TO SUBSECTION C
41 OF THIS SECTION AND BEFORE THE PUBLIC HEARING, THE MILITARY AIRPORT PROVIDES
42 COMMENTS OR ANALYSIS CONCERNING THE COMPATIBILITY OF THE PROPOSED REZONING
43 WITH THE HIGH NOISE OR ACCIDENT POTENTIAL GENERATED BY MILITARY AIRPORT
44 OPERATIONS THAT MAY HAVE AN ADVERSE IMPACT ON PUBLIC HEALTH AND SAFETY, AND

1 THE BOARD SHALL CONSIDER AND ANALYZE THE COMMENTS OR ANALYSIS BEFORE MAKING
2 A FINAL DETERMINATION. After holding the hearing the board may adopt the
3 amendment, but if twenty per cent of the owners of property by area and
4 number within the zoning area file a protest to the proposed change, the
5 change shall not be made except by a three-fourths vote of all members of the
6 board. If any members of the board are unable to vote on the question
7 because of a conflict of interest, the required number of votes for the
8 passage of the question is three-fourths of the remaining membership of the
9 board, except that the required number of votes in no event shall be less
10 than a majority of the full membership of the board. In calculating the
11 owners by area, only that portion of a lot or parcel of record situated
12 within three hundred feet of the property to be rezoned shall be included.
13 In calculating the owners by number or area, county property and public
14 rights-of-way shall not be included.

15 E. The planning commission may on its own motion propose an amendment
16 to the zoning ordinance and may, after holding a public hearing as required
17 by this chapter, transmit the proposal to the board which shall thereupon
18 proceed as set forth in this chapter for any other amendment.

19 F. Notwithstanding the provisions of title 19, chapter 1, article 4,
20 a decision by the governing body involving rezoning of land which is not
21 owned by the county and which changes the zoning classification of such land
22 or which changes the zoning standards of such land as set forth in subsection
23 C, paragraph 2 may not be enacted as an emergency measure and such a change
24 shall not be effective for at least thirty days after final approval of the
25 change in classification by the board. Unless a resident files a written
26 objection with the board of supervisors, the rezoning may be enacted as an
27 emergency measure that becomes effective immediately by a four-fifths
28 majority vote of the board for those counties with five or more supervisors
29 or a two-thirds majority vote of the board for those counties with less than
30 five supervisors.

31 G. The legislature finds that a rezoning of land that changes the
32 zoning classification of the land or that restricts the use or reduces the
33 value of the land is a matter of statewide concern. Such a change in zoning
34 that is initiated by the governing body or zoning body shall not be made
35 without the express written consent of the property owner. In applying an
36 open space element or a growth element of a county plan, a parcel of land
37 shall not be rezoned for open space, recreation, conservation or agriculture
38 unless the owner of the land consents to the rezoning in writing. For the
39 purposes of this subsection, rezoning does not include the creation or
40 expansion of overlay zones solely for the purpose of implementing airport
41 safety and protection. Rezoning also does not include the redesignation of
42 areas of the county to which the residential provisions of the county
43 building codes or the state plumbing code applies APPLY or does DO not apply.

1 The county shall not adopt any change in a zoning classification to
2 circumvent the purpose of this subsection.

3 H. For the purposes of this section "zoning area" means the area
4 within three hundred feet of the proposed amendment or change.

5 Sec. 6. Section 15-2002, Arizona Revised Statutes, is amended to
6 read:

7 15-2002. Powers and duties; executive director; staffing; report

8 A. The school facilities board shall:

9 1. Make assessments of school facilities and equipment deficiencies
10 pursuant to section 15-2021 and approve the distribution of grants as
11 appropriate.

12 2. Develop a data base for administering the building renewal formula
13 prescribed in section 15-2031 and administer the distribution of monies to
14 school districts for building renewal.

15 3. Inspect school buildings at least once every five years to ensure
16 compliance with the building adequacy standards prescribed in section 15-2011
17 with respect to construction of new buildings and maintenance of existing
18 buildings.

19 4. Review and approve student population projections submitted by
20 school districts to determine to what extent school districts are entitled
21 to monies to construct new facilities pursuant to section 15-2041. The board
22 shall make a final determination within six months of the receipt of an
23 application by a school district for monies from the new school facilities
24 fund.

25 5. Certify that plans for new school facilities meet the building
26 adequacy standards prescribed in section 15-2011.

27 6. Develop prototypical elementary and high school designs. The
28 board shall review the design differences between the schools with the
29 highest academic productivity scores and the schools with the lowest academic
30 productivity scores. The board shall also review the results of a valid and
31 reliable survey of parent quality rating in the highest performing schools
32 and the lowest performing schools in this state. The survey of parent
33 quality rating shall be administered by the department of education. The
34 board shall consider the design elements of the schools with the highest
35 academic productivity scores and parent quality ratings in the development
36 of elementary and high school designs. The board shall develop separate
37 school designs for elementary, middle and high schools with varying pupil
38 capacities.

39 7. Develop application forms, reporting forms and procedures to carry
40 out the requirements of this article.

41 8. Review and approve or reject requests submitted by school
42 districts to take actions pursuant to section 15-341, subsection F.

43 9. Submit an annual report by December 15 to the speaker of the house
44 of representatives, the president of the senate, the superintendent of public

1 instruction, the director of the Arizona state library, archives and public
2 records and the governor that includes the following information:

3 (a) A detailed description of the amount of monies distributed by the
4 school facilities board in the previous fiscal year.

5 (b) A list of each capital project that received monies from the
6 school facilities board during the previous fiscal year, a brief description
7 of each project that was funded and a summary of the board's reasons for the
8 distribution of monies for the project.

9 (c) A summary of the findings and conclusions of the building
10 maintenance inspections conducted pursuant to this article during the
11 previous fiscal year.

12 (d) A summary of the findings of common design elements and
13 characteristics of the highest performing schools and the lowest performing
14 schools based on academic productivity including the results of the parent
15 quality rating survey.

16 For the purposes of this paragraph, "academic productivity" means academic
17 year advancement per calendar year as measured with student-level data using
18 the statewide nationally standardized norm-referenced achievement test.

19 10. By December 1 of each even-numbered year, report to the joint
20 committee on capital review the estimated amounts necessary to fulfill the
21 requirements of sections 15-2021, 15-2031 and 15-2041 for the following two
22 fiscal years. By December 1 of each odd-numbered year, the board shall
23 provide to the joint committee on capital review an update of the estimated
24 amounts necessary to fulfill the requirements of sections 15-2021, 15-2031
25 and 15-2041 for the following fiscal year. No later than January 1 of each
26 year, the board shall instruct the state treasurer as to the amounts under
27 the transaction privilege tax to be credited in equal quarterly installments
28 for the following state fiscal year. The board shall provide copies of both
29 reports to the president of the senate, the speaker of the house of
30 representatives and the governor.

31 11. Adopt minimum school facility adequacy guidelines to provide the
32 minimum quality and quantity of school buildings and the facilities and
33 equipment necessary and appropriate to enable pupils to achieve the
34 educational goals of the Arizona state schools for the deaf and the blind.
35 The school facilities board shall establish minimum school facility adequacy
36 guidelines applicable to the Arizona state schools for the deaf and the blind
37 by December 31, 2000.

38 B. The school facilities board may contract for private services in
39 compliance with the procurement practices prescribed in title 41, chapter 23.

40 C. The governor shall appoint an executive director of the school
41 facilities board pursuant to section 38-211. The executive director is
42 eligible to receive compensation as determined pursuant to section 38-611 and
43 may hire and fire necessary staff as approved by the legislature in the
44 budget. The executive director shall have demonstrated competency in school

1 finance, facilities design or facilities management, either in private
2 business or government service. The executive director serves at the
3 pleasure of the governor. The staff of the school facilities board is exempt
4 from title 41, chapter 4, articles 5 and 6. The executive director:

5 1. Shall analyze applications for monies submitted to the board by
6 school districts.

7 2. Shall assist the board in developing forms and procedures for the
8 distribution and review of applications and the distribution of monies to
9 school districts.

10 3. May review or audit, or both, the expenditure of monies by a
11 school district for deficiencies corrections, building renewal and new school
12 facilities.

13 4. Shall assist the board in the preparation of the board's annual
14 report.

15 5. Shall research and provide reports on issues of general interest
16 to the board.

17 6. May aid school districts in the development of reasonable and
18 cost-effective school designs in order to avoid statewide duplicated efforts
19 and unwarranted expenditures in the area of school design.

20 7. May assist school districts in facilitating the development of
21 multijurisdictional facilities.

22 8. Shall assist the board in any other appropriate matter or method
23 as directed by the members of the board.

24 9. Shall establish procedures to ensure compliance with the notice
25 and hearing requirements prescribed in section 15-905. THE NOTICE AND
26 HEARING PROCEDURES ADOPTED BY THE BOARD SHALL INCLUDE THE REQUIREMENT, WITH
27 RESPECT TO THE BOARD'S CONSIDERATION OF ANY APPLICATION FILED AFTER JULY 1,
28 2001 FOR MONIES TO FUND THE CONSTRUCTION OF NEW SCHOOL FACILITIES PROPOSED
29 TO BE LOCATED IN TERRITORY IN THE VICINITY OF A MILITARY AIRPORT AS DEFINED
30 IN SECTION 28-8461, THAT THE MILITARY AIRPORT RECEIVE NOTIFICATION OF THE
31 APPLICATION BY FIRST CLASS MAIL AT LEAST THIRTY DAYS BEFORE ANY HEARING
32 CONCERNING THE APPLICATION.

33 10. May expedite any request for funds in which the local match was
34 not obtained for a project that received preliminary approval by the state
35 board for school capital facilities.

36 11. Shall expedite any request for funds in which the school district
37 governing board submits an application that shows an immediate need for a new
38 school facility.

39 12. Shall make a determination as to administrative completion within
40 one month after the receipt of an application by a school district for monies
41 from the new school facilities fund.

42 13. Shall provide technical support to school districts as requested
43 by school districts in connection with the construction of new school
44 facilities and the maintenance of existing school facilities.

1 D. When appropriate, the school facilities board shall review and use
2 the statewide school facilities inventory and needs assessment conducted by
3 the joint committee on capital review and issued in July, 1995.

4 E. The school facilities board shall contract with one or more
5 private building inspectors to complete an initial assessment of school
6 facilities and equipment provided in section 15-2021 and shall inspect each
7 school building in this state at least once every five years to ensure
8 compliance with section 15-2011. A copy of the inspection report, together
9 with any recommendations for building maintenance, shall be provided to the
10 school facilities board and the governing board of the school district.

11 F. The school facilities board may consider appropriate combinations
12 of facilities or uses in making assessments of and curing deficiencies
13 pursuant to subsection A, paragraph 1 of this section and in certifying plans
14 for new school facilities pursuant to subsection A, paragraph 5 of this
15 section.

16 G. The board shall not award any monies to fund new facilities that
17 are financed by class A bonds that are issued by the school district.

18 H. The board shall not distribute monies to a school district for
19 replacement or repair of facilities if the costs associated with the
20 replacement or repair are covered by insurance or a performance or payment
21 bond.

22 Sec. 7. Section 15-2041, Arizona Revised Statutes, is amended to
23 read:

24 15-2041. New school facilities fund; capital plan

25 A. A new school facilities fund is established consisting of monies
26 appropriated by the legislature and monies credited to the fund pursuant to
27 section 37-221 or 42-5030.01. The school facilities board shall administer
28 the fund and distribute monies, as a continuing appropriation, to school
29 districts for the purpose of constructing new school facilities. On June 30
30 of each fiscal year, the state treasurer shall credit any unobligated in
31 contract monies in the new school facilities fund to the capital reserve fund
32 established by section 15-2003.

33 B. The school facilities board shall prescribe a uniform format for
34 use by the school district governing board in developing and annually
35 updating a capital plan that consists of each of the following:

36 1. Enrollment projections for the next five years for elementary
37 schools and eight years for middle and high schools, including a description
38 of the methods used to make the projections.

39 2. A description of new schools or additions to existing schools
40 needed to meet the building adequacy standards prescribed in section 15-2011.
41 The description shall include:

42 (a) The grade levels and the total number of pupils that the school
43 or addition is intended to serve.

1 (b) The year in which it is necessary for the school or addition to
2 begin operations.

3 (c) A timeline that shows the planning and construction process for
4 the school or addition.

5 3. Long-term projections of the need for land for new schools.

6 4. Any other necessary information required by the school facilities
7 board to evaluate a school district's capital plan.

8 C. If the capital plan indicates a need for a new school or an
9 addition to an existing school within the next four years or a need for land
10 within the next ten years, the school district shall submit its plan to the
11 school facilities board and shall request monies from the new school
12 facilities fund for the new construction or land. Monies provided for land
13 shall be in addition to any monies provided pursuant to subsection D of this
14 section.

15 D. The school facilities board shall distribute monies from the new
16 school facilities fund as follows:

17 1. The school facilities board shall review and evaluate the
18 enrollment projections and either approve the projections as submitted or
19 revise the projections. In determining new construction requirements, the
20 school facilities board shall determine the net new growth of pupils that
21 will require additional square footage that exceeds the building adequacy
22 standards prescribed in section 15-2011.

23 2. If the approved projections indicate that additional space will
24 not be needed within the next two years for elementary schools or three years
25 for middle or high schools in order to meet the building adequacy standards
26 prescribed in section 15-2011, the request shall be held for consideration
27 by the school facilities board for possible future funding and the school
28 district shall annually submit an updated plan until the additional space is
29 needed.

30 3. If the approved projections indicate that additional space will be
31 needed within the next two years for elementary schools or three years for
32 middle or high schools in order to meet the building adequacy standards
33 prescribed in section 15-2011, the school facilities board shall provide an
34 amount as follows:

35 (a) Determine the number of pupils requiring additional square
36 footage to meet building adequacy standards. This amount for elementary
37 schools shall not be less than the number of new pupils for whom space will
38 be needed in the next year and shall not exceed the number of new pupils for
39 whom space will be needed in the next five years. This amount for middle and
40 high schools shall not be less than the number of new pupils for whom space
41 will be needed in the next four years and shall not exceed the number of new
42 pupils for whom space will be needed in the next eight years.

43 (b) Multiply the number of pupils determined in subdivision (a) of
44 this paragraph by the square footage per pupil. The square footage per pupil

1 is ninety square feet per pupil for preschool children with disabilities,
2 kindergarten programs and grades one through six, one hundred square feet for
3 grades seven and eight, one hundred thirty-four square feet for a school
4 district that provides instruction in grades nine through twelve for fewer
5 than one thousand eight hundred pupils and one hundred twenty-five square
6 feet for a school district that provides instruction in grades nine through
7 twelve for at least one thousand eight hundred pupils. The total number of
8 pupils in grades nine through twelve in the district shall determine the
9 square footage factor to use for net new pupils. The school facilities board
10 may modify the square footage requirements prescribed in this subdivision for
11 particular schools based on any of the following factors:

12 (i) The number of pupils served or projected to be served by the
13 school district.

14 (ii) Geographic factors.

15 (iii) Grade configurations other than those prescribed in this
16 subdivision.

17 (iv) Compliance with minimum school facility adequacy requirements
18 established pursuant to section 15-2011.

19 (c) Multiply the product obtained in subdivision (b) of this
20 paragraph by the cost per square foot. The cost per square foot is ninety
21 dollars for preschool children with disabilities, kindergarten programs and
22 grades one through six, ninety-five dollars for grades seven and eight and
23 one hundred ten dollars for grades nine through twelve. The cost per square
24 foot shall be adjusted annually for construction market considerations based
25 on an index identified or developed by the joint legislative budget committee
26 as necessary but not less than once each year. The school facilities board
27 shall multiply the cost per square foot by 1.05 for any school district
28 located in a rural area. The school facilities board may modify the base
29 cost per square foot prescribed in this subdivision for particular schools
30 based on geographic conditions or site conditions. For purposes of this
31 subdivision, "rural area" means an area outside a thirty-five mile radius of
32 a boundary of a municipality with a population of more than fifty thousand
33 persons according to the most recent United States decennial census.

34 (d) Once the school district governing board obtains approval from
35 the school facilities board for new facility construction funds, additional
36 portable or modular square footage created for the express purpose of
37 providing temporary space for pupils until the completion of the new facility
38 shall not be included by the school facilities board for the purpose of new
39 construction funding calculations. On completion of the new facility
40 construction project, if the portable or modular facilities continue in use,
41 then the portable or modular facilities shall be included as prescribed by
42 this chapter, unless the school facilities board approves their continued use
43 for the purpose of providing temporary space for pupils until the completion

1 of the next new facility that has been approved for funding from the new
2 school facilities fund.

3 E. Monies for architectural and engineering fees shall be distributed
4 on the completion of the analysis by the school facilities board of the
5 school district's request. After receiving monies pursuant to this
6 subsection, the school district shall submit a design development plan for
7 the school or addition to the school facilities board before any monies for
8 construction are distributed. If the school district's request meets the
9 building adequacy standards, the school facilities board may review and
10 comment on the district's plan with respect to the efficiency and
11 effectiveness of the plan in meeting state square footage and facility
12 standards before distributing the remainder of the monies. The school
13 facilities board may decline to fund the project if the square footage is no
14 longer required due to revised enrollment projections.

15 F. The school facilities board shall distribute the monies needed for
16 land for new schools so that land may be purchased at a price that is less
17 than or equal to fair market value and in advance of the construction of the
18 new school. If necessary, the school facilities board may distribute monies
19 for land to be leased for new schools if the duration of the lease exceeds
20 the life expectancy of the school facility by at least fifty per cent. The
21 proceeds derived through the sale of any land purchased or partially
22 purchased with monies provided by the school facilities board shall be
23 returned to the state fund from which it was appropriated and to any other
24 participating entity on a proportional basis. If a school district acquires
25 real property by donation at an appropriate school site approved by the
26 school facilities board, the school facilities board shall distribute an
27 amount equal to twenty per cent of the fair market value of the donated real
28 property that can be used for academic purposes. The school district shall
29 place the monies in the unrestricted capital outlay fund and increase the
30 unrestricted capital outlay limit by the amount of monies placed in the fund.
31 Monies distributed under this subsection shall be distributed from the new
32 school facilities fund.

33 G. In addition to distributions to school districts based on pupil
34 growth projections, a school district may submit an application to the school
35 facilities board for monies from the new school facilities fund if one or
36 more school buildings have outlived their useful life. If the school
37 facilities board determines that the school district needs to build a new
38 school building for these reasons, the school facilities board shall remove
39 the square footage computations that represent the building from the
40 computation of the school district's total square footage for purposes of
41 this section. If the square footage recomputation reflects that the school
42 district no longer meets building adequacy standards, the school district
43 qualifies for a distribution of monies from the new school construction
44 formula in an amount determined pursuant to subsection D of this section.

1 Buildings removed from a school district's total square footage pursuant to
2 this subsection shall not be included in the computation of monies from the
3 building renewal fund established by section 15-2031. The school facilities
4 board may modify the base cost per square foot prescribed in this subsection
5 under extraordinary circumstances for geographic factors or site conditions.

6 H. School districts that receive monies from the new school
7 facilities fund shall establish a district new school facilities fund and
8 shall use the monies in the district new school facilities fund only for the
9 purposes prescribed in this section. By October 15 of each year, each school
10 district shall report to the school facilities board the projects funded at
11 each school in the previous fiscal year with monies from the district new
12 school facilities fund and shall provide an accounting of the monies
13 remaining in the new school facilities fund at the end of the previous fiscal
14 year.

15 I. If a school district has surplus monies received from the new
16 schools facilities fund, the school district may use the surplus monies for
17 any other capital purpose.

18 J. THE BOARD'S CONSIDERATION OF ANY APPLICATION FILED AFTER JULY 1,
19 2001 FOR MONIES TO FUND THE CONSTRUCTION OF NEW SCHOOL FACILITIES PROPOSED
20 TO BE LOCATED IN TERRITORY IN THE VICINITY OF A MILITARY AIRPORT AS DEFINED
21 IN SECTION 28-8461 SHALL INCLUDE, IF AFTER NOTICE IS TRANSMITTED TO THE
22 MILITARY AIRPORT PURSUANT TO SECTION 15-2002 AND BEFORE THE PUBLIC HEARING
23 THE MILITARY AIRPORT PROVIDES COMMENTS AND ANALYSIS CONCERNING COMPATIBILITY
24 OF THE PROPOSED SCHOOL FACILITIES WITH THE HIGH NOISE OR ACCIDENT POTENTIAL
25 GENERATED BY MILITARY AIRPORT OPERATIONS THAT MAY HAVE AN ADVERSE EFFECT ON
26 PUBLIC HEALTH AND SAFETY, CONSIDERATION AND ANALYSIS OF THE COMMENTS AND
27 ANALYSIS PROVIDED BY THE MILITARY AIRPORT BEFORE MAKING A FINAL
28 DETERMINATION.

29 Sec. 8. Section 28-8461, Arizona Revised Statutes, is amended to
30 read:

31 28-8461. Definitions

32 In this article, unless the context otherwise requires:

33 1. "ACCIDENT POTENTIAL ZONE ONE" MEANS AN AREA THREE THOUSAND FEET
34 WIDE BY FIVE THOUSAND FEET LONG THAT STARTS AT THE END OF EACH CLEAR ZONE AND
35 THAT IS CENTERED AND MEASURED ON THE EXTENDED RUNWAY CENTERLINE, TERMINATING
36 EIGHT THOUSAND FEET FROM THE END OF EACH RUNWAY.

37 2. "ACCIDENT POTENTIAL ZONE TWO" MEANS AN AREA THREE THOUSAND FEET
38 WIDE BY SEVEN THOUSAND FEET LONG THAT STARTS AT THE END OF EACH ACCIDENT
39 POTENTIAL ZONE ONE AND THAT IS CENTERED AND MEASURED ON THE EXTENDED RUNWAY
40 CENTERLINE, TERMINATING FIFTEEN THOUSAND FEET FROM THE END OF EACH RUNWAY,
41 EXCEPT THAT, FOR POLITICAL SUBDIVISIONS DESCRIBED IN PARAGRAPH 8, SUBDIVISION
42 (a), ACCIDENT POTENTIAL ZONE TWO EXTENDS THIRTY THOUSAND FEET SOUTHWEST FROM
43 THE END OF EACH RUNWAY.

1 ~~1.~~ 3. "Airport" means an area of land or water that is designed and
2 set aside for the landing and taking off of aircraft and that is utilized or
3 to be utilized in the interest of the public for those purposes.

4 ~~2.~~ 4. "Airport hazard" means a structure, tree or use of land that
5 obstructs the air space required for flight of aircraft in taking off or
6 landing at an airport or that is otherwise hazardous to aircraft taking off
7 or landing.

8 ~~3.~~ 5. "Airport hazard area" means an area of land or water on which
9 an airport hazard might be established if not prevented as provided in this
10 article.

11 ~~4.~~ 6. "Airstrip" means a strip of ground that is artificially or
12 naturally surfaced and that is designed and used at an airport or landing
13 field for the landing and takeoff of aircraft.

14 7. "CLEAR ZONE" MEANS AN AREA THREE THOUSAND FEET LONG MEASURED ALONG
15 THE EXTENDED RUNWAY CENTERLINE BEGINNING AT THE END OF EACH RUNWAY AND THREE
16 THOUSAND FEET WIDE CENTERED ON AND MEASURED AT RIGHT ANGLES TO THE EXTENDED
17 RUNWAY CENTERLINE.

18 8. "HIGH NOISE OR ACCIDENT POTENTIAL ZONE" MEANS ANY PROPERTY LOCATED
19 IN THE FOLLOWING ZONES:

20 (a) IN POLITICAL SUBDIVISIONS LOCATED IN A COUNTY WITH A POPULATION
21 OF TWO MILLION OR MORE PERSONS, WITHIN THE 1988 NOISE CONTOURS DEVELOPED AND
22 RECOGNIZED BY THE REGIONAL PLANNING AGENCY IN THAT COUNTY THAT INCLUDES THE
23 ACCIDENT POTENTIAL ZONE ONE AND ACCIDENT POTENTIAL ZONE TWO PLUS THE LAND
24 AREA DESCRIBED AS FOLLOWS: STARTING TWO HUNDRED FEET FROM THE SOUTH END OF
25 THE WESTERNMOST RUNWAY AT A WIDTH OF ONE THOUSAND FIVE HUNDRED FEET WEST AND
26 TWO THOUSAND FIVE HUNDRED FEET EAST, MEASURED PERPENDICULAR TO THE CENTERLINE
27 OF THE RUNWAY, AND EXTENDING SOUTHWESTLY PARALLEL TO THE RUNWAY FOR A
28 DISTANCE OF THIRTY THOUSAND FEET.

29 (b) IN POLITICAL SUBDIVISIONS LOCATED IN A COUNTY WITH A POPULATION
30 OF MORE THAN EIGHT HUNDRED THOUSAND PERSONS BUT LESS THAN TWO MILLION
31 PERSONS, WITHIN THE NOISE CONTOURS ESTABLISHED BY THE MOST RECENT AIR
32 INSTALLATION COMPATIBLE USE ZONE REPORT RECOGNIZED BY THE MILITARY AIRPORT
33 AND POLITICAL SUBDIVISIONS IN THAT COUNTY, INCLUDING THE ACCIDENT POTENTIAL
34 ZONE ONE AND ACCIDENT POTENTIAL ZONE TWO PLUS THE LAND AREA DESCRIBED AS
35 FOLLOWS: STARTING TWO HUNDRED FEET FROM THE SOUTHEAST RUNWAY END AT A WIDTH
36 OF TWO THOUSAND FEET AND EXTENDING OUTWARD THIRTY THOUSAND FEET TO A WIDTH
37 OF SIXTEEN THOUSAND FEET.

38 (c) IN POLITICAL SUBDIVISIONS LOCATED IN A COUNTY WITH A POPULATION
39 OF EIGHT HUNDRED THOUSAND PERSONS OR LESS, WITHIN THE NOISE CONTOURS
40 ESTABLISHED BY THE MOST RECENT AIR INSTALLATION COMPATIBLE USE ZONE REPORT
41 RECOGNIZED BY THE MILITARY AIRPORT AND POLITICAL SUBDIVISIONS IN THAT COUNTY,
42 INCLUDING ACCIDENT POTENTIAL ZONE ONE AND ACCIDENT POTENTIAL ZONE TWO PLUS
43 THE LAND AREA DESCRIBED AS FOLLOWS: STARTING TWO HUNDRED FEET FROM THE END
44 POINTS OF THE MAIN RUNWAYS AND AT A WIDTH OF THREE THOUSAND FEET AND

1 SYMMETRICAL ABOUT A CENTERLINE BETWEEN THE RUNWAYS EXTENDING OUTWARD TO A
2 POINT THIRTY THOUSAND FEET FROM THE POINT OF BEGINNING. THE OUTER WIDTH IS
3 SEVENTEEN THOUSAND FIVE HUNDRED FEET.

4 ~~5.~~ 9. "Military airport" means an airport that is operated by AN
5 ARMED FORCE OF the United States and that is primarily used for military
6 ~~fixed wing jet~~ aircraft operations, excluding a runway or airstrip that is
7 not immediately adjacent to facilities primarily used for operational
8 control, maintenance and permanent parking of aircraft.

9 ~~6.~~ 10. "Occupied building" means any building where people live, work
10 or are otherwise received.

11 ~~7.~~ 11. "Person" means an individual, firm, partnership, corporation,
12 company, association, joint stock association or body politic, including any
13 trustee, receiver, assignee or other representative of a trustee, receiver
14 or assignee.

15 ~~8.~~ 12. "Political subdivision" means a city, town or county.

16 ~~9.~~ 13. "Runway" means an artificially surfaced strip of ground that
17 is designed and used at an airport for the landing and takeoff of aircraft.

18 ~~10.~~ 14. "Structure" means an object that is constructed or installed
19 by a human including a building, tower, smokestack or overhead transmission
20 line.

21 ~~11.~~ 15. "Territory in the vicinity of a military airport" means any
22 property located in the following zones:

23 (a) In counties that have a population of ~~one TWO million two hundred~~
24 ~~thousand~~ or more persons according to the most recent United States decennial
25 census, the zone is ten miles to the north, south and west and four miles to
26 the east parallel from the center of the main runway of a military airport.

27 (b) In counties that have a population of more than five EIGHT
28 hundred thousand but less than ~~one TWO million two hundred thousand~~ persons
29 according to the most recent United States decennial census, the zone is four
30 FIVE miles to the northwest along a line extending from the end of the main
31 NORTHWEST runway, one and one-half miles to the northeast and southwest, SIX
32 AND ONE-HALF MILES TO THE NORTHEAST AND perpendicular to the main runway
33 CENTERLINE and five TEN miles to the southeast along a line extending from
34 the end of the main SOUTHEAST runway of a military airport.

35 (c) In counties that have a population of five EIGHT hundred thousand
36 persons or less according to the most recent United States decennial census,
37 the zone is five miles to the north, south and west and ten miles to the east
38 of the center of the main runway of a military airport.

39 ~~12.~~ 16. "Tree" means an object of natural growth.

1 Sec. 9. Section 28-8481, Arizona Revised Statutes, is amended to
2 read:

3 28-8481. Planning and zoning; military airport operation
4 compatibility; compliance review; penalty

5 A. A political subdivision that has territory in the vicinity of a
6 military airport THAT INCLUDES PROPERTY IN A HIGH NOISE OR ACCIDENT POTENTIAL
7 ZONE shall adopt ~~and use~~ COMPREHENSIVE AND GENERAL plans and adopt and
8 enforce zoning regulations FOR PROPERTY IN THE HIGH NOISE OR ACCIDENT
9 POTENTIAL ZONE to assure development compatible with the high noise and
10 accident potential generated by military airport operations that have or may
11 have an adverse effect on public health and safety.

12 B. A political subdivision that has territory in the vicinity of a
13 military airport shall incorporate sound attenuation standards pursuant to
14 section 28-8482 into any building code in existence on or adopted after July
15 1, 2001. THIS SECTION DOES NOT AFFECT OR REQUIRE THE MODIFICATION OF ANY
16 BUILDING PERMIT ISSUED BEFORE JULY 1, 2001. ~~13, 1995 for all development on~~
17 ~~property on which the day-night average sound level is sixty-five decibels~~
18 ~~or higher.~~

19 C. A political subdivision that has territory in the vicinity of a
20 military airport THAT INCLUDES PROPERTY IN A HIGH NOISE OR ACCIDENT POTENTIAL
21 ZONE shall adopt, administer and enforce the zoning regulations authorized
22 by subsection A of this section in the same manner as the comprehensive
23 zoning ordinance of the political subdivision as provided by law, except that
24 a variance shall not be granted without a specific finding that the purpose
25 of military airport compatibility is preserved.

26 D. This section does not affect the existing authority of a political
27 subdivision to plan and zone on the basis of noise or accident potential in
28 the vicinity of an airport owned or controlled by the political subdivision
29 OR TO ADOPT RESTRICTIONS OR LIMITATIONS IN ADDITION TO THOSE REQUIRED BY THIS
30 SECTION APPLICABLE TO TERRITORY IN THE VICINITY OF A MILITARY AIRPORT.

31 E. THIS SECTION DOES NOT RESTRICT, LIMIT OR MODIFY, OR AUTHORIZE OR
32 REQUIRE ANY POLITICAL SUBDIVISION TO RESTRICT, LIMIT OR MODIFY, THE RIGHT OF
33 A LANDOWNER TO UNDERTAKE AND COMPLETE DEVELOPMENT AND USE OF ANY PROPERTY
34 UNDER THE TERMS AND CONDITIONS OF A DEVELOPMENT PLAN APPROVED ON OR BEFORE
35 DECEMBER 31, 2000 BY THE POLITICAL SUBDIVISION IN WHOSE TERRITORY THE
36 PROPERTY IS LOCATED, EXCEPT THAT THE DEVELOPMENT MUST COMPLY WITH THE SOUND
37 ATTENUATION STANDARDS AND SPECIFICATIONS INCORPORATED INTO ANY BUILDING CODE
38 ADOPTED PURSUANT TO SECTION 28-8482 BY THE POLITICAL SUBDIVISION IN WHOSE
39 TERRITORY THE DEVELOPMENT IS LOCATED. FOR PURPOSES OF THIS SECTION,
40 "DEVELOPMENT PLAN":

41 1. MEANS A PLAN SUBMITTED TO AND APPROVED BY THE GOVERNING BODY OF
42 THE POLITICAL SUBDIVISION PURSUANT TO A ZONING ORDINANCE OR REGULATION
43 ADOPTED PURSUANT TO TITLE 9, CHAPTER 4, ARTICLE 6.1 OR TITLE 11, CHAPTER 6

1 AND THAT DESCRIBES WITH REASONABLE CERTAINTY THE DENSITY AND INTENSITY OF USE
2 FOR A SPECIFIC PARCEL OR PARCELS OF PROPERTY.

3 2. INCLUDES A PLANNED COMMUNITY DEVELOPMENT PLAN, A PLANNED AREA
4 DEVELOPMENT PLAN, A PLANNED UNIT DEVELOPMENT PLAN, A DEVELOPMENT PLAN THAT
5 IS THE SUBJECT OF A DEVELOPMENT AGREEMENT ADOPTED PURSUANT TO SECTION
6 9-500.05 OR 11-1101, A SITE PLAN, A SUBDIVISION PLAT OR ANY OTHER LAND USE
7 APPROVAL DESIGNATION THAT IS THE SUBJECT OF A ZONING ORDINANCE ADOPTED
8 PURSUANT TO TITLE 9, CHAPTER 4, ARTICLE 6.1 OR TITLE 11, CHAPTER 6.

9 ~~E. F.~~ ON OR AFTER JULY 1, 2001, a political subdivision THAT HAS
10 TERRITORY IN A HIGH NOISE OR ACCIDENT POTENTIAL ZONE shall notify ~~a property~~
11 ~~THE owner who would be impacted by a~~ OR OWNERS OF PROPERTY IN THE high noise
12 and accident potential zone ~~identified by~~ OF ANY ADDITIONS OR CHANGES UNDER
13 THIS SECTION TO the ~~land use~~ GENERAL PLAN OR COMPREHENSIVE plan or zoning
14 regulations OF THE POLITICAL SUBDIVISION APPLICABLE TO PROPERTY IN THE HIGH
15 NOISE OR ACCIDENT POTENTIAL ZONE. The political subdivision shall ~~send both:~~

16 1. PROVIDE a notice OF SUCH ADDITIONS OR CHANGES by ~~first class mail~~
17 ~~to the property owner at the address shown on the records of the county~~
18 ~~assessor~~ PUBLICATION AS PROVIDED IN SECTION 9-462.04, SUBSECTION A OR SECTION
19 11-829, SUBSECTION C, INCLUDING A STATEMENT THAT THE PROPERTY IS LOCATED IN
20 A HIGH NOISE OR ACCIDENT POTENTIAL ZONE, AT LEAST thirty days before final
21 approval of the ADDITION TO OR change in the ~~land use~~ GENERAL PLAN OR
22 COMPREHENSIVE plan or zoning regulation.

23 2. ~~A notice by first class mail immediately~~ AND WITHIN THIRTY DAYS
24 following the final approval of such ~~a~~ AN ADDITION TO OR change in the
25 GENERAL PLAN OR COMPREHENSIVE plan or ZONING regulation.

26 ~~f. G.~~ The ANY property owner described in subsection ~~E~~ F of this
27 section shall notify potential purchasers of the property and any potential
28 lessees or renters of THAT the ~~impact described in subsection E~~ PROPERTY IS
29 LOCATED IN A HIGH NOISE AND ACCIDENT POTENTIAL ZONE AND IS SUBJECT TO THE
30 REQUIREMENTS of this section.

31 ~~6. H.~~ On or before ~~february 15 and August 15, 2001~~ AND AUGUST 15 of
32 each year THEREAFTER, each political subdivision that has territory ~~in the~~
33 ~~vicinity of a military airport~~ THAT INCLUDES PROPERTY IN A HIGH NOISE OR
34 ACCIDENT POTENTIAL ZONE OR THAT IS OTHERWISE SUBJECT TO THE REQUIREMENTS OF
35 SECTION 28-8482 shall file with the attorney general, and with each political
36 subdivision that has territory in the vicinity of ~~a~~ THE military airport,
37 a report that demonstrates compliance with this section and section 28-8482
38 and that includes the following information regarding the territory in the
39 ~~vicinity of the military airport~~ HIGH NOISE OR ACCIDENT POTENTIAL ZONE:

40 1. Zoning map amendments within the HIGH noise or accident potential
41 zones ZONE.

42 2. Zoning code or subdivision code ORDINANCE OR REGULATION text
43 amendments affecting APPLICABLE TO property within the HIGH noise or accident
44 potential zones ZONE.

1 3. Subdivision PRELIMINARY AND FINAL plat approvals FOR PROPERTY
2 within the HIGH noise or accident potential zones ZONE.

3 4. Variances from zoning or subdivision codes ORDINANCES for land
4 PROPERTY within the HIGH noise or accident potential zones ZONE.

5 5. ~~land use~~ COMPREHENSIVE, GENERAL OR SPECIFIC plan amendments for
6 ~~land~~ PROPERTY within the HIGH noise or accident potential zones ZONE.

7 6. A STATEMENT THAT THE POLITICAL SUBDIVISION COMPLIED WITH THE
8 NOTIFICATION REQUIREMENTS OF SUBSECTION F OF THIS SECTION.

9 7. A STATEMENT THAT THE POLITICAL SUBDIVISION ADOPTED OR AMENDED
10 BUILDING CODE PROVISIONS PURSUANT TO SECTION 28-8482.

11 ~~H~~. I. If the attorney general has not received a report OR AFFIDAVIT
12 from a political subdivision THAT IS REQUIRED TO FILE A REPORT PURSUANT TO
13 SUBSECTION H OF THIS SECTION within thirty days after the date the report OR
14 AFFIDAVIT was required to be filed pursuant to subsection ~~G~~ H or ~~I~~ J of
15 this section, the attorney general shall send a written notice by certified
16 mail, return receipt requested, to the political subdivision stating that the
17 attorney general has not received the report OR AFFIDAVIT as required by this
18 section.

19 ~~I~~. J. If a political subdivision THAT IS REQUIRED TO FILE A REPORT
20 PURSUANT TO SUBSECTION H OF THIS SECTION has previously filed a report in
21 compliance with subsection ~~G~~ H of this section and that political
22 subdivision has not taken any of the actions described in subsection ~~G~~ H of
23 this section since filing that report, the political subdivision shall file
24 with the attorney general an affidavit stating that no actions were taken by
25 the political subdivision during that period.

26 K. The attorney general shall determine compliance with this section
27 in accordance with ~~United States department of transportation, FAA-EE-85-2,~~
28 ~~tables 14.2 and 14.3, applicable to territory in the vicinity of a military~~
29 ~~airport~~ THE FOLLOWING REQUIREMENTS APPLICABLE TO ZONING AND DEVELOPMENT IN
30 A HIGH NOISE OR ACCIDENT POTENTIAL ZONE AND TO ZONING AND DEVELOPMENT IN
31 ACCIDENT POTENTIAL ZONE ONE AND ACCIDENT POTENTIAL ZONE TWO. COMPLIANCE WITH
32 RESPECT TO TERRITORY LOCATED IN A HIGH NOISE OR ACCIDENT POTENTIAL ZONE BUT
33 OUTSIDE THE CONTOUR LINES AS DESCRIBED IN SECTION 28-8461, PARAGRAPH 8,
34 SUBDIVISIONS (b) AND (c) SHALL BE DETERMINED IN ACCORDANCE WITH THE
35 REQUIREMENTS APPLICABLE TO TERRITORY LOCATED IN ACCIDENT POTENTIAL ZONE TWO.
36 THIS SUBSECTION SHALL NOT PRECLUDE A DETERMINATION OF COMPLIANCE IF THE
37 POLITICAL SUBDIVISION AND THE MILITARY AIRPORT MUTUALLY AGREE THAT A
38 PARTICULAR USE IS COMPATIBLE AND CONSISTENT WITH THE HIGH NOISE OR ACCIDENT
39 POTENTIAL OF THE MILITARY AIRPORT.

		DAY-NIGHT SOUND LEVEL IN DECIBELS HIGH NOISE OR ACCIDENT POTENTIAL ZONE						
ZONING AND DEVELOPMENT IN HIGH NOISE OR ACCIDENT POTENTIAL ZONE		65-69	70-74	75-79	80-84	85 OR OVER	APZ ONE	APZ TWO
8	<u>RESIDENTIAL</u>							
9	RESIDENTIAL USES OTHER THAN	NO ⁽¹³⁾	NO ⁽¹³⁾	NO ⁽¹³⁾	NO ⁽¹³⁾	NO	NO	NO
10	THE RESIDENTIAL USES LISTED							
11	BELOW							
12	SINGLE FAMILY RESIDENTIAL	YES ⁽⁹⁾	YES ⁽¹⁰⁾	YES ⁽¹¹⁾	NO ⁽¹³⁾	NO ⁽¹³⁾	NO	NO ⁽¹³⁾
13	THAT IS THE SUBJECT OF							
14	ZONING APPROVED ON OR							
15	BEFORE DECEMBER 31, 2000							
16	THAT PERMITS ONE DWELLING							
17	UNIT PER ACRE OR LESS							
18	SINGLE FAMILY RESIDENTIAL	YES ⁽⁹⁾	YES ⁽¹⁰⁾	YES ⁽¹¹⁾	YES ⁽¹²⁾	NO ⁽¹³⁾	NO	NO ⁽¹³⁾
19	THAT IS THE PRIMARY RESIDENCE							
20	FOR PERSONS ENGAGING IN							
21	AGRICULTURAL USE AND							
22	ANCILLARY RESIDENTIAL							
23	BUILDINGS INCIDENT TO THE							
24	PRIMARY AGRICULTURAL USE							
25	<u>TRANSPORTATION, COMMUNICATIONS</u>							
26	<u>AND UTILITIES</u>							
27	RAILROAD AND RAPID RAIL TRANSIT	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	YES ⁽¹⁵⁾
28	HIGHWAY AND STREET RIGHT-OF-WAY	YES	YES	YES	YES	YES	YES	YES
29	MOTOR VEHICLE PARKING	YES	YES	YES	YES	YES	YES	YES ⁽¹⁵⁾
30	COMMUNICATIONS	YES	YES ⁽²⁾	YES ⁽³⁾	NO	NO	YES ⁽¹⁵⁾	YES ⁽¹⁵⁾
31	(NOISE SENSITIVE)							
32	UTILITIES	YES	YES	YES	NO	NO	YES ⁽¹⁵⁾	YES ⁽¹⁶⁾
33	OTHER TRANSPORTATION,	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	YES ⁽⁸⁾	YES ⁽¹⁵⁾	YES ⁽¹⁶⁾
34	COMMUNICATIONS AND UTILITIES							
35	<u>COMMERCIAL/RETAIL TRADE</u>							
36	WHOLESALE TRADE	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	YES
37	BUILDING MATERIALS-RETAIL	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	YES
38	GENERAL MERCHANDISE-RETAIL	YES	YES ⁽¹¹⁾	YES ⁽¹²⁾	NO	NO	NO	NO
39	FOOD-RETAIL	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	NO	NO	NO	NO
40	AUTOMOTIVE AND MARINE	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	NO	NO	NO	NO/YES ⁽¹⁷⁾
41	APPAREL AND ACCESSORIES-RETAIL	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	NO	NO	NO	NO
42	EATING AND DRINKING PLACES	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	NO	NO	NO	NO

1	FURNITURE AND HOME	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	NO	NO	NO	NO/YES ⁽¹⁷⁾
2	FURNISHINGS-RETAIL							
3	OTHER RETAIL TRADE	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	NO	NO	NO	NO
4	<u>PERSONAL AND BUSINESS SERVICES</u>							
5	FINANCE, INSURANCE AND REAL ESTATE	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	NO	NO	NO	YES
6	PERSONAL SERVICES	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	NO	NO	NO	YES
7	BUSINESS SERVICES	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	NO	NO	NO	YES
8	REPAIR SERVICES	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	YES
9	CONTRACT CONSTRUCTION SERVICES	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	NO	NO	NO	YES
10	INDOOR RECREATION SERVICES	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	NO	NO	NO	YES
11	OTHER SERVICES	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	NO	NO	NO	YES
12	<u>INDUSTRIAL/MANUFACTURING</u>							
13	FOOD AND KINDRED PRODUCTS	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	YES ⁽¹⁵⁾
14	TEXTILE MILL PRODUCTS	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	YES ⁽¹⁶⁾
15	APPAREL	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	YES ⁽¹⁶⁾
16	LUMBER AND WOOD PRODUCTS	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	YES ⁽¹⁶⁾
17	FURNITURE AND FIXTURES	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	YES ⁽¹⁶⁾
18	PAPER AND ALLIED PRODUCTS	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	YES ⁽¹⁶⁾
19	PRINTING AND PUBLISHING	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	YES ⁽¹⁶⁾
20	CHEMICALS AND ALLIED PRODUCTS	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	NO
21	PETROLEUM REFINING AND	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	NO
22	RELATED INDUSTRIES							
23	RUBBER AND MISCELLANEOUS PLASTIC	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	YES ⁽¹⁶⁾
24	STONE, CLAY AND GLASS PRODUCTS	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	YES ⁽¹⁶⁾
25	PRIMARY METAL INDUSTRIES	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	YES ⁽¹⁶⁾
26	FABRICATED METAL PRODUCTS	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	YES ⁽¹⁶⁾
27	PROFESSIONAL, SCIENTIFIC AND	YES	YES ⁽¹⁾	YES ⁽²⁾	NO	NO	NO	NO
28	CONTROLLING INSTRUMENTS							
29	MISCELLANEOUS MANUFACTURING	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	YES ⁽¹⁶⁾
30	<u>PUBLIC AND QUASI-PUBLIC</u>							
31	<u>SERVICES</u>							
32	GOVERNMENT SERVICES	YES ⁽¹⁾	YES ⁽²⁾	YES ⁽²⁾	NO	NO	NO	YES ⁽¹⁶⁾
33	CULTURAL ACTIVITIES,	YES ⁽¹⁾	YES ⁽²⁾	NO	NO	NO	NO	NO
34	INCLUDING CHURCHES							
35	MEDICAL AND OTHER HEALTH SERVICES	YES ⁽¹⁾	YES ⁽²⁾	NO	NO	NO	NO	NO
36	CEMETERIES	YES ⁽⁵⁾	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	NO	YES
37	NONPROFIT ORGANIZATIONS	YES ⁽¹⁾	YES ⁽²⁾	NO	NO	NO	NO	YES
38	CORRECTIONAL FACILITIES	YES ⁽¹⁾	YES ⁽²⁾	YES ⁽³⁾	YES ⁽⁴⁾	NO	NO	YES
39	OTHER PUBLIC AND QUASI-PUBLIC	YES ⁽¹⁾	YES ⁽²⁾	NO	NO	NO	NO	YES ⁽¹⁶⁾
40	SERVICES							
41	<u>OUTDOOR RECREATION</u>							
42	PLAYGROUNDS AND NEIGHBORHOOD PARKS	YES	YES	NO	NO	NO	YES ⁽¹⁵⁾	YES
43	COMMUNITY AND REGIONAL	YES	YES	NO	NO	NO	YES ⁽¹⁵⁾	YES

1	NATURE EXHIBITS	YES	NO	NO	NO	NO	NO	NO
2	SPECTATOR SPORTS, INCLUDING ARENAS	YES ⁽¹³⁾	YES ⁽¹³⁾	NO	NO	NO	NO	NO
3	GOLF COURSES AND RIDING STABLES	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	NO	NO	YES ⁽¹⁵⁾	YES
4	WATER BASED RECREATIONAL AREAS	YES	YES ⁽⁵⁾	YES ⁽⁶⁾	NO	NO	NO	NO
5	RESORT AND GROUP CAMPS	YES ⁽¹¹⁾	YES ⁽²⁾	NO	NO	NO	NO	NO
6	AUDITORIUMS AND CONCERT HALLS	YES ⁽⁶⁾	YES ⁽⁷⁾	NO	NO	NO	NO	NO
7	OUTDOOR AMPHITHEATERS AND	YES ⁽¹³⁾	YES ⁽¹³⁾	YES ⁽¹³⁾	NO	NO	NO	NO
8	MUSIC SHELLS							
9	OTHER OUTDOOR RECREATION	YES	YES ⁽¹³⁾	YES ⁽¹³⁾	NO	NO	NO	NO
10	<u>RESOURCE PRODUCTION, EXTRACTION</u>							
11	<u>AND OPEN SPACE</u>							
12	AGRICULTURE (EXCEPT LIVESTOCK)	YES ⁽⁹⁾	YES ⁽¹⁰⁾	YES ⁽¹³⁾	YES ⁽¹³⁾	YES ⁽¹³⁾	NO	YES ⁽¹³⁾
13	LIVESTOCK FARMING AND ANIMAL	YES ⁽⁹⁾	YES ⁽¹⁰⁾	YES ⁽¹³⁾	YES ⁽¹³⁾	YES ⁽¹³⁾	NO	YES ⁽¹³⁾
14	BREEDING							
15	FORESTRY ACTIVITIES	YES ⁽⁹⁾	YES ⁽¹⁰⁾	YES ⁽¹³⁾	YES ⁽¹³⁾	YES ⁽¹³⁾	NO	YES
16	FISHING ACTIVITIES AND	YES	YES	YES	YES	YES	NO	YES
17	RELATED SERVICES							
18	MINING ACTIVITIES	YES	YES	YES	YES	YES	NO	YES ⁽¹⁶⁾
19	PERMANENT OPEN SPACE	YES	YES	YES	YES	YES	NO	YES
20	WATER AREAS	YES	YES	NO	NO	NO	NO	NO
21	(1) MEASURES TO ACHIEVE AN OUTDOOR TO INDOOR NOISE REDUCTION LEVEL OF							
22	TWENTY-FIVE DECIBELS PURSUANT TO SECTION 28-8482 MUST BE INCORPORATED INTO							
23	THE DESIGN AND CONSTRUCTION OF ALL BUILDINGS AND THE POLITICAL SUBDIVISION							
24	MUST MAKE AN EXPRESS FINDING, AS PART OF APPROVAL, THAT USE OF NOISE							
25	REDUCTION LEVEL CRITERIA WILL NOT ALLEVIATE OUTDOOR NOISE.							
26	(2) MEASURES TO ACHIEVE AN OUTDOOR TO INDOOR NOISE REDUCTION LEVEL OF							
27	THIRTY DECIBELS MUST BE INCORPORATED INTO THE DESIGN AND CONSTRUCTION OF ALL							
28	BUILDINGS AND THE POLITICAL SUBDIVISION MUST MAKE AN EXPRESS FINDING, AS PART							
29	OF APPROVAL, THAT USE OF NOISE REDUCTION LEVEL CRITERIA WILL NOT ALLEVIATE							
30	OUTDOOR NOISE.							
31	(3) MEASURES TO ACHIEVE AN OUTDOOR TO INDOOR NOISE REDUCTION LEVEL OF							
32	THIRTY-FIVE DECIBELS PURSUANT TO SECTION 28-8482 MUST BE INCORPORATED INTO							
33	THE DESIGN AND CONSTRUCTION OF ALL BUILDINGS.							
34	(4) MEASURES TO ACHIEVE AN OUTDOOR TO INDOOR NOISE REDUCTION LEVEL OF							
35	FORTY DECIBELS PURSUANT TO SECTION 28-8482 MUST BE INCORPORATED INTO THE							
36	DESIGN AND CONSTRUCTION OF ALL BUILDINGS.							
37	(5) MEASURES TO ACHIEVE AN OUTDOOR TO INDOOR NOISE REDUCTION LEVEL OF							
38	TWENTY-FIVE DECIBELS MUST BE INCORPORATED INTO THE DESIGN AND CONSTRUCTION							
39	OF PORTIONS OF BUILDINGS WHERE THE PUBLIC IS RECEIVED, OFFICE AREAS, NOISE							
40	SENSITIVE AREAS OR WHERE NORMAL NOISE LEVEL IS LOW.							
41	(6) MEASURES TO ACHIEVE AN OUTDOOR TO INDOOR NOISE REDUCTION LEVEL OF							
42	THIRTY DECIBELS MUST BE INCORPORATED INTO THE DESIGN AND CONSTRUCTION OF							
43	PORTIONS OF BUILDINGS WHERE THE PUBLIC IS RECEIVED, OFFICE AREAS, NOISE							
44	SENSITIVE AREAS OR WHERE NORMAL NOISE LEVEL IS LOW.							

1 (7) MEASURES TO ACHIEVE AN OUTDOOR TO INDOOR NOISE REDUCTION LEVEL OF
2 THIRTY-FIVE DECIBELS MUST BE INCORPORATED INTO THE DESIGN AND CONSTRUCTION
3 OF PORTIONS OF BUILDINGS WHERE THE PUBLIC IS RECEIVED, OFFICE AREAS, NOISE
4 SENSITIVE AREAS OR WHERE NORMAL NOISE LEVEL IS LOW.

5 (8) MEASURES TO ACHIEVE AN OUTDOOR TO INDOOR NOISE REDUCTION LEVEL OF
6 FORTY DECIBELS MUST BE INCORPORATED INTO THE DESIGN AND CONSTRUCTION OF
7 PORTIONS OF BUILDINGS WHERE THE PUBLIC IS RECEIVED, OFFICE AREAS, NOISE
8 SENSITIVE AREAS OR WHERE NORMAL NOISE LEVEL IS LOW.

9 (9) MEASURES TO ACHIEVE AN OUTDOOR TO INDOOR NOISE REDUCTION LEVEL OF
10 TWENTY-FIVE DECIBELS MUST BE INCORPORATED INTO THE DESIGN AND CONSTRUCTION
11 OF NEW RESIDENTIAL BUILDINGS OR EXPANSIONS OF EXISTING RESIDENTIAL BUILDINGS.

12 (10) MEASURES TO ACHIEVE AN OUTDOOR TO INDOOR NOISE REDUCTION LEVEL
13 OF THIRTY DECIBELS MUST BE INCORPORATED INTO THE DESIGN AND CONSTRUCTION OF
14 NEW RESIDENTIAL BUILDINGS OR EXPANSIONS OF EXISTING RESIDENTIAL BUILDINGS.

15 (11) MEASURES TO ACHIEVE AN OUTDOOR TO INDOOR NOISE REDUCTION LEVEL
16 OF THIRTY-FIVE DECIBELS MUST BE INCORPORATED INTO THE DESIGN AND CONSTRUCTION
17 OF NEW RESIDENTIAL BUILDINGS OR EXPANSIONS OF EXISTING RESIDENTIAL BUILDINGS.

18 (12) MEASURES TO ACHIEVE AN OUTDOOR TO INDOOR NOISE REDUCTION LEVEL
19 OF FORTY DECIBELS MUST BE INCORPORATED INTO THE DESIGN AND CONSTRUCTION OF
20 NEW RESIDENTIAL BUILDINGS OR EXPANSIONS OF EXISTING RESIDENTIAL BUILDINGS.

21 (13) NO NEW RESIDENTIAL BUILDINGS OR EXPANSIONS OF EXISTING
22 RESIDENTIAL BUILDINGS ARE PERMITTED.

23 (14) COMPATIBLE IF SPECIAL SOUND REINFORCEMENT SYSTEMS ARE INSTALLED.

24 (15) NO ABOVEGROUND BUILDINGS OR STRUCTURES.

25 (16) NO NEW BUILDINGS OR IMPROVEMENTS OR EXPANSION OF NONAGRICULTURE
26 BUILDINGS OR IMPROVEMENTS FOR USES THAT RESULT IN THE RELEASE OF ANY
27 SUBSTANCE INTO THE AIR THAT WOULD IMPAIR VISIBILITY OR OTHERWISE INTERFERE
28 WITH OPERATING AIRCRAFT, SUCH AS ANY OF THE FOLLOWING:

29 (a) STEAM, DUST AND SMOKE.

30 (b) DIRECT OR INDIRECT REFLECTIVE LIGHT EMISSIONS.

31 (c) ELECTRICAL EMISSIONS THAT WOULD INTERFERE WITH AIRCRAFT AND AIR
32 FORCE COMMUNICATIONS OR NAVIGATIONAL AID SYSTEMS OR AIRCRAFT NAVIGATIONAL
33 EQUIPMENT.

34 (d) THE ATTRACTION OF BIRDS OR WATERFOWL SUCH AS OPERATION OF SANITARY
35 LANDFILLS OR MAINTENANCE OF FEEDING STATIONS.

36 (e) EXPLOSIVES FACILITIES OR SIMILAR ACTIVITIES.

37 (17) IF LOCATED IN THE EXTENDED PORTION OF ACCIDENT POTENTIAL ZONE TWO
38 IN TERRITORY OF A POLITICAL SUBDIVISION DESCRIBED IN SECTION 28-8461,
39 PARAGRAPH 8, SUBDIVISION (a).

40 ~~⌋~~ L. The attorney general shall notify a political subdivision by
41 certified mail, return receipt requested, if, from the content of the report
42 filed by the political subdivision pursuant to subsection ~~Ⓒ~~ H of this
43 section or other evidence, the attorney general has probable cause to believe
44 that the political subdivision has not complied with the requirements set

1 forth in SUBSECTION A, C OR F OF this section or section 28-8482. NOTHING IN
2 THIS SECTION SHALL AUTHORIZE OR PERMIT A FINDING OF PROBABLE CAUSE OF
3 NONCOMPLIANCE WITH RESPECT TO TERRITORY THAT IS THE SUBJECT OF A DEVELOPMENT
4 PLAN AS DEFINED IN SUBSECTION E OF THIS SECTION EXCEPT UNDER SECTION 28-8482
5 IF APPLICABLE. A political subdivision that receives a notice from the
6 attorney general pursuant to this subsection shall demonstrate compliance
7 with SUBSECTION A, C OR F OF this section or section 28-8482 within
8 forty-five days after receipt of the notice. If a political subdivision
9 fails to demonstrate compliance with SUBSECTION A, C OR F OF this section or
10 section 28-8482 within forty-five days after receipt of the notice, the
11 attorney general shall bring an enforcement action under this section.

12 ~~K. M. The attorney general shall notify all political subdivisions~~
13 ~~that have territory in the vicinity of a military airport within ninety days~~
14 ~~after the report filings or submittals pursuant to subsection G, N or O of~~
15 ~~this section. The attorney general shall also notify those~~ PROVIDE TO ALL
16 political subdivisions of the findings of the attorney general WITH TERRITORY
17 IN THE VICINITY OF A MILITARY AIRPORT A COPY OF THE REPORT PREPARED AND
18 SUBMITTED BY THE ATTORNEY GENERAL PURSUANT TO SUBSECTION S OF THIS SECTION
19 indicating those political subdivisions that are in compliance or
20 noncompliance with SUBSECTION A, C OR F OF this section and section 28-8482.
21 If the attorney general provides the ninety day notice A POLITICAL
22 SUBDIVISION FILES IN A TIMELY MANNER A REPORT OR AFFIDAVIT REQUIRED UNDER
23 SUBSECTION H OR J OF THIS SECTION and ANY ZONING MAP AMENDMENT, ZONING OR
24 SUBDIVISION ORDINANCE OR REGULATION TEXT AMENDMENT, FINAL PLAT APPROVAL,
25 VARIANCE FROM ZONING OR SUBDIVISION ORDINANCE OR COMPREHENSIVE, GENERAL OR
26 SPECIFIC PLAN AMENDMENT THAT HAS OCCURRED DURING THE REPORTING PERIOD IS
27 CONSISTENT WITH SUBSECTION K OF THIS SECTION AND THE POLITICAL SUBDIVISION
28 PROVIDED THE NOTICE REQUIRED PURSUANT TO SUBSECTION F OF THIS SECTION OR the
29 attorney general fails to find PROVIDE NOTICE OF probable cause of
30 noncompliance pursuant to subsection ~~J~~ L of this section and after thirty
31 days after mailing the notice prescribed in this subsection, the findings of
32 the attorney general constitute a determination that ON OR BEFORE NOVEMBER
33 15 OF THAT YEAR, the political subdivision has IS DEEMED TO HAVE complied
34 with the requirements of this section and section 28-8482 DURING THE PERIOD
35 COVERED BY THE REPORT OR AFFIDAVIT.

36 ~~L. N. If any affected landowner~~ OWNER OF PROPERTY THAT IS THE
37 SUBJECT OF A REPORT FILED PURSUANT TO SUBSECTION H OF THIS SECTION or
38 political subdivision THAT IS REQUIRED TO FILE A REPORT PURSUANT TO
39 SUBSECTION H OF THIS SECTION disagrees with the A determination of the
40 attorney general of probable cause of noncompliance pursuant to subsection
41 ~~J~~ L of this section or the findings of the attorney general pursuant to
42 subsection K of this section, the affected landowner OWNER OF PROPERTY or
43 political subdivision that has territory in the vicinity of a military
44 airport may appeal the determination of the attorney general to the superior

1 court in the county in which the affected ~~land~~ PROPERTY or territory is
2 located WITHIN thirty days after providing the attorney general written
3 notice of the appeal by certified mail.

4 M. 0. The following apply to enforcement actions brought under this
5 section:

6 1. The attorney general may institute a civil action in the name of
7 this state in the superior court in the county of the alleged violation
8 against a political subdivision that ~~has territory in the vicinity of a~~
9 ~~military airport~~ IS REQUIRED TO FILE A REPORT PURSUANT TO SUBSECTION H OF
10 THIS SECTION to restrain, enjoin, correct or abate a violation of this
11 section or section 28-8482, to collect a civil penalty ordered pursuant to
12 this section and to collect attorney fees and costs ordered pursuant to this
13 section if any of the following applies:

14 (a) The political subdivision fails to file a report OR AFFIDAVIT
15 required by this section within thirty days after the political subdivision
16 received RECEIVES the written notice from the attorney general that a report
17 has not been filed.

18 (b) From the content of the report filed by the political
19 subdivision, or other evidence, the attorney general has DETERMINED THAT
20 THERE IS probable cause to believe that the political subdivision has not
21 complied with the requirements set forth in SUBSECTION A, C OR F OF this
22 section or section 28-8482 and forty-five days have passed since the
23 political subdivision received written notice from the attorney general
24 pursuant to subsection ~~J~~ L of this section.

25 (c) The attorney general has probable cause to believe that any
26 change, variance or exemption MADE BY a political subdivision that ~~has~~
27 ~~territory in the vicinity of a military airport~~ makes IS REQUIRED TO FILE A
28 REPORT PURSUANT TO SUBSECTION H OF THIS SECTION to its ~~land use~~ GENERAL PLAN
29 OR COMPREHENSIVE plan or ~~building code~~ affecting APPLICABLE TO property
30 within the HIGH noise or accident potential zones ZONE violates this section
31 or ~~section 28-8482~~ and forty-five days have passed since the political
32 subdivision received written notice from the attorney general pursuant to
33 subsection ~~J~~ L of this section.

34 2. The court shall award reasonable attorney fees and other costs in
35 favor of this ~~state~~; ~~THE~~ PREVAILING PARTY for any civil enforcement action
36 brought under this section in which the attorney general prevails. IF THE
37 ATTORNEY GENERAL PREVAILS, monies awarded pursuant to this paragraph shall
38 be retained by the attorney general and are continuously appropriated.

39 3. The court may assess civil penalties in favor of this state to be
40 deposited in the state general fund as follows:

41 (a) For failure of a political subdivision that ~~has territory in the~~
42 ~~vicinity of a military airport~~ to file a report OR AFFIDAVIT required by
43 subsection ~~G~~ H or ~~I~~ J of this section within thirty days after receiving
44 notice from the attorney general, the political subdivision is liable for a

1 civil penalty of up to two hundred dollars for each day after the failure to
2 file a report for the first thirty days and up to three hundred dollars for
3 each subsequent day up to a maximum of ten thousand dollars.

4 (b) For failure of a political subdivision that has territory in the
5 vicinity of a military airport IS REQUIRED TO FILE A REPORT PURSUANT TO
6 SUBSECTION H OF THIS SECTION to comply with any other THE requirements of
7 SUBSECTION A, C OR F OF this section or section 28-8482, the political
8 subdivision is liable for a civil penalty of up to five hundred dollars for
9 each day for the first ten days and up to five thousand dollars for each
10 subsequent day up to a maximum of fifty thousand dollars. If the political
11 subdivision demonstrates compliance with SUBSECTIONS A, C AND F OF this
12 section and section 28-8482 within forty-five days after receipt of a notice
13 OF NONCOMPLIANCE from the attorney general pursuant to subsection J L of
14 this section, the accrued penalties shall be waived. IF THE POLITICAL
15 SUBDIVISION DEMONSTRATES A GOOD FAITH EFFORT TO COMPLY WITH SUBSECTIONS A,
16 C AND F OF THIS SECTION AND SECTION 28-8482, AS APPLICABLE, WITHIN FORTY-FIVE
17 DAYS AFTER RECEIPT OF A NOTICE OF NONCOMPLIANCE FROM THE ATTORNEY GENERAL
18 PURSUANT TO SUBSECTION L OF THIS SECTION, THE ATTORNEY GENERAL MAY WAIVE
19 ACCRUED PENALTIES.

20 4. ~~Section 12-348 does not apply to enforcement actions brought by~~
21 ~~the attorney general under this section, except that the court may award~~
22 ~~reasonable attorney fees and costs in favor of a political subdivision that~~
23 ~~has territory in the vicinity of a military airport and that prevails in an~~
24 ~~enforcement action brought under this section.~~

25 N. P. A political subdivision that has territory in the vicinity of
26 a military airport THAT INCLUDES PROPERTY IN A HIGH NOISE OR ACCIDENT
27 POTENTIAL ZONE shall submit any proposed land use COMPREHENSIVE OR GENERAL
28 plan or amendments to a land use plan affecting THAT ARE APPLICABLE TO
29 property within the HIGH noise or accident potential zone to the attorney
30 general at least fifteen days before the first public hearing required in
31 PURSUANT TO section 9-461.06 or 11-806.

32 O. Q. On written request of the attorney general, a political
33 subdivision shall provide records kept pursuant to this section or section
34 28-8482 within thirty days after the request.

35 P. R. The attorney general may investigate any complaint received
36 that a political subdivision that has territory in the vicinity of a military
37 airport is not in compliance with SUBSECTION A, C OR F OF this section or
38 section 28-8482.

39 Q. S. On or before November 15 of each year, the attorney general
40 shall submit to the Arizona military airport preservation committee
41 established by section 41-3301 a report indicating those political
42 subdivisions that are in compliance with SUBSECTIONS A, C AND F OF this
43 section and section 28-8482, those political subdivisions that are not in
44 compliance with SUBSECTIONS A, C AND F OF this section and section 28-8482

1 and the actions that the attorney general is taking, or intending to take,
2 to bring those political subdivisions not in compliance with SUBSECTIONS A,
3 C AND F OF this section or section 28-8482 into compliance.

4 Sec. 10. Section 28-8482, Arizona Revised Statutes, is amended to
5 read:

6 28-8482. Incorporation of sound attenuation standards in
7 building codes

8 A. A political subdivision that has territory in the vicinity of a
9 military airport shall incorporate the sound attenuation standards and
10 specifications prescribed in this section into any building code in existence
11 on or adopted after ~~July 13, 1995~~ DECEMBER 31, 2001. These standards and
12 specifications apply to new development and alterations for first occupancy
13 THAT ARE THE SUBJECT OF BUILDING PERMITS ISSUED after ~~October 1, 1996~~
14 DECEMBER 31, 2001 AND that are located on property ~~on which the day-night~~
15 ~~average sound level is sixty-five decibels or higher~~ WITHIN THE TERRITORY IN
16 THE VICINITY OF A MILITARY AIRPORT.

17 B. Not later than ~~July 1, 1996~~ DECEMBER 31, 2001, a political
18 subdivision that has territory in the vicinity of a military airport ~~on which~~
19 ~~the day-night average sound level is sixty-five decibels or higher~~ shall
20 adopt an ordinance that requires a noise level reduction to be incorporated
21 in the design and construction of any RESIDENTIAL building OR PORTIONS OF
22 BUILDINGS WHERE THE PUBLIC IS RECEIVED, OFFICE AREAS OR WHERE NORMAL NOISE
23 LEVEL IS LOW for first occupancy PURSUANT TO BUILDING PERMITS ISSUED after
24 ~~October 1, 1996~~ DECEMBER 31, 2001 in order to achieve a maximum interior
25 noise level of forty-five decibels. IN ORDER TO COMPLY WITH THIS SECTION,
26 AN ORDINANCE SHALL REQUIRE THAT ALL RESIDENTIAL BUILDINGS BE CONSTRUCTED WITH
27 R19 EXTERIOR WALLS, R30 ROOFS, DUAL-GLAZED WINDOWS AND SOLID WOOD,
28 FOAM-FILLED FIBERGLASS OR METAL DOORS TO THE EXTERIOR. A sound attenuation
29 ordinance adopted by a political subdivision pursuant to this subsection
30 shall not require a maximum interior noise level that is less than the
31 maximum interior noise level required by this subsection.

32 C. The sound attenuation requirements of this section do not apply to
33 ancillary buildings used in agricultural land use.

34 D. If the gross floor area of a structure or project is expanded by
35 less than fifty per cent, the requirements of this section apply only to the
36 area of expansion. If the gross floor area of a structure or project is
37 expanded by fifty per cent or more, the requirements of this section apply
38 to the entire structure, except for single family, mobile home, manufactured
39 housing unit or duplex dwellings or any multifamily property used for
40 residential purposes.

41 ~~E. To comply with this section, political subdivisions located in a~~
42 ~~county with a population of:~~

1 ~~1. One million two hundred thousand or more persons according to the~~
2 ~~most recent United States decennial census shall use the 1988 noise contours~~
3 ~~developed and recognized by the regional planning agency in that county.~~

4 ~~2. Less than one million two hundred thousand persons shall use the~~
5 ~~most recent air installation compatible use zone report recognized by the~~
6 ~~military airport and political subdivisions in that county on July 13, 1995.~~

7 Sec. 11. Section 28-8483, Arizona Revised Statutes, is amended to
8 read:

9 28-8483. Registry of military airport flight operations; public
10 inspection

11 A. The state real estate department and political subdivisions that
12 have territory in the vicinity of a military airport shall request from the
13 EACH military airports AIRPORT in this state a registry REGISTRY of
14 information including maps of military flight operations and a list of
15 contact persons at each military airport who are knowledgeable about the
16 impacts of military flight operations AT THE MILITARY AIRPORT. EACH REGISTRY
17 SHALL CONTAIN THE INFORMATION PROVIDED BY THE MILITARY AIRPORT, INCLUDING ANY
18 MAP PREPARED PURSUANT TO SECTION 28-8484, SUBSECTION B. The state real
19 estate department AND POLITICAL SUBDIVISIONS shall maintain the registry OF
20 INFORMATION PROVIDED BY THE MILITARY AIRPORT and make the registry available
21 to the public on request.

22 ~~B. The registry of information required by this section shall be used~~
23 ~~to enforce the sound attenuation and public disclosure requirements of~~
24 ~~sections 28-8481 and 28-8482.~~

25 Sec. 12. Section 28-8484, Arizona Revised Statutes, is amended to
26 read:

27 28-8484. Military airport disclosure; residential property

28 A. Any transfer of residential real property, and any transfer of
29 residential real property requiring a public report ISSUED AFTER DECEMBER 31,
30 2001 pursuant to section ~~32-2181~~ 32-2183 or ~~32-2195~~, 32-2195.03 APPLICABLE
31 TO PROPERTY that is located within territory in the vicinity of a military
32 airport shall include a statement THE FOLLOWING STATEMENTS:

33 1. That the property is located within territory in the vicinity of
34 a military airport.

35 2. IF THE STATE REAL ESTATE DEPARTMENT HAS BEEN PROVIDED THE REGISTRY
36 OF INFORMATION DESCRIBED IN SECTION 28-8483, THAT THE STATE REAL ESTATE
37 DEPARTMENT MAINTAINS A REGISTRY OF INFORMATION, INCLUDING THE MAPS OF
38 MILITARY FLIGHT OPERATIONS PROVIDED BY THE MILITARY AIRPORT, PURSUANT TO
39 SECTION 28-8483 AND, IF PROVIDED TO THE DEPARTMENT, THE MAP PREPARED BY THE
40 MILITARY AIRPORT PURSUANT TO SUBSECTION B OF THIS SECTION.

41 3. IF THE STATE REAL ESTATE DEPARTMENT HAS BEEN PROVIDED THE REGISTRY
42 OF INFORMATION DESCRIBED IN SECTION 28-8483, THAT THE INFORMATION IS
43 AVAILABLE TO THE PUBLIC ON REQUEST.

1 MILITARY AIRPORT AS DEFINED IN SECTION 28-8461. THE MILITARY AIRPORT SHALL
2 CAUSE THE LEGAL DESCRIPTION TO BE PREPARED AND SHALL PROVIDE THE LEGAL
3 DESCRIPTION TO THE COMMISSIONER IN RECORDABLE FORM IN TWELVE POINT FONT ON
4 EIGHT AND ONE-HALF INCH BY ELEVEN INCH PAPER.

5 Sec. 14. Section 32-2181, Arizona Revised Statutes, is amended to
6 read:

7 32-2181. Notice to commissioner of intention to subdivide lands;
8 unlawful acting in concert; exceptions; deed
9 restrictions; definition

10 A. Before offering subdivided lands for sale or lease, the subdivider
11 shall notify the commissioner in writing of the subdivider's intention. The
12 notice shall contain:

13 1. The name and address of the owner. If the holder of any ownership
14 interest in the land is other than an individual, such as a corporation,
15 partnership or trust, a statement naming the type of legal entity and listing
16 the interest and the extent of any interest of each principal in the entity.
17 For the purposes of this section, "principal" means any person or entity
18 having a ten per cent or more financial interest or, if the legal entity is
19 a trust, each beneficiary of the trust holding a ten per cent or more
20 beneficial interest.

21 2. The name and address of the subdivider.

22 3. The legal description and area of the land.

23 4. A true statement of the condition of the title to the land,
24 including all encumbrances on the land, and a statement of the provisions
25 agreed to by the holder of any blanket encumbrance enabling a purchaser to
26 acquire title to a lot or parcel free of the lien of the blanket encumbrance
27 on completion of all payments and performance of all of the terms and
28 provisions required to be made or performed by the purchaser under the real
29 estate sales contract by which the purchaser has acquired the lot or parcel.
30 The subdivider shall file copies of documents acceptable to the department
31 containing these provisions with the commissioner before the sale of any
32 subdivision lot or parcel subject to a blanket encumbrance.

33 5. The terms and conditions on which it is intended to dispose of the
34 land, together with copies of any real estate sales contract, conveyance,
35 lease, assignment or other instrument intended to be used, and any other
36 information the owner or the owner's agent or subdivider desires to present.

37 6. A map of the subdivision which has been filed in the office of the
38 county recorder in the county in which the subdivision is located.

39 7. A brief but comprehensive statement describing the land on and the
40 locality in which the subdivision is located.

41 8. A statement of the provisions that have been made for permanent
42 access and provisions, if any, for health department approved sewage and
43 solid waste collection and disposal and public utilities in the proposed
44 subdivision, including water, electricity, gas and telephone facilities.

1 9. A statement as to the location of the nearest public common and
2 high schools available for the attendance of school age pupils residing on
3 the subdivision property.

4 10. A statement of the use or uses for which the proposed subdivision
5 will be offered.

6 11. A statement of the provisions, if any, limiting the use or
7 occupancy of the parcels in the subdivision, together with copies of any
8 restrictive covenants affecting all or part of the subdivision.

9 12. The name and business address of the principal broker selling or
10 leasing, within this state, lots or parcels in the subdivision.

11 13. A true statement of the approximate amount of indebtedness which
12 is a lien on the subdivision or any part of the subdivision and which was
13 incurred to pay for the construction of any on-site or off-site improvement,
14 or any community or recreational facility.

15 14. A true statement or reasonable estimate, if applicable, of the
16 amount of any indebtedness which has been or is proposed to be incurred by
17 an existing or proposed special district, entity, taxing area or assessment
18 district, within the boundaries of which the subdivision, or any part of the
19 subdivision, is located, and which is to pay for the construction or
20 installation of any improvement or to furnish community or recreational
21 facilities to the subdivision, and which amounts are to be obtained by ad
22 valorem tax or assessment, or by a special assessment or tax upon the
23 subdivision or any part of the subdivision.

24 15. A true statement as to the approximate amount of annual taxes,
25 special assessments or fees to be paid by the buyer for the proposed annual
26 maintenance of common facilities in the subdivision.

27 16. A statement of the provisions for easements for permanent access
28 for irrigation water where applicable.

29 17. A true statement of assurances for the completion of off-site
30 improvements, such as roads, utilities, community or recreational facilities
31 and other improvements to be included in the offering or represented as being
32 in the offering, and approval of the offering by the political subdivision
33 with authority. This statement shall include a trust agreement or other
34 evidence of assurances for delivery of the improvements and a statement of
35 the provisions, if any, for the continued maintenance of the improvements.

36 18. A true statement of the nature of any improvements to be installed
37 by the subdivider, the estimated schedule for completion and the estimated
38 costs related to the improvements which will be borne by purchasers of lots
39 in the subdivision.

40 19. A true statement of the availability of sewage disposal facilities
41 and other public utilities including water, electricity, gas and telephone
42 facilities in the subdivision, the estimated schedule for their installation,
43 and the estimated costs related to the facilities and utilities which will
44 be borne by purchasers of lots in the subdivision.

1 20. A true statement as to whether all or any portion of the
2 subdivision is located in an open range or area in which livestock may roam
3 at large under the laws of this state and what provisions, if any, have been
4 made for the fencing of the subdivision to preclude livestock from roaming
5 within the subdivided lands.

6 21. If the subdivider is a subsidiary corporation, a true statement
7 identifying the parent corporation and any of the following in which the
8 parent or any of its subsidiaries are or have been involved within the past
9 five years:

10 (a) Any subdivision in this state.

11 (b) Any subdivision, wherever located, for which registration is
12 required pursuant to the federal interstate land sales full disclosure act.

13 (c) Any subdivision, wherever located, for which registration would
14 have been required pursuant to the federal interstate land sales full
15 disclosure act but for the exemption for subdivisions whose lots are all
16 twenty acres or more in size.

17 22. A true statement identifying all other subdivisions, designated in
18 paragraph 21, in which any of the following are or, within the last five
19 years, have been directly or indirectly involved:

20 (a) The holder of any ownership interest in the land.

21 (b) The subdivider.

22 (c) Any principal or officer in the holder or subdivider.

23 23. A true statement as to whether all or any portion of the
24 subdivision is located in territory in the vicinity of a military airport or
25 AS DEFINED IN SECTION 28-8461, IN territory in the vicinity of a public
26 airport as defined in section 28-8486 OR, ON OR AFTER JULY 1, 2001, IN A HIGH
27 NOISE OR ACCIDENT POTENTIAL ZONE AS DEFINED IN SECTION 28-8461. THE
28 STATEMENT REQUIRED PURSUANT TO THIS PARAGRAPH DOES NOT REQUIRE THE AMENDMENT
29 OR REFILEING OF ANY NOTICE FILED BEFORE JULY 1, 2001.

30 24. Other information and documents and certifications as the
31 commissioner may reasonably require.

32 B. The commissioner, upon application, may grant a subdivider of lots
33 or parcels within a subdivision for which a public report was previously
34 issued by the commissioner an exemption from all or part of the notification
35 requirements of subsection A of this section. The subdivider shall file a
36 statement with the commissioner indicating the change of ownership in the
37 lots or parcels together with any material changes occurring subsequent to
38 the original approval of the subdivision within which the lots or parcels are
39 located. The statement shall further refer to the original approval by the
40 commissioner.

41 C. If the subdivision is within a groundwater active management area,
42 as defined in section 45-402, the subdivider shall accompany the notice with
43 a certificate of assured water supply issued by the director of water
44 resources, unless the subdivider has obtained a written commitment of water

1 service for the subdivision from a city, town or private water company
2 designated as having an assured water supply by the director of water
3 resources pursuant to section 45-576 or is exempt from the requirement
4 pursuant to section 45-576. If the subdivider has submitted a certificate
5 of assured water supply to a city, town or county prior to approval of the
6 plat by the city, town or county and this has been noted on the face of the
7 plat, the submission constitutes compliance with this subsection.

8 D. It is unlawful for a person or group of persons acting in concert
9 to attempt to avoid the provisions of this article by acting in concert to
10 divide a parcel of land or sell subdivision lots by using a series of owners
11 or conveyances or by any other method which ultimately results in the
12 division of the lands into a subdivision or the sale of subdivided land. The
13 plan or offering is subject to the provisions of this article. Unlawful
14 acting in concert pursuant to this subsection with respect to the sale or
15 lease of subdivision lots requires proof that the real estate licensee or
16 other licensed professional knew or with the exercise of reasonable diligence
17 should have known that property which the licensee listed or for which the
18 licensee acted in any capacity as agent was subdivided land subject to the
19 provisions of this article.

20 E. A creation of six or more lots, parcels or fractional interests in
21 improved or unimproved land, lots or parcels of any size is subject to the
22 provisions of this article except when:

23 1. Each of the lots, parcels or fractional interests represents, on
24 a partition basis, thirty-six acres or more in area of land located in this
25 state including to the center line of dedicated roads or easements, if any,
26 contiguous to the land in which the interests are held.

27 2. The lots, parcels or fractional interests are the result of a
28 foreclosure sale, the exercise by a trustee under a deed of trust of a power
29 of sale or the grant of a deed in lieu of foreclosure. This paragraph does
30 not allow circumvention of the requirements of this article.

31 3. The lots, parcels or fractional interests are created by a valid
32 order or decree of a court pursuant to and through compliance with title 12,
33 chapter 8, article 7 or by operation of law. This paragraph does not allow
34 circumvention of the requirements of this article.

35 4. The lots, parcels or fractional interests consist of interests in
36 any oil, gas or mineral lease, permit, claim or right therein and such
37 interests are regulated as securities by the United States or by this state.

38 5. The lots, parcels or fractional interests are registered as
39 securities under the laws of the United States or the laws of this state or
40 are exempt transactions under the provisions of section 44-1844, 44-1845 or
41 44-1846.

42 6. The commissioner by special order exempts offerings or
43 dispositions of any lots, parcels or fractional interests from compliance
44 with the provisions of this article upon written petition and upon a showing

1 satisfactory to the commissioner that compliance is not essential to the
2 public interest or for the protection of buyers.

3 F. In areas outside of groundwater active management areas
4 established pursuant to title 45, chapter 2, article 2, if the director of
5 water resources, pursuant to section 45-108, reports an inadequate on-site
6 supply of water to meet the needs projected by the developer or if no water
7 is available, the state real estate commissioner shall require that all
8 promotional material and contracts for the sale of lots in subdivisions
9 approved by the commissioner adequately display the director of water
10 resources' report or the developer's brief summary of the report as approved
11 by the commissioner on the proposed water supply for the subdivision.

12 G. The commissioner may require the subdivider to supplement the
13 notice of intention to subdivide lands and may require the filing of periodic
14 reports to update the information contained in the original notice of
15 intention to subdivide lands.

16 H. The commissioner may authorize the subdivider to file as the
17 notice of intention to subdivide lands, in lieu of some or all of the
18 requirements of subsection A of this section, a copy of the statement of
19 record filed with respect to the subdivision pursuant to the federal
20 interstate land sales full disclosure act if the statement complies with the
21 requirements of the act and the regulations pertinent to the act.

22 I. Neither a real estate sales contract, conveyance, lease,
23 assignment or other instrument to transfer any interest in subdivided land
24 nor any covenant or restriction affecting real property shall contain any
25 provision limiting the right of any party to appear or testify in support of
26 or opposition to zoning changes, building permits or any other official acts
27 affecting real property before a governmental body or official considering
28 zoning changes, building permits or any other official acts affecting real
29 property, whether the property is located within or outside of the boundaries
30 of the subdivision. All contractual provisions which conflict with this
31 subsection are declared to be contrary to public policy. Nothing contained
32 in this subsection shall prohibit private restrictions on the use of any real
33 property.

34 J. Before offering subdivided lands for lease or sale the subdivider
35 who makes any promises through any form of advertising media that the
36 subdivided lands will be exclusively a retirement community or one which is
37 limited to the residency of adults or senior citizens shall include the
38 promises in the deed restrictions affecting any interest in real property
39 within the subdivided lands.

1 Sec. 15. Section 32-2183, Arizona Revised Statutes, is amended to
2 read:

3 32-2183. Subdivision public reports; denial of issuance;
4 unlawful sales; classification; voidable sale or
5 lease; order prohibiting sale or lease;
6 investigations; hearings; summary orders

7 A. Upon examination of a subdivision, the commissioner shall, unless
8 there are grounds for denial, issue to the subdivider a public report
9 authorizing the sale or lease in this state of the lots, parcels or
10 fractional interests within the subdivision. The report shall contain the
11 data obtained in accordance with section 32-2181 and any other information
12 which the commissioner determines is necessary to implement the purposes of
13 this article. IF ANY OF THE LOTS, PARCELS OR FRACTIONAL INTERESTS WITHIN THE
14 SUBDIVISION ARE LOCATED WITHIN TERRITORY IN THE VICINITY OF A MILITARY
15 AIRPORT AS DEFINED IN SECTION 28-8461, THE REPORT SHALL INCLUDE, IN BOLD
16 TWELVE POINT FONT BLOCK LETTERS ON THE FIRST PAGE OF THE REPORT, THE
17 STATEMENTS REQUIRED PURSUANT TO SECTION 28-8484, SUBSECTION A AND, IF THE
18 DEPARTMENT HAS BEEN PROVIDED A MAP PREPARED PURSUANT TO SECTION 28-8484,
19 SUBSECTION B, THE REPORT SHALL INCLUDE A COPY OF THE MAP. THESE REPORT
20 REQUIREMENTS DO NOT REQUIRE THE AMENDMENT OR REISSUANCE OF ANY PUBLIC REPORT
21 ISSUED ON OR BEFORE DECEMBER 31, 2001. The commissioner shall require the
22 subdivider to reproduce the report, make the report available to each
23 prospective customer and furnish each buyer or lessee with a copy before
24 accepting THE BUYER OR LESSEE SIGNS any offer to purchase or lease, taking
25 a receipt therefor.

26 B. Notwithstanding subsection A of this section, a subdivider may
27 elect to prepare a final public report for use in the sale of improved lots
28 as defined in section 32-2101, as follows:

29 1. The subdivider shall prepare the public report and provide a copy
30 of the report to the commissioner with the submission of the notification
31 required by sections 32-2181 and 32-2184 and shall comply with all other
32 requirements of this article.

33 2. An initial filing fee of five hundred dollars or an amended filing
34 fee of two hundred fifty dollars shall accompany the notification required
35 by paragraph 1 of this subsection.

36 3. The department shall assign a registration number to each
37 notification and public report submitted pursuant to this subsection and
38 shall maintain a data base of all of these submissions. The subdivider shall
39 place the number on each public report.

40 4. The department shall determine within fifteen business days after
41 the receipt of the notification and public report whether the notification
42 and public report are administratively complete. The commissioner may either
43 issue a certification that the notification and public report are
44 administratively complete or may deny issuance of the certification if it

1 appears that the application or project is not in compliance with all legal
2 requirements, that the applicant has a background of violations of state or
3 federal law or that the applicant or project presents an unnecessary risk of
4 harm to the public.

5 5. A subdivider may commence sales or leasing activities as permitted
6 under this article after obtaining a certificate of administrative
7 completeness from the commissioner.

8 6. Before or after the commissioner issues a certificate of
9 administrative completeness, the department may examine any public report,
10 subdivision or applicant that has APPLIED FOR OR received the certificate.
11 If the commissioner determines that the subdivider or subdivision is not in
12 compliance with any requirement of state law or that grounds exist under this
13 chapter to suspend, deny or revoke a public report, the commissioner may
14 commence an administrative action under section 32-2154 or 32-2157. If the
15 subdivider immediately corrects the deficiency and comes into full compliance
16 with state law, the commissioner shall vacate any action that the
17 commissioner may have commenced pursuant to section 32-2154 or 32-2157.

18 7. The department shall provide forms and guidelines for the
19 submission of the notification and public report pursuant to this section.

20 C. The commissioner may suspend, revoke or deny issuance of a public
21 report on any of the following grounds:

22 1. Failure to comply with any of the provisions of this article or
23 the rules of the commissioner pertaining to this article.

24 2. The sale or lease would constitute misrepresentation to or deceit
25 or fraud of the purchasers or lessees.

26 3. Inability to deliver title or other interest contracted for.

27 4. Inability to demonstrate that adequate financial or other
28 arrangements acceptable to the commissioner have been made for completion of
29 all streets, sewers, electric, gas and water utilities, drainage and flood
30 control facilities, community and recreational facilities and other
31 improvements included in the offering.

32 5. Failure to make a showing that the lots, parcels or fractional
33 interests can be used for the purpose for which they are offered.

34 6. The owner, agent, subdivider, officer, director or partner,
35 subdivider trust beneficiary holding ten per cent or more direct or indirect
36 beneficial interest or, if a corporation, any stockholder owning ten per cent
37 or more of the stock in the corporation has:

38 (a) Been convicted of a felony or misdemeanor involving fraud or
39 dishonesty or involving conduct of any business or a transaction in real
40 estate, cemetery property, time-share intervals or membership camping
41 campgrounds or contracts.

42 (b) Been permanently or temporarily enjoined by order, judgment or
43 decree from engaging in or continuing any conduct or practice in connection
44 with the sale or purchase of real estate or cemetery property, time-share

1 intervals, membership camping contracts or campgrounds, or securities or
2 involving consumer fraud or the racketeering laws of this state.

3 (c) Had an administrative order entered against him by a real estate
4 regulatory agency or security regulatory agency.

5 (d) Had an adverse decision or judgment entered against him involving
6 fraud or dishonesty or involving the conduct of any business or transaction
7 in real estate, cemetery property, time-share intervals or membership camping
8 campgrounds or contracts.

9 (e) Disregarded or violated any of the provisions of this chapter or
10 the rules of the commissioner pertaining to this chapter.

11 (f) Controlled an entity to which subdivision (b), (c), (d) or (e)
12 applies.

13 7. Procurement or an attempt to procure a public report by fraud,
14 misrepresentation or deceit or by filing an application for a public report
15 which is materially false or misleading.

16 8. Failure of the declaration for a condominium created pursuant to
17 title 33, chapter 9, article 2 to comply with the requirements of section
18 33-1215 or failure of the plat for the condominium to comply with the
19 requirements of section 33-1219. The commissioner may require an applicant
20 for a public report to submit a notarized statement signed by the subdivider
21 or an engineer or attorney licensed to practice in this state certifying that
22 the condominium plat and declaration of condominium are in compliance with
23 the requirements of sections 33-1215 and 33-1219. If the notarized statement
24 is provided, the commissioner is entitled to rely on this statement.

25 9. Failure of any blanket encumbrance or valid supplementary
26 agreement executed by the holder of the blanket encumbrance to contain
27 provisions that enable the purchaser to acquire title to a lot or parcel free
28 of the lien of the blanket encumbrance, on completion of all payments and
29 performance of all of the terms and provisions required to be made or
30 performed by the purchaser under the real estate sales contract by which the
31 purchaser has acquired the lot or parcel. The subdivider shall file copies
32 of documents acceptable to the commissioner containing these provisions with
33 the commissioner before the sale of any subdivision lot or parcel subject to
34 a blanket encumbrance.

35 10. Failure to demonstrate permanent access to the subdivision lots or
36 parcels.

37 11. The use of the lots presents an unreasonable health risk.

38 D. It is unlawful for a subdivider to sell any lot in a subdivision
39 unless one of the following occurs:

40 1. All proposed or promised subdivision improvements are completed.

41 2. The completion of all proposed or promised subdivision
42 improvements is assured by financial arrangements acceptable to the
43 commissioner. The financial arrangements may be made in phases for common

1 community and recreation facilities required by a municipality or county as
2 a stipulation for approval of a plan for a master planned community.

3 3. The municipal or county government agrees to prohibit occupancy
4 and the subdivider agrees not to close escrow for lots in the subdivision
5 until all proposed or promised subdivision improvements are completed.

6 4. The municipal or county government enters into an assurance
7 agreement with any trustee not to convey lots until improvements are
8 completed within the portion of the subdivision containing these lots, if the
9 improvements can be used and maintained separately from the improvements
10 required for the entire subdivision plat. The agreement shall be recorded
11 in the county in which the subdivision is located.

12 E. If the subdivision is within a groundwater active management area,
13 as defined in section 45-402, the commissioner shall deny issuance of a
14 public report or the use of any exemption pursuant to section 32-2181.02,
15 subsection B unless the subdivider has been issued a certificate of assured
16 water supply by the director of water resources, or unless the subdivider has
17 obtained a written commitment of water service for the subdivision from a
18 city, town or private water company designated as having an assured water
19 supply by the director of water resources pursuant to section 45-576 or is
20 exempt from the requirement pursuant to section 45-576.

21 F. No subdivider shall sell or lease or offer for sale or lease in
22 this state any lots, parcels or fractional interests in a subdivision without
23 first obtaining a public report from the commissioner except as provided in
24 section 32-2181.01 or 32-2181.02. Unless exempt, the sale or lease of
25 subdivided lands prior to issuance of the public report or failure to deliver
26 the public report to the purchaser or lessee shall render the sale or lease
27 rescindable by the purchaser or lessee. An action by the purchaser or lessee
28 to rescind the transaction shall be brought within three years of the date
29 of execution of the purchase or lease agreement by the purchaser or lessee.
30 In any rescission action, the prevailing party is entitled to reasonable
31 attorney fees as determined by the court.

32 G. Any applicant objecting to the denial of a public report may,
33 within thirty days after receipt of the order of denial, file a written
34 request for a hearing. The commissioner shall hold the hearing within twenty
35 days after receipt of the request for a hearing unless the party requesting
36 the hearing has requested a postponement. If the hearing is not held within
37 twenty days after a request for a hearing is received, plus the period of any
38 postponement, or if a proposed decision is not rendered within forty-five
39 days after submission, the order of denial shall be rescinded and a public
40 report issued.

41 H. On the commissioner's own motion, or when the commissioner has
42 received a complaint and has satisfactory evidence that the subdivider or the
43 subdivider's agent is violating any provision set forth in this article or
44 the rules of the commissioner or has engaged in any unlawful practice as

1 defined in section 44-1522 with respect to the sale of subdivided lands or
2 deviated from the provisions of the public report, may investigate the
3 subdivision project and examine the books and records of the subdivider. For
4 the purpose of examination, the subdivider shall keep and maintain records
5 of all sales transactions and funds received by the subdivider pursuant to
6 the sales transactions and shall make them accessible to the commissioner
7 upon reasonable notice and demand.

8 I. On the commissioner's own motion, or when the commissioner has
9 received a complaint and has satisfactory evidence that any person has
10 violated any of the provisions of this article or the rules of the
11 commissioner or has engaged in any unlawful practice as defined in section
12 44-1522 with respect to the sale of subdivided lands or deviated from the
13 provisions of the public report or special order of exemption, or has been
14 indicted for fraud or against whom an information for fraud has been filed
15 or has been convicted of a felony, before or after the commissioner issues
16 the public report as provided in subsection A of this section, may conduct
17 an investigation of the matter, issue a summary order as provided in section
18 32-2157, or hold a public hearing and, after the hearing, may issue the order
19 or orders the commissioner deems necessary to protect the public interest and
20 insure compliance with the law, rules or public report or the commissioner
21 may bring action in any court of competent jurisdiction against the person
22 to enjoin the person from continuing the violation or engaging in or doing
23 any act or acts in furtherance of the violation. The court may make orders
24 or judgments, including the appointment of a receiver, necessary to prevent
25 the use or employment by a person of any unlawful practices, or which may be
26 necessary to restore to any person in interest any monies or property, real
27 or personal, that may have been acquired by means of any practice in this
28 article declared to be unlawful.

29 J. When it appears to the commissioner that a person has engaged in
30 or is engaging in a practice declared to be unlawful by this article and that
31 the person is concealing assets or self or has made arrangements to conceal
32 assets or is about to leave the state, the commissioner may apply to the
33 superior court, ex parte, for an order appointing a receiver of the assets
34 of the person or for a writ of ne exeat, or both.

35 K. The court upon receipt of an application for the appointment of a
36 receiver or for a writ of ne exeat, or both, shall examine the verified
37 application of the commissioner and other evidence that the commissioner may
38 present the court. If satisfied that the interests of the public require the
39 appointment of a receiver or the issuance of a writ of ne exeat without
40 notice, the court shall issue an order appointing the receiver or issue the
41 writ, or both. If the court determines that the interests of the public will
42 not be harmed by the giving of notice, the court shall set a time for a
43 hearing and require notice be given as the court deems satisfactory.

1 L. If the court appoints a receiver without notice, the court shall
2 further direct that a copy of the order appointing a receiver be served upon
3 the person engaged in or engaging in a practice declared to be unlawful under
4 this article by delivering the order to the last address of the person which
5 is on file with the real estate department. The order shall inform the
6 person that the person has the right to request a hearing within ten days of
7 the date of the order and, if requested, the hearing shall be held within
8 thirty days from the date of the order.

9 Sec. 16. Section 32-2195, Arizona Revised Statutes, is amended to
10 read:

11 32-2195. Notice to commissioner of intention before offering for
12 sale or lease of unsubdivided land

13 A. Prior to the offering for sale or lease of unsubdivided land the
14 owner or agent shall notify the commissioner in writing of the owner's or
15 agent's intention to offer such parcels for sale or lease.

16 B. The notice required by this section shall contain the following
17 information:

18 1. The name and address of the owner. If the holder of any ownership
19 interest in the land is other than an individual, such as a corporation,
20 partnership or trust, a statement naming the type of legal entity and listing
21 the interest and the extent of such interest of each principal in the entity.
22 For the purposes of this section, "principal" means any person or entity
23 having a ten per cent or more financial interest or, if the legal entity is
24 a trust, each beneficiary of the trust holding a ten per cent or more
25 beneficial interest.

26 2. The name and address of the agent.

27 3. The legal description and area of the lands.

28 4. A true statement of the condition of the title to the land,
29 including all encumbrances thereon.

30 5. A true statement of the terms and conditions under which such
31 lands are to be offered to the public.

32 6. A statement of the use or uses for which the land will be offered
33 or a statement that it is offered for no specific use.

34 7. A true statement of the provisions made for permanent access.

35 8. A true statement setting out the availability of water or lack
36 thereof.

37 9. A true statement of the availability to the land of sewage
38 disposal facilities and other public utilities including water, electricity,
39 gas and telephone facilities.

40 10. A true statement or reasonable estimate, if applicable, of the
41 amount of any indebtedness which has been or is proposed to be incurred by
42 an existing or proposed special district, taxing area or assessment district
43 within the boundaries of which the unsubdivided lands are located, and which

1 is to pay for the construction or installation of any improvements to that
2 land.

3 11. A true statement as to whether all or any portion of the
4 unsubdivided land is located in an open range or area in which livestock may
5 roam at large under the laws of this state and what provisions, if any, have
6 been made for the fencing of the unsubdivided land to preclude livestock from
7 roaming within such land.

8 12. If the owner or agent is a subsidiary corporation, a true
9 statement identifying the parent corporation and any of the following in
10 which the parent or any of its subsidiaries are or have been involved within
11 the past five years:

12 (a) Any subdivision in this state.

13 (b) Any subdivision, wherever located, for which registration is
14 required pursuant to the federal interstate land sales full disclosure act.

15 (c) Any subdivision, wherever located, for which registration would
16 have been required pursuant to the federal interstate land sales full
17 disclosure act but for the exemption for subdivisions whose lots are five
18 acres or more in size.

19 13. A true statement identifying all other subdivisions, designated in
20 paragraph 12, in which any of the following are or, within the last five
21 years, have been directly or indirectly involved:

22 (a) The holder of any ownership interest in the land.

23 (b) The agent.

24 (c) Any principal or officer in the holder.

25 14. A true statement as to whether all or any portion of the
26 unsubdivided land is located in territory in the vicinity of a military
27 airport or AS DEFINED IN SECTION 28-8461, IN territory in the vicinity of a
28 public airport as defined in section 28-8486 OR, ON OR AFTER JULY 1, 2001,
29 IN A HIGH NOISE OR ACCIDENT POTENTIAL ZONE AS DEFINED IN SECTION
30 28-8461. THE STATEMENT REQUIRED PURSUANT TO THIS PARAGRAPH DOES NOT REQUIRE
31 THE AMENDMENT OR REFILEING OF ANY NOTICE FILED BEFORE JULY 1, 2001.

32 15. Such other information and such other documents and certifications
33 as the commissioner may reasonably require for the protection of the public.

34 C. Copies of original promotional and advertising material to be used
35 with such offering shall be attached to the notice.

36 D. It shall be unlawful for any owner or agent to make any offerings
37 regulated by this section without the written authorization of the
38 commissioner. The commissioner shall issue a public report thereon and
39 require a copy of the public report to be furnished to each offeree at the
40 time of such offering.

41 E. It shall be unlawful to offer any lands regulated by this article
42 without provisions having been made for permanent access over terrain on
43 which roads could be established for conventional motor vehicles unless such
44 provision is waived by the commissioner.

1 F. Satisfactory proof or evidence that access meets the requirements
2 of subsection E of this section shall be furnished to the department in a
3 report by a licensed engineer or land surveyor of this state.

4 G. The commissioner may terminate any authorization issued upon the
5 grounds and in the manner set out in section 32-2183.

6 H. If the director of water resources has issued a water availability
7 report, the state real estate commissioner shall require that all promotional
8 material and contracts for the sale of such unsubdivided lands adequately
9 display the director of water resources' report or a brief summary of the
10 results prepared by the developer and approved by the real estate
11 commissioner. If no report has been prepared by the director of water
12 resources and the availability of water is unknown, the real estate
13 commissioner shall require that all promotional material and contracts
14 adequately display that no report has been prepared and that the availability
15 of water is unknown.

16 I. Neither any real estate sales contract, conveyance, lease,
17 assignment or other instrument to transfer any interest in unsubdivided land
18 nor any covenant or restriction affecting real property shall contain any
19 provision limiting the right of any party to appear or testify in support of
20 or opposition to zoning changes, building permits or any other official acts
21 affecting real property before a governmental body or official considering
22 zoning changes, building permits or any other official acts affecting real
23 property, whether such property is located within or outside of the
24 boundaries of the unsubdivided land. All contractual provisions which
25 conflict with this subsection are declared to be contrary to public policy.
26 Nothing contained in this subsection shall prohibit private restrictions on
27 the use of any real property.

28 Sec. 17. Section 32-2195.03, Arizona Revised Statutes, is amended to
29 read:

30 32-2195.03. Unsubdivided land reports; denial of issuance; order
31 prohibiting sale or lease; investigations;
32 hearings; summary orders

33 A. Upon examination of unsubdivided land, the commissioner shall,
34 unless there are grounds for denial, prepare and issue to the owner or agent
35 a public report authorizing the sale or lease of the unsubdivided lands in
36 this state. The report shall contain the data obtained in accordance with
37 section 32-2195 and any other information which the commissioner determines
38 is necessary to implement the purposes of this article. IF ANY OF THE
39 UNSUBDIVIDED LAND IS LOCATED WITHIN TERRITORY IN THE VICINITY OF A MILITARY
40 AIRPORT AS DEFINED IN SECTION 28-8461, THE REPORT SHALL INCLUDE, IN BOLD
41 TWELVE POINT FONT BLOCK LETTERS ON THE FIRST PAGE OF THE REPORT, THE
42 STATEMENTS REQUIRED PURSUANT TO SECTION 28-8484, SUBSECTION A AND, IF THE
43 DEPARTMENT HAS BEEN PROVIDED A MAP PREPARED PURSUANT TO SECTION 28-8484,
44 SUBSECTION B, THE REPORT SHALL INCLUDE A COPY OF THE MAP. THESE REPORT

1 REQUIREMENTS DO NOT REQUIRE THE AMENDMENT OR REISSUANCE OF ANY PUBLIC REPORT
2 ISSUED ON OR BEFORE DECEMBER 31, 2001. The commissioner shall require the
3 owner or agent to reproduce the report and furnish each prospective customer
4 BUYER with a copy BEFORE THE BUYER SIGNS AN OFFER TO PURCHASE, taking a
5 receipt therefor.

6 B. Notwithstanding any provision of subsection A of this section, an
7 owner may prepare a final public report for use in the sale of unsubdivided
8 lands as defined in section 32-2101, as follows:

9 1. The owner shall prepare the public report and provide a copy of
10 the report to the commissioner with the submission of the notification
11 required by sections 32-2195 and 32-2195.10 and shall comply with all other
12 requirements of this article.

13 2. An initial filing fee of five hundred dollars or an amended filing
14 fee of two hundred fifty dollars shall accompany the notification required
15 by paragraph 1 of this subsection.

16 3. The department shall assign a registration number to each
17 notification and public report submitted pursuant to this subsection and
18 shall maintain a data base of all of these submissions. The owner shall
19 place the number on each public report.

20 4. The department shall determine within fifteen business days after
21 the receipt of the notification and public report whether the notification
22 and public report are administratively complete. The commissioner may either
23 issue a certification that the notification and public report are
24 administratively complete or may deny issuance of the certification if it
25 appears that the application or project is not in compliance with all legal
26 requirements, that the applicant has a background of violations of state or
27 federal law or that the applicant or project presents an unnecessary risk of
28 harm to the public.

29 5. An owner may commence sales or leasing activities as permitted
30 under this article after obtaining a certificate of administrative
31 completeness from the commissioner.

32 6. Before or after the commissioner issues a certificate of
33 administrative completeness, the department may examine any public report,
34 development or applicant that has APPLIED FOR OR received the certificate.
35 If the commissioner determines that the owner or development is not in
36 compliance with any requirement of state law or that grounds exist under this
37 chapter to suspend, deny or revoke a public report, the commissioner may
38 commence an administrative action under section 32-2154 or 32-2157. If the
39 owner immediately corrects the deficiency and comes into full compliance with
40 state law, the commissioner shall vacate any action that he may have
41 commenced pursuant to section 32-2154 or 32-2157.

1 7. The department shall provide forms and guidelines for the
2 submission of the notification and public report pursuant to this section.

3 C. The commissioner may deny issuance of a public report on any of
4 the following grounds:

5 1. Failure to comply with any of the provisions of this article or
6 the rules of the commissioner pertaining to this article.

7 2. The sale or lease would constitute misrepresentation to or deceit
8 or fraud of the purchasers or lessees.

9 3. Inability to deliver title or other interest contracted for.

10 4. Inability to demonstrate that adequate financial or other
11 arrangements acceptable to the commissioner have been made for installation
12 of all streets, sewers, electric, gas and water utilities, drainage, flood
13 control and other similar improvements included in the offering.

14 5. Failure to make a showing that the parcels can be used for the
15 purpose for which they are offered.

16 6. Failure to provide in the contract or other writing the use or
17 uses, if any, for which the parcels are offered, together with any covenants
18 or conditions relative to the parcel.

19 7. Failure to demonstrate that adequate financial arrangements have
20 been made for any guaranty or warranty included in the offering.

21 8. The owner or agent, officer, director or partner or trust
22 beneficiary holding a ten per cent or more beneficial interest, or, if a
23 corporation, any stockholder owning ten per cent or more of the stock in the
24 corporation has:

25 (a) Been convicted of a felony or misdemeanor involving fraud or
26 dishonesty or involving conduct of any business or a transaction in real
27 estate, cemetery property, time-share intervals or membership camping
28 campgrounds or contracts.

29 (b) Been permanently or temporarily enjoined by order, judgment or
30 decree from engaging in or continuing any conduct or practice in connection
31 with the sale or purchase of real estate or cemetery property, time-share
32 intervals, membership camping contracts or campgrounds, or securities or
33 involving consumer fraud or the racketeering laws of this state.

34 (c) Had an administrative order entered against him by a real estate
35 regulatory agency or security regulatory agency.

36 (d) Had an adverse decision or judgment entered against him involving
37 fraud or dishonesty or involving the conduct of any business in or a
38 transaction in real estate, cemetery property, time-share intervals or
39 membership camping campgrounds or contracts.

40 (e) Disregarded or violated any of the provisions of this chapter or
41 the rules of the commissioner pertaining to this chapter.

42 (f) Participated in, operated or held an interest in any entity to
43 which subdivision (b), (c), (d) or (e) applies.

1 D. No owner or agent may sell or lease or offer for sale or lease
2 unsubdivided lands without first obtaining a public report from the
3 commissioner. Any sale or lease of unsubdivided lands prior to issuance of
4 the public report shall be voidable by the purchaser. An action by the
5 purchaser to void the transaction shall be brought within three years of the
6 date of execution of the purchase agreement by the purchaser. In any
7 avoidance action the prevailing party is entitled to reasonable attorney fees
8 as determined by the court.

9 E. Any applicant objecting to the denial of a public report may,
10 within thirty days after receipt of the order of denial, file a written
11 request for a hearing. The commissioner shall hold the hearing within twenty
12 days after receipt of the request for a hearing unless the party requesting
13 the hearing requests a postponement. If the hearing is not held within
14 twenty days after a request for a hearing is received plus the period of any
15 postponement, or if a proposed decision is not rendered within forty-five
16 days after submission, the order of denial shall be rescinded and a public
17 report issued.

18 F. On the commissioner's own motion, or when the commissioner has
19 received a complaint and has satisfactory evidence that the owner or agent
20 is violating any provision set forth in this article or the rules of the
21 commissioner or has engaged in any unlawful practice as defined in section
22 44-1522 with respect to the sale of unsubdivided lands or deviated from the
23 provisions of the public report, may investigate the subdivision project and
24 examine the books and records of the owner or agent. For the purpose of
25 examination, the owner or agent shall keep and maintain records of all sales
26 transactions and funds received by the owner or agent pursuant to the sales
27 transactions and shall make them accessible to the commissioner upon
28 reasonable notice and demand.

29 G. On the commissioner's own motion, or when the commissioner has
30 received a complaint and has satisfactory evidence that grounds exist as
31 provided in subsection B- C of this section or that any person has engaged
32 in any unlawful practice as defined in section 44-1522 with respect to the
33 sale of unsubdivided lands or deviated from the provisions of the public
34 report, may conduct an investigation of the matter, issue a summary order as
35 provided in section 32-2157, or hold a public hearing and, after the hearing,
36 may issue the order or orders the commissioner deems necessary to protect the
37 public interest and insure compliance with the law, rules or public
38 report. If, after the hearing, the violation of the law, rules or public
39 report continues, the commissioner may bring an action in any court of
40 competent jurisdiction against the person to enjoin the person from
41 continuing the violation or engaging in or doing any act or acts in
42 furtherance of the violation.

1 Sec. 18. Retroactivity

2 A. Sections 28-8461 and 28-8481, Arizona Revised Statutes, as amended
3 by this act, apply retroactively to from and after December 31, 2000.

4 B. Sections 32-2181 and 32-2195, Arizona Revised Statutes, as amended
5 by this act, apply retroactively to from and after June 30, 2001.

6 C. Sections 15-2002 and 15-2041, Arizona Revised Statutes, as amended
7 by this act, apply retroactively to from and after July 1, 2001.

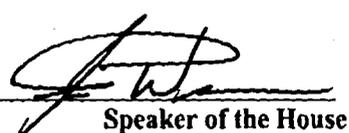
APPROVED BY THE GOVERNOR MARCH 28, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2001.

Passed the House March 20, 20 01,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting


Speaker of the House

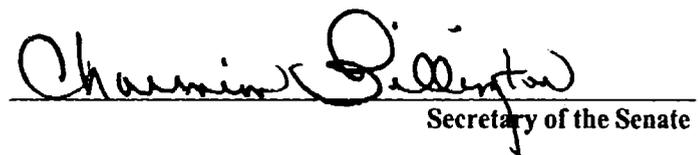

Chief Clerk of the House

Passed the Senate March 14, 20 01,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

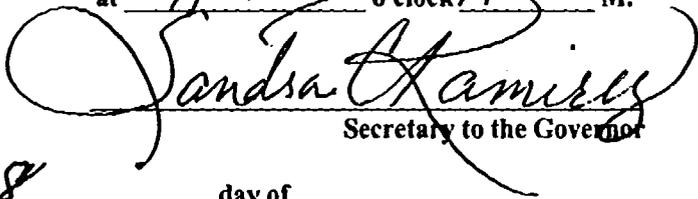

President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
22 day of March, 20 01,

at 11:45 o'clock A M.


Secretary to the Governor

Approved this 28 day of

March, 20 01,

at 3:45 o'clock P M.

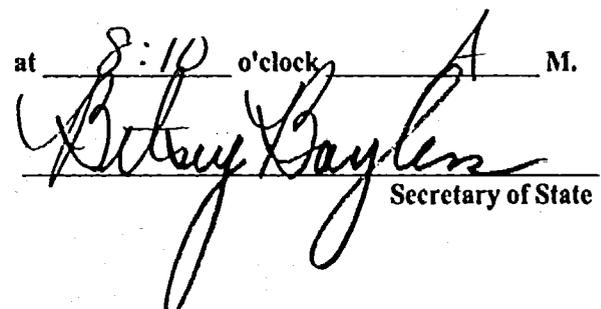

Governor of Arizona

S.B. 1525

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 29 day of March, 20 01,

at 8:10 o'clock A M.


Secretary of State