

House Engrossed

**FILED**

**KEN BENNETT**

**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

CHAPTER 117

# HOUSE BILL 2057

AN ACT

AMENDING SECTION 13-901, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2009, FIRST SPECIAL SESSION, CHAPTER 5, SECTION 2; REPEALING SECTION 13-901, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2009, FIRST REGULAR SESSION, CHAPTER 125, SECTION 1; AMENDING SECTION 15-213.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2009, FIRST REGULAR SESSION, CHAPTER 101, SECTION 1; REPEALING SECTION 15-213.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2009, FIRST REGULAR SESSION, CHAPTER 101, SECTION 2; AMENDING SECTION 15-342, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2009, FIRST REGULAR SESSION, CHAPTER 14, SECTION 2 AND CHAPTER 101, SECTION 3 AND LAWS 2009, THIRD SPECIAL SESSION, CHAPTER 12, SECTION 10; REPEALING SECTION 15-342, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2009, FIRST REGULAR SESSION, CHAPTER 101, SECTION 4; AMENDING SECTION 28-2003, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 294, SECTION 6; REPEALING SECTION 28-2003, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2009, FIRST REGULAR SESSION, CHAPTER 187, SECTION 25; AMENDING SECTION 28-5801, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 291, SECTION 1 AND CHAPTER 294, SECTION 10; REPEALING SECTION 28-5801, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2009, FIRST REGULAR SESSION, CHAPTER 187, SECTION 43; AMENDING SECTION 34-201, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2009, FIRST REGULAR SESSION, CHAPTER 101, SECTION 6; REPEALING SECTION 34-201, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2009, FIRST REGULAR SESSION, CHAPTER 101, SECTION 7; AMENDING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 173, SECTION 1 AND CHAPTER 300, SECTION 4; REPEALING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2009, FIRST REGULAR SESSION, CHAPTER 8, SECTION 12; AMENDING SECTION 41-2083, ARIZONA REVISED STATUTES, AS

AMENDED BY LAWS 2008, CHAPTER 254, SECTION 3; REPEALING SECTION 41-2083, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2009, FIRST REGULAR SESSION, CHAPTER 46, SECTION 1; PROVIDING FOR THE CONDITIONAL REPEAL OF TITLE 5, CHAPTER 9, ARIZONA REVISED STATUTES; PROVIDING FOR THE DELAYED REPEAL OF SECTION 15-1474, ARIZONA REVISED STATUTES; REPEALING LAWS 2004, CHAPTER 121, SECTION 1, AS AMENDED BY LAWS 2009, FIRST REGULAR SESSION, CHAPTER 150, SECTION 37; REPEALING LAWS 2004, CHAPTER 121, SECTION 2, AS AMENDED BY LAWS 2009, FIRST REGULAR SESSION, CHAPTER 150, SECTION 38; REPEALING LAWS 2006, CHAPTER 350, SECTION 5, AS AMENDED BY LAWS 2009, FIRST REGULAR SESSION, CHAPTER 13, SECTION 3; REPEALING LAWS 2009, FIRST REGULAR SESSION, CHAPTER 59, SECTION 3; REPEALING LAWS 2009, FIRST REGULAR SESSION, CHAPTER 95, SECTION 61; REPEALING LAWS 2009, FIRST REGULAR SESSION, CHAPTER 122, SECTION 3; RELATING TO MULTIPLE, DEFECTIVE AND CONFLICTING LEGISLATIVE DISPOSITIONS OF STATUTORY AND TEMPORARY TEXT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Purpose

3 1. Section 13-901, Arizona Revised Statutes, was amended by Laws 2009,  
4 first regular session, chapter 125, section 1. However, this version did not  
5 reflect the previous valid version of the section. In order to comply with  
6 article IV, part 2, section 14, Constitution of Arizona, this act amends  
7 section 13-901, Arizona Revised Statutes, as amended by Laws 2009, first  
8 special session, chapter 5, section 2, to incorporate the amendments made by  
9 Laws 2009, first regular session, chapter 125 and the chapter 125 version is  
10 repealed.

11 2. Section 15-213.01, Arizona Revised Statutes, was amended by Laws  
12 2009, first regular session, chapter 101, section 1 and that version was  
13 amended by Laws 2009, first regular session, chapter 101, section 2.  
14 However, the section 2 version did not correctly reflect the section 1  
15 version. In order to comply with article IV, part 2, section 14,  
16 Constitution of Arizona, this act amends section 15-213.01, Arizona Revised  
17 Statutes, as amended by Laws 2009, first regular session, chapter 101,  
18 section 1, to incorporate the amendments made by Laws 2009, first regular  
19 session, chapter 101, section 2 and the section 2 version is repealed.

20 3. Section 15-342, Arizona Revised Statutes, was amended by Laws 2009,  
21 first regular session, chapter 14, section 2 and chapter 101, sections 3 and  
22 4 and Laws 2009, third special session, chapter 12, section 10. The Laws  
23 2009, first regular session, chapter 101, section 4 version could not be  
24 blended because of the delayed effective date. In order to combine these  
25 versions, this act amends the Laws 2009, first regular session, chapter 14,  
26 section 2 and chapter 101, section 3 and Laws 2009, third special session,  
27 chapter 12, section 10 version of section 15-342, Arizona Revised Statutes,  
28 to incorporate the amendments made by Laws 2009, first regular session,  
29 chapter 101, section 4 and the section 4 version is repealed.

30 4. Section 28-2003, Arizona Revised Statutes, was amended by Laws  
31 2009, first regular session, chapter 187, section 25. However, this version  
32 did not reflect the previous valid version of the section. In order to  
33 comply with article IV, part 2, section 14, Constitution of Arizona, this act  
34 amends section 28-2003, Arizona Revised Statutes, as amended by Laws 2008,  
35 chapter 294, section 6, to incorporate the amendments made by Laws 2009,  
36 first regular session, chapter 187 and the chapter 187 version is repealed.

37 5. Section 28-5801, Arizona Revised Statutes, was amended by Laws  
38 2009, first regular session, chapter 187, section 43. However, this version  
39 did not reflect the previous valid version of the section. In order to  
40 comply with article IV, part 2, section 14, Constitution of Arizona, this act  
41 amends section 28-5801, Arizona Revised Statutes, as amended by Laws 2008,  
42 chapter 291, section 1 and chapter 294, section 10, to incorporate the  
43 amendments made by Laws 2009, first regular session, chapter 187 and the  
44 chapter 187 version is repealed.

1           6. Section 34-201, Arizona Revised Statutes, was amended by Laws 2009,  
2 first regular session, chapter 101, section 6 and that version was amended by  
3 Laws 2009, first regular session, chapter 101, section 7. However, the  
4 section 7 version did not correctly reflect the section 6 version. In order  
5 to comply with article IV, part 2, section 14, Constitution of Arizona, this  
6 act amends section 34-201, Arizona Revised Statutes, as amended by Laws 2009,  
7 first regular session, chapter 101, section 6, to incorporate the amendments  
8 made by Laws 2009, first regular session, chapter 101, section 7 and the  
9 section 7 version is repealed.

10           7. Section 41-619.51, Arizona Revised Statutes, was amended by Laws  
11 2009, first regular session, chapter 8, section 12. However, this version  
12 did not reflect the previous valid version of the section. In order to  
13 comply with article IV, part 2, section 14, Constitution of Arizona, this act  
14 amends section 41-619.51, Arizona Revised Statutes, as amended by Laws 2008,  
15 chapter 173, section 1 and chapter 300, section 4, to incorporate the  
16 amendments made by Laws 2009, first regular session, chapter 8 and the  
17 chapter 8 version is repealed.

18           8. Section 41-2083, Arizona Revised Statutes, was amended by Laws  
19 2009, first regular session, chapter 46, section 1. However, this version  
20 did not reflect the previous valid version of the section. In order to  
21 comply with article IV, part 2, section 14, Constitution of Arizona, this act  
22 amends section 41-2083, Arizona Revised Statutes, as amended by Laws 2008,  
23 chapter 254, section 3, to incorporate the amendments made by Laws 2009,  
24 first regular session, chapter 46 and the chapter 46 version is repealed.

25           9. Laws 2009, first regular session, chapter 122, section 3 provided  
26 for the conditional repeal of title 5, chapter 9, Arizona Revised Statutes.  
27 However, the conditional repeal of title 5, chapter 9, Arizona Revised  
28 Statutes, was not included in the title of the act in violation of article  
29 IV, part 2, section 13, Constitution of Arizona. In order to correct a  
30 potentially defective enactment, this act provides for the conditional repeal  
31 of title 5, chapter 9, Arizona Revised Statutes, and repeals Laws 2009, first  
32 regular session, chapter 122, section 3.

33           10. Laws 2009, first regular session, chapter 59, section 3 provided  
34 for the delayed repeal of section 15-1474, Arizona Revised Statutes.  
35 However, the repeal of section 15-1474, Arizona Revised Statutes, was not  
36 included in the title of the act in violation of article IV, part 2, section  
37 13, Constitution of Arizona. In order to correct a potentially defective  
38 enactment, this act provides for the delayed repeal of section 15-1474,  
39 Arizona Revised Statutes, and repeals Laws 2009, first regular session,  
40 chapter 59, section 3.

41           11. Laws 2009, first regular session, chapter 136, section 1 and Laws  
42 2009, first regular session, chapter 150, section 37 amended Laws 2004,  
43 chapter 121, section 1 in an identical manner. In order to eliminate the  
44 double amendment activity, this act repeals Laws 2004, chapter 121, section  
45 1, as amended by Laws 2009, first regular session, chapter 150, section 37.

1           12. Laws 2009, first regular session, chapter 136, section 2 and Laws  
2 2009, first regular session, chapter 150, section 38 amended Laws 2004,  
3 chapter 121, section 2 in an identical manner. In order to eliminate the  
4 double amendment activity, this act repeals Laws 2004, chapter 121, section  
5 2, as amended by Laws 2009, first regular session, chapter 150, section 38.

6           13. Laws 2009, first regular session, chapter 13, section 3 and Laws  
7 2009, first regular session, chapter 111, section 2 amended Laws 2006,  
8 chapter 350, section 5 in an identical manner. In order to eliminate the  
9 double amendment activity, this act repeals Laws 2006, chapter 350, section  
10 5, as amended by Laws 2009, first regular session, chapter 13, section 3.

11           14. Laws 2009, first regular session, chapter 58, section 3 and Laws  
12 2009, first regular session, chapter 95, section 61 added identical language.  
13 In order to eliminate the double enactment activity, this act repeals Laws  
14 2009, first regular session, chapter 95, section 61.

15           Sec. 2. Section 13-901, Arizona Revised Statutes, as amended by Laws  
16 2009, first special session, chapter 5, section 2, is amended to read:

17           13-901. Probation

18           A. If a person who has been convicted of an offense is eligible for  
19 probation, the court may suspend the imposition or execution of sentence and,  
20 if so, shall without delay place the person on intensive probation  
21 supervision pursuant to section 13-913 or supervised or unsupervised  
22 probation on such terms and conditions as the law requires and the court  
23 deems appropriate, including participation in any programs authorized in  
24 title 12, chapter 2, article 11. If a person is not eligible for probation,  
25 imposition or execution of sentence shall not be suspended or delayed. If  
26 the court imposes probation, it may also impose a fine as authorized by  
27 chapter 8 of this title. If probation is granted the court shall impose a  
28 condition that the person waive extradition for any probation revocation  
29 procedures and it shall order restitution pursuant to section 13-603,  
30 subsection C where there is a victim who has suffered economic loss. When  
31 granting probation to an adult the court, as a condition of probation, shall  
32 assess a monthly fee of not less than sixty-five dollars unless, after  
33 determining the inability of the probationer to pay the fee, the court  
34 assesses a lesser fee. THIS FEE IS NOT SUBJECT TO ANY SURCHARGE. In justice  
35 and municipal courts the fee shall only be assessed when the person is placed  
36 on supervised probation. For persons placed on probation in the superior  
37 court, the fee shall be paid to the clerk of the superior court and the clerk  
38 of the court shall pay all monies collected from this fee to the county  
39 treasurer for deposit in the adult probation services fund established by  
40 section 12-267. For persons placed on supervised probation in the justice  
41 court, the fee shall be paid to the justice court and the justice court shall  
42 transmit all of the monies to the county treasurer for deposit in the adult  
43 probation services fund established by section 12-267. For persons placed on  
44 supervised probation in the municipal court, the fee shall be paid to the  
45 municipal court. The municipal court shall transmit all of the monies to the

1 city treasurer who shall transmit the monies to the county treasurer for  
2 deposit in the adult probation services fund established by section 12-267.  
3 Any amount assessed pursuant to this subsection shall be used to supplement  
4 monies used for the salaries of adult probation and surveillance officers and  
5 for support of programs and services of the superior court adult probation  
6 departments.

7 B. The period of probation shall be determined according to section  
8 13-902, except that if a person is released pursuant to section 31-233,  
9 subsection B and community supervision is waived pursuant to section 13-603,  
10 subsection K, the court shall extend the period of probation by the amount of  
11 time the director of the state department of corrections approves for the  
12 inmate's temporary release.

13 C. The court, in its discretion, may issue a warrant for the rearrest  
14 of the defendant and may modify or add to the conditions or, if the defendant  
15 commits an additional offense or violates a condition, may revoke probation  
16 in accordance with the rules of criminal procedure at any time before the  
17 expiration or termination of the period of probation. If the court revokes  
18 the defendant's probation and the defendant is serving more than one  
19 probationary term concurrently, the court may sentence the person to terms of  
20 imprisonment to be served consecutively.

21 D. At any time during the probationary term of the person released on  
22 probation, any probation officer, without warrant or other process and at any  
23 time until the final disposition of the case, may rearrest any person and  
24 bring the person before the court.

25 E. The court, on its own initiative or on application of the  
26 probationer, after notice and an opportunity to be heard for the prosecuting  
27 attorney and, on request, the victim, may terminate the period of probation  
28 or intensive probation and discharge the defendant at a time earlier than  
29 that originally imposed if in the court's opinion the ends of justice will be  
30 served and if the conduct of the defendant on probation warrants it.

31 F. When granting probation the court may require that the defendant be  
32 imprisoned in the county jail at whatever time or intervals, consecutive or  
33 nonconsecutive, the court shall determine, within the period of probation, as  
34 long as the period actually spent in confinement does not exceed one year or  
35 the maximum period of imprisonment permitted under chapter 7 of this title,  
36 whichever is the shorter.

37 G. If restitution is made a condition of probation, the court shall  
38 fix the amount of restitution and the manner of performance pursuant to  
39 chapter 8 of this title.

40 H. When granting probation, the court shall set forth at the time of  
41 sentencing and on the record the factual and legal reasons in support of each  
42 sentence.

43 I. If the defendant meets the criteria set forth in section 13-901.01  
44 or 13-3422, the court may place the defendant on probation pursuant to either  
45 section. If a defendant is placed on probation pursuant to section 13-901.01

1 or 13-3422, the court may impose any term of probation that is authorized  
2 pursuant to this section and that is not in violation of section 13-901.01.

3 Sec. 3. Repeal

4 Section 13-901, Arizona Revised Statutes, as amended by Laws 2009,  
5 first regular session, chapter 125, section 1, is repealed.

6 Sec. 4. Section 15-213.01, Arizona Revised Statutes, as amended by  
7 Laws 2009, first regular session, chapter 101, section 1, is amended to read:

8 15-213.01. Procurement practices; guaranteed energy cost  
9 savings contracts; definitions

10 A. Notwithstanding section 15-213, subsection A, a school district may  
11 contract for the procurement of a guaranteed energy cost savings contract  
12 with a qualified provider through a competitive sealed proposal process as  
13 provided by the procurement practices adopted by the state board of  
14 education. TO THE EXTENT THE QUALIFIED PROVIDER SUBCONTRACTS WITH  
15 CONTRACTORS WHO WILL BE INVOLVED IN ANY CONSTRUCTION ASSOCIATED WITH THE  
16 GUARANTEED ENERGY COST SAVINGS CONTRACT, THE QUALIFIED PROVIDER MUST FOLLOW  
17 THE PROVISIONS OF SECTION 41-2533 IN SELECTING THESE CONTRACTORS.

18 B. A school district may enter into a guaranteed energy cost savings  
19 contract with a qualified provider if it determines that the amount it would  
20 spend on the energy cost savings measures recommended in the proposal would  
21 not exceed the amount to be saved in energy and operational costs over the  
22 expected life of the energy cost savings measures implemented or within  
23 twenty-five years, whichever is shorter, after the date installation or  
24 implementation is complete, if the recommendations in the proposal are  
25 followed. ~~The school district shall retain the cost savings achieved by a~~  
26 ~~guaranteed energy cost saving contract, and these cost savings may be used to~~  
27 ~~pay for the contract and project implementation. A school district shall not~~  
28 ~~use excess utilities monies for the contract or for project implementation.~~

29 C. The school district shall use objective criteria in selecting the  
30 qualified provider, including the cost of the contract, the energy and  
31 operational cost savings, the net projected energy savings, the quality of  
32 the technical approach, the quality of the project management plan, the  
33 financial solvency of the qualified provider and the experience of the  
34 qualified provider with projects of similar size and scope. The school  
35 district shall set forth each criterion with its respective numerical  
36 weighting in the request for proposal.

37 D. In selecting a contractor to perform any construction work related  
38 to performing the guaranteed energy cost savings contract, the qualified  
39 provider may develop and use a prequalification process for contractors  
40 WISHING TO BID ON THIS WORK. These prequalifications may require the  
41 contractor to demonstrate that the contractor is adequately bonded to perform  
42 the work and that the contractor has not failed to perform on a prior job.  
43 THE QUALIFIED PROVIDER MAY USE PERFORMANCE SPECIFICATIONS IN SOLICITING BIDS  
44 FROM CONTRACTORS.

1 E. ~~A~~ AN IN-DEPTH FEASIBILITY study shall be performed by the selected  
2 qualified provider in order to establish the exact scope of the guaranteed  
3 energy cost savings contract, the fixed cost savings guarantee amount and the  
4 methodology for determining actual savings. This report shall be reviewed  
5 and approved by the school district before the actual installation of any  
6 equipment. The qualified provider shall transmit a copy of the approved  
7 IN-DEPTH FEASIBILITY study to the ~~school facilities board and the department~~  
8 ~~of commerce energy office~~ SUPERINTENDENT OF PUBLIC INSTRUCTION.

9 F. The guaranteed energy cost savings contract shall require that  
10 A QUALIFIED PROVIDER PERFORM AN ENERGY AUDIT OF THE FACILITY OR FACILITIES  
11 ONE YEAR AFTER THE ENERGY COST SAVINGS MEASURES ARE INSTALLED OR IMPLEMENTED  
12 AND EVERY THREE YEARS THEREAFTER FOR THE LENGTH OF THE CONTRACT. THE  
13 QUALIFIED PROVIDER SHALL TRANSMIT A COPY OF THE AUDIT TO THE SUPERINTENDENT  
14 OF PUBLIC INSTRUCTION. THE QUALIFIED PROVIDER SHALL PAY THE COST OF THE  
15 AUDIT. In determining whether the projected energy savings calculations have  
16 been met, the energy or operational cost savings shall be computed by  
17 comparing the energy baseline before installation or implementation of the  
18 energy cost savings measures with the energy consumed and operational costs  
19 avoided after installation or implementation of the energy cost savings  
20 measures. The qualified provider and the school district may agree to make  
21 modifications to the energy baseline only for any of the following:

- 22 1. Changes in utility rates.
- 23 2. Changes in the number of days in the utility billing cycle.
- 24 3. Changes in the square footage of the facility.
- 25 4. Changes in the operational schedule of the facility.
- 26 5. Changes in facility temperature.
- 27 6. Significant changes in the weather.
- 28 7. Significant changes in the amount of equipment or lighting utilized  
29 in the facility.
- 30 8. ~~Significant changes in the nature or intensity of energy use such~~  
31 ~~as the change of classroom space to laboratory space.~~

32 G. The information to develop the energy baseline shall be derived  
33 from actual energy measurements or shall be calculated from energy  
34 measurements at the facility where energy cost savings measures are to be  
35 installed or implemented. The measurements shall be taken in the year  
36 preceding the installation or implementation of energy cost savings measures.

37 H. When submitting a proposal for the installation of equipment, the  
38 qualified provider shall include information on the projected energy savings  
39 associated with each proposed energy cost savings measure.

40 I. A school district, or two or more school districts, may enter into  
41 an installment payment contract or lease-purchase agreement with a qualified  
42 provider for the purchase and installation or implementation of energy cost  
43 savings measures. The guaranteed energy cost savings contract may provide  
44 for payments over a period of not more than the expected life of the energy  
45 cost savings measures implemented or twenty-five years, whichever is shorter.

1 The contract shall provide that all payments, except obligations on  
2 termination of the contract before its expiration, shall be made over time.

3 J. The guaranteed energy cost savings contract shall include a written  
4 guarantee of the qualified provider that either the energy or operational  
5 costs savings, or both, will meet or exceed the costs of the energy cost  
6 savings measures over the expected life of the energy cost savings measures  
7 implemented or within twenty-five years, whichever is shorter. The qualified  
8 provider shall:—

9 ~~1. For the first three years of savings, prepare a measurement and  
10 verification report on an annual basis in addition to an annual  
11 reconciliation of savings.~~

12 ~~2. reimburse the school district for any shortfall of guaranteed  
13 energy cost savings on an annual basis.~~

14 K. The school district may obtain any required financing as part of  
15 the original competitive sealed proposal process ~~from the qualified provider  
16 or a third party financing institution.~~

17 L. A qualified provider that is awarded the contract shall give a  
18 sufficient bond to the school district for its faithful performance of the  
19 equipment installment.

20 M. WHEN SELECTING SUBCONTRACTORS TO PERFORM CONSTRUCTION WORK, the  
21 qualified provider is required to make public information in the  
22 subcontractor's bids only if the qualified provider is awarded the guaranteed  
23 energy cost savings contract by the school district.

24 ~~N. For all projects carried out under this section, the district shall  
25 report to the department of commerce energy office and the school facilities  
26 board:~~

27 ~~1. The name of the project.~~

28 ~~2. The qualified provider.~~

29 ~~3. The total cost of the project.~~

30 ~~4. The expected energy and cost savings.~~

31 ~~0. For all projects carried out under this section, the district shall  
32 report to the school facilities board, by October 15 each year, the actual  
33 energy and cost savings.~~

34 ~~P. N. This section does not apply to the construction of new  
35 buildings.~~

36 ~~Q. A school district may utilize a simplified energy performance  
37 contract for projects less than five hundred thousand dollars. Simplified  
38 energy performance contracts are not required to include an energy savings  
39 guarantee and shall comply with all requirements in this section except for  
40 the requirements that are specifically related to the energy savings  
41 guarantee and the measurement and verification of the guaranteed savings.~~

42 ~~R. 0. For the purposes of this section:~~

43 ~~1. "Construction" means the process of building, altering, repairing,  
44 improving or demolishing any school district structure or building, or other  
45 public improvements of any kind to any school district real property.~~

1 Construction does not include the routine operation, routine repair or  
2 routine maintenance of existing structures, buildings or real property.

3 2. "Energy baseline" means a calculation of the amount of energy used  
4 in an existing facility before the installation or implementation of the  
5 energy cost savings measures.

6 3. "Energy cost savings measure" means a training program or facility  
7 alteration designed to reduce energy consumption or operating costs and may  
8 include one or more of the following, ~~and any related meters or other~~  
9 ~~measuring devices:~~

10 (a) Insulating the building structure or systems in the building.

11 (b) Storm windows or doors, caulking or weather stripping, multiglazed  
12 windows or door systems, additional glazing, reductions in glass area, or  
13 other window and door system modifications that reduce energy consumption.

14 (c) Automated or computerized energy control systems.

15 (d) Heating, ventilating or air conditioning system modifications or  
16 replacements.

17 (e) Replacing or modifying lighting fixtures to increase the energy  
18 efficiency of the lighting system without increasing the overall illumination  
19 of a facility unless an increase in illumination is necessary to conform to  
20 the applicable state or local building code for the lighting system after the  
21 proposed modifications are made.

22 (f) Indoor air quality improvements to increase air quality that  
23 conform to the applicable state or local building code requirements.

24 (g) Energy recovery systems.

25 (h) Installing a new or retrofitting an existing day lighting system.

26 (i) Any life safety measures that provide long-term operating cost  
27 reductions and that comply with state and local codes.

28 (j) Implementing operation programs through education, training and  
29 software that reduce the operating costs.

30 ~~(k) Procurement of low-cost utility supplies of all types, including~~  
31 ~~electricity, natural gas, propane and water.~~

32 ~~(l) Devices that reduce water consumption and water costs or that~~  
33 ~~reduce sewer charges.~~

34 ~~(m) Rainwater harvesting systems.~~

35 ~~(n) Combined heat and power systems.~~

36 ~~(o) Renewable and alternative energy projects and renewable energy~~  
37 ~~power service agreements.~~

38 ~~(p) Self-generation systems.~~

39 ~~(q) Any additional building systems and infrastructure that produce~~  
40 ~~energy, or that provide utility or operational cost savings not specifically~~  
41 ~~mentioned in this paragraph, if the improvements meet the life cycle cost~~  
42 ~~requirement and enhance building system performance or occupant comfort and~~  
43 ~~safety.~~

44 4. "Guaranteed energy cost savings contract" means a contract for  
45 implementing one or more energy cost savings measures.

1           ~~5. "Life cycle cost" means the sum of present values of investment~~  
2 ~~costs, capital costs, installation costs, energy costs, operating costs,~~  
3 ~~maintenance costs and disposal costs over the life of the project, product or~~  
4 ~~measure as provided by federal life cycle cost rules, regulations and~~  
5 ~~criteria contained in the United States department of energy federal energy~~  
6 ~~management program "guidance on life cycle cost analysis" required by~~  
7 ~~executive order 13423, January 2007.~~

8           ~~6.~~ 5. "Operational savings" means reductions in actual budget line  
9 items currently being expended or savings realized from the implementation or  
10 installation of energy cost savings measures.

11           ~~7.~~ 6. "Qualified provider" means a person or a business experienced  
12 in designing, implementing or installing energy cost savings measures.

13           Sec. 5. Repeal

14           Section 15-213.01, Arizona Revised Statutes, as amended by Laws 2009,  
15 first regular session, chapter 101, section 2, is repealed.

16           Sec. 6. Section 15-342, Arizona Revised Statutes, as amended by Laws  
17 2009, first regular session, chapter 14, section 2 and chapter 101, section 3  
18 and Laws 2009, third special session, chapter 12, section 10, is amended to  
19 read:

20           15-342. Discretionary powers

21           The governing board may:

22           1. Expel pupils for misconduct.  
23           2. Exclude from grades one through eight children under six years of  
24 age.

25           3. Make such separation of groups of pupils as it deems advisable.

26           4. Maintain such special schools during vacation as deemed necessary  
27 for the benefit of the pupils of the school district.

28           5. Permit a superintendent or principal or representatives of the  
29 superintendent or principal to travel for a school purpose, as determined by  
30 a majority vote of the board. The board may permit members and members-elect  
31 of the board to travel within or without the school district for a school  
32 purpose and receive reimbursement. Any expenditure for travel and  
33 subsistence pursuant to this paragraph shall be as provided in title 38,  
34 chapter 4, article 2. The designated post of duty referred to in section  
35 38-621 shall be construed, for school district governing board members, to be  
36 the member's actual place of residence, as opposed to the school district  
37 office or the school district boundaries. Such expenditures shall be a  
38 charge against the budgeted school district funds. The governing board of a  
39 school district shall prescribe procedures and amounts for reimbursement of  
40 lodging and subsistence expenses. Reimbursement amounts shall not exceed the  
41 maximum amounts established pursuant to section 38-624, subsection C.

42           6. Construct or provide in rural districts housing facilities for  
43 teachers and other school employees which the board determines are necessary  
44 for the operation of the school.

1           7. Sell or lease to the state, a county, a city or a tribal government  
2 agency any school property required for a public purpose, provided the sale  
3 or lease of the property will not affect the normal operations of a school  
4 within the school district.

5           8. Annually budget and expend funds for membership in an association  
6 of school districts within this state.

7           9. Enter into leases or lease-purchase agreements for school buildings  
8 or grounds, or both, as lessor or as lessee, for periods of less than five  
9 years subject to voter approval for construction of school buildings as  
10 prescribed in section 15-341, subsection A, paragraph 7.

11           10. Subject to chapter 16 of this title, sell school sites or enter  
12 into leases or lease-purchase agreements for school buildings and grounds, as  
13 lessor or as lessee, for a period of five years or more, but not to exceed  
14 ninety-nine years, if authorized by a vote of the school district electors in  
15 an election called by the governing board as provided in section 15-491,  
16 except that authorization by the school district electors in an election is  
17 not required if one of the following requirements is met:

18           (a) The market value of the school property is less than fifty  
19 thousand dollars ~~or the property is procured through an energy performance~~  
20 ~~contract, which among other items includes a renewable energy power service~~  
21 ~~agreement, or a simplified energy performance contract pursuant to section~~  
22 ~~15-213.01.~~

23           (b) The buildings and sites are completely funded with monies  
24 distributed by the school facilities board.

25           (c) The transaction involves the sale of improved or unimproved  
26 property pursuant to an agreement with the school facilities board in which  
27 the school district agrees to sell the improved or unimproved property and  
28 transfer the proceeds of the sale to the school facilities board in exchange  
29 for monies from the school facilities board for the acquisition of a more  
30 suitable school site. For a sale of property acquired by a school district  
31 prior to July 9, 1998, a school district shall transfer to the school  
32 facilities board that portion of the proceeds that equals the cost of the  
33 acquisition of a more suitable school site. If there are any remaining  
34 proceeds after the transfer of monies to the school facilities board, a  
35 school district shall only use those remaining proceeds for future land  
36 purchases approved by the school facilities board, or for capital  
37 improvements not funded by the school facilities board for any existing or  
38 future facility.

39           (d) The transaction involves the sale of improved or unimproved  
40 property pursuant to a formally adopted plan and the school district uses the  
41 proceeds of this sale to purchase other property that will be used for  
42 similar purposes as the property that was originally sold, provided that the  
43 sale proceeds of the improved or unimproved property are used within two  
44 years after the date of the original sale to purchase the replacement  
45 property. If the sale proceeds of the improved or unimproved property are

1 not used within two years after the date of the original sale to purchase  
2 replacement property, the sale proceeds shall be used towards payment of any  
3 outstanding bonded indebtedness. If any sale proceeds remain after paying  
4 for outstanding bonded indebtedness, or if the district has no outstanding  
5 bonded indebtedness, sale proceeds shall be used to reduce the district's  
6 primary tax levy. A school district shall not use this subdivision unless  
7 all of the following conditions exist:

8 (i) The school district is the sole owner of the improved or  
9 unimproved property that the school district intends to sell.

10 (ii) The school district did not purchase the improved or unimproved  
11 property that the school district intends to sell with monies that were  
12 distributed pursuant to chapter 16 of this title.

13 (iii) The transaction does not violate section 15-341, subsection G.

14 11. Review the decision of a teacher to promote a pupil to a grade or  
15 retain a pupil in a grade in a common school or to pass or fail a pupil in a  
16 course in high school. The pupil has the burden of proof to overturn the  
17 decision of a teacher to promote, retain, pass or fail the pupil. In order  
18 to sustain the burden of proof, the pupil shall demonstrate to the governing  
19 board that the pupil has mastered the academic standards adopted by the state  
20 board of education pursuant to sections 15-701 and 15-701.01. If the  
21 governing board overturns the decision of a teacher pursuant to this  
22 paragraph, the governing board shall adopt a written finding that the pupil  
23 has mastered the academic standards. Notwithstanding title 38, chapter 3,  
24 article 3.1, the governing board shall review the decision of a teacher to  
25 promote a pupil to a grade or retain a pupil in a grade in a common school or  
26 to pass or fail a pupil in a course in high school in executive session  
27 unless a parent or legal guardian of the pupil or the pupil, if emancipated,  
28 disagrees that the review should be conducted in executive session and then  
29 the review shall be conducted in an open meeting. If the review is conducted  
30 in executive session, the board shall notify the teacher of the date, time  
31 and place of the review and shall allow the teacher to be present at the  
32 review. If the teacher is not present at the review, the board shall consult  
33 with the teacher before making its decision. Any request, including the  
34 written request as provided in section 15-341, the written evidence presented  
35 at the review and the written record of the review, including the decision of  
36 the governing board to accept or reject the teacher's decision, shall be  
37 retained by the governing board as part of its permanent records.

38 12. Provide transportation or site transportation loading and unloading  
39 areas for any child or children if deemed for the best interest of the  
40 district, whether within or without the district, county or state.

41 13. Enter into intergovernmental agreements and contracts with school  
42 districts or other governing bodies as provided in section 11-952.  
43 Intergovernmental agreements and contracts between school districts or  
44 between a school district and other governing bodies as provided in section

1 11-952 are exempt from competitive bidding under the procurement rules  
2 adopted by the state board of education pursuant to section 15-213.

3 14. Include in the curricula which it prescribes for high schools in  
4 the school district career and technical education, vocational education and  
5 technology education programs and career and technical, vocational and  
6 technology program improvement services for the high schools, subject to  
7 approval by the state board of education. The governing board may contract  
8 for the provision of career and technical, vocational and technology  
9 education as provided in section 15-789.

10 15. Suspend a teacher or administrator from the teacher's or  
11 administrator's duties without pay for a period of time of not to exceed ten  
12 school days, if the board determines that suspension is warranted pursuant to  
13 section 15-341, subsection A, paragraphs 21 and 22.

14 16. Dedicate school property within an incorporated city or town to  
15 such city or town or within a county to that county for use as a public  
16 right-of-way if both of the following apply:

17 (a) Pursuant to an ordinance adopted by such city, town or county,  
18 there will be conferred upon the school district privileges and benefits  
19 which may include benefits related to zoning.

20 (b) The dedication will not affect the normal operation of any school  
21 within the district.

22 17. Enter into option agreements for the purchase of school sites.

23 18. Donate surplus or outdated learning materials to nonprofit  
24 community organizations where the governing board determines that the  
25 anticipated cost of selling the learning materials equals or exceeds the  
26 estimated market value of the materials.

27 19. Prescribe policies for the assessment of reasonable fees for  
28 students to use district-provided parking facilities. The fees are to be  
29 applied by the district solely against costs incurred in operating or  
30 securing the parking facilities. Any policy adopted by the governing board  
31 pursuant to this paragraph shall include a fee waiver provision in  
32 appropriate cases of need or economic hardship.

33 20. Establish alternative educational programs that are consistent with  
34 the laws of this state to educate pupils, including pupils who have been  
35 reassigned pursuant to section 15-841, subsection E or F.

36 21. Require a period of silence to be observed at the commencement of  
37 the first class of the day in the schools. If a governing board chooses to  
38 require a period of silence to be observed, the teacher in charge of the room  
39 in which the first class is held shall announce that a period of silence not  
40 to exceed one minute in duration will be observed for meditation, and during  
41 that time no activities shall take place and silence shall be maintained.

42 22. Require students to wear uniforms.

43 23. Exchange unimproved property or improved property, including school  
44 sites, where the governing board determines that the improved property is  
45 unnecessary for the continued operation of the school district without

1 requesting authorization by a vote of the school district electors if the  
2 governing board determines that the exchange is necessary to protect the  
3 health, safety or welfare of pupils or when the governing board determines  
4 that the exchange is based on sound business principles for either:

5 (a) Unimproved or improved property of equal or greater value.

6 (b) Unimproved property that the owner contracts to improve if the  
7 value of the property ultimately received by the school district is of equal  
8 or greater value.

9 24. For common and high school pupils, assess reasonable fees for  
10 optional extracurricular activities and programs conducted when the common or  
11 high school is not in session, except that no fees shall be charged for  
12 pupils' access to or use of computers or related materials. For high school  
13 pupils, the governing board may assess reasonable fees for fine arts and  
14 vocational education courses and for optional services, equipment and  
15 materials offered to the pupils beyond those required to successfully  
16 complete the basic requirements of any other course, except that no fees  
17 shall be charged for pupils' access to or use of computers or related  
18 materials. Fees assessed pursuant to this paragraph shall be adopted at a  
19 public meeting after notice has been given to all parents of pupils enrolled  
20 at schools in the district and shall not exceed the actual costs of the  
21 activities, programs, services, equipment or materials. The governing board  
22 shall authorize principals to waive the assessment of all or part of a fee  
23 assessed pursuant to this paragraph if it creates an economic hardship for a  
24 pupil. For the purposes of this paragraph, "extracurricular activity" means  
25 any optional, noncredit, educational or recreational activity which  
26 supplements the education program of the school, whether offered before,  
27 during or after regular school hours.

28 25. Notwithstanding section 15-341, subsection A, paragraphs 7 and 9,  
29 construct school buildings and purchase or lease school sites, without a vote  
30 of the school district electors, if the buildings and sites are totally  
31 funded from one or more of the following:

32 (a) Monies in the unrestricted capital outlay fund, except that the  
33 estimated cost shall not exceed two hundred fifty thousand dollars for a  
34 district that utilizes section 15-949.

35 (b) Monies distributed from the school facilities board established by  
36 section 15-2001.

37 (c) Monies specifically donated for the purpose of constructing school  
38 buildings.

39 Nothing in this paragraph shall be construed to eliminate the requirement for  
40 an election to raise revenues for a capital outlay ~~override~~ pursuant to  
41 section 15-481 or a bond election pursuant to section 15-491.

42 26. Conduct a background investigation that includes a fingerprint  
43 check conducted pursuant to section 41-1750, subsection G for certificated  
44 personnel and personnel who are not paid employees of the school district, as  
45 a condition of employment. A school district may release the results of a

1 background check to another school district for employment purposes. The  
2 school district may charge the costs of fingerprint checks to its  
3 fingerprinted employee, except that the school district may not charge the  
4 costs of fingerprint checks for personnel who are not paid employees of the  
5 school district.

6 27. Sell advertising space on the exterior of school buses and on  
7 athletic facilities as follows:

8 (a) Advertisements shall be age appropriate and not contain promotion  
9 of any substance that is illegal for minors such as alcohol, tobacco and  
10 drugs or gambling. Advertisements shall comply with the state sex education  
11 policy of abstinence.

12 (b) Advertising approved by the governing board may appear only on the  
13 sides of the bus in the following areas:

14 (i) The signs shall be below the seat level rub rail and not extend  
15 above the bottom of the side windows.

16 (ii) The signs shall be at least three inches from any required  
17 lettering, lamp, wheel well or reflector behind the service door or stop  
18 signal arm.

19 (iii) The signs shall not extend from the body of the bus so as to  
20 allow a handhold or present a danger to pedestrians.

21 (iv) The signs shall not interfere with the operation of any door or  
22 window.

23 (v) The signs shall not be placed on any emergency doors.

24 (c) The school district shall establish an advertisement fund that is  
25 composed of revenues from the sale of advertising space on school buses and  
26 athletic facilities. The monies in an advertisement fund are not subject to  
27 reversion.

28 28. Assess reasonable damage deposits to pupils in grades seven through  
29 twelve for the use of textbooks, musical instruments, band uniforms or other  
30 equipment required for academic courses. The governing board shall adopt  
31 policies on any damage deposits assessed pursuant to this paragraph at a  
32 public meeting called for this purpose after providing notice to all parents  
33 of pupils in grades seven through twelve in the school district. Principals  
34 of individual schools within the district may waive the damage deposit  
35 requirement for any textbook or other item if the payment of the damage  
36 deposit would create an economic hardship for the pupil. The school district  
37 shall return the full amount of the damage deposit for any textbook or other  
38 item if the pupil returns the textbook or other item in reasonably good  
39 condition within the time period prescribed by the governing board. For the  
40 purposes of this paragraph, "in reasonably good condition" means the textbook  
41 or other item is in the same or a similar condition as it was when the pupil  
42 received it, plus ordinary wear and tear.

43 29. Notwithstanding section 15-1105, expend surplus monies in the civic  
44 center school fund for maintenance and operations or unrestricted capital

1 outlay, if sufficient monies are available in the fund after meeting the  
2 needs of programs established pursuant to section 15-1105.

3 30. Notwithstanding section 15-1143, expend surplus monies in the  
4 community school program fund for maintenance and operations or unrestricted  
5 capital outlay, if sufficient monies are available in the fund after meeting  
6 the needs of programs established pursuant to section 15-1142.

7 31. Adopt guidelines for standardization of the format of the school  
8 report cards required by section 15-746 for schools within the district.

9 32. Adopt policies that require parental notification when a law  
10 enforcement officer interviews a pupil on school grounds. Policies adopted  
11 pursuant to this paragraph shall not impede a peace officer from the  
12 performance of the peace officer's duties. If the school district governing  
13 board adopts a policy that requires parental notification:

14 (a) The policy may provide reasonable exceptions to the parental  
15 notification requirement.

16 (b) The policy shall set forth whether and under what circumstances a  
17 parent may be present when a law enforcement officer interviews the pupil,  
18 including reasonable exceptions to the circumstances under which a parent may  
19 be present when a law enforcement officer interviews the pupil, and shall  
20 specify a reasonable maximum time after a parent is notified that an  
21 interview of a pupil by a law enforcement officer may be delayed to allow the  
22 parent to be present.

23 33. Enter into voluntary partnerships with any party to finance with  
24 funds other than school district funds and cooperatively design school  
25 facilities that comply with the adequacy standards prescribed in section  
26 15-2011 and the square footage per pupil requirements pursuant to section  
27 15-2041, subsection D, paragraph 3, subdivision (b). The design plans and  
28 location of any such school facility shall be submitted to the school  
29 facilities board for approval pursuant to section 15-2041, subsection O. If  
30 the school facilities board approves the design plans and location of any  
31 such school facility, the party in partnership with the school district may  
32 cause to be constructed and the district may begin operating the school  
33 facility before monies are distributed from the school facilities board  
34 pursuant to section 15-2041. Monies distributed from the new school  
35 facilities fund to a school district in a partnership with another party to  
36 finance and design the school facility shall be paid to the school district  
37 pursuant to section 15-2041. The school district shall reimburse the party  
38 in partnership with the school district from the monies paid to the school  
39 district pursuant to section 15-2041, in accordance with the voluntary  
40 partnership agreement. Before the school facilities board distributes any  
41 monies pursuant to this subsection, the school district shall demonstrate to  
42 the school facilities board that the facilities to be funded pursuant to  
43 section 15-2041, subsection O meet the minimum adequacy standards prescribed  
44 in section 15-2011. If the cost to construct the school facility exceeds the  
45 amount that the school district receives from the new school facilities fund,

1 the partnership agreement between the school district and the other party  
2 shall specify that, except as otherwise provided by the other party, any such  
3 excess costs shall be the responsibility of the school district. The school  
4 district governing board shall adopt a resolution in a public meeting that an  
5 analysis has been conducted on the prospective effects of the decision to  
6 operate a new school with existing monies from the school district's  
7 maintenance and operations budget and how this decision may affect other  
8 schools in the school district. If a school district acquires land by  
9 donation at an appropriate school site approved by the school facilities  
10 board and a school facility is financed and built on the land pursuant to  
11 this paragraph, the school facilities board shall distribute an amount equal  
12 to twenty per cent of the fair market value of the land that can be used for  
13 academic purposes. The school district shall place the monies in the  
14 unrestricted capital outlay fund and increase the unrestricted capital budget  
15 limit by the amount of the monies placed in the fund. Monies distributed  
16 under this paragraph shall be distributed from the new school facilities fund  
17 pursuant to section 15-2041. If a school district acquires land by donation  
18 at an appropriate school site approved by the school facilities board and a  
19 school facility is financed and built on the land pursuant to this paragraph,  
20 the school district shall not receive monies from the school facilities board  
21 for the donation of real property pursuant to section 15-2041, subsection F.  
22 It is unlawful for:

23 (a) A county, city or town to require as a condition of any land use  
24 approval that a landowner or landowners that entered into a partnership  
25 pursuant to this paragraph provide any contribution, donation or gift, other  
26 than a site donation, to a school district. This subdivision only applies to  
27 the property in the voluntary partnership agreement pursuant to this  
28 paragraph.

29 (b) A county, city or town to require as a condition of any land use  
30 approval that the landowner or landowners located within the geographic  
31 boundaries of the school subject to the voluntary partnership pursuant to  
32 this paragraph provide any donation or gift to the school district except as  
33 provided in the voluntary partnership agreement pursuant to this paragraph.

34 (c) A community facilities district established pursuant to title 48,  
35 chapter 4, article 6 to be used for reimbursement of financing the  
36 construction of a school pursuant to this paragraph.

37 (d) A school district to enter into an agreement pursuant to this  
38 paragraph with any party other than a master planned community party. Any  
39 land area consisting of at least three hundred twenty acres that is the  
40 subject of a development agreement with a county, city or town entered into  
41 pursuant to section 9-500.05 or 11-1101 shall be deemed to be a master  
42 planned community. For the purposes of this subdivision, "master planned  
43 community" means a land area consisting of at least three hundred twenty  
44 acres, which may be noncontiguous, that is the subject of a zoning ordinance  
45 approved by the governing body of the county, city or town in which the land

1 is located that establishes the use of the land area as a planned area  
2 development or district, planned community development or district, planned  
3 unit development or district or other land use category or district that is  
4 recognized in the local ordinance of such county, city or town and that  
5 specifies the use of such land is for a master planned development.

6 34. Sell advertising on the school district website or any website  
7 maintained by a school in the school district as follows:

8 (a) Advertisements shall be age appropriate and not contain promotion  
9 of any substance that is illegal for minors, such as alcohol, tobacco and  
10 drugs, or gambling. Advertisements shall comply with the state sex education  
11 policy of abstinence. The governing board has discretion to decline specific  
12 advertisements.

13 (b) The school district shall establish a website advertisement fund  
14 that is composed of revenues from the sale of advertising on the school  
15 district website or any website maintained by a school in the school  
16 district. The monies in a website advertisement fund are not subject to  
17 reversion and shall be used for any pupil related costs as determined by the  
18 governing board.

19 35. Enter into an intergovernmental agreement with a presiding judge  
20 of the juvenile court to implement a law related education program as defined  
21 in section 15-154. The presiding judge of the juvenile court may assign  
22 juvenile probation officers to participate in a law related education program  
23 in any school district in the county. The cost of juvenile probation  
24 officers who participate in the program implemented pursuant to this  
25 paragraph shall be funded by the school district.

26 Sec. 7. Repeal

27 Section 15-342, Arizona Revised Statutes, as amended by Laws 2009,  
28 first regular session, chapter 101, section 4, is repealed.

29 Sec. 8. Section 28-2003, Arizona Revised Statutes, as amended by Laws  
30 2008, chapter 294, section 6, is amended to read:

31 28-2003. Fees; vehicle title and registration; identification  
32 plate; definition

33 A. The following fees are required:

34 1. For each certificate of title, salvage certificate of title,  
35 restored salvage certificate of title or nonrepairable vehicle certificate of  
36 title, four dollars.

37 2. For each certificate of title for a mobile home, seven  
38 dollars. The director shall deposit three dollars of each fee imposed by  
39 this paragraph in the state highway fund established by section 28-6991.

40 3. Except as provided in section 28-1177, for the registration of a  
41 motor vehicle, eight dollars, except that the fee for motorcycles is nine  
42 dollars.

43 4. For a duplicate registration card or any duplicate permit, four  
44 dollars.

1           5. For each special ninety day nonresident registration issued under  
2 section 28-2154, fifteen dollars.

3           ~~6. Except as provided in paragraph 7 of this subsection,~~ For the  
4 registration of a trailer or semitrailer that IS NOT A TRAVEL TRAILER AND  
5 THAT is ten thousand pounds or less gross vehicle weight AND THAT IS USED IN  
6 THE FURTHERANCE OF A COMMERCIAL ENTERPRISE, eight dollars. ~~and~~

7           7. For the registration of a trailer or semitrailer that IS NOT A  
8 TRAVEL TRAILER AND THAT exceeds ten thousand pounds gross vehicle weight:

9           (a) On initial registration, a one-time fee of two hundred forty-five  
10 dollars.

11           (b) On renewal of registration or if previously registered in another  
12 state, a one-time fee of:

13           (i) If the trailer's or semitrailer's model year is less than six  
14 years old, one hundred forty-five dollars.

15           (ii) If the trailer's or semitrailer's model year is at least six  
16 years old, ninety-five dollars.

17           ~~7.~~ 8. For the registration of a noncommercial trailer that is not a  
18 travel trailer and that is ~~less than six~~ TEN thousand pounds OR LESS gross  
19 vehicle weight:

20           (a) On initial registration, a one-time fee of twenty dollars.

21           (b) On renewal of registration, a one-time fee of five dollars.

22           ~~8.~~ 9. For a transfer of a noncommercial trailer that is not a travel  
23 trailer and that is ~~less than six~~ TEN thousand pounds OR LESS gross vehicle  
24 weight, twelve dollars.

25           ~~9.~~ 10. For each special ninety day resident registration issued under  
26 section 28-2154, fifteen dollars.

27           ~~10.~~ 11. For each one trip registration permit issued under section  
28 28-2155, one dollar.

29           ~~11.~~ 12. For each temporary general use registration issued under  
30 section 28-2156, fifteen dollars.

31           ~~12.~~ 13. For each identification plate bearing a serial or  
32 identification number to be affixed to any vehicle, five dollars.

33           B. For the purposes of this section, "travel trailer" means a trailer  
34 that is:

35           1. Mounted on wheels.

36           2. Designed to provide temporary living quarters for recreational,  
37 camping or travel use.

38           3. Less than eight feet in width and less than forty feet in length.

39           Sec. 9. Repeal

40           Section 28-2003, Arizona Revised Statutes, as amended by Laws 2009,  
41 first regular session, chapter 187, section 25, is repealed.

1           Sec. 10. Section 28-5801, Arizona Revised Statutes, as amended by Laws  
2 2008, chapter 291, section 1 and chapter 294, section 10, is amended to read:

3           28-5801. Vehicle license tax rate

4           A. At the time of application for and before registration each year of  
5 a vehicle, the registering officer shall collect the vehicle license tax  
6 imposed by article IX, section 11, Constitution of Arizona. On the  
7 taxpayer's vehicle license tax bill, the registering officer shall provide  
8 the taxpayer with the following:

9           1. Information showing the amount of the vehicle license tax that each  
10 category of recipient will receive and the amount that is owed by the  
11 taxpayer.

12           2. The amount of vehicle license tax the taxpayer would pay pursuant  
13 to section 28-5805 if the taxpayer's motor vehicle was powered by alternative  
14 fuel.

15           B. Except as provided in subsections C, D and E of this section:

16           1. During the first twelve months of the life of a vehicle as  
17 determined by its initial registration, the vehicle license tax is based on  
18 each one hundred dollars in value, the value of the vehicle is sixty per cent  
19 of the manufacturer's base retail price of the vehicle and the vehicle  
20 license tax rate for each of the recipients is as follows:

21           (a) The rate for the Arizona highway user revenue fund is one dollar  
22 twenty-six cents.

23           (b) The rate for the county general fund is sixty-nine cents.

24           (c) The rate for counties for any purposes related to transportation,  
25 as determined by the board of supervisors, is sixteen cents.

26           (d) The rate for incorporated cities and towns is sixty-nine cents.

27           2. During each succeeding twelve month period, the vehicle license tax  
28 is based on each one hundred dollars in value, the value of the vehicle is  
29 16.25 per cent less than the value for the preceding twelve month period and  
30 the vehicle license tax rate for each of the recipients is as follows:

31           (a) The rate for the Arizona highway user revenue fund is one dollar  
32 thirty cents.

33           (b) The rate for the county general fund is seventy-one cents.

34           (c) The rate for counties for the same use as highway user revenue  
35 fund monies is seventeen cents.

36           (d) The rate for incorporated cities and towns is seventy-one cents.

37           3. The minimum amount of the vehicle license tax computed under this  
38 section is ten dollars per year for each vehicle that is subject to the tax.  
39 If the product of all of the rates prescribed in paragraph 1 or 2 of this  
40 subsection is less than ten dollars, the vehicle license tax is ten dollars.  
41 The vehicle license tax collected pursuant to this paragraph shall be  
42 distributed to the recipients prescribed in this subsection based on the  
43 percentage of each recipient's rate to the sum of all of the rates.

1 C. The vehicle license tax is as follows for noncommercial trailers  
2 that are not travel trailers and that are ~~less than six~~ TEN thousand pounds  
3 OR LESS gross vehicle weight:

4 1. On initial registration, a one-time vehicle license tax of one  
5 hundred five dollars.

6 2. On renewal of registration, a one-time vehicle license tax of  
7 seventy dollars.

8 D. The vehicle license tax is as follows for a trailer or semitrailer  
9 that IS NOT A TRAVEL TRAILER AND THAT exceeds ten thousand pounds gross  
10 vehicle weight:

11 1. On initial registration, a one-time vehicle license tax of five  
12 hundred fifty-five dollars.

13 2. On renewal of registration or if previously registered in another  
14 state, a one-time vehicle license tax of:

15 (a) If the trailer's or semitrailer's model year is less than six  
16 years old, three hundred fifty-five dollars.

17 (b) If the trailer's or semitrailer's model year is at least six years  
18 old, one hundred dollars.

19 E. The vehicle license tax for an all-terrain vehicle or off-highway  
20 vehicle as defined in section 28-1171 is three dollars if the all-terrain  
21 vehicle or off-highway vehicle meets both of the following criteria:

22 1. Is designed by the manufacturer primarily for travel over  
23 unimproved terrain.

24 2. Has an unladen weight of eighteen hundred pounds or less.

25 F. The vehicle license tax collected pursuant to subsection C, D or E  
26 of this section shall be distributed to the recipients prescribed in  
27 subsection B of this section based on the percentage of each recipient's rate  
28 to the sum of all of the rates.

29 G. For the purposes of subsection C AND D of this section, "travel  
30 trailer" has the same meaning prescribed in section 28-2003.

31 Sec. 11. Repeal

32 Section 28-5801, Arizona Revised Statutes, as amended by Laws 2009,  
33 first regular session, chapter 187, section 43, is repealed.

34 Sec. 12. Section 34-201, Arizona Revised Statutes, as amended by Laws  
35 2009, first regular session, chapter 101, section 6, is amended to read:

36 34-201. Notice of intention to receive bids and enter contract;  
37 procedure; doing work without advertising for bids;  
38 county compliance

39 A. Except as provided in subsections B through G and L of this  
40 section, every agent, on acceptance and approval of the working drawings and  
41 specifications, shall publish a notice to contractors of intention to receive  
42 bids and contract for the proposed work. This notice shall be published by  
43 advertising in a newspaper of general circulation in the county in which the  
44 agent is located for two consecutive publications if it is a weekly newspaper

1 or for two publications that are at least six but no more than ten days apart  
2 if it is a daily newspaper. The notice shall state:

3 1. The nature of the work required, the type, purpose and location of  
4 the proposed building and where the plans, specifications and full  
5 information as to the proposed work may be obtained.

6 2. That contractors desiring to submit proposals may obtain copies of  
7 full or partial sets of plans and specifications for estimate on request or  
8 by appointment. The return of such plans and specifications shall be  
9 guaranteed by a deposit of a designated amount which shall be refunded on  
10 return of the plans and specifications in good order.

11 3. That every proposal shall be accompanied by a certified check,  
12 cashier's check or surety bond for ten per cent of the amount of the bid  
13 included in the proposal as a guarantee that the contractor will enter into a  
14 contract to perform the proposal in accordance with the plans and  
15 specifications. Notwithstanding any other statute, the surety bond shall be  
16 executed solely by a surety company or companies holding a certificate of  
17 authority to transact surety business in this state issued by the director of  
18 the department of insurance pursuant to title 20, chapter 2, article 1. The  
19 surety bond shall not be executed by an individual surety or sureties, even  
20 if the requirements of section 7-101 are satisfied. The certified check,  
21 cashier's check or surety bond shall be returned to the contractors whose  
22 proposals are not accepted, and to the successful contractor on the execution  
23 of a satisfactory bond and contract as provided in this article. The  
24 conditions and provisions of the surety bid bond regarding the surety's  
25 obligations shall follow the following form:

26 Now, therefore, if the obligee accepts the proposal of the  
27 principal and the principal enters into a contract with the  
28 obligee in accordance with the terms of the proposal and gives  
29 the bonds and certificates of insurance as specified in the  
30 standard specifications with good and sufficient surety for the  
31 faithful performance of the contract and for the prompt payment  
32 of labor and materials furnished in the prosecution of the  
33 contract, or in the event of the failure of the principal to  
34 enter into the contract and give the bonds and certificates of  
35 insurance, if the principal pays to the obligee the difference  
36 not to exceed the penalty of the bond between the amount  
37 specified in the proposal and such larger amount for which the  
38 obligee may in good faith contract with another party to perform  
39 the work covered by the proposal then this obligation is void.  
40 Otherwise it remains in full force and effect provided, however,  
41 that this bond is executed pursuant to the provisions of section  
42 34-201, Arizona Revised Statutes, and all liabilities on this  
43 bond shall be determined in accordance with the provisions of  
44 the section to the extent as if it were copied at length herein.

1           4. That the right is reserved to reject any or all proposals or to  
2 withhold the award for any reason the agent determines.

3           B. If the agent believes that any construction, building addition or  
4 alteration contemplated at a public institution can be advantageously done by  
5 the inmates of the public institution and regularly employed help, the agent  
6 may cause the work to be done without advertising for bids.

7           C. Any building, structure, addition or alteration may be constructed  
8 either with or without the use of the agent's regularly employed personnel  
9 without advertising for bids, provided that the total cost of the work,  
10 excluding materials and equipment previously acquired by bid, does not  
11 exceed:

12           1. In fiscal year 1994-1995, fourteen thousand dollars.

13           2. In fiscal year 1995-1996 and each fiscal year thereafter, the  
14 amount provided in paragraph 1 of this subsection adjusted by the annual  
15 percentage change in the GDP price deflator as defined in section 41-563.

16           D. Notwithstanding subsection C of this section, any street, road,  
17 bridge, water or sewer work, other than a water or sewer treatment plant or  
18 building, may be constructed either with or without the use of the agent's  
19 regularly employed personnel without advertising for bids, provided that the  
20 total cost of the work does not exceed:

21           1. In fiscal year 1994-1995, one hundred fifty thousand dollars.

22           2. In fiscal year 1995-1996 and each fiscal year thereafter, the  
23 amount provided in paragraph 1 of this subsection adjusted by the annual  
24 percentage change in the GDP price deflator as defined in section 41-563.

25           E. For the purposes of subsection D of this section, the total cost of  
26 water or sewer work does not include services provided by volunteers or  
27 donations made for the water or sewer project.

28           F. Notwithstanding this section, an agent may:

29           1. Construct, reconstruct, install or repair a natural gas or electric  
30 utility and distribution system, owned or operated by such agent, with  
31 regularly employed personnel of the agent without advertising for bids,  
32 unless otherwise prohibited by charter or ordinance.

33           2. Construct recreational projects, including trails, playgrounds,  
34 ballparks and other similar facilities and excluding buildings, structures,  
35 building additions and alterations to buildings, structures and building  
36 additions, with volunteer workers or workers provided by a nonprofit  
37 organization without advertising for bids for labor and materials, provided  
38 that the total cost of the work does not exceed:

39           (a) In fiscal year 2001-2002, one hundred fifty thousand dollars.

40           (b) In fiscal year 2002-2003 and each fiscal year thereafter, the  
41 amount provided in subdivision (a) adjusted by the annual percentage change  
42 in the GDP price deflator as defined in section 41-563.

43           G. A contribution by an agent for the financing of public  
44 infrastructure made pursuant to a development agreement is exempt from this  
45 section if such contribution for any single development does not exceed:

1           1. In fiscal year 1994-1995, one hundred thousand dollars.

2           2. In fiscal year 1995-1996 and each fiscal year thereafter, the  
3 amount provided in paragraph 1 of this subsection adjusted by the annual  
4 percentage change in the GDP price deflator as defined in section 41-563.

5           H. In addition to other state or local requirements relating to the  
6 publication of bids, each agent shall provide at least one set of all plans  
7 and specifications to any construction news reporting service that files an  
8 annual request with the agent. For the purposes of this subsection,  
9 "construction news reporting service" means a service that researches,  
10 gathers and disseminates news and reports either in print or electronically,  
11 on at least a weekly basis for building projects, construction bids, the  
12 purchasing of materials, supplies or services and other construction bidding  
13 or planned activity to the allied construction industry. The allied  
14 construction industry includes both general and specialty contractors,  
15 builders, material and service suppliers, architects and engineers, owners,  
16 developers and government agencies.

17           I. Any construction by a county under this section shall comply with  
18 the uniform accounting system prescribed for counties by the auditor general  
19 under section 41-1279.21. Any construction by a city or town under this  
20 section shall comply with generally accepted accounting principles.

21           J. Any construction, building addition or alteration project that is  
22 financed by monies of this state or its political subdivisions shall not use  
23 endangered wood species unless an exemption is granted by the director of the  
24 department of administration. The director shall only grant an exemption if  
25 the use of endangered wood species is deemed necessary for historical  
26 restoration or to repair existing facilities and the use of any substitute  
27 material is not practical. Any lease-purchase agreement entered into by this  
28 state or its political subdivisions for construction shall specify that no  
29 endangered wood species may be used in the construction unless an exemption  
30 is granted by the director. For the purposes of this subsection, "endangered  
31 wood species" includes those listed in appendix I of the convention on  
32 international trade in endangered species of wild flora and fauna.

33           K. All bonds given by a contractor and surety pursuant to this  
34 article, regardless of their actual form, will be deemed by law to be the  
35 form required and set forth in this article and no other.

36           L. Any building, structure, addition or alteration may be constructed  
37 without complying with this article if the construction, including  
38 construction of buildings or structures on public or private property, is  
39 required as a condition of development of private property and is authorized  
40 by section 9-463.01 or 11-806.01. For the purposes of this subsection,  
41 building does not include police, fire, school, library or other public  
42 buildings.

43           M. Notwithstanding section 34-221, any agent may enter into a  
44 guaranteed energy cost savings contract with a qualified provider, AS THOSE  
45 TERMS ARE DEFINED IN SECTION 15-213.01, for the purchase of energy cost

1 savings measures without complying with this article and may procure a  
2 guaranteed energy cost savings contract through the competitive sealed  
3 proposal process prescribed in title 41, chapter 23, ARTICLE 3 or any similar  
4 competitive proposal process adopted by the agent AS LONG AS THE AGENT  
5 FOLLOWS ANY ADDITIONAL REQUIREMENTS SET FORTH IN SECTION 15-213.01.

6 Sec. 13. Repeal

7 Section 34-201, Arizona Revised Statutes, as amended by Laws 2009,  
8 first regular session, chapter 101, section 7, is repealed.

9 Sec. 14. Section 41-619.51, Arizona Revised Statutes, as amended by  
10 Laws 2008, chapter 173, section 1 and chapter 300, section 4, is amended to  
11 read:

12 41-619.51. Definitions

13 In this article, unless the context otherwise requires:

14 1. "Agency" means the supreme court, the department of economic  
15 security, the department of education, the department of health services, the  
16 department of juvenile corrections, the department of emergency and military  
17 affairs or the board of examiners of nursing care institution administrators  
18 and assisted living facility managers.

19 2. "Board" means the board of fingerprinting.

20 3. "Expedited review" means an examination, in accordance with board  
21 rule, of the documents an applicant submits by the board or its hearing  
22 officer without the applicant being present.

23 4. "Good cause exception" means the issuance of a fingerprint  
24 clearance card to an employee pursuant to section 41-619.55.

25 5. "Person" means a person who is required to be fingerprinted  
26 pursuant to this article and any of the following:

- 27 (a) Section 8-105.
- 28 (b) Section 8-322.
- 29 (c) Section 8-509.
- 30 (d) Section 8-802.
- 31 (e) Section 15-183.
- 32 (f) Section 15-534.
- 33 (g) Section 15-1330.
- 34 (h) Section 15-1881.
- 35 (i) Section 26-103.
- 36 (j) Section 36-411.
- 37 (k) Section 36-425.03.
- 38 (l) Section 36-446.04.
- 39 (m) Section 36-594.01.
- 40 (n) Section 36-594.02.
- 41 (o) Section 36-882.
- 42 (p) Section 36-883.02.
- 43 (q) Section 36-897.01.
- 44 (r) Section 36-897.03.
- 45 (s) Section 36-3008.

- 1 (t) SECTION 41-619.53.
- 2 ~~(t)~~ (u) Section 41-1964.
- 3 ~~(u)~~ (v) Section 41-1967.01.
- 4 ~~(v)~~ (w) Section 41-1968.
- 5 ~~(w)~~ (x) Section 41-1969.
- 6 ~~(x)~~ (y) Section 41-2814.
- 7 ~~(y)~~ (z) Section 46-141, subsection A.
- 8 ~~(z)~~ (aa) Section 46-321.

9 Sec. 15. Repeal

10 Section 41-619.51, Arizona Revised Statutes, as amended by Laws 2009,  
11 first regular session, chapter 8, section 12, is repealed.

12 Sec. 16. Section 41-2083, Arizona Revised Statutes, as amended by Laws  
13 2008, chapter 254, section 3, is amended to read:

14 41-2083. Standards for motor fuel; exceptions

15 A. Except as provided in section 41-2083.01 and subsections C, D, E,  
16 F, G, K and L of this section, a retail seller or fleet owner shall not  
17 store, sell or expose or offer for sale any motor fuel, kerosene, oil or  
18 other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of  
19 lubricants or other similar products if the product fails to meet the  
20 standards specified in this section and in the rules adopted by the director.

21 B. A person shall not misrepresent the nature, origination, quality,  
22 grade or identity of any product specified in subsection A of this section or  
23 represent the nature, origination, quality, grade or identity of such product  
24 in any manner calculated or tending to mislead or in any way deceive. This  
25 subsection does not prohibit product origination disclaimer labeling on the  
26 retail dispenser.

27 C. After consultation with the director of the department of  
28 environmental quality, the standards and test methods for motor fuels shall  
29 be established by the director of the department of weights and measures by  
30 rule.

31 D. Maximum vapor pressure for gasoline that is supplied or sold by any  
32 person and that is intended as a final product for the fueling of motor  
33 vehicles in a county with a population of one million two hundred thousand or  
34 more persons and any portion of a county contained in area A as defined in  
35 section 49-541 shall be 9.0 pounds per square inch from and after September  
36 30 through March 31 of each year. Fuel used in motor vehicles at a  
37 manufacturer's proving ground or a motor vehicle racing event as defined by  
38 section 41-2121 is exempt from this subsection.

39 E. From and after September 30 through March 31 of each year a person  
40 shall not supply or sell gasoline that exceeds the ASTM D4814 class A vapor  
41 pressure/distillation class ten volume per cent evaporated distillation  
42 temperature.

43 F. Maximum vapor pressure for gasoline that is supplied or sold by any  
44 person and that is intended as a final product for the fueling of motor  
45 vehicles in a county with a population of one million two hundred thousand

1 persons or more and any portion of a county contained in area A as defined in  
2 section 49-541 shall be 7.0 pounds per square inch from and after May 31  
3 through September 30 of each year. Fuel used in motor vehicles at a  
4 manufacturer's proving ground or a motor vehicle racing event as defined by  
5 section 41-2121 is exempt from this subsection.

6 G. Exclusively for the purposes of transportation conformity and only  
7 if the administrator of the United States environmental protection agency  
8 fails to approve the applicable plan required pursuant to section 49-406,  
9 maximum vapor pressure for gasoline that is supplied or sold by any person  
10 and that is intended as a final product for the fueling of motor vehicles in  
11 area B as defined in section 49-541 shall be ten pounds per square inch from  
12 and after September 30 through March 31 of each year. Fuel used in motor  
13 vehicles at a manufacturer's proving ground or a motor vehicle racing event  
14 as defined by section 41-2121 is exempt from this subsection.

15 H. Notwithstanding subsections D, F and G of this section, the  
16 director of the department of weights and measures in consultation with the  
17 director of the department of environmental quality shall approve alternate  
18 fuel control measures that are submitted by manufacturers or suppliers of  
19 gasoline and that the directors determine will result in either of the  
20 following:

21 1. Motor vehicle carbon monoxide emissions that are equal to or less  
22 than emissions that result under compliance with subsection D of this section  
23 and section 41-2123. In making this determination, the director of the  
24 department of weights and measures and the director of the department of  
25 environmental quality shall compare the emissions of the alternate fuel  
26 control measure with the emissions of a fuel with a maximum vapor pressure  
27 standard as prescribed by this section and with the minimum oxygen content or  
28 percentage by volume of ethanol as prescribed by section 41-2123.

29 2. Motor vehicle non-methane hydrocarbon emissions that are equal to  
30 or less than the emissions that result under compliance with subsection F of  
31 this section. In making this determination, the director of the department  
32 of weights and measures and the director of the department of environmental  
33 quality shall compare the motor vehicle non-methane hydrocarbon emissions of  
34 the alternate fuel control measure with the motor vehicle non-methane  
35 hydrocarbon emissions of a fuel that complies with the maximum vapor pressure  
36 standard as prescribed by subsection F of this section.

37 I. Any alternate fuel control measures that are approved shall not  
38 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide  
39 or oxides of nitrogen. Alternate fuel control measures approved pursuant to  
40 subsection H of this section and this subsection may be used by any  
41 manufacturer or supplier of gasoline unless the approval is rescinded more  
42 than one hundred eighty days before the first day of a gasoline control  
43 period. Manufacturers and suppliers who use an approved alternate fuel  
44 control measure shall annually submit a compliance plan to the director of

1 the department of weights and measures no later than sixty days before the  
2 first day of a gasoline control period.

3 J. A person shall not sell or offer or expose for sale diesel fuel  
4 grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of:

5 1. For low sulfur diesel fuel, five hundred parts per million by  
6 weight for use in area A as defined in section 49-541.

7 2. For ultra low sulfur diesel fuel, the amount that conforms with 40  
8 Code of Federal Regulations section 80.520(a)(1).

9 K. A person shall not sell or offer or expose for sale diesel fuel,  
10 BIODIESEL or biodiesel blends that contain sulfur in excess of five hundred  
11 parts per million for use in area A as defined in section 49-541.

12 L. ~~Except for biodiesel blends that contain up to five per cent~~  
13 ~~biodiesel,~~ A person shall label dispensers at which biodiesel or BIODIESEL  
14 ~~blends of diesel fuel and biodiesel are dispensed in such a manner as to~~  
15 ~~notify other persons of the volume percentage of biodiesel in the finished~~  
16 ~~product and that conforms~~ IN CONFORMANCE with 16 CODE OF FEDERAL REGULATIONS  
17 PART 306 AND 40 Code of Federal Regulations sections 80.570, 80.571, 80.572,  
18 80.573 and 80.574 ~~to inform the customer of the sulfur content of the diesel~~  
19 ~~fuel being dispensed. For biodiesel blends that contain~~ THIS SECTION DOES  
20 NOT PRECLUDE A PERSON FROM LABELING A DISPENSER THAT DISPENSES DIESEL FUEL  
21 THAT CONTAINS up to five per cent biodiesel, ~~the label on the dispenser shall~~  
22 ~~state~~ WITH A LABEL THAT STATES "may contain up to five per cent biodiesel".

23 M. FOR BIODIESEL BLENDS THAT CONTAIN MORE THAN FIVE PER CENT BY VOLUME  
24 OF BIODIESEL, a person shall prepare the product transfer documents in a  
25 manner that notifies the transferee of ~~any percentage~~ THE PER CENT BY VOLUME  
26 of biodiesel in the finished product. FOR DIESEL FUEL THAT CONTAINS FIVE PER  
27 CENT OR LESS BY VOLUME OF BIODIESEL, A PERSON SHALL PREPARE PRODUCT TRANSFER  
28 DOCUMENTS IN A MANNER THAT NOTIFIES THAT TRANSFEREE OF ANY VOLUME PER CENT OF  
29 BIODIESEL INTENTIONALLY ADDED TO OR KNOWN BY THE TRANSFEROR TO BE IN THE  
30 PRODUCT.

31 N. The director shall adopt rules regarding the establishment and  
32 enforcement of all of the following:

33 1. National or federal standards for individual biofuels and biofuel  
34 blends.

35 2. United States environmental protection agency and ASTM test methods  
36 for individual biofuels and biofuel blends.

37 3. Registration and reporting requirements for producers, blenders and  
38 suppliers of biofuels and biofuel blends.

39 4. Labeling requirements for biofuels and biofuel blends other than  
40 biodiesel OR BIODIESEL BLENDS.

41 5. Quality assurance and quality control programs for producers,  
42 blenders and suppliers of biofuels and biofuel blends addressing rack, batch  
43 or other blending.

44 6. Requirements that the dispensing equipment meet appropriate  
45 UL ratings where available and applicable, that the equipment comply with

1 rules adopted by the department relating to approval, installation and sale  
2 of devices and that the equipment be compatible with the products being  
3 dispensed.

4 O. A biofuels or biofuel blends producer, blender, distributor,  
5 supplier or retail seller that is in compliance with this section and the  
6 rules adopted pursuant to this section is not liable to a consumer for any  
7 injuries or property damage related to a consumer who misfuels.

8 P. A person shall label each dispenser at which ultra low sulfur  
9 diesel fuel is dispensed in a manner that conforms with 40 Code of Federal  
10 Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the  
11 customer of the sulfur content of the diesel fuel being dispensed.

12 Q. A person shall label each dispenser at which low sulfur diesel fuel  
13 is dispensed in a manner that conforms with 40 Code of Federal Regulations  
14 sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of  
15 the sulfur content of the diesel fuel being dispensed.

16 R. If any person transfers custody or title of a diesel fuel or  
17 distillate, except if the diesel fuel is dispensed into a motor vehicle or  
18 nonroad, locomotive or marine equipment, the transferor shall provide to the  
19 transferee product transfer documents that conform with 40 Code of Federal  
20 Regulations section 80.590.

21 S. If the transfer of a motor fuel is from a terminal, storage  
22 facility, or transmix facility, the product transfer documents shall contain  
23 the information prescribed in subsection Q- R of this section as well as the  
24 name and address of the final destination for the shipment, as prescribed by  
25 department rule, and must accompany the shipment to its final destination.

26 Sec. 17. Repeal

27 Section 41-2083, Arizona Revised Statutes, as amended by Laws 2009,  
28 first regular session, chapter 46, section 1, is repealed.

29 Sec. 18. Conditional repeal

30 A. If a majority of the qualified electors voting on the issue in the  
31 first election held pursuant to section 5-1103, Arizona Revised Statutes,  
32 reject the levy of taxes and issuance of bonds for the purposes of  
33 establishing a sports authority district, title 5, chapter 9, Arizona Revised  
34 Statutes, is repealed.

35 B. The clerk of the board of supervisors that conducts the election  
36 shall notify in writing the director of legislative council of the results of  
37 the election and whether the condition described in subsection A of this  
38 section occurred.

39 Sec. 19. Delayed repeal

40 Section 15-1474, Arizona Revised Statutes, is repealed from and after  
41 June 30, 2019.

42 Sec. 20. Repeal

43 Laws 2004, chapter 121, section 1, as amended by Laws 2009, first  
44 regular session, chapter 150, section 37, is repealed.

1           Sec. 21. Repeal  
2           Laws 2004, chapter 121, section 2, as amended by Laws 2009, first  
3 regular session, chapter 150, section 38, is repealed.  
4           Sec. 22. Repeal  
5           Laws 2006, chapter 350, section 5, as amended by Laws 2009, first  
6 regular session, chapter 13, section 3, is repealed.  
7           Sec. 23. Repeal  
8           Laws 2009, first regular session, chapter 59, section 3 is repealed.  
9           Sec. 24. Repeal  
10           Laws 2009, first regular session, chapter 95, section 61 is repealed.  
11           Sec. 25. Repeal  
12           Laws 2009, first regular session, chapter 122, section 3 is repealed.  
13           Sec. 26. Retroactive application  
14           A. Section 20 of this act applies retroactively to December 1, 2008.  
15           B. Sections 14 and 15 of this act apply retroactively to June 29,  
16 2009.  
17           C. Sections 19 and 23 of this act apply retroactively to from and  
18 after June 30, 2009.  
19           D. Sections 2 and 3 of this act apply retroactively to July 13, 2009.  
20           E. Sections 5, 7, 8, 9, 10, 11, 13, 16, 17, 18, 21, 22, 24 and 25 of  
21 this act apply retroactively to September 30, 2009.  
22           Sec. 27. Effective date  
23           Sections 4, 6 and 12 of this act are effective from and after June 30,  
24 2013.

APPROVED BY THE GOVERNOR APRIL 23, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2010.

Passed the House March 22, 2010

Passed the Senate April 19, 2010

by the following vote: 58 Ayes,

by the following vote: 27 Ayes,

0 Nays, 2 Not Voting

0 Nays, 3 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

20 day of April, 20 10

at 4:40 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 23rd day of

April

at 4:50 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 26th day of April, 20 10

at 12:30 o'clock P. M.

[Signature]  
Secretary of State

H.B. 2057