

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2350

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 9-461.14, Arizona Revised Statutes, is amended to
3 read:

4 9-461.14. Public works project planning; utility input;
5 definitions

6 A. A city or town in the design phase of a public works project shall
7 provide notice and opportunity for comment to all utilities the city or town
8 believes may be impacted by the public works project for the purposes of:

9 1. Eliminating or minimizing the need for relocation of aerial,
10 surface and underground facilities of the impacted utilities and, if
11 relocation is unavoidable, minimizing the relocation costs to the extent
12 practicable relative to the cost of the public works project.

13 2. Minimizing subsequent reconstruction or modification of utility
14 facilities after completion of the public works project.

15 B. IN ADDITION TO THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION,
16 FOR ANY PUBLIC WORKS PROJECT OF AT LEAST ONE-HALF MILE THAT IS FUNDED,
17 INITIATED OR MANAGED BY A CITY OR TOWN, THE CITY OR TOWN SHALL PROVIDE FIRST
18 NOTICE OF THE PLANNED PROJECT TO ALL UTILITIES PROVIDING SERVICES IN THAT
19 CITY OR TOWN AT LEAST TWELVE MONTHS BEFORE THE DESIGN PHASE OF THE PROJECT
20 BEGINS.

21 B. C. For the purposes of this section:

22 1. "Public works project" has the same meaning prescribed in section
23 12-1141.

24 2. "Utility" has the same meaning prescribed in section 48-5107.

25 Sec. 2. Section 9-839, Arizona Revised Statutes, is amended to read:

26 9-839. Clarification of interpretation

27 A. A person AN APPLICANT FOR A LICENSE SUBJECT TO THIS ARTICLE may
28 request a municipality to clarify its interpretation or application of a

1 statute, ordinance, code or authorized substantive policy statement affecting
2 the procurement of ~~a-~~ THAT license by providing the municipality with a
3 written request that states:

4 1. The name and address of the ~~person~~ APPLICANT requesting the
5 clarification.

6 2. The statute, ordinance, code or authorized substantive policy
7 statement or part of the statute, ordinance, code or authorized substantive
8 policy statement that requires clarification.

9 3. Any facts relevant to the requested ruling.

10 4. The ~~person's~~ APPLICANT's proposed interpretation of the applicable
11 statute, ordinance, code or authorized substantive policy statement or part
12 of the statute, ordinance, code or authorized substantive policy statement
13 that requires clarification.

14 5. Whether, to the best knowledge of the ~~person~~ APPLICANT, the issues
15 or related issues are being considered by the municipality in connection with
16 an existing license or license application.

17 B. On receipt of a request that complies with subsection A, the
18 municipality may meet with the ~~person~~ APPLICANT to discuss the written
19 request and shall respond within thirty days of the receipt of the written
20 request with a written explanation of its interpretation or application as
21 raised in the written request. The municipality shall provide the ~~requestor~~
22 APPLICANT with an opportunity to meet and discuss the municipality's written
23 explanation.

24 C. The municipality may modify a written explanation provided under
25 subsection B on written notice to the ~~person~~ APPLICANT if required by a
26 change in the law that was applicable at the time the clarification ~~or~~ OF
27 interpretation was issued, including changes caused by legislation,
28 administrative rules formally adopted by the governing body or a court
29 decision.

30 Sec. 3. Section 11-809, Arizona Revised Statutes, is amended to read:

31 11-809. Public works project planning; utility input;
32 definitions

33 A. A county in the design phase of a public works project shall
34 provide notice and opportunity for comment to all utilities the county
35 believes may be impacted by the public works project for the purposes of:

36 1. Eliminating or minimizing the need for relocation of aerial,
37 surface and underground facilities of the impacted utilities and, if

1 relocation is unavoidable, minimizing the relocation costs to the extent
2 practicable relative to the cost of the public works project.

3 2. Minimizing subsequent reconstruction or modification of utility
4 facilities after completion of the public works project.

5 B. IN ADDITION TO THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION,
6 FOR ANY PUBLIC WORKS PROJECT OF AT LEAST ONE-HALF MILE THAT IS FUNDED,
7 INITIATED OR MANAGED BY A COUNTY, THE COUNTY SHALL PROVIDE FIRST NOTICE OF
8 THE PLANNED PROJECT TO ALL UTILITIES PROVIDING SERVICES IN THE COUNTY AT
9 LEAST TWELVE MONTHS BEFORE THE DESIGN PHASE OF THE PROJECT BEGINS.

10 B. C. For the purposes of this section:

11 1. "Public works project" has the same meaning prescribed in section
12 11-1141.

13 2. "Utility" has the same meaning prescribed in section 48-5107.

14 Sec. 4. Section 11-1609, Arizona Revised Statutes, is amended to read:

15 11-1609. Clarification of interpretation

16 A. ~~A person~~ AN APPLICANT FOR A LICENSE SUBJECT TO THIS ARTICLE may
17 request a county to clarify its interpretation or application of a statute,
18 ordinance, regulation, delegation agreement or authorized substantive policy
19 statement affecting the procurement of ~~a~~ THAT license by providing the
20 county with a written request that states:

21 1. The name and address of the ~~person~~ APPLICANT requesting the
22 clarification.

23 2. The statute, ordinance, regulation, delegation agreement or
24 authorized substantive policy statement or part of the statute, ordinance,
25 regulation, delegation agreement or authorized substantive policy statement
26 that requires clarification.

27 3. Any facts relevant to the requested ruling.

28 4. The ~~person's~~ APPLICANT'S proposed interpretation of the applicable
29 statute, ordinance, regulation, delegation agreement or authorized
30 substantive policy statement or part of the statute, ordinance, regulation,
31 delegation agreement or authorized substantive policy statement that requires
32 clarification.

33 5. Whether, to the best knowledge of the ~~person~~ APPLICANT, the issues
34 or related issues are being considered by the county in connection with an
35 existing license or license application.

36 B. On receipt of a request that complies with subsection A, the county
37 may meet with the ~~person~~ APPLICANT to discuss the written request and shall

1 respond within thirty days of the receipt of the written request with a
2 written explanation of its interpretation or application as raised in the
3 written request. The county shall provide the ~~requestor~~ APPLICANT with an
4 opportunity to meet and discuss the county's written explanation.

5 C. The county may modify a written explanation provided under
6 subsection B on written notice to the ~~person~~ APPLICANT if required by a
7 change in the law that was applicable at the time the clarification ~~or OF~~
8 interpretation was issued, including changes caused by legislation,
9 administrative rules formally adopted by the ~~governing body~~ BOARD OF
10 SUPERVISORS or a court decision.

11 Sec. 5. Section 48-3649, Arizona Revised Statutes, is amended to read:

12 **48-3649. Clarification of interpretation**

13 A. ~~A person~~ AN APPLICANT FOR A LICENSE SUBJECT TO THIS ARTICLE may
14 request a district to clarify its interpretation or application of a statute,
15 ordinance, regulation, executive order, delegation agreement or authorized
16 substantive policy statement affecting the procurement of ~~a~~ THAT license by
17 providing the district with a written request that states:

18 1. The name and address of the ~~person~~ APPLICANT requesting the
19 clarification.

20 2. The statute, ordinance, regulation, executive order, delegation
21 agreement or authorized substantive policy statement or part of the statute,
22 ordinance, regulation, executive order, delegation agreement or authorized
23 substantive policy statement that requires clarification.

24 3. Any facts relevant to the requested ruling.

25 4. The ~~person's~~ APPLICANT'S proposed interpretation of the applicable
26 statute, ordinance, regulation, executive order, delegation agreement or
27 authorized substantive policy statement or part of the statute, ordinance,
28 regulation, executive order, delegation agreement or authorized substantive
29 policy statement.

30 5. Whether, to the best knowledge of the ~~person~~ APPLICANT, the issues
31 or related issues are being considered by the district in connection with an
32 existing license or license application.

33 B. On receipt of a request that complies with subsection A, the
34 district may meet with the ~~person~~ APPLICANT to discuss the written request
35 and shall respond within thirty days of the receipt of the written request
36 with a written explanation of its interpretation or application as raised in

1 the written request. The district shall provide the ~~requestor~~ APPLICANT with
2 an opportunity to meet and discuss the district's written explanation.

3 C. A district may modify a written explanation provided under
4 subsection B on written notice to the ~~person~~ APPLICANT if required by a
5 change in the law that was applicable at the time the clarification ~~or~~ OF
6 interpretation was issued, including changes caused by legislation,
7 administrative rules formally adopted by the governing body or a court
8 decision."

9 Amend title to conform

MICHELLE UGENTI

2350mu.doc
02/03/2012
12:00 PM
C: mu