



**Government Relations
End-of-Session Legislative Report
52nd Arizona Legislature
2015 First Regular Session**



Maricopa County



Maricopa County

County Manager's Office

April 23, 2015

To: Supervisor Steve Chucri, District 2
Chairman, Maricopa County Board of Supervisors
Supervisor Denny Barney, District 1
Supervisor Andy Kunasek, District 3
Supervisor Clint Hickman, District 4
Supervisor Steve Gallardo, District 5
Tom Manos, County Manager
Sandi Wilson, Deputy County Manager
Joy Rich, Deputy County Manager

From: Richard W. Bohan, Jr.
Director, Maricopa County Government Relations

Re: 2015 Legislative Session Report

The 52nd legislature's first regular session adjourned sine die on April 3, 2015 at 3:37 a.m. on the 81st day of session.

There were a total of 1,163 bills introduced this session. Of those, 324 bills were signed into law and 20 were vetoed. A list of relevant vetoed bills and the Governor's corresponding veto messages are included in this report. During the session, Government Relations tracked and participated in discussions on over 150 bills.

In terms of the state budget, Maricopa County and the other 14 counties took a step backwards as the state continued to shift more of their costs upon county taxpayers. The final budget included a Maricopa County payment of \$7.1 million to the state Department of Juvenile Corrections and \$4.1 million to the state Department of Revenue. These payment calculations were based solely upon county population and do not correlate in any way to the services provided by these state agencies to individual counties.

We are very happy to report that several pieces of important policy legislation necessary to improve county government operations were passed this session. We were successful in allowing counties more flexibility in creating an employee merit system and providing our Medical Examiner's office with instantaneous information from the controlled substances prescription monitoring program.

The following report details the FY 2015-2016 state budget, the 2015 Maricopa County Legislative Package and other bills of county interest. Also, new this year is a listing of 'Failed Bills'...bills that were introduced but that died somewhere along the process before reaching the finish line. I would like to thank all of those who assisted us during this legislative session. There were many bills that impacted county departments and we relied heavily on the expertise of staff to protect county interests as legislative proposals moved through the process. If you would like more information on any issue contained in this report, please contact our office at (602) 506-2798.

I would like to especially thank my staff, Michelle Hindman, Amanda Nash and Melody Henderson for all of the work they put in during the 2015 session.

State Budget Recap

The following is a summary of the state's FY 2016 budget and impacts to Maricopa County. Governor Doug Ducey signed the \$9.3 billion dollar budget on March 12, 2015.

[SB 1469 general appropriations; 2015-2016](#)

- **State Aid to Indigent Defense Fund to Attorney General for Capital Post-Conviction Prosecution:** Appropriates \$800,100 from the State Aid to Indigent Defense Fund to the Attorney General for capital post-conviction prosecution [Sec. 16, pg. 10].
- **County Attorneys Fund:** Continues to provide \$973,600 of Arizona Criminal Justice Commission grant monies to counties [Sec. 28, pg. 18].
- **County Participation; Child Support Enforcement:** Appropriates \$6,740,200 to the Department of Economic Security for county participation in child support enforcement [Sec. 32, pg. 20].
- **County Tuberculosis Provider Care and Control:** Maintains a \$590,700 appropriation for county tuberculosis programs [Sec. 50, pg. 32].
- **County Judicial Reimbursements:** Continues to provide \$187,900 to the Supreme Court to reimburse counties for state grand juries and capital post-conviction relief (PCR). State grand jury relief is limited to \$97,900 and PCR relief is limited to \$90,000 [Sec. 59, pg. 36].
- **Highway User Revenue Fund to Department of Public Safety:** Transfers \$96,812,300 million from the Highway User Revenue Fund to the Department of Public Safety and not-withstands the existing statutory cap. This represents a \$7.6 million increase from the current year budget [Sec. 86, pg. 47].
- **State Aid to Indigent Defense Fund to Department of Public Safety:** Appropriates \$700,000 from the State Aid to Indigent Defense Fund to the Department of Public Safety for operations [Sec.86, pg. 47].
- **Law Enforcement Boating Safety Fund:** Appropriates \$2,183,800 to be allocated to county law enforcement agencies in counties which had a law enforcement and boating safety program in existence prior to July 1, 1990 (Apache, Coconino, Gila, La Paz, Maricopa, Mohave, Navajo, Yuma) [Sec. 101, pg. 54].

[SB 1471 revenue; budget reconciliation; 2015-2016 as amended by HB 2617 NOW counties; municipalities; budgets](#)

- **Arizona Department of Revenue (DOR) Cost Shift:** As permanent law, requires DOR to charge every city, town, county, the Maricopa Association of Governments and the Pima Association of Governments a fee for service for the revenue that is collected on behalf of the jurisdiction. The fee is exempted from the county expenditure limitation and includes flexibility language allowing any source of county revenue to be used to meet the fiscal obligation. As session law, sets the amount to be raised from the fee at \$20.8 million and prescribes a framework for calculating each jurisdiction's share. Maricopa County's exposure is expected to be around \$4 million [SB 1471 Section 7, pg. 11 & Section 20, pg. 19; HB 2617 Section 5, pg. 7 & Section 8, pg. 9].

• **Partial Highway User Revenue Fund Restoration:** As session law, requires that prior to any other distributions, \$30 million in FY 2016 and \$30 million in FY 2017 in Highway User Revenue Fund monies be distributed as follows:

- 33.231% to counties: \$9,969,300 in FY 2016
- 48.097% to cities: \$14,429,100 in FY 2016
- 5.247% to cities over 300,000 persons: \$1,574,100 in FY 2016
- 13.425% for counties over 800,000 persons for controlled access: \$4,027,500 in FY 2016

Further stipulates that the allocation to each county will be made in accordance with current statute (A.R.S. § 28-6538) governing the distributions of Highway User Revenue Fund monies [Sec. 12, pg. 15].

[SB 1473 government; budget reconciliation; 2015-2016](#)

• **Reduction in Reimbursement of Presidential Preference Election (PPE) Costs:** As permanent law, strikes language requiring the Arizona Secretary of State (SOS) to reimburse counties 100% of the cost of a PPE, instead stipulating that the SOS reimburse counties \$1.25 for each active registered voter in the county on January 1 of the year of the PPE. Maricopa County's exposure is expected to be around \$540,000 [Section 1, pg. 1].

[SB 1475 health; budget reconciliation; 2015-2016](#)

• **Arizona Long Term Care System:** Sets the FY 2016 county contributions total \$249,234,600 for all 15 counties into the Long Term Care System Fund. This amount is (\$935,500) below the Joint Legislative Budget Committee Baseline to account for a reduction in provider rates. Maricopa County's exposure is listed at \$153 million [Sec. 7, pg. 18].

• **Sexually Violent Persons (SVP) Payments:** Decreases the requirement that counties reimburse the Arizona Department of Health Services for the cost associated with housing an SVP at the Arizona State Hospital, from 34% to 31%. The payment is exempted from the county expenditure limitation and includes flexibility language allowing any source of county revenue to be used to meet the fiscal obligation [Sec. 8, pg. 19].

• **Restoration to Competency Payments:** Continues to require counties to reimburse the Arizona Department of Health Services for 100% of the cost associated with competency restoration treatment at the Arizona State Hospital. The reimbursement is exempted from the county expenditure limitation and includes flexibility language allowing any source of county revenue to be used to meet the fiscal obligation [Sec. 19, pg. 20].

• **Arizona Health Care Cost Containment System (AHCCCS) Transfer:** AHCCCS must transfer any excess monies back to the counties by December 31, 2016, if the counties' proportion of state match exceeds the proportion allowed to comply with the federal Affordable Care Act [Sec. 11, pg. 22].

• **Acute Care Contributions:** Sets county Acute Care contributions at \$47,233,500 for all 15 counties. This amount is unchanged from the Joint Legislative Budget Committee Baseline and includes an inflation indexing of the Maricopa County contribution (Laws 2005, Ch. 328). Maricopa County's exposure is listed at \$19.2 million [Sec. 12, pg. 22].

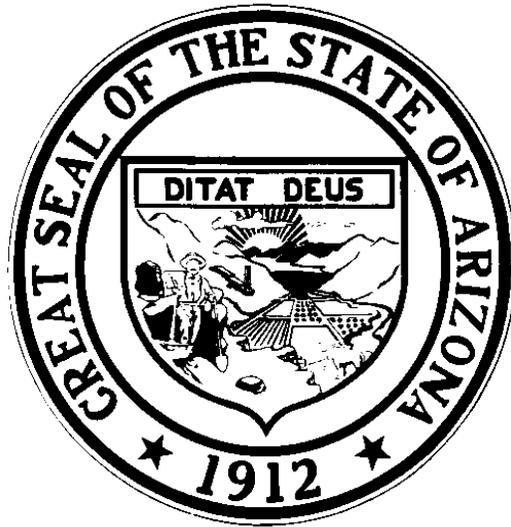
• **Disproportionate Uncompensated Care Pool (DUC Pool):** Requires the collection of \$2,646,200 in DUC Pool contributions from counties other than Maricopa [Sec. 13, pg. 24].

SB 1476 K-12 education; budget reconciliation; 2015-2016

- **1% Constitutional Property Tax Cap Liability Shift:** As permanent law, shifts a liability that exceeds \$1 million per county to the local primary property taxing jurisdictions (counties, community college districts, cities & towns, and school districts). The provisions state that the Property Tax Oversight Commission is responsible for determining how the remaining liability is split between the relevant jurisdictions based on an undefined peer comparison [Section 7, pg. 30].

SB 1478 criminal justice; budget reconciliation; 2015-2016

- **25% of the Cost of the Arizona Department of Juvenile Corrections (ADJC):** As permanent law, requires the Director of ADJC to assess a “committed youth confinement cost sharing fee” to each county. As session law, sets the amount of the fee at \$12 million and stipulates that a county’s share shall be determined by county population, rather than based on juvenile inmate population. The fee is exempted from the county expenditure limitation and includes flexibility language allowing any source of county revenue to be used to meet the fiscal obligation. Maricopa County’s exposure is expected to be around \$7.2 million [Section 4, pg. 2 & Section 13, pg. 5].
- **Suspension of County Non-Supplanting Funding Requirements:** Continues the suspension of county non-supplanting requirements associated with funding of probation services, criminal case processing, and alternative dispute resolution programs [Sec. 9, pg. 4].



Fifty Second Legislature

FIRST REGULAR SESSION

Session Convened: January 12, 2015

Adjourned Sine Die: April 3, 2015

General Effective Date: July 3, 2015

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SECTION I

SUMMARY OF LEGISLATION: MARICOPA COUNTY 2015 LEGISLATIVE AGENDA

MARICOPA COUNTY

2015 LEGISLATIVE AGENDA



- * Strike-Everything Amendment
- [E] Emergency Clause
- [P 105] Proposition 105 Clause
- [P 108] Proposition 108 Clause
- [LIV] Line Item Veto

Bill	Chapter	Short Title	Page
HB 2063	275	*limited county employee merit system	2
HB 2095	203	*performance bond waiver; eligibility	2
SB 1370	46	controlled substances prescription monitoring program	2

HB 2063 – Chapter 275 – *limited county employee merit system (Coleman)

Allows a county to adopt a limited employee merit system for all county employees and appointed officers via a resolution adopted by a county Board of Supervisors.

HB 2095 – Chapter 203 – *performance bond waiver; eligibility (Coleman)

Permits a job-order-contract performance bond to be waived in Pima and Maricopa Counties if the amount of the construction services provided under a job-order-contract for a facilities project does not exceed \$500,000, including change orders, through December 31, 2020.

SB 1370 – Chapter 46 – controlled substances prescription monitoring program (Kavanagh)

Makes various changes to the statutes governing the Controlled Substances Prescription Monitoring Program (Program). Specifies that a county medical examiner, alternate medical examiner or an authorized delegate may receive information from the Program for the purposes of a death investigation. Modifies the definition of *delegate* and provides a delayed effective date of from and after December 31, 2015.



SECTION II

**SUMMARY OF LEGISLATION:
OTHER BILLS OF COUNTY INTEREST**

AIR QUALITY AND ENVIRONMENT



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

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SB 1007	78	*state plans; carbon dioxide emissions	4
SCM 1004		*waters; definition; urging Congress.....	4
SCM 1014		urging EPA, ozone concentration standard	4

HB 2008 – Chapter 274 – *fireworks (Shope)

Repeals and replaces current statutes regulating permissible consumer fireworks. Prohibits further regulation of the use of permissible consumer fireworks by a governing body, except that cities, towns or unincorporated areas may:

- Prohibit the sale and use of permissible consumer fireworks January 4 through May 19 and July 7 through December 9 each year.
- Prohibit, on any day, the use of permissible consumer fireworks on public property or within a one mile radius of the border of preservation lands owned by city or town that has purchased more than 15,000 acres of preservation land.

Allows cities, towns and unincorporated areas within a county with a population of less than 500,000 persons to prohibit the sale or use of permissible consumer fireworks on any day in which a federal or state agency implements a stage one or higher fire restriction. Prohibits a local governing body from requiring additional signage for the sale or use of permissible consumer fireworks other than the signage required under the National Fire Protection Association Code and specific signage outlined in the bill. Permits local governments to regulate, by ordinance, the sale and use of fireworks that are not considered permissible consumer fireworks and makes conforming changes.

HB 2394 – Chapter 243 – air quality; agricultural management practices (Pratt)

Eliminates the 18-month delay for compliance with the agricultural general permit and requires anyone who commences a regulated agricultural activity to immediately comply with the agricultural general permit beginning January 1, 2016.

HB 2480 – Chapter 244 – *weights and measures department; transfer (Petersen)

Transfers the responsibilities of the Arizona Department of Weights and Measures to the Arizona Department of Agriculture and the Arizona Department of Transportation, effective July 1, 2016.

SB 1007 – Chapter 78 – *state plans; carbon dioxide emissions (Burges)

Establishes a six-member Joint Legislative Committee (Committee) to review the proposed Rule 111(d) state plan prior to submitting the plan to the Environmental Protection Agency. Outlines Committee membership and duties, repealing the Committee on July 1, 2018.

SCM 1004 – *waters; definition; urging Congress (Griffin)

Urges Congress to pass the Waters of the United States Regulatory Overreach Protection Act of 2015 (H.R. 594), which prohibits the Environmental Protection Agency and the Army Corps of Engineers from developing, finalizing, adopting, implementing, applying, administering or enforcing the proposed federal rule that defines “Waters of the United States” under the Clean Water Act.

SCM 1014 – urging EPA; ozone concentration standard (Griffin)

Urges the Environmental Protection Agency to refrain from reducing the ozone concentration standard from 75 parts per billion to between 65 and 60 parts per billion.

COURTS, CRIMINAL JUSTICE AND PUBLIC SAFETY



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

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HB 2294	73	courts; approved screening; treatment facilities	6
HB 2300	52	firearms; prosecutors; law enforcement officers	6
HB 2308	281	*eligibility; defensive driving schools	6
HB 2438	308	post-traumatic stress disorders; public safety.....	6
HB 2550	129	constables; training courses; deadline	7
SB 1048	61	vexatious litigants; fees; costs; designation.....	7
SB 1073	79	public records; redaction; former judges	7
SB 1300	161	law enforcement officers; body cameras	7

HB 2089 – Chapter 95 – *aggravated assault; judicial officers (Borrelli)

Limits the aggravated assault statute by specifying that the assault must occur while the victim is engaged in the execution of any official duties or is a result of the execution of the person's official duties and includes the assault of a judicial officer within the offense of aggravated assault. Defines *judicial officer* and makes conforming changes.

HB 2131 – Chapter 234 – tax adjudications; attorney fees (Mitchell)

Requires the court to award fees to prevailing parties challenging a tax action, including a refund or denial of a refund. Increases the cap on the award to a prevailing party of attorney fees from \$175 per hour to \$350 per hour and the cap on the award of fees against the state, a city, town or county from \$30,000 to \$75,000. Increases the cap on reimbursement to a taxpayer from \$20,000 to \$70,000 or actual monies spent, whichever is less, and reimbursable attorney fees from \$100 per hour to \$350 per hour. Requires the dollar amount for a maximum award of fees to be adjusted according to the average change in the Metropolitan Phoenix Consumer Price Index beginning January 1, 2016, except that any change is not permitted to be revised below the amounts prescribed in a prior calendar year. Expands the definition of *reasonable fees and other costs* to include contingent fees and makes conforming changes.

HB 2205 – Chapter 239 – *emergency service providers; civil liability (Boyer)

Exempts a person, service provider or public entity of emergency services from liability in a civil action for injuries, death or loss to a person or property that occurred by the decisions made and actions or omissions taken that are based on good faith implementation, except in cases of wanton or willful misconduct.

HB 2272 – Chapter 107 – law enforcement officers; firearm purchase (Borrelli)

Allows an officer who is a member of the Arizona State Retirement System, the Public Safety Personnel Retirement System, the Corrections Officer Retirement Plan or the Elected Officials' Retirement Plan to purchase a firearm issued by an employer at a price set by the administrator of the employer agency. Defines *firearms* and *officer*.

HB 2294 – Chapter 73 – courts; approved screening; treatment facilities (Farnsworth, E.)

Allows the United State Department of Veterans Affairs to approve a treatment facility for court ordered treatment for convictions related to domestic violence and driving under the influence.

HB 2300 – Chapter 52 – firearms; prosecutors; law enforcement officers (Farnsworth, E.)

States that a former or active prosecutor is authorized to carry a concealed firearm in any jurisdiction. Authorizes a prosecutorial agency to issue a photo identification card that indicates the prosecutor's former employment with the agency and clarifies that an agency is not required to revoke a photo identification card issued to a former prosecutor based on any incident that may occur after termination of employment. Expands the definition of *peace officer* and makes technical changes.

HB 2308 – Chapter 281 – *eligibility; defensive driving schools (Farnsworth, E.)

Reduces the length of time between traffic violations for eligibility to attend defensive driving school from 24 months to 12 months.

HB 2438 – Chapter 308 – post-traumatic stress disorders; public safety (Livingston)

Establishes the Post-Traumatic Stress Disorder (PTSD) in Public Safety Study Committee (Committee) and directs the Committee to research and report on the effects of PTSD on state and local law enforcement officers. Requires the Committee to submit its findings by September 1, 2016 and repeals the Committee on January 1, 2017.

HB 2550 – Chapter 129 – constables; training courses; deadlines (Rivero)

Allows the Constable Ethics, Standards, and Training Board to approve training coursework for constables in addition to Arizona Peace Officer Standards and Training Board training coursework requirements.

SB 1048 – Chapter 61 – vexatious litigants; fees; costs; designation (Kavanagh)

Prohibits a court from waiving court fees or costs in a civil action, except in specified domestic relations actions, filed by a litigant who has been previously declared a vexatious litigant by any court. Requires a court to order an applicant to pay deferred or waived fees and costs if the applicant who was granted a deferral or waiver is found to be a vexatious litigant during the pendency of the action. Allows a party that has requested the court to declare a pro se litigant a vexatious litigant to amend the request at any time if the court:

- Determined that the party is not a vexatious litigant and the requesting party has new relevant information or evidence; or
- Did not rule on the original request during the pendency of the action.

Allows the amended request to declare a pro se litigant a vexatious litigant to be made even when the case is not pending in court and provides a delayed effective date of from and after December 31, 2015.

SB 1073 – Chapter 79 – public records; redaction; former judges (Smith)

Allows former judges and United States Immigration Court judges to request that their personal information be kept confidential by removal from public records. Specifies that former judges are not required to include a description of position and duties on an affidavit to request public record confidentiality.

SB 1300 – Chapter 161 – law enforcement officers; body cameras (Kavanagh)

Establishes the Law Enforcement Officer Body Camera Study Committee (Committee), outlines Committee membership and requires the Committee to recommend policies and laws on the use of law enforcement body cameras and recordings. Requires the Committee to submit a report on its findings and recommendations by December 31, 2015 and repeals the Committee on July 1, 2017.

HUMAN RESOURCES AND RETIREMENT



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

Bill	Chapter	Short Title	Page
HB 2063	275	*limited county employee merit system	9
HB 2107	23	law enforcement merit system; continuation	9
SB 1119	38	*ASRS; purchase of credited service	9

HB 2063 – Chapter 275 – *limited county employee merit system (Coleman)

Allows a county to adopt a limited employee merit system for all county employees and appointed officers via a resolution adopted by a county Board of Supervisors.

HB 2107 – Chapter 23 – law enforcement merit system; continuation (Borrelli)

Continues the Law Enforcement Merit System Council for eight years.

SB 1119 – Chapter 38 – *ASRS; purchase of credited service (Lesko)

Establishes a two-tiered system for Arizona State Retirement System members who wish to purchase prior years of service and applies service purchase time caps and prior year service requirements to prior public service, time spent on unpaid leave of absence and military service.

GENERAL GOVERNMENT



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

Bill	Chapter	Short Title	Page
HB 2095	203	*performance bond waiver; eligibility	11
HB 2162	236	*rural fire district study committee	11
HB 2186	103	county school superintendents; schools; libraries	11
HB 2212	104	licensing; accountability; enforcement; exceeding regulation	11
HB 2323	114	industrial development authority; projects	11
HB 2527	126	prohibited laws; rules; ordinances; firearms	11
HB 2551	287	state; county employees; precinct committeemen	11
HB 2613	296	political activity; public resources; limitation	12
HB 2643	321	sovereign authority; affordable care act	12
HCM 2005		federal lands; devolution to Arizona	12
SB 1218	67	*county recorder; recording fees	12
SB 1241	271	*auxiliary containers; regulatory prohibition; reporting	12
SB 1260	273	*waiting period; applicability; impounded cats	12
SB 1370	46	controlled substances prescription monitoring program	13
SB 1446	4 [E]	TPT reform; contractors	13
SCM 1010		PILT program; SRS; full funding.....	13

HB 2095 – Chapter 203 – *performance bond waiver; eligibility (Coleman)

Permits a job-order-contract performance bond to be waived in Pima and Maricopa Counties if the amount of the construction services provided under a job-order-contract for a facilities project does not exceed \$500,000, including change orders, through December 31, 2020.

HB 2162 – Chapter 236 – *rural fire district study committee (Coleman)

Establishes the Joint Legislative Study Committee on Rural Area Fire District Funding and Taxation (Committee), outlines Committee membership and requires the Committee to submit a report on its findings by December 15, 2015. Allows, retroactive to January 1, 2014, the governing body of a newly merged fire district to adopt a nationally recognized fire code after a public hearing and upon approval of the state fire marshal. Requires newly merged fire districts to keep a copy of the adopted fire code for public inspection and for consolidated fire districts, applies the adopted fire code of the district into which the consolidation was requested to the entirety of the newly consolidated district.

HB 2186 – Chapter 103 – county school superintendents; schools; libraries (Boyer)

Allows school district governing boards to enter into intergovernmental agreements with county free library districts and municipal libraries in the county where the school district is located. Permits county school superintendents to establish service programs and provide technical assistance to county free library districts and municipal libraries and makes conforming changes.

HB 2212 – Chapter 104 – licensing; accountability; enforcement; exceeding regulation (Petersen)

Allows a private civil action to be enforced if a municipal, county, state or flood control district employee makes an unauthorized decision regarding licensure. States that a violation of a licensing decision requirement which relates to a municipal, county, state or flood control district employee conduct is cause for disciplinary action or dismissal and permits relief to be awarded against a public entity. Directs the court to award costs and fees associated with a license application to the prevailing party and requires a municipality, county, state or flood control district to prominently print the prohibited acts and enforcement language on all license applications, which may be in either print or electronic format.

HB 2323 – Chapter 114 – *industrial development authority; projects (Weninger)

Requires an Industrial Development Authority (IDA) to notify its governing body, within 30 days of actual notice, of any lawsuits filed against the IDA or any Securities and Exchange Commission investigations initiated against the IDA. Modifies the definition of *project* and *manufacturing project*, deletes the definition of *designated area* and makes conforming changes.

HB 2527 – Chapter 126 – prohibited laws; rules; ordinances; firearms (Kern)

Prohibits the state, state agencies and political subdivisions, with the exception of the Legislature, from enacting or implementing any law, rule or ordinance relating to the transfer of firearms.

HB 2551 – Chapter 287 – state; county employees; precinct committeemen (Weninger)

Allows state and county employees to serve in the office of precinct committeemen and makes conforming changes.

HB 2613 – Chapter 296 – political activity; public resources; limitation (Petersen)

Modifies the prohibition on the use of public resources for influencing an election by stating that promotional expenditures made after a bond, budget override or other tax-related election is called, through election day, are prohibited. Specifies that this does not include communications that maintain the frequency, scope and distribution consistent with past practices or that are necessary for public safety. Makes conforming changes.

HB 2643 – Chapter 321 – sovereign authority; affordable care act (Olson)

Prohibits the state and its political subdivisions from using any personnel or financial resources to enforce, administer or cooperate with the Affordable Care Act (ACA). Exempts regulatory activities associated with initiatives, grants or other funding related to public health treatment, preparedness, education or prevention programs authorized by the ACA and allows the state and its political subdivisions to use its personnel and financial resources to provide employee health insurance benefits, specifying that such benefits may be in compliance with the ACA.

HCM 2005 – federal lands; devolution to Arizona (Barton)

Urges Congress and the United States Department of the Interior to immediately dispose of the public lands within Arizona's border directly to the State of Arizona no later than December 31, 2019 and to engage in good faith communication, cooperation, coordination and consultation with the State of Arizona regarding the disposal of public lands directly to the state.

SB 1218 – Chapter 67 – *county recorder; recording fees (Allen, S.)

Prescribes fees to be paid to the county recorder for certain deeds, stipulating that these fees include the \$1 charge for delivery by mail. Specifies that any surcharge must be deposited into the Document Storage and Retrieval Conversion and Maintenance Fund. Directs persons recording a deed of trust or mortgage for residential property constructed for at least one family but not more than four families to include "Residential 1-4" in the caption heading on the first page of each document and makes conforming changes.

SB 1241 – Chapter 271 – *auxiliary containers; regulatory prohibition; reporting (Barto)

Prohibits a city, town or county from the following:

- Requiring an owner, operator or tenant of a business, commercial building or multifamily housing property to measure and report energy usage or consumption.
- Imposing a tax, fee, assessment charge or return deposit for auxiliary containers.
- Regulating the sale, use or disposition of auxiliary containers.

Allows a city, town or county to continue a voluntary recycling and waste reduction program for discarded auxiliary containers. Defines *auxiliary containers* and states that regulation relating to auxiliary containers and energy measuring or reporting is a matter of statewide concern and is not subject to regulation by a city, town or county.

SB 1260 – Chapter 273 – *waiting period; applicability; impounded cats (Shooter)

Exempts impounded cats from the minimum holding period of 72 hours at a county pound if the cat is eligible for the sterilization program and will be returned to the vicinity where the cat was originally captured. Defines *eligible* and clarifies that the county pound must keep and maintain an animal impounded with a microchip or any other discernible form of owner identification for 120 hours. Makes conforming changes.

SB 1370 – Chapter 46 – controlled substances prescription monitoring program (Kavanagh)

Makes various changes to the statutes governing the Controlled Substances Prescription Monitoring Program (Program). Specifies that a county medical examiner, alternate medical examiner or an authorized delegate may receive information from the Program for the purposes of a death investigation. Modifies the definition of *delegate* and provides a delayed effective date of from and after December 31, 2015.

SB 1446 – Chapter 4 [E] – TPT reform; contractors (Lesko)

Revises methods for determining tax liability of a prime contractor or subcontractor that purchases tax-exempt equipment and incorporates or uses that equipment in a project not classified as prime-contracting. Prohibits the state, cities, towns and counties from requiring a Transaction Privilege Tax (TPT) license number in order to issue a building permit. Provides an alternative procedure for determining the tax liability of a person who canceled their TPT license on or before September 30, 2015.

SCM 1010 – PILT program; SRS; full funding (Griffin)

Urges Congress to provide full long-term funding for the Payment in Lieu of Taxes program and to reauthorize the Secure Rural Schools and Community Self-Determination Act funding for Fiscal Years 2014 and 2015. Further urges Congress to work with the state and county governments to identify and implement policies to promote economic development on or associated with federally managed lands.

PLANNING AND ZONING, LAND USE



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

Bill	Chapter	Short Title	Page
HB 2003	191	*fire sprinklers; permits; regulation	15
HB 2010	92	*counties; protected development rights	15
HB 2383	284	*invalid annexation; boundaries; procedures.....	15
SB 1069	139	ordinances; businesses; prohibited security requirements	15
SB 1072	140	local planning; residential housing; prohibitions	15
SB 1163	150	*home-based business; county regulation.....	15
SB 1298	86	rules; counties; flood control districts	16
SB 1335	88	fire access roads; limitation; enforcement	16

HB 2003 – Chapter 191 – *fire sprinklers; permits; regulation (Petersen)

Requires statutory language pertaining to fire sprinkler specifications to be printed on the fire sprinkler application forms utilized by municipalities and counties. Allows all fire sprinkler applications to be in either printed or electronic form. States that a municipality is permitted to adopt fire codes or ordinances necessary to provide sufficient fire access and fire routes that ensure public health and safety and makes conforming changes.

HB 2010 – Chapter 92 – *counties; protected development rights; extensions (Shope)

Allows a county to extend a protected development right (PDR) for 30 years if the development is part of a phased plan that has more than 1,600 acres. Sets the maximum time that a phased PDR with more than 1,600 acres may be established at 40 years and makes conforming changes.

HB 2383 – Chapter 284 – *invalid annexation; boundaries; extensions (Olson)

Outlines a process to void an invalid annexation in order to sever territory from a municipality and return it to Maricopa County. Contains a delayed repeal date of from and after July 1, 2017.

SB 1069 – Chapter 139 – ordinances; businesses; prohibited security requirements (Smith)

Prohibits municipalities and counties from adopting ordinances or resolutions that require retail businesses to comply with specific security requirements, including the installation of security cameras or lights, based on the size or type of business, or on the number of calls made by the business to law enforcement. Defines *retail business* for the purposes of this Act and declares that the Legislature finds the imposition of security requirements on retail businesses in a uniform and consistent manner a matter of statewide concern.

SB 1072 – Chapter 140 – local planning; residential housing; prohibitions (Smith)

Prohibits municipalities and counties from establishing the sale or lease price for residential housing or dwelling lots and requiring the sale or lease to any particular class or group of residents. Asserts that the provisions of this Act do not limit the authority of a local government to adopt or enforce a land use regulation, general or specific plan provision or condition of approval that creates or implements an incentive, density bonus or other voluntary provision or condition designed to increase the supply of moderate or lower cost housing. Contains a retroactive effective date of from and after January 1, 2015 and makes conforming changes.

SB 1163 – Chapter 150 – *home-based business; county regulation (Farnsworth, D.)

Prohibits a county government from enacting an ordinance that restricts or otherwise regulates the owner of a home-based business that holds a valid license from:

- Making residential property improvements to add doors, shelving or display racks for use by the home-based business.
- Displaying a temporary commercial sign on a residential property during business hours if the sign is not more than 24 inches by 24 inches.
- Selling or offering for sale any goods.

States that counties are not precluded from imposing reasonable operating requirements on a home-based business or a residential property used by a home-based business and defines *home-based business, license and goods*.

SB 1298 – Chapter 86 – rules; counties; flood control districts (Griffin)

Requires counties and flood control districts to adopt procedures regarding rulemaking and rule enforcement. NOTE: Maricopa County has already adopted similar procedures via the Enhanced Regulatory Outreach Program.

SB 1335 – Chapter 88 – fire access roads; limitation; enforcement (Farnsworth, D.)

Specifies that statutes prohibiting local governments from adopting legal requirements for approved fire apparatus access roads that require fire sprinklers in one or two family residences may be enforced in a private civil action and that relief may be awarded against a county or municipality. Asserts that property rights are a matter of statewide concern and a fundamental element of freedom, and that the provisions of this Act supersede and preempt any regulation adopted by a local government regarding an approved fire apparatus access road, fire apparatus access road extension, approved route or route extension. Makes conforming changes.

PUBLIC WORKS



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HB 2175 – Chapter 277 – public rights-of-way; claims (Finchem)

Asserts and claims rights-of-way across public lands for the state.

HB 2336 – Chapter 282 – contract progress payments; design professionals (Fann)

Creates the Arizona Design Professional Prompt Pay Act and establishes prompt payment procedures for design professionals who perform architectural, engineering, geological, landscape and survey work on construction projects. Outlines the necessary elements for an Arizona Department of Transportation limited notice to proceed by a design professional and makes conforming changes.

HB 2365 – Chapter 305 – off-highway vehicles; enforcement (Thorpe)

Allows state, county and municipal peace officers and duly authorized state employees to enforce rules and regulations relating to off-highway vehicle use on closed federal lands and specifies that an off-highway vehicle does not include a vehicle used in the exploration or mining of minerals or aggregates. Expands the definition of *recreational user* and makes conforming changes.

SB 1078 – Chapter 80 – office of pest management (Griffin)

Clarifies that political subdivision employees are allowed to apply pesticides for a political subdivision no more than 90 calendar days prior to certification. Specifies that a termite action report form is required for termite action only and does not include all wood destroying organisms.

SCM 1002 – *urging Congress; rights-of-way

Urges Congress to enact legislation consistent with the decision of the Ninth Circuit Court of Appeals in County of Shoshone vs. United States, confirming that state law determines the entire scope of Revised Statute 2477 rights-of-way.

SPECIAL DISTRICTS



- * Strike-Everything Amendment
- [E] Emergency Clause
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- [P 108] Proposition 108 Clause
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HB 2109 – Chapter 48 – ballot; form; secondary property taxes (Mitchell)

Requires the ballot for bond elections to contain the words “bond approval, yes” and “bond approval, no” if the bonds are to be repaid with secondary property taxes. Prescribes additional language for the ballot explaining what a vote of “yes” and what a vote of “no” would signify and makes conforming changes.

HB 2110 – Chapter 98 – taxing district boundaries; deadline extensions (Mitchell)

Changes the various statutory dates regarding notice of the establishment or change in taxing boundaries.

HB 2349 – Chapter 283 – flood control districts; administrative enforcement (Fann)

Modifies flood control district violation notice requirements and permits counties with populations of less than 175,000 to adopt new procedures for processing and examining violations.

HB 2538 – Chapter 128 – special districts; truth in taxation (Mitchell)

Requires county flood control, county free library, county jail and public health service districts increasing secondary property tax levies, excluding increases attributable to new construction, to provide notice of and hold a Truth in Taxation hearing. Provides hearing notice requirements and stipulates that a district governing board may only consider increasing tax levies with a roll call vote. Defines *amounts attributable to new construction* and provides a delayed effective date of from and after December 31, 2015.

TAXES AND FINANCE



* Strike-Everything Amendment
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HB 2108 – Chapter 233 – property tax; class nine; conventions (Mitchell)

Provides that improvements and property used exclusively for convention activities are classified as class nine property and makes technical changes.

HB 2128 – Chapter 49 – leased religious property; class nine (Mitchell)

Classifies property leased to a religious institution as class nine property for the purposes of taxation.

HB 2617 – Chapter 323 – *counties; municipalities; budgets (Mesnard)

Modifies statutes enacted as part of the FY 2016 state budget relating to Department of Revenue (DOR) administration fees by incorporating regional planning agencies as follows:

- Requires the Maricopa Association of Governments to pay DOR an assessment fee of approximately \$2.5 million for the cost of administration.
- Requires the Pima Association of Governments to pay DOR an assessment fee of approximately \$500,000 for the cost of administration.

Modifies existing legislative intent clause language and municipality audit reporting requirements.

HB 2653 – Chapter 324 – tax liens; delinquency; partial payments (Olson)

Eliminates the requirement for a person to pay certificate of purchase holder fees in order to redeem a tax lien and strikes language requiring county treasurers in a county with an established elderly assistance fund to deposit a portion of the funds received from delinquent tax payments into the fund. Provides a legislative intent clause and makes conforming changes.

SB 1001 – Chapter 132 [E] – nuclear emergency appropriations; assessments (Kavanagh)

Appropriates \$2.4 million in FY 2016 and FY 2017 from the state General Fund to the Nuclear Emergency Management Fund (Fund). Levies an assessment against each consortium of public service corporations and municipal corporations operating a commercial nuclear generation station in an amount equal to that appropriated to the Fund, plus any interest.

SB 1066 – Chapter 268 – political subdivisions; financial audit reports (Pierce)

Modifies requirements for municipality, county and community college district financial statements and reports that must be filed with the Office of the Auditor General.

SB 1135 – Chapter 322 – tax liens; delinquency; partial payments (Smith)

Requires the County Treasurer (Treasurer) in counties with at least three million people to accept partial payments for delinquent taxes and to issue subsequent year certificates of purchase (CP) for unpaid delinquent taxes. Prohibits the acceptance of partial payments after an action to foreclose has been initiated. Requires the Treasurer to refund all partial payment amounts 30 days after delivering the treasurer's deed to the purchaser and states that subsequent CPs carry the full foreclosure right as the original and may be redeemed separately or in whole. Allows holders of subsequent year CPs to file to foreclose the right to redeem beginning three years after the date the tax lien would have been offered for sale, but not more than ten years after the last day of the month in which the tax lien was assigned and prescribes fees to be collected by the Treasurer.

SB 1170 – Chapter 40 – *quarterly reports; requirements; forfeitures (Allen, S.)

Requires each county to include a link to the Arizona Criminal Justice Commission on their website and directs certain departments and agencies to file quarterly reports relating to forfeiture with the applicable county board of supervisors or city and town council.

VETOED BILLS



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[HB 2296 – VETOED – adoption petition; county attorney \(Farnsworth, E.\)](#)

Eliminated the mandate requiring county attorneys to prepare adoption petitions and represent prospective adoptive parents. Required the county attorney to make information available to the public about where to obtain legal assistance in preparing an adoption petition.

HB 2296 → [Governor's Veto Message](#)

[HB 2592 – VETOED – justice of the peace; residency \(Carter\)](#)

Required a candidate for justice of the peace (JP) to be a qualified elector of the precinct they propose to represent at the time of filing a nomination paper and to have resided in that precinct for at least one year before the general election date, except for a JP who is appointed.

HB 2592 → [Governor's Veto Message](#)

[SB 1445 – VETOED – public records; peace officer's name \(Smith\)](#)

Limited the release of the name of a peace officer who is involved in a use of deadly physical force incident for 60 days.

SB 1445 → [Governor's Veto Message](#)

FAILED BILLS



New to the Legislative Report this year are *Failed Bills*, legislation that was introduced but died during the process before reaching the Governor’s desk for enactment.

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[HB 2078 board of supervisors; seven members \(Petersen\)](#)

Requires each county with a population over one million persons to have a seven-member board of supervisors. Further requires counties with a seven-member board of supervisors to have a 14-member planning and zoning commission, consisting of two members appointed by each supervisor. Provides an applicability clause prescribing how a county is to transition from a five-member board to a seven-member board of supervisors.

FINAL DISPOSITION: Held in the House Committee on County and Municipal Affairs.

[HB 2209 government-owned real property; annual report \(Finchem\)](#)

Requires the board of supervisors to publish a report on or before June 30 of each year of all the real property owned by the county. Directs the report to contain the following information for each parcel of real property owned by the county:

- The location.
- The fair market value.
- The associated property tax valuation if the parcel were owned by a private landowner.

Stipulates that the report must also contain a list of the real property purchased and sold by the county that Fiscal Year.

FINAL DISPOSITION: Held in the House Committee on County and Municipal Affairs.

[HB 2237 vehicle lights; emergency colors prohibited \(Shope\)](#)

Prohibits a person from driving or moving a vehicle displaying a red or blue lamp or lens visible from directly in the rear of the vehicle.

FINAL DISPOSITION: Never assigned to a Committee.

[HB 2245 county floodplain regulations; mobile homes \(Ackerley\)](#)

Decreases the elevation requirement for replacement mobile homes in floodplains from regulatory flood elevation to base flood elevation. Allows for replacement mobile homes to meet certain construction standards and makes conforming changes.

FINAL DISPOSITION: Held in the House Committee on Rules.

[HB 2253 property tax assessments; one-year cycle \(Mitchell\)](#)

Modifies various statutory property tax deadlines to establish a one-year tax cycle.

FINAL DISPOSITION: Held in the Senate Committee on Finance.

[HB 2320 firearms; permit holders; public places \(Barton\)](#)

Allows a person with a valid permit to carry their weapon while at a public event or inside a public establishment unless security personnel and metal detectors are provided.

FINAL DISPOSITION: Failed in Senate Committee of the Whole.

HB 2324 intergovernmental agreements; public agency indemnification (Weninger)

Allows an intergovernmental agreement (IGA) to require one public agency to defend, indemnify or hold the other public agency harmless from liabilities, damages, losses and costs, including attorney and court fees. Voids any IGA provision that requires a public agency to defend, indemnify, or hold harmless the other public agency from liability, damage, loss, claim, action or proceeding caused by anything other than the negligence, recklessness or intentional wrongful conduct of the indemnifying agency and makes conforming changes.

FINAL DISPOSITION: held in the Senate Committee on Rules.

HB 2384 community facilities districts: formation (Olson)

A proposed strike-everything amendment to HB 2384 would have made numerous changes to the statutes governing the formation of a Community Facilities District (CFD) and provided an alternative method for forming a CFD requiring the local governing body to declare a CFD established on presentation of a petition signed by all the owners of real property within the proposed district boundaries, if the real property exceeds 600 acres and there are no registered voters residing on the property to be included in the CFD.

FINAL DISPOSITION: Held in the House Committee on Ways and Means.

HB 2559 *recreational corridor channelization districts (Bowers)

Extends the deadline for the formation of a new recreational corridor channelization district from July 1, 2015 to July 1, 2023.

FINAL DISPOSITION: Failed in House Third Read.

HB 2570 municipalities; vegetation requirements; prohibition (Mitchell)

Prohibits municipalities from placing specific restrictions on property owners regarding the installation or removal of vegetation.

FINAL DISPOSITION: Did not receive a vote in House Third Read.

HB 2572 county roads; repairs; damage reimbursement (Finchem)

Requires counties to use Highway User Revenue Funds as follows:

- 80% on road construction, reconstruction, maintenance, repair or roadside development, including materials and labor.
- 20% on administrative costs associated with road construction, reconstruction, maintenance, repair or roadside development.

Requires a county to reimburse a person within five days for damage caused to their vehicle by the county's failure to maintain a roadway beginning January 1, 2018. Prescribes how a person is to apply to the county for reimbursement and specifies that the amount of reimbursement a person may receive is the amount of the cost to repair the vehicle or the amount of the insurance deductible, whichever is less.

FINAL DISPOSITION: Held in the House Committee on County and Municipal Affairs.

HB 2580 county supervisors; jurisdiction; specialized expertise (Campbell)

Allows a county board of supervisors to serve as a cooperating or coordinating agency for the purposes of natural resources management and any other processes under federal law. Specifies that the state of Arizona recognizes that county boards of supervisors have:

- Authority to engage in natural resource management planning for lands within the county; and
- Special expertise regarding land use plans and their impact on county land and all subject matters that the board of supervisors has the authority to regulate.

FINAL DISPOSITION: Did not receive a vote in House Third Read.

HCR 2032 county supervisors; two-term limit; referendum (Finchem)

A proposed amendment to the Arizona Constitution establishing term limits for persons elected as a county supervisor.

FINAL DISPOSITION: Never assigned to a Committee.

SB 1071 tax lien deeds; aggregate fees (Smith)

Specifies that a county treasurer's fees for a deed conveying property listed in a judgment foreclosing the right to redeem shall not exceed an aggregate amount of \$500 in cases where ten or more parcels are involved. States that these changes apply retroactively to any judgment that is entered before the effective date of this act for which the deed has not been obtained.

FINAL DISPOSITION: Failed in House Third Read.

SB 1245 *computer data centers (Dial)

Makes various changes to the statutes governing computer data centers, increasing the authority of the Arizona Commerce Authority to determine who is eligible for tax relief and when an entity should lose their certification.

FINAL DISPOSITION: Held in the Senate Committee on Rules.

SB 1315 incompetent and dangerous defendants; treatment (Driggs)

Establishes procedures for determining if a defendant is dangerous and subject to involuntary commitment. Allows a county to establish a behavioral health advisory board and modifies procedures related to civil commitment of persons incompetent to stand trial.

FINAL DISPOSITION: Held in Senate Committee of the Whole.

SB 1333 constables; study committee (Farnsworth, D.)

Establishes the Constable Study Committee (Committee), outlining Committee membership and duties. Requires the Committee to submit a report on its findings on or before January 15, 2016 and repeals the Committee on July 1, 2016.

FINAL DISPOSITION: Held in the Senate Committee on Judiciary.

SB 1382 special districts; debt level; report (Dial)

Requires certain special districts operating, in addition to organized, under Title 48 to submit an annual report. Adds a statement of the amount of outstanding debt of the district as a percentage of the total assessed valuation of all real property in the district as additional information required in the annual report. Requires each nonexempt district to submit a copy of the completed annual report, audit or financial review to the State Treasurer, in addition to current recipients, within 240 days after the close of the district's Fiscal Year and makes conforming changes.

FINAL DISPOSITION: Held in the Senate Committee on State Debt and Budget Reform.

SB 1407 *lobbying; cities; counties; school districts (Yee)

Establishes registration and reporting requirements for specified individuals with a financial interest in a procurement or potential award of certain contracts by a city, town, county or school district.

FINAL DISPOSITION: Held in the House Committee on County and Municipal Affairs.

SB 1433 utilities; facilities; relocation; cost reimbursement (Lesko)

Requires a city, town or county to reimburse impacted utilities for the cost to relocate facilities due to a public works project. Directs the Arizona Department of Transportation to reimburse owners of utilities and restricted utility facilities for relocation costs if certain conditions are met.

FINAL DISPOSITION: Held in the Senate Committee on Finance.



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