



County Supervisors

A S S O C I A T I O N
o f a r i z o n a

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COUNTY SUPERVISORS ASSOCIATION LEGISLATIVE POLICY COMMITTEE AGENDA

February 24, 2017

Teleconference 1-866-228-9900

Access Code 326208#

[Web Link](#)

County Supervisors Association

1905 W. Washington St.

Phoenix, AZ

9:00 a.m. Call to Order ~ *President Tommie Martin*

- A) State Budget Update
- B) Legislative Bills for Discussion
 - 1) [HB 2530 rural development tax credits](#) (*Shope*)
 - 2) [SB 1344 S/E firearms; state preemption; independent contractors](#) (*Kavanagh*)
- C) Bill Updates
 - 1) [HB 2066 aggravated DUI; sentence: county jail](#) (*Shope*)
 - 2) [HB 2179 municipalities; counties; intergovernmental agreements; requirements](#) (*Ugenti-Rita*)
 - 3) [HB 2212 federal financial assistance; reports](#) (*Leach*)
 - 4) [HB 2325 property tax assessment of greenhouses](#) (*Ugenti-Rita*)
 - 5) [HB 2357 floodplain management regulations; nonstructural damage](#) (*Ugenti-Rita*)
 - 6) [HB 2365 wireless facilities; collocation; rights-of-way](#) (*Weninger*)
 - 7) [HB 2499 facilities relocation; public utility easements](#) (*Weninger*)
 - 8) [HB 2521 TPT reform; contractors](#) (*Cobb*)
 - 9) [SB 1025 public entities; absolute immunity; defenses](#) (*Burges*)
 - 10) [SB 1201 medical examiner; communicable diseases; disclosure](#) (*Griffin*)
 - 11) [SB 1243 misconduct involving weapons; public places](#) (*Kavanagh*)
 - 12) [SB 1344 firearms; state preemption; independent contractors](#) (*Kavanagh*)
 - 13) [SB 1404 community facilities districts; amendments](#) (*Lesko*)
 - 14) [SB 1442 S/E corrections officer retirement plan; modifications](#) (*Lesko*)
 - 15) [SB 1479 mental health treatment; patient transport](#) (*Smith*)
- D) CSA Legislative Agenda
 - 1) [HB 2065 waste tire disposal; continuation](#) (*Coleman*)
 - 2) [HB 2230 intergovernmental public transportation authority; taxation](#) (*Shooter*)
 - 3) [HB 2258 county contributions; hospitalization; medical; repeal](#) (*Thorpe*)
 - 4) [HB 2332 property tax valuation appeals](#) (*Campbell*)
 - 5) [HCR 2011 motor vehicle fuel taxes](#) (*Campbell*)
 - 6) [SB 1406 contributions; committed youth; repeal; committee](#) (*Fann*)
- E) Next Meeting Date and Time (*Friday, March 3, at 9:00 a.m.*)
- F) Other Business
- G) Adjourn

CSA Legislative Agenda				
Bill Number	Short Title	Prime Sponsor	Summary/LPC Comments	Status
HB 2065	waste tire disposal; continuation	Coleman	Extends the Waste Tire Program and the fees and funds associated with the program from December 31, 2017 to December 31, 2027.	1/24 Passed Energy, Environment and Natural Resources. 1/30 Passed Rules. 2/2 Passed House 59-0, ready for Senate. 2/16 Assigned to Senate Natural Resources & Energy.
HB 2230	intergovernmental public transportation authority; taxation	Shooter	Grants an intergovernmental public transportation authority (IPTA), which has the same boundaries as the county in which it resides, the same authority as a regional transportation authority (RTA) to levy up to a one-half cent transportation excise tax if approved by the voters.	Assigned to Ways and Means, Rules. 2/2 Passed House Transportation and Infrastructure.
HB 2258	county contributions; hospitalization; medical; repeal	Thorpe	Repeals the county contributions for AHCCCS hospitalization and medical care for FY2016-17 contained in the FY2016-17 budget. The state has no obligation to refund monies paid.	Assigned to Health and Rules. 2/8 Passed Appropriations. 2/16 Passed House Health as amended.
HB 2332	expedited property tax valuation appeals	Campbell	Requires a property owner to submit an affidavit of valuation in a specific time frame in order to expedite court proceedings during a property tax appeal case (on properties valued at more than \$4 million, which are not handled in a small claims division of tax court), where the property tax owner is claiming the property tax assessment is inaccurate.	Assigned to Ways and Means and Rules, no action. 2/15 Passed House Ways & Means.
HCR 2011	motor vehicle fuel taxes	Campbell	Refers to the ballot an increase in the state fuel tax, of 10 cents, to help pay for road building and maintenance. Funds cannot be swept for other projects or agencies.	Assigned to Ways & Means and Rules. 2/8 Passed House Transportation & Infrastructure as amended.

Bill Number	Short Title	Prime Sponsor	Summary/LPC Comments	Status
SB 1406	contributions; committed youth; repeal; committee	Fann	Repeals statute requiring the Department of Juvenile Corrections to annually assess a committed youth confinement cost sharing fee to each county. Repeals the ADJC Local Cost Sharing Fund, transfers all unexpended and unencumbered monies remaining in the Fund on the effective date of this legislation to the general fund, and appropriates that amount from the general fund in FY17-18 to the Dept of Administration for distribution to each county in a proportional share based on population. Establishes a 14-member Juvenile Corrections and Justice Reform Study Committee to assess the current state of juvenile justice in AZ and the feasibility of and cost savings associated with eliminating the ADJC and reimbursing each county for the cost of incarcerating the county's juvenile offenders. The Committee is required to report its findings and recommendations to the Governor and the Legislature by December 31, 2017	2/8 Passed Appropriations as amended. 2/13 Passed Senate Rules. 2/14 Senate Caucus. 2/20 Passed COW as amended. 2/21 Passed Senate 30-0, ready for House.
Updated 2/21/17				

Current LPC

Bill Number	Short Title	Prime Sponsor	Summary/ LPC Comments & Position	Status
HB 2530	rural development tax credits	<i>Shope</i>	For tax years beginning with 2018, establishes an individual and corporate income tax credit and an insurance premium tax credit for eligible capital contributions to a rural growth fund as certified by the Arizona Commerce Authority. The process for credit certification is specified. Beginning September 1, 2017, the Authority is required to establish and administer a procedure for accepting applications for approval of tax-advantaged rural growth investments and must accept applications by October 1, 2017. Establishes aggregate caps for various types of investments eligible for tax credits. Establishes regulations for the investment of contributions received by a rural growth fund, and requires rural growth funds to periodically report investment information to the Authority.	2/22 House Appropriations hearing
SB 1344	S/E firearms; state preemption; independent contractors	<i>Kavanagh</i>	Stipulates that a political subdivision, including a county, is prohibited from regulating an employee or independent contractor acting within the course and scope of their employment or contract if the employee or independent contractor is engaged in the lawful possession, carry, transportation or storage of a firearm or other weapon provided the employee or independent contractor is: <ol style="list-style-type: none"> 1. On real property owned or controlled by the employee or independent contractor; 2. In or on a vehicle or craft owned or controlled by the employee or independent contractor; or 3. Acting according to statute pursuant to the transportation or storage of firearms in motor vehicles. 	2/16 Passed Senate Government as amended. 2/21 Senate Caucus.

Ongoing Bill List: All LPC Bills

Bill Number	Short Title	Prime Sponsor	Summary/ LPC Comments & Position	Status
HB 2010	ASRS; political subdivision entities	Ugenti-Rita	Employees of "political subdivision entities" who are hired on or after the effective date of this legislation are excluded from membership in the Arizona State Retirement System. Comments: 1/13 Staff explained bill, noted that it would negatively impact organizations like CSA, LPC took a position of opposition .	Assigned to Rules. 2/13 Passed House Banking & Insurance
HB 2027	PSPRS; expenditure limits; political subdivisions	Coleman	If a political subdivision increases its revenue for a specified time period through a vote of the people and that revenue is dedicated to pay unfunded accrued liability under the Public Safety Personnel Retirement System, the expenditure of revenue to pay that liability is excluded from the political subdivision's expenditure limitation established in the state Constitution for the duration of that time period. Comments: 1/13 Staff explained bill, no comments from LPC.	Assigned to Government and Rules.
HB 2066	aggravated DUI; sentence; county jail	Shope	Persons convicted of a violation of aggravated driving under the influence may serve their sentence in a county jail. Municipalities and counties are authorized to establish a medium security facility for the confinement of persons convicted of driving under the influence. Comments: 1/13 Staff explained bill was brought from Apache County. Concerns expressed that bill would be costly by shifting inmates from prisons to jails without any resources for counties to handle the new inmates. Though an amendment may be offered to address cost shift, LPC took a position of opposition to the current language . 1/25 Proposed amendment language. 1/27 CSA Staff explained amendment that would limit the application of bill to 13 smallest counties and create a cost reimbursement mechanism to recoup funds from the Department of Corrections. Discussion identified ongoing concerns with potential financial exposure. Position changed to neutral and will be discussed again next week once counties receive feedback from their sheriffs. 2/3 Staff discussed committee amendment that did NOT limit bill to the smallest 13 counties. Potential floor amendment to clarify cost reimbursement mechanism. Concerns regarding reimbursement for county jails. LPC neutral . 2/10 LPC Concerns raised that bill has yet to be amended to include clarifications. CSA will oppose if agreed upon amendments are not included in the floor amendments to the bill.	2/1 Passed Judiciary and Public Safety as amended. 2/7 Passed Rules, stricken from House COW Consent calendar by Engel. 2/13 Retained on House COW. 2/20 Passed House COW as amended and w/ Floor Amendment. 2/21 House 3rd Reading.
HB 2087	Arizona Criminal Justice Commission; continuation	E. Farnsworth	Continues the Arizona Criminal Justice Commission (ACJC) for 10 years. Comments: 1/13 Staff explained bill. Supervisors discussed partnership with ACJC, LPC took position of support .	1/18 Passed Judiciary and Public Safety. 1/23 Passed Rules. 1/30 Passed House 58-0, ready for Senate. 2/16 Assigned to Senate Judiciary.
HB 2088	incorporation; urbanized areas	E. Farnsworth	The county board of supervisors is required to proceed with incorporation of an area as a municipality without a resolution approving the incorporation from the nearby municipalities if the area has a population of 15,000 or more persons and that population is more than the population of any adjacent municipality that opposes the proposed incorporation. Comments: 1/19 CSA Board requested that CSA staff continue to monitor this bill.	1/18 Passed House Local & International Affairs. 1/31 Passed Rules. 2/7 Passed House 40-20 with Floor Amendment. 2/16 Substituted in Senate for identical S1125 and passed 28-1, ready for Governor.
HB 2143	public contracts; procurement	Leach	Contracts for construction, reconstruction or maintenance services of any street, road or bridge that involve an expenditure of \$25,000 or more, including materials and equipment, must call for bids and use the procurement process. Projects cannot be artificially divided or fragmented to circumvent the prescribed limits. Comments: 1/13 Staff explained the very significant problems contained in the bill and will bring it to the full board next week. 1/19 CSA Board moved to oppose this bill due to concerns regarding potential costs and ability to provide services to their communities in a timely manner. 1/27 Staff discussed outreach strategy with legislators, positive results of supervisors reaching out to their legislators in recent weeks.	1/23 Assigned to House Federalism, Property Rights & Public Policy; and Rules.

Bill Number	Short Title	Prime Sponsor	Summary/ LPC Comments & Position	Status
HB 2157	private property access; rights-of-way	Bowers	The state or any political subdivision is required to grant a perpetual right-of-way to the owner of private property if the grant is for the purpose of providing legal access to private property to which access across land owned by the state or political subdivision is the historic access or is necessary because state or federal land surrounds the private property. Comments: <u>2/10 No discussion.</u>	1/25 Passed House Federalism, Property Rights & Public Policy. 2/20 Passed House Rules w/ technical amendment. 2/21 Passed House COW w/ Rules technical amendment.
HB 2179	municipalities; counties; intergovernmental agreements; requirements	Ugenti-Rita	Prohibits counties from entering into an agreement without a vote of the Board of Supervisors at a public hearing. Limits agreements to eight years. Requires the BOS to review all current agreements and hold a public hearing to reaffirm the agreements. Comments: <u>1/27 Staff discussed feedback from counties regarding negative impacts of the proposed legislation on county budgets. LPC moved to oppose this bill.</u>	1/25 Passed Local and International Affairs. 2/14 Passed Rules. 2/14 Stricken from House Consent calendar by Blanc and Ugenti-Rita.
HB 2185	juvenile corrections; transfer to counties	Thorpe	Repeals the Department of Juvenile Corrections. The counties succeed to the authority, powers, duties and responsibilities of Dept. All equipment and other property, investigative findings, and appropriated monies that remain unexpended and unencumbered on the effective date of this legislation are transferred to the counties. Of the appropriated monies that remain unexpended and unencumbered, 60 percent are allocated in equal shares to each of the 15 counties, and 40 percent are allocated to each county based on population. The Legislature is required to annually appropriate an amount equal to at least \$39,876,700, increased each calendar year by the increase in the consumer price index, allocated to the counties in the same manner. Effective July 1, 2019. Comments: <u>1/19 CSA Board requested that CSA staff continue to monitor this bill.</u>	1/17 Assigned to House Judiciary and Public Safety, Appropriations and Rules.
HB 2212	federal financial assistance; reports	Leach	Requires by October 31 of each fiscal year the "designated state agency" and "political subdivision" to report to the Department of Administration (ADOA) on the previous fiscal year: the aggregate dollar amount of "federal receipts"; the aggregate dollar amount of federal monies appropriated by the Arizona Legislature; the percentage of federal monies compared to total budget; and a plan to operate the agency or subdivision if federal monies were reduced. The bill includes the counties in the definition of "political subdivision" which appears to create an unfunded mandate to comply with its reporting requirements. Comments: <u>1/19 CSA Board moved to oppose this bill. Board members were concerned that the bill creates more unnecessary bureaucracy and red tape.</u>	2/8 Held in House Appropriations 2/15 Passed House Appropriations as amended. 2/20 Passed Rules.
HB 2239	incompetent; nonrestorable defendants; involuntary commitment	Griffin	Various changes related to defendants who are incompetent to stand trial. Establishes circumstances under which the court may revoke a conditional release. Comments: <u>2/10 LPC Concerns were raised that this could be a potential cost increase to counties as it would allow more individuals to be sent to ASH as SVPs. Though proponents of the bill have noted that this legislation will prevent future costs of individuals reoffending. This is an AACo and Pima County Attorney bill. LPC will bring back bill to CSA Board next week. 2/16 BOD took a position of neutral.</u>	2/1 Passed House Judiciary and Public Safety as amended. 2/7 Passed Rules 2/9 Passed COW as amended. 2/9 Passed House 58-0 as amended, ready for Senate. 2/20 Assigned to Senate Judiciary.
HB 2243	anti-racketeering revolving funds; electronic reports	E. Farnsworth	The quarterly report that each government entity receiving monies from the Anti-Racketeering Revolving Fund is required to file with the Attorney General, and the summary report of that information that the Attorney General is required to file quarterly with the Arizona Criminal Justice Commission must be made in an electronic format. The Commission is required to complete the reports quarterly, instead of annually, and submit a single comprehensive electronic report to the Governor and the Legislature.	1/25 Passed House Federalism, Property Rights & Public Policy. 2/15 Passed House Judiciary & Public Safety. 2/20 Passed House Rules. 2/22 on House Consent Calendar.

Bill Number	Short Title	Prime Sponsor	Summary/ LPC Comments & Position	Status
HB 2254	judicial productivity credits; salary calculation	E. Farnsworth	The formula for calculating judicial productivity credits, which is used to determine the annual salary of each justice of the peace, is modified. Beginning January 1, 2018, the Supreme Court is required to annually perform the calculations in each justice court for the previous 12-month period ending on June 30 to determine the judicial productivity credits, and to report the credits for each justice court to the applicable county board of supervisors within 120 days after the end of each 12-month period. Comments: <u>1/19 CSA Board requested that CSA staff continue to monitor this bill and continue to compile financial impact data from the counties.</u>	1/25 Passed Judiciary and Public Safety as amended. 1/31 Passed Rules. 2/2 Passed House 59-0 as amended, ready for Senate. 2/20 Assigned to Senate Judiciary.
HB 2325	property tax assessment of greenhouses	Ugenti-Rita	Specifies that a greenhouse is assessed as tangible agricultural personal property if it is at least 100,000 square feet, can be mobile and disassembled, can be reused after removal and is used for growing vegetables, fruits or citrus. "Greenhouse" is defined as property where environmental factors are controlled for the purpose of growing crops, without regard to whether the property is actually contained within that environment, or whether any of the property is affixed to or incorporated into real property. Comments: <u>1/27 Staff explained bill and discussed similarities from last year, when CSA opposed similar legislation. LPC moved to oppose this bill. 2/10 LPC Concerns raised that this bill continues to move through the process and needs to be stopped.</u>	2/2 Passed House Ways & Means as amended. 2/7 Passed Rules.
HB 2339	presidential preference election; reimbursement	Coleman	The Secretary of State is required to reimburse counties for the charges the counties incurred for the presidential preference election based on the number of official active registered voters in that county as follows: actual expenses incurred up to \$3.00 per voter for counties with 450,000 voters or more, actual expenses incurred up to \$3.50 per voter for counties with at least 35,000 but less than 450,000 voters, and actual expenses incurred up to \$4.00 per voter for counties with less than 35,000 voters. Each of these categories allows actual expenses up to the listed dollar amount or whichever is less. Comments: <u>1/27 Staff explained bill that is being run by AACo. LPC took a position of support.</u>	2/2 Passed House Government. 2/8 Passed House Appropriations. 2/20 Passed Rules. 2/22 on House Consent Calendar.
HB 2357	floodplain management regulations; nonstructural damage	Ugenti-Rita	The powers of a county flood control district do not include the power to restrict the extraction of aggregate if the restriction is designed only to prevent potential flood damage to private property and if the owner of the private property that may be affected provides the district with written consent to the extraction of the aggregate. Comments: <u>2/3 LPC moved to oppose the bill.</u>	2/14 Passed House Federalism, Property Rights & Public Policy. 2/20 Passed House Rules. Stricken from House Consent Calendar by Martinez. 2/22 on House Consent Calendar.
HB 2365	wireless facilities; collocation; rights-of-way	Weninger	Adds a chapter to Title 11 regulating "wireless facilities". A county is prohibited from entering into an exclusive arrangement with any person for use of a right-of-way for the construction, operation, marketing or maintenance of wireless facilities or wireless support structures or the collocation of small wireless facilities. A county may charge a wireless provider a rate or fee, or may refrain from charging a wireless provider a fee, for the use of a right-of-way for these purposes. Establishes prohibited rate or fee practices and sets the maximum fee at \$20 times the number of utility poles or wireless support structures in the county's geographic jurisdiction on which the wireless provider has collocated a small wireless facility antenna. Establishes a list of rights of wireless providers. Authorities cannot prohibit, regulate or charge for the collocation of small wireless facilities, but may require permits. Establishes regulations for access to utility poles. Establishes a process for dispute resolution. Comments: <u>2/3 LPC moved to oppose the bill.</u>	2/7 Passed House Commerce with SE amendment. 2/20 Passed Rules.
HB 2472	private postsecondary institutions; peace officers	Kern	Private postsecondary institution peace officers are authorized to use county courts and jails for the purpose of booking arrested persons in the county where the institution is located or where the arrest occurs. Private postsecondary institution peace officers are no longer limited to enforcing the law only on property under the control of the institution.	2/16 Passed House Government as amended. 2/20 Passed Rules. 2/21 Passed House COW as amended.

Bill Number	Short Title	Prime Sponsor	Summary/ LPC Comments & Position	Status
HB 2477	civil forfeiture; report information; remedies	E. Farnsworth	Agencies applying for monies from the Anti-Racketeering Revolving Fund are required to submit a written application to the Attorney General that includes a description of what the monies will be used for, and the Attorney General is authorized to deny an application that requests monies for a purpose not authorized by statute. The quarterly reports that each state department, agency, county or municipality receiving monies from the Fund are required to submit to the Attorney General must include a list of specified information if monies were obtained as a result of a forfeiture, and must include a list of specified information with regard to all expenditures made from the Fund. The Attorney General is required to annually cause a financial audit to be made of the Fund, which must be conducted by a certified public accountant within 120 days after the end of each fiscal year. 2/16 Concerns expressed regarding potential issues for the working relationship between BOS and county attorneys. Also noted potential increased workload for counties. Will bring back to a future meeting for additional discussion.	2/15 Passed House Federalism & Public Policy. 2/16 Passed House Judiciary and Public Safety as amended. 2/20 Passed Rules.
HB 2499	facilities relocation; public utility easements	Weninger	If a municipality or county requires that a utility adjust or otherwise relocate any of the utility's facilities constructed or installed within a public utility easement, the municipality or county is required to reimburse the utility, or cause the utility to be reimbursed, for the relocation costs, unless an existing license, franchise or agreement provides otherwise. Establishes a process for reimbursement. If a facility is relocated into a right-of-way, the municipality or county is required to provide the utility with a permanent land right within the right-of-way equal to a public utility easement. Municipalities and counties are authorized to adopt reasonable regulations with respect to the construction and installation of facilities within a public utility easement, subject to a list of specified conditions. Contains legislative findings. Comments: 1/13 Staff explained the proposal, no comments.	2/14 Passed House Commerce. 2/20 Held in Rules.
HB 2521	TPT reform; contractors	Cobb	Eliminates the prime contracting classification of TPT and establishes a highway, street or bridge construction classification and a manufactured building dealer classification. The tax base for the highway, street or bridge construction classification and for the manufactured building dealer classification is 65 percent of the gross proceeds of sales or gross income derived from the business, and lists of deductions from the tax base for each classification are established. The list of exemptions from the retail classification of TPT is modified to include tangible personal property sold to a contractor and incorporated into any highway, street or bridge construction project or into a manufactured building, and to eliminate the exemption for tangible personal property sold to a contractor and incorporated into any real property, structure, project, development or improvement as part of the business. The list of exemptions from the retail classification of TPT is also modified to include tangible personal property sold to a qualified business if the property sold is to be incorporated into a building, project, development or improvement owned by the qualified business for harvesting or processing qualifying forest products. Comments: 2/16 CSA Staff explained bill, noted that there is an amendment currently being reviewed. Concerns were raised that when TPT was established it hurt rural counties. Staff explained this would not alleviate that problem. BOD asked staff to continue to monitor the bill.	2/16 Passed House Ways & Means as amended. 2/20 Passed Rules.
HB 2530	rural development tax credits	Shope	For tax years beginning with 2018, establishes an individual and corporate income tax credit and an insurance premium tax credit for eligible capital contributions to a rural growth fund as certified by the Arizona Commerce Authority. The process for credit certification is specified. Beginning September 1, 2017, the Authority is required to establish and administer a procedure for accepting applications for approval of tax-advantaged rural growth investments and must accept applications by October 1, 2017. Establishes aggregate caps for various types of investments eligible for tax credits. Establishes regulations for the investment of contributions received by a rural growth fund, and requires rural growth funds to periodically report investment information to the Authority.	2/22 House Appropriations hearing
SB 1007	homebased business; operations; employees	D. Farnsworth	County ordinances regulating home-based businesses are prohibited from restricting a business from generating traffic, parking or delivery activity that does not cause on-street parking congestion, from having more than one client on the property at one time, or from employing a list of specified individuals. Comments: 1/19 CSA Board moved to oppose this bill. 1/13 Staff explained bill. CSA opposed similar legislation in 2016.	Assigned to Government and Rules. 2/13 Passed Senate Commerce & Public Safety.
SB 1019	public records; unduly burdensome requests	Kavanagh	It is a defense to any action under public records law that the request for access to public records is unduly burdensome or harassing. Comments: 1/13 Staff explained bill, smaller counties shared experiences with burdensome requests from the public. LPC took a position of support.	Assigned to Senate Government and Rules.

Bill Number	Short Title	Prime Sponsor	Summary/ LPC Comments & Position	Status
SB 1025	public entities; absolute immunity; defenses	Burges	A public entity or public employee is liable for an injury arising out of a plan or design for construction or maintenance of highways, roads, bridges or rights-of-way where the entity or employee did not give a reasonably adequate warning of hazards only if the entity or employee was grossly negligent. Comments: <u>1/13 Staff explained bill and noted ACIP support of legislation as well as potential for preventing frivolous lawsuits against counties. LPC took a position of support.</u>	2/6 Passed Senate Judiciary as amended. 2/7 Passed Rules. 2/20 Passed Senate COW as amended. 2/21 Passed Senate 17-13, ready for House.
SB 1072	administrative decisions; scope of review	Petersen	When the court reviews a final administrative decision, the court is required to decide all questions of fact and law without regard to any previous determination that may have been made on the question in an administrative hearing. Applies in any action for judicial review of an agency action that is authorized by law. Previously, the court was required to affirm the agency action unless after reviewing the evidence the court concluded that the action was not supported, was contrary to law, or was arbitrary and capricious. Comments: <u>2/10 LPC Concerns were raised regarding the number of departments and agencies required to modify their review process, the sheer volume of administrative decisions that would be affected, and extra burden placed on counties. LPC moved to oppose the bill.</u>	1/25 Held in Senate Judiciary. 2/13 Passed Judiciary as amended.
SB 1114	outdoor advertising	Borrelli	Modifies the specified latitude and longitude borders within which electronic outdoor advertising is authorized. Comments: <u>2/10 LPC noted though specific county input was sought during the original stages of the bill, there was a "reluctant agreement" with concerns remaining about possible amendments added in the future. LPC will continue to monitor the bill.</u>	2/7 Passed Senate Commerce & Public Safety as amended. 2/21 Passed Senate Rules.
SB 1146	S/E registration fees; VLT; gas tax	Worsley	Modifies and imposes various fees relating to motor vehicles for deposit into the Arizona Highway Patrol Fund and imposes a tax on natural gas used for the propulsion of motor vehicles. Contains requirements for enactment and becomes effective on the signature of the Governor (Proposition 108). Comments: <u>2/10 LPC Staff explained the purpose of this new S/E bill and clarified where monies would be distributed. LPC moved to support this bill.</u>	2/14 Passed Senate Transportation & Technology as amended.
SB 1147	S/E county election; motor fuel taxes	Worsley	Allows a county or a Regional Transportation Authority (RTA) to levy a county motor fuel tax upon voter approval. Comments: <u>2/10 Discussion addressed similarities between this legislation and other transportation funding bills. LPC will continue to monitor this bill.</u>	2/14 Passed Senate Transportation & Technology as amended. 2/21 Passed Rules.
SB 1157	competency hearings; jurisdiction; referral	Borrelli	The presiding judge of the superior court in each county, with the agreement of the justice of the peace or municipal court judge, is permitted to authorize a justice court or municipal court to exercise jurisdiction over a competency hearing in a misdemeanor case that arises out of the justice court or municipal court. A justice of the peace or municipal court judge, with the approval of the presiding judge of the superior court and the justice or judge of the receiving court, is permitted to refer a competency hearing to another justice court or municipal court that is located in the county. Comments: <u>2/3 No comments. LPC moved to support this bill and the other three AOC Fair Justice for All bills.</u>	2/6 Passed Senate Judiciary. 2/7 Passed Rules. 2/9 Passed Senate 29-0; ready for House. 2/20 Assigned to House Judiciary & Public Safety.
SB 1158	sentencing; court debts; fine mitigation	Borrelli	Authorization for judges to waive all or part of a civil penalty, fine, forfeiture or surcharge in certain circumstances is deleted. Judges are authorized to mitigate a civil penalty or fine if the payment would be a hardship to the person or the person's immediate family. Judges are authorized to waive or mitigate mandatory community restitution due to a defendant's medical condition. If the court imposes a sentence to perform community restitution for a misdemeanor conviction, the court is required to limit the sentence to a definite period of time. The superior court, a justice of the peace, or a municipal court is authorized to order that all or part of a debt that is due to the court be removed from the court's accounting system if 20 or more years have elapsed from the date of the initial fine or other monetary obligation in a criminal case that resulted in the debt and the court takes specified steps. Comments: <u>2/3 LPC discussed the problems with defendants accumulating excessive bails. LPC moved to support this bill and the other three AOC Fair Justice for All bills.</u>	2/6 Passed Judiciary. 2/7 Passed Rules. 2/21 Senate Caucus.

Bill Number	Short Title	Prime Sponsor	Summary/ LPC Comments & Position	Status
SB 1160	driving violations; restricted licenses; penalties	Borrelli	A restriction on a person's driver license or permit as a result of a conviction for a violation of Title 28 (Transportation) may limit the person's privilege to drive to and from specified locations during specified periods of time. The sentencing options for various transportation-related violations are expanded to include that the court may order that the person's driving privilege be restricted. Comments: <u>2/3 LPC raised concerns about eliminating penalties for lawbreaking. LPC discussed statistics regarding the effect of these type of measures on recidivism and ability to pay fines and penalties. LPC moved to support this bill and the other three AOC Fair Justice for All bills.</u>	2/6 Passed Judiciary as amended. 2/7 Passed Rules. 2/14 Passed Senate 30-0 as amended and with floor amendment, ready for House. 2/20 Assigned to House Judiciary & Public Safety.
SB 1161	courthouse security; fund	Borrelli	The distribution of all monies received from the superior court is modified to reduce the percentage distributed to all recipients and require the 2.0 percent remaining after those reductions to be deposited in the newly established Statewide Court Security Fund. The distribution of all monies received from justice of the peace courts is modified to reduce the percentage distributed to all recipients and require the 2.0 percent remaining after those reductions to be deposited in the Fund. Monies in the Fund must be used to provide assistance, training and grants to courts to meet minimum standards of courthouse security that are adopted by the Supreme Court. Effective January 1, 2018. Comments: <u>2/10 LPC Discussion addressed concerns about where and how the fund would affect counties as it only is expected to generate \$700,000 which is far less than the resources needed to secure county courthouses. Additionally, clarification of bill's suggested funding source provided. LPC moved to support this bill.</u>	2/6 Passed Senate Judiciary. 2/7 Passed Senate Appropriations 2/13 Passed Senate Rules. 2/14 Senate Caucus. 2/15 Senate Consent. 2/16 Passed Senate 27-2, ready for House.
SB 1163	release procedures; hearings; bonds	Borrelli	A person charged with a nonbailable offense is permitted to waive the right to a hearing on the matter of bail. The schedules of violations that justices of the peace and presiding magistrates are required to adopt for bail are required to list a specific bond, instead of bail, for each violation, and the violations that must be included in the schedules are modified. Comments: <u>2/3 No comments. LPC moved to support this bill and the other three AOC Fair Justice for All bills.</u>	2/6 Passed Senate Judiciary. 2/21 Passed Senate Rules. 2/21 Senate Caucus.
SB 1201	medical examiner; communicable diseases; disclosure	Griffin	The county medical examiner or alternate medical examiner, on a determination that the circumstance of a death provide jurisdiction, is required to provide a blood sample from a deceased person for the purpose of communicable disease testing or disclose communicable disease-related information to a first responder or good Samaritan who has had a significant exposure risk and who submits a written request for the information. Comments: <u>2/10 LPC A large number of county responses expressing concerns and opposition were previously received by email, no additional comments or discussion from LPC. LPC moved to oppose this bill.</u>	2/8 Held in Senate Health and Human Services 2/15 Passed Senate Health & Human Services.
SB 1207	advanced certification; assessor personnel; compensation	S Allen	A person who is employed by the Department of Revenue or a county and who successfully completes the advanced certification for assessors and appraisers provided by the Dept may be approved to receive additional compensation. Comments: <u>1/27 Staff explained bill, discussed concern expressed by managers that it is problematic having human resources issues like this codified in statute. LPC took a position of opposition.</u>	Assigned to Finance and Rules. 2/15 Passed Senate Finance. 2/21 Passed Senate Rules. 2/22 Senate Consent Calendar.
SB 1210	state law; violations; political subdivisions	Smith	Statute requiring the Attorney General to investigate any official action taken by the governing body of a county or municipality at the request of a member of the Legislature who alleges that the action violates state law or the state Constitution is expanded to include all "political subdivisions" (defined). 2/16 No discussion.	2/15 Passed Senate Government
SB 1214	local governments; smallcell equipment permitting	Fann	Statutes prohibiting municipalities from charging certain fees for microcell equipment and requiring political subdivisions to allow certain entities to install, operate and maintain microcell equipment in public highways are expanded to include "smallcell equipment" and to include the "affiliates" of those entities. Establishes a list of limitations that apply to smallcell equipment. Contains legislative findings. Applies to all telecommunications or cable television licenses or other authorizations issued before the effective date of this legislation, with some exceptions. 1/27 Staff explained bill. Counties are in the process of sharing feedback, will bring the issue back at a future LPC. For Summary and Language of this bill please click here. Comments: <u>2/3 LPC instructed staff to continue to monitor this bill.</u>	2/8 Passed Senate Government as amended. 2/13 Passed Senate Rules. 2/14 Senate Caucus. 2/20 Passed Senate COW as amended and w/ Floor Amendment. 2/21 Passed Senate 30-0 as amended, ready for House.

Bill Number	Short Title	Prime Sponsor	Summary/ LPC Comments & Position	Status
SB 1243	misconduct involving weapons; public places	Kavanagh	A person who possesses a valid concealed weapons permit is exempt from the prohibition on carrying a concealed weapon in a public establishment or at a public event. Some exceptions, including for public establishments or events that are a "secured facility", that are the licensed premises of a liquor licensee, that are an educational institution, and that are a vehicle or craft. Comments: 2/3 LPC raised questions about what specific venues and events would be bound by this law and the costs of compliance. LPC moved to oppose the bill.	2/2 Passed Senate Government. 2/7 Passed Rules. 2/7 Stricken from Senate Consent calendar by Contreras. 2/21 Held on Senate COW.
SB 1245	state lands; perpetual rights-of-way	Griffin	The State Land Department is required to grant a perpetual right-of-way, after conducting an appraisal, at public auction to the highest and best bidder if the grant is for the purpose of providing legal access to private property to which access across state land is the historic access or is necessary because state or federal land surrounds the private property. Comments: 2/10 LPC will continue to monitor this bill.	2/13 Passed Senate Natural Resources, Energy & Water as amended. 2/21 Passed Senate Rules w/ a technical amendment. 2/21 Senate Caucus.
SB 1253	peace officers; investigative interviews; recordings	Borrelli	A statement made by a law enforcement officer in an investigative interview in regard to a use of force incident or an accident involving the officer that resulted in physical injury and that was video recorded by the officer is prohibited from being the sole factual basis to impose discipline against the officer unless the officer reviewed the video recording before making the statement.	2/7 Passed Senate Commerce & Public Safety as amended. 2/14 Passed Rules. 2/21 Passed House COW as amended and w/ Floor Amndt.
SB 1328	election proclamation; board clerk	Allen	The Governor is required to transmit a copy of the election proclamation to the clerk of each county BOS, and the clerk is required to publish a copy of the proclamation. Previously, the officer in charge of elections was required to notify the BOS and the Board was required to publish. Comments: 2/3 LPC member asked if the bill could be amended to add "electronic media" to the list of permissible forms of notice. LPC moved to support the bill.	Assigned to Rules. 2/16 Passed Senate Judiciary. 2/21 Passed Senate Rules. 2/22 Senate Consent Calendar.
SB 1329	fire flow requirements; rural applicability	Allen	In a county with a population of less than 500,000 persons, any requirements to provide water and/or fire flow for fire protection under a fire code do not apply to single-family residential properties or single-family residential subdivisions with individual lot dimensions equal to or greater than 1/2 acre in size if the current "adjacent public water distribution system" does not meet the requirements to provide water and/or fire flow for fire protection. Comments: 2/3 LPC expressed concerns about landowners' property rights and fire districts' ability to deal with fires. LPC moved to support the bill.	2/2 Passed Senate Government. 2/7 Passed Rules. 2/7 Stricken from Senate Consent calendar by Allen, Contreras.
SB 1333	workers' compensation; claim settlement	Fann	The interested parties to a claim are authorized to settle and release all or any part of the claim, and to negotiate a "full and final settlement". Some exceptions. Requirements for a full and final settlement are established. Comments: 2/3 LPC moved to support the bill.	1/26 Assigned to Senate Commerce & Public Safety and Rules.
SB 1344	firearms; state preemption; independent contractors	Kavanagh	Statute establishing state preemption over local jurisdiction firearms regulations no longer specifically allows a political subdivision to enact or enforce an ordinance or rule regulating independent contractors of the political subdivision who are acting within the course and scope of their employment or contract. Comments: 2/3 LPC moved to oppose the bill.	2/15 Passed Senate Government w/ Strike Everything amendment. 2/21 Passed Rules. 2/21 Senate Caucus.
SB 1376	compact; prosperity districts	Montenegro	Enacts and adopts a prosperity states compact to establish prosperity districts to advance each enacting state's mutual sovereign interest in promoting prosperity by creating a "stable public policy environment consisting of optimal regulatory and fiscal policy." Establishes a framework for prosperity district governance structure and legal capacity, including a district managing board, and specifies that every prosperity district has exclusive governing jurisdiction within its boundaries. Provides for concurrent law enforcement jurisdiction. Establishes a process for prosperity district formation, expansion and withdrawal. When at least two member states are contractually bound to the compact, a Prosperity States Compact Commission is established, and powers and duties of the Commission and Commissioners are specified. Comments: 2/3 LPC moved to oppose the bill.	Assigned to Finance, Government and Rules, no action. 2/15 Passed Senate Finance and Senate Government.

Bill Number	Short Title	Prime Sponsor	Summary/ LPC Comments & Position	Status
SB 1404	community facilities districts; amendments	Lesko	Changes statutes related to community facilities districts. On presentation of a petition signed by the owners of at least 25 percent of the land area proposed to be included in the district and a completed application for district formation, the municipal governing body is required to hold a public hearing to consider the application within 60 days. After the hearing, the governing body is authorized to adopt a resolution declaring its intention to form a district that includes contiguous or noncontiguous property that is wholly within the municipal boundaries. If the application for district formation includes noncontiguous property, each discrete property is required to be located within 1/2 mile of another discrete property the is proposed to be included in the district. Information that must be included in a completed application for district formation is listed. An objection to district formation must be filed within 30 days after adoption of the resolution of intent to form a district. The fees and other charges assessed by a municipality or county in connection with district formation are capped at \$15,000, and municipalities and counties are required to use any fees or other charges paid by the applicant before district formation that exceed the actual costs of district formation solely to support the formation or administration of the district. Establishes requirements for an applicant to request financing from general obligation bonds or revenue bonds. By January 1, 2018, municipal governing bodies are required to adopt ordinances or policies that include specified information about district formation. Comments: 2/3 LPC instructed staff to continue to monitor this bill. 2/16 CSA staff noted that while this bill will not be going forward, Sen Smith's SB 1480 is expected to move forward.	1/31 Assigned to Finance and Rules. 2/15 Held in Senate Finance.
SB 1407	workers' compensation; employee definition; notice	Fann	For the purpose of workers' compensation statutes, the definition of "employee" is expanded to include a working member of a limited liability company (LLC) who owns less than 25 percent of the membership interest in the LLC and who is deemed an employee entitled to workers' compensation benefits on written acceptance of an application for coverage by the working member at the discretion of the insurance carrier for the LLC. The basis for computing wages for premium payments and compensation benefits for the working member is an assumed average monthly wage of \$600 or more, up to the normal statutory maximums, and is subject to the discretionary approval of the insurance carrier. Comments: 2/3 LPC moved to support the bill.	2/13 Passed Senate Commerce & Public Safety as amended. 2/21 Passed Senate Rules w/ a technical amendment. 2/21 Senate Caucus.
SB 1408	counties; municipalities; euthanizing animals	Kavanagh	Animals impounded in a county or municipal pound may no longer be euthanized by the use of T-61 euthanasia solution or its generic equivalent. Comments: 2/10 LPC This type of solution is no longer used in any counties to euthanize animals, therefore no further action needed.	2/8 Passed Senate Government. 2/13 Passed Senate Rules. 2/14 Senate Caucus. 2/15 Senate Consent. 2/20 Passed Senate 29-0, ready for House.
SB 1416	revitalization districts; county participation	Pratt	Counties and combinations of one or more municipalities and a county are authorized to form a revitalization district. Comments: LPC raised concerns regarding the bill making the creation of a district and levying of a tax, be based on 51% of the homeowners wanting to be included OR 51% of the net assessed property value wanting to be included, where current statute requires both for either the creation of the district or the levying of the tax. LPC took a position of neutral, awaiting proposed changes next week. 2/16 BOD requested CSA staff continue to monitor this bill.	2/15 Passed Senate Finance. 2/21 Passed Senate Rules. 2/21 Senate Caucus. 2/22 on Senate Consent Calendar.

Bill Number	Short Title	Prime Sponsor	Summary/ LPC Comments & Position	Status
SB 1442	S/E corrections officer retirement plan; modificatons	Lesko	Various changes to statutes governing the Corrections Officer Retirement Plan (CORP). CORP members who are employees hired on or after July 1, 2018 and who were not an active, inactive or retired CORP member on June 30, 2018 are required to participate in the Public Safety Personnel Retirement System (PSPRS) defined contribution plan. For these CORP members, the employee and employer contribution rates are five percent and a reduced monthly disability pension calculation is established. The calculation for employer contributions for CORP members hired before July 1, 2018 is modified. Statutes establishing and regulating CORP benefit increases are repealed, and a new cost-of-living adjustment calculation for CORP benefits is established for members hired on or before June 30, 2018. Conditionally enacted on the state Constitution being amended as prescribed in an unspecified Senate concurrent resolution (blank in original), by vote of the people at the 2018 general election. Comments: <u>2/16 Question was raised why Corrections Officers were going to a Defined Contribution Plan. Staff advised that because of the high turnover rate among Corrections Officers, it made sense for them to have maximum portability. BOD requested staff continue to monitor this bill.</u>	2/16 Passed Senate Finance as amended. 2/21 Passed Senate Rules as amended. 2/21 Senate Caucus.
SB 1453	road improvement districts; financing	Griffin	Rural road improvement districts are authorized to issue improvement bonds in the manner prescribed for county improvement districts that are payable over up to 10 years. Comments: <u>2/10 LPC Clarification was provided on the original intent of the bill. Concerns were expressed over the language of the current bill. LPC will continue to monitor the bill.</u>	2/8 Passed Senate Finance 2/13 Passed Senate Rules. 2/14 Senate Caucus. 2/15 Senate Consent. 2/20 Passed Senate 29-0, ready for House.
SB 1454	county improvement districts; assessment; contribution	Griffin	County improvement districts may be financed from proceeds received from the sale of district bonds, county monies contributed to the district, state or federal grants, private contributions, and any other monies available to the district by law. The payment of preliminary incidental costs for which a district has become liable may be assessed and levied on a per parcel basis or based on the assessed valuation of the property. Comments: <u>2/10 LPC Discussion involved clarification on specific county impacts and concerns about financial repercussions. LPC will continue to monitor the bill.</u>	2/8 Passed Senate Finance. 2/21 Passed Senate Rules. 2/21 Senate Caucus. 2/22 on Senate Consent Calendar.
SB 1479	mental health treatment; patient transport	Smith	If a peace officer is directed to take a mental health patient into protective custody or to apprehend the patient and transport the patient to an agency for inpatient treatment, a mental health provider is required to accompany the peace officer. Comments: <u>2/10 A large number of concerns were expressed regarding the logistical and financial burdens that this bill places on the counties. LPC moved to oppose this bill. 2/16 CSA staff advised BOD that as amended, this costs will be shifted to counties. BOD noted that in rural areas, this would be very problematic.</u>	2/8 Held in Senate Health and Human Services 2/15 Passed Senate Health & Human Services as amended.
SB 1480	revisions; community facilities districts	Smith	Applies to districts formed after the effective date of the amendment. If land proposed and petitioned to be included is more than 600 acres, the governing body shall adopt a resolution forming a community facilities district within 90 days after the submittal of the petition. For districts that meet the requirements, a district governing board shall be comprised of five members. If the petitioned land is less than 600 acres, the members of the governing body remain the same. The governing board may not require the petitioner to increase infrastructure, debt limit, tax rate, or duration of the district, an official website shall be established and maintained, and law enforcement service agreement shall be established. Comments: <u>2/3 LPC moved to oppose the bill. 2/16 CSA Staff advised BOD that this bill will move forward. Sen Lesko's related SB 1404 will not.</u>	Assigned to Finance and Rules. 2/15 Passed Senate Finance as amended. 2/21 Passed Senate Rules. 2/21 Senate Caucus.
N/A	Arizona Board of Regents sales tax recapture	unknown	This proposal was mentioned in Governor Ducey's state of the state address, which proposes to allow universities to recapture the sales taxes generated by university activities. This revenue shift of local shared revenues would impact counties and cities by \$6.5 million, according to Governor Ducey's budget. Comments: <u>1/13 Staff explained proposal and expressed concerns about the potential revenue loss.</u>	Included in Governor Ducey's budget proposal.