



County Supervisors ASSOCIATION of arizona

1905 W. Washington St., Ste. 100, Phoenix, AZ 85009
(602) 252-5521 fax: (602) 253-3227

Revised
2/22/23

**COUNTY SUPERVISORS ASSOCIATION
LEGISLATIVE POLICY COMMITTEE
AGENDA
February 24, 2023
(Conducted Via Teleconference and [Webinar](#))
Teleconference 1-669-900-9128 OR 1-253-215-8782
Meeting ID: 861 5821 3273 Password: 256912
County Supervisors Association
1905 W. Washington St.
Phoenix, AZ**

9:00 a.m. Call to Order ~ CSA President Jason Whiting

A. CSA Legislative Agenda

- 1) CSA Legislative Budget Priorities
 - a) [HB 2018 counties; committee youth contributions; repeal](#) (Livingston)
 - b) Transportation Infrastructure
 - c) Broadband Infrastructure
 - d) Public Safety Pensions
 - [HB 2430 EORP; appropriations; repayment](#) (Livingston) ([CSA Support Document](#))
 - e) Court Probation Officers Funding
- 2) CSA Policy Priorities
 - a) [SB 1077 jails; mental health; evaluations; treatment](#) (Shope)
 - b) [SB 1211 county attorney; representation; duties](#) (Bennett)
 - c) [HB 2052 counties; advertising contracts; term; notice](#) (Dunn)
 - d) [HB 2669 S/E Biosolids](#) (Dunn)

B. Legislative Bills for Discussion and Possible Action

- 1) [HB 2094 S/E: mobile food vendor; operation; rules](#) (Payne)
- 2) [HB 2310 auditor general; law enforcement bonus](#) (Jones)
- 3) [HB 2509 food preparation; sale; cottage food](#) (Grantham)
- 4) [HB 2551 county salaries; approval](#) (Griffin)
- 5) [HB 2617 carrying of firearms; constables](#) (Bliss)
- 6) [HB 2618 decommissioning; solar and wind; standards](#) (Griffin)
- 7) [SB 1029 felony murder; fentanyl; sentencing](#) (Kern)
- 8) [SB 1162 home-based businesses; restrictions; prohibition](#) (Kaiser)
- 9) [SB 1410 violations of state law; schools](#) (Wadsack)
- 10) [SB 1455 office vacancy; discharge of duties](#) (Shope)
- 11) [SB 1695 election violations; disenfranchisement; new election](#) (Hoffman)
- 12) [SB 1699 probate; mediation; trials](#) (Wadsack)
- 13) [SCR 1018 prohibit tax; monitoring; vehicle mileage](#) (Hoffman)

C. Other Legislative Issues

D. Next Meeting Date and Time (*Friday, March 3, at 9:00 a.m.*)

E. Other Business

F. Adjourn



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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B. Legislative Bills for Discussion and Possible Action

1) [HB 2094 S/E: mobile food vendor; operation; rules](#) (Payne)

Summary: The strike-everything amendment in House Regulatory Affairs creates a fourth category of mobile food units – those that do not “require access to a commissary or other servicing area agreement.” Further, specifies that, if the vendor is part of this fourth category, the county with authority to license is where the vendor resides. Precludes some municipal regulation of mobile food vendors.

2) [HB 2310 auditor general; law enforcement bonus](#) (Jones)

Summary: Requires the auditor general to perform a special audit of each county to ensure that funds appropriated in the FY 2023 budget to county sheriffs for retention payments are “being used properly”. Requires that the report be submitted to the governor, president of the senate and speaker of the house by December 31, 2023. Additionally, appropriates \$70,000 to the auditor general to complete the audit.

- 3) [HB 2509 food preparation; sale; cottage food](#) (Grantham)
Summary: Significant expansion of the cottage food program in Arizona ([ADHS Website - Current Program](#)). Food prepared in a home kitchen for sale, would - if allowed by federal law - allow products with poultry, meat, fish, dairy and other foods that require time and temperature control. Allows for the sale of the products to be delivered and sold to the maximum extent by federal law. Specifies the products can be sold at locations that require an inspection, if in a separate area and have a sign that shows the products were made at home in an unregulated facility.
- 4) [HB 2551 county salaries; approval](#) (Griffin)
Summary: As amended in House Government, and with respect to the raises for county officials enacted by the Legislature in 2021, permits a county BOS to “implement any increase at the Board’s discretion” while keeping in mind “county fiscal considerations.” Specifies that the amount approved *may not* be less than the officer’s current salary.
- 5) [HB 2617 carrying of firearms; constables](#) (Bliss)
Summary: Permits a constable, while on-duty or off-duty, to carry a firearm if the constable is AZPOST certified, or if the constable completes firearms training, undergoes a psychological exam and either possesses a concealed weapon permit or completes a background check approved by AZPOST.
- 6) [HB 2618 decommissioning; solar and wind; standards](#) (Griffin)
Summary: Creates a statutory “decommissioning” process for wind energy power plants (WEPP) and solar energy power plants (SEPP), specifying that a SEPP/WEPP that is nonfunctional/inoperative for at least one year must be subject to decommissioning by the operator at their expense. Outlines the specific restoration/removal that must take place during decommissioning, including the operator’s new obligation to set decommissioning costs aside for the plant’s lifespan, and institutes a statutory timeline for decommissioning. Additionally, enshrines a number of SEPP/WEPP site development standards – such as height limitations, setbacks, minimum distance between features, lot coverage, fencing, and the disposition of transmission lines – in statute. Specifies what information a county can require from SEPP/WEPP applicants.
- 7) [SB 1029 felony murder; fentanyl; sentencing](#) (Kern)
Summary: The bill would classify as first-degree murder causing the death of any person during the course of or immediate flight from an offense involving the possession for sale, manufacture or transportation of fentanyl.
- 8) [SB 1162 home-based businesses; restrictions; prohibition](#) (Kaiser)
Summary: Makes changes to the home-based business restrictions for counties and adds restrictions on cities and towns. Specifies that a home-based business is allowed by right (but does not impact HOA restrictions) and a county may not prohibit a no-impact home-based business or require a permit, variance, or other type of approval for to operate a no-impact home business. Specifies a county may have reasonable regulations to protect public health and safety, limit/prohibit structured sober living home, selling illegal drug, liquor, obscenity, and adult oriented businesses. A county may also ensure that the business activity is compatible with residential use of the property, that the business is secondary to the use of the property as a residential dwelling, and complying with state/federal laws. Prohibits a county from applying for a rezoning for commercial use, install or equip fire sprinklers, or obtain a business license. Makes it a judicial question on if the county regulation compliance with the section. Defines no-impact home-based business that provide lawful goods or services, employes no more than 3 individuals that are not residents of the dwelling, does not generate on-street

parking or create a substantial increase in traffic, occurs inside the dwelling, not visible to the street.

- 9) [SB 1410 violations of state law; schools](#) (Wadsack)
Summary: Expands the scope of the 1487 process, or the process by which legislators can currently refer county and municipal ordinances, regulations, orders, and other official actions to the Attorney General for investigation (specifically, whether the ordinance violates state law or the Constitution of Arizona), to “any written policy, written rule or written regulation adopted by any agency, department or other entity of the county, city or town. Additionally, expands the 1487 process to “any ordinance, regulation, order or other official action adopted or taken by the ... governing board of a ... school district.” Violations of this section of statute by municipalities and counties are punishable by withholding or redistribution of state-shared revenues.
- 10) [SB 1455 office vacancy; discharge of duties](#) (Shope)
Summary: Statute currently states that an office is vacant if the officeholder fails to discharge their duties for a period of three months. This bill amends that length of time to forty-five days (from three months) and specifies that the language does not apply to a legislator.
- 11) [SB 1695 election violations; disenfranchisement; new election](#) (Hoffman) ([amendment](#))
Summary: Prohibits the canvas of an election if voters are disenfranchised as a result of one of the following: 1) voters wait more than 90 minutes to vote; 2) failure to follow the election procedures manual or election law; or 3) the ballot chain of custody is not maintained. Specifies if voters within 5 days of the election submit an affidavit that alleges facts to support one of the reasons listed above and if enough voters submit the affidavits to the clerk of the superior court in the county that the event occurred (County with 1 M people = 1000 affidavits & 250 voters in a county less than 1 M people). A superior court judge would order the canvass to be delayed and appoint a special master to examine the submitted affidavits and confirm necessary facts within 10 days. The special master must be a certified election officer in the state that conducts election in a county other than the county affected by the courts order. The court would declare the election to be a failed election if sufficient number of affidavits are confirmed and require a new election to be held within 30 days.
- 12) [SB 1699 probate; mediation; trials](#) (Wadsack)
Summary: Specifies that “the right to a jury cannot be violated.” As such, encourages parties to engage in mediation as the initial method of dispute resolution before progressing to a subsequent bench trial – if the mediation is unsuccessful or “not pursued” - and, further, a jury trial (“if a litigant believes the litigant’s rights have been substantially violated by the order of a judge following a bench trial”). Requires the jury trial to be scheduled within 45 days of a litigant’s request. States that previous matters adjudicated without a jury “may be reexamined using the process prescribed.” Specifies that the standard of evidence for a jury trial shall be “clear and convincing” and that a verdict may be rendered by $\frac{3}{4}$ of the jury.
- 13) [SCR 1018 prohibit tax; monitoring; vehicle mileage](#) (Hoffman)
Summary: Refers to the voters an amendment to the state constitution that would prohibit the state or any political subdivision from imposing a tax or fee based on vehicle miles traveled. Additionally, prohibits any rule or law to monitor or limit vehicle miles traveled by a person in a vehicle.

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