



County Supervisors

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

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

COUNTY SUPERVISORS ASSOCIATION LEGISLATIVE POLICY COMMITTEE AGENDA

February 16, 2024

(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

8:30 a.m. Call to Order ~ *Supervisor Jason Whiting, Acting Chair*

- A. Approval of the Minutes of the February 2, 2024, CSA Legislative Policy Committee Meeting
(previously distributed)
- B. CSA Legislative Agenda
 - 1) Adopted Budget Priorities
 - 2) Adopted Policy Priorities
- C. Legislative Bills for Discussion and Possible Action
 - 1) [SB 1170 S/E](#): precincts (*Farnsworth*)
 - 2) [SB 1361](#): sober living homes (*Carroll*)
 - 3) [SB 1556](#): TPT; administration; remote sellers (*Bennett*)
 - 4) [SB 1567](#): off-highway vehicles; education requirement (*Kerr*)
 - 5) [SB 1593](#): homeless encampment; crime enforcement (*Wadsack*)
 - 6) [SB 1731](#): public meetings; comments; members (*Mesnard*)
 - 7) [HB 2195](#): on-site wastewater treatment facilities; permitting (*Hendrix*)
 - 8) [HB 2316 S/E](#): mobile home; relocation; building codes (*Gress*)
 - 9) [HB 2329 S/E](#): CORP; employee enrollment; memberships; election (*Payne*)
 - 10) [HB 2703](#): supervisors; legislative vacancy; appointment (*Kolodin*)
 - 11) [HB 2860](#): water conservation infrastructure; reimbursement (*Livingston*)
 - 12) [HB 2866](#): electric vehicles; registration fee (*Cook*)
Tax Lien Sale (*Tyler v. Hennepin County*)
 - 13) [SB 1431](#): right to redeem; foreclosure; sale (*Mesnard*) & [HB 2098 S/E](#): tax liens; redemption; property sale (*Griffin*)
- D. Other Legislative Issues
- E. Next Meeting Date and Time (*Thursday, February 22, 2024, at 10:00 a.m.*) **PLEASE NOTE THE NEXT LPC WILL BE HELD IN CONJUNCTION WITH THE CSA BOARD OF DIRECTORS MEETING (then, Friday, March 1, at 8:30 a.m.)**
- F. Other Business
- G. Adjourn



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A. Approval of the Minutes of the February 2, 2024, CSA Legislative Policy Committee Meeting
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B. CSA Legislative Agenda
1) Adopted Budget Priorities
2) Adopted Policy Priorities

C. Legislative Bills for Discussion and Possible Action

1) [SB 1170 S/E](#): precincts (*Farnsworth*)

a. **Summary:** The strike-everything amendment prohibits a Board of Supervisors from using “a voting center, an early voting location, or another similar method of voting,” specifying that all voting “shall occur in individual precincts.” Repeals § 16-504, which enumerates permitted ballot fraud countermeasures, and seems to specify that ballots use “colored threads” or “threads that fluoresce under ultraviolet light.” Restricts voting by mail to **a)** students residing outside of the state, **b)** residents temporarily residing outside the state, and **c)** UOCAVA voters. Removes a Board’s ability to consolidate precincts and to establish emergency voting centers. Repeals the ability of school principals to exempt their facilities from being used as polling places. Requires precinct-level election board workers to report their totals on a “county database” upon completion of their tally. Repeals language that permits an elector to identify themselves with “two different items that contain the name and address of the elector” or “a valid form of identification” with a different address and one of the aforementioned items. Repeals the ability of an elector who does not present identification to vote a provisional ballot.

b. **Note:** Subject to a **3/4** vote of the Legislature.

2) [SB 1361](#): sober living homes (*Carroll*)

a. **Summary:** Expands the definition of “sober living homes.” Requires DHS to obtain documentation from the local jurisdiction “verifying compliance with all local zoning, building, fire and licensing ordinances and rules” before approving a license, licensure renewal, any change in the maximum number of residents, or any modification of the home. Requires DHS to identify on licensure the maximum amount of unrelated residents who may live in the home. Requires the Department or a third-party contractor to verify compliance with licensure on an annual basis via a on-site inspection. Requires subsequent inspections within thirty days of receipt of a complaint. Permits suspension and revocation of the license, as well as personal service of cease and desist. Increases fines. Requires the notification of a local jurisdiction whenever a home’s licensure is renewed or changed. Requires the Department’s annual report to report on the number of complaints – as well as the number of inspections – within the year.



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- 3) [SB 1556](#): TPT; administration; remote sellers (*Bennett*)
 - a. **Summary:** Allows a remote seller who is required to remit local excise and special district excise taxes in Arizona to elect to pay a single municipal tax rate instead of the rates of each individual taxing jurisdiction. Directs the department to calculate the single rate as the average rate of municipal taxes imposed in the state for the preceding fiscal year. Requires the Arizona Department of Revenue to allow remote sellers to remit taxes through a central clearinghouse or another state tax agency, if established. Changes the threshold to be required to be considered a remote seller from \$100,000 in gross proceeds of sales or gross income from customers in Arizona to \$100,000 in taxable sales from customers in Arizona.
- 4) [SB 1567](#): off-highway vehicles; education requirement (*Kerr*)
 - a. **Summary:** Requires Arizona Game and Fish to “conduct or approve an OHV safety education course” that must be composed of **a)** an operational skills instruction and examination component (*required only for an operator under 18 years-of-age*) and **b)** a written knowledge instruction and examination component. Specifies that this course must include **a)** the dissemination of OHV information and safety advice, and **b)** education related to the importance of closing gates and “respectful, sustainable, and on-trail, OHV operation and respect for communities affected by OHV operation.” Requires G&F to issue a safety certificate to those who complete training – which, after December 31, 2024, will be required to receive OHV indicia – and ensure that the written portion of the examination can be done online. Requires reporting. Self-repeals May 31, 2027.
- 5) [SB 1593](#): homeless encampment; crime enforcement (*Wadsack*)
 - a. **Summary:** States that a county “shall allow the existence of a homeless encampment only if there are no other options for indoor shelter.” Prohibits the existence of a homeless encampment “if other options for indoor shelter exist,” and – other options are available – requires that a county “remove all homeless encampments in the county.” Specifies that individuals living at a homeless encampment and engaging in criminal activity shall be arrested by law enforcement and prosecuted. Defines “homeless encampment” as “one or more tents, structures or assemblies of camping equipment or other structures where one or more persons are knowingly, intelligently, and regularly using the area as a indefinite place of domicile or residence.”
- 6) [SB 1731](#): public meetings; comments; members (*Mesnard*)
 - a. **Summary:** Permits members of a public body to discuss matters raised during an open call to the public.
- 7) [HB 2195](#): on-site wastewater treatment facilities; permitting (*Hendrix*)
 - a. **Summary:** The bill states that “*an on-site wastewater treatment facility with a design flow of 3,000 gallons per day (GPD) or more but less than 75,000 GPD may discharge under a general permit if the on-site wastewater treatment facility complies with existing general permit rules and is operated by a service provider that is certified by the technology manufacturer.*” Further states that “*the Director shall include an addendum to the general permit authorization that requires on-site wastewater treatment facilities to conduct maintenance, monitoring, recordkeeping, and reporting in addition to the requirements of the general permit.*”
- 8) [HB 2316 S/E](#): mobile home; relocation; building codes (*Gress*)
 - a. **Summary:** Prohibits a building code or local enforcement agency from requiring the owner of a mobile home park, if a violation is found *in* or *on* a mobile home in the park, to correct the violation. Further, requires the mobile home’s owner to be cited for a violation and not the mobile home park landlord.



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- 9) [HB 2329 S/E](#): CORP; employee enrollment; memberships; election (*Payne*)
- a. **Summary:** Allows corrections and detention officers hired after July 1, 2018 to select between the Tier 3 Correction Officer Retirement Plan (CORP) defined benefit (DB) plan or the current defined contribution plan (DC). Currently, detention and corrections officers have a DC plan with an employer match, but do not have the option to enter into a DB plan. For employees in the existing DC plan, allows for a one-time 90-day opt-in period to make an irrevocable election between the DB and DC plans. New employees would be required to make an irrevocable election between the DB and DC plans within 90 days of their hire, if no election is made new employees are enrolled in the DB plan.
- 10) [HB 2703](#): supervisors; legislative vacancy; appointment (*Kolodin*)
- a. **Summary:** Requires the Board of Supervisors to fill a legislative vacancy within 14 calendar days after receiving names from the precinct committeemen or the party chairman.
- 11) [HB 2860](#): water conservation infrastructure; reimbursement (*Livingston*)
- a. **Summary:** Allows the State Treasurer to distribute a maximum of \$200 million through 2033 in specified prime contracting transaction privilege tax (TPT) revenues to a municipality or county for water conservation infrastructure improvements for the benefit of an economic development. Revenues distributed would be removed from the distribution base, which is typically distributed to the state and all municipalities and counties to fund the water conservation infrastructure improvements. Provides for minimum private investment and caps the amount distributed to a single municipality or county for a project at 80% of the public infrastructure improvement costs or the amount of certain prime contracting revenues, whichever is less.
- 12) [HB 2866](#): electric vehicles; registration fee (*Cook*)
- a. **Summary:** Requires a motor vehicle “fueled exclusively by electricity and for which the Department issues an alternative fuel vehicle special plate” to pay an additional \$135 fee for registration.
 - b. **Note:** Subject to a **2/3** vote of the Legislature.

Tax Lien Sale (*Tyler v. Hennepin County*)

- 13) [SB 1431](#): right to redeem; foreclosure; sale (*Mesnard*) & [HB 2098 S/E](#): tax liens; redemption; property sale (*Griffin*)
- a. **Summary:** Creates a process whereby a) a property owner can receive the proceeds from the sale of a property for which their right to redeem has been foreclosed, b) that proceeds through the Court system, and c) that is administered by a bank, credit union, or other qualified entity.

Judgement Foreclosing Right to Redeem

- *Excess Proceeds Sale Unreasonable*: If the Court finds that the tax lien sale is valid “and that the defendant’s request for an excess proceeds sale is unreasonable or the defendant did not request an excess proceeds sale,” the Court may foreclose the defendant’s right to redeem and direct the Treasurer to “expeditiously execute and deliver to the party in whose favor judgment is entered, including the state, a deed conveying the property described ...”
- *Excess Proceeds Sale Reasonable*: If the Court finds that the tax lien sale is valid, the tax lien has not been redeemed and the defendant’s request for an excess proceeds sale is reasonable,” requires the Court to a) foreclose the right of the defendant to redeem, b) directing the sale of the property, and c) setting the opening bid.



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- Is it *reasonable*? Per the bill, “*the Court shall determine that the sale of the property for excess proceeds is reasonable if the sale price of the property is likely to be more than \$2,500 above the total of the amounts described in Paragraph 1 of this subsection.*”
- *What is required*? The “certificate of purchase” holder shall report *a) the costs related to filing the claim to foreclose the right to redeem, b) the amount for which the real property tax rate was sold (with interest at a rate of 16% per annum), and c) the amount of any statutory fees the “certificate of purchase” holder paid in connection with the certificate (with interest at a rate of 16% per annum), d) an independent appraisal of the property, e) the amount of all other recorded state liens or encumbrances, f) the cost of the sale of the property, and g) any other necessary evidence.* Additionally, the property owner whose right to redeem is being foreclosed “shall provide a reasonable estimate of the market value of the property.”
- A *foreclosure* of the right to redeem does not extinguish the property owner’s interest in excess proceeds.

Sale Process

- *Seller* can be a bank, credit union, consumer lender, escrow agent, insurance company, or a special master appointed by the court.
- *Notice.* Seller must provide notice of the property to be sold, and the amount of the opening bid, by *a) recording a notice in the office of the Recorder, b) if the property is reasonably accessible, posting a copy of the notice of sale on the property in a conspicuous place (at least 20 days before sale), c) posting at “any building that serves as a location of the Superior Court in the county,” d) publishing in a newspaper of general circulation, e) sending a notice to the property owners notified pursuant to 42-18202, and g) posting on a Multiple Listing Service.*
- *Timing.* Specifies that the sale should be held within sixty days after the judgment *foreclosing* the right to redeem in a Superior Court location.
- *Auction.* Property sold at public auction by the bank, credit union, consumer lender, etc.
- *Proceeds.* Proceeds from the sale go first to the qualified entity to cover the costs of the sale, including the costs of the notice, second to the certificate of purchase holder (covering the lien, interest on the lien, and other procedural costs), third to other lien holders, and fourth – and finally- to the property owner whom is not required to be present at the sale in order to receive their distribution.

D. Other Legislative Issues

E. Next Meeting Date and Time (*Thursday, February 22, 2024, at 10:00 a.m.*) PLEASE NOTE THE NEXT LPC WILL BE HELD IN CONJUNCTION WITH THE CSA BOARD OF DIRECTORS MEETING (*then, Friday, March 1, at 8:30 a.m.*)

F. Other Business

G. Adjourn