

# 2013 LEGISLATIVE SUMMARY



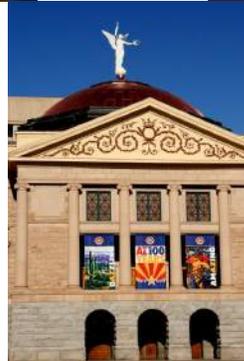
County Supervisors  
ASSOCIATION  
of Arizona



A Review of  
Laws Affecting  
Arizona Counties



Enacted by the  
51st Legislature  
  
First Regular  
Session





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**2013 LEGISLATIVE SUMMARY**  
**Review of County-Related Laws Enacted by the 2013 Legislature**

This publication contains brief summaries, arranged by subject, of new laws impacting county government that were enacted during the First Regular Session of Arizona's 51<sup>st</sup> Legislature.

The effective date for most new laws is September 13, 2013 (90 days after adjournment *sine die*). However, some bills contain an alternate effective date that is noted in the bill summary.

During the course of the session, there were 1158 bills introduced, and 282 of those bills were sent to Governor Brewer for consideration. She signed 256 of the bills into law, and vetoed 26.

These brief summaries are provided to help guide county officials to the full text of these new laws. Every attempt is made to ensure the accuracy of the summaries; however, we recommend a review of the measure in its entirety before enforcement or implementation. A table of contents organizes the bill summaries into subject area categories. Also, there is an index that is organized by bill number.

Copies of the new laws are available at the Arizona Legislative Information Service (ALIS) website: <http://www.azleg.gov> You may also contact CSA to obtain a copy.

At the end of each summary, you will find the initials of the CSA staff person who is the primary contact for that measure. Staff initials are (CS) for Craig Sullivan, (TM) for Todd Madeksza, (KC) for Kristin Cipolla, and (DB) for Dan Bogert. If you have any questions about a bill, please contact us at (602) 252-5521.



**2012 Legislative Policy Committee**

Barry Weller	Apache County
Ann English	Cochise County
Mandy Metzger	Coconino County
Tommie Martin	Gila County
James Palmer	Graham County
David Gomez	Greenlee County
Holly Irwin	La Paz County
Steve Chucri	Maricopa County
Gary Watson	Mohave County
David Tenney	Navajo County
Sharon Bronson	Pima County
Pete Rios	Pinal County
Manuel Ruiz	Santa Cruz County
Tom Thurman	Yavapai County
Lenore Stuart	Yuma County

**CSA Professional Staff**

Craig A. Sullivan	Executive Director
Penny Adams	Director of Finance & County Services
Todd Madeksza	Director of Legislative Affairs
Kristin Cipolla	Legislative Liaison
Dan Bogert	Research Analyst
Yvonne M. Ortega	Administrative & Special Projects

## 2013 CSA Policy Guidelines

Arizona's county supervisors provide regional leadership over critical policy areas, including policies necessary to ensure safe communities, protect public health, promote economic development, and plan and manage land use for sustainable development. Supervisors also provide important oversight of county operations, including overseeing strategies to promote sound fiscal management and to develop a high-quality county government workforce.

For more than 30 years, the CSA has served as a non-partisan forum for county officials to address important issues facing local constituents, providing a mechanism to share information and to develop a proactive state and federal policy agenda.

CSA membership includes the 61 elected supervisors from Arizona's 15 counties. The association's efforts are strengthened by the participation of top-level county professional staff, who provide technical expertise necessary to inform policy decisions.

All supervisors serve on the CSA Board of Directors and provide input into organizational strategy and the evaluation of operational performance. The board annually elects six members to serve in CSA leadership positions. Each county appoints a representative to the Legislative Policy Committee (LPC). The LPC meets as often as necessary to evaluate legislative measures and make policy recommendations to the full Board.

The LPC and CSA follow several policy guidelines:

- Preserve the authority of county boards of supervisors to exercise local control in order to enhance or maintain local public needs and conditions.
- Enable county boards of supervisors to finance critical public service programs, many of which are state and federally mandated, without fiscal restrictions or impositions.
- Enhance county boards of supervisors' authority to solve local problems based on implied powers unless explicitly prohibited.
- Oppose efforts that reduce revenues or result in a negative fiscal impact to counties.



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## **CSA Legislative Agenda**

**HB 2138: municipalities; right-of-way; transfer** (*Pratt*) permits a right-of-way or roadway to be transferred between a county and a municipality by mutual consent of the governing boards. Previously, mutual consent annexations required certain size restrictions be met. With the switch to mutual consent transfer, the size restrictions no longer apply, and the relevant provisions only apply to rights-of-way and roadways – not private property or other public lands. ([Chapter 127](#), Laws 2013) (DB)  
*Also listed under General Government; Land Use and Planning*

**HB 2430: immunizations; reimbursement** (*Brophy McGee*) stipulates that, in order for a local health department to receive reimbursement for the costs of the immunization from the pupil's or parent's private health insurance coverage, the local health department is permitted to enter into a contract governing the terms of reimbursement and claims with the corresponding private insurer. ([Chapter 173](#), Laws 2013) (TM)  
*Also listed under Health and Human Services*

**SB 1098: marijuana; cultivation; county zoning** (*Pierce*) subjects marijuana cultivation operations to county zoning ordinances by excluding cannabis from the definition of "general agricultural purposes," conforming the zoning authority to that authority over dispensaries. ([Chapter 101](#), Laws 2013) (KC)  
*Also listed under Land Use and Planning*

## **Community Colleges**

**HB 2543: provisional community colleges; nonresident tuition** (*Orr*) modifies circumstances regarding provisional community college district county reimbursement payments and establishes a provisional community college districts study committee to research and report on the financing, distribution of monies and funding options regarding provisional community college districts. ([Chapter 155](#), Laws 2013) (KC)

**SB 1443: marijuana; postsecondary education; medical research** (*Yee*) clarifies that the statute prohibiting the use or possession of marijuana on any public university, college, community college or postsecondary educational institution campus does not prohibit medical research projects involving marijuana that are conducted on one of these campuses, provided they are authorized by the appropriate federal agency and the university institutional review board. ([Chapter 199](#), Laws 2013) (KC)  
*Also listed under Transportation and Public Works*

## **Courts and Criminal Justice**

**HB 2182: DUI; ignition interlock devices** (*Fann*) removes the ability of a person to be placed in a continuous alcohol monitoring program in lieu of getting an ignition interlock device, and updates Arizona law to conform to federal regulations. A person is prohibited from operating an employer's vehicle without a certified ignition interlock device if the individual is otherwise required to use the device. ([Chapter 119](#), Laws 2013) (TM)  
*Also listed under General Government*



**[HB 2240: small claims division; jurisdiction; limits](#)** (*Stevens*) raises the jurisdictional limit for cases within the small claims division of the justice courts from \$2,500 to \$5,000. ([Chapter 208](#), Laws 2013) (TM)

**[HB 2307: postconviction relief; fees](#)** (*Farnsworth*) removes the cap on pay for counsel appointed to represent a capital defendant in state postconviction relief proceedings at 200 hours of work. The court or the court's designee is required to review and approve all reasonable fees and costs for counsel, instead of only those approved above the 200 hour threshold. ([Chapter 94](#), Laws 2013) (KC)

**[HB 2308: probate; omnibus](#)** (*Farnsworth*) permits the superior court to order Alternative Dispute Resolution (ADR) or arbitration, prior to the appointment of a fiduciary, in a guardianship or conservatorship case. Current law allows ADR or arbitration only after the appointment of a fiduciary. This measure removes the statutory requirement that the conservator's annual accounting be filed with the court on the anniversary of the date the person qualified as conservator. The intent is that time periods regarding the accounting, including the initial 90-day inventory period would be established by court rule. Permits the court to order fingerprints and background checks of proposed guardians and conservators and sets forth the necessary process. ([Chapter 26](#), Laws 2013) (KC)

*Also listed under General Government*

**[HB 2310: administrative office of courts; evaluation](#)** (*Farnsworth*) makes an addition to session law that requires the Administrative Office of the Courts to establish methods and standards to evaluate the effectiveness, efficiency and accountability of the mental health courts. Lacks an appropriation required for enactment. ([Chapter 140](#), Laws 2013) (KC)

**[HB 2311: restitution lien; vehicles; hearing](#)** (*Farnsworth*) allows anyone who purchased a vehicle that had a restitution lien on it, that was not disclosed during the sale of the vehicle to the buyer, to have the lien removed from the vehicle after a hearing, by the ADOT director. The restitution lien would then be transferred back to the criminal via a code on their record with ADOT, which would be attached to any vehicles the criminal attempts to title or register in the future in Arizona. In addition, this legislation would eliminate the ability to place restitution liens on vehicles for any reason other than victim restitution. Any fines, fees or court costs, may no longer be included in the lien placed on a motor vehicle. ([Chapter 19](#), Laws 2013) (KC)

*Also listed under Transportation and Public Works*

**[HB 2317: fingerprint clearance card; expired use](#)** (*Farnsworth*) is an emergency measure that authorizes the use of expired fingerprint clearance cards with the appropriate affidavit signed by the holder of the card. ([Chapter 7](#), Laws 2013) (KC)

*Also listed under General Government; Law Enforcement and Emergency Services*

**[HB 2327: dangerous drugs; definition](#)** (*Farnsworth*) an emergency measure that expands the state-wide definition of dangerous drugs to include specific chemical configurations that compose synthetic cannabinoids and bath salts. Previous iterations of the legislative proposal contained provisions requiring a county's board of supervisors to adopt the various definitions, although those provisions were eventually discarded and left out of the adopted legislation. Effective on the Governor's signature. ([Chapter 28](#), Laws 2013) (TM)

*Also listed under Law Enforcement and Emergency Services*

**[HB 2442: fitness for duty; probation officer](#)** (*Olson*) adds probation officers to the statute governing the physical examination of law enforcement officers and the ability of an employer to order such an evaluation and allows the employer of a probation officer to order a physical examination if there is an indication that the probation officer's ability to physically perform the job is limited. There is a delayed effective date of October 31, 2013. ([Chapter 201](#), Laws 2013) (DB)

*Also listed under Law Enforcement and Emergency Services*

**[HB 2455: unclaimed property; firearms; disposition](#)** (*Barton*) requires agencies to sell unclaimed or forfeited firearms in place of the courts and prohibits the destruction of a firearm or the acquisition for the purpose of the destruction of a firearm by the state, any agency or political subdivision, including counties, unless the firearm is prohibited from being sold under federal or state law. ([Chapter 145](#), Laws 2013) (KC)

*Also listed under General Government; Law Enforcement and Emergency Services*

**[HB 2459: justice of the peace courts](#)** (*Boyer*) makes multiple updates to the sections of statute related to justice and municipal courts. Contains a delayed effective date of December 31, 2013. ([Chapter 212](#), Laws 2013) (KC)

**[HB 2516: peace officers; firearms; court](#)** (*Pierce*) states a peace officer acting in an official capacity may carry a firearm into a courtroom. The officer must be carrying official peace officer identification. ([Chapter 177](#), Laws 2013) (DB)

*Also listed under Law Enforcement and Emergency Services*

**[SB 1107: theft; scrap metal](#)** (*Shooter*) expands the definition of theft to include controlling the ferrous or nonferrous metal of another person with the intent to deprive the other person of the metal, or knowing that the metal was stolen. Purchasing ferrous or nonferrous metal knowing that the metal was stolen is also included in the expanded definition of theft. ([Chapter 163](#), Laws 2013) (DB)

*Also listed under General Government; Law Enforcement and Emergency Services*

**[SB 1216: clerk of court; duties; records](#)** (*Burges*) is a clarifying measure, conforming language and terminology to that currently used by courts. ([Chapter 45](#), Laws 2013) (KC)

**[SB 1234: victim compensation fund; use](#)** (*Driggs*) removes the limitations requiring monies in a county attorney victim compensation fund to be only used to assist eligible crime victims with medical, counseling and funeral expenses or lost wages. ([Chapter 102](#), Laws 2013) (KC)

*Also listed under Law Enforcement and Emergency Services*

**[SB 1294: grand jury; length of term](#)** (*Crandell*) increases the maximum term of a grand jury from 120 to 180 days in a county with a population of less than 200,000 persons. ([Chapter 46](#), Laws 2013) (TM)

## Elections

**[HB 2156: elections; public resources prohibited](#)** (*Kavanagh*) prohibits the state and all its political subdivisions, including counties, from spending or using public resources to influence an election. The measure includes exceptions for certain events, such as neutral informational events. Any person or public entity that knowingly violates this prohibition or aids another person or public entity in violating this prohibition is liable for a civil penalty of up to \$5,000 for each violation. ([Chapter 88](#), Laws 2013) (KC)

**[HB 2157: public declaration; resign to run](#)** (*Kavanagh*) elected officials are not required to resign their current elected office after making a public declaration of candidacy for another elected office. The new law only requires a candidate to resign their current elected office after filing nominating papers for a different elected office. ([Chapter 159](#), Laws 2013) (DB)

**[HB 2305: initiatives; filings; circulators](#)** (*Farnsworth*) makes multiple changes to petition and filing collection statutes, including requiring a political committee that files petitions with the Secretary of State to organize and group the signature sheets, and affords a heightened evidentiary standard for any challenger to the petition circulators if the political committee conducts an arm's length background check on its circulators. ([Chapter 209](#), Laws 2013) (TM)

## Environment

**[HB 2551: off-highway vehicles; use; authority; enforcement](#)** (*Gowan*) states that driving an off-highway vehicle on roads, trails, routes or areas closed by federal rule or regulation is not a violation of state law and provides permissive authority for peace officers of this state or a county, city or town and other duly authorized state and federal authorities to enforce the provisions of the wildlife habitat protection statutes. ([Chapter 231](#), Laws 2013) (TM)

*Also listed under General Government*

**[SB 1143: golf course pesticide license; fee](#)** (*Pierce*) moves the responsibility for regulating golf course "not for hire" pesticide applications from the Office of Pest Management to the Arizona Department of Agriculture (ADA). The ADA director may set a fee for a license for pesticide use on golf courses. ([Chapter 64](#), Laws 2013) (DB)

**[SB 1266: illegal dumping; penalties](#)** (*McGuire*) increases the penalty for criminal littering or polluting by knowingly throwing or placing litter or destructive material on public property or another person's property to a class 1 (highest) misdemeanor, from a class 2 misdemeanor, if the amount of litter or material is more than 100 pounds but less than 300 pounds in weight, or is more than 35 cubic feet but less than 100 cubic feet in volume, and the littering or polluting is not done for a commercial purpose. The fine or civil penalty assessed by a municipality or county for illegal dumping or criminal littering is to be deposited in the municipality's or county's general fund, and requires at least 50 percent of the fine or civil penalty to be used for illegal dumping cleanup. ([Chapter 246](#), Laws 2013) (DB)

*Also listed under General Government*

**[SB 1290: office of pest management](#)** (*Griffin*) provides for the permanent transfer of administrative authority of the Office of Pest Management to the Arizona Department of Agriculture and makes various changes to pest management statutes, including prescribing exemptions from licensure and registration requirements. It also includes exemptions for political subdivisions and landscapers. ([Chapter 125](#), Laws 2013) (TM)

*Also listed under General Government; Health and Human Services*

**[SB 1465: solid waste facilities; general permit](#)** (*Griffin*) exempts solid waste facilities that have a general permit from the Arizona Department of Environmental Quality (ADEQ) from other rules for solid waste facilities for individually permitted solid waste facilities, the requirement to submit a solid waste plan to ADEQ, and the requirement to be in compliance with certain federal regulations. ([Chapter 116](#), Laws 2013) (DB)

*Also listed under General Government*

**[SB 1469: applying aquatic poisons](#)** (*Griffin*) prohibits the Game and Fish Department from applying rotenone or antimycin A to any body of water unless an impact analysis of risks is submitted to the Game and Fish Commission. Rotenone is a naturally occurring substance derived from bean and pea family plant roots that is used as a “piscicide” or fish removal tool. The EPA has suggested a safe level for rotenone in drinking water of 40 parts per billion or micrograms per liter (ppb) and 90 ppb for water contact. Antimycin A is the active ingredient in Fintrol which is a commercial piscicide in the absence of data demonstrating human exposure and risk below the EPA’s level of concern. Exposure to Antimycin A must be virtually eliminated to be eligible for reregistration. The Commission is required to approve the analysis if it determines the application will not endanger the health of the environment, humans or livestock. ([Chapter 117](#), Laws 2013) (KC)

*Also listed under Health and Human Services*

## **Finance and Taxation**

**[HB 2111: transaction privilege tax changes](#)** (*Lesko*) makes statutory changes with the legislative intent of simplifying administration of transaction privilege tax. The statutory changes include using the state (online) portal as a one-stop shop for sales tax collections and licensing, which will be administered by the Arizona Department of Revenue (ADOR), but funded by the cities. Auditors in every jurisdiction will be trained and certified by ADOR, and will use a single uniform audit manual. ADOR will conduct all multi-jurisdictional audits while allowing cities or third parties to conduct single-jurisdictional audits. Construction and major remodeling continue to be taxed under the prime contracting classification while tradesmen, performing services on existing structures and equipment, will no longer be taxed under prime contracting and will instead pay taxes on their materials under the retail classification at the point-of-sale. ([Chapter 255](#), Laws 2013) (DB)

**[HB 2242: road improvement and maintenance district](#)** (*Stevens*) allows for a per-parcel assessment structure for road improvement and maintenance districts, as long as such an assessment is specified during the formation or conversion process for a road improvement and maintenance district. ([Chapter 134](#), Laws 2013) (DB)

*Also listed under Special Districts*



**[HB 2325: personal property; exemptions](#)** (*Farnsworth*) replaces a list of property excluded from bankruptcy procedures with an aggregate exemption of any household furniture, furnishings, goods and appliances up to \$6,000. The value limits certain individual items, such as animals or musical instruments, cannot exceed in order to be exempt from bankruptcy were increased. Telephone numbers, client and customer information, marketing tools, and other intangibles are defined as equipment or tools and not subject to bankruptcy. ([Chapter 123](#), Laws 2013) (DB)

*Also listed under General Government*

**[HB 2344: property tax penalty waiver](#)** (*Lesko*) allows a county treasurer, after consulting with their board of supervisors, to waive the penalty for failure to respond to a request for information about residential property classification. This law contains a retroactivity date of July 1, 2012, and an automatic repeal date of July 1, 2014. ([Chapter 9](#), Laws 2013) (DB)

**[HB 2347: tax levy; bond costs](#)** (*Lesko*) specifies that the property tax levied for payment of interest on bonds or refunding bonds must be sufficient to pay the annual interest on bonds when due and prohibits a board of supervisors, governing body, or board of a county, city, town, school district, or other municipal corporation from levying a property tax in excess of the net amount necessary to make the annual payment for principal and interest of bonds and refunding bonds. ([Chapter 188](#), Laws 2013) (DB)

**[HB 2572: financial standards; fire districts](#)** (*Coleman*) reorganizes statute relating to a fire district's (district) powers, duties and annual budget, including requiring the board's chairman to report any district violation of statutory annual budget requirements or any violation that would indicate an adverse impact on the ongoing operations or liquidity of the district in writing and deliver the report by certified mail to the county treasurer and the county board of supervisors within 10 days after discovery. ([Chapter 232](#), Laws 2013) (TM)

*Also listed under Special Districts*

**[SB 1089: arbitration bonds; discharge; application](#)** (*Burges*) session law that specifies that the 2012 legislative changes relating to the transfer of arbitration bond deposits by the clerk of the court to the general fund, apply to all monies in possession of the county on or after the 2012 general effective date. Session law from 2012 had directed the clerk of the court to transfer the deposit to the county general fund, if the court does not provide an order for the disposition of the deposit in the following amounts: in an amount not to exceed the deposit but sufficient to reimburse the county for the compensation actually paid to the arbitrator, and any remaining balance to the appellant. Contains a retroactive effective date of August 2, 2012. ([Chapter 32](#), Laws 2013) (KC)

**[SB 1169: proposition 117; conformity](#)** (*Yarbrough*) makes statutory changes to comply with Proposition 117 related to valuation of property. The definition of "limited property value" is applied to various sections of statute related to: property tax exemptions, limited property value calculation, assessed valuation of class five properties, application of assessment percentages, and the determination of assessed valuation of remote municipal property. The law puts in place confirming provisions related to the truth in taxation procedures for: community college districts, equalization assistance to schools, and local property tax levies. Contains multiple delayed effective dates. ([Chapter 66](#), Laws 2013) (DB)

**[SB 1251: irrigation districts; audit requirements](#)** (*Shooter*) requires an annual audit of an irrigation or water conservation district with a budget of at least \$5 million; a district with an annual budget between \$1 million and \$5 million to be audited every five years and to undergo a financial review each year an audit is not performed; and a district with an annual budget between \$100,000 and \$1 million to be audited every 10 years and to undergo a financial review each year an audit is not performed. ([Chapter 113](#), Laws 2013) (TM)

*Also listed under Special Districts*

**[SB 1292: fire districts; treasurer; authorization](#)** (*Griffin*) specifies that for any fire district board that designates one or more board member to have access to the financial books and records of the district, those board members are lawfully authorized to have full access to those books and records. ([Chapter 24](#), Laws 2013) (DB)

*Also listed under Special Districts*

## **General Government**

**[HB 2031: federal patent easements; counties; abandonment](#)** (*Dial*) allows counties to abandon a federal patent easement established by the Small Tract Act of 1938 at the request of a property owner. Prior to abandonment, the county must gain the permission of all affected utilities and determine that the easement is not being used by the public or is no longer necessary. Counties are required to notify property owners adjacent to the easement 60 days prior to the board of supervisors' consideration. ([Chapter 49](#), Laws 2013) (DB)

**[HB 2067: CPS information; medical examiner; disclosure](#)** (*Carter*) requires the Arizona Department of Economic Security to disclose Child Protective Services' information to a county medical or alternate medical examiner directing a death investigation. ([Chapter 4](#), Laws 2013) (KC)

**[HB 2087: mining; claim maintenance fee affidavit](#)** (*Brophy McGee*) revises statute to conform to the federal maintenance fee requirement and provides a method of documenting that payment in county records. ([Chapter 106](#), Laws 2013) (TM)

**[HB 2138: municipalities; right-of-way; transfer](#)** (*Pratt*) permits a right-of-way or roadway to be transferred between a county and a municipality by mutual consent of the governing boards. Previously, mutual consent annexations required certain size restrictions be met. With the switch to mutual consent transfer, the size restrictions no longer apply, and the relevant provisions only apply to rights-of-way and roadways – not private property or other public lands. ([Chapter 127](#), Laws 2013) (DB)

*Also listed under CSA Legislative Agenda; Land Use and Planning*

**[HB 2164: DHS; food inspection; exception](#)** (*Kavanagh*) exempts all locations, rather than only a location whose display area is less than 10 linear feet, from DHS rules relating to food and drink if the location only sells commercially prepackaged food or drink that is not potentially hazardous. ([Chapter 6](#), Laws 2013) (TM)

*Also listed under Health and Human Services*



**HB 2165: public libraries; circulation records; privacy** (*Dial*) adds e-books to the statutory provision governing disclosure of library circulation records and allows for library records to be disclosed if necessary for the reasonable operation of the library, upon written consent of the user, upon receipt of a court order, or if required by law. ([Chapter 89](#), Laws 2013) (TM)

**HB 2182: DUI; ignition interlock devices** (*Fann*) removes the ability of a person to be placed in a continuous alcohol monitoring program in lieu of getting an ignition interlock device, and updates Arizona law to conform to federal regulations. A person is prohibited from operating an employer's vehicle without a certified ignition interlock device if the individual is otherwise required to use the device. ([Chapter 119](#), Laws 2013) (TM)

*Also listed under Courts and Criminal Justice*

**HB 2209: industrial development authorities** (*Brophy McGee*) clarifies that only corporations, the formations of which have been approved by the governing body of a county or municipality having a population of more than seven percent of the total state population, have the powers granted to an industrial development authority. ([Chapter 130](#), Laws 2013) (TM)

*Also listed under Transportation and Public Works*

**HB 2212: legal holidays; counties; courts** (*Brophy McGee*) clarifies that the board of supervisors of any county may designate the Friday after Thanksgiving as a legal county holiday in place of Columbus Day, updating language to reflect calendar variations. ([Chapter 131](#), Laws 2013) (KC)

*Also listed under Retirement and Personnel*

**HB 2241: telecommunications infrastructure; records; nondisclosure** (*Stevens*) prohibits disclosure of records relating to construction of telecommunications infrastructure by cities, towns and counties. ([Chapter 92](#), Laws 2013) (TM)

**HB 2262: scrap metal dealers; registration** (*Forese*) requires registration with the Arizona Department of Public Safety in order to conduct business as a scrap metal dealer and establishes additional requirements including permitting local municipalities and counties to enforce laws relating to scrap metal dealer's business licensing. This bill reflects some of the findings of the 2012 Interim Metal Theft Ad Hoc Study Committee recommendations as outlined in the Metal Theft Ad Hoc Committee Final Report. ([Chapter 137](#), Laws 2013) (KC)

**HB 2272: burial duties; designated person** (*Forese*) broadens the population able to conduct funeral operations with multiple revisions to regulations governing the final dispensation of the deceased body, including permitting a crematory or responsible cremationist to designate a licensed cremationist as an interim responsible cremationist, asserting that when the funeral director is aware of a criminal death charge against the person having authority over the disposition of the remains, the duty for decision-making falls to the next person statutorily in line. Includes a responsible cremationist trained in crematory operations to manage the daily operation of the crematory in the list of persons authorized to open a container holding human remains. ([Chapter 138](#), Laws 2013) (TM)

**[HB 2279: employer; exception; officiating services](#)** (*Forese*) clarifies the definition of employee to exclude “officiating individuals.” Those are individuals who officiate (or referee) recreational or intercollegiate sporting events, and that have the ability to accept or reject officiating assignments, have the right to officiate contests for multiple entities and are not otherwise employed by the school, association of schools or organization, the state or a political subdivision of this state sponsoring the sporting event or contest. ([Chapter 18](#), Laws 2013) (TM)

*Also listed under Retirement and Personnel*

**[HB 2308: probate; omnibus](#)** (*Farnsworth*) permits the superior court to order Alternative Dispute Resolution (ADR) or arbitration, prior to the appointment of a fiduciary, in a guardianship or conservatorship case. Current law allows ADR or arbitration only after the appointment of a fiduciary. This measure removes the statutory requirement that the conservator's annual accounting be filed with the court on the anniversary of the date the person qualified as conservator. The intent is that time periods regarding the accounting, including the initial 90-day inventory period would be established by court rule. Permits the court to order fingerprints and background checks of proposed guardians and conservators and sets forth the necessary process. ([Chapter 26](#), Laws 2013) (KC)

*Also listed under Courts and Criminal Justice*

**[HB 2317: fingerprint clearance card; expired use](#)** (*Farnsworth*) is an emergency measure that authorizes the use of expired fingerprint clearance cards with the appropriate affidavit signed by the holder of the card. ([Chapter 7](#), Laws 2013) (KC)

*Also listed under Courts and Criminal Justice; Law Enforcement and Emergency Services*

**[HB 2324: commercial lease exemption](#)** (*Farnsworth*) excludes leases between affiliated entities from Transaction Privilege Tax classifications. “Affiliated entity” means any affiliated companies, businesses, persons, or reciprocal insurers. “Affiliated” is defined as the lessor or lessee holding a controlling interest in the other, or a third party holding a controlling interest in both the lessor and lessee. Controlling interest means ownership of at least 80 percent in a company. ([Chapter 27](#), Laws 2013) (DB)

**[HB 2325: personal property; exemptions](#)** (*Farnsworth*) replaces a list of property excluded from bankruptcy procedures with an aggregate exemption of any household furniture, furnishings, goods and appliances up to \$6,000. The value limits certain individual items, such as animals or musical instruments, cannot exceed in order to be exempt from bankruptcy were increased. Telephone numbers, client and customer information, marketing tools, and other intangibles are defined as equipment or tools and not subject to bankruptcy. ([Chapter 123](#), Laws 2013) (DB)

*Also listed under Finance and Taxation*

**[HB 2326: firearms; records; prohibited acts](#)** (*Farnsworth*) expands the prohibition on political subdivisions maintaining records related to firearms to include persons who own or possess a firearm. Political subdivisions are prohibited from requiring or maintaining records containing identifying information of persons making a transaction with a federally licensed firearms dealer. ([Chapter 141](#), Laws 2013) (DB)

**[HB 2389: peace officers; omnibus](#)** (*Pierce*) makes various statutory changes related to officers and firefighters, and limits certain information regarding a spouse and minor child of a deceased officer and a former public official from public record. The measure is retroactive to April 5, 2013. ([Chapter 211](#), Laws 2013) (TM)

*Also listed under Law Enforcement and Emergency Services*

**[HB 2393: state agencies; licensure; timeframes](#)** (*Pierce*) permits a person who is required or could be required to obtain a license to petition the Governor's Regulatory Review Council to require an agency to consider including a recommendation for reducing a licensing time frame in their five-year report. In recent sessions, timeframes for licensing and permitting entities at all levels of government have been pushed as a business-friendly "solution" to governments that fail to act on applications. ([Chapter 58](#), Laws 2013) (TM)

*Also listed under Land Use and Planning*

**[HB 2443: cities; counties; regulatory review](#)** (*Olson*) modifies provisions of the municipal, county and flood control district Regulatory Bill of Rights, as enacted by 2011's [SB 1598 cities; counties; regulatory review](#) (*Klein*) including doubling the amount of time an extension of the substantive review and overall time frames may be granted from not more than 25 percent to not more than 50 percent of the overall time frame and specifying that licensing time frames do not apply to licenses necessary for development of a residential lot or subdivision or master planned community. ([Chapter 74](#), Laws 2013) (TM)

*Also listed under Land Use and Planning*

**[HB 2455: unclaimed property; firearms; disposition](#)** (*Barton*) requires agencies to sell unclaimed or forfeited firearms in place of the courts and prohibits the destruction of a firearm or the acquisition for the purpose of the destruction of a firearm by the state, any agency or political subdivision, including counties, unless the firearm is prohibited from being sold under federal or state law. ([Chapter 145](#), Laws 2013) (KC)

*Also listed under Courts and Criminal Justice; Law Enforcement and Emergency Services*

**[HB 2492: municipalities; wastewater utility; acquisition; repeal](#)** (*Kwasman*) repeals the ability of a city or town to acquire a wastewater utility owned or operated by the county. Session law passed in 2012 (Laws 2012, Ch. 303, Sec 12) requiring ADEQ to transfer permits to municipalities for the ownership and operations of wastewater utilities is repealed. ([Chapter 22](#), Laws 2013) (DB)

**[HB 2551: off-highway vehicles; use; authority; enforcement](#)** (*Gowan*) states that driving an off-highway vehicle on roads, trails, routes or areas closed by federal rule or regulation is not a violation of state law and provides permissive authority for peace officers of this state or a county, city or town and other duly authorized state and federal authorities to enforce the provisions of the wildlife habitat protection statutes. ([Chapter 231](#), Laws 2013) (TM)

*Also listed under Environment*

**[SB 1107: theft; scrap metal](#)** (*Shooter*) expands the definition of theft to include controlling the ferrous or nonferrous metal of another person with the intent to deprive the other person of the metal, or knowing that the metal was stolen. Purchasing ferrous or nonferrous metal knowing that the metal was stolen is also included in the expanded definition of theft. ([Chapter 163](#), Laws 2013) (DB)

*Also listed under Courts and Criminal Justice; Law Enforcement and Emergency Services*

**SB 1231: public buildings; construction indemnity** (*Reagan*) prohibits a contracting agent (county) from requiring that a construction or design professional services contract entered in connection with a public building or improvement, require that the contractor defend and indemnify the contracting agent or its employees from liability and any contract provision, except from liabilities, damages, losses, and costs caused by negligence, recklessness, or intentional wrongful conduct. ([Chapter 238](#), Laws 2013) (DB)  
*Also listed under Transportation and Public Works*

**SB 1266: illegal dumping; penalties** (*McGuire*) increases the penalty for criminal littering or polluting by knowingly throwing or placing litter or destructive material on public property or another person's property to a class 1 (highest) misdemeanor, from a class 2 misdemeanor, if the amount of litter or material is more than 100 pounds but less than 300 pounds in weight, or is more than 35 cubic feet but less than 100 cubic feet in volume, and the littering or polluting is not done for a commercial purpose. The fine or civil penalty assessed by a municipality or county for illegal dumping or criminal littering is to be deposited in the municipality's or county's general fund, and requires at least 50 percent of the fine or civil penalty to be used for illegal dumping cleanup. ([Chapter 246](#), Laws 2013) (DB)  
*Also listed under Environment*

**SB 1278: homeowners' association; public roadways** (*Barto*) states that after the period of declarant control, a Homeowners' Association recorded after December 31, 2014, has no authority over and shall not otherwise regulate any roadway owned or held by a governmental entity. ([Chapter 103](#), Laws 2013) (TM)  
*Also listed under Transportation and Public Works*

**SB 1290: office of pest management** (*Griffin*) provides for the permanent transfer of administrative authority of the Office of Pest Management to the Arizona Department of Agriculture and makes various changes to pest management statutes, including prescribing exemptions from licensure and registration requirements. It also includes exemptions for political subdivisions and landscapers. ([Chapter 125](#), Laws 2013) (TM)  
*Also listed under Environment; Health and Human Services*

**SB 1301: wineries; microbreweries; licenses** (*Shooter*) authorizes the Department of Liquor Licenses and Control to issue a license for a domestic microbrewery and a license for a domestic farm winery, located on the same parcel, if the licenses are held by separate persons and located in separate buildings. ([Chapter 47](#), Laws 2013) (DB)  
*Also listed under Land Use and Planning*

**SB 1317: tribal airports; state aviation fund** (*Jackson*) makes Indian Reservations eligible for money from the State Aviation Fund for planning, designing, developing, acquiring of interests in land, construction, and improvement of publicly owned and operated airport facilities. ([Chapter 239](#), Laws 2013) (TM)  
*Also listed under Transportation and Public Works*

**[SB 1324: critical infrastructure; information disclosure](#)** (*Crandell*) exempts from public disclosure any critical infrastructure and key resource information that is both protected by the Critical Infrastructure Information Act of 2002, and provided to, or in the possession, of any state agency or political subdivision of this state, instead of provided to Department of Public Safety or any local government. ([Chapter 69](#), Laws 2013) (TM)

*Also listed under Transportation and Public Works*

**[SB 1465: solid waste facilities; general permit](#)** (*Griffin*) exempts solid waste facilities that have a general permit from the Arizona Department of Environmental Quality (ADEQ) from other rules for solid waste facilities for individually permitted solid waste facilities, the requirement to submit a solid waste plan to ADEQ, and the requirement to be in compliance with certain federal regulations. ([Chapter 116](#), Laws 2013) (DB)

*Also listed under Environment*

**[SB 1466: cities; towns; dilapidated buildings](#)** (*Griffin*) changes the definition of "dilapidated building" to mean any real property structure that is likely to burn or collapse and its condition endangers the life, health, safety or property of the public for cities and towns, thus conforming to the county definition of "dilapidated building." ([Chapter 82](#), Laws 2013) (TM)

## **Health and Human Services**

**[HB 2164: DHS; food inspection; exception](#)** (*Kavanagh*) exempts all locations, rather than only a location whose display area is less than 10 linear feet, from DHS rules relating to food and drink if the location only sells commercially prepackaged food or drink that is not potentially hazardous. ([Chapter 6](#), Laws 2013) (TM)

*Also listed under General Government*

**[HB 2355: license fees; working dogs; waiver](#)** (*Livingston*) exempts disabled individuals from having to pay county, city or town licensing fees for service animals and individuals from paying county, city or town licensing fees for search or rescue dogs. Additionally, it requires an applicant for a license for a service animal to sign an affidavit. ([Chapter 56](#), Laws 2013) (KC)

**[HB 2401: service animal; definition](#)** (*Carter*) stipulates that a disabled person has the right to enter public places with a service animal, which is now defined to include any dog or miniature horse that is individually trained to do work or perform tasks for a disabled person and to exclude other species of animals. ([Chapter 59](#), Laws 2013) (KC)

**[HB 2430: immunizations; reimbursement](#)** (*Brophy McGee*) stipulates that, in order for a local health department to receive reimbursement for the costs of the immunization from the pupil's or parent's private health insurance coverage, the local health department is permitted to enter into a contract governing the terms of reimbursement and claims with the corresponding private insurer. ([Chapter 173](#), Laws 2013) (TM)

*Also listed under CSA Legislative Agenda*

**[SB 1290: office of pest management](#)** (*Griffin*) provides for the permanent transfer of administrative authority of the Office of Pest Management to the Arizona Department of Agriculture and makes various changes to pest management statutes, including prescribing exemptions from licensure and registration requirements. It also includes exemptions for political subdivisions and landscapers. ([Chapter 125](#), Laws 2013) (TM)

*Also listed under Environment; General Government*

**[SB 1353: health insurance; telemedicine](#)** (*Griffin*) requires health care insurers (after January 1, 2015) to cover outlined health care services provided through telemedicine in rural regions, if those services would be covered if provided in-person. ([Chapter 70](#), Laws 2013) (KC)

**[SB 1469: applying aquatic poisons](#)** (*Griffin*) prohibits the Game and Fish Department from applying rotenone or antimycin A to any body of water unless an impact analysis of risks is submitted to the Game and Fish Commission. Rotenone is a naturally occurring substance derived from bean and pea family plant roots that is used as a “piscicide” or fish removal tool. The EPA has suggested a safe level for rotenone in drinking water of 40 parts per billion or micrograms per liter (ppb) and 90 ppb for water contact. Antimycin A is the active ingredient in Fintrol which is a commercial piscicide in the absence of data demonstrating human exposure and risk below the EPA’s level of concern. Exposure to Antimycin A must be virtually eliminated to be eligible for reregistration. The Commission is required to approve the analysis if it determines the application will not endanger the health of the environment, humans or livestock. ([Chapter 117](#), Laws 2013) (KC)

*Also listed under Environment*

## **Land Use and Planning**

**[HB 2138: municipalities; right-of-way; transfer](#)** (*Pratt*) permits a right-of-way or roadway to be transferred between a county and a municipality by mutual consent of the governing boards. Previously, mutual consent annexations required certain size restrictions be met. With the switch to mutual consent transfer, the size restrictions no longer apply, and the relevant provisions only apply to rights-of-way and roadways – not private property or other public lands. ([Chapter 127](#), Laws 2013) (DB)

*Also listed under CSA Legislative Agenda; General Government*

**[HB 2393: state agencies; licensure; timeframes](#)** (*Pierce*) permits a person who is required or could be required to obtain a license to petition the Governor’s Regulatory Review Council to require an agency to consider including a recommendation for reducing a licensing time frame in their five-year report. In recent sessions, timeframes for licensing and permitting entities at all levels of government have been pushed as a business-friendly “solution” to governments that fail to act on applications. ([Chapter 58](#), Laws 2013) (TM)

*Also listed under General Government*

**[HB 2443: cities; counties; regulatory review](#)** (*Olson*) modifies provisions of the municipal, county and flood control district Regulatory Bill of Rights, as enacted by 2011's **[SB 1598 cities; counties; regulatory review](#)** (*Klein*) including doubling the amount of time an extension of the substantive review and overall time frames may be granted from not more than 25 percent to not more than 50 percent of the overall time frame and specifying that licensing time frames do not apply to licenses necessary for development of a residential lot or subdivision or master planned community. ([Chapter 74](#), Laws 2013) (TM)

*Also listed under General Government*

**[SB 1098: marijuana; cultivation; county zoning](#)** (*Pierce*) subjects marijuana cultivation operations to county zoning ordinances by excluding cannabis from the definition of "general agricultural purposes," conforming the zoning authority to that authority over dispensaries. ([Chapter 101](#), Laws 2013) (KC)

*Also listed under CSA Legislative Agenda*

**[SB 1103: charter schools; zoning procedures](#)** (*Yee*) specifies charter schools must be classified the same as public schools that are operated by a school district for zoning purposes and fee assessments and that a charter school is subject to the same level of oversight and the same rules as a school that is operated by a school district. Counties are prohibited from enforcing any ordinance, procedure or process against a charter school that cannot legally be enforced against a school district. ([Chapter 178](#), Laws 2013) (TM)

**[SB 1301: wineries; microbreweries; licenses](#)** (*Shooter*) authorizes the Department of Liquor Licenses and Control to issue a license for a domestic microbrewery and a license for a domestic farm winery, located on the same parcel, if the licenses are held by separate persons and located in separate buildings. ([Chapter 47](#), Laws 2013) (DB)

*Also listed under General Government*

**[SB 1454: campaign finance; in-kind contributions; disclosures](#)** (*Yee*) offers a multitude of amendments for statute governing elections and homeowners associations, including a provisions that specify that a county shall not require that a homeowners association be formed or operated by a developer, other than for the maintenance of common areas or community owned property in the developers plat or specific plan. ([Chapter 254](#), Laws 2013) (TM)

## **Law Enforcement and Emergency Services**

**[HB 2204: law enforcement; surviving spouse; insurance](#)** (*Robson*) is an emergency measure that rewrites eligibility requirements for receipt of health insurance payments by surviving spouses and dependents of law enforcement officers killed in the line of duty, and expands the definition of law enforcement officer to include firefighters, correction officers and firefighters who work for the state through a contract with a private company. Effective on the Governor's signature. ([Chapter 54](#), Laws 2013) (KC)

*Also listed under Retirement and Personnel*

**[HB 2303: overtime compensation; law enforcement](#)** (*Farnsworth*) expands the definition of person engaged in law enforcement activities to include any Department of Public Safety personnel who directly assist officers in law enforcement activities. ([Chapter 200](#), Laws 2013) (KC)

*Also listed under Retirement and Personnel*

**[HB 2317: fingerprint clearance card; expired use](#)** (*Farnsworth*) is an emergency measure that authorizes the use of expired fingerprint clearance cards with the appropriate affidavit signed by the holder of the card. ([Chapter 7](#), Laws 2013) (KC)

*Also listed under Courts and Criminal Justice; General Government*

**[HB 2327: dangerous drugs; definition](#)** (*Farnsworth*) an emergency measure that expands the state-wide definition of dangerous drugs to include specific chemical configurations that compose synthetic cannabinoids and bath salts. Previous iterations of the legislative proposal contained provisions requiring a county's board of supervisors to adopt the various definitions, although those provisions were eventually discarded and left out of the adopted legislation. Effective on the Governor's signature. ([Chapter 28](#), Laws 2013) (TM)

*Also listed under Courts and Criminal Justice*

**[HB 2389: peace officers; omnibus](#)** (*Pierce*) makes various statutory changes related to officers and firefighters, and limits certain information regarding a spouse and minor child of a deceased officer and a former public official from public record. The measure is retroactive to April 5, 2013. ([Chapter 211](#), Laws 2013) (TM)

*Also listed under General Government*

**[HB 2442: fitness for duty; probation officer](#)** (*Olson*) adds probation officers to the statute governing the physical examination of law enforcement officers and the ability of an employer to order such an evaluation and allows the employer of a probation officer to order a physical examination if there is an indication that the probation officer's ability to physically perform the job is limited. There is a delayed effective date of October 31, 2013. ([Chapter 201](#), Laws 2013) (DB)

*Also listed under Courts and Criminal Justice*

**[HB 2455: unclaimed property; firearms; disposition](#)** (*Barton*) requires agencies to sell unclaimed or forfeited firearms in place of the courts and prohibits the destruction of a firearm or the acquisition for the purpose of the destruction of a firearm by the state, any agency or political subdivision, including counties, unless the firearm is prohibited from being sold under federal or state law. ([Chapter 145](#), Laws 2013) (KC)

*Also listed under Courts and Criminal Justice; General Government*

**[HB 2516: peace officers; firearms; court](#)** (*Pierce*) states a peace officer acting in an official capacity may carry a firearm into a courtroom. The officer must be carrying official peace officer identification. ([Chapter 177](#), Laws 2013) (DB)

*Also listed under Courts and Criminal Justice*

**[SB 1107: theft; scrap metal](#)** (*Shooter*) expands the definition of theft to include controlling the ferrous or nonferrous metal of another person with the intent to deprive the other person of the metal, or knowing that the metal was stolen. Purchasing ferrous or nonferrous metal knowing that the metal was stolen is also included in the expanded definition of theft. ([Chapter 163](#), Laws 2013) (DB)

*Also listed under Courts and Criminal Justice; General Government*

**[SB 1234: victim compensation fund; use](#)** (*Driggs*) removes the limitations requiring monies in a county attorney victim compensation fund to be only used to assist eligible crime victims with medical, counseling and funeral expenses or lost wages. ([Chapter 102](#), Laws 2013) (KC)

*Also listed under Courts and Criminal Justice*

## **Retirement and Personnel**

**[HB 2056: PSPRS; amendments](#)** (*Lovas*) makes administrative changes to the statutes governing the Public Safety Personnel Retirement System, including removing a provision allowing for a conditioned payment to a retired member or survivor for individual health care coverage through a former employer. ([Chapter 203](#), Laws 2013) (TM)

**[HB 2147: eligibility; unemployment benefits](#)** (*Petersen*) requires the Department of Economic Security (DES) to require an individual filing for unemployment insurance benefits provide sufficient documentation and information for DES to determine the person's eligibility for benefits and provides that if the claimant does not produce such information and documents, then DES may find the claim invalid until the documents or information are produced. Also the employer is required, upon request, to provide relevant documentation to DES in order for a determination to be made regarding a claimant's eligibility for benefits. ([Chapter 17](#), Laws 2013) (TM)

**[HB 2204: law enforcement; surviving spouse; insurance](#)** (*Robson*) is an emergency measure that rewrites eligibility requirements for receipt of health insurance payments by surviving spouses and dependents of law enforcement officers killed in the line of duty, and expands the definition of law enforcement officer to include firefighters, correction officers and firefighters who work for the state through a contract with a private company. Effective on the Governor's signature. ([Chapter 54](#), Laws 2013) (KC)

*Also listed under Law Enforcement and Emergency Services*

**[HB 2212: legal holidays; counties; courts](#)** (*Brophy McGee*) clarifies that the board of supervisors of any county may designate the Friday after Thanksgiving as a legal county holiday in place of Columbus Day, updating language to reflect calendar variations. ([Chapter 131](#), Laws 2013) (KC)

*Also listed under General Government*

**[HB 2279: employer; exception; officiating services](#)** (*Forese*) clarifies the definition of employee to exclude “officiating individuals.” Those are individuals who officiate (or referee) recreational or intercollegiate sporting events, and that have the ability to accept or reject officiating assignments, have the right to officiate contests for multiple entities and are not otherwise employed by the school, association of schools or organization, the state or a political subdivision of this state sponsoring the sporting event or contest. ([Chapter 18](#), Laws 2013) (TM)

*Also listed under General Government*

**[HB 2280: employee benefits; state preemption](#)** (*Forese*) declares the regulation of employee benefits, including compensation, paid and unpaid leave, meal breaks, rest periods and other absences, are of statewide concern and are not subject to any further regulation by a political subdivision of the state. The provisions do not apply to any employee benefits provided by a city, town, county or other political subdivision of the state to any of its own employees. ([Chapter 139](#), Laws 2013) (DB)

**[HB 2294: public pensions; court commissioners](#)** (*Robson*) requires, within the Elected Officials Retirement Plan (EORP), a change in the definition of “elected official” to include every full-time superior court administrator. Deletes provisions making full-time superior court commissioners appointed members of the Arizona State Retirement System instead of EORP. ([Chapter 122](#), Laws 2013) (KC)

**[HB 2303: overtime compensation; law enforcement](#)** (*Farnsworth*) expands the definition of person engaged in law enforcement activities to include any Department of Public Safety personnel who directly assist officers in law enforcement activities. ([Chapter 200](#), Laws 2013) (KC)

*Also listed under Law Enforcement and Emergency Services*

**[HB 2608: EORP; closure; defined contribution](#)** (*Lovas*) closes the current Elected Officials Retirement Plan (EORP) and establishes the Elected Officials’ Defined Contribution Retirement System and Disability Program, for all newly elected officials. ([Chapter 217](#), Laws 2013) (TM)

**[SB 1148: workers’ compensation; reciprocity](#)** (*McComish*) establishes that a worker employed in Arizona, including those who are employed by counties, who leaves the state temporarily for work incidental to that employment, and receives a job-related injury, is entitled to Arizona workers’ compensation benefits. The bill exempts out-of-state workers and employers from Arizona workers’ compensation statutes if certain requirements are met. ([Chapter 34](#), Laws 2013) (KC)

## **Special Districts**

**[HB 2118: flood protection districts; property exclusion](#)** (*Pratt*) repeals the statute that allowed a flood protection district located in a county that contains four or more flood protection districts (Pinal County) to exclude lands from its jurisdiction under specific circumstances. ([Chapter 38](#), Laws 2013) (TM)

**[HB 2178: flood control districts; administrative actions](#)** (*Fann*) allows persons who violate flood control district statutes or rules to receive a non-monetary penalty and changes the final decision review process, in an effort to increase transparency. ([Chapter 170](#), Laws 2013) (TM)

**HB 2242: road improvement and maintenance district** (*Stevens*) allows for a per-parcel assessment structure for road improvement and maintenance districts, as long as such an assessment is specified during the formation or conversion process for a road improvement and maintenance district. ([Chapter 134](#), Laws 2013) (DB)

*Also listed under Finance and Taxation*

**HB 2572: financial standards; fire districts** (*Coleman*) reorganizes statute relating to a fire district's (district) powers, duties and annual budget, including requiring the board's chairman to report any district violation of statutory annual budget requirements or any violation that would indicate an adverse impact on the ongoing operations or liquidity of the district in writing and deliver the report by certified mail to the county treasurer and the county board of supervisors within 10 days after discovery. ([Chapter 232](#), Laws 2013) (TM)

*Also listed under Finance and Taxation*

**SB 1251: irrigation districts; audit requirements** (*Shooter*) requires an annual audit of an irrigation or water conservation district with a budget of at least \$5 million; a district with an annual budget between \$1 million and \$5 million to be audited every five years and to undergo a financial review each year an audit is not performed; and a district with an annual budget between \$100,000 and \$1 million to be audited every 10 years and to undergo a financial review each year an audit is not performed. ([Chapter 113](#), Laws 2013) (TM)

*Also listed under Finance and Taxation*

**SB 1282: county wide fire districts; study committee** (*Crandell*) an emergency measure that establishes a study committee on countywide fire districts consisting of:

- One member of the Senate appointed by the President of the Senate who shall serve as co-chairperson;
- One member of the House of Representatives appointed by the Speaker of the House of Representatives who shall serve as co-chairperson;
- One representative of the tax research organization in this state appointed by the Speaker of the House of Representatives;
- One representative of a statewide association of fire districts appointed by the President of the Senate;
- One member of the county board of supervisors or the board's designee, from a county with a population between 100,000 and 120,000 persons, appointed by the President of the Senate; and
- Two members of the public who pay taxes to the fire district, one appointed by the Speaker of the House of Representatives and one appointed by the President of the Senate.

Effective on the Governor's signature.

([Chapter 104](#), Laws 2013) (TM)

**SB 1292: fire districts; treasurer; authorization** (*Griffin*) specifies that for any fire district board that designates one or more board member to have access to the financial books and records of the district, those board members are lawfully authorized to have full access to those books and records. ([Chapter 24](#), Laws 2013) (DB)

*Also listed under Finance and Taxation*

## **Transportation and Public Works**

**HB 2188: procurement; construction-manager-at-risk** (*Fann*) allows a city (or a separate legal entity formed by that city) with a population in excess of one million persons to do a two-step competition for construction-manager-at-risk (CMAR) construction services for horizontal construction when the United States Federal Aviation Administration or the United States Federal Transit Administration is a source of the monies for the project and price competition is required, and the city or entity is in accordance with various provisions, including those provisions of law applicable to CMAR construction services that apply to CMAR services for procured horizontal construction services, except as further outlined in the legislation. This allows the city of Phoenix to resolve conflicts between state CMAR and federal contracting requirements, for airport and highway construction projects. ([Chapter 107](#), Laws 2013) (TM)

**HB 2209: industrial development authorities** (*Brophy McGee*) clarifies that only corporations, the formations of which have been approved by the governing body of a county or municipality having a population of more than seven percent of the total state population, have the powers granted to an industrial development authority. ([Chapter 130](#), Laws 2013) (TM)

*Also listed under General Government*

**HB 2311: restitution lien; vehicles; hearing** (*Farnsworth*) allows anyone who purchased a vehicle that had a restitution lien on it, that was not disclosed during the sale of the vehicle to the buyer, to have the lien removed from the vehicle after a hearing, by the ADOT director. The restitution lien would then be transferred back to the criminal via a code on their record with ADOT, which would be attached to any vehicles the criminal attempts to title or register in the future in Arizona. In addition, this legislation would eliminate the ability to place restitution liens on vehicles for any reason other than victim restitution. Any fines, fees or court costs, may no longer be included in the lien placed on a motor vehicle. ([Chapter 19](#), Laws 2013) (KC)

*Also listed under Courts and Criminal Justice*

**SB 1080: underground storage tank program changes** (*Shooter*) delays the repeal of the Underground Storage Tank (UST) Tax and the Underground Storage Tank Assurance Account until December 31, 2015 and specifies that a maximum of \$60 million shall be transferred from the UST Assurance Account into the Regulated Substance Fund and any monies deposited in the UST Assurance Account in excess of \$60 million shall be deposited into the State Highway Fund. ([Chapter 244](#), Laws 2013) (TM)

**SB 1231: public buildings; construction indemnity** (*Reagan*) prohibits a contracting agent (county) from requiring that a construction or design professional services contract entered in connection with a public building or improvement, require that the contractor defend and indemnify the contracting agent or its employees from liability and any contract provision, except from liabilities, damages, losses, and costs caused by negligence, recklessness, or intentional wrongful conduct. ([Chapter 238](#), Laws 2013) (DB)

*Also listed under General Government*

**SB 1278: homeowners' association; public roadways** (*Barto*) states that after the period of declarant control, a Homeowners' Association recorded after December 31, 2014, has no authority over and shall not otherwise regulate any roadway owned or held by a governmental entity. ([Chapter 103](#), Laws 2013) (TM)

*Also listed under General Government*



**[SB 1317: tribal airports; state aviation fund](#)** (*Jackson*) makes Indian Reservations eligible for money from the State Aviation Fund for planning, designing, developing, acquiring of interests in land, construction, and improvement of publicly owned and operated airport facilities. ([Chapter 239](#), Laws 2013) (TM)

*Also listed under General Government*

**[SB 1324: critical infrastructure; information disclosure](#)** (*Crandell*) exempts from public disclosure any critical infrastructure and key resource information that is both protected by the Critical Infrastructure Information Act of 2002, and provided to, or in the possession, of any state agency or political subdivision of this state, instead of provided to Department of Public Safety or any local government. ([Chapter 69](#), Laws 2013) (TM)

*Also listed under General Government*

## State Budget Adjustments

**HB 2001: 2013-2014; general appropriations** (*Pratt*) makes appropriations from the state general fund and other funds for the operation of state government in FY 2013-2014. County-related provisions are summarized below.

- **County Attorney Immigration Enforcement:** Maintains \$1,213,200 for county attorney immigration enforcement, specifying amounts for the Maricopa County Attorney (\$200,000) and the Maricopa County Sheriff (\$500,000). *Sec. 6 (pg. 2)*
- **Capital Post-conviction Prosecution:** One-time appropriation to the Attorney General (AG) of \$500,000. Requires the AG to submit a report, on his plan to transition capital post-conviction prosecution responsibilities to Maricopa County during the next four years, to the Joint Legislative Budget Committee (JLBC) for review. *Sec. 12 (pg. 8)*
- **Out of County Tuition:** Appropriates \$848,800 for rural county reimbursement; Apache County will receive \$466,000 and Greenlee County will receive \$382,800. *Sec. 18 (pg. 11)*
- **County Attorneys Fund:** Provides \$973,600 of Arizona Criminal Justice Commission (ACJC) grant monies to counties. *Sec. 23 (pg. 14)*
- **Environmental County Grants:** Provides \$175,000 to the State Forester for county environmental projects in eastern Arizona. *Sec. 37 (pg.27)*
- **County Tuberculosis Provider Care and Control:** Appropriates \$590,700 for county tuberculosis programs. *Sec. 44 (pg. 29)*
- **County Judicial Reimbursements:** Provides \$187,900 to the Supreme Court to reimburse counties for state grand juries and capital post-conviction relief (PCR). State grand jury reimbursement is limited to \$97,900 and PCR is limited to \$90,000. *Sec. 52 (pg. 33)*
- **Administrative Office of the Courts (AOC) Probation Study:** Requires AOC to submit a report by 11/1/2013 on county probation positions and their funding sources. *Sec. 51 (pg. 35)*
- **HURF to DPS:** Continues to transfer \$119,961,000 from HURF to DPS and not-withstand the statutory cap. *Sec. 79 (pg. 43)*
- **County Fairs, Livestock, and Agricultural Promotion:** Appropriates \$1,779,500 to the County Fairs, Livestock, and Agricultural Promotion Fund, which is administered by the Office of the Governor. *Sec. 80 (pg. 44)*
- **Law Enforcement Boating Safety Fund (LEBSF):** Appropriates \$2,183,800 to be allocated to county law enforcement agencies in counties that had a law enforcement and boating safety program in existence prior to July 1, 1990. *Sec. 94 (pg. 49)*
- **Direct Appropriations to Counties (Lottery Revenue):** Appropriates \$7,150,500 from the state general fund to the Department of Administration to be equally distributed to counties under 900,000 persons (Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Mohave, Navajo, Pinal, Santa Cruz, Yavapai, and Yuma). Each qualifying county receives \$550,000. *Sec. 114 (pg. 59)*
- **Study of County Resource Management Plans:** Provides \$100,000 to offer a grant for a study of resource management plans of counties selected by the Arizona Natural Resources Review Council. The study will determine if the resource management plans include specific desired outcomes of the county-related to wildlife management, travel management, and forest management. *Sec. 118 (pg. 61)*

([Chapter 1](#), Laws 2013, First Special Session) (DB)



**[HB 2002: 2013-2014; government; budget reconciliation](#)** (*Pratt*) makes changes related to general government necessary to implement the budget. County-related provisions are summarized below.

- **Arizona Commerce Authority Loan:** Authorizes the Arizona Commerce Authority (ACA) to make a loan of up to \$2,000,000 from the Arizona Competes fund for the purpose of attracting or retaining a business in a county with a population between 100,000 and 120,000 persons. *Sec. 12 (pg. 11)*

([Chapter 2](#), Laws 2013, First Special Session) (DB)

**[HB 2003: 2013-2014; K-12 education; budget reconciliation](#)** (*Pratt*) makes statutory and session law changes related to elementary through high school (K-12) education and the implementation of the budget. County-related provisions are summarized below.

- **Repeal of Reimbursement for County Assessor Costs:** as permanent law, repeals the provision requiring the reimbursement of the county assessor for costs related to the now repealed Homeowners Rebate affidavit process. *Sec. 45 (pg. 142)*

([Chapter 3](#), Laws 2013, First Special Session) (DB)

**[HB 2004: 2013-2014; environment; budget reconciliation](#)** (*Pratt*) makes temporary and permanent changes related to the environment in order to implement the budget. No county-related provisions are included. ([Chapter 4](#), Laws 2013, First Special Session) (DB)

**[HB 2005: 2013-2014; criminal justice; budget reconciliation](#)** (*Pratt*) makes policy changes pertaining to criminal justice programs that affect the budget. County-related provisions are summarized below.

- **Sheriff's Safety Equipment (GIITEM):** Expands the uses of GIITEM monies to include safety equipment that is worn or used by a peace officer (such as a bullet proof vest) who is employed by a county sheriff. Further specifies that the first \$1.6 million in monies is distributed from the GIITEM Fund to the Maricopa County Sheriff's Office. *Sec. 8 (pg. 12)*
- **Suspension of County Non-Supplanting Funding Requirements:** Continues the suspension of county non-supplanting requirements associated with funding for probation services, criminal case processing, and alternative dispute resolution programs. *Sec. 14 (pg. 15)*
- **County Grand Jury Expenses & Indigent Defense:** As session law, continues to suspend the requirement of the 50 percent reimbursement to counties for grand jury expenses and for state-funded representation of indigent defendants in first-time capital post-conviction relief proceedings. Counties are reimbursed using the amount provided in the general appropriations act (\$187,900). *Sec. 15 (pg. 15)*
- **Diversion of State Aid to Indigent Defense Fund to the Attorney General's Office:** Allows the Attorney General (AG) to use State Aid to Indigent Defense monies for capital post-conviction prosecution. *Sec. 17 (pg. 16)*

([Chapter 5](#), Laws 2013, First Special Session) (DB)

**[HB 2006: 2013-2014; budget procedures](#)** (*Pratt*) makes statutory and session law changes related to the budget procedures in order to implement the budget. No county-related provisions are included.

([Chapter 6](#), Laws 2013, First Special Session) (DB)

**HB 2007: 2013-2014; higher education; budget reconciliation** (*Pratt*) makes statutory and session law changes related to postsecondary education and the implementation of the budget. No county-related provisions are included ([Chapter 7](#), Laws 2013, First Special Session) (DB)

**HB 2008: 2013-2014; capital outlay** (*Pratt*) makes statutory and session law changes related for the maintenance, repair, building renewal and preventative maintenance of state buildings. No county-related provisions are included. ([Chapter 8](#), Laws 2013, First Special Session) (DB)

**HB 2009: 2013-2014; revenue; budget reconciliation** (*Pratt*) makes temporary and permanent changes in law related to state revenues in order to implement the budget. County-related provisions are summarized below.

- **TPT Revenue for Navajo Technical College:** Directs 5 percent, up to \$875,000, of all TPT revenues collected from the Navajo Nation be allocated to the Navajo Technical College. *Sec. 4 (pg. 13)*
- **County Flexibility Language:** As session law, allows counties with fewer than 200,000 persons to use any source of county revenue, including countywide special districts controlled by the board of supervisors, to meet a county fiscal obligation for FY 2014. Additionally, counties with fewer than 200,000 persons are required to report to JLBC whether the county used the provision and, if so, the intended amount and sources of funds, by October 1, 2013. *Sec. 14 (pg. 58)*
- **State Parks Board & Commission on the Arts:** Allocates \$1 million of interest income earned from the investment of the budget stabilization “rainy day” to both the Arizona State Parks Board and the Arizona Commission on the Arts. *Sec. 17, 18 (pg. 59)*

([Chapter 9](#), Laws 2013, First Special Session) (DB)

**HB 2010: 2013-2014; health; welfare; budget reconciliation** (*Pratt*) includes provisions related to health and welfare necessary to implement the budget. The affected agencies are the Arizona Department of Administration (DOA), the Arizona Department of Economic Security (DES), the Arizona Health Care Cost Containment System (AHCCCS), and the Arizona Department of Health Services (DHS). In addition, HB 2010 also includes the Governor’s Medicaid expansion. County-related provisions are summarized below. Please see chart for additional details.

- **Arizona Long Term Care System (ALTCS):** FY 2014 county contributions total \$244,696,100 for all 15 counties to the Long Term Care System Fund. *Sec. 16 (pg. 29)*
  - **SVP Payments:** Lowers the reimbursement percentage for counties on payments for Sexually Violent Persons (SVPs) from a 50/50 split to an estimated 35/65 split by requiring the Department of Health Services (DHS) to determine a percentage to be reimbursed by counties that increases the state cost (and therefore reduces the county cost) by \$1.8 million. Includes “flexibility” clause allowing the counties to pay via any county resource. *Sec. 17 (pg. 30)*
  - **RTC Payments:** Continues county payments for 100 percent of the Restoration to Competency (RTC) population housed by the state. Includes “flexibility” clause allowing counties to pay via any county resource. *Sec. 18 (pg. 31)*
- AHCCCS:** AHCCCS must transfer any excess monies back to the counties by December 31, 2014, if the counties’ proportion of state match exceeds the proportion allowed under the Federal Affordable Care Act. *Sec. 20 (pg. 33)*



- **Acute Care Contributions:** Sets county Acute Care contributions at \$47,851,000 for all 15 counties. This amount includes an inflation indexing of the Maricopa County contribution (Laws 2005, Ch. 328). *Sec. 21 (pg. 33)*
- **Disproportionate Uncompensated Care Pool (DUC Pool):** Requires the collection of \$2,646,200 in DUC Pool contributions from counties other than Maricopa. *Sec. 22 (pg. 35)*
- **Medicaid (AHCCCS) Expansion Language:** Expands the Arizona Health Care Cost Containment System (AHCCCS) population by including individuals at or below 133 percent of the federal poverty level. AHCCCS is authorized to collect an assessment on hospital revenues or bed days in order to cover the state share of the cost associated with the expansion. Automatically repeals the expanded eligibility if the federal medical assistance percentage falls below 80 percent of the costs of the program. *Multiple statutory sections*

**County Contributions to the State AHCCCS System FY2012**

Expenditures /1					
	ALTCS	ACUTE Care	DUC Pool	BNCF	Total
<b>Apache</b>	\$ 613,500	\$ 268,800	\$ 87,300	\$ 108,900	\$ 1,078,500
<b>Cochise</b>	\$ 5,179,900	\$ 2,214,800	\$ 162,700	\$ 203,100	\$ 7,760,500
<b>Coconino</b>	\$ 1,841,200	\$ 742,900	\$ 160,500	\$ 200,400	\$ 2,945,000
<b>Gila</b>	\$ 2,126,000	\$ 1,413,200	\$ 65,900	\$ 82,300	\$ 3,687,400
<b>Graham</b>	\$ 1,427,300	\$ 536,200	\$ 46,800	\$ 58,500	\$ 2,068,800
<b>Greenlee</b>	\$ 128,800	\$ 190,700	\$ 12,000	\$ 15,000	\$ 346,500
<b>La Paz</b>	\$ 691,300	\$ 212,100	\$ 24,900	\$ 31,200	\$ 959,500
<b>Maricopa</b>	\$ 149,698,100	\$ 19,820,700	\$ -	\$ -	\$ 169,518,800
<b>Mohave</b>	\$ 7,952,700	\$ 1,237,700	\$ 187,400	\$ 233,900	\$ 9,611,700
<b>Navajo</b>	\$ 2,538,600	\$ 310,800	\$ 122,800	\$ 153,300	\$ 3,125,500
<b>Pima</b>	\$ 39,129,200	\$ 14,951,800	\$ 1,115,900	\$ 1,393,200	\$ 56,590,100
<b>Pinal</b>	\$ 15,246,800	\$ 2,715,600	\$ 218,300	\$ 272,600	\$ 18,453,300
<b>Santa Cruz</b>	\$ 1,908,200	\$ 482,800	\$ 51,600	\$ 64,400	\$ 2,507,000
<b>Yavapai</b>	\$ 8,382,500	\$ 1,427,800	\$ 206,200	\$ 257,500	\$ 10,274,000
<b>Yuma</b>	\$ 7,832,000	\$ 1,325,100	\$ 183,900	\$ 229,600	\$ 9,570,600
<b>Total</b>	<b>\$ 244,696,100</b>	<b>\$ 47,851,000</b>	<b>\$ 2,646,200</b>	<b>\$ 3,303,900</b>	<b>\$ 298,497,200</b>

([Chapter 10](#), Laws 2013, First Special Session) (DB)

## **County Related Vetoed Legislation**

**HB 2125: property tax levy; community colleges** (*Barton*) would have permitted a community college district to ask the voters to approve a new primary property tax proposal if an initial proposal was approved between 20 and 35 years prior, as long as the proposed amount was not more than two times the authorized levy amount for the same year. In her veto message, Governor Brewer described the “unprecedented statutory authority” as her reason to veto the measure. ([Veto Message](#)) (TM)

**HB 2322: rule making; restrictions** (*Farnsworth*) would have prohibited state agencies from adopting a rule that would restrict the free exercise of “vested rights” and that any person, who is charged criminally or cited civilly as a result of a rule in violation of this law, would have the right to use this law as a defense. In her veto message, the Governor noted that this bill would cause broad and negative impacts on a state agency’s ability to implement state law. ([Veto Message](#)) (DB)

**HB 2433: Arizona state guard; age** (*Seel*) attempted to remove the age limit of 45 years for persons in the militia of the state of Arizona and replace it with a requirement that persons be capable of bearing arms. Governor Brewer’s veto message stated that the standards of the state guard and unorganized militia should conform to the standards for service in the National Guard. ([Veto Message](#)) (KC)

**HB 2446: property tax; religious institution; exemption** (*Olson*) would have broadened the tax exemption for religious property to include any property held primarily for “religious use,” rather than “religious worship.” In the veto message, Governor Brewer indicated the potential for “unintended confusion” for her veto. ([Veto Message](#)) (TM)

**HB 2481: permissible consumer fireworks; penalty** (*Stevens*) would have required that a violation relating to the use of permissible consumer fireworks within a county or municipality is a petty offense. Governor Brewer’s veto message stated that the bill fails to take into account different regional circumstances and local safety concerns, specifically referencing concerns about the impact to rural parts of Arizona. ([Veto Message](#)) (KC)

**HB 2578: licensing; accountability; penalties; exceeding regulation** (*Petersen*) would have established civil penalties on municipal, county, state and district employees who knowingly based a licensing decision in whole or part on a requirement or condition that is not specifically authorized by law. In her veto message, Governor Brewer indicated the measure was both punitive and unnecessary, as Arizona already has relevant laws in place that prevent such actions. ([Veto Message](#)) (TM)

*Also listed under*

**HB 2591: governmental reporting; websites; budgets** (*Petersen*) would have required local governments to post the previous year’s actual budget totals on the bottom right-hand corner of their home page within 90 days after the end of the fiscal year. In her veto message, Governor Brewer indicated that existing budget transparency tools and confusing language were enough to cause her to veto the measure. ([Veto Message](#)) (DB)



**[SB 1088: constables; prohibited acts](#)** (*Burges*) would have prohibited constables from acting as private process servers or owning a related business. In her veto message, the Governor encouraged the legislature to not test her resolve again. Previously, she had indicated a desire for the legislature to finish its work on the state's budget and an associated Medicaid Expansion proposal before sending her further legislation to sign. They didn't. ([Veto Message](#)) (TM)

**[SB 1178: exercise of religion; definition](#)** (*Yarbrough*) would have amended the definition of *exercise of religion* as it relates to the free exercise of religion, and would have allowed persons to assert claims for impending violations of religious exercise, regardless of whether the government is a party to the proceeding. In her veto message, the Governor reiterated her call for a legislation moratorium until the legislature had dealt with the state's budget and her proposed Medicaid Expansion proposal. ([Veto Message](#)) (DB)

**[SB 1439: legal tender](#)** (*Crandell*) would have authorized the state to recognize coin or bullion with gold or silver content to be legal tender. Her veto message indicated the Governor felt more consideration should be given before such law became enacted – given the number of administrative uncertainties by government agencies. ([Veto Message](#)) (TM)

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