



# 2017 CSA LEGISLATIVE SUMMARY

A Review of Laws Affecting Arizona Counties

Enacted by the 53rd Legislature, First Regular Session



County Supervisors

ASSOCIATION

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**2017 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, 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:

- Empower county boards of supervisors with sufficient authority to deal effectively with evolving and expanding local public needs and conditions.
- Establish appropriate means to compensate counties for the cost of complying with state laws.
- Provide sufficient fiscal capacity for counties to cope with cost increases, population growth and escalating service demands.
- Enable the counties to provide public services in a more responsive, efficient and cost-effective manner.
- Define appropriate fiscal and administrative responsibilities within various state/county and municipal/county partnership programs.

**2017 LEGISLATIVE POLICY COMMITTEE**

Joe Shirley, Jr.	Apache County
Ann English	Cochise County
Liz Archuleta	Coconino County
Tommie Martin, <i>CSA President</i>	Gila County
James Palmer	Graham County
Richard Lunt	Greenlee County
D. L. Wilson	La Paz County
Clint Hickman	Maricopa County
Steve Moss	Mohave County
Jason Whiting	Navajo County
Sharon Bronson	Pima County
Todd House	Pinal County
Rudy Molera	Santa Cruz County
Jack Smith	Yavapai County
Russell McCloud	Yuma County

**CSA PROFESSIONAL STAFF**

Craig A. Sullivan	Executive Director
Penny Adams	Director of Finance & County Services
Kristin Cipolla	Senior Legislative Liaison
Brandon Nee	Budget & Policy Analyst
Yvonne M. Ortega	Administrative & Special Projects
Justin West	Research Analyst
Angela Ruffalo	Intern

## CSA LEGISLATIVE AGENDA

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### CSA LEGISLATIVE AGENDA

**HB 2065 waste tire disposal; continuation** (Coleman) Extends the Waste Tire Program and the fees and funds associated with the program from December 31, 2017 to December 31, 2025. [Chapter 192, Laws 2017](#)

### CSA FINANCIAL AGENDA

**SB 1522 general appropriations act; 2017-2018** (Yarbrough) Outlines the \$9.8 billion state spending plan for FY2017-2018. *County-related financial priorities are listed below:*

- **Direct Appropriations to Counties (In-Lieu Lottery Revenue):** Appropriates, from the state general fund, \$7,150,650 to the Arizona Department of Administration to be equally distributed to all 13 counties under 900,000 persons. Each qualifying county receives \$550,050. *Sec. 112*
- **Arizona Department of Juvenile Corrections (ADJC) Cost Reduction:** Appropriates \$8,000,000 from the state general fund to the Arizona Department of Administration for a one-time distribution to counties to partially reimburse for ADJC costs.

[Chapter 305, Laws 2017](#)

**SB 1531 revenue; budget reconciliation; 2017-2018** (Yarbrough) Provides statutory and session law changes related to state revenues necessary to carry out the budget. *County-related financial priorities are listed below:*

- **Highway User Revenue Fund (HURF):** As session law, provides a total of \$60 million in FY2018, FY2019, and FY2020 in HURF local distribution monies to be distributed as follows:
  - 33.231 percent to counties: \$19,938,600
  - 48.097 percent to cities: \$28,858,200
  - 5.247 percent to cities over 300,000 persons: \$3,148,200
  - 13.425 percent for counties over 800,000 persons for controlled access: \$8,055,000

Funding of the \$60 million comes from various sources in each year – \$30 million from each of the Highway Extension and Expansion Loan Program (HELP) Fund and HURF in FY2018 and FY2019; and \$60 million from HURF in FY2020. The measure further stipulates that the allocation to each county will be made according to the current statute (A.R.S. § 28-6538) governing the distributions of HURF monies. *Sec. 8 and 9*

- **County Flexibility Language:** As session law, allows counties under 250,000 persons to use up to \$1,250,000 of any county-wide special district funds to meet any county fiscal obligation. Counties are still required to report to the Joint Legislative Budget Committee (JLBC) by October 1, 2017, whether the county used the flexibility language, and if so, the specific amount and source of revenue used. *Sec. 15*

[Chapter 312, Laws 2017](#)

**COURTS, CRIMINAL JUSTICE, AND PUBLIC SAFETY**

**HB 2033 controlled substances; definitions** (*Carter*) Adds new drugs to the specified drugs under the definitions of dangerous drugs, narcotic drugs, and under substances in schedule one. A schedule one substance is a federal classification of drugs considered the most dangerous. This expands the types of drugs an individual may be prosecuted for the use or possession of under Arizona law. [Chapter 53, Laws 2017](#)

**HB 2084 tribal courts; involuntary commitment orders** (*E. Farnsworth*) Permits a mental health treatment facility to admit a patient pending filing of a tribal court's involuntary commitment order within a specified timeline. If the timeline is not adhered to, the patient must be discharged and transported to the jurisdiction of the tribal court. [Chapter 89, Laws 2017](#)

**HB 2085 sentencing document; fingerprint; misdemeanor offenses** (*E. Farnsworth*) Adds two additional offenses, theft and shoplifting, that require a court to execute a judgment of guilt and sentence document, to which the court must affix the defendant's fingerprints when a defendant is sentenced for the conviction of these crimes. [Chapter 27, Laws 2017](#)

**HB 2087 Arizona Criminal Justice Commission; continuation** (*E. Farnsworth*) Extends the Arizona Criminal Justice Commission for eight years to July 1, 2025. Retroactive to July 1, 2017. [Chapter 55, Laws 2017](#)

**HB 2096 natural resources projects; court actions** (*Thorpe*) Allows court costs and damages to be assessed against a person who files a court action to encourage a natural resources project that will reduce the risk of catastrophic fire or loss from erosion, flooding, and/or landslides, but does not prevail. Includes costs relating to fire suppression, flooding or damage to a watershed, and damage or loss of natural resources or real property. Requires monetary damages awarded by the court be deposited into an account established and managed by the Arizona State Land Department. [Chapter 247, Laws 2017](#)

**HB 2133 correctional facilities; community notification** (*J. Allen*) Modifies notification and hearing requirements for the establishment or change in use of correctional facilities. [Chapter 314, Laws 2017](#)

**HB 2145 household goods; unlawful moving practices** (*Weninger*) Prohibits moving companies from placing a lien or refusing to deliver a consumer's property, unless a customer refuses to pay the total estimated price disclosed in the written estimate. Requires moving companies to accurately disclose all fees, rates, charges, and the extent to which insurance will cover any lost or damaged goods. Allows a peace officer, including a county sheriff, to take custody of the household goods or to direct the household goods mover to deliver and unload the goods if the mover unlawfully fails to deliver and unload them. [Chapter 224, Laws 2017](#)

**HB 2200 community notification; form of notice** (*Carter*) Specifies that the notification provided to an offender's surrounding neighborhood, area schools, community groups, and prospective employers be disseminated in a non-electronic format. Allows for a person to opt-in to receiving sex offender notification electronically, if a law enforcement agency establishes an electronic notification process for community notification. [Chapter 135, Laws 2017](#)

**HB 2216 prohibited firearm tracking; classification** (*Boyer*) Stipulates it is unlawful to require a person to use, subject themselves to, or disclose information related to a person or the person's firearm for the use of electronic firearm tracking technology. Includes an exemption for criminal justice employees and law enforcement to use such technology. States a person found in violation of requirements related to electronic firearm tracking technology is guilty of a Class 6 felony. [Chapter 165, Laws 2017](#)

**COURTS, CRIMINAL JUSTICE, AND PUBLIC SAFETY**

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**HB 2220 electronic files; access; official record** (*Bowers*) Requires the superior court to provide electronic access or filing privileges to pro se litigants (someone who represents himself or herself in a court proceeding without the assistance of a lawyer) if it also provides such privileges to attorneys. Limits electronic access or filing privileges to records of cases in which the attorney is a party, or is on file with the court as the attorney of record for one of the parties, or records related to the pro se litigant's own case. Contains a delayed effective date of December 31, 2017. [Chapter 51, Laws 2017](#)

**HB 2239 incompetent; nonrestorable defendants; involuntary commitment** (*E. Farnsworth*) Establishes procedures for the prosecuting agency and court to track incompetent defendants through the civil commitment process. Allows the county attorney to request an incompetent defendant be screened to determine whether the defendant may be a sexually violent person under specified circumstances. [Chapter 59, Laws 2017](#)

**HB 2240 alternate grand jurors; service** (*E. Farnsworth*) Permits a presiding superior court judge or designee to swear in an alternate grand juror at the time of impanelment, and permits a designee to excuse a grand juror and replace him or her with an alternate grand juror. [Chapter 35, Laws 2017](#)

**HB 2241 victims' rights; pleading endorsements** (*E. Farnsworth*) Requires counsel for a crime victim to be endorsed by either the victim or the victim's counsel on all written statements of fact and law filed by the parties to a lawsuit on the filing of a notice of appearance. [Chapter 36, Laws 2017](#)

**HB 2246 Arizona lengthy trial fund; continuation** (*Grantham*) Extends the authority of the Supreme Court to continue to collect an additional fee charged by a clerk of the superior court for jurors' earnings replacement or supplementation, which continues the Arizona Lengthy Trial Fund for eight more years. [Chapter 141, Laws 2017](#)

**HB 2254 judicial productivity credits; salary calculation** (*E. Farnsworth*) Modifies the formula for calculating judicial productivity credits for justices of the peace. The result of the formula for each justice of the peace is to be reported to the county board of supervisors within 120 days after the end of each 12 month period. Any resulting adjustment to the salary of the justice of the peace takes effect on the following first of January. [Chapter 197, Laws 2017](#)

**HB 2268 sexual assault evidence; submission; reports** (*Syms*) Establishes time limits and standards for the processing of sexual assault evidence collection kits, and outlines reporting requirements for entities, including county law enforcement agencies, involved in evidence collection and processing. [Chapter 38, Laws 2017](#)

**HB 2269 victims' rights; requirements; monetary judgements** (*Syms*) Prohibits a monetary judgment in any civil action from being paid to a person who is or was previously incarcerated in the Arizona Department of Corrections before any restitution and incarceration costs owed by the person are paid. Specifies methods for victim notification, and requires unclaimed victim restitution payments to be deposited into the Victim Compensation and Assistance Fund rather than county general funds. [Chapter 229, Laws 2017](#)

**HB 2290 provisional licenses; criminal convictions** (*Rivero*) Permits a professional or occupational licensing authority to issue either a regular license or a provisional license to an otherwise qualified applicant who was convicted of an offense. Excludes certain offenders and certain types of vocations, and includes annual provisional licensing reporting requirements. [Chapter 230, Laws 2017](#)

**HB 2472 private postsecondary institutions; peace officers** (*Kern*) Allows private postsecondary institution peace officers to use county courts and jails, and allows the officers to exercise law enforcement powers outside the private postsecondary institution, including while working to further a criminal investigation in connection to the private postsecondary institution. [Chapter 203, Laws 2017](#)

**HB 2477 civil forfeiture; report information; remedies** (*E. Farnsworth*) Prescribes additional subjects that must be reported regarding Anti-Racketeering Revolving Fund (ARRF) monies, including information about the forfeiture cases and expenditures. Modifies the liability exemption for the state related to forfeitures and the award of costs and expenses. Except in an emergency, the county attorney would be required to submit an application that includes a description of what the requested monies will be used for to the board of supervisors before the county attorney's office may use any monies. Permits county boards of supervisors to retain outside counsel to approve, review, or ratify a county attorneys' use of county ARRF monies. Additionally, allows the ARRFs to be used for costs related to the proposed reports, audits, reviews, and approvals. [Chapter 149, Laws 2017](#)

**HB 2494 NOW: civil liability; minors; animals; vehicle** (*Carter*) Exempts a person from civil liability for using reasonable force to enter a locked vehicle to remove a child or domestic animal, under specified circumstances. Defines *domestic animal* as an animal such as a dog or a cat that is domesticated and kept as a household pet. [Chapter 301, Laws 2017](#)

**HB 2535 concurrent criminal jurisdiction; Goldwater range** (*Shooter*) Repeals the sunset date for the authorization of concurrent criminal jurisdiction over the Barry M. Goldwater Range, thus making the concurrent jurisdiction permanent. As part of the original concurrent jurisdiction agreement, a memorandum of understanding with counties that have territory within the Goldwater Range was completed. [Chapter 100, Laws 2017](#)

**SB 1025 public entities; defenses** (*Burges*) Expands the affirmative defense for public entities and public employees, including counties and county employees, to include a case of injury arising from a plan or design for construction, maintenance, or improvement to transportation facilities. [Chapter 253, Laws 2017](#)

**SB 1031 dangerous; incompetent defendants; study committee** (*Borrelli*) Reestablishes the Study Committee on Incompetent, Nonrestorable, and Dangerous Defendants for an additional year. [Chapter 103, Laws 2017](#)

**SB 1050 private process servers; duties** (*Kavanagh*) Makes technical changes to requirements for private process servers. The list of papers a private process server is permitted to serve is modified to correct a statutory reference to papers permitted to be served by a county sheriff or constable. When engaged by a court, including a county superior court, a private process server is an officer of that court. [Chapter 6, Laws 2017](#)

**SB 1066 clerk of the court; records; reporting** (*Burges*) Updates the reporting duties of county superior court clerks to reflect current business practices. Modifies the list of identifying information provided to licensing boards or to the Arizona Department of Economic Security about a person who has been convicted of certain crimes. [Chapter 8, Laws 2017](#)

**SB 1073 license plate covers; prohibition** (*Farley*) Prohibits motorists from obscuring the visibility of a license plate. This could be a primary offense county sheriffs can enforce, however, that is unknown at this time. [Chapter 83, Laws 2017](#)

## COURTS, CRIMINAL JUSTICE, AND PUBLIC SAFETY

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**SB 1157 competency hearings; jurisdiction; referral** (*Borrelli*) Permits the presiding judge of the superior court in each county, with the agreement of the justice of the peace or municipal court judge, to authorize a justice or municipal court to exercise jurisdiction over a competency hearing in a misdemeanor case that arises out of the justice or municipal court, or to refer a competency hearing to another justice or municipal court located in the county. *Please note: this was one of four original Arizona Office of the Courts Fair Justice for All Task Force bills.* [Chapter 14, Laws 2017](#)

**SB 1201 medical examiner; communicable diseases; disclosure** (*Griffin*) Permits a *Good Samaritan* to petition the court for an order authorizing testing of a deceased person for specified diseases if there are reasonable grounds to believe an exposure occurred and that the deceased person transferred blood or other bodily fluids through the skin or membranes of the *Good Samaritan*. If the court finds probable cause exists, the court is required to order the county medical examiner or alternate medical examiner to draw two specimens of blood, if available, for testing. [Chapter 270, Laws 2017](#)

**SB 1278 felony pretrial intervention program; appropriations** (*S. Smith*) Appropriates \$2,750,000 from the Penitentiary Land Fund, the State Charitable Land Fund, and the Inmate Store Proceeds Fund in FY2018 to be distributed to counties with a population of fewer than three million persons for administering felony pretrial intervention programs. [Chapter 286, Laws 2017](#)

**SB 1342 search warrants; tracking; simulator devices** (*Worsley*) Establishes procedures for issuing warrants for cell site simulators and tracking devices. Stipulates a tracking device search warrant may be issued if there is probable cause supported by an affidavit or oath, a naming of, or specific description of the person or property to be tracked. [Chapter 187, Laws 2017](#)

**SB 1344 firearms; state preemption; independent contractors** (*Kavanagh*) Stipulates that a political subdivision, including a county, is prohibited from regulating an employee or independent contractor acting within the course and scope of their employment or contract if the employee or independent contractor is engaged in the lawful possession, carry, transportation, or storage of a firearm or other weapon, provided the employee or independent contractor is on real property owned or controlled by the employee or independent contractor, is in or on a vehicle/craft owned or controlled by the employee or independent contractor, or is acting according to existing law pursuant to the transportation or storage of firearms in motor vehicles. [Chapter 148, Laws 2017](#)

**SB 1366 peace officer; victim; aggravating factor** (*Smith*) Establishes as evidence when a defendant knowingly assaulted a peace officer out of malice because of the officer's employment, whether or not on duty, is considered an aggravating factor in sentencing for aggravated assault. Specifies assault is aggravated assault if the victim is an officer, even if not engaged in official duties. [Chapter 162, Laws 2017](#)

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**EDUCATION**

**HB 2106 garnishment; continuing lien; school employee** (*Boyer*) Increases the length of time before a continuing lien becomes invalid once an employee leaves the garnishee's employ, from 60 days to 90 days, if the employer is a school district, a charter school, the Arizona State Schools for the Deaf and the Blind, or an accommodation school. [Chapter 90, Laws 2017](#)

**HB 2208 inhalers; administration; schools; authorized entities** (*Carter*) Authorizes trained school districts, charter schools, and authorized entities, including county health departments, to administer or assist in administering an inhaler to a person believed to be in respiratory distress, and outlines the training required for administration and immunity from civil liability. This also requires the Arizona State Board of Education, in consultation with the Arizona Department of Education and other specified entities, including county health departments, to adopt rules for school districts and charter schools that elect to administer inhalers. [Chapter 58, Laws 2017](#)

**SB 1405 schools; elections; ballot arguments; exclusion** (*Lesko*) Requires the ballot argument for a proposed budget override, increase, or bond election to be signed as the governing board of the school district without listing any member's individual name. [Chapter 246, Laws 2017](#)

**ELECTIONS**

**HB 2026 Secretary of State; omnibus** (*Coleman*) Makes various changes to the duties and responsibilities of the Arizona Secretary of State (SOS). Instead of filing a notice with the SOS for publication in the Arizona Administrative Register, this legislation requires counties to publish on the county website any notice of noncompliance with a date stamp of the date of posting for an environmental rule, ordinance, or other regulation that does not comply with guidelines in lieu of a state program. Additionally, it requires a county to prepare a notice of proposed rulemaking before adopting an environmental rule, ordinance or other regulation in lieu of a state program, instead of simply filing a written statement with the SOS. [Chapter 223, Laws 2017](#)

**HB 2244 NOW: initiative petitions; standard of review** (*E. Farnsworth*) Modifies the current standard for initiatives from *substantial compliance* to *strict compliance*. Requires the Arizona Secretary of State (SOS) to publish an initiative, referendum, and recall handbook, and make available a sample initiative petition for use that *strictly complies* with outlined requirements. These documents must also be posted for public access on the SOS website. [Chapter 151, Laws 2017](#)

**HB 2302 electoral college; electors; violation; classification** (*Kern*) Outlines presidential elector requirements for casting electoral votes and establishes enforcement procedures. [Chapter 94, Laws 2017](#)

**HB 2304 voter guide; publicity pamphlet; e-mail** (*Kern*) Requires ballot initiative and constitutional amendment publicity pamphlets to be provided by the Arizona Secretary of State, and requires them to be delivered via email upon request by the voter. [Chapter 216, Laws 2017](#)

**HB 2404 initiatives; circulators; signature collection; contests** (*Leach*) Prohibits payment to circulators for statewide initiative or referendum petitions based on the number of signatures collected, and prescribes related penalties. Outlines actions a person can take to challenge an initiative or referendum. [Chapter 52, Laws 2017](#)

## ELECTIONS

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**HB 2412 voter registration records; petition submittals** (*Coleman*) Permits the Arizona Secretary of State to authorize the use of electronic nomination petitions for statewide and legislative offices, and outlines related guidelines. Modifies the fee officials, including county recorders, are allowed to charge for voter registration records and copies of official precinct lists. [Chapter 126, Laws 2017](#)

**HB 2486 candidate committee names; office** (*John*) Limits the requirement for a candidate committee name to include the office the candidate is seeking, in certain circumstances. Specifies an election cycle begins on January 1 in the year after a statewide general election and ends on December 31 in the year of a statewide general election. Retroactive to November 5, 2016. An emergency measure that became effective May 1, 2017. [Chapter 233, Laws 2017](#)

**SB 1094 NOW: ballot; electronic data; digital images** (*Griffin*) Requires officials in charge of elections, including county officials, to protect electronic data generated from ballots. Stipulates that security measures for electronic ballots must be at least as protective as those used for paper ballots. [Chapter 114, Laws 2017](#)

**SB 1152 tax authorization; consolidated elections dates** (*Lesko*) Requires elections for the purpose of authorizing the assessment of transaction privilege tax (TPT) by counties, cities, or towns to be held only on the first Tuesday after the first Monday in November of an even-numbered year. Becomes effective on January 1, 2018. [Chapter 332, Laws 2017](#)

**SB 1200 elections; candidates; requirements** (*Kavanagh*) Establishes additional requirements for filing candidate nomination papers. Outlines procedures for filling candidate vacancies and candidate restrictions for multiple offices, including county offices. [Chapter 161, Laws 2017](#)

**SB 1238 early ballot envelopes** (*Kavanagh*) Adds a requirement that ballot return envelopes are of a type that does not reveal the voter's selections. [Chapter 115, Laws 2017](#)

**SB 1307 voter registration; presidential elector deadlines** (*Kavanagh*) Allows voter registrations to be accepted on the next business day if the filing deadline falls on a weekend or legal holiday. Modifies the filing deadline for a presidential elector nomination from 90 to 120 days before the primary election to allow filing no more than 10 days after the primary election. [Chapter 262, Laws 2017](#)

**SB 1328 election proclamation; board clerk** (*S. Allen*) The governor is required to transmit a copy of the election proclamation to the clerk of each county board of supervisors, and each clerk is required to publish a copy of the proclamation. Previously, the officer in charge of elections was required to notify the board of supervisors and the board was required to publish. [Chapter 271, Laws 2017](#)

**SB 1370 elections; unlawful voting; residence** (*Griffin*) Outlines additional offenses classified as illegal voting, and specifies that a person may have only one residence for the purpose of voting. [Chapter 264, Laws 2017](#)

**SB 1405 schools; elections; ballot arguments; exclusion** (*Lesko*) Requires the ballot argument for a proposed budget override, increase, or bond election to be signed as the governing board of the school district without listing any member's individual name. [Chapter 246, Laws 2017](#)

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**ENVIRONMENT AND WATER**

**HB 2065 waste tire disposal; continuation** (*Coleman*) Extends the Waste Tire Program and the fees and funds associated with the program from December 31, 2017 to December 31, 2025. [Chapter 192, Laws 2017](#)

**HB 2094 NOW: small water systems fund; uses** (*Bowers*) Expands the uses of the Small Water Systems Fund, which previously provided only emergency grants to interim operators or interim managers of small water systems that are appointed by the Arizona Corporation Commission to repair or replace water infrastructure, to now provide grants to upgrade water infrastructure for compliance with rules or laws. [Chapter 213, Laws 2017](#)

**HB 2096 natural resources projects; court actions** (*Thorpe*) Allows court costs and damages to be assessed against a person who files a court action to encourage a natural resources project that will reduce the risk of catastrophic fire or loss from erosion, flooding, and/or landslides, but does not prevail. Includes costs relating to fire suppression, flooding or damage to a watershed, and damage or loss of natural resources or real property. Requires monetary damages awarded by the court be deposited into an account established and managed by the Arizona State Land Department. [Chapter 247, Laws 2017](#)

**HB 2112 multi-county water district; directors; elections** (*Finchem*) An employee of a multi-county water conservation district, or their spouse, is not eligible to serve as a member of the board of directors of the district. This is in regards to the Central Arizona Water Conservation District and the three counties it serves: Maricopa, Pima and Pinal. [Chapter 289, Laws 2017](#)

**HB 2131 air quality compliance** (*Bowers*) Adds vehicle emissions testing options, as approved by the Arizona Department of Environmental Quality (ADEQ) director, for vehicles equipped with an On-board Diagnostics system. Removes the repeal date of July 1, 2017 for the ADEQ Compliance Advisory Panel. [Chapter 29, Laws 2017](#)

**HB 2152 Arizona emissions bank; credits; amendments** (*Bowers*) Allows the State of Arizona, any political subdivision, and any person that reduces qualifying emissions to certify emission reduction credits. The state or a political subdivision, including counties, are prevented from using the Arizona emissions bank statute to establish new, or more stringent, emissions regulations for stationary or mobile sources stipulated in Arizona state law. [Chapter 225, Laws 2017](#)

**HB 2368 oxygenated fuel standards; formula** (*Mosley*) Removes the prohibition on the use of iso-butanol, an oxygenate that cannot collectively contribute to more than 0.10 percent oxygen by weight in gasoline sold, for fueling motor vehicles. [Chapter 295, Laws 2017](#)

**HB 2399 waste tires; definitions** (*Coleman*) Expands the definition of *waste tire* to include motor vehicle tires that are no longer suitable for their intended purpose because of improper repair or manufacturer's recall. [Chapter 201, Laws 2017](#)

**SB 1183 department of environmental quality; omnibus** (*Griffin*) Modifies various statutes in regards to the Arizona Department of Environmental Quality (ADEQ). Removes certain ADEQ regulations regarding septage haulers and dry well drillers, which allows counties and the Registrar of Contractors to take the lead in licensing professionals to perform these functions. [Chapter 112, Laws 2017](#)

**SB 1202 forestry and fire management; conformity** (*Griffin*) Makes numerous conforming changes regarding the consolidation of the Arizona Office of the State Fire Marshal into the Arizona Department of Forestry and Fire Management. Repeals the Community Protection Initiative Fund and Program, and removes the requirement that the State Forester prevents and suppresses wildfires only on lands covered by cooperative fire agreements. [Chapter 258, Laws 2017](#)

**SB 1211 ADOT omnibus** (*Fann*) Makes various changes relating to transportation procurement procedure, responsibility for environmental review of highway projects, driver's license reinstatement procedure, revenue requirements, and distribution and transit administration. Allows the Arizona Department of Transportation to assume responsibilities of the National Environmental Policy Act and other required environmental action designated to the United States Department of Transportation for highway projects receiving federal monies. [Chapter 44, Laws 2017](#)

**SB 1285 NOW: game & fish; in-lieu fees; trust fund** (*Pratt*) Establishes the Game and Fish In-lieu Fee Program Restoration Endowment Trust Fund (Fund) to fulfill obligations of the Arizona Game and Fish Department to act as an in-lieu fee sponsor, and stipulates specific uses of Fund monies. [Chapter 186, Laws 2017](#)

**SB 1412 surface water; adjudication sequence** (*Griffin*) For the purpose of adjudication of water rights, the determination of water rights of all "small water use claims" in any specific subwatershed must be deferred until all other claims in the subwatershed are determined by the superior court in the course of the adjudication. An exception is for a claimant who asserted a small water use claim and for other water use claims in the same subwatershed. That claimant's small water use claim must be determined in conjunction with the determination of that claimant's other claims. Repeals the statute establishing a process for summary adjudication of de minimis water use. [Chapter 189, Laws 2017](#)

## **GENERAL GOVERNMENT**

**HB 2026 Secretary of State; omnibus** (*Coleman*) Makes various changes to the duties and responsibilities of the Arizona Secretary of State (SOS). Instead of filing a notice with the SOS for publication in the Arizona Administrative Register, this legislation requires counties to publish on the county website any notice of noncompliance with a date stamp of the date of posting for an environmental rule, ordinance, or other regulation that does not comply with guidelines in lieu of a state program. Additionally, it requires a county to prepare a notice of proposed rulemaking before adopting an environmental rule, ordinance or other regulation in lieu of a state program, instead of simply filing a written statement with the SOS. [Chapter 223, Laws 2017](#)

**HB 2044 metal dealer licensure; local authority** (*Livingston*) Stipulates that prohibitions against regulating the sale, use or disposition of auxiliary containers do not limit the power of a city, town, or county to license scrap metal dealers and enforce related laws. [Chapter 140, Laws 2017](#)

**HB 2088 incorporation; urbanized areas** (*E. Farnsworth*) Directs the county board of supervisors to act on the incorporation petition of urbanized areas, without a resolution approved by the city or town opposed to the incorporation, if the proposed area for incorporation has a population of at least 15,000 residents and is larger than the city or town opposed to the incorporation. [Chapter 1, Laws 2017](#)

**HB 2105 state fair board; continuation** (*Barton*) Continues the Arizona Exposition and State Fair Board (AESF) for eight years. Retroactive to July 1, 2017. [Chapter 28, Laws 2017](#)

**HB 2159 vehicle impoundment; release of vehicles** (*Mitchell*) Eliminates the agreement for a mandatory 30-day immobilization or impoundment for a subsequent immobilization or impoundment within one year in order for a vehicle to be released before the end of a current 30-day immobilization or impoundment period. This is enforceable by county sheriffs. [Chapter 249, Laws 2017](#)

**HB 2271 occupational licensing; military members** (*Syms*) Allows relevant military experience, as determined by regulating entities, including counties, to meet licensure, certification or registration requirements. Requires counties to work with the Arizona Department of Veterans Services to provide access to information regarding the applicant's military education, training, or experience. [Chapter 39, Laws 2017](#)

**HB 2290 provisional licenses; criminal convictions** (*Rivero*) Permits a professional or occupational licensing authority to issue either a regular license or a provisional license to an otherwise qualified applicant who was convicted of an offense. Excludes certain offenders and certain types of vocations, and includes annual provisional licensing reporting requirements. [Chapter 230, Laws 2017](#)

**HB 2341 national guard; deployment; professional licenses** (*Andrade*) Exempts a license, certificate, or registration of a member of any National Guard from expiration while the member is serving on federal active duty, instead of limiting the exemption to only Arizona National Guard members. The member, or his or her legal representative, must notify the issuing agency, including the county if applicable, of the member's federal active duty. [Chapter 62, Laws 2017](#)

**HB 2371 oversize commercial vehicles; local authority** (*John*) Requires local authorities, including counties, to act in compliance with rules adopted by the Arizona Department of Transportation relating to oversize and overweight vehicles. The local authority is allowed to adopt ordinances relating to infrastructure restrictions, route restrictions and time of day restrictions. [Chapter 47, Laws 2017](#)

**HB 2389 governmental entities; diplomas transcripts; recognition** (*Bowers*) Requires the state and any political subdivision, state agency, or governmental entity, including counties, to recognize and treat all diplomas and transcripts associated with schooling options in Arizona in the same manner. Allows a school district to evaluate the transcripts of transfer students for the assignment of credit. [Chapter 169, Laws 2017](#)

**HB 2399 waste tires; definitions** (*Coleman*) Expands the definition of *waste tire* to include motor vehicle tires that are no longer suitable for their intended purpose because of improper repair or manufacturer's recall. [Chapter 201, Laws 2017](#)

**HB 2483 motor vehicle dealers; title info** (*John*) Modifies requirements for a notice of vehicle transfer, and removes the rulemaking requirement regarding dealer and manufacturer license plates. Certain motor vehicle dealer filing and license fees are deposited into the Arizona State Highway Fund instead of the Highway User Revenue Fund. The Arizona State Highway Fund includes monies from the counties. [Chapter 48, Laws 2017](#)

**SB 1016 governor's regulatory review council; continuation** (*Kavanagh*) Continues the Governor's Regulatory Review Council for eight years to July 1, 2025. Retroactively effective as of July 1, 2017. [Chapter 101, Laws 2017](#)

**SB 1072 administrative decisions; scope of review** (*Peterson*) Requires the court to award fees to a prevailing individual under certain circumstances to include civil action against a state agency or commission exempt from rulemaking on the grounds that a rule, decision, guideline, enforcement policy, or procedure is not authorized by statute or violates the Arizona or United States Constitution. Establishes that the court must review the administrative record and supplementing evidence before it affirms, reverses, modifies, or vacates and remands an agency action. [Chapter 329, Laws 2017](#)

## GENERAL GOVERNMENT

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**SB 1084 electronic records; retention; storage** (*Worsley*) Permits electronic documents retained by a county or other government entity to legally satisfy record retention requirements. Record retention requirements in statute or a government agency's policy are no longer specifically permitted to adopt additional requirements for the retention of a record subject to that agency's jurisdiction. [Chapter 11, Laws 2017](#)

**SB 1116 contract licensure; requirements; confidential information** (*S. Smith*) Repeals the requirement that the Arizona Registrar of Contractors must immediately suspend a general remodeling and repair contractor's license for failure to secure workers' compensation. Modifies payment schedule requirements for residential in-ground swimming pool and spa installation contractors. Adds confidentiality protections of licensee contact information. [Chapter 159, Laws 2017](#)

**SB 1122 personal property transfer fees; definition** (*Griffin*) Prohibits a city, town, county, and the state from requiring, for a transfer of personal property (including firearms), the owner to search any federal or state databases or involve a third party. [Chapter 238, Laws 2017](#)

**SB 1164 Arizona procurement code; amendments** (*Kavanagh*) Requires the director of the Arizona Department of Administration, instead of the Arizona Governor's Office of Energy Policy, to establish specifications based on national standards for procurement of energy consumptive materials. Eliminates cashier's checks as an acceptable form of bid security. [Chapter 111, Laws 2017](#)

**SB 1211 ADOT omnibus** (*Fann*) Makes various changes relating to transportation procurement procedure, responsibility for environmental review of highway projects, driver's license reinstatement procedure, revenue requirements, and distribution and transit administration. Allows the Arizona Department of Transportation to assume responsibilities of the National Environmental Policy Act and other required environmental action designated to the United States Department of Transportation for highway projects receiving federal monies. [Chapter 44, Laws 2017](#)

**SB 1216 towing firms; assets; definitions** (*Fann*) Requires the Arizona Department of Public Safety (DPS) or the county, city, or town to determine all towing firms are in compliance with the requirement to have only one contractual agreement per geographic towing area with a county, city, or town. Additionally, allows DPS or the county, city, or town to review any complaints of violations of the towing firms' requirement to have only one contractual agreement. [Chapter 177, Laws 2017](#)

**SB 1408 counties; municipalities; euthanizing animals** (*Kavanagh*) Prevents the administration of T-61, or its generic equivalent, in the euthanasia of animals in county, city, or town pounds. Counties in Arizona do not use this type of drug for euthanizing animals. [Chapter 275, Laws 2017](#)

**SB 1413 municipalities; annexation; roadway maintenance** (*Griffin*) Requires a description identifying the entity responsible for maintaining existing rights-of-way roadways that are within, or contiguous to, the exterior boundaries of an area to be included in an annexation petition. [Chapter 86, Laws 2017](#)

**SB 1437 agencies; review; GRRC; occupational regulation** (*Barto*) Allows a person to petition the Governor's Regulatory Review Council (GRRC) to include the review of a final rule based on the belief that the final rule was not made in compliance with rulemaking procedures. Modifies the definition of occupational regulations, and creates the Right to Earn a Living Act, which requires agencies to limit occupational regulations to only those necessary and carefully tailored to meet public health, safety, or welfare objectives. [Chapter 138, Laws 2017](#)

**HEALTH AND HUMAN SERVICES**

**HB 2041 DHS; health care institutions; licensure** (*Carter*) Eliminates renewal licensure for health care institutions and requires the Arizona Department of Health Services director to establish rules regarding the payment and late payment of licensing fees. Also, modifies information and documentation required to be submitted by an applicant for licensure as a health care institution. [Chapter 122, Laws 2017](#)

**HB 2161 workers' compensation; occupational diseases; cancer** (*Boyer*) Adds a number of cancers to the list of cancers that are presumed to be occupational diseases or to have arisen from employment as a firefighter under certain circumstances. The presumption may be rebutted by a preponderance of evidence that the cancer was caused by non-occupational factors. Impacts firefighters employed by fire districts. [Chapter 318, Laws 2017](#)

**HB 2208 inhalers; administration; schools; authorized entities** (*Carter*) Authorizes trained school districts, charter schools, and authorized entities, including county health departments, to administer or assist in administering an inhaler to a person believed to be in respiratory distress, and outlines the training required for administration and immunity from civil liability. This also requires the Arizona State Board of Education, in consultation with the Arizona Department of Education and other specified entities, including county health departments, to adopt rules for school districts and charter schools that elect to administer inhalers. [Chapter 58, Laws 2017](#)

**HB 2423 parents' rights; DCS website information** (*Townsend*) Requires the Arizona Department of Child Safety to provide a conspicuous link on its website homepage to information relating to parents' rights and the child removal process to assist parents and guardians in understanding the process. [Chapter 98, Laws 2017](#)

**SB 1194 DCS; foster parent; medical consent** (*Barto*) Allows the Arizona Department of Child Safety (DCS) to consent to certain medical and dental evaluations, treatments and procedures for a child who is in the DCS's legal custody or temporary custody, and outlines requirements when DCS makes health care decisions for the child. Also, requires DCS to have legal custody of a child, instead of legal guardianship, in order to receive the child's medical and behavioral health-related records and information. [Chapter 107, Laws 2017](#)

**SB 1201 medical examiner; communicable diseases; disclosure** (*Griffin*) Permits a *Good Samaritan* to petition the court for an order authorizing testing of a deceased person for specified diseases if there are reasonable grounds to believe an exposure occurred and that the deceased person transferred blood or other bodily fluids through the skin or membranes of the *Good Samaritan*. If the court finds probable cause exists, the court is required to order the county medical examiner or alternate medical examiner to draw two specimens of blood, if available, for testing. [Chapter 270, Laws 2017](#)

**SB 1478 occupational safety & health omnibus** (*S. Smith*) Exempts model system program workplaces from inspections or investigations by the Arizona Department of Safety and Health (ADOSH), unless the inspection or investigation arises from complaints, referrals, fatalities, catastrophes, nonfatal accidents, or significant toxic chemical releases. Requires ADOSH to adopt definitions, regulations, and standards necessary for the operation of the program in a manner that will promote safe and healthy workplaces. Contains a termination date of July 1, 2027. [Chapter 147, Laws 2017](#)

## PLANNING, ZONING, AND LAND USE

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### PLANNING, ZONING, AND LAND USE

**HB 2088 incorporation; urbanized areas** (*E. Farnsworth*) Directs the county board of supervisors to act on the incorporation petition of urbanized areas, without a resolution approved by the city or town opposed to the incorporation, if the proposed area for incorporation has a population of at least 15,000 residents and is larger than the city or town opposed to the incorporation. [Chapter 1, Laws 2017](#)

**HB 2157 private property access; rights-of-way** (*Bowers*) Requires the state or any political subdivision, such as a county, to grant a nonexclusive right-of-way for a term of at least 30 years to the owner of private property, if the grant is for the purpose of providing legal access to the owner's private property to which access across land owned by the state or political subdivision is necessary because land owned by the state or a political subdivision surrounds the private property. [Chapter 214, Laws 2017](#)

**HB 2176 mobile home relocation; long-term RVs** (*Coleman*) Raises the maximum individual Mobile Home Relocation Fund disbursements for homes, and also extends relief to recreational vehicles. A county treasurer must collect monies for the Mobile Home Relocation Fund in the same manner as they collect personal property taxes. The collection is waived if the fund has more than \$8 million in it and county officials will be notified if that is the case. [Chapter 91, Laws 2017](#)

**HB 2233 NOW: home-based businesses; regulations** (*Weninger*) Restricts a county from having an ordinance that would prevent a home-based business from: 1) generating reasonable traffic, parking and delivery activity; 2) having more than one client on the premises at one time; and 3) employing any resident and immediate family member plus two additional people. Defines *immediate family member* as a spouse, child, sibling, parent, grandparent, grandchild, stepparent, stepchild, or stepsibling, whether related by adoption or blood. [Chapter 228, Laws 2017](#)

**HB 2251 ADOT; meridian road extension** (*Cook*) Requires the Arizona Department of Transportation to work with interested parties to extend the Meridian Road southbound across Arizona State Trust Land and consult with the Arizona State Land Department and any affected city, town, or county. [Chapter 142, Laws 2017](#)

**HB 2337 liquor omnibus** (*Weninger*) Modifies state liquor laws and requires the state to inform counties of new acquisitions of control within 15 days instead of the current 30-day requirement. The county can provide input to the state, and if the county objects to the liquor license, there would be a hearing before the Arizona State Liquor Board. Also, creates a new category for beer and wine bar licenses. Instead of issuing a new license for each increase of 10,000 people within a county, a new license would be issued for each increase of 5,000 people. The new 5,000 person category would exist until January 1, 2022, after which beer and wine bar licenses will revert to the 10,000 person category. [Chapter 168, Laws 2017](#)

**HB 2365 NOW: wireless facilities; rights-of-way** (*Weninger*) Allows wireless providers to collocate small wireless facilities and install, modify, replace, and operate utility poles in rights-of-way. Establishes maximum fees, rates, and time frames for city, town, and county applications. Provides exemptions to zoning requirements. [Chapter 124, Laws 2017](#)

**HB 2406 counties; municipal land acquisition; limitation** (*Leach*) Allows a county to acquire land located within a city or town only if the acquisition of the land is part of a management agreement agreed to by the governing body of the city or town, excluding land purchased or acquired for the primary purpose of public safety, health care, or court operations. [Chapter 296, Laws 2017](#)

**HB 2482 exempt subdivisions; public reports** (*Livingston*) Allows a subdivider, any person who facilitates subdivision of land, or who sells or leases six or more lots, parcels, or fractional interests in a subdivision, to use a previously issued certificate of assured water supply in limited circumstances. [Chapter 298, Laws 2017](#)

**SB 1114 outdoor advertising** (*Borrelli*) Allows for electronic outdoor advertising within a 40-mile radius of State Route 95 at mile marker 250 in Bullhead City. State Route 95 south of Interstate 40 and any area east of State Route 93 from mile marker 42 to the Hoover Dam are excluded from this allowance. Includes other limitations. This affects electronic signage in Mohave County. [Chapter 237, Laws 2017](#)

**SB 1214 NOW: cable affiliates; Wi-Fi equipment** (*Fann*) Specifies requirements for a political subdivision to allow for the installation, operation, and maintenance of microcell equipment, small wireless facilities, and Wi-Fi radio equipment in public streets, roads, alleys, and public highways. Also outlines stipulations for charging fees. [Chapter 205, Laws 2017](#)

**SB 1413 municipalities; annexation; roadway maintenance** (*Griffin*) Requires a description identifying the entity responsible for maintaining existing rights-of-way roadways that are within, or contiguous to, the exterior boundaries of an area to be included in an annexation petition. [Chapter 86, Laws 2017](#)

**SB 1414 road signage; counties** (*Griffin*) Permits a county to place a sign on a road that is not maintained by the county that states, "Enter or proceed with caution. Use at your own risk. This surface is not maintained by the county." [Chapter 276, Laws 2017](#)

## **PUBLIC PERSONNEL AND RETIREMENT**

**HB 2166 ASRS; return to work** (*Livingston*) Requires an employer to pay the alternate contribution rate on behalf of a retired member who returns to work in a position with an Arizona State Retirement System (ASRS) employer. [Chapter 227, Laws 2017](#)

**HB 2167 ASRS; contributions adjustments** (*Livingston*) Stipulates requirements for the return of overpaid contributions to employers, and methods of payment for underpaid contributions by members of the Arizona State Retirement System (ASRS). [Chapter 291, Laws 2017](#)

**HB 2168 ASRS; reinstatement; contribution amount** (*Livingston*) Allows an Arizona State Retirement System (ASRS) member, upon reinstatement to state service, to redeposit contributions that ASRS paid rather than contributions the member received at the time of the member's separation from service. [Chapter 292, Laws 2017](#)

**HB 2485 EORP; PSPRS; CORP; modifications** (*John*) Modifies the Arizona Elected Officials' Retirement Plan (EORP), Arizona Correction Officers' Retirement Plan (CORP), and components of the Arizona Public Safety Personnel Retirement Plan (PSPRS). An emergency measure that became effective May 3, 2017. [Chapter 269, Laws 2017](#)

**SB 1052 ASRS; optional retirement** (*Kavanagh*) Stipulates that if an Arizona State Retirement System (ASRS) member leaves an employer, including county employment, other than by retirement or death, and receives an overpayment from a return of contributions, they must have ASRS withhold the overpayment amount plus any required income tax withholding from the return of contributions. [Chapter 104, Laws 2017](#)

**PUBLIC PERSONNEL AND RETIREMENT  
RISK MANAGEMENT**

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**SB 1053 ASRS; board powers** (*Kavanagh*) Expands the powers of the Arizona State Retirement System (ASRS) board to determine the rights, benefits or obligations of any long-term disability and transfer members, including county members. [Chapter 105, Laws 2017](#)

**SB 1063 PSPRS; risk pool** (*Lesko*) Establishes the Arizona Public Safety Employer Risk Pool (Pool) and defines pool membership. Creates a Retiree Pool Account in the Arizona Public Safety Personnel Retirement Fund for the purpose of sharing the actuarial liability attributed to uncontrollable costs for the employers. The Pool contains new members who are hired on or after July 1, 2017. An emergency measure that became effective May 1, 2017. [Chapter 235, Laws 2017](#)

**SB 1115 PSPRS; retirement benefit calculation** (*Lesko*) Allows a Public Safety Personnel Retirement System (PSPRS) member, who was hired on or after January 1, 2012, and before July 1, 2017, to retire after 15 years of credited service if the employee is at least 52.5 years of age. Limits the benefits for a member with fewer than 25 years of credited service to specific graded multipliers. [Chapter 266, Laws 2017](#)

**SB 1190 public safety; supplemental benefits; continuation** (*Kavanagh*) Delays the repeal date of the Public Safety Personnel Retirement System supplemental benefit plan for public safety employees, including county employees, who are injured on the job from October 1, 2017 to October 1, 2025. [Chapter 113, Laws 2017](#)

**SB 1331 NOW: worker's comp rates; deviations** (*Fann*) Allows an insurer, or a group of insurers under common management, to submit a rate filing to the Department of Insurance that provides up to six rate tiers, if each tier: a) is consistent with underwriting rules based on criteria leading to a logical distinguishing of potential risk; and b) supports actuarial analysis, or other information, and shows a clear distinction of expected and actual losses and expenses for each tier. [Chapter 267, Laws 2017](#)

**SB 1442 corrections officer retirement plan; modifications** (*Lesko*) Requires employees, with a few exceptions, currently eligible for the Corrections Officer Retirement Plan (CORP), including county employees hired on or after July 1, 2018, to belong to the Arizona Public Safety Personnel Retirement System Defined Contribution Plan. [Chapter 163, Laws 2017](#)

**SCR 1023 corrections officer retirement plan** (*Lesko*) Adds to the constitutional exceptions, for diminishment or impairment of public retirement system benefits, adjustments to the Corrections Officer Retirement Plan, the retirement plan for county corrections and probation employees, made by Senate Bill 1442. The exception is necessary for the replacement of permanent benefit increases with cost of living allowance adjustments. [Transmitted to the Secretary of State](#)

**RISK MANAGEMENT**

**HB 2161 workers' compensation; occupational diseases; cancer** (*Boyer*) Adds a number of cancers to the list of cancers that are presumed to be occupational diseases or to have arisen from a firefighter's employment as a firefighter under certain circumstances. The presumption may be rebutted by a preponderance of evidence that the cancer was caused by non-occupational factors. Impacts firefighters employed by county fire districts. [Chapter 318, Laws 2017](#)

**HB 2189 disability insurance; service coverage** (*Cobb*) Excludes disability income from the requirement for a disability, group, or blanket disability insurance policy to provide coverage for lawful services provided by a provider, including counties, to an insured regardless of their familial relationship. [Chapter 31, Laws 2017](#)

**HB 2410 workers' comp; firefighters; heart-related cases** (*Shope*) Establishes the presumption that heart-related, perivascular, and pulmonary injuries, illnesses, or death among firefighters are occupational diseases deemed caused by employment if the firefighter passed physical examination with no evidence of illness prior to employment, received regular physical examinations, and suffered a cardiac injury, illness, or death within 24 hours after a reasonably related exposure to a known event. [Chapter 325, Laws 2017](#)

**SB 1025 public entities; defenses** (*Burges*) Expands the affirmative defense for public entities and public employees, including counties and county employees, to include a case of injury arising from a plan or design for construction, maintenance, or improvement to transportation facilities. [Chapter 253, Laws 2017](#)

**SB 1332 workers' compensation; settlement; travel expenses** (*Fann*) Allows interested parties, including a county insurance pool, to negotiate a full and final settlement to a workers' compensation claim, allowing flexibility in negotiation of claims and long-term financial savings. [Chapter 287, Laws 2017](#)

## **SPECIAL DISTRICTS**

**HB 2112 multi-county water district; directors; elections** (*Finchem*) An employee of a multi-county water conservation district, or their spouse, is not eligible to serve as a member of the board of directors of the district. This is in regards to the Central Arizona Water Conservation District and the three counties it serves: Maricopa, Pima and Pinal. [Chapter 289, Laws 2017](#)

**HB 2326 fire districts; creation; merger; consolidation** (*Coleman*) Modifies fire district requirements regarding the creation of a new district, the change of an existing district's boundaries and elections for the merger or consolidation of multiple fire districts. Allows a county assessor's parcel map and assessed value of the properties within the proposed district to fulfill the requirements for maps and valuations, prescribed by the statute. All costs incurred by the county, including the cost of the bond, will be reimbursed by the district. [Chapter 46, Laws 2017](#)

**SB 1058 repeal; regional attraction districts** (*Griffin*) Eliminates regional attraction districts, therefore eliminating county obligations to regional attraction districts. [Chapter 7, Laws 2017](#)

**SB 1176 fire districts; electronic funds transfers** (*Burges*) Permits the chairman of the board of directors of a fire district to utilize substitute checks or electronic funds transfers for specified financial circumstances. [Chapter 16, Laws 2017](#)

**SB 1308 flood control districts; easements, leases** (*Griffin*) States that when a municipality sells and conveys all or any part of its real or personal property, it does not apply to the grant of an easement on or a lease of county flood control district property to any party other than the state or a political subdivision. A county flood control district is permitted to authorize the grant of an easement on or a lease of the district real property without public auction if a list of specified conditions is met, including that the district posts and publishes notice, that the appraised value for the rental of the property is less than \$5,000 per month for proposed leases, and that the reimbursement to the county for the easement granted or the lease executed is not less than the appraised value. [Chapter 179, Laws 2017](#)

**SPECIAL DISTRICTS**  
**TAXATION AND PUBLIC FINANCE**

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**SB 1316 jail districts; maintenance of effort** (*S. Allen*) Allows a county that has experienced negative net new construction to ask their voters to authorize a sales tax under modified maintenance of effort requirements. [Chapter 181, Laws 2017](#)

**SB 1453 road improvement districts; financing** (*Griffin*) Allows a county board of supervisors, by resolution, to order the county to pay preliminary incidental costs associated with a rural road improvement district, and allows a rural road improvement district to issue improvement bonds to be payable over a period of up to ten years. This legislation applies only to a very specific type of rural road improvement district that leads to a hazardous waste facility, currently located in just one place in Arizona (within Maricopa and Pinal counties). [Chapter 341, Laws 2017](#)

**SB 1454 county improvement districts; assessment; contribution** (*Griffin*) Allows the county board of supervisors to decide whether or not to assess and levy the payment of preliminary incidental costs of a county improvement district on a per parcel basis. Authorizes financing of a new district through various options, including county funding contributions. [Chapter 342, Laws 2017](#)

**SB 1480 revisions; community facilities districts** (*S. Smith*) Specifies requirements for application, approval, and procedures for the formation of a community facility district within a municipality or county. Establishes guidelines on the acceptance of public infrastructure by a governing body, including counties, and on the requirements for the issuance of bonds. [Chapter 208, Laws 2017](#)

**TAXATION AND PUBLIC FINANCE**

**HB 2011 bonds; levy; net of cash** (*Ugenti-Rita*) Requires a county or municipal bond levy to include prior year remaining funds in excess of 10 percent of the current year principal and interest payments. [Chapter 212, Laws 2017](#)

**HB 2073 government deposits; investment; financial institutions** (*Weninger*) Expands the authority to invest revenues with an eligible depository to additional entities, including a county water authority, an electrical district, and a hospital district. [Chapter 26, Laws 2017](#)

**HB 2158 tax settlement; Native American veterans** (*Shope*) Extends the reversion of monies in the Veterans' Income Tax Settlement Fund, available to Native American veterans reclaiming incorrectly held state income tax payments, to the state general fund from June 30, 2019 to June 30, 2021. [Chapter 215, Laws 2017](#)

**HB 2213 GPLET reform; K-12 taxes** (*Leach*) Amends the administrative and reporting requirements of government property lease excise tax (GPLET) leases for government lessors, including counties. Specifies that a county assessor shall notify a government lessor subject to payment of a GPLET, and that GPLET payment receipts issued by a county treasurer are issued to the government lessor. [Chapter 120, Laws 2017](#)

**HB 2286 truth in taxation; increase notice** (*Barton*) Requires a political subdivision, including counties and special districts, to provide public notice of the intent to increase the primary property tax levy over the prior year levy. Requires the political subdivision to publish the proposed total tax amount, the total tax amount without a change, and the additional cost on a \$100,000 home, as opposed to just the proposed rate increase. [Chapter 198, Laws 2017](#)

**HB 2366 agriculture land; fallowing; property tax** (*Shope*) Allows an irrigation district in the 13 smallest counties to verify, through the county assessor, confirmation of a temporary reduction or transfer of water used for agricultural use in the farm unit. Also, permits land of the farm unit, under certain conditions, to be temporarily inactive as agricultural property for up to a year. [Chapter 232, Laws 2017](#)

**HB 2367 public debt; reporting; penalties** (*Lovas*) Transfers the duties of annual debt reporting and the Debt Oversight Commission from the Arizona State Treasurer to the Arizona Department of Administration (ADOA). Requires the governing body of any political subdivision of this state, including counties, to report the issuance, interest rates, and retirement schedule of bonds and securities issued by the political subdivision to ADOA. [Chapter 156, Laws 2017](#)

**HB 2452 bonding; amortized premium; segregated fund** (*Norgaard*) Specifies provisions for political subdivisions, including counties and special districts, that govern general obligation (GO) bond net premiums, and requires GO bond net premiums used to be amortized for debt limitation purposes on a pro rata basis. [Chapter 99, Laws 2017](#)

**HB 2523 spay & neuter; tax checkoff** (*John*) Allows individuals to contribute a portion of their individual tax refund to the Spaying and Neutering of Animals Fund. Modifies membership requirements for the Companion Animal Spay and Neuter Committee to include that all humane societies represented on the committee must provide spay and neuter services. [Chapter 172, Laws 2017](#)

**SB 1062 property tax oversight commission; continuation** (*D. Farnsworth*) Continues the Property Tax Oversight Commission for eight years. The Property Tax Oversight Commission oversees the budgeting and taxation process of counties, among other entities. [Chapter 65, Laws 2017](#)

**SB 1152 tax authorization; consolidated elections dates** (*Lesko*) Requires elections for the purpose of authorizing the assessment of transaction privilege tax (TPT) by counties, cities, or towns to be held only on the first Tuesday after the first Monday in November of an even-numbered year. Becomes effective on January 1, 2018. [Chapter 332, Laws 2017](#)

**SB 1316 jail districts; maintenance of effort** (*S. Allen*) Allows a county that has experienced negative net new construction to ask their voters to authorize a sales tax under modified maintenance of effort requirements. [Chapter 181, Laws 2017](#)

**SB 1326 telecommunications; broadband; accelerated depreciation** (*Lesko*) Requires the Arizona Department of Revenue to apply additional depreciation values to personal property defined as qualifying broadband infrastructure, which includes cables, telecommunications equipment, and other tangible personal property capable of being used for data transmission. Contains a delayed effective date of January 1, 2018. [Chapter 220, Laws 2017](#)

**SB 1379 misused transportation excise tax; repayment** (*Lesko*) Requires the Arizona Department of Transportation to require a jurisdiction that misuses transportation excise tax monies to repay the county's regional area road fund in either a single lump sum payment or in consecutive annual payments of at least 10 percent per year. [Chapter 274, Laws 2017](#)

## STATE BUDGET ADJUSTMENTS

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### STATE BUDGET ADJUSTMENTS

**SB 1522 general appropriations act; 2017-2018** (*Yarbrough*) Outlines the \$9.8 billion state spending plan for FY2017-2018. County-related provisions are summarized below.

- **Out of County Tuition:** Appropriates \$1,273,800 from the state general fund for rural county reimbursement subsidies for community colleges. Apache County receives \$699,300 and Greenlee County receives \$574,500. This is unchanged from last year. *Sec. 21*
- **County Attorneys Fund:** Continues to provide \$973,600 of the Arizona Criminal Justice Commission (ACJC) grant monies to counties. *Sec. 26*
- **County Participation; Child Support Enforcement:** Appropriates \$8,740,200 for county participation of child support enforcement in the Department of Economic Security (DES). This amount is unchanged from last year. *Sec. 31*
- **State Forester; Environmental County Grants:** Continues to appropriate \$250,000 to the State Forester for county environmental projects. *Sec. 41*
- **County Tuberculosis Provider Care and Control:** Maintains a \$590,700 appropriation for county tuberculosis programs. *Sec. 47*
- **County Judicial Reimbursements:** Continues to provide \$187,900 to the Supreme Court to reimburse counties for state grand juries and capital post-conviction relief (PCR). The state grand jury reimbursement is limited to \$97,900 and the PCR reimbursement is limited to \$90,000. *Sec. 54*
- **Increased Superior Court Salaries:** Provides for a two-year phase in of a 3 percent pay raise for judges. Beginning in January 2018, the second phase will provide superior court judges with a second 1.5 percent pay raise. Maricopa County pays for 100 percent of superior court salaries and all other counties pay for 50 percent plus employee-related expenses. (Note: this change will trigger a small increase in justice of the peace salary calculations pursuant to A.R.S. §22-125.) *Sec. 54*
- **State Aid to Indigent Defense to DPS:** Appropriates \$700,000 from the State Aid to Indigent Defense Fund to the Department of Public Safety (DPS) for operations. *Sec. 21 and 80*
- **Justice of the Peace (JP) Salaries:** Appropriates \$1,205,100 to the State Treasurer to cover the state's share of justice of the peace salaries. This amount is unchanged from last year. *Sec. 93*
- **Law Enforcement Boating Safety Fund (LEBSF):** Appropriates \$2,183,800 to be allocated to county law enforcement agencies in counties which had a law enforcement and boating safety program in existence prior to July 1, 1990 (Apache, Coconino, Gila, La Paz, Maricopa, Mohave, Navajo, Yuma). *Sec. 93*
- **Direct Appropriations to Counties (In-Lieu Lottery Revenue):** Appropriates, from the state general fund, \$7,150,650 to the Arizona Department of Administration to be equally distributed to all 13 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 \$550,050. *Sec. 112*

- **Graham County Assistance:** Appropriates \$500,000 from the state general fund to the Arizona Department of Administration (ADOA) for distribution to Graham County for maintenance of essential county services. *Sec. 112*
- **Arizona Department of Juvenile Corrections (ADJC) Cost Reduction:** Appropriates \$8,000,000 from the state general fund to the Arizona Department of Administration (ADOA) for a one-time distribution to counties to partially reimburse for the Arizona Department of Juvenile Corrections costs. The amounts each county is to receive are detailed as follows:

<b>Apache</b>	\$89,500	<b>Mohave</b>	\$250,500
<b>Cochise</b>	\$164,400	<b>Navajo</b>	\$134,500
<b>Coconino</b>	\$168,300	<b>Pima</b>	\$1,226,900
<b>Gila</b>	\$67,100	<b>Pinal</b>	\$470,300
<b>Graham</b>	\$46,600	<b>Santa Cruz</b>	\$59,300
<b>Greenlee</b>	\$10,500	<b>Yavapai</b>	\$264,100
<b>La Paz</b>	\$25,700	<b>Yuma</b>	\$245,000
<b>Maricopa</b>	\$4,777,300		

- **Court Fund Transfers:** As session law, continues to require the following amounts to be transferred to the state general fund (note removal of Court Appointed Special Advocate Fund in FY2018):
  - In FY2017:
    - \$300,000 from the Alternative Dispute Resolution Fund
    - \$300,000 from the Lengthy Trial Fund
    - \$500,000 from the Court Appointed Special Advocate Fund
    - \$250,000 from the Drug Treatment and Education Fund
    - \$3,650,000 from the Juvenile Probation Services Fund
  - In FY2018:
    - \$300,000 from the Alternative Dispute Resolution Fund
    - \$200,000 from the Lengthy Trial Fund
    - ~~\$400,000 from the Court Appointed Special Advocate Fund~~
    - \$250,000 from the Drug Treatment and Education Fund
    - \$1,850,000 from the Juvenile Probation Services Fund
- **Pima County Drug Treatment:** As session law, provides a one-time appropriation of \$250,000 from the Health Services Lottery Monies Fund for an appropriation to the Administrative Office of the Courts (AOC). AOC must distribute the funds to a county with a population of more than 500,000 and less than one million for the purpose of a drug treatment alternative to prison program. *Sec. 128*

[Chapter 305, Laws 2017](#)

**SB 1523 capital outlay; appropriations; 2017-2018** (*Yarbrough*) Appropriates funds to agencies for the maintenance, repair, building renewal, and preventative maintenance of state buildings. No county-related provisions are included. [Chapter 306, Laws 2017](#)

## STATE BUDGET ADJUSTMENTS

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**SB 1524 budget procedures; budget reconciliation; 2017-2018** (*Yarbrough*) Makes statutory and session law changes integral to implementation of the budget. No county-specific provisions are included. [Chapter 307, Laws 2017](#)

**SB 1526 environment; budget reconciliation; 2017-2018** (*Yarbrough*) Includes permanent and one-time changes to environment statutes in order to implement the budget. No county-specific provisions are included. [Chapter 308, Laws 2017](#)

**SB 1527 health; budget reconciliation; 2017-2018** (*Yarbrough*) Makes temporary and permanent changes related to the health and welfare policy to implement the budget. County-related provisions are summarized below.

- **Arizona Long Term Care System (ALTCS):** FY2017 contributions total \$264,673,200 for all 15 counties into the Long Term Care System Fund. This is an increase of \$7,715,800 over baseline budget. *Sec. 10*
- **Sexually Violent Persons (SVP) Payments:** Continues to require counties to reimburse the Department of Health Services (DHS) for 31 percent of the cost associated with housing sexually violent persons at the Arizona State Hospital (ASH) for FY2018. Includes flexibility language allowing counties to pay for this program with any source of county revenue, and excludes any payments from the county expenditure limitation. *Sec. 11*
- **Restoration to Competency (RTC) Payments:** Continues to require counties to reimburse DHS for 100 percent of the cost associated with competency restoration treatment at the ASH. Includes “flexibility language” allowing counties to pay for this program with any source of county revenue, and excludes any payments from the county expenditure limitation. *Sec. 12*
- **Acute Care Contributions:** Sets county Acute Care contributions at \$46,813,400 for all 15 counties. This amount is unchanged from the Joint Legislative Budget Committee baseline budget and includes a deflator for the Maricopa County contribution. *Sec. 15*
- **Disproportionate Uncompensated Care Pool (DUC Pool):** Requires the collection of \$2,646,200 in DUC Pool contributions from counties other than Maricopa County. This amount is unchanged from last year. *Sec. 16*

[Chapter 309, Laws 2017](#)

**SB 1528 higher education; budget reconciliation; 2017-2018** (*Yarbrough*) Creates statutory and session law changes pertaining to postsecondary education. No county-specific provisions are included. [Chapter 310, Laws 2017](#)

**SB 1529 human services; budget reconciliation; 2017-2018** (*Yarbrough*) Makes permanent and one-time changes related to human services necessary to implement the state budget. No county-related provisions are included. [Chapter 311, Laws 2017](#)

**SB 1531 revenue; budget reconciliation; 2017-2018** (*Yarbrough*) Provides statutory and session law changes related to state revenues necessary to carry out the budget. County-related provisions are as follows:

- **Highway User Revenue Fund (HURF):** As session law, provides a total of \$60 million in FY2018, FY2019 and FY2020 in HURF local distribution monies to be distributed as follows:

- 33.231 percent to counties: \$19,938,600
- 48.097 percent to cities: \$28,858,200
- 5.247 percent to cities over 300,000 persons: \$3,148,200
- 13.425 percent for counties over 800,000 persons for controlled access: \$8,055,000

Funding of the \$60 million comes from various sources in each year – \$30 million from each of the Highway Extension and Expansion Loan Program (HELP) Fund and HURF in FY2018 and FY2019; and \$60 million from HURF in FY2020. The measure further stipulates that the allocation to each county will be made according to the current statute (A.R.S. § 28-6538) governing the distributions of HURF monies. *Sec. 8 and 9*

- **County Flexibility Language:** As session law, allows counties under 250,000 persons to use up to \$1,250,000 of any county-wide special district funds to meet any county fiscal obligation. Counties are still required to report to the Joint Legislative Budget Committee (JLBC) by October 1, 2017, whether the county used the flexibility language, and if so, the specific amount and source of revenue used. *Sec. 15*
- **Arizona Department of Revenue (ADOR) Cost Shift:** As session law, sets the amount the Arizona Department of Revenue is to collect from local governments at \$20,755,835 and lays out a framework for calculating each jurisdiction's share.

The aggregate county share of the fee is determined through the following procedure:

- 1) Calculate the aggregate amount distributed to counties from:
  - a. A.R.S. § 42-5029 (TPT distribution base)
  - b. A.R.S. § 42-6103 (county general fund excise tax)
  - c. A.R.S. § 42-6107 (county transportation excise tax for roads)
  - d. A.R.S. § 42-6108 & 42-6108.01 (tax on hotels – Pima only)
  - e. A.R.S. § 42-6109 & 42-6109.01 (jail facility excise tax – Maricopa only)
  - f. A.R.S. § 42-6110 (use tax on electricity)
  - g. A.R.S. § 42-6111 (county capital projects)
  - h. A.R.S. § 42-6112 (county excise tax for county judgment bonds – La Paz only)
- 2) Calculate the aggregate amount distributed to counties, cities and towns, the Maricopa Association of Governments (MAG), and the Pima Association of Governments (PAG) from:
  - a) All taxes listed under step one
  - b) A.R.S. § 42-6001 (city excise taxes)
  - c) A.R.S. § 43-206 (urban revenue sharing)

## STATE BUDGET ADJUSTMENTS

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- d) A.R.S. § 42-6105 (MAG transportation tax)
  - e) A.R.S. § 42-6106 (PAG transportation tax)
- 3) Calculate what percentage the aggregate amount calculated under step one is of the aggregate amount calculated under step two and apply this percentage to the \$20.8 million.
- The county share of the \$20.8 million will be approximately \$6.76 million. The session law further stipulates that the aggregate county share shall be proportionally collected from each county based on population. *Sec. 16*

### [Chapter 312, Laws 2017](#)

**HB 2540 criminal justice; budget reconciliation; 2017-2018** (*Mesnard*) Makes criminal justice program policy changes that affect the budget. The county-related provisions are summarized below.

- **GIITEM Subaccount Restriction of Use:** As permanent law, prohibits a county of more than three million persons from agreements or contracts utilizing Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) subaccount monies. The language continues to provide \$500,000 of GIITEM funds to a county with a population over 300,000 but less than 500,000 persons. *Sec. 7*
- **GIITEM Fund Additional Allocation:** As session law, provides one-time GIITEM funding of \$400,000 to a sheriff of a county with a population of fewer than two million but more than 800,000 persons. *Sec. 16*
- **Arizona Department of Juvenile Corrections (ADJC) County Contributions:** As session law, requires counties to transfer \$11,260,000 to the Arizona Department of Juvenile Corrections. **NOTE:** Counties received an \$8 million offset in another budget bill. *Sec. 22*
- **Administrative Office of the Courts; Courthouse Security Standards:** As session law, appropriates \$750,000 for FY2018 from the Judicial Collection Enhancement Fund for the purposes of providing assistance, training, and grants to courts to meet the minimum standards of courthouse security adopted by the Arizona Supreme Court. *Sec. 23*

### [Chapter 303, Laws 2017](#)

**HB 2545 K-12 education; budget reconciliation; 2017-2018** (*Mesnard*) Makes elementary and secondary education policy changes necessary to implement the budget. No county-specific changes are included.

### [Chapter 304, Laws 2017](#)

**HB 2547 university infrastructure capital financing; appropriations** (*Boyer*) Makes statutory changes necessary to establish and fund a University Capital Infrastructure Fund administered by each state university for the purpose of repaying capital project bonds. No county-specific provisions are included. [Chapter 328, Laws 2017](#)

**COUNTY-RELATED VETOED LEGISLATION**

**HB 2128 JLAC: Auditor General** (*J. Allen*) Would have permitted the Office of the Auditor General (OAG) to interview any employee of a political subdivision, including a county, in the performance of their duties and attend an executive session of any state entity. Would have created statutory requirements of the OAG in regard to county audits and would have required a county treasurer to cooperate with and reimburse the OAG for the costs of studies on transportation excise tax and Highway User Revenue Funds. In his [veto letter](#), Governor Ducey noted that the bill includes vague and ambiguous language that could result in unintended consequences as the main reason for his veto.

**HB 2162 JPS; residency requirements** (*Boyer*) A candidate for a justice of the peace or constable would have been required to be a qualified elector of the precinct from which the person proposed to represent at the time of filing a nomination paper and to reside in that precinct for at least one year before the date of the general election. Would have applied to a justice of the peace or constable who was elected after the effective date of this legislation. In his [veto letter](#), Governor Ducey stated that he vetoed a similar bill in 2015, and felt it inappropriate to create specific residency requirements for a narrow set of elected officials.

**HB 2250 emergency generator systems; exemption** (*Shooter*) Sought to exempt a certified generator and its related pumps, equipment and systems from state and county air quality emissions standards. In his [veto letter](#), Governor Ducey explained that the bill appeared to be unnecessary and that emergency preparedness was being handled appropriately at the agency level.

**SB 1247 conservation easement; in-lieu payments** (*Griffin*) Would have allowed, instead of required, all conservation easement holders, including counties, to make an annual payment of monies in lieu of taxes on the reduction of value of the original parcel caused by the placement of the conservation easement. In his [veto letter](#), Governor Ducey explained that to establish a voluntary payment structure in-lieu of taxes is a slippery slope for taxation in the state and would cause a potential threat to the future of military installations in Arizona.

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## County Supervisors

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