

## STATE LEGISLATIVE UPDATE– APRIL 1, 2010

The budget for the next fiscal year, that was enacted by the Legislature in Mid-March has been summarized separately. The following is an update on the status of the bills ACEC is tracking this year.

### House Bills:

**HB 2145. County planning and zoning.** Amends the monthly meeting requirements of county planning and zoning commissions, and temporarily suspends until July 1, 2015, the requirement in state statute that counties adopt new comprehensive plans. Estimated to save each county \$100,000. Passed House by a vote of 55 ayes, 0 nays. Has passed the Government committee in Senate, awaiting Rules committee vote.

**HB 2153 Homeowners Associations; public roadways.** Prohibits Homeowners Associations from having any control over usage of streets that have been dedicated to a municipality. Passed the House 43 ayes and 14 nays. Awaiting consideration by Senate Judiciary committee.

**HB 2199 State contracts; participation goal; veterans.** Would require the state DOA to establish a goal of awarding three per cent of all state contracts to Veteran-owned businesses. Has passed Military Affairs and Public Safety committee in House, awaiting full consideration by House.

**HB 2215 Tax Assessment of retention basins.** Same bill as previous years that did not pass. Would reduce to \$500 the property tax on retention basins. Passed House by a vote of 36 ayes and 24 nays, awaiting consideration by Finance committee in the Senate.

**HB 2218 Irrigation districts; contracts; certification board.** Raises the threshold from \$10,000 to \$30,000 that irrigation districts can contract for goods or services without seeking competitive bids. Passed House by a vote of 58 ayes to 0 nays, and has passed Senate Finance and Rules committees.

**HB 2249 Municipal development fees; refunds.** Requires cities and towns to refund development fees if the project for which fees have been collected has not been built within 7 years. Refunds would go to the "original" owner of the property or to the current owner if the "original" owner is not known. Has passed the House by a vote of 40 ayes to 19 nays. Now awaiting consideration by the Senate.

**HB 2259 Development fees; proportional share.** Requires that cities and towns that collect development impact fees charge no more for the new development than what existing residents pay. Has passed committees in House, still awaiting vote by full House before going on to Senate.

**HB 2285 City building permit fee.** Requires municipalities to itemize the charges for permit fees. Passed the House by a vote of 40 ayes and 18 nays, awaiting Senate Government committee vote.

**HB 2300 Driving on Highways; lane regulations.** On highways with three lanes in one direction, requires semi-trucks to drive in right-hand lane. Amended to require signs be posted of where the lane restrictions are applicable. Has passed the House Transportation and Infrastructure committee, still awaiting vote by full House.

**HB 2338 Yellow lights; duration; photo enforcement.** Would require that each leg of an intersection that has photo enforcement cameras have the same time duration for the yellow light. Amended to require yellow light duration of minimum of 3 seconds. Has passed House 36 ayes to 24 nays. Awaiting Senate committee consideration.

**HB 2371 Home Inspections.** Adds swimming pools and spas to the list of items that must be inspected by home inspectors. Passed the House by a vote of 52 ayes, 6 nays. Passed Senate Commerce and Economic Development committee, awaiting consideration by Senate Rules committee.

**HB 2422 Primitive roads.** Introduced again this year. Would prohibit cities and counties from designating any roads as primitive roads if the road was opened after 1975. Passed the House by a vote of 57 ayes and 3 nays. Passed Senate Natural Resources committee, awaiting consideration by the Senate Rules committee.

**HB 2574 Renewable energy districts.** Would allow the formation of improvement districts for the purpose of acquisition, installation and improvement of energy efficiency and renewable energy improvements and water conservation improvements, including solar energy systems. Passed the House by a vote of 47 ayes and 13 nays. Awaiting Senate Finance committee consideration.

**HB 2605 Subdivisions; acting in concert.** Changes the definition in state statute of "acting in concert", having to do with relatives, friends and/or business associates working in collusion to circumvent subdivision regulations. Also would eliminate preliminary plat requirement for Counties for splits less than 10 lots. Exempts lots that are older than five years from being counted as a part of the overall number of splits that trigger the subdivision requirements. Passed House by a vote of 33 ayes to 23 nays. Now awaiting consideration by the Senate.

**HB 2625 STAN sub-account; city reimbursement.** Provides that repayment for loans from the Statewide Transportation Acceleration Needs (STAN) fund that occurred before July 1, 2012 will not be required to be repaid if state revenues exceed state expenditures in FY 2015-2016. Amended to clarify that repayments not required only "if state is fiscally solvent" in 2015-2016 FY. Passed the House by a vote of 44 ayes and 10 nays, awaiting Senate committee consideration.

**HB 2627 County transportation excise tax; transit.** Deletes prohibition of double taxation for transportation and transit, for counties larger than 200,000 but smaller than 1,000,000 in population. Passed the House by a vote of 38 ayes and 19 nays, awaiting Senate committee consideration.

**HB 2661 Statewide Water Augmentation authority; study.** Would create a 15-member study committee to study water resources in the state and make recommendations to the Director of the Department of Water Resources, and to the Legislature. Passed the House by a vote of 37 ayes to 18 nays. Now awaiting consideration by the Senate.

**HB 2700 Solar Energy tax incentives; extension.** Extends from 2011 to 2017 the deadline for solar energy tax incentives currently available. Passed the House by a vote of 44 ayes and 13 nays. Awaiting consideration by Senate Commerce and Economic Development committee.

#### **Senate Bills:**

**SB 1137 Department of transportation; vehicle right-of-way.** Bill amends statutes having to do with taxes and the motor vehicle division. One provision allows the ADOT Director to create new divisions within ADOT, to reorganize ADOT, and to consolidate the Department. It was amended in the Senate to allow ADOT to spend up to \$10 million per year to apply for federal monies for transportation projects. Bill has passed the Senate 21 ayes to 9 nays. Awaiting House Transportation and Infrastructure committee consideration.

**SB 1141 CAGRDR; revenue bonding; sustainability policies.** The Central Arizona Groundwater Replenishment District was created in 1993 as part of the Central Arizona Water Conservation District, which operates the CAP Canal. The CAGRDR is responsible for groundwater recharge and replenishment. This bill increases the revenue bonding authority of the CAWCD, authorizes the CAWCD to establish annual member dues to repay the revenue bonds, and makes other statutory changes. Passed the Senate 24 ayes to 6 nays. Bill has been unassigned to committees by the Speaker of the House since February 15, indicating it is probably dead.

**SB 1142 Renewable energy production tax credit.** Provides for significant tax credits for utility level producers of renewable energy from wind, solar or biomass. Tax credits last ten years. Passed the Senate Finance Committee by a narrow 5-3 vote. Has been awaiting consideration by Senate Rule committee since February 24, so the bill may be dead.

**SB 1189 Admissibility of expert opinion testimony.** Introduced by Senator Barbara Leff, bill attempts to define who is qualified as an expert in civil court cases, and those factors to be considered by a court on whether or not the testimony is admissible. Changes the standard from the 1923 "Frye" standard, to the more current 1993 "Daubert" standard, which is currently used in Federal Court cases. Has passed the Senate by a vote of 20 ayes and 8 nays. Has passed the House Health and Human Services committee, awaiting consideration by House Judiciary committee.

**SB 1356 Water bank; excess CAP Water.** An emergency measure that authorizes the Arizona Water Banking Authority to obtain and store excess CAP water that is made available to the Water Banking Authority. Passed the Senate by a vote of 24 ayes and 4 nays, awaiting consideration by the House Water and Energy committee

**SB 1359 Department of Water Resources; fund.** An emergency measure, which would create the Water Resources Fund. Appears to be a method to fund ADWR from water users rather through the state general fund. Passed the Senate by a vote of 29 ayes and 0 nays, awaiting assignment by the House to committees.

**SB 1406 Procurement; construction; specialized services.** Revisions to the Alternative Procurement statutes developed by stakeholder group over the past few years, but which have failed to get passed. ACEC is supportive. Has to do with Design-Build, Job Order Contracting, and Construction Manager at Risk procurement. Has passed the Senate by a vote of 29 ayes and 0 nays. Awaiting committee assignment in the House.