

LEGISLATIVE UPDATE– FEBRUARY 15, 2010

The deadline for introducing new bills has passed. The following are additional bills that have been introduced since February 1 of this year.

House Bills:

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.

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.

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.

HB 2631 State Capitol Restoration recapture district. Creates a special State Capitol Restoration trust fund with creation of a special taxing district and additional sales tax revenues.

HB 2635 Procurement Services; Outsourcing prohibited. Similar to unsuccessful bills introduced the previous two years. This bill prohibits any department of the state from outsourcing work to any location outside of the United States, including any contract work for the state.

HB 2642 Payments; contractors. Would require, among other things, that contractors pay their subcontractors within seven days. Same as SB 1375.

HB 2657 Solar school grant programs. Would create a new tax on electricity in the state, and with that money, provide funding and grants to school districts to construct solar electric panels.

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.

HB 2700 Solar Energy tax incentives; extension. Extends from 2011 to 2017 the deadline for solar energy tax incentives currently available.

HB 2701 Electric utilities; renewable energy standards. Somewhat similar to HB 2381, addresses a "turf battle" between the Legislature and the Arizona Corporation Commission, would establish the responsibility for determining statewide energy policy at the Legislature, not with the Corporation Commission. Would also include "nuclear power" in the definition of renewable energy.

HB 2701 Department of Administration; solar panels. Would allow the DOA Director to install solar panels on the roof of the capitol, and in the state capitol parking lots.

HB 2711 Energy conservation; public buildings. Similar to HB 2455, would require all state buildings to use 10% "green energy" by 2015.

HB 2757 Vehicle and use fuel taxes. Similar to an unsuccessful bill last year, would increase the taxes on gasoline (and other fuels) by six cents per gallon, when cost is less than \$2.75 per gallon.

HB 2758 Comprehensive transaction privilege tax. Same as bills from previous two years (that did not pass). Would eliminate many of the exemptions that the Democrats don't like from having to collect and pay state sales tax, and would include tax on all services (including engineering and architectural services). Would lower the state sales tax rate from the current 5% to 3.5 %. ACEC is adamantly opposed

HB 2778 Homeowners associations; rainwater systems. Same as unsuccessful bill from last year, would keep HOA's from prohibiting installation of rain "catchment" devices to conserve rainwater.

Senate Bills:

SB 1312 Admissibility of expert opinion testimony. Introduced by Senator Chuck Gray, 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. Appears to be the same as SB 1189 and 3 house bills, HB 2062, 2240 and 2492.

SB 1355 Water Use Assessment. Bill is apparently a companion to SB 1359. This bill would place assessments on municipal water systems, agricultural irrigated acreage, and industrial uses. The assessments would be deposited in a fund to be administered by the ADWR Director, who would be able to establish the assessment rates. The fund would be used to support ADWR, instead of through the State General Fund.

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.

SB 1359 Department of Water Resources; fund. An emergency measure, which would create the Water Resources Fund (see SB 1355). Appears to be a method to fund ADWR from water users rather through the state general fund.

SB 1372 Sales Tax; broaden the base. Would apply sales tax to many services, such as barbers, nail salons, pet groomers, private educational institutes, household maintenance, etc. Does not apply to professional services such as engineering and architecture.

SB 1379 County Water Authority; industrial use. Revises the definition of industrial use, to delete the words "not supplied by a city, town or private water company" in A.R.S. 45-2201.

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.

SB 1416 Regional Public Transportation Authority. Requires the Maricopa County RPTA to cooperate with state and local cities to develop a comprehensive regional transportation plan. Removes significant authority from the RPTA to change the adopted plan, and makes other changes.

SB 1421 and 1423 Prioritize repairs; state highways and county roads. Notwithstanding other priorities, requires roads that cross into Indian reservations be first on the list of required road repairs.