

LEGISLATIVE UPDATE– APRIL 29, 2011

The Legislature adjourned sine die on April 20, 2011 at 5:25 a.m. The following is the final status of the bills that ACEC has been tracking this year. For the full text of the bills, or other information, go to www.azleg.gov.

House Bills:

HB 2005 Subdivisions; acting in concert. Same bill as the past few years. 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 the House and Senate. Signed into law by the Governor on March 29.

HB 2153 Municipalities; counties; fire sprinklers; codes. Prohibits counties and municipalities from adopting an ordinance requiring fire sprinklers be installed in new home construction. Apparently is not retroactive for those agencies that adopted said ordinances prior to December 31, 2009. Passed the House 38 ayes to 21 nays, the Senate 19 ayes to 11 nays. Signed into law by the Governor on March 9.

HB 2264 Home sales; water supply disclosure. Same bill as last year. Requires a "subdivider" who sells one or more lots in an area outside of an AMA to record a statement of water adequacy or inadequacy with the county recorder, and furnish this statement to all prospective buyers. Died in the Senate without consideration.

HB 2318 Regional and public transportation authorities. Would allow a county of four hundred thousand and fewer population to establish a regional transportation authority, which is currently allowed only for larger counties. Passed the House and Senate. Signed into law by the Governor on April 26.

HB 2319 Primitive roads; county maintenance. Would allow counties to maintain primitive roads if the road was opened before June 13, 1975. Passed the House and Senate. Signed into law by the Governor on April 15.

HB 2362 Drug lab remediation; investigators. Adds a fine of \$100 for meth lab convictions, and the fine will go to the SBTR. Also adds a "criminal investigations unit" inside the SBTR, and provides for the director to "investigate any criminal act prohibited by this chapter or A.R.S. Titles 12 and 13". Passed the House 60 ayes to 0 nays. Was subject to a "strike-everything" amendment in the Senate Appropriations committee, so now HB2362 is dead. However, the bill was brought back to life in the House as a "strike-everything amendment on SB1575, so it still had some legs.

HB 2458 County infill; Renewable energy districts. Bill deletes some of the steps a county board of supervisors must take in order to designate an area as an infill incentive district or a renewable energy incentive district. Passed the House and Senate. Signed into law by the Governor on April 20.

HB 2473 State contracts; participation goals; veterans. Similar to bill from last year. Would require the state DOA to establish a goal of awarding up to three per cent of all state contracts to Veteran-owned businesses. Defines what qualifies as a veteran-owned business. Died in the House without a floor vote.

HB 2527 Well ownership; sale; registration. Upon sale of a property with a well, requires the new owner of a well to file information with the Director of the DWR and to record a document at the county

recorders office of the information regarding the well. Passed Agriculture and Water committee 9 ayes to 0 nays, but died in House awaiting Rules committee consideration.

HB 2593 Water salinity study committee. Creates a twenty-person joint legislative study committee to study and report on water salinity problems, its affect on water conservation, groundwater quality, suitability for use on golf courses, the financial impact and necessity of water treatment for salinity issues, and an examination of sources of excess salinity and responses from other states. Passed the House and Senate. Signed into law by the Governor on April 19.

Senate Bills:

SB 1110 Navigable Stream Adjudication Commission; extension. Bill would extend the life of this existing state commission from 2012 to 2014. Passed the Senate and the House. Signed by the Governor on April 7.

SB 1133 Approaching Stationary Vehicles; Yield right-of-way. Bill would require drivers to make a lane change to avoid vehicles stopped on the highway shoulder. Passed the Senate and the House. Signed by the Governor on April 15.

SB 1171 Cities; Acquisition of Wastewater utility. Establishes a process for a city or town to acquire all or part of a sanitary sewer system owned by a County, and sets up specific requirements on how to do so. Currently, Pima County is the only county that owns and operates a wastewater system. Passed the Senate and the House. Signed into law by the Governor on April 18.

SB 1172 Energy and Water savings accounts. Allows the State or political subdivision of the state such as a City, County, or municipal district to create a fund for use in developing energy or water savings. Failed in Senate WLRD committee on a 3-3 vote.

SB 1277 Alarm businesses; alarm agents. Bill would add alarm companies and alarm installers to the registrants overseen by the State Board of Technical Registration. Bill has been drafted to fit into the Board without any dramatic changes to Board operations. Would **not** add an alarm installer as an additional Board member. Passed the Senate by a vote of 19 ayes and 10 nays, but died in the House awaiting Rules Committee vote.

SB 1322 Cities; Services; Managed Competition. For cities with a population greater than 500,000, they must competitively "bid" out services whose annual cost is greater than \$75,000, although it does not require the City Manager or City Council to award a bid to the lowest bidder. Was amended in the Senate to require that procurement of professional services comply with all existing statutes, which means that engineering services must still be procured using Qualifications Based Selection. Allows City permit applicants to use the professional services provider of their choice for plan submission, permitting and inspections. Passed the Senate and House. Vetoed by the Governor on April 28, 2011.

SB 1362 Flood Control Structures. For Counties under three million in population, adds "bridges over watercourses that are impassable to emergency vehicles for fourteen or more days a year" to the list of things that County Flood Control Districts can construct. Passed the Senate and the House. Signed by the Governor on April 15.

SB 1458 Professional licensure; out-of-state residents. This bill would allow reciprocity for out-of-state licensees, without having to take a separate in-state exam. Was amended from the version originally

introduced, to apply only to licensees, not professional registrants, so apparently this bill does not apply to engineers. Passed the Senate and the House. Signed by the Governor on April 25.

SB 1470 County water authority; repeal. Repeals the existing statutes allowing formation of a county water authority for counties with a population of between 90,000 and 120,000 population. Passed the Senate by a vote of 16 ayes and 14 nays. Died in the House without a hearing.

SB1522 Harvested water; recharge. Would allow the recovery of harvested water as determined by ADWR. Harvested water is defined as rainfall that is captured before reaching a natural channel. Was subject to a "strike-everything" amendment in the House to create a Legislative study committee to study the issue of "macro-harvested" water. Died in the House awaiting Rules committee consideration.

SB 1525 City; Town; development fees. Revises the ways that development fees are calculated and what they can be used for. Passed the Senate and the House. Signed by the Governor on April 26.

SB 1566 Exempt wells; emergency use. Allows ranchers to have wells to be used only in cases of emergency, to water their herds. Was amended in House to include emergency groundwater transfers. Passed the Senate and the House, but died awaiting a final vote in the Senate.

SB 1575 Drug lab remediation; investigators. Adds a fine of \$100 for meth lab convictions, and the fine will go to the SBTR. Also adds a "criminal investigations unit" inside the SBTR, and provides for the director to "investigate any criminal act prohibited by this chapter or A.R.S. Titles 12 and 13". Passed the Senate and the House, but died awaiting conference committee consideration.

SB 1605 RFP; advertising in newspapers; repeal. Eliminates the current statute that requires RFP's to be advertised in newspapers. Allows the advertisement to be done on the internet. Died on third reading in the Senate by a vote of 14 ayes and 16 nays.