

Government Institutions Committee

Senator Jay Tibshraeny, Chairman



Bill Boyd, Research Analyst

Bill Ritz, Assistant Analyst

Megan Selvey, Intern

GOVERNMENT INSTITUTIONS COMMITTEE

LEGISLATION ENACTED

retirement systems and plans; amendments (S.B. 1004) – Chapter 231

Requires incorporated cities and towns to submit annual Fire Fighters' Relief and Pension Fund audit reports to the State Fire Marshal and makes technical changes regarding the payment of monies pursuant to a domestic relations order.

PSPRS; ordinary disability; eliminate offset NOW: trap and skeet; tax exemption (SB 1005) – Chapter 158

Exempts from taxation a trap and skeet shooting club (club) that teaches, trains, sponsors, coaches or hosts or sponsors clinics, shooting leagues, competitive tournaments or other events, including hunter and firearm safety courses. Stipulates that the club's property must be used for educational purposes and not used or held for profit.

PSPRS; fund manager; name change (S.B. 1006) – Chapter 200 E

An emergency measure, effective April 28, 2010, that renames the Public Safety Personnel Retirement System Fund Manager as the Board of Trustees.

county audits; public record exemption (NOW: counties; audits; merit system; judges) (S.B. 1100) – Chapter 238

Exempts working papers and audit files prepared for an examination and audit of the accounts and performance of a county officer from the public records law and stipulates that the information contained in working papers and audit files prepared for an examination or audit is subject to disclosure to a county attorney and to the Attorney General in connection with an investigation or action taken in the course of their official duties. Requires a county with a population of more than two million persons, retroactive to June 14, 2010, to pay 100 percent of the annual salary for Superior Court Judges beginning in Fiscal Year 2011.

CORP; reverse DROP; extension (S.B. 1124) – Chapter 163

Extends the date of the reverse deferred retirement option plan offered to members of the Corrections Officer Retirement Plan until June 30, 2016, and permits the Arizona Department of Corrections and the Arizona Department of Juvenile Corrections to fill non-designated positions with qualified employees until June 30, 2011.

child custody; technical correction (NOW: aggravated assault; classification; definition) (S.B. 1135) – Chapter 241

Expands the definition of aggravated assault to include the assault of code enforcement officers and state or municipal park rangers.

GOVERNMENT INSTITUTIONS COMMITTEE (Cont'd.)

African-American affairs; commission (S.B. 1174) – Chapter 271

Establishes the Arizona Commission of African-American Affairs and an annual African-American Legislative Day.

public accommodation; bilingual accommodation (S.B. 1183) – Chapter 219

Makes clarifying changes to the statutes governing the responsibilities of a person who offers a service at a place of public accommodation.

counties; planning; development; districts; administration (S.B. 1206) – Chapter 244

Reorganizes the statutes that govern county planning and zoning.

municipal annexation; county islands (S.B. 1207) – Chapter 245

Requires the clerk of a city or town to provide a copy of an adopted annexation ordinance to the clerk of the county board of supervisors within 60 days of the annexation becoming final and modifies the existing annexation procedure.

~~outsourcing; state service positions; prohibition.~~ (NOW: civil rights; discrimination; employment) (S.B. 1232) – Chapter 304

Conforms Arizona civil rights statutes with federal law.

~~rezoning; majority vote~~ (NOW: majority vote; rezoning) (SB 1357) – Chapter 146

Allows a county board of supervisors with less than five members to amend a county zoning ordinance by a majority vote.

eminent domain; relocation assistance (S.B. 1366) – Chapter 308

SEE JUDICIARY COMMITTEE.

federal regulations; local coordination (SB 1398) – Chapter 189

SEE NATURAL RESOURCES, INFRASTRUCTURE & PUBLIC DEBT COMMITTEE.

state fire safety committee; membership (H.B. 2018) – Chapter 23

Increases the membership of the State Fire Safety Committee to include a fire chief in a fire district of an unincorporated area in a county with a population of less than 500,000 persons and a member of the public who is engaged in the business of distributing, selling or providing liquid petroleum gas to consumers.

legislative council; continuation (HB 2045) – Chapter 27

Continues, retroactive to July 1, 2010, the Arizona Legislative Council until July 1, 2020.

GOVERNMENT INSTITUTIONS COMMITTEE (Cont'd.)

geographic; historic names board; continuation (HB 2046) – Chapter 147

Continues, retroactive to July 1, 2010, the State Board on Geographic and Historic Names (Board) until July 1, 2020. Prohibits any public officer, department, agency or employee from changing the name of a place of historical significance in public record without approval from the Board and prohibits the Board from designating a name for a geographic feature that commemorates any person who has not been deceased for at least five years.

auditor general; continuation (H.B. 2047) – Chapter 11

Continues, retroactive to July 1, 2010, the Office of the Auditor General until July 1, 2020.

board of library examiners; continuation (HB 2048) – Chapter 28

Continues, retroactive to July 1, 2010, the Board of Library Examiners until July 1, 2020.

ombudsman- citizens aide; continuation (HB 2049) – Chapter 12

Continues, retroactive to July 1, 2010, the Office of the Ombudsman-Citizens' Aide until July 1, 2020.

ASLAPR; continuation (HB 2050) – Chapter 29

Continues, retroactively to July 1, 2010, the Arizona State Library, Archives and Public Records until July 1, 2020.

reviser's technical corrections; 2010 (HB 2057) – Chapter 117

Makes technical revisions to the 2010 version of Arizona Revised Statutes.

PSPRS; omnibus amendments (H.B. 2067) – Chapter 118

Makes various changes to the statutes governing the Public Safety Personnel Retirement System.

EORP; omnibus amendments (H.B. 2068) – Chapter 30

Makes various changes to the statutes governing the Elected Officials Retirement Plan.

county election law amendments (H.B. 2069) – Chapter 173 E

An emergency measure, effective April 27, 2010, that amends county election laws regarding the reconciliation of school district boundaries, the appointment of candidates in canceled elections and the consolidation of polling place locations.

superior court; holiday hours (HB 2109) – Chapter 32

Allows a superior court to observe the fourth Friday of November as a legal holiday and instead conduct business on the second Monday in October.

GOVERNMENT INSTITUTIONS COMMITTEE (Cont'd.)

county planning and zoning (HB 2145) – Chapter 175

Changes the monthly meeting requirements of county planning and zoning commissions and temporarily suspends the requirement that a county board of supervisors and a city or town council readopt an existing comprehensive plan or adopt a new comprehensive plan until July 1, 2015.

public meetings; notices (HB 2209) – Chapter 88

Requires the Secretary of State, a city or town or a county clerk to conspicuously post open meeting materials on their website and directs an elected official or appointed member of a public body to review open meeting law materials at least one day before taking office. Instructs all public bodies of Arizona to conspicuously post a statement on their website disclosing the physical and electronic locations where all public notices of their meetings will be posted. Requires the public bodies of this state to post public meeting notices on their website and give other reasonable notice as is practicable to all meetings but allows a public meeting to be held, even if technological failure prevents the posting of public notices online, as long as the public body complies with all other public notice requirements. Mandates that all state agencies publish annually in the register the names of agency employees who are designated to assist members of the public in seeking information or assistance from the agency.

school boards; vacancy; advisory panel (NOW: special audit; sports authority) (H.B. 2225/S.B. 1105) – Chapter 5 E

SEE APPROPRIATIONS COMMITTEE.

regulatory rule making (H.B. 2260) – Chapter 287

Modifies the regulatory rulemaking process as follows: 1) allows an agency to use a general permit for any proposed new rule or amendments to existing rules that require the issuance of a regulatory permit, license or agency authorization; 2) if monies are appropriated, requires the Office of Strategic Planning and Budgeting to prepare an economic, small business and consumer impact statement; 3) permits a person who is or may be affected by a rule to file a written petition objecting to all or part of the rule if the agency did not select the alternative that imposes the least burden and cost to the person regulated by the rule; 4) modifies the definitions of *modification* and *potential to emit* to conform with Arizona Department of Environmental Quality air pollution regulations; 5) extends the moratorium on rulemaking through FY 2011; 6) establishes the Commission on Privatization, Efficiency and Competition; 7) requires an organization, person or legislator advocating a legislative proposal that would mandate a health coverage or the offering of health coverage to submit a report on the social and financial impact to Joint Legislative Audit Committee (JLAC) on or before September 1, before the start of the legislative session for which the legislation is proposed; 8) requires JLAC to assign a social and financial impact report regarding proposed health coverage legislation to an appropriate legislative committee of reference and for the committee to hold at least one hearing and take public testimony; and 8) requires the Secretary of State to establish an online database of agency administrative rules and the codes, ordinances and business license requirements for each county, city or town.

GOVERNMENT INSTITUTIONS COMMITTEE (Cont'd.)

government transparency; political subdivisions (NOW: political subdivisions; government transparency (H.B. 2282) – Chapter 288

SEE APPROPRIATIONS COMMITTEE.

state fire marshal; assistant inspectors (HB 2288) – Chapter 130

Allows the State Fire Marshal (Marshal) to appoint an employee of a private fire service provider who is a state certified fire inspector as an assistant fire inspector (appointed inspector) and requires the Marshal to give a preference to assigning inspectors to the service area covered by the fire service provider where the appointed inspector is employed. The bill allows an appointed inspector to inspect property, issue notices of violations and enforce the jurisdiction's fire code. Allows a city, town or county to appoint an employee of one or more private fire service providers to inspect property, issue citations and enforce the city, town or county's fire code. Allows appointed inspectors to charge fees to recover costs incurred in conducting inspections or for the review of plans.

peace officer; spouse; insurance payment. (HB 2296) – Chapter 148 E

An emergency measure, retroactive to January 1, 2010, that entitles the spouse of a deceased law enforcement officer who was killed in the line of duty to receive payments for health insurance premiums for the first year after the officer's death and entitles dependents of the deceased law enforcement officer to receive payments for health insurance premiums if they were enrolled in the plan at the time of the officer's death. Requires payments from the officer's retirement plan to be reduced to pay for health insurance premiums.

publication of notices; committee (HB 2302) – Chapter 132

Creates the ten-member Committee on Published Public Legal Notices (Committee) and requires the Committee to examine statutes requiring newspaper publication of public notices applicable to cities, towns, and counties and to consider the efficient use of taxpayer monies and to preserve the public's right to know. Requires the Committee to submit a report by November 4, 2011, on recommendations for legislative action to the Governor, the President of the Senate, and Speaker of the House of Representatives and provide a copy of the report to the Secretary of State.

procurement from certain agencies (H.B. 2328) – Chapter 256

Modifies the requirements for purchases from Arizona Industries for the Blind, certified nonprofit agencies that serve individuals with disabilities and Arizona Correctional Industries. Further defines employment requirements for certified nonprofit agencies.

department of gaming; continuation (HB 2333) – Chapter 149

Continues, retroactively to July 1, 2010, the Department of Gaming until July 1, 2020.

city; town; county; expenditure limitation (H.B. 2335) – Chapter 69

SEE NATURAL RESOURCES, INFRASTRUCTURE & PUBLIC DEBT COMMITTEE.

GOVERNMENT INSTITUTIONS COMMITTEE (Cont'd.)

homeowners' associations; condominiums; fees; signs (NOW: signs; homeowner associations; condominiums) (HB 2345) – Chapter 41

Prohibits the regulation of *for sale* and *for lease* signs in condominium and planned communities. Prohibits an association from regulating any of the following:

- a) temporary open house signs or a unit or property owner's *for sale* signs that conform to industry standards and are owned or used by the seller or the seller's agent;
- b) open house hours between 8:00 A.M. and 6:00 P.M.; and
- c) where leasing of units or property is allowed, an owner or owner's agent's *for lease* sign and open house hours.

Allows an association to prohibit open house signs on common elements and common areas of a condominium or planned community.

ASRS; plan design; refunds (H.B. 2389) – Chapter 50

Makes various changes to the statutes governing the Arizona State Retirement System (ASRS). Appropriates \$1,341,722 from the ASRS Administration Account Fund in FY 2011 to the ASRS for administrative purposes.

military overseas voting; ballot arguments. (H.B. 2427/S.B. 1031) – Chapter 2 E

An emergency measure, effective February 11, 2010, that makes various changes to the statutes governing absent uniformed services voters and overseas voters as follows: 1) allows an absent uniformed services voter or overseas voter to designate the means of communication by which he or she receives voting materials; 2) requires a ballot to be transmitted no later than the 45th day before the election if the request from the voter was received on or before the 48th day before the election; 3) requires a recorder to forward a ballot to an unregistered applicant within 24 hours of receiving the request if the request is for a ballot for use in a county election and a federal postcard application is complete; 4) requires a recorder to forward, within 24 hours after receipt of the applicant's request, an affidavit of registration and a ballot to an unregistered applicant whose federal postcard application is not used or not complete; 5) allows a recorder to forego sending a paper ballot to a voter for an election for which the voter is sent a ballot by electronic means; 6) requires a recorder to provide a method by which the voter may verify that his or her ballot was received at no cost to the voter; and 7) changes the deadline by which a person wishing to file an argument advocating or opposing a measure or constitutional amendment proposed in an initiative petition, referendum or referral by the legislature from no later than 53 days preceding the regular primary to no later than 48 days preceding the primary.

county zoning hearings; appeal (H.B. 2428) – Chapter 319

Allows a county board of adjustment to review decisions by a hearing officer regarding zoning violations and a county board of supervisors to establish one countywide board of adjustment. The bill also permits a county attorney to provide or receive civil legal services pursuant to an intergovernmental agreement.

GOVERNMENT INSTITUTIONS COMMITTEE (Cont'd.)

public defender; duties; reimbursement (H.B. 2470) – Chapter 195

Authorizes the public defender to provide legal services to indigent persons in certain proceedings and modifies reimbursement assessments made by the court for services rendered by the public defender.

civil actions; public employee; definition (H.B. 2477) – Chapter 72

Adds *leased employee* to the definition of *employee* in the actions against public entities or public employees' section of the courts and civil proceedings statutes.

~~PSPRS; local board composition~~ (NOW: development fees; moratorium) (HB 2478) – Chapter 153

Redefines, retroactive to August 31, 2009, the development fee moratorium established by Laws 2009, Third Special Session, Chapter 41 to begin September 1, 2009 through June 30, 2012. For development fees (fee) adopted between March 1, 2009 and September 1, 2009, the date of the imposition of a new fee or an increase in an existing fee is the date of a municipality's final action. Prohibits fees paid or charged after June 29, 2009, through July 29, 2010 from being retroactively increased.

city elections; majority vote (HB 2491) – Chapter 51 E

An emergency measure, effective April 14, 2010, that allows a city or town to adopt an ordinance that states that the total of all votes tabulated for the office of mayor constitutes the total number of votes cast at a mayoral election and is the basis for calculating whether a candidate for mayor or city council has received a majority of all votes cast at the election.

national disaster medical system; leave (HB 2540) – Chapter 196

Requires that public officers or employees be granted a leave of absence on all days that they are called to training duty by the National Disaster Medical System (NDMS). States that an employee of this state who is called to active duty by NDMS is eligible for additional leave of absence until released from active duty service.

Requires that an employee receive their salary or compensation, minus the amount of all pay and allowances for activities while on NDMS active duty service and states that an employee receiving salary or compensation is not eligible to accrue annual leave or sick leave while on active duty. Allows the state to recover any pay differential from an employee who cannot provide proof of honorable service.

state holiday; boy scouts (H.B. 2600) – Chapter 1 E

An emergency measure, effective February 2, 2010, declaring February 8th of each year as Boy Scouts of America Day.

county recorder records; access (H.B. 2602) – Chapter 229

Grants a law enforcement officer, who is performing official duties, access to records of the county recorder.

GOVERNMENT INSTITUTIONS COMMITTEE (Cont'd.)

solid waste; private enterprise. (H.B. 2604/S.B. 1036) – Chapter 3

SEE NATURAL RESOURCES, INFRASTRUCTURE & PUBLIC DEBT COMMITTEE.

constables; jurisdiction (H.B. 2608) – Chapter 230

Permits a constable to execute, serve and return processes and notices within any precinct in another county if that precinct adjoins the precinct in which the constable was elected or appointed.

officeholder expense accounts; statewide; legislative (H.B. 2609) – Chapter 198 E

An emergency measure, effective April 28, 2010, that allows any person who holds an elected statewide public or legislative office to establish an officeholder expense account.

election equipment certification committee; membership (H.B. 2729) – Chapter 295

After January 3, 2011, requires appointments to the Election Equipment Certification Committee to include at least one member with at least five years of experience with electronic voting systems, procedures and security.

tenant notice; foreclosures (H.B. 2766) – Chapter 264

Requires the owner of a residential property to include a written notice of foreclosure with a rental agreement if the rental agreement was entered into after the foreclosure action was initiated.

LEGISLATION VETOED

state library and archives amendments (H.B. 2110) – VETOED

Makes technical and conforming changes to the statutes governing the Arizona State Library, Archives and Public Records and establishes the State Building Stewardship Pilot Program.

In her veto message, the Governor states H.B. 2110 makes major changes to the manner in which confidential and sensitive information are stored and provides little guidance to assure the integrity and confidentiality of that information. The Governor also states that the establishment of the State Building Stewardship Pilot Program would further exacerbate the problems regarding the Capitol Outlay Stabilization Fund.

private property trespass towers (H.B. 2462) – VETOED

Requires the Department of Public Safety to adopt rules to administer statutes governing private property trespass towers.

In her veto message, the governor states she does not believe there is a need for the state to preempt local efforts or potential efforts regarding rate-setting and other requirements in the bill. The governor also states the additional responsibilities imposed by the bill on the Department of Public Safety would necessitate a reallocation of personnel which is not prudent given the current state of the Department's budget.

GOVERNMENT INSTITUTIONS COMMITTEE (Cont'd.)