

# COMMITTEE ON GOVERNMENT

Representative Judy Burges, Chairman  
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\* Strike-Everything Amendment  
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 [P 105] Proposition 105 Clause  
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 [LIV] Line Item Veto

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**HB 2005 – Chapter 328 – subdivisions; acting in concert**

Allows a local government to waive the requirements to prepare, submit and receive approval of a preliminary plat for any subdivision of 10 or fewer lots, modifies the definition of *subdivision or subdivided lands* and asserts that a familial relationship alone is not sufficient to constitute *unlawful acting in concert*. Further limits the damages in a lawsuit due to an untrue statement on a public report to not exceed the dollar amount that is the difference in price or market value that results from the untrue statement or omission of material fact.

**HB 2015 – Chapter 170 – \*county parks; justice court jurisdiction**

Specifies that an offense is committed within the precinct of a justice of the peace court if conduct constituting any element of the offense or a result of such conduct occurs within a county park that includes a body of water located in two counties and the precinct includes some part of the county park. Prescribes applicable county population thresholds.

**HB 2068 – Chapter 107 – constables; salaries**

Limits constables' annual salaries to \$15,000 if they serve precincts that average 100 or less documents served per year over the previous four years, and applies current statutory salary ranges to those constables whose precincts serve over 100 documents per year over the previous four years.

**HB 2137 – Chapter 213 – dogs; cats; sterilization**

Allows for the non-surgical sterilization of a dog or cat, adds a definition for *sterilization* and includes provisions relating to aggressive dogs and the requirements for reasonable care by the owner of an aggressive dog or person who is responsible for the care of an aggressive dog.

**HB 2151 – Chapter 193 – state employees; wage payments**

Includes payroll cards as an acceptable method for employers to pay employee wages and requires employers to provide a list of fees associated with the use of a payroll card.

**HB 2153 – Chapter 7 – municipalities; counties; fire sprinklers; code**

Prohibits a city, town or county BOS from adopting an ordinance that prevents a person or entity from choosing whether to install or not install fire sprinklers in a single family detached residence or a residential building that contains no more than two dwelling units and forbids such local government from assessing any fine, fee or penalty on any person choosing to install or not install fire sprinklers. Specifies that these requirements do not apply to any ordinance requiring residential sprinklers that was adopted prior to December 31, 2009.

**HB 2163 – Chapter 108 – investing public monies; notes**

Allows treasurers of local governments to invest public monies in notes of the state, counties, incorporated cities or towns or school districts.

**HB 2193 – Chapter 279 – municipal water charges; responsibility**

Prevents certain persons from being held responsible for unpaid water and wastewater charges by prohibiting a municipality from:

- Refusing service on the basis of unpaid water and wastewater rates to anyone other than the person who resided at the property and received the service.
- Requiring payment on the basis of unpaid water and wastewater rates to anyone other than the person who resided at the property, received the service, and contracted with the municipality for the service.

**HB 2274 – Chapter 330 – intergovernmental agreements; separate legal entity**

Allows any Indian tribe to join other local governments and special taxing districts and form a separate legal entity for the purposes of issuing revenue bonds and engaging in electric generation and transmission activities.

**HB 2302 – Chapter 173 – protected address; secretary of state**

Requires the SOS to establish and administer an Address Confidentiality Program (ACP) to protect the residential addresses of victims of domestic violence, sexual offenses and stalking by providing them with a substitute address of record. Prescribes the ACP application process, the role of application assistants, certified participant authorization cards, the exchange of information between the SOS and other state or local government entities and the lawful use of a program participant's actual address by those other entities. Establishes the ACP Fund consisting of assessments collected from any person who is convicted of a domestic violence offense, a sexual offense or stalking pursuant to statute.

**HB 2315 – Chapter 52 – Indian affairs commission; continuation**

Continues the Arizona Indian Affairs Commission until July 1, 2016.

**HB 2316 – Chapter 110 – Indian affairs commission; fund**

Modifies the membership of the Arizona Indian Affairs Commission and allows an appointed member to resign or be removed at the request of the tribe or tribal council who previously nominated such member. Specifies that all members serve at the pleasure of the Governor and prohibits ex-officio members from voting. Allows the Commission to accept and spend all fees collected at an Arizona Indian Town Hall to defer associated expenses.

**HB 2422 – Chapter 155 – local government budgeting; posting; publication**

Requires local governments to post a complete copy of their estimated revenues and expenses online, in a prominent location, no later than seven business days after both the initial presentation before a governing body and final adoption. States that these postings must be made available online for at least five years beginning FY 2011-2012.

**HB 2500 – Chapter 318 – \*political signs; public right-of-way**

Prohibits the removal of political signs that support or oppose candidates for public office or ballot measures from public rights-of-way, under certain conditions, during the period 60 days before a primary election until 15 days after a general election. Allows a local government to remove a political sign if they deem that its placement constitutes an emergency and further prescribes conditions for sign removal, notification of the appropriate candidate or campaign committee and retrieval of removed signs. Exempts state highways or routes, or overpasses over those state highways or routes and certain municipal zones.

**HB 2534 – Chapter 2 – city or town annexation**

Allows the governing board of a municipality within a county with a population of more than 350,000 persons to annex territory if the landowner has submitted a request to the federal government to take ownership of the territory or hold the territory in trust and provides further requirements for the eligible territory. Specifies that if the annexation is approved by a majority vote of the governing body, it is valid, but if it is approved by at least a two-thirds vote, the annexation becomes immediately operative. Defines *submitted a request to the federal government*.

**HB 2572 – Chapter 119 – government expenditure database; transparency; CAFR**

Requires ADOA and each local government to include the information as prescribed in a comprehensive annual financial report of a budget unit that has been made by a certified public accountant or public accountant who is not an employee of ADOA or the local government in their online database. Prescribes further requirements for the online posting of such information.

**HB 2609 – Chapter 156 – homeowners’ associations; signs; political; leasing**

Prescribes conditions for HOA meetings of the Board that are held after the period of declarant control has expired, regardless of whether the declaration, bylaws or other community documents state alternative procedures. Contains a policy statement asserting that HOA meetings should be conducted openly and allow unit owners or members to speak after the discussion of an agenda item but before action is taken. Modifies the statutes governing the use or placement of an indoor or outdoor display of a for rent or lease sign displayed by a property owner on their property and allows an HOA to prohibit the display of signs that are not commercially produced.

**HB 2627 – Chapter 176 – sunset review; factors**

Modifies the current sunset review factors for certain state agencies and clarifies that the committee of reference will conduct the additional review if necessary.

**HB 2644 – Chapter 319 – federal monies; union preference; prohibition**

Prohibits cities, towns, counties and state entities from accepting federal money for a construction project if a condition of accepting the money is giving a preference to union labor.

**HB 2717 – Chapter 292 – homeowners’ associations; penalties; attorney fees**

Modifies the statutes governing the use or placement of an indoor or outdoor display of a for rent or lease sign displayed by a property owner on their property and states that any HOA or managing agent that violates these statutes forfeits and extinguishes their statutory lien rights against a unit or property owner for a period of six consecutive months after the date of the violation.

**SB 1117 – Chapter 3 [E] – immigration legislation challenges**

Allows the Speaker of the House of Representatives and the President of the Senate to direct counsel to initiate a legal proceeding or appear on behalf of the Legislature in any challenge in state or federal court to SB 1070 and its amendments. Further removes the time restriction that allows the Governor to direct counsel other than the AG to appear on behalf of the state to defend SB 1070 and its amendments.

**SB 1123 – Chapter 18 – state library and archives amendments**

Makes substantive and conforming changes to the statutes governing ASLAPR necessitated by the transfer of the ASLAPR from the purview of the Legislature to the SOS in 2009 and further modifies the membership of the ASLAPR Advisory Board.

**SB 1148 – Chapter 185 – homeowners’ associations; disputes; administrative hearings**

States that the DFBLS has an additional purpose in protecting the public interest by interpreting and enforcing the terms of mobile home park rental agreements through its hearing officer function and asserts that DFBLS performs a similar function for condominiums and planned communities. Contains a legislative intent clause.

**SB 1149 – Chapter 65 – planned communities; condominiums; document fees**

Allows an HOA to charge a unit owner or property owner no more than \$400 for the costs incurred in the preparation of documents or statements that must be furnished for the purposes of resale disclosure, lien estoppel or any other services related to the transfer or use of a property. Establishes a *rush fee* of no more than \$100 and a *document update fee* of no more than \$50. Prescribes how an HOA may update their document fee schedule if their aggregate fee is less than \$400 as of January 1, 2010 and caps the civil penalty for charging fees in violation of statute at \$1,200. Modifies the statutes governing the use or placement of an indoor or outdoor display of a for rent or lease sign displayed by a property owner on their property. Contains a delayed effective date of from and after December 31, 2011.

**SB 1153 – Chapter 74 – city auditors; confidential information**

Allows a city or town auditor to examine the minutes of executive sessions of the city or town council or any board, commission or other public body established by the city or town. Clarifies that a city or town auditor may only look at the minutes of executive sessions within the performance of their official duties. Provides certain exceptions.

**SB 1160 – Chapter 40 – city sales tax; residential rental**

Prohibits a city or town, regardless of whether they have adopted the MCTC, from imposing or increasing sales tax on residential renters unless approved by municipal voters and provides exceptions. Contains a retroactive date of from and after December 31, 2010.

**SB 1188 – Chapter 147 – \*marital preferences; adoption**

Requires the DES Division of Children, Youth and Families to give married couples preference over single adults when placing children in adoptive homes, establishes a list of factors that must be taken into consideration during the placement process, and requires DES to compile and categorize information regarding adoptions by marital status of the adoptive parents.

**SB 1207 – Chapter 41 – dilapidated building; definition**

Modifies the definition of *dilapidated building* to mean any structure that is likely to burn or collapse and whose condition endangers the life, health, safety or property of the public.

**SB 1239 – Chapter 187 – \*county treasurers; investments**

Expands the list of eligible investments county treasurers may invest and reinvest monies in to include *exchange traded funds* and makes other conforming changes.

**SB 1282 – Chapter 149 – political committee registration; religious entity**

Prohibits this state and any agency or political subdivision from requiring a person to register as a political committee if the person is a religious assembly or institution that does not spend a substantial amount of time or assets, within the meaning provided in the IRC, on influencing any federal, state or local legislation, referendum, initiative or constitutional amendment.

**SB 1314 – Chapter 162 – county island fire districts; meetings**

Requires a noncontiguous county island fire district board to hold public meetings as necessary to carry out its powers and duties, but at least once every 90 days, rather than at least once each calendar month. Provides various requirements regarding a district website, the posting of an annual budget of the fire district board and permanent public records.

**SB 1318 – Chapter 271 – city council; vacancy; appointment; election**

Structures the vacancy process for councils of unchartered cities by limiting an appointed replacement for vacancies that occur *more* than 30 days before the next nomination petition deadline to only serve until the next regularly scheduled council election, where qualified electors will determine who serves the remainder of the term. If a vacancy occurs *less* than 30 days before the next nomination petition deadline, the appointee serves the remainder of the unexpired term.

**SB 1326 – Chapter 152 – \*flag display; homeowners' associations**

Modifies the restrictions an HOA may place on the display of flags. Prevents the prohibition of the Gadsden flag and the prohibition of front yard or backyard displays of flags protected by statute. Allows a planned community HOA to limit the height of a flagpole and the number of flags that may be displayed at one time.

**SB 1333 – Chapter 348 – cities; towns; deannexation; incorporation**

Establishes time frames within which a prescribed distance of an incorporated city or town is declared an urbanized area for the purposes of incorporation and provides an alternative method for incorporation, under certain conditions, through December 31, 2020. Provides for a phase-in of state shared revenues for an area that chooses to incorporate under this alternative method.

**SB 1341 – Chapter 124 – county planning; zoning; conforming legislation**

Makes conforming changes to the Arizona statutes governing county planning and zoning as required by Laws 2010, Chapter 244.

**SB 1364 – Chapter 22 – county ordinances; utility vehicle parking**

Allows a resident to park a motor vehicle on a street or driveway in a county, provided they meet specified requirements, and if the person's employment requires that the vehicle be available at the person's residence at designated periods. Defines *telecommunications* and specifies that telecommunications does not include commercial mobile radio services.

**SB 1375 – Chapter 104 – \*livery vehicles; taxis; limousines; regulation**

Adds requirements to the owners of livery vehicles, taxis and limousines regarding criminal background checks and vehicle maintenance records. Specifies that a public airport operator may establish the number of livery vehicles, taxis or limousines that may conduct business at such an airport.

**SB 1419 – Chapter 238 – reviser's technical corrections; 2011**

Makes numerous technical changes in order to correct defective and conflicting statutory text from previous legislative enactments.

**SB 1465 – Chapter 325 – valid identification; consular cards; prohibition**

Prohibits Arizona or any of its political subdivisions from accepting a consular identification card issued by a foreign government as a valid form of identification.

**SB 1498 – Chapter 125 – Arizona centennial medallions**

Allows AHAC to adjust the sale price and production of the Arizona centennial medallions due to the cost of gold, silver or copper. Specifies that the sale of the medallions may include a prepayment requirement for purchase and provides stipulations regarding the funds for the Arizona centennial medallions.

**SB 1502 – Chapter 274 – fire districts; merger; consolidation**

Allows a fire district to merge or consolidate by a unanimous consent of the governing bodies of a fire district or by holding an election. Revises the statutes governing fire district consolidation to more closely mirror those governing a fire district merger and requires written notice to be sent to each owner of taxable property within the proposed merger or consolidated area, that contains an estimate of the assessed value of the merged or consolidated district, the estimated change in property tax liability and a list of the benefits and injuries that may result from the proposed merger or consolidation.

**SB 1523 – Chapter 73 – sanitary districts; standards for moratoriums**

Establishes standards and procedures for a sanitary district to adopt a moratorium on construction or land development.

**SB 1525 – Chapter 243 – city; town; development fees**

Rewrites the municipal development fee statutes, prescribing how development fees may be assessed, what they may and may not be used for, how development fees and a municipal infrastructure improvement plan are to be approved and amended through a public hearing process, as well as development fee collection, refund, credit and reimbursement procedures. A municipality is required to revise their development fee structure and may either appoint an Infrastructure Improvements Advisory Committee or conduct a biennial certified audit. Prohibits a municipality from adopting an increase to its construction contracting or similar excise tax to a percentage amount in excess of its general TPT rate from June 30, 2011 through July 31, 2014. Contains a legislative intent clause and a delayed effective date.

**SB 1540 – Chapter 154 – political flyers; petitions; homeowners' associations**

States that HOAs may not prohibit door to door political activity or the circulation of political petitions on property normally open to visitors, but may prohibit door to door political activity from sunset to sunrise and may require a person engaging in door to door political activity to wear a prominent identification tag. HOAs may not regulate the number of candidates or propositions supported or opposed on a political sign and prohibits an HOA from requiring a political sign to be commercially produced or professionally manufactured. Allows political signs to be displayed 55 days before through 15 days after an election.

**SB 1598 – Chapter 312 – cities; counties; regulatory review**

Establishes a regulatory bill of rights for cities, counties and county flood control districts. Prescribes requirements for inspections completed on regulated persons or entities and specifies that all timelines are to be completed within *working* days. Prescribes time frames and requirements for licensing and licensing application processes and the consequences for failure to comply with such standards. Requires a local government to publish or prominently place on their website the subject matter of all currently applicable ordinances, codes and substantive policy statements and allows a governing body to receive complaints concerning those that are alleged to violate this Act. Provides various definitions and delayed effective dates.