

## New Report

49th Legislature - 2nd Regular Session, 2010

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### ACA Tracking List

#### ACA Tracking List: Posted Calendars and Committee Hearings

H2145: COUNTY PLANNING & ZONING

*Calendar:* 3/4 House Third Reading

H2157: TRANSACTION PRIVILEGE LICENSES; FEES

*Calendar:* 3/4 House Third Reading

H2162: TECH CORRECTION; REVENUE BOND AUTHORITY

*Calendar:* 3/4 House COW

H2196: CAMPAIGN FINANCE REPORTS; PENALTY

*Calendar:* 3/4 House Consent

H2240: RECOVERY AUDITS

*Calendar:* 3/4 House COW

H2285: CITY BUILDING PERMIT FEE

*Calendar:* 3/5 House Consent

H2308: INSURANCE INFO; TRANSFER OF BUSINESS

*Calendar:* 3/4 House Third Reading

H2489: BONDING; NET PREMIUMS

*Calendar:* 3/4 House Third Reading

H2502: TAXATION OF SOLAR ENERGY PROPERTY

*Calendar:* 3/4 House Third Reading

H2510: CITY SALES TAX; CORPORATE LEASE

*Calendar:* 3/5 House Consent

H2579: INSURANCE; CONTINUING EDUCATION; CONTINUATION

*Calendar:* 3/4 House Consent

H2580: VAPOR RECOVERY SYSTEMS; TESTING

*Calendar:* 3/4 House COW

H2700: SOLAR ENERGY TAX INCENTIVES; EXTENSION

*Calendar:* 3/4 House Consent

HCM2014: NUCLEAR ENERGY PLANT; DEVELOPMENT

*Calendar:* 3/4 House Consent

HCR2018: INITIATIVES; FILING DEADLINE

*Calendar:* 3/5 House Consent

S1194: POWER AUTHORITY; BONDING

*Calendar:* 3/4 Senate COW

S1242: EMPLOYER PROTECTIONS; LABOR RELATIONS

*Hearing:* Senate Appropriations (Friday 03/05/10 at 9:00 AM, Senate Rm. 109)

S1334: CELL PHONE USE; TEXTING; DRIVING

*Calendar:* 3/4 Senate COW

SCM1003: ARIZONA'S SHARE; FEDERAL FUEL TAX

Hearing: House Ways & Means (Monday 03/08/10 at 2:00 PM,  
**CANCELLED**)

## ACA Tracking List: Bill Summaries

### H2003: TECH CORRECTION; NONPROFIT CORPORATIONS

Minor change in Title 10 (Corporations & Associations), relating to the Arizona Nonprofit Corporation Act. Apparent striker bus.

First sponsor: Rep. Reagan

H2003: TECH CORRECTION; NONPROFIT CORPORATIONS 3/2 from House rules okay.

### H2037: SECRETARY OF STATE; BUSINESS SERVICES

Various changes to the business-related duties of the Secretary of State, including allowing the Secretary of State to assess late filing penalties for late annual reports or registration statements. Statutes regulating linen supplies service businesses are repealed. Modifies the definition of "satisfactory evidence of identity" for the purposes of notaries public. The Secretary of State is authorized to require notaries to attend a notary training course, and to assess a fee for the course, to be deposited in the newly established Notary Education Fund. Also allows the Secretary of State to make the health care directives registry electronic. Authorizes the Secretary of State to refuse to accept a statement of partnership dissolution if the entity never filed a statement of partnership. AS PASSED HOUSE.

First sponsor: Rep. Reagan

H2037: SECRETARY OF STATE; BUSINESS SERVICES 2/23 referred to Senate com-econ.

### H2038: RESIDENTIAL CONTRACTORS' RECOVERY FUND

The maximum amount in the Residential Contractors' Recovery Fund that may be used to monitor, process and oppose claims made against the fund is increased to 14% of the total amount deposited in the fund during the prior fiscal year from 10%. Emergency clause. [Capitol Reports note: the Residential Contractors' Recovery Fund is administered by the Registrar of Contractors.]

First sponsor: Rep. Hendrix

H2038: RESIDENTIAL CONTRACTORS' RECOVERY FUND 3/3 passed House 59-1; ready for Senate.

### H2051: CORP COMM; CONTRACTORS; REGULATION

The Corporation Commission is prohibited from requiring a contractor to fulfill any requirements other than those required by the Registrar of Contractors in order to qualify to provide services under a commission-approved rebate or pricing program offered by a public service corporation. At no time may the commission require a contractor to join a membership organization, pay dues to any membership organization or take continuing education classes that are not otherwise required by the registrar of contractors. AS PASSED HOUSE.

First sponsor: Rep. Hendrix

H2051: CORP COMM; CONTRACTORS; REGULATION 2/23 referred to Senate com-econ.

### H2058: LANDLORD TENANT (~~MOBILE HOME PARKS; LANDLORD MAINTENANCE~~)

With stated exceptions, the landlord, property manager or employees of the landlord or manager may perform maintenance on the premises without using a licensed contractor. A landlord that violates this act (presumably, for example, by not using a licensed contractor in cases where it is required) is subject to a civil penalty of up to \$250. AS PASSED HOUSE

First sponsor: Rep. Konopnicki

H2058: LANDLORD TENANT 3/2 referred to Senate com-econ.

## **H2072: DEPARTMENT OF INSURANCE; CONTINUATION**

The statutory life of the Department of Insurance is extended ten years to July 1, 2020. Retroactive to July 1, 2010. [Note: because a department of insurance is referenced in Article XV, Section 5, of the state Constitution, voters would need to pass a constitutional amendment to terminate the Dept of Insurance.]

First sponsor: Rep. McLain

H2072: DEPARTMENT OF INSURANCE; CONTINUATION 2/23 referred to Senate fin.

## **H2127: SCHOOLS; JTED; AVG DAILY ATTENDANCE; LIMITS (~~TECH CORRECTION; EXCHANGE-TEACHERS~~)**

The sum of daily attendance and the fractional student enrollment for a student enrolled in both a member school district and JTED courses provided at a community college or a facility owned and/or operated by a JTED that is not located on a site of a member district cannot exceed 1.75. Retroactive to July 1, 2010. Emergency clause. AS PASSED HOUSE.

First sponsor: Rep. Crandall

H2127: SCHOOLS; JTED; AVG DAILY ATTENDANCE; LIMITS 3/2 referred to Senate educ.

## **H2138: STATE COMP FUND; CONTINUATION**

The statutory life of the State Compensation Fund is extended 10 years to July 1, 2020. Retroactive to July 1, 2010.

First sponsor: Rep. Hendrix

H2138: STATE COMP FUND; CONTINUATION 2/23 referred to Senate rules only.

## **H2145: COUNTY PLANNING & ZONING**

County planning and zoning boards need not hold monthly meetings unless there is new official business to transact. Also in a session law section, county boards of supervisors are not required to readopt an existing comprehensive plan or adopt a new one until July 1, 2015.

First sponsor: Rep. Konopnicki

H2145: COUNTY PLANNING & ZONING 2/15 from House rules okay.

## **H2153: HOMEOWNERS' ASSOCIATIONS; PUBLIC ROADWAYS**

Homeowners' associations in planned communities have no authority over any public roadway for which ownership has been dedicated to a governmental entity. AS PASSED HOUSE.

First sponsor: Rep. Barto

H2153: HOMEOWNERS' ASSOCIATIONS; PUBLIC ROADWAYS 2/17 passed House 43-14; ready for Senate.

## **H2154: PRIVATE EASEMENTS; MAINTENANCE**

Owners of private right-of-ways and easements and owners of land attached to an easement must maintain the easement, either as provided in an agreement among the owners or, if there is no agreement, where the cost is shared proportionally according to each owner's use of the easement.

First sponsor: Rep. Barto

H2154: PRIVATE EASEMENTS; MAINTENANCE 2/15 retained on House COW calendar.

## **H2157: TRANSACTION PRIVILEGE LICENSES; FEES**

Increases the fee for a transaction privilege license to \$50, from \$12 (Note: licenses are effective indefinitely unless business ownership or location changes). Due to a potential increase in state revenue, this bill requires the affirmative vote of 2/3 of the members of each house of the Legislature for passage.

First sponsor: Rep. Murphy

H2157: TRANSACTION PRIVILEGE LICENSES; FEES 2/23 from House rules okay.

## **H2162: TECH CORRECTION; REVENUE BOND AUTHORITY**

Minor change in Title 30 (power) related to the Arizona Power Authority. Apparent striker bus.

First sponsor: Rep. Nichols

H2162: TECH CORRECTION; REVENUE BOND AUTHORITY 3/4 retained on House COW calendar.

## **H2195: VETERANS' SERVICES; MILITARY INSTALLATION FUND**

Statutory authority to transfer acquired real estate, property rights and related infrastructure to the Land Department as a result of expenditures from the Military Installation Fund for the purposes of preserving or enhancing military installations in the state is changed from the Dept of Veterans' Services to the Dept of Commerce.

First sponsor: Rep. Jerry Weiers

H2195: VETERANS' SERVICES; MILITARY INSTALLATION FUND 3/3 passed House 60-0; ready for Senate.

## **H2196: CAMPAIGN FINANCE REPORTS; PENALTY**

Language related to the time period within which a person must file a campaign finance report after receiving a notice of delinquency is specified as 15 "business" days. Language authorizing a \$25 daily penalty for continued delinquency beyond that time is changed to \$25 per "business" day.

First sponsor: Rep. Jerry Weiers

H2196: CAMPAIGN FINANCE REPORTS; PENALTY 3/2 from House rules okay.

## **H2199: STATE CONTRACTS; PARTICIPATION GOALS; VETERANS**

The procurement code is changed to require the Dept of Administration to establish a goal of awarding at least 3% of state procurement contracts to veteran-owned businesses.

First sponsor: Rep. Jerry Weiers

H2199: STATE CONTRACTS; PARTICIPATION GOALS; VETERANS 2/18 withdrawn from House gov.

## **H2217: HEALTHCARE GROUP; SOLE PROPRIETORS**

Sole proprietors are eligible to purchase health insurance through Healthcare Group.

First sponsor: Rep. Chabin

H2217: HEALTHCARE GROUP; SOLE PROPRIETORS 1/19 referred to House hel-hu ser, bank-ins.

## **H2218: IRRIGATION DISTRICTS; CONTRACTS; CERTIFICATION BOARD**

The maximum amount that an irrigation and water conservation district may spend on a project without advertising for bids is increased to \$30,000. Emergency clause.

First sponsor: Rep. Jim Weiers

H2218: IRRIGATION DISTRICTS; CONTRACTS; CERTIFICATION BOARD 2/23 referred to Senate fin.

## **H2228: ELEVATOR SAFETY; THIRD-PARTY INSPECTORS**

Modifies statutes pertaining to elevator safety inspections. Owners/operators of elevators must ensure that an elevator is inspected at specific times (after initial installation, upon completion of any modification, and annually or as directed by the Industrial Commission). The commission is authorized to certify third-party elevator inspectors who meet stated requirements, including being certified by the National Society of Mechanical Engineers. Sanctions are established for violations, including suspension or revocation of license and a civil penalty of \$1,000 for each occurrence. AS PASSED HOUSE.

First sponsor: Rep. Hendrix

H2228: ELEVATOR SAFETY; THIRD-PARTY INSPECTORS 2/23 referred to Senate com-econ.

## **H2237: CIVIL ACTIONS; ATTORNEY FEES; RECOVERY**

Statute allowing the court to award reasonable attorney fees to the successful party are expanded to all contested civil actions. Previously, the statute applied only to contested actions arising out of a contract.

First sponsor: Rep. Kavanagh

H2237: CIVIL ACTIONS; ATTORNEY FEES; RECOVERY 1/20 referred to House jud.

## **H2240: RECOVERY AUDITS (~~ADMISSIBILITY OF EXPERT OPINION TESTIMONY~~)**

Establishes requirements that must be met to qualify persons as expert witnesses in a civil action. Also establishes factors to qualify expert opinion testimony in such cases as admissible.

First sponsor: Rep. Tobin

H2240: RECOVERY AUDITS 3/4 House COW approved with amend #4260 and floor amend #4541. NOTE SHORT TITLE CHANGE.

## **H2241: RENEWABLE ENERGY PRODUCTION TAX CREDIT**

Beginning tax year 2011, creates an individual and corporate income tax credit for the production of electricity using renewable energy resources. Specifies credit amounts based on the amount of electricity generated and the production source.

First sponsor: Rep. McComish

H2241: RENEWABLE ENERGY PRODUCTION TAX CREDIT 2/15 withdrawn from House ways-means.

### **H2249: MUNICIPAL DEVELOPMENT FEES; REFUNDS**

If a facility is not completed within 7 years after the first development fee is assessed, the municipality must refund any fees that were collected to the payor. Exempts development fees for water resource, wastewater or sewer facilities.

First sponsor: Rep. Biggs

H2249: MUNICIPAL DEVELOPMENT FEES; REFUNDS 3/1 retained on House COW calendar.

### **H2250: ARIZONA'S JOB RECOVERY ACT**

Repeals the state's current job training program and replaces it with a new job training program consisting of "impact programs" (defined) managed by the Dept of Commerce. Establishes the Arizona Opportunity Fund and authorizes the governor to negotiate on behalf of the state in awarding grants from the fund to attract business or to promote economic, infrastructure or community development. Establishes a Quality Jobs Program whereby companies may qualify for a waiver of 50% of the state withholding tax on compensation. Delays the repeal of statutes authorizing enterprise zones for five years to July 1, 2016 and expands the eligibility criteria for companies that may qualify for enterprise zone tax incentives. The state equalization assistance property tax is phased out over four years, beginning in tax year 2011. The assessment ratio for class 1 property (commercial & industrial) is phased down to 15% from 20% in 1% increments beginning in tax year 2012. The corporate income tax rate is reduced to 5% from 6.968% over four years beginning in tax year 2011. The corporate sales factor is increased to 100% from 80% over two years beginning in tax year 2015. Makes reductions in individual income tax rates over four years beginning in tax year 2011. More. AS PASSED HOUSE.

First sponsor: Rep. Adams

H2250: ARIZONA'S JOB RECOVERY ACT 1/28 House COW approved with amend #4020 and floor amend #4059 and #4060. Passed House 34-25; ready for Senate.

### **H2259: DEVELOPMENT FEES; PROPORTIONAL SHARE**

Municipal development fees cannot exceed the proportionate share of the costs incurred by the municipality in providing necessary public services to the development, based on the same level of service provided to existing residents in the municipality.

First sponsor: Rep. Biggs

H2259: DEVELOPMENT FEES; PROPORTIONAL SHARE 3/1 retained on House COW calendar.

### **H2267: PHOENIX AIRPORT; STUDY COMMITTEE**

Establishes a Phoenix Sky Harbor International Airport study committee consisting of 4 legislators and 3 public members to study the future of the airport and report to the Governor and the Legislature by November 1, 2012. Self-repeals October 1, 2013.

First sponsor: Rep. Ableser

H2267: PHOENIX AIRPORT; STUDY COMMITTEE 1/19 referred to House trans-inf, gov, com.

### **H2280: WAGES; PAYMENT; JOB COMPENSATION STATEMENT**

At the time of payment of wages, employers must provide employees with a total job compensation statement that includes an itemized list of the employer's and employee's cost for specified benefits, including insurance, retirement and worker's compensation.

First sponsor: Rep. Stevens

H2280: WAGES; PAYMENT; JOB COMPENSATION STATEMENT 1/19 referred to House com.

### **H2285: CITY BUILDING PERMIT FEE**

Fees or charges assessed by municipalities for building permits or plans must be attributable to and cover the expense of the service for which the fee or charge is assessed. Municipalities must publish the method used to assess the fee or charge and make it available to the public.

First sponsor: Rep. Montenegro

H2285: CITY BUILDING PERMIT FEE 3/3 from House rules okay.

### **H2294: BUSINESS LICENSE; ETHICS PLEDGE**

The form for an employer identification number and transaction privilege tax license must include a business ethics pledge that must be acknowledged by the applicant.

First sponsor: Rep. McGuire

H2294: BUSINESS LICENSE; ETHICS PLEDGE 1/20 referred to House gov, com.

### **H2297: CITY OR TOWN ANNEXATION**

Municipalities are authorized to annex any territory that is bordered by the municipality on at least 3 sides if the landowner has requested that the federal government take ownership of the territory. Annexation under these circumstances is valid if approved by a majority vote of the municipal council and becomes effective immediately on such a vote. Emergency clause.

First sponsor: Rep. Jerry Weiers

H2297: CITY OR TOWN ANNEXATION 2/25 House COW approved with floor amend #4446 and the rules tech amendment.

### **H2301: AGENCIES; FUND SOURCES; EXPENDITURES; REPORT**

The Governor's office and each state budget unit must submit a monthly report to the Joint Legislative Budget Committee with detailed information on all sources of monies received for the current fiscal year, the purposes for which the monies have been expended, and caseloads for each population for which the monies are intended to provide services.

First sponsor: Rep. Crump

H2301: AGENCIES; FUND SOURCES; EXPENDITURES; REPORT 2/23 from House rules okay.

### **H2305: STATE LOTTERY; PERMANENT CONTINUATION**

Exempts the Arizona State Lottery Commission from statutory termination requirements and repeals the current termination date of July 1, 2012. Due to voter protection, requires the affirmative vote of 3/4 of each house of the Legislature for passage.

First sponsor: Rep. Reagan

H2305: STATE LOTTERY; PERMANENT CONTINUATION 1/25 referred to House com.

## **H2308: INSURANCE INFO; TRANSFER OF BUSINESS**

Transfers of business (defined) are added to the definition of "insurance transaction" in statutes governing insurance information and privacy protection.

First sponsor: Rep. Hendrix

H2308: INSURANCE INFO; TRANSFER OF BUSINESS 2/25 House COW approved with amend #4123.

## **H2310: CONTRACTS; CONSTRUCTION; PROPORTIONAL LIABILITY**

Statutes governing indemnity agreements in construction contracts apply to architect-engineer professional service contracts. The list of agreements exempt from indemnity agreement regulations is expanded. Applies to construction or architect-engineer professional service contracts entered into beginning January 1, 2011.

First sponsor: Rep. Hendrix

H2310: CONTRACTS; CONSTRUCTION; PROPORTIONAL LIABILITY 2/17 House com FAILED 2-2.

## **H2318: LABOR; REST PERIODS; MEAL BREAKS**

Employers must allow employees to take at least one 30 minute meal break during every continuous 8 hours of labor and at least one paid 10 minute rest period during every 4 hours of labor. Some exceptions.

First sponsor: Rep. Patterson

H2318: LABOR; REST PERIODS; MEAL BREAKS 1/19 referred to House com.

## **H2321: FORECLOSED PROPERTIES; MAINTENANCE; ABATEMENT**

The power of sale of residential trust property cannot be exercised until after delivery of notice of pending foreclosure to the municipality or county in which the property is located. Upon notice, municipalities and counties may inspect the exterior of a property and send notice to the beneficiary of the deed of trust to remove trash, weeds or dilapidated structures from the property. Trustees must remove or abate the hazard and pay any costs or assessments, and may then proceed with a notice of sale.

First sponsor: Rep. Patterson

H2321: FORECLOSED PROPERTIES; MAINTENANCE; ABATEMENT 1/19 referred to House gov.

## **H2324: GRAND CANYON AIRPORT SPECIAL DISTRICT**

Establishes a Grand Canyon Airport Special Taxing District and transfers all powers of the Department of Transportation relating to the Grand Canyon national park airport to the District, effective October 1, 2010.

First sponsor: Rep. Chabin

H2324: GRAND CANYON AIRPORT SPECIAL DISTRICT 1/19 referred to House trans-inf, ways-means.

## **H2325: BUSINESS REPORTING; CONTRACTS; TAX DISCLOSURES**

Adds a new chapter in trade and commerce statutes regulating business reporting on grants, subsidies, contracts, and taxes. Also requires the Department of Revenue and political subdivisions to report specified tax information. The requirements established by this legislation are in addition to other requirements in law, except where specifically stated.

First sponsor: Rep. Chabin

H2325: BUSINESS REPORTING; CONTRACTS; TAX DISCLOSURES 1/19 referred to House com, gov.

### **H2340: GOVERNMENT; GRANT OF PUBLIC MONIES**

State departments, state agencies, and political subdivisions cannot award, grant or appropriate public monies to a private entity or sell any property without complying with the procurement code or a similar public bidding process. Does not apply to money awarded by a court or that is part of a settlement agreement.

First sponsor: Rep. Antenori

H2340: GOVERNMENT; GRANT OF PUBLIC MONIES 1/26 House gov held.

### **H2351: COMMUNICATION WITH LEGISLATORS**

The crime of impersonating a constituent of a legislator is created as a class 2 misdemeanor. It is defined as pretending to be a constituent in any communication with a legislator or legislator's assistant.

First sponsor: Rep. Antenori

H2351: COMMUNICATION WITH LEGISLATORS 1/19 referred to House jud.

### **H2356: GREEN BUILDINGS; RECOVERY FUNDING**

Various public buildings and private buildings constructed with a minimum of 50% public funds must conform to a minimum energy efficiency standard. Applies to construction that enters the design phase after Dec. 31, 2013. Existing public buildings undergoing energy retrofitting equal to at least 35% of the value of the existing building must also conform to the standard. Federal recovery funds are to be used for these buildings when possible. Additionally, recovery funds are made available for residential weatherization projects.

First sponsor: Rep. Sinema

H2356: GREEN BUILDINGS; RECOVERY FUNDING 1/20 referred to House water-energy, com.

### **H2360: HISTORIC PROPERTY; CONTRACTORS' RECOVERY FUND**

Owners of noncommercial historic property are permitted to make a claim for monies from the Contractors' Recovery Fund.

First sponsor: Rep. Sinema

H2360: HISTORIC PROPERTY; CONTRACTORS' RECOVERY FUND 1/20 referred to House gov, appro.

### **H2371: HOME INSPECTIONS**

The list of items that must be included in a home inspection by a certified home inspector is expanded to include the swimming pool and spa, using rules adopted by the State Board of Technical Registration. AS PASSED HOUSE.

First sponsor: Rep. Nichols

H2371: HOME INSPECTIONS 3/2 referred to Senate com-econ.

### **H2372: STATE BUILDINGS; ENERGY CONSERVATION**

Various energy conservation standards are established for public buildings. State agencies, already required to reduce energy consumption by 15% by July 1, 2011, are required to reduce consumption by 30% by July 1, 2020. [Note: fiscal 2001-02 is the baseline year.] Also, by July 1, 2010, all state buildings (including universities and community colleges) are required to purchase at least 10% of their energy from "green sources" (defined). All new state owned or leased buildings must conform to LEED green building standards.

First sponsor: Rep. Chad Campbell

H2372: STATE BUILDINGS; ENERGY CONSERVATION 1/19 referred to House water-energy, appro.

### **H2381: RENEWABLE ENERGY; LEGISLATIVE AUTHORITY**

The state and its political subdivisions are prohibited from requiring a public power entity or a public service corporation to purchase or provide a specific percentage or amount of the total energy provided or sold from renewable energy sources. The Legislature reserves the exclusive power, authority and jurisdiction to set statewide renewable energy policy (defined), with some exceptions.

First sponsor: Rep. Seel

H2381: RENEWABLE ENERGY; LEGISLATIVE AUTHORITY 1/25 referred to House water-energy.

### **H2397: DEVELOPMENT FEES; CODES; MORATORIUM; REPEAL**

Repeals the moratoriums on new or modified municipal building codes (residential or commercial) and on new or increased municipal development fees. The moratorium previously applied from June 30, 2009 through June 30, 2011. Also makes various changes to statutes governing the imposition of municipal development fees.

First sponsor: Rep. Chad Campbell

H2397: DEVELOPMENT FEES; CODES; MORATORIUM; REPEAL 1/19 referred to House gov, com, appro.

### **H2451: LINE EXTENSIONS; UTILITY INFRASTRUCTURE; CHARGES**

Public service corporations are prohibited from charging a customer for the first 1,000 feet of a line extension if the cost is \$10,000 or less. Public service corporations may require customers to pay the actual cost of a line extension that is more than \$10,000, and must offer credits of at least \$4,000 toward the cost of necessary utility infrastructure.

First sponsor: Rep. Antenori

H2451: LINE EXTENSIONS; UTILITY INFRASTRUCTURE; CHARGES 2/9 from House gov with amend #4135.

### **H2455: STATE BUILDINGS; ENERGY CONSERVATION STANDARDS**

Requires the Department of Administration, Arizona Board of Regents and Department of Transportation to reduce energy use in public buildings by 20% per square foot of floor area by July 1, 2016. (Current statute requires these agencies to reduce energy use by 15% per square foot of floor area by July 1, 2011).

First sponsor: Rep. Ableser

H2455: STATE BUILDINGS; ENERGY CONSERVATION STANDARDS 1/21 referred to House water-energy, gov.

### **H2476: CONDOMINIUMS; RESTRICTED USE**

Amendments to condominium declarations that increase the restricted uses of a unit no longer require the unanimous consent of the unit owners.

First sponsor: Rep. Konopnicki

H2476: CONDOMINIUMS; RESTRICTED USE 1/19 referred to House gov.

### **H2489: BONDING; NET PREMIUMS**

The maximum amount of a net premium associated with a local government bond issue is increased to 10% of the par value of the bond from 2%. Additionally, costs incurred in issuing the bonds may be paid from the net premium associated with the issuance. Similarly, the maximum amount of net premium associated with a refunding bond issue is increased to 10% from 2%. Also, the requirement that notice of the issuance of local government bonds must be published in a newspaper are deleted. [Capitol Reports note: "net premium" is already defined in statute as the difference between the par amount of the bond issue and the bond issue price determined according to U.S. Treasury regulations.]

First sponsor: Rep. Yarbrough

H2489: BONDING; NET PREMIUMS 2/18 House COW approved with floor amend #4286.

### **H2502: TAXATION OF SOLAR ENERGY PROPERTY**

For property tax valuation purposes, and through December 31, 2040, the value of "solar energy real property" (defined) is the lesser of the cost to the current owner as of December 31 of the preceding year, or the value as computed using the income approach to valuation without any allowance for urban or market influences.

First sponsor: Rep. Murphy

H2502: TAXATION OF SOLAR ENERGY PROPERTY 2/15 from House rules okay.

### **H2503: TAXATION; BIOGAS FACILITIES**

For property tax valuation purposes, and through December 31, 2040, the value of pipelines that transport biogas (defined) is 20% of the depreciated cost of the equipment. Also adds biogas pipes or valves to the list of items exempt from sales tax.

First sponsor: Rep. Murphy

H2503: TAXATION; BIOGAS FACILITIES 2/18 from House water-energy with amend #4271.

### **H2510: CITY SALES TAX; CORPORATE LEASE**

The list of items exempt from municipal sales tax is expanded to include proceeds from a commercial lease in which a parent corporation leases property to a subsidiary corporation (defined).

First sponsor: Rep. Murphy

H2510: CITY SALES TAX; CORPORATE LEASE 3/3 from House rules okay.

### **H2532: UNAUTHORIZED ALIENS; LICENSING**

The state Attorney General or a county attorney is specifically authorized to take all legal steps to enforce the prohibition against employers hiring unauthorized aliens, including issuing subpoenas. An employer is not entrapped if the employer was "predisposed" to hire an illegal and law enforcement "merely provided the employer with an opportunity" to violate the law, or if law enforcement used a ruse or otherwise concealed their identity. If an employer gets a failed verification result from E-Verify, the employer is required to notify federal immigration officials and the county attorney. A violation is punishable by a civil penalty (amount is unspecified). An employer who does not use E-Verify to verify the immigration status of employees is not eligible for licensing in this state.

First sponsor: Rep. Gowan

## **H2574: RENEWABLE ENERGY DISTRICTS**

The list of county and municipal improvement districts that may be formed is expanded to include those established to install and maintain improvements related to energy efficiency, renewable energy, water conservation and water management.

First sponsor: Rep. Mason

H2574: RENEWABLE ENERGY DISTRICTS 3/3 passed House 47-13; ready for Senate.

## **H2579: INSURANCE; CONTINUING EDUCATION; CONTINUATION**

The scheduled June 30, 2010, repeal of statutes establishing continuing education requirements for insurance agents is itself repealed. The effect is to continue the c.e. requirements indefinitely.

First sponsor: Rep. McLain

H2579: INSURANCE; CONTINUING EDUCATION; CONTINUATION 3/2 from House rules okay.

## **H2580: VAPOR RECOVERY SYSTEMS; TESTING (~~TECH CORRECTION; AIR POLLUTION; PERMITS~~)**

Minor change in Title 49 (the environment) related to state air pollution control. Apparent striker bus.

First sponsor: Rep. Barnes

H2580: VAPOR RECOVERY SYSTEMS; TESTING 3/4 House COW approved with amend #4387. NOTE SHORT TITLE CHANGE.

## **H2581: TECH CORRECTION; AIR POLLUTION ORDERS**

Minor change in Title 49 (the environment) related to state air pollution control. Apparent striker bus.

First sponsor: Rep. Barnes

## **H2593: HEALTHCARE GROUP; SMALL EMPLOYERS; ELIGIBILITY**

If an employer group of 2 or more eligible employees is enrolled in Healthcare Group and subsequently becomes an employer group on one, the employer group may continue to be enrolled in Healthcare Group. Retroactive to September 26, 2008.

First sponsor: Rep. Farley

H2593: HEALTHCARE GROUP; SMALL EMPLOYERS; ELIGIBILITY 1/25 referred to House hel-hu ser, bank-ins.

## **H2594: PROFESSIONAL EMPLOYER ORGS; AGREEMENTS**

If a professional employer agreement does not provide for the professional employer organization (PEO) to purchase workers' compensation for covered employees, the client is responsible to purchase a client based policy for all employees. If the agreement provides for the PEO to purchase workers' compensation, the PEO must purchase an individual policy, master policy, or multiple coordinated policies. Additional requirements are established for a PEO purchasing a master policy or multiple coordinated policies.

First sponsor: Rep. Reagan

H2594: PROFESSIONAL EMPLOYER ORGS; AGREEMENTS 1/25 referred to House bank-ins, com.

## **H2595: ENTERPRISE ZONE; JOBS INCENTIVES**

Numerous changes to statutes governing enterprise zone tax incentives, including modifying income and property tax incentive qualifications to require businesses to create jobs in Arizona that meet specified wage requirements or to make capital investments in Arizona, and removing the requirement for businesses to be located in specified areas to qualify. More.

First sponsor: Rep. Reagan

## **H2598: REGISTRAR OF CONTRACTORS; COMPLAINTS**

The criteria under which a person has standing to file a complaint with the Registrar of Contractors are specified.

First sponsor: Rep. Biggs

H2598: REGISTRAR OF CONTRACTORS; COMPLAINTS 2/23 referred to Senate com-econ.

## **H2604: SOLID WASTE; PRIVATE ENTERPRISE**

No municipality may prohibit or restrain a private enterprise from delivering recycling or solid waste management services within the municipal boundaries. Formerly, cities with a population of less than 60,000 were exempt from this prohibition. Language stating it shall not be considered an unreasonable restraint if the municipality has at least seven companies performing services exclusively in different areas is deleted.

First sponsor: Rep. Kavanagh

H2604: SOLID WASTE; PRIVATE ENTERPRISE 3/3 passed House 52-8; ready for Senate.

## **H2631: CAPITOL RESTORATION RECAPTURE DIST**

Beginning October 1, 2010, through June 30, 2017, authorization is granted to form a State Capitol and Economic Recapture District, jointly governed by the governing bodies of participating jurisdictions and overseen by a 14-member oversight committee. The powers and duties of the district are provided, including authority to issue bonds and expend revenues to further the project. Bonds are to be repaid with increases in sales tax generated within the district. The district must terminate by June 30, 2051.

First sponsor: Rep. Gowan

H2631: CAPITOL RESTORATION RECAPTURE DIST 2/9 from House gov do pass.

## **H2635: PROCUREMENT SERVICES; OUTSOURCING PROHIBITED**

A unit of state government is prohibited from awarding a contract or providing development assistance to a vendor or other entity that performs the work of the contract outside the U.S.

First sponsor: Rep. Fleming

H2635: PROCUREMENT SERVICES; OUTSOURCING PROHIBITED 2/2 referred to House gov, com.

## **H2636: STATE SERVICE POSITIONS; PROHIBITION**

A unit of state government is prohibited from entering into any agreement or from performing any act that results in a state service position (defined) being directly or indirectly established or transferred outside the U.S.

First sponsor: Rep. Fleming

H2636: STATE SERVICE POSITIONS; PROHIBITION 2/2 referred to House gov, com.

### **H2639: MINIMUM WAGE; YOUNGER WORKERS**

Beginning Jan 1, 2011, and ending on Dec. 31, 2013, the minimum wage for workers younger than 22 is 75% of the state minimum wage. This statute was added by a voter-approved initiative; therefore, amending it requires a 3/4 majority vote in each house for passage, per Prop 105.

First sponsor: Rep. Hendrix

H2639: MINIMUM WAGE; YOUNGER WORKERS 2/23 from House rules okay.

### **H2640: CONSOLIDATED INSURANCE PROGRAMS**

Establishes and regulates consolidated insurance programs, defined in this act as a program of liability or workers' comp insurance, or both, established by an owner or contractor who requires participation by contractors or subcontractors who are performing in work as required by a construction contract.

First sponsor: Rep. Hendrix

H2640: CONSOLIDATED INSURANCE PROGRAMS 2/8 referred to House bank-ins.

### **H2642: PAYMENTS; CONTRACTORS**

Makes various changes in how contractors are paid for work in progress and upon completion. With stated exceptions, an owner must pay the "retention" (defined as the amount retained by the owner pursuant to contract terms) within 7 days of billing by the contractor. More.

First sponsor: Rep. Hendrix

### **H2644: CONTRACTORS; MEDIATION & ARBITRATION**

The list of optional duties of the Registrar of Contractors is expanded to include assisting in dispute resolution through binding arbitration and mediation.

First sponsor: Rep. Reagan

H2644: CONTRACTORS; MEDIATION & ARBITRATION 3/3 from House rules with a technical amendment.

### **H2646: SCRAP METAL DEALERS; REQUIREMENTS; PENALTIES**

The record keeping required of scrap metal dealers of all transactions with a value greater than \$25 must be electronic with an additional electronic backup. The list of items scrap dealers shall not knowingly purchase in their original form is expanded to include commercial or industrial grade transformers. Violation of all scrap metal statutes are classified as a class 1 (highest) misdemeanor.

First sponsor: Rep. Jerry Weiers

H2646: SCRAP METAL DEALERS; REQUIREMENTS; PENALTIES 2/8 referred to House com.

### **H2657: SOLAR SCHOOL GRANT PROGRAMS**

Establishes a solar school grant program administered by the Energy Office of the Dept of Commerce. Grants are distributed to schools to fund solar education programs. Grant money derives from a tax on the delivery of electricity for consumption. Because this bill increases net state revenue, it requires a 2/3 majority in each house for passage per Prop 108.

First sponsor: Rep. Farley

H2657: SOLAR SCHOOL GRANT PROGRAMS 2/8 referred to House educ.

### **H2672: HEALTH SAVINGS ACCOUNT; REIMBURSEMENT; INCENTIVES**

An insurer is exempt from taxes otherwise owed on premiums received for high deductible health plans issued in connection with a health savings account. Amounts contributed by individuals and employers to a person's health savings account are to be subtracted from the individual taxpayer's and the corporation's Arizona gross income.

First sponsor: Rep. Reagan

H2672: HEALTH SAVINGS ACCOUNT; REIMBURSEMENT; INCENTIVES 2/23 from House ways-means do pass.

### **H2674: PRIVATE PRISON CONTRACTORS; PUBLIC RECORDS**

Private prison contractors must make public all records relating to costs, operations, staff, and inmates, to the same extent required of publicly operated prisons or jails.

First sponsor: Rep. Sinema

H2674: PRIVATE PRISON CONTRACTORS; PUBLIC RECORDS 2/8 referred to House gov, com.

### **H2679: TAX EXEMPTION; MADE IN ARIZONA**

Gross proceeds of sales of tangible personal property that is manufactured or assembled in Arizona, or ingredients or component parts of products that are manufactured or assembled in Arizona are exempt from transaction privilege and use taxes.

First sponsor: Rep. Jones

H2679: TAX EXEMPTION; MADE IN ARIZONA 2/8 referred to House ways-means.

### **H2680: CONTRACTOR RETENTION**

Changes in statutes pertaining to construction contracts. Provides a process for contractors to submit a bill for progress payments and a bill for release of retention (defined as the portion of progress payment withheld to ensure proper performance of the contract). Allows contractors to submit a bill for final payment upon final completion (defined as the earlier of the date of final inspection and written acceptance by the governmental entity that issued the building permit, or when the work has been completed in accordance with the contract). The bill is certified and approved unless the owner issues a written statement of why the work is not complete. Owners must pay contractors within 7 days after the bill for final payment has been certified and approved. More.

First sponsor: Rep. Schapira

H2680: CONTRACTOR RETENTION 2/17 from House com do pass.

### **H2700: SOLAR ENERGY TAX INCENTIVES; EXTENSION**

The income tax credit for commercial and industrial applications of solar energy devices is extended six years to the tax year ending Dec. 31, 2016.

First sponsor: Rep. Boone

H2700: SOLAR ENERGY TAX INCENTIVES; EXTENSION 3/2 from House rules okay.

### **H2701: ELECTRIC UTILITIES; RENEWABLE ENERGY STANDARDS**

The Legislature claims exclusive authority to determine renewable energy policy in the state. The Corporation Commission's function is to enforce the policy standards as established by the Legislature. Power generators that serve an annual retail load of at least 750,000 energy hours as of Jan 1, 2011, must comply with a goal of deriving a minimum of 15% of its electricity from renewable energy sources (defined). Public service corporations are exempt from this requirement if they cannot achieve the goals while still providing service to the public at a "just and reasonable cost."

First sponsor: Rep. Lesko

H2701: ELECTRIC UTILITIES; RENEWABLE ENERGY STANDARDS 2/24 from House gov with amend #4390.

### **H2702: ADMINISTRATION DEPT; SOLAR PANELS**

The Dept of Administration is authorized to construct or install solar panel systems on the roof of any state-owned building on the Capitol Mall, in the parking lot west of the Executive Tower or in the public parking area in Wesley Bolin Plaza.

First sponsor: Rep. Chabin

H2702: ADMINISTRATION DEPT; SOLAR PANELS 2/10 referred to House water-energy, appro.

### **H2711: ENERGY CONSERVATION; PUBLIC BUILDINGS**

The schedule by which state buildings (including university buildings) must comply with reduced energy consumption requirements is changed to require a 10% per square foot reduction by July 1, 2011 (previously 2008) and a 15% reduction by July 1, 2014, (previously, 2011). Adds a goal of 30% by July 1, 2025. [Note: FY2001-02 is the baseline period.] Additionally, by July 1, 2015, public buildings must obtain at least 10% of their energy requirements from "green sources" (defined).

First sponsor: Rep. Ableser

H2711: ENERGY CONSERVATION; PUBLIC BUILDINGS 2/10 referred to House water-energy.

### **H2714: ASSESSMENT RATIO FREEZE; COMMERCIAL PROPERTY**

The assessment ratio on class 1 property (commercial and industrial) and property in enterprise zones categorized as class 6 is frozen at 21% instead of being reduced to 20% on Jan 1, 2011.

First sponsor: Rep. Patterson

H2714: ASSESSMENT RATIO FREEZE; COMMERCIAL PROPERTY 2/10 referred to House ways-means, com.

### **H2718: TRANSPORTATION CONTRACTS; INDEMNITY AGREEMENT; VOID**

With stated exceptions, a provision of a transportation contract or agreement that purports to indemnify the shipper against liability for loss or damage resulting from the negligence of the shipper or shipper's agents is void and unenforceable.

First sponsor: Rep. McLain

H2718: TRANSPORTATION CONTRACTS; INDEMNITY AGREEMENT; VOID 2/17 from House com do pass.

## **H2747: MULTIFAMILY DWELLINGS; RECYCLING**

Municipalities with a population of 75,000 or more must adopt ordinances encouraging recycling and require owners of multihousing units to take steps to implement curbside recycling. Any of these municipalities that do not currently operate a curbside recycling program for single family residences must do so by 2012 and for multihousing units by 2014. Municipalities that do currently operate curbside recycling for single family residences must expand the program to multihousing units by 2011.

First sponsor: Rep. Garcia

H2747: MULTIFAMILY DWELLINGS; RECYCLING 2/15 referred to House env, gov.

## **H2749: TEMP WORKER PROGRAM; PROVISIONS**

Establishes an Arizona temporary worker program to provide foreign workers to employers in Arizona that are experiencing a labor shortage. Conditionally enacted on the federal government authorizing Arizona to implement a temporary worker program or other similar program.

First sponsor: Rep. Fleming

H2749: TEMP WORKER PROGRAM; PROVISIONS 2/10 referred to House com, gov.

## **H2753: HOAS; MANAGEMENT COMPANIES**

Managers of a condo or home owners' association must be licensed and registered by the Dept of Real Estate. Effective Jan 1, 2011.

First sponsor: Rep. McGuire

H2753: HOAS; MANAGEMENT COMPANIES 2/10 referred to House gov.

## **H2760: SFB; PREVENTIVE MAINTENANCE GUIDELINES**

The requirement that the School Facilities Board develop routine preventive maintenance guidelines for schools is amplified to enumerate the specific systems (plumbing, electrical, etc) for which the guidelines must be developed. Language is added indemnifying the board from liability with respect to all decisions made and actions taken pursuant to the guidelines. Situations are delineated in which the guidelines must require a roof inspection to be conducted by a registered contractor.

First sponsor: Rep. Waters

H2760: SFB; PREVENTIVE MAINTENANCE GUIDELINES 3/2 from House rules okay.

## **H2778: HOAS; RAINWATER SYSTEMS**

A condo or homeowners' association may not prohibit installation of rainwater harvesting systems (defined); however, they are permitted to adopt reasonable rules governing aesthetics, dimension, placement and appearance of such systems.

First sponsor: Rep. Young Wright

H2778: HOAS; RAINWATER SYSTEMS 2/10 referred to House gov.

## **H2783: CONDOMINIUMS; HOMEOWNERS' ASSOCIATION; RENTAL LIMITS**

Condo or homeowners associations are prohibited from prescribing a minimum or maximum rental period for units in an association in which rentals are otherwise permitted.

First sponsor: Rep. McGuire

H2783: CONDOMINIUMS; HOMEOWNERS' ASSOCIATION; RENTAL LIMITS 2/10 referred to House gov.

### **H2785: JTEDS; ANNUAL REPORT INFO**

Language stipulating the items included in the annual report of each Joint Technological Education District is changed to state the "completion rate" must be calculated for each program (previously, "course") and refers to students designated as concentrators in that program by the Dept of Education under the career and technology education approved plan.

First sponsor: Rep. Goodale

H2785: JTEDS; ANNUAL REPORT INFO 2/10 referred to House educ.

### **HCM2014: NUCLEAR ENERGY PLANT; DEVELOPMENT**

The Legislature urges Congress and the president to pursue "a host" of initiatives and policies to encourage construction of new nuclear plants and develop advanced nuclear technologies.

First sponsor: Rep. Nichols

HCM2014: NUCLEAR ENERGY PLANT; DEVELOPMENT 3/2 from House rules okay.

### **HCR2018: INITIATIVES; FILING DEADLINE**

The 2010 general election ballot is to carry the question of whether to amend Article IV, Part 1, Section 1, of the state Constitution to require that initiative petitions be filed six months before the general election at which they are to appear on the ballot. Previously, the deadline for petition filing was four months before the general election.

First sponsor: Rep. McComish

HCR2018: INITIATIVES; FILING DEADLINE 3/3 from House rules okay.

### **HCR2021: LABOR RELATIONS; PROHIBITED ACTS**

The 2010 general election ballot is to carry the question of whether to amend various parts of Title 23 (labor) of Arizona Revised Statutes. Provisions seem to strengthen union by establishing that employees' rights to bargain collectively through a union shall not be denied or abridged. Also it is unlawful to compel or attempt to compel a person not to join a union. More.

First sponsor: Rep. Farley

HCR2021: LABOR RELATIONS; PROHIBITED ACTS 2/15 referred to House pub-ret-ent.

### **HCR2027: STATEWIDE FEED-IN TARIFF POLICY**

The Legislature supports the efforts of the Corporation Commission to adopt and implement a statewide feed-in tariff policy statement. Text of the resolution states an effective feed-in tariff would ensure that worthy renewable energy projects are developed and funded.

First sponsor: Rep. Deschene

HCR2027: STATEWIDE FEED-IN TARIFF POLICY 1/25 referred to House water-energy, gov.

## **HCR2028: SUPPORTING ENERGY EFFICIENCY RULES**

The Legislature supports the efforts of the Corporation Commission to adopt energy efficiency rules that will require public utilities to design Demand Side Management(DSM) programs to promote energy efficiency, load management or demand response. Programs include: weatherization, home energy audits, promoting use of CFL lighting, etc.

First sponsor: Rep. Deschene

HCR2028: SUPPORTING ENERGY EFFICIENCY RULES 1/25 referred to House water-energy, gov.

## **HCR2033: DEVELOPMENT FEES; AUTHORITY**

The 2010 general election ballot is to carry the question of whether to amend Articles XII and XIII of the state Constitution to empower counties and municipalities to implement development fees and that the Legislature is prohibited from impeding this authority.

First sponsor: Rep. Chad Campbell

HCR2033: DEVELOPMENT FEES; AUTHORITY 2/15 referred to House gov, com.

## **HCR2043: MINIMUM WAGE; YOUNGER WORKERS**

The 2010 general election ballot is to carry the question of whether to amend Title 23 (labor) of Arizona Revised Statutes to temporarily set the minimum wage for workers younger than 22 at 75% of the state's official minimum wage. This younger worker minimum wage would be in effect from Jan, 1, 2011, to Dec. 31, 2013.

First sponsor: Rep. Hendrix

HCR2043: MINIMUM WAGE; YOUNGER WORKERS 2/23 from House rules okay.

## **HCR2044: FUND SWEEPS; PROHIBITION**

The 2010 general election ballot is to carry the question of whether to amend Article IV, Part 2, of the state Constitution to prohibit fund sweeps into the general fund if the monies to be swept were not originally appropriated from the general fund. Exceptions are provided if the fund is repealed by an act of the Legislature or an operation of law.

First sponsor: Rep. Chad Campbell

HCR2044: FUND SWEEPS; PROHIBITION 2/15 referred to House appro.

## **S1064: CONSTRUCTION SALES TAX; DESIGN-BUILD**

The amount of a design-build construction contract that is exempt from sales tax is changed to the actual direct costs of design phase services or professional services. Previously, it was the amount in a separate, written design phase services contract.

First sponsor: Sen. Nelson

S1064: CONSTRUCTION SALES TAX; DESIGN-BUILD 2/24 Senate fin held.

## **S1070: IMMIGRATION; LAW ENFORCEMENT; SAFE NEIGHBORHOODS**

Various measures related to enforcement of immigration laws. No governmental entity in the state may adopt a policy that limits or restricts enforcement of federal immigration law to the full extent permitted. A person may bring an action in superior court to challenge any jurisdiction that adopts a policy that restricts the enforcement of immigration laws. In all contact by government employees with a person where "reasonable suspicion" exists that the person is an illegal alien, a reasonable attempt must be made to determine the person's immigration status whenever practicable. A person commits the crime (minimum class 1 misdemeanor) of trespassing by being in the U.S. illegally. The criminal classification increases to felony status if the person is connected with drug trafficking, is in possession of a deadly weapon or had been previously deported. It is a class one (highest)misdemeanor to stop on a public roadway or for a person to enter a vehicle stopped on a public roadway for the purpose of securing employment to perform work at a different location if the vehicle blocks or impedes the flow of traffic. It is a class one misdemeanor to transport or conceal an illegal alien. It is also illegal to induce an illegal to reside in this state. The state's employer sanctions law is modified to, among other things, provide for an affirmative defense based on entrapment. More. AS PASSED SENATE.

First sponsor: Sen. Pearce

S1070: IMMIGRATION; LAW ENFORCEMENT; SAFE NEIGHBORHOODS 2/15 passed Senate 17-13; ready for House.

### **S1118: UNIVERSITY ATHLETIC FACILITIES DISTRICT**

Statutes governing the formation and fiscal management of stadium districts are changed to permit a county in which a state university is located to form a university athletic facility special district as a type of stadium district. The powers of a university athletic facility district include construction, financing, maintenance and improvement of existing intercollegiate athletic facilities located on property controlled by the Board of Regents (ABOR). Specific authority extends to all infrastructure necessary for the full use of the facility. Financing is through an assessment on ABOR lessees of prime commercial real estate located within the district.

First sponsor: Sen. Verschoor

S1118: UNIVERSITY ATHLETIC FACILITIES DISTRICT 1/27 from Senate com-econ do pass.

### **S1126: INTRASTATE NUCLEAR FUEL ACT**

Nuclear reactor fuel produced entirely within the state using equipment obtained within the state is considered not to have entered interstate commerce and thus is not subject to federal control.

First sponsor: Sen. Melvin

S1126: INTRASTATE NUCLEAR FUEL ACT 2/23 Senate com-econ held.

### **S1129: BOY SCOUTS DAY (~~PHOTO ENFORCEMENT SYSTEM; REPEAL~~)**

Statute establishing a state system of photo enforcement is repealed .

First sponsor: Sen. Melvin

S1129: BOY SCOUTS DAY 2/4 see H2600.

### **S1133: TECH CORRECTION; TECH REGISTRATION BOARD**

Minor change in Title 32 (professions & occupations) related to the Board of Technical Registration. Apparent striker bus.

First sponsor: Sen. Nelson

S1133: TECH CORRECTION; TECH REGISTRATION BOARD 1/19 referred to Senate rules only.

### **S1139: SPECIAL HEALTH CARE DISTRICTS; PROCUREMENT**

Amends procurement rules for special health care districts to require districts to procure goods and services through an RFP system and forbids the district from any process that limits competition or, with stated exceptions, that excludes bidders.

First sponsor: Sen. Harper

S1139: SPECIAL HEALTH CARE DISTRICTS; PROCUREMENT 2/18 from Senate fin with amend #4265.

### **S1141: CAGR D REVENUE BONDING; SUSTAINABILITY POLICIES**

The list of actions which the Central Arizona Groundwater Replenishment District may perform is expanded to include issuing revenue bonds and charging annual dues for membership against each parcel or member land and each municipal provider that has a members service area. A section is added establishing the process used to determine the amount of dues to be charged to each member and municipality. With specific exceptions, bond proceeds may not be used to purchase groundwater. AS PASSED SENATE.

First sponsor: Sen. Nelson

S1141: CAGR D REVENUE BONDING; SUSTAINABILITY POLICIES 2/15 passed Senate 24-6; ready for House.

### **S1142: RENEWABLE ENERGY PRODUCTION TAX CREDIT**

An income tax credit is allowed for individuals and corporations that generate electricity using renewable resources such as solar light, solar heat, wind and biomass.

First sponsor: Sen. Nelson

S1142: RENEWABLE ENERGY PRODUCTION TAX CREDIT 2/25 from Senate fin do pass.

### **S1161: DEATH CERTIFICATES; REGISTRATION DEADLINE (~~TECH CORRECTION; UNEMPLOYMENT-INSURANCE~~)**

The official responsible for registering death certificates (local or state registrar or deputy registrar) must do so within 72 hours of receipt, if the certificate is accurate, complete and properly submitted. AS PASSED SENATE.

First sponsor: Sen. L. Gray

S1161: DEATH CERTIFICATES; REGISTRATION DEADLINE 3/1 passed Senate 29-0; ready for House.

### **S1171: AGGREGATE MINING RECLAMATION REPORTS**

Owners or operators of aggregate mining operations in the state must submit an annual report to the Division of Mined Land Reclamation in the Mine Inspector's Office on the status of each mine reclamation plan. Information in the report must include: acreage of surface disturbance, acreage reclaimed and the status of the aggregate mining operation. The Mine Inspector has 30 days to request additional information, after which time the report is deemed to have been accepted as submitted.

First sponsor: Sen. S. Allen

S1171: AGGREGATE MINING RECLAMATION REPORTS 3/2 referred to House nat res-rural.

### **S1187: SCHOOL FACILITIES BOARD; VACANT LAND**

The School Facilities Board may require school districts to sell land previously purchased entirely with monies provided by the Board, if the Board determines that the property is no longer needed for a new school or addition to an existing school. School districts are prohibited from using land purchased or partially purchased using monies provided by the Board for a purpose other than as a site for a school facility. AS PASSED SENATE.

First sponsor: Sen. Huppenthal

S1187: SCHOOL FACILITIES BOARD; VACANT LAND 2/22 passed Senate 28-1; ready for House.

### **S1194: POWER AUTHORITY; BONDING**

The list of items for which the Arizona Power Authority (APA) is permitted to issue bonds is expanded to include the acquisition and development of all or part of projects and the scope of permitted projects is extended to include transmission lines or systems. Language is also added stating the APA has full authority to issue bonds and notes and that no other law shall be construed to limit or restrict its authority to do so.

First sponsor: Sen. Pierce

S1194: POWER AUTHORITY; BONDING 3/2 from Senate rules with a technical amendment.

### **S1201: RENEWABLE ENERGY TAX INCENTIVE REVISIONS**

Various changes to statutes establishing tax credits on both income and property taxes for corporations and individuals that expand or locate qualified renewable energy operations in the state. Changes include: requiring a post-approval process and shortening to 5 years from 10 years the time that the operation must continue in business. The maximum annual amount of the tax income tax credits allowed is reduced by \$300,000 to \$69,700,000, and \$300,000 is appropriated from the General Fund to the Dept of Commerce each fiscal year through FY2015 to pay personnel costs to administer the program. More. Retroactive to Oct.1, 2009. AS PASSED SENATE.

First sponsor: Sen. Leff

S1201: RENEWABLE ENERGY TAX INCENTIVE REVISIONS 2/22 passed Senate 24-5; ready for House.

### **S1218: CONTRACTORS; SURETY BONDS**

Permits a contractor whose license is suspended or revoked to deliver a surety bond to the Registrar of Contractors within 35 days of the beginning of the suspension or revocation. On delivery of the surety bond, the suspension or revocation is stayed until a final decision on the matter is rendered in superior court.

First sponsor: Sen. Leff

S1218: CONTRACTORS; SURETY BONDS 2/23 Senate com-econ FAILED 3-4.

### **S1225: APPRENTICES; STATE CONSTRUCTION PROJECTS**

Contractors and subcontractors for state or state assisted construction projects in Arizona must verify that employees working on the project are Arizona residents, must provide all full-time and part-time employees and their dependents with health insurance at no cost to the employee, and must agree to employ apprentices from registered programs with the Department of Commerce or the U.S. Department of Labor.

First sponsor: Sen. Burton Cahill

S1225: APPRENTICES; STATE CONSTRUCTION PROJECTS 1/28 referred to Senate appro, gov inst.

### **S1227: TECH CORRECTION; TRADE OR COMMERCE**

Minor change in Title 34 (public buildings & improvements) relating to government employment of convicted persons. Apparent striker bus.

First sponsor: Sen. Burton Cahill

S1227: TECH CORRECTION; TRADE OR COMMERCE 1/28 referred to Senate rules only.

### **S1233: RIGHT TO WORK; UNIONS**

The right of employees to form a union cannot be abridged or denied. It is illegal for an employer or an employer's agent to interfere with a person or the person's family in an attempt to compel the person not to join a union.

First sponsor: Sen. Burton Cahill

S1233: RIGHT TO WORK; UNIONS 1/28 referred to Senate com-econ.

### **S1235: HAZARDOUS SUBSTANCES; INSURANCE**

A person required to file a risk management plan pursuant to the federal Clean Air Act must purchase a general liability insurance policy that protects against the risk of emitting a hazardous or extremely hazardous substance. Proof of insurance must be submitted to the Division of Emergency Management or other appropriate county or municipal official no later than March 1, 2011.

First sponsor: Sen. Burton Cahill

S1235: HAZARDOUS SUBSTANCES; INSURANCE 1/28 referred to Senate fin.

### **S1238: AIR PERMITS; BEGIN ACTUAL CONSTRUCTION**

The list of activities that may precede granting of a federal air-quality control permit is expanded to include clearing and grading (including demolition and removal of existing structures), construction of access roads and parking lots, construction of ancillary structures such as fences or storage buildings, and ordering and storage of materials and equipment. The list of activities that may precede granting of any other air-quality control permit is expanded to include clearing and grading (including demolition and removal of existing structures), construction of access roads and parking lots, construction of ancillary structures, storage of materials and equipment, installation of underground utilities, and installation of building and equipment supports. Conditionally enacted on the U.S. Environmental Protection Agency approving these revisions to the air quality implementation plan.

First sponsor: Sen. S. Allen

S1238: AIR PERMITS; BEGIN ACTUAL CONSTRUCTION 3/3 passed Senate 21-7; ready for House.

### **S1242: EMPLOYER PROTECTIONS; LABOR RELATIONS**

Adds unlawful picketing, unlawful mass assembly, concerted interference with lawful exercise of business (defined), engaging in a secondary boycott, and defamation to the definition of harassment for the purpose of allowing a person or entity to file an injunction against harassment. The court may award a person injured by these activities prejudgment interest, litigation costs and reasonable attorney fees (in addition to the damages the court was previously authorized to award).

First sponsor: Sen. Pearce

S1242: EMPLOYER PROTECTIONS; LABOR RELATIONS 2/18 withdrawn from Senate com-econ and referred to appro.

### **S1254: JOB TRAINING; TAX; SUSPENSION**

Beginning the later of July 1, 2010, or the date the Dept of Economic Security has sufficient monies to complete all contractual obligations of the current job training program, the state will suspend collection of the job training employer tax. A purposes section states the intent is not to eliminate the opportunity for employes to access job training tools but only to suspend the tax "until the economy stabilizes." Emergency clause. AS PASSED SENATE.

First sponsor: Sen. Leff

S1254: JOB TRAINING; TAX; SUSPENSION 3/1 passed Senate 28-1; ready for House.

### **S1257: TECH CORRECTION; CONTRACTOR'S RECOVERY FUND**

Minor change in Title 32 (professions & occupations) related to the Residential Contractors' Recovery Fund. Apparent striker bus.

First sponsor: Sen. Leff

S1257: TECH CORRECTION; CONTRACTOR'S RECOVERY FUND 2/23 Senate com-econ held.

### **S1269: RENEWABLE ENERGY INCENTIVE DISTIS; FORMATION**

Before a municipality forms a renewable energy incentive district, it must identify the boundaries of the district, notify private property owners within the proposed boundaries and all owners within one mile of the district, publish notice of the proposed formation and hold at least one public hearing.

First sponsor: Sen. Paton

S1269: RENEWABLE ENERGY INCENTIVE DISTIS; FORMATION 1/28 referred to Senate gov inst.

### **S1283: COUNTY IMPROVEMENT DIST; CONSTRUCTION PROJECTS**

As an alternative to previously permitted methods of procuring construction services, county improvement districts may use either the design-bid-build or construction-manager-at-risk models.

First sponsor: Sen. Huppenthal

S1283: COUNTY IMPROVEMENT DIST; CONSTRUCTION PROJECTS 2/24 Senate fin held.

### **S1284: SCHOOL FINANCE REVISIONS**

Requires that to the extent permissible by law, any statutory change in school finance statutes shall apply to the entire fiscal year in which the change becomes effective. Other various, mostly technical, changes to school finance statutes. AS PASSED SENATE.

First sponsor: Sen. Huppenthal

S1284: SCHOOL FINANCE REVISIONS 2/22 passed Senate 26-4; ready for House.

### **S1310: JTEDS; OMNIBUS**

Various changes related to JTEDs, including changing the official name to joint technical (formerly: "technological") education districts and redefining the JTED course of education. Also makes changes in the manner by which average daily membership for JTED students is apportioned between a JTED district and a school district or charter. More.

First sponsor: Sen. Huppenthal

S1310: JTEDS; OMNIBUS 2/18 from Senate educ with amend #4264.

### **S1334: CELL PHONE USE; TEXTING; DRIVING**

Effective January 1, 2011, it is a nonmoving civil traffic violation to use a handheld cellular telephone or handheld personal digital assistant to write, send, or read a written message while operating a motor vehicle. Violations are subject to a civil penalty of \$50, or \$200 if the person is involved in a motor vehicle accident. Establishes a warning period from January 1, 2011, to January 31, 2011.

First sponsor: Sen. Melvin

S1334: CELL PHONE USE; TEXTING; DRIVING 3/2 Senate COW FAILED to approve after adopting a floor amendment. Roll call: 11-11.

### **S1347: IMPROVEMENT DISTRICTS; FINANCING**

The governing board of a municipal improvement special taxing district is authorized to establish a reserve fund from proceeds of a bond issue or from an increase in the yearly assessment. The funds may be used only to cure deficits in the principal and interest funds or to pay interest and principal upon final maturity of the bonds. The board is also authorized to enter into an agreement with a landowner before bonds are issued to determine how an assessment is to be allocated in case the land is to be divided into more than one parcel. The treasurers of a city and a county may enter into an agreement whereby the county collects special district assessments and is paid an agreed upon amount to cover expenses associated with collection. The assessment made on property may then include the amount to cover the costs of the county treasurer.

First sponsor: Sen. Verschoor

S1347: IMPROVEMENT DISTRICTS; FINANCING 2/24 Senate fin held.

### **S1403: EMPLOYER SANCTIONS; SUBPOENAS**

The county attorney is authorized to take evidence, administer oaths, issue subpoenas, and cause depositions to be taken to enforce the prohibition on employing unauthorized aliens. Sets forth provisions governing the issuance of a subpoena for this purpose. Proceedings held during the course of a confidential investigation are exempt from public meeting requirements.

First sponsor: Sen. Pearce

S1403: EMPLOYER SANCTIONS; SUBPOENAS 2/4 referred to Senate com-econ.

### **S1406: PROCUREMENT; CONSTRUCTION; SPECIALIZED SERVICES**

Various changes in procurement procedures for state construction contracts, including a requirement that a contractor for rail systems must perform at least 30% of the work with its own personnel. The term used to describe a construction contract in which one party both designs and builds a project is changed to "two-step design-build" from "design-build." A "one-step design-build" contract is also added to define those contracts in which the contracting agency may let separate contracts for pre-construction (including design) services and construction services. The definition of "construction-manager-at-risk" contracts is changed to permit one-step design-build contracts. The state agency is also authorized to award in a single procurement process multiple contracts to different entities for the same project, based on demonstrated competence and experience. Procedures for bid evaluation are prescribed. More.

First sponsor: Sen. Tibshraeny

S1406: PROCUREMENT; CONSTRUCTION; SPECIALIZED SERVICES 2/24 from Senate nat res-inf with amend #4361.

### **SCM1003: ARIZONA'S SHARE; FEDERAL FUEL TAX**

The Legislature urges Congress to enact legislation to restructure the "current failed federal fuel tax system" to ensure that donor states like Arizona receive an amount of federal monies that is equal to what they pay in fuel taxes.

First sponsor: Sen. C. Gray

SCM1003: ARIZONA'S SHARE; FEDERAL FUEL TAX 3/1 passed Senate 27-1; ready for House.

### **SCR1013: LIEUTENANT GOVERNOR; SECRETARY OF STATE**

The 2010 general election ballot is to carry the question of whether to amend Article V of the state Constitution to replace the office of Secretary of State with Lieutenant Governor. If approved by the people, the change is effective beginning with officers elected in 2014 and whose terms of office begin in 2015. AS PASSED SENATE.

First sponsor: Sen. Paton

SCR1013: LIEUTENANT GOVERNOR; SECRETARY OF STATE 3/1 passed Senate 29-0; ready for House.

### **SCR1035: COLLECTIVE BARGAINING**

The 2010 general election ballot is to carry the question of whether to repeal Article XXV of the state Constitution that stated no person shall be denied a right to work based on a decision to join or not to join a union. New replacement language states the right of employees to collectively bargain through a union shall not be denied or abridged.

First sponsor: Sen. Burton Cahill

SCR1035: COLLECTIVE BARGAINING 1/28 referred to Senate com-econ.

### **SCR1042: WORKERS' COMP; PERSONAL INJURY DAMAGES**

The 2010 general election ballot is to carry the question of whether to amend Article XVIII, Section 8, of the state Constitution related to workers' compensation. If an employee was injured on the job as a result of an employer's or another employee's willful disregard of the safety of employees and with the direct object of injuring an employee, the injured employee's right to workers' comp is supplemented not replaced by a right to sue the employer or other employee. The payer of worker's comp shall have a lien on the recovered damages to the extent of the amount previously paid the employee in workers'comp and medical benefits. The amendment also includes a definition of "with the direct object of injuring another."

First sponsor: Sen. McCune Davis

SCR1042: WORKERS' COMP; PERSONAL INJURY DAMAGES 2/1 referred to Senate com-econ.