



County Supervisors

A S S O C I A T I O N
o f a r i z o n a

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COUNTY SUPERVISORS ASSOCIATION LEGISLATIVE POLICY COMMITTEE

AGENDA

February 7, 2014

Teleconference 1-866-228-9900

Access Code 326208#

[Web Link](#)

County Supervisors Association

1905 W. Washington St.

Phoenix, AZ

9:00 a.m. Call to Order ~ *President James Palmer*

- A) Approval of the Minutes of the January 31, 2014, Legislative Policy Committee Meeting
(*previously distributed*)
- B) Governor's Budget Recommendation Report / JLBC Baseline Budget Update
- C) Transportation Update
- D) PILT Update – [SCM 1006 urging congress; PILT program; funding](#) (*Griffin*)
- E) CSA Legislative Agenda
 - 1) [HB 2149 state parks; SLIF fund distribution](#) (*Borrelli*)
 - 2) [HB 2218 fire districts reorganization elections](#) (*Fann*)
 - 3) [HB 2224 sale of fireworks; counties](#) (*Fann*)
 - 4) [HB 2240 developmental disabilities; client income; retention](#) (*Brophy-McGee*)
 - 5) [HB 2320 county seals; approval of use](#) (*J. Pierce*)
 - 6) [HB 2531 court-ordered evaluation services; payment](#) (*Brophy-McGee*)
 - 7) [SB 1271 county liens; abatements](#) (*Ward*)
 - 8) Folder #853 Special District Use Fees (*Worsley*)
- F) Legislative Bills for Discussion
 - 1) [HB 2309 firearms; prosecutors; law enforcement officers](#) (*J. Pierce*)
 - 2) [HB 2436 food handler training; courses; certification](#) (*Shope*)
 - 3) [HB 2460 probation; community supervision](#) (*E. Farnsworth*)
 - 4) [HB 2461 probation officers; authority](#) (*E. Farnsworth*)
 - 5) [HB 2489 fire access roads; limitation; sprinklers](#) (*Petersen*)
 - 6) [SB 1217 precinct officers; salaries](#) (*McComish*)
 - 7) [SB 1305 semipublic swimming pool barrier gates](#) (*Griffin*)
 - 8) [SB 1348 special districts; audits; budgets; boards](#) (*Crandell*)
 - 9) [SB 1357 county boundary; change; vote](#) (*Griffin*)
 - 10) [SB 1387 fire districts; board size; formation](#) (*Crandell*)
 - 11) [SB 1459 fire districts; directors; requirements; modification](#) (*Crandell*)
 - 12) [SB 1470 superior court clerks; salaries](#) (*Driggs*)
- G) Next Meeting Date and Time (*Friday, February 14, at 9:00 a.m.*)
- H) Other Business
- I) Adjourn

FY15 Executive Budget Recommendations and JLBC Baseline

Governor Brewer's Fiscal Year 2015 budget calls for a \$9.4 billion spending plan that supports the priorities she outlined in her State of the State address:

- **\$45.6 million** for transitioning the newly established Cabinet-level Child Safety & Family Services Division (CSFS), formerly CPS, away from the Department of Economic Services (DES), and increasing caseworker staff levels
- **\$40 million** for K-12 performance based funding
- **\$54 million** for one-time capital projects in the Arizona Department of Administration (ADOA) building system, State Prisons, and Universities, such as fire alarms, HVAC systems, electrical, and other fire safety projects
- **\$50 million** to be deposited into the "rainy day" fund
- **Executive Directive** to keep Fiscal Year 2016 structurally balanced

Additionally the Executive's proposal includes:

- **\$31 million** to reestablish a rural county exchange program that allows rural local government to access funds to assist them in accessing federal transportation project funding (does not include MAG & PAG member governments)
- **\$21 million** to complete the remaining parity phase-in, two years ahead of schedule
- **Sales tax (TPT) Exemption** for electricity used by manufactures (impact to county revenue is unknown at this point)

JLBC Baseline generally continues FY14 funding levels into FY15 while making relevant formula adjustments.

Some of the major difference between the Governor's budget recommendations and the JLBC Baseline are revenue projections. The total difference between the Executive and JLBC amount to about \$900 million in revenue difference over the three period FY15-FY17.

<i>(Dollars in Millions)</i> <i>*Figures may not add due to rounding</i>	FY 2015		FY 2016		FY 2017	
	Exec.	JLBC	Exec.	JLBC	Exec.	JLBC
Beginning Balance	\$676.1	\$655.2	\$244.0	\$327.4	\$236.4	\$0.0
On-going Revenues	\$8,928.4	\$8,708.1	\$9,391.3	\$9,061.1	\$9,822.5	\$9,465.1
On-going Expenditures	\$9,171.7	\$9,035.9	\$9,383.9	\$9,405.8	\$9,623.3	\$9,848.0
Ending Balance¹	\$244.0	\$327.4	\$236.5	(\$17.3)	\$420.6	(\$382.9)
Structural Balance²	(\$243.3)	(\$327.8)	\$7.4	(\$344.7)	\$199.1	(\$382.9)

¹ Executive ending balance includes \$188.9 million in onetime expenditures in FY15, and \$15 million in FY16 & FY17. Neither JLBC or Executive ending balances include the effects of operating debt buyback per the terms of the 2010 \$1.5 billion financing deal. JLBC estimates this impact could be \$210 million in FY17

² Reflects the differences between on-going revenues and expenditures, does not include any "rainy day" fund deposits

Select Items and Issues Directly Related to Counties

County Specific issues	JLBC Baseline	Exec. Recommendation
HURF Funds – In FY14 the State swept \$110M above the statutory limit from HURF to fund DPS operations. In FY14 counties lost \$20.9M.	Although JLBC acknowledges the proposal to restore \$120M for FY15 & FY16, returning \$20.9M to the counties each year, JLBC continues to include the HURF to DPS sweep in the Baseline.	Notes that the HURF sweep should be considered in future fiscal years, but continues the sweep in the proposal.
Sexually Violent Persons (SVP) – In FY14 the county share of the cost was reduced by \$1.8M from the 50/50 split with state through an appropriation for the commitment of an individual confined at the Arizona Community Protection and Treatment Center (ACPTC).	Keeps a provision similar to FY14, but instead of reducing the county share by \$1.8M JLBC changed the provision requiring the county to reimburse the state from 50% to 32% .	Continues the reimbursement requirement at a 50/50 split but does not continue the (\$1.8M) reduction.
Restoration to Competency (RTC) – Starting in FY10 counties were required to pay 100% for RTC services.	Both include flexibility language allowing counties to use any source of county revenue to make the payment.	
Restoration to Competency (RTC) – Starting in FY10 counties were required to pay 100% for RTC services.	Both budgets continue the 100% cost to counties provision, and the provision allowing counties to use any source of county revenue to make the payment.	
County Lottery Revenue - The FY14 budget provided a direct appropriation of \$550,000 to the 13 smaller counties instead of fully and permanently restoring lottery revenues for all 15 counties.	Both budgets provide a direct appropriation to 13 smaller counties - \$550,000 to each.	
Flexibility Language - Allows counties under 200,000 persons to access special funds to cover general county expenses.	Both budgets continue to allow counties under 200,000 persons to access special funds to cover general county expenses.	
State Aid to Indigent Defense – Funded through a portion of penalty assessment on fines and forfeitures, these monies were used for county cases requiring a public defender. The FY14 budget allowed the AG to use \$500,000 for post-conviction relief.	Continues to allow the Attorney General to use \$500,000 from the State Aid to Indigent Defense Fund for capital post-conviction relief. No other monies in the fund are appropriated.	Increases the appropriation to the AG by \$300,000 for a total of \$800,000 . No other monies in the fund are appropriated.

NOTE: Not all impacts to counties are listed. This is a preliminary review of the major issues and the direct county impacts.

REFERENCE TITLE: urging Congress; PILT program; funding

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SCM 1006

Introduced by
Senators Griffin, Crandell: Pierce, Ward

A CONCURRENT MEMORIAL

URGING THE UNITED STATES CONGRESS TO PROVIDE FULL, SUSTAINABLE FUNDING FOR THE PAYMENT IN LIEU OF TAXES PROGRAM FOR FISCAL YEAR 2015 AND INTO THE FUTURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the Congress of the United States of America:

2 Your memorialist respectfully represents:

3 Whereas, the Payment in Lieu of Taxes (PILT) program was established in
4 1976 to offset costs incurred by counties for services provided to the
5 federal government and to the users of federal lands located within a county;
6 and

7 Whereas, the State of Arizona is composed of 113,417 square miles of
8 land, of which 42% is federally owned, nontribal land that is unavailable for
9 economic development and not part of the property tax base. Less than 17% of
10 the land in Arizona is private land; and

11 Whereas, the national average PILT payment in fiscal year 2013 was
12 \$0.66 per acre, which is far below the amount that federal lands would return
13 through both value-based taxation and economic development; and

14 Whereas, counties are required to provide law enforcement, search and
15 rescue, emergency services, road building and maintenance, and other
16 community services on, or associated with, tax-exempt federal public lands;
17 and

18 Whereas, Congress failed to provide funding for the PILT program in the
19 Consolidated Appropriations Act of 2014, jeopardizing \$32 million in PILT
20 funding for Arizona counties and causing great uncertainty about county
21 finances and services in fiscal year 2014 and fiscal year 2015; and

22 Whereas, a one-year extension of PILT funding for fiscal year 2014 was
23 included in the farm bill conference report, but the fate of fiscal year 2015
24 funding is still unknown; and

25 Whereas, a lack of PILT funding places the large, unsustainable burden
26 of providing services on federal lands squarely on the backs of local county
27 taxpayers, while the presence of that federal land creates barriers to
28 further economic opportunities; and

29 Whereas, failure to secure PILT funding for fiscal year 2015 and into
30 the future for Arizona counties in a timely manner will critically impact the
31 budget process and structural solvency of counties and will substantially
32 compromise their ability to provide essential services; and

33 Whereas, the federal government has the duty to reimburse local
34 jurisdictions for the presence of federal public lands.

35 Wherefore your memorialist, the Senate of the State of Arizona, the House of
36 Representatives concurring, prays:

37 1. That the United States Congress provide full, sustainable funding
38 for the PILT program for fiscal year 2015 and into the future to help create
39 financial stability within Arizona's counties.

40 2. That the United States Congress work with the State of Arizona and
41 county governments to identify and implement policies to promote economic
42 development on, or associated with, public lands.

43 3. That the Secretary of State of the State of Arizona transmit a copy
44 of this Memorial to the President of the United States, the President of the
45 United States Senate, the Speaker of the United States House of
46 Representatives and each Member of Congress from the State of Arizona.

Feb 7th LPC

51st Legislature - 2nd Regular Session, 2014

Tuesday, Feb 4 2014 2:37 PM

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CSA Legislative Agenda

BILL NUMBER/ SHORT TITLE	SUMMARY	SPONSORS	POSTED HEARINGS & CALENDARS	COMMENTS	LAST ACTIONS
H2149: STATE PARKS; SLIF FUND DISTRIBUTION	Monies in the State Lake Improvement Fund must be dedicated annually for uses specified by the State Parks Board, which may include distributions to the Game and Fish Commission, and must be distributed at least annually to county boards of supervisors or municipal governing bodies, or both, to fund projects on waters where gasoline powered boats are permitted.	First sponsor: Rep. Borrelli Others: Sen. Barto, Rep. Carter, Sen. Crandell, Rep. Fann, Rep. Gowan, Rep. Livingston, Rep. Lovas, Rep. Mesnard, Rep. Mitchell, Rep. Orr, Sen. Reagan, Sen. Shooter, Rep. Thorpe, Rep. Townsend, Sen. Ward			1/22 referred to House agri-water, appro.
H2218: FIRE DISTRICT REORGANIZATION ELECTIONS	Various changes to statutes governing elections to reorganize a fire district, including requiring any person seeking election to the governing body that would be formed or expanded upon reorganization to comply with the nomination requirements for a candidate prescribed in state statute, including filing a nomination	First sponsor: Rep. Fann			1/22 referred to House gov.

<p>H2224: SALE OF FIREWORKS; COUNTIES</p>	<p>paper and nomination petitions. Counties are authorized to regulate the sale and use of permissible consumer fireworks in unincorporated areas of the county when a federal or state agency implements state one fire restrictions in any portion of the county. Previously, counties were permitted to regulate the use of fireworks during times when there was a reasonable risk of wildfires in the county.</p>	<p>First sponsor: Rep. Fann Others: Rep. Borrelli, Rep. Boyer, Rep. Cardenas, Rep. Coleman, Rep. Mesnard, Rep. Otondo, Rep. Peshlakai, Rep. Pratt, Rep. Sakdate, Rep. Shope, Rep. Steele, Sen. Ward</p>	<p>1/28 referred to House pub-mil-reg.</p>
<p>H2240: DEVELOPMENTAL DISABILITIES; CLIENT INCOME; RETENTION</p>	<p>Increases the minimum amount of a Department of Developmental Disabilities client's income or benefits that must be retained for the client's personal use to 30 percent, from 12 percent.</p>	<p>First sponsor: Rep. Brophy McGee</p>	<p>1/22 referred to House ref-hu ser.</p>
<p>H2320: COUNTY SEALS; APPROVAL OF USE</p>	<p>A person is permitted to use, display or otherwise employ a copy or other resemblance of the county seal only after obtaining approval from the county board of supervisors. The board of supervisors may grant approval to any person showing good cause for a proper purpose, and may adopt rules for the use of the county seal. Knowing violations are a class 3</p>	<p>First sponsor: Rep. J. Pierce</p>	<p>1/22 referred to House gov.</p>

<p>H2531: COURT-ORDERED EVALUATION SERVICES; PAYMENT</p>	<p>(mid-level) misdeemeanor.</p>	<p>1/30 referred to House hel.</p>
<p>If a person is eligible for federal behavioral health benefits, the cost of court ordered services provided by a county are a charge against the county in which the person resided to the extent of the nonfederal share of the cost of the service. If a person has private health insurance coverage, the person's private health insurer is considered the primary payor and the cost of court ordered services will be a charge against the county only to the extent that the private health insurance benefits are insufficient to cover the full cost of the services.</p>	<p>First sponsor: Rep. Brophy McGee Others: Sen. Begay, Sen. McComish, Sen. Pancrazi, Sen. S. Pierce, Sen. Reagan, Sen. Worsley</p>	
<p>S1116: COUNTY SEAL; BOARD APPROVAL</p>	<p>A person is permitted to use, display or otherwise employ a copy or other resemblance of the county seal only after obtaining approval from the county board of supervisors. The board of supervisors may grant approval to any person showing good cause for a proper purpose, and may adopt rules for the use of the county seal. Knowing violations are a class 3 (mid-level) misdeemeanor.</p>	<p>1/21 referred to Senate gov-env.</p>
<p>First sponsor: Sen. McGuire Others: Rep. Alston, Sen. Burges, Rep. Cardenas, Sen. Crandell, Sen. D. Farnsworth, Sen. Gallardo, Sen. Hobbs, Sen. Landrum Taylor, Rep. Mach, Sen. McComish, Sen. Meza, Sen. Pancrazi, Rep. Pratt, Rep. Quezada, Sen. Reagan, Sen.</p>		

<p>S1271: COUNTY LIENS; ABATEMENTS</p>	<p>The sale of a real property tax lien or foreclosure of the right to redeem does not extinguish a county lien for nuisance abatement, dangerous building abatement, or abatement or injunction of rubbish, debris or dilapidated buildings.</p>	<p>Ward, Sen. Worsley, Sen. Yarbrough, Sen. Yee First sponsor: Sen. Ward Others: Rep. Borrelli</p>	<p>1/30 referred to Senate gov-env.</p>
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New Title

51st Legislature - 2nd Regular Session, 2014

Tuesday, Feb 4 2014 4:47 PM

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Feb 7th LPC Meeting

Bill Summaries

H2309: FIREARMS; PROSECUTORS; LAW ENFORCEMENT OFFICERS

For the purpose of statute prohibiting peace officers from being prohibited to carry firearms except in specified circumstances, the definition of "peace officer" is expanded to include municipal, county and state prosecutors who have received a certificate from the Arizona Peace Officer Standards and Training Board. The requirement for law enforcement agencies to issue a photographic identification stating that an officer has honorably retired from the agency (which may be used to obtain concealed weapons permits) also applies to prosecutorial agencies.

First sponsor: Rep. J. Pierce

H2309 Daily History	Date	Action
FIREARMS; PROSECUTORS; LAW ENFORCEMENT OFFICERS	1/28	referred to House pub-mil-reg.

H2436: FOOD HANDLER TRAINING; COURSES; CERTIFICATION

If a county requires food handler training and certification for employment in the food service industry, the certification training course must be accredited by a national organization that develops training courses and must address specified topics. A county-issued food handler certificate or identification card is valid in any county that requires a certification or card.

First sponsor: Rep. Shope

H2436 Daily History	Date	Action
FOOD HANDLER TRAINING; COURSES; CERTIFICATION	1/30	referred to House hel.

H2460: PROBATION; COMMUNITY SUPERVISION; SEARCH; SEIZURE

The court is prohibited from placing a defendant who is convicted of a felony offense on probation unless the defendant agrees in writing to allow a peace officer, with or without a warrant, to conduct a search or seizure of the person based on reasonable suspicion at any time of the day or night. Prior to releasing a prisoner to a term of community supervision, the Department of Corrections must require the prisoner to agree in writing offense on probation unless the defendant agrees in writing to allow a peace officer, with or without a warrant, to conduct a search or seizure of the person based on reasonable suspicion at any time of the day or night.

First sponsor: Rep. E. Farnsworth

H2460 Daily History	Date	Action
PROBATION; COMMUNITY SUPERVISION; SEARCH; SEIZURE	1/30	referred to House jud.

H2461: PROBATION OFFICERS; AUTHORITY

Statute allowing probation officers to serve warrants, make arrests and bring persons before the court apply in all counties, instead of only in counties with a population of more than 2 million (Maricopa County).

First sponsor: Rep. E. Farnsworth

H2461 Daily History	Date	Action
PROBATION OFFICERS; AUTHORITY	1/30	referred to House jud.

H2489: FIRE ACCESS ROADS; LIMITATION; SPRINKLERS

Municipalities and counties are prohibited from adopting any fire code or other legal requirement for an approved fire apparatus access road and/or road extension that directly or indirectly requires a one or two family residence or a "utility or miscellaneous accessory building" (defined) to install fire sprinklers.

First sponsor: Rep. Petersen
Others: Rep. Borrelli, Sen. Crandell, Rep. Forese, Sen. Griffin, Rep. Kavanagh, Rep. Livingston, Rep. Mitchell, Rep. Smith, Rep. Thorpe, Rep. Ugenti

H2489 Daily History	Date	Action
FIRE ACCESS ROADS; LIMITATION; SPRINKLERS	2/4	House gov do pass; report awaited.
FIRE ACCESS ROADS; LIMITATION; SPRINKLERS	1/28	referred to House gov.

S1217: PRECINCT OFFICERS; SALARIES

Increases the maximum salaries of precinct officers other than justices of the peace (which are fixed by the county board of supervisors) by approximately 10 percent.

First sponsor: Sen. McComish
Others: Sen. Driggs

S1217 Daily History	Date	Action
PRECINCT OFFICERS; SALARIES	1/27	referred to Senate appro, jud.

S1305: SEMIPUBLIC SWIMMING POOL BARRIER GATES

Beginning January 1, 2015, a code or ordinance adopted by a municipality or county applies to locking devices for pool barrier gates used for semipublic swimming pools, and a new construction or major renovation of a semipublic swimming pool must meet the requirements of the code or ordinance.

First sponsor: Sen. Griffin

S1305 Daily History	Date	Action
SEMIPUBLIC SWIMMING POOL BARRIER GATES	2/3	referred to Senate gov-env.

S1348: SPECIAL DISTRICTS; AUDITS; BUDGETS; BOARDS

Special taxing districts that receive \$500,000 or more, decreased from \$1 million or more, in total revenues must have an annual audit performed. The county attorney is authorized to investigate any claimed failure to comply with special taxing district audit and financial review requirements. For a fire district that amends its budget after its initial adoption, the district board is required to hold at least two hearings on the revision. Emergency clause.

First sponsor: Sen. Crandell
Others: Sen. Ward

S1348 Daily History	Date	Action
SPECIAL DISTRICTS; AUDITS; BUDGETS; BOARDS	2/4	referred to Senate fin.

S1357: COUNTY BOUNDARY CHANGE; VOTE

The boundaries for Pima County and Santa Cruz County are modified. At the 2014 general election, the qualified electors of Santa Cruz County and residing in the area that is proposed to join Santa Cruz County are required to vote to approve or disapprove the proposed boundary modification.

Conditionally enacted on approval by a majority of voters in Santa Cruz County and a majority of voters residing in the area that is proposed to join Santa Cruz County.

First sponsor: Sen. Griffin

S1357 Daily History	Date	Action
COUNTY BOUNDARY CHANGE; VOTE 2/4 referred to Senate gov-env.		

S1387: FIRE DISTRICTS; BOARD SIZE; FORMATION

For any fire district administered by a three-member board that levies taxes in a fiscal year of \$500,000 or more, the district is required to be administered by a five-member board beginning with the first general election held after the end of that fiscal year. Establishes initial terms for boards adding additional members based on the numbers of votes for board members. Eliminates authorization for organizing boards to reimburse third parties for certain services. Session law provides that for any petition approved for circulation before the effective date of this legislation, the organizing board may lawfully reimburse third parties for agreed-upon services. Emergency clause.

First sponsor: Sen. Crandell
Others: Sen. Ward

S1387 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		

S1459: FIRE DISTRICTS; DIRECTORS; REQUIREMENTS; MODIFICATIONS

Summary to come

First sponsor: Sen. Crandell

S1459 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		

S1470: SUPERIOR COURT CLERKS; SALARIES

Summary to come

First sponsor: Sen. Driggs
Others: Rep. Allen, Sen. Burges, Sen. McComish, Sen. Reagan, Rep. Shope

S1470 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		