County Supervisors
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of arizona

2017 County Legislative Proposals for Consideration

For more information, contact CSA staff at (602) 252-5521
Updated September 9, 2016

County Supervisors
ASSOCIATION of Arizona

County Policy Proposals Summary for the 2017 Legislative Session

2017 CSA Legislative Policy Items

CSA will develop policy and advocacy strategies regarding the following priority issues.

- Eliminate the Arizona Department of Juvenile Corrections cost shift.
- Eliminate any shifts from the Highway User Revenue Fund (HURF) to other state agencies and programs and fully fund HURF.
- Eliminate county payments for the housing and treatment of Sexually Violent Persons (SVPs) at the Arizona State Hospital.
- Reestablish the counties' share of the lottery revenues.
- Eliminate the Arizona Department of Revenue cost shift.
- Extend the county "Flexibility Language" to use any source of county revenue, regardless of population, to meet a county fiscal obligation for FY2018

2017 County Legislative Proposals

-Sorted alphabetically by county

1. **Decrease Default Speed Limit**: Establish that speeds in excess of 45 MPH on unpaved roads are considered unreasonable. (*Cochise*)

2. **Federal Patent Easement Abandonment:** Eliminate the requirement that the county board of supervisors get consent from all affected utilities and a majority of property owners abutting a Federal Patent Easement before abandoning that easement. (*Cochise*)

3. **Public Road Maintenance and Primitive Designation**: Expand the number of roads that are eligible to be declared as "primitive" by a county board to include all those not constructed in accordance with county standards and opened prior to June 13, 1990; allow a county board of supervisors to maintain roads laid out, opened and constructed to adopt county standards regardless of whether or not the road is part of a platted subdivision. (*Cochise*)

4. **County Transfer of Juvenile Parole Function:** Transfers the Arizona Department of Juvenile Corrections parole functions to county probation departments. (*Coconino*)

5. **Eliminate County DUC Pool Payments:** Eliminate the county Disproportionate Uncompensated Care (DUC) payments to the state. (*Coconino*)

6. **DPS Data Sharing**: Require the Department of Public Safety to share criminal history data with county governments for research. (*Coconino*)

7. **Blighted and Unsafe Property Abatement**: Allow counties to enter into properties that are currently under state control due to unpaid taxes and perform any necessary clean up or demolition to reduce or eliminate the threat to public health and safety, and that the counties be allowed to place a lien on said properties for the amount of any costs incurred. (*Gila*)

8. **Negligent Hikers:** Hikers who become stranded due to cases of gross negligence or poor judgement may be charged for the costs associated with search and rescue missions. If public emergency services are called to rescue a stranded hiker, the cost of those services may be billed to the hiker, plus additional liability. (*Gila*)

9. **Resources for Juvenile Dependency Representation**: Allocate financial resources to the counties to assist with providing mandated attorney services in juvenile dependency matters. (*Mohave*)

10. **Groundwater Task Force**: Establish a Groundwater Task Force charged with studying and recommending a market-driven management mechanism to sustain statewide hydrological and ecological resources through future land development. (*Mohave*)

11. **Local Government Standing on Surface Water Transfers**: Allow counties to intervene in matters involving the transfer of surface water and surface water rights out of their area. (*Mohave*)

12. **ADWR Increased Authority for Groundwater Drilling**: Allow the Arizona Department of Water Resources the authority to deny a drill card in groundwater areas if it is in the public interest (whether defined under a safe yield, water adequacy, depletion, etc.). (*Mohave*)

13. **Local Government Increased Authority for Groundwater Drilling**: Require that a drill card in groundwater areas be simultaneously submitted to the local government for review and possible concurrence or objection. (*Mohave*)

14. **Irrigation Method**: Allow local government to have control over the method of irrigation used for the cultivation of lands in groundwater areas. (Mohave)

15. **Water Taxing Revenue:** Allow local government to consider a water pumping tax in addition to all possible taxing revenue for the development of alternative water supplies. (*Mohave*)

16. **Waste Tire Fund Program**: Extend the Waste Tire Program and the fees and fund associated with the Program from December 31, 2017 to December 31, 2027. (*Pinal*)

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17. **Gasoline Tax Ballot Measure**: Refer to the ballot an increase in the state gasoline tax to pay for road building and maintenance. (*Santa Cruz)*

18. **Lease of County Buildings Exemption:** Permit counties to lease or sublease county owned buildings to nonprofit organizations without going to a public auction to seek the highest bid. (*Santa Cruz*)

19. **Property Tax Appeals**: Require a property owner to submit an affidavit of valuation in a specific time frame in order to expedite court proceeding during a property tax appeal case (on properties valued at more than $4 million, which are not handled in a small claims division of tax court), where the property tax owner is claiming the property tax assessment is inaccurate. (*Yavapai*)

20. **Title 36 Courtroom Technology Accessibility**: Permit telephonic or video conference testimony during a title 36 hearing (mental health). Currently judges have the option of whether or not to allow it. (*Yavapai*)

21. **IPTA Taxation Authority**: Grant an intergovernmental public transportation authority (IPTA), which has the same boundaries as the county in which it resides, the same authority as a regional transportation authority (RTA) to levy a one-half cent transportation excise tax if approved by the voters. (*Yuma*)

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#1 Speed Limit on Primitive Roads

(Cochise County)

Summary:
Establish that speeds in excess of 45 MPH on unpaved roads are considered unreasonable.

Background:
Arizona Revised Statutes (ARS) § 28-701(A) prohibits a person from *driving a vehicle on a highway at a speed greater than is reasonable or prudent under the circumstances, conditions and actual and potential hazards then existing*... However, ARS § 28-701(B) establishes a prima facie evidentiary standard that speeds in excess of established limits under certain conditions are too great and therefore unreasonable. These conditions are:

1. Fifteen miles per hour approaching a school crossing
2. Twenty-five miles per hour in a business or residential district.
3. Sixty-five miles per hour in other locations.

According to the Arizona Association of County Engineers (AACE), conditions on unpaved roads are unpredictable and can change significantly depending on soil types along a given route, traffic volume, and time since last blading. Consequently, AACE states that the current statutory limit of sixty-five miles per hour on an unpaved road is not reasonable or prudent under any condition.

The American Association of State Highway and Transportation Officials (AASHTO) published Guidelines for Geometric Design of Very Low-Volume Local Roads that states:

> "Unpaved roads are intended to operate at low to moderate speeds. Design speeds for unpaved roads should normally be 70km/h (45 mph) or less, but may be as high as 80 km/h (50 mph) in situations the designer considers appropriate."

Fiscal Impact:
There is no anticipated state fiscal impact.

For more information, contact CSA staff, Daniel Romm at (602) 252-5521
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2017 Legislative Policy Statement
12th Annual CSA Legislative Summit
Coconino County, Arizona
October 25-27, 2016

A. What is the legislative proposal?

Decrease the default speed limit from 65 to 45 mph.

Suggested deleted language is shown in ~~red strikethrough~~ and added language is shown in ***red bold italicized***.

28-701. Reasonable and prudent speed; prima facie evidence; exceptions

A. A person shall not drive a vehicle on a highway at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing. A person shall control the speed of a vehicle as necessary to avoid colliding with any object, person, vehicle or other conveyance on, entering or adjacent to the highway in compliance with legal requirements and the duty of all persons to exercise reasonable care for the protection of others.

B. Except as provided in subsections C and D of this section or except if a special hazard requires a lesser speed, any speed in excess of the following speeds is prima facie evidence that the speed is too great and therefore unreasonable:
   1. Fifteen miles per hour approaching a school crossing.
   2. Twenty-five miles per hour in a business or residential district.
   3. Forty-five miles per hour on unpaved roads.
   ~~3.~~***4.*** Sixty-five miles per hour in other locations.

C. The speed limits prescribed in this section may be altered as authorized in sections 28-702 and 28-703.

D. The maximum speed provided in this section is reduced to the speed that is reasonable and prudent under the conditions and with regard to the actual and potential hazards then existing, including the following conditions:
   1. Approaching and crossing an intersection or railroad crossing.
   2. Approaching and going around a curve.
   3. Approaching a hillcrest.
   4. Traveling on a narrow or winding roadway.
   5. A special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

E. A person shall not drive a motor vehicle at a speed that is less than the speed that is reasonable and prudent under existing conditions unless the speed that is reasonable and prudent exceeds the maximum safe operating speed of the lawfully operated implement of husbandry.

B. Describe the problem and explain how the proposal solves it.

The American Association of State Highway and Transportation Officials (AASHTO) Guidelines for Geometric Design of Very Low-Volume Local Roads states:

> "Unpaved roads are intended to operate at low to moderate speeds. Design speeds for unpaved roads should normally be 70km/h (45 mph) or less, but may be as high as 80 km/h (50 mph) in situations the designer considers appropriate."

Within our county, unpaved road conditions are unpredictable and may change significantly depending on soil types, traffic volume, and time since last blading. As such

our county recommends establishing a 45 mph speed limit to further protect the traveling public in a manner that is consistent with current AASHTO guidelines.

C. **What is the fiscal impact to the state or county budgets of the proposal?**
No impact.

D. **What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?**

E. **Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?**

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#2 Federal Patent Easement Abandonment

(Cochise County)

Summary:
Eliminate the requirement that the county board get consent from all affected utilities and a majority of property owners abutting a Federal Patent Easement before abandoning that easement.

Background:
Federal patent easements or right-of-way, established by the Small Tract Act of 1938, were originally conveyed by the United States to private landowners. In general, these conveyances transferred fee title to the new land owner subject to easements created to provide to a local government or public utility the right to build a road or to install utilities within the patent easement area without the need to purchase or condemn the land. Patent easements also provide rights of ingress and egress to property owners in the surrounding areas; however, these rights are secondary to the public's right to use and develop the area of physical and utility access. These easements are typically 33 to 50 feet in width and run the length of the plot and any structures placed within a patent easement are subject to removal or destruction.

Laws 2013, Chapter 49 (CSA Sponsored Legislation), authorized counties to abandon a federal patent easement established by the Small Tract Act of 1938 at the request of a property owner if the easement is not being used by the public or is no longer necessary and all affected utilities give consent. Additionally, the county board of supervisors is required to notify the owners of the land abutting the easement at least 60 days before the consideration of an abandonment resolution, and a majority of those landowners must not object to the proposed abandonment.

Fiscal Impact:
There is no anticipated state fiscal impact.

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2017 Legislative Policy Statement
12th Annual CSA Legislative Summit
Coconino County, Arizona
October 25-27, 2016

A. What is the legislative proposal?

Restore management of public roads through abandoning Federal patent easements.

Suggested deleted language is shown in ~~red strikethrough~~ and added language is shown in ***red bold italicized***.

11-251.16 Federal patent easements; county abandonment~~; exception~~

A. A county, at the request of a property owner, may abandon a Federal patent easement established by the Small Tract Act of 1938 that the county determines, after notifying ~~and obtaining the consent of~~ all affected utilities, is not being used by the public or is no longer necessary.

B. At least sixty days before the consideration of an abandonment resolution, the board of supervisors shall give written notice of the abandonment proposal and the date and time of its consideration by certified mail at the address shown in the records of the county assessor to the owners of land abutting the easement to be abandoned. The notice shall inform recipients of the opportunity and deadline to object in writing or in person on the date of the board's scheduled consideration of the abandonment proposal. ~~The board of supervisors shall not resolve to abandon an easement unless a majority of the owners of the land abutting the easement approves the action.~~ An owner who does not object in writing to the abandonment proposal on or before the date of the board's scheduled consideration of the proposal or in person on the date of the board's scheduled consideration of the proposal shall be deemed to have consented to the abandonment proposal. The board shall post a copy of the notice at or in the immediate vicinity of the proposed abandonment.

~~C. This section does not apply to the abandonment of a roadway that was granted under revised statute 2477 (43 United States Code section 932) that was enacted by the United States Congress in 1866.~~

B. Describe the problem and explain how the proposal solves it.

Historically the board of supervisors, the elected public representatives, had the power to lay out, maintain, control and manage public roads within their jurisdiction pursuant to 11-251(4). One process for managing public roads is provided through abandonment and is utilized for public safety considerations such as road re-alignment or when the use of the route no longer serves its original purpose. The current language of 11-251.16 requires the consent of all utility providers and the consent of the majority of adjoining land owners if the public road easement is to be abandoned. This change effectively stripped a power from the public and gave control to utility providers and adjoining property owners. Further, regarding utility interests, when a public easement is no longer necessary for road purposes, existing utility interests are retained pursuant to 28-7210.

The proposal solves this problem by restoring appropriate authority to the board of supervisors. Utility providers' and property owner's input will remain part of the decision making process through notice posting and a public Board meeting. However the final determination as to the greater public's need will be transferred from utility providers and a minority of constituents, back to the elected representatives of the greater public.

Finally 11-251.16 pertains to easements granted by the Small Tract Act of 1938 which is separate to rights-of-way granted by the Mining Act of 1866. By eliminating reference to the 1866 Act we can prevent unnecessary confusion and inappropriate interpretations.

C. What is the fiscal impact to the state or county budgets of the proposal?
No impact.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

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County Supervisors
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#3 Public Road Maintenance and Primitive Designation

(Cochise County)

Summary:
Allow counties to designate substandard roads as "Primitive Roads" for roads opened prior to June 13, 1990. Allow counties to maintain roads laid out, opened and constructed to adopted county standards and without cost to the county, regardless of whether or not the road is part of a platted subdivision.

Background:
Currently, under A.R.S 28-6706 there are certain types of substandard road which counties can maintain but are not authorized to designate as "Primitive". These two types of substandard roads are:

1. Roads previously not accepted for maintenance, open after June 13, 1975 and prior to June 13, 1990.
2. Roads accepted for maintenance after June 13, 1985 and open prior to June 13, 1990.

The "Primitive" road designation is important as it requires counties to install signage to warn the traveling public of the substandard nature of the road and reduces county liability. This proposal addresses this by changing the statute to designate a road as "Primitive" (A.R.S. 28-6706) and the statute that authorizes substandard road maintenance (A.R.S. 28-6705) to be congruent.

A.R.S. 28-6705 provides that the county board of supervisors (BOS) may spend monies for maintenance of public roads and streets in the state and counties without limits of an incorporated city or town under two specific criteria: the roads and streets must not have been made at the cost to the county and must be in accordance to engineering road specifications of the BOS.

There is a certain type of road built to standard that is not eligible for maintenance under A.R.S. 28-6705. Currently if an entity builds a road to adopted county standards at no cost to the county, the road must also be part of a platted subdivision. This proposal solves this potential issue so that any road built to county standard, at no cost to the county, is eligible for maintenance.

Fiscal Impact:
There is no fiscal impact to the counties or the state resulting from this measure.

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Updated September 9, 2016

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A. What is the legislative proposal?

Allow counties to designate substandard roads as "Primitive Roads" for roads opened prior to June 13, 1990.

Allow counties to maintain roads laid out, opened and constructed to adopted county standards and without cost to the county, regardless of whether or not the road is part of a platted subdivision.

Suggested deleted language is shown in ~~red strikethrough~~ and added language is shown in ***red bold italicized***.

28-6705. Public road and street maintenance

A. The board of supervisors may spend public monies for maintenance of public roads and streets other than legally designated state and county highways located without the limits of an incorporated city or town. Before spending public monies under this section, the roads or streets shall be both:
   1. Laid out, opened and constructed without cost to the county, ***including roads completed pursuant to a plat approved pursuant to sections 11-802 and 11-822***.
   2. Completed ~~pursuant to a plat approved pursuant to sections 11-802 and 11-822 and~~ in accordance with standard engineering road specifications adopted by the board of supervisors to ensure uniform compliance.

B. The board of supervisors may spend public monies for maintenance of public roads and streets that were laid out, constructed and opened before June 13, 1990, ~~or that have been designated as primitive roads pursuant to section 28-6706, subsection D,~~ even if the roads and streets were not constructed in accordance with subsection A of this section.

C. Maintenance of a public road or street does not include purchasing or laying cement. To reduce long-term maintenance costs for maintenance authorized by this section, the board of supervisors may spend monies to add rock products, gravel and processed materials to the base of the roads and streets. Petroleum based or nonpetroleum based products may be used in the maintenance and repair of unpaved roads, alleys and shoulders identified pursuant to section 9-500.04 or 49-474.01 or unpaved roads, alleys and shoulders in any county where the control officer as defined in section 49-471 certifies to the board of supervisors that emissions from such roads, alleys or shoulders may endanger compliance with the national ambient air quality standard as defined in section 49-401.01.

28-6706. Primitive roads

A. The board of supervisors or the governing body of a city or town may designate a public road within its jurisdiction as a primitive road as prescribed in this section.

B. Neither a county, city or town nor its employees are liable for damages or injuries resulting from the use of a primitive road designated under this section except for

intentional injuries or gross negligence caused by an employee acting within the scope of the employee's employment.

C. ~~Except as provided in subsection D, t~~*T*he board of supervisors or the governing body of a city or town shall not designate a road as a primitive road unless it was opened before June 13, ~~1975~~ ***1990*** and was not constructed in accordance with county standards.

~~D. The board of supervisors or the governing body of a city or town may designate a road as a primitive road if all of the following apply:~~
~~1. The road was opened after June 13, 1975.~~
~~2. The road was accepted for maintenance by the board of supervisors or the governing body of a city or town before June 13, 1985.~~
~~3. The road was not constructed in accordance with county standards.~~

~~E.~~ *D.* The county, city or town shall place signs on every road designated as a primitive road in locations adequate to warn the public. These signs shall state "Primitive road, caution, use at your own risk. This surface is not regularly maintained."

~~F.~~ *E.* A board of supervisors or the governing body of a city or town shall not designate a state or county highway as a primitive road.

B. Describe the problem and explain how the proposal solves it.
Two separate potential problems exist under the current versions of 28-6705 and 28-6706.

The first potential problem is that there are certain types of substandard road which counties can maintain but are not authorized to designate as "Primitive". These two types of substandard roads are:

1. Roads previously not accepted for maintenance, open after June 13, 1975 and prior to June 13, 1990.
2. Roads accepted for maintenance after June 13, 1985 and open prior to June 13, 1990.

The "Primitive" road designation is important as it requires counties to install signage to warn the traveling public of the substandard nature of the road and reduces county liability. It is our opinion that the eligibility for substandard road maintenance should always be in harmony with the ability to designate the substandard road as "Primitive". The proposal solves the disharmony by changing the statute to designate a road as "Primitive" (28-6706) and the statute that authorizes substandard road maintenance (28-6705) to be congruent.

A secondary potential problem is that there is a certain type of road built to standard that is not eligible for maintenance under 28-6705. Currently if an entity builds a road to adopted county standards at no cost to the county, the road must also be part of a platted subdivision. The proposal solves this potential problem so that any road built to county standard, at no cost to the county, is eligible for maintenance.

C. What is the fiscal impact to the state or county budgets of the proposal?
No impact.

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D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

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#4 County Transfer of Juvenile Parole Function

(Coconino County)

Summary:
Transfers the Arizona Department of Juvenile Corrections parole functions to county probation departments.

Background:

Currently, juveniles released from incarceration at the Arizona Department of Juvenile Corrections (ADJC) are transferred to juvenile parole, which is run by ADJC. This department in ADJC costs the state approximately $4 million annually. Currently ADJC has 258 juveniles on community supervision and interstate probation.[1]

Probation and parole are both alternatives to incarceration. However, probation usually occurs prior to and often instead of jail or prison time, while parole is an early release from incarceration. In both probation and parole, the individual is supervised and expected to follow certain rules and guidelines.

Referrals, petitions, and the number of dispositions to probation, intensive probation, ADJC, and transfer to adult court have been declining statewide. County juvenile probation departments have the capacity to add juveniles exiting ADJC to their responsibilities.

A juvenile placed under the supervision of an ADJC parole officer has low-intensity contact with the parolee because an individual officer supervises juveniles regionally. In contrast, county juvenile probation departments are able to offer higher intensity contact and counseling for the individual. Additionally many of these officers handled the same juveniles when they were on probation in their county prior to being sentenced to ADJC.

Last year the Arizona Office of the Courts offered a similar proposal, because they believed this approach would save resources and produce better outcomes.[2] The proposal was not successful at the state legislature last year.

CSA is compiling additional feedback and information from the counties and stakeholders.

Fiscal Impact:
Currently ADJC spends approximately $4 million annually to run their own parole department. By county probation departments taking on the released juveniles without requesting additional resources, the state would no longer have to fund that portion of the ADJC budget. Additionally, research suggests that youth that remain close to home under the care of local probation officers tend to do better and have reduced recidivism rates.[3] If the state properly funds juvenile probation, allowing the county to absorb the day to day functions, there could be a savings of taxpayer dollars.

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[1] Arizona Department of Juvenile Corrections "Just the Facts" July 2016
[2] *Closer to Home: Improving Arizona's Juvenile Justice System,* Arizona Office of the Courts, Dave Byers, August 2015
[3] *Juvenile Justice in Arizona: The fiscal foundations of effective policy,* ASU Morrison Institute, January 2016

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A. What is the legislative proposal?

Remove the role of juvenile parole from the Arizona Department of Juvenile Corrections (ADJC) and establishes a protocol where juveniles who were placed under the care of ADJC would be under the supervision of County Juvenile Probation upon release.

The proposed statutory change to ARS 41-2818 would remove "Department" from the statute and substitute County Attorney's and County Juvenile Probation offices.

B. Describe the problem and explain how the proposal solves it.

Currently, a juvenile released from incarceration is transferred to juvenile parole and remains under ADJC. A juvenile placed under the supervision of an ADJC parole officer has low-intensity contact with the parolee and supervise juveniles regionally.

County Juvenile probation departments offer a local approach with higher intensity contact and counseling for the individual. Juvenile probation officers can offer life-style counseling and other strategies to prevent recidivism among the participants in the program.

This approach would save the state funds and be better for youth as they would be placed under the care of local probation officers who can spend more time with the juvenile and be better equipped to meet their needs. This could potentially reduce save taxpayer dollars in the long-term.

C. What is the fiscal impact to the state or county budgets of the proposal?

The State would be able to save money by transferring this function to Counties. Because of the current probation officer threshold, counties like Coconino would be able to absorb the additional youth without taking on significant department cost increases.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

The Arizona Office of the Courts made a similar proposal prior to the 2016 Legislative Session but never gained traction among stakeholders.

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

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#5 Disproportionate Uncompensated Care (DUC) Payments

(Coconino County)

Summary:
Eliminate the county Disproportionate Uncompensated Care (DUC) payments to the state.

Background:
In November 2000, Arizona voters passed Proposition 204 expanding the Arizona Health Care Cost Containment System (AHCCCS), Arizona's Medicaid-eligible population. In 2001, the legislature passed SB1577 AHCCCS; proposition 204 (*Gerard*), known as the Prop. 204 implementation bill. The implementation bill contained a provision requiring counties to contribute $3.5 million, and the state to contribute $6.5 million, to reimburse private hospitals for uncompensated care costs:[1]

> *"F. Subject to legislative appropriation, in fiscal years 2001-2002 and 2002-2003, the Arizona health care cost containment system administration shall distribute the amounts withheld pursuant to subsection A or B of this section to each private hospital based on the private hospital's relative share of the total amount the administration paid for nonobstetric adult hospital emergency care based on the most current year for which this information is available."*

Breakdown of DUC Payments	
County	FY2017 Payment
Apache	$87,300
Cochise	$162,700
Coconino	$160,500
Gila	$65,900
Graham	$46,800
Greenlee	$12,000
La Paz	$24,900
Mohave	$187,400
Navajo	$122,800
Pima	$1,115,900
Pinal	$218,300
Santa Cruz	$51,600
Yavapai	$206,200
Yuma	$183,900

This action was followed up in 2002 with the health and welfare budget reconciliation bill deleting the provisions of Paragraph F, which required the disbursement of these funds to private hospitals. This action effectively made the DUC payments a contribution from the counties to the state for acute care services.[2]

From 2002 until 2005, the county DUC payments were $3.5 million. In 2005, Maricopa County agreed to take over adult probation in exchange for eliminating or reducing several healthcare payments, including their DUC payment. Since 2005, the remaining 14 counties have contributed a combined $2.6 million each year (a county by county breakdown is included to the left).

This proposal seeks to eliminate the county DUC payments, beginning in FY2018.

Fiscal Impact:
If the State chose to hold the acute care program under AHCCCS harmless, the State general fund portion would have to increase by $2.6 million.

[1] Laws 2001 Chapter 344 § 100 county uncompensated care contribution
[2] Laws 2002 Chapter 329 § 20

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A. What is the legislative proposal?

Eliminate the DUC Pool Payment paid by Arizona Counties

B. Describe the problem and explain how the proposal solves it.

Since 2003, Counties have made annual disproportionate Uncompensated Care (DUC) Pool payments to the General fund as authorized by the Arizona State Legislature. With the exception of Maricopa County, the amount the Counties have contributed to this pool has remained static and it is unclear how the amount is calculated or how the funding is used.

C. What is the fiscal impact to the state or county budgets of the proposal?

Counties in Arizona, except Maricopa County, have paid $2.64 Million per year to the State's General Fund. Coconino County's DUC Pool payment was $160,500.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

The contribution amount into the general fund for the purpose of uncompensated care payments has not changed since the inception of the DUC pool in 2003. This indicates the payment is not based on amount of care paid for, which would logically fluctuate over time. Counties should not be subsidizing the general fund in the guise of uncompensated care payments without accountability.

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

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#6 Department of Public Safety Data Sharing

(Coconino County)

Summary:

Require the Department of Public Safety to share criminal history data with county government in a timely manner.

Background:

Currently, if an authorized county or city law enforcement agency requests criminal history data from the Department of Public Safety (DPS), there is no statutory requirement (ARS § 41-1750) for that agency to provide the information. Additionally, the timeframe from which the information is obtained is often significantly delayed.

This proposed change in statute would require the Director of the DPS to establish guidelines to aid and encourage criminal justice agencies across the state to use criminal justice information for the study and prevention of crime and for the administration of criminal justice.

This statutory change will enable criminal justice agencies to create more accurate models of success to administer justice, reduce recidivism and save taxpayer dollars. The clarifying language will also aid criminal justice agencies in forming partnerships with research entities (e.g. universities, independent researchers) to assist with research capacity.

CSA is compiling additional feedback and information from the counties and stakeholders.

Fiscal Impact:

Criminal history data is needed to analyze the effects of recidivism. This data can then be used to inform criminal justice practices, including those aimed at reducing recidivism, which will save county and state resources long term.

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A. What is the legislative proposal?

Clarifying the statute outlining the Department of Public Safety's responsibility to establish guidelines for the study and prevention of crime and to produce criminal history data for the purposes of research and the administration of justice.

B. Describe the problem and explain how the proposal solves it.

Currently, if an authorized law enforcement agency requests criminal history data from the Department of Public Safety (DPS), there is no statutory requirement for that agency to relinquish the data in a timely fashion.

County criminal justice agencies are authorized to receive this information but there is no statutory requirement that agencies such as the DPS shall do so. The change in statute would state that the Director of the DPS *shall* (instead of "may") establish guidelines to aid and encourage criminal justice agencies to utilize criminal justice information for the study and prevention of crime and for the administration of criminal justice.

This statutory change will help criminal justice agencies determine better models of success to administer justice, reduce recidivism and save tax payer dollars. The clarifying language will also aid criminal justice agencies in forming partnerships with research entities (e.g. universities, independent researchers) to assist with research capacity.

C. What is the fiscal impact to the state or county budgets of the proposal?

Criminal history data is needed to analyze the effects of recidivism in our community. These data can then be used to inform our practices to reduce re-offense and allocate funding to resources that are effective at crime reduction.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

None at this time

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

Name: Todd Madeksza

County Supervisors
ASSOCIATION
of Arizona

Phone: 928.679.7134

E-mail: tmadeksza@coconino.az.gov

County Supervisors
ASSOCIATION
of arizona

#7 Blighted and Unsafe Property Abatement

(Gila County)

Summary:
Allows counties to enter into properties in incorporated and unincorporated areas that are currently under state control due to unpaid taxes and perform any necessary clean up or demolition to reduce or eliminate the threat to public health and safety, and that the counties be allowed to place a lien on said properties for the amount of any costs incurred.

Background:

When communities in a county have properties under state control, counties encounter situations where those properties pose a public health risk or other danger to public safety. In those instances, counties are currently not permitted to clean up the property to protect public health and safety (such as boarding up or otherwise restricting access to the properties).

According to ARS § 42-18267 property that has been tax deeded to the State of Arizona is under state control and counties are not permitted to access the property in any way, even if the property poses a public health risk.

This proposal seeks to give counties the authority to clean up these properties, to protect public safety and improve the safety and value of the surrounding community.

CSA is compiling additional feedback and information from the counties and stakeholders.

Fiscal Impact:
There would likely be no negative impact to the state budget; however, there may be an impact to county budgets for the cost of property abatement.

County Supervisors
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2015 Legislative Policy Statement
11th Annual CSA Legislative Summit
Mohave County, Arizona
October 13-15, 2015

A. What is the legislative proposal?

Amend statutes to allow counties to enter onto properties that are under state control because of unpaid taxes and perform necessary demolition or clean up to make the properties safe and not a blight on the community.

B. Describe the problem and explain how the proposal solves it.

A.R.S. § 42-18267(A) states *"If the property is not redeemed before the date stated in the notice, the county treasurer shall execute and deliver to the board of supervisors, acting on behalf of this state, a treasurer's deed conveying to the state of Arizona the real property that was assigned at the tax sale."*

Due to the fact that the real property is tax-deeded to the state of Arizona, counties do not have authority to perform any work to demolish or clean up properties nor can it take on the associated liability. If language is added to the statutes to allow counties the authority to perform work on these properties, the properties could be cleaned up to the extent of ensuring there isn't an immediate threat to the safety of others, and it would increase the value of the subject property and neighboring properties.

C. What is the fiscal impact to the state or county budgets of the proposal?

In accepting the proposal, there would not be any fiscal impact to the state's budget; however, there may be a significant impact to the county's budget for the cost of manpower and equipment to clean up properties.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

Gila County has many blighted and unsafe properties that are state-owned, so members of the Board are constantly being presented with pleas from constituents to help clean up the properties because of hazardous conditions, vandalism, etc. This proposal would allow the County to immediately address the properties that pose a threat to the health and safety of its citizens.

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

Name: Jacque Griffin

Phone: 928.402.8770

E-mail: jgriffin@gilacountyaz.gov

County Supervisors
ASSOCIATION
of arizona

#8 Negligent Hikers

(Gila County)

Proposal:
Hikers who become stranded due to cases of gross negligence or poor judgement may be charged for the costs associated with search and rescue missions. If public emergency services are called to rescue a stranded hiker, the costs of those services may be billed to the hiker, plus additional liability.

Background:
County Sheriffs' Offices and search and rescue teams are often called upon to save hikers who are not properly prepared and are unable to complete their hikes. This costs counties manpower, equipment, and resources to perform avoidable rescues, no matter the weather conditions and time of year.

Currently, under Title 8, Emergency and Military Affairs, Article 1, Search and Rescue, of the Arizona Administrative Code, counties can be reimbursed from the state for some expenses associated with search and rescue operations as described in ARS §35-192C. Claims must be submitted within 60 days after the close or suspension of the mission.

Eight states currently have laws allowing billing for search and rescue costs. New Hampshire, Hawaii, Oregon, and Maine have general laws allowing agencies to bill for rescues. California, Vermont, Colorado and Idaho have laws allowing state agencies to bill in limited circumstances; however, these laws are rarely enforced.

National search and rescue organizations, in addition to some law enforcement groups, have expressed some concerns with this policy stating that hikers may delay calling for help while they think about the cost.

In 1995 Arizona passed the stupid motorist law. The law states that any motorist who becomes stranded after driving around barricades to enter a flooded stretch of roadway may be charged for the cost of their rescue.

CSA is compiling additional feedback and information from the counties and stakeholders.

Fiscal Impact:
There is no fiscal impact to the state resulting from this measure; however, the state and counties may see a reimbursement for resources lost during search and rescue operations.

County Supervisors
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of Arizona

2015 Legislative Policy Statement
11th Annual CSA Legislative Summit
Mohave County, Arizona
October 13-15, 2015

A. What is the legislative proposal?

Make statutory changes to hold careless hikers responsible for their actions similar to the "stupid" motorist laws currently on the books.

B. Describe the problem and explain how the proposal solves it.

Sheriffs' Offices and search and rescue teams are often called to "save" hikers who are not properly prepared and are unable to complete their hikes. This costs counties manpower, equipment and resources to perform avoidable rescues. This proposal would pass along the costs of performing these rescues to those who have not prepared properly and have called 911 for help.

C. What is the fiscal impact to the state or county budgets of the proposal?

In addition to the fiscal impact that is yet to be completely determined, these kinds of calls divert first responders' manpower, equipment and resources away from unavoidable accidents and other emergencies.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

No known opposition at this time.

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

Name: Jacque Griffin Sanders

Phone: 928.402.8770

E-mail: jgriffin@gilacountyaz.gov

County Supervisors
ASSOCIATION
of arizona

#9 Resources for Juvenile Dependency Representation

(Mohave County)

Proposal:

Allocate financial resources to impacted counties to assist with providing mandated attorney services for indigent defendants in juvenile dependency matters, due to recent increases in costs associated with these cases as a result of the overhaul of the child protective services system in Arizona.

Background:

An indigent defendant is an individual without sufficient income to afford a lawyer for defense in a court proceeding. Statute entitles parents and guardians of children who are subject to a dependency petition the right to counsel.[1] Counties are financially responsible for these services "at such rates as the County contracts for them."[2]

In January of 2014, Governor Brewer overhauled the child safety system in Arizona by dismantling the agency previously known as Child Protective Services, and replacing it with a new entity, the Department of Child Safety (DCS). DCS was created in direct response to an excessive backlog of uninvestigated incidents of child abuse and neglect. The legislature established a new agency, with a new director, additional staff and funding to expedite the investigations of existing cases to ensure the safety of at-risk children in this state.

As a result of the necessary agency overhaul, the number of dependency filings increased statewide in 2014, by an average of 21% over 2013 and dependency filings in 2015 were 4% above 2014. These percentage increases do not include the number of ongoing cases counties continue to work on (the average case takes approximately two years). Due to the county obligation to provide and pay for attorney services for all parties in every indigent dependency filing, counties have seen an increase in costs since the overhaul of the agency. Unfortunately county budgets have already been strained due to extensive state budget cuts in recent years and these additional costs for indigent defense are placing another large burden on county budgets, with no opportunity for relief. For example, Mohave County spent $1.5 million on juvenile dependency cases in 2015. Yuma County spent $930,000 on juvenile dependency cases in 2015.

DCS still has approximately 6,500 backlogged cases as of August 12, 2016[3]. Though they have made progress since the original backlog of cases, it is unknown how long it will take DCS to investigate these cases.

This proposal seeks to allocate additional funds to assist all impacted counties in providing these vital services to ensure that there are no additional delays in providing for the safety of some of Arizona's most vulnerable citizens.

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[1] A.R.S. § 8-824

[2] A.R.S. § 13-4013

[3] *DCS Intentional Improvement Strategy Continues to Deliver Positive Gains in Service,* August 12, 2016, Department of Child Safety Press Release.

The Arizona Office of the Courts has provided information and data detailing the dramatic increase in dependency filings on an individual county basis.

Last year, the legislature looked to direct more money to the Attorney General's office and the courts, but not the counties.

CSA is compiling additional data on the costs to counties, including impacts on staff resources and current caseloads.

Fiscal Impact:
Since DCS was overhauled in 2014, costs have been increasing for counties across the state and it is difficult to determine the final cost of the additional indigent defendants, as it varies by county and is likely to continue to increase as the year progresses. Therefore, the cost to the state is unknown at this time.

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2017 Legislative Policy Statement
12th Annual CSA Legislative Summit
Coconino County, Arizona
October 25-27, 2016

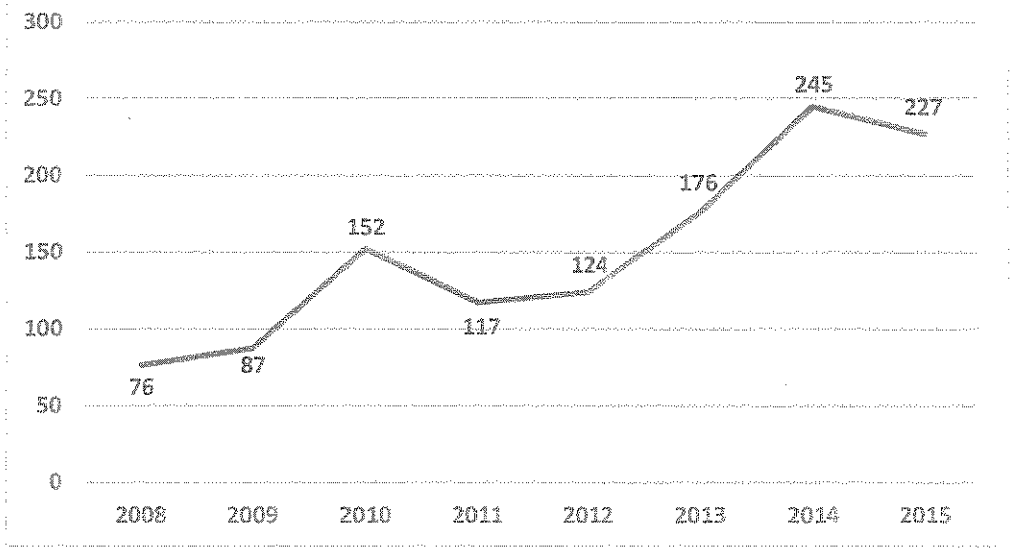
A. What is the legislative proposal?

The legislative proposal discussed herein requests that the legislature allocate financial assistance to the Counties to mitigate the expenses of providing mandated attorney services in juvenile dependency matters. Juvenile Dependency cases are ***state-initiated proceedings***; however the bulk of the costs of providing the mandated services for these cases are at the expense of the counties.

B. Describe the problem and explain how the proposal solves it.

In January 2014, Governor Brewer overhauled the child welfare system in Arizona by dismantling the agency previously known as Child Protective Services, and replacing it with a new entity, the Department of Child Safety (DCS). That same year, the legislature provided the Department additional funding via 2014's S.B. 1224. This provided DCS with both the financial resources and manpower to investigate many more claims of child abuse and remove at risk children from dangerous environments. This is unquestionably a positive outcome and is encouraged! However, as a result of these efforts, the number of dependencies being filed by the Attorney General's Office on behalf of DCS has increased substantially, which has caused financial hardships for the Counties. The data below contains the total number of dependency filings in Mohave County over the last several years:

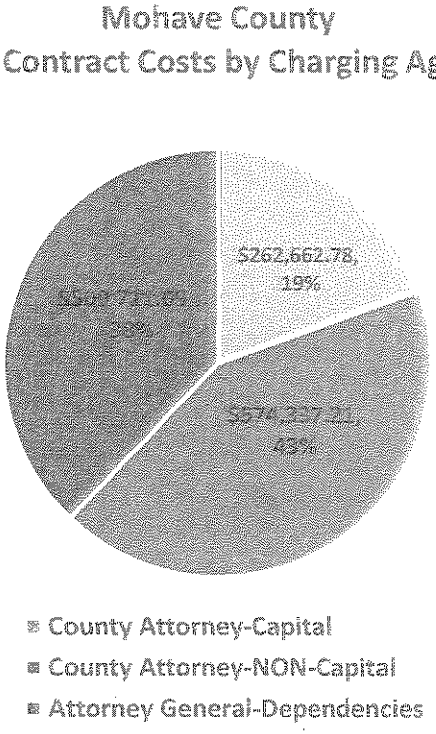
Mohave County Dependency Filings by Year							
2008	2009	2010	2011	2012	2013	2014	2015
76	*87*	*152*	*117*	*124*	*176*	*245*	*227*



Per A.R.S. §8-824.D.1, parents or guardians of children who are subject to a dependency petition, have the right to court appointed counsel if indigent. As such, the obligation to provide mandated defense attorneys for the multiple parties in a single dependency filing is the burden of the counties—*not the State*. A single dependency filing produces a minimum of two defense attorney assignments, with most filings requiring the counties to provide 3-5 defense attorneys. In addition, ethical case limits for staff attorneys are quickly reached as these case types last several years. This results in internal defense offices, such as county Public Defenders, becoming inundated with dependency assignments, which must then be sent to more expensive contract attorneys. By allocating financial assistance to the counties in an amount proportionate to what they incur on the State's behalf for providing these mandated services, the state of Arizona can continue to assure child safety without the counties having to solely bear the crushing financial burden of providing defense.

C. What is the fiscal impact to the state or county budgets of the proposal?

The following data represents the impact these cases have on county resources from both staff and contract defense departments for FY15:



Current County Personnel for Dependency Defense		
Position	Total Personnel	Total Salaries & Benefits
Attorneys	7	$614,120.00
Investigators	1	$57,792.00
Paralegal	1	$55,484.00
Secretary	4	$189,088.00
Contract Coordinator	1	$43,045.10*
	14	**$959,529.10**

**Contract Coordinator spends approximately 70% of time on dependencies. The total salary and benefits has been adjusted to reflect this percentage.*

Between staff and contract personnel designated to representing clients in juvenile dependencies, Mohave County expenditures are approximately ***$1.5 million dollars—annually***. These figures do not include Court staff, facilities, or operations. Additionally, the designated staff assigned to these cases have been re-assigned from their previous criminal casework, thus creating higher criminal caseloads for staff. As a result, the County is routinely forced to outsource cases to more expensive contract attorneys. Again, all of these expenses are entirely produced by the State.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

The political and societal connotation of indigent defense is unpopular, however these services are mandated. While the safety of Arizona's children is paramount, the increase in dependency filings has proven to be a challenge for Counties on multiple fronts. Providing financial assistance for mandated legal defense may be unpopular; however, it is far more popular than an unbalanced budget or increased taxes to offset the counties' incurred expenses as a result of these *state-initiated proceedings*.

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

Name: Blake E. Schritter, Mohave County Indigent Defense Administrator

Phone: (928) 753-0738

E-mail: blake.schritter@mohavecounty.us

County Supervisors
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of Arizona

#10 Groundwater Task Force

(Mohave County)

Summary:
Establish a Groundwater Task Force charged with studying and recommending a market-driven management mechanism to sustain statewide hydrological and ecological resources through future land development. This mechanism will target groundwater resource management through a new discretionary program.

Background:
Currently the state is limited in its ability to regulate water outside of Active Management Areas in rural and urban areas. The state agency in charge of regulating water, the Arizona Department of Water Resources (ADWR) has little authority to regulating drilling and irrigation methods.

This proposed task force will seek to identify a management mechanism framework and criteria central to developing a new Arizona Property Development Credit Program (Program). Action items under the proposed task force initiative include:

- Establish a standard credit value per acre for real private property donations to counties and municipalities for administration under conservation easement or similar use restriction.
- Establish a conservation easement definition, use restrictions, and utility allowances.
- Establish a credit assignment formula, including penalties for encumbrances such as terrain and flood hazard, for owners of real property desiring to donate all or part of a parcel for credits, which may represent a separate estate in land.
- Establish criteria governing free market purchase and sale of assigned credits.
- Establish criteria for counties and municipalities to adopt credit redemption processes enabling increased land development density.

The Program will deliver privately driven development of conservation areas critical to hydrological and ecological resource sustenance in exchange for new opportunity to develop high density land uses in areas deemed conducive to such development under the Program and local government authority. The Program will promote, through free market credit exchange, a discretionary, market-driven approach to responsible hydrological and ecological resource management.

CSA is compiling additional feedback and information from the counties and stakeholders.

Fiscal Impact:
There is no anticipated state fiscal impact.

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#11 Local Government Standing on Surface Water

(Mohave County)

Summary:
Allow counties to intervene in matters involving the transfer of surface water and surface water rights out of their area.

Background:
Currently the state is quite limited in its ability to regulate water outside of Active Management Areas. The state agency in charge of regulating water, the Arizona Department of Water Resources (ADWR) has little if any authority to regulate drilling and irrigation methods.

Arizona Revised Statute § 45-596 states that anyone, or any organization, that wants to drill a well just has to file a notice of intent to drill, register the well, and hire a licensed well digger. There are no reporting requirements and no information needs to be shared on how much water is being used, its quality or its quantity. Additionally, there are no limits on how many wells can be drilled.

Farming operations have had a significant impact on the water supply in Mohave, La Paz, and Cochise counties. In Mohave County, the bulk of new farming is taking place in the Hualapai Basin where Kingman gets most of its water. According to ADWR officials, in 2015, nearly half of the water that was taken out of the Hualapai Basin went to large farm operations.

In the summer of 2011, a private entity sought approval to transfer water rights from their property near the Bill Williams River in Wikieup (Mohave County) to another property in Yavapai County. Mohave County raised concerns about the water transfer. The Board of Supervisors penned letters and passed resolutions in opposition to the agreement and appealed to the courts to deny the transfer of water outside of the county.

The county argued that the water and land transfer will reduce property tax revenue, harm future growth and represents the first step in a slippery slope toward fewer and fewer water resources. At the very least, they argued that the county's concern should have been included the analysis.

In November of 2015, the Arizona Supreme Court (Court) unanimously ruled that local governments have no inherent right to intervene with the transfer of water and water rights out of their area. The Court ruled that an "interested party" objecting to a severance of water rights is limited to those with water right interests protected by ARS § 45-172. The Court rejected the county's argument that Section § 45-172 and other statutes allow ADWR to consider other factors, such as the public interest. The court said the county's citation of what the department "may" do ignores limiting language from the same sentence the county quotes.

With the support of Governor Ducey, Mohave County is currently participating in the Phase II negotiations of the Bill Williams Water Settlement Act. Additionally, Mohave County has agreed to consult with ADWR to begin a process that may help designate the Hualapai Valley basin as an Irrigation Non-Expansion Area (INA). The INA would prevent new land from being irrigated in an attempt to slow the rate of loss from the aquifer. However, there would still be no restrictions on how much water could be pumped from existing wells. Additionally, the INA would not impact residential wells or farms less than 10 acres.

One of the biggest INA designation factors is determining if there is insufficient groundwater to provide a reasonably safe supply for irrigation of the cultivated lands in the area. Currently, there are three other INAs in Arizona: Joseph City INA near Holbrook, Harquahla INA west of Phoenix, and the Douglas INA in Cochise County.

CSA is compiling additional feedback and information from the counties and stakeholders.

Fiscal Impact:
There is no anticipated state impact.

County Supervisors
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OF ARIZONA

#12 ADWR Increased Authority for Groundwater Drilling

(Mohave County)

Summary:
Allow the Arizona Department of Water Resources the authority to deny a drill card in groundwater areas if it is in the public interest (whether defined under a safe yield, water adequacy, depletion, etc.).

Background:
Currently the state is limited in its ability to regulate water outside of Active Management Areas. Additionally, the state agency in charge of regulating water, the Arizona Department of Water Resources (ADWR) has little authority to regulate drilling and irrigation methods.

Arizona Revised Statute § 45-596 states that anyone, or any organization, that wants to drill a well just has to file a notice of intent to drill, register the well, and hire a licensed well digger. There are no reporting requirements and no information needs to be shared on how much water is being used, its quality or its quantity. Additionally, there are no limits on how many wells can be drilled.

Farming operations have had a significant impact on the water supply in Mohave, La Paz, and Cochise counties. In Mohave County, the bulk of new farming is taking place in the Hualapai Basin where Kingman gets most of its water. According to ADWR officials, in 2015, nearly half of the water that was taken out of the Hualapai Basin went to large farm operations.

CSA is compiling additional feedback and information from the counties and stakeholders.

Fiscal Impact:
There is no anticipated state impact.

County Supervisors
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of Arizona

#13 Local Government Increased Authority for Groundwater Drilling

(Mohave County)

Summary:
Require that a drill card in groundwater areas be simultaneously submitted to the local government for review and possible concurrence or objection.

Background:
Currently the state and county is limited in its ability to regulate water outside of Active Management Areas. Additionally, the state agency in charge of regulating water, the Arizona Department of Water Resources (ADWR) has little if any authority to regulate drilling and irrigation methods.

Arizona Revised Statute § 45-596 states that anyone, or any organization, that wants to drill a well just has to file a notice of intent to drill, register the well, and hire a licensed well digger. There are no reporting requirements and no information needs to be shared on how much water is being used, its quality or its quantity. Additionally, there are no limits on how many wells can be drilled.

Farming operations have had a significant impact on the water supply in Mohave, La Paz, and Cochise counties. In Mohave County, the bulk of new farming is taking place in the Hualapai Basin where Kingman gets most of its water. According to ADWR officials, in 2015, nearly half of the water that was taken out of the Hualapai Basin went to large farm operations.

CSA is compiling additional feedback and information from the counties and stakeholders.

Fiscal Impact:
There is no anticipated state impact.

County Supervisors
ASSOCIATION
of Arizona

#14 Irrigation Method

(Mohave County)

Summary:
Allow local government to have control over the method of irrigation used for the cultivation of lands in groundwater areas.

Background:
Farming operations have had a significant impact on the water supply in Mohave, La Paz, and Cochise counties. In Mohave County, the bulk of new farming is taking place in the Hualapai Basin where Kingman gets most of its water. According to ADWR officials, in 2015, nearly half of the water that was taken out of the Hualapai Basin went to large farm operations.

Mohave County is currently consulting with ADWR to begin a process that may help designate the Hualapai Valley basin as an Irrigation Non-Expansion Area (INA). The INA would prevent new land from being irrigated in an attempt to slow the rate of loss from the aquifer. However, there would still be no restrictions on how much water could be pumped from existing wells. Additionally, the INA would not impact residential wells or farms less than 10 acres.

One of the biggest INA designation factors is determining if there is insufficient groundwater to provide a reasonably safe supply for irrigation of the cultivated lands in the area. Currently there are three other INAs in Arizona: Joseph City INA near Holbrook, Harquahla INA west of Phoenix, and the Douglas INA in Cochise County.

The state agency in charge of regulating water, the Arizona Department of Water Resources (ADWR) has little if any authority to regulate drilling and irrigation methods unless there is a concern for cross contamination.

CSA is compiling additional feedback and information from the counties and stakeholders.

Fiscal Impact:
There is no anticipated state impact.

County Supervisors
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of Arizona

#15 Water Taxing Revenue

(Mohave County)

Summary:

Allow for local government to consider a water pumping tax in addition to all possible taxing revenue for the development of alternative water supplies.

Background:

CSA is currently compiling additional feedback and information from the counties and stakeholders. More details will follow.

Fiscal Impact:

There is no anticipated state impact.

County Supervisors
ASSOCIATION

#16 Waste Tire Disposal Fee & Fund

(Pinal County)

Proposal:
Extend the Waste Tire Program and the fees and fund associated with the Program from December 31, 2017 to December 31, 2027 (or repeal sunset requirement).

Background:

Waste Tire Program

In 1990, Arizona Revised Statues (ARS) Section 44-1305 established the Waste Tire Program (Program), which describes the procedures for the disposal of waste tires. Each county is required to establish a Program; however, if a county has a population of less than 400,000 persons, the county may join with any other county and pool their financial resources to establish a Program. Each year, counties must submit a waste tire management plan (Plan) to the Arizona Department of Environmental Quality (ADEQ) for review and approval.

Waste Tire Fees

According to ARS § 44-1302, a retailer or a wholesaler of new motor vehicle tires is required to accept the same amount of unusable tires as new tires from customers during the point of transfer. Retail tire dealers collect a waste tire fee (Fee) of two percent of the purchase price for each tire sold or at most two dollars for each tire sold. The Fee for new vehicles, including all new vehicles sold or leased at retail, is one dollar per tire. Sellers can keep up to ten cents per tire and the remainder of the Fees are paid to the Arizona Department of Revenue (ADOR) for deposit in the Waste Tire Fund (Fund).

Waste Tire Fund

ARS § 44-1305 established the Fund administered by ADOR to consist of monies collected from the Fees applied to tires. ADOR is required to certify to the Arizona Department of Administration (ADOA) and ADEQ the amounts to be paid from the Fund. Three and one-half percent of the monies are transferred to the ADEQ's Solid Waste Fee Fund. The Director of ADEQ may use five percent or $250,000 if no other funds are available for tire fire cleanup expenses. The remainder of the monies are distributed among the counties in Arizona in proportion to the number of motor vehicles registered in the county, which are to be used for establishing the county's Program.

Fiscal Impact:
There is no fiscal impact to the counties or the state resulting from this measure.

County Supervisors
ASSOCIATION
of Arizona

Policy Development Roadmap

- 2016 Legislative Session Wrap-up Briefing (May 19)
  - Final county fiscal impacts reviewed
  - Assessment of 2016 Legislative Priorities

- Post-Legislative Session County Outreach (May - August)
  - Provide legislative report and discuss issues important to supervisors and managers

- Identify "Preliminary" County Legislative Issues (June - mid August)
  - CSA to provide policy form & development tips
  - Identify complex issues that may require significant research or due diligence
  - CSA staff is available to assist counties to evaluate proposals

- County Legislative Proposals and Resolutions Due to CSA (August 12)

- County Managers and Administrators Meeting (September 9)
  - Initial review of the county legislative proposals
  - Request for update of federal issues

- CSA Board Pre-Summit Briefing and Board Meeting (September 15)
  - Review county legislative proposals and CSA due diligence

- County Managers and Administrators Pre-Summit Briefing (October 14)
  - Review county legislative proposals and CSA due diligence
  - Updates to federal issues due to CSA

- Legislative Summit:

  High Country Conference Center at Northern Arizona University
  Flagstaff, Coconino County
  October 25-27, 2016

  - Establish short and long-term legislative priorities
  - Establish lobbying strategy

- Brief State Leadership (November - December)
  - Governor's staff
  - Legislative leadership

- County Supervisors Brief Local Legislators (November - January)

- County Managers and Administrators Meeting (November 4)
  - Discuss Draft Federal Priorities

- CSA Board of Directors Meeting (December 15)
  - Review Draft Federal Priorities (*to be approved at January board meeting)*

- Fifty Third Legislature, First Regular Session Begins (January 9, 2017)

County Supervisors
ASSOCIATION
of Arizona

2017 Legislative Policy Statement
12th Annual CSA Legislative Summit
Coconino County, Arizona
October 25-27, 2016

A. What is the legislative proposal?

Article 44-1302 of the Arizona Revised Statutes states that a retail seller of new motor vehicle tires shall collect a fee of two per cent or not more than two dollars per tire (disposal fee), which are sent to the Arizona Department of Revenue on a quarterly basis. The Arizona Department of Revenue then disperses those funds to each county, who in turn uses the funds to operate a waste tire program, including the cost of staff and equipment. Pinal County contracts through CRM for disposal of the tires. CRM recycles the tires into crumb rubber which is then used for asphalt and playground cover.

The proposal would be to reinstate or amend the repeal of Arizona Revised Statute 44-1302 and 44-1305, both of which are set to be repealed in January of 2018, or to introduce new legislation in order to continue the Waste Tire Fund and Program created under these statutes.

B. Describe the problem and explain how the proposal solves it.

Should Article 44-1302 be repealed in January of 2018 without reinstatement, every county in the State of Arizona will feel the negative effects. Should funding to operate the required waste tire programs be lost it will create large financial burdens on each of the counties. Every county in the state has been under budget constraints the past few years and if the statute is repealed as scheduled without reinstatement, it would cause even more financial strain on county budgets.

The absence of a waste tire program could have large environmental impacts across the state if the programs were reduced, potentially causing higher illegal dumping, fire hazards from stockpiling and illegal disposal of tires in our landfills.

C. What is the fiscal impact to the state or county budgets of the proposal?

Should the repeal occur and the statute not be reinstated, Pinal County will lose the approximate $450,000 in funding, as will every other county in the state. Each county will have to find new funding or reallocate away from other critical services to pay for their waste tire programs required by statute.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

Most Counties and stakeholders such as ADEQ, were unaware that the Waste Tire program was repealed. They would likely support the program's continuation.

Waste tires collected by cities and towns cleaning up their communities do not have the resources financially or otherwise to process waste tires. Non-profit and volunteer groups cleaning up state and federal lands also rely on the waste tire program to take waste tires at no cost.

E. **Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?**

Name: Louis Andersen

Phone: 520-866-6558

E-mail: Louis.Andersen@pinalcounty.gov

For more information contact the County Supervisors Association at (602) 252-5521

County Supervisors
ASSOCIATION
of Arizona

#17 Gasoline Tax Ballot Measure

(Santa Cruz County)

Summary:
Refer to the ballot an increase in the state gasoline tax to pay for road building and maintenance.

Background:
The Arizona Highway User Revenue Fund (HURF) was established in 1974 and is the primary source of revenues available for highway construction and transportation in Arizona. The collections for HURF come from gasoline and use fuel taxes, motor carrier fees, vehicle license tax, motor vehicle registration fees, and other miscellaneous fees. The HURF revenues are then distributed to counties, cities, towns and the State Highway Fund. HURF relies heavily on an 18 cent per gallon fuel tax that has not been raised since 1990 and is not indexed for inflation, leading to a substantial degradation in HURF purchasing power as the price of asphalt, rock products and heavy equipment has increased dramatically.

In FY 2016, the legislature diverted $96.4 million in HURF monies to the Department of Public Safety (DPS). The FY 2017 budget continued this diversion, but includes an outside the formula distribution provision for the $30 million restoration that bypasses the State Highway Fund (SHF). This $30 million distribution is in addition to a $30 million distribution previously programed for FY 2017, bringing the total local government restoration to $60 million for FY 2017. After accounting for the DPS diversion and the modified distribution mechanism for the $60 million restoration, it is estimated that counties will receive $257,521,600 in FY 2017. Though this is an improvement, county roads are still suffering from diversion of over $138 million in HURF funds since FY 2009.

Road building and maintenance responsibilities of Arizona's counties are critical to public safety and economic development. Reduced allocations from HURF to counties has resulted in counties suspending new construction, substantially decreasing road maintenance activities, and increasing designation of "primitive" roads, causing infrastructure deficits in state and municipal transportation departments, making it evident that the road system in Arizona has been substantially compromised and is inadequate for future needs.

County	5-cent Increase	1-cent Increase	10-Cent Increase
Apache	$ 917,759	$ 183,552	$ 1,835,518
Cochise	$ 1,104,479	$ 220,896	$ 2,208,958
Coconino	$ 1,282,882	$ 256,576	$ 2,565,764
Gila	$ 521,356	$ 104,271	$ 1,042,712
Graham	$ 338,691	$ 67,738	$ 677,382
Greenlee	$ 120,211	$ 24,042	$ 240,421
La Paz	$ 542,535	$ 108,507	$ 1,085,070
Maricopa	$ 13,814,330	$ 2,762,866	$ 27,628,654
Mohave	$ 1,646,622	$ 329,324	$ 3,293,244
Navajo	$ 1,084,622	$ 216,924	$ 2,169,244
Pima	$ 5,923,231	$ 1,184,646	$ 11,846,460
Pinal	$ 2,583,471	$ 516,694	$ 5,166,940
Santa Cruz	$ 417,110	$ 83,422	$ 834,221
Yavapai	$ 1,557,471	$ 311,494	$ 3,114,941
Yuma	$ 1,413,117	$ 282,623	$ 2,826,233
County	$ 33,267,887	$ 6,653,575	$ 66,535,762

CSA is compiling additional feedback and information from the counties and stakeholders.

Fiscal Impact:
As this would be a tax increase, the state, counties, cities and towns would see an increase in revenue dedicated to improving roads.

County Supervisors
ASSOCIATION of Arizona

#18 County Building Lease Exemption

(Santa Cruz County)

Summary:
Permit counties to lease or sublease county owned or operated buildings to nonprofit organizations without a public auction to the highest bidder, if the nonprofit organization positively serves the needs of the community.

Background:
Arizona Revised Statute 11-256 permits the county board of supervisors to lease or sublease any land or building owned by or under control of the county. Provisions of the statue require that such land or building be leased or subleased at a public auction to the highest responsible bidder, provided that the bid is at least ninety percent of the rental valuation as determined by an appraiser or a market analysis. However, ARS § 11-256.01 allows counties to lease or sublease the same land or property, for an amount less than the fair market value, to a nonprofit organization without holding a public auction, unless another bid is offered that is equal or exceeds the fair rental value of the land or building.

CSA is compiling additional feedback and information from the counties and stakeholders.

Fiscal Impact:
Counties could see a potential loss of revenue by not leasing county buildings to the highest bidder.

For more information, contact CSA staff, Daniel Romm at (602) 252-5521
Updated September 9, 2016

County Supervisors
ASSOCIATION
OF ARIZONA

#19 Corporation Property Tax Appeals

(Yavapai County)

Summary:
Require a property owner to submit an affidavit of valuation in a specific time frame in order to expedite court proceeding during a property tax appeal case (on properties valued at more than $4 million, which are not handled in a small claims division of tax court), where the property tax owner is claiming the property tax assessment is inaccurate.

Background:
Taxpayers currently may appeal decisions regarding the value of their property to Superior Court under ARS § 42-16207. Under current law and practice, taxpayers and the attorneys that represent them are under no incentive to litigate appeals in a timely manner. It is actually beneficial for taxpayers to drag out court proceedings as they earn interest on tax refunds and are entitled to reasonable attorney's fees and the costs of litigation if there is a modest reduction in the valuation of their property. Thus, from the appellant's perspective there is little incentive to resolve the litigation. Often a taxpayers' attorney alleges that the tax authority's value is too high, and then refuse to offer a counter-value or to engage in discovery or disclosure while running up attorney's fees.

As a result, large tax appeals may drag on for years. When the cases are resolved they usually result in multi-year refunds that are taken from the current-year budgets for many of the political subdivisions in a county as well as the county itself. The multi-year refund has proven to be particularly devastating for small political subdivisions in a county such as school districts and fire districts.

> *For example, a recent multi-year case involving a natural gas pipeline company took over 3 years to resolve. Once resolved, at least two school districts experienced revenue shortfalls of over 10% of their budget because the refunded taxes and interest accumulated in the course of three years of litigation had to be paid to the natural gas pipeline company in one lump sum. The case affected seven Arizona counties and rural fire and school districts in those counties were particularly hard hit.*

The law presumes that the assessed value is correct. The legislation would require appellants to substantiate, with risk of impeachment, their allegations of improper valuation early in the litigation. This would allow the courts and assessing agency to better evaluate the case in terms of the strength of the appeal and needed discovery.

Under current law valuations of less than $2 million are considered "small appeals," and are subject to an expedited hearing process. The proposed legislation goes further and exempts taxpayer appeals on valuations of less than $4 million from this discovery process, thus limiting the process to only those cases with sufficient value to warrant the time expense and effort necessary to prepare the preliminary opinion.

CSA is compiling additional feedback and information from counties and stakeholders.

Fiscal Impact:
The proposed legislation is likely to have positive effects on state and county finances by reducing the amount of time, effort and money spent on litigating tax appeals, and by adding more predictability to the budgeting process.

2017 Legislative Policy Statement
12th Annual CSA Legislative Summit
Coconino County, Arizona
October 25-27, 2016

A. What is the legislative proposal?

Add to ARS § 42-16207 a new subsection "(D)" to require an appellant in a property valuation appeal in Superior Court to serve a preliminary expert opinion affidavit at the beginning of the discovery. The purpose of the proposed legislation is (1) to require the appellant to produce expert analysis to support their allegation of improper valuation by DOR or the County Assessor early in the appeal process; and (2) to require the appellant to state what it believes to be the correct value of the property. The proposed legislation would apply to an appeal of valuation to Superior Court when the assessed value exceeds four (4) million dollars.

Proposed text can be found below.

B. Describe the problem and explain how the proposal solves it.

Taxpayers may appeal decisions of setting the value of their property to Superior Court under ARS § 42-16207. Under current law and practice, taxpayers and attorneys that represent them are under no incentive to litigate appeals in a timely manner. Taxpayers earn interest on tax refunds they may ultimately receive substantially higher than that offered on the open market, and are entitled to reasonable attorney's fees and the costs of litigation if there is a modest reduction in the valuation of their property. Thus, from the appellant's perspective there is little incentive to resolve the litigation. A common strategy by taxpayers' attorneys is to simply allege that the tax authority's value is too high, and then refuse to offer a counter-value or to engage in discovery or disclosure while running up attorney's fees.

As a result, large tax appeals may drag on for years. When the cases are resolved they usually result in multi-year refunds that are taken from the current-year budgets for many of the political subdivisions in a county as well as the county itself. The multi-year refund has proven to be particularly devastating for small political subdivisions in a county such as school districts and fire districts. A recent multi-year case involving a natural gas pipeline company took over 3 years to resolve. At least two school districts in Yavapai County experienced revenue shortfalls of over 10% of their budget because the refunded taxes and interest accumulated in the course of three years of litigation had to be paid to the natural gas pipeline company in one lump sum. The case affected seven Arizona counties and rural fire and school districts in those counties were particularly hard hit.

The law presumes that the assessed value is correct. The legislation would require appellants to substantiate, with risk of impeachment, their allegations of improper valuation early in the litigation. This would allow the courts and assessing agency to better evaluate the case in terms of the strength of the appeal and needed discovery.

Under current law valuations of less than $2 million are considered "small appeals," and are subject to an expedited hearing process. The proposed legislation goes further and exempts taxpayer appeals on valuations of less than $4 million from this discovery process, thus limiting the process to those cases with sufficient value to warrant the time expense and effort necessary to prepare the preliminary opinion.

Overall, the proposed legislation should reduce attorney's fees and costs for all parties, and reduce caseloads for the court. It will reduce or eliminate frivolous appeals. It will allow political subdivisions to better plan for the budget impacts of refunds. By obtaining quicker determinations of court-ordered valuations it will encourage more accurate assessments in later assessment years.

C. What is the fiscal impact to the state or county budgets of the proposal?

The proposed legislation is likely to have positive effects on state and county finances by reducing the amount of time, effort and money spent on litigating tax appeals, and by adding more predictability to the budgeting process.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

The legislation is likely to receive general support from both rural and urban counties and political subdivisions, and from the state Department of Revenue, the agency that values centrally valued property The proposed legislation will allow the assessing agency to better evaluate the a taxpayer's case in terms of the strength of the appeal and needed discovery and may encourage the parties to either resolve the dispute early or be capable of narrowing the issues to be litigated.

Faster resolution should result in single-year refunds, since it will allow political subdivisions to better plan for the budget impacts of refunds. They are likely to support the legislation.

The courts are likely to support this legislation as a means of more timely resolving tax appeals.

Large taxpayers may oppose this legislation. Members of the tax appeals bar are likely to oppose this legislation as well.

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

Name: Jack Fields, Assistant County Administrator
Phone: (928) 777-7131
E-mail: jack.fields@yavapai.us

PROPOSED TEXT:

D. WHEN AN APPEAL IS FILED PURSUANT TO THIS CHAPTER BY A TAXPAYER WHICH ASSERTS THAT THE TAXING AUTHORITY'S VALUATION IS EXCESSIVE FOR A PROPERTY WHOSE FULL CASH VALUE EXCEEDS FOUR MILLION DOLLARS, THE FOLLOWING SHALL BE REQUIRED:

(1) THE TAXPAYER OR THE TAXPAYER'S ATTORNEY SHALL SERVE A PRELIMINARY EXPERT OPINION AFFIDAVIT WITH THE INITIAL DISCLOSURES THAT ARE REQUIRED BY RULE 26.1, ARIZONA RULES OF CIVIL PROCEDURE. THE TAXPAYER MAY PROVIDE AFFIDAVITS FROM AS MANY EXPERTS AS THE TAXPAYER DEEMS NECESSARY. ABSENT A SHOWING OF GOOD CAUSE, OPINIONS OF VALUE AT TRIAL INTRODUCED BY THE TAXPAYER SHALL ONLY BE EXPRESSED BY INDIVIDUALS WHOSE PRELIMINARY AFFIDAVITS HAVE BEEN PROVIDED AS SET FORTH HEREIN. PRELIMINARY EXPERT AFFIDAVITS SHALL CONTAIN THE FOLLOWING:

(A) EACH EXPERT'S QUALIFICATIONS TO EXPRESS AN OPINION ON THE VALUE OF THE PROPERTY THAT IS THE SUBJECT OF THE APPEAL.

(B) THE EXPERT'S OPINION AS TO THE MARKET VALUE OF THE PROPERTY THAT IS THE SUBJECT OF THE APPEAL AS OF THE VALUATION DATE.

(C) THE SPECIFIC FACTS THAT FORM THE BASIS FOR THE EXPERT'S OPINION OF VALUE.

(D) AN EXPLANATION OF THE EXPERT'S APPLICATION OF THE SPECIFIC FACTS TO STANDARD APPRAISAL METHODS AND TECHNIQUES USED TO ARRIVE AT HIS/HER OPINION OF VALUE.

2. A PARTY MAY USE A PRELIMINARY EXPERT OPINION AFFIDAVIT FOR ANY PURPOSE, INCLUDING IMPEACHMENT.

3. THE COURT MAY EXTEND THE TIME FOR COMPLIANCE WITH THIS PARAGRAPH ON APPLICATION AND GOOD CAUSE SHOWN OR BY STIPULATION OF THE PARTIES. IF THE COURT EXTENDS THE TIME FOR FILING THE PRELIMINARY EXPERT OPINION AFFIDAVIT SOLELY AT THE REQUEST OF THE APPELLANT, THE COURT SHALL ORDER THAT ANY INTEREST THAT WOULD ACCRUE TO THE APPELLANT PURSUANT TO 42-16214 SHALL NOT ACCRUE UNTIL THE APPELLANT FILES THE PRELIMINARY EXPERT OPINION AFFIDAVIT, UNLESS THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THE APPELLANT CANNOT COMPLY BECAUSE OF THE DELIBERATE ACTIONS OF THE RESPONDENT.

4. IF THE TAXPAYER IS SEEKING A DECREASE IN FULL CASH VALUE AND FAILS TO PROVIDE A PRELIMINARY EXPERT OPINION AS SET FORTH

ABOVE, THE COURT SHALL UPON MOTION DISMISS THE TAXPAYER'S APPEAL.

5. NO LATER THAN 30 DAYS AFTER THE FILING OF THE PRELIMINARY EXPERT OPINION AFFIDAVIT, THE TAXPAYER SHALL PROVIDE TO THE OTHER PARTY COPIES OF ALL DOCUMENTS AND STATEMENTS RELIED UPON BY THE TAXPAYER AS A BASIS FOR THE OPINION OF VALUE REACHED BY THAT PARTY IN IN THE PRELIMINARY EXPERT OPINION AFFIDAVIT.

County Supervisors
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#20 Title 36 Courtroom Technology Accessibility

(Yavapai County)

Summary:
Permit telephonic or video conference testimony during a title 36 hearing. Currently judges have the option of whether or not to allow it. Under this proposal the court would be required to grant a request for video or telephone testimony unless the court makes a finding on the record that such use would substantially prejudice the proposed patient.

Background:

Title 36 proceedings are court ordered mental health proceedings and are often referred to as such because the statutes that govern the process are located in Title 36 of the Arizona Revised Statutes.

Title 36 requires a proposed patient be examined by two physicians experienced in psychiatric matters. The law also requires that the physicians examining the proposed patient testify at any hearing where court-ordered treatment is sought. Both tasks require physicians to appear on very short notice.

In rural areas there are very few qualified physicians that can take the time from their private practice to both examine and be available for testimony, primarily because the unpredictability of being "on call" for these tasks is too great a disruption to their private practice. In addition, witnesses that can support the need for court-ordered treatment, such as family members and friends familiar with the proposed patient often reside out of state, and are unable to attend Title 36 hearings because they are given such short notice and because they often cannot afford to travel to Arizona. As a result, patients that need court-ordered treatment both for their own well-being and the safety of their family, their friends, and the public are not given the treatment they need. Allowing witnesses to testify by video link and telephone would allow the court to hear and consider a more complete evidentiary picture regarding the need for court ordered treatment.

CSA is compiling additional feedback and information from the counties and stakeholders.

Fiscal Impact:
The change may result in a small reduction of county budgets for witness fees and per diem. It may also result in more effective deployment of on-staff psychiatrists in urban counties, which could result in budget savings.

2017 Legislative Policy Statement
12th Annual CSA Legislative Summit
Coconino County, Arizona
October 25-27, 2016

A. What is the legislative proposal?

Add to ARS 36-539 a new subsection "(G)" to clearly allow the use of video and telephone testimony in hearings pursuant to Title 36, Chapter 5. Hearings pursuant to this section are conducted to determine the need for court-ordered medical treatment. Under this proposal the Court would be required to grant a request for video or telephone testimony unless the Court makes a finding on the record that such use would substantially prejudice the proposed patient.

PROPOSED TEXT:

G. IF REQUESTED BY EITHER THE PATIENT OR THE PETITIONER, THE COURT SHALL ALLOW ANY WITNESS TO TESTIFY BY TELEPHONE OR THROUGH A VIDEOCONFERENCE SYSTEM UNLESS THE COURT FINDS THAT THE PATIENT WILL BE SUBSTANTIALLY PREJUDICED AS A RESULT OF THE WITNESS'S TESTIMONY BEING BY TELEPHONE OR A VIDEOCONFERENCE SYSTEM. IF THE COURT DENIES A REQUEST FOR TELEPHONE OR VIDEOCONFERENCE TESTIMONY THE COURT SHALL ARTICULATE ON THE RECORD THE FACTS, CIRCUMSTANCES, AND REASONING SUPPORTING ITS FINDING OF SUBSTANTIAL PREJUDICE.

B. Describe the problem and explain how the proposal solves it.

Title 36 requires a proposed patient be examined by two physicians experienced in psychiatric matters (psychiatrists preferred). The law also requires that the physicians examining the proposed patient testify at any hearing where court-ordered treatment is sought. Both tasks require physicians to appear on very short notice. In rural areas there are very few qualified physicians that can take the time from their private practice to both examine and be available for testimony, primarily because the unpredictability of being "on call" for these tasks is too great a disruption to their private practice. In addition, witnesses that can support the need for court-ordered treatment, such as family members and friends familiar with the proposed patient often reside out of state, and are unable to attend Title 36 hearings because they are called on such short notice and because they often cannot afford to travel to Arizona. As a result, patients that need court-ordered treatment both for their own well-being and the safety of their family, their friends, and the public are not given the treatment they need. Allowing witnesses to testify by video link and telephone would allow the court to hear and consider a more complete evidentiary picture regarding the need for court ordered treatment.

C. What is the fiscal impact to the state or county budgets of the proposal?

The change may result in a small reduction of county budgets for witness fees and per diem. It may also result in more effective deployment of on-staff psychiatrists in urban counties, which could result in budget savings.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

The legislation is likely to receive general support from both rural and urban counties. In rural counties, it will stretch allow them to psychiatric resources farther. Urban counties generally have qualified physicians employed on-staff, so the proposed change will provide them with more flexibility to deploy the on-staff resources they have.

Elements of the judicial system may question or oppose this legislation. The Courts may view this legislation as interfering with their ability to oversee court hearings and evidence. The public defense bar (who represent the proposed patient in the vast majority of Title 36 hearings) may oppose the legislation citing patient rights concerns.

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

Name: Jack Fields, Assistant County Administrator
Phone: (928) 777-7131
E-mail: jack.fields@yavapai.us

County Supervisors
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#21 Intergovernmental Public Transportation Taxation Authority

(Yuma County)

Summary:
Grant an intergovernmental public transportation authority (IPTA), which has the same boundaries as the county in which it resides, the same authority as a regional transportation authority (RTA) to levy a one-half cent transportation excise tax if approved by the voters. This tax may only be levied under either an IPTA or RTA but not both.

Background:
RTAs are established in counties with a population between 400,000 and 1.2 million persons, and are optional for counties under 400,000 persons. The membership of an RTA consists of the county, each municipality in the county, and any other members of the regional council of governments.[1]

IPTAs may be organized in counties with fewer than 200,000 persons. The governing body of one or more municipalities in the county may petition the board of supervisors to establish the IPTA. Once established, any state university or community college that is located in a municipality in the IPTA, or any Native American tribe that has a boundary within the county in which the IPTA is established, may become a member.[2]

Current statute allows voters to authorize the levy of a one-half cent transportation excise tax as a countywide tax or under an RTA.[3] However, current statute does not allow for IPTAs to levy a sales tax with voter approval.

This proposal was introduced as a bill last year, sponsored by Senator Don Shooter, but was unsuccessful.

CSA is compiling information from counties and stakeholders.

Fiscal Impact:
There is no anticipated state impact.

Case Study
Yuma County IPTA

Formed in 2010, the Yuma County Intergovernmental Public Transportation Authority (YCIPTA) is an IPTA that was formed by the Yuma County Board of Supervisors to administer, plan, operate, and maintain public transit services throughout Yuma County, including within the political jurisdictional boundaries of the cities of Yuma, San Luis, Somerton, Town of Wellton and the unincorporated Yuma County areas.

Since its formation, YCIPTA has secured several sources of federal revenue to supplement the ongoing transportation planning efforts of the region.

The only option the YCIPTA has is to ask the voters to levy a transportation excise tax to dissolve as an IPTA and reform as an RTA. This move would not only require the organization to restart the federal funding process, but it would also create a large governance issue by eliminating representation by the Quechan and Cocopah Tribes, Northern Arizona University at Yuma, and Arizona Western College from the Board of Directors.

Furthermore, RTAs currently require the Board of Directors of the regional council of governments to sit as the Board of Directors for the RTA. Yuma County belongs to the Western Arizona Council of Governments [WACOG], which encompasses all of Yuma, La Paz, and Mohave counties.

[1] A.R.S. § 48-5302
[2] A.R.S. § 28-9102
[3] A.R.S. § 42-6106 authorizes the RTA to levy a ½ cent sales tax if approved by the voters and A.R.S. § 42-6107 authorizes the county board of supervisors to levy a ½ cent sales tax if approved by the voters.