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ARIZONA FUNERAL, CEMETERY & CREMATION ASSOCIATION Legislative Report April 12, 2013

NOTE: The following bill summaries were not prepared by our office and do not constitute an official record of the Arizona Legislature. They are provided for the purpose of advising you as to the general content of the legislation and should not be relied upon as an accurate interpretation of the meaning or purpose of the bill or its applicability to you or your interests. To insure you obtain a correct interpretation of the legislation, it is important to read the bill in its entirety.

Posted Calendars and Committee Hearings

No hearings, calendars, or amendments posted.

Bill Summaries

H2175: WATER IMPROVEMENT, SANITARY DISTRICTS; LIENS

Domestic water improvement districts are authorized to charge an availability fee of up to 50 percent of the user fee on all property in the district that is not connected to the existing water system. Water improvement districts and sanitary districts are authorized to file a lien on property for the nonpayment of availability fees.

First sponsor: Rep. Fann

H2175:WATER IMPROVEMENT, SANITARY DISTRICTS; LIENS 2/27 referred to Senate gov-env, appro.

H2222: DEATH CERTIFICATES; FEE WAIVER

The Department of Health Services is required to waive the fee for up to five certified copies of a death certificate on a showing of economic hardship as prescribed by the Dept by rule.

First sponsor: Rep. Alston

H2222:DEATH CERTIFICATES; FEE WAIVER 1/22 referred to House ref-hu ser.

H2271: FUNERAL ESTABLISHMENT INTERN TRAINEES

Funeral establishments are authorized to employ an "intern trainee" (defined) for up to one year. Intern trainees who have completed at least eight hours of training approved by Board of Funeral Directors and Embalmers may perform specified functions. The Board may establish and collect a fee for intern trainees. Funeral establishments are required to submit to the Board a completed fingerprint card and background check fee for intern trainees. AS PASSED HOUSE.

First sponsor: Rep. Forese

H2271:FUNERAL ESTABLISHMENT INTERN TRAINEES 4/2 Senate COW approved with floor amend #4933.

H2272: BURIAL DUTIES; DESIGNATED PERSON

The duty of burying the body of or providing disposition arrangements for a dead person devolves secondly on the person with power of attorney only if that power of attorney specifically gives that person the authority to make decisions regarding the disposition of the remains. A person that provides for the burial or other disposition arrangements is immune from civil liability for carrying out the written directions of a decedent or directions from a person claiming to be entitled to control the disposition of the remains. Also, a licensed responsible cremationist trained in crematory operations is added to the persons permitted to supervise the opening of a container containing human remains. AS PASSED HOUSE.

First sponsor: Rep. Forese

H2272:BURIAL DUTIES; DESIGNATED PERSON 3/27 Senate COW approved with floor amend #4907.

H2273: OPENING CREMATION CONTAINERS; CREMATORY EMPLOYEES

Employees of crematories are authorized to open a container containing human remains.

First sponsor: Rep. Forese

H2273:OPENING CREMATION CONTAINERS; CREMATORY EMPLOYEES 2/6 from House com with amend #4066.

H2338: REGIONAL WATER AUGMENTATION AUTHORITIES

Adds a new chapter to article 45 (Waters) regulating regional water augmentation authorities. Two or more specified entities, one of which must be a public agency, may form a regional water augmentation authority. Establishes the processes for formation and dissolution of the authority. Powers and duties of a board of directors are specified, including to lawfully acquire or sell property, easements and rights-of-way for water supplies and projects, acquire or assign water rights, acquire and sell water, treat water, charge fees for services and water sales, issue revenue bonds, and exercise the power of eminent domain in specified circumstances. Authority boards are also authorized to apply for and receive financial assistance from the water supply development revolving trust fund. Establishes regulations for revenue bonds issued by an authority, including bond authorization, obligation for the bonds, issuance and sale of the bonds, authorized investments of bond proceeds, and payment of bonds. Appropriates \$30 million from the general fund in FY2013-14 to the water supply development revolving trust fund for the purposes of this legislation.

First sponsor: Rep. Tobin

H2338:REGIONAL WATER AUGMENTATION AUTHORITIES 2/19 House agri-water held.

H2429: WATER PROTECTION FUND; ANNUAL FUNDING

At the beginning of each fiscal year, an amount equal to \$5 million minus the sum of the amounts deposited in the Arizona Water Protection Fund from certain fees for the purchase or lease of Central Arizona Project water is appropriated from the general fund to the Fund. If the amounts deposited from the fees exceed \$5 million, the amount in excess is credited against the general fund appropriation in subsequent fiscal years. The appropriation cannot exceed \$5 million in any fiscal year.

First sponsor: Rep. Brophy McGee

H2429:WATER PROTECTION FUND; ANNUAL FUNDING 2/27 House appro held.

H2657: TRANSACTION PRIVILEGE TAX CHANGES

Numerous changes related to transaction privilege taxes (TPT) and affiliated excise taxes. Requirements for the sourcing of transactions are established, effective January 1, 2014. Retail sales of tangible personal property must be

sourced to the seller's business location if the seller receives the order at a business location in Arizona or to the purchaser's location in Arizona if the seller receives the order at a business location outside of Arizona. For the purposes of municipal excise taxes, the jurisdiction with the right to tax a sale of tangible personal property is the municipality where the order is received (defined), or where the stock is located from which the property is taken, or where the transfer of title or possession of the property occurred. The gross receipts from leasing or renting tangible personal property must be sourced to the lessor's business location in Arizona or to the lessee's address if the lessor does not have a business location in Arizona. The list of exemptions from the retail TPT classification is modified to remove sales to nonresidents for use outside the state if the vendor ships or delivers the property out of the state, and sales of property that is shipped or delivered directly to a destination outside the U.S. for use in a foreign country. Effective January 1, 2015, the prime contracting and owner builder sales transaction privilege tax classifications are eliminated and replaced with a manufactured building dealer classification. The sale of tangible personal property to a "contractor" (defined), regardless of whether it will be incorporated into a building or structure, is considered to be a retail sale and is subject to retail TPT unless otherwise exempt. Prime contracting TPT distributions to political subdivisions are deleted. Tangible personal property sold to a manufactured building dealer is only exempt from the retail TPT classification only if the property is to be incorporated or fabricated into a manufactured building. Numerous items are removed from the list of deductions from the tax base for the manufactured building dealer classification (formerly prime contracting). Once the distribution of revenues for municipal or county infrastructure improvements related to manufacturing facilities has reached the maximum amount, 40 percent of the remaining TPT revenues from the retail classification are designated as the distribution base for state shared revenues, increased from 20 percent. The Department of Revenue is required, rather than permitted, to collect and administer TPT and use taxes imposed by municipalities and to enter into intergovernmental agreements with municipalities to provide a uniform method of administration, collection, audit and licensing of TPT and affiliated excise taxes. Municipalities are prohibited from employing auditors and entering into contracts with a party other than the state for the collection, administration and processing of TPT or affiliated taxes. Municipalities are prohibited from levying a TPT or use tax on construction contracting, owner builder sales or speculative building. Municipalities are no longer prohibited from levying a TPT or use tax on sales of motor vehicles to nonresidents for use outside the state or on any amount attributable to development fees incurred in relation to construction. Effective January 1, 2014, if a county or special taxing district levies one or more excise taxes on the effective date of this legislation, and if approved by the voters at a county-wide or district-wide election, a county or district is authorized to levy an excise tax on the storage, use or consumption in the county of tangible personal property purchased from a retailer, as a percentage of the sales price. The tax must be at a rate equal to the sum of the rates of all the excise taxes levied on the effective date. The Department of Revenue is required to collect the tax. Session law provides that this legislation does not apply to or affect the tax liability of contracts entered into before January 1, 2015 by a person engaged in business under the prime contracting classification or the construction contracting, owner builder or speculative builder classification of the model city tax code, or to the sale of tangible personal property to a contractor for incorporation into a project that was subject to a tax deduction.

First sponsor: Rep. Lesko

H2657:TRANSACTION PRIVILEGE TAX CHANGES 2/19 from House ways-means with amend #4199.

S1058: WATER BANKING AUTHORITY; REPORT

The deadline for the annual report that the Arizona Water Banking Authority Commission submits to the Governor and the Legislature is moved to April 1, from July 1.

First sponsor: Sen. Shooter

S1058:WATER BANKING AUTHORITY; REPORT 1/16 referred to Senate rules only.

S1143: GOLF COURSE PESTICIDE LICENSE; FEE

For the purpose of structural pest management regulations, "pest management" includes the management by persons for hire of health-related pests, aquatic pests, household pests, wood-destroying organisms or other pests, including weeds that exist on golf courses. The maximum fee for a license or certificate for pesticide use on golf courses is set by the Department of Agriculture by rule. AS SIGNED BY GOVERNOR.

First sponsor: Sen. S. Pierce

S1143:GOLF COURSE PESTICIDE LICENSE; FEE 4/5 signed by governor. Chap. 64, Laws 2013.

S1288: ARIZONA WATER PROTECTION FUND; COMMISSION (ARIZONA WATER PROTECTION FUND; PROJECTS)

Membership of the Arizona Water Protection Fund Commission is modified by reducing the number of appointed members to 9, from 15, and adding two Legislators as nonvoting advisory members. Qualifications for appointed members are also modified. Current Commission members continue to serve until their terms expire. Also, a federal agency is no longer eligible for funding from the Arizona Water Protection Fund. AS PASSED SENATE.

First sponsor: Sen. Griffin

S1288:ARIZONA WATER PROTECTION FUND; COMMISSION 4/8 House COW approved.

S1290: OFFICE OF PEST MANAGEMENT

Numerous changes to statutes regulating structural pest management. The powers and duties of the acting director of the Office of Pest Management are transferred to the Director of the Department of Agriculture. The Dept is required to provide management and administrative services to the Office through an interagency agreement and the Office must reimburse the Dept in an agreed on amount. Session law provides for continuing fee authority for the Office. The Director is required to establish by rule a Pest Management Advisory Committee and appoint five members to the Committee, including one public member. The Director is required to adopt rules for licensure and registration, including application, registration and renewal fees, training requirements, and financial security standards. The Director is authorized to enter into consent agreements and provide for certain exemptions from licensure or registration. Establishes provisions for disciplinary action and civil penalties. The regulation of pest management is of statewide concern and not subject to further regulation by political subdivisions. The list of persons exempt from structural pest management licensure and registration is modified. Political subdivisions and their employees that use pesticides on property owned, leased or managed by the political subdivision are not required to be licensed. Various pest management-related regulations and reports are repealed. AS PASSED SENATE.

First sponsor: Sen. Griffin

S1290:OFFICE OF PEST MANAGEMENT 4/9 passed House 58-0; ready for governor.

S1342: APPRENTICE EMBALMERS; REMOVAL

Regulations, including required registration, for apprentice embalmers are

deleted.

First sponsor: Sen. Driggs

S1342:APPRENTICE EMBALMERS; REMOVAL **3/21 from House com do pass.**
