2013 Legislative Wrap Up

Session Statistics

Days of Session: 151
Adjourned, Sine Die: Friday, June 14, 2013 at 12:59 AM
General Effective Date: Friday, September 13, 2013
Bills Introduced: 1,158
Bills Passed: 282
Vetoed: 24
Signed: 255
Bills Needing Final Action: 3
Special Sessions Called: 1

The 1st Regular Session of the 51st Arizona Legislature convened on Monday, January 14th with Governor Jan Brewer outlining several key priorities in her annual State of the State speech that would largely come to dominate the 2013 legislative session. These priorities included: adding new CPS caseworkers, Transaction Privilege Tax simplification, school funding and implementation of Common Core, and the cornerstone of her agenda, restoration of Prop 204 Medicaid population and expansion of coverage to 133% of FPL. The session went on to become one of the more contentious in recent memory between the legislative leadership and the Executive, as well as between the Republican Party and Republican legislators.

AMA Priority Bills

**SB1464: MINING ADVISORY COUNCIL: MEMBERSHIP**

sponsored by Senator Gail Griffin was signed by the Governor on April 30, 2013. This bill as passed adds one member of the Senate and one member of the House of Representatives to the (MAC) Mining Advisory Council as nonvoting advisory members; It specifies that members of the Council are required to be lawfully present in the U.S.; and the functions of the Council have been modified to focus it on rulemaking.

**SB1465: SOLID WASTE FACILITIES; GENERAL PERMIT**

sponsored by Senator Gail Griffin was signed by the Governor on April 16, 2013. This bill states that solid waste facilities that obtain and maintain coverage under a general permit are exempt from duplicative Department of Environmental Quality rules regarding the storage, processing, treatment and disposal of solid waste, as well as from the requirement to submit a solid waste facility plan.

Thank you to Senator Griffin for leading the charge on these 2 AMA priority bills.
“MyDEQ” Online Permitting Program Receives $5 Million

Funding for the “MyDEQ” web portal was included in the budget at $5M rather than the full $10M proposed by the Governor. In her FY2014 budget, the Governor has proposed that the Departments of Administration and Environmental Quality develop an e-licensing system, which is intended to “streamline processes at ADEQ by allowing applicants, permit-holders and customers to access documents such as permit applications, renewal notices and authorizations...thus reducing customer wait-times and increasing efficiency at the agency.” Once implemented this program should shorten permitting times for all mining companies.

Other Bills of Interest to the Mining Industry

SCR1013: ENDANGERED SPECIES ACT (ESA) sponsored by Senator Griffin, Senator Burges, Senator Shooter, Senator Gowan, Senator Stevens, Senator Melvin, Senator Pierce States “The members of the Legislature support the efforts of the U.S. Congress to update the Endangered Species Act to improve its effectiveness while ensuring sustainable natural resources and relieving Arizona from burdensome regulatory measures”. It was referred to the Secretary of State on May 21st to be put on the ballot.

HB2111: TRANSACTION PRIVILEGE TAX REFORM sponsored by Representative Lesko The passage of H.B. 2111, greatly improves Arizona’s complicated and burdensome sales tax system giving taxpayers a single place to pay their taxes for all jurisdictions, and protecting them from being subject to multiple audits by multiple jurisdictions. The bill is a win for Arizona.

Bill included: Trade/Service Contracting Reform — Service contractors working directly for an owner to maintain, repair, and replace existing property would pay tax on materials at retail and not be subject to the Prime Contracting Tax.

HB2262: SCRAP METAL DEALERS; REGISTRATION sponsored by Representative Forese Requires a person to biennially register with the Department of Public Safety to conduct business as a scrap metal dealer in Arizona.

SB1080: UNDERGROUND STORAGE TANK PROGRAM sponsored by Senator Shooter The repeal of the Underground Storage Tank (UST) tax and Assurance Account is moved to December 31, 2014, from December 31, 2013.

HB2324: TPT EXEMPTION; LEASES; AFFILIATED COMPANIES sponsored by Representative Farnsworth The commercial lease classification for transaction privilege tax does not include leasing real property between “affiliated companies, businesses or persons”. Municipalities and special taxing districts are prohibited from levying a transaction privilege or use tax on gross income derived from leasing real property between affiliated companies, businesses or persons, or by a reciprocal insurer.

HB2087: MINING; CLAIM MAINTENANCE FEE AFFIDAVIT sponsored by Representative Brophy McGee Allows a person who paid mining claim maintenance fees to make and record with the county recorder an affidavit of claim maintenance fee payment by December 31 of the year in which the payment is made. The substance of what the affidavit must state is specified.

“Arizona, our beautiful state, was built on mining.”
Governor Jan Brewer
State of Arizona