



Construction News & Views

Vol. 10 No. 3

www.saca-az.org

February 2014

A message from your President

The SACA Home and Garden Show is running at full steam. This 2-day event is the best venue in Cochise County to display your business to 2,500-plus people. For those of you that have participated in



Wayne Gregan

previous years you can look forward to an even larger crowd of people to attend this year's show because we have increased advertising, yet again! Also, SACA will have daily prize drawings every two hours on both Friday and Saturday (iPad minis and TVs). If you are a business that wants to stay in business in this economy you cannot afford to miss this opportunity. Visit our website at SacaHomeShow.com for more information, or contact Eva Dickerson at (520) 732-9599 to reserve your booth space now.

I would like to take a moment to thank this year's sponsors; without sponsor support the Home Show could not produce the quality of show the public loves to explore each year:

- Once again SSVEC is our premier sponsor. SSVEC has been involved with the SACA home and garden show for more years than I can count. Jack Blair and his team have

President continued on page 4

Transaction Privilege Tax Reform: The Construction Project has Progressed But is Not Yet Complete

By Craig McPike
Snell & Wilmer

By now, most folks know that much effort has been made in the recent past (long after a couple of good-faith but failed attempts were made in the 1990s) to reform Arizona's state and local transaction privilege tax (aka sales tax, or TPT) system. The more recent effort grew some teeth in June 2012 when Governor Brewer created a task force to study the current tax system and explore ways to reduce compliance burdens and increase the integrity of the system. After many long hours invested by a variety of stakeholders, the task force submitted a report at the end of 2012 with its findings and recommendations for reform.

Key portions of the report were then introduced as House Bill 2657, which got off to a great start but then died in the committee-hearing process, primarily due to concerns about the impact on cities of the proposed shift from tax on construction revenues at the job location to tax on materials purchases at the vendor location.

Had the original version of the bill passed, contractors would no longer be taxable on their revenues for jobs performed in Arizona and, instead, would have only faced the economic burden of tax on their purchases of materials. Additional concerns with the original bill involved the cities' desire to maintain their audit and collection independence from the state.

After some political wrangling, House Bill 2111 then became the vehicle for compromise in the tax-reform process. In the end, after last-minute negotiations and sur-

viving a heated political wrestling match, House Bill 2111 was passed with near-unanimous support on the day before the legislative session ended. Governor Brewer then signed the bill into law with significant fanfare.

As the dust has settled, we find a new law that takes effect in a little more than a year - on January 1, 2015 - which has some open questions that need to be answered to complete the job. Recognizing the need to fine-tune the changes brought about through this important reform process, the Department of Revenue has created four implementation working groups - contracting, audit, administration, and online portal - which are open to participation by any interested party, with the first working group meeting (audit) scheduled to take place on September 4, 2013.

The key changes in the TPT reform bill are summarized below, along with a brief description of an additional stand-alone bill that enacted desperately-needed reform of the infamous "permanent attachment" rule related to the avoiding tax on the installation of certain machinery and equipment.

Key Contracting Tax Changes

1. *Service Contractors:* Beginning January 1, 2015, service contractors - those providing maintenance, repair or replacement activities - are generally not considered to be taxable on their revenues for state or city purposes. Each contract is treated independently of another contract, which allows a contractor who normally performs non-taxable maintenance, repair or replacement activities to work on a taxable contracting project (independently or as a subcontractor for a larger

job) without tainting the revenues from the non-taxable activities

a. This change only applies if the contract is with the "owner of real property"

OPEN QUESTION: What if a person who leases real property needs to hire the contractor? As the law is currently drafted, it appears that a contract with anyone other than the owner will be taxable, but this could be fixed in a technical corrections law. Stay tuned

b. The Department of Revenue must create a form of certificate to be used by a service contractor when working on a taxable job

i. This certificate is issued on a contract-by-contract basis, after the contractor provides documentation indicating that a taxable contractor that is liable for tax on the job

ii. But the certificate can only be issued if the contractor doesn't owe any tax

OPEN QUESTION: If a contractor is denied a certificate, or doesn't apply for a certificate due to known outstanding liabilities, does the contractor get a credit for tax paid that otherwise should have been exempt? Stay tuned

2. Pre-Construction Services

a. Current law requires that "design phase services" and "professional services" - generally referred to as pre-construction services - must be in a contract that is separate from the "construction services" to avoid tax on the pre-construction services

b. Effective January 1, 2015, no separate contract will be needed to avoid tax

TPT continued on page 3

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Registrar of Contractors
Advisory Council Member

SACA March 2014 Calendar of Events

General Membership Meeting Wednesday, March 19

Time: 11:30 a.m. • Luncheon \$15 at door

Location: PDS Country Club, St. Andrews Dr., Sierra Vista, AZ



March 21 and 22, 2014 at Buena High School

5225 E. Buena School Blvd, Sierra Vista, AZ

Government Meetings

Cochise Cty Board of Supervisors	Every Tues., 10 a.m.	County Buildings, Bisbee, AZ
Sierra Vista City Council	2nd & 4th Thurs., 5 p.m.	City Hall, 2nd Floor
Benson City Council	2nd & 4th Mon., 7 p.m.	City Hall
Bisbee City Council	1st & 3rd Tues., 7 p.m.	City Hall
Willcox City Council	1st & 3rd Mon., 7 p.m.	City Hall

ATTENTION SACA MEMBERS!

The SACA newsletter is looking for members' business stories to publish. Do you have a story about your business that you'd like other SACA members and the general public to hear? Please contact us at (520) 458-0488, or email us at admin@sacasceo.qwestbusiness.net

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Construction News and Views is published monthly for the **Southeastern Arizona Contractors Association**

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www.rc.state.az.us

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400 W. Congress, #212
Tucson, AZ 85701
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on the pre-construction services if the terms, conditions and pricing are separately stated from the construction services

3. Installation of Tax-Exempt Machinery, Equipment and Related Items (House Bill 2535)

a. Purchases of machinery, equipment and related items used in a wide range of activities, such as electricity generation and manufacturing, have long been exempt from tax

b. Whether the revenues received by a contractor for installing tax-exempt these items were taxable depended on a convoluted analysis of whether they were "permanently attached" to the real property, creating significant controversy over many years

c. With retroactive application, House Bill 2535 demolishes the old "permanent attachment" rule in favor

of a new "independent functional utility" rule for determining whether the installation proceeds are exempt from tax

d. "Independent functional utility" means that an item can perform its function without attachment to real property, other than attachment related to:

- i. assembling the item
- ii. connecting the item to another item
- iii. connecting the item to any utility or other service, or
- iv. stabilizing or protecting the item during operation

Other Key Changes

1. Single Point of Administration for Licensing, Filing and Payment

a. Beginning January 1, 2015, there will only be one tax license needed for all TPT jurisdictions in Arizona, and one return to be filed for all jurisdictions, and one tax payment to be made for all jurisdictions

b. Filing monthly TPT returns and making payments will occur through an online portal to be established by the Department of Revenue, though paper returns and payments may continue to be used if desired by the taxpayer

2. Audit Reforms

a. As of January 1, 2015, taxpayers will no longer be subject to the potential

for multiple audits by various tax jurisdictions

i. A city auditor will only be permitted to audit for his or her city

ii. Taxpayers in multiple jurisdictions can only be audited by the Department of Revenue

b. The Department of Revenue will train and certify all auditors, both state and city auditors

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How the new Code Amendment will affect you

Larry Whitney
Acting Building Administrator
City of Sierra Vista

First of all I would like to say how much I appreciate the turn out at the City Council meeting in support of the Code Amendments. I apologize for my absence, the flu had me down.

I just wanted to take a few minutes and clarify how the new Code Amendments will affect you and the City.

Reverting back to the 2006 IECC section of the IRC lessens some restrictions for testing and keeps many requirements the same. Below, see a summary of those requirements. Keep in mind that if your company continues with the Energy Star program, some of

these sections, especially for testing, may still be required for your HERS rating.

In the 2006 IRC, section 1101.8, the requirement for the certificate (label) in the electrical panel remains. This includes insulation R values, ducts outside of conditioned space, u-factors for fenestration and SHGC values for doors and windows and list the type and efficiency of heating, cooling and service water heating system. Of course, the requirements remain the same for water conservation in the City's Development code with reference to the hot water distribution system, manifold or on-demand.

Table N1102.1 has the requirements for insulation R-value and fenestration U-factors. In section 1102.4 the air barrier re-

quirements remain. This still includes windows and doors, knee walls, behind tubs and showers, etc.

The requirements for testing of the ducts and blower door testing are not required in the 2006 IRC, however, even though not required by the IECC section of the 2006 IRC, they may be required for the HERS rating index.

Copies of the new code amendments will be available on-line at the City's website. If you have any questions regarding this change and how it affects you, don't hesitate to call. My door is always open. Once again, thank you for your support and patience during this process and we all hope this year will a little brighter.

President continued from page 1

always been supportive when it comes to the home show and other SACA events.

• The major sponsors this year are Clark Information Systems, Grasshopper Landscaping, R & R Express, Southwest Gas, and Sun Canyon Homes.

SACA understands everyone's time is limited and valuable; this is why we assemble a 'one-stop-shop' home improvement event for the community every year. We have tried to think of everything from free admission to spacious parking, great food, numerous vendors, entertainment, and prizes you're going to love.

Moving on:

As I mentioned in last month's newsletter, we are working towards au-

tomated membership invoicing. Some of you might have seen notices that your membership is coming due in the coming weeks. We have turned on all notifications and will start to adjust as necessary. One very important thing that should be noted is that all invoices will go to the "bundled" administrator of each company. If you have more than one person registered in your company to receive emails, the "bundled" administrator is the only one that will receive the invoices. Also, some have noted that the email containing the invoice does not print correctly on the email they receive. Please be patient with us, we are in the process of adjusting this. This will always be a bit tricky for the reason that everyone does not use the same email program. When using Outlook we have found the invoice is simply too big to fit on a page

in some cases and works great in others. When we use Gmail the invoice looks smaller than we would like. Please keep in mind that every member can log on to his or her account to view and print the invoice directly. Please indulge us as we continue to adjust this process.

With the SACA Board of Directors election now complete I would like to say 'Thank You' to those who took the time to vote. The following 4 people elected will serve a 2-year term. Welcome to Bryan Bowen of Systems Integrations, he is our newest board member. Kristen Gregan, with R & R Express was reelected to the board and has been elected secretary for the next year. Greg Keller, with Western Technologies, was reelected and will continue filling the office of the treasure for the next

year. Mike Rutherford was reelected for a fifth term. Again, thanks to those who voted, and a special thanks to the board for their tireless dedication to SACA.

The last thing I would like to touch on this month is the not so great news Mark Minter of the ABA gave us last month. Mr. Minter spoke about the changes that are coming regarding sales tax. The Arizona Department of Revenue has made some information available but there are still unanswered questions. I would encourage everyone to visit the website and click on the link "[white paper](#)" on the home page. The article is also published inside this newsletter. I know this does not answer everyone's questions, but it will give an overview of what we think is to come. With that I will close. Thank you for your continued support of SACA.

OSHA Training

April 4

from 9 a.m. to 1 p.m.

at the
Sierra Vista Chamber
of Commerce

The topic will be Hazard
Communication which will
contain the new
MSDS format

Guy C. Cary, MD Neuro Pain

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Safety: Gas leaks and emergencies

Dear Excavator / Contractor:

The City of Benson would like to remind you to call Bluestake two working days before you dig.

Arizona state law requires that everyone who intends to excavate must notify owners of underground utilities two working days in advance.

Every year across the nation accidents occur, some fatal, because excavators haven't taken the time to check out the location of underground utilities in the area they are digging.

This law applies to anyone who is going to dig, not just contractors. Arizona has thousands of buried utilities, many of them running through private property easements.

Even digging fence post holes, installing irrigation lines, or driving steel posts for signs can damage an underground utility.

Besides the possibility of injury or death, anyone damaging underground facilities is liable for all repairs, loss of service to other affected customers, and fines up to \$5,000.

Avoid accidents while digging; call **811** two working days excluding Saturdays, Sundays, and Legal Holidays, before you dig. Anyone owning underground utilities in the area you are working will mark their location at no cost to you.

Sincerely,
City of Benson
Public Works Department

Knowing what a natural gas emergency is and how to react will help keep you and your family safe. Examples are natural gas leaks and damaged underground pipelines or service lines. Leaks can occur on indoor lines or when outdoor lines are damaged.

The Three Rs of Natural Gas Safety

If you think you have a natural gas emergency, go to a safe location. Then call 911 or 586-9454, 24 hours a day. It is important that you call to report the gas emergency. Knowing how to recognize, react to and report natural gas emergencies can eliminate or minimize their consequences.

Recognize

Signs of a natural gas leak include:

- A "rotten egg" odor
- A blowing or hissing sound
- Dead or discolored vegetation in an otherwise green area
- Flames, if a leak has ignited
- Dirt or dust blowing from a hole in the ground
- Bubbling in wet or flooded areas

React

If you suspect a natural gas leak, follow these steps:

- Leave the area immediately and call 911 or 586-9454.
- Do not use any electrical device, such as light switches, telephones or appliances such as garage door openers. They could spark and ignite the gas.
- Do not use an open flame, matches or lighters.
- Do not try to locate the source of the gas leak.
- Do not try to shut off any gas valves or appliances.



- Do not start vehicles.
- Do not re-enter the building or return to the area until a City of Benson employee says it's safe to do so.

If the natural gas ignites, let it burn. Do not put out the flame; burning gas will not explode.

- If you are digging and think you may have damaged a natural gas pipeline, leave the area immediately.

If you are using motorized equipment, do not turn off, abandon the equipment and leave the area.

Never restart equipment until the sur-

rounding environment has been checked and declared safe.

Report

It is important that you call about natural gas emergencies. Do not e-mail us.

- If you think you have a natural gas emergency, go to a safe location. Then call 911 or 586-9454.

- If you see unusual activity near a natural gas pipeline or facility, call 911 or 586-9454 immediately.

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Water Wise Wild, wacky, and maybe wonderful conservation ideas?

A search on the web for “anything goes” conservation products is fun. It reinforces our belief in our ingenuity for problem solving, as goofy as the ideas may be.

Take the shower wall with inflatable spikes. When it is time to get out they inflate. OK, they are made of flimsy plastic but look scary if you stay in too long.

How about the shower floor that is so uncomfortable that you don't want to stand for more than a few minutes? Think of it as a monster foot massage.

Self-flushing toilets aren't new, but ones that flush with smaller or larger amounts of water depending on how long the user sits on the toilet are flushers a step above the others.

Aqualim shuts the shower water off for you. If your shower is longer than it should be, too bad, you have to go to work with shampoo in your hair. (Not really, it resets but most people learn to shorten their showers.)

Using a Water Pebble is a gentle reminder that your shower time is ending. This small device sits on your shower floor and records your shower water volume. If you use more water than your previous shower, it turns red. You compete with yourself. If you don't like a colored pebble in your shower, you can have the Uji

showerhead turn colors instead.

An extreme shower strategy recycles the shower water and uses it again during the same shower. The OrbSys shower system claims to clean the water so you can brush your teeth with what just went down the drain. It also claims to reduce energy costs because the second round of water is already warm.

To encourage acceptance of waterless urinals in residences, the ResNo (as in Residential No water) urinal is aesthetic and water conserving. The urinal folds flush (no pun intended) into the wall. The user simply pulls the cover towards them, which also serves as the receptacle and when done closes it back up. A Canadian product, the ResNo is just about ready for the market.

In Abu Dhabi, innovators are promoting hydrophobic sand that repels water. Growers put it in the soil underneath their crops to keep water from flowing through the soil deeper than the root depth. Agriculture accounts for the majority of water use in many areas (80% of California's water consumption is for irrigated agriculture.) Innovative irrigation conservation strategies are critical where water supplies are threatened.

Here's a really far-out idea. If the recycled shower water didn't gross you out, how about drinking treated effluent? Actually, this idea isn't very far out at all. It is one of the few large-scale conservation ideas that is being given serious consideration. This fall, California's Santa Clara

County will begin processing effluent to such a high quality that it may replace tap water in the future (some communities, like Tucson, already indirectly use treated effluent by recharging it into the ground to mix with groundwater then extract it for potable use.) Direct “toilet to tap” water reuse has been developing for several years, but the public is still a bit squeamish about it. Given California's and the southwest US's present and future water supply challenges, a toilet to tap program may not seem so far out after all.

Goofy or not, these and other innovative conservation ideas are important to explore as we balance our water needs with available supplies. Who knows, maybe someday we will have waterless “instant water.”

For more information on conservation topics, contact Water Wise at 458-8278 ext. 2141, waterwise.arizona.edu. Water Wise is a University of Arizona Cochise County Cooperative Extension program whose Partners are Cochise

County, the City of Sierra Vista, Ft. Huachuca, the Upper San Pedro Partnership, and Sulphur Springs Valley Electric Cooperative.



Cado Daily, M.A.
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Water Wise Program
UA Cochise County
Cooperative Extension
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Sierra Vista, AZ 85635
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FAX (520) 458-5823
waterwise.arizona.edu

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