

REFERENCE TITLE: superior court commissioner; appointment; qualifications

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1037**

Introduced by  
Senator Kavanagh

AN ACT

AMENDING SECTION 12-164, ARIZONA REVISED STATUTES; REPEALING SECTIONS 12-211 AND 12-212, ARIZONA REVISED STATUTES; AMENDING SECTION 12-213, ARIZONA REVISED STATUTES; RELATING TO COURT COMMISSIONERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-164, Arizona Revised Statutes, is amended to  
3 read:

4 12-164. Qualifications and assignment of tax judge;  
5 qualifications and appointments of judges pro  
6 tempore and commissioners assigned to the tax court

7 A. A judge of the tax court shall be a superior court judge who has  
8 been duly selected as provided by law and assigned to the tax court by the  
9 presiding judge of the superior court in Maricopa county.

10 B. In addition to the qualifications prescribed by law for a  
11 superior court judge, a judge of the tax court shall demonstrate a  
12 willingness to specialize in tax cases and a willingness to serve as a tax  
13 judge for at least two years or the remainder of his current term of  
14 office, whichever is less.

15 C. In addition to the qualifications set forth in section 12-142, a  
16 judge pro tempore WHO IS appointed to serve in the tax court by the chief  
17 justice of the supreme court pursuant to section 12-141 shall qualify  
18 under minimum standards of experience and education in tax law established  
19 by the supreme court.

20 D. ~~In addition to the qualifications set forth in section 12-211,~~ A  
21 court commissioner WHO IS appointed to serve in the tax court by the  
22 presiding judge of THE SUPERIOR COURT IN Maricopa county pursuant to  
23 section 12-213 shall qualify under minimum standards of experience and  
24 education in tax law established by the supreme court.

25 Sec. 2. Repeal

26 Sections 12-211 and 12-212, Arizona Revised Statutes, are repealed.

27 Sec. 3. Section 12-213, Arizona Revised Statutes, is amended to  
28 read:

29 12-213. Commissioners; appointment; powers and duties; salary

30 A. ~~In counties having three or more superior court judges,~~ The  
31 presiding judge may appoint court commissioners to serve at ~~his~~ THE  
32 PRESIDING JUDGE'S pleasure. ~~who~~ APPOINTED COURT COMMISSIONERS shall have  
33 such powers and duties as shall be provided by statute or by rule of the  
34 supreme court, ~~save and~~ except ~~such~~ THAT commissioners are expressly  
35 prohibited, except in default hearings, from making any ex parte orders  
36 ~~which~~ THAT would:

- 37 1. Deprive any person or persons from custody of their child or  
38 children. ~~, or~~
- 39 2. RESULT IN A change of counsel of attorneys. ~~, or~~
- 40 3. Deprive any person of the person's liberty. ~~, or~~
- 41 4. Deprive any person or entity from the person's or entity's  
42 property or the use thereof. ~~, or~~
- 43 5. GRANT any injunctive relief.

1           B. Commissioners ~~appointed under subsection A~~ shall receive an  
2 annual salary set by the presiding judge. ~~which~~ THE COMMISSIONER'S SALARY  
3 may not exceed ninety ~~per cent~~ PERCENT of the salary of a judge of the  
4 superior court. The commissioner's salary shall be a county charge,  
5 EXCEPT THAT IN COUNTIES WITH FEWER THAN THREE SUPERIOR COURT JUDGES AND IF  
6 SUFFICIENT STATE MONIES ARE APPROPRIATED, THE STATE AND COUNTY SHALL EACH  
7 PAY ONE-HALF OF THE COMMISSIONER'S SALARY. An appointed commissioner  
8 shall be A UNITED STATES CITIZEN AND admitted to the practice of law in  
9 and a resident of this state for five years ~~next~~ IMMEDIATELY preceding  
10 taking office.