

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

CAUCUS AGENDA

January 23, 2024

Bill Number	Short Title	Committee	Date	Action	
Committee on Education					
Chairman:	Beverly Pingerelli, LD 28		Vice Chairman:	David Marshall, Sr., LD 7	
Analyst:	Chase Houser		Intern:	Ryan Potts	
<u>HB 2039</u> _(BS)	provisional community colleges; accreditation; oversight				
SPONSOR:	COOK, LD 7	HOUSE ED	1/16/2024	DPA	(10-0-0-0)
<u>HB 2172</u> _(BS)	charter schools; state board; continuation				
SPONSOR:	PINGERELLI, LD 28	HOUSE ED (No: JONES)	1/16/2024	DPA	(9-1-0-0)
<u>HB 2174</u> _(BS)	school personnel; emergency glucagon administration				
SPONSOR:	PINGERELLI, LD 28	HOUSE ED	1/16/2024	DP	(10-0-0-0)
Committee on Government					
Chairman:	Timothy M. Dunn, LD 25		Vice Chairman:	John Gillette, LD 30	
Analyst:	Stephanie Jensen		Intern:	Ada Cawood	
<u>HB 2100</u> _(BS)	administrative completeness review; licensing				
SPONSOR:	GRIFFIN, LD 19	HOUSE GOV (Abs: HERNANDEZ L, MONTENEGRO)	1/17/2024	DP	(7-0-0-2)
<u>HB 2132</u> _(BS)	municipal land sales; public notice				
SPONSOR:	GRIFFIN, LD 19	HOUSE GOV (Abs: HERNANDEZ L)	1/17/2024	DP	(8-0-0-1)
<u>HB 2161</u> _(BS)	industrial development bonds; preapproval; threshold				
SPONSOR:	BLISS, LD 1	HOUSE GOV (No: JONES, PAYNE Abs: HERNANDEZ L)	1/17/2024	DP	(6-2-0-1)

Committee on Judiciary

Chairman: Quang H. Nguyen, LD 1

Vice Chairman: Selina Bliss, LD 1

Analyst: Justin Larson

Intern: Michael bencomo

[HB 2044](#)^(BSJ) restitution; child survivors; DUI.

SPONSOR: BLISS, LD 1 HOUSE
JUD 1/17/2024 DPA (4-3-1-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ Present: KOLODIN)

[HB 2046](#)^(BSJ) juror information; master jury list

SPONSOR: BLISS, LD 1 HOUSE
JUD 1/17/2024 DP (8-0-0-0)

[HB 2134](#)^(BSJ) aggravated unlawful flight; law enforcement.

SPONSOR: DUNN, LD 25 HOUSE
JUD 1/17/2024 DPA (4-3-1-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ Present: KOLODIN)

Committee on Natural Resources, Energy & Water

Chairman: Gail Griffin, LD 19

Vice Chairman: Austin Smith, LD 29

Analyst: Emily Bonner

Intern:

[HB 2016](#)^(BSJ) grandfathered right; subsequent AMA; extension

SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 1/9/2024 DP (8-2-0-0)
(No: TRAVERS, VILLEGAS)

[HB 2017](#)^(BSJ) assured water supply; commingling

SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 1/16/2024 DPA (6-4-0-0)
(No: DE LOS SANTOS, MATHIS, TRAVERS, VILLEGAS)

[HB 2019](#)^(BSJ) groundwater model; public inspection; challenge

SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 1/16/2024 DPA (6-4-0-0)
(No: DE LOS SANTOS, MATHIS, TRAVERS, VILLEGAS)

[HB 2027](#)^(BSJ) subsequent AMAs; assured water supply

SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 1/9/2024 DPA (6-4-0-0)
(No: DE LOS SANTOS, MATHIS, TRAVERS, VILLEGAS)

Committee on Transportation & Infrastructure

Chairman: David L. Cook, LD 7

Vice Chairman: Teresa Martinez, LD 16

Analyst: Jeremy Bassham

Intern:

[HB 2109](#)^(BSJ) off-premises vehicle sales; technical correction

SPONSOR: COOK, LD 7 HOUSE
TI 1/10/2024 DP (10-0-1-0)
(Present: CARTER)

Committee on Ways & Means

Chairman: Neal Carter, LD 15

Analyst: Vince Perez

Vice Chairman: Justin Heap, LD 10

Intern: Michael Galpin

[HB 2206_{\(BS\)}](#) ASRS; contingent annuitants
SPONSOR: LIVINGSTON, LD 28 HOUSE
WM 1/17/2024 DP (10-0-0-0)

[HB 2208_{\(BS\)}](#) continuation; ASRS
SPONSOR: LIVINGSTON, LD 28 HOUSE
WM 1/17/2024 DP (10-0-0-0)

[HB 2250_{\(BS\)}](#) state board of equalization; continuation.
SPONSOR: CARTER, LD 15 HOUSE
WM 1/17/2024 DP (10-0-0-0)

[HB 2379_{\(BS\)}](#) internal revenue code; conformity.
SPONSOR: CARTER, LD 15 HOUSE
WM 1/17/2024 DP (10-0-0-0)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: ED DPA 10-0-0-0

HB 2039: provisional community colleges; accreditation; oversight
Sponsor: Representative Cook, LD 7
Caucus & COW

Overview

Allows a provisional community college district (CCD) to maintain a regional accreditation and oversight relationship with another postsecondary institution, rather than only another CCD.

History

A CCD may be organized for a single county, two or more contiguous counties or an existing CCD and contiguous counties that are not part of any CCD. The proposed CCD must meet outlined minimum net assessed valuation and population requirements to organize ([A.R.S. § 15-1402](#)). However, if a proposed CCD does not meet these requirements, statute allows for the formation of a provisional CCD. A provisional CCD is not subject to the minimum net assessed valuation and population requirements and must contract with an existing CCD to provide instructional and student services within the provisional CCD. A provisional CCD may not award degrees, certificates or diplomas ([A.R.S. § 15-1409](#)). There are two provisional CCDs: Gila and Santa Cruz.

To organize from a provisional CCD to a CCD, a provisional CCD must: 1) have been operating in the county for at least five years; 2) have a most recent full-time equivalent student enrollment of at least 450; 3) be actively seeking accreditation from a regional accrediting agency; 4) schedule public meetings to discuss the conversion; 5) adopt a resolution to form a CCD and call an election to increase the primary property tax levy; 6) maintain a regional accreditation and oversight relationship with another CCD until the conversion of the provisional CCD to an independent CCD; and 7) maintain a regional accreditation and oversight relationship with another CCD until initial candidacy status from a regional accrediting agency is achieved ([A.R.S. § 15-1402.01](#)).

Provisions

1. Modifies the requirements for the alternative organization of a CCD by requiring a provisional CCD to maintain a regional accreditation and oversight relationship with another postsecondary institution, rather than only another CCD. (Sec. 1)
2. Defines *postsecondary institution* as:
 - a) an accredited CCD;
 - b) an Arizona public university; or
 - c) a licensed private postsecondary educational institution. (Sec. 1)
3. Makes a conforming change. (Sec. 1)

Amendments

Committee on Education

1. Adds an emergency clause.

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: ED DPA 9-1-0-0

HB 2172: charter schools; state board; continuation
Sponsor: Representative Pingerelli, LD 28
Caucus & COW

Overview

Continues the Arizona State Board for Charter Schools (ASBCS) for 10 years.

History

ASBCS is tasked with exercising general supervision over charter schools that it sponsors. Statute details the duties of ASBCS, which include: 1) recommending charter school legislation to the Legislature; 2) granting charter status to qualifying applicants for charter schools; and 3) adopting rules and policies necessary to accomplish its duties (A.R.S. §§ [15-182](#), [15-183](#)). As of FY 2023, ASBCS oversees 559 charter schools operated by 412 charter holders ([2023 ASBCS Annual Report](#)).

ASBCS consists of 14 members: the Superintendent of Public Instruction (SPI); 5 members of the general public (two of whom must reside in a school district where at least 60% of children are eligible for free lunches and one of whom must reside on an Indian reservation); 2 members of the business community; a charter school teacher; a charter school operator; and an operator of an alternative charter school that serves at-risk students. All members of ASBCS, excluding the SPI, are appointed by the Governor and confirmed by the Senate to serve four-year terms. Additionally, the Speaker of the House of Representatives and Senate President jointly appoint three advisory members to ASBCS ([A.R.S. § 15-182](#)).

ASBCS is set to terminate on July 1, 2024 ([A.R.S. § 41-3024.15](#)). The House of Representatives Education Committee of Reference (COR) and Senate Education COR met jointly on December 11, 2023 to conduct a review of ASBCS and recommended that ASBCS be continued for 10 years ([House and Senate Education COR Report](#)).

Provisions

1. Continues, retroactive to July 1, 2024, ASBCS until July 1, 2034. (Sec. 2, 4)
2. Repeals ASBCS on January 1, 2035. (Sec. 2)
3. Contains a purpose statement. (Sec. 3)
4. Makes a conforming change. (Sec. 1)

Amendments

Committee on Education

1. Reduces the continuation of ASBCS from 10 years to 8 years.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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HB 2174: school personnel; emergency glucagon administration

Sponsor: Representative Pingerelli, LD 28

Caucus & COW

Overview

Allows a school district or charter school to obtain a standing order for glucagon and store glucagon doses at school sites for emergency administration to a student.

History

A school district governing board (governing board) or charter school governing body (governing body) may adopt policies for students who have been diagnosed with diabetes to manage their diabetes in the classroom, on school grounds and at school-sponsored activities. These policies must: 1) require the student's guardian to annually submit a diabetes medical management plan that is signed by a licensed health professional to the school; 2) require the student to practice proper safety precautions when handling and disposing medications and equipment; 3) include procedures enabling the school district or charter school to withdraw the student's authorization to monitor blood glucose and self-administer diabetes medication if the student does not practice proper safety precautions; and 4) require any medication administration services specified in the diabetes medical management plan to be provided.

Furthermore, a governing board or governing body may adopt policies to designate two or more school employees as voluntary diabetes care assistants (diabetes assistants), subject to final approval by the student's guardian. Diabetes assistants are allowed to administer or assist in the self-administration of insulin or administer glucagon in an emergency situation if: 1) a school nurse or other licensed health professional is not immediately available at the time of emergency; 2) the student's guardian has provided the school with a prescribed, unexpired glucagon kit for the school year or insulin and all necessary equipment and supplies; and 3) the diabetes assistant has received proper training that includes techniques for determining the proper dose of insulin based on physician orders, recognizing symptoms that require the administration of glucagon and administering glucagon. Statute details the entities and individuals who are immune from civil liability for the good faith implementation of these policies ([A.R.S. § 15-344.01](#)).

Provisions

1. Authorizes a governing board or a governing body to annually request a standing order for glucagon from specified medical professionals. (Sec. 1)
2. Permits a governing board or governing body, if it obtains a standing order for glucagon, to stock one or more doses of glucagon at school sites for emergency administration to a student by specified individuals. (Sec. 1)
3. Authorizes a school district or charter school to accept monetary donations, apply for grants or participate in third-party programs to purchase or obtain glucagon at no cost or at a fair market or reduced price. (Sec. 1)
4. Extends immunity from civil liability to outlined medical professionals and individuals for the good faith implementation of governing board and governing body policies. (Sec. 1)
5. Excludes, from the definition of *unprofessional conduct* for a licensed doctor of medicine or osteopathy, the act of writing or dispensing glucagon prescriptions to be stocked at a school district or charter school for emergency use, if the doctor has not first conducted an examination or established a doctor-patient relationship. (Sec. 2, 3)
6. Excludes, from the definition of *unprofessional conduct* for a licensed pharmacist or pharmacy intern, the act of writing or dispensing a glucagon prescription order to be stocked at a school district or charter school for emergency use, if the pharmacist or pharmacy intern knowingly dispenses a prescription order issued in the business of dispensing drugs pursuant to diagnosis by mail or internet. (Sec. 4)
7. Makes technical changes. (Sec. 1, 4)
8. Makes conforming changes. (Sec. 1, 2, 3, 4)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: GOV DP 7-0-0-2

HB 2100: administrative completeness review; licensing

Sponsor: Representative Griffin, LD 19

Caucus & COW

Overview

Directs a state agency to include on their website a list of items needed for an application to be deemed administratively complete.

History

An agency that issues licenses must have in place final rules establishing an overall time frame during which the license will either be granted or denied by the agency. If a statutory licensing time frame already exists for an agency but it does not specify separate time frames for the administrative completeness review and the substantive review, the agency must establish by rule separate time frames which together must not exceed the overall time frame ([A.R.S. § 41-1073](#)).

The *administrative completeness review time frame* is the number of days from agency receipt of an application for a license until the agency determines that the application contains all components required by statute or rule. This time frame does not include the period of time during which an agency provides public notice of the license application or performs a substantive review of the application ([A.R.S. § 41-1072](#)).

If an agency determines that a license application is not administratively complete, the agency must include a comprehensive list of the specific deficiencies in a written notice pursuant to statute. The application is deemed administratively complete if an agency does not issue a written notice of administrative completeness or deficiencies within the administrative completeness review time frame ([A.R.S. § 41-1074](#)).

Provisions

1. Requires an agency to make available on the agency's website a comprehensive list of items that are needed for an application to be deemed administratively complete. (Sec. 1)
2. Specifies that if an agency issues, within the administrative completeness review time frame, timely written notice of deficiencies that is substantive in nature, the application is deemed administratively complete. (Sec. 1)
3. Prohibits an agency from determining the substantive merits or outcome of an application while the application is within the administrative completeness review time frame. (Sec. 1)
4. Stipulates that an agency may not make a final decision on an application based on the findings or conclusions of a document that is not included in the application or listed on the agency's website unless the document was subject to public inspection and the applicant had an opportunity to challenge the document before submitting the application. (Sec. 1)
5. Includes a copy of the comprehensive list of items on the agency's website pursuant to statute in the information that must be given to an applicant at the time the applicant files for a license. (Sec. 2)
6. Makes conforming changes. (Sec. 1)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: GOV DP 8-0-0-1

HB 2132: municipal land sales; public notice

Sponsor: Representative Griffin, LD 19

Caucus & COW

Overview

Outlines the procedures for the sale of real property of a municipality that is valued at more than \$1,500,000 but less than \$15,000,000.

History

A city or town is allowed to sell and convey all or any part of its real or personal property. Before the sale, an invitation for bids must be published as provided in statute and notice posted in three or more public places within the municipality ([A.R.S. § 9-402](#)).

If the value of the real property of a municipality that is being sold exceeds \$1,500,000 a special election must be called for the purpose of submitting to the voters of the municipality the question of selling or not selling the proposed real property. If a majority of ballots are cast in favor of selling, the governing body is authorized to sell the property at a public auction after giving proper statutory notice ([A.R.S. § 9-403](#)).

Provisions

1. Specifies that real property of a municipality with a value of more than \$1,500,000 but less than \$15,000,000 may be sold if the governing body of the municipality:
 - a. holds at least one public hearing to take public comment on the proposed sale after publishing the invitation for bids at least 30 days prior to the scheduled purchase agreement approval; and
 - b. adopts a resolution approving the sale of the property based on a vote of the members of the governing body. (Sec. 1)
2. Prescribes the publishing of the public hearing to be provided at least 10 days prior to the hearing and must include:
 - a. a description of the property proposed for sale and the reasons for the sale; and
 - b. information on how to submit written and verbal comments on the proposed sale. (Sec. 1)
3. Directs the terms of the sale to be posted on the municipality's website on completion of the sale. (Sec. 1)
4. Increases the value of real property of a municipality to be sold by calling a special election from \$1,500,000 to \$15,000,000. (Sec. 1)
5. Prohibits real property sold pursuant to statute from being sold at less than the appraised value of the property. (Sec. 1)
6. Makes technical and conforming changes. (Sec. 1, 2)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: GOV DP 6-2-0-1

HB 2161: industrial development bonds; preapproval; threshold

Sponsor: Representative Bliss, LD 1

Caucus & COW

Overview

Modifies the population threshold for a county or municipality that approves corporation bond disbursement.

History

Both the Arizona Finance Authority (AFA) and the governing bodies of counties and municipalities that meet the population threshold of seven percent of the total state population retain approval over corporation bond disbursement. The Arizona Department of Housing (ADOH) may review and approve the project where the bond disbursement originates, if it does not follow statutory requirements ([A.R.S. § 35-726](#)).

A corporation that does not meet AFA approval or the population threshold, may not issue a bond for multifamily residential rental projects, sanitariums, clinics, medical homes or nursing facilities, without receiving approval from the ADOH. A corporation that does not meet AFA approval may refund bonds, the proceeds of which are used exclusively to refund a prior bond issue, without receiving ADOH approval ([A.R.S. § 35-726](#)).

Provisions

1. Decreases the population threshold of a county or municipality that determines bond disbursement, from seven percent to three percent of the total state population. (Sec. 1)
2. Makes technical changes. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note



HB 2044: restitution; child survivors; DUI.
Sponsor: Representative Bliss, LD 1
Caucus & COW

Overview

Requires a court to order that a defendant pay restitution for the support of a minor child whose parent or guardian was the victim of a specified homicide offense that involved the defendant operating a motor vehicle while intoxicated and causing the death of another by accident or mistake.

History

The criminal code recognizes multiple forms of homicide offenses, two of which are *negligent homicide* and *manslaughter*.

A person commits negligent homicide under [A.R.S. § 13-1102](#) by, with criminal negligence, causing the death of another person, including an unborn child.

A person commits manslaughter under [A.R.S. § 13-1103](#), subsection A by doing any of the following:

- 1) Recklessly causing the death of another person;
- 2) Committing second degree murder as prescribed in [A.R.S. § 13-1104](#), subsection A on a sudden quarrel or heat of passion resulting from adequate provocation by the victim;
- 3) Intentionally providing the physical means that another person uses to die by suicide, with the knowledge that the person intends to die by suicide;
- 4) Committing second degree murder as prescribed in [A.R.S. § 13-1104](#), subsection A, paragraph 3, while being coerced to do so by the use or threatened immediate use of unlawful deadly physical force on the person or a third person that a reasonable person in his situation would have been unable to resist; or
- 5) Knowingly or recklessly causing the death of an unborn child by any physical injury to the mother.

The criminal code defines the four *culpable mental states* as follows:

- 1) *Intentionally* (or *with the intent to*) means, with respect to a result or to conduct described by a statute defining an offense, that a person's objective is to cause that result or to engage in that conduct;
- 2) *Knowingly* means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or believes that the person's conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission;
- 3) *Recklessly* means, with respect to a result or to a circumstance described by a statute defining an offense, that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard of such risk constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but who is unaware of such risk solely by reason of voluntary intoxication also acts recklessly with respect to such risk; and
- 4) *Criminal negligence* means, with respect to a result or to a circumstance described by a statute defining an offense, that a person fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation ([A.R.S. § 13-105](#)).

In light of these definitions, Arizona courts have recognized that "[n]egligent homicide is distinguished from reckless manslaughter in that for the latter offense, the defendant is aware of the risk of death and consciously disregards it, whereas, for the former offense, [the defendant] is unaware of the risk." *State v. Walton*, 133 Ariz. 282, 291 (App. 1982).

Provisions

1. Requires a court to order a defendant to pay restitution for the support of a minor child whose parent or guardian was the victim of an offense if the following conditions are met:
 - a) The defendant is convicted of negligent homicide under [A.R.S. § 13-1102](#) or manslaughter under [A.R.S. § 13-1103](#), subsection A; and
 - b) The offense involved the defendant operating a motor vehicle while intoxicated, and because of that intoxication, the defendant caused the death of another by accident or mistake. (Sec. 1)
2. Mandates that the court order the above restitution payments to be paid monthly until the minor child reaches 18 years old or graduates from high school, whichever is later. (Sec. 1)
3. Requires the court to determine the manner in which the restitution is to be paid and instructs the court to consider all relevant factors in determining the amount of restitution that is reasonable and necessary, including:
 - a) The financial needs and resources of the minor child;
 - b) The financial needs and resources of the surviving parent or guardian, if any, or of another current guardian of the minor child or, if applicable, the financial resources of the state of Arizona if the Department of Child Safety (DCS) is appointed as the temporary or permanent managing conservator of the minor child;
 - c) The standard of living to which the minor child is accustomed;
 - d) The physical and emotional condition of the minor child and the minor child's educational needs;
 - e) The minor child's physical and legal custody arrangements;
 - f) The reasonable work-related child care expenses of the surviving parent or guardian or other current guardian, if applicable; and
 - g) The financial resources of the defendant. (Sec. 1)
4. If a defendant who is ordered to make restitution payments pursuant to these provisions is unable to do so because the defendant is confined in a correctional facility, requires the defendant to begin payments no later than the first anniversary of the date of the defendant's release from confinement. (Sec. 1)
5. Authorizes a defendant to enter into a payment plan to address any arrearage that exists on the date of the defendant's release from confinement, and requires the defendant to pay all arrearages regardless of whether the restitution payments were scheduled to terminate while the defendant was confined in the correctional facility. (Sec. 1)

Amendments

Committee on Judiciary

1. Removes language requiring the court to consider the financial resources of the state of Arizona if the DCS is appointed as the temporary or permanent managing conservator of the minor child in determining the amount of restitution that is reasonable and necessary.

If DCS is the legal guardian of the child, requires the court to appoint a trustee to ensure that the restitution is paid directly to the child and prohibits DCS from using the restitution under this section to pay or reimburse DCS or the state of Arizona for any of the costs of the child's care.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: JUD DP 8-0-0-0

HB 2046: juror information; master jury list

Sponsor: Representative Bliss, LD 1
Caucus & COW

Overview

Alters the *master jury list* definition to include the dates of birth and, if available, telephone numbers and email addresses of eligible jurors.

History

State law requires all qualified citizens to serve on juries when summoned by the state courts, unless granted an exemption. Eligibility criteria requires every juror to be at least eighteen years of age, be a U.S. citizen, be a resident of the jurisdiction that the juror is summoned to serve, never have been convicted of a felony (unless the individual's civil rights have been restored) and not currently deemed mentally incompetent or insane (A.R.S. §§ [21-201](#), [21-202](#)).

The jury commissioner for each county is responsible for generating a *master jury list* comprised of the names and addresses of eligible persons residing in the county. This includes persons on the county's voter registration list, other eligible persons who have received a state driver's license or commercial driver's license and persons from other lists as determined by the Supreme Court ([A.R.S. § 21-301](#)).

Provisions

1. Amends the definition of *master jury list* to include the dates of birth and, if available, the telephone numbers and email addresses of eligible persons who reside in the county. (Sec. 1)
2. Makes technical and conforming changes. (Sec. 1, 2)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: JUD DPA 4-3-1-0

HB 2134: aggravated unlawful flight; law enforcement.

**Sponsor: Representative Dunn, LD 25
Caucus & COW**

Overview

Establishes *aggravated unlawful flight from a pursuing law enforcement vehicle* as a criminal offense carrying a class 4 or class 2 felony classification depending on the circumstances.

History

Unlawful Flight

Under current law, a person commits *unlawful flight from a pursuing law enforcement vehicle*, a class 5 felony, by wilfully fleeing or attempting to elude a pursuing official law enforcement vehicle and the law enforcement vehicle is either:

- 1) Marked to show that it is an official law enforcement vehicle and has engaged its siren and lights pursuant to [A.R.S. § 28-624](#); or
- 2) Unmarked and either of the following applies:
 - a) The driver admits to knowing that the vehicle was an official law enforcement vehicle; or
 - b) Evidence shows that the driver knew that the vehicle was an official law enforcement vehicle ([A.R.S. § 28-622.01](#)).

Arizona courts have interpreted *wilfully*, which is defined in [A.R.S. § 1-215](#), to be equivalent to *knowingly*, which is defined in [A.R.S. § 13-105](#). See *State v. Gendron*, 166 Ariz. 562, 565 (App. 1990), *vacated in part on other grounds*, 168 Ariz. 153 (1991).

Serious physical injury is defined as physical injury that creates a reasonable risk of death or that causes serious and permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb. *Physical injury* is defined as the impairment of physical condition ([A.R.S. § 13-105](#)).

Driving Under the Influence

A person commits *driving under the influence* (DUI), a class 1 misdemeanor offense, by driving or being in actual physical control of a vehicle in Arizona under any of the following circumstances:

- 1) While under the influence of intoxicating liquor, any drug (regardless of whether the person is or has been entitled to use the drug under Arizona law), a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances if the person is impaired to the slightest degree;
- 2) If the person has an alcohol concentration of 0.08 or more within two hours of driving or being in actual physical control of the vehicle and the alcohol concentration results from alcohol consumed either before or while driving or being in actual physical control of the vehicle;
- 3) While there is any drug defined in [A.R.S. § 13-3401](#) or its metabolite in the person's body, except if the person is using a drug as prescribed by a medical practitioner who is licensed pursuant to A.R.S. Title 32 and who is authorized to prescribe the drug; or
- 4) If the vehicle is a commercial motor vehicle that requires a person to obtain a commercial driver license as defined in [A.R.S. § 28-3001](#) and the person has an alcohol concentration of 0.04 or more ([A.R.S. § 28-1381](#)).

A person commits *extreme DUI*, also a class 1 misdemeanor, by driving or being in actual physical control of a vehicle in Arizona and the person has an alcohol concentration as follows within two hours of driving or being in actual physical control of the vehicle and the alcohol concentrations results from alcohol consumed either before or while driving or being in actual physical control over the vehicle:

- 1) 0.15 or more but less than 0.20; or
- 2) 0.20 or more ([A.R.S. § 28-1382](#)).

Provisions

1. Establishes *aggravated unlawful flight from a pursuing law enforcement vehicle* as a criminal offense involving a person who commits unlawful flight from a pursuing law enforcement vehicle in a manner that endangers the life of another person. (Sec. 1)
2. If the offense involves an unmarked official law enforcement vehicle, adds that a person may be prosecuted if evidence shows that the person should have known that the vehicle was an official law enforcement vehicle. (Sec. 1)
3. Classifies the offense as a 4 felony unless any of the following circumstances exist, in which case the offense becomes a class 2 felony:
 - a) The offense results in serious physical injury as defined in [A.R.S. § 13-105](#) to another;
 - b) The driver was transporting a minor under 12 years of age; or
 - c) The driver was also in violation of A.R.S. §§ [28-1381](#) (DUI) or [28-1382](#) (extreme DUI), in which case the convicted person is also ineligible for probation, pardon, commutation or suspension of sentence or release on any basis until the person has served at least four months in prison. (Sec. 1)

Amendments

Committee on Judiciary

1. Adds that a person must *recklessly* endanger the life of another person in order to commit the offense.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: NREW DP 8-2-0-0

HB 2016: grandfathered right; subsequent AMA; extension

Sponsor: Representative Griffin, LD 19

Caucus & COW

Overview

An emergency measure that extends the deadline for a person to claim a grandfathered right to withdraw or receive and use groundwater in the Douglas active management area (Douglas AMA).

History

The Groundwater Management Code (Code) was enacted in 1980 and established the statutory framework to regulate and control the use of groundwater ([SOS](#)). As part of the management framework, the Code designated five AMAs (Phoenix, Pinal, Prescott, Tucson and Santa Cruz) and three Irrigation Non-Expansion Areas (Douglas, Joseph City and Harquahala) (A.R.S. §§ [45-411](#), [45-411.03](#), [45-431](#) and [45-554](#)) where specific regulations regarding withdrawal and use of groundwater apply.

Under current law, local landowners can petition their county board of supervisors to designate an AMA for one or more groundwater basins. If the petitioners meet a certain statutory threshold, an election will be called ([A.R.S. § 45-415](#)).

Based on a petition filed by the residents of Cochise County, the Cochise County Board of Supervisors called an election to be held on November 8, 2022 on whether to designate the Douglas Groundwater Basin as an AMA. Subsequently, the ballot measure was approved and the Douglas AMA was established on December 1, 2022 ([ADWR](#)).

Individuals and entities seeking to use groundwater are required to apply for a certificate of grandfathered right no later than 15 months after the date of the designation of the AMA with ADWR. Grandfathered rights are withdrawal rights based on historic pumping which includes the five-year period preceding the call for the election or the five-year period preceding the designation of the AMA ([A.R.S. § 45-476](#))([ADWR](#)).

The current deadline to apply for a certificate of grandfathered right for the Douglas AMA is March 1, 2024.

Provisions

1. Extends the deadline, from 15 months to 21 months after the date of the designation of the Douglas AMA, for a person to file an application for a certificate of grandfathered right with ADWR to withdraw or receive and use groundwater in the Douglas AMA. (Sec 1)
2. Repeals these requirements on January 1, 2025. (Sec. 1)
3. Contains an emergency clause. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input checked="" type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: NREW DPA 6-4-0-0

HB 2017: assured water supply; commingling

Sponsor: Representative Griffin, LD 19

Caucus & COW

Overview

Requires the Director of Arizona Department of Water Resources (ADWR) to consider any type of water or water sources that are commingled together when determining whether an applicant is issued a certificate or designation of assured water supply.

History

Someone who plans to sell or lease subdivided lands in an active management area (AMA) must obtain a certificate of assured water supply from ADWR or obtain a commitment for water service from a city, town or private water company with a designation of assured water supply. Otherwise, a municipality or county cannot approve the subdivision plat and the State Real Estate Commissioner will not issue a public report authorizing the sale or lease of the subdivided lands. An assured water supply means:

1. sufficient groundwater, surface water or effluent of adequate quality that will be legally, physically and continuously available to meet proposed water needs for at least 100 years;
2. any projected groundwater use that is consistent with the AMA's management plan and achieving its management goal; and
3. the applicant has demonstrated the financial capability to build the infrastructure necessary to make water available for the proposed use ([A.R.S. § 45-576](#)).

Provisions

1. Requires the Director of ADWR to consider any type of water or sources of water that are commingled together when determining whether an applicant is issued a certificate or designation of assured water supply.
2. Makes technical changes.

Amendments

Committee on Natural Resources, Energy & Water

1. Specifies that the Director of ADWR can consider the only proposed sources of the water supply dedicated to the proposed use regardless of whether the water is distributed through a water delivery system that is commingled with other water sources.
2. Prohibits the Director of ADWR from requiring a subdivider that applies for an assured water supply from a water provider that has an assured water supply to procure a source of supply that exceeds 100% of the water needed to meet the subdividers proposed use.

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: NREW DPA 6-4-0-0

HB 2019: groundwater model; public inspection; challenge

Sponsor: Representative Griffin, LD 19

Caucus & COW

Overview

Requires the Arizona Department of Water Resources (ADWR) to provide public access to information related to groundwater modeling used to evaluate assured water supply designations.

History

The Groundwater Code's *Assured and Adequate Water Supply Program* requires a developer to provide information on a proposed subdivision's water supplies to ADWR before the property can be marketed. Specific requirements apply, depending on whether the subdivision is inside or outside an AMA ([A.R.S. § 45-576](#)).

A hydrologic study may include: 1) information on depth-to-static water levels over time; 2) physical availability of water; 3) natural recharge and discharge rates; 4) water level decline rates and trends; 5) projected water demand associated with the project; 6) the proposed source of supply; 6) and an evaluation of existing uses ([ADWR Hydrologic Guidelines](#)).

An applicant for a determination of assured water supply is required to submit a hydrologic study, using a method of analysis approved by the Director of ADWR ([A.C.C. R12-15-716\(B\)](#)).

Provisions

1. Requires modeling used by ADWR to determine projected groundwater levels for the purpose of evaluating an application for a certificate or designation of an assured water supply to be made available at no cost to the public.
2. States that the information available to the public includes findings, conclusions, methods and assumptions.
3. Requires the Director of ADWR to establish a process for a party to challenge a model that is made available to the public.

Amendments

Committee on Natural Resources, Energy & Water

1. Eliminates the requirement for the Director of ADWR to establish a process for a party to challenge a model that is made available to the public.
2. Requires ADWR to:
 - a. post on its website, and invite public comment on, any assumptions anticipated to be included in a new groundwater model at least 90 days before the model will be used;
 - b. at the close of the comment period, hold a public meeting to receive additional comments;
 - c. post all comments received and ADWR responses on their website; and
 - d. include a statement with each comment indicating if the comment resulted in an addition, modification, revision or deletion of the assumption.
3. Makes a technical change.

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note



HB 2027: subsequent AMAs; assured water supply
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Outlines requirements regarding the establishment of a subsequent active management area (AMA) that includes a proposed subdivision previously subject to an adequate water supply ordinance adopted by a county or municipality.

History

The Groundwater Management Code (Code) was enacted in 1980 and established the statutory framework to regulate and control the use of groundwater ([SOS](#)). As part of the management framework, the Code designated five AMAs (Phoenix, Pinal, Prescott, Tucson and Santa Cruz) and three Irrigation Non-Expansion Areas (Douglas, Joseph City and Harquahala where specific regulations regarding withdrawal and use of groundwater apply (A.R.S. §§ [45-411](#), [45-411.03](#), [45-431](#) and [45-554](#)).

Based on a petition filed by the residents of Cochise County, the Cochise County Board of Supervisors called an election to be held on November 8, 2022 on whether to designate the Douglas Groundwater Basin as an AMA. Subsequently, the ballot measure was approved and the Douglas AMA was established on December 1, 2022 ([ADWR](#)).

The Code's *Assured and Adequate Water Supply Program* requires a developer to provide information on a proposed subdivision's water supplies to ADWR before the land can be offered for sale or lease. Specific requirements apply depending on whether the subdivision is inside or outside an AMA. In some cases, the subdivision may be subject to a local *mandatory adequate water supply ordinance* if one has been adopted by a city, town or county. (A.R.S. § [9-463.01](#), [11-823](#) and [45-576](#)).

There are currently six AMAs (Douglas, Phoenix, Pinal, Prescott, Tucson and Santa Cruz) and three INAs (Haraquahala, Hualapai and Joseph City) ([ADWR](#)).

Provisions

1. Specifies that the requirements of an ordinance adopted by either a municipality or a county do not apply to any portion of a proposed subdivision that is included within the boundaries of a subsequent AMA. (Sec. 1)
2. Specifies that the exemption applies to subsequent AMAs, whether they are established by the ADWR Director or by petition and election. (Sec. 1)
3. States that a proposed subdivision located within a subsequent AMA is deemed to have an assured water supply if it received an adequate water supply determination from ADWR prior to the effective date of the subsequent AMA. (Sec. 1)
4. Provides that if a county adopts an ordinance, the ordinance does not apply to proposed subdivisions located within a subsequent AMA. (Sec. 2)
5. States that, in a county that adopts an ordinance and becomes a subsequent AMA:
 - a) any ordinance that references an *adequate water supply* must be treated as an *assured water supply*; and
 - b) any subdivision that is determined to have an *adequate water supply* by ADWR is deemed to have an *assured water supply*. (Sec. 2)
6. Makes technical changes. (Sec. 1)

Amendments

Committee on Natural Resources, Energy & Water

1. Adds an emergency clause.
2. Makes a technical change.

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: TI DP 10-0-1-0

HB2109: off-premises vehicle sales; technical correction
Sponsor: Representative Cook, LD 7
Caucus & COW

Overview

Makes a grammatical correction.

History

[A.R.S. § 28-4495](#) allows the Director of the Arizona Department of Transportation to issue a cease-and-desist order and notice of cancellation of a motor vehicle off-premises exhibition, off-premises display and sale or special event permit on determining that grounds for cancellation of the permit exist.

Legislative Council staff prepares an annual [report](#) on defects in the Arizona Revised Statutes and State Constitution. The report lists statutory sections that require technical and conforming corrections. The report recommends a grammatical technical correction in [A.R.S. § 28-4495](#).

Provisions

1. Makes a technical correction. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: WM DP 10-0-0-0

HB 2206: ASRS; contingent annuitants
Sponsor: Representative Livingston, LD 28
Caucus & COW

Overview

Updates the person a member elects as a beneficiary or beneficiaries to contingent annuitants and clarifies that a member who chooses an Optional Premium Benefit (OPB) may only identify one contingent annuitant to receive the benefit after the retiree's death.

History

On retirement, there are optional forms of retirement benefits. One of which allows for a period certain and life annuity actuarially reduced with payments for five, ten or fifteen years that are not dependent on the continued lifetime of the member but whose payments continue for the member's lifetime beyond the five, ten or fifteen year period. If this option is elected, the member provides a period certain beneficiary or beneficiaries who are entitled to receive these payments for any portion of the period certain beyond the lifetime of the member ([A.R.S. § 38-760](#)).

Contingent annuitant means the person named by a member to receive retirement income payable following a member's death after retirement ([A.R.S. § 38-711](#)).

Provisions

1. Renames the person a member elects from *beneficiary or beneficiaries* to *contingent annuitant*. (Sec. 1)
2. Clarifies that a member who chooses an OPB may only identify one contingent annuitant to receive the OPB after the retiree's death. (Sec. 2)
3. Makes technical and conforming changes. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: WM DP 10-0-0-0

**[HB 2208](#): continuation; ASRS
Sponsor: Representative Livingston, LD 28
Caucus & COW**

Overview

Continues the Arizona State Retirement System (ASRS) through July 1, 2032.

History

ASRS was established in 1953, in order to: 1) provide an incentive in the recruitment and retention of employees; 2) contribute toward providing a total compensation package that is generally equivalent to comparable employment across Arizona; 3) provide a retirement system that encourages employees to remain in service for periods of time that will provide public employers with the full benefit of the training and experience gained by the employees; 4) provide an orderly method of promoting and maintaining a high level of service to the public; and 5) provide a base retirement benefit that is less than one hundred percent of a member's post-retirement income requirements, recognizing the equal contributions between the employee and employer ([A.R.S. § 38-712](#)).

The House Ways & Means Committee of Reference (COR) met on January 10, 2024 to consider ASRS's response to the sunset factors and receive public testimony. The COR recommended that ASRS be continued for eight years until July 1, 2032. Currently, ASRS is set to terminate on July 1, 2024 unless legislation is enacted for its continuation ([A.R.S § 41-3024.26](#)).

Provisions

1. Continues ASRS through July 1, 2032. (Sec. 2)
2. Contains a purpose statement. (Sec. 3)
3. Contains a retroactivity clause. (Sec. 4)
4. Makes conforming changes. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: WM DP 10-0-0-0

HB 2250: state board of equalization; continuation.
Sponsor: Representative Carter, LD 15
Caucus & COW

Overview

Continues the State Board of Equalization (SBOE) through July 1, 2032.

History

SBOE was established as an independent agency that is not subject to the supervision or control of the Department of Revenue ([A.R.S. § 42-16152](#)). Twenty members from both Pima and Maricopa counties are appointed, ten by the Governor, and ten by the Board of Supervisors in each respective county. An additional member is also appointed by the Governor, and is designated as the Chairman who serves in a full-time capacity ([A.R.S. § 42-16153](#)).

The House Ways & Means Committee of Reference (COR) met on January 10, 2024 to consider SBOE's response to the sunset factors and receive public testimony. The COR recommended that SBOE be continued for eight years until July 1, 2032. SBOE is currently set to terminate on July 1, 2024 unless legislation is enacted for its continuation ([A.R.S. § 41-3024.13](#)).

Provisions

1. Continues SBOE through July 1, 2032. (Sec. 2)
2. Contains a purpose statement. (Sec. 3)
3. Contains a retroactivity clause. (Sec. 4)
4. Makes conforming changes. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: WM DP 10-0-0-0

HB 2379: internal revenue code; conformity.

**Sponsor: Representative Carter, LD 15
Caucus & COW**

Overview

Conforms the Arizona tax statutes to the U.S. Internal Revenue Code (IRC) as amended and in effect as of January 1, 2024, including those provisions that became effective during 2023 with the specific adoption of all the retroactive dates, but excluding any changes to the IRC enacted after January 1, 2024.

History

Current law conforms Arizona's income tax calculation to the IRC of 1986, as amended, in effect on March 11, 2021, along with all federal retroactive dates, but excluding any change to the IRC enacted after March 11, 2021 ([A.R.S. § 43-105](#)).

Generally, each year changes are made to the IRC that affect the Arizona income tax calculation. Tax conformity with the IRC is deemed necessary because the calculation of Arizona corporate income tax begins with federal taxable income and the federal adjusted gross income is the starting point for individual income tax.

Provisions

1. Updates the definition of *Internal Revenue Code*. (Sec. 1)
2. Conforms the Arizona tax statutes to the U.S. Internal Revenue Code (IRC) as amended and in effect as of January 1, 2024, including those provisions that became effective during 2023 with the specific adoption of all the retroactive dates, but excluding any changes to the IRC enacted after January 1, 2024. (Sec. 2)
3. Makes technical and conforming changes. (Sec. 1, 2)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note