

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

CAUCUS AGENDA

March 12, 2024

Bill Number	Short Title	Committee	Date	Action	
Committee on Commerce					
Chairman:	Justin Wilmeth, LD 2		Vice Chairman:	Michael Carbone, LD 25	
Analyst:	Paul Benny		Intern:	Michael Celaya	
SB 1270 _(BSI)	reciprocal deposits; escrow agents; definitions				
SPONSOR:	MESNARD, LD 13	COM	2/27/2024	DP	(10-0-0-0)
SB 1271 _(BSI)	rental-purchase property; electronic disclosures				
SPONSOR:	MESNARD, LD 13	COM	2/27/2024	DP	(10-0-0-0)
SB 1296 _(BSI)	credit unions; formation; loans; membership				
SPONSOR:	MESNARD, LD 13	COM	2/27/2024	DP	(10-0-0-0)
Committee on Education					
Chairman:	Beverly Pingerelli, LD 28		Vice Chairman:	David Marshall, Sr., LD 7	
Analyst:	Chase Houser		Intern:	Ryan Potts	
SB 1113 _(BSI)	adult education; program schools; revisions				
SPONSOR:	BENNETT, LD 1	ED (Abs: TERECH)	2/27/2024	DP	(9-0-0-1)
SB 1280 _(BSI)	school boards; sex offender registry				
SPONSOR:	HOFFMAN, LD 15	ED	2/27/2024	DP	(10-0-0-0)
SB 1454 _(BSI)	AZ529 savings plan; committee; membership				
SPONSOR:	BENNETT, LD 1	ED (Abs: COOK, GUTIERREZ, PEÑA)	3/5/2024	DP	(7-0-0-3)
SB 1477 _(BSI)	political bias; grade challenge department				
SPONSOR:	KERN, LD 27	ED (No: PAWLIK, SCHWIEBERT, TERECH Abs: COOK, GUTIERREZ, PEÑA)	3/5/2024	DP	(4-3-0-3)

[SB 1558](#)_(BSI) school employment; criminal convictions; disclosure
SPONSOR: BENNETT, LD 1
ED 3/5/2024 DP (6-1-0-3)
(No: DIAZ Abs: COOK, GUTIERREZ, PEÑA)

[SB 1560](#)_(BSI) public schools; noncertificated personnel; discipline
SPONSOR: BENNETT, LD 1
ED 2/27/2024 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

[SB 1005](#)_(BSI) public monies; ideology training; prohibition
SPONSOR: HOFFMAN, LD 15
GOV 2/28/2024 DP (5-4-0-0)
(No: HERNANDEZ L, PESHAKAI, VILLEGAS, HODGE)

[SB 1013](#)_(BSI) government investments; products; fiduciaries; plans
SPONSOR: HOFFMAN, LD 15
GOV 2/28/2024 DP (5-4-0-0)
(No: HERNANDEZ L, PESHAKAI, VILLEGAS, HODGE)

[SB 1061](#)_(BSI) committees of reference; deadline; extension
SPONSOR: MESNARD, LD 13
GOV 2/28/2024 DP (5-4-0-0)
(No: HERNANDEZ L, PESHAKAI, VILLEGAS, HODGE)

[SB 1123](#)_(BSI) critical infrastructure; prohibited agreements
SPONSOR: ROGERS, LD 7
GOV 2/28/2024 DP (5-2-2-0)
(No: PESHAKAI, VILLEGAS Present: HERNANDEZ L, HODGE)

[SB 1441](#)_(BSI) land and buildings transfers; Yuma
SPONSOR: FERNANDEZ, LD 23
GOV 2/28/2024 DP (9-0-0-0)

Committee on Health & Human Services

Chairman: Steve Montenegro, LD 29 **Vice Chairman:** Barbara Parker, LD 10
Analyst: Ahjahna Graham **Intern:** Kayla Thackeray

[SB 1048](#)_(BSI) child fatality review teams; duties
SPONSOR: SHOPE, LD 16
HHS 3/4/2024 DP (8-2-0-0)
(No: PARKER B, PINGERELLI)

[SB 1062](#)_(BSI) behavioral health professionals; addiction counseling
SPONSOR: SHOPE, LD 16
HHS 2/26/2024 DP (8-1-0-1)
(No: PARKER B Abs: PINGERELLI)

[SB 1067](#)_(BSI) DCS; group homes; investigations
SPONSOR: SHOPE, LD 16
HHS 2/26/2024 DP (9-0-0-1)
(Abs: PINGERELLI)

[SB 1211](#)^(BSI) pharmacists; prescribing; naloxone; reporting
SPONSOR: SHOPE, LD 16
HHS 3/4/2024 DPA (8-2-0-0)
(No: PARKER B, PINGERELLI)

Committee on Judiciary

Chairman: Quang H. Nguyen, LD 1 **Vice Chairman:** Selina Bliss, LD 1
Analyst: Justin Larson **Intern:** Michael bencomo

[SB 1007](#)^(BSI) ~~schools; sexually explicit materials; classification~~
(Now: schools; libraries; explicit materials; classification)
SPONSOR: HOFFMAN, LD 15
JUD 2/28/2024 DP (6-3-0-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ)

[SB 1051](#)^(BSI) location tracking applications; disabling prohibited
SPONSOR: CARROLL, LD 28
JUD 2/28/2024 DP (4-2-1-2)
(No: CONTRERAS L, ORTIZ Abs: BIASIUCCI, HERNANDEZ M Present:
KOLODIN)

[SB 1073](#)^(BSI) obstruction highway; large event; classification
SPONSOR: KAVANAGH, LD 3
JUD 2/28/2024 DP (6-3-0-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ)

[SB 1129](#)^(BSI) transient occupants; property; removal
SPONSOR: ROGERS, LD 7
JUD 3/6/2024 DP (6-3-0-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ)

[SB 1155](#)^(BSI) lifetime probation; sexual offenses; termination
SPONSOR: SHAMP, LD 29
JUD 2/28/2024 DP (6-3-0-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ)

[SB 1185](#)^(BSI) catalytic converter; unlawful use; classification
SPONSOR: KAVANAGH, LD 3
JUD 3/6/2024 DP (6-2-1-0)
(No: HERNANDEZ M, ORTIZ Present: HEAP)

[SB 1189](#)^(BSI) political subdivisions; gun shows; preemption
SPONSOR: WADSACK, LD 17
JUD 2/28/2024 DP (6-3-0-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ)

[SB 1198](#)^(BSI) disruption; educational institution; concealed weapon
SPONSOR: ROGERS, LD 7
JUD 2/28/2024 DP (6-2-0-1)
(No: CONTRERAS L, HERNANDEZ M Abs: ORTIZ)

[SB 1214](#)_(BSI) county procedures; technical correction
(Now: continuing education; agency license requirements)
SPONSOR: PETERSEN, LD 14
JUD 3/6/2024 DP (9-0-0-0)

[SB 1364](#)_(BSI) probation; transfer
SPONSOR: BOLICK, LD 2
JUD 3/6/2024 DP (9-0-0-0)

[SB 1412](#)_(BSI) shoplifting; prior offenses
SPONSOR: GOWAN, LD 19
JUD 2/28/2024 DP (6-3-0-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ)

[SB 1436](#)_(BSI) offenses; lifetime injunction
SPONSOR: BOLICK, LD 2
JUD 2/28/2024 DP (9-0-0-0)

[SB 1447](#)_(BSI) fentanyl; manufacturing drugs; machines
SPONSOR: KAVANAGH, LD 3
JUD 3/6/2024 DP (5-4-0-0)
(No: CONTRERAS L, HEAP, HERNANDEZ M, ORTIZ)

[SB 1628](#)_(BSI) sex-based terms; laws; rules; regulations
SPONSOR: KERR, LD 25
JUD 3/6/2024 DP (6-3-0-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ)

Committee on Municipal Oversight & Elections

Chairman: Jacqueline Parker, LD 15 **Vice Chairman:** Alexander Kolodin, LD 3
Analyst: Joel Hobbins **Intern:** Casey Edwards

[SB 1097](#)_(BSI) school districts; partisan elections
SPONSOR: WADSACK, LD 17
MOE 2/28/2024 DP (5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)

Committee on Natural Resources, Energy & Water

Chairman: Gail Griffin, LD 19 **Vice Chairman:** Austin Smith, LD 29
Analyst: Emily Bonner **Intern:**

[SB 1081](#)_(BSI) exemption area; assured water supply
SPONSOR: KERR, LD 25
NREW 3/5/2024 DP (6-4-0-0)
(No: DE LOS SANTOS, SANDOVAL, TRAVERS, VILLEGAS)

[SB 1289](#)_(BSI) DWR; hydrology reports
SPONSOR: HOFFMAN, LD 15
NREW 3/5/2024 DP (6-4-0-0)
(No: DE LOS SANTOS, SANDOVAL, TRAVERS, VILLEGAS)

[SB 1301](#)_(BSI) electricity producers; safeguards; electromagnetic pulse
SPONSOR: FARNSWORTH, LD 10
NREW 3/5/2024 DP (9-1-0-0)
(No: SANDOVAL)

Committee on Transportation & Infrastructure

Chairman: David L. Cook, LD 7

Vice Chairman: Teresa Martinez, LD 16

Analyst: Jeremy Bassham

Intern:

[HB 2747](#)^(BSI) railroads; train length
SPONSOR: HERNANDEZ C, LD 21 HOUSE
TI 2/14/2024 DP (8-3-0-0)
(No: CARTER, GILLETTE, MONTENEGRO)

Committee on Ways & Means

Chairman: Neal Carter, LD 15

Vice Chairman: Justin Heap, LD 10

Analyst: Vince Perez

Intern: Michael Galpin

[SB 1059](#)^(BSI) judgments; interest rates
SPONSOR: MESNARD, LD 13 WM 2/28/2024 DP (8-0-0-2)
(Abs: CARBONE, HEAP)

[SB 1095](#)^(BSI) property tax; golf courses; valuation
SPONSOR: MESNARD, LD 13 WM 2/28/2024 DP (9-0-0-1)
(Abs: HEAP)

[SB 1370](#)^(BSI) youth businesses; licenses; tax; exemption
SPONSOR: BOLICK, LD 2 WM 2/28/2024 DP (6-1-2-1)
(No: SANDOVAL Abs: HEAP Present: BLATTMAN, CREWS)



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Fifty-sixth Legislature
Second Regular Session

Senate: FICO DP 5-0-2-0 | 3rd Read 27-0-3-0

House: COM DP 10-0-0-0

SB 1270: reciprocal deposits; escrow agents; definitions

**Sponsor: Senator Mesnard, LD 13
Caucus & COW**

Overview

Allows an escrow agent to use a system of *reciprocal deposits* to provide additional insurance with the Federal Deposit Insurance Corporation (FDIC).

History

An escrow agent is any person engaged in the business of accepting escrows. An escrow is a type of financial instrument, typically an account, held by an escrow agent used to facilitate a transaction between parties. Statute requires an escrow agent to deposit and maintain all escrow funds in a financial institution that does business in Arizona. An escrow agent must keep all escrow monies separate from monies belonging to the agent and to clearly designate escrow monies as escrow accounts or another appropriate label upon deposit (A.R.S §§ [6-801](#) and [6-834](#)).

The FDIC insures deposit accounts up to \$250,000. Reciprocal deposit networks interchange deposited funds that exceed the FDIC limit between insured financial institutions within the network and allow depositors to receive insurance coverage for the entire amount of deposits. Following a deposit exceeding the insurance limit from a depositor, the financial institution uses the network to simultaneously place the uninsured portion with other insured financial institutions and receive equal amounts of insured deposits in return ([FDIC](#)).

Provisions

1. Authorizes an escrow agent to use a system of reciprocal deposits to provide access to additional insurance with the FDIC for monies deposited with the escrow agent, if the eligible depository:
 - a) arranges for the deposit of the monies in one or more federally insured banks, savings banks or savings and loan associations, regardless of location, for the escrow agent's account; and
 - b) receives an amount of federally insured deposits from customers of other financial institutions equal to or greater than the amount of the monies initially deposited by the escrow agent. (Sec 1)
2. Defines *eligible depository* and *reciprocal deposit*. (Sec. 1)
3. Makes technical 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

Senate: FICO DP 6-0-1-0 | 3rd Read 27-0-3-0

House: COM DP 10-0-0-0

SB 1271: rental-purchase property; electronic disclosures

**Sponsor: Senator Mesnard, LD 13
Caucus & COW**

Overview

Provides for certain information to be electronically disclosed for property that is displayed or offered online for rental-purchase.

History

A *rental-purchase agreement* is an agreement allowing an individual to use personal property for personal, family or household purposes, for an initial period of four months or less, that is automatically renewable with each payment after the initial period and that allows the consumer to become the owner of the property but that does not obligate or require the consumer to continue leasing or using the property beyond the initial period (A.R.S. § [44-6801](#)).

Prior to the consummation of the rental-purchase agreement, the lessor must disclose specified information to the consumer (A.R.S. §§ [44-6803](#) and [44-6804](#)).

Advertisements for rental-purchase agreements that specify an amount for the periodic payment and include the right to acquire ownership of the item must disclose: 1) that the transaction advertised is a rental purchase agreement; 2) the total number and total amount of periodic payments necessary to acquire ownership of the item; and 3) that the consumer acquires no ownership rights unless the total amount necessary to acquire ownership is paid.

Items that are displayed or offered under a rental-purchase agreement must bear a tag that clearly and conspicuously indicates in Arabic numerals that are readable and understandable by visual inspection: 1) the cash price of the item; 2) the amount of the periodic payment; 3) the total number and total amount of periodic payments necessary to acquire ownership; and 4) the cost of rental (A.R.S. § [44-6810](#)).

Provisions

1. Stipulates, for rental-purchase property that is displayed or offered online and a consumer is able to enter into a rental-purchase agreement for the property online or remotely through electronic commerce, a lessor may electronically disclose the following information:
 - a) the cash price of the item;
 - b) the amount of the periodic payment;
 - c) the total number and total amount of periodic payments necessary to acquire ownership; and
 - d) the cost of the rental. (Sec. 2)
2. Stipulates, for offering personal property for rental-purchase that is not owned by the lessor when it is displayed or offered for rental-purchase, the lessor must electronically disclose the following information:
 - a) the cash price of the item;
 - b) the amount of the periodic payment;
 - c) the total number and total amount of periodic payments necessary to acquire ownership; and
 - d) the cost of the rental. (Sec. 2)
3. Requires the electronically disclosed information to be:
 - a) clearly and conspicuously indicated in Arabic numerals that are legible by visual inspection; and
 - b) disclosed to the lessee before any of the statutorily prescribed general disclosures. (Sec. 2)

4. Clarifies the items that are required to bear a tag indicating specified information are relating to items of rental-purchase property. (Sec. 2)
5. Defines *rental-purchase property* as personal property owned by the lessor when physically displayed and offered for rental-purchase to the consumer and before the rental-purchase agreement is executed. (Sec 1)
6. Makes technical changes. (Sec 1)



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Senate: FICO DP 6-0-1-0 | 3rd Read 28-0-2-0

House: COM DP 10-0-0-0

SB 1296: credit unions; formation; loans; membership

**Sponsor: Senator Mesnard, LD 13
Caucus & COW**

Overview

Makes various changes to credit union statutes relating to formation, powers, membership, accounts and loans.

History

The Department of Insurance and Financial Institutions (DIFI) has statutory authority over state-charter banks and state-chartered credit unions. A credit union is a cooperative nonprofit association that is incorporated for the purposes of encouraging thrift among its members and creating a source of credit and other financial services at fair and reasonable cost. Seven or more adults residing in Arizona who have a common bond of interest or association may apply to the Deputy Director of the Financial Institutions Division of DIFI (Deputy Director) for permission to organize a credit union. The incorporators must prepare, adopt and execute a certificate of organization and bylaws as outlined. The incorporators may not transact any business in the credit union's name until the certificate has been issued by the Arizona Corporation Commission and the application and bylaws have been approved by the Deputy Director (A.R.S. §§ [6-501](#) and [6-506](#)).

A credit union's membership consists of the incorporators and other persons who are within the field of membership as prescribed in the bylaws. Each member may own only one membership share. Persons in the field of membership of a credit union may include: 1) an organization comprised primarily of persons eligible for membership; 2) a corporation with a majority of stockholders eligible for membership; and 3) an organization whose principal function is providing services to persons eligible for membership. A credit union may accept, as a member, any other credit union organized under law (A.R.S. §§ [6-521](#) and [6-522](#)).

A credit union board of directors (Board) has the authority and responsibility for directing the business affairs, monies and records of the credit union. Board directors may vote by telephone conference if all present directors can speak to and be heard by the other directors during the telephone conference. A Board must meet at least 10 times during each calendar year in 10 different months ([A.R.S. § 6-531](#)).

Provisions

Credit Unions

1. Modifies a credit union's general powers by:
 - a) specifying that a credit union may purchase all or a portion of assets and assume all or a portion of liabilities of a credit union chartered under any state, a federal credit union or a bank or an out-of-state bank; and
 - b) removing the ability to hold membership in the Arizona Credit Union League or in organizations that are specifically controlled by or that foster the interest of credit unions. (Sec. 5)
2. Allows the Board to vote by electronic meeting if all the directors participating can speak and be heard during the electronic meeting. (Sec. 9)
3. Changes the Board meeting requirements to at least once every two months, rather than at least 10 times during each calendar year in 10 different months. (Sec. 9)
4. Allows the Deputy Director to direct the Board to meet more frequently to address specific matters. (Sec. 9)

5. Removes the requirement for the Board to borrow or lend money to carry on the credit union's functions. (Sec. 10)
6. Requires share accounts to be subscribed to and paid for in a manner prescribed by the Board, rather than the bylaws. (Sec. 12)
7. Removes language relating to allowing a credit union to have automated teller machines at locations other than the credit union's place of business. (Sec. 3)
8. Adds assisting members to manage and control their financial resources to improve their social and economic conditions as a purpose of *credit unions*. (Sec. 1)
9. Repeals statute specifying that the fiscal year of each credit union ends on December 31. (Sec. 4)

Credit Union; Membership

10. Restates the field of membership to include:
 - a. an organization comprised primarily of individuals who are eligible for membership;
 - b. an organization for which a majority of owners, by number, are individuals who are eligible for membership; and
 - c. an organization that is located within the credit union's membership area, if applicable. (Sec. 6)
11. Allows a credit union to deny membership based on policies established by the Board. (Sec. 7)
12. Permits a person who is denied membership to appeal the denial for the Board within 30 days after the denial. (Sec. 7)
13. Allows the Board's management, if given the authority by the Board, to expel a member. (Sec. 8)
14. Removes language relating to providing a person who is being considered for expulsion a written notice of the potential expulsion. (Sec. 8)
15. Requires a person who has been expelled to be informed of the reasons for the expulsion and be allowed to seek reconsideration by submitting a written request to the Board within 30 days after the notice of expulsion is issued. (Sec 8)

Credit Union; Suspensions and Removals

16. Changes the requirements and procedures, *unless the bylaws provide otherwise*, for suspending or removing a director, officer or member of a committee as follows:
 - a. lowers the voting threshold to suspend a director, officer or member of a committee from two-thirds to a majority vote of the entire membership;
 - b. clarifies a special meeting to consider a suspension must be requested within 10 days after the date the director, officer or committee member was notified of the suspension;
 - c. changes the maximum number of days to which a special meeting to consider a suspension must be called from 21 days to 30 days after receiving the request for a meeting; and
 - d. clarifies if a hearing has not been requested within the 10-day period, the suspension is deemed a removal from office. (Sec. 11)

Credit Union; Loans

17. Allows a credit union to make loans to credit union members for purposes and conditions prescribed by the Board, rather than the bylaws. (Sec. 14)
18. Specifies prepayment penalties may be charged on loans that are not made for personal, family or household purposes, rather than on member business loans. (Sec. 14)
19. Reduces, from 10% to 5%, the minimum interest rate of a loan's outstanding principal balance that is retained by a credit union. (Sec. 15)
20. Restates that any loan that results in an official becoming a direct obligor, endorser, cosigner or guarantor in an aggregate amount of more than 1% of the credit union's net worth, rather than in the aggregate amount of \$20,000 or more, must be approved by the Board. (Sec. 16)

21. Instructs a credit union to provide the Deputy Director a list of each official's credit obligations whose aggregate obligations to the credit union are more than \$50,000 or 1% of the credit union's net worth, whichever is less. (Sec. 16)

Miscellaneous

22. Makes technical changes. (Sec. 1-3, 5-16)



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Senate: ED DP 6-1-0-0 | 3rd Read 25-4-1-0

House: ED DP 9-0-0-1

SB 1113: adult education; program schools; revisions

**Sponsor: Senator Bennett, LD 1
Caucus & COW**

Overview

Exempts a Continuing High School and Workforce Training Program (Program) school from public school legal requirements as specified. Outlines requirements for a Program school regarding English language proficiency assessments and enrollment documents for an adult learner.

History

[Laws 2022, Chapter 317](#) directs the State Board of Education (SBE) to establish, and the Arizona Department of Education to administer, the Program to provide adult learners with alternative study services that lead to the issuance of a high school diploma and industry-recognized credentials. SBE must select eligible service providers who meet prescribed criteria and application requirements to establish a Program school in partnership with a school district or nonprofit charter school. Statute requires a Program school to meet all applicable statutory legal requirements, including requirements for student assessments and special education services and prohibitions against admission limits based on ethnicity, national origin, gender, income level, disabling condition, English language proficiency or athletic ability. An adult learner enrolled in the Program may receive a high school diploma if they meet high school graduation requirements ([A.R.S. § 15-217.01](#)).

By July 1, 2024, SBE and ADE are required to adopt performance measures that evaluate the performance of adult education and workforce development programs (including the Program). These performance measures must include prescribed metrics, such as the number of high school diplomas or high school equivalency diplomas and industry-recognized credentials earned, as well as the number of adult learners who acquired employment or matriculated at a postsecondary educational institution ([A.R.S. § 15-217](#)).

Provisions

1. Exempts a Program school from being required to meet all applicable statutory legal requirements for a public school if:
 - a. Program schools are expressly exempt from the legal requirement; or
 - b. the legal requirement is determined by SBE to be unfeasible or inapplicable to the education of adult learners. (Sec. 2)
2. Asserts a Program school is exempt from statutory provisions relating to the:
 - a. English language proficiency assessment;
 - b. residency record;
 - c. withdrawal form if the adult learner has not attended another Arizona school during the two years immediately preceding their enrollment in the Program school;
 - d. school records; and
 - e. school letter grades. (Sec. 2)
3. Instructs each Program school to:
 - a. exercise best effort to confirm each adult learner's withdrawal from another Arizona school, including requesting a student transcript or receiving verbal confirmation from an official of the school from which the adult learner withdrew;
 - b. require an adult learner who enrolls to provide verifiable documentation of their Arizona residency and reliable proof of their age; and

- c. administer an English language proficiency assessment accepted by Arizona universities or community colleges. (Sec. 2)
- 4. Details the identification that may be included as reliable proof of the adult learner's age. (Sec. 2)
- 5. Makes conforming changes. (Sec. 1, 2)



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Senate: ED DP 7-0-0-0 | 3rd Read 27-0-3-0

House: ED DP 10-0-0-0

SB 1280: school boards; sex offender registry

**Sponsor: Senator Hoffman, LD 15
Caucus & COW**

Overview

Deems a person subject to registration as a sex offender ineligible for election or appointment to a school district governing board (governing board).

History

To run for election to a governing board, a person must be a registered voter of Arizona and have resided in the school district for at least one year immediately prior to the election. Statute prohibits a school district employee, including a person who provides services to the school district as an employee of a third-party contractor, or the spouse of such an employee from holding membership on the school district's governing board. If the governing board is composed of five members, immediate family who have the same household of residence within four years cannot serve simultaneously on the same governing board, though statute establishes an exception to this rule for a small school district meeting other prescribed criteria ([A.R.S. § 15-421](#)).

A county school superintendent is required to make appointments to governing boards to fill vacancies. A governing board may submit to the county school superintendent, within 30 days of notification of a vacancy, up to three names for consideration for appointment. However, the county school superintendent is not required to appoint a person from this list. Statute permits the county school superintendent to call a special election to fill the vacancy if it is in the community's best interest ([A.R.S. § 15-302](#)).

If a person is convicted of or adjudicated guilty except insane for specified sexual offenses, a person must register, within 10 days after the conviction or adjudication or 72 hours after entering and remaining for at least 72 hours in any Arizona county, as a sex offender with the county sheriff ([A.R.S. § 13-3821](#)).

Provisions

1. Prohibits a person who is subject to registration as a sex offender in Arizona or any other jurisdiction from being:
 - a. appointed by a county school superintendent to fill a governing board vacancy; or
 - b. eligible for election to a governing board. (Sec. 1, 2)
2. Makes technical changes. (Sec. 1, 2)

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



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Senate: ED DP 7-0-0-0 | 3rd Read 28-0-2-0

House: ED DP 7-0-0-3

SB 1454: AZ529 savings plan; committee; membership

Sponsor: Senator Bennett, LD 1

Caucus & COW

Overview

Modifies the membership of the AZ529, Arizona's Education Savings Plan (AZ529 Plan) Advisory Committee.

History

Section 529 of the U.S. Internal Revenue Code allows states to establish tax-advantaged qualified tuition programs (also known as 529 plans) for individuals. These qualified tuition plans are sponsored by states, state agencies or educational institutions ([26 U.S.C. § 529](#)). The AZ529 Plan is administered by the Treasurer and operates through trust fund accounts established by private individuals at approved financial institutions; an account may be opened by any person who desires to invest in the AZ529 Plan to save and pay for qualified education expenses ([A.R.S. Title 15, Chapter 14, Article 7](#)).

The AZ529 Plan Advisory Committee is tasked with assisting the Treasurer in raising awareness of the AZ529 Plan, with emphasis on increasing access to the AZ529 Plan among economically disadvantaged, minority and underrepresented student populations. Members are appointed by the Treasurer and include: the Treasurer (or their designee); two members who represent community college districts in counties meeting prescribed population requirements; one member who represents an Arizona public university; two members who represent accredited private educational institutions; one member who represents an accredited private school or organization offering K-12 instruction; one member who is a teacher that provides classroom instruction; one member who represents a federally-recognized Indian tribe in Arizona; one member who represents a U.S. Department of Labor-approved apprenticeship program; and three public members who are Arizona residents (one of whom must represent an Arizona-based 501(c)(3) nonprofit organization) ([A.R.S. § 41-179](#)).

Provisions

1. Authorizes AZ529 Plan Advisory Committee members to be represented by a designee. (Sec. 1)
2. Requires at least one of the public members of the AZ529 Plan Advisory Committee to have financial planning experience. (Sec. 1)
3. Asserts that all AZ529 Plan Advisory Committee members serving on the general effective date may continue to serve until the expiration of their normal terms. (Sec. 2)

<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

Senate: ED DP 4-3-1-0 | 3rd Read 16-12-2-0

House: ED DP 4-3-0-3

SB 1477: political bias; grade challenge department

Sponsor: Senator Kern, LD 27

Caucus & COW

Overview

Creates the Grade Challenge Department (Department) within the Arizona Board of Regents (ABOR) to hear challenges from students who allege a grade was awarded because of political bias.

History

ABOR may adopt, and authorize each public university to adopt, regulations, policies, rules or measures necessary for the effective governance and administration of the public universities. Specific powers of ABOR include establishing curricula, designating courses and awarding degrees and diplomas on the completion of courses and curriculum requirements ([A.R.S. § 15-1626](#)).

Faculty members, subject to the powers and responsibilities of ABOR and the public university presidents, share responsibility for academic/educational activities and personnel matters and participate in university governance and in the development of university policy through their elected faculty representatives ([A.R.S. § 15-1601](#)).

Provisions

1. Establishes the Department within ABOR and a Department location at each public university to hear any class or assignment grade challenges from public university students who allege a grade was awarded because of political bias.
2. Requires the Department to be composed of volunteers selected by ABOR to provide a hearing for students to challenge an overall class or assignment grade.
3. Directs ABOR to provide staff to support the Department as necessary.
4. Authorizes the Department, if it determines that a student's grade was awarded because of political bias, to require any faculty member to regrade the student's assignment or reevaluate the student's overall class grade consistent with the Department's guidance.
5. Allows a student to appeal the Department's decision to ABOR if they believe the Department wrongly dismissed or did not adequately consider the facts of their challenge.
6. Authorizes ABOR to order any faculty member to regrade a student's assignment or reevaluate a student's overall class grade consistent with ABOR's guidance.
7. Defines *public university*.

<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

Senate: ED DP 7-0-1-0 | 3rd Read 28-0-2-0

House: ED DP 6-1-0-3

SB 1558: school employment; criminal convictions; disclosure

Sponsor: Senator Bennett, LD 1

Caucus & COW

Overview

Instructs a person applying for employment at a school district, charter school or private school (school) to provide disclosure of specified criminal offenses.

History

Charter school personnel who are directly or indirectly engaged in instructional work and other specified charter school-related individuals must have a valid fingerprint clearance card (FCC). All other charter school employees must be fingerprint checked, and the charter school may require these employees to obtain a valid FCC. Furthermore, any person who applies for a certificate issued by the State Board of Education (SBE) must have a valid FCC. School district personnel who are not certificated and personnel who provide services directly to students without being supervised by a certificated employee and who meet other prescribed criteria must be fingerprinted, though the school district may require these employees to obtain a valid FCC. Statute lists the offenses that preclude a person from receiving an FCC, including a dangerous crime against children and offenses that require a person to register as a sex offender (A.R.S. §§ [15-106](#), [15-183](#), [15-512](#), [15-534](#), [41-1758.03](#)).

A person is guilty of unprofessional conduct if they are convicted of: 1) a dangerous crime against children; 2) sexual abuse or sexual assault of a minor; 3) an act committed in another state or territory that if committed in Arizona would be a dangerous crime against children or sexual abuse or sexual assault of a minor; 4) sexual conduct with a minor; 5) a preparatory offense of these offenses; or 6) any crime that requires sex offender registration. A person convicted of these offenses must have their certificate revoked by SBE or be prohibited from employment at a public school if the person is not certificated ([A.R.S. § 15-550](#)).

Provisions

1. Requires a person applying for employment by a school to disclose whether they have pled guilty, pled no contest, been convicted of or are awaiting trial on:
 - a) a dangerous crime against children;
 - b) sexual abuse or sexual assault of a minor;
 - c) an act committed in another state or territory that if committed in Arizona would be a dangerous crime against children or sexual abuse or sexual assault of a minor;
 - d) sexual conduct with a minor;
 - e) any crime that requires a person to register as a sex offender; or
 - f) a preparatory offense of these offenses.
2. Declares an individual who knowingly violates the requirement to provide disclosure of the specified criminal offenses is guilty of a class 6 felony.
3. Defines *school*.

<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

Senate: ED DP 7-0-0-0 | 3rd Read 28-0-2-0

House: ED DP 10-0-0-0

SB 1560: public schools; noncertificated personnel; discipline

**Sponsor: Senator Bennett, LD 1
Caucus & COW**

Overview

Expands the authority of the State Board of Education (SBE) to prohibit or restrict a noncertificated person from being employed in a school district or charter school (public school) if the person was disciplined in another jurisdiction.

History

Currently, a *noncertificated person* is a public school employee who does not have a certificate issued by SBE and who is required or allowed to provide services directly to students without being supervised by a certificated employee. However, *noncertificated person* does not include a person who is a: 1) transportation employee; 2) food service employee or contractor; 3) maintenance worker; or 4) public school employee or contractor who is not required to have a valid fingerprint clearance card.

SBE is required to investigate written complaints alleging that a noncertificated person engaged in immoral or unprofessional conduct. SBE may review complaints and determine whether to take disciplinary action against a noncertificated person, including prohibiting that person from being employed at a public school for up to five years. A public school may not employ a noncertificated person who has been prohibited from employment in a public school by SBE in a position that requires a valid fingerprint clearance card ([A.R.S. § 15-505](#)).

An applicant for certification who was disciplined in another jurisdiction for immoral or unprofessional conduct must successfully complete the disciplinary process in that jurisdiction before applying for certification in Arizona. Furthermore, after notice that a person's educator certificate has been revoked in another jurisdiction, SBE may revoke all Arizona certificates issued to that person in a manner consistent with the terms of revocation in the other jurisdiction, unless the person requests a hearing. After such a hearing, SBE must determine whether to uphold or decline the revocation ([A.R.S. § 15-534.04](#)).

Provisions

1. Requires a noncertificated person who was disciplined in another jurisdiction for immoral or unprofessional conduct to successfully complete the disciplinary process in that jurisdiction before being employed by an Arizona public school. (Sec. 2)
2. Allows SBE, after notice that another jurisdiction revoked or suspended a noncertificated person's ability to be employed by a public school, to prohibit the noncertificated person from being employed by an Arizona public school in a manner consistent with the terms of revocation or suspension in the other jurisdiction, unless the person requests a hearing. (Sec. 2)
3. Stipulates that if the noncertificated person requests a hearing, SBE must determine whether to uphold or decline the revocation or suspension after the hearing. (Sec. 2)
4. Authorizes SBE, after notice that a person's educator certificate was suspended in another jurisdiction, to suspend that person's Arizona certificates in a manner consistent with the terms of the suspension in the other jurisdiction. (Sec. 2)
5. Includes, in the definition of *noncertificated person*, a current or prospective public school employee who meets existing statutory criteria. (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

Senate: GOV DP 5-3-0-0 | 3rd Read 16-13-1-0

House: GOV DP 5-4-0-0

SB 1005: public monies; ideology training; prohibition

**Sponsor: Senator Hoffman, LD 15
Caucus & COW**

Overview

Outlines specified prohibitions on a public entity when using public monies.

History

Public money includes bonds and evidence of indebtedness and money belonging to or received by state, county, district, city or town officers in their official capacity ([A.R.S. § 35-302](#)).

The State Treasurer is charged with receiving and keeping in secure custody all monies that belong to the state. The State Treasurer is also required to keep an account of all monies that are received and disbursed and keep separate accounts of the appropriations of money and the different funds ([A.R.S. § 41-172](#)).

Provisions

1. Prohibits a public entity from:
 - a. requiring an employee to engage in a diversity, equity and inclusion program (program);
 - b. spending public monies on a program;
 - c. entering into or renewing a contract with a company that participates in a program;
 - d. spending public monies to acquire services or goods for a program;
 - e. establishing or employing an office or individual whose duties include coordinating, planning or promoting a program;
 - f. advancing or adopting any policy or procedure designed on the basis of race, sex or color or designed to influence the composition of its workforce based on the same; and
 - g. promoting or adopting any outlined theories as the official position of the public entity. (Sec. 1)
2. Allows an employee of a public entity to bring an action against the public entity if the employee is required to participate in a program. (Sec. 1)
3. Specifies that if the employee demonstrates that the public entity violated the prohibitions related to programs, the employee is entitled to injunctive relief. (Sec. 1)
4. Clarifies that a public entity may still:
 - a. offer training on sexual harassment; and
 - b. operate an office staffed by licensed attorneys and legal support staff whose responsibility is to ensure compliance with federal law or an applicable court order. (Sec. 1)
5. Defines *diversity, equity and inclusion program* and *public entity*. (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

Senate: GOV DP 5-3-0-0 | 3rd Read 16-14-0-0

House: GOV DP 5-4-0-0

SB 1013: government investments; products; fiduciaries; plans

**Sponsor: Senator Hoffman, LD 15
Caucus & COW**

Overview

Prescribes requirements relating to the handling of public funds.

History

The State Treasurer is charged with receiving and keeping in secure custody all monies that belong to the state. Additionally, the State Treasurer is required to keep an account of all monies that are received and disbursed and keep separate accounts of the appropriations of money and the different funds ([A.R.S. § 41-172](#)).

Provisions

1. Directs the State Treasurer to post, on its publicly accessible website, a current list of state investments by name and investment managers and update any changes to the lists within a reasonable period of time. (Sec. 1)
2. Declares that all state investments must be made in the sole interest of the beneficiary taxpayer. (Sec. 1)
3. Requires the State Treasurer's evaluation of an investment to be based on pecuniary factors as statutorily prescribed. (Sec. 1)
4. Prohibits the State Treasurer from taking unnecessary investment risks or promoting nonpecuniary benefits or social goals. (Sec. 1)
5. Stipulates that a fiduciary must discharge their duties with respect to a plan solely in the interest of the participants and beneficiaries of the plan for:
 - a. the exclusive purpose of providing pecuniary benefits;
 - b. defraying reasonable expenses of administering the plan; and
 - c. earning a return on the investment. (Sec. 2)
6. Limits a fiduciary from taking into account pecuniary factors in the evaluation of an investment or when discharging the fiduciary's duties with respect to a plan. (Sec. 2)
7. Prohibits a fiduciary from taking into account any nonpecuniary or other factors when evaluating an investment. (Sec. 2)
8. Asserts that only the governmental entity that establishes or maintains a plan is allowed to vote the shares held by the plan. (Sec. 2)
9. Prohibits a governmental entity from granting proxy voting authority to any person not part of the governmental entity unless the person follows the obligation to act based only on pecuniary factors. (Sec. 2)
10. Provides that the shares held by a plan must be voted only in the pecuniary interest of the plan. (Sec. 2)
11. Establishes that the shares of a plan may not be voted to further environmental, ideological, nonpecuniary, political, social or other benefits or goals. (Sec. 2)

12. States that a plan may not entrust any plan assets to a fiduciary that has a practice of:
 - a. engaging with a company based on nonpecuniary factors; or
 - b. voting shares based on nonpecuniary factors. (Sec. 2)
13. Prohibits a fiduciary from adopting a practice of following the recommendations of a proxy advisory firm or other service provider unless their guidelines are consistent with the obligation to act based only on pecuniary factors. (Sec. 2)
14. Defines:
 - a. *fiduciary*;
 - b. *nonpecuniary*;
 - c. *pecuniary factor*; and
 - d. *plan*. (Sec. 2)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: GOV DP 5-3-0-0 | 3rd Read 16-13-1-0

House: GOV DP 5-4-0-0

SB 1061: committees of reference; deadline; extension

Sponsor: Senator Mesnard, LD 13

Caucus & COW

Overview

Modifies the date when a Committee of Reference (COR) must hear and finalize a sunset review report.

History

A COR is responsible for holding a public hearing for determining the actual need of an agency, determining the extent to which statutory requirements of the agency are necessary and being met, receiving testimony from the public about the relationship between the public and the agency and receiving testimony from the executive director and the head of the agency explaining why the agency should continue. Currently, a COR must hold a public hearing on a preliminary sunset review report either when the Legislature is not in session, or before the third Friday in January. Statute additionally stipulates that a COR must deliver a finalized sunset review report to the President of the Senate, the Speaker of the House of Representatives, the Governor, the Auditor General and the affected agency on or before the third Friday in January ([A.R.S. § 41-2954](#)).

Provisions

1. Provides that a COR or each COR meeting jointly, must hold at least one public hearing and deliver a finalized sunset review report by the *last day* in January for a preliminary sunset review report. (Sec. 1)
2. Makes a technical change. (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

Senate: MAPS DP 4-3-0-0 | 3rd Read 16-12-2-0

House: GOV DP 5-2-2-0

SB 1123: critical infrastructure; prohibited agreements

**Sponsor: Senator Rogers, LD 7
Caucus & COW**

Overview

Prohibits a business or governmental entity in Arizona from entering into an agreement involving critical infrastructure if certain criteria apply.

History

[The Committee on Foreign Investment in the U.S.](#) (CFIUS) is an interagency committee authorized to review certain transactions involving foreign investment in the United States and certain real estate transactions of foreign persons.

[The Arizona Department of Public Safety](#) (DPS) is a law enforcement agency with a primary focus of patrolling and enforcing laws on Arizona state highways. DPS provides services such as scientific analysis, aircraft support, emergency first care, criminal information systems and statewide communications.

Current law defines *critical infrastructure* as systems and assets, whether physical or virtual, that are so vital to Arizona and the U.S. that the incapacity or destruction of those systems and assets would have a debilitating impact on security, economic security, public health or safety ([A.R.S. § 41-1801](#)).

Provisions

1. Mandates that a business or governmental entity in Arizona may not enter into an agreement involving critical infrastructure in Arizona with a company if while under the agreement, a company directly or remotely could access or control critical infrastructures in Arizona, except for access that is specifically allowed for product warranty and support purposes. (Sec. 1)
2. Stipulates that a business or governmental entity in Arizona may not enter into an agreement involving critical infrastructure with a company if the company is owned or controlled by either:
 - a. citizens of China, Iran, North Korea or Russia; or
 - b. a company or other entity, including a governmental entity, that is owned or controlled by the citizens or government of China, Iran, North Korea or Russia or is otherwise headquartered in these countries. (Sec. 1)
3. Asserts that a business or governmental entity in Arizona may enter into an agreement involving critical infrastructure with a company if:
 - a. CFIUS determines that there are no unresolved national security concerns regarding the transaction that created the company's ownership or allowed the company to operate within the U.S.; or
 - b. the citizens of China, Iran, North Korea or Russia who own the company are also citizens of the U.S. (Sec. 1)
4. Authorizes the Governor, in consultation with DPS, to designate a country as a threat to critical infrastructure in Arizona. (Sec. 1)
5. Defines *company* and *critical infrastructure*. (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

Senate: GOV DP 7-0-1-0 | 3rd Read 28-0-2-0

House: GOV DP 9-0-0-0

SB 1441: land and buildings transfers; Yuma
Sponsor: Senator Fernandez, LD 23
Caucus & COW

Overview

Transfers ownership of prescribed land and buildings from the Arizona Historical Society to the City of Yuma.

History

The Arizona Historical Society is tasked with procuring, by gift, exchange or purchase: books and materials pertaining to the history of Arizona and the west, narratives of historical events of the early settlement of Arizona, data relating to Indian tribes and historical and scientific reports of the western states ([A.R.S. § 41-823](#)).

The Sanguinetti House Museum and Gardens is located in downtown Yuma and is the 19th-century adobe home turned museum devoted to the life of E.F. Sanguinetti who was known as the "Merchant Prince of Yuma" ([Sanguinetti House](#)). Riverboat captain Jack Mellon built a prominent home in 1873 in the downtown sector of Yuma that is now an historical site. The Molina Block is an adobe commercial structure that was built in the 1870s and used to be considered the premier location for professional offices ([Yuma Heritage](#)).

Provisions

1. Directs the Arizona Historical Society to convey ownership of the following land and buildings to the City of Yuma:
 - a. the Sanguinetti House Museum and Gardens and Jack Mellon House; and
 - b. the Molina Block. (Sec. 1)
2. Instructs the President of the Arizona Historical Society to deliver, within 15 days of the general effective date, a properly signed and recorded deed or patent to the City of Yuma. (Sec. 1)
3. Stipulates that the transferred land and buildings must be used by the City of Yuma for public purposes perpetually and cannot be sold, exchanged or bartered. (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

Senate: HHS DPA 7-0-0-0 | 3rd Read 28-0-2-0

House: HHS DP 8-2-0-0

SB 1048: child fatality review teams; duties

**Sponsor: Senator Shope, LD 16
Caucus & COW**

Overview

Makes modifications to the membership and duties of the State Child Fatality Review Team (State CFR Team) and local child fatality review teams (local review teams). Provides the Chairperson of the State CFR Team or a local review team access to all information and records regarding a child fatality or near fatality under review.

History

The State CFR Team is established in the Arizona Department of Health Services (DHS). The CFR program was created to review all possible factors surrounding a child's death and identify ways of reducing preventable fatalities. Its duties include encouraging and assisting in the development of local review teams, conducting an annual statistical report on the incidence and causes of child fatalities in Arizona and evaluating the incidence and causes of maternal fatalities associated with pregnancy in Arizona. The State CFR Team consists of the head, or designee, of 11 various state offices and entities, as well as 10 additional members appointed by the DHS Director who serve staggered 3-year terms ([CFR Report 2023](#), and [A.R.S. § 36-3501](#)).

If local review teams are organized, they must abide by the standards and protocols developed by the State CFR Team and must have prior authorization from the State CFR Team to conduct fatality reviews. Local review teams must be composed of the head of applicable county medical examiner's office, county health department and the Department of Child Safety, or their designees, as well as six additional members from various professions appointed by the Chairperson of the State CFR Team ([A.R.S. § 36-3502](#)).

On request of the Chairperson of the State CFR Team or local review team and as necessary to carry out team's duties, must be provided within five days excluding weekends and holidays with access to information and records regarding a child whose death is being reviewed by the team, or information and records regarding the child's family and records of a maternal fatality associated with pregnancy from a provider of medical, dental or mental health care and from this state or political subdivision that might assist a team to review a child fatality.

A member of the state CFR Team or local review team is prohibited from contacting, interviewing or obtaining information by request or subpoena from a member of a deceased child's family, unless the member is a public officer or employee who may contact, interview or obtain information as part of the public officers or employee's other official duties, if necessary ([A.R.S. § 36-3503](#)).

Provisions

State CFR Membership & Duties

1. Alters the membership of the State CFR Team, by:
 - a. removing the head of the DHS Office of Planning and Health Status Monitoring;
 - b. combining the heads of the Administrative Office of Courts (AOC) and the Parent Assistance Office of the Supreme Court into one position, the head of AOC's Parent Assistance Program;
 - c. updating the head of the Governor's Office for Children with the head of the Governor's Office of Youth, Faith and Family; and
 - d. replacing the DHS-appointed public member with a member of the local review team. (Sec. 1)

2. Removes the requirement that DHS-appointed members of the State CFR Team serve staggered three-year terms. (sec. 1)
3. Requires the State CFR Team's annual statistical report on the incidence and causes of child fatalities to include data from the past year instead of the fiscal year. (Sec. 1)
4. Requires the State CFR Team, beginning January 1, 2025, to conduct an annual statistical report on the incidence and causes of child fatalities and near fatalities identified by the Department of Child Safety within the past year and submit a copy of the report and its recommendations for action to the Governor, President of the Senate and the Speaker of the House of Representatives by November 15 of each year. (Sec. 1)
5. Requires the State CFR Team's annual statistical report on incident and causes of child fatalities to include available information regarding plans for or progress toward implementation of recommendations. (Sec. 1)
6. Instructs that the recommendations made to a state, agency, board or commission must require a written response indicating whether the agency is capable of implementing the recommendations within its existing authority and resources, including any applicable implementation plan to the Governor, President of the Senate, Speaker of the House of Representatives and the State CFR Team within 60 days after the report is submitted. (Sec. 1)
7. Directs the State CFR Team to inform the Governor and Legislature of the need for specific recommendations regarding sudden unexpected infant death, rather than unexplained infant death. (Sec. 1)

Access to Information

8. Requires local review teams to designate a chairperson to review the death certificates of all women who die within the team's jurisdiction and call meetings when necessary. (Sec. 2)
9. Provides the Chairperson of the State CFR Team or a local review team access to all information and records regarding a child fatality or near fatality under review from a person or institution providing medical, dental, nursing or mental health care. (Sec. 3)
10. Permits a member of the State CFR Team, a local review team or a member's designee to contact, interview or obtain information by request from a family member of a child or woman who dies within the team's jurisdiction pursuant to policies adopted by the State CFR Team. (Sec. 3)
11. Directs the State CFR Team to establish a process for approving any contact, interview or request before any team member or designee contacts, interview or obtains information from a woman or a child's family member within the team's jurisdiction. (Sec. 3)
12. Mandates that any policies adopted must require any individual engaging with a family member to be trained in trauma informed interview techniques and educated on support services available to a family member. (Sec. 3)

Miscellaneous

13. Replaces the psychiatrist or psychologist member of a local review team with a mental health specialist. (Sec. 2)
14. Makes technical and conforming changes. (Sec. 1-3)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: HHS DP 6-0-1-0 | 3rd Read 25-5-0-0

House: HHS DP 8-1-0-1

SB 1062: behavioral health professionals; addiction counseling

**Sponsor: Senator Shope, LD 16
Caucus & COW**

Overview

Replaces the *practice of substance abuse counseling* with *addiction counseling* to include treatment for all forms of addiction that are persistent, compulsive dependence on a behavior or substance.

History

AzBBHE

The Arizona Board of Behavioral Health Examiners (AzBBHE) is authorized to establish and maintain standards of qualifications and performance for licensed behavioral health professionals in the areas of counseling, marriage and family therapy, social work and substance abuse counseling and to regulate the practice of licensed behavioral health professionals for protection of the public.

The *practice of substance abuse counseling* is the professional application of general counseling theories, principles and techniques as specifically adapted, based on research and clinical experience, to the specialized needs and characteristics of persons who are experiencing substance abuse, chemical dependency and related problems and to the families of those persons. This includes assessment, appraisal and diagnoses or the use of psychotherapy for the purpose of evaluation, diagnosis and treatment of individuals, couples, families and groups ([A.R.S. § 32-3251](#)).

Licensed Substance Abuse Technicians

A person who wishes to be licensed by AzBBHE as a substance abuse technician must present documentation as prescribed by AzBBHE by rule that they have received either an associate degree in chemical dependency or substance abuse with an emphasis on counseling or a bachelor's degree in behavioral science with an emphasis on counseling. Both degrees must be from a regionally accredited college or university that meets the requirements as described in AzBBHE rules. Applicants must also pass an examination approved by AzBBHE and licensees can only practice under direct supervision ([A.R.S. § 32-3321](#)).

Licensed Associated Substance Abuse Counselors

A person who wishes to be licensed by AzBBHE as an associate substance abuse counselor must present evidence as prescribed by AzBBHE rules that the person has received either a bachelor's degree in a behavioral science with an emphasis on counseling or a master's or higher degree in a behavioral science with an emphasis on counseling. Both degrees must be from a regionally accredited college or university that meets the requirements as described in AzBBHE rules. Specifically, applicants who received a bachelor's degree in a behavioral science must also show proof that they completed at least 1,600 hours of direct client contact work experience in at least 24 months in substance abuse counseling under supervision. For the direct client contact hours, not more than 400 hours can be in psychoeducation. Applicants must also pass an examination approved by AzBBHE ([A.R.S. § 32-3321](#)).

Licensed Independent Substance Abuse Counselors

A person who wishes to be licensed by AzBBHE as an independent substance abuse counselor by AzBBHE must: 1) have received a master's or higher degree in a behavioral science with an emphasis on counseling, in a program that is approved by AzBBHE or that meets the requirements as prescribed by rule, from a regionally accredited college or university; 2) present documentation as prescribed by AzBBHE rules that the applicant has received at least 1,600 hours of work experience in at least 24 months in substance abuse

counseling with direct client contact under supervision that meets the requirements as prescribed by rule; 3) pass an examination approved by AzBBHE; and 4) provide an attestation from their supervisor on a AzBBHE approved form that the applicant was observed during supervised hours to have demonstrated satisfactory competency in clinical documentation, consultation, collaboration and coordination of care related to clients to whom the person provided direct care and has a rating of at least satisfactory in overall performance. For the direct client contact hours, not more than 400 hours can be in psychoeducation ([A.R.S. § 32-3321](#)).

Provisions

1. Broadens the practice of substance abuse counseling to include treatment for all forms of addiction. (Sec. 7)
2. Replaces statutory uses of the term substance abuse counseling with the term addiction counseling. (Sec 1-13)
3. Defines the *practice of addiction counseling* to mean the professional application of general counseling theories, principles and techniques to the specialized needs of persons who are experiencing an addiction that is a persistent, compulsive dependence on a behavior or substance, including mood altering behaviors or activities known as process addictions. (Sec. 7)
4. Instructs *licensed substance abuse technicians, associate substance abuse counselors and independent substance abuse counselors* to change their licensure designation to *licensed addiction technician, associate addiction counselor or independent addiction counselor* by their license renewal date upon the effective date of this act. (Sec. 14)
5. Exempts AzBBHE from rulemaking requirements for one year in order to license and regulate addiction counselors and technicians. (Sec. 15)
6. Makes technical and conforming changes. (Sec. 1, 4, 6-10, 12, 13)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: HHS DPA 6-0-1-0 | 3rd Read 29-0-1-0

House: HHS DP 9-0-0-1

SB 1067: DCS; group homes; investigations

Sponsor: Senator Shope, LD 16
Caucus & COW

Overview

Expands the definition of *abuse* to include physical injury or serious emotional damage of a child caused by an employee of a child welfare agency where a child is placed that is licensed by and contracted with the Arizona Department of Child Safety (DCS). Directs a DCS centralized intake hotline worker to prepare a report if the identity of the person who is suspected of abuse is an employee of a child welfare agency and meets the outlined criteria.

History

Abuse is the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is caused by the acts or omissions of an individual who has the care, custody and control of a child. Additionally, *abuse* includes inflicting or allowing sexual abuse, sexual conduct with a minor, sexual assault, molestation of a child, commercial sexual exploitation of a minor, incest or child sex trafficking. It also includes any physical injury that results from allowing a child to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purpose of manufacturing a dangerous drug and unreasonable confinement of a child ([A.R.S. § 8-201](#)).

DCS is required to operate and maintain a centralized intake hotline to protect children by receiving, at all times, communications concerning suspected abuse or neglect. The hotline is the first step in the safety assessment and investigation process. A hotline worker is required to prepare a DCS report if the identity or current location of the child victim, the child's family or the person suspected of abuse and neglect is known or can be reasonably ascertained and all outlined criteria are met. A DCS report must include, if available, all of the following:

- 1) the name, address or contact information for the person making the communication;
- 2) the name, address and other location or contact information for the parent, guardian or custodian of the child or other adult member of the child's household who is suspected of committing the abuse or neglect;
- 3) the name, address and other location or contact information for the child;
- 4) the nature and extent of the indications of the child's abuse or neglect, including any indication of physical injury; and
- 5) any information regarding possible prior abuse or neglect, including reference to any communication or DCS report involving the child, the child's siblings or the person suspected of committing the abuse or neglect ([A.R.S. § 8-455](#)).

Provisions

1. Modifies the definition of *abuse* to include physical injury or serious emotional damage of a child caused by an employee of a child welfare agency where a child is placed that is licensed by and contracted with DCS. (Sec. 1)

2. Requires a DCS hotline worker to prepare a report if the identity of the person who is suspected of abuse is an employee of a child welfare agency and both of the following apply:
 - a) the child victim is placed with the agency; and
 - b) the agency is licensed by and contracted with DCS. (Sec. 2)
3. Requires a DCS report to include the name, address and other location or contact information of an employee of a child welfare agency who is suspected of committing abuse if both of the following apply:
 - a) the child victim is placed with the agency; and
 - b) the agency is licensed by and contracted with DCS. (Sec. 2)
4. Requires an investigator, after receiving a DCS report from the centralized intake hotline, to make a prompt and thorough investigation that evaluates and determines the nature, extent, and cause of any condition created by an employee of a child welfare agency where the child is placed that is licensed by and contracted with DCS. (Sec. 3)
5. Requires a child safety worker on initial contact of a child welfare agency employee who is under investigation to inform them of their rights. (Sec. 4)
6. Requires an administrative law judge to determine if probable cause exists to sustain DCS's findings that the employee of a child welfare agency where the child was placed at the time abused the child. (Sec. 5)
7. Makes technical and conforming changes. (Sec. 1-5)

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: HHS DP 7-0-0-0 | 3rd Read 27-0-3-0

House: HHS DPA 8-2-0-0

SB 1211: pharmacists; prescribing; naloxone; reporting

**Sponsor: Senator Shope, LD 16
Caucus & COW**

Overview

An emergency measure that permits a pharmacist to dispense naloxone hydrochloride or any other opioid antagonist approved by the U.S. Food and Drug Administration (FDA) without a signed prescription and repeals reporting and rulemaking requirements.

History

A licensed physician or nurse practitioner who is authorized by law to prescribe drugs or any other health profession who has prescribing authority and acting within their scope of practice may prescribe or dispense, directly or by a standing order, naloxone hydrochloride or any other opioid antagonist that is approved by the FDA for use according to the protocol specified by the health care professional to a person who is at risk of experiencing an opioid-related overdose, to a family member of that person, to a community organization that provides services to persons who are at risk of an opioid-related overdose or to any other person who is in a position to assist a person who is at risk of experiencing an opioid-related overdose ([A.R.S. § 36-2266](#)).

A *standing order* is a signed prescription order that authorizes a pharmacist to dispense naloxone hydrochloride or any other opioid antagonist for emergency purposes and that is issued by a medical practitioner or a state or county health officer. Pharmacists must dispense opioid antagonists in accordance with rules established by the Arizona State Board of Pharmacy (Board) (A.R.S. §§ [32-1968](#) and [32-1979](#)).

A medical practitioner who dispenses naloxone hydrochloride or any other opioid antagonist that is FDA-approved and is dispensed by a pharmacist, the medical practitioner must report certain information which includes the name, strength, quantity, dosage and national drug code number of the drug ([A.R.S. § 36-2608](#)).

The FDA approved Narcan, 4mg naloxone hydrochloride nasal spray for over the counter, nonprescription use on March 29, 2023 ([FDA](#)). The second opioid antagonist was approved for over the counter, nonprescription use, RiVive, 3mg naloxone hydrochloride nasal spray on July 28, 2023 ([FDA](#)).

Provisions

1. Permits a pharmacist to dispense naloxone hydrochloride or any other opioid antagonist approved by the FDA without a signed prescription. (Sec. 1)
2. Exempts naloxone hydrochloride and any other opioid antagonist that has been prescribed by a health care practitioner from laws regulating the mislabeling or misbranding of a drug. (Sec. 1)
3. Removes the requirement that the Board establish protocols for the dispensing of naloxone hydrochloride and any other opioid antagonist. (Sec. 1-3)
4. Repeals the requirement that a pharmacist who dispenses naloxone hydrochloride or another opioid antagonist to report specified prescription information, including the name, strength, quantity dosage and national drug code number of the drug. (Sec. 3)
5. Removes the provision that prohibits naloxone hydrochloride or any other opioid antagonist to be viewable on the patient utilization report. (Sec. 3)

6. Contains an emergency clause. (Sec. 4)

7. Makes conforming changes. (Sec. 2)

Amendments

Committee on Health & Human Services

1. Allows the Executive Director to transfer up to \$1,000,000 annually to the Poison and Drug Information Center that serves Maricopa County.

2. Makes technical changes.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: JUD DP 4-3-0-0 | 3rd Read 16-10-4-0-0

House: JUD DP 6-3-0-0

SB 1007: schools; libraries; explicit materials; classification

**Sponsor: Senator Hoffman, LD 15
Caucus & COW**

Overview

Specifies that an employee or independent contractor within a public school or public library who violates the prohibitions relating to sexually explicit materials is guilty of a class 5 felony.

History

Current statute prohibits a public school from referring students to or using sexually explicit materials in any manner. A public school may be exempt from this prohibition if the following requirements are met:

- 1) the sexually explicit material provides serious educational, literary, artistic, political or scientific value to minors;
- 2) the school requires written parental consent on a per-material basis before referring students to or utilizing the sexually explicit material; and
- 3) the school provides students without parental consent alternative assignments that do not contain sexually explicit material ([A.R.S. § 15-120.03](#)).

A parent of a student in a public educational institution reserves the right to review learning materials and activities in advance. A parent may object to any learning material or activity on the basis that the learning material or activity is harmful and may request their child to be withdrawn from the activity, class or program or request an alternative assignment. Statute defines *objects to any learning material or activity on the basis that the material or activity is harmful* as objecting to the material or activity because of the sexual content, violent content or profane or vulgar language. Additionally, public educational institutions are required to obtain written consent from a student's parent or guardian before:

- 1) using video, audio or electronic learning materials that may be age inappropriate; or
- 2) providing sex education instruction to a student in addition to notifying the parent or guardian of their right to review the learning material and activities ([A.R.S. § 15-113](#)).

Provisions

1. Classifies the existing violation under [A.R.S. § 15-120.03](#) relating to the referral of a student to sexually explicit materials by an employee or independent contractor of a public school as a class 5 felony if the employee or independent contractor acts with criminal negligence. (Sec. 1)
2. Adds a new section of statute to [A.R.S. title 34](#) that prohibits an employee or independent contractor of a public library from:
 - a. referring an unemancipated minor to any sexually explicit material in any manner; and
 - b. facilitating an unemancipated minor's access to any sexually explicit material in any manner. (Sec. 3)
3. Classifies a violation of these new prohibitions by an employee or independent contractor of a public library as a class 5 felony if the employee or independent contractor acts with criminal negligence. (Sec. 3)
4. Defines *public library* and *sexually explicit materials* for purposes of this new statute in [A.R.S. title 34](#). (Sec. 3)
5. Modifies chapter and article headings. (Sec. 2)

6. Makes a conforming change. (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

Senate: JUD DP 7-0-0-0 | 3rd Read DP 21-5-4-0-0

House: JUD DP 4-2-1-2

SB 1051: location tracking applications; disabling prohibited

**Sponsor: Senator Carroll, LD 28
Caucus & COW**

Overview

Establishes *disabling a minor's location tracking application* as a class 2 felony offense.

History

[A.R.S. title 13](#), chapter 13 (kidnapping and related offenses) includes offenses specifically relating to minors such as *custodial interference* ([A.R.S. § 13-1302](#)), *kidnapping* ([A.R.S. § 13-1304](#)) and others. Kidnapping is a class 2 felony, and if the victim is under 15 years of age, kidnapping is a class 2 felony punishable pursuant to [A.R.S. § 13-705](#) (dangerous crimes against children). The sentence for kidnapping a victim under 15 years of age runs consecutively to any other sentence imposed on the defendant.

[A.R.S. title 13](#), chapter 14 (sexual offenses) includes numerous offenses that specifically relate to or may involve minors including *sexual abuse* ([A.R.S. § 13-1404](#)), *sexual conduct with a minor* ([A.R.S. § 13-1405](#)), *molestation of a child* ([A.R.S. § 13-1410](#)) and others. Moreover, chapter 35.1 of the criminal code (sexual exploitation of children) defines several other offenses specifically relating to minors, such as *sexual exploitation of a minor* ([A.R.S. § 13-3553](#)), *luring a minor for sexual exploitation* ([A.R.S. § 13-3554](#)) and *unlawful age misrepresentation* ([A.R.S. § 13-3561](#)).

An *electronic communication device* is defined in [A.R.S. § 13-3561](#) as any electronic device that is capable of transmitting visual depictions and includes any of the following:

- 1) a *computer, computer system or network* as defined in [A.R.S. § 13-2301](#); and
- 2) a *cellular telephone or wireless telephone* as defined in [A.R.S. § 13-4801](#).

A class 2 felony carries a presumptive sentence of five years for first time offenders ([A.R.S. § 13-702](#)).

Provisions

1. Creates the criminal offense of *disabling a minor's location tracking application*, which involves a person knowingly disabling, or coercing a minor to disable, a location tracking application or function that is installed on the minor's electronic communication device while the person is committing, or attempting to commit, any of the following:
 - a. kidnapping or a related offense under [A.R.S. title 13](#), chapter 13;
 - b. a sexual offenses under [A.R.S. title 13](#), chapter 14;
 - c. a sexual exploitation of a child offense under [A.R.S. title 13](#), chapter 35.1. (Sec. 1)
2. Classifies disabling a minor's location tracking application as a class 2 felony. (Sec. 1)
3. Defines *electronic communication device*. (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

Senate: JUD DP 4-3-0-0 | 3rd Read DPA 16-13-1-0-0

House: JUD DP 6-3-0-0

SB 1073: obstruction highway; large event; classification

**Sponsor: Senator Kavanagh, LD 3
Caucus & COW**

Overview

Establishes a new form of the existing offense of obstructing a highway or other public thoroughfare and classifies this new form of the offense as a class 6 felony.

History

Under current law, a person commits *obstructing a highway or other public thoroughfare* if the person, alone or with other persons, does any of the following:

- 1) having no legal privilege to do so, recklessly interferes with the passage of any highway or public thoroughfare by creating an unreasonable inconvenience or hazard (which is a class 2 misdemeanor, except that a second or subsequent violation within a period of 24 months is a class 1 misdemeanor);
- 2) intentionally activates a pedestrian signal on a highway or public thoroughfare if the person's reason for activating the signal is not to cross the highway or public thoroughfare but to do both of the following:
 - a) stop the passage of traffic on the highway or public thoroughfare;
 - b) solicit a driver for a donation or business (which is a class 3 misdemeanor);
- 3) after receiving a verbal warning to desist, intentionally interferes with passage on a highway or other public thoroughfare or entrance into a public forum that results in preventing other persons from gaining access to a governmental meeting, a governmental hearing or a political campaign event (which is a class 1 misdemeanor).

For purposes of this offense *public forum* has the same meaning prescribed in [A.R.S. § 15-1861](#) ([A.R.S. § 13-2906](#)). The *culpable mental states*, including *intentionally* and *recklessly*, are defined in [A.R.S. § 13-105](#).

Provisions

1. Adds a new form of obstructing a highway or other public thoroughfare involving a person who, having no legal privilege to do so and after receiving a verbal warning to desist, intentionally interferes with either of the following:
 - a. passage on any roadway in or leading to an airport;
 - b. passage on a highway, bridge or tunnel currently holding 25 or more vehicles or people. (Sec. 1)
2. Classifies this new form of the offense as a class 6 felony. (Sec. 1)
3. 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

Senate: JUD DP 5-2-0-0 | 3rd Read 18-8-4-0-0

House: JUD DP 6-3-0-0

SB 1129: transient occupants; property; removal

**Sponsor: Senator Rogers, LD 7
Caucus & COW**

Overview

Adds a new section of statute deeming a transient occupant's failure to leave a residential dwelling under certain circumstances to be unlawful and prescribing liability and remedies.

History

The criminal code includes multiple forms of criminal trespass offenses, some of which might involve residential property. For example, a person can commit *criminal trespass in the third degree*, a class 3 misdemeanor, by knowingly entering or remaining unlawfully on any real property after a reasonable request to leave by a law enforcement officer, the owner or any other person having lawful control over such property, or reasonable notice prohibiting entry ([A.R.S. § 13-1502](#)). Additionally, one form of *criminal trespass in the first degree* involves a person who knowingly enters or remains unlawfully in or on a residential structure, which is a class 1 misdemeanor ([A.R.S. § 13-1504](#)).

The Arizona Residential Landlord and Tenant Act (ARLTA), codified at [A.R.S. title 33](#), chapter 10 (A.R.S. §§ [33-1301](#) through [33-1381](#)), governs the relationship between tenants and landlords under residential leases in the state of Arizona, including prescribing their respective rights and obligations and providing remedies for noncompliance.

[A.R.S. title 12](#), chapter 8, article 4 (A.R.S. §§ [12-1171](#) through [12-1183](#)), relating to forcible entry and detainer, generally provides remedies for obtaining possession of premises that are unlawfully withheld by a tenant. The chapter delineates the specific acts that constitute forcible entry and detainer and prescribes processes for an aggrieved party to obtain judicial recourse through a forcible entry or detainer action.

Provisions

1. Deems a transient occupant of a residential dwelling who receives a written direction to leave the premises from the person who is entitled to possession of the property to be an unlawful occupant of the property. (Sec. 1)
2. Subjects a transient occupant who fails to leave the premises after receiving a written directive to do so to removal by a law enforcement officer as prescribed below or by an order of a court in a forcible detainer action pursuant to [A.R.S. title 12](#), chapter 8, article 4. (Sec. 1)
3. Allows a person who is entitled to possession of property that is occupied by a transient occupant to submit a sworn affidavit to a law enforcement officer and prescribes the information that must be included in the affidavit. (Sec. 1)
4. Authorizes a law enforcement officer, after receiving an affidavit as described above, to direct the transient occupant to surrender possession of the residential property and deems it a trespass offense for a person to fail or refuse to surrender possession of the property as directed by the law enforcement officer. (Sec. 1)
5. Permits a person who is wrongfully removed from a premises to file an action and recover damages for forcible entry and detainer against the person who claims the right to possession of the property. (Sec. 1)

6. Defines a *transient occupant* and specifies that the definition does not include a *tenant* as defined in ARLTA. (Sec. 1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: MAPS DP 6-1-0-0 | 3rd Read DP 17-11-2-0-0

House: JUD DP 6-3-0-0

SB 1155: lifetime probation; sexual offenses; termination

**Sponsor: Senator Shamp, LD 29
Caucus & COW**

Overview

Prohibits a person on lifetime probation for a sexual offense from petitioning for probation termination until a certain amount of time has passed based on felony level. Requires the probation department to complete an investigation of the probationer's current or pending criminal charges and prohibits probation modification or termination if there are current or pending charges.

History

The criminal code includes several provisions that govern the procedure for a court to impose a term of probation; define the different types of probation that may be imposed for eligible offenses; and delineate the terms and conditions that a defendant is subject to while on probation. In some cases, either on its own initiative or on application from the probationer, the sentencing court is authorized to terminate the period of probation early after notice and an opportunity to be heard for the prosecuting attorney and, on request, the victim. But probation can only be terminated early if in the court's opinion the ends of justice will be served and if the conduct of the defendant on probation warrants it ([A.R.S. § 13-901](#)).

Current law enumerates maximum terms of probation that may be imposed based on the sentencing classification for the offense. However, for certain offenses, such as those in [A.R.S. title 13](#), chapters 14 (sexual offenses) and 35.1 (sexual exploitation of children), the court is required to impose no less than the applicable probation term and may extend probation for up to life if the court believes it is appropriate for the ends of justice ([A.R.S. § 13-902](#)).

Statute permits probationers to request that the court conduct a probation hearing at least once a year if the probationer is under 22 years of age and was convicted of an offense that occurred when the person was under the age 18 and requires the probationer to register as a sex offender pursuant to [A.R.S. § 13-3821](#) ([A.R.S. § 13-923](#)).

Provisions

1. Prohibits, notwithstanding any other law, a person on lifetime probation for a sexual offense from petitioning a court to terminate the person's probation before the following expiration of time:
 - a. for a class 2 or 3 felony conviction, 20 years after the date that the person was placed on probation;
 - b. for a class 4, 5 or 6 felony conviction, 10 years after the date that the person was placed on probation.
 (Sec. 1)
2. States that the previous provision does not apply to a person who requests an annual probation review hearing pursuant to [A.R.S. § 13-923](#). (Sec. 1)
3. Requires the applicable probation department to complete an investigation of arrest notifications and warrant checks of a person placed on probation for a felony sexual offense to determine whether the person has any current or pending criminal charges before recommending a modification or early termination of the person's probation sentence. (Sec. 1)
4. Prohibits a court from issuing an order terminating or modifying the person's probation sentence if there is a current or pending criminal charge against the person. (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

Senate: JUD DP 5-1-1-0 | 3rd Read DP 18-10-2-0

House: JUD DP 6-2-1-0

SB 1185: catalytic converter; unlawful use; classification

**Sponsor: Senator Kavanagh, LD 3
Caucus & COW**

Overview

Classifies the unlawful purchase, solicitation, advertisement, possession or sale of 10 or more catalytic converters as a class 6 felony.

History

Current law classifies the unlawful purchase, solicitation, advertisement, possession or sale of a used catalytic converter or any nonferrous parts of a catalytic converter as a class 1 misdemeanor. Statutory exceptions include:

- 1) the possession or sale of a used catalytic converter or any nonferrous parts of a catalytic converter by an automotive recycler that is licensed pursuant to title 28, chapter 10 if the possession or sale is in the automotive recycler's ordinary course of business;
- 2) the purchase or sale of a used catalytic converter or any nonferrous parts of a catalytic converter as prescribed by statute that are acquired in a transaction with an industrial account, with another scrap metal dealer or after the used catalytic converter or the nonferrous parts of a catalytic converter are authorized for release by a peace officer of the jurisdiction in which the transaction occurs, except that a solicitation or advertisement for a used catalytic converter or any nonferrous parts of a catalytic converter may be made only for industrial accounts; and
- 3) the possession or sale of a used catalytic converter or any nonferrous parts of a catalytic converter by a commercial motor vehicle parts or repair business that sells or installs a new catalytic converter if the possession or sale is in the business's ordinary course of business.

For purposes of the third exception mentioned above, statute requires commercial motor vehicle parts or repair businesses to purchase used catalytic converters in compliance with the United States Environmental Protection Agency (EPA). Used catalytic converters in compliance with EPA policies must be marked with the following information:

- 1) the date the catalytic converter was removed from the vehicle; and
- 2) the vehicle identification number (VIN) from which the catalytic converter was removed or an alternative number which can immediately be linked to the VIN by law enforcement.

Any individual who purchases a used catalytic converter or any nonferrous parts of a catalytic converter must electronically submit to the Department of Public Safety a record of each transaction relating to the used catalytic converter or any nonferrous parts in accordance with [A.R.S. § 44-1644](#) ([A.R.S. § 13-3728](#)).

Catalytic converters are defined as the parts of a motor vehicle exhaust system that are used for controlling the exhaust emissions from motor vehicles and that contain a catalyst metal ([A.R.S. § 44-1642.01](#)).

Provisions

1. Adds that a violation of [A.R.S. § 13-3728](#) involving 10 or more catalytic converters is a class 6 felony. (Sec. 1)
2. Makes a technical change. (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

Senate: JUD DP 4-3-0-0 | 3rd Read DP 16-10-4-0-0

House: JUD DP 6-3-0-0

SB 1189: political subdivisions; gun shows; preemption

**Sponsor: Senator Wadsack, LD 17
Caucus & COW**

Overview

Proscribes an Arizona political subdivision (Subdivision) from prohibiting a gun show from occurring within the Subdivision.

History

Current statute prohibits Subdivisions from enacting any ordinance, rule or tax relating to the transportation, possession, carrying, sale, transfer, purchase, acquisition, gift, devise, storage, licensing, registration, discharge or use of firearms or ammunition, any firearm or ammunition components or related accessories in Arizona. Additionally, Subdivisions may not require the licensing or registration of firearms or ammunition, any firearm or ammunition components or related accessories. Subdivisions cannot prohibit the ownership, purchase, sale or transfer of firearms or ammunition, any firearm or ammunition components or related accessories.

Subdivisions are prohibited from requiring or maintaining any record, whether permanent or temporary, which contains the following information:

- 1) any identifying information of a person who leaves a weapon in temporary storage at a public establishment beyond what is necessary for the owner to retrieve the firearm;
- 2) any identifying information of a person who owns, possesses, purchases, sells or transfers a firearm; and
- 3) the description, including the serial number, of a weapon that is left in temporary storage at a public establishment or event.

A Subdivision is prohibited from enacting any rule or ordinance that relates to firearms and is more prohibitive than or that has a penalty that is greater than any state law penalty. Any rule or ordinance inconsistent with or more restrictive than state law is null and void ([A.R.S. § 13-3108](#)).

Firearm is defined as any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon that will expel, is designed to expel or may readily be converted to expel a projectile by the action of an explosive, and does not include a firearm in permanently inoperable condition. *Firearm accessory* is defined to mean an item that is used in conjunction with or mounted on a firearm but that is not essential to the basic function of a firearm, including telescopic or laser sights, magazines, flash suppressors, folding or aftermarket stocks and grips, speed loaders, ammunition carriers and lights for target illumination (A.R.S. §§ [13-3114](#), [13-3101](#)).

Provisions

1. Proscribes a Subdivision from prohibiting a gun show from occurring within the Subdivision or enacting or enforcing any rule or policy that primarily affects and effectively prohibits a gun show from occurring. (Sec. 1)
2. Makes technical and 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

Senate: JUD DP 4-3-0-0 | 3rd Read DP 16-10-4-0-0

House: JUD DP 6-2-0-1

SB 1198: disruption; educational institution; concealed weapon

Sponsor: Senator Rogers, LD 7
Caucus & COW

Overview

Limits the authority of a university, college or community college governing board to prohibit a person from lawfully possessing a concealed weapon under a valid permit or transporting or storing a firearm in the person's car or motorcycle on university, college or community college campus.

History

Current law requires the governing board of every educational institution to adopt and enforce rules pursuant to Title 41, Chapter 6, for the purpose of maintaining order and public safety. Any weapon, dangerous instrument or explosive that is found to violate the educational institution's regulations established by the board is subject to forfeiture pursuant to [A.R.S. § 13-3105](#) and A.R.S. Title 13, Chapter 39

Educational institution is defined as any university, college, community college, high school or common school in the state of Arizona. Property of an educational institution is defined to include any land, buildings or other facilities that are owned, operated or controlled by the Board of an educational institution and devoted to educational purposes ([A.R.S. § 13-2911](#)).

[A.R.S. § 13-3112](#) outlines the process and requirements for a person to obtain a permit to carry a concealed weapon, and [A.R.S. § 12-781](#) provides for the lawful transportation or storage of a firearm in or on a person's privately owned motor vehicle or motorcycle.

Provisions

1. States that the Board of any university, college or community college may not prohibit;
 - a. the possession of a concealed weapon by an individual who possess a valid permit in accordance with [A.R.S. § 13-3112](#); or
 - b. the transportation or storage of a firearm pursuant to [A.R.S. § 12-781](#). (Sec. 1)
2. 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 checked="" type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: JUD DPA/SE 7-0-0-0 | 3rd Read 24-2-4-0-0

House: JUD DP 9-0-0-0

[SB 1214](#): continuing education; agency license requirements

Sponsor: Senator Petersen, LD 14
Caucus & COW

Overview

Requires the Arizona Supreme Court to allow a member of the State Bar of Arizona to earn continuing legal education credit for attending continuing education to fulfill a license renewal requirement with a different agency if certain requirements are met.

History

The Arizona Supreme Court (Court) maintains under its direction and control a corporate organization known as the State Bar of Arizona (Bar), whose purpose is to serve and protect the public with respect to the provision of legal services and access to justice. By rule, every person licensed to engage in the practice of law in Arizona must be member of the Bar ([Ariz. Sup. Ct. R. 32](#)). Unless exempted, every active member of the Bar is required to complete a minimum of 15 hours of continuing legal education (CLE) each educational year, which begins on July 1 and ends on the following June 30 ([Ariz. Sup. Ct. R. 45](#)).

Similarly, members of several other professions that are regulated by Arizona agencies, boards and commissions—many of which are governed by [A.R.S. title 32](#) (professions and occupations)—are required to complete continuing education requirements. For example, certain licensees regulated by the Arizona Department of Real Estate, among many others, are required to complete specified amounts of continuing education in order to renew their licenses ([A.R.S. § 32-2130](#) and [A.A.C. R4-28-402](#))

Provisions

1. Requires the Court to provide that, if a member of Bar attends a continuing education program and earns continued education credit to fulfill a state agency license renewal requirement, the member will also earn CLE credit if the continuing education program does all of the following:
 - a. consists of an organized program of learning;
 - b. deals with matters directly related to the law;
 - c. follows an agenda;
 - d. is accompanied by substantive or practical written materials or exercises. (Sec. 1)
2. Defines *state agency license renewal requirement* as an amount of continuing education that a person must obtain in order to satisfy a requirement imposed by law to maintain or renew a professional license issued by an agency, board, commission or department of the state of Arizona. (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

Senate: JUD DPA 7-0-0-0 | 3rd Read 26-0-4-0-0

House: JUD DP 9-0-0-0

SB 1364: probation; transfer
Sponsor: Senator Bolick, LD 2
Caucus & COW

Overview

Allows a probationer to request to live in and serve their probation in another county in the state if they meet certain requirements.

History

The criminal code includes several provisions that govern the procedure for a court to impose a term of probation, define the different types of probation that may be imposed for eligible offenses and delineate the terms and conditions that a defendant is subject to while on probation.

The conditions of *supervised probation* are dependent on the offense committed and the discretion of the court. Common requirements often include but are not limited to regularly reporting to a parole officer, community service or counseling.

Intensive probation is a highly structured and closely supervised probation that emphasizes individualized intervention for a person deemed appropriate for the program pursuant to [A.R.S. § 13-914 \(A.R.S. § 13-913\)](#).

Provisions

1. Allows a probationer at the time of sentencing or disposition for intensive or supervised probation to request to live in another county in the state during their probation if they can provide proof of family caregiving obligations, employment, housing or an offer of employment or housing that will assist in the probationer's positive behavioral change. (Sec. 1)
2. Requires the supervising probation department to do the following upon the probationer's request:
 - a. confirm the details of the probationer's employment, housing or family caregiving plans;
 - b. review victim safety concerns and ensure compliance with the Victim's Bill of Rights;
 - c. submit the request for permission to proceed to the receiving county within seven business days after receipt. (Sec. 1)
3. After verifying the information from the sending probation department, requires the receiving probation department to send permission for the probationer to be received in the county within seven business days after receipt, unless the receiving department finds that the basis of the plan not factual or that the transfer will endanger the victim. (Sec. 1)
4. Except for revocation hearings or on court order, prohibits the receiving probation department from sending the probationer back to the sending department if the probationer violates the terms of probation or commits an additional offense. (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

Senate: MAPS DP 5-0-2-0 | 3rd Read DP 22-6-2-0-0

House: JUD DP 6-3-0-0

SB 1412: shoplifting; prior offenses

Sponsor: Senator Gowan, LD 19
Caucus & COW

Overview

For purposes of the enhanced class 4 felony sentencing classification that applies to a person who commits shoplifting and has previously committed or been convicted of certain outlined offenses within the past five years, requires that any time that a person spent on absconder status while on probation, on escape status or incarcerated be excluded from the five-year calculation.

History

Under [A.R.S. § 13-1805](#), a person commits *shoplifting* if, while in an establishment in which merchandise is displayed for sale, the person knowingly obtains such goods of another with the intent to deprive that person of such goods by doing any of the following:

- 1) removing any of the good from the immediate display or from any other place within the establishment without paying the purchase price;
- 2) charging the purchase price of the goods to a fictitious person or any person without that person's authority;
- 3) paying less than the purchase price of the goods by some trick or artifice such as altering, removing, substituting or otherwise disfiguring any liable, price tag or marking;
- 4) transferring the good from one container to another;
- 5) concealment.

Shoplifting can generally carry a sentencing classification ranging from a class 5 felony to a class 1 misdemeanor depending on the value of the property involved in the offense or other circumstances (such as whether the offense was committed to further or assist any criminal street gang or criminal syndicate).

However, under [A.R.S. § 13-1805](#), subsection I, shoplifting can become a class 4 felony if a person commits shoplifting and has previously committed or been convicted within the past five years of two or more offenses involving burglary, shoplifting, robbery, organized retail theft or theft.

A class 4 felony carries a presumptive imprisonment sentence of 2.5 years for a first-time felony offender, with a possible maximum sentence of 15 years for aggravated offenses committed by a category 3 repetitive offender (A.R.S. §§ [13-702](#) and [13-703](#)). The fine for a felony may be up to \$150,000 ([A.R.S. § 13-801](#)).

The *culpable mental states*, including *intentionally* (or *with intent to*) and *knowingly*, are defined in [A.R.S. § 13-105](#). The term *obtain* is defined in [A.R.S. § 13-1801](#).

Provisions

1. Mandates that the following periods of time be excluded when calculating whether a person has previously committed or been convicted within the past five years of two or more of the offenses listed in [A.R.S. § 13-1805](#), subsection I:
 - a. any time the person spent on absconder status while on probation;
 - b. any time the person spent on escape status;
 - c. any time the person spent incarcerated. (Sec. 1)
2. For purposes of this new provision, defines *escape* as either of the following:

- a. a departure from custody or from a juvenile secure care facility, a juvenile detention facility or an adult correctional facility in which a person is held or detained, with knowledge that the departure is not allowed, or the failure to return to custody or detention following a temporary leave granted for a specific purpose or for a limited period;
 - b. a failure to report as ordered to custody or detention to begin serving a term of incarceration. (Sec. 1)
3. Makes technical changes. (Sec. 1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: JUD DP 7-0-0-0 | 3rd Read DP 26-0-4-0-0

House: JUD DP 9-0-0-0

SB 1436: offenses; lifetime injunction

Sponsor: Senator Bolick, LD 2
Caucus & COW

Overview

Expands to the list of felony offenses in which a prosecutor or victim may file a petition requesting lifetime injunction.

History

Current law allows a prosecutor or the victim of a dangerous felony offense, serious offense, violent or aggravated felony or a sex offense to file a petition requesting a lifetime injunction. The lifetime injunction is effective immediately and served to the defendant at the time of sentencing. A lifetime injunction does not expire and is valid for the defendant's natural lifetime unless any of the following occurs:

- 1) the victim has died;
- 2) the conviction has been dismissed, overturned, expunged or the defendant has been pardoned;
- 3) the victim submits a written request to the court requesting early expiration, which the court may host a hearing to verify ([A.R.S. § 13-719](#)).

Dangerous offense is defined as an offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person. Examples of *serious offenses* include any dangerous crime against children, armed robbery, first degree murder and kidnapping. Examples of *violent or aggravated felonies* include terrorism, child sex trafficking, arson of an occupied structure and drive by shootings (A.R.S. §§ [13-105](#), [13-706](#)).

Under [A.R.S. § 13-1204](#), subsection B, a person commits *aggravated assault* if the person commits assault by either intentionally, knowingly or recklessly causing any physical injury to another person, intentionally placing another person in reasonable apprehension of imminent physical injury or knowingly touching another person with the intent to injure the person, and both of the following occur:

- 1) the person intentionally or knowingly impedes the normal breathing or circulation of blood of another person by applying pressure to the throat or neck or by obstructing the nose and mouth either manually or through an instrument;
- 2) any of the circumstances relating to *domestic violence* that are set forth in [A.R.S. § 13-3601](#), subsection A, paragraphs 1 through 6 exist.

Domestic violence refers to a specified list of offenses in which any of the following circumstances apply:

- 1) the relationship between the victim and the defendant is one of marriage, former marriage or of persons residing or having resided in the same household;
- 2) the victim and the defendant have a child in common;
- 3) the victim or the defendant is pregnant by the other party;
- 4) the victim is related to the defendant or the defendant's spouse by blood or court order;
- 5) the victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant; or
- 6) the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship ([A.R.S. § 13-3601](#)).

Voyeurism is outlined in [A.R.S § 13-1424](#) as knowingly invading the privacy of another person without the person knowing for the purpose of sexual stimulation. A person's privacy is invaded if both of the following apply:

- 1) the person has a reasonable expectation that the person will not be photographed, videotaped, filmed, digitally recorded or otherwise viewed or recorded; and
- 2) the person is photographed, videotaped, filmed, digitally recorded or otherwise viewed, with or without a device, while engaging in specified conduct.

Stalking is prescribed in [A.R.S. § 13-2923](#) as intentionally or knowingly engaging in a course of conduct that is directed toward another person and the conduct causes the victim to either:

- 1) suffer emotional distress or reasonably fear that the victim's property will be damaged or destroyed or that the victim or specified ties to the victim will be physically injured;
- 2) reasonably fear death or the death of specified ties to the victim ().

Provisions

1. Adds the following felony offenses to the list of offenses in [A.R.S. § 13-719](#) for which a victim or prosecutor may request a lifetime injunction:
 - a. aggravated assault involving strangulation or domestic violence as prescribed in [A.R.S. § 13-1204](#), subsection B;
 - b. voyeurism as prescribed in [A.R.S § 13-1424](#);
 - c. stalking as prescribed in [A.R.S. § 13-2923](#). (Sec. 1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: JUD DPA 6-1-0-0 | 3rd Read 27-1-2-0-0

House: JUD DP 5-4-0-0

SB 1447: fentanyl; manufacturing drugs; machines

**Sponsor: Senator Kavanagh, LD 3
Caucus & COW**

Overview

Defines pill tabulating machines and encapsulating machines; creates reporting requirements for the sale or transfer of these machines; increases penalty for drug counterfeiting; and adds new chemicals to the precursor chemical II list.

History

The criminal code defines several terms and processes related to drug offenses and classifies drugs and the compounds required to make them.

Precursor chemicals are chemicals and solvents that are used or likely to be used in the manufacture of a controlled substance. There are two different classes of precursor chemicals enumerated in statute. A precursor chemical II is defined as any, material, compound, mixture or preparation which contains any quantity of the following substances and their salts, optical isomers or salts of optical isomers:

- 1) 4-cyano-2-dimethylamino-4, 4-diphenyl butane
- 2) 4-cyano-1-methyl-4-phenylpiperidine;
- 3) Chlorephedrine;
- 4) Chlorpseudoephedrine;
- 5) Ethyl-4-phenylpiperidine-4-carboxylate;
- 6) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
- 7) 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 8) N-formyl amphetamine;
- 9) N-formyl methamphetamine;
- 10) Phenyl-2-propanone;
- 11) 1-piperidinocyclohexane carbonitrile;
- 12) 1-pyrrolidinocyclohexane carbonitrile ([A.R.S. § 13-3401](#)).

It is a class 1 misdemeanor offense for a person to make, distribute or possess any punch, die, plate, stone or thing designed to counterfeit or falsely duplicate any drug or its packaging ([A.R.S. § 13-3459](#)).

Provisions

1. Defines an *encapsulating machine* as follows:
 - a. any manual, semiautomatic or fully automatic equipment that may be used to fill shells or capsules with any powdered, granular, semisolid or liquid material;
 - b. includes all machine parts and components that are sold, shipped or advertised as part of an encapsulating machine whether or not the machine is assembled. (Sec. 1)
2. Defines a *pill tableting machine* as follows:
 - a. any manual, semiautomatic or fully automatic equipment that may be used for compacting or molding powdered or granular solids or semisolid materials to produce coherent solid tablets;
 - b. includes all machine parts and components that are sold, shipped or advertised as part of a pill tableting machine whether or not the machine is assembled. (Sec. 1)
3. Adds the following to the precursor chemical II list in [A.R.S. § 13-3401](#):
 - a. 4-anilino-N-phenethylpiperidine (ANPP) (C₁₉H₂₄N₂);

- b. N-phenethyl-4-piperidone (NPP) (C₁₃H₁₇NO);
 - c. 4-Anilinopiperidine (4AP) (C₁₁H₁₆N₂);
 - d. 4-Piperidone (C₅H₉NO);
 - e. Benzylfentanyl (C₂₁H₂₆N₂O);
 - f. Norfentanyl (C₁₄H₂₀N₂O). (Sec. 1)
4. Requires a report to be submitted to the Department of Public Safety (DPS) by any person or entity that transfers, furnishes, purchases, receives or resells any regulated pill tableting machine or encapsulating machine and its parts in this state. (Sec. 2)
 5. Instructs DPS to provide a common reporting form that contains at least the following:
 - a. the manufacturer's name and address, and the model, serial number and origin of the pill tableting machine or encapsulating machine;
 - b. the name and address of the pill tableting machine or encapsulating machine seller;
 - c. the shipping carrier information, including tracking information, names and addresses of the sender and receiver for each piece associated with the pill tableting machine or encapsulating machine;
 - d. the number of pieces shipped and the manifested description of each item whether shipped together or separate;
 - e. the date of purchase, sale price and method of payment, including the full name of the payee. (Sec. 2)
 6. Requires the person or entity that sells or transfers a pill tabulating machine or encapsulating machine to submit information from the common reporting form to DPS at least 10 days before the delivery of the machine. (Sec. 2)
 7. Instructs the entity receiving or purchasing the pill tabulating machine or encapsulating machine to submit a report of receivership or purchase to DPS at least three business days after payment, in part or in full for the machine or any part of the machine. (Sec. 1)
 8. Requires entities that submit a report to DPS to disclose any known or intended subsequent transfers after completion of the sale or purchase of the pill tableting machine or encapsulating machine. (Sec. 2)
 9. Mandates an entity who sells, transfers or furnishes any pill tableting machine or encapsulating machine in the state to any person or entity in a suspicious transaction to report it to DPS. (Sec. 2)
 10. Makes it illegal for a person to knowingly do any of the following:
 - a. fail to submit the required report;
 - b. submit false information or omit any material information in any required report or record;
 - c. cause another person to furnish false information or omit any material information in any required report or record;
 - d. participate in any wholesale or retail transaction by a person with intent to avoid filing by any party to the transaction of any required report. (Sec. 2)
 11. Classifies violating the above reporting requirements as a class 1 misdemeanor for a first-time offense and a class 6 felony for a second or subsequent offense (Sec. 2)
 12. Exempts a licensed pharmacist, or an employee acting on behalf of a licensed pharmacist, that is registered and licensed with the Drug Enforcement Administration to dispense scheduled substances and that purchases or receives a pill tableting machine or encapsulating machine from the outlined reporting requirements unless the pharmacist or employee resells, transfers or provides the pill tableting machine or encapsulating machine to a nonlicensed entity. (Sec. 2)
 13. Increases the penalty for making, distributing or possessing any punch, die, plate, stone or thing designed to counterfeit or falsely duplicate any drug or its packaging under [A.R.S. § 13-3459](#) from a class 1 misdemeanor to a class 5 felony. (Sec. 3)
 14. Makes technical and conforming changes. (Sec. 1-5)

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: HHS DP 4-3-0-0 | 3rd Read 16-13-1-0-0

House: JUD DP 6-3-0-0

SB 1628: sex-based terms; laws; rules; regulations

Sponsor: Senator Kerr, LD 25
Caucus & COW

Overview

Entitled the *Arizona Women's Bill of Rights*, requires any policy, program, rule or law that prohibits sex discrimination to also prohibit the unfair treatment of a female or male in relation to a similarly situated member of the opposite sex. Makes other related changes to statute, including allowing state entities to provide separate single-sex environments for males or females in certain circumstances; defining sex-based terms; requiring certain terminology changes in statute and other legal authorities; and imposing reporting requirements on certain state entities.

History

Federal law prohibits discrimination on the basis of certain characteristics, including sex-based discrimination. For example, [Title VII of the Civil Rights Act of 1964](#) prohibits employment discrimination based on race, color, religion, sex and national origin. Additionally, the [Equal Pay Act of 1963](#) protects men and women who perform equal work in the same establishment from sex-based discrimination in the payment of wages or benefits.

Relatedly, Arizona law prohibits various forms of sex-based discrimination. For example, statute deems it an unlawful employment practice for an employer to do either of the following:

- 1) fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to the individual's compensation, terms, conditions or privileges of employment because of the individual's race, color, religion, sex, age or national origin or on the basis of disability;
- 2) limit, segregate or classify employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee, because of the individual's race, color, religion, sex, age or national origin or on the basis of disability ([A.R.S. § 41-1463](#)).

Provisions

1. Requires any policy, program, rule or law that prohibits sex discrimination to also prohibit the unfair treatment of a female or male in relation to a similarly situated member of the opposite sex. (Sec. 1)
2. Instructs the state of Arizona to replace the stand-alone term *gender* with *sex* in all laws, rules, publications, orders, actions, programs, policies and signage, and to revise these authorities to use the term *sex* in each place that the stand-alone term *gender* is used only when updates are otherwise necessary. (Sec. 1)
3. Allows the state of Arizona and its political subdivisions to provide a separate single-sex environment—including in athletics, living facilities, locker rooms, bathrooms, domestic violence shelters and sexual assault crises centers—for a male or female if the sexes are not similarly situated, particularly with respect to biology. (Sec. 1)
4. Requires state entities—including any public school or public school district or the state of Arizona and any agency, department or political subdivision thereof—that collects vital statistics related to sex to comply with state or federal antidiscrimination laws or to gather accurate public health, crime, economic or other data to identify each natural person who is part of the collected data set as either male or female. (Sec. 1)

5. Specifies that the above reporting requirement does not do either of the following:
 - a. require the collection of data regarding sex unless otherwise required by law;
 - b. prevent the collection of additional data points other than biological sex. (Sec. 1)
6. Defines the following terms for purposes of all statutes, administrative rules, regulations and public policies adopted by the state of Arizona or its political subdivisions:
 - a. *boy*;
 - b. *father*;
 - c. *female*;
 - d. *girl*;
 - e. *male*;
 - f. *man*;
 - g. *mother*; and
 - h. *sex*. (Sec. 1)
7. Specifies that *equal*, with respect to equality of the sexes, does not mean same or identical. (Sec. 1)
8. Includes a statement of purpose and severability clause. (Sec. 2, 3)
9. Entitles this measure as the *Arizona Women's Bill of Rights*. (Sec. 4)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: ED DP 4-3-0-0 | 3rd Read: 16-10-4-0

House: MOE DP 5-4-0-0

SB 1097: school districts; partisan elections

Sponsor: Senator Wadsack, LD 17
Caucus & COW

Overview

Makes school district governing board elections partisan beginning in 2025.

History

Statute prohibits partisan local elections, including city and town elections, school district elections and special district elections. These political subdivisions cannot include any indication on the ballot of the source of the candidacy or of the support of the candidate, such as signifying any political party affiliation (A.R.S. §§ [16-226](#), [15-422](#), [9-821.01](#)).

Provisions

1. Requires each school district governing board candidate's partisan designation to be included on the ballot. (Sec. 1, 2)
2. Defines *partisan designation* as the political party of which the candidate is a qualified elector 120 days before the primary election for the election cycle in which the individual is a candidate. (Sec. 1)
3. Contains an applicability clause specifying this act applies to school district governing board elections held on or after January 1, 2025. (Sec. 3)
4. Makes technical and conforming changes. (Sec. 2)

<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

Senate: NREW DP 4-2-1-0 | 3rd Read 19-9-2-0

House: NREW DP 6-4-0-0

SB 1081: exemption area; assured water supply
Sponsor: Senator Kerr, LD 25
Caucus & COW

Overview

Allows the Director of the Arizona Department of Water Resources (ADWR) to designate a portion of a municipality located both in an area delineated for exemption and in the Phoenix active management area (AMA) as having an assured water supply if certain criteria are met.

History

Someone who plans to sell or lease subdivided lands in an AMA must obtain a certificate of assured water supply from ADWR or obtain a commitment for water service from a municipality or private water company with a designation of assured water supply (designation). Otherwise, a municipality or county cannot approve the subdivision plat and the sale or lease of the subdivided lands cannot be authorized. 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](#)).

Individuals with irrigation grandfathered rights in designated areas are exempt from irrigation water duties from January 1, 1989 until December 1, 2034, as established in the management plans for first, second, third, fourth and fifth management periods for the Phoenix AMA. The boundaries of the exempted area are delineated on a map of the Phoenix AMA filed in the Arizona Secretary of State's office ([A.R.S. § 45-411.01](#)).

Provisions

1. Allows, on application to ADWR by a municipality, the ADWR Director to designate a portion of a municipality that is located both in the area delineated for exemption and in the Phoenix AMA as having an assured water supply if:
 - a. the portion of the municipality seeking a designation is located entirely within an irrigation and water conservation district;
 - b. the municipality seeking a designation has contracted with the irrigation and water conservation district for a term of at least 100 years;
 - c. sufficient surface water or effluent of an adequate quality will be continuously available to satisfy the portion of a municipality's proposed water needs for at least 100 years; and
 - d. the municipality demonstrates the financial capability to construct the water facilities necessary to make the supply of water available for the proposed use. (Sec. 1)
2. Allows the ADWR Director to accept evidence of construction assurances to satisfy the financial capability requirement. (Sec. 1)
3. Permits the ADWR Director to:
 - a. review the determination that a portion of a municipality has an assured water supply; and
 - b. determine that a portion of a municipality does not have an assured water supply. (Sec. 1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: NREW DP 4-2-1-0 | 3rd Read 16-12-2-0

House: NREW DP 6-4-0-0

SB 1289: DWR; hydrology reports
Sponsor: Senator Hoffman, LD 15
Caucus & COW

Overview

Requires the Governor and Director of the Arizona Department of Water Resources (ADWR), 30 days before issuing a report on the hydrologic conditions of an active management area (AMA), to submit a copy to the House of Representatives and Senate Natural Resource, Energy and Water (NREW) Committee members.

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](#)).

ADWR uses hydrologic models to simulate and predict groundwater conditions. Models incorporate various assumptions to make long-term management decisions and predict potential future impacts. An applicant for a determination of assured water supply is required to submit a hydrologic study that uses a method of analysis approved by the ADWR Director ([A.C.C. R12-15-716\(B\)](#)).

Every five years after the final determination that a groundwater replenishment district's (district) plan for operation is consistent with achieving the management goal of the AMA, the district must prepare and submit a replenishment report to the ADWR Director and the district's board of directors. The report must include descriptions of the district's available water resources, financial capabilities and current ability to meet future replenishment obligations ([A.R.S. 45-576.04](#)).

Provisions

1. Requires the Governor and ADWR Director, 30 days before issuing a report on the hydrologic conditions of an AMA, to submit a copy of the report or any related report to the House of Representatives and Senate NREW Committee members. (Sec. 1)
 1. Representatives and Senate NREW committees.

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: NREW DP 7-0-0-0 | 3rd Read 29-0-1-0

House: NREW DP 9-1-0-0

SB 1301: electricity producers; safeguards; electromagnetic pulse

Sponsor: Senator Farnsworth, LD 10

Caucus & COW

Overview

Requires electricity producers in Arizona to consider the dangers associated with an electromagnetic pulse and take steps to secure a continuous supply of electricity to Arizona residents.

History

Electromagnetic pulse is a burst of electromagnetic energy occurring in the form of a radiated electric magnetic field or conducted electrical current caused by a coronal mass ejection from the sun, detonation of a nuclear bomb high in earth's upper atmosphere or a man-made electromechanical device.

The Division of Emergency Management (Division), within the Arizona Department of Emergency and Military Affairs, is required to develop preparedness recommendations for the public regarding the type and quantity of supplies each person in Arizona should possess in preparation for an electromagnetic pulse that might occur over the United States. The Division must post the recommendations on its website and update them at least every five years (A.R.S. § [26-305.03](#)).

Provisions

1. Requires electricity producers in Arizona to consider the dangers associated with an electromagnetic pulse and take steps to secure a continuous supply of electricity to Arizona residents. (Sec. 1)
2. Defines *electromagnetic pulse*. (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: TI DP 8-3-0-0

HB2747: railroads; train length

Sponsor: Representative Hernandez C, LD 21
Caucus & COW

Overview

Stipulates that a railroad is not allowed to run a train on a main track or branch line that exceeds 8,500 feet.

History

Currently, the Arizona Corporation Commission (ACC) prescribes standards of safety requiring: 1) installation and maintenance by railroads of electric marker warning lights on the rear of all trains to be visible at a distance of three thousand feet under ordinary atmospheric conditions; and 2) installation and maintenance by railroads of adequate electrical lighting within cabooses for clerical work ([A.R.S. § 40-841](#)).

All persons engaged in the operation of railroads are required to comply with any regulation or order of the ACC. The ACC or its authorized agent may, during reasonable hours, enter the place of operation of a railroad to assess whether set safety standards are being complied with ([A.R.S. § 40-844](#)).

An engineer, conductor or other employee or officer of a railroad company who allows a locomotive or cars to be or remain upon the crossing of a public highway over such railway so as to obstruct travel over the crossing for over 15 minutes, except in cases of unavoidable accident, is guilty of a class 2 misdemeanor ([A.R.S. § 40-852](#)).

A person in charge of a railroad locomotive who before crossing any traveled public does not cause the bell to ring or a whistle, siren or other sounding device to sound at a distance of at least 80 rods from a crossing and until it is reached, is guilty of a class 2 misdemeanor ([A.R.S. § 40-854](#)).

Provisions

1. Prohibits a railroad operating in this state from running or allowing to be run a train that exceeds 8,500 feet in length on any part of a main track or branch line. (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

Senate: FICO DP 7-0-1-0 | 3rd Read 29-0-1-0-0

House: WM DP 8-0-0-2

SB 1059: judgments; interest rates
Sponsor: Senator Mesnard, LD 13
Caucus & COW

Overview

Specifies the effective date of a change in the prime rate as one business day following publication by the Board of Governors of the Federal Reserve System (Federal Reserve).

History

Unless specifically provided for in statute or a different rate is contracted for in writing, the current interest on any judgment other than a judgment on medical debt must be less than 10% yearly or at a yearly rate equal to 1% plus the prime rate published by the Board of Governors of the Federal Reserve in statistical release H.15 or any publication that may supersede it on the date that the judgment is entered. The judgment must state the applicable interest rate and it cannot change after it is entered ([A.R.S. § 44-1201](#)).

Every business day, the Federal Reserve publishes the prime rate in Statistical Release H.15, which is a rate posted by a majority of top 25 insured U.S.-chartered commercial banks. Prime is one of several base rates used by banks to price short-term business loans. The prime rate on February 21, 2024 is 8.50% ([Federal Reserve](#)).

Provisions

1. Specifies the effective date of a change in the prime rate as one business day following publication by the Federal Reserve. (Sec. 1)
2. Makes technical 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

Senate: FICO DPA 6-0-1 | 3rd Read 26-0-4-0

House: WM DP 9-0-0-1

SB 1095: property tax; golf courses; valuation

Sponsor: Senator Mesnard, LD 13

Caucus & COW

Overview

Outlines the processes a golf course owner must go through if the property is split, combined or converted to a different use.

History

A *golf course* is defined as substantially undeveloped land, including amenities such as landscaping, irrigation systems, paths and golf greens and tee, that may be used for golfing or golfing practice by the public or by members and guests of a private club. Golf course does not include:

- 1) Commercial golf practice ranges that are operated exclusive of golf courses; and
- 2) Clubhouses, pro shops, restaurants and similar buildings that are associated with the golf course, which are generally used by the public or by members and guests who are entitled to use the golf course ([A.R.S. § 42-13151](#)).

The owner of a golf course must record a deed restriction with the County Recorder and file a copy of the restriction with the County Assessor, restricting a property to use as a golf course for at least 10 years. The deed restriction must be refiled as necessary to ensure that the deed restriction always applies for at least 10 years. The valuation of a golf course will remain unchanged for the duration of the deed restriction ([A.R.S. § 42-13154](#)).

Provisions

1. Stipulates that a golf course owner must refile the property's deed restriction with the county assessor when the property is split or combined. (Sec. 1)
2. Requires the owner of a golf course to submit notification to the County Assessor within 30 days after the property is converted to a different use. (Sec. 1)
3. Prescribes the County Assessor to provide an electronic acknowledgement of receipt if they accept the electronic filing or notice. (Sec. 1)
4. Defines *converted to a different use*. (Sec. 1)
5. 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

Senate: GOV DP 5-3-0-0 | 3rd Read 16-10-4-0-0

House: WM DP 6-1-2-1

SB 1370: youth businesses; licenses; tax; exemption

Sponsor: Senator Bolick, LD 2

Caucus & COW

Overview

Prohibits a municipality or county from requiring a business permit or license for a minor or someone who has not graduated high school who operates the business occasionally. Exempts the qualified person's business from obtaining a Transaction Privilege Tax (TPT) license if the business makes less than \$10,000 in a calendar year.

History

Every person who receives gross proceeds of sales or gross income on which TPT is imposed and who desires to engage or continue in business must apply to the Department of Revenue for an annual TPT license accompanied by a fee of \$12. A person cannot engage or continue in business until the person has obtained a TPT license ([A.R.S. § 42-5005](#)).

A common council, within the limits of the municipality may: 1) fix the amount of license taxes to be paid by a person, firm, corporation or association for carrying on any business; 2) fix penalties for failure to comply; and 3) authorize clerks to issue and direct the manner of issuing and registering licenses ([A.R.S. § 9-240](#)).

Provisions

1. Prohibits a municipality or county from requiring any type of license or permit for a business that is:
 - a. operated by a person who is under 18 years old or who has not graduated from high school; and
 - b. operated only occasionally. (Sec. 1-2)
2. Exempts a person who is under 18 years old or who has not graduated from high school and is engaging in business in Arizona from being required to obtain a TPT license and remitting any TPT or duly enacted special district TPT if the gross proceeds of sales or gross income from their business is less than \$10,000 in a calendar year. (Sec. 3)

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