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

CAUCUS AGENDA

March 19, 2024

Bill Number	Short Title	Committee	Date	Action

Blue Sheet #1

Committee on Appropriations

Chairman: David Livingston, LD 28 **Vice Chairman:** Joseph Chaplik, LD 3
Analyst: Austin Fairbanks **Intern:** Luke Taylor

SB 1110(BSI) monument and memorial repair fund
SPONSOR: KAVANAGH, LD 3
APPROP 3/13/2024 DP (15-0-0-2)
(Abs: CHAPLIK, STAHL HAMILTON)

SB 1111(BSI) appropriations; named claimants
SPONSOR: KAVANAGH, LD 3
APPROP 3/13/2024 DP (14-0-0-3)
(Abs: CHAPLIK, NGUYEN, STAHL HAMILTON)

Committee on Commerce

Chairman: Justin Wilmeth, LD 2 **Vice Chairman:** Michael Carbone, LD 25
Analyst: Paul Benny **Intern:** Michael Celaya

SB 1034(BSI) ~~revenue department; technical correction~~
(Now: money transmission; notice)
SPONSOR: SHOPE, LD 16
COM 3/12/2024 DPA (9-0-0-1)
(Abs: HEAP)

SB 1070(BSI) virtual credit cards; payment method
SPONSOR: SHOPE, LD 16
COM 3/12/2024 DP (9-0-0-1)
(Abs: HEAP)

SB 1218(BSI) exclusive agreements; residential property sales
SPONSOR: KAVANAGH, LD 3
COM 3/12/2024 DP (9-0-0-1)
(Abs: HEAP)

SB 1366(BSI) regulatory sandbox; blockchain
SPONSOR: BOLICK, LD 2
COM 3/12/2024 DP (6-4-0-0)
(No: AGUILAR, ORTIZ, AUSTIN, LUCKING)

SB 1432(BSI) unlawful restrictive covenants; uniform act..
SPONSOR: MESNARD, LD 13
COM 3/12/2024 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 1182(BSI) public schools; showers; reasonable accommodations
SPONSOR: KAVANAGH, LD 3
ED 3/12/2024 DP (6-4-0-0)
(No: GUTIERREZ, PAWLIK, SCHWIEBERT, TERECH)

SB 1304(BSI) ABOR; postsecondary institutions; policies
SPONSOR: KERN, LD 27
ED 3/12/2024 DP (5-4-0-1)
(No: GUTIERREZ, PAWLIK, SCHWIEBERT, TERECH Abs: COOK)

SB 1369(BSI) public schools; safety; reporting requirements
SPONSOR: BOLICK, LD 2
ED 3/12/2024 DP (5-4-0-1)
(No: GUTIERREZ, PAWLIK, SCHWIEBERT, TERECH Abs: COOK)

SB 1459(BSI) school letter grades; student discipline
SPONSOR: KAVANAGH, LD 3
ED 3/12/2024 DPA (6-4-0-0)
(No: GUTIERREZ, PAWLIK, SCHWIEBERT, TERECH)

Committee on Government

Chairman: Timothy M. Dunn, LD 25 **Vice Chairman:** John Gillette, LD 30
Analyst: Stephanie Jensen **Intern:** Ada Cawood

SB 1367(BSI) occupational license; criminal record
SPONSOR: BOLICK, LD 2
GOV 3/13/2024 DP (8-1-0-0)
(No: JONES)

SB 1473(BSI) agencies; single audit reports; penalty
SPONSOR: KERN, LD 27
GOV 3/13/2024 DP (5-4-0-0)
(No: HERNANDEZ L, PESHLAKAI, VILLEGAS, HODGE)

SB 1731(BSI) public meetings; comments; members
SPONSOR: MESNARD, LD 13
GOV 3/13/2024 DP (6-2-1-0)
(No: PESHLAKAI, VILLEGAS Present: HODGE)

Committee on Health & Human Services

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

SB 1173(BSI) licensed professional counselors; compact
SPONSOR: GOWAN, LD 19
HHS 3/11/2024 DP (6-2-0-2)
(No: PARKER B, PINGERELLI Abs: GRESS, MATHIS)

SB 1235(BSI) ~~maltreatment oversight committee; establishment~~
(Now: DCS; child fatality review team)
SPONSOR: SHAMP, LD 29
HHS 3/11/2024 DP (8-0-0-2)
(Abs: GRESS, MATHIS)

SB 1250(BSI) AHCCCS; claims
SPONSOR: SHOPE, LD 16
HHS 3/11/2024 DP (9-0-0-1)
(Abs: GRESS)

SB 1406(BSI) international medical licensees; provisional licensure
SPONSOR: SHAMP, LD 29
HHS 3/11/2024 DP (6-4-0-0)
(No: MATHIS, PARKER B, PINGERELLI, LIGUORI)

SB 1407(BSI) employers; vaccines; religious exemption
SPONSOR: SHAMP, LD 29
HHS 3/11/2024 DP (5-3-0-2)
(No: CONTRERAS P, HERNANDEZ A, LIGUORI Abs: GRESS, MATHIS)

SB 1511(BSI) insurance; gender surgeries; documentation; reports
SPONSOR: SHAMP, LD 29
HHS 3/11/2024 DP (5-4-0-1)
(No: CONTRERAS P, HERNANDEZ A, MATHIS, LIGUORI Abs: GRESS)

Committee on Judiciary

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

SB 1078(BSI) fraudulent voice recordings
SPONSOR: KAVANAGH, LD 3
JUD 3/13/2024 DP (6-2-1-0)
(No: HERNANDEZ M, ORTIZ Present: KOLODIN)

SB 1232(BSI) ~~sexual conduct; minor; capital punishment.~~
(Now: sexual conduct; minor; punishment)
SPONSOR: SHAMP, LD 29
JUD 3/13/2024 DP (9-0-0-0)

SB 1236(BSI) internet sex offender website; offenses
SPONSOR: SHAMP, LD 29
JUD 3/13/2024 DP (6-3-0-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ)

SB 1408(BSI) aggravated unlawful flight; law enforcement
SPONSOR: GOWAN, LD 19
JUD 3/13/2024 DP (5-3-1-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ Present: KOLODIN)

SB 1630(BSI) ~~sex offender management working group~~
(Now: sex offender management board; establishment)
SPONSOR: BOLICK, LD 2
JUD 3/13/2024 DP (9-0-0-0)

SB 1675(BSI) prior felony conviction; aggravated DUI
SPONSOR: GOWAN, LD 19

JUD	3/13/2024	DP	(7-1-1-0)
(No: ORTIZ Present: HERNANDEZ M)			

Committee on Land, Agriculture & Rural Affairs

Chairman: Lupe Diaz, LD 19 **Vice Chairman:** Michele Peña, LD 23
Analyst: Emily Bonner **Intern:**

SB 1146(BSI) disclosure; agricultural vaccinations; prohibition
SPONSOR: KERN, LD 27

LARA	3/11/2024	DP	(5-4-0-0)
(No: SANDOVAL, STAHL HAMILTON, CREWS, VILLEGAS)			

SB 1649(BSI) misbranding; misrepresenting; food products.
SPONSOR: BENNETT, LD 1

LARA	3/11/2024	DP	(5-4-0-0)
(No: SANDOVAL, STAHL HAMILTON, CREWS, VILLEGAS)			

Committee on Military Affairs & Public Safety

Chairman: Kevin Payne, LD 27 **Vice Chairman:** Rachel Jones, LD 17
Analyst: Nathan McRae **Intern:** Tanner Mitchell

SB 1025(BSI) ~~DUI; transportation network drivers~~
(Now: DUI threshold; drivers)
SPONSOR: KAVANAGH, LD 3

MAPS	3/11/2024	DPA	(12-0-0-3)
(Abs: BLATTMAN, PESHLAKAI, WILMETH)			

SB 1030(BSI) ~~correctional facilities; body scanners~~
(Now: body scanners; correctional facilities)
SPONSOR: SHOPE, LD 16

MAPS	3/11/2024	DP	(12-0-0-3)
(Abs: BLATTMAN, PESHLAKAI, WILMETH)			

SB 1071(BSI) peer support teams; information; disclosure
SPONSOR: SHOPE, LD 16

MAPS	3/11/2024	DP	(12-0-0-3)
(Abs: BLATTMAN, PESHLAKAI, WILMETH)			

SB 1371(BSI) police reports; time; cost requirements.
SPONSOR: BOLICK, LD 2

MAPS	3/11/2024	DP	(12-0-0-3)
(Abs: BLATTMAN, PESHLAKAI, WILMETH)			

SB 1404(BSI) sex offender registration; school notification
SPONSOR: SHAMP, LD 29

MAPS	3/11/2024	DP	(12-0-0-3)
(Abs: BLATTMAN, PESHLAKAI, WILMETH)			

SB 1409(BSI) military veteran spouses; tuition scholarships
SPONSOR: GOWAN, LD 19
MAPS 3/11/2024 DP (9-2-1-3)
(No: LUCKING, LUNA-NÁJERA Abs: BLATTMAN, PESHLAKAI, WILMETH Present: TRAVERS)

SB 1629(BSI) ~~technical correction; state facilities~~
(Now: ombudsman; corrections; reporting requirements)
SPONSOR: BOLICK, LD 2
MAPS 3/11/2024 DP (12-0-0-3)
(Abs: BLATTMAN, PESHLAKAI, WILMETH)

SB 1671(BSI) prisoner spendable accounts; restitution
SPONSOR: GOWAN, LD 19
MAPS 3/11/2024 DP (12-0-0-3)
(Abs: BLATTMAN, PESHLAKAI, WILMETH)

SCR 1042(BSI) support; Texas; southern border
SPONSOR: BOLICK, LD 2
MAPS 3/11/2024 DP (7-5-0-3)
(No: QUIÑONEZ, TRAVERS, TSOSIE, LUCKING, LUNA-NÁJERA Abs: BLATTMAN, PESHLAKAI, WILMETH)

Committee on Municipal Oversight & Elections

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

SB 1060(BSI) federal candidates; observers; elections
SPONSOR: MESNARD, LD 13
MOE 3/13/2024 DPA (5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)

SB 1187(BSI) bond elections; schools; polling places
SPONSOR: KAVANAGH, LD 3
MOE 3/13/2024 DPA (5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)

SB 1288(BSI) ~~electronic ballot adjudication; prohibition~~
(Now: logic and accuracy; testing)
SPONSOR: HOFFMAN, LD 15
MOE 3/13/2024 DP (5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)

SB 1330(BSI) ~~on-site ballot tabulation; secured containers~~
(Now: on-site ballot tabulation; containers)
SPONSOR: MESNARD, LD 13
MOE 3/13/2024 DP (5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)

SB 1342(BSI) elections; parties; hand count audits
SPONSOR: KAVANAGH, LD 3
MOE 3/13/2024 DP (9-0-0-0)

SB 1571(BSI) ~~night schools; technical correction~~
(Now: campaign finance report; statewide office)
SPONSOR: SHOPE, LD 16

MOE	3/13/2024	DP	(9-0-0-0)

Committee on Natural Resources, Energy & Water

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

SB 1181(BSI) groundwater replenishment; member lands; areas
SPONSOR: PETERSEN, LD 14

NREW	3/12/2024	DPA	(8-2-0-0)
(No: DE LOS SANTOS, VILLEGAS)			

Committee on Regulatory Affairs

Chairman: Laurin Hendrix, LD 14 **Vice Chairman:** Cory McGarr, LD 17
Analyst: Diana Clay **Intern:** Ryan Potts

SB 1021(BSI) scope of practice; process; repeal
SPONSOR: SHOPE, LD 16

RA	3/13/2024	DP	(5-2-0-0)
(No: CREWS, LIGUORI)			

SB 1120(BSI) ~~consumer fraud; unlawful practices~~
(Now: occupational regulations; complaints)
SPONSOR: WADSACK, LD 17

RA	3/13/2024	DP	(4-2-0-1)
(No: CREWS, LIGUORI Abs: HERNANDEZ A)			

SB 1153(BSI) regulatory costs; rulemaking; legislative ratification
SPONSOR: KERN, LD 27

RA	3/13/2024	DP	(4-3-0-0)
(No: HERNANDEZ A, CREWS, LIGUORI)			

SB 1165(BSI) pharmacy audit; procedures; prohibition
SPONSOR: SHAMP, LD 29

RA	3/13/2024	DP	(6-0-0-1)
(Abs: HERNANDEZ A)			

SB 1171(BSI) real estate department; licensing; administration
SPONSOR: SHOPE, LD 16

RA	3/13/2024	DP	(7-0-0-0)

SB 1343(BSI) agency review; rules; automatic expiration
SPONSOR: PETERSEN, LD 14

RA	3/13/2024	DP	(4-2-0-1)
(No: CREWS, LIGUORI Abs: HERNANDEZ A)			

Committee on Transportation & Infrastructure

Chairman: David L. Cook, LD 7 **Vice Chairman:** Teresa Martinez, LD 16
Analyst: Jeremy Bassham **Intern:**

SB 1054(BSI) state construction project delivery methods
SPONSOR: CARROLL, LD 28

TI	3/13/2024	DP	(10-0-0-1)
(Abs: MARTINEZ)			

SB 1055(BSI) off-highway vehicle study committee; extension
SPONSOR: KERR, LD 25

TI	3/13/2024	DP	(10-0-0-1)
(Abs: MARTINEZ)			

SB 1190(BSI) collegiate plates; community college enrollment
SPONSOR: WADSACK, LD 17

TI	3/13/2024	DPA	(10-0-0-1)
(Abs: MARTINEZ)			

SB 1290(BSI) ADOT; report; construction projects; bidders
SPONSOR: HOFFMAN, LD 15

TI	3/13/2024	DP	(7-2-0-2)
(No: CONTRERAS P, SEAMAN Abs: MARTINEZ, MONTENEGRO)			

SB 1299(BSI) traffic control; right on red
SPONSOR: KERN, LD 27

TI	3/13/2024	DP	(9-2-0-0)
(No: CONTRERAS P, SEAMAN)			

Committee on Ways & Means

Chairman: Neal Carter, LD 15 **Vice Chairman:** Justin Heap, LD 10
Analyst: Vince Perez **Intern:** Michael Galpin

SB 1358(BSI) income tax withholding; retirement distributions
SPONSOR: MESNARD, LD 13

WM	3/13/2024	DP	(9-0-0-1)
(Abs: HEAP)			

SB 1110: monument and memorial repair fund
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview

Permits Legislative Council to use monies from the State Monument and Memorial Repair Fund (Fund).

History

The Fund was established to maintain, repair and relocate monuments or memorials and for supporting mechanical equipment in the Governmental Mall. Monies in the Fund consist of donations, grants and legislative appropriations. The Fund is administered by the Legislative Council, which must separately account for monies that are dedicated to a specific monument or memorial (A.R.S. § 41-1365).

Provisions

1. Declares that all monies in the Fund are continuously appropriated, rather than subject to legislative appropriation. (Sec. 1)
2. Makes technical changes. (Sec. 1)

SB 1111: appropriations; named claimants
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview

Appropriates $69,884.06 from the General Fund (GF) and $285,215.69 from other funds in FY 2024 for the payment of claims against state agencies.

History

The Arizona Department of Administration (ADOA) has limited authority to approve payments of claims that are made outside of the fiscal year they were incurred. If a claim meets the following criteria, ADOA must submit a request to the Legislature to appropriate monies to pay the claim:

1) the claim is greater than $300;
2) the claim is more than one fiscal year old but less than four fiscal years old; and
3) the budget unit reverted enough money to pay for the claim (A.R.S. § 35-191).

Provisions

1. Appropriates the following amounts in FY 2024 for the payment of specified claims:
   a) $2,583.50 from the Capital Outlay Stabilization Fund to ADOA;
   b) $11,747.94 from the Risk Management Revolving Fund to ADOA;
   c) $12,133.96 from the GF to the Arizona Department of Corrections;
   d) $4,000 to from the GF the Arizona Department of Juvenile Corrections;
   e) $270,600.29 from the State Highway Fund to Arizona Department of Transportation (ADOT);
   f) $283.96 from the Department Fleet Operations Fund to ADOT;
   g) $2,208.60 from the GF to the State Board of Equalization; and
   h) $51,541.50 from the GF to the Prescott Historical Society. (Sec. 1)

SB 1034: money transmission; notice
Sponsor: Senator Shope, LD 16
Caucus & COW

Overview

Directs money transmitters to display specified fraud warnings to consumers.

History

The Department of Insurance and Financial Institutions (DIFI) regulates money transmitter services. Individuals who engage in the business of money transmission or advertise, solicit or hold itself out as providing money transmission must obtain a money transmitter license (A.R.S. § 6-1207).

Money transmission means any of the following: 1) selling or issuing payment instruments to a person located in this state; 2) selling or issuing stored value to a person located in this state; and 3) receiving money for transmission from a person located in this state. Money transmission does not include providing solely online telecommunications services or network access (A.R.S. § 6-1201).

Provisions

1. Instructs a person that is in the business of money transmission to clearly and prominently display consumer fraud warnings that includes specified information as outlined. (Sec. 1)
2. Requires, prior to the transmission of monies, the consumer fraud warnings to be:
   a. communicated directly to the consumer in person;
   b. displayed prominently in the place of business; or
   c. through electronic transmission. (Sec. 1)
3. Requires the written warnings to be in a type that contrasts with the background against which the written warning appears. (Sec. 1)
4. Specifies the fraud warning requirements do not apply to an electronic funds transfer:
   a. where the monies are not transferred directly to another person and are not available for immediate use; or
   b. that is made with a gift certificate. (Sec. 1)

Amendments

Committee on Commerce

1. Restates a licensee, rather than a person, that engages in money transmission *on behalf of consumers for personal, family or household purposes* must provide, rather than clearly and prominently display, consumer fraud warnings.
2. Clarifies the consumer fraud warnings may be provided to the consumer in the location in which the licensee or an authorized delegate of the licensee engages in receiving money for transmission rather than in the place of business.

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

SB 1070: virtual credit cards; payment method
Sponsor: Senator Shope, LD 16
Caucus & COW

Overview
Mandates health insurers to accept tangible checks as payment and includes a stipulation relating to opting out of a payment method.

History
Pursuant to A.R.S. § 20-241, any contract between a health insurer and a health care provider that is issued, amended or renewed beginning January 1, 2020, to provide services to enrollees cannot restrict the acceptable method of payments to only credit cards. If the health insurer changes the payment method to using electronic funds transfers, the insurer must: 1) notify the provider of any associated fees; 2) advise the provider of the available payment methods and how to select an alternative payment method; and 3) remit or associate with each payment the explanation of benefits.

Provisions
1. Requires health insurers to accept tangible checks as a form of acceptable payment. (Sec. 1)
2. Stipulates a health care provider's decision to opt out of a method of payment remains in effect until the provider opts back into the prior method of payment or a new contract is executed. (Sec. 1)
3. Makes technical changes. (Sec. 1)

SB 1218: exclusive agreements; residential property sales
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview

Outlines unlawful practices for an exclusive property engagement agreement (Agreement).

History

The Arizona Department of Real Estate (ADRE) regulates the real estate industry and real estate professionals. Individuals who engage in real estate transactions including selling, purchasing, listing or offering to list real estate, businesses or business opportunities must be licensed as a real estate broker (A.R.S. §§ 32-2101, 32-2122).

Provisions

1. Delineates unlawful practices for an *exclusive property engagement agreement* which is a contract or agreement that provides an exclusive right to a person to list or sell residential real estate. (Sec. 1)
2. Stipulates an Agreement is void if the listing services do not begin within one year after the execution of the Agreement by the parties. (Sec. 1)
3. Prohibits a court from:
   a. enforcing an Agreement made or recorded in violation of Agreement provisions; and
   b. imposing a constructive trust in the residential real estate that is the subject of the agreement or on the disposition proceeds of a related residential real estate transaction. (Sec. 1)
4. Requires any consideration that was paid to a homeowner relating to a contract or agreement that violates Agreement provisions to be forfeited. (Sec. 1)
5. Deems a contract or agreement made or recorded in violation of Agreement provisions as void and unenforceable. (Sec. 1)
6. Deems a contract or agreement that violates Agreement provisions and is recorded before the effective date of certain enforcement provisions as void. (Sec. 1)
7. Instructs ADRE to:
   a. execute and record in each county recorder's office a document that disclaims the validity and enforceability of any contract or agreement or any related liens or assignments that violate Agreement provisions; and
   b. display such document on the department's website. (Sec. 1)
8. Specifies an act or practice in violation of Agreement provisions is:
   a. an unlawful practice in accordance with consumer fraud statutes; and
   b. subject to enforcement through private action and by the Attorney General. (Sec. 1)
9. Subjects a person who violates Agreement provisions to liability and penalties in accordance with statute relating to recording false documents. (Sec. 1)
10. Specifies that the prescribed remedies are not the exclusive remedies for a violation. (Sec. 1)
11. Defines *residential real estate.* (Sec. 1)
12. Contains legislative findings. (Sec. 2)

13. Contains a severability clause. (Sec. 3)

SB 1366: regulatory sandbox; blockchain
Sponsor: Senator Bolick, LD 2
Caucus & COW

Overview

Modifies the definition of *innovation* relating to the Regulatory Sandbox Program (Program).

History

The Attorney General (AG) administers and oversees the Program, which enables persons to obtain limited access to Arizona's market to test innovative financial products or services or other innovations without obtaining a license or other authorization. An innovation is the use or incorporation of new or emerging technology or the reimagination of uses for existing technology to address a problem, provide a benefit or otherwise offer a product, service, business model or delivery mechanism that is not known by the AG to have a comparable widespread offering in Arizona (A.R.S. §§ 41-5601 and 41-5602).

An applicant for the Program must demonstrate to the AG adequate understanding of the innovation and a sufficient plan to test, monitor and assess the innovation while ensuring consumers are protected from a test's failure. Upon application approval, an applicant is deemed a Program participant and given 24 months to test the innovation. The participant must retain records, documents and data produced in the ordinary course of business. If an innovation fails before the end of the testing period, the participant must notify the AG and report on actions taken to ensure consumers have not been harmed because of the innovation's failure. Before the 24-month testing period ends, the participant must notify the AG that the participant will exit the Program and cease offering any innovative products or services within 60 days after the 24-month testing period ends or seek an extension in order to pursue a license or other authorization required by law (A.R.S. §§ 41-5603; 41-5605; 41-5607 and 41-5609).

Blockchain technology is a type of distributed ledger technology that uses a distributed, decentralized, shared and replicated ledger, which may be public or private, permissioned or permissionless, or driven by tokenized crypto economics or tokenless. The data on the ledger is protected with cryptography, is immutable and auditable and provides an uncensored truth (A.R.S. § 44-7061).

Provisions

1. Modifies the definition of *innovation* as the use or incorporation of a new or *existing idea or a new or* emerging technology or *a new use of* existing technology, *including blockchain technology*, to address a problem, provide a benefit or offer a product, *production method or service*. (Sec 1)
2. Defines *blockchain technology*. (Sec 1)
3. Makes technical changes. (Sec 1)

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

SB 1432: unlawful restrictive covenants; uniform act.
Sponsor: Senator Mesnard, LD 13
Caucus & COW

Overview

Establishes the Uniform Unlawful Restrictions in Land Records Act which provides requirements for removing an *unlawful restriction* from property or a governing instrument.

History

The Uniform Law Commission (ULC) approved a uniform state law to allow a property owner whose deed contains an unlawful and unenforceable restriction to record an amendment to the land records that effectively removes the restriction. An unlawful and unenforceable restriction is a restriction inserted into a deed that was intended to prevent the affected property from being sold to or occupied by persons covered by that restriction. Throughout the first half of the 20th century, owners and developers of real property commonly inserted restrictive covenants into deeds and declarations (ULC).

A homeowner association's (HOA) declaration may be amended by the HOA, if any, or, if there is no HOA or board, the owners of the property subject to the declaration, by an affirmative vote or written consent of the number of owners or eligible voters specified in the declaration. An amendment to a declaration may apply to fewer than all of the lots or less than all of the property bound by the declaration and an amendment is deemed to conform to the general design and plan of the community, if outlined conditions are met. Within 30 days after adopting an amendment, the amendment must be recorded. Regardless of any declaration provision that provides for periodic renewal of the declaration, an amendment to the declaration is effective immediately on recordation of the instrument in the county in which the property is located (A.R.S. § 33-1817).

A condominium association's (COA) declaration may be amended only by a vote of the unit owners to which at least 67% of the votes in the COA are allocated, or any larger majority the declaration specifies. The declaration may specify a smaller percentage only if all of the units are restricted exclusively to nonresidential use. Within 30 days after the adoption of any amendment, the amendment must be recorded. An amendment to the declaration must be recorded in each county in which any portion of the condominium is located and is effective only on recordation (A.R.S. § 33-1227).

Provisions

1. Allows a real property owner, whose property is subject to an unlawful restriction, to submit to the county recorder an amendment to remove the unlawful restriction. (Sec. 1)
2. Limits the applicability of the amendment to remove the unlawful restriction to only the owner's property. (Sec. 1)
3. Allows the governing body of an association, including the board of directors of a condominium or a planned community, to amend the association's governing instrument to remove an unlawful restriction without a vote of the association's membership. (Sec. 1)
4. Permits an association's member to request in a record that sufficiently identifies an unlawful restriction in the governing instrument that the governing body exercise its authority to amend the instrument to remove an unlawful restriction. (Sec. 1)

5. Requires the governing body, within 90 days after receiving the request, to determine whether the governing instrument includes the unlawful restriction. (Sec. 1)
6. Stipulates the governing body must amend the governing instrument to remove the unlawful restriction within 90 days after determining the inclusion of the unlawful restriction. (Sec. 1)
7. Asserts the governing body may execute an amendment to remove an unlawful restriction, and the amendment's effectiveness, regardless of any governing instrument provision or other law. (Sec. 1)
8. Provides requirements for an amendment to remove an unlawful restriction, including identifying only the document containing the unlawful restriction. (Sec. 1)
9. Requires the amendment to:
   a. include a conspicuous statement as outlined;
   b. be executed and acknowledged in the manner required for recordation of a document in the land records; and
   c. be recorded in the land records of each county in which the document containing the unlawful restriction is recorded. (Sec. 1)
10. Specifies the amendment does not affect the validity or enforceability of any restriction that is not an unlawful restriction. (Sec. 1)
11. Asserts the amendment or a future conveyance of the affected real property is not a republication of a restriction that otherwise would expire by passage of time under any other law. (Sec. 1)
12. Prescribes an optional form that may be submitted by a property owner to the county recorder to remove an unlawful restriction. (Sec. 1)
13. Prescribes responsibilities for a county recorder in recording an amendment. (Sec. 1)
14. Exempts a recorder and the county from liability for recording an amendment. (Sec. 1)
15. Instructs a court, in applying and construing the unlawful restriction statutes, to consider the promotion of uniformity of the law among jurisdictions that enact it. (Sec. 1)
16. Asserts the unlawful restriction statutes modify, limit or supersede the Electronic Signatures in Global and National Commerce Act, but does not modify, limit or supersede federal law relating to consumer disclosures or authorize electronic delivery of specified federal notices. (Sec. 1)
17. Cites the statutes governing unlawful restrictions, as established by this Act, as the Uniform Unlawful Restrictions in Land Records Act. (Sec. 1)
18. Defines pertinent terms. (Sec. 1)
19. Contains a severability clause. (Sec. 2)

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

SB 1182: public schools; showers; reasonable accommodations
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview

Mandates a public school provide a reasonable accommodation to a person who is unwilling or unable to use a multioccupancy shower room designated for the person's sex. Provides private cause of action to an individual who is denied a reasonable accommodation or who encounters a person of the opposite sex in a public school multioccupancy shower room as specified.

History

A *public school* is any public institution that offers instruction to students in preschool programs for children with disabilities, kindergarten programs or any combination of the 1st-12th grades (A.R.S. § 15-101).

The Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in certain areas, such as employment, state/local government services, public accommodations, transportation and telecommunications. Buildings open to the public, including public schools, are required to meet ADA guidelines (28 C.F.R. § 35).

Provisions

1. Requires a public school, upon written request from a person, to provide a reasonable accommodation to any person who:
   a. is, for any reason, unwilling or unable to use a multioccupancy shower room designated for the person's sex that is located in a public school building or provided in connection with a public school-sponsored activity; and
   b. submits satisfactory evidence of the person's sex to the school. (Sec. 1)
2. Specifies a reasonable accommodation:
   a. includes a single-occupancy or employee shower room; and
   b. excludes a shower room designated for use by individuals of the opposite sex while individuals of the opposite sex are present. (Sec. 1)
3. Authorizes public schools to adopt policies that:
   a. are necessary to accommodate individuals protected under the ADA or young children who need physical assistance when using public school shower rooms; and
   b. authorize a person to enter a multioccupancy shower room that is designated for use by individuals of the opposite sex if the person enters the shower room to:
      i. perform custodial or maintenance services while the shower room is unoccupied;
      ii. provide emergency medical assistance; or
      iii. maintain order or address a serious threat to student safety during an emergency situation. (Sec. 1)
4. Stipulates that unless the public school can demonstrate an accommodation would cause an undue hardship, a person whose written request for a reasonable accommodation is denied by a public school, an administrator or employee has private cause of action against the public school. (Sec. 1)
5. Grants a person a private cause of action against a public school if:

a. the person encounters a person of the opposite sex in a multioccupancy shower room that is designated for the person's sex and that is located in a public school building or provided in connection with a public school-sponsored activity, unless the person of the opposite sex is:
   i. the person's spouse, parent, guardian, child, sibling or grandparent;
   ii. a young child accompanied by an adult who is not a person of the opposite sex; or
   iii. present in the shower room consistent with the public school's policies; and
b. the public school, an administrator or employee gave the person of the opposite sex permission to use the shower room. (Sec. 1)

6. Requires any claims to be brought in superior court in the county where the aggrieved person resides or the public school is located at the time of filing. (Sec. 1)
7. Mandates all civil actions be initiated within two years after the alleged violation occurred. (Sec. 1)
8. Declares a person who prevails on a claim:
   a. may recover monetary damages for all psychological, emotional and physical harm suffered; and
   b. is entitled to recover reasonable attorney fees and costs. (Sec. 1)
9. States other remedies at law or equity available to the aggrieved person against the public school are not limited. (Sec. 1)
10. Defines *satisfactory evidence* and *sex*. (Sec. 1)
11. Contains a severability clause. (Sec. 2)
12. Cites this legislation as the *Arizona Accommodations for All Children Act*. (Sec. 3)

SB 1304: ABOR; postsecondary institutions; policies
Sponsor: Senator Kern, LD 27
Caucus & COW

Overview

Establishes posting requirements for the academic units of the public universities. Expands what must be included in the personnel policies adopted by the Arizona Board of Regents (ABOR). Makes changes to the free expression policy that must be adopted by ABOR and each community college district (CCD) governing board.

History

ABOR governs Arizona's three public universities and is tasked with exercising the powers necessary for the effective governance and administration of the universities, including authorizing each university to adopt regulations, policies, rules or measures deemed necessary for the universities' administration and governance. ABOR may also delegate any part of its authority to the university presidents or other entities under its control, though ABOR may rescind any delegation of authority at any time (A.R.S. § 15-1626).

Subject to reasonable time, place and manner restrictions, a public university or community college may not limit any area on campus where a lawfully present person may exercise free speech. If a public university or community college imposes restrictions on the time, place and manner of student speech that occurs in a public forum and that is protected by the First Amendment, the restrictions must meet statutory criteria (A.R.S. §§ 15-1864, 15-1865).

ABOR and each CCD governing board must develop and adopt a free expression policy that states or requires the following: 1) the primary function of an institution of higher education is the discovery and dissemination of knowledge through discussion and debate; 2) it is not the proper role of an institution of higher education to shield individuals from speech protected by the First Amendment; 3) students and faculty members have the freedom to discuss any problem that presents itself, as allowed by the First Amendment and within the limits of reasonable time, place and manner restrictions as specified; 4) there is a range of disciplinary actions for a student who engages in individual conduct that materially and substantially infringes on the rights of others to engage in or listen to expressive activity; and 5) a student is entitled to specified rights and protections in disciplinary proceedings, including proceedings involving expressive conduct (A.R.S. § 15-1866).

ABOR and each CCD governing board must establish a free expression committee that annually reports specified information relating to free expression (A.R.S. §§ 15-1867, 15-1868).

Provisions

Public University Academic Unit Posting Requirements

1. Mandates each academic unit, before classes begin for any term and for each course offered, to prominently post on its website, course directory and any other place where courses are publicly listed the:
   a. course title;
   b. current course syllabus; and
   c. primary course instructor's name, including their curriculum vitae or resume and a complete list of their published work. (Sec. 1)

2. Includes, in the posted course syllabus, a comprehensive list of all materials and resources that students will review in the course, including books, book excerpts, articles, research papers, written works in an electronic format, videos and movies. (Sec. 1)

3. Requires the posted course syllabus, for each item in the comprehensive list, to include:
   a. the website address and version or edition of the item if the item is provided online;
   b. the title, author, version or edition, publisher and publication date for the item; or
   c. a copy of the item as allowed by state or federal law. (Sec. 1)

4. Directs a primary course instructor to annually update their curriculum vitae or resume and the list of published works. (Sec. 1)

5. Prevents an academic unit, if it fails to satisfy each posting requirement for any course it offers, from:
   a. including the course on its website, course directory or any other place where courses are publicly listed; and
   b. allowing any student to enroll in the course. (Sec. 1)

6. Instructs ABOR to establish policies and procedures to enforce the posting requirements. (Sec. 1)

7. Defines *academic unit*. (Sec. 1)

ABOR Personnel Policies

8. Details ABOR's personnel policies must:
   a. require all ABOR and public university officers and employees to protect the rights of students, administrators, faculty members and other employees under the First and Fourteenth Amendments and state constitutional right of freedom of speech and press;
   b. prohibit public university presidents, administrators, faculty members and other employees from retaliating against any individual for exercising these rights; and
   c. require the public university presidents to adopt policies and procedures to enforce these protections. (Sec. 2)

9. Requires ABOR to remove any officer or employee in accordance with its personnel rules and policies when the officer or employee violates these personnel policies. (Sec. 2)

Free Expression Policy

10. Specifies ABOR and each CCD governing board must adopt an *enforceable* free expression policy. (Sec. 4)

11. Specifies the free expression policy must include a statement that students and faculty members may assemble and engage in spontaneous expressive activities *without penalty or retaliation*. (Sec. 4)

12. Includes, in the free expression policy, that there is a range of disciplinary actions for an administrator, faculty member or other employee who:
   a. is subject to the jurisdiction of the public university or community college; and
   b. engages in individual conduct that materially and substantially infringes on the rights of others to engage in or listen to expressive activity. (Sec. 4)

13. Subjects any investigation of the conduct of an administrator, faculty member or other employee that allegedly materially and substantially infringes on the rights of others to engage in or listen to expressive activity to the following requirements:
   a. a public university or community college may not investigate the allegations until after the individual subject to the investigation has been notified about the specific allegations and has been given a reasonable opportunity to respond to the allegations;
   b. the person responsible for an investigation, prior to submitting the final report and recommendations to the public university or community college, must disclose to the individual subject to the investigation all conclusions and recommendations relating to the investigation; and
   c. the final report and recommendations must include any response that the public university or community college received from the individual subject to the investigation or that the individual submitted in response to the conclusions and recommendations disclosed. (Sec. 4)

14. Applies existing statutory requirements for disciplinary proceedings involving students to disciplinary proceedings involving administrators, faculty members or other employees. (Sec. 4)

15. Adds that administrators, faculty members and other employees who are subject to disciplinary hearings as outlined have the right to active assistance of counsel if a potential consequence of a disciplinary proceeding is termination of employment. (Sec. 4)

16. Declares termination of employment may be appropriate if an administrator, faculty member or other employee is determined to have repeatedly engaged in individual conduct that materially and substantially infringes on the rights of others to engage in or listen to expressive activity. (Sec. 4)

17. Requires ABOR and each CCD governing board to:
    a. publish all policies, regulations and other materials that describe the rights and responsibilities of students, administrators, faculty members and other employees relating to free expression on campus, consistent with statutory free expression policy requirements and ABOR-adopted personnel policies and procedures; and
    b. develop materials, programs and procedures to ensure that any individual who has disciplinary authority understands the policies, regulations and other materials published pursuant to the prescribed publication requirement and the public university's or community college's responsibilities relating to free expression on campus. (Sec. 4)

18. Includes, in the required publication, publication on websites and in all handbooks and orientation program materials for students and employees of ABOR and each public university and CCD governing board. (Sec. 4)

19. Defines *individual who has disciplinary authority*. (Sec. 4)

20. Asserts public universities and community colleges may restrict administrator, faculty member or other employee expression only for expressive activity not protected by the First Amendment. (Sec. 4)

Miscellaneous

21. Declares any delegation of ABOR's authority does not limit or otherwise affect ABOR's responsibility to faithfully execute its duties. (Sec. 2)

22. Makes the program implemented by ABOR to award honors endorsements to qualifying high school students available to school district, charter school or private school students. (Sec. 2)

23. Directs ABOR to require each public university to annually submit a report demonstrating the public university's compliance with the statutory requirement to acquire and display the U.S. flag, U.S. Constitution and the Bill of Rights in each classroom. (Sec. 2)

24. Makes technical and conforming changes. (Sec. 2, 3, 4)

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: ED DP 4-3-0-0 | 3rd Read 16-12-2-0
House: ED DP 5-4-0-1

SB 1369: public schools; safety; reporting requirements
Sponsor: Senator Bolick, LD 2
Caucus & COW

Overview
Creates website posting, survey and reporting requirements relating to civil rights and school safety for public schools, local education agencies (LEAs) and the Arizona Department of Education (ADE).

History
The United States Department of Education Office for Civil Rights (OCR) administers the biennial civil rights data collection survey (CRDC) to public LEAs and schools that receive federal financial assistance. The CRDC collects information about student access to educational programs, activities and staff and school climate factors, such as student discipline and harassment or bullying incidents (OCR, CRDC).

Both school district governing boards (governing boards) and charter school governing bodies are required to prescribe policies for school personnel to report: 1) any suspected crime against a person or property that is a serious offense, involves a deadly weapon, dangerous instrument or serious physical injury; and 2) any conduct that poses a threat of death or serious physical injury to a person on school property (A.R.S. § 15-153).

Additionally, governing boards must enforce policies that prohibit students from harassing, intimidating and bullying other students on school property, on school buses, at school bus stops, at school-sponsored activities and through the use of school technology. These policies must include requirements for the reporting, documenting and investigating of incidents of harassment, intimidation and bullying, as well as disciplinary procedures for students (A.R.S. § 15-341).

Provisions
1. Requires each public school and LEA to post on its website the most recent information it reported to the OCR for the CRDC. (Sec. 1)
2. States a public school or LEA is not authorized to publish data protected under the Family Educational Rights and Privacy Act of 1976 and must redact the information on its website to ensure compliance. (Sec. 1)
3. Directs ADE, by December 15 annually, to submit a school safety report to specified individuals that contains the number of incidents reported at each school site relating to bullying, fighting, sexual assault, threatening, intimidation, harassment, suicide, hazing and any other form of physical attack. (Sec. 2)
4. Instructs ADE to establish a survey to gather the information for the school safety report from each school district and charter school. (Sec. 2)
5. Prohibits a school district or charter school from reporting personally identifiable student data for the purposes of the school safety report. (Sec. 2)
6. Requires ADE to post the school safety report on its website in a publicly accessible format. (Sec. 2)

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

SB 1459: school letter grades; student discipline
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview

Requires school districts and charter schools to annually report student discipline referral data to the Arizona Department of Education (ADE). Reduces a school's letter grade if the school does not implement disciplinary action in at least 75% of student discipline referrals.

History

Statute declares a student must submit to the authority of teachers, administrators and the school district governing board (governing board). A teacher may, under statutorily specified conditions, remove a student from the classroom and a school district may expel a student as the school district deems appropriate (A.R.S. § 15-841).

A governing board, in consultation with teachers and parents, must prescribe rules for the discipline, suspension and expulsion of students that are consistent with a student's constitutional rights. These rules must include: 1) penalties for excessive absenteeism; 2) procedures for using corporal punishment, if allowed; 3) procedures for the reasonable use of physical force by personnel in situations of defense; 4) procedures for dealing with students who have committed or who are believed to have committed a crime; and 5) disciplinary policies for confining students who are left alone in an enclosed space. A governing board must support teachers in implementing and enforcing these rules and develop procedures that allow teachers and principals to: 1) recommend the suspension or expulsion of students; and 2) temporarily remove disruptive students from a class (A.R.S. § 15-843).

ADE, subject to final adoption by the State Board of Education (SBE), must develop an annual achievement profile for every public school and local education agency (LEA) based on an A-F letter grade system. The annual achievement profile reflects the public school's or LEA's achievement on the prescribed academic and educational performance indicators. SBE must assign an overall letter grade for a public school or LEA (A.R.S. § 15-241).

Provisions

1. Mandates each school district and charter school include in every student handbook a student discipline rubric that:
   a. includes only objective student discipline criteria; and
   b. does not consider specified student characteristics.
2. Instructs each school district and charter school to annually report to ADE:
   a. the total number of student discipline referrals submitted by teachers in each school;
   b. the number of reported referrals for which school administration implemented the teacher's recommended disciplinary action or another disciplinary action; and
   c. the percentage of reported referrals for which school administration did not implement the teacher's recommended disciplinary action or any other action.
3. Excludes social emotional learning or restorative discipline from disciplinary action.
4. Asserts a school district, charter school or school administrator may not discourage a teacher from submitting student discipline referrals consistent with the student discipline rubric and the teacher's authority.

5. Allows a teacher, if the teacher alleges they were discouraged from submitting a student discipline referral, to report the violation to ADE and ADE to investigate the report.
6. Details how ADE is to adjust the prescribed annual student discipline referral calculations for a school district or charter school if ADE determines that a student discipline referral was warranted but was not submitted because a teacher was discouraged from doing so.
7. Instructs ADE to reduce a school's letter grade by two letter grades if the school:
   a. does not implement disciplinary actions in at least 75% of the total number of student discipline referrals submitted by teachers in a single school year; and
   b. has no reasonable justification, as determined by ADE, for implementing disciplinary action in fewer than 75% of student disciplinary referrals in a single school year.
8. Directs ADE to administer an annual survey of school district and charter school teachers to assess whether, during the previous school year, any school district, charter school, administrator or teacher considered specified student characteristics when determining:
   a. whether to submit a student discipline referral; or
   b. what student disciplinary action was appropriate.
9. Defines *discourage*.

Amendments

Committee on Education

1. Directs ADE to notify a school that the school has failed to adequately discipline students in the current year and may be subject to penalties if the school fails to adequately discipline students in the following school year.
2. Reduces a school's letter grade by one, rather than two, letter grades if a school:
   a) received the specified notice from ADE in the previous school year; and
   b) fails to adequately discipline students as prescribed in the subsequent school year.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: FICO DP 7-0-0-0 | 3rd Read 24-4-2-0
House: GOV DP 8-1-0-0

SB 1367: occupational license; criminal record
Sponsor: Senator Bolick, LD 2
Caucus & COW

Overview

Modifies statute relating to a petition for review of criminal records for an occupational license.

History

Current law allows a person with a criminal record to petition an agency, at any time, for a determination of whether the person's criminal record disqualifies the person from obtaining a license, permit, certificate or other state recognition. If a person was convicted seven years prior to the date of a petition and their conviction has not been set aside, an agency may determine the individual disqualified from obtaining a license, permit, certificate or other state recognition (A.R.S. § 41-1093.04).

Provisions

1. Specifies that when making a determination regarding a person's petition, an agency may determine disqualification from a license, permit or certificate if the person was convicted within *three* years of the date of petition, rather than seven years. (Sec. 1)
2. Includes a conviction that has been sealed in exemptions to a state agency disqualifying a person from obtaining a license, permit or certificate. (Sec. 1)
3. Prohibits an agency, when determining disqualification from a license, permit or certificate, from considering negatively whether a person would qualify for a fingerprint clearance card issued pursuant to statute without a good cause exception. (Sec. 1)
4. Requires, rather than allows an agency to advise a person of the actions they may take to remedy a disqualification if an agency determines that the state's interest to protect public safety is superior to the person's right. (Sec. 1)
5. Directs an agency to post the statutorily required report of information relating to the number of applicants, petitions and determinations, from the previous calendar year, on their website. (Sec. 1)
6. Makes technical 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: GOV DP 4-2-2-0 | 3rd Read 16-12-2-0
House: GOV DP 5-4-0-0

SB 1473: agencies; single audit reports; penalty
Sponsor: Senator Kern, LD 27
Caucus & COW

Overview

Outlines penalties for state agencies that submit a Schedule of Expenditures of Federal Awards (SEFA) late.

History

The Single Audit Act of 1984 establishes requirements for audits of states, local governments and Indian tribal governments that expend over $750,000 in federal awards during one fiscal year. As part of a single audit, states, local governments and Indian tribal governments are required to prepare a SEFA, note disclosures, corrective action plans and a summary schedule of prior audit findings. A SEFA can include but is not limited to financial statement numbers, federal agency assistance listings numbers, program names and other information not typically found in the general ledger.

Provisions

1. Stipulates that a penalty of 1% of a state agency's annual budget in the upcoming fiscal year is assessed for every 30 days an agency required to comply with federal single audit requirements is late in submitting a SEFA to the Auditor General. (Sec. 1)

2. Mandates that if a state agency submits a SEFA late:
   a) the Auditor General must notify the State Treasurer of the amount of the penalty; and
   b) the State Treasurer must withhold the penalty from a state agency's appropriation for the following fiscal year. (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 4-2-2-0 | 3rd Read 16-12-2-0
House: GOV DP 6-2-1-0

SB 1731: public meetings; comments; members
Sponsor: Senator Mesnard, LD 13
Caucus & COW

Overview

Permits members of the public body to discuss matters raised during an open call to the public.

History

Current law prescribes that a public body may make an open call to the public during a public meeting to allow individuals to address the public body on any issue within the jurisdiction of the public. The open call must be held within a reasonable time, place and manner. At the conclusion of an open call to the public, individual members of the public body can respond to criticism made by those who have addressed the public body, ask staff to review a matter or ask that a matter be put on a future agenda. Members of the public body are prohibited from discussing or taking legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action (A.R.S. § 38-431.01).

Provisions

1. Authorizes members of the public body to discuss matters raised by those who address the public body during an open call to the public. (Sec. 1)
2. Makes technical and conforming changes. (Sec. 1)

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

SB 1173: licensed professional counselors; compact
Sponsor: Senator Gowan, LD 19
Caucus & COW

Overview

Adopts the Licensed Professional Counselor Compact (Compact), permitting licensed professional counselors (LPC) to obtain licensure in other Compact states. Creates the Counseling Compact Commission (Commission).

History

The practice of *professional counseling* is the professional application of mental health, psychological and human development theories, principles and techniques to: 1) facilitate human development and adjustment throughout the human life span; 2) assess and facilitate career development; 3) treat interpersonal relationship issues and nervous, mental and emotional disorders that are cognitive, affective or behavioral; 4) manage symptoms of mental illness; and 5) assess, appraise, evaluate, diagnose and treat individuals, couples, families and groups through the use of psychotherapy (A.R.S. § 32-3251).

The mission of the Arizona Board of Behavioral Health Examiners (Board) is to establish and maintain standards of qualifications and performance for licensed behavioral health professionals in the fields of professional 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 (A.R.S. §§ 32-3252, 32-3253).

Provisions

Purpose

1. Declares that the purpose of this impact is to facilitate interstate practice of LPCs with the goal of improving public access to professional counseling services.
2. Specifies that the practice of professional counseling occurs in the state where the patient or client is located at the time of the patient or client encounter.
3. Asserts that the Compact preserves the regulatory authority of the states to protect public health and safety through the current system of state licensure.
4. Outlines the objectives the Compact is designed to achieve.

State Participation in the Compact

5. States that in order to participate in the Compact, a state must currently do all of the following:
   a. license and regulate LPCs;
   b. require licensees to pass a Commission-approved nationally recognized exam;
   c. require licensees to complete 60 semester-hours or 90 quarter-hours through a master's degree or graduate coursework in certain areas;
   d. require licensees to complete a supervised postgraduate professional experience; and
   e. have a mechanism in place for receiving and investigating complaints about licensees.
6. Specifies that the licensees must complete 60 semester-hours or 90 quarter-hours through a master's degree or graduate coursework in the following areas:
   a. professional counseling orientation and ethical practice;
   b. social and culture diversity;

c. human growth and development;
d. career development;
e. counseling and helping relationships;
f. group counseling and group coursework;
g. diagnosis and treatment;
h. research and program evaluation; and
i. other areas as determined by the Commission.

7. Tasks a member state to do all of the following:
   a. participate fully in the Commission's data system, including using the Commission's unique identifier;
   b. notify the Commission, in compliance with the terms of the Compact and rules, of any adverse action or the availability of investigative information regarding a licensee;
   c. implement or use procedures for considering the criminal history records of applicants for an initial privilege to practice;
   d. comply with the rules of the Commission;
   e. require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or licensure renewal, as well as all other applicable state laws;
   f. grant the privilege to practice to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the Compact and rules; and
   g. provide for the attendance of the state's commissioner to Commission meetings.
8. Specifies that a member state's criminal history record procedures must include:
   a. the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation (FBI) and the agency responsible for retaining that state's criminal records;
   b. a fully implemented criminal background check requirement within a time frame established by rule by receiving the results of the FBI records search and using the results in making licensure decisions; and
   c. communication between a member state and the Commission and among member states regarding the verification of eligibility for licensure through the Compact that does not include any information received from the FBI relating to a federal criminal records check performed by a member state under federal law.
9. Permits member states to charge a fee for granting Compact privilege.
10. Permits individuals not residing in a member state to continue to be able to apply for a member state's single-state license, except that this license does not grant privilege to practice in any other state.
11. Asserts that this does not affect state requirements for issuing a single-state license.
12. Directs each member state to recognize a license issued to an LPC in the person's home state as authorizing the practice of professional counseling in each member state.

Privilege to Practice

13. Declares that in order to exercise Compact privilege, licensees must:
   a. hold a license in the licensee's home state;
   b. have a valid U.S. social security number or national practitioner identifier;
   c. be eligible for privilege to practice in any member state;
   d. not have had any encumbrance or restriction against any license or privilege to practice within the previous two years;
   e. notify the Commission that the licensee is seeking the privilege to practice within a remote state or states;
   f. pay any applicable fees, including any state fee;
   g. meet any continuing competence/education requirements established by the home state;

h. meet any jurisprudence requirements established by the remote state or states in which the licensee is seeking privilege to practice; and
i. report to the Commission any adverse action taken by a nonmember state within 30 days.

14. Specifies that privilege to practice is valid until the expiration date of the home state license.

15. Requires licensees to comply with the requirements of the Compact to maintain the privilege to practice in the remote state.

16. Requires a licensee providing professional counseling in a remote state under the privilege to practice must adhere to the remote state's laws and regulations.

17. States that a licensee providing professional counseling services in a remote state is subject to that state's regulatory authority.

18. Allows a remote state to remove a licensee's privilege to practice in their state for a specified period of time, impose fines or take any other necessary actions to protect the health and safety of its citizens.

19. Asserts that licensees may be ineligible for a privilege to practice in any member state until the specific time or removal has passed and all fines and civil penalties are paid.

20. Specifies that if a licensee's home state license is encumbered, the licensee loses the privilege to practice in any remote state until both of the following occur:
    a. the home state license is no longer encumbered; and
    b. the licensee has not had any encumbrance or restriction against any license or privilege to practice within the previous two years.

21. Specifies that once an encumbered license in a licensee's home state is restored to good standing, the licensee must once again meet the licensure requirements in order to obtain a privilege to practice in any remote state.

22. Asserts that if a licensee's privilege to practice in any remote state is removed, the individual may lose the privilege to practice in all other remote states until all of the following occur:
    a. the specific period of time for which the privilege to practice was removed;
    b. all fines and civil penalties are paid; and
    c. the licensee has not had any encumbrance or restriction against any license or privilege to practice within the previous two years.

Obtaining a New Home State License Based on a Privilege to Practice

23. Stipulates that a home state professional counseling license only entitles a LPC to practice in one member state at a time.

24. Outlines what must occur if a LPC changes primary state of residence by moving between two member states.

25. Specifies that the state criteria for issuance of a single-state license applies if a LPC changes primary state of residence by moving from a member state to a nonmember state or from a nonmember state to a member state.

26. Specifies that, for Compact purposes, a licensee may only have one home state license.

27. Clarifies that this Compact does not interfere with a licensee's ability to hold a single-state license in multiple states or affect the requirements established by a member state for the issuance of a single-state license.

Active-Duty Military Personnel and Their Sources

28. Requires active-duty military personnel or military spouses to designate a home state where the individual has a current license in good standing.

29. Permits active-duty military personnel or military spouses that are LPCs to retain home state designation during the period the service member is on active duty.

30. Specifies that an active-duty service member or military spouse that is a LPC may change home state only through application for licensure in a new state or through the Compact processes.

Compact Privilege to Practice Telehealth

31. Instructs member states to recognize the right of a LPC that is licensed by a home state to practice professional counseling via telehealth under a privilege to practice under the Compact.

32. Requires a LPC in a remote state under the privilege to practice to adhere to the laws and regulations of the remote state.

Adverse Actions

33. Enables remote states the authority, in accordance with existing state due process law, to:
    a. take adverse action against a LPC's Compact privilege within that member state; and
    b. issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence.

34. Specifies that subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state must be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court.

35. Requires an authority that issues subpoena to pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence is located.

36. Provides home states the exclusive power to impose adverse action against a LPC license issued by the home state.

37. Specifies that, for purposes of taking adverse action, a home state must give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state and apply its own laws to determine appropriate action.

38. Requires a home state to complete any pending investigations of a LPC who changes primary state of residence during the course of the investigations.

39. Gives a home state the authority to take any appropriate action and promptly report the conclusions of the investigations to the Commission data system.

40. Directs the Administrator of the Coordinated Licensure Information System to promptly notify the new home state of any adverse actions.

41. Permits a member state to recover the costs of investigations and disposition of cases from the affected LPC.

42. Enables a member state to take adverse action based on the factual findings of the remote state, provided that the member state follows its own procedures for taking the adverse action.

43. Allows member states to conduct joint investigations of LPCs.

44. Requires member states to share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation.

45. Specifies that if any adverse action is taken by the licensee's home state, a LPC's privileges are deactivated until all encumbrances on the license have been removed.

46. Requires that all home state disciplinary orders that impose adverse action against a LPC's license include a statement that the individual's privilege to practice is deactivated in all member states during the pendency of the order.

47. Requires a member state that takes adverse action to promptly notify the data system administrator.

48. Requires the Data System Administrator to promptly notify the home state of any adverse actions by remote states.

49. Clarifies that the Compact does not override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

Establishment of Counseling Compact Commission

50. Establishes the Commission as an instrumentality of Compact states.
51. Requires judicial proceedings by or against the Commission to be brought solely in court of competent jurisdiction where the Commission's principal office is located.
52. Permits the Commission to waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
53. Forbids any provision of the Compact from being construed as a waiver of sovereign immunity.
54. Establishes an executive committee with the power to act on behalf of the Commission.
55. Details membership, authorities and duties of the Commission and the executive committee.
56. Requires Commission meetings to be open to the public, with properly provided public notice.
57. Allows the Commission and the executive committee to convene for a closed, nonpublic meeting if certain topics are discussed.
58. Directs the Commission's legal counsel or designee to certify that a meeting is closed and reference each relevant exempting provision.
59. Requires the Commission to keep minutes of meetings and provide a full and accurate summary of actions taken.
60. Requires all minutes and documents of a closed meeting to remain under seal, subject to release by a court order or a majority vote of the Commission.
61. Outlines financial requirements and authorities of the Commission.
62. Holds harmless from liability the members, officers, executive director, employees and representatives of the Commission for any claim for damage to or loss of property, personal injury or other civil liability caused by an act, error or omission that occurred, unless the damage, loss, injury or liability was caused by the intentional, willful or wanton misconduct of that person.
63. Directs the Commission to defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability for an act, error or omission that occurred within the scope of Commission employment, duties or responsibilities.
64. Permits a person to retain private counsel in any action against the person if the act was not a result of intentional, willful or wanton misconduct.
65. Directs the Commission to indemnify and hold harmless any member, officer, executive director, employee or Commission representative for the amount of any settlement or judgment obtained against that person arising out of an act, error or omission that occurred within the scope of Commission employment, duties or responsibilities if the act was not a result of intentional, willful or wanton misconduct.

Data System

66. Directs the Commission to develop, maintain and utilize a coordinated database and reporting system containing licensure, adverse action and investigative information on all licensed individuals in member states.
67. Directs member states to submit uniform data sets to the data system on all Compact individuals using a unique identifier, including:
    a. identifying information;
    b. licensure data;
    c. adverse actions against a license or Compact privilege;

d. nonconfidential information related to alternative program participation;
e. any denial of licensure and the reasons why;
f. other information that may facilitate Compact administration; and
g. current significant investigative information.

68. Requires investigative information pertaining to a license in any member state to be available only to other member states.

69. Requires the Commission to promptly notify all member states of any adverse action taken against a licensee or applicant.

70. Allows member states that contribute information to the data system to designate confidential information that may not be shared without expressed permission.

71. Requires any data system information that must be expunged to be removed from the data system.

Rulemaking

72. Directs the Commission to promulgate reasonable rules to effectively and efficiently achieve the purpose of the Compact.

73. Specifies that, if the Commission exercises its rulemaking authority in a manner beyond the scope of the Compact, the action is invalid and has no force or effect.

74. Directs the Commission to exercise its rulemaking authorities pursuant to the Compact and rules established under the Compact.

75. Deems that rules and amendments to the rules become binding as of the date specified in each rule or amendment.

76. Specifies that a rule has no further force or effect in any member state if a majority of the legislatures of the member states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, within four years of the adoption of the rule.

77. Requires rules or amendments to the rules to be adopted at a regular or special meeting.

78. Requires the Commission, before adopting a final rule, to file a notice of proposed rulemaking at least 30 days before the meeting at which the rule will be considered and voted on, with notice provided on the website of:
    a. the Commission or other publicly accessible platform; and
    b. each member state's professional counseling licensing board or other publicly accessible platform in which each state would otherwise publish proposed rules.

79. Outlines requirements for notice of proposed rulemaking.

80. Requires the Commission to grant an opportunity for a public hearing before it adopts a rule or amendment if requested by:
    a. at least 25 people;
    b. a state or federal governmental subdivision or agency; or
    c. an association with at least 25 members.

81. Prescribes procedures for when the Commission holds a hearing on a proposed rule or amendment to the rule.

82. Allows the Commission to proceed with adopting a proposed rule without a public hearing if no written notice of intent to attend the public hearing by interested parties is received.

83. Allows the Commission to consider and adopt an emergency rule without prior notice, an opportunity for comment or a hearing if the Commission determines that there is an emergency and usual rulemaking procedures provided in the Compact are retroactively applied as soon as reasonably possible, within 90 days.

84. Asserts that an emergency rule is one that must be adopted immediately in order to do one of the following:
    a. meet an imminent threat to public health, safety or welfare;
    b. prevent a loss of Commission or member state funds;
    c. meet a deadline for the adoption of an administrative rule established by federal law; or
    d. protect public health and safety.
85. Allows the Commission or an authorized committee to direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors.
86. Requires public notice of any revisions to be posted on the Commission website.
87. Specifies that revisions are subject to challenge by any person for 30 days on the grounds that the revision results in a material change to a rule.
88. Requires any challenge to be made in writing and delivered to the Chairperson of the Commission before the end of the notice period.
89. Specifies that the revision takes effect without further action if no challenge is made.
90. Specifies that, if the revision is challenged, the revision may not take effect without the approval of the Commission.

Oversight, Dispute Resolution and Enforcement

91. Directs the executive, legislative and judicial branches of state government in each member state to enforce the Compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent.
92. Asserts that the provisions of the Compact and the rules promulgated under the Compact have standing as statutory law.
93. Instructs all courts to take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state that pertain to the Compact that may affect the powers, responsibilities or actions of the Commission.
94. Grants the Commission the right to receive service of process as well as standing to intervene in a proceeding for all purposes.
95. States that failure to provide service of process to the Commission renders a judgment or order void.
96. Directs the Commission, if a member state has defaulted in the performance of its obligations or responsibilities under the Compact to:
    a. provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default or any other action to be taken by the Commission; and
    b. provide remedial training and specific technical assistance regarding the default.
97. Permits a defaulting state that fails to cure a default to be terminated from the Compact, upon a majority vote of member states.
98. Specifies that curing a default does not relieve an offending state of obligations or liabilities incurred during the period of default.
99. Permits termination of Compact membership only after all other means of securing compliance have been exhausted.
100. Directs the Commission to provide notice of intent to suspend or terminate a state to the governor, the majority and minority leaders of the state's legislature and each of the member states.
101. Specifies that a terminated state is responsible for all assessments, obligations and liabilities incurred, including obligations that extend beyond the effective date of termination.

102. Prohibits the Commission from bearing any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed to in writing between the Commission and defaulting state.

103. Permits a defaulting state to appeal an action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices.

104. Grants all costs of litigation, including reasonable attorney fees, to the prevailing party.

105. Requires the Commission to attempt to resolve Compact disputes between member states or between member states and nonmember states upon request by a member state.

106. Directs the Commission to promulgate a rule providing for both mediation and binding dispute resolution.

107. Instructs the Commission, in the reasonable exercise of its discretion, to enforce the provisions and rules of the Compact.

108. Allows the Commission, by majority vote, to initiate legal action in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices against a defaulting member state to enforce Compact compliance, including seeking both injunctive relief and damages.

109. Stipulates that, if judicial enforcement is necessary, the prevailing member is awarded all costs of litigation, including reasonable attorney fees.

110. Asserts that Compact remedies are not the exclusive remedies of the Commission and that the Commission may pursue any other remedies available under federal or state law.

Date of Implementation, Withdrawals and Amendments

111. Makes the Compact effective on the date that the Compact is adopted by a 10th member state.

112. States that the provisions of the Compact become effective at that time and are limited to the powers granted to the Commission relating to assembly and the promulgation of rules.

113. Directs the Commission to meet and exercise rulemaking powers necessary to implement and administer the Compact upon the effective date.

114. Stipulates that any state that joins the Compact subsequent to the Commission's initial adoption of rules is subject to the rules in place on the effective date of the Compact.

115. Allows any member state to withdraw from the Compact by enacting a statute repealing the Compact.

116. Clarifies that the withdrawal of a member state:
    a. does not take effect until six months after enactment of the repealing statute; and
    b. does not affect the continuing requirement of the withdrawing state's professional counseling licensing board to comply with the investigative and adverse action reporting requirements of the Compact before the date of withdrawal.

117. Clarifies that this Compact does not invalidate or prevent any professional counseling licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the Compact.

118. Allows the Compact to be amended by the member states.

119. States that a Compact amendment does not become effective and binding until it is enacted by all member states.

Construction and Severability

120. Declares the Compact to be liberally construed so as to effectuate its purposes.

121. States that the Compact provisions are severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any member state or of the United States,

the validity of the remainder of the Compact and the applicability to any government, agency, person or circumstance is not affected.

122. Requires the Compact, if it violates the constitution of a member state, to remain in full force and effect for:
    a. the remaining member states; and
    b. all severable matters of the affected member state.

Binding Effect of Compact and Other Laws

123. Instructs LPCs providing professional counseling services in a remote state under the privilege to practice to adhere to the laws and regulations, including scope of practice, of the remote state.

124. Asserts that this Compact does not prevent the enforcement of any other law of a member state that is not inconsistent with the Compact.

125. Specifies that any laws in a member state that conflict with the Compact are superseded to the extent of the conflict.

126. Declares any lawful actions of the Commission, including all rules and bylaws properly promulgated by the Commission, are binding on the member states.

127. States that all permissible agreements between the Commission and member states are binding in accordance with their terms.

128. Specifies that if any provision of the Compact exceeds the legislative constitutional limits of a member state, the provision is ineffective to the extent of the conflict.

Miscellaneous

129. Defines terms.

SB 1235: DCS; child fatality review team
Sponsor: Senator Shamp, LD 29
Caucus & COW

Overview

Establishes the Child Safety Fatality and Near Fatality Review Team (DCS Review Team) under the Arizona Department of Child Safety (DCS) and outlines duties of the DCS Review Team. Requires the Joint Legislative Oversight Committee on DCS (Joint DCS Oversight Committee) to review systemic factors related to alleged child maltreatment fatalities and near fatalities.

History

Arizona Department of Child Safety

The primary purpose of DCS is to protect children. To achieve this DCS will do and focus equally on: 1) investigating reports of abuse and neglect; 2) assessing, promoting and supporting the safety of a child in a safe and stable family or other appropriate placement in response to allegations of abuse and neglect; 3) cooperating with law enforcement regarding reports that include allegations of criminal conduct; and 4) coordinating services to achieve and maintain permanency for the child, strengthen the family and provide prevention, intervention and treatment services without compromising the child's safety (A.R.S. § 8-451).

Joint Legislative Oversight Committee on DCS

Laws 2017, Chapter 282 created the Joint DCS Oversight Committee which consists of six members. The Committee reviews the following: 1) DCS's implementation of policy and procedures and program effectiveness; 2) all reports on program outcomes released by DCS to the Legislature for trends and areas for statutory improvement and audits issued by the Office of the Auditor General related to DCS; and 3) policies and procedures relating to guardianships and dependency proceedings. The committee meets at least biannually.

State Child Fatality Review Team

The State Child Fatality Review (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).

Provisions

DCS Review Team

1. Creates the DCS Review Team to review all reports of fatalities and near fatalities of a child made to the child abuse hotline. (Sec. 1)
2. Directs the DCS Review Team to:

a) hold regular multidisciplinary team meetings to review reports of child fatalities or near fatalities where DCS had prior involvement with the child, the child's family or the perpetrator;
b) identify systemic trends that influence decisions and actions made by DCS;
c) recommend changes to policy and practice to improve outcomes for children and families;
d) promote a culture of psychological safety within DCS by responding to fatality and near fatality cases in a manner that promotes learning, transparency and employee health;
e) produce an annual child fatality and near fatality report; and
f) select cases that present opportunities for systemic learning or that demonstrate opportunities for systemic change and respond to requests for further information by a standing committee of the Legislature, joint legislative oversight committee or another committee appointed by the President of the Senate and the Speaker of the House of Representatives. (Sec. 1)

3. Requires the DCS Review Team to hold regular multidisciplinary team meetings to:
   a) review reports of child fatalities or near fatalities made to the child abuse hotline where DCS has involvement with the child, the child's family or the perpetrator within the prior three years;
   b) select cases for systemic learning and order the DCS Review Team to do a systemic critical incident review of those cases; and
   c) receive findings from systemic critical incident reviews at least quarterly and recommend changes to DCS policy and practice. (Sec. 1)

4. Requires the multidisciplinary team to consist of DCS employees designated by the DCS Director. (Sec. 1)

5. Instructs the DCS Director to appoint, at a minimum, the following public members who must be trained in safe system improvement:
   a) a licensed pediatrician who has professional experience relating to child abuse and neglect;
   b) a peace officer who has experience investigating child abuse and neglect fatalities and near fatalities;
   c) a practicing social worker;
   d) a behavioral health practitioner; and
   e) an attorney who has past professional experience representing children in child abuse and neglect cases. (Sec. 1)

6. Permits the multidisciplinary team to consult with the Department of Health Services (DHS), the Department of Economic Security (DES), the Arizona Health Cost Containment System (AHCCCS) or any other governmental entity that may have information pertinent to a child fatality or near fatality when conducting child fatality and near fatality reviews. (Sec. 1)

7. Requires DCS to produce an annual report of information gathered during its review of child fatalities and near fatalities and include the following:
   a) the total number of fatality and near fatality reports in a fiscal year, by county;
   b) the number of allegations that are substantiated and unsubstantiated;
   c) the number of reports due to abuse and whether they were substantiated or unsubstantiated;
   d) the number of reports due to neglect and whether they were substantiated or unsubstantiated;
   e) the number of reports where the family had previous DCS involvement;
   f) systemic trends that influence the practice and decisions made by DCS and areas for improvement; and
   g) details of cases that present opportunities for systemic learning or that demonstrate opportunities for systemic change. (Sec. 1)

8. States the multidisciplinary team meetings are not subject to open meeting laws. (Sec. 1)

9. Requires DCS to present the annual report to the following at a public meeting in order to inform policymakers on systemic changes required to improve the child welfare system:
   a. a standing committee of the Legislature;
   b. a joint legislative oversight committee; or

c. a committee appointed by the President of the Senate or the Speaker of the House of Representatives. (Sec. 1)

10. Allows the applicable committee, if deemed necessary, to hold an executive session to protect the privacy or safety of individuals involved in the fatality or near fatality or to receive confidential information. (Sec. 1)

11. Specifies that the information on the report cannot be further disclosed unless:
    a. a court orders the disclosure of this information;
    b. the information is disclosed in a public or court record; or
    c. the information is disclosed in the course of a public meeting or court proceeding. (Sec. 1)

12. Requires the DCS Review Team to respond to requests for additional information regarding a child fatality or near child fatality made pursuant to the Joint DCS Oversight Committee withing 90 days after receiving the request. (Sec. 1)

13. States that the information gathered is confidential. (Sec. 1)

14. Permits public members of the DCS Review Team to receive confidential DCS information but prohibits further disclosure unless authorized by law. (Sec. 1)

Joint Legislative Oversight Committee on DCS

15. Expands the duties of the Joint DCS Oversight Committee systemic to include reviewing factors related to alleged child maltreatment fatalities and near fatalities. (Sec. 2)

16. Permits the Joint DCS Oversight Committee, in reviewing alleged child maltreatment fatalities and near fatalities, to:
    a) review interagency coordination and communication;
    b) enter into executive session when necessary to promote the privacy and safety of the decedent's family or employees of DCS;
    c) critically analyze the systemic factors that may have contributed to an alleged child maltreatment fatality or near fatality, including the laws, policies and practices of DCS, DES, AHCCCS and any other state agency that may have been involved in the safety and welfare of the child or with the child's family and the perpetrator, including any economic, health, social services, supports and resources, to identify improvements that could mitigate future child maltreatment fatalities or near fatalities;
    d) identify best practices and services that may prevent future maltreatment fatalities or near fatalities and review the recommendations submitted by the DCS Review Team and the State Fatality Review Team; and
    e) review reports produced and presented by the DCS Review Team and request additional information and follow up on details associated with a report. (Sec. 2)

17. Defines *systemic critical incident review* (Sec. 1)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: HHS DP 7-0-0-0 APPROP DP 5-3-2-0| 3rd Read 26-0-4-0
House: HHS DP 9-0-0-1

SB 1250: AHCCCS; claims
Sponsor: Senator Shope, LD 16
Caucus & COW

Overview

Forbids a health care insurer from denying a claim for payment submitted by the state solely based on a lack of prior authorization if the Arizona Health Care Cost Containment System (AHCCCS) authorized the item or service.

History

Established in 1981, AHCCCS is Arizona's Medicaid program that oversees contracted health plans for the delivery of health care to individuals and families who qualify for Medicaid and other medical assistance programs. Through contracted health plans across the state, AHCCCS delivers health care to qualifying individuals including low-income adults, their children or people with certain disabilities. Current statute outlines covered health and medical services offered to AHCCCS members (A.R.S. § 36-2907).

A *health care insurer* is a self-insured health benefit plan, a group health plan, a pharmacy benefit manager or any other party that by statute, contract or agreement is responsible for paying for items or services provided to an eligible person including: 1) an entity transacting disability insurance; 2) hospital service corporations, medical service corporations, dental service corporations, optometric service corporations and hospital, medical, dental and optometric service corporations; 3) a prepaid dental plan organization; 4) a health care services organization; 5) an entity transacting group disability insurance; or 6) an entity transacting blanket disability insurance (A.R.S. § 36-2923).

Provisions

1. Prohibits a health care insurer from denying a claim for payment submitted by this state solely on the basis of lack of prior authorization if AHCCCS authorized the item or service. (Sec. 1)
2. Asserts that this does not expand the scope of coverage, benefits or rights under the policy issued by the health care insurer. (Sec. 1)
3. Requires a health care insurer to respond within 60 days to any inquiry made by the AHCCCS Director regarding a claim for payment for any health care item or service that is submitted no later than three years after the date of the health care item or service. (Sec. 1)
4. Eliminates the requirement that the AHCCCS Director provide a copy of the health care insurer compliance report to the Director of the Arizona State Library, Archives and Public Records. (Sec. 1)
5. Makes technical changes. (Sec. 1)

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

SB 1406: international medical licensees; provisional licensure
Sponsor: Senator Shamp, LD 29
Caucus & COW

Overview

Allows the Arizona Medical Board (AMB) and the Arizona Board of Osteopathic Examiners in Medicine and Surgery (ABOE) to grant provisional medical licenses to international medical licensees who meet the outlined criteria, effective January 1, 2025.

History

Arizona Board of Osteopathic Examiners in Medicine and Surgery

The ABOE consists of seven members appointed by the Governor. One member of ABOE must be appointed each year for a term of five years, to begin and end on April 15. ABOE regulates the practice of osteopathic medicine by: 1) issuing licenses, conducting hearing and administering disciplinary actions; 2) maintaining a record of its acts and proceedings; and 3) adopting rules regarding the regulation and qualification of medical assistants (A.R.S. §§ 32-1801 and 32-1803).

Arizona Medical Board

The AMB was originally established by the Arizona State Legislature in 1913. AMB consists of 12 members who are appointed to serve a term of five years to begin and end on July 1. AMB's primary duty is to protect the public from unlawful, incompetent, unqualified, impaired or unprofessional practitioners of allopathic medicine through licensing and regulation (A.R.S. §§ 32-1402 and 32-1403).

Students Graduating from an Unapproved Allopathic School of Medicine

In addition to completing the basic statutory requirements for medicine and surgery licensure, any applicant who has graduated from an unapproved allopathic school of medicine must meet the following requirements:

1) be able to read, write, speak, understand and be understood in the English language;
2) hold a standard certificate issued by the Educational Council for Foreign Medical Graduates (Council), complete a Fifth Pathway Program, complete 36 months as a full-time assistant professor or in a higher position in an approved school of medicine; and
3) successfully complete an approved 24 month hospital internship, residency or clinical fellowship program, in addition to the statutorily required 12 month hospital internship, residency or clinical fellowship program, for a total of 36 months of training, unless the applicant successfully completed a Fifth Pathway Program or has served as a full-time assistant professor or in a higher position in an approved school of medicine for a total of 36 months (A.R.S. § 32-1423).

Fifth Pathway Program

In addition to completing the basic statutory requirements for medicine and surgery licensure and when graduating from an unapproved allopathic school of medicine, an applicant for a medical license who attended a foreign school of medicine and successfully completed all the formal requirements to receive the degree of Doctor of Medicine (M.D.) except internship or social service, and is accordingly not eligible for certification by the Council, may be considered for licensure if they meet the following conditions:

1) satisfactorily completes an approved Fifth Pathway Program of one academic year of supervised clinical training under the direction of an approved U.S. school of medicine; and
2) successfully completes an approved 24-month internship, residency or clinical fellowship program upon completion of the Fifth Pathway Program.

A document granted by a foreign school of medicine signifying completion of all formal requirements for graduation from such foreign medical school except internship or social service training, or both, along with certification by the approved U.S. school of medicine of successful completion of the Fifth Pathway Program is deemed the equivalent of an M.D. for purposes of licensure and practicing as a physician in Arizona (A.R.S. § 32-1424).

Provisions

1. Permits the AMB or ABOE, notwithstanding any other law, to grant a provisional license to engage in the practice of medicine in Arizona to any international medical licensee who meets all of the following:
   a) has an offer for employment as a physician at any health care provider that operates in a county with a population of less than 1,000,000 persons;
   b) has a federal immigration status that allows the person to work as a physician in the United States (U.S.); and
   c) meet the requirements for licensure by AMB and ABOE. (Sec. 1)

2. Specifies that the AMB and ABOE are not required to grant a provisional license to an international medical graduate who does not provide:
   a) evidence of substantially similar required medical training;
   b) evidence of satisfactory passage of exams;
   c) a complete license application;
   d) payment of all required licensing fees; and
   e) satisfactory proof of a federal immigration status that allows the individuals to work as a physician in the U.S. (Sec. 1)

3. Requires a provisional license to automatically be converted to a full license to practice medicine in Arizona after four years if the provisional license meets all of the following:
   a) engages in the practice of medicine in Arizona for four years in a county with a population of less than 1,000,000 persons;
   b) is not disciplined by AMB or ABOE during that four-year period of the provisional license; and
   c) the provisional licensee's supervising physician with whom there was a supervision agreement submits a signed attestation to AMB or ABOE certifying that it is a supervising physician's professional opinion that the provisional licensee meets Arizona's standards for providing medical care. (Sec. 1)

4. Requires the international medical licensee to do both of the following:
   a) work under the supervision of a licensed physician; and
   b) comply with the continuing education requirements. (Sec. 1)

5. Directs AMB and ABOE to adopt rules for the supervision requirement, including requirements:
   a. to submit a supervision agreement;
   b. to make reports to the AMB or ABOE;
   c. to obtain medical malpractice liability insurance;
   d. regarding health insurance coverage; and
   e. for procedures for failure to adhere to the terms of the supervision agreement. (Sec. 1)

6. Requires the international medical licensee's employer to notify AMB or ABOE if the licensee is terminated or leaves employment for any reason. (Sec. 1)

7. Requires AMB or ABOE, within five days after receiving notification from the employer, to terminate the provisional license, unless:
   a. the licensee notifies AMB or ABOE that they are working for another employer in a county with a population of less than 1,000,000 persons; and

b. the new employer notifies AMB or ABOE that the licensee has accepted an offer of employment. (Sec. 1)

8. Requires the new employer to comply with AMB or ABOE rules related to issuing a new supervision agreement. (Sec. 1)
9. Allows an employer of an international medical licensee to require the licensee to take a competency test at any time during employment. (Sec. 1)
10. Allows the AMB or ABOE to discipline a provisional licensee or revoke a granted provisional license based on clean and compelling evidence after a conducted investigation. (Sec. 1)
11. Permits a provisional licensee to appeal the revocation to the Maricopa County Superior Court. (Sec. 1)
12. Requires the Maricopa County Superior Court to reinstate the provisional license if the court finds that AMB or ABOE's actions did not meet the standards for revocation. (Sec. 1)
13. Requires the AMB and ABOE to adopt rules related to the format and submission requirements for the attestation document provided by a supervising physician. (Sec. 1)
14. Allows the AMB and ABOE to require an applicant international medical graduate to submit any necessary supporting application materials so that AMB and ABOE may properly evaluate the applicant for licensure. (Sec. 1)
15. Permits the AMB and ABOE to require an applicant international medical licensee, at the applicant's expense, to submit medical education information through the Educational Commission for Foreign Medical Graduates or another third-party records service. (Sec. 1)
16. Allows the AMB and ABOE by rule to establish licensing and renewal fees for provisional licensees. (Sec. 1)
17. Requires a provisional license to be renewed annually. (Sec. 1)
18. Defines the following terms:
    a. *board;*
    b. *health care provider;*
    c. *international medical licensee;*
    d. *international medical program;* and
    e. *physician*. (Sec. 1)
19. Exempts the AMB and ABOE from rulemaking requirements for one year after the effective date. (Sec. 2)
20. Contains an effective date of January 1, 2025. (Sec. 3)

☐ 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 4-3-0-0 | 3rd Read 16-12-2-0
House: HHS DP 5-3-0-2

SB 1407: employers; vaccines; religious exemption
Sponsor: Senator Shamp, LD 29
Caucus & COW

Overview

Requires employers to provide reasonable accommodations to an employee that requests a religious exemption from taking an influenza A or B, flu or U.S. Food and Drug Administration (FDA) emergency use authorized vaccine and provides a vaccine exemption form.

History

Currently, if an employer receives notice from an employee that their sincerely held religious beliefs, practices or observances prevent the employee from taking the COVID-19 vaccination, the employer must provide a reasonable accommodation unless the accommodation poses an undue hardship and more than a de minimus cost to the operation of the employer's business (A.R.S. § 23-206).

Provisions

1. Requires an employer to provide a reasonable accommodation, unless it poses an undue hardship, to an employee that provides notice to the employer that due to their sincerely held religious beliefs, practices or observances prevents them from taking the influenza A or B vaccine, flu vaccine or any FDA emergency use authorized vaccine. (Sec. 1)
2. Removes the exception that allows an employer to not provide an accommodation if it poses more than a de minimus cost to the operation of the employer's business. (Sec. 1)
3. Forbids an employer from inquiring into the veracity of an employee's religious beliefs, practices or observances beyond what is allowed under federal law and discriminating against an employee regarding employment, wages or benefits based on the employee's vaccination status. (Sec. 1)
4. Requires an employer to allow an employee to request a religious exemption from the COVID-19, influenza A or B, flu or FDA emergency use authorized vaccinations through a religious exemption form that meets certain minimum requirements. (Sec. 1)
5. Asserts that any employer that receives a request for a religious exemption must keep the request and its contents confidential and is prohibited from sharing them within the organization unless it is necessary to process the request for exemption, accommodation or other operational necessity. (Sec. 1)
6. Permits employers to create a database of religious exemption requests for internal use only unless otherwise required by law. (Sec. 1)
7. Defines terms. (Sec. 1)
8. Makes a conforming change. (Sec. 1)

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

SB 1511: insurance; gender surgeries; documentation; reports
Sponsor: Senator Shamp, LD 29
Caucus & COW

Overview

Forbids a health insurer that provides coverage for gender transition procedures to deny coverage for gender detransition procedures. Requires health care providers who perform gender transition procedures to provide gender detransition procedures and contains reporting requirements and session law provisions for updating official documents that indicate name, sex and gender.

History

Health care insurer is a disability insurer, group disability insurer, blanket disability insurer, health care services organization, hospital service corporation, medical service corporation or hospital, medical, dental and optometric service corporation that issues a health plan in Arizona (A.R.S. § 20-3501).

Gender transition is the process in which a person goes from identifying with and living as a gender that corresponds to the person's biological sex to identifying with and living as a gender different from the person's biological sex and may involve social, legal or physical changes (A.R.S. § 32-3230).

A *physician* is a Doctor of Medicine or an Osteopathic physician (A.R.S. § 32-3230).

Provisions

Health Insurers

1. Prohibits any contract that is issued, delivered or renewed by a health insurer that provides coverage for gender transition procedures to deny coverage for gender detransition procedures beginning on January 1, 2025. (Sec. 1)
2. Requires a physician, health care institution, other person or entity that is licensed or otherwise authorized to furnish health care services in Arizona and performs gender transition procedures to agree to provide or pay for the performance of gender detransition procedures. (Sec. 1)
3. Directs a health insurer that provides coverage for gender transition services to submit a report to the Department of Insurance and Financial Institutions (DIFI) within 15 days after the end of the calendar month during which a claim for a detransition procedure was filed. (Sec. 1)

Department of Insurance and Financial Institutions

4. Requires DIFI to develop a form for the report to include the following:
   a. the number of insurance claims made for a gender detransition procedure;
   b. the age and sex of the individual who received the gender detransition procedure;
   c. the date that the individual initially began a prior gender transition procedure, if known; and
   d. the state and county of residence of the individual who received the gender detransition procedure. (Sec. 1)
5. Prohibits the DIFI form to include the following:
   a. the name of the individual;
   b. any common identifiers of the individual, including a social security number or driver license number; and
   c. any other information that is not required in the DIFI form that would cause the individual to be identified. (Sec. 1)

6. Requires DIFI to prepare an annual statistical report that compiles the information submitted in the DIFI form and do the following:
   a. make the statistical report available in a downloadable format; and
   b. submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Secretary of State. (Sec. 1)

7. Permits the Attorney General to do the following:
   a. investigate a potential violation;
   b. seek production of documents or testimony through a civil investigative subpoena; and
   c. bring an action to enforce compliance. (Sec. 1)

8. Defines *health insurer*. (Sec. 1)

Session Law Provisions

9. Requires any state agency that issues licenses, certificates, permits or other official documents that require a name or sex or gender designation to adopt an expedited procedure that allows an individual who is in the process of a gender detransition procedure to have the individual's license, certificate, permit or other official document changed to the individual's new name and sex or gender designation. (Sec. 2)

10. Requires a state agency, by December 31, 2025, to identify the licenses, certificates, permits or other official documents that an agency issues and identify the current process of changing a name or sex or gender designation on the license, certificate, permit or other official document and provide a report to the Department of Administration (ADOA). (Sec. 2)

11. Requires a state agency to identify an expedited process for individuals who are in the process of a gender detransition procedure to have that individual's license, certificate, permit or other official document changed to reflect the individual's new name or sex or gender designation and provide a report to ADOA by June 30, 2026. (Sec. 2)

12. Repeals the session law provisions on January 1, 2027. (Sec. 2)

SB 1078: fraudulent voice recordings
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview

Establishes the use of a computer generated voice recording, image or video of another person with the intent to defraud or harass other persons as a form of criminal impersonation punishable as a class 5 felony.

History

Under current law, a person commits criminal impersonation (a class 6 felony) by:

1) assuming a false identity with the intent to defraud another;
2) pretending to be a representative of some person or organization with the intent to defraud; or
3) pretending to be, or assuming a false identity of, an employee or a representative of some person or organization with the intent to induce another person to provide or allow access to property (A.R.S. § 13-2006).

A class 6 felony carries a presumptive prison sentence of 1 year for a first-time offense and a fine of no more than $150,000. A class 5 felony carries presumptive prison sentence of 1.5 years for first time offenders and a fine of no more than $150,000 (A.R.S. §§ 13-702, 13-801).

For purposes of A.R.S. § 13-2921 (prescribing the offense of *harassment*), the term *harass* is defined as conduct that is directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed, humiliated or mentally distressed and the conduct in fact seriously alarms, annoys, humiliates or mentally distresses the person.

Provisions

1. Adds that a person commits criminal impersonation by using a computer generated voice recording, image or video of another person with intent to defraud other persons or with intent to harass other persons. (Sec. 1)
2. For purposes of this offense, deems the term *harass* to carry the same definition as prescribed in A.R.S. § 13-2921. (Sec. 1)
3. Classifies this new form of criminal impersonation as a class 5 felony. (Sec. 1)

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

SB 1232: sexual conduct; minor; punishment
Sponsor: Senator Shamp, LD 29
Caucus & COW

Overview

Classifies sexual conduct with a minor as a class 1 felony punishable by natural life imprisonment if the minor is 12 years old or younger and suffers serious physical injury.

History

A person commits *sexual conduct with a minor* by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under 18 years of age. Current law classifies sexual conduct with a minor of at least 15 years of age as a class 6 felony. If the sexual conduct occurred between a minor and an adult in a position of trust, then the offense is classified as a class 2 felony. Sexual conduct with a minor under the age of 15 is classified as a class 2 felony and is punishable as a dangerous crime against children under A.R.S. § 13-705 (A.R.S. § 13-1405).

The criminal code defines *serious physical injury* to include any physical injury that creates a reasonable risk of death, or that causes serious and permanent disfigurements, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb. Other relevant terms, such as *intentionally* and *knowingly*, are also defined for purposes of the criminal code (A.R.S. § 13-105). Additionally, the criminal code defines *sexual intercourse*, *oral sexual contact* and *position of trust* for purposes of certain sexual offenses, including sexual conduct with a minor (A.R.S. § 13-1401).

Statutory requirements for capital sentencing, including are outlined in A.R.S. title 13, chapter 7.1. In prosecutions for eligible offenses where the death penalty was either not alleged or was alleged by not imposed, the court must determine whether to impose a sentence of life or natural life. In making this determination, the court is required to consider the aggravating and mitigating circumstances listed in A.R.S. § 13-701 and any statement made by the victim, and the court is also permitted to consider any other evidence introduced before sentencing or at any other sentencing proceeding (A.R.S. § 13-752).

Provisions

1. Classifies sexual conduct with a minor as a class 1 felony punishable by natural life imprisonment subject to the procedures in A.R.S. § 13-752 if both the following circumstances are met:
   a. the minor is 12 years old or younger;
   b. the minor suffer serious physical injury. (Sec. 1)
2. States that a defendant who is sentenced to natural life is not eligible for commutation, parole, work furlough, work release or release from confinement on any basis. (Sec. 1)

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

SB 1236: internet sex offender website; offenses
Sponsor: Senator Shamp, LD 29
Caucus & COW

Overview

Modifies offender age thresholds that require the Department of Public Safety (DPS) to include offenders of specified offenses on the Internet Sex Offender Website (Website).

History

Dangerous Crimes Against Children (DCACs) are a category of criminal offenses that may be treated differently when they involve a defendant who is at least 18 years old (or tried as an adult) and a victim who is below 15 years old (or an unborn child). Statute specifies numerous offenses that may be punishable as a DCAC, meaning that they can be subject to increased prison sentences and special provisions regarding the defendant's eligibility for probation or early release (A.R.S. § 13-705).

Statute requires DPS to maintain and include on the Website any offender whose risk assessment has been determined to be a level two or three and any offender convicted of outlined offenses, such as sexual abuse or molestation of a child, provided that the victim was under the age of 12. Information required on the Website includes the offender's name, address, age, a current photograph, the offense committed and the notification level assigned to the offender. Additionally, DPS must annually update all information on the Website for each sex offender (A.R.S. § 13-3827).

Provisions

1. Specifies that any offender who was convicted of or adjudicated guilty except insane for any of the outlined offenses, whether completed or preparatory, and was 18 years of age or older at the time of the offense must be included on the Website.
2. Requires an offender to be included on the Website for any of the following offenses if either the victim is under 12 years of age or the offense is sentenced as a DCAC and the offender was 21 years of age or older at the time of the commission of the offense:
   a. sexual abuse;
   b. molestation of a child;
   c. sexual conduct with a minor;
   d. child sex trafficking committed on or after August 9, 2017 pursuant to A.R.S. § 13-3212, subsection A;
   e. taking a child for the purpose of prostitution;
   f. luring a minor for sexual exploitation;
   g. aggravated luring of a minor for sexual exploitation; and
   h. continuous sexual abuse of a child. (Sec. 1)
3. States that the above amendments apply to a person who is convicted of or adjudicated guilty except insane for an applicable offense that was committed before, on or after the general effective date. (Sec. 2)
4. Directs DPS to include the names and information of all offenders who were convicted of any of the outlined offenses before the general effective date within 12 months of the general effective date. (Sec. 2)
5. Makes technical changes. (Sec. 1)

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

SB 1408: aggravated unlawful flight; law enforcement
Sponsor: Senator Gowan, LD 19
Caucus & COW

Overview

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

History

Unlawful Flight

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

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

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

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

Driving Under the Influence

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

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

A person commits *extreme DUI*, also a class 1 misdemeanor, by driving or being in actual physical control of a vehicle in Arizona and the person has an alcohol concentration as follows within two hours of driving

or being in actual physical control of the vehicle and the alcohol concentrations results from alcohol consumed either before or while driving or being in actual physical control over the vehicle:

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

Provisions

1. Establishes *aggravated unlawful flight from a pursuing law enforcement vehicle* as a criminal offense involving a driver who wilfully operates a motor vehicle in a manner that recklessly endangers the life of another person while attempting to flee or elude a pursuing law enforcement vehicle as described in A.R.S. § 28-622.01. (Sec. 1)

2. Classifies this new offense as a class 4 felony unless any of the following applies, in which case the offense becomes a class 2 felony:
   a. the offense results in serious physical injury as defined in A.R.S. § 13-105 to another;
   b. at the time of the offense the driver was transporting a minor under 15 years old;
   c. at the time of the offense the driver was in violation if A.R.S. §§ 28-1381 (DUI) or 28-1382 (extreme DUI), in which the driver is not eligible for release until the person has served at least 4 months in prison. (Sec. 1)

SB 1630: sex offender management board; establishment
Sponsor: Senator Bolick, LD 2
Caucus & COW

Overview
Creates a Sex Offender Management Board (Board) to investigate and suggest revisions to standards and guidelines about how sex offenders and juveniles who have committed sexual offenses are managed.

History
Current law requires those convicted or found guilty of certain sexual offenses enumerated in statute to register for the sex offender registry, which includes providing certain personal and biological information to the Department of Public Safety, county sheriffs and the public. Statute also requires those registered to regularly update the sheriff when any changes are made to their place of residence, name, electronic information or vehicle information. The Department of Public Safety is required to maintain a website with up to date information about registered sex offenders for the public to access (A.R.S. title 13, chapter 38, article 3).

Provisions
1. Establishes a sex offender management Board. (Sec. 3)
2. States the purpose of the Board is to develop, prescribe and implement guidelines, standards and procedures relating to adult sex offenders, including adult sex offenders with intellectual and developmental disabilities, and juveniles who have committed sex offenses. (Sec. 3)
3. Requires the Board to consist of members who represent urban and rural areas of the state with expertise in adult and juvenile issues that relate to sex offenders. (Sec. 1)
4. Instructs the following state entities to appoint certain members to the Board:
   a. the Chief Justice of the Supreme Court;
   b. the Governor;
   c. the President of the Senate;
   d. the Speaker of the House of Representatives;
   e. the Department of Corrections;
   f. the Department of Economic Security;
   g. the Department of Child Safety;
   h. the Department of Public Safety;
   i. the Arizona Prosecuting Attorney's Advisory Council;
   j. the Superintendent of Public Instruction. (Sec. 1)
5. States that one member appointed by the Senate President and one member appointed by the Speaker of the House of Representatives will act a cochairpersons. (Sec. 1)
6. States that members of the Board work at the pleasure of their appointer and are not eligible for compensation but will receive reimbursement of expenses pursuant to A.R.S. title 38, chapter 4, article 2. (Sec. 1)
7. Allows initial members to assign their term length to be two, three or four years and requires the cochairpersons to notify the Governor's office of their decision. (Sec. 1)
8. Prescribes that all subsequent members will serve four year terms. (Sec. 1)

9. Instructs the Board to develop, prescribe and revise, as appropriate procedures to evaluate, identify, conduct intervention, and conduct treatment for adult sex offenders including those with developmental disabilities. (Sec. 1)

10. Requires a subcommittee to be established consisting of one polygraph examiner and 80% of the members to be approved treatment providers to make recommendations on revising the guidelines and standards relating to treating adult sex offenders. (Sec. 1)

11. Instructs the Board to develop annual recommendations to allocate money deposited in the general fund for identifying, evaluating and treating adult sex offenders and juveniles who have committed sex offenses and present them to the Legislature before the start of each session. (Sec. 1)

12. Mandates the Board research and analyze relevant data and research articles relating to recidivism and sex offender management and treatment so it can advise the Legislature on the revisions of guidelines and standards as well as creating a system to implement the suggested changes. (Sec. 1)

13. Requires the Board to collaborate with the Department of Corrections, the Judicial Department and the Board of Executive Clemency to create a measure for determining a sex offender's treatment progress, which will be used to assist the courts and Board of Executive Clemency in determining an offender's eligibility for release, parole or probation. (Sec. 1)

14. Instructs the Board to develop in collaboration with the Department of Corrections, the Judicial Department and the Board of Executive Clemency standards for community entities who provide treatment and supervision for adult sex offenders who have developmental disabilities. (Sec. 1)

15. Directs the Board to research, analyze and make recommendations that reflect best practices for living arrangements for and the location of adult sex offenders within the community. (Sec. 1)

16. Mandates the Board to develop and make recommendations for revisions as appropriate to standard procedures of evaluating juveniles who have committed sexual offenses, including juveniles with developmental disorders. (Sec. 1)

17. Requires the Board to develop, implement and revise standards to treat juveniles who have committed sexual offenses, including those with intellectual and developmental disabilities and must use an evidence based correctional model in the revisions. (Sec. 1)

18. Mandates a subcommittee to be established consisting of one polygraph examiner and 80% of the members to be approved treatment providers to make recommendations on revising the guidelines and standards relating to treating juveniles who have committed sexual offenses. (Sec. 1)

19. Instructs the Board to research and analyze the effectiveness of the evaluation, identification and treatment process developed the by the subcommittee and create a system to implement prescribed standards and guideline revisions. (Sec. 1)

20. Directs the Board to collaborate with state law enforcement agencies, victim advocacy groups, the Department of Education and the Department of Safety to develop and revise as appropriate school educational materials about adult sex offenders and juveniles who have committed sexual offense, safety concerns related to offenders and other relevant materials. (Sec. 1)

21. Instructs the Department of Education to distribute materials created by the previous provision to schools in the state. (Sec. 1)

22. Allows the Board to request individuals or entities that provide evaluation, treatment or polygraph services to sex offenders to submit data and information to the Board to evaluate the effectiveness of standards and guideline revisions if sufficient funds are appropriated to the Department of Public Safety. (Sec. 1)

23. Allows the Speaker of the House and the President of the Senate on request of a cochairperson to:
    a) make space available for the Board to meet;
    b) supply the Board with legislative staff or resources. (Sec. 1)

24. Directs the Board shall adopt recommendations by a majority vote, gives the cochairpersons discretion to choose which measures are voted on and cochairpersons must both approve a recommendation that is to be voted on. (Sec. 1)

25. Terminates the Board on July 1, 2032, and repeals the statute establishing the Board on January 1, 2033. (Sec. 2)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: MAPS DP 6-0-1-0 | 3rd Read 25-4-1-0
House: JUD DP 7-1-1-0

SB 1675: prior felony conviction; aggravated DUI
Sponsor: Senator Gowan, LD 19
Caucus & COW

Overview

Allows an aggravated driving under the influence (DUI) offense to be used as a historical prior felony conviction in a prosecution for any new offense if the aggravated DUI was committed within five years of the present offense.

History

Historical prior felony convictions are used in determining the sentencing level a defendant will receive when they are on trial for a new offense. Historical felony prior convictions depend on the crime committed, the felony level and the time since the previous offense. Currently, aggravated driving under the influence (DUI) can only be considered a historical prior felony conviction if the new offense is also an aggravated DUI (A.R.S. § 13-105).

A person commits aggravated DUI by doing any of the following:

1) committing a DUI offense while the person's driver license or privilege is suspended, canceled, revoked or refused or while a restriction is placed on the person's driver license or privilege as a result of certain prior violations (a class 4 felony);
2) committing a third or subsequent DUI offense within a period of 84 months (a class 4 felony);
3) committing a DUI offense with a person under 15 years of age in the vehicle (a class 6 felony);
4) committing a DUI offense while under an ignition lock device requirement (a class 4 felony);
5) committing a DUI offense while driving the wrong way on a highway (a class 4 felony) (A.R.S. § 28-1383).

Provisions

1. Allows an aggravated DUI offense to be considered a historical prior felony conviction in a prosecution for any new offense if the aggravated DUI was committed within five years immedietly preceding the new offense. (Sec. 1)

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

SB 1146: disclosure; agricultural vaccinations; prohibition
Sponsor: Senator Kern, LD 27
Caucus & COW

Overview

Allows a product that is made from aquaculture, poultry or livestock that has not received a messenger ribonucleic acid (mRNA) vaccination, to carry an "mRNA free" label. Specifies the Director of the Arizona Department of Agriculture (ADA) or the State Veterinarian is not authorized to require or administer an mRNA vaccination that has not received full federal approval.

History

Vaccines containing mRNA rely on genetic information, instead of a weakened virus, to create an immune response.

The State Veterinarian is located within the Animal Services Division of ADA and is responsible for protecting the livestock, poultry and aquaculture industries and the public by preventing, detecting and containing diseases (ADA).

Statute outlines procedures for tuberculosis and brucellosis control for cattle in Arizona. The Director of ADA may cooperate with the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture to eradicate tuberculosis in cattle. Additionally, female dairy and beef calves may be officially vaccinated for brucellosis at an age prescribed by the Director of ADA. (A.R.S. §§ 3-1741, 3-1773)

Aquaculture means the controlled propagation, growth and harvest of aquatic animals or plants, including fish, amphibians, shellfish, mollusks, crustaceans, algae and vascular plants.

Livestock means cattle, equine, sheep, goats and swine, except feral pigs.

Poultry means any domesticated bird, whether live or dead, and includes chickens, turkeys, ducks, geese, guineas, ratites and squab (A.R.S. § 3-1201).

Provisions

1. Allows products made from aquaculture, livestock or poultry to carry a label stating the product is "mRNA Free" if the aquaculture, livestock or poultry has not received an mRNA vaccination. (Sec. 1)
2. Requires the label to be black text on an orange background and no larger than one-quarter inch in height. (Sec. 1)
3. Specifies the general powers and duties of ADA do not authorize ADA or the State Veterinarian to require or administer an mRNA vaccine that has not received full approval of the U.S. Department of Agriculture or the U.S. Food and Drug Administration. (Sec. 2)
4. States that full approval by a federal agency does not include emergency approval. (Sec. 2)
5. Makes technical changes. (Sec. 2)

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

SB 1649: misbranding; misrepresenting; food products.
Sponsor: Senator Bennett, LD 1
Caucus & COW

Overview

Prohibits a person from intentionally misbranding a product that is not derived from livestock or poultry as meat or poultry and allows the Arizona Department of Health Services (DHS) to adopt applicable rules.

History

Statute provides several cases in which a food can be misbranded, including if: 1) its labeling is false or misleading; 2) it is offered for sale under the name of another food with or without other descriptive words, or under any name which is likely to be misleading; or 3) any required word, statement or other information does not prominently appear on the label compared to other words or statements (A.R.S. § 36-906).

The process of cultivating animal cells for human food involves using cells obtained from living livestock, poultry, seafood or other animals and growing them in a controlled environment to create food.

Currently, this process is regulated jointly by the U.S. Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA). In 2019, the FDA and the Food Safety and Inspection Service (FSIS) of the USDA established a formal agreement on how to regulate human food made from cultured animal cells. Under the agreement, the FDA oversees the collection, growth and the differentiation of living cells into various cell types, such as proteins and fats. Regulatory jurisdiction is then transferred to FSIS, which oversees the harvesting stage of the cell-culturing process and any further processing, labeling and packaging of the products (USDA).

Provisions

1. Prohibits a person who labels a food product from intentionally misbranding or misrepresenting a product that is not derived from livestock or poultry as meat, a meat food product, poultry or a poultry product through any activity by:
   a. affixing a false or misleading label on meat, a meat food product, poultry or a poultry product;
   b. using a term that is the same as or deceptively similar to a term that is used or defined historically in reference to a specific meat food or poultry product;
   c. representing a cell-cultured food product as meat, a meat food product, poultry or a poultry product; or
   d. representing a synthetic product derived from a plant, insect or other source as meat, a meat food product, poultry or a poultry product. (Sec. 1)

2. Allows DHS to:
   a. adopt rules to enforce prohibitions misrepresenting products not derived from livestock or poultry;
   b. receive complaints and investigate relevant violations;
   c. employ personnel to investigate and enforce adopted rules or delegate investigation and enforcement authority to county health departments or the Weights and Measures Services Division of the Arizona Department of Agriculture;
   d. seek and obtain injunctive relief or other civil relief to restrain and prevent violations of misrepresenting food products and relevant rules adopted; and
   e. impose a civil penalty of no more than $100,000 for each violation. (Sec. 1)

3. States that each day a violation occurs is a separate offense. (Sec. 1)

4. Defines *cell-cultured food product, deceptively similar, department, meat, meat food product, misrepresent, poultry* and *poultry product*. (Sec. 1)

SB 1025: DUI threshold; drivers
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview

Makes it unlawful to operate a vehicle with a blood alcohol concentration (BAC) of 0.04 or more when operating a vehicle for hire or providing transportation network services (Network Services) as a transportation network company driver (Network Driver).

History

In a trial for a violation of laws regarding driving under the influence, except if the violation involved the operation of a commercial vehicle, a defendant's BAC must be 0.05 or less within two hours of driving to presume him to have not been under the influence. If BAC is measured between 0.05 and 0.08 within two hours of driving, the defendant is not presumed to have or have not been under the influence. If the BAC is 0.08 or more, the defendant is presumed to have been under the influence (A.R.S. § 28-1381).

Driving a commercial vehicle is unlawful in Arizona if the person doing so has a BAC of 0.04 or more, rather than 0.08 or more (A.R.S. § 28-1381).

Transportation network services are defined as the transportation of a passenger between points chosen by the passenger and arranged with a Network Driver through the use of a transportation network company's (Network Company) digital network or software application beginning when a Network Driver accepts a request for Network Services received through the Network Company's digital network or software application, continuing while the Network Driver provides Network Services in a Network Company vehicle and ending when the passenger exits the Network Company vehicle or when the trip is canceled.

A *vehicle for hire* is defined as a taxi, livery vehicle or limousine (A.R.S. §§ 28-9551; 28-9501).

Provisions

1. Deems it unlawful to operate a vehicle with a BAC of 0.04 or more while operating a vehicle for hire or providing Network Services as a Network Driver. (Sec. 1)
2. Stipulates that the presumptions arising from the standard rules regarding BAC and being under the influence do not apply to drivers operating a vehicle for hire or providing Network Services as a Network Driver. (Sec. 1)
3. Makes a technical change. (Sec. 1)

Amendments

1. Adds matching language, relating to the operation of a vehicle with a BAC of 0.04 as a Network Driver or vehicle for hire, to relevant sections of statute relating to BAC testing and license suspension processes.

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

SB 1030: body scanners; correctional facilities
Sponsor: Senator Shope, LD 16
Caucus & COW

Overview

Adds city and town correctional facilities to the list of entities allowed to use x-radiation and low-dose ionizing radiation to search inmates for contraband.

History

A person is required to report a violation regarding the promotion of prison contraband if he has reasonable grounds to believe one has occurred. Department of Corrections facilities and county jails may use low-dose ionizing radiation to search inmates for contraband or request a licensed practitioner to order the use of x-radiation when there is reason to believe an inmate possesses contraband (A.R.S. § 13-2505).

Contraband is defined as any: 1) dangerous drug; 2) narcotic drug; 3) marijuana; 4) intoxicating liquor; 5) deadly weapon; 6) dangerous instrument; 7) explosive; 8) wireless communication device; 9) multimedia storage device; or 10) other article whose use or possession would endanger the safety of order in a correctional facility (A.R.S. § 13-2501).

Provisions

1. Allows city and town correctional facilities to request a licensed practitioner to perform an x-radiation scan if there is reason to believe an inmate is in possession of contraband. (Sec. 1)
2. Allows city and town correctional facilities to use low-dose ionizing radiation to prevent contraband from entering a correctional facility. (Sec. 1)
3. 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: MAPS DP 7-0-0-0 | 3rd Read 29-0-1-0
House: MAPS DP 12-0-0-3

SB 1071: peer support teams; information; disclosure
Sponsor: Senator Shope, LD 16
Caucus & COW

Overview

Adds peer support team members to the group of individuals who cannot be compelled to disclose information obtained in confidence during a response to a critical incident.

History

Members of critical incident stress management teams (Incident Members) cannot be compelled to disclose information in a legal proceeding when the information was acquired in confidence from a designated person while responding to a critical incident. Incident Members can be compelled to testify when:

1) The communication indicates a clear and present danger;
2) The designated person gives express consent to the testimony;
3) The communication is made during a criminal investigation;
4) The designated person voluntarily testifies; or
5) A policy breach exists and amounts to a violation of laws that are typically enforced by law enforcement (A.R.S. § 38-1111).

A *designated person* is defined as a law enforcement officer, firefighter or emergency medical provider (A.R.S. § 38-1111).

Crisis response services are defined as consultation, risk assessment, referral and on-site crisis intervention services provided by a critical incident stress management team to a designated person (A.R.S. § 38-1111).

Provisions

1. States that, as with Incident Members, peer support team members cannot be compelled to disclose information acquired in confidence from a designated person while responding to a critical incident. (Sec. 1)
2. Modifies the definition of *crisis response services* to include services provided by a *peer support team* and *peer support team members*. (Sec. 1)
3. Broadens who is considered a *designated person* to include civilian employees of an agency. (Sec. 1)
4. Broadens the definitions of *emergency medical services personnel* and *firefighter* to include those in fire districts and under a joint powers authority. (Sec. 1)
5. Defines additional pertinent terms. (Sec. 1)
6. Makes technical and conforming changes. (Sec. 1)

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

SB 1371: police reports; time; cost requirements.
Sponsor: Senator Bolick, LD 2
Caucus & COW

Overview

Grants a victim of domestic violence or a sexual offense the right to receive a free copy of specified criminal case reports and recordings.

History

A victim of a criminal offense or delinquent act, as well as his attorney, has the right to receive one free copy of a police report and video recordings from the investigating law enforcement agency if said offence involved the crime of: 1) criminal homicide; 2) rape; 3) robbery; 4) aggravated assault; 5) burglary; 6) larceny-theft; 7) motor vehicle theft; 8) arson; or 9) human trafficking. If said victim requests a minute entry or portion of the record — of any proceeding in the case that arises out of the offense committed against him — and such is needed for pursuing a claimed victim's right, then the court must provide a free copy (A.R.S. § 39-127; DPS, Crime in Arizona 2020 report).

Provisions

1. Grants a victim of domestic violence or a sexual offense, or his attorney, the right to receive a free copy of:
   a. the police report and video recordings from the investigating law enforcement agency; and
   b. the minute entry or portion of the record, of any proceeding in the case that arises out of the offense committed against him, that is needed for pursuing a claimed victim's right. (Sec. 1)
2. Requires law enforcement agencies to prioritize the provision of the aforesaid police reports requested by a victim of domestic violence or sexual offenses. (Sec. 1)
3. Defines *sexual offense*. (Sec. 1)
4. Makes technical and conforming changes. (Sec. 1)

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

SB 1404: sex offender registration; school notification
Sponsor: Senator Shamp, LD 29
Caucus & COW

Overview

Requires registered sex offenders (Sex Offenders) with legal custody of a child to provide name and enrollment information on the child and expands mandatory community notifications to include level-one Sex Offenders convicted of a dangerous crime against children.

History

Sex Offenders are required to provide, to the Department of Public Safety (DPS), identifying information including: 1) any names they are known by; 2) any required online identifier and the name of any website or internet communication service where the identifier is used; 3) identification information regarding owned motor vehicles; and 4) information identifying their residence. Level-two and level-three registered Sex Offenders are required to have notifications disseminated by a local law enforcement agency to the surrounding neighborhood, schools, community groups and prospective employers with the notification including their picture, address and a summary of their status and criminal background; for level-one offenders, the same may, but need not, be done (A.R.S. 13-3825).

Sex Offenders are not allowed to have sole or joint legal decision-making of a child or unsupervised parenting time with a child unless a court finds that there is no significant risk to the child (A.R.S. § 25-403.05).

Provisions

1. Expands the information required to be sent to the Director of DPS from a person registering as a Sex Offender, to include the name and enrollment information of any child enrolled in school if said offender has legal custody of the child. (Sec. 1)
2. Requires a Sex Offender with legal custody of a child to notify the sheriff within 72 hours of making any enrollment status changes to the child's school enrollment. (Sec. 2)
3. Expands the types of crimes required to have community notifications disseminated to include level-one Sex Offenders convicted of a dangerous crime against children; if said offenders have legal custody of a child, the notification must include the child's school. (Sec. 3)
4. Provides that law enforcement agencies are required to maintain information on level-one Sex Offenders who have not been convicted of a dangerous crime against children; said agencies may disseminate community notifications regarding them. (Sec. 3)
5. Defines pertinent terms. (Sec. 1, 2, 3)
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: MAPS DP 5-1-1-0 | 3rd Read 16-12-2-0
House: MAPS DP 9-2-1-3

SB 1409: military veteran spouses; tuition scholarships
Sponsor: Senator Gowan, LD 19
Caucus & COW

Overview

Expands the enrollment options that qualify for the Spouses of Military Veterans' Tuition Scholarship (Scholarship) to include private universities in Arizona.

History

The Scholarship is administered by the Arizona Board of Regents (ABOR) and awards a tuition scholarship to any person who: 1) enrolls in a public university under ABOR jurisdiction or a community college; 2) is the spouse of an honorably discharged veteran; 3) qualifies for in-state student status; 4) is an Arizona resident at the time of applying for and while receiving a tuition scholarship; 5) submits the free application for federal student aid annually; 6) meets satisfactory academic progress standards; and 7) completes a *Family Educational Rights and Privacy Act of 1974* release form (A.R.S. § 15-1809).

Scholarship monies are awarded on a first-come, first-served basis equal to the tuition and mandatory fees charged by the university or community college, reduced by any other financial aid. Those who receive Scholarship monies are limited to a maximum of eight semesters and are only to use the monies at a public university or a community college for a certificate, associate degree or baccalaureate degree (A.R.S. § 15-1809).

Provisions

1. Expands the enrollment options that qualify for the Scholarship to include programs offered by private universities in Arizona approved by the Arizona Department of Veterans' Services. (Sec. 1)
2. Specifies that for students enrolled in a private university, the Scholarship will cover up to the average cost of in-state tuition and fees charged by universities under ABOR jurisdiction, reduced by any financial gifts, grants or aid provided to the student. (Sec. 1)
3. 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 DPA 7-0-0-0 | 3rd Read 27-2-1-0
House: MAPS DP 12-0-0-3

SB 1629: ombudsman; corrections; reporting requirements
Sponsor: Senator Bolick, LD 2
Caucus & COW

Overview

Requires the Ombudsman-Citizens Aide (Citizens Aide) and the Director of the Department of Corrections (DOC) to produce annual reports with specified information on corrections facilities, staff and inmates.

History

The Citizens Aide investigates administrative acts of agencies and prepares annual written reports on the investigations (A.R.S. § 41-1376). The Citizens Aide is selected by a committee consisting of legislators, public members, consumer groups and state employees who are appointed by the Governor, President of the Senate and the Speaker of the House of Representatives (A.R.S. § 41-1373). The Citizens Aide is required to serve no more than three terms of five years (A.R.S. § 41-1375).

Provisions

1. Requires the Citizens Aide to submit an annual report to specified members of the legislative branch by December 31 containing the number of complaints regarding DOC, the topic of each complaint and how it was resolved. (Sec. 1)
2. Requires the Director of DOC to submit an annual report to specified members of the legislative branch by December 31 that contains the number of:
   a) inmate deaths and suicide attempts made while in custody;
   b) physical and sexual assaults;
   c) inmates placed in administrative segregation or solitary confinement and the duration;
   d) facility lockdowns lasting more than 24 hours;
   e) staff, their tenure, the turnover rate, vacancies and compensation at each facility;
   f) inmates at each facility;
   g) the inmate-to-staff ratio;
   h) in-person visits made for each inmate at each facility;
   i) in-person visits denied for each inmate at each facility; and
   j) inmate complaints submitted to DOC, the resolution of each complaint and the time it took to resolve them. (Sec. 2)
3. Makes technical changes. (Sec. 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: MAPS DPA 6-0-1-0 | 3rd Read 25-4-0-1
House: MAPS DP 12-0-0-3

SB 1671: prisoner spendable accounts; restitution
Sponsor: Senator Gowan, LD 19
Caucus & COW

Overview

Modifies the percentage of monies withdrawn from prisoner spendable accounts for restitution purposes.

History

Under current law, the Director of the Department of Corrections (DOC) is required to withdraw monies from a prisoner's spendable account to pay the prisoner's restitution. The Director is permitted to withdraw anywhere from 20% to 50%, of the monies available in the prisoner's spendable account each month, for this purpose (A.R.S. §§ 13-603, 31-230).

Provisions

1. Instructs the Director of DOC, when withdrawing monies from a prisoner's spendable account to pay restitution, to withdraw more than the minimum 20% of available monies if so ordered by the court. (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: MAPS DP 4-2-1-0 | 3rd Read 16-13-1-0
House: MAPS DP 7-5-0-3

SCR 1042: support; Texas; southern border
Sponsor: Senator Bolick, LD 2
Caucus & COW

Overview

Proclaims the Legislature's support for the people and government of the state of Texas in its efforts to secure our nation's southern border.

History

Article IV, Section 4, of the United States Constitution requires the Federal Government of the United States to provide for the states in several respects; among its responsibilities, the Federal Government must *protect each of them against invasion*.

Provisions

1. Declares that the Legislature unequivocally supports:
   a. the people of Texas;
   b. the Texas National Guard;
   c. the Texas Department of Public Safety; and
   d. all personnel acting to secure the southern border.
2. Asserts the Legislature's support for Texas's Governor in his fight for secure borders and urges the Arizona Governor to do the same.
3. Opines that President Joe Biden must fulfill his duty to repel the invasion at the southern border pursuant to Article IV of the United States Constitution.

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: ELEC DP 5-2-1-0 | 3rd Read 16-14-0-0
House: MOE DPA 5-4-0-0

SB1060: federal candidates; observers; elections
Sponsor: Senator Mesnard, LD 13
Caucus & COW

Overview

Permits federal candidates for President of the United States, Senate and House of Representatives to designate observers for counting centers and establishes certain guidelines and minimum requirements for early ballot challengers, voting location challengers and observers.

History

Political parties appearing on the ballot of an election may appoint several mutually agreed upon representatives, that are residents and registered to vote in the state, to act as challengers. Along with appointed challengers, any qualified elector of the county may verbally challenge a person's eligibility to vote. Voter eligibility can be challenged on certain grounds such as the person's identity not matching the precinct register, the person has not been an Arizona resident for at least 29 days before the election or the person has already voted in that election (A.R.S. §§ 16-590, 16-591).

Proceedings at the counting center are managed by the Board of Supervisors or officer in charge of elections and observed by representatives of each political party and the public. Three additional people representing a candidate for non-partisan office or political committee supporting or opposing a ballot measure, proposition or question may be selected to observe the proceedings (A.R.S. § 16-621).

Provisions

1. Outlines certain guidelines and minimum requirements for party representatives acting as early ballot challengers including:
   a) requiring challengers to maintain a reasonable distance from an election official's table and equipment;
   b) specifying challengers must bring their own materials and refrain from obstructing the administration of any election, early election board procedures or ballot processing;
   c) requiring challengers to direct questions about procedures to the supervisor of the early election board;
   d) requiring challengers to be a registered Arizona voter; and
   e) prohibiting candidates appearing on the ballot from acting as early ballot challengers. (Sec. 1)
2. Establishes certain guidelines and minimum requirements for party representatives acting as challengers at voting locations including:
   a) requiring challengers to maintain a reasonable distance from an election official's table and equipment, check-in stations and voting booths;
   b) allowing challengers to observe the conduct of electors and officials, including the setup and closure of voting locations at all polling places within the county they are appointed to;
   c) specifying challengers must bring their own materials and refrain from obstructing the administration of any election, early election board procedures or ballot processing;
   d) prohibiting those acting as challengers from interacting with voters;
   e) requiring challengers to direct questions concerning polling place procedures to the voting location inspector or officer in charge of elections;
   f) requiring challengers to be a registered Arizona voter; and
   g) prohibiting candidates appearing on the ballot from acting as ballot challengers. (Sec. 2)

3. Allows candidates for United States President, Senate and House of Representatives, during the general election, to appoint representatives to observe counting center proceedings. (Sec. 4)
4. Requires a draw by lot if more than one candidate from a political party designates an observer to monitor proceedings at the counting center. (Sec. 4)
5. Prescribes certain guidelines and minimum requirements for counting center observers such as:
   a) requiring challengers to maintain a reasonable distance from the election official's table and equipment;
   b) specifying challengers must bring their own materials and refrain from obstructing the administration of any election or procedure;
   c) requiring challengers to direct questions relating to counting center procedures to the supervisor or officer in charge of elections; and
   d) requiring observers to be a registered Arizona voter. (Sec. 4)
6. Makes technical and conforming changes. (Sec. 1, 2, 3, 4)

Amendments

Committee on Municipal Oversight & Elections

1. Conforms sections of the bill to the now-current law as updated by Laws 2024, Chapter 1, which was an emergency measure signed by the Governor on February 9, 2024.

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: ELEC DP 5-3-0-0 | 3rd Read 16-13-1-0
House: MOE DPA 5-4-0-0

SB 1187: bond elections; schools; polling places
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview
Prohibits a public school in a school district that has a bond election or override election on the ballot from being used as a polling place.

History
Public schools are required to serve as polling places when requested to do so by the officer in charge of elections unless the principal provides a written statement indicating a reason the election cannot be held in the school. Specifically, public schools are exempt from serving as polling places if sufficient space is not available or if doing so would jeopardize the safety or welfare of the children (A.R.S. § 16-411).

Provisions
1. Restricts public schools from being used as a polling place for certain elections if a public school in a school district has a bond election or override election on the ballot. (Sec. 1)
2. Specifies that a public school prohibited from use as a polling place as outlined above may be used as a polling place only if nearby government buildings are unavailable. (Sec. 1)

Amendments
Committee on Municipal Oversight & Elections
1. Conforms sections of the bill to the now-current law as updated by Laws 2024, Chapter 1, which was an emergency measure signed by the Governor on February 9, 2024.

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

SB 1288: logic and accuracy; testing
Sponsor: Senator Hoffman, LD 15
Caucus & COW

Overview

Requires all electronic or electromechanical voting systems to be tested and outlines certain testing procedures and requirements.

History

Prior to election day the Board of Supervisors or officer in charge of elections must have the automatic tabulating equipment and programs tested and checked for all offices and measures on the ballot within a designated period by the Secretary of State. In elections with state or federal candidates, the Secretary of State is responsible for conducting tests for election day equipment. Tests on automatic tabulating equipment must be observed by at least two election inspectors of different political parties and must be open to political party representatives, candidates, press and the public. Further logic and accuracy testing procedures are outlined in the 2023 Elections Procedures Manual to include the process for conducting tests, rescheduling of tests and accessible voting equipment tests (A.R.S. § 16-449 and 2023 EPM P. 91).

Provisions

1. Repeals statute concerning the required testing of equipment and programs and public notice of equipment testing requirements. (Sec. 1)
2. Requires all electronic or electromechanical voting systems to be tested following any maintenance or programming to ensure the system is properly programed, the election is correctly defined and all system input, output, and communication devices are functioning properly. (Sec. 2)
3. Mandates that the county officer in charge of elections must publicly test the automatic tabulating equipment within 25 days before the early voting period. (Sec. 2)
4. Specifies that if the ballots to be used on election day are not available during the time of the public test, the officer in charge of elections may conduct an additional test no more than 10 days before election day. (Sec.2)
5. Requires the county officer in charge of elections to provide a 48-hour public notice on the county website, the county officer in charge of elections' website or in the newspapers of general circulation in the county or four conspicuous locations within the county if the previous options are unavailable. (Sec. 2)
6. Directs the county officer in charge of elections to send a written notice of the time and location of the automatic tabulating equipment test to the county party chairperson of each political party and to all candidates, other than statewide offices, on the county's ballot at least 30 days before the start of early voting. (Sec. 2)
7. Instructs the Secretary of State to provide written notices to each statewide candidate at the time of qualifying or immediately at the end of qualifying that the voting equipment will be tested by the county officer in charge of elections. (Sec. 2)
8. Requires each candidate to contact the county officer in charge of elections for the time and location that the voting equipment is to be tested. (Sec. 2)

9. Asserts that an accuracy board must convene, with each member certifying the accuracy of the test that is open to the representatives of the political parties, the press and public. (Sec. 2)
10. Authorizes each political party to designate one person with expertise in the technology field, election management systems or elections procedures to be permitted in the central counting room for the testing of voting equipment and the official counting of votes. (Sec. 2)
11. Stipulates that electronic or electromechanical voting systems tabulating mail ballots at a central or regional site are to be publicly tested using a pre-audited group of ballots and corrected to achieve an errorless count before approved. (Sec. 2)
12. Prescribes procedures for testing electronic or electromechanical systems distributed to precincts or voting centers, to include a specified percentage or number of optical scan system and touchscreen system devices to be tested if a sample of tested devices is to be used. (Sec. 2)
13. Outlines specified procedures and requirements for the accuracy board in determining satisfactory and unsatisfactory tabulating devices including:
    a) identifying and testing devices with errors and testing devices that may produce similar errors;
    b) verifying spelling and candidate order; and
    c) ensuring the readiness and sealing of all tested devices. (Sec. 2)
14. Requires the county officer in charge of elections to keep records of all preelection testing of electronic or electromechanical tabulation devices used in any election present and available during testing for inquiry by attendees. (Sec. 2)
15. Maintains that access by the accuracy board to preelection testing records takes precedence over other attendees' access needs. (Sec. 2)
16. Stipulates that tests utilizing ballots must use test ballots that have been printed for the election and ballot-on-demand technology must be tested using the same paper stock as ballots employed for the election. (Sec. 2)
17. Prescribes a class 6 felony for anyone who is guilty of tampering with, opening, breaking or removing the seals on a tested device. (Sec. 2)
18. Establishes a class 4 felony penalty for anyone guilty of tampering with, opening, breaking or removing the seals and reprograming a tested device without an additional logic and accuracy test. (Sec. 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: ELEC DP 5-3-0-0| 3rd Read: 17-12-1-0
House: MOE DP 5-4-0-0

SB 1330: on-site ballot tabulation; containers
Sponsor: Senator Mesnard, LD 13
Caucus & COW

Overview

Replaces the term *drop box* with *ballot box* or *container* in specified circumstances.

History

Laws 2022, Ch. 271, § 4 establishes procedures and requirements for the on-site tabulation of voted early ballots. Specifically, an official *drop box* is established for voters who don't provide identification to deposit their voted early ballots in the affidavit envelope. Another clearly labeled *drop box* is established for completed empty affidavit envelops for electors providing who provide proper identification and opt to have their voted early ballot tabulated on-site at an on-site tabulation location.

The 2023 EPM specifies a ballot drop-off location or *drop-box* must be clearly and visibly marked and in a secure location, such as inside or in front of a federal, state, local, or tribal government building. The County Recorder or officer in charge of elections must publicly post a list of drop-off locations and *drop boxes*. Ballots retrieved from a ballot drop-off location or *drop-box* must be processed in the same manner as ballots-by-mail (2023 EPM P. 71).

Provisions

1. Replaces the term *drop box* with *ballot box* for voting locations that allow for the on-site tabulation of ballots. (Sec. 1)
2. Changes the term *drop box* to *container* for boxes where empty ballot affidavit envelopes are deposited during the on-site tabulation process. (Sec. 1)
3. Makes a technical change. (Sec. 1)

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

SB 1342: elections; parties; hand count audits
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview
Establishes specified procedures for the selection of hand count board workers.

History
The officer in charge of elections is required to conduct a hand count of a sample of ballots to test the accuracy of the vote tabulation equipment provided there is participation from the county political parties. The county political party chairs select the precincts to be audited by lot without the use of a computer. Each county must select at least 2% or two precincts, whichever is greater. The hand count board members are selected by the county chairpersons of each political party and must be submitted to the officer in charge of elections by 5:00 p.m. on the Tuesday before the election (A.R.S. § 16-602)

In the 2022 general election, 12 of Arizona's 15 counties conducted a hand count audit, 8 of which found no discrepancies and 4 found discrepancies that were within the acceptable margin. The Vote Count Verification Committee establishes the acceptable margins for hand count audits (2022 Hand Count Audit).

Provisions
1. Specifies the hand count audit must be performed by the selected political party designees under the supervision of the officer in charge of elections. (Sec. 1)
2. Instructs the officer in charge of elections to provide compensation, not including travel, meal or lodging expenses, to the political party appointees selected to perform the hand count. (Sec. 1)
3. Clarifies that the hand count cannot proceed unless the political parties provide the officer in charge of elections a sufficient number of persons, in writing, by 5:00 p.m. on the Thursday before the elections. (Sec. 1)
4. Clarifies, for the hand count to proceed, in addition to the requirements outlined above, a sufficient number of persons must arrive to perform the hand count. (Sec. 1)
5. Requires political party designees to be selected to perform the hand count as follows:
   a. the county chairperson of each political party must select the number of hand count board members as designated by the officer in charge of elections and provide this information to both the officer in charge of elections and the state party chairperson;
   b. if the county party chairperson fails to designate a sufficient number of hand count board workers, the state party chairperson is required to select qualified electors to serve as hand count board members;
   c. if both the county and state party chairpersons fail to designate a sufficient number of hand count board members, the highest-ranking statewide official must designate qualified electors to serve as hand count board members. (Sec. 1)
6. Instructs the political parties to provide, in writing, the names of persons intending to participate in the hand count to the officer in charge of elections by 5:00 p.m. on the second Tuesday before the election. (Sec. 1)
7. Specifies, if a shortage of designated hand count board workers occurs, the officer in charge of elections must notify the parties by 9:00 a.m. on the second Wednesday before the election and the parties may

provide an additional list of qualified electors willing to participate in the hand count by 9:00 a.m. on the second Thursday before the election. (Sec. 1)

8. Directs the officer in charge of elections to provide the list of additional qualified electors willing to participate in the hand count to the county and state political party chairpersons by 5:00 p.m. on the second Friday before the election. (Sec. 1)
9. Specifies no more than 75% of the persons selected to conduct the hand count may be members of the same political party. (Sec. 1)
10. Authorizes the officer in charge of elections or the County Recorder to prohibit persons from participating in the hand count audit if the persons are taking serious actions to disrupt the count or are unable to perform the assigned duties. (Sec. 1)
11. Instructs the county to post the results of the hand counts on their website. (Sec. 1)
12. Makes technical changes.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: ELEC DPA/SE 7-0-1-0 | 3rd Read: 28-0-2-0
House: MOE DP 9-0-0-0

SB 1571: campaign finance report; statewide office
Sponsor: Senator Shope, LD 16
Caucus & COW

Overview

Instructs candidate committees for statewide candidates to file campaign finance reports during the eight calendar quarters before the general election.

History

A candidate committee is required to file campaign finance reports during the four calendar quarters preceding the general election at which the candidate is seeking election. A calendar quarter is the period of three consecutive calendar months ending on March 31, June 30, September 30 or December 31 (A.R.S. §§ 16-901, 16-927).

Provisions

1. Requires candidate committees for statewide candidates to file campaign finance reports only during the eight calendar quarters comprising the twenty-four-month period before the general election for the office the candidate is seeking election. (Sec. 1)
2. Contains an emergency clause.

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

SB 1181: groundwater replenishment; member lands; areas
Sponsor: Senator Petersen, LD 14
Caucus & COW

Overview

Outlines a process for a municipal provider (provider) that applies for a new designation of assured water supply in the Phoenix active management area (AMA) to assume the replenishment obligations of member service lands that are located within the provider's service area.

History

The *Assured and Adequate Water Supply Program* requires a developer who plans to sell or lease subdivided lands in an AMA to obtain a *Certificate of Assured Water Supply* from the Director of the Arizona Department of Water Resources (ADWR) or obtain a commitment for water service from a municipality or private water company with an 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 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).

The Central Arizona Groundwater Replenishment District (CAGRD) is a function of the Central Arizona Project (CAP) that replenishes groundwater pumped in an AMA in which a part of the CAP aqueduct is located. Membership in CAGRD is voluntary and provides a way to comply with requirements of the assured water supply program. CAGRD members pay an annual replenishment assessment according to the amount of excess groundwater delivered to the member during a year. There are two types of CAGRD members:

1) *member service areas* that include the service area of a municipality or private water company; and
2) *member lands* that include an individual subdivision or development (CAGRD) (A.R.S. § 48-3771).

The parcel replenishment obligation is a requirement for groundwater replenishment, calculated by multiplying the excess groundwater percentage of a member land by the total amount of groundwater delivered to that land in a calendar year. (A.R.S. § 48-3701).

Provisions

1. Allows a provider that applies for a new designation of assured water supply in the Phoenix AMA that relies on a member service area agreement to elect for all parcels of member land in the municipal service area to retain a replenishment obligation. (Sec. 1)
2. Requires CAGRD to replenish groundwater in an amount equal to the obligation applicable to that parcel of member land. (Sec. 1)

3. Requires a provider, if the provider's service area contains member lands and the provider applies for an assured water supply designation, to notify CAGRD and the ADWR Director at the time of application whether the provider chooses to assume the member land's replenishment obligation under the provider's designation of assured water supply and member service agreement. (Sec. 1)
4. Specifies this legislation does not authorize new member lands to be enrolled within the provider's service area after the service area is designated as having an assured water supply. (Sec. 1)
5. Requires the assured water supply designation and the provider's member service area agreement to specify that the parcels of member land retain the parcel replenishment obligation for the lesser of either:
   a. 10 years from the date of commencement of the first term of the designation; or
   b. the first term of the designation. (Sec. 1)
6. Instructs a provider, on the lesser of the outlined conditions, to begin to assume a percentage of the groundwater delivered to parcels of member land and any associated parcel replenishment obligation and provide the information to CAGRD in the provider's annual reports. (Sec. 1)
7. Allows a provider to assume at least 10% of the total reported groundwater delivered to each parcel of member land in the first year of reporting. (Sec. 1)
8. Requires a provider, in each successive year, to assume at least an additional 10% so that the provider assumes all reported groundwater delivered and parcel replenishment obligation within 10 years and the parcels of member land have no further parcel replenishment obligation. (Sec. 1)
9. Requires, after all groundwater deliveries from all parcels of member land are assumed, a provider to cease submitting reports to CAGRD for parcels of member land while the provider's assured water supply designation is still valid. (Sec. 1)
10. Allows any groundwater allowance or extinguishment credits associated with the member lands assumed by the provider to be used as follows:
    a. if the parcel replenishment obligation and reported groundwater delivered to the member lands are entirely assumed on the initial assured water supply designation, the remaining extinguishment credits or groundwater allowance associated with the member lands may be used by the provider pursuant to a member service agreement; or
    b. if the parcel replenishment obligation and reported groundwater delivered to the member lands are assumed in stages, the provider may use the groundwater allowance and extinguishment credits for the member lands in the same manner as authorized in the applicable agreement and notice of municipal reporting requirements if the groundwater is being reported as delivered to member lands. (Sec. 1)
11. Specifies if the parcel replenishment obligation and reported groundwater delivered to the member lands are assumed in stages, any remaining extinguishment credits or groundwater allowance may be used by the provider as authorized under the member service area agreement. (Sec. 1)
12. Requires a provider that enters into a member service agreement as established by this legislation to annually file a report with CAGRD and the ADWR Director that contains the amount of groundwater delivered to member lands and the percentage of those groundwater deliveries assumed by the provider. (Sec. 2)
13. Requires CAGRD to take into account any member service agreement as established by this legislation when levying any annual replenishment assessment against member land and any annual replenishment tax against a municipal provider. (Sec. 3, 5)
14. Requires a provider to publish a resolution once a week in the counties where the service area is located that declares the provider has elected to have parcels of member land within the provider's member service area retain the replenishment obligations. (Sec. 4)

15. Requires ADWR, by January 1, 2025, to amend rules for the incorporation of extinguishment credits and groundwater associated with member lands in an assured water supply designation. (Sec. 6)

16. Makes technical changes. (Sec. 1)

Amendments

Committee on Natural Resources, Energy & Water

1. Makes a technical change.

SB 1021: scope of practice; process; repeal
Sponsor: Senator Shope, LD 16
Caucus & COW

Overview

Removes the requirement that health professional groups proposing to increase the scope of practice of a state-regulated health profession must complete a statutory sunrise review.

History

Currently, statute provides that a health profession must be regulated by this state only if:

1) there is credible evidence that the unregulated practice of that health profession can clearly harm or endanger the public health, safety or welfare and the potential for harm is easily recognizable and not remote or dependent on tenuous argument;
2) the public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and
3) the public cannot be effectively protected by other means in a more cost-effective manner (A.R.S. § 32-3103).

A health professional group may file a sunrise application if they would like to be regulated or expand their current scope of practice. Specifically, a health professional group proposing to expand their scope of practice must submit the application that addresses the statutorily prescribed factors and submit it to the President of the Senate and Speaker of the House of Representatives by November 1 before the start of the legislative session.

The President of the Senate and Speaker of the House of Representatives may assign the application to the Senate Health and Human Services Committee and the House of Representatives Health & Human Services Committee or their respective successor committees to review the report. The legislative committees may hold informational hearings on the application and take public comments before the legislative session convenes but must not vote on whether to accept or reject the application.

The health professional group may also request an informational hearing and introduce legislation in the legislative session regardless of if an informational hearing is conducted or if any comments were received during the informational hearing. The lack of a hearing must not be considered as either support or rejection of the health professional group's proposed legislation. Sunrise applications that are submitted are not required to be resubmitted for five years, unless there is a material change in the increased scope of practice (A.R.S. §§ 32-3104, 32-3105 and 32-3106).

A similar bill was introduced in the 56th Legislature, 1st Regular Session and was vetoed by the Governor (SB 1248 scope of practice; process; repeal).

Provisions

1. Repeals the requirement that health professional groups seeking to increase the scope of practice for a state-regulated health profession must complete a statutory sunrise review. (Sec. 3, 4)
2. Outlines criteria that the Legislature must consider for proposed legislation to increase the scope of practice of a health professional group:

a. whether current education and training, preparedness or available continuing education and training for the health professional group adequately prepares members of the profession for the proposed increased scope;
b. whether increasing the scope of practice will improve patient access to safe and affordable care;
c. whether increasing the scope of practice will advance health, safety or welfare; and
d. whether increasing the scope of practice will create a substantial regulatory burden for the state, including the administrative and financial capacity of the regulatory entity that regulates the health professional group. (Sec. 4)

3. Instructs a health professional group seeking an increase in the scope of practice, within 10 days of introduction of proposed legislation or an amendment for expansion, to provide written notification to the health profession's regulatory entity. (Sec. 4)

4. Deems it is the Legislature's intent to preserve the health and safety of Arizonans and ensure that Arizonans only receive health care services from qualified providers. (Sec. 6)

5. Declares that the Legislature reserves the right to reinstate the sunrise review process at any time if its elimination demonstrably lessens the quality of health care in Arizona. (Sec. 6)

6. Defines *increase the scope of practice*. (Sec. 4)

7. Modifies the term *health professional group*. (Sec. 1)

8. Makes technical and conforming changes. (Sec. 1-4)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: GOV DPA/SE 4-2-2-0 | 3rd Read 16-12-2-0
House: RA DP 4-2-0-1

SB 1120: ~~consumer fraud; unlawful practices~~
NOW: occupational regulations; complaints
Sponsor: Senator Wadsack, LD 17
Caucus & COW

Overview

Permits an agency or occupational association with disciplinary authority over its members to investigate a complaint or take enforcement action only if the complainant has a substantial nexus to the person who is the subject of the complaint.

History

Statute limits *occupational regulations* to those necessary to fulfill a public health, safety or welfare concern. If an individual is harmed by an *occupational regulation*, the person may petition the agency to repeal or modify the regulation. Within 90 days after the petition filing, the agency must: 1) repeal or modify the regulation; 2) suggest legislative action to bring the regulation into compliance with current law; or 3) state the basis for why the regulation complies with statute (A.R.S. §§ 41-1093.01, 41-1093.02).

Further, current law permits an individual to file an action in a court of general jurisdiction to challenge an occupational regulation and the court must find by a preponderance of the evidence that the challenged occupational regulation *"burdens the entry into or participation in an occupation, trade or profession and that this state has failed to prove by a preponderance of the evidence that the challenged occupational regulation is demonstrated to be necessary to specifically fulfill a public health, safety or welfare concern."* Statute directs the court to enjoin further enforcement of the occupational regulation and award the plaintiff with reasonable attorney's fees and costs. (A.R.S. § 41-1093.03).

Black's Law Dictionary defines *nexus* as a point of casual intersection, link, relation or connection.

Provisions

1. States that regardless of any other law, an agency or occupational association with disciplinary authority over its members may only investigate a complaint and take disciplinary or enforcement action if the complainant has a substantial nexus with the individual who is the subject of the complaint. (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 5-2-1-0 | 3rd Read 16-10-4-0
House: RA DP 4-3-0-0

SB 1153: regulatory costs; rulemaking; legislative ratification
Sponsor: Senator Kern, LD 27
Caucus & COW

Overview

Prescribes the requirements for specified proposed rules to be ratified by the Legislature before enactment.

History

The mission of the Office of Economic Opportunity (OEO) is to expand economic opportunities for people in Arizona by leading the analysis and evaluation of Arizona's population and economy and investing in communities to power the state's economic growth (OEO).

Statute designates the Administrative Rules Oversight Committee (AROC) to oversee the adoption of rules by state agencies. The 11-member committee includes: 1) five members of the House of Representatives appointed by the Speaker; 2) five members of the Senate appointed by the President; 3) the Governor or designee. Legislative Council serves as the staff for AROC (A.R.S.§ 41-1046).

Statute prohibits state agencies from conducting rulemaking without prior written approval of the Governor. State agencies may not adopt any new rule that would increase existing regulatory burdens on the free exercise of property rights or the freedom to engage in lawful business or occupation unless: 1) the rule reduces regulatory restraints or burdens; or 2) is necessary to implement statutes or is required by a final court order or decision (A.R.S. § 41-1038 et al.).

A similar bill was introduced in the 56th Legislature, 1st Regular Session and was vetoed by the Governor (SB 1255 regulatory costs; rulemaking; ratification).

Provisions

1. Directs an agency to submit a proposed rule to OEO for review if the rule is estimated to increase state regulatory costs by more than $100,000 within 5 years after implementation. (Sec. 1)
2. Stipulates that if the OEO confirms the estimated regulatory costs will increase by more than $500,000 within 5 years after the proposed rule's implementation, then the rule may not become effective until the Legislature ratifies the proposed rule. (Sec. 1)
3. Instructs OEO to submit the proposed rule to AROC no later than 30 days before the next regular legislative session. (Sec. 1)
4. Requires AROC to submit the proposed rule to the Legislature when practicable. (Sec. 1)
5. Authorizes any legislator to sponsor legislation to ratify the proposed rule, which is exempt from the statute relating to the time and manner of rulemaking. (Sec. 1)
6. Prohibits an agency from filing a final rule with the Secretary of State before obtaining legislative approval through legislation ratifying the proposed rule. (Sec. 1)
7. Requires an agency to publish a *notice of termination* in the register and terminate the proposed rulemaking if the Legislature does not enact legislation to ratify the proposed rule during the current legislative session.
8. Allows a person who is regulated by an agency proposing a rule or a legislator to request OEO to review the rule.
9. Excludes emergency rulemaking from the legislative ratification requirements. (Sec. 1)

10. States that, beginning on the general effective date, a rule is void and unenforceable unless the rule is ratified as prescribed. (Sec. 1)
11. Excludes the Arizona Corporation Commission from the requirements of legislative ratification of proposed rules. (Sec. 1)

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

SB 1165: pharmacy audit; procedures; prohibition
Sponsor: Senator Shamp, LD 29
Caucus & COW

Overview

Outlines specified provisions that an auditing entity must comply with when conducting a wholesale invoice audit. Prohibits an auditing entity from retroactively reducing the amount of a claim payment unless specified criteria apply.

History

Statute outlines the procedures for in-person and desktop audits performed by an auditing entity working on behalf of an insurer or Pharmacy Benefits Manager (PBM) for the purposes of auditing drug claims adjudicated by pharmacies. The auditing entity must deliver a preliminary audit report to the pharmacy within 60 days after the conclusion of the audit. A pharmacy is allowed at least 30 days after receipt of the preliminary audit to provide documentation to address any discrepancy found in the audit. Unless otherwise required by state or federal law, audit information may not be shared with any entity other than the insurer on whose behalf the audit was conducted (A.R.S. § 20-3322, 20-3323).

The Department of Insurance and Financial Institutions (DIFI) regulates and monitors insurance companies and professionals operating in Arizona to protect the public and help ensure that these entities follow Arizona and federal laws (Ariz. Const. § 15-5). Beginning January 1, 2025, PBMs must apply and pay a fee to DIFI for a valid certificate of authority to operate as a PBM who performs services for a health plan subject to state jurisdiction (A.R.S. § 20-3333). A PBM is a person, business or entity that manages the prescription drug coverage provided by a contracted insurer or other third-party payor. Responsibilities include the processing and payment of claims for prescription drugs, the performance of drug utilization review, the processing of drug prior authorization requests, the adjudication of appeals related to prescription drug coverage, contracting with network pharmacies and controlling the cost of covered prescription drugs (A.R.S. § 20-3321).

Provisions

1. Prohibits an auditing entity from conducting an audit on the pharmacy claims of another auditing entity when conducting a wholesale invoice audit. (Sec. 1)
2. Instructs an auditing entity to comply with the following provisions when conducting a wholesale invoice audit:
   a. reverse a finding of discrepancy if the pharmacist or pharmacy dispensed the correct quantity of a drug according to the prescription and either of the specified circumstances apply;
   b. accept any of the specified documentation as a presumption of validity to support the pharmacy's claim related to the purchase of a dispensed drug; and
   c. provide any supporting documentation that the pharmacy supplier provided to the auditing entity no later than 10 business days after receiving the pharmacy's request. (Sec. 1)
3. States that an auditing entity cannot, directly or indirectly, retroactively reduce the amount of a claim payment to a pharmacist or a pharmacy after adjudication of the claim for a prescription drug unless any of the specified circumstances apply. (Sec. 1)
4. Clarifies that an auditing entity, insurer or PBM is not prohibited from increasing the amount of a claim payment after adjudication of the claim. (Sec. 1)

5. Makes technical changes. (Sec. 1)

SB 1171: real estate department; licensing; administration
Sponsor: Senator Shope, LD 16
Caucus & COW

Overview
Amends statute pertaining to the Arizona Department of Real Estate (ADRE).

History
The ADRE was established in 1921 to protect public interest through the licensure and regulation of the real estate profession in Arizona. The Department:

1) issues licenses;
2) provides oversight for real estate brokers and salespersons, real estate schools, residential developments, timeshares, cemeteries, and membership campgrounds;
3) is responsible for investigations, enforcement, and compliance; and
4) provides a venue for homeowners and homeowners associations to resolve disputes (Laws 1921, Chapter 160, A.R.S. § 32-2102).

The ADRE is directed by the Real Estate Commissioner (Commissioner), who is appointed by and serves at the pleasure of the Governor. The responsibilities of the Commissioner include the following:

1) administering the department;
2) preparing and distributing educational materials for licensees and the public;
3) managing a real estate education revolving fund; and
4) adopting rules for chapter compliance (A.R.S. § 32-2107).

The Real Estate Advisory Board (Board) provides recommendations to the Commissioner and is also required to provide an annual evaluation to the Governor describing the performance of the Commission and the ADRE. The Board consists of 10 members, appointed by the Governor to six-year terms (A.R.S. § 32-2104).

Provisions

Commissioner

1. Clarifies that the Commissioner cannot act as a broker, salesperson or agent *of any real estate or brokerage firm*. (Sec. 3)
2. Removes the requirement that the Commissioner must issue a new license upon an employing broker's notice of a change of business location or statutory agent. (Sec. 10)
3. States that if a licensee applies to change the license status to active, the Commissioner may require the licensee to complete continuing education credit hours before activating the license. (Sec. 12)
4. Requires the Commissioner to have an applicant whose license has been inactive for more than 15 years successfully pass a state-specific examination before activating the license. (Sec. 12)

ADRE

5. Allows ADRE to suspend a license if the licensee's fingerprint clearance card is suspended and either:
   a. the Commissioner denies the application on the basis that the licensee was convicted of the alleged crime causing the suspension; or
   b. the licensee fails to submit sufficient evidence to prove the individual applied for a good cause exception within five business days after being notified by ADRE. (Sec. 4)

6. Removes the requirement for ADRE to contact the Arizona Military Airspace Working Group to request contact information and instead directs ADRE to post the information on their website. (Sec. 5)

7. Instructs the ADRE to send a notice to a licensee with an inactive license one year before the license becomes inactive for more than 15 years. (Sec. 12)

Board

8. Modifies the membership of the Board to include the following:
   a. one member who has been engaged in a commercial real estate brokerage for the five years immediately preceding the appointment;
   b. one member who has been engaged in timeshare, campground or cemetery sales for the five years immediately preceding the appointment;
   c. one member who has been primarily engaged in subdividing real property for the five years immediately preceding the appointment; and
   d. one member who has been an active school administrator or approved instructor for the five years immediately preceding the appointment. (Sec. 2)

9. Specifies all persons serving as members of the Board may continue to serve until the expiration of their term. (Sec. 24)

Broker Responsibilities

10. Prohibits an entity from:
    a. assuming representation for new clients while a new license is pending or until a new designated broker is added to the entity's license; and
    b. having a person named as the designated broker on the license if the person is or was named as a designated broker on any other license in this state or another state and if any of the specified circumstances apply. (Sec. 8)

11. Authorizes a nonresident broker to use online recordkeeping if the data is backed up and the nonresident broker provides the online recordkeeping provider's contact information to the ADRE. (Sec. 9)

12. Requires an employing broker to have and maintain a definite place of business or an active and valid statutory agent on file with the Corporation Commission. (Sec. 10)

13. Stipulates that the employing broker must notify the ADRE of the definite place of business or the valid statutory agent. (Sec. 10)

14. Adds that if a broker engages in property management activities, the broker must complete a broker management clinic that is designed to teach proficiency in property management. (Sec. 15)

15. Modifies requirements pertaining to a broker's completion of a monthly reconciliation between the trust fund account bank statements, client ledgers and trust fund account ledgers. (Sec. 16)

16. States that a variation in account balances caused by specified acts or omissions is a violation of statute. (Sec. 16)

17. Requires all property management accounts to be designated as trust accounts on the broker's records. (Sec. 20)

18. Removes the requirement that a property management account must include descriptive wording in the trust account title. (Sec. 20)

Application and Licensing Requirements

19. Strikes the requirement for a broker or salesperson's license application to include information pertaining to the applicant's employment history. (Sec. 6)

20. Removes the requirement for a licensee to have available for use, a copy of the real estate laws and rules. (Sec. 6)

21. Specifies that the examination administered for a real estate broker's license must be proctored. (Sec. 7)
22. Makes modifications to the state-specific examination requirements for a broker license applicant or salesperson license applicant who does not reside in Arizona. (Sec. 9)
23. Specifies that a licensee with an inactive license is not required to complete continuing education credit hours during the period that the license is inactive. (Sec. 12)

Miscellaneous

24. Defines pertinent terms. (Sec. 1, 4)
25. Makes technical changes. (Sec. 1-18, 21-23)
26. Makes conforming changes. (Sec. 1, 2, 6, 8, 16, 19)
27. Replaces the term *online course* with *distance learning course*. (Sec. 7, 13, 14)

☐ 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 DPA 5-2-1-0 | 3rd Read 16-12-2-0
House: RA DP 4-2-0-1

SB 1343: agency review; rules; automatic expiration
Sponsor: Senator Petersen, LD 14
Caucus & COW

Overview

Outlines requirements relating to agency review of rules.

History

Under the Administrative Procedures Act (APA), the established Governor's Regulatory Review Council (GRRC) retains the authority to approve or disapprove any agency's proposed rule, the preamble to the rule and the economic, small business and consumer impact statement for the rule (A.R.S. § 41-1052).

The APA is a group of statutes that governs how state agencies do rule making. Statute defines *Rule* as an agency's assertion that implements, interprets and prescribes policy and its procedures, excluding non-delegation agreements (Title 41, Chapter 6, A.R.S.).

Current law states that if an agency fails to submit a report, file an extension before the due date of the report or files an extension and does not submit its report within the extension period, the rule scheduled for review will expire and directs GRRC to:

1) cause a notice to be published in the next register that states that the rule has expired and is no longer enforceable;
2) notify the Secretary of State that the rule has expired and needs to be removed from the code; and
3) notify the agency the rule has expired and is no longer enforceable (A.R.S. § 41-1056).

Provisions

1. Prescribes that any analysis performed as part of a review of an agency rule that examines the economic impact, compliance, implementation or other costs of the rule, to the greatest extent possible must use actual impacts and costs from the past five years the rule has been in effect, as the basis for any calculation rather than only using estimated impacts and costs. (Sec. 3)
2. Stipulates that any rule regarding occupational licenses adopted by an agency must automatically expire at the conclusion of the five-year review, unless the agency performs a review pursuant to statute and does the following:
   a) readopts the code chapter;
   b) publishes an evaluation of the burdens on similar occupational licenses in all states that border Arizona and justifies any instance where Arizona imposes a greater burden on a licensee than any neighboring states; and
   c) publishes a report available on the agency's website that includes analyses and responses to public comments. (Sec. 3)
3. Exempts rules that are required to comply with federal law or receive federal monies from automatic expiration. (Sec. 3)
4. Applies current statue relating to the expiration of a rule to an occupational licensing agency that has not timely adopted its rules. (Sec. 3)
5. Makes technical and conforming changes. (Sec. 1-3)

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: TTMC DP 7-0-0-0 | 3rd Read 27-0-3-0
House: TI DP 10-0-0-1

SB 1054: state construction project delivery methods
Sponsor: Senator Carroll, LD 28
Caucus & COW

Overview

Continues the authorization, until December 31, 2030, for the Arizona Department of Transportation (ADOT) or an agent to commence design-build projects and to procure construction delivery services using alternative methods of project delivery.

History

ADOT may use the design-build method of project delivery on a project if ADOT decides in writing that it is appropriate and in the best interests of ADOT to use the design-build method of project delivery for that project, except that:

1) ADOT must not enter into a contract to operate any structure, facility or other item;
2) each design-build project must be a specific single project; and
3) ADOT must not commence any design-build project after December 31, 2025 (A.R.S. § 28-7363).

ADOT may procure construction-manager-at-risk and job-order-contracting construction services (A.R.S § 28-7366). ADOT may not procure any construction services using the job-order-contracting construction services method of project delivery after December 31, 2025 (A.R.S. § 28-7367).

An agent must not procure any horizontal construction using the construction-manager-at-risk, design-build or job-order-contracting method of project delivery after June 30, 2025 (A.R.S. § 34-605).

Construction services, for construction-manager-at-risk, design-build and job-order contracting project delivery methods, are either: 1) construction, excluding services, through the construction-manager-at-risk or job-order-contracting project delivery methods; or 2) a combination of construction and, as elected by the agent, one or more related services. *Horizontal construction* is construction of highways, roads, streets, bridges, canals, floodways, earthen dams, landfills, airport runways, taxiways and aprons and light rail, excluding any related rail stations, maintenance facilities or parking facilities. An *agent* is any county, city or town, or officer, board or commission of any county, city or town, and irrigation, power, electrical, drainage, flood protection and control districts, tax levying public improvement districts and county or city improvement districts. An *agent* includes any county board of supervisors and any representative authorized by an agent to act as an agent for the purpose of authorizing necessary change orders to previously awarded contracts in accordance with guidelines established by rule of the agent, including the board of supervisors (A.R.S. § 34-101).

Provisions

1. Extends the authorization, until December 31, 2030, rather than December 1, 2025, for ADOT to commence any design-build project and to procure any construction delivery services using the construction-manager-at-risk construction services or job-order-contracting construction services. (Sec. 1-3)

2. Continues the authorization, until December 31, 2030, rather than June 30, 2025, for an agent to procure any construction-manager-at-risk construction services for horizontal construction and any horizontal construction using the construction-manager-at-risk, design-build or job-order-contracting method of project delivery. (Sec. 4-5)

3. Makes technical changes. (Sec. 1-3 and 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: TTMC DP 5-0-2-0 | 3rd Read 19-8-3-0
House: TI DP 10-0-0-1

SB 1055: off-highway vehicle study committee; extension
Sponsor: Senator Kerr, LD 25
Caucus & COW

Overview

Continues the Arizona Off-Highway Vehicle (OHV) Study Committee for one year until June 1, 2025.

History

Laws 2022, Chapter 148 established the Arizona OHV Study Committee (Study Committee). The Study Committee is required to study and collect information from stakeholders and the public regarding OHV issues in this state and must submit an annual report on the Study Committee's activities and recommendations for legislative or administrative action.

The Study Committee's membership consists of:

1) four legislators, two from the Senate and two from the House of Representatives;
2) the Director of the Arizona State Parks Board or their designee;
3) the Director of the Arizona Game and Fish Department or their designee;
4) the Director of the Arizona Department of Transportation or their designee;
5) the Commissioner of the Arizona State Land Department or their designee;
6) a law enforcement officer who enforces OHV laws;
7) two representatives from OHV organizations or recreational groups;
8) a representative from a hunting or fishing organization;
9) a representative from the farming and agriculture industry;
10) a representative from an OHV rental company;
11) a representative from an OHV manufacturer or retailer; and
12) two public members with outdoor recreation knowledge.

The Study Committee will be repealed on June 1, 2024.

An *OHV* is a motorized vehicle that is operated primarily off of highways and that is designed, modified or purpose-built primarily for recreational nonhighway all-terrain travel. An OHV includes a tracked or wheeled vehicle, utility vehicle, all-terrain vehicle, motorcycle, four-wheel drive vehicle, dune buggy, sand rail, amphibious vehicle, ground effects or air cushion vehicle and any other means of land transportation deriving motive power from a source other than muscle or wind. (A.R.S. § 28-1171).

Provisions

1. Repeals the Study Committee on June 1, 2025, rather than June 1, 2024. (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: TTMC DP 7-0-0-0 | 3rd Read 25-4-1-0
House: TI DPA 10-0-0-1

SB 1190: collegiate plates; community college enrollment
Sponsor: Senator Wadsack, LD 17
Caucus & COW

Overview

Reduces, from 50,000 to 9,000, the minimum full-time equivalent (FTE) student enrollment for a community college district (CCD) required to establish a CCD collegiate special plate fund.

History

A CCD with an FTE student enrollment of more than 50,000 students must establish a CCD Collegiate Special Plate Fund (Fund). The CCD must administer the Fund and all monies in the Fund must be used only for academic scholarships. The Fund is exempt from lapsing and at the direction of the CCD, the State Treasurer may invest and divest inactive monies in the Fund and must credit all interest earned on the Fund monies to the Fund (A.R.S. § 15-1447).

The Arizona Department of Transportation (ADOT) must issue Collegiate Special Plates that identify each university or CCD. The collegiate special plates must have the same color and design as the collegiate license plates issued on or before December 31, 1992, except that on the request of a university or a CCD, ADOT may revise the color and design of the plates as appropriate for the university or CCD. ADOT must deposit all special plate administration fees in the State Highway Fund and must transmit the collegiate plate annual donations to the Arizona Board of Regents for placement in the appropriate university collegiate special plate fund and to the CCD Collegiate Special Plate Fund.

A *CCD* is a community college district that is a political subdivision of this state and that has an FTE enrollment of more than 50,000 students (A.R.S. § 28-2412).

An *FTE student* is a student enrollment for 15 community college semester credit units per semester (A.R.S. § 15-1401).

Provisions

1. Decreases, from more than 50,000 to more than 9,000, the number of FTE student enrollment of a CCD required to establish a CCD collegiate special plate fund. (Sec. 1)
2. Modifies the definition of a *CCD*, by changing the FTE student enrollment requirement to more than 9,000 students, rather than for more than 50,000. (Sec. 2)
3. Makes technical changes. (Sec. 1, 2)

Amendments:

Committee on Transportation & Infrastructure

1. Reduces, from more than 9,000 to more than 500, the number of FTE student enrollment of a CCD required to establish a CCD collegiate special plate fund.

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: TTMC DP 6-1-0-0 | 3rd Read 17-11-2-0
House: TI DP 7-2-0-2

SB 1290: ADOT; report; construction projects; bidders
Sponsor: Senator Hoffman, LD 15
Caucus & COW

Overview

Directs the Director of the Arizona Department of Transportation (ADOT) to issue a quarterly report that discloses each instance that the lowest responsible bidder for a construction project contract was not selected for the contract and the reason why the bidder was not selected.

History

Laws 1973, Chapter 146 established ADOT to provide for an integrated and balanced state transportation system with a director responsible for the Department's administration (A.R.S. § 28-331). ADOT has exclusive control and jurisdiction over state highways, state routes, state-owned airports and all state-owned transportation systems or modes.

The duties of ADOT are as follows: 1) register motor vehicles and aircraft, license drivers, collect revenues, enforce motor vehicle and aviation statutes and perform related functions; 2) do multimodal state transportation planning, cooperate and coordinate transportation planning with local governments and establish an annually updated priority program of capital improvements for all transportation modes; 3) design and construct transportation facilities in accordance with a priority plan and maintain and operate state highways, state-owned airports and state public transportation systems; 4) investigate new transportation systems and cooperate with and advise local governments concerning the development and operation of public transit systems; 5) have administrative jurisdiction of transportation safety programs and implement them following applicable law; and 6) operate a state motor vehicle fleet for all motor vehicles that are owned, leased or rented by this state (A.R.S. § 28-332).

Provisions

1. Requires the Director of ADOT to issue a quarterly report to the President of the Senate and the Speaker of the House of Representatives. (Sec. 1)
2. Mandates the report must disclose each instance that the lowest responsible bidder for a construction project contract was not selected for the contract and why the lowest bidder was not selected. (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: TTMC DP 5-2-0-0 | 3rd Read 16-13-1-0
House: TI DP 9-2-0-0

SB 1299: traffic control; right on red
Sponsor: Senator Kern, LD 27
Caucus & COW

Overview

Requires a registered engineer to evaluate an intersection to determine that allowing a right turn on a red signal is unsafe before a right turn on a red signal may be prohibited at that intersection.

History

Statute outlines requirements that a driver must follow when approaching an intersection with a lighted traffic control signal. When vehicular traffic faces a steady red signal, all traffic must stop before entering the intersection and must remain standing until an indication to proceed is shown.

A driver of a vehicle that is stopped due to a red signal and that is as close as practicable to the entrance to the crosswalk or intersection and is on the near side of the intersection may take a right turn but must yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal. A right turn on a red signal may be prohibited if a sign is erected prohibiting the turn at the intersection (A.R.S. § 28-645).

Provisions

1. Directs a registered engineer to evaluate an intersection and determine that allowing a right turn on a red signal is unsafe, either at all times or on specific days and times before a right turn on a red signal may be prohibited. (Sec. 1)
2. Requires the registered engineer's determination that a right turn on a red signal at an intersection is unsafe to be documented. (Sec. 1)
3. 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: FICO DP 5-0-2-0 | 3rd Read 27-0-3-0-0
House: WM DP 9-0-0-1

SB 1358: income tax withholding; retirement distributions
Sponsor: Senator Mesnard, LD 13
Caucus & COW

Overview

Allows an individual receiving distributions from a pension or retirement account to request to withhold Arizona income tax.

History

Any payment of an amount as retired or retainer pay for service in the military or naval forces of the U.S., or payments received under the U.S. civil service retirement system from the U.S. government service retirement disability fund or a payment of any other annuity to an individual may be requested by the individual for the payment to be subject to withholding from Arizona income tax. This payment must be treated as if it were a payment of wages by an employer to an employee for a payroll period (A.R.S. § 43-404).

Every employer at the time of the payment of wages, salary, bonus or other emolument to any employee whose compensation is for services performed in Arizona must deduct and retain from the compensation amount prescribed by tables adopted by the Department of Revenue (DOR). An employer may voluntarily elect to not withhold tax during December by notifying DOR on a DOR-prescribed form and the employer's employees in writing in a manner prescribed by DOR. An employer cannot withhold tax on the wages of the employer's nonresident employees in Arizona on a temporary basis for the purpose of performing disaster recovery from a declared disaster during a disaster period (A.R.S. § 43-401).

Provisions

1. States that a distribution from a pension or retirement account may be subject to Arizona income tax withholding, and is treated as if it were a payment of wages by an employer to an employee for a payroll period. (Sec. 1)
2. Requires a request for the income tax withholding to be made by the payee to the person making the distributions. (Sec. 1)
3. Allows the person making the payment or distribution to deny or terminate the request with a written statement. (Sec. 1)
4. Limits the withholding amount to the extent that amount is includable in the Arizona gross income of the individual who receives the distribution. (Sec. 1)
5. Instructs any request to initiate, adjust or terminate withholding to be executed in writing by paper or electronic form prescribed by DOR. (Sec. 1)
6. Defines *pension* and *retirement account*, and modifies the definition of *annuity*. (Sec. 1)

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