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

CAUCUS AGENDA

March 26, 2024

Bill Number	Short Title	Committee	Date	Action

Committee on Appropriations

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

SB 1457(BSI) online instruction; virtual setting; assessments
SPONSOR: BENNETT, LD 1
APPROP 3/20/2024 DPA (12-3-2-0)
(No: DE LOS SANTOS, GUTIERREZ, PARKER B Present: BLATTMAN, AUSTIN)

Committee on Commerce

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

SB 1053(BSI) metal theft study committee
(COM S/E: Arizona-Ireland trade commission)
SPONSOR: CARROLL, LD 28
COM 3/19/2024 DPA/SE (5-2-2-1)
(No: CARTER, HEAP Abs: AGUILAR Present: HENDRIX, AUSTIN)

SB 1162(BSI) telecommunications fund; report; posting
(COM S/E: residential zoning; housing; assessment; hearings)
SPONSOR: SHAMP, LD 29
COM 3/19/2024 DPA/SE (8-1-0-1)
(No: ORTIZ Abs: AGUILAR)

SB 1506(BSI) municipalities; housing; commercial redevelopment; zoning
SPONSOR: SHAMP, LD 29
COM 3/19/2024 DP (6-3-0-1)
(No: CARTER, GRESS, HEAP Abs: AGUILAR)

Committee on Education

Chairman: Beverly Pingerelli, LD 28 **Vice Chairman:** David Marshall, Sr., LD 7
Analyst: Chase Houser **Intern:** Ryan Potts

SB 1151(BSI) school classrooms; ten commandments; posting
SPONSOR: KERN, LD 27
ED 3/19/2024 DP (6-4-0-0)
(No: GUTIERREZ, PAWLIK, SCHWIEBERT, TERECH)

SB 1583(BSI) school admission; annual parental disclosure
SPONSOR: WADSACK, LD 17

ED	3/19/2024	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 1216(BSI) ~~PSPRS; social security; technical correction~~
(Now: government employees; online use)
SPONSOR: KAVANAGH, LD 3

GOV	3/20/2024	DPA	(7-2-0-0)

(No: DE LOS SANTOS, VILLEGAS)

SB 1340(BSI) public funds; foreign adversaries; divestment
SPONSOR: CARROLL, LD 28

GOV	3/13/2024	DPA	(6-3-0-0)

(No: PESHLAKAI, VILLEGAS, HODGE)

WM	3/20/2024	DP	(5-3-1-1)

(No: SANDOVAL, CREWS, LUCKING Abs: GRANTHAM Present: BLATTMAN)

SB 1341(BSI) procurement; electric vehicles; forced labor
SPONSOR: CARROLL, LD 28

GOV	3/20/2024	DP	(6-3-0-0)

(No: DE LOS SANTOS, PESHLAKAI, VILLEGAS)

SB 1415(BSI) accessory dwelling units; requirements
SPONSOR: HERNANDEZ, LD 24

GOV	3/20/2024	DP	(8-0-0-1)

(Abs: MONTENEGRO)

SB 1575(BSI) racing; boxing; transfer; gaming commission
SPONSOR: BORRELLI, LD 30

GOV	3/20/2024	DPA	(5-4-0-0)

(No: DE LOS SANTOS, HERNANDEZ L, PESHLAKAI, VILLEGAS)

SB 1665(BSI) municipal development; permits; review
SPONSOR: GOWAN, LD 19

GOV	3/20/2024	DP	(7-2-0-0)

(No: JONES, VILLEGAS)

SB 1670(BSI) public-private partnership contracts
SPONSOR: GOWAN, LD 19

GOV	3/20/2024	DP	(9-0-0-0)

Committee on Health & Human Services

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

SB 1050(BSI) chiropractic care; diagnostic imaging.
SPONSOR: SHAMP, LD 29

HHS	3/4/2024	FAILED	(5-5-0-0)

(No: CONTRERAS P, MATHIS, PARKER B, PINGERELLI, LIGUORI)

HHS 3/18/2024 DPA ON RECON (6-2-0-2)
(No: PARKER B, PINGERELLI Abs: MATHIS, WILLOUGHBY)

SB 1159(BSI) ~~technical correction; home health agencies~~
(Now: dentists; restricted permits; continuing education)
SPONSOR: SHAMP, LD 29
HHS 3/18/2024 DPA (6-2-0-2)
(No: PARKER B, PINGERELLI Abs: MATHIS, WILLOUGHBY)

SB 1295(BSI) advanced practice registered nurses; compact
SPONSOR: SHAMP, LD 29
HHS 3/18/2024 DP (5-4-1-0)
(No: MATHIS, PARKER B, PINGERELLI, LIGUORI Present: CONTRERAS P)

SB 1458(BSI) congregate care; dependent children; procedures
SPONSOR: BENNETT, LD 1
HHS 3/18/2024 DP (9-1-0-0)
(No: PARKER B)

SB 1664(BSI) DCS; tiered central registry; hearings
SPONSOR: GOWAN, LD 19
HHS 3/18/2024 DP (9-0-0-1)
(Abs: PARKER B)

Committee on Judiciary

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

SB 1056(BSI) municipalities; counties; fee increases; vote
(JUD S/E: groundwater replenishment; areas; member lands)
SPONSOR: PETERSEN, LD 14
JUD 3/20/2024 DPA/SE (6-3-0-0)
(No: HERNANDEZ M, ORTIZ, LUNA-NÁJERA)

SB 1302(BSI) child abduction from state agency
SPONSOR: FARNSWORTH, LD 10
JUD 3/20/2024 DP (8-0-0-1)
(Abs: HERNANDEZ M)

SB 1336(BSI) deep fake recordings or images
SPONSOR: CARROLL, LD 28
JUD 3/20/2024 DPA (6-3-0-0)
(No: HERNANDEZ M, ORTIZ, LUNA-NÁJERA)

SB 1372(BSI) family reunification treatment; prohibitions
SPONSOR: BOLICK, LD 2
JUD 3/20/2024 DP (6-2-1-0)
(No: ORTIZ, LUNA-NÁJERA Present: HERNANDEZ M)

SB 1411(BSI) organized retail theft task force
SPONSOR: GOWAN, LD 19
JUD 3/20/2024 DP (6-3-0-0)
(No: HERNANDEZ M, ORTIZ, LUNA-NÁJERA)

SB 1435(BSI) public entity liability; sexual offenses
SPONSOR: BOLICK, LD 2

JUD	3/20/2024	DPA	(7-2-0-0)
(No: HERNANDEZ M, LUNA-NÁJERA)			

SB 1594(BSI) aggravated assault; developmental disability; exception
SPONSOR: WADSACK, LD 17

JUD	3/20/2024	DP	(9-0-0-0)

SB 1608(BSI) ~~human smuggling; electronic applications~~
(Now: electronic applications; human smuggling)
SPONSOR: WADSACK, LD 17

JUD	3/20/2024	DP	(6-3-0-0)
(No: HERNANDEZ M, ORTIZ, LUNA-NÁJERA)			

SB 1638(BSI) residential property; transient occupant; remedies
(JUD S/E: Pacific conflict; audits; committee)
SPONSOR: CARROLL, LD 28

JUD	3/20/2024	DPA/SE	(6-3-0-0)
(No: HERNANDEZ M, ORTIZ, LUNA-NÁJERA)			

SB 1687(BSI) drive by shooting; weapon discharge
SPONSOR: GOWAN, LD 19

JUD	3/20/2024	DP	(5-3-1-0)
(No: HERNANDEZ M, ORTIZ, LUNA-NÁJERA Present: KOLODIN)			

Committee on Land, Agriculture & Rural Affairs

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

SB 1026(BSI) racketeering; cockfighting
SPONSOR: KAVANAGH, LD 3

LARA	3/18/2024	DP	(7-1-0-1)
(No: SANDOVAL Abs: COOK)			

SB 1047(BSI) animal cruelty; failure to treat
SPONSOR: SHOPE, LD 16

LARA	3/18/2024	DPA	(7-1-0-1)
(No: SANDOVAL Abs: COOK)			

SB 1403(BSI) designated countries; land ownership; prohibition
SPONSOR: SHAMP, LD 29

LARA	3/18/2024	DP	(8-1-0-0)
(No: SANDOVAL)			

Committee on Military Affairs & Public Safety

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

SB 1117(BSI) criminal justice data collection; system.
SPONSOR: BENNETT, LD 1

MAPS	3/18/2024	DPA	(10-4-0-1)
(No: JONES, MARSHALL, MCGARR, NGUYEN Abs: HENDRIX)			

SB 1196(BSI) prisoners; transition services; noncontracted entities
(MAPS S/E: vehicle lighting; law enforcement; exceptions)
SPONSOR: KERN, LD 27
MAPS 3/18/2024 DPA/SE (15-0-0-0)

SB 1677(BSI) firefighters; peace officers; PTSD; therapy
SPONSOR: GOWAN, LD 19
MAPS 3/18/2024 DPA (15-0-0-0)

SB 1683(BSI) peace officers; mutual aid agreements
SPONSOR: GOWAN, LD 19
MAPS 3/18/2024 DP (8-7-0-0)
(No: BLATTMAN, PESHLAKAI, QUIÑONEZ, TRAVERS, TSOSIE, LUCKING, LUNA-NÁJERA)

SB 1685(BSI) veterans' donations fund; grants
SPONSOR: GOWAN, LD 19
MAPS 3/18/2024 DP (14-1-0-0)
(No: LUCKING)

SCM 1004(BSI) space national guard; urging establishment
SPONSOR: GOWAN, LD 19
MAPS 3/18/2024 DP (15-0-0-0)

Committee on Municipal Oversight & Elections

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

SB 1063(BSI) political signs; removal; elections
SPONSOR: KAVANAGH, LD 3
MOE 3/20/2024 DPA (8-1-0-0)
(No: HERNANDEZ M)

SB 1278(BSI) ~~technical correction; juvenile offenders; notice~~
(Now: legislative vacancies; appointment)
SPONSOR: MESNARD, LD 13
MOE 3/20/2024 DPA (8-1-0-0)
(No: HERNANDEZ M)

SB 1286(BSI) elections; voting centers; polling places
SPONSOR: HOFFMAN, LD 15
MOE 3/20/2024 DPA (5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)

SB 1359(BSI) election communications; deep fakes; prohibition
SPONSOR: CARROLL, LD 28
MOE 3/20/2024 DPA (8-0-0-1)
(Abs: HERNANDEZ M)

SB 1375(BSI) ballots; categories; count; identification number
SPONSOR: BOLICK, LD 2
MOE 3/20/2024 DPA (5-3-0-1)
(No: AGUILAR, TERECH, VILLEGAS Abs: HERNANDEZ M)

Committee on Natural Resources, Energy & Water

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

SB 1041(BSI) groundwater savings certificate; assured water
SPONSOR: HOFFMAN, LD 15
NREW 3/19/2024 DPA (6-4-0-0)
(No: DE LOS SANTOS, HERNANDEZ M, MATHIS, VILLEGAS)

SB 1064(BSI) gasoline formulations; air quality.
(NREW S/E: conditional enactment; fuel reformulations)
SPONSOR: WADSACK, LD 17
NREW 3/19/2024 DPA/SE (6-4-0-0)
(No: DE LOS SANTOS, HERNANDEZ M, MATHIS, VILLEGAS)

SB 1172(BSI) physical availability credits; water supply
SPONSOR: SHOPE, LD 16
NREW 3/19/2024 DPA (6-4-0-0)
(No: DE LOS SANTOS, HERNANDEZ M, MATHIS, VILLEGAS)

SB 1221(BSI) basin management areas; appropriation
SPONSOR: KERR, LD 25
NREW 3/19/2024 DPA (6-4-0-0)
(No: DE LOS SANTOS, HERNANDEZ M, MATHIS, VILLEGAS)

SB 1242(BSI) ADWR; application; review; time frames
(NREW S/E: water conservation grant fund; purpose)
SPONSOR: SHOPE, LD 16
NREW 3/19/2024 DPA/SE (5-4-0-1)
(No: DE LOS SANTOS, HERNANDEZ M, MATHIS, VILLEGAS Abs: DUNN)

SB 1243(BSI) groundwater sales; online exchange.
SPONSOR: WADSACK, LD 17
NREW 3/19/2024 DP (5-4-1-0)
(No: DE LOS SANTOS, HERNANDEZ M, MATHIS, VILLEGAS Present: GRIFFIN)

Committee on Regulatory Affairs

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

SB 1016(BSI) homeowners' associations; flagpoles
SPONSOR: KAVANAGH, LD 3
RA 3/20/2024 DP (6-1-0-0)
(No: LIGUORI)

SB 1042(BSI) cremation
(RA S/E: title companies; recorded documents; DIFI)
SPONSOR: SHOPE, LD 16
RA 3/20/2024 DPA/SE (7-0-0-0)

SB 1163(BSI) ~~homeopathic medicine; integrated medicine; qualifications~~
(Now: homeopathic medicine; qualifications)
SPONSOR: SHAMP, LD 29
RA 3/20/2024 DP (7-0-0-0)

SB 1634(BSI) nonhealth regulatory boards; challenges; prohibition
SPONSOR: HOFFMAN, LD 15

RA	3/20/2024	DP	(4-3-0-0)
(No: HERNANDEZ A, CREWS, LIGUORI)			

Committee on Rules

Chairman: Travis Grantham, LD 14 **Vice Chairman:** Gail Griffin, LD 19
Analyst: **Intern:** Francisco Mayoral Fernandez, Robert Bartlemay

SB 1049(BSI) reviser's technical corrections; 2024
SPONSOR: SHOPE, LD 16

Committee on Transportation & Infrastructure

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

SB 1052(BSI) all-terrain vehicles; definition
SPONSOR: CARROLL, LD 28

TI	3/20/2024	DPA	(8-3-0-0)
(No: CARTER, CONTRERAS P, SANDOVAL)			

SB 1180(BSI) roadable aircraft; registration; license plates
SPONSOR: FARNSWORTH, LD 10

TI	3/20/2024	DP	(10-1-0-0)
(No: SANDOVAL)			

SB 1453(BSI) DUI; license suspension; records
SPONSOR: CARROLL, LD 28

TI	3/20/2024	DP	(11-0-0-0)

SB 1561(BSI) wildland fire prevention special plates
SPONSOR: BENNETT, LD 1

TI	3/20/2024	DPA	(10-1-0-0)
(No: SANDOVAL)			

SB 1567(BSI) off-highway vehicles; education requirement
SPONSOR: KERR, LD 25

TI	3/20/2024	DP	(8-0-3-0)
(Present: CARTER, COOK, MONTENEGRO)			

Committee on Ways & Means

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

SB 1092(BSI) income tax; currency transactions; effect
SPONSOR: PETERSEN, LD 14

WM	3/20/2024	DP	(5-4-0-1)
(No: BLATTMAN, SANDOVAL, CREWS, LUCKING Abs: GRANTHAM)			

SB 1431(BSI) right to redeem; foreclosure; sale
SPONSOR: MESNARD, LD 13

WM	3/20/2024	DP	(9-0-0-1)
(Abs: GRANTHAM)			

SB 1457: online instruction; virtual setting; assessments
Sponsor: Senator Bennett, LD 1
Caucus & COW

Overview

Allows a school participating in Arizona Online Instruction (AOI) to administer any state standardized test or assessment in a virtual setting or at a testing center.

History

The State Board of Education (SBE) adopts and implements statewide assessments to measure pupil achievement of SBE-adopted academic standards in reading, writing and mathematics. SBE must ensure that the statewide assessments are uniform and that the tests can be scored in an objective manner and are not intended to advocate any sectarian, partisan or denominational viewpoint (A.R.S. § 15-741).

AOI allows school districts and charter schools to develop and provide online instructional systems. State-approved charter authorizers sponsor charter schools and SBE selects district schools to be AOI schools or course providers. SBE and state-approved charter authorizers develop standards for the approval of AOI schools and course providers (A.R.S. § 15-808).

Provisions

1. Authorizes a school participating in AOI to administer any state standardized test or assessment in a virtual setting, if the AOI school:
   a) assigns a specific date and time to administer the test to participating students;
   b) administers the test in a synchronous session that is initiated and managed by personnel who are designated by the school;
   c) provides at least one proctor for every 10 participating students;
   d) requires each participating student to remain in the virtual setting until the student is instructed to exit the testing platform by the student's assigned proctor; and
   e) verifies each test that is submitted by a participating student. (Sec. 1)

2. Stipulates that if a testing platform does not allow integrated camera proctoring, then the student is required to use a secondary video device that allows the proctor to see the student for the entire testing session. (Sec. 1)

3. Authorizes a school participating in AOI to administer any state standardized test or assessment at a testing center, if the AOI school:
   a) assigns a specific date and time to administer the test to participating students;
   b) administer the test at a location that complies with testing procedures and regulations regardless of whether the location is on a school campus;
   c) administers the test in a synchronous session that is initiated and managed by personnel who are designated by the school;
   d) provides at least one proctor for every 15 participating students;
   e) requires each participating student to remain at the testing center location until the student is instructed to exit the testing center location by the student's assigned proctor; and
   f) verifies each test that is submitted by a participating student. (Sec. 1)

4. Prohibits an AOI school, unless the assessment or examination is available by remote access, from administering any of the following in a virtual setting or testing center:
   a) a college readiness or workforce assessment provided by a national college and career readiness assessment provider;
   b) an Advanced Placement examination; or
   c) an International Baccalaureate examination. (Sec. 1)

Amendments

Committee on Appropriations

1. Allows a dropout recovery program to administer any state standardized test in a virtual setting.
2. Removes the proposed procedural requirements for AOI schools administering an assessment at a testing center.

SB 1053: metal theft study committee
S/E: Arizona-Ireland trade commission
Sponsor: Senator Carroll, LD 28
Caucus & COW

Summary of the Strike-Everything Amendment to SB 1053

Overview

Creates the Arizona-Ireland Trade Commission.

History

The Arizona Commerce Authority's (ACA) mission is to provide private sector leadership in growing and diversifying the economy of Arizona, creating high quality employment in Arizona through expansion, attraction and retention of businesses and marketing Arizona for the purpose of expansion, attraction and retention of businesses (A.R.S. § 41-1502).

Statute outlines the responsibilities of the ACA which include to establish and supervise the operations of full-time or part-time offices in other states and foreign countries for the purpose of expanding direct investment and export trade opportunities for businesses and industries in this state if, based on objective research, the authority determines that the effort would be beneficial to the economy of this state (A.R.S. § 41-1504).

Provisions

1. Establishes, within the ACA, the 9-member Arizona-Ireland Trade Commission (Commission) which consists of four members who are appointed by the Legislature and five members who are appointed by the Governor. (Sec. 1)
2. Requires the appointments to be made by December 31, 2024. (Sec. 1)
3. Specifies members serve 4-year terms and vacancies must be filled in the same manner as the initial appointment. (Sec. 1)
4. Authorizes members of the Commission to receive compensation and reimbursement of expenses as provided by statute. (Sec. 1)
5. Allows the Commission to accept gifts, grants, donations, monies from fundraising activities, bequests and other forms of voluntary contributions to carry out the Commission's purposes. (Sec. 1)
6. Directs the Commission to:
   a) advance bilateral trade and investment between Arizona and Ireland;
   b) initiate joint action on policy issues of mutual interest between Arizona and Ireland;
   c) promote business and academic exchanges between Arizona and Ireland;
   d) encourage mutual economic support between Arizona and Ireland;
   e) encourage mutual investment in the infrastructure of Arizona and Ireland; and
   f) meet at least annually and at the call of the member-elected chairperson. (Sec. 1)
7. Instructs the Commission, by December 31, 2025, and each year thereafter, to submit an annual findings, results and recommendations report to the Governor and Legislature and provide a copy of the report to the Secretary of State. (Sec. 1)

Amendments

Committee on Commerce

1. Adopted the strike-everything amendment.

SB 1162: telecommunications fund; report; posting
S/E: residential zoning; housing; assessment; hearings
Sponsor: Senator Shamp, LD 29
Caucus & COW

Summary of the Strike-Everything Amendment to SB 1162

Overview

Establishes requirements relating to zoning ordinances and a housing needs assessment.

History

Statute authorizes municipalities to adopt zoning ordinances and codes to conserve and promote the public health, safety and general welfare and outlines zoning guidelines and requirements. Municipalities must adopt, by ordinance, a citizen review process that applies to all rezoning and specific plan applications that require a public hearing (A.R.S. §§ 9-462.01 and 9-462.03).

If a municipality has a planning commission or a hearing officer, the commission or officer must hold a public hearing on any zoning ordinance. If 20% or more of the owners of the property within the zoning area of the affected property file a written protest against a proposed amendment, the change can only become effective by a favorable vote of three-fourths of all members of the governing body. If any members of the governing body are unable to vote on such a question, then the required number of votes for passage of the question is three-fourths of the remaining membership of the governing body, provided that such required number of votes cannot be less than a majority of the full membership of the legally established governing body (A.R.S. § 9-462.04).

Municipalities are statutory required to have in place an overall time frame for issuing licenses during which the municipality will either grant or deny each type of license that it issues. The overall time frame for each license type must separately state the administrative completeness review and the substantive review time frame. The municipality must issue a notice of administrative completeness or deficiencies to a license applicant within the administrative completeness review time frame. If the municipality determines that an application for a license is not administratively complete, the municipality must include a comprehensive list of the specific deficiencies in the notice to the applicant. If the municipality does not issue a notice of administrative completeness or deficiencies within the time frame, the application for the license is deemed administratively complete. If the municipality issues a timely notice of deficiencies, an application is not complete until all requested information has been received by the municipality (A.R.S. § 9-835).

Provisions

Zoning Ordinance Amendment

1. Instructs a municipality, by January 1, 2025, to adopt an amendment to the zoning ordinance that requires the determination of whether a zoning application is administratively complete within 30 after receiving the application. (Sec. 2)
2. Stipulates the municipality that determines the application is not administratively complete must follow the statutory procedures relating to administrative completeness until the application is administratively complete. (Sec. 2)

3. Instructs a municipality to determine whether a resubmitted application is administratively complete within 15 days after receiving the resubmitted application. (Sec. 2)
4. Requires the municipality to approve or deny the application within 180 days after determining that the application is administratively complete. (Sec. 2)
5. Provides reasons for which a municipality may extend the time frame to approve or deny the request beyond 180 days. (Sec. 2)
6. Specifies the requirements for a zoning ordinance amendment do not apply to:
   a) land that is designated as a district of historical significance;
   b) an area that is designated as historic on the national register of historic places; or
   c) planned area developments. (Sec. 2)

Housing Needs Assessment; Annual Report

7. Instructs a municipality, beginning January 1, 2025, and every five years thereafter, to publish a housing needs assessment. (Sec. 3)
8. Outlines information that must be included in the housing needs assessment. (Sec. 3)
9. Instructs a municipality, beginning January 1, 2025, and every year thereafter, to submit an annual report to the Arizona Department of Housing which accounts for the total number of:
   a) proposed residential housing units submitted to the municipality;
   b) net new residential housing units submitted to the municipality; and
   c) new residential housing units that are entitled, platted, permitted and have received a certificate of occupancy. (Sec. 3)
10. Outlines information that must be included in the annual report. (Sec. 3)
11. Requires a municipality that has previously conducted a housing needs assessment report to amend the report to include the required information as outlined. (Sec. 3)
12. Adds that the Arizona Department of Housing must submit the compiled reports relating to residential housing units to the Governor and the Legislature. (Sec. 3)
13. Specifies a municipality is not obligated to fulfill the projections in the housing needs assessment. (Sec. 3)
14. Exempts a municipality that is located on tribal land or has a population of less than 30,000 persons from the housing needs assessment and annual reporting requirements. (Sec. 3)

Miscellaneous

15. Specifies the property for which property owners within a zoning area may file a protest against a proposed zoning amendment excludes government owned property. (Sec. 1)

Amendments

Committee on Commerce

1. Adopted the strike-everything amendment.

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

SB 1506: municipalities; housing; commercial redevelopment; zoning
Sponsor: Senator Shamp, LD 29
Caucus & COW

Overview
Requires certain municipalities to allow residential or mixed use on a portion of its land zoned for commercial, office, retail or parking use. Outlines development standards for residential or mixed use projects.

History
Statute authorizes municipalities to adopt zoning ordinances and codes to conserve and promote the public health, safety, convenience and general welfare. A municipality may: 1) regulate the use of buildings, structures and land between agriculture residence, industry and business; 2) regulate the location, height, bulk, number of stories and size of buildings and structures, the size and use of lots, yards, courts and other open spaces, the percentage of a lot that may be occupied by a building or structure, access to incident solar energy and the intensity of land use; 3) establish requirements for off-street parking and loading; 4) establish and maintain building setback lines; and 5) establish floodplain and age-specific community zoning districts and districts of historical significance (A.R.S. § 9-462.01).

Provisions
1. Stipulates certain municipalities must adopt regulations that allow, as a permitted use, residential or mixed use on at least 75% of municipal land that is zoned for commercial, office, retail or parking use. (Sec. 1)
2. Outlines restrictions that a municipality may impose, with regards to a maximum height, length and width, a minimum building separation and setbacks, on:
   a) new structures being developed into a residential use or mixed use project; and
   b) structures being converted to residential use or mixed use through an adaptive reuse project. (Sec. 1)
3. Allows a municipality, for a commercial redevelopment area, to impose specified restrictions relating to:
   a) a maximum lot size;
   b) parking space specifications; and
   c) requirements for the location of and access to public rights-of-ways, sidewalks and parks. (Sec. 1)
4. Prohibits a municipality, for a commercial redevelopment area, from adopting or enforcing any code, ordinance, regulation or other requirements that require:
   a) zoning restrictions related to density beyond those allowed by statute;
   b) screening, walls or fences; or
   c) a shared feature or amenity requiring an association to maintain the shared feature or amenity, unless necessary for stormwater management. (Sec. 1)
5. Specifies the specified development regulations do not supersede applicable building codes, fire codes or public health and safety regulations. (Sec. 1)
6. Stipulates residential housing must be allowed on all land zoned for office, retail, parking or other commercial use without limitations beginning January 2, 2025, if the municipality fails to adopt the specified development regulations by January 1, 2025. (Sec. 1)

7. Defines pertinent terms. (Sec. 1)

SB 1151: school classrooms; ten commandments; posting
Sponsor: Senator Kern, LD 27
Caucus & COW

Overview

Includes copies or excerpts from the Ten Commandments in the list of materials a school administrator or teacher may read or post in any school building.

History

A school district governing board must exclude all books, publications, papers or audiovisual materials of a sectarian, partisan or denominational character from schools. Statute permits a school administrator or teacher to read or post in any school building copies or excerpts from: 1) the national motto *in God we trust*; 2) the national anthem; 3) the Pledge of Allegiance; 4) the Arizona Constitution's preamble; 5) the Declaration of Independence; 6) the Mayflower Compact; 7) writings, speeches, documents and proclamations of the Founding Fathers and U.S. presidents; 8) published U.S. Supreme Court decisions; 9) congressional acts; and 10) the state motto *Ditat Deus* (A.R.S. §§ 15-341, 15-717).

Provisions

1. Allows a school administrator or teacher to read or post in any school building copies or excerpts from the Ten Commandments.

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

SB 1583: school admission; annual parental disclosure
Sponsor: Senator Wadsack, LD 17
Caucus & COW

Overview

Requires public schools to annually provide parents with a document that contains specified disclosures relating to school choice, educational options and parents' rights. Instructs a public school to assist a parent or guardian who chooses a charter school or to participate in the Arizona Empowerment Scholarship Account (ESA) Program.

History

A child between 6 and 16 years old must attend a school and be instructed in at least reading, grammar, mathematics, social studies and science. The child's guardian must choose a public, private or charter school, a homeschool or sign a contract to participate in the ESA Program (A.R.S. § 15-802).

The State Board of Education (SBE) is required to annually design a public awareness effort to distribute materials to the public that: 1) communicate the ability to choose any public school; 2) include resources to learn about school choice options; and 3) provide instruction on how to request enrollment. (A.R.S. § 15-816.01).

The Parents' Bill of Rights asserts that: 1) a parent has the fundamental right to direct their child's upbringing, education, health care and mental health; and 2) a governmental entity may not infringe on parents' rights without demonstrating a compelling governmental interest. The Parents' Bill of Rights declares that parents have inalienable rights that are more comprehensive than the rights listed in statute (A.R.S. §§ 1-601, 1-602).

ADE must develop and post on its website a statutory parental rights handbook for parents of children enrolled in school districts and parents of children enrolled in charter schools. Each school district and charter school must post a link to the respective handbook on a publicly accessible portion of its website (A.R.S. § 15-249.16).

Provisions

1. Directs each public school to annually provide the parent or guardian of each enrolled student a document that discloses:
   a) the school's letter grade;
   b) a list of charter schools located within a reasonable distance from the school;
   c) an overview of the ESA Program, including the award amount available and approved expenses; and
   d) a written notice that includes prescribed statements relating to:
      i. school choice in Arizona;
      ii. available educational options, including a school district, charter school, private school, private educational services provider, private vendor, homeschool, the ESA Program and tuition scholarships or grants from a school tuition organization (STO); and
      iii. the Parents' Bill of Rights.
2. Details content, formatting and style requirements for the written notice in the disclosure document.
3. Requires the disclosure document to include:
   a) an area for the parent or guardian to initial after each prescribed disclosure; and

b) a phone number for ADE.

4. Instructs the public school to annually file the initialed and signed disclosure document in the student's permanent file and provide the parent or guardian with a copy.
5. Stipulates a public school must, after receiving the required disclosure document, assist any parent or guardian who chooses to pursue admission to a charter school or to participate in the ESA Program.
6. Requires ADE to create a form for the disclosure document that public schools may use.

Amendments

Committee on Education

1. Modifies the prescribed statements included in the disclosure document by clarifying that funding through the ESA Program or from an STO is available to a parent unless the parent chooses to homeschool their child.

SB 1216: ~~PSPRS; social security; technical correction~~
NOW: government employees; online use
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview

Outlines prohibitions relating to government employees.

History

Current statute enumerates the general powers of cities and towns. Municipalities have the authority to buy, sell and lease property, provide for the construction or rehabilitation of housing development projects or areas and issue building permits (A.R.S. Title 9, Chapter 4).

Counties have the power to sue, purchase and hold land, make contracts and hold land necessary to exercise its powers, make orders for the use or disposition of its land, levy and collect taxes and determine the budget for county officers (A.R.S. § 11-201).

Political subdivision means all political subdivisions of Arizona, including without limitation all counties, cities, towns, school districts and special districts (A.R.S. § 38-431).

Provisions

1. Prohibits the State of Arizona and a city, town, county or political subdivision of Arizona from monitoring the personal online use or personal speech of an employee, unless illegal activity is suspected. (Sec. 1)
2. States that the regulation of a government employee's personal online use or personal speech is of statewide concern. (Sec. 1)
3. Declares that the regulation of personal online use or personal speech of an employee of Arizona or a city, town, county or political subdivision of Arizona is not subject to further regulation by a city, town, county or other political subdivision. (Sec. 1)

Amendments

Committee on Government

1. Clarifies Arizona and any city, town, county or political subdivision of Arizona must not monitor the personal online use or personal speech of an employee if:
   a) the employee is not serving in their professional capacity;
   b) the employee does not use devices, equipment, software or programs issued to them by the entity; and
   c) the employee does not use social media or web-based accounts or addresses that represent and are created, managed or affiliated with the entity.
2. Allows Arizona and any city, town, county or political subdivision of Arizona to monitor the personal online use or personal speech of an employee if:
   a) the employee uses personal accounts or devices during working hours to conduct business for an entity;
   b) the employee shares privileged or confidential information that has not been previously shared by the entity or that is otherwise not publicly available;
   c) the employee attributes statements or comments to the employee's role with the entity or as an official position of the entity;

d) the employee is the subject of a complaint or an allegation of improper conduct or an employment policy violation that requires an investigation by the entity to determine the credibility of the complaint or allegation; or
e) an entity suspects the employee of illegal activity.

SB 1340: public funds; foreign adversaries; divestment
Sponsor: Senator Carroll, LD 28
Caucus & COW

Overview

Outlines requirements related to publicly managed funds.

History

The State Board of Investment (Board) consists of five members and is chaired by the State Treasurer. The Board must hold regular monthly meetings and keep an accurate record of its proceedings. Additionally, the Board is directed to review investments of treasury monies, serve as trustee of any pension prefunding plan investment accounts and may order the State Treasurer to sell any of the securities (A.R.S. § 35-311).

Provisions

1. Prohibits a publicly managed fund from:
   a) holding an investment in:
      i. a foreign adversary;
      ii. a state-owned enterprise of a foreign adversary;
      iii. a company domiciled within a foreign adversary; or
      iv. any other entity owned by or domiciled in a foreign adversary; or
   b) investing or depositing public monies in a bank that is domiciled in, or has a principal place of business in, a foreign adversary. (Sec. 2)
2. Directs a publicly managed fund, on the general effective date, to immediately begin divestment of any prohibited holdings or investments. (Sec. 2)
3. Requires a publicly managed fund to complete total divestment no later than two years after the general effective date. (Sec. 2)
4. Instructs the Board, no later than six months after the general effective date, to do all the following:
   a) review all publicly available information regarding companies that are state-owned enterprises of and domiciled within a foreign adversary;
   b) contact asset and fund managers contracted by a publicly managed fund that invest in companies and in funds that are state-owned enterprises or, or domiciled within, a foreign adversary;
   c) contact other institutional investors that have divested from or engaged with companies that are state-owned enterprises of, or domiciled within, a foreign adversary;
   d) retain an independent research firm to identify companies that are investment holdings of a publicly managed fund that are state-owned enterprises, or domiciled within, a foreign adversary; and
   e) compile and distribute a list to publicly managed funds of all companies or entities in Arizona that are state-owned enterprises of and are domiciled within a foreign adversary. (Sec. 2)
5. Stipulates that the outlined requirements do not conflict, impede, inhibit or otherwise interfere with any required financial safeguards, fiduciary requirements or other sound investment criteria that a publicly managed fund is subject to. (Sec. 2)
6. Entitles this Act as the *Foreign Adversary Divestment Act*. (Sec. 3)
7. Contains an applicability clause. (Sec. 4)
8. Defines:

a) *company*;
b) *divestment*;
c) *domicile*;
d) *foreign adversary*;
e) *investment*;
f) *publicly managed fund*; and
g) *state-owned enterprise*. (Sec. 2)

9. Makes a conforming change. (Sec. 1)

Amendments

Committee on Government

1. Modifies the definition of *publicly managed fund*.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: GOV DPA 4-2-2-0 | 3rd Read 16-12-2-0
House: GOV DP 6-3-0-0

SB 1341: procurement; electric vehicles; forced labor
Sponsor: Senator Carroll, LD 28
Caucus & COW

Overview

Provides prohibitions for a governmental entity on contracts for electric vehicles or their components.

History

Laws 2022, Chapter 295 prohibits a public entity from entering into or renewing a contract with a company for the acquisition or disposition of goods, information technology, construction, services or supplies unless the contract includes a written certification that the company does not currently, and agrees for the duration of the contract, that it will not use the forced labor of ethnic Uyghurs in the People's Republic of China.

Provisions

1. Prohibits a governmental entity from entering into a contract for the procurement of electric vehicles or their components unless the manufacturer provides a sworn certification to the governmental entity that:
   a) certifies that no entity that manufactures or assembles electric vehicles or their components for procurement, including the production of any parts or the mining or other sourcing of materials, knowingly used forced labor or oppressive child labor; and
   b) consents to personal jurisdiction in Arizona. (Sec. 2)
2. Subjects, in addition to any other remedies available by law or equity, a manufacturer or manufacturer's employee to a civil penalty of $10,000 per false or misleading statement or one-half of the total price paid by the governmental entity for the electric vehicles or their components, whichever is greater in addition to any other remedies available by law or equity. (Sec. 2)
3. Defines:
   a) *electric vehicle*;
   b) *forced labor*;
   c) *governmental entity*;
   d) *oppressive child labor*; and
   e) *protected characteristic*. (Sec. 2)
4. Provides legislative findings clauses. (Sec. 3)
5. Contains an applicability clause. (Sec. 4)
6. Makes a conforming change. (Sec. 1)

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

SB 1415: accessory dwelling units; requirements
Sponsor: Senator Hernandez, LD 24
Caucus & COW

Overview

Establishes requirements relating to accessory dwelling units.

History

Current statute enumerates the general powers of cities and towns. Municipalities have the authority to buy, sell and lease property, provide for the construction or rehabilitation of housing development projects or areas and issue building permits (A.R.S. Title 9, Chapter 4).

Provisions

1. Permits a city or town with a population exceeding 75,000 people to adopt regulations that authorize on any lot or parcel where a single-family dwelling is allowed:
   a) at least one attached, detached or internal accessory dwelling unit as a permitted use;
   b) at least one additional accessory dwelling unit as a permitted use for accessory dwelling units on the lot or parcel that is a restricted-affordable dwelling unit; and
   c) an accessory dwelling unit that is 75% of the gross floor area of a single-family dwelling unit on the same lot or parcel or 1,000 square feet, whichever is smaller. (Sec. 1)

2. Restricts a city or town from:
   a) prohibiting the use or advertisement of a single-family dwelling or any accessory dwelling unit located on the same lot or parcel as separately leased long-term rental housing;
   b) requiring a familial, marital, employment or other preexisting relationship between an owner or occupant of a single-family dwelling and an occupant of an accessory dwelling unit located on the same lot or parcel;
   c) prohibiting or requiring kitchen facilities in an accessory dwelling unit;
   d) requiring that a lot or parcel accommodate an accessory dwelling unit with additional parking or otherwise requiring fees instead of additional parking;
   e) requiring an accessory dwelling unit to match the exterior design, roof pitch or finishing materials of a single-family dwelling that is located on the same lot;
   f) setting restrictions on an accessory dwelling unit that are more restrictive than a single-family dwelling within the same zoning area regarding height, setbacks, lot size or coverage or building frontage;
   g) setting rear or side setbacks for an accessory dwelling unit more than five feet from the property line;
   h) requiring improvements to public streets as a condition of allowance for an accessory dwelling unit, unless it is affected by the construction of an accessory dwelling unit; and
   i) requiring a restrictive covenant pertaining to an accessory dwelling unit on a lot or parcel zoned for residential use by a single-family dwelling. (Sec. 1)

3. Allows restrictive covenants, between private parties, concerning accessory dwelling units. (Sec. 1)

4. Prohibits a city or town from conditioning a permit, license or use of an accessory dwelling unit that adopts or implements a restrictive covenant between private parties. (Sec. 1)

5. Permits a city or town to apply building codes, fire codes or public health and safety regulations to an accessory dwelling unit. (Sec. 1)
6. Prohibits a city or town from requiring an accessory dwelling unit to comply with commercial building code or to contain fire sprinklers. (Sec. 1)
7. Prohibits an accessory dwelling unit from being built on top of a current or planned public utility easement unless the property owner receives written consent from the public utility. (Sec. 1)
8. Stipulates that accessory dwelling units are allowed on all lots or parcels zoned for residential use in a city or town without any limits if a city or town fails to adopt development regulations by January 1, 2025. (Sec. 1)
9. Specifies that requirements relating to accessory dwelling units do not apply to lots or parcels located on tribal land. (Sec. 1)
10. Defines:
    a) *accessory dwelling unit;*
    b) *gross floor area;*
    c) *long-term rental;*
    d) *municipality;*
    e) *kitchen facilities;*
    f) *permitted use;* and
    g) *restricted-affordable dwelling unit.* (Sec. 1)

SB 1575: racing; boxing; transfer; gaming commission
Sponsor: Senator Borrelli, LD 30
Caucus & COW

Overview

Establishes the Arizona Gaming Commission (Commission).

History

The Arizona Racing Commission is established to issue racing dates, prepare and adopt complete rules to govern racing meetings, conduct hearings on applications for permits and approve permits and conduct reviews of applications to construct capital improvements at racetracks (A.R.S. § 5-104).

Except for the financial and accounting functions delegated to the director, the Arizona Boxing and Mixed Martial Arts Commission has sole discretion, management, control and jurisdiction over all boxing and mixed martial arts contests held in Arizona. Additionally, this commission has sole authority, control and jurisdiction over all required licenses related to boxing and mixed martial arts (A.R.S. § 5-227).

The Department of Gaming is responsible for certifying prospective gaming employees, facility support employees, tribal gaming employees, financiers, management contractors, providers of gaming services and manufacturers and distributors of gaming devices to ensure individuals or companies are not involved in Indian gaming permitted under the tribal-state compacts. This department must seek to promote the public welfare and safety and seek to prevent corrupt influences from infiltrating Indian gaming (A.R.S. § 5-602).

Provisions

1. Removes current specifications regarding tribal-state gaming compacts. (Sec. 3)
2. Establishes the Commission. (Sec. 9)
3. Outlines the following members of the Commission who must be citizens of the United States and residents of Arizona:
   a) a licensed certified public accountant that has at least five years of experience in general accounting, principles and practice of corporate finance, general finance, gaming or economics, appointed by the Governor;
   b) one member with at least five years of experience in investigation, law enforcement or gaming law, appointed by the Governor;
   c) the Director of the Commission; and
   d) three public members, one appointed by the Governor, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives. (Sec. 9)
4. Instructs the Governor to appoint the Director with the consent of the Senate. (Sec. 9)
5. Requires the Governor's appointment for Director to be made from a candidate or list of candidates submitted by both the Speaker of the House of Representatives or the President of the Senate. (Sec. 9)
6. Declares that the Director serves at the pleasure of the Governor and is eligible for compensation pursuant to statute. (Sec. 9)
7. States that the Director and all other employees of the Commission are subject to statute relating to the State Personnel System. (Sec. 9)

8. Provides that the Director must have at least five years' experience in public or business administration. (Sec. 9)
9. Prescribes a four-year term for Commission members. (Sec. 9)
10. Allows a Commission member to be removed by:
    a) the Governor for cause; or
    b) a vote of a majority of the Commission members without cause. (Sec. 9)
11. Requires each Commission member to take the official oath before entering on the discharge of the appointee's duties. (Sec. 9)
12. Declares that Commission members are eligible to receive compensation pursuant to statute for each day spent in the discharge of their duties and reimbursement for all expenses necessarily and properly incurred in attending a meeting of or for the Commission, including mileage expenses. (Sec. 9)
13. Specifies that a person who has a financial interest, directly or indirectly, in gaming is not qualified for membership on, appointment to or employment by the Commission. (Sec. 9)
14. Provides that a person who holds elected office in Arizona or any officer or official of a political party or convention are not qualified for membership on, appointment to or employment by the Commission. (Sec. 9)
15. Declares that the Commission meets at the discretion of the Director and a majority of the Commission members constitutes a quorum. (Sec. 9)
16. Prescribes that the Commission must have an office located in Phoenix and allows an office to be maintained in Tucson. (Sec. 9)
17. Directs a state agency or a political subdivision, upon request of the Commission, to provide the Commission with its documents, equipment, facilities, personnel and services to the extent possible without cost to the Commission. (Sec. 9)
18. Requires the Commission to:
    a) assume all powers and duties of the Arizona Racing Commission, Arizona State Boxing and Mixed Martial Arts Commission and the Department of Gaming;
    b) enforce all adopted rules related to gaming;
    c) ensure the continued growth and success of gaming in Arizona by establishing public confidence;
    d) regulate the activities, association, location and practice relating to the operation of licensed gaming establishments and the manufacture, sale or distribution of gaming devices and associated equipment; and
    e) license all establishments where gaming is conducted and where gaming devices are operated to protect the public health, safety, order and general welfare of Arizona residents. (Sec. 9)
19. Establishes that the employment or financial interest of any relative to the first degree of consanguinity or affinity to the Director or any other Commission employee in the gambling industry in Arizona is grounds for dismissal. (Sec. 9)
20. Continues the Commission until July 1, 2034. (Sec. 13)
21. Repeals the governing statutes of the Commission on January 1, 2034. (Sec. 13)
22. Contains a purpose statement that states the Legislature establishes the Commission to regulate and promote gaming. (Sec. 14)
23. Establishes that the Commission succeeds to the powers and duties of:
    a) the Arizona Racing Commission;
    b) the Arizona State Boxing and Mixed Martial Arts Commission; and
    c) the Department of Gaming. (Sec. 15)

24. Declares that all certificates, licenses, permits, registrations and other indicia of authority and qualification issued by the Arizona Racing Commission, the Arizona State Boxing and Mixed Martial Arts Commission and the Department of Gaming retain their validity as provided by law. (Sec. 15)

25. Transfers to the Commission, on the general effective date, all equipment, furnishings, records and other property and all unexpended and unencumbered appropriated monies of the Arizona Racing Commission, the Arizona State Boxing and Mixed Martial Arts Commission and the Department of Gaming. (Sec. 15)

26. States that all personnel under the state personnel system, who are employed by the Arizona Racing Commission, the Arizona State Boxing and Mixed Martial Arts Commission and the Department of Gaming are transferred, on the general effective date, to comparable positions and pay classifications in the respective administrative units of the Commission. (Sec. 15)

27. Specifies that the initial terms of the Commission are as follows:
    a) the certified public accountant term expires on the last Monday in January 2027;
    b) the member with investigation, law enforcement or gaming law experience term expires on the last Monday in January 2028; and
    c) the public members must assign themselves by lot to terms of two, three and four years in office and notification must be sent to the Governor, Speaker of the House of Representatives and the President of the Senate. (Sec. 15)

28. Directs Legislative Council staff to prepare proposed conforming legislation for consideration in the Fifty-seventh Legislature, First Regular Session. (Sec. 16)

29. Defines *gaming*. (Sec. 9)

30. Makes technical and conforming changes. (Sec. 1-8, 10-12)

Amendments

Committee on Government

1. Adds three members to the Commission that have experience in horse racing, one appointed by the Governor, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives.

2. Removes the requirement for the Director appointment to be made from a candidate or list of candidates provided by the Legislature.

3. Modifies the date for the repeal of the statutes governing the Commission to January 1, 2035.

4. Prescribes the initial terms of the three members with racing experience as follows:
    a) the term of the member appointed by the Speaker of the House of Representatives expires on the last Monday in January 2026;
    b) the term of the member appointed by the President of the Senate expires on the last Monday in January 2027; and
    c) the term of the member appointed by the Governor expires on the last Monday in January 2028.

SB 1665: municipal development; permits; review
Sponsor: Senator Gowan, LD 19
Caucus & COW

Overview

Prescribes requirements for the review of an application for a single-family residential building permit.

History

Each new municipal ordinance or code that requires a license must have in place an overall time frame during which the municipality must either grant or deny each type of license that it issues. The overall time frame for each type of license must separately state the administrative completeness review time frame and the substantive review time frame and must be posted on the municipality's website or the website of an association of cities and towns if the municipality does not have a website (A.R.S. § 9-835).

Provisions

1. Authorizes a required review of an application for a single-family residential building permit to be performed by a qualified third party selected by the applicant if a municipality does not approve, conditionally approve or respond with required revisions to an application within 15 working days after submission. (Sec. 1)
2. Prohibits the qualified third party selected by the applicant from being the applicant, a person whose work is the subject of the application or a person with a financial interest in the work. (Sec. 1)
3. Allows a qualified third party selected by the applicant to be any of the following:
   a) a person employed by a third-party vendor identified on a list of approved vendors by the municipality if the list has more than one vendor;
   b) a person employed by another municipality to review residential building permit applications;
   c) a registered engineer or architect; or
   d) a person who is certified by an international council on model codes and standards for building safety. (Sec. 1)
4. Permits a required inspection to be performed by a qualified third party selected by the applicant if a municipality does not conduct a required inspection as a condition of obtaining a certificate of occupancy for a single-family residential dwelling unit within two working days after a request. (Sec. 1)
5. Prohibits the qualified third party selected by the applicant from being the applicant or a person whose work is the subject of the application. (Sec. 1)
6. Authorizes a qualified third party selected by the applicant to perform the inspection to be any of the following:
   a) a person who is certified to inspect buildings by an international council on model codes and standards for building safety;
   b) a person employed by the municipality as a building inspector;
   c) a person employed by another municipality as a building inspector; or
   d) a registered engineer or architect. (Sec. 1)
7. Directs a third party who reviews a single-family residential building permit application or performs a required inspection to obtain a single-family residential dwelling unit certificate of occupancy to:

a) review the application or conduct the inspection and take all other related actions in accordance with requirements adopted by the municipality where the application was submitted; and
b) provide notice to the municipality of the results of the review or inspection. (Sec. 1)

8. Allows a municipality to prescribe a reasonable format for the notice required for the results of the review or inspection. (Sec. 1)

9. Prohibits a municipality from requesting or requiring an applicant to waive a deadline or other procedure. (Sec. 1)

10. Authorizes a person to appeal to the governing body of a municipality any of the following:
    a) a decision by the municipality to approve, conditionally approve or deny a single-family residential building permit application;
    b) a decision by a qualified third party to review a single-family residential building permit application;
    c) the results of an inspection conducted by the municipality; or
    d) the results of an inspection conducted by a qualified third party. (Sec. 1)

11. Instructs an appeal to be filed in the manner required by the municipality within 15 days after the date the decision being appealed was made. (Sec. 1)

12. Establishes that the application that is the subject of the appeal is deemed approved or the inspection that is the subject of the appeal is waived if the governing body hearing the appeal does not affirm the decision being appealed within 60 days of filing. (Sec. 1)

13. Specifies that a municipality has immunity when they issue a permit, approval or certificate of occupancy after a third-party plan review or inspection. (Sec. 1)

14. Directs municipalities, when establishing time frames, to additionally consider the time frames prescribed in this legislation. (Sec. 2)

15. Prescribes that a municipality must, within 10 working days after a request by an applicant, meet or discuss with the applicant the request for corrections and provide sufficient information and instruction to allow the applicant to provide the requested corrections. (Sec. 2)

16. Prohibits a municipality, except for an application submitted for a change in zoning, from denying a license application that is necessary for land development or building construction unless the municipality considers the application withdrawn. (Sec. 2)

17. Requires a municipality that makes more than one comprehensive written or electronic request for corrections and one supplemental request or that does not conditionally grant a license, to pay any monetary damages resulting from the delay in addition to statutory requirements. (Sec. 2)

18. States that a municipality may require evidence of monetary damages and the payment for monetary damages must be made within 30 working days after the applicant provides the required evidence. (Sec. 2)

19. Removes the exemption for a license that is necessary for the construction or development of a residential lot from statute relating to failure to comply with licensing time frames. (Sec. 2)

20. Defines *application*. (Sec. 1)

21. Makes technical and conforming changes. (Sec. 2)

SB 1670: public-private partnership contracts
Sponsor: Senator Gowan, LD 19
Caucus & COW

Overview

An emergency measure that outlines requirements relating to public-private partnership contracts.

History

The Director (Director) of the Arizona Department of Administration (ADOA) is authorized to enter into public-private partnership contracts to finance the technology needs of a purchasing agency. The Director may issue requests for information and requests for proposals to solicit private partners who are interested in providing programs under a contract. A contract between the Director and an automated systems vendor must provide for payment of fees on a contractually specific amount based on the achievement of mutually agreed upon performance improvements. Before a public-private partnership contract is awarded, the Joint Legislative Budget Committee (JLBC) staff must be consulted with regard to the potential fiscal impact of the contract to the state (A.R.S. § 41-2559).

Provisions

Public-Private Partnership Contracts

1. Adds that a contract entered into between the Director and an information technology vendor must also provide for payment of fees on a contractually specific amount. (Sec. 1)
2. Enables the Director to authorize a procurement officer to enter into a public-private partnership contract to:
   a) finance or provide construction, operations and maintenance services of buildings, infrastructure or improvements to or on state property;
   b) finance or facilitate the development of state property; and
   c) develop programs or services that:
      i. enable a purchasing agency to expand or enhance its operations, including training, employee support and customer service to achieve desired results that serve the interests of Arizona;
      ii. are consistent with the legal authority and responsibilities of the purchasing agency; and
      iii. are best accomplished by a public-private partnership. (Sec. 2)
3. Stipulates that the term of a public-private partnership contract must be clearly stated in any request for proposals and is at the discretion of the Director, in consultation with the purchasing agency, for no more than 25 years. (Sec. 2)
4. Provides that the Director's determination for contract length must be based on all of the following:
   a) the request of the purchasing agency involved following a consultation; and
   b) information gathered on matters including:
      i. required lead time before operations;
      ii. expected time required to achieve a reasonable return on any investments or expenses resulting from a similar contract;
      iii. the current and projected availability of potential vendors that can adequately perform the scope of envisioned work; and
      iv. the costs and risks associated with short contract time frames or multiple renewal periods. (Sec. 2)

5. Authorizes the Director, if it is in the best interest of the state, to extend, on mutual agreement with the vendor, the length of a public-private partnership contract to facilitate the transition to a new vendor resulting from a new request for proposals or any other allowable process or decision for contract terminations pursuant to the contract's terms. (Sec. 2)

6. Requires the terms of an extension to be shared with JLBC staff before the execution of the extension. (Sec. 2)

7. States that public-private partnership contracts must address the ownership of any infrastructure or buildings developed and constructed during a public-private partnership. (Sec. 2)

8. Specifies that public-private partnership contracts are subject to modification within the contracted time frame as long as the modification fits into the scope of work included in the request for proposals from which the contract was awarded. (Sec. 2)

9. Authorizes the Director to delegate all or a portion of the procurement activities to a purchasing agency seeking a public-private partnership contract. (Sec. 2)

10. Subjects the following to review and approval by the Director:
    a) the terms of the contracts entered into;
    b) the payment of fees by Arizona based on the achievement of any established performance measures; and
    c) the advertising of a public-private partnership request for proposals with outlined requirements. (Sec. 2)

11. Prohibits a public-private partnership contract from:
    a) causing the state to share in the liabilities of the private sector partner;
    b) exempting the private sector partner from state law and regulations, unless the exemption is specified under state law; or
    c) involving manufacturing a good or delivering a service already readily available to the public sector through existing contract mechanisms, unless the Director determines a public-private partnership is required to address outlined requirements. (Sec. 2)

12. Stipulates that a purchasing agency must already possess the legal authority to procure the goods, services or construction it is seeking to enter into a public-private partnership contract. (Sec. 2)

13. Establishes that any leases or sales of state-owned property as part of a public-private partnership contract must be executed in accordance with state law and reported to JLBC staff in a timely manner. (Sec. 2)

Request for Proposals

14. Limits a public-private partnership contract to only resulting from a request for proposals issued by the purchasing agency authorized to solicit private partners interested in providing construction, development, services or other functions under a public-private partnership contract. (Sec. 2)

15. Permits the Director to authorize a procurement officer to issue requests for information at any time to facilitate the development of or modifications to a request for proposals. (Sec. 2)

16. Specifies that before issuing a request for proposals, the following must be completed:
    a) the purchasing agency procurement officer must submit to the Director justification regarding the reason the public-private partnership contract approach is being sought and why it is essential or comparatively advantageous over other contracting options;
    b) the justification must include information about any financial obligations the purchasing agency would have under the proposed public-private partnership contract and whether the purchasing agency's appropriations or other funding sources are sufficient to meet those obligations; and
    c) the Director must determine in writing whether to approve the justification and if approved, must address details regarding how the procurement is to be solicited and awarded and any associated limits. (Sec. 2)

17. Provides that any request for proposals must require each responding potential private partner to provide:
    a) specific details of the functions associated with its response to the request for proposals; and
    b) an assessment of the potential value of its proposal to Arizona, along with identifying methods of funding its expenses beyond any state funding that may have been specified in the request for proposals. (Sec. 2)
18. Instructs the Director to include an assessment of the proposed value of each proposal as a component within the evaluation criteria developed to select the best solution. (Sec. 2)
19. Prohibits potential private partners, in any response to a request for proposals, to ask the purchasing agency, ADOA or the State of Arizona to guarantee funding or the securing of funding in connection with the proposal. (Sec. 2)
20. Stipulates that unless specifically addressed in the request for proposals that the purchasing agency, ADOA or the State of Arizona is seeking assistance in funding alternatives for some aspect of the proposed partnership, potential private partners may not ask in any response for the assistance in securing funding in connection with the potential private partner's proposal. (Sec. 2)
21. Stipulates that a new request for proposals must be issued if the Director determines that modifications involve new construction that cannot be considered required maintenance or improvements, new services or other new functions not contemplated in the original request for proposals. (Sec. 2)
22. Provides that the use or expansion of military or law enforcement aircraft, vehicles, equipment or technology is considered to have been contemplated in the original request for proposals. (Sec. 2)

Fees

23. Requires a public-private partnership contract entered into between a purchasing agency and a private sector partner to address, if applicable, the matter of payment of any fees by the purchasing agency to the partner based on the achievement of contract requirements mutually agreed to by the partner and agency director. (Sec. 2)
24. Specifies that fees collected are not subject to legislative appropriation, although fee provisions and notice of payment of fees must be report to JLBC and the Joint Committee on Capital Review (JCCR) in a timely manner. (Sec. 2)
25. States that a public-private partnership contract entered into between a purchasing agency and a private sector partner must address, if applicable, the matter of payment of fees to cover administrative overhead, goods, services, leasing of state land, buildings or space or other associated costs mutually agreed to. (Sec. 2)
26. Declares that any monies obtained by the purchasing agency from the partner from fees are:
    a) required to be separately accounted for by the purchasing agency; and
    b) not subject to legislative appropriation as long as the monies are used for meeting the obligations of Arizona or requirements of the partnership. (Sec. 2)
27. Requires fee collections by a purchasing agency from a public-private partnership contract and related expenditures to be annually reported to JLBC and JCCR. (Sec. 2)
28. Directs public-private partnership contract modifications involving payment of new or increased fees to be reported to JLBC staff with regard to the potential fiscal impact of the contract on Arizona. (Sec. 2)

JLBC & JCCR

29. Instructs JLBC staff, if they find a significant negative fiscal impact to the state, to report its findings to JLBC or JCCR, as appropriate. (Sec. 2)
30. Clarifies that if JLBC staff finds a significant negative fiscal impact to the state from the new or increased fees of a public-private partnership contract, the staff must report its findings to JLBC or JCCR, as appropriate. (Sec. 2)

31. Requires JLBC staff to:
    a) be consulted with regard to the potential fiscal impact of the contract to the state before a public-private partnership contract is awarded; and
    b) report its findings of a significant negative fiscal impact to the state to JLBC or JCCR, as appropriate. (Sec. 2)
32. Prescribes that JCCR must review the following construction-related public-private partnership activities:
    a) planned construction activities as part of a public-private partnership in excess of $500,000 on state-owned land; and
    b) planned construction activities as part of a public-private partnership in excess of $500,000 regardless of the ownership of the land. (Sec. 2)
33. Directs ADOA to submit construction plans to JCCR at least 90 days before construction is projected to begin. (Sec. 2)
34. Allows JCCR to hold a hearing to provide recommendations and advice regarding the planned construction. (Sec. 2)
35. States that the Director must cooperate with JCCR staff regarding any requests for construction-related documents. (Sec. 2)
36. Instructs JLBC staff to submit, by August 30, 2028, a report detailing the use of public-private partnerships and that identifies and evaluates policy or fiscal issues relating to such use to the following:
    a) the President of the Senate;
    b) the Speaker of the House of Representatives;
    c) the Minority Leader of the Senate; and
    d) the Minority Leader of the House of Representatives. (Sec. 2)
37. Requires JLBC staff to analyze information they receive, as well as other requested data from ADOA and other agencies participating in public-private partnerships. (Sec. 2)
38. Specifies that state agencies involved in public-private partnership matters must cooperate in a timely manner with any data requests. (Sec. 2)

Miscellaneous

39. Specifies that this legislation alone does not provide any agency with the legal authority to procure goods, services or construction. (Sec. 2)
40. Repeals statute relating to public-private partnership contracts on October 1, 2029. (Sec. 3)
41. Specifies that restrictions on activities that compete with private enterprise do not apply to public-private partnership contracts awarded pursuant to statute through October 1, 2029. (Sec. 4)
42. Clarifies that the repeal of statute relating to public-private partnership contracts does not affect any contractual rights, obligations or duties entered into. (Sec. 5)
43. Exempts ADOA from rulemaking for 18 months of this legislation. (Sec. 6)
44. Requires ADOA to issue proposed rules and hold at least one public meeting regarding the proposed rules no earlier than one month after issuing the proposed rules. (Sec. 6)
45. Contains an emergency clause. (Sec. 7)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: HHS DP 6-0-1-0 | 3rd Read 27-1-2-0
House: HHS DPA 6-2-0-2

SB 1050: chiropractic care; diagnostic imaging.
Sponsor: Senator Shamp, LD 29
Caucus & COW

Overview

Includes diagnostic imaging in a Doctor of Chiropractic's scope of practice.

History

A *Doctor of Chiropractic* is a natural person who holds a license to practice chiropractic (A.R.S.§ 32-900).

A Doctor of Chiropractic may currently:

1) diagnose and correct subluxations, functional vertebral or articular dysarthrosis or neuromuscular skeletal disorders for restoring and maintaining health;
2) perform physical and clinical examinations, perform diagnostic x-rays and clinical diagnostic laboratory procedures that are limited to nasal swabs, oral swabs, sputum collection, urine collection, finger pricks or venipuncture in order to determine the propriety of a regimen of chiropractic care or to form a basis for referring patients to other licensed health care professionals, or both; and
3) conduct treatment by physical medicine modalities, therapeutic procedures, adjustments of the spine or bodily articulations, procedures to correct subluxations and neuromuscular skeletal disorders, prescription of orthopedic supports and acupuncture (A.R.S. § 32-925).

A Doctor of Chiropractic is prohibited from prescribing or administering medicine or drugs, performing surgeries or practicing obstetrics (A.R.S. § 32-925).

Provisions

1. Adds diagnostic imaging to the list of acts a Doctor of Chiropractic may perform. (Sec. 1)

Amendments

Committee on Health & Human Services

1. Specifies that a Doctor of Chiropractic may order diagnostic imaging.

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

SB 1159: dentists; restricted permits; continuing education
Sponsor: Senator Shamp, LD 29
Caucus & COW

Overview

Permits a person to apply for a restricted dental permit if the person will be practicing dentistry for educational purposes in connection with and while enrolled in a continuing dental education program recognized by the Arizona State Board of Dental Examiners (BODEX).

History

BODEX regulates and licenses dental professionals, including dentists, dental hygienists, dental consultants, dental therapists and denturists. Additionally, the Board reviews complaints against licensees and business entities, conducts investigations and is authorized to take disciplinary action for violations of state laws relating to the profession (A.R.S. §§ 32- 1201 through 32-1299.26).

BODEX may grant a restricted dental permit to an applicant that: 1) has a pending contract with a recognized charitable dental clinic or organization that offers dental services without compensation or at a rate that only reimburses the clinic for dental supplies and overhead costs, and the applicant receives no compensation for dental services; 2) has a license to practice dentistry in another state or territory of United States; 3) has been actively engaged, for at least three years immediately preceding the application, in the practice of dentistry, an approved dental residency training program or equivalent postgraduate training; 4) is competent and proficient to practice dentistry; and 5) hold a degree in dental medicine or dental surgery from a recognized dental school. Restricted permittees are allowed to practice dentistry only in the course of employment by a recognized charitable dental clinic or organization on certain conditions (A.R.S. §§ 32-1237 and 32-1239).

As defined by rule, *recognized continuing dental education*, means a program whose content directly relates to the art and science of oral health and treatment, provided by a recognized dental school, recognized dental therapy school, recognized dental hygiene school, or recognized denturist school, or sponsored by a national or state dental, dental therapy, dental hygiene, or denturist association, American Dental Association Continuing Education Recognition Program or Academy of General Dentistry, Program Approval for Continuing Education approved provider, dental, dental therapy, dental hygiene, or denturist Study Club, governmental agency, commercial dental supplier, non-profit organization, accredited hospital, or programs or courses approved by other state, district, or territorial dental licensing boards (A.A.C. R4-11-101).

Provisions

1. Specifies that a dentist practicing in connection with a recognized continuing dental education program:
   a) may not receive compensation for provided dental services;
   b) is subject to the jurisdiction and discipline of BODEX to the same extent as licensed dentists; and
   c) must file a restricted permit application with the recognized continuing dental education program before providing any dental care or services. (Sec. 2)
2. Prohibits restricted permittees practicing in connection with a recognized continuing dental education program from providing dental care to any person whose primary residence is:

a) an emergency shelter;
b) an institution that provides temporary residence to individuals intended to be institutionalized; or
c) a public or private place that is not designed for or used as a regular sleeping accommodation for humans. (Sec. 2)

3. Requires the provider of the recognized continuing dental education to retain the dentist's restricted permit application for a period of at least five years. (Sec. 2)
4. Clarifies that this does not preclude a dentist practicing in connection with a recognized dental education program from providing dental care or services to a person who is participating in a long-term recovery or rehabilitative program. (Sec. 2)
5. Directs BODEX to waive the Arizona jurisprudence examination fee for candidates applying for a restricted permit. (Sec. 3)
6. Directs BODEX to waive the fingerprint clearance card requirements for restricted permit applicants who will be practicing for education purposes in connection with and while enrolled in a recognized continuing dental education program. (Sec. 3)
7. Instructs recognized continuing dental education providers, before commencing education, to notify BODEX of the accepted restricted permit applicants that meet the licensure exemption and for BODEX to acknowledge receipt within five business days. (Sec. 4)
8. Permits a person to apply for a restricted permit if the applicant demonstrates to BODEX that the person will be practicing for educational purposes in connection with and while enrolled in recognized continuing dental education and meets other outlined requirements. (Sec. 4)
9. Directs BODEX to issue a restricted permit within 30 days after the date BODEX receives a complete application that meets all requirements. (Sec. 5)
10. States that acknowledgment from BODEX serves as the issuance of a restricted permit to an applicant who will be practicing for educational purposes in connection with and while enrolled in recognized continuing dental education. (Sec. 5)
11. Repeals the stipulation that the length of a restricted permit, issued without examination or payment of a fee, be limited to the following June 30, if it is less than one year away. (Sec. 5)
12. Permits restricted permittees to practice dentistry only for educational purposes in connection with and while enrolled in recognized dental education. (Sec. 6)
13. Requires a restricted permittee to file a copy of their confirmation of enrollment with recognized continuing dental education which contains specified provisions. (Sec. 6)
14. Forbids restricted permittees operating in connection with a continuing dental education program from receiving any compensation for charitable dental services provided to an organization exempt from taxes under section 501(c)(3) of the Internal Revenue Code. (Sec. 6)
15. Asserts that restricted permittees are subject to BODEX's jurisdiction and discipline for all care and services provided under the permit. (Sec. 6)
16. Defines *recognized continuing dental education*. (Sec. 1)
17. Makes technical and conforming changes. (Sec. 1-3, 5 and 6)

Amendments

Committee on Health & Human Services

2. Prohibits restricted permittees who are practicing in connection with a recognized continuing dental education program from providing dental care to any person who is:
   a) physically unable to safely receive the dental care and services; or
   b) not mentally competent to consent to the dental care and services knowingly and voluntarily.

3. Removes the ability for BODEX to waive the fingerprint clearance card requirement for restricted permit applicants who will be practicing for educational purposes in connection with and while enrolled in recognized continuing dental education.
4. Makes a technical change.

SB 1295: advanced practice registered nurses; compact
Sponsor: Senator Shamp, LD 29
Caucus & COW

Overview

Adopts the Advanced Practice Registered Nurse Compact (Compact) to allow for multistate uniform licensure for advanced practice registered nurses (APRNs).

History

An *APRN* is a registered nurse who meets all prescribed licensure or certification requirements and who has undergone graduate-level education to practice advanced practice nursing (American Nurses Association). Currently, Arizona provides for licensure for four types of APRNs: 1) registered nurse practitioner; 2) certified nurse midwife; 3) clinical nurse specialist; and 4) certified registered nurse anesthetist (A.R.S. Title 32, Chapter 15, Articles 1 and 2). The Arizona State Board of Nursing (AZBN) is tasked with certifying APRN applicants in accordance with statutory requirements and AZBN rules (AZBN).

The Compact, a mutual recognition model of licensure for APRNs that allows an APRN to hold one multistate license with a privilege to practice in other Compact states, was adopted by the National Council of State Boards of Nursing (NCSBN) in 2002. The Compact went through several revisions. In 2020, NCSBN introduced the newly revised APRN Compact. This revised APRN Compact, including mandatory 2,080 practice hours among other uniform licensure requirements, was adopted at the 2020 NCSBN Delegate Assembly (AZBN APRN Compact Survey).

Provisions

General Provisions and Jurisdiction

1. Requires a party state to implement procedures for considering the criminal history records of applicants for initial APRN licensure or APRN licensure by endorsement, which must include submitting fingerprints or other biometric-based information to obtain such records from the Federal Bureau of Investigation (FBI) and the agency responsible for retaining that state's criminal records. (Sec. 1)

2. Outlines the APRN uniform licensure requirements for an applicant to obtain or retain a multistate license in the home state as follows:
   a) meets the home state's qualifications for licensure or renewal and all applicable state laws;
   b) completed either an accredited graduate-level education program that prepares the applicant for one of the four recognized roles and one of the six population foci or a foreign APRN education program as outlined;
   c) passed an English proficiency examination, if applicable;
   d) passed a national certification exam that measures APRN, role and population-focused competencies;
   e) maintains continued competence as evidenced by recertification in the role and population focus through the national certification program;
   f) holds an active, unencumbered license as a registered nurse and an active, unencumbered authorization to practice as an APRN;
   g) passed an NCLEX-RN exam or recognized predecessor, as applicable;

h) practiced for at least 2,080 hours as an APRN, not including hours obtained as part of enrollment in an APRN education program, as outlined;
i) submitted fingerprints or other biometric data to obtain criminal history records from the FBI and agency responsible for retaining the state or, if applicable, foreign country's criminal records;
j) has not been convicted or found guilty, or entered into an agreed disposition of a felony offense under applicable state, federal or foreign criminal law, or a misdemeanor offense related to the practice of nursing as determined by rules adopted by the Commission of APRN Compact Administrators (Commission);
k) is not currently enrolled in an alternative program;
l) is subject to self-disclosure requirements regarding current participation in an alternative program; and
m) has a valid U.S. social security number. (Sec. 1)

3. Requires an APRN multistate licensee to:
   a) be licensed in an approved role and at least one approved population focus; and
   b) be recognized by each party state as authorizing the APRN to practice in each party state, under a multistate licensure privilege, in the same role and population focus as the APRN is licensed in the home state. (Sec. 1)
4. Asserts that the Compact does not affect the requirements established by a party state for the issuance of a single-state license, except that an individual may apply for a single-state license, instead of a multistate license, even if the individual is otherwise qualified for the multistate license. (Sec. 1)
5. Requires the issuance of a multistate license to include prescriptive authority for noncontrolled prescription drugs. (Sec. 1)
6. Stipulates that an APRN seeking authority to prescribe controlled substances must satisfy all requirements imposed by the state in which the APRN seeks such authority. (Sec. 1)
7. Authorizes an APRN who is issued a multistate license to assume responsibility and accountability for patient care independent of any supervisory or collaborative relationship. (Sec. 1)
8. Specifies that the authority may be exercised in the home state and in any remote state in which the APRN exercises a multistate licensure privilege. (Sec. 1)
9. Authorizes all party states, in accordance with state due process laws, to take adverse action against an APRN's multistate licensure privileges, including revocation, suspension, probation, cease and desist orders, or any other action that affects the multistate licensure privilege. (Sec. 1)
10. Requires a party state that takes an adverse action to promptly notify the Administrator of the Coordinated License Information System (CLIS Administrator), who must promptly notify the home state. (Sec. 1)
11. Requires an APRN practicing in a party state to comply with the state practice laws of the state in which the client is located at the time service is provided, except as otherwise expressly provided. (Sec. 1)
12. Specifies that APRN practice includes all advanced nursing practice as defined by the state practice laws of the party state. (Sec. 1)
13. Mandates that an APRN's practice in a party state under a multistate licensure privilege will subject the APRN to the jurisdiction of the licensing board, courts and laws of the party state in which the client is located at the time service is provided. (Sec. 1)
14. Stipulates that the Compact does not affect additional requirements imposed by states for advanced practice registered nursing, except as otherwise specified, but requires party states to recognize multistate licensure as satisfying any state law requirement for registered nurse (RN) licensure as a precondition for authorization to practice as an APRN in that state. (Sec. 1)

15. Asserts that individuals who do not reside in a party state can continue to be able to apply for a party state's single-state APRN license, however, the single-state license granted to these individuals will not be recognized as granting the privilege to practice as an APRN in any other party state. (Sec. 1)

Application for APRN Licensure in a Party State

16. Requires the licensing board in the issuing party state, on application for a license, to ascertain through the CLIS whether:
    a) the applicant has ever held or is the holder of a licensed practical or vocational nursing, RN or APRN license issued by another state;
    b) there are any encumbrances on any license or multistate licensure privilege held by the applicant;
    c) any adverse action has been taken against any license or multistate licensure privilege held by the applicant; and
    d) the applicant is currently participating in an alternative program. (Sec. 1)

17. Permits an APRN to hold a multistate APRN license issued by the home state in only one-party state at a time. (Sec. 1)

18. Requires an APRN who moves between two party states to apply for APRN licensure in the new home state and the license issued by the prior home state must be deactivated in accordance with applicable rules of the Commission, as follows:
    a) a multistate APRN license must not be issued by the new home state until the APRN provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain the APRN license in the new home state; and
    b) the APRN may apply for licensure in advance of a change in primary state of residence. (Sec. 1)

19. Specifies that if an APRN moves from a party state to a nonparty state, the APRN multistate license converts to a single-state license valid only in the former home state. (Sec. 1)

Additional Authorities Invested in Party State Licensing Boards

20. Authorizes a licensing board, in addition to the other powers conferred by state law, to:
    a) take adverse action against an APRN's multistate licensure privilege to practice in that party state, subject to the outlined limitations;
    b) issue cease and desist orders or impose an encumbrance on an APRN's authority to practice within that party state;
    c) complete any pending investigations of an APRN who changes primary state of residence during an investigation and take action, then promptly report the conclusions of the investigation to the CLIS Administrator, who must promptly notify the new home state of any such actions;
    d) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and production of evidence;
    e) obtain and submit applicant fingerprints or other biometric-based information to the FBI for criminal background checks, receive the results and use them in making licensure decisions;
    f) recover from the affected APRN, if allowed by state law, the costs of investigations and disposition of cases resulting from any adverse action taken against that APRN; and
    g) take adverse action based on the factual findings of another party state if the licensing board follows its own procedures for taking such adverse action. (Sec. 1)

21. Subjects adverse actions against an APRN's multistate licensure privilege to the following:
    a) only the home state must have power to take adverse action against an APRN's license issued by the home state; and
    b) for purposes of taking adverse action, the home state licensing board must give the same priority and effect to reported conduct that occurred outside of the home state as it would if such conduct has occurred within the home state and apply its own state laws to determine appropriate action. (Sec. 1)

22. Mandates that subpoenas issued by a party state licensing board for the attendance and testimony of witnesses and production of evidence from another party state must be enforced in the latter state by

any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. (Sec. 1)

23. Directs the issuing licensing board to pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses and evidence are located. (Sec. 1)

24. Requires multistate licensure privilege to be deactivated if adverse action is taken by a home state against an APRN's license until all encumbrances have been removed. (Sec. 1)

25. States that all home state disciplinary orders that impose adverse action against a license to include a statement that the APRN's licensure privilege is deactivated in all party states during the pendency of the order. (Sec. 1)

26. Specifies that the Compact does not override a party state's decision that participation in an alternative program may be used in lieu of adverse action. (Sec. 1)

27. Requires the home state licensing board to deactivate the multistate licensure privilege of any APRN for the duration of the APRN's participation in an alternative program. (Sec. 1)

CLIS and Information Exchange

28. Requires party states to participate in CLIS of all APRNs, licensed RNs and practical or vocational nurses, including information on the licensure and disciplinary history of each APRN submitted by party states, to assist in the coordinated administration of APRN licensure and enforcement efforts.

29. Requires the Commission, in coordination with the CLIS Administrator, to formulate procedures to identify, collect and exchange information under the Compact. (Sec. 1)

30. Specifies that all licensing boards must promptly report the following to the CLIS:
    a) any adverse action and current significant investigative information;
    b) denials of applications with the reasons for the denial; and
    c) APRN participation in alternative programs known to the board, regardless of whether such participation is deemed nonpublic or confidential under state law. (Sec. 1)

31. Allows all party state licensing boards contributing information to the CLIS to designate information that may not be shared with nonparty states or disclosed to others without the express permission of the contributing state. (Sec. 1)

32. Prohibits any personally identifiable information obtained from the CLIS by a party state licensing board from being shared with nonparty states or disclosed to other entities or individuals except to the extent allowed by the laws of the party state contributing the information. (Sec. 1)

33. Requires any information contributed to CLIS that is subsequently required to be expunged by the laws of the party state contributing the information to be removed from the CLIS. (Sec. 1)

34. Requires the Compact administrator of each party state to furnish a uniform data set to the administrator of each party state that includes at least the following:
    a) identifying information;
    b) licensure data;
    c) information related to alternative program participation; and
    d) other information that may facilitate the administration of the Compact, as determined by Commission rules. (Sec. 1)

35. Requires the Compact administrator of a party state to provide all investigative documents and information requested by another party state. (Sec. 1)

Establishment of the Interstate Commission of APRN Compact Administrators

36. Establishes the Commission as an instrumentality of the party states. (Sec. 1)

37. Asserts that the venue is proper and judicial proceedings by or against the Commission be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. (Sec. 1)

38. Allows the Commission to waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. (Sec. 1)

39. States that the Compact is not a waiver of sovereign immunity. (Sec. 1)

40. Limits each party state to one Compact administrator who is the head of the state licensing board or that person's designee. (Sec. 1)

41. Allows the administrator to be suspended, removed from office or replaced as allowed by state law. (Sec. 1)

42. Requires any vacancy occurring in the Commission to be filled in accordance with the laws of the party state in which the vacancy exists. (Sec. 1)

43. Entitles each administrator to:
    a) one vote related to rules and creation of bylaws; and
    b) having an opportunity to participate in the business and affairs of the Commission. (Sec. 1)

44. Requires an administrator to vote in person or by such other means as provided in the bylaws. (Sec. 1)

45. Allows the bylaws to provide for an administrator's participation in meetings by telephone or other means of communication. (Sec. 1)

46. Requires the Commission to meet at least once during each calendar year and additional meetings to be held as set forth in the Commission's bylaws or rules. (Sec. 1)

47. Requires Commission meetings to be open to the public and with public notice. (Sec. 1)

48. Allows the Commission to discuss the following in a closed nonpublic meeting:
    a) noncompliance of a party state with Compact obligations;
    b) personnel matters as specified;
    c) current, threatened or reasonably anticipated litigation;
    d) negotiation of contracts to purchase or sell goods, services or real estate;
    e) accusing any person of a crime or formally censuring any person;
    f) disclosure of trade secrets or commercial or financial information that is privileged or confidential;
    g) disclosure of personal information that would constitute a clearly unwarranted invasion of personal privacy;
    h) disclosure of information related to reports prepared by or on behalf of the Commission to investigate Compact compliance; and
    i) matters specifically exempt from disclosure by federal or state statute. (Sec. 1)

49. Prescribes procedures for certifying closed meetings, referencing the relevant exemption and keeping of minutes. (Sec. 1)

50. Instructs the Commission, by a majority vote, to prescribe bylaws or rules, including, but not limited to:
    a) establishing a fiscal year;
    b) providing reasonable standards and procedures for establishing other committees and delegating Commission authority or function;
    c) providing reasonable procedures for calling and conducting meetings, including providing notice, public participation and closed meetings;
    d) establishing titles, duties and authority and reasonable procedures for electing officers;
    e) providing reasonable standards and procedures for establishing personnel policies and Commission programs; and
    f) providing a mechanism for winding up the operations and equitable disposition of surplus monies after paying and reserving all debts and obligations. (Sec. 1)

51. Requires the Commission to publish its bylaws, rules and amendments in a convenient form on its website. (Sec. 1)

52. Requires the Commission to maintain its financial records in accordance with its bylaws. (Sec. 1)

53. Authorizes the Commission to:
    a) create uniform rules for the Compact, which have the force and effect of law and are binding in all party states;
    b) bring and prosecute legal actions provided that the standing of any licensing board to sue or be sued under applicable law is not affected;
    c) purchase and maintain insurance and bonds;
    d) borrow, accept or contract for personnel, including employees of a party state or nonprofit organizations;
    e) cooperate with other organizations that administer state Compacts regarding nursing, as outlined;
    f) hire employees, elect or appoint officers, fix compensation, define duties, grant authority and establish policies regarding conflicts of interest, qualifications of personnel and other related personnel matters;
    g) accept appropriate donations, grants and gifts of monies, equipment, supplies, materials and services, striving to avoid any appearance of impropriety or conflict of interest;
    h) lease, purchase, accept appropriate gifts or donations of property, whether real, personal or mixed, striving to avoid any appearance of impropriety;
    i) sell, convey or otherwise dispose of any property, whether real, personal or mixed;
    j) establish a budget and make expenditures;
    k) borrow monies;
    l) appoint committees as specified;
    m) issue advisory opinions;
    n) provide and receive information from, and cooperate with, law enforcement agencies;
    o) adopt and use an official seal; and
    p) perform other functions as necessary to achieve the purposes of the Compact consistent with state regulation of APRN licensure and practice. (Sec. 1)

54. Requires the Commission to pay or provide for the payment of reasonable expenses of its establishment, organization and ongoing activities. (Sec. 1)

55. Allows the Commission to levy and collect an annual assessment from each party state to cover the cost of its operations, activities and staff in its annual budget as approved each year. (Sec. 1)

56. Requires the aggregate annual assessment amount to be allocated based on a formula to be determined by the Commission by rule. (Sec. 1)

57. Prohibits the Commission from incurring obligations before securing the monies adequate to meet those obligations or pledging the credit of any party state except by and with the authority of such party state. (Sec. 1)

58. Requires the Commission to keep accurate accounts of all receipts and disbursements, which are subject to the audit and accounting procedures under its bylaws and requires a yearly audit by a certified or licensed public accountant and the report to be included in the Commission's annual report. (Sec. 1)

59. Details immunity from claims of civil liability as outlined for specified Commission-related individuals. (Sec. 1)

60. Requires the Commission to defend specified Commission-related individuals in any civil liability action arising out of prescribed circumstances. (Sec. 1)

61. Requires the Commission to indemnify and hold harmless any specified Commission-related individual for any settlement or judgment obtained against that person as outlined if the actual or alleged act, error or omission did not result from the intentional, wilful or wanton misconduct of that person. (Sec. 1)

Rulemaking

62. Specifies that rules and amendments have the same force and effect as the Compact. (Sec. 1)

63. Requires rules or amendments to be adopted at a regular or special Commission meeting. (Sec. 1)

64. Requires the Commission to file a notice of proposed rulemaking on the Commission's website and the website of each licensing board or as each state would otherwise publish proposed rules before promulgation and adoption of a final rule and at least 60 days before the meeting at which the rule will be considered and voted on. (Sec. 1)

65. Requires the notice of proposed rulemaking to include all of the following:
    a) the proposed time, date and location of the meeting in which the rule will be considered and voted on;
    b) the text of the proposed rule or amendment and the reason for the proposed rule;
    c) a request for comments on the proposed rule from any interested person; and
    d) the manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments. (Sec. 1)

66. Directs the Commission to grant an opportunity for a public hearing before it adopts a rule or amendment. (Sec. 1)

67. Requires the Commission to publish the place, time and date of the scheduled public hearings which must be conducted in a manner that provides each person who wishes to commend a fair and reasonable opportunity to comment orally or in writing. (Sec. 1)

68. Requires all hearings to be recorded, with a copy made available on request. (Sec. 1)

69. Allows rules to be grouped at hearings. (Sec. 1)

70. Allows the Commission to proceed with promulgation of a proposed rule if no one appears at the public hearing. (Sec. 1)

71. Instructs the Commission:
    a) following the scheduled hearing date or by the close of business on the scheduled hearing date if the hearing was not held, to consider all written and oral comments received;
    b) take final action on a proposed rule, but a majority vote of all Compact Administrators; and
    c) determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule. (Sec. 1)

72. Permits the Commission, on determination that an emergency exists, to consider and adopt an emergency rule without prior notice, opportunity for comment or a hearing. (Sec. 1)

73. Requires the usual rulemaking procedures provided in the Compact to be retroactively applied to the rule as soon as reasonable possible, but not later than 90 days after the effective date of the rule. (Sec. 1)

74. Asserts that an emergency rule is one that must be adopted immediately to:
    a) meet an imminent threat to public health, safety or welfare;
    b) prevent a loss of Commission or party state monies; and
    c) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule. (Sec. 1)

75. Permits the Commission to direct revisions to a rule or amendment to correct typographical or formatting errors, errors in consistency or grammatical errors. (Sec. 1)

76. Requires revisions to be posted on the Commissions website and are subject to challenge by any person for a period of 30 days after posting. (Sec. 1)

77. Allows revisions to be challenged only on grounds that result in a material change to a rule. (Sec. 1)

78. Requires a challenge to be made in writing and delivered to the Commission before the end of the notice period. (Sec. 1)

79. Specifies that if no challenge is made, the revision will take effect without further action. (Sec. 1)

80. Specifies that if the revision is challenged, the revision may not take effect without the approval of the Commission. (Sec. 1)

Oversight, Dispute Resolution and Enforcement

81. Requires each party state to enforce the Compact and take actions necessary and appropriate to effectuate the Compact's purposes and intent. (Sec. 1)

82. Entitles the Commission to receive service of process in proceedings that may affect the powers, responsibilities or actions of the Commission and has standing to intervene in such proceedings. (Sec. 1)

83. States that failing to provide service of process to the Commission renders a judgment or order void as to the Commission, the Compact or rules. (Sec. 1)

84. Specifies the Commission shall provide the following if it determines that a party state has defaulted in performing its obligations or responsibilities under the Compact or rules:
    a) written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default and any other action to be taken by the Commission; and
    b) remedial training and specific technical assistance regarding the default. (Sec. 1)

85. Allows the defaulting state's membership in the Compact to be terminated if the state fails to cure the default, on the affirmative vote of a majority of the administrators and all rights, privileges and benefits conferred by the Compact to be terminated on the effective date of the termination. (Sec. 1)

86. Specifies that a cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default. (Sec. 1)

87. Allows termination of membership to be imposed only after all other means of securing compliance have been exhausted. (Sec. 1)

88. Requires the Commission to give notice of intent to suspend or terminate to the governor of the defaulting state and to the executive officers of the licensing board, the licensing board and each of the party states. (Sec. 1)

89. Specifies that a terminated state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination. (Sec. 1)

90. Prohibits the Commission from bearing any costs related to a state found to be in default or whose membership has been terminated unless agreed in writing between the Commission and defaulting state. (Sec. 1)

91. Outlines procedures for a defaulting state to appeal. (Sec. 1)

92. Requires the Commission, on request by a party state, to attempt to resolve Compact disputes that arise among party states and between party and nonparty states. (Sec. 1)

93. Requires the Commission to adopt a rule providing for mediation and binding dispute resolution for disputes, as appropriate. (Sec. 1)

94. Outlines requirements if the Commission cannot resolve disputes, including for arbitration. (Sec. 1)

95. Requires the Commission, in the reasonable exercise of its discretion, to enforce the Compact and related rules and specifies requirements for legal action. (Sec. 1)

96. Stipulates the remedies in the Compact are not the exclusive remedies of the Commission, which may pursue other remedies available under federal or state law. (Sec. 1)

Effective Date, Withdrawal and Amendment

97. Specifies that the Compact comes into limited effect when it is enacted in seven party states for the sole purpose of establishing and convening the Commission to adopt rules relating to its operation. (Sec. 1)

98. Subjects any state that joins the Compact after the Commission's initial adoption of the APRN uniform licensure requirements to all Commission rules that were previously adopted. (Sec. 1)

99. Allows a party state to withdraw from the Compact by repealing the Compact but prohibits the withdrawal from taking effect until six months after enactment of the repealing statute. (Sec. 1)

100. Prohibits a party state's withdrawal or termination from affecting the continuing requirement of that state's licensing board to report adverse actions and significant investigations occurring before the effective date of the withdrawal or termination. (Sec. 1)

101. Specifies that the Compact does not invalidate or prevent any APRN licensure agreement or other cooperative arrangement between a party state and a nonparty state that does not conflict with the Compact. (Sec. 1)

102. Allows the Compact to be amended by the party states, which becomes effective and binding after enactment into law by all party states. (Sec. 1)

103. Permits representatives of nonparty states to be invited to participate in Commission activities on a nonvoting basis before the adoption of the Compact by all states. (Sec. 1)

Construction & Severability

104. Requires the Compact to be liberally construed to effectuate its purposes. (Sec. 1)

105. Deems the Compact provisions severable, and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States, or if the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the Compact's applicability to any government, agency, person or circumstance. (Sec. 1)

106. Specifies that the Compact does not supersede state law related to the applicable APRN scope of practice or related rules and does not alter the scope of practice. (Sec. 1)

107. Requires APRNs practicing in this state to comply with the applicable scope of practice pursuant to state law. (Sec. 1)

108. Specifies that the Commission does not have the authority to alter the scope of practice for APRNs practicing in this state. (Sec. 1)

109. Allows the Governor to withdraw the state from the Compact if:
a) the Commission adopts a rule to change the scope of practice of APRNs in this state; and
b) a law is enacted that repeals the Compact. (Sec. 1)

Miscellaneous

110. Outlines finding and purposes related to uniform APRN regulation and licensure. (Sec. 1)

111. Defines pertinent terms. (Sec. 1)

SB 1458: congregate care; dependent children; procedures
Sponsor: Senator Bennett, LD 1
Caucus & COW

Overview

Provides processes and procedures for placing a child in a congregate care placement setting and modifies the Department of Child Safety (DCS) reporting requirements.

History

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).

DCS is required to make available program and outcomes data on its website in a format that can be downloaded and is conducive to analysis. As well as make available the following information on a semiannual basis: 1) success in meeting training requirements; 2) caseloads for child safety workers; 3) the number of new and closed reports; 4) the number of case-carrying caseworkers in each region; 5) the number of investigations by region; 6) the number of children being served in-home and out-of-home by each region; 7) the total number of reports received; 8) the number of reports not responded to; and 9) the number of reports assigned for investigation; 10) the number of reports for investigations; 11) the number of children reported to DCS; 13) the number of children entering out-of-home care by county during the reporting period; 14) the number and percentage of children who have remained in a shelter or receiving home for more than 21 consecutive days; 15) the number of children placed in the care, custody and control of DCS; and 16) the number of children who died while in the custody of DCS (A.R.S. § 8-526).

Provisions

Child Welfare Reporting Requirements

1. Requires DCS child welfare data to list sex and ethnicity as categories when reporting the number and percentage of children who are in DCS custody at the end of the reporting period and who are in out-of-home placement. (Sec. 1)

2. Requires DCS child welfare data to include the number and percentage of dependent children who are under 12 years of age and who experienced a congregate care placement during the current reporting period and as categorized by:
   a) age;
   b) ethnicity;
   c) sex;
   d) type of congregate care placement;
   e) reason for congregate care placement;
   f) length of time in congregate care placement of less than 30 days, 31 days to 12 consecutive months, 12 to 24 consecutive months and more than 24 consecutive months, including the median, average and range of the number of out-of-home placements;
   g) the number of approvals by the DCS Director or their designee sought and received for the placement of a child who is under 12 years old in a congregate care setting; and

h) the number of court approvals sought and received for the placement of a child who is under 12 years old in a congregate care setting. (Sec. 1)

Congregate Care Placement

3. Allows a child to be placed in a congregate care setting only with the prior written approval of the DCS Director or, if the DCS Director is absent, a designee who reports to the DCS Director and who does not have authority over the placement of children. (Sec. 2)

4. Requires the written approval of the DCS Director or their designee to document that the placement is required for any of the following reasons:
   a) to place the child with the child's siblings;
   b) to place the child with a parent who has been adjudicated a dependent child;
   c) to address the child's documented exceptional needs, which can only be met by a specifically identified congregate care provider; or
   d) to complete an evaluation of the child's placement needs. (Sec. 2)

5. Requires DCS, before seeking the approval of the DCS Director or their designee to place a child in a congregate care setting, to:
   a) assemble a family and permanency team (Team) for the child;
   b) initiate efforts to identify adult relatives or persons with a significant relationship with the child as a kinship caregiver for possible placement;
   c) conduct a preplacement visit to the congregate care setting unless impracticable;
   d) engage the child, if developmentally appropriate, the child's attorney and members of the Team in making a recommendation for the child's placement; and
   e) document the child's Team's placement recommendations, including any alternatives considered, for review by the DCS Director or their designee before approving or disapproving placing the child in a congregate care setting. (Sec. 2)

6. Specifies that the Team must consist of the following:
   a) the child, if developmentally appropriate;
   b) the child's attorney, if one has been appointed;
   c) appropriate biological family members, adult relatives and persons with a significant relationship with the child; and
   d) appropriate professionals, including medical or mental health providers, teachers or clergy. (Sec. 2)

7. Requires the preplacement visit to include the child, if developmentally appropriate, the child's attorney, if one has been appointed, and members of the child's Team. (Sec. 2)

8. Allows DCS to use teams that were previously established to support the child and the child's family as the child's Team. (Sec. 2)

9. Requires a qualified individual, within 30 days after placing a child in a congregate care setting, to work with the child, the child's attorney, the child's family members and the child's Team to do all of the following:
   a) assess the child's strengths and needs using an age-appropriate, evidence-based, validated and functional assessment tool;
   b) determine whether the needs of the child can be met through placement with adult relatives or persons with a significant relationship with the child or in a foster home; and
   c) develop a list of child-specific short-term and long-term behavioral health goals. (Sec. 2)

10. Requires the child, the child's attorney, the child's family members and the child's Team, if the child's needs cannot be met through placement with adult relatives or persons with a significant relationship with the child or in a foster home, to determine which setting will provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals for the child. (Sec. 2)

11. Requires DCS, within 30 days after placing a child in a congregate care setting, to document in the child's case plan all of the following:

a) DCS's reasonable and good faith efforts to identify and include all the individuals on the child's Team;
b) any evidence demonstrating that the parents from whom the child was removed provided input on the members of the child's Team;
c) contact information for members of the child's Team, including contact information for other adult family members and persons with a significant relationship with the child who are not part of the child's Team;
d) evidence that meetings of the child's Team, including meetings relating to the assessment of the child are held at a time and place that is convenient for the child's family;
e) evidence of DCS's ongoing efforts to identify potential placement with an adult relative or other persons with a significant relationship with the child;
f) evidence that the child's assessment was conducted with the child's Team;
g) information regarding the placement preferences of the child's Team; and
h) if the placement preferences of the child and the child's Team are not the placement setting recommended by the qualified individual conducting the child's assessment, the reasons why the preferences of the child and the child's Team were not recommended. (Sec. 2)

12. Requires the placement preferences to recognize a preference for a child to be placed with the child's siblings unless there is a finding by the court that such placement is contrary to the best interest of the child. (Sec. 2)

13. Requires the qualified individual, if the qualified individual conducting the child's assessment determines that the child should not be placed with an adult relative or person with a significant relationship with the child or in a foster home, to specify in writing the reasons why the needs of the child cannot be met by an adult relative or person with a significant relationship with the child or in a foster home. (Sec. 2)

14. States that a shortage or lack of foster homes cannot be considered a reason for determining that the needs of the child cannot be met in a foster home. (Sec. 2)

15. Requires the qualified individual to specify in writing:
    a) why the recommended placement in a congregate care setting will provide the child with the most effective and appropriate level of care in the least restrictive environment; and
    b) how that placement is consistent with the short-term and long-term goals for the child. (Sec. 2)

16. Requires the court, within 60 days after a child is placed in a congregate care setting, to conduct a hearing. (Sec. 2)

17. Requires the court to do all of the following at the hearing:
    a) consider the assessment, determination and documentation made by the qualified individual who conducted the child's assessment;
    b) determine whether the needs of the child can be met through placement with an adult relative or person with a significant relationship with the child or in a foster home; and
    c) approve or disapprove the congregate care placement. (Sec. 2)

18. Directs the court, if they determine that the needs of the child cannot be met through placement with an adult relative or person with a significant relationship with the child or in a foster care home, to:
    a) determine whether the placement of the child in a congregate care setting provides the most effective and appropriate level of care for the child in the least restrictive environment; and
    b) whether that placement is consistent with the short-term and long-term goals for the child. (Sec. 2)

19. Requires the court's approval or disapproval of the child's placement to be included in the child's case plan. (Sec. 2)

20. Allows DCS, if the child is removed from a congregate care setting and placed with an adult relative or person with a significant relationship with the child or in a foster home within 60 days after being placed in a congregate care setting, to notify the court of the change in placement and request that the hearing be vacated. (Sec. 2)

21. Requires DCS, at each status review and permanency hearing held after the placement of the child in a congregate care setting, to submit the following information to the court:
    a) evidence that ongoing assessments of the child continue to demonstrate that the needs of the child cannot be met through placement with an adult relative or person with a significant relationship with the child or in a foster home;
    b) evidence that the placement in a congregate care setting provides the most effective and appropriate level of care for the child in the least restrictive environment;
    c) evidence that the placement is consistent with the short-term and long-term goals of the child;
    d) documentation of the child's specific treatment or service needs that are being addressed in the congregate care placement and the length of time the child is expected to require the treatment or services; and
    e) documentation of DCS's efforts to prepare the child to return home or be placed with an adult relative, a person with a significant relationship with the child, a foster family, a legal guardian or an adoptive parent. (Sec. 2)

22. Requires the court, at each status review and permanency hearing held after the child is placed in a congregate care setting to:
    a) consider the evidence and documentation provided by DCS;
    b) make a finding as to whether the needs of the child can be met through placement with an adult relative or person with a significant relationship with the child or in a foster home; and
    c) approve or disapprove the child's continued congregate care placement. (Sec. 2)

23. Requires the court, if the needs of the child cannot be met through placement with an adult relative or person with a significant relationship with the child or in a foster care home, to:
    a) determine whether the continued placement of the child in a congregate care setting provides the most effective and appropriate level of care for the child in the least restrictive environment; and
    b) whether that placement is consistent with the short-term and long-term goals for the child. (Sec. 2)

24. Requires DCS, if a child is placed in a congregate care setting for more than six consecutive or nonconsecutive months, to submit a report to the court every 30 days. (Sec. 2)

25. Requires the report to include both of the following:
    a) updated evidence and documentation submitted; and
    b) a request from the DCS Director or their designee for court approval of the continued placement of the child in the child's current congregate care placement. (Sec. 2)

26. Requires the court, on receipt of the submitted report, to do the following:
    a) consider the evidence and documentation submitted by DCS;
    b) determine whether the continued placement of the child in a congregate care setting provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short-term and long-term goals of the child; and
    c) approve the child's continued congregate care placement or set a hearing for further consideration of the child's ongoing placement in a congregate care setting. (Sec. 2)

27. Allows the court, on its own motion or at the request of any party, to consider the child's placement in a congregate care setting. (Sec. 2)

28. Defines terms. (Sec. 2)

29. 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: HHS DP 7-0-0-0 | 3rd Read 28-0-2-0
House: HHS DP 9-0-0-1

SB 1664: DCS; tiered central registry; hearings
Sponsor: Senator Gowan, LD 19
Caucus & COW

Overview

Directs the Arizona Department of Child Safety, beginning September 15, 2025, to implement a tiered system relating to persons placed on the central registry of abuse and neglect based on the severity of the abuse or neglect and the risk a person presents to commit further acts of abuse or neglect.

History

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).

DCS maintains a central registry of substantiated reports of child abuse and neglect and the outcomes of the associated investigations. DCS uses the central registry to perform background checks to determine qualifications for: 1) foster home licensure; 2) adoptive parent certification; 3) child welfare agency licensure; 4) childcare home certification; 5) registration of unregulated childcare homes with the childcare resource and referral system; and 6) home and community based services certification for services to children or vulnerable adults.

Additionally, DCS utilizes the central registry to perform background checks and to determine qualifications for the following, if they provide direct services to children or vulnerable adults: 1) state employees and prospective state employees; 2) employees and prospective employees of child welfare agencies; 3) state contractors and subcontractors; and 4) employees and prospective employees of state contractors and subcontractors. Statute requires licensees that do not contract with the state and that employ persons who provide direct services for childcare programs to submit information to DCS for the purpose of conducting a central registry background check (A.R.S. § 8-804).

Provisions

1. Directs DCS to record a finding of child abuse or neglect if the finding is supported by a preponderance of the evidence, rather than if probable cause exists. (Sec. 3)
2. Requires DCS to adopt rules, by September 15, 2025, to establish a tiered system in the central registry for abuse and neglect for the placement of persons who commit child abuse or neglect as found by the court. (Sec. 4)
3. Requires DCS in adopting rules to:
   a) designate tiers based on the type or abuse or neglect and the risk of future abuse or neglect and specify the length of time a person must be on the registry for each tier;
   b) determine which acts of abuse or neglect require placement on the central registry;
   c) consider the act of abuse or neglect and the risk of the person who commits the abuse or neglect may pose if the person is in a setting that involves the care of or substantial contact with children; and
   d) include procedures for a person listed on the central registry to request early removal. (Sec. 4)

4. Directs DCS to:
   a) purge central registry entries at least monthly according to the timeframes established by adopted rules;
   b) make a reasonable effort to notify any person whose central registry entry was altered as a result of the adoption of rules;
   c) designate time frames for how long a person is maintained on the central registry based on the type of abuse or neglect and the risk of the person committing further abuse and neglect, as outlined;
   d) conform all entries in the central registry to the tiered system, by May 15, 2026; and
   e) maintain entries in the central registry for a maximum of 25 years after the date of a court finding of abuse or neglect. (Sec. 2, 4)
5. Requires a person subject to an allegation of child abuse or neglect, to disclose the allegation before being employed in a position that provides direct services to vulnerable adults or children, only if the allegation is placed on the central registry. (Sec. 2)
6. Requires DCS to provide a parent, guardian or custodian who is the subject of the investigation and who reported the suspected child abuse or neglect if that person is the child's parent, guardian or custodian with a copy of the outcome of the investigation if the proposed finding is supported by a preponderance of evidence but a specific person is not identified as having abused or neglected the child. (Sec. 5)
7. Requires DCS, if a proposed finding is not supported by a preponderance of the evidence, to amend the information or finding in the DCS report and notify the person that a hearing won't be held. (Sec. 5)
8. Requires a judge to determine if the proposed finding is supported by a preponderance of the evidence for an allegation of child abuse or neglect. (Sec. 5)
9. Asserts that a substantiated finding must be entered into the central registry as a substantiated report if the administrative law judge determines the proposed finding is supported by a preponderance of the evidence. (Sec. 5)
10. Requires a notice for a dependency proceeding to include a statement that as a result of the proceedings the parent or guardian may be placed on the central registry. (Sec. 6)
11. Makes technical and conforming changes. (Sec. 1-2, 5-7)

SB 1056: municipalities; counties; fee increases; vote
S/E: groundwater replenishment; areas; member lands
Sponsor: Senator Petersen, LD 14
Caucus & COW

Summary of the Strike-Everything Amendment to SB 1064

Overview

Outlines a process for a municipal provider (provider) that applies for a new designation of assured water supply in the Pinal 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 Pinal 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)

SB 1302: child abduction from state agency
Sponsor: Senator Farnsworth, LD 10
Caucus & COW

Overview

Lowers the sentencing classification for the abduction of a child from a state agency from a felony to a class 1 misdemeanor if specified circumstances apply.

History

A person commits abduction of a child from a state agency if, knowing or having reason to know that the child is lawfully in a state agency's custody, the person: 1) takes, entices or keeps the child from the custody of the agency (which is a class 3, 4 or 6 felony depending on the circumstances of the offense); or 2) intentionally fails or refuses to immediately return or impedes the immediate return of a child to a state agency's custody, including at the expiration of visitation or access (which is a class 5 felony). For purposes of this offense, *state agency* means the Department of Child Safety or the Department of Juvenile Corrections (A.R.S. § 13-1310).

Provisions

1. Reduces the classification for the abduction of a child from a state agency from a felony to a class 1 misdemeanor if all the following apply:
   a) the child has voluntarily and without consent left the placement location;
   b) the person who fails or refuses to return the child is the child's natural or adoptive parent;
   c) the person's motive for keeping the child is to protect and care for the child. (Sec. 1)
2. Makes a conforming change. (Sec. 1)

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

SB 1336: deep fake recordings or images
Sponsor: Senator Carroll, LD 28
Caucus & COW

Overview

Establishes *disseminating a deep fake recording or image* as a class 6 felony offense or, if specified circumstances apply, a class 4 felony offense.

History

It is unlawful for a person to intentionally disclose an image of another person who is identifiable from the image itself or from information displayed in connection with the image if all the following apply:

1) the person in the image is depicted in a state of nudity or is engaged in specific sexual activities;
2) the depicted person has a reasonable expectation of privacy; and
3) the image is disclosed with the intent to harm, harass, intimidate, threaten or coerce the depicted person.

A violation of this section is a class 5 felony, except that it is a class 4 felony if the image is disclosed by electronic means. However, this section does not apply to an interactive computer service or an information service regarding content wholly provided by another party (A.R.S. § 13-1425).

Additionally, current law makes it a class 6 felony offense for a person to knowingly place explicit sexual material on public display or knowingly fail to take prompt action to remove such a display after learning of its existence (A.R.S. § 13-3507).

Interactive computer service refers to any information service, system or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions (47 U.S.C. § 230).

Provisions

1. Creates the criminal offense of *disseminating a deep fake recording or image*, which involves a person intentionally distributing a deep fake recording or image in which all the following apply:
   a) the person that intentionally creates and disseminates the deep fake recording or image knows or reasonably should know that the depicted individual does not consent to the dissemination;
   b) the deep fake recording or image realistically depicts intimate parts of another individual or intimate parts that are generated by synthetic media that are presented as the intimate parts of the depicted individual or depicts the individual engaging in a sexual act;
   c) the depicted individual is identifiable by either the deep fake recording or image, the depicted individual or the personal information that is displayed in connection with the deep fake recording or image. (Sec. 1)
2. Classifies disseminating a deep fake recording or image as a class 6 felony. (Sec. 1)
3. Classifies disseminating a deep fake recording or image as a class 4 felony if any of the following apply:
   a) the depicted person suffers any financial loss due to the dissemination of the deep fake recording or image;
   b) the person disseminates the deep fake recording or image with the intent to profit from it;
   c) the person maintains an internet website, online service, online application or mobile application to disseminate the deep fake recording or image;

d) the person posts the deep fake recording or image on an internet website;
e) the person disseminates the deep fake recording or image with intent to harass the depicted person;
f) the person obtains the deep fake recording or image by committing a theft, a criminal trespass, computer tampering or unauthorized computer access; or
g) the person has previously been convicted of a violation of this section. (Sec. 1)

4. Specifies that an interactive computer service is not liable for a violation of this section for content that is created or developed by another person or entity and that is provided through the internet or any other interactive computer service. (Sec. 1)

5. Defines the following terms:
a) *deep fake recording or image*;
b) *depicted individual*;
c) *dissemination*;
d) *harass*;
e) *intimate parts*;
f) *personal information*;
g) *sexual act*;
h) *sexual contact*;
i) *sexual penetration*; and
j) *social media*. (Sec. 1)

Amendments

Committee on Judiciary

1. For purposes of the class 4 felony sentence enhancement provision relating to financial loss, adds that the depicted person's financial loss must be due to the *intentional* dissemination of the deep face recording or image.

SB 1372: family reunification treatment; prohibitions
Sponsor: Senator Bolick, LD 2
Caucus & COW

Overview

Proscribes a court from ordering family reunification treatment that requires certain conditions for participation unless both parents consent.

History

A.R.S. title 25, chapter 4 contains several sections of statute concerning legal decision-making and parenting time, including provisions on parents' rights, how child support is awarded and the conditions that may disqualify a parent from having custody of their child.

Current law gives a court the ability to determine legal decision-making and parenting time by considering the best interests of the child. In doing so, the court must consider all factors that are relevant to the child's physical and emotional well-being, including several non-exclusive factors that are listed in statute (A.R.S. § 25-403).

Provisions

1. Prohibits the court from ordering family reunification treatment that requires the following unless both parents consent:
   a) a no contact order with the aligned parent;
   b) an overnight, out-of-state or multiday stay;
   c) a transfer of physical or legal custody of the child;
   d) the use of private youth transporters or private transportation agents engaged in the use of force, threat or force, physical obstruction or circumstances that place the safety of the child at risk;
   e) the use of threats of physical force, undue coercion, verbal abuse or isolation from the child's family, community or other sources of support. (Sec. 1)

2. Defines *family reunification treatment* as a treatment, therapy, program, service or camp that is aimed at reuniting or reestablishing a relationship between a child and an estranged or rejected parent. (Sec. 1)

SB 1411: organized retail theft task force
Sponsor: Senator Gowan, LD 19
Caucus & COW

Overview

Creates the Organized Retail Theft Task Force (Task Force) to combat organized retail theft by collaborating with law enforcement agencies, investigating cases of organized retail theft and making recommendation for legislative action to combat organized retail theft.

History

A person commits *organized retail theft* if the person, acting alone or in conjunction with another person, does any of the following:

1) removes merchandise from a retail establishment without paying the purchase price with the intent to resell or trade the merchandise for money or for other value;
2) uses an artifice, instrument, container, device or other article to facilitate the removal of merchandise from a retail establishment without paying the purchase price.

This offense is classified as a class 4 felony, meaning that, for a first-time offense, it is punishable by 1 to 3.75 years in prison or up to 4 years of probation (A.R.S. §§ 13-1819, 13-702, 13-902).

From 2007 to 2009 a Task Force was established with the purpose of:

1) determining the scope of organized retail theft;
2) analyzing various methods of combating organized retail theft;
3) recommending statutory changes to address organized retail theft;
4) identifying which law enforcement agencies would make best use of funding to fight organized retail theft (Laws 2007, Ch 233).

Provisions

1. Instructs the Attorney General to establish the Organized Retail Theft Task Force to combat crimes related to stealing, embezzling or obtaining retail merchandise by fraud, false pretenses or other illegal means for the purpose of reselling the items. (Sec. 1)

2. Requires the Attorney General to invite federal, state and local law enforcement personnel to participate in the Task Force to enhance the efficiency of law enforcement agencies. (Sec. 1)

3. Outlines membership of the Task Force as follows:
   a) one full time:
      i. prosecutor;
      ii. paralegal;
      iii. support staff.
   b) six investigators. (Sec.1)

4. Requires the Task Force to do the following:
   a) regularly meet to investigate, apprehend and recommend for prosecution individuals or entities that participate in purchasing, selling or distributing stolen property from a retail establishment or through the use of the internet or network site, as well as targeting individuals or entities that organize and commit theft or property crimes for financial gain;
   b) investigate offenses and violations under the Attorney General's jurisdiction as prescribed by A.R.S. § 21-422;

c) review, investigate and recommend prosecution for appropriate cases brought to the Task Force by law enforcement agencies or authorized loss prevention personnel in the state;
d) beginning on July 1, 2025, annually submit a report on the Task Force's activities and recommendations for legislative actions about criminal penalties for crimes that have a negative impact on the state's economy to the Governor, President of the Senate, Speaker of the House of Representatives and transmit a copy of the report to the Secretary of State. (Sec. 1)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: JUD DPA 6-0-1-0 | 3rd Read DPA 19-9-2-0-0
House: JUD DPA 7-2-0-0

SB 1435: public entity liability; sexual offenses
Sponsor: Senator Bolick, LD 2
Caucus & COW

Overview

Subjects a public entity to liability for losses arising out of an act or omission by a public employee that is determined to be a felony sexual offense under certain circumstances.

History

A.R.S. title 12, chapter 7, article 2 governs actions against public entities or employees. Among other provisions, this article contains several sections granting public entities or employees immunity from liability in certain circumstances, including absolute immunity (A.R.S. § 12-820.01), qualified immunity (A.R.S. § 12-820.02) and other immunity (A.R.S. § 12-820.05). Except as specifically provided in this article, its provisions do not affect, alter or otherwise modify any other rules of tort immunity regarding public entities and public officers as developed at common law and as established under the A.R.S. and the Arizona Constitution (A.R.S. § 12-820.05).

One specific form of immunity in A.R.S. § 12-820.05, subsection B provides that a public entity is not liable for losses that arise out of and are directly attributable to an act or omission determined by a court to be a criminal felony by a public employee unless the public entity knew of the public employee's propensity for that action. However, this subsection does not apply to acts or omissions arising out of the operation or use of a motor vehicle.

Provisions

1. Excludes a public entity from immunity under A.R.S. § 12-820.05, subsection B for acts or omissions by a public employee arising out of a felony sexual offense if the victim is a minor or a child with a disability as defined in A.R.S. § 15-761 and one or more of the following conditions exist:
   a) the public entity was in violation of a statutory duty relating to obtaining information regarding the background of employees;
   b) the public entity or public employee had a statutory duty to report and failed to do so;
   c) clear and convincing evidence proves that the public entity failed to reasonably investigate or take reasonable action on an alleged violation of a written policy of the public entity relating to the safety or well-being of a minor or a child with a disability as defined in A.R.S. § 15-761 and the alleged violation of the written policy was substantially related to the harm that occurred. (Sec. 1)
2. Specifies that these changes to A.R.S. § 12-820.05 apply only to acts or omissions involving sexual offenses that are committed on or after the effective date. (Sec. 3)
3. Repeals these changes to A.R.S. § 12-820.05 on January 1, 2027. (Sec. 2, 4)

Amendments

Committee on Judiciary

1. Limits the immunity exclusion to sexual offenses against a child with a disability, rather than to a *minor or* a child with a disability.
2. Modifies the third condition mentioned in provision 1 above to provide that clear and convincing evidence proves that the public entity should have known of the public employee's propensity for harm related to the safety or well-being of a child with a disability.

3. Extends the delayed repeal date from January 1, 2027 to January 1, 2035.
4. Makes conforming changes.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: HHS DP 7-0-0-0 | 3rd Read DP 27-1-2-0
House: JUD DP 9-0-0-0

SB 1594: aggravated assault; developmental disability; exception
Sponsor: Senator Wadsack, LD 17
Caucus & COW

Overview

Exempts an individual with a developmental disability or cognitive disability from the aggravated assault classification for assaults committed against a health care worker.

History

Under current law, a person commits assault by doing any of the following:

1) intentionally, knowingly or recklessly causing any physical injury to another person;
2) intentionally placing another person in reasonable apprehension of imminent physical injury; or
3) knowingly touching another person with the intent to injure, insult or provoke such person (A.R.S. § 13-1203).

Additionally, aggravated assault is a separate offense that occurs when a person commits assault as defined in A.R.S. § 13-1203 and additional circumstances are met, as outlined in statute. These circumstances include, among others, the level of injury caused to the victim, the defendant's use of a deadly weapon and the victim's profession. Assault can become aggravated assault if the defendant commits assault knowing or having reason to know that the victim is a health care worker, licensed health care practitioner or a person directed by the licensed health care practitioner while engaged in their professional duties. However, the aggravated assault classification does not apply if the person who commits the assault against the health care worker does not have the ability to form the culpable mental state because of a mental disability or because the person is seriously mentally ill. Aggravated assault can range from a class 2 felony to a class 6 felony depending on the nature of the offense (A.R.S. § 13-1204).

Provisions

1. Adds that the aggravated assault classification does not apply to a person who commits an assault against a health care worker if the person does not have the ability to form the culpable mental state due to a developmental disability or cognitive disability. (Sec. 1)

2. Makes a technical change. (Sec. 1)

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: TTC DPA/SE 4-3-0-0 | 3rd Read DPA 16-13-1-0-0
House: JUD DP 6-3-0-0

SB 1608: electronic applications; human smuggling
Sponsor: Senator Wadsack, LD 17
Caucus & COW

Overview

Creates new class 2 felony offense for using a telephone or computer application or program to knowingly assist in the smuggling of human beings.

History

It is a criminal offense under current statute for a person to intentionally engage in the smuggling of human beings for profit or commercial purposes. This offense is generally classified as a class 4 felony, except in the following circumstances:

1) if the human being who is smuggled is under 18 years old and is not accompanied by a family member over 18 years old, and the offense involved a deadly weapon or dangerous instrument, the offense is a class 2 felony;
2) if the offense involves the use or threatened use of deadly physical force, the offense is class 3 felony and the convicted person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis, with certain exceptions (A.R.S. § 13-2319).

Class 4, 3 and 2 felony offenses carry presumptive prison sentences of 2.5 years, 3.5 years and 5 years, respectively (A.R.S. § 13-702). All felony offenses carry a maximum fine of $150,000 to be determined by the court (A.R.S. § 13-801).

Provisions

1. Adds new section of statute creating a criminal offense for using a telephone or computer application or program to knowingly assist in the smuggling of human beings. (Sec. 1)
2. Classifies this offense as a class 2 felony without eligibility for suspension of sentence, probation, pardon or release on any basis, with certain exceptions, until the sentence is served, the person is eligible for community supervision or the sentence is commuted. (Sec. 1)
3. Specifies that A.R.S. title 13, chapter 10 (preparatory offenses) does not apply to this new offense. (Sec. 1)
4. For purposes of this offense, defines *smuggling of human beings* as the transportation, procurement of transportation or use of property or real property by a person or an entity with the intent to do either of the following:
   a) Conceal the person from a peace officer;
   b) Assist the person with fleeing from a peace officer who is attempting to lawfully arrest or detain the person. (Sec. 1)

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

SB 1638: residential property; transient occupant; remedies
S/E: Pacific conflict; audits; committee
Sponsor: Senator Carroll, LD 28
Caucus & COW

Summary of the Strike-Everything Amendment to SB 1638

Overview

Entitled the *Pacific Conflict Stress Test Act*, establishes the bipartisan select committee on Pacific conflict (Committee), including prescribing the membership, powers, duties and other parameters related to the Committee, and imposes related assessment and audit requirements.

History

Current law requires the Department of Public Safety (DPS) to coordinate the critical infrastructure information program that uses state of the art technologies and that is implemented based on the state-wide assessment of threat and vulnerability conducted by the Arizona Counterterrorism Information Center (ACTIC) under DPS oversight. Statute instructs DPS to implement the technologies to address as many critical infrastructure facilities in the state of Arizona as funding allows and only to the extent that agreements accepting the Program are reached between participating entities, including private sector participants. DPS is permitted to pursue federal monies to assist with funding the Program (A.R.S. § 41-1802).

Additionally, DPS coordinates the critical infrastructure information program that is implemented based on the statewide assessment of threat and vulnerability by ACTIC. DPS must implement state of the art technologies to address as many critical infrastructure facilities in Arizona as funding allows (A.R.S. § 41-1803).

Provisions

Bipartisan Select Committee on Pacific Conflict

1. Establishes the Committee. (Sec. 2)
2. Outlines the Committee's membership, powers and duties and annual reporting requirements (Sec. 2)

Critical Procurements Audit

3. Requires the Auditor General to conduct an audit of all critical procurements purchased or supposed through a state supply chair or state vendor supply chain. (Sec. 3)
4. Prescribes the items that must be identified and included in the critical procurements audit and requires the Auditor General to submit a report of the audit to the Governor, the President of the Senate and the Speaker of the House of Representatives on or before July 31, 2026. (Sec. 3)

State Investments Audit

5. Requires the State Treasurer to conduct an audit of all monies managed by the state of Arizona and its political subdivisions. (Sec. 3)

6. Outlines types of investments that must be identified in the state investments audit and requirements the State Treasurer to submit a report of the audit to the Governor, the President of the Senate and the Speaker of the House of Representatives on or before July 31, 2026. (Sec. 3)

State Risk Assessment

7. Requires the Governor to produce and publish a state risk assessment no later than the day before the Governor's annual address to the Legislature. (Sec. 1)

8. Outlines the items that must be identified and included in the assessment. (Sec. 1)

Confidentiality Requirements

9. Requires the recipients of the Committee's annual report, the critical procurements audit report and the state investments audit report to develop binding confidentiality protocols, in consultation with the chairperson of the Committee, for the maintenance and use of the reports to ensure their confidentiality. (Sec. 2, 3)

10. Exempts the reports outlined above and the information contained therein from public records laws. (Sec. 2, 3)

Miscellaneous

11. Defines the following terms:
    a) for purposes of the section establishing the Committee:
        i. *critical infrastructure*;
        ii. *critical procurements*;
        iii. *Pacific conflict*;
        iv. *state supply chain*;
        v. *state vendor supply chain*;
    b) for purposes of the section requiring the critical procurements audit and state investments audit:
        i. *critical procurements*;
        ii. *foreign adversary*;
        iii. *pacific conflict*;
        iv. *state supply chain*;
        v. *state vendor supply chain*. (Sec. 2, 3)

12. Includes statements of state policy in section establishing the Committee. (Sec. 2)

13. Repeals the section establishing the Committee on January 1, 2029. (Sec. 2)

14. Repeals the section relating to the critical procurements audit and state investment audit on January 1, 2027. (Sec. 3)

15. Becomes effective on January 1, 2025. (Sec. 4)

16. Entitles the measure as the *Pacific Conflict Stress Test Act*. (Sec. 5)

17. Makes technical and conforming changes. (Sec. 1)

Amendments

Committee on Judiciary

1. Specifies that the critical procurements audit is a special audit and requires all state agencies to cooperate with and provide information to the Auditor General in the timeframe and format specified in order to facilitate the completion of the special audit.

2. Changes the reporting date from the critical procurements audit from July 31, 2026 to December 31, 2026.

3. Provides that the section requiring the critical procurements audit and the state investment audit does not become effective unless and until the Auditor General and the State Treasurer receive grant funds or legislative appropriations to cover the expenses involved.

4. Changes the definition of *critical procurements* as used in the section on the two audits mentioned above to remove references to political subdivisions or private nongovernmental organizations and to strike the phrase *or to the health, safety or security*.

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

SB 1687: drive by shooting; weapon discharge
Sponsor: Senator Gowan, LD 19
Caucus & COW

Overview
Modifies the existing offense of drive by shooting to include discharging a weapon just after exiting a motor vehicle.

History
Current law prescribed the offense of *drive by shooting*, a class 2 felony, as intentionally discharging a weapon from a motor vehicle at a person, another occupied motor vehicle or an occupied structure (A.R.S. § 13-1209).

Provisions
1. Changes the offense of drive by shooting to include intentionally discharging a weapon at a person, another occupied motor vehicle or an occupied structure from within or just after exiting a motor vehicle. (Sec. 1)
2. 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: NREW DP 5-1-1-0 | 3rd Read 21-5-4-0
House: LARA DP 7-1-0-1

SB 1026: racketeering; cockfighting
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview

Includes animal fighting and cockfighting in the list of acts that constitute *racketeering* if committed for financial gain.

History

The criminal code defines *racketeering* as any act that is chargeable under the laws of the state or country in which the act occurred and would be chargeable under Arizona law, and that would be punishable by imprisonment for more than one year, that involves either: 1) terrorism, animal terrorism or ecological terrorism that results or is intended to result in a risk of serious physical injury or death; or 2) an extensive list of acts committed for financial gain. The acts listed in this latter category include, among others, homicide; human smuggling or trafficking; and various theft- or fraud-based offenses (A.R.S. §13-2301).

The use of racketeering or its proceeds is an element of *illegal control of an enterprise* and *illegally conducting an enterprise*, which are class 3 felony offenses that may be charged as class 2 felonies if the defendant hires, engages or uses a minor to prepare or complete the offense (A.R.S. § 13-2312). Additionally, Arizona prosecuting agencies and courts have a broad range of civil enforcement powers relating to racketeering and illegal control or conducting of an enterprise, including through property forfeiture and damages recovery on behalf of a person who is injured the the activity (A.R.S. §§ 13-2313 and 13-2314).

A person commits *animal fighting*, a class 5 felony, by knowingly: 1) owning, possessing, keeping or training any animal if the person knows or has reason to know that the animal will engage in an exhibition of fighting with another animal; 2) for amusement or gain, causing any animal to fight with another animal, or causing any animals to injure each other; or 3) permitting any either of these acts to be done on any premises under the person's charge or control (A.R.S. § 13-2910.01).

A person commits *cockfighting*, also a class 5 felony, by knowingly: 1) owning, possessing or training any cock with the intent of it engaging in an exhibition of fighting with another cock; and 2) causing any cock to fight with another cock or causing any cocks to injure each other for amusement or gain (A.R.S. § 13-2910.03).

Provisions

1. Adds animal fighting and cockfighting to the list of acts that are included in the definition of *racketeering* if committed for financial gain. (Sec. 1)

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

SB 1047: animal cruelty; failure to treat
Sponsor: Senator Shope, LD 16
Caucus & COW

Overview

States that a person commits animal cruelty by failing to provide medical attention necessary to prevent unreasonable suffering to any domestic animal under the person's custody or control.

History

The Criminal Code outlines actions that constitute animal cruelty including intentionally, knowingly or recklessly subjecting an animal to:

1) cruel neglect or abandonment;
2) inflicts unnecessary physical injury;
3) cruel mistreatment;
4) death or harm without legal privilege;
5) confinement in a motor vehicle;
6) failing to provide necessary medical attention to prevent prolonged suffering; or
7) interfering with a service or working animal (A.R.S § 13-2910).

A person who violates Arizona's animal cruelty laws is guilty of either a:

1) class 5 felony for intentionally or knowingly subjecting a domestic animal to cruel mistreatment or death without legal privilege;
2) class 6 felony for intentionally or knowingly subjecting an animal under the person's custody to cruel neglect resulting in serious physical injury or interfering with a service or working animal; or
3) class 1 misdemeanor for intentionally, knowingly or recklessly subjecting an animal under the person's custody to cruel neglect or interfering with a service or working animal (A.R.S. § 13-2910).

A sentence of probation, a fine or imprisonment is fixed by the courts as follows:

1) Class 5 felony includes either 3-year probation, jailtime between .5-2.5 years (first time offense) or if a dangerous felony 4-6 years;
2) Class 5 felony includes either 3-year probation, jailtime between .33-2 years (first time offense) or if a dangerous felony 3-4.5 years; or
3) Class 1 misdemeanor includes either 3-year probation, $2,500 fine or a maximum of 6 months jailtime (A.R.S. §§ 13-702, 13-707, 13-802, 13-902).

A person convicted of an animal cruelty offense is prohibited from owning, possessing, adopting, fostering, residing with or intentionally contacting or having custody of any animal in the person's household (A.R.S. § 13-2910.11).

Animal means a mammal, bird, reptile or amphibian (A.R.S. § 13-2910).

Domestic animal means a mammal that is kept primarily as a pet or companion or that is bred to be a pet or companion (A.R.S. § 13-2910).

Provisions

1. States that a person commits animal cruelty by intentionally, knowingly or recklessly failing to provide medical attention necessary to prevent unreasonable suffering to any domestic animal under the person's custody or control. (Sec. 1)
2. Expands the definition of *cruel neglect* to include the failure to provide a domestic animal with:
   a) food, given daily;
   b) water suitable for drinking;
   c) access to shelter, except for a dog that primarily resides outdoors; and
   d) access to shelter that meets specified requirements, except for a dog that primarily resides outdoors. (Sec. 1)
3. Modifies the definition of *domestic animal* to include birds, reptiles and amphibians. (Sec. 1)
4. Defines *extreme weather conditions*. (Sec. 1)
5. Makes conforming changes. (Sec. 1)

Amendments

Committee on Land, Agriculture & Rural Affairs

1. Removes the definition of *extreme weather conditions.*

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: MAPS DP 6-1-0-0 | 3rd Read 16-12-0-2
House: LARA DP 8-1-0-0

SB 1403: designated countries; land ownership; prohibition
Sponsor: Senator Shamp, LD 29
Caucus & COW

Overview

Makes it generally unlawful for specified foreign principals to *purchase, own, acquire by grant or devise or have any other interest in* (hold) real property.

History

Section 108B of the National Security Act of 1947 (50 U.S.C. § 3043b) requires the Director of National Intelligence, in coordination with the heads of intelligence community elements, to submit an Annual Report on Worldwide Threats — also called an Annual Threat Assessment (ATA) — to appropriate congressional committees. ATAs assess worldwide threats to national security and must be submitted by the first Monday in February annually. ATAs are to be presented in unclassified form, but they may include a classified annex to protect intelligence sources and methods. The three most recent ATAs identified China, Russia, Iran and North Korea as countries that pose a risk to the national security of the United States (US DNI Annual Threat Assessment 2021; 2022; and 2023).

Provisions

1. Prohibits foreign principals, from countries identified by the US Director of National Intelligence as *a country that poses a risk to the national security*, from holding real property in Arizona. (Sec. 1)
2. Requires the Attorney General to commence an action in the superior court of a county where there is a reasonable suspicion that a foreign principal is holding real property contrary to law. (Sec. 1)
3. Directs the court, if it finds a foreign principal to be holding real property contrary to law, to enter an order:
   a) stating the court's findings;
   b) divesting the person's interest; and
   c) directing the county board of supervisors to force the sale of the property. (Sec. 1)
4. Stipulates, when the property is sold, that any balance remaining after paying taxes and fees is to be deposited in the state General Fund. (Sec. 1)
5. Asserts that a title insurer, title agent, escrow agent or real estate licensee cannot be held liable for any violation of this legislation. (Sec. 1)
6. Asserts that a violation of this legislation cannot be the basis for a title insurance claim. (Sec. 1)
7. Permits a foreign principal to hold land in Arizona if all the following apply:
   a) the parcel is a residential real property and two acres or less in size;
   b) the foreign principal is a natural person;
   c) the foreign principal owns no other real property in Arizona;
   d) the parcel is located a certain distance away from military installations, critical infrastructure, known vector routes and large air force ranges; and
   e) he possesses a current verified U.S. visa that is not only for tourist travel or for asylum. (Sec. 1)
8. Defines *critical infrastructure*, *designated country*, *foreign principal* and *military instillation*. (Sec. 1)

9. Contains a legislative findings clause. (Sec. 2)

SB 1117: criminal justice data collection; system.
Sponsor: Senator Bennett, LD 1
Caucus & COW

Overview

Establishes a state, county and municipal online data system to be administered by the Arizona Criminal Justice Commission (ACJC).

History

ACJC carries out various coordinating, monitoring and reporting functions relating to the administration and management of criminal justice programs and data in Arizona. ACJC is comprised of 19 commissioners who represent various elements of the criminal justice system in Arizona. 14 commissioners are appointed by the Governor; 5 are state criminal justice agency heads. Appointed Commissioners serve for two years; their terms terminate when the first regular session of the Legislature is convened (A.R.S. Title 41, Chapter 21).

Provisions

1. Directs ACJC to implement a state, county and municipal online data system to be implemented and published on ACJC's website. (Sec. 3)
2. Mandates that criminal justice agencies in Arizona, approved by ACJC as ready to report, must submit data if it is currently collected and readily electronically reportable. (Sec. 3)
3. Instructs law enforcement agencies to report specified data for alleged offenders, victims, agencies or service providers, events, results and the number of sworn peace officers employed. (Sec. 3)
4. Instructs prosecuting agencies to report specified data for defendants, victims, agencies, events and results. (Sec. 3)
5. Instructs courts to report specified data for defendants, agencies, events and results. (Sec. 3)
6. Instructs the Department of Corrections to report specified data for inmates, agencies, providers or facilities, events or services and results. (Sec. 3)
7. Instructs probation to report specified data for probationers, agencies, events and results. (Sec. 3)
8. Directs ACJC to establish policies to protect confidential information. (Sec. 3)
9. Asserts that criminal justice data may not be used by ACJC for political or commercial purposes. (Sec. 3)
10. Prohibits ACJC from releasing disaggregated personally identifying information, locating information, photographs or mugshots of any individual. (Sec. 2, 3)
11. Exempts, from victim's privacy laws and redaction requirements, victims' data reported to ACJC pursuant to this act. (Sec. 1)
12. Defines pertinent terms. (Sec. 2, 3)
13. Makes technical and conforming changes. (Sec. 2)

Amendments

Committee on Military Affairs and Public Safety

1. States that criminal justice agencies must have received funding from ACJC, to complete all necessary system programming, before being approved and required to submit data.

SB 1196: prisoners; transition services; noncontracted entities
S/E: vehicle lighting; law enforcement; construction
Sponsor: Senator Kern, LD 27
Caucus & COW

Summary of the Strike-Everything Amendment to SB 1196

Overview

Adds an exception for when red and blue lights may be used by a vehicle.

History

Under current law, unless specified exceptions are met, a person is prohibited from operating a vehicle on a highway if the vehicle is capable of displaying a red light, or red and blue lights, that are visible from directly in front of the center of the vehicle (A.R.S. § 28-947).

Provisions

1. Permits red and blue lights on a vehicle, that is used in an off-duty capacity by a law enforcement officer for traffic control, in service of an entity other than a law enforcement agency. (Sec. 1)

SB 1677: firefighters; peace officers; PTSD; therapy
Sponsor: Senator Gowan, LD 19
Committee on Military Affairs & Public Safety

Overview

Establishes, contingent upon federal approval, coverage for firefighters and certified peace officers (first responders) diagnosed with post-traumatic stress disorder (PTSD), to be treated with methylenedioxymethamphetamine-assisted therapy (MDMA-AT), with provisions for implementation in concert with the Industrial Commission of Arizona (ICA).

History

A.R.S. § 36-2517.01 allows any compound mixture or preparation that contains MDMA and is approved by the U.S. Food and Drug Administration (FDA) and rescheduled by the U.S. Drug Enforcement Administration as a Schedule other than a Schedule I controlled substance to be prescribed in Arizona. MDMA acts as both a stimulant and psychedelic and is a synthetic chemical made in labs. MDMA is currently a Schedule I controlled substance under federal law (DEA Fact Sheet, Ecstasy/MDMA).

If an employee of this state receives an injury by accident arising out of employment, he is entitled to workers' compensation (A.R.S. § 23-904). Mental injuries are considered to have arisen out of employment if some unexpected stress related to the employment, or some physical injury related to the employment, was a substantial contributing cause of the mental injury (A.R.S. § 23-1043.01).

Provisions

1. Mandates employers provide workers' compensation coverage for first responders diagnosed with PTSD by a licensed mental health professional. (Sec. 1)
2. Permits the inclusion of MDMA-AT in workers' compensation coverage if deemed necessary and reasonable by an independent medical examination and if MDMA-AT is integrated into the ICA's treatment guidelines. (Sec. 1)
3. Specifies that a first responder may receive one treatment protocol of MDMA-AT during his tenure, through either workers' compensation coverage or an established traumatic counseling program. (Sec. 1, 2)
4. Requires Arizona and all its political subdivisions to provide, for first responders diagnosed with PTSD following a traumatic event, in a program that is established to provide licensed counselling, coverage for one treatment protocol of MDMA-AT if deemed necessary and reasonable. (Sec. 2)
5. Stipulates that treatment by a psychiatrist under this Act with MDMA-AT supplants licensed counseling. (Sec. 2)
6. Requires MDMA-AT to comply with the ICA's treatment guidelines and fee schedule. (Sec. 2)
7. Directs costs associated with MDMA-AT to be reported to the ICA. (Sec. 2)
8. Instructs first responders to notify their employers before beginning MDMA-AT. (Sec. 2)
9. Prohibits an employer from requiring a first responder to use his vacation, personal or sick leave if he leaves work to attend an MDMA-AT treatment visit. (Sec. 2)

10. Provides, if a licensed mental health professional deems an employee unfit for duty while receiving MDMA-AT treatment, that the employer must ensure no loss of pay or benefits for up to 30 calendar days. (Sec. 2)
11. Stipulates that the 30-day period includes both the course of treatment for licensed counseling and for MDMA-AT. (Sec. 2)
12. Stipulates an employee is eligible for the 30-day period only if certain conditions are met, including inability to work light duty, exhaustion of all leave benefits, ineligibility for short-term disability and the employer lacking a post-injury supplemental program. (Sec. 2)
13. Requires employers to permit their first responders to select their own licensed mental health professionals. (Sec. 2)
14. Stipulates, if a chosen mental health professional declines to provide MDMA-AT, that the employer is not obligated to engage said professional's services. (Sec. 2)
15. Outlines regulations for payment for MDMA-AT and subjects them to the fee schedule fixed by the ICA. (Sec. 2)
16. Asserts that employer payment for MDMA-AT does not imply that a claim is automatically considered compensable for purposes of workers' compensation. (Sec. 2)
17. Conditions enactment of this Act upon the FDA approving MDMA-AT for PTSD treatment by December 31, 2025. (Sec. 3)
18. Instructs the Arizona Department of Health Services to notify the ICA and Legislative Council by February 2, 2026, of the FDA's decision. (Sec. 3)
19. Directs the ICA to consider incorporating MDMA-AT into its treatment guidelines upon receiving notification from the Arizona Department of Health Services. (Sec. 4)
20. Stipulates, if incorporated, that MDMA-AT treatments must be included in the commission's schedule of fees. (Sec. 4)
21. Requires the ICA to submit an annual report on the costs of MDMA-AT treatment to the Joint Legislative Budget Committee by January 1, 2026. (Sec. 1)
22. Defines pertinent terms. (Sec. 1, 2)

Amendments

Committee on Military Affairs and Public Safety

1. Removes language which covers together MDMA-AT with the course of treatment for licensed counseling so that MDMA-AT is provided only under workers' compensation.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: MAPS DP 7-0-0-0 | 3rd Read 23-5-0-2
House: MAPS DP 8-7-0-0

SB 1683: peace officers; mutual aid agreements
Sponsor: Senator Gowan, LD 19
Caucus & COW

Overview
Establishes rules for the cross-certification of peace officers from states adjacent to Arizona.

History
Current law requires sheriffs to develop and adopt policies on when, or if, cross-certification of federal peace officers may occur in a county. Federal peace officers may possess and exercise all law enforcement powers in Arizona for one year if they submit specified information and are approved by a sheriff. Neither Arizona nor any of its political subdivisions are liable for the actions or inactions of cross-certified federal peace officers. The Arizona Peace Officer Standards and Training Board (AZPOST) is responsible for maintaining records of all federal peace officers cross-certified in Arizona (A.R.S. § 13-3875).

Provisions
1. Requires the sheriff of each county to develop and adopt a policy on when, or if, cross-certification of peace officers from adjacent states may occur in the county. (Sec. 1)
2. Authorizes a peace officer employed by the county of an adjacent state to possess and exercise all law enforcement powers in Arizona for one year if he:
   a) submits a written request for certification as a peace officer in Arizona to the sheriff; and
   b) provides evidence of his certification as a peace officer in his home state. (Sec. 1)
3. Permits peace officers from adjacent states to submit requests for cross-certification. (Sec. 1)
4. Stipulates that cross-certification remains in effect for one year after the certification was approved by the sheriff. (Sec. 1)
5. Asserts that a cross-certified peace officer's home state, not Arizona or its political subdivisions, is liable for any actions or inactions of the peace officer. (Sec. 1)
6. Instructs AZPOST to maintain records of all peace officers cross-certified in Arizona. (Sec. 1)
7. Exempts an adjacent state's peace officer from AZPOST certification requirements if:
   a) an emergency in Arizona necessitates aid or assistance from the officer; or
   b) a sheriff in Arizona requests the officer's aid or assistance. (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 5-0-2-0 | 3rd Read 27-1-2-0
House: MAPS DP 14-1-0-0

SB 1685: veterans' donations fund; grants
Sponsor: Senator Gowan, LD 19
Caucus & COW

Overview

Modifies statute relating to the distribution of Arizona Veterans' Donation Fund (Fund) monies by the Arizona Department of Veterans Services (ADVS).

History

The Fund provides monies for programs that benefit veterans and their families throughout Arizona. The Fund consists of monies, gifts and contributions donated to ADVS and donations made through the purchase of various special license plates relating to the military. The assets held in the account can only be used to benefit veterans in Arizona through small grants and large grants, each with its own documented application process (A.R.S. § 41-608; ADVS, Donation Fund).

Monies in the Fund are non-lapsing and continuously appropriated. ADVS must adopt rules or policies for grants of less than $5,000 that encourage as much competition as practicable (A.R.S. § 41-608).

Provisions

1. Prohibits ADVS from denying or refusing to award a grant to an applicant because the applicant had previously received a grant. (Sec. 1)
2. Requires ADVS to annually award at least $2,000,000 or the Fund balance, whichever is less. (Sec. 1)
3. Requires ADVS to publish a list of grant recipients on its website. (Sec. 1)
4. Directs ADVS, beginning in FY 2026, to submit a report to specified members of the executive and legislative branches on the number of veterans who received services through organizations that were awarded grants. (Sec. 1)
5. Makes technical changes. (Sec. 1)

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

SCM 1004: space national guard; urging establishment
Sponsor: Senator Gowan (with permission of committee on Rules), LD 19
Caucus & COW

Overview

The Arizona Legislature urges the establishment of a Space National Guard.

History

The Air National Guard is the Reserve Component of the United States Air Force. It was created in 1948 following the creation of the Air Force in the previous year as an independent branch of the American military; previously the Air Force had been organized as the Army Air Corps, a subordinate part of the US Army (National Guard, How We Began).

On December 20, 2019, the National Defense Authorization Act created Space Force. The creation of Space Force consolidated satellite operations from across more than 60 different organizations into a unified service for space operations. Space Force is currently organized under the Air Force (USSF, About The Space Force).

Provisions

1. Urges the United States Congress to enact legislation to immediately establish a Space National Guard to improve the Air National Guard's Space Operations capabilities and ensure that the United States maintains its competitive edge in space.
2. Instructs the Secretary of State to transmit copies of this memorial to specified members of the federal government.

☐ 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 DPA 8-0-0-0 | 3rd Read: 23-5-2-
House: MOE DPA 8-1-0-0

SB1063: political signs; removal; elections
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview

Increases the period during which specified political materials are protected from 45 days to 71 days before an election.

History

Knowingly removing, altering or defacing political material including signs, handouts or flyers for a candidate or in support of or against any ballot measure, question or issue is a class 2 misdemeanor. This offense applies during a period of 45 days before a primary election and ends 15 days following the general election. The protection period ends 15 days after the primary election for candidates who do not advance to the general election (A.R.S. § 16-1019).

Provisions

1. Extends the period during which political materials, including handouts, flyers and signs, for candidates, ballot measures or other matters appearing on the ballot of any election are protected from 45 days to 71 days prior to the election. (Sec. 1)
2. Specifies that signs for a candidate that advances in a primary or first election are protected for 15 days following the general or runoff election. (Sec. 1)
3. Stipulates that signs in support of or in opposition to a ballot measure, question or issue are protected from removal 71 days prior and 15 days following the election they are to appear on. (Sec. 1)
4. Applies the political materials protection period to any election held in Arizona by a city, town, county, school district, special taxing district or other governmental entity. (Sec. 1)
5. Defines *general or runoff election*, *political subdivision*, and *primary or first election*. (Sec. 1)

Amendments

Committee on Municipal Oversight & Elections

1. Omits first and runoff elections as applicable for the extended political materials protection period.
2. Removes definitions of *runoff election*, *first election* and *political subdivision*.
3. Makes a conforming change.

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

SB 1278: legislative vacancies; appointment
Sponsor: Senator Mesnard, LD 13
Caucus & COW

Overview

Establishes certain deadlines for the nomination and appointment of qualified electors to fill a legislative vacancy.

History

Nominations to Fill a Legislative Vacancy

Once a vacancy occurs in the Legislature, the Secretary of State is required to notify the state party chairman of the appropriate political party if the party has at least 30 elected precinct committeemen (PCs) from the legislative district of the vacancy. The state party chairman is then required to notify the PCs in writing of a meeting to select nominees to fill the vacancy within 3 business days. The PCs have 21 days, if the Legislature is not in session after the Secretary of State's notification, or 5 days if the Legislature is in regular session, to nominate 3 qualified electors, by popular vote, to fill the vacancy.

If the political party has fewer than 30 elected PCs in the appropriate legislative district, the Board of Supervisors must appoint a citizen panel to select the 3 nominees to fill the vacancy. The Board of Supervisors has 7 business days after the Secretary of State's notification to appoint the citizen panel. The citizen panel must nominate 3 qualified electors to fill the vacancy within 21 days if the Legislature is not in regular session or 5 days if the Legislature is in regular session (A.R.S. § 41-1202).

Appointment by the Board of Supervisors

Once the Board of Supervisors receives the list of 3 nominees submitted by the PCs or the citizen panel, they must appoint one person from the list by a majority vote of the board. Statute does not prescribe a deadline by which the Board of Supervisors must appoint a person to fill a legislative vacancy (A.R.S. § 41-1202).

Provisions

Legislative Vacancies in Districts with at least 30 Elected PCs

1. Modifies, from three business days to three calendar days after being notified by the Secretary of State, the period during which the state political party chairman must provide written notice to the relevant precinct committeemen for a meeting to select nominees to fill a legislative vacancy. (Sec. 1)
2. Requires the precinct committeemen to meet within five calendar days of the written notice if the Legislature is in session or twenty-one calendar days after the Secretary of State's notice of the vacancy if the Legislature is not in session. (Sec. 1)
3. Instructs the Board of Supervisors to make an appointment within seven calendar days after receiving the nominees from the precinct committeemen if the Legislature is in session. (Sec. 1)
4. Instructs the Board of Supervisors to make an appointment within twenty-one calendar days after receiving the nominees from the precinct committeemen if the Legislature is not in session. (Sec. 1)
5. Directs the state political party chairman, if the Board of Supervisors fails to fill a legislative vacancy within the prescribed time, to appoint a person to fill the vacancy from the three nominees within three calendar days after the deadline for the Board of Supervisors to fill the vacancy has elapsed. (Sec. 1)

Legislative Vacancies in Districts with fewer than 30 Elected PCs

6. Requires a citizens panel to meet within five calendar days of being appointed by the Board of Supervisors if the Legislature is in session. (Sec. 1)

7. Requires a citizen panel to meet within twenty-one calendar days of being appointed by the Board of Supervisors if the Legislature is not in session. (Sec. 1)

Miscellaneous Provisions

8. Directs the state political party chairman to immediately nominate an alternate nominee who meets specified requirements if the person nominated by the precinct committeemen or by a citizen panel withdraws from consideration. (Sec. 1)

9. Makes technical and conforming changes.

Amendments

Committee on Municipal Oversight & Elections

1. Clarifies certain deadline requirements in the appointment process when the Governor has called a Special Session or a Special Session is pending.

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 1286: elections; voting centers; polling places
Sponsor: Senator Hoffman, LD 15
Caucus & COW

Overview

Requires certain public offices, including public schools with gymnasiums, to serve as polling places when requested to do so by the officer in charge of elections.

History

Public Schools as Polling Places

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).

Designation of Voting Centers

The Legislature authorized the use of voting centers in lieu of or in addition to specifically designated polling places in 2011. Polling places are specifically designated locations where voters in a particular precinct must vote. Voting centers are locations within a county where registered voters may vote regardless of which precinct the individual lives in. The Board of Supervisors may establish polling places, voting centers or any combination of the two, including co-location of precinct-based polling places or voting centers that also serve as polling places for specific precincts (A.R.S. § 16-411).

Voting for Employees

A person can absent themselves from work for the purposes of voting if there are less than three consecutive hours between the opening of the polls and the beginning of their regular workshift or between the end of their regular workshift and the closing of the polls. A person must notify the employer of such absence before Election day and the employer may specify the hours during which the employee may be absent (A.R.S. § 16-402).

Provisions

School Holidays

1. Requires a school operated by a school district to close on every regular primary and general election day. (Sec. 1)
2. Establishes that teachers and staff must receive or conduct in-service training or development training on the listed election days and receive compensation. (Sec. 1)
3. Prohibits teachers and staff from using personal, vacation or other leave time during the listed election days. (Sec. 1)
4. Clarifies that employees are allowed to take time off to vote in the listed elections. (Sec. 1)

Public Offices & Schools as Polling Places

5. Requires a state, county, municipality or school district office, upon an officer in charge of elections' request, to provide sufficient space for a polling place for specified elections. (Sec. 2)
6. States that a district school with a gymnasium will provide sufficient space for a polling place. (Sec. 2)
7. Exempts a public school from any state, local or school district requirements that would prevent the school from serving as a polling place. (Sec. 2)

8. Removes the ability of a school principal to deny a request to use the school as a polling place. (Sec. 2)

Designation of Voting Locations

9. Specifies that a voting center is a location at which a voter who is a registered voter and resident anywhere in the county is allowed to receive the appropriate ballot for that specific voter. (Sec. 2)

10. Modifies the authorized use of voting centers to specify voting centers may only be established in addition to specifically designated polling places. (Sec. 2)

Miscellaneous

11. Defines *gymnasium*. (Sec. 2)

12. Makes technical and conforming changes. (Sec. 1-3)

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.

2. Requires schools operated by a school district that provide educational instruction in grades 8 through 12 and have a gymnasium to serve as polling places.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: ELEC DP 7-1-0-0 | 3rd Read: 24-4-2-0
House: MOE DPA 8-0-0-1

SB 1359: election communications; deep fakes; prohibition
Sponsor: Senator Carroll, LD 28
Caucus & COW

Overview

Establishes a period of 90 days before an election during which a person who creates or distributes a *deceptive and fraudulent deepfake* of a candidate or political party on the ballot, without a clear and conspicuous disclosure, commits a class 1 misdemeanor.

History

Interactive computer service refers to any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions (47 U.S.C. § 230).

Provisions

1. Prohibits, within 90 days of an election, a person from creating, sponsoring or distributing a synthetic media message the person knows is a *deceptive and fraudulent deepfake* of a candidate or political party appearing on the ballot. (Sec. 1)
2. Exempts a person from the prohibition outlined above if the synthetic media message includes a clear and conspicuous disclosure specifying that the media includes content generated by artificial intelligence. (Sec. 1)
3. Requires, for media consisting of audio only where no visual disclosure is possible, the disclosure to be read in a clearly spoken manner in a pitch that can be easily heard by the average listener at the beginning and the end of the audio. (Sec. 1)
4. Specifies, if the audio is longer than two minutes in length, the disclosure outlined above must be interspersed within the audio at intervals of not more than two minutes each. (Sec. 1)
5. Allows a candidate whose appearance, action or speech is depicted in a *deceptive and fraudulent deepfake* in violation of this act, to seek injunctive or other equitable relief from the sponsor or the creator of the media that prohibits the publication of the deepfake. (Sec. 1)
6. Exempts radio or television broadcasting stations, including cable or satellite television operators, programmers or producers in the following circumstances:
   a) the broadcast of a *deceptive and fraudulent deepfake* as part of a bona fide newscast, if an acknowledgement is made that there are questions surrounding the authenticity of the media; or
   b) when paid to broadcast a deceptive and fraudulent deepfake, the broadcasting organization makes a good faith effort to establish that the depiction is not a *deceptive and fraudulent deepfake*. (Sec. 1)
7. Exempts internet websites and regularly published periodicals of general circulation, including internet or electronic publications, that routinely carry news and commentary if the publication clearly states that the materially deceptive audio or visual media was generated by artificial intelligence. (Sec. 1)
8. Exempts media that constitutes satire or parody and an *interactive computer service* as defined by federal law. (Sec. 1)
9. Classifies a violation of this law as a class 1 misdemeanor. (Sec. 1)

10. Specifies a person who commits a violation of this law within five years of being convicted for this same offense is guilty of a class 4 felony. (Sec. 1)
11. Classifies the violation of this law with the intent to cause violence or bodily harm as a class 6 felony. (Sec. 1)
12. Defines *creator*, *deceptive and fraudulent deepfake* and *synthetic media*. (Sec. 1)
13. Contains a severability clause. (Sec. 2)

Amendments

Committee on Municipal Oversight & Elections

1. Removes the applicability of this act to a political party on the ballot.
2. Clarifies that the clear and conspicuous disclosure must convey to a reasonable person that the media includes content generated by artificial intelligence.
3. Removes disclosure requirements for media consisting of audio only.
4. Removes certain exemptions in specified circumstances applying to broadcast media, news organizations, periodicals and certain internet websites.
5. Removes language constituting violations of this act as specified criminal offenses.
6. Specifies a person who fails to make the disclosure as required by this act is liable for a civil penalty for each day, they distribute the *deceptive and fraudulent deepfake* without such disclosure.
7. Alters the definition of a *deceptive and fraudulent deepfake* to specify that the synthetic media depicting a candidate must be intentionally calculated to mislead a reasonable person into concluding that a real individual said or did something that they did not say or do in reality.

SB 1375: ballots; categories; count; identification number
Sponsor: Senator Bolick, LD 2
Caucus & COW

Overview
Requires each ballot, except provisional ballots, to bear a unique identification number or other unique designation and sets guidelines for counting and printing physical ballots.

History
An election judge must compare the number of votes cast indicated on an electronic voting machine or tabulator with the number of votes cast listed on the poll list. The number of provisional ballots cast must be noted in a written report submitted to the officer in charge of elections. The county officer in charge of elections must conduct a hand count at a secure facility and follow hand count procedures established by the Secretary of State (A.R.S. § 16-602).

Laws 2022, Chapter 313 § 130 appropriated monies to the State Treasurer's Office to distribute on a proportional basis to county recorders that purchase ballot paper that uses specific security features like watermarks or unique ballot identifiers. The State Treasurer received $6,000,000 in FY 2025 for the Secretary of State to distribute to the counties to defray the costs of this legislation.

Provisions
1. Mandates each ballot, except for provisional ballots, must bear a unique identification number or other unique designation. (Sec. 1)
2. Requires the county recorder or other officer in charge of elections to maintain a number count of printed ballots and of ballots generated in outlined categories. (Sec. 2)
3. Instructs the county recorder or other officer in charge of elections to post the counted ballot information on the county's website within two calendar days. (Sec. 2)
4. Asserts that election ballots in Arizona must comply with either of the following:
   a) the ballots must be numbered consecutively or using an alphanumeric combination and must be numbered in a manner that allows a specific numeric range of ballots to be linked to a specific voting location; or
   b) the ballots must be prenumbered and divided into batches of at least 200 for each election assigned to a voting location and must be recorded on a master log that must be publicly available for each jurisdiction to track which ballots are distributed to each voting location. (Sec. 2)
5. Allows the officer in charge of elections to choose between blank ballot stock with preprinted numbers or individually numbering ballots during the printed process. (Sec. 2)
6. Requires ballot printing equipment to be configured to track ballots. (Sec. 2)
7. Tasks the officer in charge of elections, with electronically generated ballots that are duplicated, to number the duplicate ballot by using one of the methods prescribed above. (Sec. 2)
8. Clarifies the methods for duplicating ballots outlined above do not authorize a method for printing or generating ballots not allowed by law. (Sec. 2)
9. Transfers $6,000,000 from an appropriation made to the State Treasurer in FY 2025 to the Secretary of State for distribution to counties for costs of compliance with this legislation. (Sec. 4)

10. Makes technical and conforming changes. (Sec. 1-3)

Amendments

Committee on Municipal Oversight & Elections

3. 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.
4. Requires the officer in charge of elections to ensure each ballot cast in an election contains a unique identifier such as a serial number.
5. Prohibits the government from:
   a) Maintaining, or cause to maintain a database of unique identifies that link to a voter to the voter's ballot;
   b) Transcribing, or cause to transcribe, a unique identifier in any form or manner other than set by this legislation and as necessary to effectuate the intent of this legislation; and
   c) Asking or requiring a voter to reveal a unique identifier.
6. States that this legislation applies to all primary, general and presidential preference elections and that unique identifiers can be used in other elections according to their specific requirements.
7. Defines terms.
8. Makes technical and conforming changes.

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

SB 1041: groundwater savings certificate; assured water
Sponsor: Senator Hoffman, LD 15
Caucus & COW

Overview

Allows a person who plans to sell or lease subdivided lands in an active management area (AMA) to apply for and obtain a groundwater savings certificate from the Director of the Arizona Department of Water Resources (ADWR).

History

The Groundwater Management Code (Code), enacted in 1980, established the statutory framework to regulate and control the use of groundwater. As part of the management framework, the Code initially designated four AMAs. Currently there are six AMAs: Phoenix, Pinal, Prescott, Tucson, Santa Cruz and Douglas (A.R.S. §§ 45-411, 45-411.03)(ADWR)

The Code's *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 ADWR or obtain a commitment for water service from a municipality or private water company with an assured water supply designation. Without an assured water supply, a municipality or county cannot approve the subdivision plat and the State Real Estate Commissioner will not issue a public report authorizing the sale or lease of the subdivided lands. An assured water supply means:

1) sufficient groundwater, surface water or effluent of adequate quality that will be legally, physically and continuously available to meet proposed water needs for at least 100 years;
2) any projected groundwater use is consistent with the AMA's management plan and 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:

3) *member service areas* that include the service area of a municipality or private water company; and
4) *member lands* that include an individual subdivision or development (CAGRD).

Provisions

1. Allows a person who proposes to offer subdivided lands for sale or lease in an AMA to apply for and obtain a groundwater savings certificate from the Director of ADWR.
2. Provides that a groundwater savings certificate may be used in place of a certificate of assured water supply to:
   a) present a subdivision plat for approval to a municipality or county;
   b) authorize the State Real Estate Commissioner to issue a public report allowing the sale or lease of subdivided lands. (Sec. 1)

3. Requires, by January 1, 2025, rules adopted by the Director of ADWR to:
   a) provide for a reduction in water demand for an application for a groundwater savings certificate if a gray water system will be installed; and
   b) provide that the land for which the groundwater savings certificate is sought qualifies as a CAGRD member land. (Sec. 1)
4. States *groundwater savings certificate* means:
   a) land will be enrolled as member land in a groundwater replenishment district;
   b) wells subject to the groundwater savings certificate can be operated continuously for 100 years without exceeding a depth to water of 1,000 feet or the depth of the bottom of the aquifer, whichever is less;
   c) the applicant makes no claim to sewage produced from the use of water on the land;
   d) the projected groundwater use is consistent with management plans and goals of the AMA;
   e) the water will be of adequate quality to satisfy the proposed needs; and
   f) the applicant or groundwater replenishment district has the financial capability to deliver water of adequate quality. (Sec. 1)
5. Designates this legislation as the *Groundwater Protection and Housing Affordability Act*. (Sec 2)
6. Directs Legislative Council to prepare conforming legislation for consideration in the Fifty-seventh Legislature, First Regular Session. (Sec. 3)
7. Makes technical and conforming changes. (Sec. 1)

Amendments

Committee on Natural Resources, Energy & Water

1. Revises the definition of *groundwater savings certificate*.
2. Outlines requirements to obtain a groundwater savings certificate.
3. Describes the process and criteria for ADWR to issue a groundwater savings certificate.
4. Defines pertinent terms.
5. Makes conforming changes.

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

SB 1064: gasoline formulations; air quality.
S/E: conditional enactment; fuel reformulations
Sponsor: Senator Wadsack, LD 17
Caucus & COW

Summary of the Strike-Everything Amendment to SB 1064

Overview

Conditions the enactment of laws relating to fuel reformulations on the U.S. Environmental Protection Agency (EPA) approving the proposed modifications as part of the State Implementation Plan (SIP) by July 1, 2026.

History

The Weights and Services Division (Division) within the Arizona Department of Agriculture (ADA) is responsible for the inspecting, testing and licensing of commercial weighing, measuring and counting devices (A.R.S. § 3-102). Additionally, the Division's Associate Director, in consultation with the Arizona Department of Environmental Quality (ADEQ) Director, are required to adopt rules relating to fuel reformulations and standards in Arizona.

Laws 2017, Chapter 296, Section 2 allowed a gasoline blend other than a gasoline-ethanol blend to be sold for motor vehicle use in a county with a population of 1.2 million or more and any portion of the county contained in Area A, between November 1 and March 31 of each year.

Provisions

1. Extends the conditional enactment date from July 1, 2024 to July 1, 2026, for session law relating to gasoline fuel formulation modifications and provides it will not become effective unless the EPA approves the formulation requirements by the date prescribed. (Sec. 1)
2. Requires the ADEQ Director to notify the Arizona Legislative Council Director in writing by October 1, 2025, either:
   a) of the date on which the conditions were met; or
   b) that neither condition was met. (Sec. 1)

Amendments

Committee on Natural Resources, Energy & Water

1. Requires any registered supplier or oxygenate blender who petitions the Division's Associate Director requesting that all registered suppliers or oxygenate blenders be allowed to comply with standards other than one's prescribed to demonstrate their ability to supply ethanol or gasoline is in danger and may result in supply shortages in Area A or Area C.
2. Requires a registered supplier or oxygenate blender that submits a petition to provide notice and a copy of the petition to the President of the Senate (President) and Speaker of the House of Representatives (Speaker).
3. Exempts communication regarding a petition between the President or Speaker from public record.
4. Outlines what must be included in the petition.
5. Specifies that any decision by the Associate Director to grant a petition is subject to EPA approval.

6. Requires, within 120 days after specified events, the Associate Director, in consultation with the Arizona Department of Environmental Quality (ADEQ) Director, to evaluate all gasoline blends that are approved for sale in Petroleum Administration for Defense District Five.
7. Requires the Associate Director to conduct specified feasibility studies.
8. Requires the Associate Director, in consultation with the ADEQ Director, to submit the results of the feasibility studies to the Governor, President and Speaker.
9. Instructs the Associate Director to post on the Arizona Department of Agriculture's website:
   a) a list of all approved gasoline formulations by area in Arizona;
   b) a map that includes all currently approved gasoline formulations by area in Arizona; and
   c) a map of Area A, B, and C.
10. Requires the Associate Director, in consultation with the ADEQ Director, to establish a Capacity and Supply Force Task Force (Task Force).
11. Outlines Task Force membership and duties.
12. Requires the Associate Director, in consultation with the ADEQ Director, to evaluate specified gasoline blends using the most recent air emissions model approved by the EPA.
13. Makes technical changes.

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

SB 1172: physical availability credits; water supply
Sponsor: Senator Shope, LD 16
Caucus & COW

Overview

Authorizes a person who owns land with an irrigation grandfathered right, within an active management area (AMA), to permanently retire the land from irrigation use and retain a physical availability credit.

History

The Groundwater Management Code (Code) was enacted in 1980 and established the statutory framework to regulate and control the use of groundwater. Determining who may pump groundwater and how much they may pump is a vital part of groundwater management. In an AMA, a person who was legally withdrawing and using groundwater as of the designation of the AMA or who owns land legally entitled to be irrigated with groundwater has the right to withdraw or receive and use groundwater. The right to withdraw or receive and use groundwater is a grandfathered right. There are three types of grandfathered rights:

1) Type 1 non-irrigated grandfathered rights associated with retired irrigated lands;
2) Type 2 non-irrigated grandfathered rights associated with retired irrigated lands; and
3) Irrigation grandfathered right (A.R.S. § 45-462)(SOS).

A Type 1 right is associated with land permanently retired from farming after January 1, 1965 and converted to a non-irrigation use that has the right to withdraw from and receive 3 acre-feet of groundwater per acre per year is specified criteria are met (A.R.S. § 45-463).

A Type 2 right is associated with historical pumping of groundwater for a non-irrigation use and equals the maximum amount of irrigated groundwater in any one year between January 1, 1975 and January 1, 1980 (A.R.S. § 46-464).

An Irrigation grandfathered right is associated with land within an AMA that was legally irrigated with groundwater between January 1, 1975 and January 1, 1980 and has not been retired from irrigation for non-irrigation use. To irrigate means to grow crops for sale, human consumption or livestock or poultry feed by applying water on two or more acres (A.R.S. §§ 45-402, 45-465).

Provisions

1. Allows a person who owns land, within an AMA, that may be legally irrigated with groundwater under a grandfathered right to permanently retire the land from irrigation in anticipation of future non-irrigation use. (Sec. 1)

2. Permits a person that retires land from irrigation to retain a physical availability credit. (Sec. 1)

3. States that a physical availability credit may be used to withdraw from or receive for the irrigated land a specified amount of groundwater calculated for non-irrigation use if:
   a) the land has been actively farmed in the three of the last seven calendar years and is permanently retired from irrigation use;
   b) the new non-irrigation use of water remains appurtenant to the original irrigation acres described in the certificate of grandfathered right; and
   c) the water is delivered by a municipal provider within an AMA pursuant to a contract that requires the municipal provider to deliver at least the same quantity of water available to the retired original

irrigation acres and to withdraw any groundwater that is part of the delivery form within its service area. (Sec. 1)

4. Requires the amount of groundwater per acre that may be withdrawn or received annually to be less than:
   a) the current maximum amount of groundwater that may be used pursuant to the irrigation grandfathered right for the acre at the time it is retired;
   b) three acre-feet multiplied by the water duty acres in the farm in which the right is appurtenant divided by the number of irrigation acres in the farm. (Sec. 1)
5. Requires groundwater withdrawn or received using a physical availability credit to be used on the original irrigation acres. (Sec. 1)
6. Allows the balance of the physical availability credit to be used anywhere within the municipal provider's service area if the amount of water calculated is more than needed to meet the water demand on the original irrigation acres. (Sec. 1)
7. States the balance of the physical availability credit is the difference between the amount of water calculated for non-irrigation use and the water demand for use on the original irrigation acres. (Sec. 1)
8. Instructs the Arizona Department of Water Resources (ADWR) Director, in determining whether to issue a certificate of assured water supply or to designate or redesignate a municipal provider as having an assured water supply, to:
   a) include the amount of groundwater calculated for non-irrigation use that may be withdrawn and used annually;
   b) include the amount of groundwater calculated for non-irrigation use that may be withdrawn based on the reduction in water use resulting from the transition from an irrigation use to a non-irrigation use and based on that reduction, find that groundwater used meets the physical availability requirements to demonstrate an assured water supply; and
   c) find that the projected use of the groundwater that is determined to be available for assured water supply is consistent with achievement of the management goal requirements of the AMA.
9. Outlines the ADWR Director's governance of administrative proceedings, rehearing or review and judicial review of final decisions. (Sec. 1)
10. Defines *municipal provider* to mean a city, town, private water company or irrigation district that supplies water for non-irrigation use. (Sec. 1)
11. Removes the effective date by which rules must provide for a reduction in water demand for an application for a designation of assured water supply or a certificate of assured water supply. (Sec. 2)
12. Requires the ADWR Director to find:
   a) the amount of groundwater calculated that is physically available for assured water supply purposes; and
   b) the projected us of groundwater that is determined to be available for assured water supply purposes that is consistent with achievement of the management goal. (Sec. 2)
13. Makes technical changes. (Sec. 2)

Amendments

Committee on Natural Resources, Energy & Water

1. Modifies the conditions to use a physical availability credit.
2. Revises the amount of groundwater per acre that can be withdrawn and received annually.
3. Modifies the ADWR Director's determination relating to the physical availability of an assured water supply.
4. Eliminates the ability to use the balance of the physical availability credit anywhere within the municipal provider's service area.

5. Establishes criteria for the ADWR Director to accept an analysis of assured water supply as a valid demonstration of physical availability of groundwater to meet the estimated demand of a proposed development and issue a physical availability credit based on the analysis.
6. Requires the ADWR Director to revise administrative rules relating to extinguishment credits.
7. Allows a holder of a physical availability credit to apply for a variance based on alternative methodology to adjust projected demand for a subdivision.
8. Defines pertinent terms.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: NREW DPA 4-3-0-0 | 3rd Read 16-12-2-0
House: NREW DPA 6-4-0-0

SB 1221: basin management areas; appropriation
Sponsor: Senator Kerr, LD 25
Caucus & COW

Overview

Establishes a process to designate a basin management area (BMA) and an active BMA. Appropriates $40 million from allocated state monies from the Arizona Rescue Plan Act (ARPA) of 2021 to the Arizona Department of Water Resources (ADWR) in FY 2025 to fund water conservation measures in a BMA.

History

The Groundwater Management Code (Code) was enacted in 1980 and established the statutory framework to regulate and control the use of groundwater. As part of the management framework, the Code designated active management areas (AMAs) and irrigation non-expansion areas (INAs) where specific regulations regarding withdrawal and use of groundwater apply (A.R.S. §§ 45-411, 45-411.03, 45-431, 45-554)(ADWR).

Laws 2023, Chapter 133, Section 97 appropriated $5,000,000 from the state General Fund to ADWR in FY 2024 for statewide water resources planning.

Provisions

Initiation Procedures of a BMA

1. Allows the designation of a BMA, in any location not included in an AMA, to be initiated by petition to the ADWR Director if signed by at least 15% of the registered voters who reside within the boundaries of the groundwater basin or subbasin and receive their drinking water from the groundwater basin or subbasin. (Sec. 1)
2. States that if a groundwater basin or subbasin is located in two or more counties, at least 15% of registered voters who reside within the boundaries of the groundwater basin or subbasin and receive their drinking water from the groundwater basin or subbasin must sign the petition. (Sec. 1)
3. Requires the petition form to be substantially similar to an initiative petition and the applicant for the petition to comply with statutory petition requirements. (Sec. 1)
4. Specifies that the duties required by the Secretary of State must be performed by the county recorders of the counties in which the registered voters of the groundwater basin or subbasin reside. (Sec. 1)
5. Prohibits a petition from being accepted more than 180 days after the date of submission of the application for petition. (Sec. 1)
6. Requires, on request of a county recorder, the ADWR Director to transmit to a county recorder any factual data concerning the boundaries of the groundwater basin or subbasin that can aid the county recorder in determining which registered voters are county residents and eligible voters of the groundwater basin or subbasin. (Sec. 1)
7. Requires the transmitted data to include a map of the residencies that receive drinking water from the groundwater basin or subbasin. (Sec. 1)
8. States that the ballot must remain unopened and be destroyed if residency or the origin of a resident's drinking water is not verified. (Sec. 1)
9. Requires, after receiving an application for petition, the ADWR Director to determine whether the groundwater basin or subbasin subject to the petition meets both of the following conditions:

a) land subsidence within the groundwater basin or subbasin due to groundwater withdrawal is endangering property or potential groundwater storage capacity; and
b) there has been accelerated decline in water levels within the groundwater basin or subbasin over the preceding five years as measured by at least 10 index wells. (Sec. 1)

10. Requires the ADWR Director to:
    a) select index wells across the groundwater basin or subbasin to collect a basin-wide representative sample; and
    b) measure each index well's static water level at the same time each year. (Sec. 1)
11. Specifies that each index well must show an accelerated decline of five feet or more annually. (Sec. 1)
12. Requires ADWR to conduct a cost benefit analysis of the increased water management to determine if the probable benefits to the local economy resulting from the proposed water management outweigh the costs. (Sec. 1)
13. Specifies that, if the ADWR Director determines that benefits outweigh the costs, the ADWR Director must transmit:
    a) the petition to the county board of supervisors (BOS) in each county in which the groundwater basin or subbasin subject to the petition is located; and
    b) a map of the groundwater basin or subbasin to the county recorder of each county. (Sec. 1)
14. Requires the map to be on a scale adequate to show with substantial accuracy where the boundaries of the groundwater basin or subbasin cross the boundaries of the county voting precincts. (Sec. 1)
15. Requires a county BOS to:
    a) hold a public meeting to approve or deny a petition;
    b) approve the petition by an affirmative vote of all members; and
    c) hold a least three meeting upon approval of the petition. (Sec. 1)
16. Allows the ADWR Director to refer either of the following to the applicable county BOS for designation as a BMA:
    a) an INA located outside of a basin or subbasin in which groundwater may be transported to an AMA; or
    b) a basin in which ADWR has reported average declines in groundwater levels greater than 50 feet during the years 2000 through 2020. (Sec. 1)
17. Specifies that an INA or referred subbasin referred by the ADWR Director is not subject to the petition requirements but is subject to the meeting and voting procedure requirements. (Sec. 1)

Meeting Requirements

18. Requires the ADWR Director, if a petition is approved or the ADWR Director declares all basins or subbasins in an INA as a BMA, to hold a series of public meetings as follows:
    a) the first and second meetings must be held at a location in the county in which the major portion of the proposed BMA is located no more than 60 days after the first publication of the notice of the meeting; and
    b) the third meeting must be a joint legislative committee consisting of all members of the Senate and House of Representatives Natural Resources, Energy and Water Committees. (Sec. 1)
19. Requires the ADWR Director to:
    a) give reasonable notice of each meeting;
    b) post the notice on the ADWR and county websites; and
    c) include a legal description and map of all lands to be included in the BMA. (Sec. 1)
20. Outlines data and information that must be presented by the ADWR Director at the first, second and third meetings. (Sec. 1)
21. Allows any person to appear at the meetings and submit oral or documentary information regarding the proposed action or modeling completed by ADWR. (Sec. 1)

22. Requires the ADWR Director, within 15 days after the joint legislative meeting adjourns, to determine whether the BMA petition procedures have been met. (Sec. 1)

23. Allows a party to seek judicial review of the ADWR Director's determination. (Sec. 1)

24. Requires the ADWR Director, if all requirements are met and no challenge has been filed, to declare a BMA established and file a true map of the BMA in the office of the county recorder of the county or counties in which the BMA is located. (Sec. 1)

Certificate of Groundwater Rights

25. Requires, within 15 months after a BMA is established, the ADWR Director to grant each water user who applies for a certificate of groundwater rights a certificate that entitles the user to the annual allocated amount of water as follows:
    a) for municipal, industrial or residential users, a certificate of groundwater rights consistent with the maximum amount of groundwater withdrawn and used, in acre feet, in any one year in the five preceding years before the formation of the BMA; and
    b) for agricultural users, a certificate of groundwater rights consistent with the higher of:
        i. the average use of the agricultural groundwater user in acre feet over the preceding 10 years before the formation of the BMA; or
        ii. the median use of the agricultural groundwater user in acre feet over the preceding 10 years before the formation of the BMA. (Sec. 1)

26. Outlines conditions for the ADWR Director to grant a certificate of groundwater rights for an agricultural user that has withdrawn and used groundwater for fewer than 10 years before the formation of a BMA. (Sec. 1)

27. Requires ADWR to increase the amount of water entitled to a user via a certificate of groundwater rights if the user has made substantial capital investment in the 12 months before the petition is circulated for a BMA designation. (Sec. 1)

28. Requires, for planned residential or mixed-use developments, a landowner to be granted a certificate of groundwater rights equal to the projected water demand of the development at build out. (Sec. 1)

29. Prohibits new groundwater pumping from occurring in a BMA, beginning after the petition is approved, except that a user with a certificate of groundwater rights can retire or diminish the groundwater user's withdrawal from an existing well and withdraw an equal amount of groundwater from a replacement well or existing well for the same use consistent with the groundwater user's certificated groundwater right on the same property or may do any of the following as long as there remains a net benefit of at least 10 percent to the aquifer:
    a) withdraw intentionally recharged water; or
    b) transfer a certificate of groundwater rights and the associated groundwater as prescribed. (Sec. 1)

30. Prohibits ADWR from requiring a groundwater user to meter any wells located in a BMA or reporting the user's groundwater use beyond the outlined requirements. (Sec. 1)

31. Allows a user to voluntarily acquire and report metering data. (Sec. 1)

32. Requires a groundwater user to annually report to ADWR an estimate of groundwater use based on pumping capacity and the power usage of the user's groundwater pumping. (Sec. 1)

33. Outlines what must be included in an application for a certificate of groundwater rights for municipal or industrial and agricultural groundwater use. (Sec. 1)

34. Specifies that any data submitted regarding a person's groundwater use is not public record. (Sec. 1)

35. Requires ADWR to issue a receipt of water conservation to a groundwater user. (Sec. 1)

Flexibility Accounts

36. Allows a person entitled to use groundwater pursuant to certificate of groundwater right to:
    a) use groundwater in excess of the amount allowed by the right in a determined amount; or

b) use less than the amount allowed by the right in one accounting period and use the remaining amount allowed by the right in a succeeding accounting period. (Sec. 1)

37. Requires the ADWR Director to establish rules or the maintenance of a flexibility account for each certificate of groundwater right in a BMA. (Sec. 1)

38. Requires, if a person who is entitled to use groundwater pursuant a certificate of groundwater right uses solely groundwater during any accounting period, the ADWR Director to:
    a) debit the account if the amount of groundwater used is greater than the amount of the annual allocation of the groundwater granted; or
    b) credit the account if the amount of groundwater used is less than the amount of the annual allocation of groundwater granted. (Sec. 1)

39. Specifies conditions by which groundwater use must be registered as a credit or debit for a person who holds a certificate of groundwater right and uses a combination of surface water, effluent or groundwater. (Sec. 1)

40. States that the maximum excess amount of groundwater that a person can use must be equal to 50% of the annual allocation of water granted pursuant to a certificate of groundwater right. (Sec. 1)

41. Declares that a person is in violation of flexibility account rules if the flexibility account for the certificate of groundwater right is in arrears at any time in the excess of this amount. (Sec. 1)

42. Allows groundwater equal to the credit balance in the flexibility account to be used at any time. (Sec. 1)

43. Requires, if a certificate of groundwater right is conveyed in whole or in part, each acre-foot conveyed to carry with it a proportional share of any debits or credits in the flexibility account for the right. (Sec. 1)

44. Allows each person who owns a certificate of groundwater right that has a registered credit balance to its flexibility account to convey or sell all or a portion of the credit balance to any person who owns another certificate of groundwater right in the same groundwater basin or subbasin. (Sec. 1)

45. Requires the ADWR Director to be notified of the sale or conveyance of a credit balance within 30 days of the sale or conveyance. (Sec. 1)

46. Specifies that a sale or conveyance of a credit balance is only effective if the ADWR Director is notified. (Sec. 1).

47. Requires the ADWR Director, after receiving the notice, to register a deduction of the credit amount conveyed or sold from the conveyor's or seller's flexibility account balance and the corresponding addition to the conveyer's or purchaser's flexibility account balance. (Sec. 1)

48. Specifies the deduction and addition to the flexibility account balances are effective as of the date of the sale or conveyance. (Sec. 1)

49. Allows a person whose certificate of groundwater right has registered a credit balance to its flexibility account to extinguish all or a portion of a credit balance and establishes notification requirements. (Sec. 1)

50. States that the extinguishment of all or part of a credit balance is effective when the ADWR Director receives a notification. (Sec. 1)

51. Requires the ADWR Director to register a deduction of the credit amount extinguished from the flexibility account balance of the person who extinguished the credit balance. (Sec. 1)

Use of Municipal and Industrial Groundwater Rights

52. Allows the owner of a municipal and industrial groundwater right to:
    a) use groundwater withdrawn for any nonagricultural use at any location in the BMA subject to the provisions governing transportation of groundwater;
    b) withdraw groundwater only from wells outlined on the user's certificate of groundwater rights;

c) request the ADWR Director to use a revised certificate of groundwater rights to reflect new or additional points of withdrawal or type of nonagricultural use; and
d) lease all or part of the municipal or industrial groundwater right. (Sec. 1)

53. Allows the lessee to use groundwater withdrawn pursuant to the groundwater right if it is leased. (Sec. 1)

Use of Agricultural Groundwater Right

54. Allows the owner of an agricultural certificate of groundwater right to:
    a) use groundwater withdrawn for any agricultural use on any land described in the certificate of groundwater rights; and
    b) require the ADWR Director to issue a revised certificate of groundwater rights to reflect new or additional acres of land within the BMA on which the owner wishes to use groundwater for agricultural purposes. (Sec. 1)

55. States the right to use groundwater pursuant to the agricultural groundwater right is appurtenant to the acres of land described in the agricultural certificate of groundwater rights. (Sec. 1)

56. Specifies an agricultural groundwater right is owned by the owner of the land to which the groundwater right is appurtenant and may be leased for agricultural use with the land to which it is appurtenant. (Sec. 1)

57. Allows the owner or lessee of an agricultural certificate of groundwater rights to withdraw or receive groundwater from any location in the BMA subject to the provisions governing transportation of groundwater. (Sec. 1)

Conversion of Groundwater Rights

58. Allows an owner of an agricultural certificate of groundwater rights to convert all or part of the groundwater right to a municipal and industrial use. (Sec.)

59. Allows a municipal or industrial groundwater user to withdraw and use a converted agricultural groundwater right annually for municipal and industrial use as follows:
    a) if the municipal and industrial use is on land described in the agricultural certificate of groundwater rights, 90% of the amount of the agricultural groundwater right allocation; and
    b) if the municipal and industrial use is on land other than land described in the agricultural certificate of groundwater rights, 80% of the amount of the agricultural groundwater right allocation. (Sec. 1)

60. Requires a person who proposed to convert an agricultural groundwater right to notify the ADWR Director of the conversion and specified information. (Sec. 1)

61. Requires the ADWR Director, after receiving notice of a conversion of an agricultural groundwater right, to issue to the owner a revised agricultural certificate of groundwater rights for the remaining agricultural use, if any, and a new municipal and industrial certificate of groundwater rights. (Sec. 1)

Conveyance of Certificate of Groundwater Rights

62. Allows the owner of a municipal and industrial certificate of groundwater rights to sell or convey all or part of the groundwater right for any nonagricultural use in the same groundwater basin or subbasin. (Sec. 1)

63. Requires, within 30 days after a conveyance of a groundwater right, the conveyer and conveyee of the municipal and industrial groundwater right to notify the ADWR Director of the conveyance. (Sec. 1)

64. Outlines what must be included in the notice. (Sec. 1)

65. Requires the ADWR Director, after receiving notice of a conveyance of a municipal and industrial groundwater right, to issue to the conveyor a revised municipal and industrial certificate of groundwater rights for the portion of the groundwater right retained by the conveyor, if any, and issue to the conveyee a new municipal and industrial certificate of groundwater rights for the portion of the groundwater right conveyed. (Sec. 1)

66. Requires, if the owner of an agricultural certificate of groundwater rights conveys land described in the groundwater user's certificate, each acre conveyed to carry with it a proportional share of the annual allocation of groundwater granted. (Sec. 1)

67. Requires the conveyor and the conveyee, within 30 days after the conveyance of land described in an agricultural certificate of groundwater rights, to each notify the ADWR Director of the conveyance and outlines what must be included in the notice. (Sec. 1)

68. Requires the ADWR Director, after receiving notice of a sale or conveyance of an agricultural certificate of groundwater right, to issue to the conveyor a revised certificate for the portion of the groundwater right retained by the conveyor, if any, and issue to the conveyee a new agricultural certificate of groundwater rights for the portion of the groundwater right conveyed. (Sec. 1)

69. Allows the owner of an agricultural certificate of groundwater rights to sell or convey all or part of the right for agricultural use on other land in the same groundwater basin or subbasin. (Sec. 1)

70. Requires the conveyor of an agricultural certificate of groundwater rights and the conveyee, within 30 days after a conveyance, to notify the ADWR Director of the conveyance and outlines what must be included in the notice. (Sec. 1)

71. Requires the ADWR Director, after receiving notice of a sale or conveyance of an agricultural certificate of groundwater rights for use on other agricultural land, to issue to the conveyor a revised certificate of groundwater rights for the portion of the right retained by the conveyor, if any, and issue to the conveyee a new agricultural certificate of groundwater rights for the portion of the right conveyed. (Sec. 1)

Retirement of a Certificate of Groundwater Right

72. Allows an owner of certificate of groundwater rights to retire all or part of the groundwater rights. (Sec. 1)

73. Requires a person who proposes to retire all or part of a certificate of groundwater rights to notify the ADWR Director and outlines what must be included in the notice. (Sec. 1)

74. Requires the ADWR Director, after receiving notice of retirement of all or part of a certificate of groundwater rights, to issue to the person who retires the groundwater right a revised certificate of groundwater rights for the portion of the groundwater right not retired, if any. (Sec. 1)

Active BMA Designation

75. Allows the designation of an active BMA in any location that is designated a BMA to be initiated by a unanimous vote of each county BOS with geographic boundaries within the groundwater basin or subbasin. (Sec. 1)

76. Requires, if all county supervisors vote to designate an active BMA, the county BOS to call for an election:
    a) on the question of designating an active BMA; and
    b) for the election of three active BMA Council members. (Sec. 1)

77. Outlines election procedures for the active BMA Council. (Sec. 1)

78. Prescribes language to be included in the ballot. (Sec. 1)

79. Requires the council members' terms to begin on the date of filing the oath of office with the Secretary of State and to serve four-year terms. (Sec. 1)

Active BMA Council (Council)

80. Requires an active BMA Council to be established in each active BMA consisting of five members as follows:

a) three members who reside within the boundaries of the active BMA and who receive their drinking water from the groundwater basin or subbasin; and
b) two members who are Arizona residents and appointed by the irrigation districts who boundaries overlap with the active BMA. (Sec. 1)

81. Outlines procedures for replacing Council members. (Sec. 1)

82. Specifies that Council members are not eligible to receive compensation but are eligible for reimbursement. (Sec. 1)

83. Outlines Council duties. (Sec. 1)

84. Specifies that a Council can only have those powers given to it by statute. (Sec. 1)

85. Prohibits the ADWR Director from taking any action in an active BMA not recommended by the Council. (Sec. 1)

Goals, Rights to Water and Termination Procedures

86. Allows specified goals of an active BMA and a Council to be determined by the Council. (Sec. 1)

87. Prohibits the designation of an active BMA from infringing on a water user's certificated water rights. (Sec. 1)

88. Allows an active BMA Council to require not more than a 2% annual reduction in water use as a part of an active BMA management plan. (Sec. 1)

89. Requires ADWR, in conjunction with a Council, to annually review the status of groundwater in the active BMA, estimate the amount of change in groundwater levels and submit an annual report to a Council by February 1. (Sec. 1)

90. Prohibits ADWR and a Council from:
a) requiring a groundwater user to meter any wells located in an active BMA; and
b) requiring a groundwater user to report the user's groundwater use beyond the prescribe requirements. (Sec. 1)

91. Requires a groundwater user to annually report to the Council an estimate of groundwater use based on pumping capacity and the power usage of the user's groundwater pumping. (Sec. 1)

92. States that an active BMA and Council terminate 10 years after the date on which the active BMA was established, unless continued through an election. (Sec. 1)

93. Requires an active BMA to immediately terminate if the ADWR Director determines that the active BMA no longer meets its required conditions. (Sec. 1)

94. Outlines requirements the ADWR Director must complete 24 months before an active BMA terminates. (Sec. 1)

95. States that an active BMA, if not continued, reverts to a BMA and any active BMA management plan is unenforceable. (Sec. 1)

96. Specifies that a water user has the same certificated groundwater right guaranteed to the water user before the formation of the active BMA. (Sec. 1)

97. Prohibits an active BMA that was originally designated as a BMA from terminating on the grounds that the basin no longer meets specified conditions. (Sec. 1)

Appropriation

98. Requires ADWR to use monies appropriated in the statewide waste resources planning line item in Laws 2023, Chapter 133, Section 97 only to fund water conservation measures in a BMA. (Sec. 3)

99. Appropriates $40,000,000 from ARPA monies in FY 2025 to ADWR to fund water conservation measures in a BMA. (Sec. 3)

100. Allows a water user in a BMA to apply for a grant of not more than 50% of the costs of the water user's water conservation measure. (Sec. 3)

101. Requires ADWR to award the grant monies equitably to all classes of water users in a BMA. (Sec. 3)

102. Exempts the appropriations from lapsing. (Sec. 3)

Miscellaneous

103. Prohibits the ADWR Director or voters of a BMA or an active BMA from designating a BMA or an active BMA as an AMA or INA. (Sec. 1)

104. Specifies that if a BMA is established in an area that was previously designated as an INA, the ADWR Director must declare all basins or subbasins in the INA as a BMA and the INA and any regulations adopted pursuant to the designation as an INA terminate. (Sec. 1)

105. States that the BMA and active BMA provisions do not preempt the transportation of groundwater to AMAs. (Sec. 1)

106. Defines *land subsidence* and *substantial capital investment*. (Sec. 1)

107. Modifies the definition of *eligible entity* to include an active basin management council. (Sec. 2)

Amendments

Committee on Natural Resources, Energy & Water

1. Removes the requirement that the registered voters initiating the establishment of a BMA receive their drinking water from the groundwater basin or subbasin.
2. Requires the initial applicant for a petition to be a resident of Arizona for at least five years and for their primary residence to be in the groundwater basin or subbasin subject to the petition.
3. Specifies that a water management plan for an active BMA cannot require a water user:
   a. to reduce annual water use at any time during the term of the active BMA pursuant to a groundwater right certificate before the establishment of the active BMA; and
   b. to achieve water reduction in increments greater than 2% of the user's annual allotment per year in any year during the term of an active BMA.
4. Makes conforming changes.

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: NREW DP 5-2-0-0 | 3rd Read 16-12-2-0
House: NREW DPA/SE 5-4-0-1

SB 1242: ADWR; application; review; time frames
S/E: water conservation grant fund; purpose
Sponsor: Senator Shope, LD 16
Caucus & COW

Summary of the Strike-Everything Amendment to SB 1242

Overview

Expands the purposes of the Water Conservation Grant Fund (Grant Fund).

History

The Water Infrastructure Finance Authority (WIFA) administers state water funds for the augmentation, development and conservation of water resources, including both the Water Supply Development Revolving Fund and the Grant Fund. The Grant Fund provides resources for voluntary water conservation projects that must result in: 1) long-term reductions in water use; 2) improvements in water use efficiency; or 3) improvements in water reliability (A.R.S. §§ 49-1270, 49-1273, 49-1332).

Provisions

1. Allows monies in the Grant Fund to be used for:
   a) administration costs; and
   b) increasing public awareness of the Grant Fund. (Sec. 1)
2. Allows WIFA to spend up to 10% of interest monies, each fiscal year, from the Grant Fund for the purposes of increasing public awareness. (Sec. 1)
3. Allows a developer to apply for and accept grants from the Grant Fund to install gray water systems. (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: NREW DP 4-2-1-0 | 3rd Read 16-14-0-0
House: NREW DP 5-4-1-0

SB 1243: groundwater sales; online exchange.
Sponsor: Senator Wadsack, LD 17
Caucus & COW

Overview

Establishes a Water Marketplace and outlines the right to sell or lease groundwater.

History

The Groundwater Management Code (Code) was enacted in 1980 and established the statutory framework to regulate and control the use of groundwater. As part of the management framework, the Code designated five active management areas (AMAs): Phoenix, Pinal, Prescott, Tucson and Santa Cruz and currently, there is one subsequent AMA: Douglas (A.R.S. §§ 45-411, 45-411.03)(ADWR).

In an AMA, a person who was legally withdrawing and using groundwater as of the designation of the AMA or who owns land legally entitled to be irrigated with groundwater has the right to withdraw or receive and use groundwater. The right to withdraw or receive and use groundwater is a grandfathered right. There are three types of grandfathered rights:

4) Type 1 non-irrigated grandfathered rights associated with retired irrigated lands;
5) Type 2 non-irrigated grandfathered rights associated with retired irrigated lands; and
6) Irrigation grandfathered right (A.R.S. §§ 45-462, 45-463, 45-464, 45-465).

Groundwater withdrawn pursuant to a grandfathered right or a groundwater withdrawal permit or from an exempt well may be transported without payment of damages within a sub-basin of an AMA, subject to the limitations on location of use (A.R.S. § 45-541).

Noxious weed means any species of plant that is destructive and difficult to control or eradicate and includes any species that the Director of the Arizona Department of Agriculture, after investigation and hearing, determines to be a noxious weed (A.R.S. § 3- 201).

Provisions

1. Allows a person with a grandfathered right to groundwater in the Phoenix, Tucson or Pinal AMA to sell, lease or convey any portion of the right to pump groundwater to any other person in the Phoenix, Tucson or Pinal AMA. (Sec. 2)

2. States the water marketplace does not authorize a person to sell, lease or convey the right to pump groundwater in one subbasin for use or withdrawal in another subbasin but groundwater may be transported between subbasins by other means. (Sec. 2)

3. Requires any groundwater withdrawn to be withdrawn at either:
   a) the same location authorized in the original grandfathered right; or
   b) any other location in the same subbasin if the proposed location of withdrawal complies with ADWR rules relating to locating new or replacement wells in an AMA. (Sec. 2)

4. Instructs a person, who sells, leases or conveys the right to pump groundwater, to notify ADWR and provide specified information related to the transaction on a form prescribed by ADWR. (Sec. 2)

5. Specifies that the buyer or lessee, for any prescribed sale, lease or conveyance, receives the right to 65% of the total amount of groundwater forgone by a seller or lessor resulting from the transaction. (Sec. 2)

6. Prohibits, for any sale, 35% of the original grandfathered right conveyed to a seller from being pumped, used or further conveyed. (Sec. 2)
7. Restricts, for any lease, 35% of the original grandfathered right conveyed to a seller from being pumped, used or further conveyed during the duration of the lease. (Sec. 2)
8. Requires ADWR, in calculating the amount of groundwater that a seller or lessor may forgo, to use the average amount of water pumped over the preceding 5 years. (Sec. 2)
9. Specifies that any groundwater conveyed and used is:
   a) exempt from any replenishment obligation on the part of the buyer or lessee, including a replenishment tax;
   b) excluded from a municipalities' groundwater use for the purposes of determining the municipalities groundwater allowance;
   c) deemed consistent with the management goal for the AMA; and
   d) deemed, for the purpose of obtaining a certificate of assured water supply (Certificate), physically available to the buyer or lessee for the number of years ADWR determines the conveyed groundwater or right to groundwater, whether sold or leased, can be pumped or used at its full amount annually until it is no longer physically available. (Sec. 2)
10. Allows groundwater that is received or withdrawn to be applied toward obtaining a Certificate. (Sec. 2)
11. Specifies the percentage of groundwater forgone by a seller that is:
   a) allocated to the aquifer; and
   b) treated as inflow for the purpose of water modeling. (Sec. 2)
12. Provides that groundwater forgone by a seller is permanently retired. (Sec. 2)
13. Outlines conditions for use and reversion of leased groundwater. (Sec. 2)
14. States the water marketplace does not apply to water in the subflow zone of a river or stream or water in the cone of depression of a well and must not be construed to modify existing law in any way with respect to determining surface water and groundwater. (Sec. 2)
15. States the water marketplace does not authorize ADWR or any political subdivision to:
   a) curtail the scope of existing grandfathered rights unless the rights are sold, leased or conveyed; or
   b) impose additional requirements or restrictions on the use or exercise of type 2 non-irrigation grandfathered rights. (Sec. 2)
16. Requires disclosure of any transaction costs related to the sale, lease or conveyance in a contract for any sale, lease or conveyance. (Sec. 2)
17. Instructs ADWR to maintain on its website an online exchange for groundwater and groundwater rights that are transferred, sold, leased or conveyed. (Sec. 2)
18. Requires the online water exchange to be publicly accessible and include the information submitted to ADWR. (Sec. 2)
19. Requires a person to maintain property and from which groundwater may be sold, leased or conveyed free of noxious weeds, Russian thistles (Salsola kali) and blowing dust that creates a threat to health or safety. (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 DPA 5-0-3-0 | 3rd Read 24-4-2-0
House: RA DP 6-1-0-0

SB 1016: homeowners' associations; flagpoles
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview

Allows a planned community association (Association) to adopt rules that limit a member's number of wall mounted flagpole holders.

History

An Association is permitted by statute to regulate the location, size and height of flag poles and to limit the number of flags a member can display to two flags at once. An Association cannot prevent a member from installing a flag pole in the front or back yard of the member's property or prohibit the display of: 1) the American flag or an official or replica flag of a branch of the U.S. Armed Forces; 2) the POW/MIA flag; 3) the Arizona state flag; 4) an Indian nations flag; 5) the Gadsen flag; 6) a first responder flag; 7) a blue or gold star service flag; or 8) any historic version of the American flag (A.R.S. § 33-1808).

Provisions

1. Permits an Association to limit a member to two wall mounted flagpole holders. (Sec. 1)
2. Makes technical and conforming changes. (Sec. 1)

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: FICO DP 7-0-1-0 | 3rd Read 21-5-4-0
House: RA DPA/SE 7-0-0-0

SB 1042: ~~cremation~~
S/E: title companies; recorded documents; DIFI
Sponsor: Senator Shope, LD 16

Caucus & COW

Summary of the Strike-Everything Amendment to SB 1042

Overview

Prescribes requirements relating to the enforceability of title insurance agreements.

History

The Arizona Department of Insurance and Financial Institutions (DIFI) licenses and regulates the title insurance industry as part of its duties. DIFI stipulates that a business enterprise must be formed as a corporation or limited liability company and must be licensed in Arizona to solicit business, collect premiums or countersign policies on a title insurer's behalf. Additionally, a title insurance agent is a stock corporation or limited liability company authorized by a title insurer to solicit insurance and collect premiums for insurance that covers owners of real property or others with interest in the real property against loss or damage suffered by liens, encumbrances, defects or unmarketability of the title to the property (A.R.S. § 20-1562).

Provisions

1. Stipulates that an agreement to indemnify or hold harmless from risks that arise from an instrument that is properly recorded by the county recorder may only be enforced if:
   a) the instrument had not been recorded at the time the agreement was executed;
   b) the agreement specifically describes the instrument;
   c) the title insurance policy specifically exempts the instrument;
   d) the agreement indemnifies or holds harmless against liens from completed work or labor or professional services, materials, machinery, fixtures or tools furnished on the insured property; or
   e) the instrument secures a monetary obligation and remains an outstanding and enforceable debt. (Sec. 1)
2. States that the enforceability of title warranties that are provided by a person in a deed or mortgage is not affected by the provisions. (Sec. 1)
3. Specifies that the agreement must be in writing to be enforceable. (Sec. 1)
4. Adds a legislative intent clause. (Sec. 2)
5. 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: HHS DPA 7-0-0-0 | 3rd Read DPA 20-8-2-0
House: RA DP 7-0-0-0

SB 1163: homeopathic medicine; qualifications
Sponsor: Senator Shamp, LD 29
Caucus & COW

Overview

Modifies the requirements by which the Board of Homeopathic and Integrated Medicine Examiners (Board) may license an applicant. Replaces the Executive Director of the Board with the Executive Director of the Acupuncture Board of Examiners.

History

The Board licenses and regulates medical physicians who practice homeopathic and integrated medicine, a system of medical treatment based on the use of small quantities of remedies which in larger doses produce symptoms of the disease. This agency is one of several housed within the Arizona Department of Administration Central Services Bureau (A.R.S. §§ 32-2901, 32-2904).

The Board must grant a license to practice homeopathic medicine to an applicant who: 1) holds a degree from an approved school of medicine or has received an equivalent medical education; 2) holds a license to practice medicine as a medical or osteopathic physician in Arizona or is licensed in another state, district or territory of the United States; and 3) meets specified criteria relating to the applicant's professional record. However, an applicant may also be licensed as a homeopath without holding a license as a medical or osteopathic physician if the applicant meets all other requirements (A.R.S. 32-2912).

The Joint Legislative Budget Committee fiscal note presumes S.B. 1163 will result in additional licensing fee revenues for the Board, 10 percent of which is deposited into the state General Fund. However, the magnitude of this impact cannot be determined in advance, as it is unknown how many newly eligible individuals will apply for licensure (JLBC).

Provisions

1. Removes the requirement that the Board:
   a) elect a secretary-treasurer;
   b) include the signatures of Board members with the Board's seal as evidence of its official acts; and
   c) appoint an Executive Director. (Sec. 2, 3, 4)
2. Directs the Board to meet with the Acupuncture Board of Examiners each January to set financial compensation for staff and operating expense sharing. (Sec. 3)
3. Eliminates the ability of the Board to appoint a temporary secretary to perform the duties of the Executive Director if that office is vacant. (Sec. 3)
4. Requires the Executive Director of the Acupuncture Board of Examiners to serve as the Executive Director of the Board. (Sec. 4)
5. Instructs the staff of the Acupuncture Board of Examiners to carry out the administrative responsibilities of the Board. (Sec. 4)
6. Requires the Executive Director of the Board to perform all administrative duties of the Board and employ personnel necessary to carry out Board functions. (Sec. 4)
7. Directs the Board to issue a license to an applicant who meets specified requirements and who either:
   a) holds a degree from an approved school of medicine; or
   b) has completed an approved training program. (Sec. 5)

8. Adds that the Board must issue a license without examination to an applicant that holds, or has passed the examination to hold, a certification from the Council for Homeopathic Certification or its equivalent. (Sec. 6)
9. Removes the specification that a notification pertaining to license renewal must be sent via first class mail. (Sec. 8)
10. Includes personal email address and work email address in the list of information a licensee must share with the Board. (Sec. 9)
11. Adds the term *homeopathic practitioner* to the following violations:
    a) practicing medicine without being licensed or exempt from licensure; and
    b) self-designating under a specified title without being licensed as such. (Sec. 11)
12. Specifies which titles can be used for the different types of licenses and graduation requirements. (Sec. 12)
13. Authorizes the Board to adopt abbreviations for the titles listed in statute. (Sec. 12)
14. Defines *approved training program*. (Sec. 1)
15. Makes technical and conforming changes. (Sec. 1-9, 11-14)

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

SB 1634: nonhealth regulatory boards; challenges; prohibition
Sponsor: Senator Hoffman, LD 15
Caucus & COW

Overview
Amends statute pertaining to final administrative decisions to include a Nonhealth Profession Regulatory Board (Board).

History
Statute requires an agency to serve notice of an appealable agency action or contested case. A party may obtain a hearing on an appealable agency action or contested case by filing a notice of appeal or request for a hearing with the agency within 30 days after receiving the notice. The agency must notify the Office of Administrative Hearings (Office) of the appeal or request for a hearing and the Office then schedules a hearing (A.R.S. § 41-1092.03).

The process for judicial review of an agency action allows the court to affirm, reverse, modify or vacate the agency action after reviewing the administrative record and evidence presented at the hearing. The court must affirm the agency action unless it is found that the agency's action is contrary to law, not supported by substantial evidence, arbitrary or an abuse of discretion. In a proceeding brought by or against the regulated party, the court shall decide the following, without deference to any previous determination that may have been made by the agency:

1) all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by an agency; and
2) all questions of fact (A.R.S. § 12-910).

Costs may be awarded to the appellee agency if a judgment adverse to the appellant is rendered. Such costs may be awarded in an amount deemed reasonable by the superior court, based on the expense the appellee agency has incurred in preparing the record of the proceedings before judicial review. The final judgment of the superior court entered in an action to review a decision of an administrative agency may be appealed to the Arizona Supreme Court (A.R.S. § 12-912, 12-913).

Provisions
1. Specifies that the Board's decision is the final administrative decision unless the regulated person accepts the ALJ's decision instead. (Sec. 1)
2. Prohibits the Board from appealing the final administrative decision to the superior court. (Sec. 1)
3. Instructs Legislative Council to prepare conforming legislation for the next legislative session. (Sec 2)

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

SB 1049: reviser's technical corrections; 2024
Sponsor: Senator Shope, LD 16
Caucus & COW

Overview

Contains technical corrections relating to multiple, defective and conflicting statutory text.

History

The staff of Legislative Council prepare this *reviser's technical corrections* bill each session to resolve defective, inconsistent or multiple enactments from the previous session, which may include defective titles, conflicting effective dates or other issues that involve blending the statutes or addressing engrossing errors (Annual Report on Defects in the Arizona Revised Statutes and State Constitution 2023).

Provisions

1. Corrects defective enactments and blends multiple enactments with conflicting effective dates.
2. Contains only technical corrections.

☐ 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 20-8-2-0
House: TI DPA 8-3-0-0

SB1052: all-terrain vehicles; definition
Sponsor: Senator Carroll, LD 28
Caucus & COW

Overview

Changes the maximum unladen weight of an all-terrain vehicle or off-highway vehicle (OHV) from 2,500 to 3,500 pounds.

History

An all-terrain vehicle is either:

1) a motor vehicle that:
   a) is designed primarily for recreational nonhighway all-terrain travel;
   b) is 50 or fewer inches in width;
   c) has an unladen weight of 1,200 pounds or less;
   d) travels on three or more nonhighway tires; and
   e) is operated on a public highway; or
2) a recreational OHV that:
   a) is designed primarily for recreational nonhighway all-terrain travel;
   b) is 80 or fewer inches in width;
   c) has an unladen weight of 2,500 pounds or less;
   d) travels on four or more nonhighway tires;
   e) has a steering wheel for steering control;
   f) has a rollover protective structure; and
   g) has an occupant retention system (A.R.S. § 28-101).

A person may not operate or allow the operation of an all-terrain vehicle or OHV in Arizona without either a resident or nonresident off-highway vehicle user indicia issued by the Arizona Department of Transportation if the vehicle: 1) is designed by the manufacturer primarily for travel over unimproved terrain; and 2) has an unladen weight of 2,500 pounds or less (A.R.S. § 28-1177).

A similar bill was introduced in the 56th Legislature, 1st Regular Session and was vetoed by the Governor (SB1100 all-terrain vehicles; definition).

Provisions

1. Increases the maximum unladen weight of an all-terrain vehicle or OHV from 2,500 to 3,500 pounds. (Sec. 2 and 3)
2. Modifies the definition of an *all-terrain vehicle* to require a recreational OHV to have an unladen weight of 3,500 pounds or less rather than 2,500 pounds or less. (Sec. 1)

Amendments

Committee on Transportation & Infrastructure

1. Conditions the enactment of this legislation on ADOT establishing and funding by September 1, 2027:
   a) a remediation program to help mitigate damage to land, including private property, that results from all-terrain vehicles; and
   b) a county sheriff law enforcement program relating to all-terrain vehicle laws in this state to enable a county sheriff to have dedicated officers to enforce this state's all-terrain vehicle laws.

2. Requires ADOT to notify the Director of Legislative Council in writing by October 1, 2027, if the conditional enactment conditions were or were not met.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: TTMC DP 4-2-1-0 | 3rd Read 24-3-3-0
House: TI DP 10-1-0-0

SB1180: roadable aircraft; registration; license plates
Sponsor: Senator Farnsworth, LD 10
Caucus & COW

Overview

Creates registration and licensing requirements for a roadable aircraft.

History

Statute outlines application requirements for registering a motor vehicle, trailer or semitrailer on forms authorized by the Arizona Department of Transportation (ADOT) (A.R.S. § 28-2157).

ADOT must register motor vehicles and aircraft, license drivers, collect revenues, enforce motor vehicle and aviation regulations and perform related functions (A.R.S. § 28-332).

A person or governmental entity must register an aircraft by applying to ADOT on a form provided by ADOT within 60 days after the aircraft is brought into this state. A person who registers an aircraft must renew the registration annually (A.R.S. § 28-8322).

The Director of ADOT must establish a system of staggered registration on a monthly basis to distribute the work of registering aircraft as uniformly as practicable throughout the year (A.R.S. § 28-8322.01).

The U.S. Department of Transportation Federal Aviation Administration (FAA) is responsible for regulating civil aviation and developing and administering programs relating to aviation safety (FAA).

Provisions

1. Directs ADOT, when registering a roadable aircraft, to record the n-number license marking of the vehicle and to combine the motor vehicle registration process with the aircraft registration process. (Sec. 2)
2. Stipulates that the renewal date for both registrations is the renewal date prescribed by aircraft registration requirements. (Sec. 2)
3. Requires ADOT to issue a motorcycle-sized license plate when issuing a roadable aircraft license plate. (Sec. 3)
4. Defines a *roadable aircraft* as an aircraft that has a mode of transportation to enable operation like a vehicle and that is manufactured to meet the federal safety standards for motorcycles. (Sec. 1)
5. Defines an *n-number license marking* as a license number marking that is assigned by the FAA to identify roadable aircraft. (Sec. 1)
6. Makes conforming changes. (Sec. 1)

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: JUD DP 7-0-0-0 | 3rd Read 28-0-2-0
House: TI DP 11-0-0-0

SB 1453: DUI; license suspension; records
Sponsor: Senator Carroll, LD 28
Caucus & COW

Overview

Modifies the administrative process the Arizona Department of Transportation (ADOT) and a law enforcement agency must follow when suspending or revoking a person's driving offense relating to driving under the influence (DUI) offenses.

History

Statute outlines the administrative process law enforcement and ADOT must follow regarding the suspension or revocation of a person's driving privilege due to a DUI offense.

A law enforcement officer is required to forward ADOT a certified report following an arrest relating to a DUI offense and after positive DUI test results. If a breath test was administered, the law enforcement agency must forward the certified report within 30 days after the arrest occurs. If a sample of blood, urine or other bodily substance is taken, the law enforcement agency must forward the certified report within 30 days after the report of the analysis is provided to the law enforcement agency. If a report is not forwarded to ADOT within the required time period, the report is inadmissible in a hearing unless the violation resulted in death or serious injury. The law enforcement officer must also serve an order of suspension on the person. Statute outlines the requirements relating to the order of suspension (A.R.S. 28-1385).

A person operating a motor vehicle in this state gives consent to a test of the person's blood, breath, urine or other bodily substance to determine alcohol concentration or drug content if the person has been arrested for a suspected DUI offense. If a person under arrest refuses to submit to a DUI test, the test will not be given and the law enforcement officer administering the test is required to file a certified report of the refusal with ADOT and serve an order of suspension on the person that is effective 30 days after the date the order is served (A.R.S. § 28-1321).

Provisions

Certified Report of Refusal

1. Requires a law enforcement officer administering a DUI test to file a certified report of the refusal with ADOT within 30 days after the date of the arrest when someone who is under arrest refuses to submit to the DUI test. (Sec. 1)
2. Allows a law enforcement officer to advise the person that the certified report of the refusal will be submitted to ADOT and that ADOT will notify them if an order of suspension is entered instead of serving the order of suspension to the person refusing the DUI test themselves. (Sec. 1)
3. Requires a law enforcement officer to direct the person to ensure that their address is updated with ADOT if the officer files the certified report of the refusal with ADOT. (Sec. 1)
4. Specifies that if the certified report of the refusal is not properly forwarded to ADOT then ADOT cannot enter an order of suspension on its records unless the violation resulted in death or serious physical injury. (Sec. 1)
5. Directs a law enforcement officer to forward to ADOT the driver's license or permit of a person who was under arrest and refused to submit to the DUI test within *30 days,* rather than 5 days, after the issuance of the notice of suspension. (Sec. 1)

6. Requires the law enforcement officer to forward the certified report of refusal, a copy of the completed notice of suspension and a copy of any temporary permit to ADOT within *30 days*, rather than 5 days, after the issuance of the notice of suspension. (Sec. 1)

7. Stipulates that an order of suspension is effective 30 days after the date that the order was served unless a timely request for a hearing is filed by the accused person. (Sec. 1)

Administrative License Suspension for DUIs

8. Requires a law enforcement officer to forward a certified report concerning a DUI-related arrest to ADOT within 30 days after the arrest. (Sec. 2)

9. Requires the officer administrating the DUI test to either:
   a) serve an order of suspension on the person that is effective 30 days after the date the order is served; or
   b) advise the person that the certified report will be submitted to ADOT and that ADOT will notify the person if an order of suspension is entered and to direct them to ensure that their address is updated with ADOT. (Sec. 2)

10. States that if the certified report is not properly forwarded to ADOT then ADOT may not enter an order of suspension on its records unless the violation resulted in death or serious physical injury. (Sec. 2)

11. Strikes language that outlines the current process a law enforcement agency must follow when forwarding a certified report or serving an order of suspension after receiving DUI test results. (Sec. 2)

12. Requires the officer to forward a copy of the completed order of suspension and a copy of any completed temporary permit to ADOT within *30 days*, rather than 5 days, after the issuance of the order of suspension along with the report. (Sec. 2)

13. Directs a law enforcement officer to forward a surrendered driver's license or permit to ADOT within *30 days,* rather than 5 days, after the issuance of the notice of suspension. (Sec. 2)

14. Requires ADOT to enter an order of suspension on its records after receiving a certified report. (Sec. 2)

15. Directs ADOT to mail a written notification to a person named on a certified report. (Sec. 2)

16. Requires the written notification to include information on alcohol or other drug education and treatment programs that are provided by a Department of Health Services (DHS) approved facility. (Sec. 2)

17. States that the written notification must disclose that:
   a) 30 days after the date of issuance of the notice ADOT will suspend the person's driving privilege;
   b) the person may submit a written or online request for a hearing or summary review;
   c) the request for a hearing or summary review must be received by ADOT within 30 days after the date of the notice or order of suspension becomes final;
   d) the person's driving privilege or right to apply for a driving privilege or nonresident operating privilege will be suspended as required by law;
   e) the person's driving privilege or right to apply for a driving privilege or nonresident operating privilege may be issued or reinstated following the period of suspension only if the person completed alcohol or other drug screening; and
   f) the person may apply for a special ignition interlock restricted driver license. (Sec. 2)

18. Requires the Director of ADOT to expunge from ADOT's public record a notice of suspension or revocation after *24 months*, rather than 12 months, if the licensee had not been charged with a DUI-related offense due to the event and if the event involved a death or serious injury. (Sec. 5)

Ignition Interlock Devices

19. States that if a person is required to equip a motor vehicle with a certified ignition interlock device but the person has a medical condition preventing them from using the device, ADOT must require monthly alcohol and drug screening instead of the certified ignition interlock device. (Sec. 6)

20. Directs ADOT to require satisfactory evidence of the medical condition in a manner prescribed by ADOT from an authorized physician or physician assistant. (Sec. 6)

21. Requires the alcohol or drug screening to be provided by a facility approved by DHS, the United States Department of Veterans Affairs, a substance abuse counselor or a probation department. (Sec. 6)

Miscellaneous

22. Exempts ADOT from rulemaking requirements for one year. (Sec. 7)

23. Makes technical and conforming changes. (Sec. 1-6)

SB 1561: wildland fire prevention special plates
Sponsor: Senator Bennett, LD 1
Caucus & COW

Overview
Establishes the Wildland Fire Prevention Special Plate and Fund.

History
The Arizona Department of Transportation (ADOT) is required to provide every vehicle owner one license plate for every vehicle registered upon application and payment of fees (A.R.S. § 28- 2351). Statute requires ADOT to issue or renew special plates according to specified requirements (A.R.S. § 28-2403). An initial and annual renewal fee of $25 is required for the special plate in addition to the vehicle registration fees. Of the $25 special plate fee, $8 is an administrative fee and $17 is an annual donation (A.R.S. §§ 28-2402, 2404). Special plates require a standard $32,000 implementation fee.

All license plates, including special plates, that are designed or redesigned after September 24, 2022, are required to have: 1) the background color of the license plate contrast significantly with the color of the letters and numerals and the name of the state on the license plate; and 2) the name of the state appear on the license plate in capital letters in sans serif font with a height of three-fourths of an inch (A.R.S. § 28-2351).

Provisions
1. Establishes the Wildland Fire Prevention Special Plate and Fund if a person pays $32,000 to ADOT by December 31, 2024. (Sec. 3)
2. Requires the person who provides the $32,000 to design the Wildland Fire Prevention Special Plate. (Sec. 3)
3. States that the design and color of the Wildland Fire Prevention Special Plates are subject to the approval of ADOT. (Sec. 3)
4. Allows the Director of ADOT (Director) to combine requests for the Wildland Fire Prevention Special Plates with requests for personalized special plates and subjects the request to additional fees. (Sec. 3)
5. Stipulates that of the $25 fee for the Wildland Fire Prevention Special Plate, $8 is an administration fee and $17 is an annual donation. (Sec. 3)
6. Requires ADOT to deposit all Wildland Fire Prevention Special Plate administration fees into the state Highway Fund and all donations into the Wildland Fire Prevention Special Plate Fund (Fund). (Sec. 3)
7. Directs the first $32,000 in the Fund to be reimbursed to the person who paid the implementation fee. (Sec. 3)
8. Tasks the Director with administering the Fund. (Sec. 3)
9. Asserts that no more than 10% of monies in the Fund may be used for the cost of administering the Fund. (Sec. 3)
10. Stipulates that monies in the Fund are continuously appropriated. (Sec. 3)
11. Requires the Director to annually allocate monies from the Fund to an entity that is qualified under section 501(c)(3) of the United States Internal Revenue Code for federal income tax purposes that:

a) has a vision of an exemplary, one-of-a-kind wildland fire learning center that honors the legacy of deceased hotshot crew firefighters by educating, inspiring and motivating visitors to adopt behaviors that prevent wildland fires, resulting in fewer fire-related fatalities;
b) has a mission to establish and operate a wildland fire learning center that honors deceased hotshot crew firefighters by telling their story, displaying and housing artifacts and memorabilia and educating visitors about wildland fire, firefighting and prevention; and
c) has a board comprised of family members of deceased hotshot crew firefighters and community members. (sec. 3)

12. Directs the State Treasurer, on notice from the Director, to invest and divest Fund monies and states that monies earned from investment must be credited to the Fund. (Sec. 3)

13. Makes technical and conforming changes. (Sec. 1-2, 4-6)

Amendments

Committee on Transportation & Infrastructure

National Guard Special Plate

1. Eliminates the requirement that the National Guard Special Plate only be issued to a person who submits satisfactory proof to ADOT that the person or their spouse is or has been a member of the Arizona National Guard.

2. Removes the restriction for ADOT not to issue the National Guard Special Plate to a person, or to a person's spouse, who was discharged from the armed forces under conditions less than honorable.

3. Renames the National Guard Member Special Plate to the *National Guard Special Plate*.

Pascua Yaqui Tribe Special Plate

4. Extends the deadline, from December 31, 2023, to December 31, 2025, for when a person must pay $32,000 to ADOT to issue the Pascua Yaqui Tribe Special Plates.

Neurodiversity Services and Research Special Plate and Fund

5. Establishes the Neurodiversity Services and Research Special Plate and Fund if a person pays $32,000 to ADOT by December 31st, 2024.

6. Creates requirements for the implementation of the Neurodiversity Services and Research Special Plate and Fund, including instructing the Director of ADOT to annually allocate monies from the Neurodiversity Services and Research Fund to two 501(c)(3) entities that are engaged in the neurodiversity community as follows:
   a) one entity must:
      i. be an internationally recognized leader that conducts innovative research, provides evidence-based practices, disseminates effective training and builds inclusive communities for individuals of all ages with autism and their families;
      ii. offer nearly 20 programs and services rooted in applied behavior analysis and provide community outreach and training;
      iii. have an innovative research program that brings together scientists and stakeholders to gain a better understanding of possible causes of autism, identify better treatments and educate others about how to improve the quality of life for those impacted;
   b) one entity must:
      i. advance innovative residential and community options for adults with autism, down syndrome, traumatic brain injury and other neurodiversities through its vision for fueling a new wave of real estate and community-integrated living options;
      ii. have a property that is 81,000 square feet and that contains a 63-unit apartment community set in an urban area; and
      iii. have an institute that leverages the property to serve as a research and development site and to support the replication of residential and postsecondary education models through collaboration among the public, private, philanthropic and nonprofit sectors.

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

SB 1567: off-highway vehicles; education requirement
Sponsor: Senator Kerr, LD 25
Caucus & COW

Overview

Establishes a driver's license and education requirement for the operation of an off-highway vehicle (OHV). Prohibits operating an OHV while consuming or possessing an open container of spirituous liquor.

History

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).

Statute outlines operating restrictions for people driving OHVs. Some of the restrictions include prohibiting a person from driving an OHV: 1) with reckless disregard for the safety of persons or property; 2) off of an existing road, trail or route in a way that causes damage to wildlife habitat, riparian areas, cultural or natural resources or property or improvements; 3) on roads, trails, routes or areas closed as indicated in the rules or regulations of a federal agency, this state, county, municipality or by proper posting if the land is private; and 4) over unimproved roads, trails, routes or areas unless driving is allowed by a rule or regulation (A.R.S. § 28-1174).

An operator or passenger of a motorcycle, all-terrain vehicle or motor-driven cycle who is under 18 years of age must wear a protective helmet on the operator's or passenger's head in an appropriate manner. The protective helmet must be safely secured while the operator or passenger is operating or riding on the motorcycle, all-terrain vehicle or motor-driven cycle (A.R.S. § 28-964).

A person cannot consume or possess an open container of spirituous liquor while operating or while within a passenger compartment of a motor vehicle that is located on any public highway or right-of-way of a public highway in this state. *Motor vehicle* is defined as any vehicle that is driven or drawn by mechanical power and that is designed primarily for use on public highways. It does not include a vehicle operated exclusively on rails (A.R.S. § 4-251).

Provisions

OHV Licensure Requirement

1. Requires a person to possess a valid driver's license to drive an OHV in this state. (Sec. 5)
2. States that if a minor who is under 12 years old drives an OHV without a license, the citation will be issued to the parent or legal guardian of the minor and not to the minor. (Sec. 5)
3. Declares that if a minor who is between 12 and 15 years old drives an OHV without a license, the citation may be issued to the minor or the parent or legal guardian but not to both. (Sec. 5)
4. Defines *highway*. (Sec. 5)

OHV Safety Education Course

5. Directs the Arizona Game and Fish Department (AZGFD) to certify an OHV safety education course (safety course) that includes verification of completion. (Sec. 6)
6. Requires beginning January 1, 2025, a person to complete the safety course and provide the Arizona Department of Transportation (ADOT) or AZGFD proof of completion of the course before ADOT or AZGFD may issue a resident or nonresident OHV user indicia to the person. (Sec. 6)
7. Instructs AZGFD to ensure that a person may complete the safety course online. (Sec. 6)
8. Requires ADOT to share OHV data with AZGFD relating to people who have provided proof of completion of the safety course and all user indicias issued by ADOT. (Sec. 6)
9. Repeals the safety course requirement on June 1, 2027. (Sec. 6)
10. Requires AZGFD on or before December 1, 2026, to submit a report regarding the results of implementing the safety course education requirements, including the revenues and costs associated with the implementation and any recommendations for administrative or legislative action. (Sec. 6)
11. Directs AZGFD to submit the report to the Governor, the President of the Senate and the Speaker of the House of Representatives and to provide a copy to the Secretary of State. (Sec. 6)

OHV Operation Violations

12. Specifies that statute outlining operation restrictions for OHVs apply to a person operating or allowing a minor under 12 years old to operate an OHV. (Sec. 3)
13. Stipulates that a citation will be issued to a parent or legal guardian of a minor who is under 12 years old and not the minor if the minor violates statute outlining operating restrictions for OHVs. (Sec. 3)
14. States that if a minor who is between 12 and 15 years old and commits a violation while operating an OHV a citation may be issued to the minor or the parent or legal guardian but not to both. (Sec. 3)

Miscellaneous

15. Prohibits a person from allowing someone who is under 18 years old to operate an OHV or be an OHV passenger on state or public land without wearing a protective helmet. (Sec. 4)
16. Specifies that the OHV helmet requirement for people under 18 years old does not apply to a child who is an OHV passenger if:
    a) the child is properly secured in a child restraint system; and
    b) the OHV is equipped with a rollover protection system. (Sec. 4)
17. Makes changes to the definition of *off-highway vehicle*. (Sec. 2)
18. Modifies the definition of a *motor vehicle* to prohibit someone from consuming spiritous liquor or possessing an open container of spirituous liquor while operating or within any self-propelled vehicle, rather than just any vehicle designed primarily for use on public highways. (Sec. 1)
19. Makes technical and conforming changes. (Sec. 1, 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: FICO DP 4-3-0 | 3rd Read 16-10-4-0
House: WM DP 5-4-0-1

SB 1092: income tax; currency transactions; effect
Sponsor: Senator Petersen, LD 14
Caucus & COW

Overview

Requires, beginning TY 2025, individual and corporate taxpayers to add any net capital losses or subtract any net capital gains derived from a foreign currency or virtual currency transaction to the Arizona gross income calculation.

History

There are additions and subtractions to Arizona gross income for individuals and corporations. For individuals, there are 16 additions and 29 subtractions. These additions and subtractions include benefits, reimbursements, depreciations and other net revenues. For corporations, there are 24 additions and 23 subtractions. These additions and subtractions include certain expenditures, depreciations, services and other net revenues (A.R.S. §§§§ 43-1021, 43-1022, 43-1121 and 43-1122).

Provisions

1. Requires, beginning TY 2025, an individual taxpayer to add any net capital loss included in Arizona gross income for the taxable year that is derived from a foreign currency or virtual currency transaction when computing Arizona adjusted gross income. (Sec. 1)
2. Requires, beginning TY 2025, an individual taxpayer to subtract any net capital gain included in Arizona gross income for the taxable year that is derived from a foreign currency or virtual currency transaction when computing Arizona adjusted gross income. (Sec. 2)
3. Requires, beginning TY 2025, a corporate taxpayer to add any net capital loss included in Arizona gross income for the taxable year that is derived from a foreign currency or virtual currency transaction when computing Arizona adjusted gross income. (Sec. 3)
4. Requires, beginning TY 2025, a corporate taxpayer to subtract any net capital gain included in Arizona gross income for the taxable year that is derived from a foreign currency or virtual currency transaction when computing Arizona adjusted gross income. (Sec. 4)
5. Defines *foreign currency* as the coin and paper money of a country other than the United States that is designated as legal tender, that circulates and that is customarily used and accepted as a medium of exchange in the country of issuance. (Sec. 1-4)

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: FICO DPA 7-0-0-0 | 3rd Read 27-0-3-0-0
House: WM DP 9-0-0-1

SB 1431: right to redeem; foreclosure; sale
Sponsor: Senator Mesnard, LD 13
Caucus & COW

Overview

Allows a property owner whose right to redeem is being foreclosed to have a sale of the property to cover excess proceeds. Outlines the details for a notice of sale, the sale by public auction, the payment of the bid and the disposition of the proceeds of sale.

History

A real property tax lien currently may be full redeemed at any time within three years after the date of sale, or after three years but before the delivery of a treasurer's deed to the purchaser or the purchaser's heirs or assigns (A.R.S. § 42-18152).

In an action to foreclose the right to redeem, if the court finds that the sale is valid and that the tax lien has not been redeemed, the court must enter judgment by foreclosing the right of the defendant to redeem, and by directing the county treasurer to expeditiously execute and deliver to the party in whose favor judgment is entered, including the state, a deed conveying the property described in the certificate of purchase. The foreclosure of the right to redeem does not extinguish any easement on or appurtenant to the property, or any lien for a levied assessment (A.R.S. § 42-18204).

Provisions

1. Excludes judgements directing the sale of property pursuant to the sale of property for excess proceeds from the issuance of a writ of execution. (Sec. 1)
2. Requires the county treasurer to issue a refund in specific instances within thirty days after delivering the treasurer's deed to the purchaser or entry of a judgement directing the sale of the property for excess proceeds. (Sec. 2)
3. Requires certain content in the statement contained in the notice of intent to file a foreclosure action. (Sec. 3)
4. Requires the court to enter judgement if the tax lien is valid, the tax lien has not been redeemed and the defendant's request for an excess proceeds sale is unreasonable or the defendant did not request an excess proceeds sale. (Sec. 4)
5. Specifies the court will enter a specific judgement if the tax lien is valid, the tax lien has not been redeemed and the defendant's request for excess proceeds is reasonable. (Sec. 4)
6. Allows a property owner whose right to redeem is being foreclosed to request the court to determine if the sale of the property to recover excess proceeds sale is reasonable. (Sec. 4)
7. Outlines the specific information that shall be provided to the court for the purposes of determining if an excess proceeds sale is reasonable. (Sec. 4)
8. Specifies that an assessment does not include an abatement lien imposed for municipal taxes and fees. (Sec. 4)
9. Outlines the costs and fees that can be included in a judgement. (Sec. 6)
10. Establishes an Article 6 to address the sale of property for excess proceeds. (Sec. 7)
11. Defines *qualified entity*. (Sec. 7)

12. Outlines the notice details and the information required in the notice of sale. (Sec. 7)
13. Outlines the format and content of the notice of sale for excess proceeds. (Sec. 7)
14. Specifies the date and time of sale. (Sec. 7)
15. Outlines the date, time and place requirements for a sale that takes place by public auction. (Sec. 7)
16. Specifies bidder requirements. (Sec. 7)
17. Allows a qualified entity to postpone or continue the sale by giving proper notice. (Sec. 7)
18. Specifies that a sale concluded under the sale of property for excess proceeds extinguishes any liens other than state liens and encumbrances by the state on the property. (Sec. 7)
19. Outlines the requirements for the payment of the bid. (Sec. 7)
20. Outlines the required information the qualified entity must include in the deed. (Sec. 7)
21. Outlines the requirements for a qualified entity when distributing the proceeds of sale. (Sec. 7)
22. Applies to actions to foreclosure the right to redeem for the judicial foreclosure of right of redemption after the effective date of this legislation. (Sec. 8)
23. Makes technical and conforming changes. (Sec. 2, 3, 4, 5, 6)

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