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

CAUCUS AGENDA

January 30, 2024

Bill Number	Short Title	Committee	Date	Action

Committee on Commerce

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

HB 2090(BSI) apprenticeship programs; completion; ROC filings
SPONSOR: HENDRIX, LD 14 HOUSE
COM 1/23/2024 DPA (10-0-0-0)

HB 2146(BSI) mobile homes; cooling; prohibition
SPONSOR: COOK, LD 7 HOUSE
COM 1/23/2024 DPA (10-0-0-0)

Committee on Education

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

HB 2178(BSI) universities; student fees; clubs; organizations
SPONSOR: KOLODIN, LD 3 HOUSE
ED 1/23/2024 DPA (5-4-0-1)
(No: GUTIERREZ, PAWLIK, SCHWIEBERT, TERECH Abs: COOK)

HB 2246(BSI) purple star school designation; requirements
SPONSOR: PAYNE, LD 27 HOUSE
ED 1/23/2024 DP (9-0-0-1)
(Abs: COOK)

HB 2311(BSI) schools; enrollment preference; armed forces
SPONSOR: GRANTHAM, LD 14 HOUSE
ED 1/23/2024 DP (9-0-0-1)
(Abs: COOK)

HB 2608(BSI) teacher retention; study; report
SPONSOR: GRESS, LD 4 HOUSE
ED 1/23/2024 DP (9-0-0-1)
(Abs: COOK)

Committee on Government

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

HB 2148(BSI) fire protection systems; inspections
SPONSOR: COOK, LD 7 HOUSE
GOV 1/24/2024 DPA (8-0-1-0)
(Present: JONES)

HB 2162(BSI) municipal general plan; adoption
SPONSOR: BLISS, LD 1 HOUSE
GOV 1/24/2024 DP (9-0-0-0)

HB 2304(BSI) Buffalo Soldiers Arizona territory monument
SPONSOR: TRAVERS, LD 12 HOUSE
GOV 1/24/2024 DP (9-0-0-0)

HB 2521(BSI) partition; property; inheritance
SPONSOR: PEÑA, LD 23 HOUSE
GOV 1/24/2024 DP (9-0-0-0)

HB 2595(BSI) Don Bolles memorial
SPONSOR: LONGDON, LD 5 HOUSE
GOV 1/24/2024 DP (8-1-0-0)
(No: JONES)

Committee on Health & Human Services

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

HB 2051(BSI) joint training; surveyors; providers
SPONSOR: BLISS, LD 1 HOUSE
HHS 1/22/2024 DP (10-0-0-0)

HB 2113(BSI) medical assistants; scope of practice
SPONSOR: WILLOUGHBY, LD 13 HOUSE
HHS 1/22/2024 DP (10-0-0-0)

HB 2114(BSI) marriage and family therapists; endorsement
(HHS S/E: behavioral health; licensure; endorsement)
SPONSOR: WILLOUGHBY, LD 13 HOUSE
HHS 1/22/2024 DPA/SE (8-2-0-0)
(No: PARKER B, PINGERELLI)

HB 2183(BSI) parental rights; medical records
SPONSOR: WILLOUGHBY, LD 13 HOUSE
HHS 1/22/2024 DP (6-4-0-0)
(No: CONTRERAS P, GUTIERREZ, HERNANDEZ A, MATHIS)

Committee on Judiciary

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

HB 2157(BSI) probation; termination; deportation
SPONSOR: BLISS, LD 1 HOUSE
JUD 1/24/2024 DP (6-3-0-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ)

HB 2245(BSI) narcotic drugs; fentanyl; sentencing
SPONSOR: NGUYEN, LD 1 HOUSE
JUD 1/24/2024 DP (5-3-1-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ Present: KOLODIN)

HB 2310(BSI) grooming; classification
SPONSOR: GRANTHAM, LD 14 HOUSE
JUD 1/24/2024 DPA (6-2-1-0)
(No: CONTRERAS L, ORTIZ Present: HERNANDEZ M)

Committee on Land, Agriculture & Rural Affairs

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

HB 2191(BSI) property; criminal damage
SPONSOR: COOK, LD 7 HOUSE
LARA 1/22/2024 DP (8-1-0-0)
(No: SEAMAN)

HB 2244(BSI) misbranding; misrepresenting; food products
SPONSOR: NGUYEN, LD 1 HOUSE
LARA 1/22/2024 DP (6-3-0-0)
(No: HERNANDEZ C, HERNANDEZ L, SANDOVAL)

HB 2406(BSI) agricultural vaccinations; disclosure
SPONSOR: GILLETTE, LD 30 HOUSE
LARA 1/22/2024 DP (5-4-0-0)
(No: HERNANDEZ C, HERNANDEZ L, SANDOVAL, SEAMAN)

HCR 2002(BSI) supporting Arizona's beef producers
SPONSOR: SMITH, LD 29 HOUSE
LARA 1/22/2024 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

HB 2034(BSI) DOC officers; personnel system; covered
SPONSOR: COOK, LD 7 HOUSE
MAPS 1/22/2024 DP (14-0-0-1)
(Abs: NGUYEN)

Committee on Municipal Oversight & Elections

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

HB 2080(BSI) elections; municipal vacancies; primary
SPONSOR: HENDRIX, LD 14 HOUSE
MOE 1/24/2024 DP (8-1-0-0)
(No: VILLEGAS)

HB 2393(BSI) presidential preference; parties; voting methods
SPONSOR: KOLODIN, LD 3 HOUSE
MOE 1/24/2024 DPA (5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)

HB 2394(BSI) candidates; digital impersonation; injunctive relief
SPONSOR: KOLODIN, LD 3 HOUSE
MOE 1/24/2024 DPA (9-0-0-0)

HB 2547(BSI) voting centers ban; precinct size
SPONSOR: JONES, LD 17 HOUSE
MOE 1/24/2024 DP (5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)

HB 2580(BSI) election officer certification training; yearly
SPONSOR: KOLODIN, LD 3 HOUSE
MOE 1/24/2024 DPA (5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)

Committee on Natural Resources, Energy & Water

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

HB 2002(BSI) power plants; transmission lines; definition
SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 1/23/2024 DP (7-2-0-0)
(No: TRAVERS, VILLEGAS)

HB 2003(BSI) replacement lines; structures; commission hearings
SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 1/23/2024 DPA (6-3-0-0)
(No: DE LOS SANTOS, TRAVERS, VILLEGAS)

HB 2004(BSI) utilities; electronic filings; corporation commission
SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 1/23/2024 DP (9-0-0-0)

HB 2013(BSI) water improvements program; nonprofit corporations
SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 1/23/2024 DP (6-3-0-0)
(No: DE LOS SANTOS, TRAVERS, VILLEGAS)

HB 2096(BSI) tiny homes; construction; requirements; exemptions
SPONSOR: PARKER B, LD 10 HOUSE
NREW 1/23/2024 DPA (5-4-0-0)
(No: DE LOS SANTOS, MATHIS, TRAVERS, VILLEGAS)

HB 2097(BSI) gray water; definition; residential standards
SPONSOR: PARKER B, LD 10 HOUSE
NREW 1/23/2024 DP (5-4-0-0)
(No: DE LOS SANTOS, MATHIS, TRAVERS, VILLEGAS)

HB 2123(BSI) wells; water measuring devices; prohibition
SPONSOR: SMITH, LD 29 HOUSE
NREW 1/23/2024 DPA (5-4-0-0)
(No: DE LOS SANTOS, MATHIS, TRAVERS, VILLEGAS)

HB 2124(BSI) agricultural operations; water; protection; definition
SPONSOR: SMITH, LD 29 HOUSE
NREW 1/23/2024 DP (5-4-0-0)
(No: DE LOS SANTOS, MATHIS, TRAVERS, VILLEGAS)

HB 2160(BSI) domestic water improvement districts; reviews
SPONSOR: BLISS, LD 1 HOUSE
NREW 1/23/2024 DP (9-0-0-0)

Committee on Regulatory Affairs

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

HB 2042(BSI) food preparation; sale; cottage food
SPONSOR: GRANTHAM, LD 14 HOUSE
RA 1/17/2024 DPA (6-0-0-0)

HB 2069(BSI) dental board; formal hearings
SPONSOR: BLISS, LD 1 HOUSE
RA 1/24/2024 DP (6-0-0-0)

HB 2071(BSI) dentists; registration; civil penalty; repeal
SPONSOR: BLISS, LD 1 HOUSE
RA 1/24/2024 DP (6-0-0-0)

HB 2072(BSI) dental board; licensure; testing
SPONSOR: BLISS, LD 1 HOUSE
RA 1/24/2024 DP (6-0-0-0)

HB 2079(BSI) food handler certificate; volunteers; limits
SPONSOR: HENDRIX, LD 14 HOUSE
RA 1/24/2024 DP (6-0-0-0)

HB 2081(BSI) cremation.
SPONSOR: HENDRIX, LD 14 HOUSE
RA 1/17/2024 DP (6-0-0-0)

HB 2087(BSI) self-storage facilities; valuation; vehicles; towing
SPONSOR: HENDRIX, LD 14 HOUSE
RA 1/17/2024 DP (6-0-0-0)

HB 2088(BSI) bond; override; contributions; contracts; prohibition
SPONSOR: HENDRIX, LD 14 HOUSE
RA 1/17/2024 DPA (4-2-0-0)
(No: HERNANDEZ A, CREWS)

HB 2110(BSI) mechanics' liens; notice
SPONSOR: HENDRIX, LD 14 HOUSE
RA 1/17/2024 DPA (6-0-0-0)

HB 2249(BSI) residential care institutions; inspections
SPONSOR: CARTER, LD 15 HOUSE
RA 1/24/2024 DPA (6-0-0-0)

HB 2306(BSI) dental board; business entities; enforcement
(RA S/E: dental board; unauthorized practice)
SPONSOR: WILLOUGHBY, LD 13 HOUSE
RA 1/24/2024 DPA/SE (6-0-0-0)

HB 2639(BSI) dental assistants; education
SPONSOR: HENDRIX, LD 14 HOUSE
RA 1/24/2024 DP (6-0-0-0)

Committee on Transportation & Infrastructure

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

HB 2142(BSI) move over law study committee
SPONSOR: COOK, LD 7 HOUSE
TI 1/17/2024 DP (7-1-2-1)
(No: GILLETTE Abs: SUN Present: MARTINEZ, MONTENEGRO)

HB 2269(BSI) towing companies; private towing; requirements
SPONSOR: COOK, LD 7 HOUSE
TI 1/17/2024 DP (6-2-1-2)
(No: CARTER, MONTENEGRO Abs: HERNANDEZ C, SUN Present: CONTRERAS P)

HB 2318(BSI) state match fund; rural transportation
SPONSOR: DUNN, LD 25 HOUSE
TI 1/24/2024 DP (11-0-0-0)

HB 2438(BSI) ADOT; administration; licensing; planning
SPONSOR: COOK, LD 7 HOUSE
TI 1/24/2024 DPA (11-0-0-0)

HB 2567(BSI) ovarian cancer plates; deadline extension
SPONSOR: GUTIERREZ, LD 18 HOUSE
TI 1/24/2024 DP (10-0-1-0)
(Present: MONTENEGRO)

HB 2573(BSI) use fuel dispenser labels; penalties
SPONSOR: BIASIUCCI, LD 30 HOUSE
TI 1/24/2024 DP (9-0-2-0)
(Present: CONTRERAS P, HERNANDEZ L)

Committee on Ways & Means

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

HB 2309(BSI) GPLET; agreement posting; abatement period
SPONSOR: GRANTHAM, LD 14 HOUSE
WM 1/24/2024 DP (6-4-0-0)
(No: BLATTMAN, PAWLIK, SANDOVAL, CREWS)

HB 2380(BSI) TPT; municipalities; audits; guidelines

SPONSOR: CARTER, LD 15 HOUSE

WM	1/24/2024	DP	(6-4-0-0)
(No: BLATTMAN, PAWLIK, SANDOVAL, CREWS)			

HB 2408(BSI) property tax assessment; destroyed property

SPONSOR: GILLETTE, LD 30 HOUSE

WM	1/24/2024	DP	(9-0-0-1)
(Abs: GRANTHAM)			

HB 2090: apprenticeship programs; completion; ROC filings
Sponsor: Representative Hendrix, LD 14
Caucus & COW

Overview

Requires a person to file a certificate of completion relating to apprenticeship programs with the Registrar of Contractors (ROC).

History

According to the Arizona Department of Labor, apprenticeship programs provide apprentices occupational related skills including on-the-job training. Programs must be registered with the Arizona Apprenticeship Office.

The Arizona Apprenticeship Advisory Committee coordinates, advices and recommends approval of procedures for the registration of apprenticeship programs and establishes quality thresholds of employers and employees in a sound, voluntary system of apprenticeship for men and women in skilled trades and occupations. Currently, there are over 40 approved apprenticeship programs offered through the Department of Labor.

Provisions

1. Directs a person who completes a construction trade apprenticeship program approved by the U.S. Department of Labor or the Arizona Department of Economic Security to file a certificate of completion with the ROC. (Sec 1)
2. Requires the ROC to maintain the certificates of completion. (Sec 1)

Amendments

Committee on Commerce

1. Adds that any updates to the certificate of completion including continuing education courses must be filed with the ROC.
2. Permits an entity that issues a person a certificate of completion may file such certificate with the ROC on behalf of the person.
3. Clarifies the certificate of completion and any updates to the certificate must be maintained by the ROC.

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

HB2146: mobile homes; cooling; prohibition
Sponsor: Representative Cook, LD 7
Caucus & COW

Overview

Specifies a mobile home park owner or operator cannot prohibit the installation of reasonably necessary cooling methods.

History

A.R.S. § 33-1452 directs the landlord of a mobile home park to create written rules or regulations concerning the tenant's use and occupancy of the premises to promote the convenience, safety or welfare of tenants, preserve property or upgrade the quality of the mobile home park. Tenants who bring a mobile home into the park or who purchase an existing mobile home must comply with all statements of policy and rules or regulations, including those pertaining to the size, condition and appearance of the mobile home. Statute outlines prohibitions for a mobile home park owner or operator pertaining to the tenant's use and occupancy of the premises.

Provisions

1. Prevents a mobile home park owner or operator from prohibiting a tenant from installing reasonably necessary cooling methods to reduce energy costs and prevent heat-related illness and death. (Sec. 1)
2. Makes a technical change. (Sec. 1)

Amendments

Committee on Commerce

1. Makes a clarifying change.

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: ED DPA 5-4-0-1

HB 2178: universities; student fees; clubs; organizations
Sponsor: Representative Kolodin, LD 3
Caucus & COW

Overview
Directs a public university seeking to transfer monies to university-recognized student organizations or clubs to allow each student that is charged tuition and fees to select one or more student organizations or clubs to receive a pro rata share of the transferred monies.

History
A public university is prohibited from transferring any student tuition or fees or using any university student billing process to collect monies for an organization that is not under the jurisdiction of the Arizona Board of Regents nor recognized as a university student organization. A public university may establish and support student government and university-recognized student organizations and clubs, as well as provide support for these student groups from student tuition and fees (A.R.S. § 15-1626.01).

Provisions
1. Requires each public university seeking to transfer monies from any source, excluding private donations designated for a specific student organization or club, to one or more university-recognized student organizations or clubs to:
   a) allow each student who is charged tuition and fees to select one or more student organizations or clubs to receive a pro rata share of the transferred monies; and
   b) transfer monies consistent with student selections. (Sec. 1)
2. Makes technical changes. (Sec. 1)

Amendments
Committee on Education
1. Specifies that if a student does not select one or more student organizations or clubs, the public university must transfer that student's pro-rata share of monies as otherwise provided by law.

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

HB 2246: purple star school designation; requirements
Sponsor: Representative Payne, LD 27
Caucus & COW

Overview

Creates the Purple Star School Program (Program) within the Arizona Department of Education (ADE) to identify schools that provide support to military students and families.

History

In 2008, Arizona enacted legislation to join the Interstate Compact on Educational Opportunity for Military Children (Compact). The Compact's purpose is to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by supporting the timely enrollment, placement and graduation of children of military families (A.R.S. § 15-1911). All 50 states and the District of Columbia participate in the Compact to provide a uniform policy platform for resolving the challenges experienced by military children (Department of Defense Education Activity).

According to the Military Child Education Coalition, as of October 2023, there are 38 states that have received purple star school designation (2022 Purple Star Schools Program).

Provisions

1. Establishes the Program within ADE to identify schools that provide transition support to military students and their families.
2. Permits ADE to adopt policies and procedures to implement the Program.
3. Allows any school that offers instruction in kindergarten or the 1st-12th grades to apply to ADE to participate in the Program.
4. Specifies a private school may participate in the Program on the same terms and subject to the same requirements as any public school.
5. Instructs ADE to approve a Program application if a school demonstrates that it:
   a) provides professional development training related to the unique needs of highly mobile students and military students to at least 70% of its employees;
   b) designates an employee to serve as the school's point of contact for the Program;
   c) establishes a peer mentorship program for military students;
   d) holds at least one patriotic event during each school year; and
   e) maintains a website or dedicated page on its website with resources for military students and their families.
6. Specifies the first professional development training must be provided in person and subsequent training may be provided electronically.
7. Allows a school to accept in-kind donations for the professional development training.
8. Details requirements a school must consider when selecting a designated point of contact, as well as the requirements and duties the designated point of contact must carry out.
9. Requires, for the peer mentorship program, school administrators to select and train enrolled students to serve as student mentors and support military students who are transitioning into the school.

10. Mandates the patriotic event recognize the service of military members and their families and educate attendees about military service in the U.S. and Arizona.
11. Details the information that must be included by a participating Program school on a website or dedicated page of the school's website.
12. Authorizes ADE to develop additional criteria for the eligibility determination a school must meet to participate in the Program.
13. Mandates each purple star school, by June 30 annually, submit a report to ADE containing prescribed information regarding the Program for the current school year.
14. Directs ADE to review the submitted reports to determine whether each purple star school continues to satisfy eligibility requirements.
15. Instructs ADE, if it is determined that a purple star school failed to submit the required report or demonstrate that it meets eligibility requirements, to notify the purple star school of the determination and the specific action required to cure the deficiency.
16. Requires ADE, if a purple star school fails to submit to ADE evidence that the deficiency has been cured within 90 days after notice is issued, to notify the school that it is no longer approved to participate in the Program and may not represent itself as a purple star school to the public.
17. Defines *military*, *military student*, *purple star school* and *veteran*.

HB 2311: schools; enrollment preference; armed forces
Sponsor: Representative Grantham, LD 14
Caucus & COW

Overview

Adds that a charter school or school district may give enrollment preference to the children of a U.S. Armed Forces member who is on active duty or was killed in the line of duty.

History

A charter school must enroll all eligible pupils unless there is insufficient capacity. Enrollment preference must be given to pupils who are returning to the charter school or who are the siblings of enrolled pupils. Statute allows a charter school to give enrollment preference to children in foster care or who qualify as *unaccompanied youth*. Finally, charter schools may give enrollment preference to and reserve capacity for pupils who: 1) are children, grandchildren or legal wards of specified individuals associated with the charter school or its governing body or charter holder; or 2) attended another charter school or who are the siblings of a student who attended another charter school that meets prescribed criteria (A.R.S. § 15-184).

School district governing boards must implement open enrollment policies regarding the enrollment of resident transfer, resident and nonresident pupils (A.R.S. § 15-816). A school district must enroll at any time any resident pupils who apply. Statute also requires school districts to give enrollment preference to and reserve capacity for: 1) resident pupils; 2) returning pupils; and 3) siblings of enrolled pupils. Enrollment preference may be given to children who: 1) are in foster care; 2) qualify as *unaccompanied youth*; or 3) attend a school that is closing. Finally, school districts may give enrollment preference to and reserve capacity for: 1) the children of school district employees; 2) resident transfer pupils and their siblings; and 3) pupils who meet additional criteria established by the school district governing board (A.R.S. § 15-816.01).

Provisions

1. Authorizes a charter school to give enrollment preference to and reserve capacity for the children of a U.S. Armed Forces member who is on active duty or was killed in the line of duty. (Sec. 1)
2. Allows a school district to give enrollment preference to the children of a U.S. Armed Forces member who is on active duty or was killed in the line of duty. (Sec. 2)

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

HB 2608: teacher retention; study; report
Sponsor: Representative Gress, LD 4
Caucus & COW

Overview

Requires the State Board of Education (SBE) to complete a study to determine the retention rate of school district and charter school teachers.

History

SBE must exercise general supervision over and regulate the conduct of the public school system. Specific powers of SBE include: 1) delegating the execution of SBE policies and rules to the Superintendent of Public Instruction; 2) publishing reports concerning the educational welfare of Arizona; and 3) supervising the certification of individuals engaged in instructional work (A.R.S. § 15-203).

Provisions

1. Directs SBE to conduct a comprehensive study to determine the retention rate of teachers in school districts and charter schools.
2. Specifies that the study must include:
   a) the total number of teachers, retention rate and turnover rate for:
      i. certificated teachers by each certificate type;
      ii. noncertificated teachers;
      iii. teaching assignment;
      iv. location;
      v. the number of years of experience of each teacher; and
      vi. any other category identified by SBE;
   b) the number of vacant teaching positions , including the average time to fill a vacancy, for:
      i. teaching assignment;
      ii. location; and
      iii. any other category identified by SBE; and
   c) an analysis of how each teacher preparation program or training pathway may affect a school district's or charter school's teacher recruitment or retention activities.
3. Specifies the teaching assignment data must include subject area and grade level taught.
4. Includes, in the location data, data by school site, school district or charter school, city or town and county.
5. Requires the Arizona Department of Education and the Arizona State Board for Charter Schools to collect and provide any data or information requested by SBE.
6. Mandates SBE, by December 31, 2024 and November 1 annually thereafter, submit the study results and recommendations to specified individuals.

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: GOV DPA 8-0-1-0

HB 2148: fire protection systems; inspections
Sponsor: Representative Cook, LD 7
Caucus & COW

Overview

Instructs inspections of fire protection systems in a city, town or county to be performed by a person certified by an entity accredited by the American National Standards Institute.

History

The Office of the State Fire Marshal is established within the Arizona Department of Forestry and Fire Management in order to promote public health and safety and to reduce hazards to life, limb and property. The office executes its duties by performing inspections and fire investigations by adopting fire protection codes and providing public education (A.R.S. § 37-1381).

The American National Standards Institute (ANSI) is a non-profit, private organization that coordinates and administers the U.S. voluntary and conformity assessment system. The ANSI works in collaboration with industry and government stakeholders to identify and develop standards-based solutions to national and global priorities. (ANSI).

Provisions

1. Requires inspections of fire protection systems in a city, town or county that include the following be performed by a person who is certified by an entity accredited by the ANSI to perform these inspections:
   a) fire dampers;
   b) smoke dampers; or
   c) a combination of fire and smoke dampers. (Sec. 1, 2)
2. Directs a city, town or county with an adopted fire code to adopt a regulation to enforce the requirements of fire protection system inspections by January 1, 2025. (Sec. 3)

Amendments

Committee on Government

1. Specifies that smoke damper and fire damper inspections must be performed in accordance with the standards established by a nationally recognized standards developing organization.
2. Allows the State Forester and State Fire Marshal to provide certified inspectors and resources to assist with fire protection system inspections if requested by the local authority responsible for such inspections.

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

HB 2162: municipal general plan; adoption
Sponsor: Representative Bliss, LD 1
Caucus & COW

Overview

Extends the number of days between ratification of a proposed or revised general plan and a scheduled election, from 120 to 180 days.

History

In current statute, 120 days must pass between ratification of a proposed or revised general plan and a scheduled election, for voters in cities or towns with:

1) populations between 2,500 and 10,000 people; and
2) a population growth rate *exceeding* two percent per year during the decade prior to the most recent U.S. Census (A.R.S. § 9-461.06).

General plan is defined as a municipal statement of land development policies, that may include maps, charts, graphs and text that set forth objectives, principles and standards for local growth and redevelopment (A.R.S. § 9-461).

Provisions

1. Increases the number of days that pass between ratification of a proposed or revised general plan and a scheduled election, from 120 to 180 days. (Sec.1)
2. Applies the 180 days between ratification of a proposed or revised general plan and a scheduled election, to voters in cities or towns with:
   a) populations between 2,500 and 10,000 people;
   b) a population growth rate *not exceeding* an average of two percent per year during the decade prior to the most recent U.S. Census; and
   c) a voter approved general plan. (Sec.1)
3. Makes technical changes. (Sec. 1)

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

HB 2304: Buffalo Soldiers Arizona territory monument
Sponsor: Representative Travers, LD 12
Caucus & COW

Overview

Establishes a name for the memorial dedicated to the commemoration of Buffalo Soldiers.

History

Laws 2018, Chapter 146 authorizes the Arizona Department of Administration to provide for a memorial commemorating Buffalo Soldiers, outlines the procedures of establishment and prohibits public monies being spent on the memorial.

Procedures for establishing a memorial, after legislative authorization, include a review and approval by the Legislative Council. After taking recommendations from the Historical Advisory Commission, the Legislative Council must approve of the design, dimensions, location, maintenance, minimum cost of any deposit into the state monument and memorial repair fund and any inscription for the memorial with a correlating contract of conditions. An approved memorial must be constructed within two years of the authorized legislation (A.R.S. § 41-1363).

Provisions

1. Provides the name, Buffalo Soldiers Arizona Territory monument, for the memorial in Wesley Bolin Plaza dedicated to the commemoration of Buffalo Soldiers. (Sec.1)
2. Makes technical and conforming changes. (Sec.1)

‘

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

HB 2521: partition; property; inheritance
Sponsor: Representative Peña, LD 23
Caucus & COW

Overview

Creates the Uniform Partition of Heirs Property Act (UPHPA) and outlines procedures for the partition of real property determined as heirs property.

History

When two or more heirs or devisees are entitled to distribution of undivided interests in any real or personal estate property, the personal representative (or one or more of the heirs) may petition the court before the estate closes to make partition. After notice to the interested heirs, the court must partition the property in the same manner as provided by the law for civil actions of partition. The court is authorized to direct the personal representative to sell any property that cannot be:

1) partitioned without prejudice to the owners; and
2) allotted to any one party (A.R.S. § 14-3911).

Provisions

Notice by Posting

1. Requires the court, in an action to partition real property, to determine whether the property is heirs property. (Sec. 2)
2. Establishes that heirs property must be partitioned according to the UPHPA unless all of the cotenants agree otherwise. (Sec. 2)
3. States that the UPHPA does not affect or limit the method by which service of a petition in a partition action may be made. (Sec. 2)
4. Directs a plaintiff, if the plaintiff seeks to give notice of the action by publication, to post and maintain a conspicuous sign on the property that is the subject of the partition action no later than 10 days after the court determines that the property may be heirs property. (Sec. 2)
5. Details the information a sign must include and additional information the court may require on the sign. (Sec. 2)

Determination of Value

6. Asserts that the court must determine the fair market value of the heirs property by ordering an appraisal unless:
   a) all cotenants have agreed to the value of the property or to another method of valuation then the court must adopt the value or the value produced by the agreed method of valuation; or
   b) the court determines by an evidentiary hearing that the evidentiary value of an appraisal is outweighed by the cost of the appraisal then the court must determine the fair market value of the property and provide notice to the parties of the value. (Sec. 2)
7. Instructs the court to appoint a disinterested licensed real estate appraiser to determine the fair market value of the property assuming sole ownership of the fee simple estate. (Sec. 2)
8. Mandates the appraiser file a sworn or verified appraisal with the court. (Sec. 2)
9. States that the court must provide, within 10 days after the appraisal is filed, notice of the appraisal to each party with a known address. (Sec. 2)

10. Outlines what must be included in the notice. (Sec. 2)
11. Directs the court to conduct a hearing to determine the fair market value of the property no sooner than 30 days after a copy of the appraisal is provided to each party. (Sec. 2)
12. Authorizes the court to consider any other evidence of value offered by a party in addition to the court-ordered appraisal. (Sec. 2)
13. Requires the court to determine the fair market value of the property and provide notice to the parties of the determination of value after the hearing but before considering the merits of the partition action. (Sec. 2)

Cotenant Buyout

14. Directs the court to provide notice, if any cotenant requested partition by sale after the determination of value, to the parties that any cotenant except a cotenant that requested partition by sale may buy all the interests of the cotenants that requested partition by sale. (Sec. 2)
15. Allows any cotenant, except a cotenant that requested partition by sale, to file notice with the court within 45 days after notice is provided that the cotenant elects to buy all the interests of the cotenants that requested partition by sale. (Sec. 2)
16. Prescribes that the purchase price for each of the interests of a cotenant that requested partition by sale is the fair market value of the entire parcel multiplied by the cotenant's fractional ownership of the entire parcel. (Sec. 2)
17. Outlines the rules that apply after expiration of the 45-day period when cotenants elect to buy interests. (Sec. 2)
18. Provides rules that apply when electing cotenants pay their apportioned price to the court after 90-day notice was provided. (Sec. 2)
19. Establishes rules that apply, within 20 days after the court provides notice, when any cotenant that paid elects to purchase all of the remaining interest by paying the entire amount to the court. (Sec. 2)
20. Authorizes a cotenant who is entitled to buy an interest, within 45 days after the notice of cotenant buyout, to request the court to authorize the sale as part of the pending action of the interests of cotenants named as respondents and served with the complaint but who did not appear in the action. (Sec. 2)
21. Allows the court, after receiving a timely request for the sale and after a hearing, to deny or authorize the requested additional sale on such terms as the court deems fair and reasonable and subject to prescribed rules. (Sec. 2)

Partition In Kind

22. Requires the court, if requested by a cotenant, to order partition in kind if all the interests of all cotenants that requested partition by sale are not purchased or after the conclusion of a buyout, unless the court finds that partition in kind with will result in manifest prejudice to the cotenants as a group. (Sec. 2)
23. States that, in considering whether to order partition in kind, a court must approve a request by two or more parties to have their individual interests aggregated. (Sec. 2)
24. Maintains that if the court does not order partition in kind, it must order partition by sale and, if no cotenant requested partition by sale, the court must dismiss the action. (Sec. 2)
25. Specifies if the court orders partition in kind, the court:
    a) may require that one or more cotenants pay other cotenants amounts so that the payments together with the in-kind distributions will make the partition in kind just and proportionate in value to the fractional interests held; and
    b) must allocate a part of the property representing the combined interests of the cotenants who are unknown as determined by the court, and this part of the property is to remain undivided. (Sec. 2)

26. Prescribes the factors that must be considered by the court in determining whether partition in kind would result in manifest prejudice to the cotenants as a group. (Sec. 2)

27. Prohibits the court from considering any one factor to be dispositive without weighing the totality of all relevant factors and circumstances. (Sec. 2)

Partition By Sale

28. Mandates a sale of heirs property be an open-market sale unless the court finds that a sale by sealed bid or an auction would be more economically advantageous and in the best interest of the cotenants as a group. (Sec. 2)

29. Outlines procedures, within 10 days after entry of the order for an open-market sale, for the court to appoint a licensed real estate broker to offer the property for sale and to establish a reasonable commission. (Sec. 2)

30. Specifies the procedures for the appointed broker if the broker receives an offer to purchase the property for at least the determined fair market value within or not within a reasonable time. (Sec. 2)

31. Lists the information to be included in the report made by the appointed broker within seven days of receiving an offer to purchase the heirs property for at least the fair market value. (Sec. 2)

32. Directs the court to set terms and conditions for the sale if the court orders a sale by sealed bids or at an auction. (Sec. 2)

33. Maintains that an auction, if ordered by the court, must be conducted pursuant to statute relating to foreclosure. (Sec. 2)

34. Stipulates that a purchaser is entitled to a credit against the price in an amount equal to the purchaser's share of the proceeds if the purchaser is entitled to a share of the proceeds of the sale. (Sec. 2)

Miscellaneous

35. Adds the UPHPA to the options the court may utilize to partition property after notice to the interested heirs or devisees. (Sec. 1)

36. Entitles this legislation as the UPHPA. (Sec. 2)

37. Specifies that the UPHPA applies to partition actions filed on or after the general effective date. (Sec. 2)

38. Specifies, if the court appoints commissioners pursuant to statute, the commissioners must be disinterested, impartial and not be a party to or a participant in the action. (Sec. 2)

39. Establishes that the courts must consider the need to promote uniformity of the law with respect to its subject matter among the states that enact the UPHPA. (Sec. 2)

40. Stipulates that these provisions modify, limit and supersede the Electronic Signatures in Global and National Commerce Act but do not modify, limit or supersede federal code related to authorization of electronic delivery of any notices described in federal code. (Sec. 2)

41. Defines:
    a) *ascendant*;
    b) *collateral*;
    c) *descendant*;
    d) *determination of value*;
    e) *heirs property*;
    f) *partition by sale*;
    g) *partition in kind*;
    h) *record*; and
    i) *relative*. (Sec. 2)

42. Makes technical changes. (Sec. 1)

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

HB 2595: Don Bolles memorial
Sponsor: Representative Longdon, LD 5
Caucus & COW

Overview

Dedicates a memorial in Wesley Bolin Plaza to Don Bolles.

History

Don Bolles was an investigative journalist for The Arizona Republic throughout the early 1970s. Bolles, an Arizona Press Club award-winner, discovered information pertaining to organized crime and fraud in Arizona. During an investigation in 1976, Don Bolles was fatally injured by an explosion.

Procedures for establishing a memorial, after legislative authorization, include a review and approval by the Legislative Council. After taking recommendations from the Historical Advisory Commission, the Legislative Council must approve of the design, dimensions, location, maintenance, minimum cost of any deposit into the state monument and memorial repair fund and any inscription for the memorial with a correlating contract of conditions. An approved memorial must be constructed within two years of the authorized legislation (A.R.S. § 41-1363).

Provisions

1. Authorizes a memorial, provided by the Legislative Council, in the Wesley Bolin Plaza dedicated to Don Bolles. (Sec.1)
2. Specifies that procedures currently in statute apply to the placement of the monument. (Sec.1)
3. Prohibits public monies from being used for the cost of the monument and prohibits the state from facilitating fund-raising or establishing a state fund for deposit of the monies. (Sec.1)
4. Mandates that all fund-raising and contracts for artistic design and construction are the sole responsibility of the proponents. (Sec.1)
5. Repeals this legislation on October 1, 2027. (Sec.1)

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

HB 2051: joint training; surveyors; providers
Sponsor: Representative Bliss, LD 1
Caucus & COW

Overview

Requires the Arizona Department of Health Services (DHS) to establish a joint training session for supervisors, compliance officers and investigators along with skilled nursing and assisted living providers to focus on reporting changes to the survey process and educating on how compliance with the changes will be determined.

History

A *residential care institution* is a health care institution other than a hospital or nursing care institution that provides resident beds or residential units, supervisory care services, personal care services, behavioral health services, directed care services or health-related services for individuals who do not need continuous nursing services. An *assisted living facility* is a residential care institution, including an adult foster care home, that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuous basis. *Nursing care institution*s are also health care institutions that provide inpatient beds or resident beds and nursing services to persons who need continuous nursing services but who do not require hospital care or direct daily care from a physician (A.R.S. § 36-401).

DHS is authorized to: 1) make or cause to be made inspections consistent with standard medical practice; 2) study and investigate conditions and problems in health care institutions or any class or subclass as they relate to compliance with statutes, rules and regulations; and 3) develop manuals and guides relating to any aspect of physical facilities and operations of the health care institutions for distribution to governing authorities and the general public. DHS is also required to perform all necessary functions, including licensing, certification or monitoring to implement federally approved standards for institutions, facilities, agencies or persons providing long term care services (A.R.S. §§ 36-406, 36-409).

Provisions

1. Requires DHS to establish an annual joint training session, between supervisors, compliance officers and investigators who license, certify and monitor long-term care facilities along with skilled nursing providers and assisted living providers to focus on reporting changes to the survey process and educating on how compliance with these changes will be determined. (Sec. 1)
2. Allows the annual joint training sessions to be conducted in person or remotely. (Sec. 1)
3. Permits DHS to receive and spend gifts, grants or donations to pay for the joint training sessions. (Sec. 1)

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

HB 2113: medical assistants; scope of practice
Sponsor: Representative Willoughby, LD 13
Caucus & COW

Overview

Expands the acts that a medical assistant may perform without the direct supervision of a medical doctor, physician assistant or nurse practitioner.

History

A *medical assistant* is an unlicensed person who performs specified tasks as outlined in statute, has completed an education program approved by the Arizona Medical Board (Board), assists in a medical practice under the supervision of a medical doctor, physician assistant or nurse practitioner and performs delegated procedures that commensurate with the medical assistant's education and training but does not diagnose, interpret, design or modify established treatment programs or perform any functions that would violate any statute applicable to the practice of medicine.

Direct supervision means a licensed physician, physician assistant or nurse practitioner is within the same room or office suite as the medical assistant in order to be available for consultation regarding the tasks the medical assistant performs (A.R.S. § 32-1401).

Medical assistants may perform the following tasks without direct supervision:

1) billing and coding;
2) verify insurance;
3) make patient appointments;
4) perform scheduling;
5) record a medical doctor's findings in patient charts and transcribe materials in patient charts and records;
6) perform visual acuity screening as part of a routine physical; and
7) take and record patient vital signs and medical history on medical records.

The Board, by rule, must prescribe medical assistant training requirements. The training requirements for a medical assistant may be satisfied through a training program that meets all of the following: 1) is designed and offered by a physician; 2) meets or exceeds any of the approved training program requirements specified in rule; 3) verifies the entry-level competencies of a medical assistant as prescribed by rule; and 4) provides written verification to the individual of successful completion of the training program (A.R.S. § 32-1456).

A sunrise application was submitted on November 1, 2023, requesting an expansion of the scope of practice for medical assistants to allow them to perform certain administrative duties without direct supervision.

Provisions

1. Allows medical assistants to perform the following tasks without the direct supervision of a medical doctor, physician assistant or nurse practitioner:
   a) communicate documented medical advice, orders and interpreted test results from a medical doctor, physician assistant or nurse practitioner; and
   b) obtain, process and communicate medication or procedure prior authorization as documented and ordered by a medical doctor, physician assistant or nurse practitioner. (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
House: HHS DPA/SE 8-2-0-0

HB 2114: marriage and family therapists; endorsement
S/E: behavioral health; licensure; endorsement
Sponsor: Representative Willoughby, LD 13
Caucus & COW

Summary of the Strike-Everything Amendment to HB 2114

Overview

Removes the requirement for clinical social workers, professional counselors, marriage and family therapists and substance abuse counselors (behavioral health professionals) seeking licensure by endorsement from the Arizona Board of Behavioral Health Examiners (Board) to be licensed or certified for at least three years in one or more other states or federal jurisdictions in the discipline and practice level for which an application is submitted.

History

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

Current law outlines requirements that applicants must meet in order to obtain a license by endorsement from the Board. These requirements include: 1) being currently licensed or certified by the regulatory agency of one or more other states or federal jurisdictions and be in good standing; 2) being licensed or certified for at least three years in one or more jurisdictions in the discipline and practice level for which an application is submitted; 3) paying the Board-prescribed fee; and 4) meeting all basic requirements for licensure (A.R.S. § 36-3274).

Provisions

1. Removes the requirement for behavioral health professionals seeking licensure by endorsement from the Board to be licensed or certified for at least three years in one or more other states or federal jurisdictions in the discipline and practice level for which an application is submitted. (Sec. 1)
2. Makes technical changes. (Sec. 1)

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

HB 2183: parental rights; medical records
Sponsor: Representative Willoughby, LD 13
Caucus & COW

Overview

Entitles parents with the right to receive from a health care entity equivalent access to any electronic portal or other health care delivery platform for their minor child.

History

As outlined in the parents' bill of rights, all parental rights are exclusively reserved to a parent of a minor child without obstruction or interference from this state, any political subdivision, any other governmental entity or other institution. This includes:

1) the right to make all health care decisions for the minor child, including the right to not consent to the immunization of their child, the right to consent to mental health treatment or screening for their child and the right to consent to surgical procedures for their child; and
2) the right to request, access and review all written and electronic medical records of the minor child unless otherwise prohibited by law or unless the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement officially requests that the information not be released (A.R.S. §§ 1-602, 15-873, 36-2271, 36-2272).

Medical services that do not require parental consent include:

1) when it has been determined by a physician that an emergency exists and is necessary to perform surgical procedures for the treatment of a serious disease, injury or drug abuse, to save the life of the patient, or when such parent or legal guardian cannot be located or contacted after reasonably diligent effort;
2) when an emergency exists that requires a person to perform mental health screening or provide mental health treatment to prevent serious injury or save the life of a minor child;
3) in emergency cases in which a minor needs immediate hospitalization, medical attention or surgery and after reasonable efforts made under the circumstances, the parents of such minor cannot be located for the purpose of consenting thereto, consent for said emergency attention may be given by any person standing in loco parentis to said minor; and
4) any minor who is at least 12 years old who is found, upon diagnosis of a licensed physician or registered nurse practitioner, to be under the influence of a dangerous drug or narcotic, which includes withdrawal symptoms, may be considered an emergency case and the minor is considered as having consented to hospital or medical care needed for treatment for that condition (A.R.S. §§ 36-2271, 36-2272, 44-133, 44-133.01).

Provisions

1. Requires a health care entity to give parents equivalent access to any electronic portal and any other health care delivery platform throughout the minority of their child. (Sec. 1)
2. Specifies that a parents right to request, access and review all written and electronic medical records of the minor child includes access to written and electronic medical records for services not requiring parental consent, including those in certain emergency circumstances, unless otherwise prohibited by law or a parent is the subject of an investigation of a crime committed against the minor child and law enforcement requests that the information not be released. (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: JUD DP 6-3-0-0-0-0

HB 2157: probation; termination; deportation
Sponsor: Representative Bliss, LD 1
Caucus & COW

Overview
Prohibits a court from using a defendant's deportation as the sole reason for early termination of probation or intensive probation.

History
The criminal code includes several provisions that govern the procedure for a court to impose a term of probation; define the different types of probation that may be imposed for eligible offenses; and delineate the terms and conditions that a defendant is subject to while on probation. In some cases, either on its own initiative or on application from the probationer, the sentencing court is authorized to terminate the period of probation early after notice and an opportunity to be heard for the prosecuting attorney and, on request, the victim. However, probation can only be terminated early if in the court's opinion the ends of justice will be served and if the conduct of the defendant on probation warrants it (A.R.S. § 13-901).
Intensive probation is a highly structured and closely supervised probation that emphasizes individualized intervention for a person deemed appropriate for the program pursuant to A.R.S. § 13-914 (A.R.S. § 13-913).

Provisions
1. Proscribes a court from using the deportation of a defendant as the sole reason for terminating the defendant's period of probation or intensive probation early. (Sec. 1)
2. Makes a technical change. (Sec. 1)

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

HB 2245: narcotic drugs; fentanyl; sentencing
Sponsor: Representative Nguyen, LD 1
Caucus & COW

Overview

Imposes enhanced sentencing ranges for certain existing narcotic drug offenses involving the sale of fentanyl to another person in an amount of at least $1,000.

History

The criminal code defines a *narcotic drug* to encompass a detailed list of materials, compounds, mixtures or preparations containing various substances or derivatives. Examples of narcotic drugs include cocaine, fentanyl and heroin, among many others (A.R.S. § 13-3401).

Statute outlines several criminal offenses relating to narcotic drugs in A.R.S. § 13-3408. Specifically, subsection A, paragraph 2 of that statute makes it unlawful for a person to knowingly possess a narcotic drug for sale (a class 2 felony). Moreover, subsection A, paragraph 7 makes it unlawful for a person to knowingly transport for sale, import into Arizona, offer to transport for sale or import into Arizona, sell, transfer or offer to sell or transfer a narcotic drug (also class 2 felony).

For a first-time offense, and in the absence of any mitigating or aggravating circumstances, a class 2 felony is punishable by either a term of imprisonment in the following ranges or up to 7 years of probation for eligible offenses:

1) 4 years (minimum);
2) 5 years (presumptive); or
3) 10 years (maximum) (A.R.S. §§ 13-702, 13-902).

However, A.R.S. § 13-701 outlines a process for a court or a trier of fact to find that an offense involved certain enumerated mitigating circumstances (subsection E) or aggravating circumstances (subsection D), which may operate to reduce the minimum prison sentence above to 3 years or to enhance the maximum prison sentence to 12.5 years. Additionally, more specific sentencing requirements may apply in certain circumstances, including discrete sentencing ranges or probation eligibility provisions that may apply for repeat offenses or for offenses involving specific drugs or amounts of drugs (A.R.S. §§ 13-3408, 13-3419, 13-3420).

For purposes of drug offenses under the criminal code, *sale* (or *sell*) is defined as an exchange for anything of value or advantage, present or prospective. Further, *transfer* means to furnish, deliver or give away (A.R.S. § 13-3401). For purposes of the criminal code, *possess* means to knowingly have physical possession or otherwise to exercise dominion or control over property (A.R.S. § 13-105).

Provisions

1. Mandates the following enhanced prison terms for a person who is convicted of a violation of A.R.S. § 13-3408, subsection A, paragraph 2 or 7, if the violation involves the sale to another person of fentanyl in an amount of at least $1,000:
   a) 5 years (minimum);
   b) 10 years (presumptive); or
   c) 15 years (maximum). (Sec. 1)

2. Increases each of these terms by 5 years for a person who has previously been convicted of a violation of A.R.S. § 13-3408, subsection A, paragraph 2 or 7 involving the sale to another person of fentanyl in an amount of at least $1,000. (Sec. 1)
3. Provides that these presumptive prison terms may be mitigated or aggravated pursuant to A.R.S. § 13-701, subsections D and E. (Sec. 1)
4. Makes conforming changes. (Sec. 1)

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

HB 2310: grooming; classification
Sponsor: Representative Grantham, LD 14
Caucus & COW

Overview

Establishes *grooming* as a criminal offense classified as either a class 4 felony or a class 5 felony depending on the relationship between the defendant and the victim.

History

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

For purposes of certain sexual offenses involving minor victims, statute defines *position of trust* to include a person who is or was any of the following in relation to a minor:

1) the minor's parent, stepparent, grandparent, adoptive parent, legal guardian, aunt, uncle or foster parent;
2) the minor's teacher or any school employee or volunteer at the minor's school who is eighteen years of age or older;
3) the minor's coach or instructor, whether the coach or instructor is an employee or volunteer;
4) the minor's clergyman or priest or any person who is at least eighteen years of age and who worked or volunteered for a religious organization that hosted events or activities where the minor was in attendance;
5) engaged in a sexual or romantic relationship with the minor's parent, adoptive parent, grandparent, aunt, uncle, legal guardian, foster parent, stepparent, step-grandparent or sibling;
6) related to the minor by blood or marriage within the third degree and is at least ten years older than the minor;
7) the minor's employer; or
8) an employee of a group home or residential treatment facility where the minor resides or has previously resided (A.R.S. § 13-1401).

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

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

A.R.S. § 13-1407 contains several defenses that a defendant can raise in a prosecution for certain sexual offenses. Subsection E of that statute—commonly referred to as the *Romeo and Juliet Law*—provides a defense to a prosecution for sexual conduct with a minor (A.R.S. § 13-1405) or aggravated luring a minor for sexual exploitation (A.R.S. § 13-3560) if all of the following circumstances are met:

1) The victim is 15, 16 or 17 years old;
2) The defendant is under 19 years old or attending high school and is no more than 24 months older than the victim; and
3) The conduct is consensual.

Provisions

1. Creates the criminal offense of *grooming*, which involves a person knowingly using an electronic communication device as defined in A.R.S. § 13-3561, performing an act in person or through a third party or using any written communication to seduce, lure or entice or attempt to seduce, lure or entice a minor, a minor's guardian or another person whom the person believes to be a minor or a minor's guardian to:
   a) commit any offense in A.R.S. title 13, chapters 14 (sexual offenses) or 35.1 (sexual exploitation of children);
   b) distribute photographs that depict a person's sex organs;
   c) engage in any unlawful conduct with a minor or another person whom the person believes to be a minor. (Sec. 1)
2. Classifies grooming as a class 5 felony unless the defendant is in a position of trust, in which case the offense becomes a class 4 felony. (Sec. 1)

Amendments

Committee on Judiciary

1. Removes language in the bill relating to a minor's guardian.
2. Replaces language in subsection A, paragraph 1 of the bill regarding offenses in A.R.S. title 13, chapters 14 and 35.1 with any offense in A.R.S. title 13 and adds that the offense must be in furtherance of facilitating the sexual seduction or abuse of the minor.
3. Strikes subsection A, paragraph 3 of the bill relating to any unlawful conduct with a minor or another person whom the person believes to be a minor.
4. Makes the Romeo and Juliet Law applicable in grooming prosecutions.
5. Amends the Romeo and Juliet Law by removing the requirement that the defendant be under 19 years old or attending high school and raising the applicable age-difference between the victim and the defendant from 24 months to 3 years.
6. Makes technical and 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
House: LARA DP 8-1-0-0

HB 2191: property; criminal damage
Sponsor: Representative Cook, LD 7
Caucus & COW

Overview

Specifies that a form of criminal damage includes recklessly obstructing a passageway, rather than parking any vehicle, in a manner that deprives livestock access to the only reasonably available water.

History

Under current law, a person commits a criminal damage by:

1) recklessly defacing or damaging property of another person;
2) recklessly tampering with property of another person so as substantially to impair its function or value;
3) recklessly damaging property of a utility;
4) recklessly parking any vehicle in such a manner as to deprive livestock of access to the only reasonably available water;
5) recklessly drawing or inscribing a message, slogan, sign or symbol that is made on any public or private building, structure or surface, except the ground, and that is made without permission of the owner; or
6) intentionally tampering with utility property (A.R.S. § 13-1602).

Provisions

1. States that a person commits criminal damage by recklessly obstructing a passageway, rather than parking any vehicle, in a manner that deprives livestock access to the only reasonably available water. (Sec. 1)

2. Makes technical changes (Sec. 1)

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

HB 2244: misbranding; misrepresenting; food products
Sponsor: Representative Nguyen, LD 1
Caucus & COW

Overview

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

History

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

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

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

Provisions

1. Prohibits a person who labels a food product from intentionally misbranding or misrepresenting a product that is not derived from livestock or poultry as meat, a meat food product, poultry or a poultry product through any activity by:
   a) affixing a false or misleading label on meat, a meat food product, poultry or a poultry product;
   b) using a term that is the same as or deceptively similar to a term that is used or defined historically in reference to a specific meat food or poultry product;
   c) representing a cell-cultured food product as meat, a meat food product, poultry or a poultry product; or
   d) representing a synthetic product derived from a plant, insect or other source as meat, a meat food product, poultry or a poultry product. (Sec. 1)
2. Allows DHS to:
   a) adopt rules to enforce prohibitions misrepresenting products not derived from livestock or poultry;
   b) receive complaints and investigate relevant violations;
   c) employ personnel to investigate and enforce adopted rules or delegate investigation and enforcement authority to county health departments or the Weights and Measures Services Division of the Arizona Department of Agriculture;
   d) seek and obtain injunctive relief or other civil relief to restrain and prevent violations of misrepresenting food products and relevant rules adopted; and
   e) impose a civil penalty of no more than $100,000 for each violation. (Sec. 1)
3. States that each day a violation occurs is a separate offense. (Sec. 1)

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

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: LARA DP 5-4-0-0

HB 2406: agricultural vaccinations; disclosure
Sponsor: Representative Gillette, LD 30
Caucus & COW

Overview

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

History

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

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

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

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

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

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

Provisions

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

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

HCR2002: supporting Arizona's beef producers
Sponsor: Representative Smith, LD 29
Caucus & COW

Overview

States that the Legislature recognizes, encourages and continues to support Arizona's beef-producing farmers, ranchers and families.

History

Since statehood, the five C's (copper, cattle, cotton, citrus and climate) have played a fundamental role in Arizona's economy, with many jobs in agriculture, ranching and mining. (Arizona State Library and Archives).

According to the Arizona Department of Agriculture, more than 30% of Arizona's 20,005 farms and ranches raise cattle, totaling almost 1,000,000 head (Guide to Arizona Agriculture 2018).

Provisions

1. Declares that the Legislature recognizes, encourages and continues to support Arizona's beef-producing farmers, ranchers and families.

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

HB 2034: DOC officers; personnel system; covered
Sponsor: Representative Cook, LD 7
Caucus & COW

Overview

Adds specified employees of the Department of Corrections (DOC) to covered service.

History

Employees of the state of Arizona are employed under either covered or uncovered service. Unless otherwise prescribed, employees are under uncovered service. Uncovered employees are at-will employees and may be disciplined or terminated without cause and for any reason not prohibited by law. Covered employees may be disciplined or terminated only for cause, and they have a right to appeal disciplinary actions taken against them (A.R.S. Title 41, Chapter 4; AAC Title 2, Chapter 5).

Current statute lists the following DOC employee positions as covered service:

1) Correctional officers I;
2) Correctional officers II;
3) Correctional officers III; and
4) Community corrections officers (A.R.S. § 41-742).

Provisions

1. Adds the following DOC employees to covered service:
   a) Correctional captains;
   b) Correctional lieutenants;
   c) Correctional sergeants;
   d) Correctional corporal;
   e) Correctional officers IV;
   f) Community corrections unit supervisor; and
   g) Community corrections group supervisor. (Sec. 1, 2, 3)
2. Specifies that all positions listed as covered will be in the covered service on the effective date of this legislation. (Sec. 2)
3. Makes technical changes. (Sec. 1, 2, 3)

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

HB 2080: elections; municipal vacancies; primary
Sponsor: Representative Hendrix, LD 14
Caucus & COW

Overview

Allows a municipality to authorize the prevailing candidate at the primary election for a mayor or council seat in which the serving member is appointed, to assume office immediately upon the certification of the election.

History

Elections for mayor and council take place during a primary election. To be declared elected, a candidate must receive the majority of all votes cast at that election. The *majority of all votes cast* is determined by calculating the total number of votes cast for all candidates for an office divided by the number of seats to be filled; this number is then divided by two and rounded to the highest whole number. If no candidate receives the majority of votes cast, or if the number of seats to be filled is more than the number of candidates who receive a majority of votes cast, the number of candidates who advance to the general or runoff election is equal to twice the number of seats to be filled for the office (A.R.S. § 9-821.01).

Provisions

1. Specifies that if the person serving as mayor or councilmember holds that office by appointment at the time of the primary election:
   a) the candidate to fill the vacancy that receives the majority of all votes cast at that primary election for that office, is declared elected to that office effective after the certification of the election and upon taking the oath of office; and
   b) the appointed member's term of office ends when the elected candidate takes the oath of office. (Sec. 1, 2).
2. Makes technical and conforming changes. (Sec. 2)

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: MOE DPA 5-4-0-0

HB 2393: presidential preference; parties; voting methods
Sponsor: Representative Kolodin, LD 3
Caucus & COW

Overview

Requires political parties that choose to select a nominee for president by a vote that is open to the entire political party membership to provide a method of voting to uniformed services or overseas citizens and persons with disabilities.

History

A presidential preference election allows qualified electors the opportunity to express their preference for the presidential candidate of the political party indicated on their voter registration. A presidential preference election must be conducted in the same manner as a primary election. A presidential preference election must be held on the Tuesday following March 15 (A.R.S. §§ 16-241; 16-201).

The Governor can issue a proclamation that the presidential preference election be held later if the proclamation is issued 180 days before the election date. The County Board of Supervisors must receive a copy of the proclamation (A.R.S. § 16-241).

A *person with a disability* includes a person who has a temporary or permanent physical disability that substantially restricts or limits the person's access to polling places (A.R.S. § 16-581).

Provisions

1. Requires any political party that chooses not to participate in the presidential preference election and chooses to select a nominee for president by a vote that is open to the entire political party membership to provide a method of voting for persons:
   a) who are uniformed services or overseas citizens; and
   b) with disabilities. (Sec. 1)
2. Allows a political party to choose the means for voting. (Sec. 1)
3. Specifies that political parties are not required to select a nominee for president by popular vote. (Sec. 1)

Amendments

Committee on Municipal Oversight & Elections

1. Clarifies that a political party must provide a method of voting for uniformed services and uniformed overseas citizens.
2. Makes a spelling correction.

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

HB 2394: candidates; digital impersonation; injunctive relief
Sponsor: Representative Kolodin, LD 3
Caucus & COW

Overview

An emergency measure that outlines the process for a person to bring an action for declaratory and injunctive relief for a published act of digital impersonation.

History

Any person involved in legal documents such as deeds or contracts, or those impacted by statute, municipal ordinance or agreements have the right to seek resolution for any questions about the interpretation or validity of the documents. This legal process allows them to obtain a formal declaration concerning their rights, status or other legal relationships specified in those documents (A.R.S. § 12-1832).

There are three main evidentiary standards used in Arizona law: 1) proof *beyond a reasonable doubt*; 2) proof *by a preponderance of the evidence*; and 3) proof *by clear and convincing evidence*. The preponderance of evidence standard requires that the fact-finder determine whether a fact sought to be proved is more probable than not. Clear and convincing evidence, by contrast, reflects a heightened standard of proof that indicates that the thing to be proved is highly probable or reasonably certain. The clear and convincing evidence standard is an intermediate standard, between proof beyond a reasonable doubt and proof by a preponderance of the evidence (*Kent K. v. Bobby M.*, 210 Ariz. 279, 2005).

Provisions

1. Allows a person running for public office or any citizen of this state to take action for digital impersonation within two years from the date that the person becomes aware, or with reasonable diligence should have become aware, that a digital impersonation of the person was published. (Sec. 1)
2. States that the remedy for the cause of action of digital impersonation is preliminary and permanent declaratory relief except as otherwise provided in this section of statute. Sec. 1)
3. Requires, to prevail in a cause of action for digital impersonation, the plaintiff to prove all of the following by a preponderance of evidence:
   a) that a digital impersonation of the person was published without the person's consent; and
   b) that the publisher did not take reasonable steps to inform the audience of the publication that the recording or image was a digital impersonation, or it was not otherwise obvious that the publication was a digital impersonation. (Sec. 1)
4. Grants the person bringing an action for digital impersonation the right to obtain a preliminary judicial declaration that a recording or image is a digital impersonation within two judicial days after seeking that relief. (Sec. 1)
5. Mandates that a preliminary declaration can only be granted if the person proves by a preponderance of evidence the elements of digital impersonation explained above and if any of the following are met:
   a) the person is a candidate for public office in an election that is scheduled within 180 days of the date that the relief is requested;
   b) the digital impersonation depicts the person engaging in a sexual act or depicts specified body parts of the person as unclothed;
   c) the digital impersonation depicts the person engaging in a criminal act;

d) in the absence of expedited relief, it is reasonably expected that the person will suffer significant personal or financial hardship or loss of employment opportunities;
e) in the absence of expedited relief, the persons reputation will be irreparably harmed; or
f) the interests of justice otherwise require. (Sec. 1)

6. Entitles a person bringing an action for digital impersonation the right to recover injunctive relief and damages if the following are met:
   a) the digital impersonation depicts the person engaging in a sexual act or depicts specified body parts of the person as unclothed;
   b) the person was not a public figure at the time the cause of action accrued;
   c) the elements of digital impersonation explained above are proven by clear and convincing evidence; and
   d) the person proves by clear and convincing evidence that the publication was made with actual knowledge that the recording or image was a digital impersonation or, if published without actual knowledge, the publisher failed to take reasonable corrective action upon learning that the recording or image was a digital impersonation. (Sec. 1)
7. Prohibits any factual determinations made by the court in a request for preliminary relief from being considered by the trier of fact at any later stage of the proceeding. (Sec. 1)
8. Adds that a parent or guardian of a minor child or incapacitated person can seek relief under this section on the minor child's or incapacitated person's behalf. (Sec. 1)
9. Specifies that this section be construed in favor of free expression and open discourse on the matters of public concern and artistic expression and should not be construed to deny any cause of action otherwise available. (Sec. 1)
10. Defines the terms *appear on the ballot in this state*, *digital impersonation*, *election*, *public figure* and *public office*. (Sec. 1)
11. Contains an emergency clause. (Sec. 2)

Amendments

Committee on Municipal Oversight & Elections

1. Makes grammatical changes.

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: MOE DP 5-4-0-0

HB 2547: voting centers ban; precinct size
Sponsor: Representative Jones, LD 17
Caucus & COW

Overview

Prohibits the Board of Supervisors from authorizing the use of voting centers, removes language allowing a County Recorder to establish on-site early voting locations and limits the size of election precincts to a maximum of 1,000 registered voters.

History

Election Precincts

Election precincts are the smallest units of electoral districts. The Board of Supervisors is responsible for establishing the geographic boundaries of election precincts and ensuring that a convenient number of precincts are established to reasonably accommodate voters. Election precinct boundaries must fall within the existing election districts, including legislative and community college districts. While Arizona law requires a polling place to be designated within each precinct, the law also allows for the combination of adjacent precincts in certain circumstances, exceptions when adequate polling locations are unavailable, the consolidation or combination of polling places in certain circumstances and the authorization of voting centers to be used in addition to or in place of specifically designated polling places (A.R.S. § 16-411).

Voting Locations

Arizona utilizes two types of voting locations: precinct-based polling places and voting centers. Precinct-based polling places are specifically designated for that precinct and require voters to vote at that specific polling place. Alternatively, a voter can vote at any voting center within their county, regardless of which precinct they live in. The Board of Supervisors may decide to utilize either a precinct-based or voting center model, or a combination of both (A.R.S. § 16-411).

On-Site Early Voting Locations

The County Recorder may establish on-site early voting locations at the County Recorder's office and may establish additional locations at their discretion. A voter must present valid identification to vote at an on-site early voting location. On-site early voting locations may open on the same day that the County Recorder sends out early ballots and may remain open until 5:00 p.m. on the Friday before the election (A.R.S. § 16-542).

Provisions

1. Specifies that at the time election precincts are designated, they must not contain more than 1,000 registered voters. (Sec. 1)
2. Prohibits the Board of Supervisors from authorizing the use of voting centers in place of or in addition to specifically designated polling places. (Sec. 1)
3. Repeals statute allowing the County Recorder to establish on-site early voting locations. (Sec. 3)
4. Makes technical and conforming changes. (Sec. 1, 2, 3, 4, 5, 6, 7)

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: MOE DPA 5-4-0-0

HB 2580: election officer certification training; yearly
Sponsor: Representative Kolodin, LD 3
Caucus & COW

Overview
Specifies that an election officer's certificate expires on December 31 in the year after the general election.

History
A person may participate in elections as an election officer if they obtain an election officer certificate before January 1 of each general election year. The Secretary of State provides for the election officer certification program. Individuals who meet the requirements of attendance, participation and completion of the program will be issued an election officer certificate. Statute exempts certain individuals from holding an election officer certificate including: 1) elected officials; 2) specified clerical personnel; and 3) municipal election staff (A.R.S. § 16-407).

Provisions
1. Clarifies that an election officer certificate issued before January 1 of each general election year expires on December 31 in the year after the general election. (Sec. 1)

Amendments
Committee on Municipal Oversight & Elections
1. Removes the requirement that an election officer certificate be issued before January 1 in an election year and specifies that a certificate is valid for two years.
2. Prohibits an election officer from being certified 60 days before specified elections.
3. Outlines specified prohibited actions on the part of the Secretary of State when issuing a certificate.
4. Adds an emergency clause.

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

HB 2002: power plants; transmission lines; definition
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Modifies the definition of *transmission line* to exclude substations and switchyards.

History

To build a transmission line, a utility is required to apply for and obtain a Certificate of Environmental Compatibility (Certificate) from the ACC and the Power Plant and Transmission Line Siting Committee (Committee) established by Laws 1971, Chapter 67.

The Committee reviews the application, conducts hearings, takes testimony from affected parties and evaluates evidence to determine if specified factors related to technical feasibility and environmental impact are met. If an application is approved by the Committee, the Certificate is forwarded to the ACC for review and final approval (A.R.S. §§ 40-360.03, 40-360.04, 40-360.06, 40-360.07).

Under current law, a transmission line is subject to the review and approval process if it consists of: 1) five or more new structures that span more than one mile in length as measured from the first structure outside of the substation; 2) a switchyard or generating site to which the line connects to the fifth structure; and 3) aboveground structures that support conductors transmitting electricity at a nominal voltage of 150,000 volts or more. The current definition of *transmission line* excludes structures located on the substation, switchyard or generating site to which the line connects (A.R.S. § 40-360).

Provisions

1. Modifies the definition of *transmission line* to exclude substations and switchyards.
2. Makes a technical change.

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

HB 2003: replacement lines; structures; commission hearings
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Allows a utility that previously received a Certificate of Environmental Compatibility (Certificate) to replace a cable or wire on a transmission line or an existing structure with a new structure.

History

To build a transmission line, a utility is required to apply for and obtain a Certificate from the Arizona Corporation Commission (ACC) and the Power Plant and Transmission Line Siting Committee (Committee) established by Laws 1971, Chapter 67.

The Committee reviews the application, conducts hearings, takes testimony from affected parties and evaluates evidence to determine if specified factors related to technical feasibility and environmental impact are met. If an application is approved by the Committee, the Certificate is forwarded to the ACC for review and final approval (A.R.S. §§ 40-360.03, 40-360.04, 40-360.06, 40-360.07).

Under current law, a transmission line is subject to the review and approval process if it consists of: 1) five or more new structures that span more than one mile in length as measured from the first structure outside of the substation; 2) a switchyard or generating site to which the line connects to the fifth structure; and 3) aboveground structures that support conductors transmitting electricity at a nominal voltage of 150,000 volts or more (A.R.S. § 40-360).

Provisions

1. Allows a utility to replace a cable or wire on a transmission line or replace an existing structure with a new structure without receiving a new Certificate or holding a hearing if the replacement is within a site that previously received a certificate.
2. Makes technical changes.

Amendments

Committee on Natural Resources, Energy & Water

1. Clarifies that a utility can replace a conductor or wire on a transmission line or an existing transmission line structure without seeking a new Certificate or holding a hearing if the replacement is on a transmission line that previously received a certificate or that was in use or authorized before August 13, 1971.

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

HB 2004: utilities; electronic filings; corporation commission
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Allows a utility to electronically submit an application to the Arizona Corporation Commission (ACC) for a Certificate of Environmental Compatibility (Certificate). Authorizes the ACC to adopt administrative rules related to electronic filings and notices.

History

Laws 1971, Chapter 67 authorized the ACC to establish the Power Plant and Transmission Line Siting Committee (Committee) to provide a single public forum for resolving issues related to locating electric generating plants and transmission lines.

To build a transmission line, a utility is required to apply for and obtain a Certificate from the Committee and the ACC. The Committee reviews the application, conducts hearings, takes testimony from affected parties and evaluates evidence to determine if specified factors related to technical feasibility and environmental impact are met. If an application is approved by the Committee, the Certificate is forwarded to the ACC for review and final approval (A.R.S. §§ 40-360.03, 40-360.04, 40-360.06 and 40-360.07).

Provisions

1. Allows a utility to submit an application for a Certificate to the ACC in an electronic format.
2. Permits the ACC to adopt administrative rules to accept Certificates electronically and provide electronic notification to interested parties.
3. Makes technical changes.

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

HB 2013: water improvements program; nonprofit corporations
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Allows a nonprofit corporation to establish a water improvement program (Program).

History

Currently, a county board of supervisors (BOS) can establish a Program to allow persons to make gifts, grants or donations for the purpose of providing financial assistance to qualified owners of residential real property for making improvements to an existing drinking water well or providing a water delivery system for the residence.

The county BOS must designate an entity to operate the Program, establish criteria for grants and award grants. The designated entity can be a county agency, department or division or a private, nonprofit corporation as determined by the county BOS.

A Program is required to:

1) limit grant recipients to persons who are low-income or fixed-income owners of residential real property;
2) develop application criteria and criteria for awarding grants; and
3) restrict a grant recipient's use of grant monies to deepening an existing drinking water well for their residence or to plumbing their residence for a water delivery system.

An entity that operates a Program is required to make and submit a report to the county BOS, the President of the Senate and the Speaker of the House of Representatives on or before July 1 of each year containing a description of the Program operation's from the preceding year, including the amount of gifts, grants or donations received (A.R.S. § 11-254.09).

Provisions

1. Allows a nonprofit corporation to establish a Program that allows persons to make gifts, grants or donations to provide financial assistance to qualified owners of residential real property for making improvements to an existing drinking water well or providing a water delivery system. (Sec. 1)
2. Requires a nonprofit corporation to designate an entity to operate the Program, establish criteria for grants and award grants. (Sec. 1)
3. Specifies that the entity that operates the Program must make and submit to the county BOS or the nonprofit corporation a report containing a description of the Program's operations from the preceding year. (Sec. 1)

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

HB 2096: tiny homes; construction; requirements; exemptions
Sponsor: Representative Parker B, LD 10
Caucus & COW

Overview

Prescribes restrictions for counties relating to building permits for single-family homes, accessory dwelling units and detached garages.

History

A board of supervisors of a county is permitted to adopt a zoning ordinance in order to conserve and promote the public health, safety, convenience and general welfare. Statute outlines what can and cannot be included in zoning ordinance (A.R.S. §§ 11-811 and 11-812).

A county zoning ordinance can be enforced by means of withholding building permits for the construction, reconstruction, alteration or use of any building within a zoning district covered by the county zoning ordinance. A building permit is not required for repairs or improvements with a value equal to or less than $500 (A.R.S. § 11-815).

County building code requirements do not apply to: 1) construction or operation incidental to construction and repair to irrigation and drainage ditches of regularly constituted districts or reclamation districts or to farming or other work on rural land for fire prevention purposes; and 2) devices used in manufacturing, processing or fabrication normally considered to be involved in the construction of energy, gas or other public utility systems (A.R.S. § 11-865).

Provisions

Tiny Home Requirements

1. Prohibits a county from requiring a building permit for constructing one single-family home, accessory dwelling unit or detached garage on a lot that meets all of the following:
   a) the lot is located on residential rural land;
   b) the single-family home and any accessory dwelling unit have 600 square feet or less of interior space not including loft space and 400 square feet or less of attached deck, porch or patio space;
   c) the single-family home and any accessory dwelling unit are single-story structures;
   d) any detached garage has 400 square feet or less of interior space;
   e) the single-family home, accessory dwelling unit or detached garage are on a semi-permanent or permanent foundation;
   f) the single-family home and any accessory dwelling unit have utility connections to an outside utility service or have on-site electrical generation capacity, a water storage tank and a wastewater treatment system;
   g) the single-family home and any accessory dwelling unit and detached garage are at least six feet from each other and are either unconnected stand-alone buildings or are connected by a gangway that is between six and 18 feet in length;
   h) the single-family home and any accessory dwelling unit comply with any county setback requirements that are applicable to residential buildings in the zoning classification of the lot;
   i) the single-family home, accessory dwelling unit or detached garage are built by the owners of the property; and
   j) the owner constructed the single-family home, accessory dwelling unit or detached garage without intent to sell or rent. (Sec. 1)

2. Specifies that a zoning requirement cannot prohibit constructing a single-family home, accessory dwelling unit or detached garage that are adjacent to each other if they are at least six feet apart. (Sec. 1)

3. States that owners who do not sell or rent the single-family home, accessory dwelling unit or detached garage for at least 12 months after construction is completed are deemed to have constructed without the intent to sell or rent. (Sec. 1)

County Requirements and Prohibitions

4. Requires a county to ensure that its land use requirements, zoning rules, building codes and housing policies maximize the ease of constructing residences on residential rural land and the affordability of residing on residential rural land. (Sec. 1)

5. Prohibits a county from:
   a) restricting construction because of any perceived deficiency of a site plan that included certain requirements;
   b) requiring blueprints of the structure or that the site plan be prepared by an engineer;
   c) requiring a building permit for solar or wind power equipment that is installed at any single-family home, accessory dwelling unit or detached garage that is not connected to an outside utility service;
   d) requiring a wastewater, sewage or gray water permit for any single-family home or accessory dwelling unit if the owner attests that the residence or unit is compliant with gray water use requirements and will not be connected to an outside utility service; and
   e) imposing on single-family homes, accessory dwelling units or detached garages any zoning or construction requirements that differ from the tiny homes requirements as outlined. (Sec. 1)

6. States that a county is prohibited from requiring a building permit for a greenhouse built on residential rural land if the greenhouse:
   a) is constructed of light framing materials and methods;
   b) is not larger than 400 square feet;
   c) wall heights are not more than eight feet with a maximum roof peak height of 18 feet; and
   d) electrical, plumbing or mechanical systems are only installed if the property is not connected to a public electrical or water utility and the structures are compliant with gray water use requirements. (Sec. 1)

7. Specifies that if the property is not compliant with gray water reuse requirements, only one water line can be installed as a stand-alone standpipe. (Sec. 1)

8. Prohibits a county zoning ordinance from imposing penalties beyond the outlined penalties for single-family homes, accessory dwelling units or detached garages that are compliant with the tiny home requirements. (Sec. 2)

9. Prohibits a county ordinance from preventing, restricting or otherwise regulating the use or occupation of land or improvements on land that conform with the tiny home requirements. (Sec. 3)

Compliance, Affidavit and Civil Action Procedures

10. Prohibits a county from requiring a building inspection or building permit for any single-family home or accessory dwelling unit that complies with the tiny home requirements, unless the county has evidence demonstrating noncompliance. (Sec. 1)

11. States that if a property owner believes the single-family home, accessory dwelling unit or detached garage is compliant with the tiny homes requirements and there is no evidence of noncompliance, the county can require the owner to:
   a) file an affidavit with a specified statement; or
   b) submit a self-prepared site plan that lists general information about the site of the planned construction and materials to be used. (Sec. 1)

12. Allows a county to require the builder of a single-family home, accessory dwelling unit or detached garage to file an affidavit with the county recorder attesting compliance with the tiny home requirements. (Sec. 1)

13. Restricts a county from conducting code enforcement or imposing penalties against any single-family home, accessory dwelling unit or detached garage that is compliant with the tiny homes requirements but was constructed before the requirements become effective. (Sec. 1)

14. Allows a county to require the owner of a single-family home, accessory dwelling unit or detached garage constructed before the tiny home requirements become effective to file an affidavit attesting compliance. (Sec. 1)

15. States that if a property owner submits an affidavit as prescribed, a county must presume compliance and cannot take enforcement action unless the county has evidence of noncompliance. (Sec. 1)

16. Allows a property owner to bring a civil action to court if a county imposes a penalty on a property owner or takes an enforcement action related to the construction of a single-family home, accessory dwelling unit or detached garage that the property owner believes to be compliant. (Sec. 1)

17. States that if the trier of fact determines that the construction followed the tiny home requirements, the county:
    a) cannot impose penalties or enforcement against the property owner; and
    b) must reimburse the property owner for actual costs incurred plus $100 per day beginning when the enforcement actions were taken until the conclusion of the action. (Sec. 1)

18. Specifies that actual costs include costs related to the property, legal costs and fees and wages and income lost as a result of responding to the county's enforcement actions. (Sec.1)

Exemptions

19. Exempts the construction of a single-family home, accessory dwelling unit or detached garage that complies with the tiny home requirements from county permit requirements. (Sec. 4)

20. Exempts a single-family home, accessory dwelling unit or detached garage that complies with the tiny home requirements from county building codes. (Sec. 5 and 6)

Miscellaneous

21. Defines relevant terms. (Sec. 1)

22. Makes technical and conforming changes. (Sec. 2-6)

Amendments

Committee on Natural Resources, Energy & Water

1. Adds a liability statement that must be included on an affidavit filed by a property owner.

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

HB 2097: gray water; definition; residential standards
Sponsor: Representative Parker B, LD 10
Caucus & COW

Overview

Outlines requirements for a person to use or discharge gray water at a private residence.

History

Gray water is wastewater collected separately from a sewage flow and that originates from a clothes washer or a bathroom tub, shower or sink. It does not include wastewater from a kitchen sink, dishwasher or toilet (A.R.S. § 49-201).

The Arizona Department of Environmental Quality (ADEQ) can issue two general permits that allow gray water to be used for: 1) household gardening, composting or landscape gardening within a private residence's property boundary; and 2) landscape irrigation and composting (A.A.C. R18-9-D701 and R18-9-D702).

The Director of ADEQ can establish, by rule, minimum requirements to address public health or safety concerns regarding residential gray water treatment systems used indoors for toilet flushing. Residential gray water may be used indoors for toilet flushing with a gray water treatment system that: 1) uses less than 400 gallons of gray water daily; 2) is certified to meet standards issued by a national sanitary foundation and America National Standards Institute; 3) reasonably precludes human contact with gray water; 4) provides a dedicated piping system that supplies only treated gray water to the toilet flushing facilities; and 4) provides gray water for toilet flushing only if the system is properly working (A.R.S. § 49-204).

Provisions

1. Prohibits a county zoning ordinance from imposing any other requirements or penalties on gray water users who comply with prescribed requirements for using or discharging gray water at a private residence. (Sec. 1)
2. Restricts any county ordinance from preventing, restricting or regulating the use or occupation of land or improvements on land related to gray water that conform to the requirements for using or discharging gray water at a private residence. (Sec. 2)
3. States that a permit is not required for repairs or improvements worth more than $500 or for constructing a gray water system within a zoning district. (Sec. 3)
4. Allows a person to use or discharge gray water at a private residence if:
   a. the total gray water flow is 400 gallons or less daily;
   b. gray water originating from the residence is used and contained within the property boundary for household gardening, composting or landscape watering;
   c. human contact with gray water and soil watered by gray water is avoided;
   d. surface application of gray water is not used for watering of food plants, except as otherwise allowed;
   e. the gray water does not contain hazardous chemicals;
   f. the gray water does not contain water used to wash diapers or similar soiled or infectious garments;
   g. gray water application is managed to minimize standing water on the surface and the water user employs best practices to improve soil condition and increase filtration;
   h. the water user ceases gray water use if the system fails to operate properly;
   i. the water user restricts access to any gray water surge tanks with a covering or lid and holding time is minimized to avoid development of anaerobic conditions and odors;

j. the gray water system is sited outside of a floodway;

k. the gray water system is operated to maintain a minimum vertical separation distance as specified;

l. any pressure piping used in the gray water system that may be susceptible to cross connection with a potable water system clearly indicates the piping does not carry potable water; and

m. the water user applies gray water to a surface by flood or drip distribution. (Sec. 5)

5. Prohibits ADEQ, county, municipality or other political subdivision from requiring a notice or permit for the use or discharge of gray water if the gray water user is consistent with outlined requirements for using or discharging gray water at a private residence. (Sec. 5)

6. Prohibits ADEQ, a county, municipality or other political subdivision from requiring a private residence to connect to an on-site wastewater treatment facility, outside sewage system or require any related permits or notices if:

a. the residence uses gray water;

b. all toilets at the residence are composting toilets; and

c. all kitchen sinks in the residence do not have a garbage disposal. (Sec. 5)

7. Restricts ADEQ, a county, municipality or other political subdivision from prohibiting a person from installing a composting toilet on any property that is:

a. located in an unincorporated area of a county with a zoning classification that allows for the construction of a private residence;

b. located on a two-acre lot or larger; and

c. not directly adjacent to a municipality. (Sec. 5)

8. Defines *composting toilet*. (Sec. 4)

9. Modifies the definition of *gray water* to include wastewater that has been collected separately from a sewage flow and that originates from a dishwasher or kitchen sink that does not include a garbage disposal. (Sec. 4)

10. Excludes, from the definition of *gray water,* wastewater from a kitchen sink that includes a garbage disposal or wastewater contaminated by soiled diapers. (Sec. 4)

11. Excludes from the definition of *on-site wastewater treatment facility* a system that is installed at a site to treat and dispose of gray water. (Sec. 4)

12. Makes technical and conforming changes. (Sec. 1-4 and 6)

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

HB 2123: wells; water measuring devices; prohibition
Sponsor: Representative Smith, LD 29
Caucus & COW

Overview

Prohibits Arizona or any political subdivision from requiring a water measuring device for a well located in specified areas.

History

Current law requires a person who withdraws groundwater from a nonexempt well in an active management area (AMA) and irrigation non-expansion area (INA) or a person who withdraws groundwater for transportation to an initial AMA to use a water measuring device. Generally, areas that are outside AMAs and INAs are not required to use a water measuring device. Withdrawals from an exempt well with a pump capacity of no more than 35 gallons per minute and withdrawals of less than 10-acre feet per year are exempt from being required to use a water measuring device (A.R.S. § 45-604).

The general stream adjudications for the Gila River and the Little Colorado River will determine the amount and priority of water rights for both river systems. Initiated in the 1970s, thousands of claimants and water users are involved in the ongoing proceedings that will result in the Superior Court issuing a final decree of water rights for the river systems (ADWR).

Withdrawing groundwater for transportation to an AMA is prohibited unless specifically authorized by statute (Title 45, Chapter 2, Article 8.1).

The five initial AMAs are the Phoenix, Pinal, Prescott, Tucson and Santa Cruz AMAs (A.R.S. §§ 45-411 and 45-411.03).

Current Map of AMAs and INAs

Provisions

1. Prohibits the state or any of its political subdivisions from requiring a water measuring device for a well located in a basin or subbasin that:
   a. contains a river system or source subject to a general adjudication that is on-going; and
   b. is outside an initial AMA or outside an area where groundwater can be transferred to an AMA. (Sec. 1)
2. Makes technical and conforming changes. (Sec. 1)

Amendments

Committee on Natural Resources, Energy & Water

1. Specifies that all three conditions must exist in a basin or subbasin in order to trigger a prohibition to require a watering measuring device.
2. Made a technical change to correct terminology.

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

HB 2124: agricultural operations; water; protection; definition
Sponsor: Representative Smith, LD 29
Caucus & COW

Overview

Revises the definition of *agricultural operations* and modifies the basis for awards of costs and attorney fees in nuisance actions filed against an agricultural operation.

History

Current law describes what constitutes a public nuisance, who may bring an action in superior court to abate, enjoin or prevent the activity, and classifies knowingly committing or failing to remove a public nuisance as a class 2 misdemeanor (A.R.S. § 13-2917).

Agricultural operations are presumed to be reasonable and do not constitute a nuisance if the operation: 1) is conducted on farmland; 2) is consistent with good agricultural practices; 3) was established before surrounding nonagricultural uses; and 4) does not have a substantial adverse effect on public health and safety. Current law also specifies that agricultural operations undertaken in conformity with federal, state and local laws are presumed to be good agricultural operations (A.R.S. § 3-112).

In a nuisance action filed against an agricultural operation conducted on farmland, the court has discretionary authority to award costs and expenses, including reasonable attorney fees to the prevailing party. If specific circumstances apply, the court is required to award reasonable costs and attorney fees.

Provisions

1. Requires a court to award costs and attorney fees to an agricultural operation if a nuisance action is filed against an agricultural operation conducted on farmland and the court determines the action was filed to take or reduce the water used for its operation. (Sec. 2)
2. Modifies the definition of *agricultural operations* to include water use by an owner, lessee, agent, independent contractor and supplier conducted on any facility for the production of crops, livestock, poultry, livestock products or poultry products or for the purpose of agritourism. (Sec. 1)
3. Makes technical and conforming changes. (Sec. 1 and 2)

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

HB 2160: domestic water improvement districts; reviews
Sponsor: Representative Bliss, LD 1
Caucus & COW

Overview

Requires domestic water improvement districts with an alternative form of government to submit an annual report and budget to the county board of supervisors (BOS) in which the district is located.

History

Statute requires certain special taxing districts to submit an annual report and district budget to the county BOS of each county in which the district is located. Currently, municipal improvement districts, county improvement districts, agricultural improvement districts, multi-county water conservation districts, groundwater replenishment districts and active management area water districts are exempt from the annual and budget reporting requirements.

An annual report is required to contain: 1) the beginning and end fund balances and all revenues and expenditures for the preceding fiscal year; 2) legal descriptions for any boundary changes that occurred; 3) information on members of the governing board and officers of the district; 4) the schedule and location of regular meetings of the district; 5) the location where meeting notices are posted; 6) the name of the person who completed the report; and 7) a copy of any required audit or financial review (A.R.S. § 48-251, 48-252).

Additionally, districts that are required to submit an annual report to the county BOS must submit the annual report for an audit or financial review in accordance with generally accepted government auditing standards. Currently, municipal improvement districts, county improvement districts, agricultural improvement districts, multi-county water conservation districts, groundwater replenishment districts and active management area water districts are exempt from this audit requirement (A.R.S. § 48-253).

Provisions

1. Requires domestic water improvement districts with an alternative form of government to submit an annual report and district budget report to the county BOS. (Sec. 1, 2)
2. Requires a domestic water improvement district with an alternative form of government to submit its annual report for audit or financial review. (Sec. 3)
3. Makes technical changes. (Sec.1-3)

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

HB 2042: food preparation; sale; cottage food
Sponsor: Representative Grantham, LD 14
Committee on Regulatory Affairs

Overview

Expands the foods that meet the exemption for *cottage food products* if requirements are met. Establishes program guidelines and requirements.

History

Statute requires the Director of the Department of Health Services (DHS) to adopt rules for the oversight of food and drinks sold at retail, including standards for producing, labeling, serving and transporting food products. State laws and rules also prescribe requirements for food preparers, including training courses, certification and registration with an online DHS registry. Rules prescribe sanitary conditions for warehouses, restaurants and other premises, including trucks or vehicles where food or drink is produced, stored, served or transported. Exempts food and drink served at noncommercial social events such as potlucks, home cooking schools and cottage food products. *Cottage food products* prepared in a home kitchen may be offered for commercial sale only if the products are not potentially hazardous and do not require time and temperature control for food safety among others (A.R.S. § 36-136).

Approved foods in the *cottage food products* category include cakes, cookies, breads, jams and jellies made from allowable fruits. Potentially hazardous foods fall under retail food regulatory oversight, which requires the products to be prepared in a licensed commercial kitchen. Federal law and regulations require inspection of poultry, poultry products, meat and meat products, but exempt products from producers that slaughter fewer than 1,000 poultry in a calendar year and operations conducted at retail stores and restaurants if requirements are met (9 CFR § 381.10).

A similar bill was introduced in the 56th Legislature, 1st Regular Session and was vetoed by the Governor (HB 2509 food preparation; sale; cottage food).

Provisions

Expansion & Definitions

1. Expands the foods that meet the *cottage food product* exemption to those that are potentially hazardous or require time or temperature control for safety if exempt under federal regulations. (Sec. 2)
2. Authorizes the sale of *cottage food products* that meet federal regulations as follows:
   a) poultry, poultry byproducts or food products if the producer raised poultry pursuant to the 1,000-bird exemption; and
   b) poultry, poultry byproducts or food products and meat, meat byproducts and food products from an inspected source pursuant to federal law. (Sec. 2)
3. Specifies that alcoholic beverages or foods that contain the product, unpasteurized milk, fish, meat and poultry and their byproducts do not meet the definition of *cottage food product* unless the sale is allowed by federal law as specified above. (Sec. 2)
4. Defines *home kitchen* to mean either:
   a) a residential home kitchen; or
   b) a kitchen located in a facility for individuals with developmental disabilities. (Sec. 2)

5. Stipulates that *potentially hazardous* means a *cottage food product* does not meet the Federal Food and Drug Administration (FDA) requirements. (Sec. 2)

Sale and Delivery Requirements

6. Places current law requiring labels, list of ingredients, registration number of food preparer, pertinent statement regarding allergens and other disclosure information in a separate article of law titled *Cottage Food Products*. (Sec. 2)
7. Outlines notification requirements for online sales of *cottage food products*. (Sec. 2)
8. Prohibits the food preparer from storing food or the associated preparation equipment outside the home. (Sec. 2)
9. Requires *cottage food products* that do not contain dairy, meat or poultry to be sold and delivered to the consumer by the food preparer or agent, including a third-party vendor or carrier. (Sec. 2)
10. Requires *cottage food products* that are dairy or that contain meat or poultry to be sold by the preparer in person or remotely, including over the internet and delivered to the consumer in person. (Sec. 2)
11. Requires *cottage food products* that are potentially hazardous or require time or temperature control for safety to be maintained at the appropriate temperature when transported, but not more than once or longer than a two- hour period. (Sec. 2)
12. Requires third-party vendors to sell *cottage food products* in a separate section of the store or display case with a sign that indicates the product is homemade and exempt from state licensing and inspection. (Sec. 2)
13. States that a *cottage food product* may not be used as an ingredient in food sold at retail or include marijuana or its by-products. (Sec. 2)
14. Stipulates that a *home kitchen* cannot be used as a commissary for purposes of a mobile food vendor. (Sec. 2)

Miscellaneous

15. Declares the provisions are no more restrictive than pertinent federal laws. (Sec. 2)
16. Specifies that the requirements do not:
    a) impede DHS from investigating foodborne illness;
    b) change the requirements for brand inspections, animal health inspections or food inspections required by state or federal law;
    c) change the requirements for the sale of milk, milk products, raw milk or raw milk products; or
    d) affect any county or municipal building or zoning code or ordinance. (Sec. 2)
17. Provides direction to DHS for rulemaking, including recertification requirements and enforcement guidelines. (Sec. 2)
18. States that a county is not required to enforce the provisions. (Sec. 2)
19. Declares the provisions do not prevent DHS and a local health, public health services agency or environmental agency from entering into a delegation agreement for enforcement purposes.
20. Makes technical and conforming changes. (Sec. 1)

Amendments

Committee on Regulatory Affairs

1. Stipulates that the *home kitchen,* which is a maximum 1,000 square feet, is located in the residential home of the person registered with DHS to produce cottage food products.
2. Defines *third party food delivery platform* to an online business that acts as an intermediary between consumers and food facilities to submit food orders by a consumer to a participating food facility and to arrange for the delivery of the order.

3. Requires the label to be clear and legible, revises the disclosure statement and includes a webpage address provided by DHS for the consumer to report foodborne illness and to verity registration status.

HB 2069: dental board; formal hearings
Sponsor: Representative Bliss, LD 1
Caucus & COW

Overview

Allows the Arizona State Board of Dental Examiners (Board) to issue a formal complaint and order a formal hearing if the Board's investigation or review finds evidence that demonstrates any causes or grounds for disciplinary action that is sufficient to merit revocation or suspension.

History

The Board 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).

Currently, the Board or its investigation committee can investigate any evidence that appears to demonstrate any of the causes or grounds for disciplinary action against any person who is licensed by the Board. The Board or its investigation committee must conduct necessary investigations, including interviews between the investigation committee or Board representatives and the licensee with respect to any information obtained by the Board or investigation committee during the course of an investigation.

If, after completing its investigation or review, the Board finds that the information provided is sufficient to merit disciplinary action against a licensee, the Board may request that the licensee participate in a formal interview before the Board. If the licensee refuses or accepts the invitation for a formal interview and the results indicate that grounds may exist for revocation or suspension, the Board must issue a formal complaint and order that a hearing be held. If the Board finds that the protection of the public requires emergency action after completion of the formal interview, the Board may order a summary suspension of the license pending formal revocation proceedings or other actions (A.R.S. § 32-1263.02).

Provisions

1. Specifies that after the Board completes its investigation or review and finds that the information provided is sufficient to merit revocation or suspension, the Board may issue a formal complaint and order that a formal hearing be held. (Sec. 1)
2. Allows the Board to take certain actions if after completing a formal hearing the Board finds that the information provided during the investigation or review is insufficient to merit suspension or revocation of a license. (Sec. 1)
3. Makes technical and conforming changes. (Sec. 1)

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: RA DP 6-0-0-0

HB 2071: dentists; registration; civil penalty; repeal
Sponsor: Representative Bliss, LD 1
Caucus & COW

Overview

Repeals the penalty for a dentist who dispenses drugs for profit without being registered to do so by the Arizona State Board of Dental Examiners (Board).

History

Dentists are authorized to dispense prescription drugs, except schedule II-controlled substances that are opioids, and devices if: 1) all dispensed drugs are packaged and labeled with specified information; 2) documented with the name, strength, date and therapeutic reason for the dispensed drug into the patient's dental records; and 3) kept in a secured cabinet or room with controlled access by written procedures and maintained an ongoing inventory of its contents.

As prescribed by the Board in rule, a dentist who is currently licensed to practice dentistry in Arizona may dispense controlled substances, prescription-only drugs, and prescription-only devices for profit only after providing the Board the following information: 1) their name and dental license number; 2) a list of the types of drugs and devices to be dispensed for profit, including controlled substances; 3) locations where the dentist desires to dispense the drugs and devices for profit; and 4) a copy of their current Drug Enforcement Administration Certificate of Registration for each dispensing location from which the dentist desires to dispense the drugs and devices for profit (R4-11-1406).

A dentist can dispense for profit only to their own patients and for conditions being treated by that dentist. Except in emergency situations, a dentist who dispenses drugs for profit without being registered by the Board is subject to a civil penalty of not less than $300 and not more than $1,000 for each transaction and prohibited from dispensing for a period of time as prescribed by the Board (A.R.S. § 32-1298).

Provisions

1. Removes the penalty that a dentist, except in emergency situations, who dispenses drugs for profit without being registered by the Board is:
   a) subject to a civil penalty of not less than $300 and not more than $1,000 per transaction; and
   b) prohibited from dispensing for a period of time as prescribed by the Board. (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: RA DP 6-0-0-0

HB 2072: dental board; licensure; testing
Sponsor: Representative Bliss, LD 1
Caucus & COW

Overview

Reduces the amount of time a dentist, dental hygienists, dental therapist and denturist (dental professionals) has to submit a completed renewal application to reinstate their expired license or certificate from 2 years to 1 year. Allows a dental hygienist to administer local anesthetics under the direct supervision of a dentist if the hygienist completes an examination in local anesthetics given by any state or regional testing agency in the United States (U.S.), rather than by the Western Regional Examining Board (WREB).

History

Licenses or certificates for dental professionals expire 30 days after their birth month every 3 years. By that deadline every dental professional must submit to the Arizona Board of Dental Examiners (Board) a complete renewal application and pay a licensee renewal fee of not more than $650 or $300 for a certificate, established by a formal vote of the Board. The prescribed fees do not apply to a dental professional who is retired or have a disability.

An expired dental professional license or certificate may be reinstated by submitted a complete renewal application within the 24-month period immediately following the expiration of the license with payment of the renewal fee and a $100 penalty. Whenever issued, reinstatement is as of the date of application and entitles the applicant to licensure or certification only for the remainder of the applicable three-year period. If a person does not reinstate their license or certificate, they must reapply for licensure or certification (A.R.S. §§ 32-1236, 32-1276.02, 32-1287 and 32-1297.06).

WREB is an examination agency for dentists and denturists. On August 1, 2022, WREB merged with two other examination agencies, now known as CDCA-WREB-CITA, in order to simplify the licensure process for schools, candidates and dental boards offering the universally accepted ADEX licensure standard through North America (CDCA-WREB-CITA).

Provisions

1. Changes the amount of time dental professionals have to submit a completed renewal application to reinstate their expired license or certificate from 24-months to 12-months immediately following the expiration of the license. (Sec. 1, 2, 4, 5)
2. Permits dental hygienists to administer local anesthetics under the direct supervision of a dentist if the hygienist completes an examination in local anesthesia given by any state or regional testing agency in the U.S., rather than by WREB. (Sec. 3)
3. Makes technical changes. (Sec. 3)

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: RA DP 6-0-0-0

HB 2079: food handler certificate; volunteers; limits
Sponsor: Representative Hendrix, LD 14
Caucus & COW

Overview

Modifies the requirements for volunteers that are not required to obtain a food handler certificate for serving packaged or heated food.

History

Counties can require a food handler certificate and training for employment in the food service industry. Required food handler certificate training must meet American society for testing and materials (ASTM) standard E2659-09 and address the following topics:

1. cooking time and temperature and its relationship to foodborne illness;
2. personal hygiene standards to improve food safety practices and prevent the spread of foodborne illnesses;
3. how to prevent food contamination in all food handling stages including delivery;
4. proper procedure for cleaning and sanitizing equipment and utensils; and
5. problems associated with temperature control and potential solutions, how to prevent cross contamination and proper housekeeping and maintenance (A.R.S. § 11-269.12).

Current statute prevents a county from requiring a volunteer in a school that handles or serves food to students outside the school's regular food service to obtain a food handler certificate or identification card or participate in a food handler certificate course if: 1) the volunteer is overseen by a certified food protection manager; or 2) overseen by a person in charge as defined by Arizona Administrative Code (A.R.S. § 11-269.28).

Provisions

1. Specifies that a volunteer who serves packaged or heated food fewer than three times in a calendar year cannot be required by a county to obtain a food handler certificate or identification card or participate in a food handler certificate training course if the volunteer is overseen by a certified food protection manager or person in charge. (Sec. 1)
2. Exempts from the requirement to obtain a food handler certificates, volunteers for any activity or function. (Sec. 1)
3. Defines *person in charge* as the individual present and responsible for the management and operation of the food establishment at the time of inspection. (Sec. 1)
4. 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

House: RA DP 6-0-0-0

HB 2081: cremation.
Sponsor: Representative Hendrix, LD 14
Caucus & COW

Overview

Redefines *cremation* to additionally mean the process of reducing human remains to bone fragments or soil by *natural organic reduction*.

History

The Arizona Department of Health Services (DHS) licenses and regulates the funeral industry since the 2023 transfer of the Arizona Funeral Board of Directors and Embalmers to DHS. Created was an 8-member Funeral Services Licensing Advisory Committee, whose membership and duties are outlined in A.R.S. § 32-1302.

Cremationists must apply for a license through DHS by submitting a fingerprint card for a background check in addition to the following:

1. Copy of a Cremation Certificate;
2. Citizen/Naturalization Status Form (government issued document with a photo); and
3. Copy of birth certificate or passport or naturalization document.

AZ Care Check is an online searchable database with licensing history of facilities and providers. Records may be searched by facility or provider name, location and type.

Provisions

1. Modifies the definition of *cremation* to mean the process that reduces human remains to bone fragments or soil by combustion, evaporation or natural organic reduction. (Sec. 1)
2. Defines *natural organic reduction* to mean the contained, accelerated conversion of human remains to soil. (Sec. 1)
3. Makes technical and conforming changes. (Sec. 1, 2)

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

HB 2087: self-storage facilities; valuation; vehicles; towing
Sponsor: Representative Hendrix, LD 14
Caucus & Cow

Overview

Allows a self-storage facility's rental agreement to set limits on the maximum value of stored property. Authorizes the removal of a vehicle, watercraft or trailer when an account is in default and after proper notice to the occupant.

History

The *operator* of a self-storage facility has a possessory lien from the date the rent is unpaid and due on all personal property stored in the leased space for rent. A *rental agreement* is the written agreement provided by the *operator* to the *occupant* that establishes the terms, conditions or rules concerning the leased space and its use and occupancy. Statute specifies the content of the rental agreement, including statements advising the occupant as follows:

1) the date rent is due and payable and the date that a late fee accrues;
2) a lien on all personal property stored within the leased space accrues as of the date rent is due and unpaid;
3) property stored in the unit may be sold or otherwise disposed of if the occupant defaults on payments;
4) any insurance protecting the personal property stored in the unit against fire, theft or damage must be obtained by the occupant;
5) a reasonable late fee (the greater of $10 per month or 20% of the monthly rent) may be charged by the operator for each month rent is due and remains unpaid; and
6) information that must be disclosed by the occupant, including any lienholders or parties having an interest in stored property in the leased space (A.R.S. § 33-1703).

Statute outlines the process and procedures for the enforcement of liens when the occupant is more than 30 days in default. Before conducting the sale, the operator must provide prior notice and specific information regarding the sale to the occupant (A.R.S. § 33-1704).

Provisions

1. Permits a self-storage facility's rental agreement to limit the value of stored property, which is considered the maximum value of the unit. (Sec. 2)
2. If the storage items include a vehicle, watercraft or trailer then after 30 days' default, the operator of the self-storage facility may contract with a tow company to have the property removed from the unit. (Sec. 3)
3. Requires the operator to notify the occupant at the last known address by verified mail or email at least 10 days before the towing company removes the property. (Sec. 3)
4. Prescribes the content of the notice, including the name, address and telephone number of the towing company removing the property if the occupant does not make payment to cure the default by the date stated in the notice. (Sec. 3)
5. Stipulates that upon receipt of the property by the towing company, the self-storage facility's operator is not liable to anyone claiming an interest in the property. (Sec. 3)
6. Makes technical changes. (Sec. 1, 2, 3)

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: RA DPA 4-2-0-0

HB 2088: bond; override; contributions; contracts; prohibition
Sponsor: Representative Hendrix, LD 14
Caucus & COW

Overview

Prohibits an entity, that makes certain contributions promoting the issuance of a bond or passage of a budget override, from bidding on any subsequent contracts.

History

Municipalities, counties, school districts and other local governments may issue bonds to finance the cost of certain capital projects like building schools and highways. A bond is a debt security in which the purchaser acts as a money lender to the bond issuer in exchange for regular interest payments. A municipality or county must submit the question of whether to issue a bond to the qualified electors of that jurisdiction and disclose certain statutorily required information such as the purpose and maximum amount of the proposed bonds. Upon approval by the voters, bonds are repaid by the jurisdiction with interest using property tax monies (A.R.S. §§ 9-524, 11-264.01, US SEC). State and local governments are prohibited from using public resources to influence the outcome of bond and budget override elections and can be held civilly liable in specified circumstances (A.R.S. § 16-192).

Provisions

1. Excludes entities that make contributions promoting the issuance of county or municipal bonds or the passage of budget overrides from bidding on any resulting contracts. (Sec. 1, 2)

Amendments

Committee on Regulatory Affairs

1. Removes contributions promoting the passage of budget overrides from the circumstances barring an individual or organization from bidding on contracts funded as a result.
2. Includes the chief officer of a corporation in the list of individuals and organizations barred from bidding on contracts that are funded as a result of qualifying contributions promoting the passage of a bond.
3. Specifies that only contributions of over $1,000 in support of bonds totaling at least $25,000,000 made by the specified individuals or organizations in support of the passage of a bond disqualifies that entity from bidding on a contract funded as a result.

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

HB 2110: mechanics' liens; notice
Sponsor: Representative Hendrix, LD 14
Caucus & COW

Overview
Considers the notice for mechanics' liens to be complete if all statutory elements are present.

History
Statute defines the *preliminary twenty-day notice* to mean one or more written notices from a claimant that are given before recording a mechanic's lien and that are required by law to be given. Every person furnishing labor, professional services, materials, machinery, fixtures or tools and otherwise may claim a lien must serve the owner, original contractor, any construction lender and the person with whom the claimant contracted for the purchase of the services or items with a twenty-day notice as prescribed in statute. Statute outlines the pertinent content of the notice that must be given no later than twenty days after the claimant first furnishes the aforementioned services and/or items (A.R.S. § 33-992.01).

Provisions
1. States that a notice required by statute for mechanics' liens that contains all statutory elements is not defective due to the failure to use bold type or font size at least as large as otherwise on the notice document, or both. (Sec. 1)
2. Makes a technical change. (Sec. 1)

Amendments
Committee on Regulatory Affairs
1. Adds an emergency clause.

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

HB 2249: residential care institutions; inspections
Sponsor: Representative Carter, LD 15
Caucus & COW

Overview

Adds a *residential care institution* to the list of entities from which the Director of the Department of Health Services (DHS) cannot accept an accreditation report instead of a compliance inspection.

History

Current law defines *Residential Care Institution* as a health care institution that provides resident beds and supervisory or personal care services, behavioral health, directed care or health-related services for persons not needing continuous nursing services. *Residential Care Institution* does not include a hospital or a nursing care institution (A.R.S. § 36-424).

The Director of DHS must inspect the premises of each health care institution and investigate the applicant's character and qualifications to ensure compliance with statutes and administrative rules. The Director may in certain circumstances accept an accreditation report in lieu of a compliance inspection upon receiving a report for the licensure period and the health care institution accreditation by an independent, nonprofit organization approved by the secretary of the U.S. Department of Health and Human Services (A.R.S. § 36-424).

Statute prohibits the Director from accepting an accreditation report instead of a compliance inspection from an intermediate care facility for people with intellectual disabilities; or a health care institution that was under enforcement action in the preceding year (A.R.S. § 36-424).

Provisions

1. Stipulates that the Director of DHS cannot accept an accreditation report instead of a compliance inspection for a *residential care institution.* (Sec. 1)
2. Clarifies *institution* as a health care institution. (Sec. 1)

Amendments

Committee on Regulatory Affairs

1. Specifies that the residential care institution is one that provides behavioral services.

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: RA DPA/SE 6-0-0-0

HB 2306: dental board; business entities; enforcement
S/E: dental board; unauthorized practice
Sponsor: Representative Willoughby, LD 13
Caucus & COW

Summary of the Strike-Everything Amendment to HB2306

Overview

Lists actions that the Arizona State Board of Dental Examiners (Board) may take if a person is engaged in the unauthorized practice of dentistry.

History

The Board regulates and licenses dental professionals, including dentists, dental hygienists, dental consultants, dental therapists, denturists and dental assistants. 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 these professions (A.R.S. §§ 32-1201 through 32-1299.26).

A person in violation of the dental board statutes and rules is guilty of a class 2 misdemeanor unless another classification is specifically prescribed. Violations must be prosecuted by the county attorney and tried before the superior court in the county in which the violation occurs. In addition to the prescribed penalties, the courts of the state are vested with jurisdiction to prevent and restrain violations as nuisances per se, and the county attorney's must and the Board may, institute proceedings in equity to prevent and restrain violations. A person damaged, or threatened with loss or injury, by reason of a violation is entitled to obtain injunctive relief in any court of competent jurisdiction against any damage or threatened loss or injury by reason of a violation (A.R.S. § 32-1269).

A person is guilty of a class 2 misdemeanor who: 1) is not licensed as a dentist, practices denture technology without certification; 2) exhibits or displays a certificate, diploma, degree or identification of another or a forged or fraudulent credentials with the intent that it be used as evidence of the right of such person to practice as a denturist; 3) fails to obey a summons or other order regularly and properly issued by the Board; and 4) is a licensed dentist responsible for denturists who fails to personally supervise the work of the denturist.

An injunction must be issued to enjoin the practice of denture technology by any of the following: 1) one neither certified to practice as a denturist nor licensed to practice as a dentist; 2) one certified as a denturist from practicing without proper supervision by a dentist; and 3) a denturist whose continued practice will or might cause irreparable damage to the public health and safety prior to the time proceedings could be instituted and completed (A.R.S. §§ 32-1297.08, 32-1297.09).

Provisions

1. Specifies, in addition to all other remedies available by law, if it appears to the Board or its designated authority, either on receipt of a complaint or otherwise, that a person is engaged in the unauthorized practice of dentistry, the Board may either:

a) issue a cease-and-desist order to the person, by certified mail or personal service, stating the reasons for the issuance and require the person to immediately cease and desist from further engaging in the unauthorized practice of dentistry; or
b) apply to the appropriate court for an order enjoining the unauthorized practice of dentistry and, on proper shoring by the Board that the person has engaged in the unauthorized practice of dentistry, the court must grant an injunction, restraining order or there order as may be appropriate without bond. (Sec. 1)

2. Allows a person who received a cease-and-desist order issued by the Board to request a hearing within 30 days after the date of the order. (Sec. 1)

3. Directs the Board to file an action to restrain and enjoin the person from engaging in the unauthorized practice of dentistry if a person fails to comply with an order issued by the Board. (Sec. 1)

4. Requires the court in the action to proceed as in other actions for injunction and impose a civil penalty of at least $500 and not more than $2,000 per violation if the court finds that the person failed to comply with the cease-and-desist order. (Sec. 1)

5. Defines the term *unauthorized practice of dentistry*. (Sec. 1)

6. Repeals statutes relating to certain violations for denturists. (Sec. 1)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: RA DP 6-0-0-0

HB 2639: dental assistants; education
Sponsor: Representative Hendrix, LD 14
Caucus & COW

Overview

Provides the option for a dental assistant to pass a course on either exposing radiographs or coronal polishing that qualifies as recognized continuing education as determined by the Arizona State Board of Dental Examiners (Board) in order to perform certain duties relating to the exposure of radiographs and polishing of the teeth.

History

The Board regulates and licenses dental professionals, including dentists, dental hygienists, dental consultants, dental therapists, denturists and dental assistants. 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 these professions (A.R.S. §§ 32-1201 through 32-1299.26).

A *dental assistant* is any person who acts as an assistant to a dentist, dental therapist or dental hygienist by rendering personal services to a patient in close proximity to the patient while the patient is under treatment, observation or undergoing diagnostic procedures. Dental assistants are allowed to expose radiographs for dental diagnostic purposes and polish the natural and restored surfaces of teeth under either the general supervision of a dentist or the direct supervision of an affiliated practice dental hygienist if the dental assistant has passed an examination approved by the Board (A.R.S. §§ 32-1201, 32-1291).

Provisions

1. Allows the option for a dental assistant to pass a course on either exposing radiographs or coronal polishing that qualifies as recognized continuing education as determined by the Board in order to perform duties relating to the exposure of radiographs and polishing of teeth. (Sec. 1)
2. Makes technical changes. (Sec. 1)

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

HB2142: move over law study committee
Sponsor: Representative Cook, LD 7
Caucus & COW

Overview

Establishes the Move Over Law Study Committee.

History

Except when otherwise directed by a police officer, on the immediate approach of an authorized emergency vehicle that is equipped with at least one lighted lamp exhibiting a red or red and blue light or lens visible from a distance of 500 feet to the front of the vehicle and that is giving an audible signal by siren, exhaust whistle or bell, the driver of another vehicle must:

1) yield the right-of-way;
2) immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway clear of any intersection; and
3) stop and remain in the position prescribed above until the authorized emergency vehicle has passed.

The driver of a vehicle other than one on official business must not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park the vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

When a police vehicle is giving a visual signal with at least one lighted red or red and blue light or lens and is giving an audible signal by siren, the driver of another vehicle must not approach or drive parallel to the police vehicle and must maintain a distance of at least 300 feet behind any police vehicle involved in an emergency until the police vehicle moves to the lane closest to the right-hand edge or curb of the roadway.

Defensive driving school courses offered by defensive driving schools, traffic survival school and any driver education program approved by the Arizona Department of Transportation (ADOT) must include educational information relating to authorized emergency vehicles. ADOT must include information relating to authorized emergency vehicles in any of the ADOT's examination, information or education material.

ADOT must educate the public about the above requirements periodically throughout the year and maintain information on these requirements on ADOT's website (A.R.S. § 28-775).

Provisions

1. Creates the Move Over Law Study Committee (Study Committee) with the following membership:
   a) two members of the Senate from different political parties appointed by the President of the Senate who must designate one of these members to serve as Co-Chairperson of the Study Committee;
   b) two members of the House of Representatives from different political parties appointed by the Speaker of the House of Representatives who must designate one of these members to serve as Co-Chairperson of the Study Committee;
   c) the Director of ADOT or the Director's designee;
   d) two members appointed by the Director of the Department of Public Safety; and
   e) one designated towing representative appointed by the Governor. (Sec. 1)
2. Requires the Study Committee to:

a) conduct a comprehensive study to determine the efficacy of statute relating to vehicles yielding to authorized emergency vehicles and to determine if additional promotion of the law is needed to ensure its effectiveness;
b) identify any potential additional resources or policy initiatives that would enhance public safety or could be devoted to improving the efficacy of statute relating to vehicles yielding to authorized emergency vehicles;
c) propose legislation to address issues identified by the Study Committee;
d) make policy recommendations to improve safety matters for first responders and citizens and produce policy recommendations relating to safety under statute relating to vehicles yielding to authorized emergency vehicles;
e) submit a report by December 1, 2024, regarding the Study Committee's activities and recommendations for administrative or legislative action to the Governor, the President of the Senate and the Speaker of the House of Representatives and provide a copy of this report to the Secretary of State. (Sec. 1)

3. Restricts all Study Committee members from being eligible to receive compensation but specifies that the member appointed by the Governor is eligible for reimbursement of expenses. (Sec. 1)

4. Repeals the Study Committee on October 1, 2025. (Sec. 1)

HB 2269: towing companies; private towing; requirements
Sponsor: Representative Cook, LD 7
Caucus & COW

Overview

Requires a private towing carrier to register with the Department of Public Safety (DPS) and to maintain the appropriate insurance. Modifies and establishes other requirements relating to private towing carriers operating on private property.

History

A governing body of an incorporated city or town is authorized to regulate the maximum rate and charge for towing, transporting or impounding a motor vehicle from private property without the permission of the owner or operator of the vehicle by any private towing carrier doing business within its boundaries.

The owner or agent of the owner of the private property is considered to have given consent to unrestricted parking by the public in any parking area of the property unless the parking area is posted with signs that are clearly visible and readable from any point within the parking area and at each entrance. The signs are required to at least contain the following: 1) restrictions on parking; 2) disposition of vehicles found in violation of the parking restrictions; 3) maximum cost to the violator, including storage fees and any other resulting charges; and 4) a telephone number and address where the violator can locater their towed vehicle.

A private towing carrier is prohibited from towing or transporting a motor vehicle from private property without the permission of the owner or operator of the vehicle unless the towing carrier receives a request from a law enforcement agency or written permission from the owner or agent of the owner of the property that has complied with the parking violation signage requirements. The owner or owner's agent must either sign each towing order or authorize the tow by a written contract valid for a specific length of time. A person who violates these requirements is guilty of a Class 2 Misdemeanor. These requirements do not apply to abandoned or junk vehicles.

A *Private towing carrier* is defined as any person who commercially offers services to tow, transport or impound vehicles from private property without permission of the owner or operator of the vehicle by use of a truck or other vehicle designed for or adapted for that purpose (A.R.S. § 9-499.05).

Provisions

1. Requires a private towing carrier that engages in the business of towing vehicles from private property to:
   a) Register with DPS;
   b) Maintain the appropriate insurance required for engaging in the business of towing and impounding vehicles; and
   c) Provide proof of the required insurance to DPS. (Sec. 1)
2. Prohibits the minimum rate set by a city or town for towing, transporting or impounding a motor vehicle from private property from being below the state agencies' towing services agreement for towing and storage rates. (Sec. 1)
3. Removes and replaces the signage requirements for notice of parking violations on private property to require the signage:
   a) be conspicuously visible to the driver of a vehicle that parks on the private property;

b) be constructed of weather resistant materials;
c) be at least 12 inches wide and 18 inches in height and at most 18 inches wide and 24 inches in height;
d) be located at each area where a vehicle may enter the private property;
e) be permanently mounted on a post, pole, wall or be permanently affixed in another manner; and
f) contain the following language:
   i. unauthorized vehicles will be towed at owner's expense;
   ii. reference A.R.S. § 9-499.05 which outlines requirements for private towing carriers; and
   iii. a telephone number that is monitored 24 hours a day where the vehicle owner or operator may locate the towed vehicle. (Sec. 1)

4. Requires the owner of the private property, the owner's agent or the operator of the private towing carrier to take pictures of all sides of the vehicle that is being towed before the vehicle is loaded on the towing vehicle. (Sec. 1)

5. Mandates that the pictures must be made available to the vehicle owner or agent of the owner within 24 hours after the owner or agent requests the pictures. (Sec. 1)

6. States that a private towing carrier must release a towed vehicle to the vehicle owner of record or agent of the owner and requires the owner or agent to provide a government-issued photo identification and one of the following:
   a) a valid certificate of title;
   b) proof of current vehicle registration, not including a restricted use three-day permit;
   c) a repossession affidavit;
   d) a hold harmless liability release;
   e) a proof of a lien;
   f) an insurance company request for release;
   g) a certified motor vehicle record; or
   h) proof of a security interest or other financial interest in the vehicle that existed at the time of the tow. (Sec. 1)

7. Prohibits a private towing carrier from refusing to release a vehicle to the owner or owner's agent solely because the presented government-issued photo identification shows a different address than the address shown on the title or registration records of the towed vehicle. (Sec. 1)

8. Requires the private towing carrier to provide the owner or agent of the owner of a towed vehicle with an itemized receipt for the towing services. (Sec. 1)

9. States that on request from the vehicle owner or agent of the owner, the private towing carrier must provide of copy of A.R.S. § 9-499.05. (Sec. 1)

10. Strikes language that made a person who tows a vehicle from private property without proper permission guilty of a Class 2 Misdemeanor. (Sec. 1)

11. Makes a private towing carrier who violates these requirements liable for a civil penalty of two times the towing fees assessed for the vehicle's removal. (Sec. 1)

12. Declares that a private towing carrier who charges a fee that is greater than the fee posted on the private property where the vehicle was towed may be required to reimburse the owner or agent of the owner for any charges above and beyond the charges posted on the private property where the vehicle was towed. (Sec. 1)

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

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

HB2318: state match fund; rural transportation
Sponsor: Representative Dunn, LD 25
Caucus & COW

Overview

Changes requirements relating to the State Match for Rural Transportation (SMART) Fund. Requires applicants who were awarded funding for design and engineering services to apply for a federal grant within two years or else have to repay the awarded funds. Modifies application requirements for SMART Fund monies.

History

The SMART Fund was established by Laws 2022, Ch. 322 and is administered by the Arizona Department of Transportation (ADOT). Monies in the SMART Fund are continuously appropriated. Monies consist of appropriations from the Legislature and any nonfederal gifts, grants, donations or other amounts received from any public or private source for transportation projects.

On notice from ADOT, the State Treasurer must invest and divest monies in the SMART Fund and monies earned from the investment must be credited to the SMART Fund. The Transportation Board (Board) may not approve any expenditures from the SMART Fund unless the expenditure is made in accordance with requirements relating to the SMART Fund.

Monies in the SMART Fund must be used only for the following:

1) to reimburse up to 50% of the costs associated with developing and applying for a federal grant;
2) as a match for a federal grant; and
3) to reimburse design and other engineering services expenditures that meet federal standards for projects eligible for a federal grant.

Monies in the SMART Fund must be allocated as follows:

1) 20% to counties with a population of 100,000 persons or more;
2) 20% to counties with a population of less than 100,000 persons;
3) 20% to municipalities with a population of 10,000 persons or more;
4) 20% to municipalities with a population of less than 10,000 persons; and
5) 20% to ADOT to match federal grants and to reimburse design and other engineering services expenditures for federal grant eligible projects.

A county with a population of more than 1,000,000 persons is not eligible for funding. A municipality that is partially or entirely located in an urbanized area of a county with a population of more than 1,000,000 persons is not eligible for funding. ADOT may not use monies from the SMART Fund for projects that are located in an urbanized area of a county with a population of more than 1,000,000 persons (A.R.S § 28-339).

Laws 2022, Ch. 309 appropriated $50 million from the State Highway Fund and Laws 2023, Chapter 135 appropriated $12.5 million from the state General Fund into the SMART Fund.

Provisions

1. Prohibits ADOT, rather than the Board, from approving any expenditures from the SMART Fund unless it is made in accordance with requirements relating to the SMART Fund. (Sec. 1)

2. Clarifies that monies in the SMART Fund must be used *to provide match or reimbursement* of a match for a federal grant and to *fund or* reimburse design and other engineering services expenditures that meet federal standards for projects eligible for a federal grant. (Sec. 1)

3. Requires applicants awarded SMART Fund monies for design and other engineering services to apply for a federal grant within two years after the award, otherwise the award lapses. (Sec. 1)
4. Directs an applicant whose award lapses to repay any expended monies to the SMART Fund and to submit repayment within 30 days after receiving an invoice from ADOT. (Sec. 1)
5. Clarifies that ADOT must *suballocate* SMART Fund monies to *projects located in* specified counties and municipalities. (Sec. 1)
6. Specifies that *a project located* in a county, or a municipality partially or entirely located in an urbanized area of a county, with a population of more than 1,000,000 people is not eligible for funding. (Sec. 1)
7. Allows an entity eligible to receive a federal grant to apply to ADOT to be eligible for an award from the SMART Fund. (Sec. 1)
8. Directs an entity to first obtain the approval of the applicable metropolitan planning organization or council of governments before applying to ADOT. (Sec. 1)
9. Allows ADOT to require additional documentation to ensure an applicant is eligible for the federal grant. (Sec. 1)
10. Permits the Board to determine the extent to which an applicant has the technical and financial capacity to successfully complete the project. (Sec. 1)
11. Specifies that ADOT must determine, on receipt of an application, if the requirements of the Federal Statutes establishing the federal grant are met. (Sec. 1)
12. Allows the Board to give preference to applicants that can demonstrate other factors as deemed appropriate by the Board for the applicable federal grant. (Sec. 1)
13. Removes the requirement for ADOT to execute an *intergovernmental* agreement, to instead execute an agreement with the applicant regarding reimbursement and expenditures relating to monies used in the SMART Fund. (Sec. 1)
14. Permits ADOT to *annually* use up to 5% of SMART Fund monies earned in the previous fiscal year from the State Treasurer's investment and divestment of SMART Fund monies to administer the Fund, rather than 1% from SMART Fund monies allocated to ADOT. (Sec. 1)
15. Removes the requirement for an applicant, who received a federal grant award but could not secure it, to notify ADOT within 15 days after receiving notice that the applicant has not secured the federal grant. (Sec. 1)
16. Allows the Board to redistribute the unawarded SMART Fund monies to ensure each suballocated category for projects located in counties and municipalities receives a share of the monies based on the percentage prescribed for each suballocated category. (Sec. 1)
17. Requires ADOT to post the amount available for each category on ADOT's website within 30 days after the Board's approval of the redistribution. (Sec. 1)
18. Allows the Board to direct ADOT to close applications for any category and return any unawarded applications to the applicants. (Sec. 1)
19. Requires the Board to rescind an award if an applicant receives funding from another source for the same project and purpose in an amount equal to or greater than the award made under the SMART Fund. (Sec. 1)
20. Directs an applicant to repay any monies expended from the SMART Fund within one year after the date of the rescission resolution approved by the Board. (Sec. 1)
21. Makes technical and conforming changes. (Sec. 1)

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

HB 2438: ADOT; administration; licensing; planning
Sponsor: Representative Cook, LD 7
Caucus & COW

Overview

Revises transportation statutes relating to the Arizona Department of Transportation (ADOT), traffic case records, driver's licenses, commercial driver's licenses, vehicle registration, Five Year Transportation Facilities Construction Program (Five-Year Plan) and Vehicle License Tax (VLT). Requires ADOT to search the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse before issuing, upgrading, renewing or transferring a commercial driver's license or a commercial learner's permit.

History

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

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

Provisions

Traffic Case Records

1. Changes the deadline for when a judge, referee, hearing officer, probation officer or other person responsible for the disposition of cases involving traffic offenses or civil violations committed by someone under 18 years old must report the offense or civil violation to ADOT to not more than 30 days after the date of conviction or finding of responsibility, rather than 30 days after the date the violation was committed. (Sec. 2)

2. Prohibits ADOT from taking administrative action against a person's driving privilege or a vehicle's registration if a judicial officer reports a conviction or finding of responsibility to ADOT more than five years after the date of conviction or finding of responsibility. (Sec. 2)

FMCSA Clearinghouse

3. Requires ADOT to search the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse (FMCSA Clearinghouse) before ADOT issues, upgrades, renews or transfers a commercial driver's license (CDL) or a commercial learner's permit (CLP). (Sec. 5)

4. States after notification from the FMCSA Clearinghouse that a driver is prohibited from operating a commercial motor vehicle due to a violation of the controlled substances and alcohol use and testing prohibitions, ADOT is required to:
   a) deny issuing, upgrading, renewing or transferring a CDL or CLP; and

b) initiate downgrade procedures for CDL and CLP holders by removing the commercial privilege from the CDL or CLP. The downgrade must be effective within 60 days after ADOT receives notification of the driver's prohibited status. (Sec. 5)

5. Directs ADOT to allow the issuing, upgrading, renewing, transferring or reinstating of a CDL or CLP on notification from the FMCSA Clearinghouse that a driver is no longer restricted from operating a commercial motor vehicle. (Sec. 5)

6. Declares that if the FMCSA notifies ADOT that a driver was incorrectly placed in a prohibited status, ADOT must expunge the driver record of any reference to and actions taken on the driver record due to the erroneous notification and allow for the reinstatement of the commercial privilege for a CDL or CLP. (Sec. 5)

International Fuel Tax Agreement License

7. Removes the requirement for the Director of ADOT to send a notice before revoking an International Fuel Tax Agreement (IFTA) license for failing to comply with interstate user fuel tax requirements by certified mail ordering the licensee to appear in the office of the Director on a specified date to show why their license should not be revoked. (Sec. 7)

8. Allows a person who disputes ADOT's decision to revoke an IFTA license to request a hearing with ADOT. (Sec. 7)

Five-Year Plan

9. Changes the date the State Transportation Board (Board) must review the updated Five-Year Plan to on or before April 1 of each year rather than the second Monday of April each year. (Sec. 9)

10. Moves the date the Board must give notice in a newspaper of a public hearing to consider the projects planned under the Five-Year Plan to on or before May 1 of each year, rather than the first Monday of May each year. (Sec. 9)

11. Modifies the notice requirements for the public hearing. (Sec. 9)

12. Requires the Five-Year Plan to list projects by route instead of by priority. (Sec. 10)

Miscellaneous

13. Specifies that VLT, vehicle registration fees and transfer fees for trailers, semitrailers or noncommercial trailers consider the *declared* gross weight of a vehicle. (Sec. 3, 8)

14. Repeals the requirement for a registering officer to provide a taxpayer paying a VLT the amount the taxpayer would have paid if their motor vehicle was powered by alternative fuel. (Sec. 8)

15. Strikes language that allowed a use fuel vendor to apply for a use fuel tax refund more than once a month if the requested refund amount was at least $750. (Sec. 6)

16. Clarifies that a driver's license is valid for up to five years if initially issued to an applicant who is 60 years old or older. (Sec. 4)

17. States that to meet the needs of the public the Director of ADOT may establish hours of operation for Motor Vehicle Division offices on legal holidays. (Sec. 1)

18. Specifies that a balloon aircraft is not required to be registered before commencing in intrastate commercial operations. (Sec. 11)

19. Modifies a reference to the Code of Federal Regulations. (Sec. 12)

20. Defines terms. (Sec. 3, 8)

21. Makes technical and conforming changes. (Sec. 3, 4, 6, 8)

Amendments

Committee on Transportation & Infrastructure

1. Removes the Arizona State Schools for the Deaf and the Blind from the list of agencies that are exempt from participation in the State Motor Vehicle Fleet.

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

HB2567: ovarian cancer plates; deadline extension
Sponsor: Representative Gutierrez, LD 18
Caucus & COW

Overview

Extends the deadline, from December 31, 2022 to December 31, 2025, for when a person must pay $32,000 to the Arizona Department of Transportation (ADOT) to issue the Ovarian Cancer Awareness Special Plates.

History

Laws 2022, Chapter 193 establishes the Ovarian Cancer Awareness Special Plate and Fund. A person must pay ADOT an implementation fee of $32,000 by December 31, 2022, for ADOT to issue the Ovarian Cancer Awareness Special Plate.

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). Special plates require a standard $32,000 implementation fee.

Provisions

1. Modifies the deadline for a person to pay $32,000 to ADOT to issue the Ovarian Cancer Awareness Special Plates from December 31, 2022, to December 31, 2025. (Sec. 1)
2. Contains a retroactivity clause of December 31, 2022. (Sec. 2)

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

ARIZONA HOUSE OF REPRESENTATIVES

Second Regular Session

House: TI DP 9-0-2-0

HB 2573: use fuel dispenser labels; penalties
Sponsor: Representative Biasiucci, LD 30
Caucus & COW

Overview

Modifies the civil penalty for use fuel vendors who violate use fuel dispenser labeling or posting requirements to be $100 instead of $100 for each day the violation continues and requires the Arizona Department of Transportation (ADOT) to provide the labels to vendors *in bulk*.

History

The Use Fuel Tax applies to all gases and liquids used to propel motor vehicles that are not subject to the Motor Vehicle Fuel Tax, including diesel. The Use Fuel Tax rate for vehicles weighing less than 26,000 pounds is 18 cents per gallon, which is the same rate as the State Motor Vehicle Fuel Tax Rate. For vehicles weighing more than 26,000 pounds, the Use Fuel Tax Rate is 26 cents per gallon. Use Fuel Tax revenues are deposited into the Highway User Revenue Fund (2023 Tax Handbook).

Labels on use fuel dispensers must notify the purchaser of the Use Fuel Tax rate. ADOT is required to provide the use fuel dispenser labels to vendors. Statute outlines additional posting requirements for vendors which vary depending on which class of motor vehicles are permitted to use the fuel dispenser. A vendor who violates the use fuel dispenser labeling or posting requirements is subject to a civil penalty of $100 for each day the violation continues (A.R.S. § 28-5605).

A *Vendor* includes a person who sells use fuel in this state and who places the fuel or causes the fuel to be placed into any receptacle on a motor vehicle from which the fuel is supplied for the propulsion, including a service station dealer, a broker and a user who sells use fuel to others (A.R.S. § 28-5601).

Provisions

1. Changes the civil penalty for vendors who violate requirements related to use fuel dispenser labels or posting to be $100, rather than $100 for each day the violation continues. (Sec. 1)
2. Specifies that ADOT must provide use fuel dispenser labels to vendors *in bulk*. (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: WM DP 6-4-0-0

HB 2309: GPLET; agreement posting; abatement period
Sponsor: Representative Grantham, LD 14
Caucus & COW

Overview

Requires the government lessor to include the lease or an abstract of the lease and development agreements on public databases and limits the number of years a city or town can abate property tax from eight years to four years.

History

Within 30 days of entering a lease for the occupancy of a government property improvement, the government lessor must record a memorandum of the lease in the office of the county recorder in the county in which the government property is located, and submit to the county treasurer copies of the lease or an abstract of the lease. The government lessor also must maintain a public database by county, city or town or post its lease agreements on a county, city or town website in locations where the government property leases are subject to property tax (A.R.S. § 42-6202).

On or before February 15 each year, the county treasurer is required to submit a report to the Department of Revenue (DOR) and the Joint Legislative Budget Committee of all returns and payments received for the preceding calendar year regarding leases of government property improvements owned by the government lessor (A.R.S. § 42-6204).

A.R.S. § 42-6209 allows for a city or town to abate property tax on a property for eight years after the certificate of occupancy is issued on a government property improvement.

Provisions

1. Requires the government lessor to include the lease or an abstract of the lease in the public database. (Sec. 1)
2. Requires the government lessor to post its development agreements subject to property tax on the website of the county, city or town where the property improvement is located. (Sec. 1)
3. Requires the county treasurer to submit a report of all returns and payments received for the preceding calendar year to DOR and requires the report to be posted on the DOR website. (Sec. 2)
4. Limits the number of years a city or town may abate property tax from eight years to four years after the certificate of occupancy is issued. (Sec. 3)
5. Applies to agreements entered beginning January 1, 2025. (Sec. 4)
6. Makes technical changes. (Sec. 1, 2)

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: WM DP 6-4-0-0

HB 2380: TPT; municipalities; audits; guidelines
Sponsor: Representative Carter, LD 15
Caucus & COW

Overview

Allows the Department of Revenue (DOR) to deny a city or town's request to audit a taxpayer that is engaged in business in more than one city or town and prevents that city or town from auditing the taxpayer. Requires the Unified Audit Committee to establish and publish audit guidelines.

History

Current law requires an intergovernmental contract or agreement between DOR and each city or town to be entered into for the collection and administration of transaction privilege tax and affiliated excise taxes, including use tax, severance tax, jet fuel excise and use tax and rental occupancy tax imposed by any city or town. (A.R.S. § 42-6001)

The DOR director is currently required to establish a unified audit committee with cities and towns to coordinate uniform audit functions. (A.R.S. § 42-6005)

Provisions

1. Allows DOR to deny a city or town's request to conduct an audit on a taxpayer that is engaged in business in more than one city or town. (Sec. 1)
2. Requires the intergovernmental agreement or contract to include criteria for which DOR can deny a city or towns request to conduct an audit. (Sec. 1)
3. Prevents a city or town from conducting an audit on a taxpayer that is engaged in business in more than one city or town if the DOR denies the request. (Sec. 1)
4. Requires the unified audit committee to establish and publish uniform audit guidelines. (Sec. 2)
5. Makes technical changes. (Sec. 1, 2)

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: WM DP 9-0-0-1

HB 2408: property tax assessment; destroyed property
Sponsor: Representative Gillette, LD 30
Caucus & COW

Overview
Allows a county assessor to issue a notice of proposed correction for a property destroyed after the rolls have closed.

History
Each year, the county assessor creates a real and personal property assessment roll, which values properties under classifications. If a property is destroyed, the classification in the assessment roll is changed, and the tax rate is prorated and applied for the value of a destroyed property since the date of destruction. If a property was destroyed after the closing of the rolls, the property owner may file a notice of claim (A.R.S. § 42-15157).

Provisions
1. Permits the county assessor to issue a notice of proposed correction to prorate the valuation of the property from the date of destruction. (Sec. 1)
2. Authorizes the county assessor to maintain the property classification of a destroyed property for five years, unless a verifiable change in use occurs. (Sec. 1)
3. Requires the county assessor to notify the property owner of the property assessment. (Sec. 1)
4. Defines *destroyed* as physical destruction caused by a verifiable accident, including fire, flood or any other act of God. (Sec. 1)
5. Makes conforming changes. (Sec. 1)

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