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

CAUCUS AGENDA

February 06, 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 2040(BSI)	event online ticket sales				
SPONSOR:	COOK, LD 7	HOUSE COM (No: HEAP)	1/23/2024	DP	(9-1-0-0)
HB 2077(BSI)	ROC; contractors; licensing; administrative decisions				
SPONSOR:	HENDRIX, LD 14	HOUSE COM	1/30/2024	DPA	(10-0-0-0)
HB 2140(BSI)	funeral services; alkaline hydrolysis				
SPONSOR:	HENDRIX, LD 14	HOUSE COM	1/30/2024	DPA	(10-0-0-0)
HB 2185(BSI)	liquor; policies; procedures				
SPONSOR:	GRESS, LD 4	HOUSE COM	1/30/2024	DPA	(10-0-0-0)
HB 2194(BSI)	ticket resales; restrictions				
SPONSOR:	COOK, LD 7	HOUSE COM	1/23/2024	DP	(10-0-0-0)
HB 2199(BSI)	restaurants; small alcohol ratio exemption				
SPONSOR:	GRESS, LD 4	HOUSE COM	1/30/2024	DPA	(10-0-0-0)
HB 2205(BSI)	fraud unit; investigations; annual report				
SPONSOR:	LIVINGSTON, LD 28	HOUSE COM	1/30/2024	DPA	(10-0-0-0)
HB 2570(BSI)	planning; home design; restrictions; prohibition				
SPONSOR:	BIASIUCCI, LD 30	HOUSE COM (No: GRESS Present: HENDRIX)	1/30/2024	DP	(8-1-1-0)

Committee on Education

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

HB 2095(BSI) scholarships; requirements; foster care students
SPONSOR: PARKER B, LD 10 HOUSE
ED 1/16/2024 DP (6-4-0-0)
(No: GUTIERREZ, PAWLIK, SCHWIEBERT, TERECH)

HB 2373(BSI) instructional time model; posting requirement
SPONSOR: DIAZ, LD 19 HOUSE
ED 1/30/2024 DP (6-4-0-0)
(No: GUTIERREZ, PAWLIK, SCHWIEBERT, TERECH)

HB 2645(BSI) foster children; high school; transfer
SPONSOR: JONES, LD 17 HOUSE
ED 1/30/2024 DP (10-0-0-0)

Committee on Government

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

HB 2033(BSI) department of health services; rulemaking
SPONSOR: COOK, LD 7 HOUSE
GOV 1/17/2024 DP (8-0-0-1)
(Abs: HERNANDEZ L)
HHS 1/29/2024 DP (9-0-1-0)
(Present: PARKER B)

HB 2125(BSI) annexation; notice; approval
SPONSOR: SMITH, LD 29 HOUSE
GOV 1/31/2024 DPA (5-3-0-1)
(No: GUTIERREZ, PESHLAKAI, VILLEGAS Abs: HERNANDEZ L)

HB 2275(BSI) settlement agreements; report; approval
SPONSOR: MARSHALL, LD 7 HOUSE
GOV 1/31/2024 DPA (5-4-0-0)
(No: GUTIERREZ, HERNANDEZ L, PESHLAKAI, VILLEGAS)

HB 2477(BSI) state planet; Pluto
SPONSOR: WILMETH, LD 2 HOUSE
GOV 1/31/2024 DP (8-1-0-0)
(No: MONTENEGRO)

HB 2584(BSI) residential building materials; requirements; prohibition
SPONSOR: GILLETTE, LD 30 HOUSE
GOV 1/31/2024 DP (8-1-0-0)
(No: VILLEGAS)

HB 2632(BSI) zoning violations; enforcement; notice; service
SPONSOR: CHAPLIK, LD 3 HOUSE
GOV 1/31/2024 DP (9-0-0-0)

HJR 2002(BSI) Sandra Day O'Connor; statuary hall
SPONSOR: GRESS, LD 4 HOUSE
GOV 1/31/2024 DP (6-3-0-0)
(No: GUTIERREZ, PESHLAKAI, VILLEGAS)

Committee on Health & Human Services

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

HB 2050(BSI) board of psychologist examiners
SPONSOR: BLISS, LD 1 HOUSE
HHS 1/29/2024 DP (8-2-0-0)
(No: PARKER B, PINGERELLI)

HB 2093(BSI) emergency services; prudent layperson; definition
SPONSOR: PARKER B, LD 10 HOUSE
HHS 1/29/2024 DP (10-0-0-0)

HB 2111(BSI) licensed facilities; transfer; sale; prohibition
SPONSOR: WILLOUGHBY, LD 13 HOUSE
HHS 1/29/2024 DP (9-0-1-0)
(Present: CONTRERAS P)

HB 2112(BSI) insurance coverage; hearing aids; children
SPONSOR: WILLOUGHBY, LD 13 HOUSE
HHS 1/29/2024 DPA (8-2-0-0)
(No: PARKER B, PINGERELLI)

HB 2116(BSI) fatality review; information; access
SPONSOR: WILLOUGHBY, LD 13 HOUSE
HHS 1/29/2024 DPA (8-1-1-0)
(No: PARKER B Present: PINGERELLI)

HB 2137(BSI) infants; toddlers; developmental delays
SPONSOR: WILLOUGHBY, LD 13 HOUSE
HHS 1/29/2024 DPA (9-0-0-1)
(Abs: GRESS)

HB 2402(BSI) DCS; investigations; interviews; recording
SPONSOR: GRESS, LD 4 HOUSE
HHS 1/29/2024 DP (10-0-0-0)

HB 2442(BSI) school immunizations; exclusions
SPONSOR: MONTENEGRO, LD 29 HOUSE
HHS 1/29/2024 DP (6-4-0-0)
(No: CONTRERAS P, GUTIERREZ, HERNANDEZ A, MATHIS)

HB 2454(BSI) kinship foster care; hearings; reports
SPONSOR: MONTENEGRO, LD 29 HOUSE
HHS 1/29/2024 DP (10-0-0-0)

Committee on Judiciary

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

HB 2064(BSI) school safety zone; offenses; sentencing
SPONSOR: BLISS, LD 1 HOUSE
JUD 1/31/2024 DPA (6-3-0-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ)

HB 2435(BSI) repetitive offenders; organized retail theft
SPONSOR: TOMA, LD 27 HOUSE
JUD 1/31/2024 DP (6-3-0-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ)

HB 2486(BSI) parent-child relationship; restoration
SPONSOR: BLISS, LD 1 HOUSE
JUD 1/31/2024 DPA (9-0-0-0)

HB 2508(BSI) false reporting; public alarm; classification
(JUD S/E: public alarm; false reporting; classification)
SPONSOR: GRESS, LD 4 HOUSE
JUD 1/31/2024 DPA/SE (5-3-1-0)
(No: CONTRERAS L, KOLODIN, ORTIZ Present: HERNANDEZ M)

HB 2586(BSI) harmful website content; age verification.
SPONSOR: DUNN, LD 25 HOUSE
JUD 1/31/2024 DP (4-3-2-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ Present: KOLODIN, MARSHALL)

HB 2629(BSI) schools; instruction; victims of communism
SPONSOR: TOMA, LD 27 HOUSE
JUD 1/31/2024 DP (6-3-0-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ)

HB 2630(BSI) sealing case records; subsequent felony
SPONSOR: TOMA, LD 27 HOUSE
JUD 1/31/2024 DP (9-0-0-0)

HB 2661(BSI) electronic devices; filters; obscene material
SPONSOR: TOMA, LD 27 HOUSE
JUD 1/31/2024 DP (5-3-1-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ Present: KOLODIN)

HB 2665(BSI) child sex trafficking; facilitating prostitution
SPONSOR: BIASIUCCI, LD 30 HOUSE
JUD 1/31/2024 DPA (6-2-0-1)
(No: HERNANDEZ M, ORTIZ Abs: CONTRERAS L)

HCR 2037(BSI) victims of communism day
SPONSOR: TOMA, LD 27 HOUSE
JUD 1/31/2024 DP (9-0-0-0)

Committee on Land, Agriculture & Rural Affairs

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

HB 2006(BSI) real estate; acting in concert
SPONSOR: GRIFFIN, LD 19 HOUSE
LARA 1/29/2024 DP (7-2-0-0)
(No: SANDOVAL, SEAMAN)

HB 2007(BSI) subdivided lands; civil penalties
SPONSOR: GRIFFIN, LD 19 HOUSE
LARA 1/29/2024 DP (8-0-0-1)
(Abs: COOK)

HB 2009(BSI) subdivisions; acting in concert
SPONSOR: GRIFFIN, LD 19 HOUSE
LARA 1/29/2024 DP (5-4-0-0)
(No: HERNANDEZ C, HERNANDEZ L, SANDOVAL, SEAMAN)

HB 2023(BSI) land divisions; disclosure affidavit; recording
SPONSOR: GRIFFIN, LD 19 HOUSE
LARA 1/29/2024 DPA (8-1-0-0)
(No: SANDOVAL)

HB 2101(BSI) land division; applicant submissions; review
SPONSOR: GRIFFIN, LD 19 HOUSE
LARA 1/29/2024 DPA (9-0-0-0)

HB 2129(BSI) improved lot or parcel; definition
SPONSOR: GRIFFIN, LD 19 HOUSE
LARA 1/29/2024 DP (9-0-0-0)

Committee on Military Affairs & Public Safety

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

HB 2103(BSI) traumatic event counseling; constables
(MAPS S/E: constables; traumatic event counseling)
SPONSOR: PAYNE, LD 27 HOUSE
MAPS 1/29/2024 DPA/SE (14-0-0-0)

HB 2135(BSI) adult incarceration contracts
SPONSOR: DUNN, LD 25 HOUSE
MAPS 1/29/2024 DP (10-2-1-1)
(No: HERNANDEZ M, TSOSIE Abs: WILMETH Present: TRAVERS)

HB 2243(BSI) fingerprinting; criminal history; records checks
SPONSOR: NGUYEN, LD 1 HOUSE
MAPS 1/29/2024 DP (14-0-0-0)

HB 2248(BSI) prisoners; services budget; postsecondary education
SPONSOR: GRESS, LD 4 HOUSE
MAPS 1/29/2024 DP (11-3-0-0)
(No: JONES, MARSHALL, MCGARR)

HB 2322(BSI) peace officers; discipline; modification
SPONSOR: PAYNE, LD 27 HOUSE
MAPS 1/29/2024 DP (14-0-0-0)

HB 2433(BSI) mental health transition program; release
SPONSOR: LIVINGSTON, LD 28 HOUSE
MAPS 1/29/2024 DP (14-0-0-0)

HB 2548(BSI) military installations; general plan amendments
SPONSOR: PAYNE, LD 27 HOUSE
MAPS 1/29/2024 DP (14-0-0-0)

Committee on Municipal Oversight & Elections

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

HB 2031(BSI) county supervisors; population; membership
SPONSOR: GRIFFIN, LD 19 HOUSE
MOE 1/31/2024 DP (7-1-0-1)
(No: HERNANDEZ M Abs: AGUILAR)

HB 2404(BSI) voter registration cards; mailing limitation
SPONSOR: GILLETTE, LD 30 HOUSE
MOE 1/31/2024 DP (5-3-0-1)
(No: HERNANDEZ M, TERECH, VILLEGAS Abs: AGUILAR)

HB 2472(BSI) election contests; procedures
SPONSOR: MCGARR, LD 17 HOUSE
MOE 1/31/2024 DP (5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)

HB 2474(BSI) new party recognition; signatures; circulators
SPONSOR: KOLODIN, LD 3 HOUSE
MOE 1/31/2024 DPA (8-0-0-1)
(Abs: AGUILAR)

HB 2482(BSI) voter registration changes; text notice
SPONSOR: PARKER B, LD 10 HOUSE
MOE 1/31/2024 DP (9-0-0-0)

HB 2590(BSI) voter registration database; updates; counties
SPONSOR: DUNN, LD 25 HOUSE
MOE 1/31/2024 DP (6-2-0-1)
(No: HERNANDEZ M, VILLEGAS Abs: AGUILAR)

Committee on Natural Resources, Energy & Water

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

HB 2008(BSI) commercial; industrial; conservation requirements; rules
SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 1/30/2024 DP (5-4-0-0)
(No: DE LOS SANTOS, MATHIS, SANDOVAL, VILLEGAS)

HB 2015(BSI) subsequent water management areas; basins
SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 1/30/2024 DPA (5-4-0-0)
(No: DE LOS SANTOS, MATHIS, SANDOVAL, VILLEGAS)

HB 2062(BSI) assured water supply; certificate; model
SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 1/30/2024 DPA (5-4-0-0)
(No: DE LOS SANTOS, MATHIS, SANDOVAL, VILLEGAS)

HB 2184(BSI) brackish groundwater pilot program
SPONSOR: SMITH, LD 29 HOUSE
NREW 1/30/2024 DP (9-0-0-0)

HB 2366(BSI) physical availability; review; designated providers
SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 1/30/2024 DP (5-4-0-0)
(No: DE LOS SANTOS, MATHIS, SANDOVAL, VILLEGAS)

HB 2368(BSI) transportation; groundwater; Douglas AMA
SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 1/30/2024 DP (5-4-0-0)
(No: DE LOS SANTOS, MATHIS, SANDOVAL, VILLEGAS)

HB 2370(BSI) oxygenated fuel; federal approval; extension
SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 1/30/2024 DP (9-0-0-0)

HB 2589(BSI) assured water supply; analysis; availability
SPONSOR: DUNN, LD 25 HOUSE
NREW 1/30/2024 DPA (5-4-0-0)
(No: DE LOS SANTOS, MATHIS, SANDOVAL, VILLEGAS)

Committee on Regulatory Affairs

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

HB 2119(BSI) homeowner's associations; fees; related parties
(RA S/E: real property)
SPONSOR: HENDRIX, LD 14 HOUSE
RA 1/31/2024 DPA/SE (5-1-0-0)
(No: CREWS)

HB 2141(BSI) condominiums; interior improvements; approvals
SPONSOR: HENDRIX, LD 14 HOUSE
RA 1/31/2024 DP (6-0-0-0)

HB 2308(BSI) occupational licenses; criminal offense; prohibition
SPONSOR: GRANTHAM, LD 14 HOUSE
RA 1/31/2024 DPA (6-0-0-0)

HB 2328(BSI) mobile food vendors; operation; rules
SPONSOR: PAYNE, LD 27 HOUSE
RA 1/31/2024 DPA (5-0-0-1)
(Abs: CREWS)

HB 2470(BSI) planned communities; authority; public roadways
SPONSOR: MCGARR, LD 17 HOUSE
RA 1/31/2024 DP (4-2-0-0)
(No: HERNANDEZ A, CREWS)

HB 2471(BSI) rulemaking; legislative approval
SPONSOR: MCGARR, LD 17 HOUSE
RA 1/31/2024 DP (5-1-0-0)
(No: CREWS)
RA 1/31/2024 DP ON RECON (4-2-0-0)
(No: HERNANDEZ A, CREWS)

HB 2509(BSI) behavioral health; temporary licensure; graduates
SPONSOR: GRESS, LD 4 HOUSE
RA 1/31/2024 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 2048(BSI) Arizona wine trail special plates
SPONSOR: BLISS, LD 1 HOUSE
TI 1/31/2024 DPA (10-0-0-0)

HB 2522(BSI) defensive driving schools; fees
SPONSOR: PEÑA, LD 23 HOUSE
TI 1/31/2024 DP (10-0-0-0)

Committee on Ways & Means

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

HB 2203(BSI) public retirement plans; liabilities; administration
SPONSOR: LIVINGSTON, LD 28 HOUSE
WM 1/31/2024 DP (9-0-0-1)
(Abs: HEAP)

HB 2378(BSI) continuation; PSPRS
SPONSOR: CARTER, LD 15 HOUSE
WM 1/31/2024 DPA (8-2-0-0)
(No: HEAP, SMITH)

HB 2381(BSI) non-contiguous county island fire districts
SPONSOR: CARTER, LD 15 HOUSE
WM 1/31/2024 DP (10-0-0-0)

HB 2382(BSI) TPT; sourcing; validation
SPONSOR: CARTER, LD 15 HOUSE
WM 1/24/2024 DPA (8-1-0-1)
(No: SANDOVAL Abs: GRANTHAM)

HB 2040: event online ticket sales
Sponsor: Representative Cook, LD 7
Caucus & COW

Overview

Creates laws prohibiting a person from using or creating a bot to purchase tickets for an online ticket sale.

History

Pursuant to A.R.S § 13-3718, it is unlawful for a person to sell an entertainment event ticket, which was purchased with the intent to resale, for a price that exceeds the face value, including taxes and other charges, while being within 200 feet of entry to the venue where the event is being held or the venues parking area. Additionally, it is unlawful to alter a ticket's printed price without the original vendor's written consent. Persons found in violation are subject to a petty offense.

Provisions

1. Prohibits a person from using or creating a bot to:
   a) purchase tickets in excess of the listed limit for an online ticket sale;
   b) use multiple internet protocol addresses, multiple purchaser accounts or multiple email addresses to purchase tickets in excess of the posted limit for an online ticket sale;
   c) circumvent or disable an electronic queue, waiting period, presale code or other sales volume limitation system associated with online ticket sale;
   d) circumvent or disable a security measure, access control system or other control or measure that is used to facilitate authorized entry to an event. (Sec 1)
2. Permits the Attorney General (AG) to investigate a claim that a person violated laws relating to event online ticket sales. (Sec 1)
3. Stipulates the AG may bring action to restrain or enjoin the person who is violating event online ticket sales laws. (Sec. 1)
4. Allows the AG to seek restitution and petition a district court for the assessment of a civil penalty. (Sec 1)
5. Specifies a person who knowingly violates event online ticket sales laws is liable for a civil penalty of up to $10,000 for each violation. (Sec 1)
6. Specifies each ticket transaction in which a ticket is acquired to be sold in violation of event online ticket sales laws constitutes a separate violation for the purpose of assessing a civil penalty. (Sec 1)
7. Specifies a person cannot be subject to a civil penalty of more than $100,000 if the person violates a court order or injunction issued to enforce event online ticket sales laws. (Sec. 1)
8. Specifies the AG may recover all reasonable costs of bringing an action. (Sec 1)
9. Defines pertinent terms. (Sec. 1)

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

HB 2077: ROC; contractors; licensing; administrative decisions
Sponsor: Representative Hendrix, LD 14
Caucus & COW

Overview

Revises Registrar of Contractors (ROC) statutes relating to licensing and administrative decisions. Expands the list of individuals who qualify for an agency license fee waiver.

History

Established in 1931, the ROC licenses and regulates residential and commercial contractors. The ROC also investigates complaints against contractors and is authorized to suspend or revoke a license, conduct hearings, issue citations and assess civil penalties.

The ROC administers the Residential Contractors' Recovery Fund (Fund) for the benefit of a claimant damaged by an act, representation, transaction or conduct of a licensed residential contractor that is in violation of statutory rules or regulations relating to contractors (Title 32, Chapter 10, A.R.S.).

If a contractor license has been revoked or suspended as a result of an order to remedy a violation, the ROC may order payment from the Fund to remedy the violation. A contractor may contest the amount or propriety of the payment by requesting a hearing to determine such amount or propriety (A.R.S. § 32-1133.01).

An agency must serve notice of an appealable agency action or contested case. A party may obtain a hearing on an appealable agency action or contested case by filing a notice of appeal or request for a hearing with the agency within 30 days after receiving the notice. The agency must notify the Office of Administrative Hearings (OAH) of the appeal or request for a hearing and OAH must schedule a hearing. An administrative law judge (ALJ) of OAH must issue a written decision within 20 days after the hearing is concluded. Within 30 days after the date OAH sends a copy of the decision to the agency head, the agency head may review the decision and accept, reject or modify it. The agency head's decision is the final administrative decision with outlined exceptions. For any appealable agency action or contest case involving a licensing decision, the licensee may accept the ALJ's decision. If the licensee accepts the ALJ's decision, the decision must be certified as the final decision by OAH. The ability for a licensee to accept the ALJ's decision does not apply to any appealable agency actions of the Department of Water Resources (A.R.S. §§ 41-1092.03 and 41-1092.08)

Provisions

1. Removes the requirement for the ROC to:
   a) publicly post a list of applicants seeking a contractor license on the ROC's website; and
   b) furnish copies of the posted list of applicants seeking a contractor license on written request. (Sec. 1)
2. Specifies the contractor requesting a hearing relating to contesting payments from the Fund bears the burden of proof at the hearing. (Sec. 2)
3. Repeals statute relating to maintaining a list of unlicensed contractors. (Sec. 3)
4. Clarifies the ROC may not issue a new license to *any person that is named on a revoked license* for one year. (Sec. 4)

5. Includes the following individuals to the list of persons who receive a fee waiver for an initial agency license:
   a) an active duty military service member who is within one year of discharge; and
   b) an active member of the military reserve forces. (Sec. 5)
6. Exempts appealable agency actions of the ROC from statutory provision relating to permitting a licensee to accept an administrative law judge's written decision. (Sec. 6)
7. Makes technical changes. (Sec. 1, 4)

Amendments

Committee on Commerce

1. Restores statute relating to maintaining a list of unlicensed contractors.
2. Deletes the requirement for the ROC to maintain a list of persons who have been convicted of contracting without a license.
3. Removes the exemption relating to appealable agency actions of the ROC.

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: COM DPA 10-0-0-0

HB 2140: funeral services; alkaline hydrolysis
Sponsor: Representative Hendrix, LD 14
Caucus & COW

Overview
Makes various revisions and updates to the Funeral Industry statutes.

History
Laws 2023, Chapter 194, eliminated the Arizona State Board of Funeral Directors and Embalmers (Funeral Board) and transferred the authority, powers, duties and responsibilities of the Funeral Board to the Arizona Department of Health Services (DHS).

Provisions

Department of Health Services; Regulations

1. Adds DHS must adopt rules relating to the standards of practice and professional conduct of operating an alkaline hydrolysis facility or alkaline hydrolysis. (Sec. 3)
2. Requires DHS to adopt rules to inspect funeral establishments, crematories and alkaline hydrolysis facilities from at least once every five years to at least once every two years. (Sec. 3)
3. Removes certain confidentiality requirements relating to examinations, complaints and investigative reports. (Sec. 5)
4. Declares information received and records kept by DHS for administration purposes are available to the public, except for sources of information that cause DHS to believe that an inspection of a licensee or facility is needed to determine the extent of compliance. (Sec. 5)
5. Removes the requirement for DHS to inform the licensee of the name of the complainant after receiving a complaint. (Sec. 5)
6. Specifies DHS may release only the general nature of a compliant to the public. (Sec. 5)
7. Removes references relating to DHS initiating an informal interview or formal hearing regarding investigating complaints. (Sec. 21)
8. Deletes the length of time in which a temporary license suspension or endorsement may be in place. (Sec. 21)
9. Clarifies the civil penalty that DHS may assess, as a disciplinary action, is against a person who violates funeral industry statutes or rules and each day that the violation occurs constitutes a separate violation. (Sec. 21)
10. Outlines factors DHS must consider in determining the amount of the civil penalty. (Sec. 21)
11. Includes, as a disciplinary action, DHS may suspend or revoke a license or endorsement. (Sec. 21)
12. Requires the actions to enforce the collection of civil penalties to be brought by the Attorney General or the county attorney. (Sec. 21)
13. Removes the requirement for DHS to serve notice and conduct a hearing prior to revoking or suspending a license or endorsement. (Sec. 21)

14. Clarifies DHS may revoke, rather than refuse to renew, a funeral establishment license or a prearranged funeral sales endorsement for specified reasons. (Sec. 27, 30)

Department of Health Services; Licensing & Fees

15. Requires DHS to establish and collect certain fees relating to:
    a) prearranged funeral sales establishments endorsements;
    b) multiple funeral director licenses; and
    c) interim permits for crematories and alkaline hydrolysis facilities. (Sec. 4)

16. Removes the requirement for DHS to establish and collect certain renewal fees and fees for reexamination for a state laws and rules examination. (Sec. 4)

17. Specifies licenses, registrations or endorsements do not expire unless:
    a) DHS revokes or suspends the license, registration or endorsement; or
    b) the licensee fails to pay certain fees or outstanding civil penalties. (Sec. 4)

18. Allows a person who was a licensed embalmer's assistant on March 31, 2023, to continue to be licensed provided the licensee pays any lapsed licensing fees and continues to pay the licensing or endorsement fee. (Sec. 4)

19. Prohibits a person from advertising or engaging in cremation or alkaline hydrolysis without a valid license. (Sec. 6)

20. Removes the requirement for an applicant for an embalmer or funeral director license to pass the appropriate state laws and rules examination. (Sec. 7)

21. Requires a person who desires to reactivate a license submit an attestation that the person has completed the required continuing education units. (Sec. 12)

Advisory Committee

22. Clarifies the advisory committee advises the Director *about matters relating to the regulation of the funeral services industry.* (Sec. 2)

23. Specifies the members are appointed by the Director of DHS rather than the Governor. (Sec. 2)

24. Removes the requirement for the advisory committee present an annual performance evaluation. (Sec. 2)

Alkaline Hydrolysis

25. Removes the authorization for an alkaline hydrolysis facility to be operated by a responsible cremationist. (Sec. 14)

26. Removes the ability for an unlicensed person to practice as an alkaline hydrolysis operator if the facility is operated a licensed alkaline hydrolysis operator. (Sec. 15)

Miscellaneous

27. Removes, as a condition in determining that a person is on a pathway to embalmer licensure, that the person has been employed by a funeral establishment for not more than three years. (Sec. 17)

28. Adds, as a condition in determining that a person is on a pathway to embalmer licensure, that the person has graduated from an accredited or provisionally accredited school of mortuary science and passed the national board examination. (Sec. 17)

29. Specifies the pathway to embalmer licensure cannot exceed three years after the person passes the national board examination. (Sec. 17)

30. Exempts a person who was a licensed embalmer's assistant on March 31, 2023, from statutory requirements relating to pathway to licensure. (Sec. 17)

31. Includes alkaline hydrolysis facilities to the statutory requirements relating to lawfully disposing of dead human bodies by written consent. (Sec. 18, 19)

32. Repeals statute relating to assessing a licensee administrative costs and expenses incurred in conducting an investigation relating to violations of statute or rules. (Sec. 22)

33. Directs a licensee who makes arrangements by interstate telecommunications to perform services with a person residing out-of-state to provide the written price lists relating to funeral goods and services offered electronically unless the person does not have internet access. (Sec. 23)

34. Adds the requirement for a licensed funeral establishment that embalms at a central location and not on-site to provide DHS the central location's name, address and license number. (Sec. 24)

35. Adds that the funeral establishment's annual report concerning prearranged funeral sales must include the name of the registered salesperson who sold each prearranged funeral. (Sec. 31)

36. Removes the requirement for certain funeral establishments to file an annual report concerning all prearranged funeral trust accounts. (Sec. 31)

37. Repeals statute relating to state laws and rules examination. (Sec. 9)

38. Repeals statute relating to license renewals. (Sec. 11)

39. Repeals statute relating to funeral establishment license renewal. (Sec. 25)

40. Repeals statute relating to crematory and cremationist license renewals. (Sec. 32)

41. Modifies the definition of *authorizing agent*, *license* and *universal precautions.* (Sec. 1)

42. Makes clarifying and conforming changes. (Sec. 1, 8, 10, 12, 13, 15, 16, 20, 21, 24, 26, 28, 29, 33)

Amendments

Committee on Commerce

1. Restores the requirement for an applicant for an embalmer license and a funeral director license to pass the appropriate state laws and rules examination.

2. Modifies the criteria for determining that a person is on a pathway to licensure.

3. Adds that the pathway to licensure begins when the person is assisting in embalmment or arranging and directing funerals and either:
   a) while the person is enrolled in an accredited school of mortuary science; or
   b) after the person has graduated from an accredited school of mortuary science and passed the required examinations.

4. Includes requirements to verify that the person is on a pathway to licensure.

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

HB 2185: liquor; policies; procedures
Sponsor: Representative Gress, LD 4
Caucus & COW

Overview
Makes various changes to State liquor statutes.

History
The Department of Liquor Licenses and Control, which consists of the State Liquor Board and the Office of the Director of the Department regulates the manufacture, distribution and sale of liquor in this state through the issuance of 21 license types or series.

A special event license is a temporary license which allows a government entity or certain organizations to sell and serve spirituous liquor for consumption at the event. Prior to the issuance of a special event license, events that occur at an otherwise unlicensed location or by a licensee at a location that is not fully within the exiting licensed premises must be approved by a county board of supervisors or a municipality's governing body, depending on where the event is to be held (A.R.S. § 4-203.02).

Provisions
1. Subjects the issuance of a special event license, based on the location of the event, to the approval of:
   a) a county board of supervisors;
   b) the governing body of a municipality; or
   c) the president of a university under the Arizona Board of Regents. (Sec. 1)
2. Allows a special event license to be issued concurrently with a microbrewery license. (Sec. 1)
3. Removes the ability of the Director to approve the location of a wine festival license within an excluded area of a special event license. (Sec. 1)
4. Adds that the Director may issue a new license of the same series in the same county for licenses that have been surrendered. (Sec. 2)
5. Permits an applicant for a liquor store license and a bar license to consolidate the application and apply for both licenses at the same time. (Sec. 2)
6. Requires a liquor store license and a bar license on the same premises to be owned by and issued to the same licensee. (Sec. 2)
7. Removes the exception relating to unlawful coercion or bribery statutes allowing producers and wholesales who designate an area separate from the off-sale retailer's premises to provide samples to retail consumers. (Sec. 3)
8. Makes technical changes. (Sec. 1, 3)

Amendments
Committee on Commerce
1. Provides an exemption for certain restaurant licensees who meet specified qualifications from the statutory percentage cap of total liquor sales for mixed cocktail off-sale use.
2. Includes a requirement for DLLC to provide, through December 31, 2025, for an addendum to leases relating to the privilege of selling mixed cocktails for consumption off the licensed premises for

restaurants that derive at least 90% of gross revenues from the sale of food and that have off-sale liquor sales that exceed 30% of total liquor sales in either 2023 or 2024.

3. Outlines the conditions applicable to the lease addendum.
4. Applies the exemption from the off-sale liquor sales percentage cap retroactive to January 1, 2024.
5. Makes clarifying changes.

HB 2194: ticket resales; restrictions
Sponsor: Representative Cook, LD 7
Caucus & COW

Overview

Establishes laws outlining restrictions and prohibitions relating to ticket resales.

History

Pursuant to A.R.S. § 13-3718, it is unlawful for a person to sell an entertainment event ticket, which was purchased with the intent to resale, for a price that exceeds the face value, including taxes and other charges, while being within 200 feet of entry to the venue where the event is being held or the venues parking area. Additionally, it is unlawful to alter a ticket's printed price without the original vendor's written consent. Persons found in violation are subject to a petty offense.

Provisions

1. Prohibits a reseller, a secondary ticket exchange, or their affiliates from:
   a) reselling more than one copy of the same ticket to an athletic contest or live entertainment event;
   b) employing a person to wait in line to purchase tickets for the purpose of reselling the ticket if such practice is prohibited;
   c) reselling a ticket without first informing the purchaser of the seating location or the general admission area to which the ticket corresponds; or
   d) reselling a ticket or advertising a ticket for resale, unless:
      i. the ticket is in the possession or constructive possession of the reseller; or
      ii. the reseller has a written contract with the rights holder to obtain the ticket. (Sec 1)
2. Prohibits specified persons from reselling a ticket prior to being made available to the public. (Sec. 1)

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

HB 2199: restaurants; small alcohol ratio exemption
Sponsor: Representative Gress, LD 4
Caucus & COW

Overview

Provides an exemption to certain restaurants from the statutory off-sale limit relating to mixed cocktails.

History

A restaurant license may be issued to any restaurant that is regularly open for serving food to guests for compensation, has suitable kitchen facilities connected with the restaurant for keeping, cooking and preparing foods require for ordinary meals and derives at least 40% of its gross revenues from the sale of food. A restaurant licensee may sell and serve spirituous liquors solely for consumption on the licensed premises. A restaurant licensee may apply for certain permits allowing for the sale of alcohol for consumption off the licensed premises (A.R.S. § 4-205.02).

Laws 2021, Chapter 375, permitted a restaurant licensee to lease a bar or liquor stores licensee's privilege to sell mixed cocktails for consumption off the licensed premises. The sale of mixed cocktails for consumption off the licensed premises must be accompanied by the sale of food and the total sales price for off-sale use cannot exceed 30% of the total sales price of on-sale spirituous liquor by the licensee at that location.

A *mixed cocktail* is any drink combined at the premises of an authorized licensee that contains a spirituous liquor and that is combined with at least one other ingredient, which may include additional spirituous liquors, fruit juice, vegetable juice, mixers, cream, flavored syrup or other ingredients except water, and that when combined contains more than one-half of one percent of alcohol by volume (A.R.S. § 4-101).

Provisions

1. Exempts restaurants that derive at least 90% of their gross revenue from the sale of food, including sales of food for consumption off the license premises, from the statutory percentage cap of total liquor sales for mixed cocktail off-sale use. (Sec. 1)
2. Defines *gross revenue.* (Sec. 1)

Amendments

Committee on Commerce

1. Subjects the issuance of a special event license, based on the location of the event, to the approval of:
   a. a county board of supervisors;
   b. the governing body of a municipality; or
   c. the president of a university under the Arizona Board of Regents.
2. Allows a special event license to be issued concurrently with a microbrewery festival license.
3. Removes the ability of the Director to approve the location of a wine festival license within an excluded area of a special event license.
4. Clarifies the exemption from the statutory percentage cap of liquor sales for mixed cocktail off-sale use applies to restaurants who meet specified qualifications.
5. Includes a requirement for DLLC to provide, through December 31, 2025, for an addendum to leases relating to the privilege of selling mixed cocktails for consumption off the licensed premises for restaurants that derive at least 90% of gross revenues from the sale of food and that have off-sale liquor sales that exceed 30% of total liquor sales in either 2023 or 2024.
6. Outlines the conditions applicable to the lease addendum.
7. Applies the exemption from the off-sale liquor sales percentage cap retroactive to January 1, 2024.

8. Adds that the Director may issue a new license of the same series in the same county for licenses that have been surrendered.
9. Permits an applicant for a liquor store license and a bar license to consolidate the application and apply for both licenses at the same time.
10. Requires a liquor store license and a bar license on the same premises to be owned by and issued to the same licensee.
11. Removes the exception relating to unlawful coercion or bribery statutes allowing producers and wholesales who designate an area separate from the off-sale retailer's premises to provide samples to retail consumers.
12. Removes the definition of *gross revenue*.

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

HB 2205: fraud unit; investigations; annual report
Sponsor: Representative Livingston, LD 28
Caucus & COW

Overview

Directs the Department of Insurance and Financial Institutions' (DIFI) fraud unit to submit an annual report relating to fraudulent practices and exempts monies appropriated to the fraud unit from lapsing.

History

DIFI's fraud unit investigates acts or practices of fraud including determining if fraud, deceit or intentional misrepresentation exists in the submission of an insurance claim. DIFI annually levies an assessment of up to $1,050 on all licensed insurers for the administration and operation of the fraud unit and the prosecution of insurance fraud. Assessment monies are deposited into the state General Fund to be appropriated to the fraud unit exclusively for the fraud unit's operation (A.R.S. § 20-466).

Provisions

1. Directs the fraud unit, on or before March 1 of each year, to prepare a report that provides all of the following with respect to the previous year:
   a. the number of referrals of potential fraud received from the fraud unit;
   b. the number of civil and criminal cases filed against suspected perpetrators of fraud;
   c. a summary of criminal prosecutions related to fraud; and
   d. the total amount of monies recovered for victims of fraud. (Sec 1)
2. Specifies the fraud unit must submit the report to the Governor and Legislature and send a copy to the Secretary of State. (Sec. 1)
3. Exempts monies that are appropriated to the fraud unit from lapsing. (Sec 1)

Amendments

Committee on Commerce

1. Removes the requirement for the fraud unit to submit an annual report.

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: COM DP 8-1-1-0

HB 2570: planning; home design; restrictions; prohibition
Sponsor: Representative Biasiucci, LD 30
Caucus & COW

Overview

Creates municipal prohibitions relating to home designs and single-family home lot sizes.

History

Pursuant to A.R.S. § 9-462.01, the legislative body of any municipality by ordinance, to conserve and promote the public health, safety and general welfare, may:

1. regulate the use of buildings, structures and land between agriculture residence, industry and business;
2. regulate the location, height, bulk, number of stories and size of buildings and structures, the size and use of lots, yards, courts and other open spaces, the percentage of a lot that may be occupied by a building or structure, access to incident solar energy and the intensity of land use;
3. establish requirements for off-street parking and loading;
4. establish and maintain building setback lines; and
5. establish floodplain and age-specific community zoning districts and districts of historical significance.

A municipal planning agency cannot require as part of a subdivision regulation or zoning ordinance that a subdivider or developer establish an association. A subdivider or develop cannot be penalized because a real estate subdivision or development does not include a planned community. A municipality may require a subdivider or developer to establish an association to maintain private, common or community owned improvements that are approved and installed as part of a preliminary plat, final plat or specific plat. A municipality cannot require that an association be formed or operated other than for the maintenance of common areas or community owned property. (A.R.S. § 9-461.15)

Provisions

1. Prevents a municipality from interfering with a home buyer's right to choose the home design features, amenities, structure, floor plan and interior and exterior design. (Sec. 1)
2. Prohibits a municipality from requiring:
   a. a homeowners' association, condominium association or any other association;
   b. a shared feature or amenity that would require a homeowners' association, condominium association or any other association to maintain or operate the feature or amenity, unless necessary for stormwater management;
   c. screening, walls or fences; or
   d. private streets or roads. (Sec. 1)
3. Stipulates property owners may voluntarily form or establish a homeowners' association, condominium association or any other association. (Sec. 1)
4. Asserts the planning and home design prohibitions do not supersede applicable building codes, fire codes or public health and safety regulations. (Sec. 1)
5. Prohibits a municipality that is designed in whole or in part as an urban area with a population of more than 50,000 persons from adopting or enforcing any code, ordinance, regulation or other requirement establishing:
   a. maximum or minimum lot sizes on which a single-family home may be located;
   b. minimum square footage or dimensions for a single-family home;
   c. maximum or minimum lot coverage for single-family home and any accessory structures;
   d. minimum building setbacks greater than five feet for a single-family home; or

e. design, architectural or aesthetic elements for a single-family home. (Sec. 1)

6. Asserts the prohibitions relating to lot sizes and setbacks do not supersede applicable building codes, fire codes or public health safety regulations. (Sec. 1)

7. Cites this Act as the *Arizona Starter Homes Act*. (Sec. 2)

HB 2095: scholarships; requirements; foster care students
Sponsor: Representative Parker B., LD 10
Caucus & COW

Overview

Includes students placed in foster care to those who are eligible to receive a school tuition organization (STO) educational scholarship or tuition grant (scholarship) funded through the individual credit to contributions to certified STOs (switcher credit) or the corporate credit for contributions to STOs for low-income scholarships (low-income scholarships).

History

An STO is a nonprofit organization certified by the Arizona Department of Revenue that receives income tax contributions to fund scholarships for students to attend qualified private schools in Arizona (A.R.S. Title 43, Chapters 15 and 16). An STO may receive contributions from taxpayers through four tax credits: 1) the individual credit for contributions to STOs (original credit); 2) the switcher credit; 3) the low-income credit; and 4) the corporate credit for contributions to STOs for displaced or disabled students (displaced/disabled credit) (A.R.S. §§ 43-1089, 43-1089.03, 43-1183, 43-1184). Currently, a student in foster care is eligible to receive a scholarship funded through the original credit or the displaced/disabled credit. However, a student in foster care must meet one of the current statutory eligibility categories to receive a scholarship funded through the low-income or switcher credits.

An STO that awards low-income scholarships must use at least 90% of contributions to provide scholarships to children whose family income does not exceed 185% of the income limit required to qualify for reduced-price lunches. Furthermore, to be eligible for a low-income scholarship, a student must: 1) have attended a governmental school full-time or a preschool program that offers services to disabled students for at least 90 days of the prior fiscal year or one full semester; 2) enroll in a qualified school in kindergarten or a preschool program that offers services to disabled students; 3) be a dependent of a U.S. Armed Forces member stationed in Arizona; 4) be homeschooled; 5) have moved to Arizona from out of state; 6) have participated in an Arizona Empowerment Scholarship Account (ESA) and did not renew the ESA; or 7) have received other specified STO scholarships (A.R.S. § 43-1504).

An STO that receives switcher credit contributions must use at least 90% of contributions for scholarships to students who: 1) attended a governmental school full-time or a preschool program that offers services to disabled students for at least 90 days of the prior fiscal year; 2) enroll in a qualified school in kindergarten or a preschool program that offers services to disabled students; 3) are a dependent of a U.S. Armed Forces member stationed in Arizona; 4) are homeschooled; 5) moved to Arizona from out of state; 6) participated in an ESA and did not renew the ESA; or 7) received other specified STO scholarships (A.R.S. § 43-1603).

An identical bill was introduced in the 56th Legislature, 1st Regular Session and was vetoed by the Governor (HB 2504 STO scholarships; foster care students).

Provisions

1. Adds students placed in foster care who have not graduated from high school or obtained a general equivalency diploma to those who are eligible to receive a scholarship from an STO that receives switcher credit or low-income credit contributions. (Sec. 1, 2)
2. Makes conforming changes. (Sec. 1, 2)

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

HB 2373: instructional time model; posting requirement
Sponsor: Representative Diaz, LD 19
Caucus & COW

Overview

Directs the Arizona Department of Education (ADE) to post all adopted instructional time models (ITMs) on its website.

History

Laws 2021, Chapter 299 authorizes school district governing boards and charter school governing bodies to adopt any ITM as prescribed by statute to meet statutory minimum annual instructional time and hours requirements. An adopted ITM must ensure students receive the minimum instructional time or hours prescribed by statute through specified methods of instruction or learning.

Under an ITM, a school may define instructional time and hours to include in-person instruction and remote instruction. A school may provide up to 40% of its total instructional time in a remote setting without impact to its funding. However, if a school provides instructional time in a remote setting beyond the 40% threshold, ADE must fund the instructional time exceeding the threshold at 95% of the base support level that would have been otherwise calculated for the school. ADE is required to annually submit a list of schools that provide more than 40% of allowed instructional time in a remote setting to the State Board of Education and the Arizona State Board for Charter Schools.

Finally, under an ITM, a school may reallocate any minimum instructional time or hours per course to other courses on a per-student basis, as well as modify learning times and schedules for students. A school's attendance policies must reflect the instructional time and hours policies prescribed under its ITM (A.R.S. § 15-901.08).

Provisions

1. Directs ADE to post all ITMs adopted by schools, including each ITM's impact to a school's funding, on its website.
2. Makes technical and conforming changes. (Sec. 1)

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

HB 2645: foster children; high school; transfer
Sponsor: Representative Jones, LD 17
Caucus & COW

Overview

Details policies a school district governing board (governing board) or charter school governing body (governing body) must adopt regarding academic credits, graduation and educational records of a foster child who transfers schools pursuant to a best interest educational placement determination (educational determination).

History

Within five days after a child enters foster care or if a child's placement changes, specified individuals must determine if it is in the child's best interest to remain in their school of origin. If a change of educational placement is determined to be in the child's best interest, then: 1) the new educational institution must enroll that child within two days of the educational determination; and 2) the school of origin must transfer the child's education records within two days after notice of the educational placement change. The new educational institution must immediately enroll the child even if the child does not possess the normally required enrollment records or owes fees to the school of origin (A.R.S. § 8-530.04).

The State Board of Education (SBE) prescribes a minimum course of study and competency requirements for high school graduation. A governing board may prescribe course of study and competency requirements for high school graduation that are in addition to or higher than those prescribed by SBE (A.R.S. § 15-701.01).

Provisions

1. Mandates SBE develop guidelines for school districts and charter schools to consider when developing policies regarding the calculation of academic credits, including partial credits, for foster children who are in the 9th-12th grades and transfer schools pursuant to an educational determination.
2. Includes, in the SBE guidelines, alternative methods for a receiving school to calculate and accept academic credits earned by a foster child in their school of origin.
3. Instructs a governing board and governing body to adopt transfer credit policies for foster children in the 9th-12th grades who transfer pursuant to an educational determination that specify how the school district or charter school will:
    a. calculate full and partial academic credits earned at the school of origin;
    b. accept all academic credits earned at the school of origin;
    c. determine whether to accept academic credits as core or elective credits; and
    d. meet with the foster child within 10 days of enrollment to review their graduation plan.
4. Requires a school district or charter school to:
    a. make every possible attempt to accept all academic credits earned as core credits; and
    b. consider each learning outcome mastered and competency requirement demonstrated.
5. Directs a school district or charter school to provide a written copy of the graduation plan to specified individuals.
6. Instructs each governing board and governing body to adopt policies concerning the transfer of educational records for a foster child who was enrolled in the 9th-12th grades that require the school of origin to include:
    a. all academic credits earned;
    b. each learning outcome mastered; and
    c. a record of demonstrated competencies, completed coursework and exams.

7. Prohibits a foster child who transfers schools due to an educational determination from being required to satisfy a course of study or competency requirements that are in addition to or higher than those prescribed by SBE.
8. Defines *educational determination* and *foster child*.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: GOV DP 8-0-0-1 | HHS DP 9-0-1-0

HB 2033: department of health services; rulemaking
Sponsor: Representative Cook, LD 7
Caucus & COW

Overview

Exempts the Arizona Department of Health Services (DHS) rules that regulate accredited hospitals from the Arizona Administrative Procedures Act (APA), if all criteria are met.

History

The APA is a group of statutes that governs how state agencies do rule making (A.R.S. § 41-1001 - A.R.S. § 41-1029.12). *Rule,* as defined in statute, pertains to an agency's assertion that implements, interprets and prescribes policy and its procedures, excluding non-delegation agreements (A.R.S. § 41-1001).

DHS licenses and regulates healthcare and childcare facilities in Arizona which include hospitals, nursing homes and assisted living centers. DHS is additionally responsible for maintaining public health records, providing emergency health services, emergency preparedness and promoting vaccinations and immunizations. According to statute, *accredited hospital* is defined as a hospital currently accredited by a nationally recognized organization on hospital accreditation (A.R.S. § 36-401). Hospitals in the state of Arizona are accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

Provisions

1. Prohibits DHS rules pertaining to radiation training and experience of using radiation from exceeding the requirements of the Center of Medicare and Medicaid Services for radiation oncology services as the requirements apply to the following:
   a. general or direct physician supervision;
   b. technician staffing requirements; and
   c. training or experience requirements. (Sec. 1)
2. Exempts ADHS rules to regulate accredited hospitals from the APA if all are applicable:
   a. the rules reduce a regulatory burden without jeopardizing health and safety;
   b. the rules do not increase costs to people who are regulated by the rule; and
   c. before adoption of the rules, the public is provided at least 15 days to comment. (Sec. 2)
3. Contains an emergency clause. (Sec. 3)
4. Makes technical changes. (Sec. 1, 2)

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

HB 2125: annexation; notice; approval
Sponsor: Representative Smith, LD 29
Caucus & COW

Overview

Modifies the annexation petition threshold to 60% or more of owners of real property.

History

Current statute outlines the requirements for extending and increasing the corporate limits of a city or town by annexation. In order to annex territory, the city or town must file in the office of the county recorder a blank petition that sets forth a description and accurate map of all the exterior boundaries of the territory contiguous to the city or town proposed to be annexed (A.R.S. § 9-471).

The governing body of the municipality must hold a public hearing to discuss the annexation proposal where notice must be sent at least six days before the hearing by publication in a newspaper of general circulation, posting in at least three conspicuous public places and by *first class* mail to the chairperson of the board of supervisors of the county in which the territory proposed to be annexed is located (A.R.S. § 9-471).

Within one year of the last day of the 30-day waiting period, a written petition signed by the owners of *one-half* or more in value of the real and personal property and more than *one-half* of the people owning real and personal property that would be subject to taxation by the municipality in the event of annexation may be circulated and filed in the office of the county recorder (A.R.S. § 9-471).

A similar bill was introduced in the 56th Legislature, 1st Regular Session and was vetoed by the Governor (SB 1268 annexation; notice; approval)

Provisions

1. Requires annexation notices to be sent by *certified* mail, the cost of which is borne by the governing body of the city or town. (Sec. 1)
2. Increases the annexation petition threshold from one-half of owners to 60% of owners. (Sec. 1)

Amendments

Committee on Government

1. Specifies that the written petition that meets signature requirements must be filed in the office of the county recorder.
2. Stipulates that if a petition seeks to extend and increase the corporate limits of a city or town within a county with a population of more than four million people and is not located in more than one county, the signature threshold is 60%.
3. States that if the area to be incorporated is not within a county with a population of four million or more people, the signature threshold is 50% or more.
4. Makes conforming changes.

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

HB 2275: settlement agreements; report; approval
Sponsor: Representative Marshall, LD 7
Caucus & COW

Overview

Outlines requirements for a city, town or county to receive approval for a settlement agreement.

History

Current statute outlines the powers and duties of the Joint Legislative Audit Committee (JLAC) consisting of five members each of the Senate and the House of Representatives. JLAC is directed to oversee all audit functions of the Legislature and state agencies and require state agencies to comply with the findings and directions of JLAC (A.R.S. § 41-1279).

The Arizona Attorney General is charged with directing the department of law and serving as the chief legal officer of the state. The Attorney General is authorized to compromise or settle any action or claim by or against this state. If the settlement involves a particular agency, board or department, the settlement must be first approved by the agency, board or department. If no agency or department is named, the approval of the Governor must be first received (A.R.S. § 41-192).

Provisions

1. Directs a city, town or county, at least 90 days before entering into a settlement agreement that would cost $500,000 or more to implement, to submit a settlement agreement report that describes the proposed terms to the:
   a. President of the Senate;
   b. Speaker of the House of Representatives; and
   c. Attorney General. (Sec. 1, 2)
2. Mandates a city, town or county to submit a proposed settlement agreement to the Governor for approval before it is considered legally binding, if the settlement agreement would cost $1,000,000 or more to implement. (Sec. 1, 2)
3. Requires the city, town or county to submit the settlement agreement to JLAC for review, if the Governor has approved the settlement agreement. (Sec. 1, 2)
4. Allows JLAC to recommend the city, town or county:
   a. finalize the settlement agreement; or
   b. amend the settlement agreement and resubmit the settlement agreement to the Governor for approval. (Sec. 1, 2)
5. Specifies that if a settlement agreement of a city, town or county is finalized and not approved by the Governor, the settlement agreement is not legally binding. (Sec. 1, 2)
6. Instructs a city, town or county to notify the general counsel of the Senate and the House of Representatives when settlement agreement negotiations have begun and update each general counsel of any developments in the negotiation process. (Sec. 1, 2)
7. Authorizes the general counsel of the Senate and the House of Representatives to attend any settlement agreement negotiation meetings. (Sec. 1, 2)
8. Declares that legally binding contracts entered into by a city, town or county are a matter of statewide concern. (Sec. 1, 2)
9. Requires the Attorney General, at least 90 days before entering into a settlement agreement, to submit a settlement agreement report to the President of the Senate and the Speaker of the House of Representatives describing the proposed terms. (Sec. 3)
10. Defines *settlement agreement* and *settlement agreement report*. (Sec. 1-3)
11. Makes technical changes. (Sec. 3)

Amendments

Committee on Government

1. Directs the settlement agreement that would cost more than $1,000,000 to implement to be sent to the Joint Legislative *Budget* Committee for review and recommendations.

2. Specifies that the *majority* general counsels must be notified of settlement agreement negotiations.

3. Stipulates that the time period for the Attorney General to submit a settlement agreement report is 30 days before entering into a settlement agreement.

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

HB 2477: state planet; Pluto
Sponsor: Representative Wilmeth, LD 2
Caucus & COW

Overview

Establishes Pluto as the state planet of Arizona.

History

Pluto, discovered in 1930, is a dwarf planet that is part of our solar system that contains mountains, valleys and craters. After being originally classified as the ninth planet in our solar system, scientists, in 2015, concluded that Pluto is a dwarf planet.

Arizona official state emblems include:

1. The Bola tie as the official state neckwear;
2. Lemonade as the official state drink;
3. Sonorasaurus as the official state dinosaur;
4. Wulfenite as the state mineral; and
5. The Arizona tree frog as the official state amphibian (A.R.S. Title 41, Chapter 4.1, Art. 5).

Provisions

1. Designates Pluto as the official state planet. (Sec.1)

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

HB 2584: residential building materials; requirements; prohibition
Sponsor: Representative Gillette, LD 30
Caucus & COW

Overview

Limits municipalities from attaching additional requirements to residential building material requirements.

History

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

Provisions

1. Prohibits a municipality from adopting or enforcing any code, ordinance, standard, stipulation or other legal requirement that:
   a. limits the use of a building product or material in the construction or alteration of a residential building if the building product or material is approved by a national model code applicable to the building's construction or alteration; or
   b. extends additional requirements, aside from those prescribed in federal law, for a prefabricated residential building, material or component that are different from other residential building requirements. (Sec. 1)
2. Defines *prefabricated residential building* as a structure or portion of a structure that is transportable in one or more sections and is designed to be used as a dwelling with or without a permanent foundation when connected to utilities. (Sec. 1)

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

HB 2632: zoning violations; enforcement; notice; service
Sponsor: Representative Chaplik, LD 3
Caucus & COW

Overview

Outlines requirements for a hearing notice regarding a county zoning violation.

History

Rule 4 in the Arizona Rules of Civil Procedure authorizes a sheriff, a sheriff's deputy, a constable, a constable's deputy, a certified private process server under the Arizona Code of Judicial Administration and any other person appointed by the court to personally serve an alleged zoning violator. Additionally, Rule 4.1 permits service by publication to be performed by the serving party or the council of the serving party.

Rule 4.1 contains alternative methods of service including mailing the summons, the pleading being served and any court order that states that an alternative method is necessary. The summons may also be published, in a newspaper once a week for four consecutive weeks, where the subject of the summons presumably resides, with instructions on how to obtain the pleading.

Provisions

1. Prescribes that before reporting a zoning violation to a hearing officer, personal service of a notice of violation on the alleged violator may be made by an inspector or a person authorized by the Arizona Rules of Civil Procedure. (Sec. 1)
2. Allows a notice to be served in the same manner as prescribed in the Arizona Rules of Civil Procedure for alternative methods of service, if impracticable for an inspector to have the notice personally served. (Sec. 1)
3. Requires a notice of violation to include the following:
    a. the name of the owner of record of the property and any others the county seeks to take action against;
    b. the location of the property in violation;
    c. the specific violation with citation of the zoning ordinance or regulation and description of how it has not been met;
    d. the date when compliance must begin and when compliance must be completed; and
    e. information that failure to comply is a separate violation and a description of possible civil penalties. (Sec.1)
4. Prohibits an inspector from reporting a zoning violation to a hearing officer unless the time specified to cure the alleged violation has expired. (Sec.1)
5. Modifies the number of days before a hearing in which a notice of hearing by an inspector must be served from 5 days to 15 days. (Sec.1)
6. Mandates the notice of a zoning violation hearing to include:
    a. the name of the owner of record of the property and any others the county seeks to take action against;
    b. the location of the property in violation;
    c. the specific violation with citation of the zoning ordinance or regulation and description of how it has not been met; and
    d. if applicable, the dates when continuing violations have occurred. (Sec.1)
7. Directs the hearing officer to inform the violator of the right to request a review of the hearing decision. (Sec.1)

8. Applies the definition of *impracticable* to statute relating to enforcement of county zoning ordinances. (Sec. 1)
9. Makes technical and conforming changes. (Sec.1)

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

HJR2002: Sandra Day O'Connor; statuary hall
Sponsor: Representative Gress, LD 4
Caucus & COW

Overview

Requests the United States Congress to accept, for placement in Statuary Hall, a statue of Justice Sandra Day O'Connor.

History

Statuary Hall was created in 1864 and has expanded to display 100 statues total, two from each state. The two statues from Arizona that are currently placed in Statuary Hall are Barry Goldwater from 2015 and Father Kino from 1965. Each statue is a gift of a state and is placed in a location specified by the Joint Committee on the Library after the donated statue arrives at the Capitol. The Architect of the Capitol is responsible for the preservation and care of the artwork in the United States Capitol (Architect of the Capitol).

Justice Sandra Day O'Connor was born in El Paso, Texas on March 26, 1930. She grew up in rural southeastern Arizona and worked in various legal positions before becoming an Arizona Assistant Attorney General in 1965. In 1981 O'Connor was nominated and confirmed to the United States Supreme Court where she served until her retirement in 2006. The Sandra Day O'Connor Institute for American Democracy was founded by O'Connor in 2009 where she worked to "advance American democracy through multigenerational civil discourse, civic engagement and civics education." On December 1, 2023 Justice O'Connor passed away in Phoenix at the age of 93 (O'Connor Institute).

Provisions

1. States that the Members of the Fifty-sixth Legislature and the Governor of the State of Arizona:
   a. request the United States Congress to return the statue of Father Eusebio Kino and accept in return, for placement in Statuary Hall, a statue of Justice Sandra Day O'Connor;
   b. instruct the Arizona Historical Advisory Commission, in collaboration with the Sandra Day O'Connor Institute, to organize a solicitation for monies to use for costs relating to the statue; and
   c. direct the costs of creation of the statue of Justice O'Connor, as well as costs of transportation to Washington, D.C., and any incidental costs, be borne using private monies by the State of Arizona.
2. Directs the Secretary of State to transmit copies of this Resolution to:
   a. the President of the United States Senate;
   b. the Speaker of the United States House of Representatives;
   c. each Arizona Congress Member;
   d. each Member of the Joint Committee on the Library of Congress;
   e. each member of the Arizona Historical Advisory Commission; and
   f. the Cochairpersons of the Board of Directors and the President of the Sandra Day O'Connor Institute.

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

HB 2050: board of psychologist examiners
Sponsor: Representative Bliss, LD 1
Caucus & COW

Overview

Permits the Arizona Board of Psychologists Examiners (APBE) to accept primary source verified credentials from a credential's verification service that has been approved by them.

History

Laws 1965, Chapter 102 created the APBE which licenses individuals to practice psychology or behavior analysis in Arizona and investigates and adjudicates allegations of unprofessional conduct filed against psychologists and behavior analysts licensed in Arizona.

An applicant must have a doctoral degree from a higher education institution (Institution) in clinical or counseling psychology, school or educational psychology or any other subject area in applied psychology acceptable to APBE. Statute outlines specified requirements for an Institution's doctoral psychology program which include: 1) accreditation from regional accrediting agencies; 2) identifiable psychology faculty; and 3) a core program that requires certain graduate semester hours in certain content areas. Applicants are also required to acquire 3,000 hours of supervised professional work experience (A.R.S. § 32-2071).

Currently, an applicant meets the requirements of statute if they have earned a doctoral degree from a program that was accredited by the American Psychological Association, Office of Program Consultation and Accreditation or the Psychological Clinical Science Accreditation System at the time of graduation.

Additionally, applicants who are licensed to practice psychology at the independent level in another licensing jurisdiction of the United States (U.S.) or Canada meet the education and training qualifications for licensure if they satisfy any of the following: 1) hold a certificate of professional qualification in psychology in good standing issued by the association of state and provincial psychology boards or its successor; 2) is currently credentialed by the National Register of Health Service Providers (National Register) in psychology or its successor and submits evidence of having practiced psychology independently at the doctoral level for a minimum of five years; or 3) is a diplomate of the American Board of Professional Psychology (A.R.S. § 32-2071.01).

Provisions

1. Allows APBE to accept primary source verified credentials from a credential's verification service that has been approved by APBE. (Sec. 3)
2. Asserts that APBE is not required to verify any documentation or information that is received from an APBE-approved credentials verification service. (Sec. 3)
3. Removes the licensure requirement for applicants who are licensed to practice psychology independently in another licensing jurisdiction of the U.S. or Canada and are currently credentialed by the National Register in psychology or its successor to submit evidence of having practiced psychology independently at the doctoral level for a minimum of five years. (Sec. 3)
4. Permits an applicant for a psychologist license to take the knowledge portion of the APBE examination after the applicant completes education requirements, which does not include the statutory dissertation or experience requirements. (Sec. 4)
5. Asserts that a person who holds a valid temporary issued license can use the title *Licensed Associate Psychologist*. (Sec. 5)
6. Makes technical and conforming changes. (Sec. 1, 2, 4, 5)

☐ 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 DP 10-0-0-0

HB 2093: emergency services; prudent layperson; definition
Sponsor: Representative Parker B, LD 10
Caucus & COW

Overview

Modifies the definition of *emergency services* as it applies to insurance coverage for emergency health care.

History

Coverage means the contractual obligation of a health care services plan to pay its enrollee or a contracted or noncontracted provider for medically necessary emergency services rendered by the provider to an enrollee, as specified in the governing agreement, contract or policy between the plan and the enrollee, subject to applicable copayments, coinsurance and deductibles.

Emergency services as it applies to insurance coverage for emergency health care are health care services provided to an enrollee in a licensed hospital emergency facility by a provider after the recent onset of a medical condition that manifests itself by symptoms of sufficient severity that the absence of immediate medical attention could reasonably be expected to result in any of the following:

1. serious jeopardy to the patient's health;
2. serious impairment to bodily functions; or
3. serious dysfunction of any bodily organ or part (A.R.S. § 20-2801).

Provisions

1. Expands the *emergency services* definition as it applies to insurance coverage for emergency health care to include health care services that are provided to an enrollee by a licensed hospital emergency facility provider after the recent onset of a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, such that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in:
   a. serious jeopardy to a patient's mental health; or
   b. harm to the patient or others. (Sec. 1)
2. Makes technical and conforming changes. (Sec. 1)

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

HB 2111: licensed facilities; transfer; sale; prohibition
Sponsor: Representative Willoughby, LD 13
Caucus & COW

Overview

Prohibits the Arizona Department of Health Services (DHS) from acting on an application for licensure of a currently licensed health care institution or sober living home while any enforcement or court action related to their license is pending against them and allows the DHS Director to continue to pursue any court, administrative or enforcement action against a licensee even though the health care institution or sober living home is in the process of being sold or transferred to a new owner.

History

Health Care Institution Licensure

A *health care institution* is every place, institution, building or agency, whether organized for profit or not, that provides facilities with medical services, nursing services, behavioral health services, health screening services, other health-related services, supervisory care services, personal care services or directed care services and includes home health agencies, outdoor behavioral health care programs and hospice service agencies.

Current law establishes processes and procedures that applicants must follow to obtain a health care institution license. Applicants must submit to DHS: 1) an application on a written or electronic form that contains certain information about the health care institution; 2) a notarized attestation form that verifies the architectural plans and specifications of the health care institution; and 3) the applicable application fee. An application for a health care institution license must be submitted at least 60 days, but not more than 120 days before the anticipated date of operation. An application for a substantial compliance survey must be submitted at least 30 days before the date on which the survey was requested.

If a current licensee intends to terminate the operation of a licensed health care institution or if a change in ownership is planned, the current licensee must notify the DHS Director in writing at least 30 days before the termination of operation or change in ownership has taken place. The current licensee is responsible for preventing any interruption of services required to sustain the life, health and safety of the patients or residents. A new owner is prohibited from beginning to operate the health care institution until the DHS Director issues a license to the new owner (A.R.S. §§ 36-401 and 36-422).

Sober Living Home Licensure

A *sober living home* is any premises, place or building that provides alcohol-free or drug-free housing that: 1) promotes independent living and life skills development; 2) may provide activities that are directed primarily toward recovery from substance use disorders; 3) provides a supervised setting to a group of unrelated individuals who are recovering from substance use disorders; and 4) does not provide any medical or clinical services or medication administration on-site, except for verification of abstinence (A.R.S. § 36-2061).

DHS is instructed to adopt rules to establish minimum standards and requirements for the licensure of sober living homes to ensure the public health, safety and welfare. Statute outlines those standards and allows the DHS Director to use current standards adopted by any recognized national organization approved by DHS as guidelines when establishing standards and requirements for sober living homes. The licensure of a sober living home is valid for one year and a person operating a sober living home that has failed to attain or maintain licensure of the sober living home must pay a civil penalty of up to $1,000 for each violation. To receive and maintain licensure, a sober living home must comply with all federal, state and local laws, including the Americans with Disabilities Act of 1990.

Sober living home licensees are prohibited from: 1) implying by advertising, directory listing or otherwise that the licensee is authorized to perform services more specialized or of a higher degree of care than is authorized and the underlying rules for sober living homes; and 2) transfer or assign the license. A license is valid only for the premises occupied by the sober living home at the time of its issuance (A.R.S. § 36-2062).

Provisions

1. Prohibits DHS from acting on an application for licensure of a current licensed health care institution or sober living home while any enforcement or court action related to their license is pending against them. (Sec. 1, 2)
2. Permits the DHS Director to continue to pursue any court, administrative or enforcement action against a licensee even though the health care institution or sober living home is in the process of being sold or transferred to a new owner. (Sec. 1, 2)
3. Prohibits DHS from approving a change in ownership for a health care institution or sober living home (facilities) unless they determine that there has been a transfer of all legal and equitable interests, control and authority of those facilities so that persons other than the transferring licensee, licensee's agent or other parties exercising authority or supervision over the operations or staff are responsible for and have control over those facilities. (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: HHS DPA 8-2-0-0

HB 2112: insurance coverage; hearing aids; children
Sponsor: Representative Willoughby, LD 13
Caucus & COW

Overview

Requires a health care services organization that issues, amends, delivers or renews evidence of coverage to provide coverage for hearing aids.

History

A *health care services organization* is any person that undertakes to conduct one or more health care plans. Unless the context otherwise requires, health care services organizations includes a provider sponsored health care services organization (A.R.S. § 20-1051).

Hearing aids are used to improve the hearing and speech comprehension of people who have hearing loss (National Institute of Health).

Provisions

1. Requires a health care services organization that issues, amends, delivers or renews evidence of coverage to provide coverage for a hearing aid and any related service for the full cost of one hearing aid per hearing impaired ear up to $2,200 every 36 months for an enrollee who is under 18 years old or 21 years old if the enrollee is still attending high school. (Sec. 1)
2. Allows an enrollee to choose a higher priced hearing aid and pay the difference in cost above the $2,200 limit without financial or contractual penalty to the enrollee or provider of the hearing aid. (Sec. 1)
3. Allows a health care services organization to make available to the enrollee the option of purchasing additional hearing aid coverage that exceeds the described services. (Sec. 1)
4. Requires hearing aid coverage to include fitting and dispensing services, providing ear molds as necessary to maintain optimal fit and any related services as provided by a licensed health care provider. (Sec. 1)
5. Excludes short-term travel, accident-only, limited or specified disease policies from the hearing aid coverage requirements. (Sec. 1)
6. Specifies that coverage for hearing aids may be subject to deductibles and coinsurance consistent with those imposed on other benefits under the same evidence of coverage. (Sec. 1)
7. Defines terms. (Sec. 1)

Amendment

Committee on Health & Human Services

1. Clarifies that the hearing coverage requirements do not apply to limited benefit coverage.
2. Adds an applicability clause.

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

HB 2116: fatality review; information; access
Sponsor: Representative Willoughby, LD 13
Caucus & COW

Overview

Requires a law enforcement agency to provide unredacted reports to the state or local child fatality review (CFR) team or maternal mortality review program (MMR Program), unless the records might interfere with a pending criminal investigation or prosecution. Allows a member of the state or local CFR team or MMR Program to contact, interview or obtain information from a close contact or family member of a deceased child or mother with approval from the CFR team or MMR Program.

History

The state CFR team is established in the Arizona Department of Health Services (DHS). The CFR program was established to review all possible factors surrounding a child's death and identify ways of reducing preventable fatalities. State CFR team duties include encouraging and assisting in the development of local CFR teams, conducting an annual statistical report on the incidence and causes of child fatalities in Arizona and evaluating the incidence and causes of maternal fatalities associated with pregnancy in Arizona (CFRP Report 2023, and A.R.S. § 36-3501).

Maternal fatalities associated with pregnancy means the death of a woman while she is pregnant or within one year after the end of her pregnancy (A.R.S. § 36-3501).

A law enforcement agency with the approval of the prosecuting attorney may withhold investigative records that might interfere with a pending criminal investigation or prosecution. Additionally, all information and records acquired by the state team or local team are confidential and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceedings, except that information, documents and records otherwise available from other resources are not immune from subpoena, discovery or introduction into evidence through those resources solely because they were presented to or reviewed by a team.

A member of the state or local CFR team is prohibited from contacting, interviewing or obtaining information by request or subpoena from a member of a deceased child's family, unless the member is a public officer or employee who may contact, interview or obtain information as part of the public officers or employee's other official duties.

State and local team meetings are closed to the public and are not subject to open meeting laws if the team is reviewing individual child fatality cases or cases of maternal fatalities association with pregnancy. All other meetings are open to the public (A.R.S. § 36-3503).

Provisions

1. Specifies that a law enforcement agency with the approval of the prosecuting attorney may withhold from release to the state or local CFR team or MMR Program any investigative records that might interfere with a pending criminal investigation or prosecution. (Sec. 1)
2. Requires a law enforcement agency, on request, to provide unredacted reports to the chairperson of the state or local CFR team or MMR Program unless the investigative records interfere with a pending criminal investigation or prosecution. (Sec. 1)
3. Allows a member of the state or local CFR team or MMR Program to contact, interview or obtain information from a close contact or family member of a deceased child or deceased mother. (Sec. 1)

4. Requires the CFR team or MMR Program to approve any contact, interview or request before the person contacts, interviews or obtains information from the close contact or family member of a deceased child or mother. (Sec. 1)

5. Applies prescribed confidentiality requirements to information and records acquired by the MMR Program. (Sec. 1)

6. Specifies that MMR Program meetings are closed to the public and are not subject to open meeting laws if the MMR Program is reviewing cases of maternal fatalities associated with pregnancy, otherwise all other MMR Program meetings are open to the public. (Sec. 1)

7. Makes technical changes. (Sec. 1)

Amendments

Committee on Health & Human Services

1. Removes the requirement that a law enforcement agency, on request, must provide unredacted reports to the chairperson of the state or local CFR team or MMR program.

2. Allows a member's designee of the state CFR team, local CFR team, or MMR program to contact, interview or obtain information from a close contact or family member of a deceased child or mother pursuant to policies adopted by the state CFR team or MMR program.

3. Requires the state CFR team or program to establish a process for approving any contact interview or request before t he person contacts, interviews or obtains information from the close contact or family member of a deceased child or deceased mother.

4. Instructs that policies adopted must require any individual engaging with a family member to be trained in trauma informed interview techniques and educated on support services available to the family member or close contact.

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

HB 2137: infants; toddlers; developmental delays
Sponsor: Representative Willoughby, LD 13
Caucus & COW

Overview

Requires intergovernmental agreements (IGAs) for early intervention programs and services (AzEIP) for infants and toddlers with developmental delays to include in the Initial Individualized Family Service Plan (IFSP) information to families on all intervention service options based on the assessed needs and outcomes for the infant or toddler.

History

Laws 1990, Chapter 220 directs the Arizona Department of Economic Security (DES) to serve as the lead agency for the coordination of a system of AzEIP services for infants and toddlers with developmental delays.

Under current law, the Interagency Coordinating Council for Infants and Toddlers (Council) must advise and assist DES in developing and implementing the statewide system and assist in DES in achieving the full participation, coordination and cooperation of all appropriate public agencies in Arizona. DES, the Arizona Department of Education, Arizona Department of Health Services, Arizona Health Care Cost Containment System and Arizona State Schools for the Deaf and the Blind must enter into one or more IGAs to develop and implement a comprehensive, coordinated system of AzEIP services for infants and toddlers with or at risk of developmental delays and their families in accordance with federal law. The Council can assist in the development of the interagency agreements (A.R.S. § 41-2022).

Provisions

1. Instructs IGAs that are developed and implemented by DES must require that IFSPs provide information on intervention service options available to a family based on the assessed needs and outcomes for the infant or toddler, including service options that may not qualify for AzEIP. (Sec. 1)
2. Requires the family to be informed if a service option is not covered by AzEIP, in whole or in part. (Sec. 1)
3. Requires IFSPs, if the child or toddler's assessment includes therapy services, to identify all therapy services that the infant or toddler has been assessed for including occupational therapy, physical therapy and speech-language pathology. (Sec. 1)
4. Requires any information provided at the IFSP meeting for an infant or toddler identified with any level of hearing impairment to include:
    a. information for technology services including hearing aids, cochlear or brainstem implants, bone-anchored hearing aids and other assistive devices; and
    b. information for options for language acquisition resources, including American Sign Language, manually coded English, cued speech, speech reading and listening and spoken language. (Sec. 1)
5. Requires agencies that provide services and participate in AzEIP to use public awareness materials that include resources and information on intervention service options available to a family based on the assessed needs and outcomes for the infant or toddler, including service options that may not qualify for early intervention programs and services. (Sec. 1)
6. Directs IGAs to have a process that allows parents to choose a natural environment for services in which infants and toddlers with disabilities participate. (Sec. 1)
7. Instructs DES to create a process where a family has been referred to AzEIP can request a different service coordinator, whether the coordinator is a contractor or state employee. (Sec. 1)
8. Makes a technical change. (Sec. 1)

Amendments

Committee on Health & Human Services

1. Adds applied behavioral analysis to the list of therapy service options to be provided to families.

2. Specifies that any information provided at the IFSP plan meeting for an infant or toddler with any level of hearing impairment must also be provided at every subsequent review of the IFSP meeting.

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

HB 2402: DCS; investigations; interviews; recording
Sponsor: Representative Gress, LD 4
Caucus & COW

Overview

Requires the Arizona Department of Child Safety (DCS) to audiotape or videotape any interview that it conducts with a child unless certain circumstances occur.

History

DCS is required to train all investigators in forensic interviewing, processes and protocols for initial screening, safety assessments and investigations. After receiving a report through DCS's centralized intake hotline, an investigator is required to make a prompt and thorough investigation. An investigation must evaluate and determine the nature, extent and cause of any condition created by the parents, guardian, custodian or an adult member of the victim's household that would tend to support or refute the allegation that the child is a victim of abuse or neglect and determine the name, age and condition of other children in the home. If an investigator has sufficient information to determine that the child is not a victim of abuse or neglect, the investigator may close the investigation. DCS can also take a child into temporary custody. Law enforcement officers must cooperate with DCS to remove a child from the custody of the child's parents, guardian or custodian when necessary (A.R.S. § 8-456).

Provisions

1. Requires DCS to audiotape or videotape any interview that it conducts with a child unless:
   a. the recording equipment malfunctions and the malfunction is not the result of a failure to maintain the equipment or provide adequate supplies for the equipment; or
   b. DCS does not have the necessary recording equipment due to circumstances that could not have been reasonably foreseen. (Sec. 1)
2. Asserts that a person who is charged with a criminal offense involving abuse or neglect of a child does not have standing to object to DCS's failure to comply with the audiotape or videotape interview requirement. (Sec. 1)
3. Specifies that DCS's failure to comply with the audiotape or videotape interview requirement is not grounds for precluding statements made by a child during an interview that are otherwise admissible in a criminal or dependency proceeding. (Sec. 1)
4. Makes conforming changes. (Sec. 1)

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

HB 2442: school immunizations; exclusions
Sponsor: Representative Montenegro, LD 29
Caucus & COW

Overview

States that immunizations for which a U.S. Food and Drug Administration (FDA) emergency use authorization has been issued are not required for school attendance.

History

The Director of the Arizona Department of Health Services (DHS) must adopt rules that: 1) prescribe required immunizations for school attendance; 2) approve means of immunization and indicate reinforcing immunizations for diseases; and 3) identify types of health agencies and health care providers that may sign laboratory evidence of immunity.

Additionally, these rules must include: 1) required doses; 2) recommended optimum ages for administration of immunizations; 3) persons authorized to sign on behalf of a health agency; and 4) other necessary rules. The Director of DHS, in consultation with the Superintendent of Public Instruction, must develop, by rule, standards for documentary proof. Currently, immunization against the human papillomavirus, COVID-19 or any variant of COVID-19 are not required for school attendance (A.R.S. § 36-672).

The Federal Food, Drug and Cosmetic Act (FD&C Act) permits the FDA to authorize the use of a drug, device or biological product in emergency situations. Before an emergency use authorization can occur, the U.S. Secretary of Health and Human Services must declare that circumstances exist justifying the authorization based on certain grounds as prescribed by the FD&C Act (21 U.S.C. 360bbb).

Provisions

1. Asserts that an immunization for which an FDA emergency use authorization has been issued is not required for school attendance. (Sec. 1)

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

HB 2454: kinship foster care; hearings; reports
Sponsor: Representative Montenegro, LD 29
Caucus & COW

Overview

Clarifies that the Arizona Department of Child Safety (DCS) must file with the court documentation regarding attempts to identify and notify adult relatives of the child and persons with a significant relationship with the child (kinship caregivers) within 30 days after the child is taken into temporary custody and at each subsequent substantive hearing.

History

If a child is taken into temporary custody, as part of the ongoing search, DCS must use due diligence in an initial search to identify and notify a kinship caregiver within 30 days after the child is taken into temporary custody. The search to identify a kinship caregiver must include: 1) an interview with the child's parent; 2) an interview with the child; 3) interviews with identified adult relatives; 4) interviews with other persons who are likely to have information regarding the location of a kinship caregiver; 5) a comprehensive search of available records that are likely to help identify and locate a person being sought; 6) thorough inquiries by the court of the parties during case hearings; and 7) any other means DCS deems likely to identify a kinship caregiver.

DCS is required to file with the court documentation regarding attempts made to identify and notify a kinship caregiver within 30 days after the child is taken into temporary custody and at each subsequent hearing. The documentation must include a detailed narrative explaining DCS's efforts to consider each potential placement and the specific outcome (A.R.S. § 8-514.07).

Provisions

1. Clarifies that DCS must file with the court documentation regarding attempts to identify and notify a kinship caregiver within 30 days after the child is taken into temporary custody and at each subsequent substantive hearing. (Sec. 1)
2. Makes technical changes. (Sec. 1)

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

HB 2064: school safety zone; offenses; sentencing
Sponsor: Representative Bliss, LD 1
Caucus & COW

Overview

Authorizes a court to increase the applicable sentencing range by up to five years for a person who is convicted of a felony offense in a school safety zone if the person is in a position of trust and is convicted of a qualifying sexual offense, in addition to other sentence enhancements that may apply.

History

With the exception of certain drug offenses with separate sentencing provisions in A.R.S. § 13-3411, a person who is convicted of a felony offense that is committed in a school safety zone is guilty of the same class of felony that the person would otherwise be guilty of, except that the court is authorized to impose increased sentencing ranges as follows:

1) For a person who is not a criminal street gang member, the court may impose a sentence that is one year longer than the applicable minimum, maximum and presumptive sentence for the offense; or
2) For a person who is a criminal street gang member, the court may impose a sentence that is up to five years longer than the applicable minimum, maximum and presumptive sentence for the offense.

These increased sentencing ranges are in addition to any other enhanced punishments enumerated in statute that may be applicable to the situation, such as those for repeat offenses or dangerous offenses. Moreover, the court is also authorized to order such a person to pay a fine of at least $2,000 but not more than the statutory maximum of $150,000.

For these purposes, a *school* is defined as any public or nonpublic kindergarten program, common school or high school. A *school safety zone* is defined as any of the following:

1) The area within three hundred feet of a school or its accompanying grounds;
2) Any public property within 1,000 feet of a school or its accompanying grounds;
3) Any school bus;
4) A bus contracted to transport pupils to any school during the time when the contracted vehicle is transporting pupils on behalf of the school;
5) A school bus stop; or
6) Any bus stop where school children are awaiting, boarding or exiting a bus contracted to transport pupils to any school (A.R.S. § 13-709).

The criminal code defines a *criminal street gang* as an ongoing formal or informal association of persons in which members or associates individually or collectively engage in the commission, attempted commission, facilitation or solicitation of any felony act and that has at least one individual who is a criminal street gang member. Further, a *criminal street gang member* is defined as an individual to whom at least two of the following seven criteria that indicate criminal street gang membership apply:

1) Self-proclamation;
2) Witness testimony or official statement;
3) Written or electronic correspondence;
4) Paraphernalia or photographs;
5) Tattoos;
6) Clothing or colors; or
7) Any other indicia of street gang membership (A.R.S. § 13-105).

For purposes of certain sexual offenses, the criminal code defines *position of trust* to include a person who is or was any of the following:

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).

Provisions

1. Expands the existing five-year sentence enhancement that may be imposed on a criminal street gang member who commits a felony in a school safety zone to also include a person who:
   a) Is in a position of trust as defined in A.R.S. § 13-1401; and
   b) Is convicted of an offense listed in A.R.S. § 13-3212 (child sex trafficking) or A.R.S. title 13, chapters 14 (sexual offenses) or 35.1 (sexual exploitation of children). (Sec. 1)
2. Adds A.R.S. § 13-705 (dangerous crimes against children) to the enumerated list of other enhanced sentencing provisions that may apply in addition to the increased ranges for a felony committed in a school safety zone. (Sec. 1)
3. Makes a technical change. (Sec. 1)

Amendments

Committee on Judiciary

1. Removes addition of A.R.S. § 13-705 (dangerous crimes against children) to the enumerated list of other enhanced sentencing provisions that may apply in addition to the increased ranges for a felony committed in a school safety zone.

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

HB 2435: repetitive offenders; organized retail theft
Sponsor: Representative Toma, LD 27
Caucus & COW

Overview

Requires a person who is convicted of a third or subsequent organized retail theft offense to be sentenced as a category two repetitive offender in certain circumstances.

History

A person commits organized retail theft under A.R.S. § 13-1819, subsection A, paragraph 1, if the person, acting alone or in conjunction with another person, removes merchandise from a retail establishment without paying the purchase price with the intent to resell or trade the merchandise for money or for other value. This offense is classified as a class 4 felony, meaning that, for a first-time offense, it is punishable by 1 to 3.75 years in prison or up to 4 years of probation (A.R.S. §§ 13-1819, 13-702, 13-902).

The criminal code provides for enhanced sentencing categories for certain repetitive offenders. For example, if a person is convicted of multiple felony offenses that were not committed on the same occasion but that either are consolidated for trial purposes or are not historical prior felony convictions, statute requires the person be sentenced as a first-time felony offender for the first offense and as a category one repetitive offender for the second and subsequent offenses. Moreover, except for dangerous offenses or dangerous crimes against children, statute requires a person to be sentenced as a category two repetitive offender if the person is at least 18 years old or has been tried as an adult; stands convicted of a felony; and has one historical prior felony conviction. In the case of a class 4 felony, the applicable sentences for these categories are as follows:

1) for a category one repetitive offender, 1 to 3.75 years in prison without eligibility for probation;
2) for a category two repetitive offender, 2.25 to 7.5 years in prison without eligibility for probation (A.R.S. § 13-703).

Historical prior felony conviction is defined in statute to include an extensive list of different offenses or categories of offenses (A.R.S. § 13-105).

Provisions

1. Requires a person who is convicted of a third or subsequent organized retail theft offense under A.R.S. § 13-1819, subsection A, paragraph 1, to be sentenced as a category two repetitive offender. (Sec. 1)

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

HB 2486: parent-child relationship; restoration
Sponsor: Representative Bliss, LD 1
Caucus & COW

Overview

Establishes a process for the restoration of a parent-child relationship that has been terminated.

History

A.R.S. title 8, chapter 4, article 5 governs termination of the parent-child relationship. Any person or agency who has a legitimate interest in the welfare of a child may initiate a termination proceeding by filing a petition for the termination of the parent-child relationship, including a relative, foster parent, physician, the Department of Child Safety (DCS) or a private licensed child welfare agency. In deciding whether to terminate parental rights, the court is required to consider the best interests of the child in addition to any the following grounds which are deemed sufficient to justify termination:

1) the parent has abandoned the child;
2) the parent has neglected or wilfully abused the child;
3) the parent is unfit to discharge parental responsibilities due to mental illness, mental deficiency or chronic substance abuse;
4) the parent was convicted of a felony that supported the unfitness of the parent to discharge parental responsibilities, such as the murder of another child;
5) the potential father or putative father failed to file paternity claims, pursuant to A.R.S. §§ 8-106 and 8-106.01, respectively;
6) the parents have relinquished their rights or consented to adoption;
7) the child is being cared for under the supervision of the juvenile court, an out-of-home placement center or a licensed child welfare agency and specified time and reunification requirements are satisfied;
8) the identity of the parent is unknown after three months of diligent effort to locate the parent;
9) the parent has had rights to another child terminated within the last two years for the same cause; or
10) there is clear and convincing evidence that the child was conceived as a result of sexual assault (A.R.S. § 8-533).

Therefore, in order terminate parental rights, the court must find that: 1) clear and convincing evidence establishes that one or more of the grounds in A.R.S. § 8-533 exist; and 2) "a preponderance of evidence supports a finding that termination is in the child's best interests." *Timothy B. v. Dep't of Child Safety*, 252 Ariz. 470, 474, ¶ 13 (2022); *see also* Ariz. R.P Juv. Ct. 353. For these purposes, "[t]he preponderance of the evidence standard requires that the fact-finder determine whether a fact sought proved is more probable than not[,]" whereas the clear and convincing standard "reflects a heightened standard of proof that indicates that 'the thing to be proved is highly probable or reasonably certain.'" *Kent K. v. Bobby M.*, 210 Ariz. 279, 284-85, ¶ 25 (2005) (quoting Black's Law Dictionary 577 (7th ed. 1999)).

If the court makes the requisite findings and orders termination of the parent-child relationship, the parent and the child are divested of all legal rights, privileges, duties and obligations with respect to each other, except for the right of the child to inherit and support from the parent, which can only be terminated by a final order of adoption (A.R.S. § 8-539).

Provisions

1. If a child's parent-child relationship has been terminated pursuant to A.R.S. title 8, chapter 4, article 5, allows DCS, the child, an Indian child's tribe, the child's attorney or guardian ad litem or the child's parent to petition for restoration of the parent-child relationship if all of the following apply:
   a) the child has not achieved permanency and is not in a preadoptive placement;
   b) at least two years have passed since the parent-child relationship was terminated, unless there is a demonstration of good cause for an earlier filing that must be included in the petition; and
   c) the dependency adjudication finding did not include or the parent-child relationship was not terminated because the parent committed an act involving any of the following:
      i. serious physical injury as defined in A.R.S. § 8-201;
      ii. sexual abuse or sexual conduct with a minor;
      iii. any conduct that resulted in the death of a minor; or
      iv. a dangerous crime against children as defined in A.R.S. § 13-705 (Sec. 1)
2. Requires the petition for restoration to include all of the following items:
   a) a statement explaining why the child is unlikely to obtain a permanent placement unless the child's parent-child relationship is restored;
   b) the child's position on the restoration;
   c) the consent of the child's parent or parents to the restoration; and
   d) a statement explaining how the child's parent or parents have demonstrated the remediation necessary for the restoration, including the ability and willingness to properly care for the child. (Sec. 1)
3. In addition to the above items, if DCS is the petitioner for restoration, requires DCS to include all of the following in the petition:
   a) a report of a DCS investigation as to whether restoration is in the child's best interests of the child; and
   b) documentation as to DCS's diligent efforts to locate a permanent placement for the child. (Sec. 1)
4. If a petition for restoration is filed by a party other than DCS, requires the court to order DCS to conduct an investigation and submit a report to the court that includes both of the following:
   a) whether restoration is in the child's best interests; and
   b) a description of the diligent efforts DCS made to locate a permanent placement for the child. (Sec. 1)
5. Requires DCS to establish policies and procedures for the above court-ordered investigations that assess the home and the parent's or parents' ability to ensure the physical, social, mental and emotional health and safety of the child. (Sec. 1)
6. After completion of a DCS investigation described above, if the court finds by clear and convincing evidence that the restoration of the parent-child relationship is in the best interests of the child, including that the return of the child would not create a substantial risk of harm to the child's physical, social, mental or emotional health or safety, requires the court to order DCS to do the following:
   a) conduct a trial in-home placement of the child with the child's parent or parents; and
   b) provide an evaluation of the trial in-home placement to the court before the court is permitted to grant the petition for restoration. (Sec. 1)
7. Instructs DCS to establish trial in-home placement policies and procedures that include all of the following:
   a) adequate supervision of the child and the child's parent or parents in the home;
   b) frequent communication with the child and the child's parent or parents; and
   c) an individualized transition plan. (Sec. 1)
8. Mandates that DCS immediately terminate the trial in-home placement if there is an allegation of abuse or neglect of the child by the parent or parents or if DCS determines that the child's health, safety or well-being is threatened, and instructs DCS to immediately notify the court and the child's attorney, the child's guardian ad litem or an Indian child's tribe if trial in-home placement is terminated. (Sec. 1)

9. Requires the court to grant the restoration petition after the trial in-home placement if the court finds both of the following by clear and convincing evidence:
   a) the child's parent or parents have demonstrated the remediation necessary for the restoration of the parent-child relationship, including the ability and willingness to properly care for the child; and
   b) that the restoration of the parent-child relationship is in the best interests of the child, including consideration of the child's position on the restoration of the parent-child relationship and any other relevant factors. (Sec. 1)

10. Permits the period of time that the child was adopted to be included as part of the two-year time-frame required before filing a restoration petition if the child has been adopted by the adoption has been disrupted and the child has been returned to DCS's legal care. (Sec. 1)

11. Defines the following terms:
    a) *department*;
    b) *parent*; and
    c) *parent-child relationship*. (Sec. 1)

Amendments

Committee on Judiciary

1. Requires that a child be in DCS custody and unlikely to achieve permanency in order for a restoration petition to be filed, in addition to other requirements.

2. Adds that the dependency adjudication finding did not include or the parent-child relationship was not terminated because the parent failed to protect the child from the acts prescribed above, in addition to committing one of those acts, in order for a restoration petition to be filed.
3. Requires DCS to immediately terminate trial in-home placement if there has been a substantiated report, rather than an allegation, of abuse or neglect.

4. Replaces the term *investigation(s)* with *assessment(s)* throughout the bill.

5. Defines *achieved permanency*.

HB 2508: false reporting; public alarm; classification
S/E: public alarm; false reporting; classification
Sponsor: Representative Gress, LD 4
Caucus & COW

Overview

Creates a new form of the false reporting, classified as a class 6 felony, involving a person who initiates or circulates a report of a criminal offense or other emergency involving an educational institution or any place used for worship or for religious services knowing that such report is false and intending that it was cause an emergency response.

History

Under current law, a person commits the criminal offense of *false reporting* by initiating or circulating a report of a bombing, fire, offense or other emergency knowing that such report is false and intending:

1) that it will cause action of any sort by an official or volunteer agency organized to deal with emergencies;
2) that it will place a person in fear of imminent serious physical injury; or
3) that it will prevent or interrupt the occupation of any building, room, place of assembly, public place or means of transportation.

False reporting is classified as either a class 1 misdemeanor for a first offense or a class 6 felony for a second or subsequent violation. In addition to any other applicable penalties for false reporting, if the offense results in an emergency response or investigation of false reporting, a convicted person is liable for the expenses that are incurred incident to the emergency response or the false reporting investigation, except that these expenses may be imposed by a court in the form of restitution if the person is a juvenile who is adjudicated delinquent. These expenses are a debt to the convicted person, and the public agency, for profit entity or not-for-profit entity that incurred the expenses may collect the debt proportionally.

For these purposes, *expenses* are defined as any reasonable costs that are directly incurred by a public agency, for profit entity or not-for-profit entity that makes an appropriate emergency response to an incident or an investigation of the commission of false reporting, including the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident. However, the term does not include any charges that are assessed by an ambulance service that is regulated pursuant to A.R.S. title 36, chapter 21.1, article 2.

Moreover, *public agency* means the state of Arizona, any city, county, municipal corporation or district, any Arizona federally recognized Native American tribe or any other public authority that is located in whole or in part in this state and that provides police, fire fighting, medical or other emergency services (A.R.S. § 13-2907).

Provisions

1. Establishes a new form of false reporting that a person commits by initiating or circulating a report of a criminal offense or other emergency involving an educational institution or any place used for worship or for religious services knowing that such report is false and intending that it was cause an emergency response. (Sec. 1)
2. Classifies this new form of false reporting as a class 6 felony. (Sec. 1)
3. Removes the term *offense* from the language defining the existing offense of false reporting. (Sec. 1)

4. Defines the terms *educational institution* and *emergency response*. (Sec. 1)
5. Makes technical and conforming changes. (Sec. 1)

HB 2586: harmful website content; age verification.
Sponsor: Representative Dunn, LD 25
Caucus & COW

Overview

Adds new section of statute regulating the publishing and distribution of material harmful to minors on the internet.

History

A.R.S. Title 18 regulates information technology, including chapters on government information technology; governmental reporting of information; the property technology sandbox; and network access, services and security.

While the substantive provisions of these laws vary, as of December 5, 2023, the following nine U.S. states had passed legislation requiring some form of age-verification for access to certain materials on the internet:

1) Arkansas (Ark. Code § 4-88-1301 *et seq*.);
2) California (Cal. Civ. Code § 1798.99.28 *et seq*.);
3) Louisiana (La. Rev. Stat. § 51:2121);
4) Mississippi (Miss. Code § 11-77-1 *et seq*.);
5) Montana (Mont. Code § 30-14-159);
6) North Carolina (N.C. Laws 2023-132 (H.B. No. 8));
7) Texas (Tex. Civ. Prac. & Rem. Code § 129B.001 *et seq*.);
8) Utah (Utah Code § 78B-3-1001 *et seq*.);
9) Virginia (Va. Code § 8.01-40.5).

Provisions

1. Subjects a commercial entity to civil liability for damages if the commercial entity knowingly or intentionally publishes or distributes material harmful to minors on the internet from a website that contains a substantial portion of such material without performing a reasonable age verification method to verify the age of an individual attempting to access the material. (Sec. 1)

2. Specifies that a commercial entity that fails to perform the age verification method described above is liable to an individual for the damages that result from a minor accessing the material harmful to minors, including court costs and reasonable attorney fees. (Sec. 1)

3. Prohibits a commercial entity or third party that performs the required age verification from retaining any of the individual's identifying information after access is granted to the material harmful to minors. (Sec 1)

4. Provides that a commercial entity or third party that knowingly retains an individual's identifying information after access has been granted to the individual is liable to the individual for damages that result from the retention, including court costs and reasonable attorney fees. (Sec. 1)

5. Exempts from these requirements a bona fide news or public interest broadcast, website video, report or event and states that this new statute does not affect the rights of a news-gathering organization. (Sec. 1)

6. States that an internet service provider (or its affiliate or subsidiary), search engine or cloud service provider does not violate these requirements by solely providing access or connection to or from a

website or other information or content on the internet, or a facility, system or network not under that provider's control, including transmission, downloading, storing or providing access, to the extent that the provider is not responsible for the creation of the content of the communication that constitutes material harmful to minors. (Sec. 1)

7. Defines the following terms for purposes of this new statute:
   a) *commercial entity*;
   b) *distribute*;
   c) *internet*;
   d) *material harmful to minors*;
   e) *news-gathering organization*;
   f) *publish*;
   g) *reasonable age verification method*;
   h) *substantial portion*; and
   i) *transactional data*. (Sec. 1)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: JUD DP 6-3-0-0

HB 2629: schools; instruction; victims of communism
Sponsor: Representative Toma, LD 27
Caucus & COW

Overview

Establishes November 7 of each year as Victims of Communism Day and requires the State Board of Education (SBE) to create a list of recommended resources for mandatory instruction on the topic in certain public school courses.

History

Current statute establishes certain days as non-legal holidays, including Sandra Day O'Connor Civics Celebration Day (A.R.S. § 1-319) and 9/11 Education Day (A.R.S. § 1-321). On each of these days, public schools in Arizona are required to dedicate a certain portion of the school day to education on prescribed subjects (A.R.S. §§ 15-710.01, 15-710.02). Moreover, SBE is required to develop a list of recommended resources for civics education on each of these subjects and establish a process for public schools to recommend additional resources (A.R.S. § 15-203).

Provisions

1. Establishes November 7 of each year as Victims of Communism Day (a non-legal holiday). (Sec. 1)
2. Mandates that Victims of Communism Day will be observed by schools the preceding or following day if it falls on a day when school is not in session. (Sec. 1)
3. Requires SBE to develop a list of recommended resources for instruction about the history of communist regimes that align with academic standards prescribed in A.R.S § 15-701.01, and to establish a process for public schools to recommend additional resources. (Sec. 2)
4. Beginning in the 2024-2025 school year, mandates that any American government course required for graduation from high school include at least 45 minutes of instruction about the history of communist regimes around the world, which may include:
   a) Mao Zedong and the Cultural Revolution;
   b) Joseph Stalin and the Soviet system;
   c) Fidel Castro and the Cuban Revolution;
   d) Vladimir Lenin and the Russian Revolution;
   e) Pol Pot and the Khmer Rouge;
   f) Nicolas Maduro and the Chavismo movement. (Sec. 3)
5. Makes a technical change. (Sec. 2)

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

HB 2630: sealing case records; subsequent felony
Sponsor: Representative Toma, LD 27
Caucus & COW

Overview

Makes various changes to existing statute outlining the process for a person to petition the court to seal the record of the person's arrest, conviction and sentence.

History

Current law allows for a person to file a petition to seal all case records related to an eligible criminal offense if the person was:

1) convicted of a criminal offense and has completed all terms and conditions of the sentence imposed by the court;
2) charged with a criminal offense and the charge was subsequently dismissed or resulted in a not guilty verdict at a trial; or
3) arrested for a criminal offense and no charges were filed.

Statute specifies that a person who was convicted of an offense and who has not subsequently been convicted of any other offenses, except certain misdemeanor violations in A.R.S. title 28, may petition the court to seal case records only after the person has completed all of the terms and conditions of the person's sentence and the following periods of time have passed:

1) for a class 2 or 3 felony, 10 years;
2) for a class 4, 5 or 6 felony, 5 years;
3) for a class 1 misdemeanor, 3 years; or
4) for a class 2 or 3 misdemeanor, 2 years.

These periods are extended by 5 years if the person has a prior historical felony conviction.

Even if a person successfully petitions to have the person's records sealed, however, statute specifies certain situations in which the person is nevertheless required to disclose certain information relating to their criminal history, such as when the person is applying for a certain type of job to which the person's criminal history is specifically relevant. Moreover, certain offenses or categories of offenses are ineligible for sealing, such as dangerous crimes against children or offenses that involve the knowing infliction of serious physical injury on another person (A.R.S. § 13-911).

Provisions

1. Allows a person whose case records have been sealed and who commits a subsequent felony offense to petition the court to seal the person's records for the subsequent felony offense after the applicable time period for the offense has expired and an additional five years have passed. (Sec. 1)

2. Makes changes to the list of offenses that must be disclosed in certain situations despite such records being sealed, including:
   a) adding specific statutory citations to certain offenses already included in the list;
   b) limiting the violations of A.R.S. title 13, chapter 34 (drug offenses) that must be disclosed to class 2 or class 3 felonies;
   c) specifying that organized retail theft under A.R.S. § 13-1819 from a residential or nonresidential structure, in addition to other offenses, must be disclosed if the person is applying for a job that requires entering into and performing services inside of a residential structure;

d) expanding the offenses that must be disclosed when the person is applying for a job involving accounting, overseeing, transporting, handling or managing another person's money or financial assets to include any violation of A.R.S. title 13, chapters 18 (theft), 19 (robbery), 20 (forgery and related offenses), 21 (credit card fraud), 22 (business and commercial frauds) or 23 (organized crime, fraud and terrorism) or telecommunication fraud under A.R.S. § 13-3707. (Sec. 1)

3. Adds a *dangerous offense* as defined in section 13-105 to the list of offenses that are not eligible to be sealed. (Sec. 1)

4. Instructs the Board of Fingerprinting to consider sealed case records as a mitigating circumstance in determining whether to grant a good cause exception pursuant to A.R.S. § 41-619.55. (Sec. 1)

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

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

HB 2661: electronic devices; filters; obscene material
Sponsor: Representative Toma, LD 27
Caucus & COW

Overview

Adds a new chapter to A.R.S. title 44 regulating the use of filters on electronic devices.

History

A.R.S. title 44 currently contains 40 different chapters regulating a broad range of areas concerning trade and commerce.

Provisions

Filter Requirement

1. Beginning January 1, 2026, requires a device that is activated in Arizona to do all the following:
   a) contain a filter;
   b) determine the age of the user during activation and account setup;
   c) set the filter to "on" for minor users;
   d) allow a password to be established for the filter;
   e) notify the user of the device when the filter blocks the device from accessing a website; and
   f) provide an opportunity to deactivate or reactivate the filter by using a password. (Sec 1)

Manufacturer Liability

2. Beginning January 1, 2026, subjects a manufacturer to civil and criminal liability if all the following apply:
   a) the device is activated in Arizona;
   b) on activation, the device does not enable a filter that complies with the above requirements; and
   c) a minor accesses obscene material that is on the device. (Sec 1)
3. For the purposes of assessing a violation against a manufacturer, states that a manufacturer is considered to have committed a separate violation for each device that is manufactured on or after January 1, 2026. (Sec 1)
4. Stipulates that this liability does not apply to a manufacturer that makes a good faith effort to provide a device that, on activation of the device in Arizona, automatically enables a generally accepted and commercially reasonable filter that blocks obscene material on all internet browsers or search engines that are accessed on the device in accordance with this section. (Sec 1)
5. States that this new chapter does not create a cause of action against the retailer of a device. (Sec 1)

Individual Liability

6. Subjects a person who is at least 18 years old and who not the minor's parent or guardian to civil liability for enabling a password to remove a filter on a device that is in the possession of a minor if the minor accesses obscene material that is on the device. (Sec 1)

Enforcement by the Attorney General

7. AUTHORIZES THE ATTORNEY GENERAL TO BRING AN ACTION AGAINST A PERSON WHO IS AT LEAST 18 YEARS OLD TO DO ANY OF THE FOLLOWING IF THE ATTORNEY GENERAL HAS REASON TO BELIEVE THAT THE PERSON HAS VIOLATED OR IS VIOLATING THIS NEW CHAPTER:

a) ENJOIN ANY ACTION THAT CONSTITUTES A VIOLATION OF THIS CHAPTER BY ISSUING A TEMPORARY RESTRAINING ORDER OR PRELIMINARY OR PERMANENT INJUNCTION;
b) RECOVER A CIVIL PENALTY OF NOT MORE THAN $5,000 PER VIOLATION, NOT TO EXCEED A TOTAL OF $50,000;
c) RECOVER THE ATTORNEY GENERAL'S REASONABLE EXPENSES, INVESTIGATIVE COSTS AND ATTORNEY FEES; OR
d) OBTAIN OTHER APPROPRIATE RELIEF AS PROVIDED FOR UNDER THIS CHAPTER. (SEC. 1)

8. PERMITS THE ATTORNEY GENERAL TO ISSUE SUBPOENAS TO ANY PERSON AND CONDUCT HEARINGS IN ANY INVESTIGATION OR INQUIRY RELATED TO A POSSIBLE VIOLATION OF THIS CHAPTER. (SEC. 1)

9. ALLOWS THE ATTORNEY GENERAL TO SEEK THE REVOCATION OF ANY LICENSE OR CERTIFICATE AUTHORIZING A MANUFACTURER TO ENGAGE IN BUSINESS IN ARIZONA. (Sec 1)

Private Cause of Action

10. AUTHORIZES A PARENT OR LEGAL GUARDIAN OF A MINOR WHO ACCESSES OBSCENE MATERIAL THAT IS IN VIOLATION OF THE ABOVE FILTER REQUIREMENT TO BRING A PRIVATE CAUSE OF ACTION IN ANY COURT OF COMPETENT JURISDICTION AGAINST:
    a) A MANUFACTURER THAT FAILS TO COMPLY WITH THE FILTER REQUIREMENT; OR
    b) A PERSON WHO IS AT LEAST 18 YEARS OLD WHO IS NOT A PARENT OR LEGAL GUARDIAN OF THE MINOR AND WHO DISABLES A FILTER FROM A DEVICE IN THE MINOR'S POSSESSION THAT RESULTS IN THE MINOR'S EXPOSURE TO OBSCENE MATERIAL. (Sec 1)

11. States that THE PARENT OR LEGAL GUARDIAN OF A MINOR WHO BRINGS AN ACTION UNDER THIS SECTION MAY RECOVER:
    a) actual damages up, or in the court's discretion where actual damages are difficult to ascertain, liquidated damages in the amount of $50,000 for each violation;
    b) punitive damages determined by the court if the court finds the violation willing and knowingly;
    c) nominal damages;
    d) any other relief the court deems appropriate, including court costs and expenses;
    e) attorney fees. (Sec. 1)

12. Specifies that this section does not preclude a class action lawsuit against a manufacturer that knowingly and wilfully violates the filter requirement. (Sec 1)

Unlawful Filter Removal

13. Makes it unlawful for a person who is at least 18 years old and not the minor's parent or legal guardian to disable the filter on a device in the possession of a minor. (Sec. 1)

14. Subjects a person who violates the above prohibition to a maximum fine of $5,000 unless the person is a second or subsequent offender, in which case the person is subject to:
    a) a fine of no more than $50,000;
    b) incarceration for up to one year. (Sec 1)

Terminology

15. Defines the following terms:
    a) *activate*;
    b) *device*;
    c) *filter*;
    d) *internet*;
    e) *manufacturer*;
    f) *minor*;
    g) *obscene material*;

h) *password*;
i) *smartphone*; and
j) *tablet*. (Sec 1)

HB 2665: child sex trafficking; facilitating prostitution
Sponsor: Representative Biasiucci, LD 30
Caucus & COW

Overview

Amends existing child sex trafficking offenses to include conduct relating to the facilitation of prostitution with certain minors and requires a court to impose certain conditions on a person who is released on own recognizance or bail in child sex trafficking cases. Adds additional offenses to statute barring certain evidence of a victim's past sexual conduct from being introduced in certain prosecutions and to statute requiring a mandatory assessment to cover the cost of investigations for certain sexual offenses.

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), *sexual assault* (A.R.S. § 13-1406) and others.

Under A.R.S. § 13-1421 (commonly referred to as the *rape-shield statute*), evidence relating to a victim's chastity and opinion evidence relating to a victim's chastity is generally deemed to be to be inadmissible in any prosecution for an offense in chapter 14. However, evidence of specific instances of the victim's prior sexual conduct may be admitted only if both of the following are met:

1) a judge finds the evidence is relevant and is material to a fact in issue in the case that the inflammatory or prejudicial nature of the evidence does not outweigh the probative value of the evidence; and
2) the evidence is one of the following:
    a) evidence of the victim's past sexual conduct with the defendant;
    b) evidence of specific instances of sexual activity showing the source or origin of semen, pregnancy, disease or trauma.
    c) Evidence that supports a claim that the victim has a motive in accusing the defendant of the crime;
    d) Evidence offered for the purpose of impeachment when the prosecutor puts the victim's prior sexual conduct in issue; or
    e) Evidence of false allegations of sexual misconduct made by the victim against others.

The standard for admissibility of the evidence described above is clear and convinced evidence, and the evidence may not be referred to in any statements to a jury or introduced at trial without a court order following a hearing on written motions from the parties.

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).

Under A.R.S. § 13-3967, subsection E, a judicial officer is required to impose both of the following conditions on a person who is charged with a felony offense under chapter 14 or 35.1 of the criminal code and released on his or her own recognizance or bail, in addition to any other conditions that may be imposed:

1) electronic monitoring where available; and
2) a condition prohibiting the person from having any contact with the victim.

Chapter 32 of the criminal code establishes several criminal offenses relating to *prostitution*, which is defined in A.R.S. § 13-3211 as engaging in or agreeing or offering to engage in sexual conduct under a fee arrangement with any person for money or any other valuable consideration. One of the offenses in chapter 32 is *child sex trafficking*, which can be committed in various ways that are enumerated in A.R.S. § 13-3212, subsections A and B. Specifically, under subsection B, a person who is at least 18 years old commits child sex trafficking by knowingly doing any of the following:

1) engaging in prostitution with a minor who is under 15 years old (paragraph 1);
2) engaging in prostitution with a minor who the person knows or should have known is 15, 16 or 17 years old (paragraph 2); or
3) engaging in prostitution with a minor who is 15, 16 or 17 years old (paragraph 3).

For purposes of violations under paragraphs 1 and 2 above, it is not a defense that the other person is a peace officer posing as a minor or a person assisting a peace officer posing as a minor.

Child sex trafficking under paragraph 1 is a class 2 felony and is punishable as a *dangerous crime against children* (DCAC). Child sex trafficking under paragraph 2 is also a class 2 felony but is subject to special sentencing ranges delineated in subsection I that may be mitigated or aggravated, and a person convicted of this offense is generally ineligible for release until the sentence imposed has been served or commuted. Finally, child sex trafficking under paragraph 3 is a class 5 felony and, if the court imposes probation, the convicted person must serve at least 180 days in the county jail. However, if the person has previously been convicted of child sex trafficking or attempted child sex trafficking, an offense under paragraph 3 becomes a class 2 felony and a convicted person is generally ineligible for release until the imposed sentence has been served or commuted.

DCACs are a category of criminal offenses—many of which are included in the criminal code chapters described above—for which a convicted person may be subject to enhanced penalties when the victim is under 15 years old (A.R.S. § 13-705). Among these enhanced penalties is a mandatory $500 assessment under A.R.S. § 12-116.07, which must be imposed on a defendant who is convicted of a DCAC or sexual assault. This assessment is in addition to any other assessment or restitution, cannot be waived and is not subject to a surcharge. All assessment monies that a court collects under this provision must be transmitted to the applicable County Treasurer for the purpose of defraying the cost of investigations for certain sexual offenses.

Under A.R.S. § 13-909, which is commonly referred to as the *vacatur law*, a person who is convicted of a prostitution offense that was committed on or before July 24, 2014 to apply to have the person's conviction and sentence vacated if the person can make a requisite showing that he or she was a sex trafficking victim at the time of the offense.

Provisions

1. Amends child sex trafficking offenses under A.R.S. § 13-3212, subsection B, by adding the following:
   a) that a person can commit an offense under paragraph 1 by engaging in prostitution with a person facilitating the prostitution of a minor under 15 years old;
   b) that a person can commit an offense under paragraph 2 by engaging in prostitution with a person facilitating the prostitution of a minor who the person knows or should have known is 15, 16 or 17 years old; and
   c) that it is not a defense to a prosecution under paragraphs 1 and 2 that the other person is a peace officer posing as a person facilitating the prostitution of a minor. (Sec. 3)

2. Makes the rape-shield statute (A.R.S. § 13-1421) applicable in prosecutions for child sex trafficking (A.R.S. § 13-3212) or any offense in A.R.S. title 13, chapter 35.1 (sexual exploitation of minors), in addition to sexual offenses under chapter 14. (Sec. 2)

3. Applies the mandatory $500 assessment in A.R.S. § 12-116.07 to a person who is convicted of sexual abuse (A.R.S. § 13-1404), sexual conduct with a minor (A.R.S. § 13-1405) or child sex trafficking (A.R.S. § 13-3212), in addition to DCACs and sexual assault. (Sec. 1)

4. Requires a judicial officer to impose the mandatory conditions in A.R.S. § 13-3967, subsection E on a person with is charged with child sex trafficking (A.R.S. § 13-3212), in addition to any felony offense in A.R.S. title 13, chapters 14 or 35.1. (Sec. 4)

5. Makes technical and conforming changes. (Sec. 1, 2, 3)

Amendments

Committee on Judiciary

1. Clarifies the language amending the child sex trafficking offenses under A.R.S. § 13-3212, subsection B as follows:
   a) that a person can commit an offense under paragraph 1 by engaging in prostitution with a person *for the purpose of* facilitating the prostitution of a minor under 15 years old; and
   b) that a person can commit an offense under paragraph 2 by engaging in prostitution with a person *for the purpose of* facilitating the prostitution of a minor who the person knows or should have known is 15, 16 or 17 years old.

2. Amends the vacatur law to remove the requirement that the prostitution offense was committed before July 24, 2014 in order to seek to have the prostitution offense vacated.

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

HCR 2037: victims of communism day
Sponsor: Representative Toma, LD 27
Caucus & COW

Overview

Makes legislative findings and proclaims November 7, 2024 as Victims of Communism Day in Arizona.

History

Current statute establishes certain days as non-legal holidays, including Sandra Day O'Connor Civics Celebration Day (A.R.S. § 1-319) and 9/11 Education Day (A.R.S. § 1-321), among several others.

Provisions

10. Makes legislative findings regarding the history of communism and communist regimes and makes the following resolutions:
    a) that the members of the Arizona Legislature proclaim November 7, 2024 as Victims of Communism Day in Arizona; and
    b) that the members of the Arizona Legislature encourage Arizona citizens and schools to observe the day and to honor the victims of communist regimes.

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

HB 2006: real estate; acting in concert
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Details instances that alone do not constitute unlawful acting in concert.

History

Currently, a county board of supervisors (BOS) may adopt land division ordinances to split a parcel of land into five or fewer lots, parcels or fractional interests, each of which is ten acres or smaller. A land division application may be approved if certain statutory requirements are met. If an application does not comply with the requirements, the application may still be approved if the applicant confirms that no building or use permit will be issued until the lot, parcel or fractional interest complies with all statutory requirements. A BOS may also grant a variance to any of the requirements (A.R.S. § 11-831).

Statute expressly prohibits a person or group of persons acting in concert to attempt to avoid the land division or subdivision laws by acting in concert to divide a parcel of land into six or more lots or lease or sell subdivided lots by using a series of owners or conveyances. Either the county where the division occurred or the Arizona Department of Real Estate, but not both, can enforce this prohibition. Unlawful acting in concert, with respect to the sale or lease of subdivided lots, requires proof that the real estate licensee or other licensed professional knew or should have known that property which the licensee listed or acted in any capacity as agent was subdivided land. A familial relationship alone is not sufficient to constitute unlawful acting in concert (A.R.S. §§ 11-831, 32-2181).

Provisions

1. Specifies, as it relates to subdivision laws, that the following alone are not sufficient to constitute unlawful acting in concert:
   a. a familial relationship;
   b. a well share agreement;
   c. a road maintenance agreement; and
   d. the use or referral of the same licensed engineer or registered contractor. (Sec. 1 and 2)
2. Makes technical and conforming changes. (Sec. 1 and 2)

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

HB 2007: subdivided lands; civil penalties
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Specifies that the civil penalty for a subdivider or agent who engages in unlawful practice with respect to the sale or lease of subdivided lands applies to each lot where a violation occurs.

History

Currently, a subdivider or agent who violates statute or any rule adopted by the Real Estate Commissioner (Commissioner) or who engages in unlawful practices with respect to the sale or lease of subdivided lands can be assessed a civil penalty by the Commissioner of no more than $2,000 for each infraction. An infraction that concerns more than one lot in a subdivision is a single infraction (A.R.S. § 32-2185.09).

A *subdivider* is any person who offers for sale or lease six or more lots, parcels or fractional interests in a subdivision, causes land to be subdivided into a subdivision or develops a subdivision. A subdivider is not a public agency or officer authorized by statute to create subdivisions (A.R.S. § 32-2101).

Provisions

1. Specifies that the maximum civil penalty for a subdivider or agent who engages in unlawful practice with respect to the sale or lease of subdivided lands is up to $2,000 for each lot where a violation occurs.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: LARA DP 5-4-0-0

HB 2009: subdivisions; acting in concert
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Specifies that it unlawful for a person to attempt to avoid statutory requirements related to subdivision of lands by acting in concert to divide within a 10-year period a parcel of land or lease or sell six or more subdivision lots by using a series of owners or conveyances or any other methods.

History

Currently, a county board of supervisors (BOS) may adopt land division ordinances to split a parcel of land into five or fewer lots, parcels or fractional interests, each of which is 10 acres or smaller. A land division application may be approved if certain statutory requirements are met. If an application does not comply with the requirements, the application may still be approved if the applicant confirms that no building or use permit will be issued until the lot, parcel or fractional interest complies with all statutory requirements. A BOS may also grant a variance to any of the requirements (A.R.S. § 11-831).

Statute expressly prohibits a person or group of persons acting in concert to attempt to avoid the land division or subdivision laws by acting in concert to divide a parcel of land into six or more lots or lease or sell subdivided lots by using a series of owners or conveyances. Either the county where the division occurred or the Arizona Department of Real Estate, but not both, can enforce this prohibition. Unlawful acting in concert, with respect to the sale or lease of subdivided lots, requires proof that the real estate licensee or other licensed professional knew or should have known that property which the licensee listed or acted in any capacity as agent was subdivided land. A familial relationship alone is not sufficient to constitute unlawful acting in concert (A.R.S. §§ 11-831, 32-2181).

Provisions

1. Requires an application to split a parcel of land to be approved if the applicant signs an affidavit acknowledging that it is unlawful to divide within a 10-year period a parcel of land into six or more lots or parcels. (Sec. 1)
2. Specifies that it is unlawful for a person or group of persons acting in concert to attempt to avoid the land division or subdivision laws by dividing within a 10-year period a parcel of land into six or more lots or lease or sell subdivided lots by using a series of owners or conveyances or by any other method to divide the lands. (Sec. 1 and 2)
3. Makes technical changes. (Sec. 2)

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

HB 2023: land divisions; disclosure affidavit; recording
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Modifies the information required to be included in an affidavit of disclosure and related procedures.

History

Current law requires a seller of five or fewer parcels of non-subdivided land, located in an unincorporated area of a county, and any subsequent seller, to furnish an affidavit of disclosure to the buyer at least seven days before the property is transferred. The buyer has the right to rescind a sale within five days of receiving the affidavit. The affidavit must be recorded at the same time the deed is recorded. Subsequent affidavits supersede any previously recorded affidavits.

Statute outlines the information an affidavit of disclosure must contain, including the legal description of the property, a list of services and utilities currently provided to the property, if the property meets county zoning requirements and if the use of the property is subject to any limitations.

If the seller is a trustee of a subdivision trust, the beneficiary of the trust is required to provide the disclosure affidavit.

The seller must provide a notarized certification, under penalty of perjury, that the information provided is true, complete and correct (A.R.S. § 33-422).

Provisions

1. Requires that an affidavit of disclosure be completed by the seller and contain all the information specified by statute. (Sec. 1)
2. Describes the responsibilities of a subsequent seller and licensed escrow agent relating to completing and recording a subsequently executed affidavit. (Sec. 1)
3. Specifies that a licensed escrow agent who records an affidavit is not liable for inaccurate information or omissions of material facts. (Sec. 1)
4. Requires an affidavit of disclosure to include information on:
    a. water supplies;
    b. leased or owned battery energy storage devices; and
    c. whether the seller is a trustee, personal representative of an estate or conducting a mortgage foreclosure. (Sec. 1)
5. Adds in the affidavit for land divisions, a notice that it is unlawful to attempt to avoid land division or subdivision laws by acting in concert to divide a parcel of land into six or more lots or parcels. (Sec. 1)
6. Allows the county where the land division occurred or the Arizona Department of Real Estate to investigate and enforce actions regarding acting in concert to unlawfully divide a parcel a land. (Sec. 1)
7. Specifies that a seller or subsequent seller does not include a personal representative acting on behalf of an estate selling the property. (Sec. 1)
8. Repeals and re-enacts Laws 2023, Chapter 77, Section 3 to correct a technical error resulting in a potentially invalid change to A.R.S. § 33-422. (Sec. 2)
9. Makes technical changes. (Sec. 1)

Amendments

Committee on Land, Agriculture & Rural Affairs

1. Allows a licensed escrow agent, if requested by the seller, to record affidavits of disclosure.
2. States that an escrow agent is not liable for omissions or inaccuracies provided by the seller.

3. Adds two items to the disclosure form regarding information for the property's on-site wastewater treatment facilities.

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

HB 2101: land division; applicant submissions; review
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Requires an application to split a parcel of land to be approved if the applicant provides an answer to two questions regarding the applicant's ownership status of any property that is in the same tax parcel map or subdivision as the lots that are the subject of the application.

History

Currently, a county board of supervisors (BOS) may adopt land division ordinances to split a parcel of land into five or fewer lots, parcels or fractional interests, each of which is 10 acres or smaller. A land division application may be approved if certain statutory requirements are met. If an application does not comply with the requirements, the application may still be approved if the applicant confirms that no building or use permit will be issued until the lot, parcel or fractional interest complies with all statutory requirements. A BOS may also grant a variance to any of the requirements (A.R.S. § 11-831).

Provisions

1. Provides that an application to split a parcel of land must be approved if the applicant provides an answer to the following two questions:
   a. "Do you or any corporation or limited liability corporation that you are a member, manager or owner of or an independent contractor for own or represent any property that is in the same tax parcel map or subdivision as the lots, parcels or fractional interests that are the subject of this application?"; and
   b. "Have you or any corporation or limited liability corporation that you are a member, manager or owner of or an independent contractor for divided, sold or leased any property within the last ten years that is in the same tax parcel map or subdivision as the lots, parcels or fractional interests that are the subject of this application?"

Amendments

Committee on Land, Agriculture & Rural Affairs

1. Requires an applicant for a building permit for new construction of a residential single-family home and an applicant for a land division to identify ownership interests in the property.
2. Adds attestation language to be included in an application for a land division.
3. Specifies that compliance is not essential to the public interest for lots, parcels or fractional interests that have been included with a previous public report approved within the last 10 years where the applicant attests there are no material changes altering the facts of the report.
4. Excludes from statutory compliance requirements lots, parcels or fractional interests owned by a financial institution as a result of foreclosure that are up for sale and have been included with a previous public report that was approved within the last 10 years and no material changes have occurred within the report.
5. Repeals and re-enacts Laws 2023, Chapter 77, Section 3 to correct a technical error resulting in a potentially invalid change to statute.

☐ 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 9-0-0-0

HB 2129: improved lot or parcel; definition
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Modifies the definition of *improved lot or parcel* to include a condominium.

History

Current law defines *improved lot or parcel* to mean a lot or parcel of a subdivision on which there is a residential, commercial or industrial building, or for which a contract has been entered into between a subdivider and a purchaser that obligates the subdivider directly or indirectly, through a building contractor, to completely construct a residential, commercial or industrial building on the lot or parcel within two years after the date of the contract (A.R.S. § 32-2101).

Condominium is defined as real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners (A.R.S. § 33-1202).

Provisions

1. Modifies the definition of *improved lot or parcel* to include a condominium that is completely constructed within four years of the subdivider entering a contract for sale. (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: MAPS DP 14-0-0-0

HB 2103: traumatic event counseling; constables
S/E: traumatic event counseling; constables
Sponsor: Representative Payne, LD 27
Caucus & COW

Summary of the Strike-Everything Amendment to HB 2103

Overview

Includes deputy constables in the definition of *peace officer* to qualify them for trauma-related counseling.

History

Peace officers are individuals who are: 1) sheriffs of counties; 2) constables; 3) marshals; 4) policemen of cities and towns; 5) commissioned personnel of the Department of Public Safety; 6) personnel who are employed by the state Department of Corrections and the Department of Juvenile Corrections; and 7) several other specified positions (A.R.S. § 1-215).

Peace officers are entitled to up to 24 visits of licensed counseling when they witness or are subjected to specified traumatic events (A.R.S. § 38-673).

Provisions

1. Adds deputy constables to the definition of *peace officer* for the purpose of qualifying for trauma-related counselling. (Sec. 1)

Amendments

1. Adds constables to the definition of *peace officer* for the purpose of qualifying for trauma-related counselling.

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

HB 2135: adult incarceration contracts
Sponsor: Representative Dunn, LD 25
Caucus & COW

Overview

Expands eligibility criteria for what entities qualify for an adult incarceration contract.

History

Under current law, the Joint legislative Budget Committee is responsible for awarding the adult incarceration contracts that are under the aegis of the Department of Corrections. To be considered for a contract, a proposing entity must demonstrate that it: 1) possesses the necessary means to fulfill the contract; 2) is able to meet applicable correctional standards and court orders; and 3) has a history of successfully operating other secure facilities (A.R.S. § 41-1609.01).

Provisions

1. Modifies requirements for an entity to qualify for an adult incarceration contract; if the entity does not have a history of operating a secure facility, it may instead qualify by having personal with a history of the same. (Sec. 1)
2. Designates this legislation with the short title *Private Prison Contract Reform Act*. (Sec. 2)
3. Makes technical changes. (Sec. 1)

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

HB 2243: fingerprinting; criminal history; records checks
Sponsor: Representative Nguyen, LD 1
Caucus & COW

Overview

Modifies various aspects of data management, handling and permissions for the criminal history records managed by the Central State Repository (Repository).

History

The Department of Public Safety (DPS) manages the Repository which stores Arizona criminal history records and related criminal justice information for any person who has been arrested or charged with: 1) a felony offence; 2) an offence involving domestic violence; 3) a sexual offence; or 4) a DUI offence (A.R.S. § 41-1750). The records in the Repository are used for various purposes including background checks and the issuance of Fingerprint Clearance Cards and Level I Fingerprint Clearance Cards (Fingerprint Cards) (Title 41, Chapter 12, Article 3.1). These records are also shared with the Federal Bureau of Investigation (FBI) and authorized criminal justice agencies in other states (A.R.S. § 41-1750).

Provisions

1. Narrows when the Board of Fingerprinting (Board) may receive criminal history records to only when it is reviewing a person's application for a good cause exception to receive a Fingerprint Card. (Sec. 1, 4, 5)
2. Removes the Board's ability to disseminate criminal history records to other agencies. (Sec. 1)
3. Specifies that fingerprints submitted to the Repository may be searched through both DPS and the FBI to conduct background checks. (Sec. 2)
4. Permits DPS to retain fingerprints submitted for background checks for the purpose of future searches, when submitted by criminal justice agencies or other specified government agencies. (Sec. 2)
5. Modifies procedures for records checks and the reconciliation of state and federal criminal history records to specify the use of state and federal rap back services. (Sec. 2, 4, 5)
6. Directs DPS to update the status of Fingerprint Cards through the use of rap back services. (Sec. 4, 5)
7. Defines *biometric data* and *rap back services*. (Sec. 2, 3)
8. Contains an emergency clause. (Sec. 6)
9. Contains technical and conforming changes. (Sec. 1, 2, 3, 4, 5)

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

HB 2248: prisoners; services budget; postsecondary education
Sponsor: Representative Gress, LD 4
Caucus & COW

Overview

Expands the types of education that are provided by the prison education services budget.

History

The Director of the Department of Corrections must maintain a dedicated prisoner education services budget for each state prison to identify monies expended for the following programs:

1. functional literacy program;
2. adult basic education;
3. general equivalency diploma preparation; and
4. vocational and technical education (A.R.S. § 31-240).

The Director is prohibited from expending education services budget monies on programs dedicated to prisoners sentenced to death or life imprisonment or who are classified as maximum custody unless they are under 18 years old or have a disability and are under 22 years old (A.R.S. § 31-240).

Provisions

1. Adds postsecondary education to the types of education provided for by the prison education services budget. (Sec. 1)

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

HB 2322: peace officers; discipline; modification
Sponsor: Representative Payne, LD 27
Caucus & COW

Overview

Expands the types of evidence the Law Enforcement Merit System Council (LEMSC) may use to recommend modification of disciplinary action toward an employee.

History

LEMSC reviews: 1) classification and compensation plans; 2) employee selection, promotion, disciplinary and dismissal procedures; 3) performance appraisal systems; 4) standards and qualifications for covered Department of Public Safety and Arizona Peace Officers Standards and Training Board employees; and 5) hours of employment. LEMSC also conducts appeal hearings for disciplinary actions taken against a classified employee (A.R.S. § 41-1830.12). LEMSC consists of five members, no more than three of which may belong to the same political party (A.R.S. § 41-1830.11).

LEMSC is authorized to submit a recommendation regarding a disciplinary action to an employer agency if the agency cannot show that it had just cause to discipline the employee by a preponderance of the evidence. The agency head may accept, modify, reverse or reject LEMSC's decision or recommendation. Statute specifies that an agency head must accept the recommendation unless it is arbitrary or without reasonable justification. Any party may appeal a determination made by LEMSC or an employer to the superior court (A.R.S. 41-1830.16).

Provisions

1. Expands what LEMSC may recommend modification of a disciplinary action to include:
   a. evidence presented by the employee or employing agency;
   b. any legal basis brought in the appeal; and
   c. any other facts or circumstances offered for LEMSC's consideration. (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: MAPS DP 14-0-0-0

HB 2433: mental health transition program; release
Sponsor: Representative Livingston, LD 28
Caucus & COW

Overview

Permits early release of inmates into the Mental Health Transition Pilot Program (Pilot Program) under specified circumstances.

History

The Department of Corrections (DOC) operates a Transition Program for eligible inmates, offering up to 90 days of transition services in the community with the goal of reducing recidivism. Eligible inmates must be released from confinement into the Transition Program up to three months earlier than their earliest release date based on risk and need as determined by the Director of DOC; early release does not apply to those determined not to be low risk (Title 31, Chapter 2, Article 6).

In 2021, the Legislature created the Pilot Program to provide inmates, diagnosed as seriously mentally ill, with mental health transition services in the community. Eligible inmates are required to receive services in the program for at least 90 days. Eligible inmates may not be released from confinement before their earliest release date (A.R.S. § 31-291).

Provisions

1. Requires an inmate in the Pilot Program, who has not been convicted of sexual or specified violent crime offences, to be released from confinement up to three months earlier than his earliest release date based on risk and need according to rules adopted by the Director of DOC. (Sec. 1)
2. Stipulates that an inmate in the Pilot Program who is not low risk may not be released from confinement earlier than his earliest release date. (Sec. 1)
3. Makes conforming changes. (Sec. 1)

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

HB 2548: military installations; general plan amendments
Sponsor: Representative Payne, LD 27
Caucus & COW

Overview

Requires municipalities and counties (political subdivisions) to notify the office of a military installation or range or Arizona national guard site (influence area) when certain land use applications are deemed complete. Additionally, the State Real Estate Department (Department) must disclose whether the property for sale is located in an influence area.

History

Political subdivisions with territory in the vicinity of a military airport must adopt comprehensive and general plans along with zoning regulations for property in high noise or accident potential zones to ensure compatible development with the military operations at the airport (A.R.S. § 28-8481).

The Real Estate Commissioner (Commissioner), upon examination of a subdivision, must publish a report that states if any part of the land is within the vicinity of a military airport, under restricted airspace, under a military training route or contained in the military electronics range. Sellers of five or fewer parcels of land in an unincorporated area of a county must furnish a written affidavit of disclosure to the buyer that discloses, among other things, if the property is located in a clear, accident potential or high noise zone of a military airport or is located under military restricted airspace (A.R.S. § 32-2183).

Provisions

General Plan Requirements

1. Mandates that a political subdivision containing any portion of an influence area must include consideration for such operations in the general plan of that political subdivision. (Sec. 1, 5)
2. Specifies that a political subdivision must identify the boundaries of the influence area in the general plan for the purposes of planning land uses that are compatible with the operation of the influence area. (Sec. 1, 5)
3. Applies the same standards that are held, for political subdivisions with territory in the vicinity of a military airport, to political subdivisions with territory in an influence area regarding:
   a. the adoption or readoption of the general plan or any amendment to the general plan; and
   b. notices of public hearing proceedings on any zoning ordinance. (Sec. 2, 3, 6, 7)

Disclosure of Filing

4. Requires a political subdivision that contains any portion of an influence area to notify the office of that influence area when an application has been completed to do any of the following within the influence area:
   a. modify a general plan or comprehensive land use designation;
   b. establish or modify an area plan, character plan, master development plan or site plan;
   c. modify the zoning designation, overlay zoning designation or the regulations related to allowed uses, structure or building heights or outdoor lighting in the applicable designations; or
   d. divide the property, including any land division, into five or fewer lots. (Sec. 4, 8)
5. States that the notice to the office of the influence area must include a copy of the application, relevant documentation that adequately describes the proposal, procedures for providing comments and a deadline for when the comments must be received. (Sec. 4, 8)
6. Outlines specified timelines for when comments from the influence area in response to an application must be received. (Sec. 4, 8)

7. Specifies that a public hearing is not required for comments on applications that do not otherwise require a public hearing. (Sec. 4, 8)
8. Instructs, for instances where a public hearing is required, if the influence area did not provide comment, a political subdivision to note at the public hearing that the influence area was notified and did not provide comment on the application. (Sec. 4, 8)
9. Clarifies that a political subdivision is not allowed or required to deny any application, permit, approval or authorization based on the existence of an influence area or its proximity to real estate. (Sec. 4, 8)
10. Exempts political subdivisions from meeting notification requirements relating to influence areas if the State Land Department has not prepared a map of the influence area. (Sec. 4, 8)

State Real Estate Department

11. Requires the Commissioner to execute and record, with the county recorder in each county that contains an influence area, a document that discloses that the land is contained in an influence area. (Sec. 9)
12. States that if an influence area changes and persons who were notified no longer have property contained in the influence area, the Commissioner must execute and record a document that the land is no longer contained in an influence area. (Sec. 9)
13. Directs the Attorney General to prepare, in recordable form, the documents that are executed and recorded by the Commissioner. (Sec. 9)
14. Requires specified documents recorded and executed by the Commissioner to include a geospatial description of the influence areas as delineated in the influence area site map. (Sec. 9)
15. Requires the Department to post a map of the influence areas on its website as prepared by the State Land Department. (Sec. 10)
16. Instructs the Commissioner to disclose when a property is contained in an influence area in a public report authorizing the sale of the property. (Sec. 11)
17. Stipulates that influence area report requirements only apply to public reports issued by the Commissioner by or before December 31, 2024. (Sec. 11)
18. Specifies guidelines for public reports and disclosure affidavits for properties located within an influence area. (Sec. 11, 12, 13)

State Land Department

19. Directs the State Land Department, by December 31, 2024, and on receipt of proper information from the applicable influence area commander, to provide electronic legal descriptions and maps of the influence area to the Department and public. (Sec. 15)
20. Requires the State Land Department to make changes to the boundaries of an influence area and provide it to the Department and public within 90 days after receipt of those changes from the influence area commander. (Sec. 15)

Miscellaneous

21. Defines *influence area* and *military installation or range or Arizona national guard site*. (Sec. 4, 8)
22. Makes technical changes. (Sec. 1-3, 5-7, 11-13, 15)
23. Makes conforming changes. (Sec. 2, 3, 6, 7, 11-13, 15)

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

HB 2031: county supervisors; population; membership
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Decreases, from 150,000 to 125,000, the population in which a county Board of Supervisors may submit the question of whether the county should increase the number of board members to the voters.

History

A county Board of Supervisors is primarily responsible for: 1) litigating; 2) purchasing and holding lands within its limits; and 3) levying and collecting taxes for purposes under its jurisdiction. Once a county's population meets 150,000 the county is required to submit for vote, by electors under its jurisdiction, whether to increase the number of board members from three to five. Upon approval, the county must elect new supervisors during the following general election (A.R.S. §§ 11-201, 11-211).

Provisions

1. Authorizes rather than requires the Board of Supervisors to submit the question of whether to increase the number of board members from three to five to the voters. (Sec.1)
2. Decreases the population threshold from 150,000 to 125,000 upon which a Board of Supervisors may submit the question to the voters. (Sec. 1)
3. Makes a technical change. (Sec. 1)

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

HB 2404: voter registration cards; mailing limitation
Sponsor: Representative Gillette, LD 30
Caucus & COW

Overview

Specifies the County Recorder is prohibited from issuing voter registration cards to individuals whose mailing address is outside of Arizona.

History

To qualify to vote, a registrant must meet certain statutorily prescribed requirements, including:

1. the registrant is a citizen of the United States with documentational proof of citizenship;
2. will be at least 18 years of age before the general election following their registration;
3. a resident of the state for at least 29 days preceding the next election;
4. able to write their name or make their mark, unless prevented by physical disability;
5. has not been convicted of treason or a felony, unless civil rights have been restored; and
6. has not been adjudicated as an incapacitated person (A.R.S. § 16-101).

For certain uniformed and overseas voters covered under the Uniformed and Overseas Citizens Absentee Voting Act states must accept and process any otherwise valid voter registration applications and absentee ballot applications from the absent registrant. Additionally, qualified registrants may file an affidavit of registration with the County Recorder if the registrant is temporarily absent from the state (52 U.S.C. § 20302, A.R.S. § 16-103).

Provisions

1. Prohibits the County Recorder from issuing an initial or updated voter registration card to any person whose mailing address is outside of the state, except for:
   a. active-duty military outside of the state and their family members; and
   b. state residents without service from a United States Post Office in the state. (Sec. 1)

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

HB 2472: election contests; procedures
Sponsor: Representative McGarr, LD 17
Caucus & COW

Overview

Modifies the acceptable grounds in which a person may contest an election and outlines specified court procedures for related proceedings and the inspection of ballots before trial.

History

Provided the person has grounds to do so, an Arizona elector may contest the election of a person declared elected to a state office at a general election or declared nominated to a state office at a primary election. The declared result of initiated or referred measures, a proposal to amend the Constitution of Arizona or any other question or proposal submitted to a vote of the people may also be contested. The grounds to contest an election include misconduct of candidates or elections officials, illegal votes or erroneous vote counts (A.R.S. § 16-672).

Once the statement of contest is filed and the action is at issue, both parties may have the ballots inspected before preparing for the trial. Upon the filing of specified documents with the clerk of the court, the court must appoint three persons to inspect the ballots: one selected by each party and one selected by the court. The inspection of ballots must be conducted in the presence of the legal custodian of the ballots (A.R.S. § 16-677).

A contest may be brought in either the superior court in which the person contesting the election resides or in the Maricopa County Superior Court. Appeals to superior court cases are generally heard in the Court of Appeals. An appeal to the Court of Appeals must be taken to the Supreme Court (A.R.S. §§ 12-120.21, 12-120.22).

Provisions

1. Includes, in the grounds upon which a qualified elector may contest an election, votes in which the chain of custody is broken and early votes that have inconsistent signatures or personal information. (Sec. 1)
2. Increases, from ten to twenty days after a contest is filed, the time during which the court must set a date to hear the contest. (Sec. 2)
3. Requires an appeal of a final judgement of a contested election to be filed in and heard by the Arizona Supreme Court. (Sec. 2)
4. Establishes the following deadlines for appeals:
    a. an appeal must be filed within ten days after the court issues a final judgement;
    b. a response must be filed within five days after the appeal is filed;
    c. a reply must be filed within three days after the response is filed;
    d. the Supreme Court must schedule a hearing within five days after the reply is filed; and
    e. the Supreme Court must render a decision within five days after the date of the hearing. (Sec. 2)
5. Designates, for the purposes of inspecting ballots, an organization or entity as a person and specifies the entity may provide for a rotating series of individuals to inspect on their behalf. (Sec. 3)
6. Entitles all parties in an election contest to physically examine all the following:
    a. the physical ballots;
    b. all physical ballot images;
    c. any early ballot envelopes; and
    d. the elector's registration records. (Sec. 3)

7. Instructs the court to allow parties ample time to thoroughly examine the materials specified above and prohibits the restriction of this examination in any manner. (Sec. 3)
8. Entitles the parties in an election contest to full discovery on any matter pertaining to the election and specifies that this requirement must be liberally construed, and the court must make every attempt not to limit discovery. (Sec. 3)
9. Allows each party to depose up to ten persons. (Sec. 3)
10. Makes technical changes. (Sec. 1, 2, 3)

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

HB 2474: new party recognition; signatures; circulators
Sponsor: Representative Kolodin, LD 3
Caucus & COW

Overview

Conforms the requirements for new party recognition petitions and the circulation of such petitions with the requirements for initiative petitions.

History

An initiative or referendum petition circulator is required to register with the Secretary of State if the circulator is paid or the circulator is not an Arizona resident. Any person who is qualified to register to vote in Arizona, or who would be qualified if they resided in Arizona, may circulate petitions. The Secretary of State is prohibited from accepting an initiative petition that was issued for circulation more than 24 months before the general election at which the measure is to be included on the ballot (A.R.S. §§ 19-118, 19-121, 19-205.01).

Provisions

1. Specifies that a petition for new party recognition that contains one or more signatures that are collected more than 24 months before the primary election at which the party is seeking recognition is null and void and prohibits the filing officer from accepting the petition for filing. (Sec. 1)
2. Requires the registration of new party recognition petition circulators with the Secretary of State prior to the circulation of any petitions. (Sec. 2)
3. Directs the Secretary of State to provide for a method to receive service of process for new party recognition petition circulators to register. (Sec. 2)
4. Instructs the Secretary of State to provide a procedure for the registration of new party recognition petition circulators in the Election Procedures Manual. (Sec. 2)
5. Establishes a standard of review for the requirements relating to new party recognition petitions that must be strictly construed. (Sec. 3).
6. Requires the strict compliance of new party recognition petition circulators with related statutory requirements. (Sec. 3)
7. Makes technical changes. (Sec. 1)

Amendments

Committee on Municipal Oversight & Elections

1. Adds an emergency clause.

☐ 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 9-0-0-0

HB 2482: voter registration changes; text notice
Sponsor: Representative Parker B, LD 10
Caucus & COW

Overview

Establishes a voter registration alert system requiring the County Recorder to notify voters of changes to their voter registration record.

History

The County Recorder may cancel a voter's registration upon request of the voter, confirmation of the voter's death, court order or felony conviction. The County Recorder must notify a voter by forwardable mail that their registration has been canceled, reason for cancellation, qualifications of voters and instructions on registering to vote if qualified. Voter registrations canceled by the County Recorder must be maintained on the inactive voter list for four years following the cancellation date (A.R.S. §§ 16-165, 16-166).

Provisions

1. Requires the County Recorder, if the voter is subscribed to the voter registration alert system, to inform voters of registration changes via text message or email within 24 hours. (Sec. 1)
2. Requires the County Recorder to inform voters in writing within 10 days of changes to the voter's registration record if they have not opted for electronic voter registration alerts. (Sec.1)
3. Directs the County Recorder to include specified instructions to voters, including how to check one's voter registration record, with the written notice sent to voters. (Sec. 1)
4. Makes a technical change. (Sec. 1)

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

HB 2590: voter registration database; updates; counties
Sponsor: Representative Dunn, LD 25
Caucus & COW

Overview

Requires all of Arizona's counties to participate in the statewide voter registration database.

History

The Help America Vote Act of 2002 (HAVA) instructed each state to establish a *single, uniform, official, centralized, interactive computerized* statewide voter registration list. In 2019, the Secretary of State's office implemented the Access Voter Information Database (AVID), which serves as Arizona's current statewide voter registration database. 13 of Arizona's counties input and maintain their data directly through AVID while Maricopa and Pima operate and maintain their own independent systems that are interfaced with AVID. AVID is comprised of Arizona's statewide voter registration database, an election management system, address, precinct and precinct part management system and a public information portal (P.L. 107-252 § 303, A.R.S. § 16-168, 2023 EPM P.20).

Provisions

1. Mandates that all Arizona counties must participate in the statewide voter registration database. (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: NREW DP 5-4-0-0

HB 2008: commercial; industrial; conservation requirements; rules
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Requires, by January 1, 2025, the Director of the Arizona Department of Water Resources (ADWR) to adopt rules for each initial and subsequent active management area (AMA) for specified commercial and industrial water users.

History

The Groundwater Management Code (Code) was enacted in 1980 and established the statutory framework to regulate and control the use of groundwater. As part of the management framework, the Code initially designated four active management areas (AMAs) and two irrigation non-expansion areas (INAs) in areas of the state where groundwater overdraft was most severe. Currently there are six AMAs and three INAs. The AMAs are: Phoenix, Pinal, Prescott, Tucson, Santa Cruz and Douglas. The INAs are: Joseph City, Harquahala, and Hualapai Valley (A.R.S. §§ 45-411, 45-411.03, 45-431, 45-554)(ADWR) (SOS).

A person who plans to sell or lease subdivided lands in an AMA must apply for and obtain a certificate of assured water supply from the Director of ADWR before presenting the plat for approval to the municipality or county in which the land is located. For each AMA in which member lands or service areas are located, a multi-county water conservation district must replenish groundwater in an amount equal to the groundwater replenishment obligation for that AMA (A.R.S. §§ 45-576, 48-3771).

Provisions

1. Requires the Director of ADWR to adopt rules by January 1, 2025, for each initial and subsequent AMA for commercial and industrial water users within and outside the service area of a designated service provider that provide for greater water efficiency, conservation and on-site water reuse and recycling. (Sec. 1)
2. Prohibits the rules adopted by the Director of ADWR from requiring a commercial or industrial water user to obtain a certificate of assured water supply, enroll as member land in a multi-county water conservation district or otherwise meet a statutory replenishment obligation. (Sec. 1)

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

HB 2015: subsequent water management areas; basins
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Specifies that a groundwater basin or subbasin may be designated as an Active Management Area (AMA) or Irrigation Non-Expansion (INA) upon petition by 10% of registered voters who receive their drinking water from that groundwater basin or subbasin.

History

The Groundwater Management Code (Code) was enacted in 1980 and established the statutory framework to regulate and control the use of groundwater. As part of the management framework, the Code initially designated four active management areas (AMAs) and two irrigation non-expansion areas (INAs) in areas of the state where groundwater overdraft was most severe. Currently there are six AMAs and three INAs. The AMAs are: Phoenix, Pinal, Prescott, Tucson, Santa Cruz and Douglas. The INAs are: Joseph City, Harquahala, and Hualapai Valley (A.R.S. §§ 45-411, 45-411.03, 45-431, 45-554)(ADWR) (SOS).

Under current law, local landowners can petition:

1. their county board of supervisors to designate an AMA for one or more groundwater basins; or
2. the Arizona Department of Water Resources (ADWR) Director to designate an INA for one or more groundwater basins or sub-basins (A.R.S. §§ 45-415, 45-433).

Upon receipt of a petition, the ADWR Director must transmit to the county recorder of each county 1) the petition in which the groundwater basin or sub-basins are located for verification of signatures; 2) a map of the groundwater basin or sub-basins; and 3) all other factual data concerning the boundaries of the groundwater basin or sub-basins that may aid the county recorder in the determination of which registered voters of the county are residents of the groundwater basin or sub-basins (A.R.S.§§ 45-415, 45-433).

Any registered voter of a county whose residency in the groundwater basin is in question must be allowed to vote. The county recorder is required to verify the ballot for proper residency of the voter before counting. If the residency in the groundwater basin is not verified, the ballot must remain unopened and be destroyed (A.R.S. § 45-415).

Provisions

1. Adds that a groundwater basin or subbasin, not included within an initial AMA or INA, may be designated as an AMA or INA upon petition of 10% of registered voters who receive their drinking water from the groundwater basin or subbasin. (Sec. 1 and 2)
2. Requires the applicant for the petition to be a resident of the groundwater basin or subbasin and receive their drinking water from the groundwater basin or subbasins. (Sec. 1 and 2)
3. Instructs the ADWR Director to transmit to the county recorder all materials that can aid the country recorder in determining who are eligible voters or petitioners, including a map of the residences that receive drinking water from the groundwater basin or sub-basin. (Sec. 1 and 2)
4. Permits any registered voter of a county whose origin of their drinking water is in question to be allowed to vote. (Sec. 1)
5. Adds that the county recorder must verify the origin of the drinking water of the voter before counting. (Sec. 1)
6. Stipulates that if the origin of a residence's drinking water is not verified, the ballot must remain unopened and be destroyed. (Sec. 1)

7. States that if a groundwater basin is located in two or more counties, the petition must be signed by 10% of registered voters who receive their drinking water from the groundwater basin or subbasin. (Sec.1)
8. Adds that an INA can be designated an AMA on petition and election by the registered voters who reside in and who obtain drinking water from the groundwater basin that is or that includes the INA. (Sec. 3)
9. Contains technical and conforming changes. (Sec. 1-3)

Amendments

Committee on Natural Resources, Energy & Water

1. Requires any meeting initiated or hosted by ADWR to be held in the groundwater basin or subbasin subject to a subsequent AMA or INA designation.
2. States the ADWR Director must present the factual data in support of and in opposition to the proposed action.
3. Instructs the ADWR Director to explain to all interested stakeholders the potential impact of the subsequent AMA or INA designation.

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

HB 2062: assured water supply; certificate; model
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

An emergency measure that requires the Arizona Department of Water Resources (ADWR) to review the merits of an application for a certificate of assured water supply (Certificate) in the Phoenix active management area (AMA) and issue a new written determination of action within 15 days if certain criteria are met.

History

Currently, a person who plans to sell or lease subdivided lands in an AMA must apply for and obtain a Certificate from the ADWR Director before presenting the plat for approval to the city, town or county in which the land is located, where such is required, and before filing with the Arizona Department of Real Estate Commissioner a notice of intention to offer such lands for sale or lease (A.R.S. § 45-576).

An application for a Certificate must be filed by the current owner of the land that contains specified information and submit an initial $1,000 fee. The ADWR Director must issue a Certificate if the applicant demonstrates:

1. sufficient supplies of water are physically available to meet the estimated water demand of the subdivision;
2. sufficient supplies of water are continuously available to meet the estimated water demand of the subdivision;
3. sufficient supplies of water are legally available to meet the estimated water demand of the subdivision;
4. the sources of water are of adequate quality;
5. the applicant has the financial capability to construct adequate delivery, storage, and treatment works for the subdivision;
6. the proposed use of groundwater withdrawn within an AMA is consistent with the management plan in effect at the time of the application; and
7. the proposed use of groundwater withdrawn within an AMA is consistent with the achievement of the management goal (A.C.C. R12-15-704).

Provisions

1. Requires, on request of an eligible applicant, ADWR to review the merits of an application for a Certificate and issue a new written determination within 15 days if the application:
   a. is for a Certificate in the Phoenix AMA;
   b. was submitted on or after January 26, 2021 and by May 31, 2023; and
   c. has been denied as of the effective date of this legislation or the applicant has not received a Certificate. (Sec. 1)
2. Instructs ADWR to only use the 2006-2009 Salt River Valley regional model and any financial information submitted by the applicant to review the determination to grant a Certificate. (Sec. 1)
3. Requires ADWR, within 5 days after the effective date of this legislation, to notify all eligible applicants of the ability to have their determinations of assured water supply reviewed. (Sec. 1)
4. Allows eligible applicants to request that ADWR review their application within 90 days after the effective date of this legislation. (Sec. 2)
5. Contains a delayed repeal of January 1, 2025. (Sec. 1)
6. Contains an emergency clause. (Sec. 2)

Amendments

Committee on Natural Resources, Energy & Water

1. Clarifies the models and information that ADWR must use to review the determination to grant a Certificate.

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

HB 2184: brackish groundwater pilot program
Sponsor: Representative Smith, LD 29
Caucus & COW

Overview

Modifies the FY 2024 general appropriations act relating to the Brackish Groundwater Pilot Program (Pilot Program), administered by the Arizona Department of Water Resources (ADWR).

History

Brackish groundwater is groundwater with concentrations of total dissolved solids (TDS) of 1,000 to 10,000 milligrams per liter (mg/L). As background, TDS measures the combined content of all contaminants contained in drinking water. It is often considered a salinity measure because it captures the presence of dissolved inorganic salts like sodium, calcium, magnesium, chlorides, sulfates and bicarbonates. TDS levels are addressed under the National Secondary Drinking Water Regulations of the Safe Drinking Water Act. These regulations are not mandatory but serve as guidelines to help public water systems manage drinking water for aesthetic, cosmetic and technical considerations (42 U.S.C. § 300g-1)(40 C.F.R § 143.1)(40 C.F.R § 143.3).

Provisions

1. Allocates $2,000,000 of the Pilot Program for a demonstration program in Arizona rather than Arizona's active management areas. (Sec. 1)
2. Authorizes the Pilot Program to be located within the section of ADWR deemed to be most appropriate by the ADWR Director. (Sec. 1)
3. Allocates the remaining $9,000,000 for projects in Arizona rather than for AMAs that receive Central Arizona Project water. (Sec. 1)
4. Specifies that Central Arizona Project must receive $3 for every dollar it contributes to the Pilot Program for projects within AMAs. (Sec. 1)
5. Makes a technical change. (Sec. 1)

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

HB 2366: physical availability; review; designated providers
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Prohibits the Arizona Department of Water Resources (ADWR) Director from adopting rules to use the Pinal active management area (AMA) method of calculating the physical availability of groundwater to a municipality in the Phoenix AMA that has received a designation of assured water supply.

History

Currently, a person who plans to sell or lease subdivided lands in an AMA must apply and obtain a certificate of assured water supply (Certificate) from the ADWR Director before presenting the plat for approval to the municipality or county in which the land is located, where such is required, and before filing with the Arizona Department of Real Estate Commissioner a notice of intention to offer such lands for sale or lease (A.R.S. § 45-576).

A municipality or county may approve a subdivision plat only if the subdivider has obtained a Certificate from the ADWR Director or a written commitment of water service for the subdivision from a municipality or private water company with an assured water supply designation (A.R.S. § 45-576).

To modify an assured water supply designation in the Pinal AMA, the following must apply:

1. if the total volume of groundwater and stored water to be recovered outside the designated storage area does not exceed the previous designation's total volume minus the withdrawals and recoveries by the applicant since the previous designation:
    a. the AWR Director cannot review the physical availability of the water sources outside the storage area; and
    b. physical availability of water outside the storage area is not a valid objection;
2. the above conditions cannot affect the ADWR Director's review of assured water supply criteria other than the physical availability of groundwater and stored water outside the storage area; and
3. the following stored water sources are deemed physically available for assured water supply designation:
    a. stored water to be recovered within the storage area based on existing long-term storage credits; and
    b. stored water to be recovered within the storage area annually or as long-term storage credits earned in the future, meeting specified physical availability requirements (A.R.S. § 45-576.08).

Provisions

1. Prohibites the ADWR Director from using the Pinal AMA method of calculating the physical availability of groundwater to a municipality in the Phoenix AMA that has an assured water supply designation. (Sec. 1)
2. Requires the ADWR Director, within 30 days after the effective date of this legislation, to review the physical availability of groundwater and stored water of each municipality in the Phoenix AMA with an assured water supply designation. (Sec. 2)

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

HB 2368: transportation; groundwater; Douglas AMA
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Allows a private water company to annually withdraw groundwater from the Upper San Pedro Groundwater Basin for transportation to the Douglas active management area (AMA) in a specified amount for municipal purposes.

History

Currently, there are four groundwater basins and sub-basins (McMullen Valley basin, Butler Valley groundwater basin, Harquahala Irrigation Non-Expansion Area and Big Chino sub-basin) from which groundwater can be withdrawn and transported to AMAs. Transportation from these basins and sub-basins is subject to general limitations, including:

1) a municipal or private water company with Central Arizona Project water delivery subcontracts must use most of its entitlements before using transported water;
2) any property from which groundwater is withdrawn must remain free of noxious weeds;
3) only certain wells can be used to withdraw groundwater for transportation;
4) an entity transporting groundwater must pay annual transportation fees to the affected county; and
5) depending on the infrastructure utilized, transportation may be subject to the National Environmental Policy Act process (A.R.S. §§ 9-431 et seq., 42-15251 et seq., 45-556, 45-557, 45-558, 45-559, 42 U.S.C. § 4332 et seq.).

The Arizona Corporation Commission (ACC) regulates public service corporations, including non-municipal utilities that provide water for irrigation, fire protection and other public uses. The ACC issues certificates of convenience and necessity (Certificate) that authorize the corporation to provide a service in a certain geographic area (Constitution of Arizona, Article 15 §§ 2 and 3, A.R.S. § 40-281).

Provisions

11. Authorizes a private water company to annually withdraw groundwater from the Upper San Pedro groundwater basin for transportation to the Douglas AMA if:
    a) the groundwater is transported to the Douglas AMA for municipal purposes;
    b) the private water company or the private water company's predecessor in interest withdrew groundwater from the Upper San Pedro groundwater basin for transportation to the Douglas AMA for municipal purposes by September 30, 1992; and
    c) the private water company, on the effective date of this legislation, has a Certificate issued by the ACC to provide water service for a municipal purpose within the Douglas AMA. (Sec. 1)

12. Prohibits the total amount of groundwater that a private water company may annually transport from the Upper San Pedro groundwater basin to the Douglas AMA from exceeding the annual amount of groundwater that the private water company transported from the Upper San Pedro groundwater basin into the Douglas groundwater basin before December 1, 2022. (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: NREW DP 9-0-0-0

HB 2370: oxygenated fuel; federal approval; extension
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

An emergency measure extending the conditional enactment deadline that applies to a section of statute relating to Arizona's gasoline fuel reformulation regulations.

History

Under the Clean Air Act, the EPA established National Ambient Air Quality Standards for six common pollutants, including ozone and particulate pollution. Each state must adopt state implementation plans with measures to control emissions from all major sources in areas that do not comply with these standards. The EPA must approve these plans.

In 2017, legislation to allow a gasoline blend other than a gasoline-ethanol blend to be sold for motor vehicles in the Phoenix metropolitan area between November 1 and March 31 of each year was enacted. However, to become effective, the EPA needed to approve this change to the state implementation plan for air quality. The legislation included a conditional enactment with a deadline of July 1, 2022 for EPA approval. In 2022, the Arizona Legislature extended the deadline to July 1, 2024. This plan has yet to be approved by the EPA (Laws 2017, Ch. 295 § 3)(Laws 2022, Ch.177 § 12).

Provisions

1. Extends the conditional enactment deadline, from July 1, 2024 to July 1, 2027, that applies to a section of statute relating to Arizona's gasoline fuel reformulation requirements.
2. Provides that A.R.S. §3-3493 as amended in 2017 and 2022, does not become effective until EPA approves the fuel reformulations as outlined in that statute. (Sec. 1)
3. Requires the Arizona Department of Environmental Quality to notify Legislative Council in writing, by October 1, 2027, if the EPA approves the fuel formulation requirements. (Sec. 1)
4. Contains an emergency clause. (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: NREW DPA 5-4-0-0

HB 2589: assured water supply; analysis; availability
Sponsor: Representative Dunn, LD 25
Caucus & COW

Overview

Establishes criteria for the Arizona Department of Water Resources (ADWR) Director to accept an analysis of assured water supply (analysis) as a valid demonstration of physical availability of groundwater to meet the estimated demand of a proposed development.

History

A person proposing to develop land that will not be served by a designated provider may apply for an analysis before applying for a certificate of assured water supply (Certificate). An applicant for an analysis must be the owner of the land or have the written consent from the owner.

The ADWR Director must issue an analysis if an applicant demonstrates:

1. sufficient supplies of water are physically available to meet all or part of the estimated water demand of the development for 100 years;
2. sufficient supplies of water are continuously and legally available to meet the estimated water demand of the development for 100 years;
3. the proposed sources of water are of adequate quality;
4. any proposed groundwater use is consistent with the management plan in effect at the time of the application; or
5. any proposed groundwater use is consistent with the management goal (A.A.C. R12-15-703).

Provisions

1. Requires the ADWR Director to accept, for the purpose of issuing a Certificate, an analysis as a valid demonstration of physical availability for the volume of groundwater after reducing the volume of groundwater stated in the analysis by the amount of groundwater represented by all Certificates issued in reliance on the analysis, if the analysis:
   a. was issued by the ADWR Director by May 31, 2023;
   b. has not expired; and
   c. includes a determination of physical availability of groundwater. (Sec. 1)
2. Defines *analysis* to mean a determination by the ADWR Director that one or more criteria required for a Certificate have been demonstrated for a development. (Sec. 1)

Amendments

Committee on Natural Resources, Energy & Water

1. Requires the ADWR Director to issue a Certificate using the current water demand assumption rather than the water demand assumption used for the initial analysis.
2. Outlines water demand assumption calculations that would apply to further subdivision development in the service area of the designated provider.

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

HB 2119: homeowner's associations; fees; related parties
S/E: real property
Sponsor: Representative Hendrix, LD 14
Caucus & COW

Summary of the Strike-Everything Amendment to HB 2119

Overview

Prohibits an association from charging a fee related to transferring property between specified parties.

History

Current statute stipulates that a provision in a covenant, declaration or any other document relating to real property in this state is not binding or enforceable against the real property or any subsequent owner, purchaser or lienholder if it claims to:

1. bind successors in title to the specified real property; and
2. obligate the transferor or transferee of all or part of the property to pay a fee or other charge to a declarant or third person upon transfer of an interest in the property (A.R.S. § 33-442).

An *association* is defined as a nonprofit organization qualified under federal code or a nonprofit mandatory membership organization created pursuant to applicable laws, covenants or declarations and is composed of the owners of condominiums, cooperatives, homes or manufactured homes or other interest in real property (A.R.S. § 33-442).

Provisions

1. Prohibits an association from charging a fee related to statutory fees on real property between parties when the transfer of title has nominal or no consideration as outlined in statute except service fees authorized in any document to manage real property within the association. (Sec.1)
2. Makes a conforming change. (Sec. 1)

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

HB 2141: condominiums; interior improvements; approvals
Sponsor: Representative Hendrix, LD 14
Caucus & COW

Overview

Declares that a condominium association (Association) may not prohibit a unit owner from interior decorations including improvements that may disturb adjacent unit occupants.

History

A *condominium* is real estate where portions are designated for separate ownership and the remainder is designated for common ownership solely by the owners of the separate portions (A.R.S. § 33-1202).

Current statute allows the owner of a condominium unit to make any improvements or alterations to the unit that do not impair the mechanical systems or structural integrity or lessen the support of any part of the condominium. The unit owner is prohibited from making any changes to the appearance of the common elements or the exterior appearance of the unit without written permission of the Association (A.R.S. § 33-1221).

Provisions

1. Stipulates that an Association may not prohibit a unit owner from:
   a. altering or improving the interior of the unit in a manner that may disturb adjacent unit occupants if the unit owner purchases and installs any reasonably necessary materials, accessories or other adjustments that eliminate or minimize the potential disturbance; and
   b. using any type of decoration on the interior of the unit. (Sec. 1)
2. Makes technical changes. (Sec. 1)

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

HB 2308: occupational licenses; criminal offense; prohibition
Sponsor: Representative Grantham, LD 14
Caucus & COW

Overview

Regulates the basis by which an occupational or professional licensing board or health profession regulatory board may deny, suspend or revoke a license, registration or certificate for a prior criminal offense. Grants a person the right to file a petition with the Governor's Regulatory Review Council (Council) if a board denies that person a license based on a prior criminal offense that is unrelated to the profession.

History

Before filing a rule with the Secretary of State, a state agency must obtain approval from the Council (A.R.S. § 41-1052). The Council reviews Arizona regulations to ensure that they are necessary and to avoid duplication and adverse impact on the public. If an Arizona regulation does not meet the Council's criteria, the Council can return it to the agency for further consideration (Governor's Regulatory Review Council). Statute requires state agencies to limit occupational regulations to those that are demonstrated to be necessary to specifically fulfill a concern for public health, safety or welfare. State law also prohibits agencies from denying a regular or provisional occupational license to someone who is otherwise qualified but who has been convicted of a drug offense. Occupational licenses include permits, certificates, approvals, registrations, charters or any similar form of permission that allows an individual to use an occupational title or perform work in a lawful occupation (A.R.S. §§ 41-1093.01, 41-1093.06).

Provisions

1. Allows a person to file a petition with the Council to request a review of an occupational or professional licensing board's or health profession regulatory board's denial, suspension or revocation of a license, registration or certificate for a prior criminal offense. (Sec. 1, 4)
2. Specifies that the petition submitted to the Council cannot exceed five double-spaced pages. (Sec. 1)
3. Instructs the Council, on receipt of a properly submitted petition, to review the denial, suspension or revocation and independently determine whether the offense meets specified criteria. (Sec. 1)
4. Specifies that an occupational or professional licensing board or a health profession regulatory board is prohibited from denying, suspending or revoking a license, registration or certificate for an applicant's, licensee's, registrant's or certificate holder's prior criminal offense unless:
    a. the offense is substantially related to the occupation; or
    b. approving or not imposing disciplinary action against the license, registration or certificate would pose a reasonable threat to public health and safety. (Sec. 1-4)
5. Defines *health profession regulatory board*, *reasonable threat* and *substantially related*. (Sec. 1, 4)
6. Makes technical and conforming changes. (Sec. 1-3)

Amendments

Committee on Regulatory Affairs

1. Removes language pertaining to a board's denial of an occupational license for a prior drug conviction.
2. Clarifies that this act does not impact a person's right to petition an agency for a criminal record review or an agency's requirement to determine whether a person's criminal record disqualifies them from obtaining a license, permit, certificate or other state recognition.

☐ 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 5-0-0-1

HB 2328: mobile food vendors; operation; rules
Sponsor: Representative Payne, LD 27
Caucus & COW

Overview

Authorizes *mobile food vendors* to operate on private property in a residential area with restrictions and details regulatory requirements by cities, towns and counties.

History

Statute allows a city or town, by resolution or ordinance, to restrict *mobile food vendors* from operating at public airports, public transit facilities, areas zoned for residential use or within 250 feet of properties zoned for residential use. A city or town may enact and enforce regulations and zoning codes on mobile food units and mobile food vendors if not prohibited by law.

A city or town is prohibited from all of the following as it relates to mobile food vendors and mobile food units:

1) requiring mobile food vendors to apply for a special permit that is not required for other temporary or mobile vending businesses in the same zoning district;
2) requiring mobile food vendors to operate a specific distance from commercial establishments or restaurants, unless building, fire, street and sidewalk codes are applicable;
3) prohibiting mobile food vendors from using a legal parking space, including metered parking, except to restrict the number of spaces, vehicle size, parking duration and occupying sites with insufficient parking capacity as set by local zoning ordinances or federal law; and
4) requiring mobile food units to be inspected by the fire department before operation if the unit passed another fire inspection in another city or town within the past 12 months. (A.R.S. § 9-485.01)

A mobile food unit's individual state license is designated into one of three classifications or categories, depending on the food dispensed and the way it is handled. The classifications and categories are:

1) Type 1 mobile food units, which dispense commercially processed food, individually packaged foods and frozen foods that require time and temperature control for safety;
2) Type 2 mobile food units, which dispense food that requires limited handling and preparation; and
3) Type 3 mobile food units, which prepare, cook, hold and serve food. (A.A.C. R9-8-110).

A similar bill was introduced in the 56th Legislature, 1st Regular Session and was vetoed by the Governor (HB 2094 now: mobile food vendor; operation; rules).

Provisions

1. Permits a *mobile food vendor* to operate on private residential property of the property owner, the tenant with a minimum one-year lease or a trustee of a living trust, if the vendor receives written permission and:
   a) the property owner remains on-site while the vendor operates;
   b) the vendor does not serve the general public;
   c) the vendor is not the property owner, the spouse or trustee of the property owner. (Sec. 1)
2. Prohibits a vendor from operating between the hours of 10:00 p.m. and 6:00 a.m. (Sec. 1)

3. Directs the vendor to remove trash and other items from the residential property. (Sec. 1)

4. Limits the fees a city or town may charge a vendor at:
   a) not more than $150 annually to operate at a fixed location if the city or town issues a location-based license or permit to the vendor;
   b) not more than $150 annually for each mobile food unit if the vendor does not operate the mobile food unit at a fixed location. (Sec. 1)

5. Permits a city or town to additionally charge fees related to municipal zoning. (Sec. 1)

6. Prohibits a county board of supervisors or the state Department of Health Services (DHS) from requiring generators to be permanently affixed to the mobile food unit. (Sec. 2, 3)

7. Instructs the director of DHS to adopt rules for licensing standards that allow a mobile food unit to request an exemption from the commissary or other servicing area requirements if the mobile food unit is already sufficiently equipped to meet the health and safety standards without a commissary or other servicing area. (Sec. 3)

8. Allows DHS to designate licensing inspections for a mobile food unit without a commissary or servicing area agreement to the county health department where the vendor resides. (Sec. 3)

9. Clarifies that a city, town or county is not precluded from requiring licensure for a mobile food vendor if the licensing system requires a fingerprint clearance card issued by the Arizona Department of Public Safety. (Sec. 3)

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

Amendments

Committee on Regulatory Affairs

1. Requires the mobile food vendor to park on-site at the residential property, unless otherwise allowed by ordinance.

☐ 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 4-2-0-0

HB 2470: planned communities; authority; public roadways
Sponsor: Representative McGarr, LD 17
Caucus & COW

Overview
Prescribes that a homeowners' association has no authority over a roadway after it transfers ownership of community roadways from the declarant to a governmental entity.

History
After the period of declarant control for any planned community that has a declaration recorded after December 31, 2014, an association does not have authority over and may not regulate any roadway for which the ownership has been dedicated to or otherwise held by a governmental authority (A.R.S. § 33-1818).

Laws 2023, Chapter 84 expands upon statute relating to community authority over public roadways and stipulates that existing regulations continue in effect until either:

1) the planned community calls a member meeting on the question of whether to continue to regulate public roadways and it is approved; or
2) if the vote fails or if the planned community does not hold a vote of the membership, the planned community no longer has authority to regulate public roadways in the planned community.

Provisions

1. Applies statute relating to community authority over public roadways to all planned communities. (Sec. 1)
2. States that an association has no authority over any roadway after a governmental entity accepts the transfer of ownership of community roadways from the declarant. (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 4-2-0-0

HB 2471: rulemaking; legislative approval
Sponsor: Representative McGarr, LD 17
Caucus & COW

Overview
Requires the approval process for any new rulemaking to be by a majority vote of the Legislature after being approved by the Governor's Regulatory Review Council (Council).

History
Statute prohibits state agencies from conducting rulemaking without prior written approval of the Governor. State agencies may not adopt any new rule that would increase existing regulatory burdens on the free exercise of property rights or the freedom to engage in lawful business or occupation unless: 1) the rule reduces regulatory restraints or burdens; or 2) is necessary to implement statutes or is required by a final court order or decision (A.R.S. §§ 41-1038, 41039).

Prior to submitting rulemaking to the Council, state agencies must hold a public comment period and receive final written approval from the Governor. The Council cannot consider rules submitted by state agencies without receiving the Governor's initial and final approval of the rulemaking. Additionally, state agencies must also recommend three rules for the Governor to eliminate for every additional rule requested. Rules that are necessary to secure or maintain assumption of federal regulatory programs, comply with an auditor general recommendation or address a new statutory requirement are exempt from consideration. State agencies additionally may not publicize any directives, policy statements, documents or forms on its website unless authorized by statute or rule (A.R.S. § 41-1039).

The Council is comprised of seven members appointed by the Governor. Their primary responsibilities are reviewing new rules or amendments proposed by state agencies and reviewing existing agency rules every five years on a rotating basis to determine if they are still necessary and effective.

Provisions
1. Requires the Council to submit any regular, expedited, informal, formal, emergency or exempt rulemaking to the Legislature for final approval. (Sec. 1)
2. States that the rule becomes effective upon receiving a majority vote in each chamber, and if the rule fails to receive a majority vote in both chambers, the rule does not become effective. (Sec. 1)
3. Makes technical changes. (Sec. 1)

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

HB 2509: behavioral health; temporary licensure; graduates
Sponsor: Representative Gress, LD 4
Caucus & COW

Overview

Instructs the State Board of Behavioral Health Examiners (Board) to issue a temporary license to a person who has met specified criteria. States that the temporary license will allow the person to perform activities related to behavioral health under qualified supervision.

History

An applicant for licensure by the Board must meet the following requirements:

1) submit an application as prescribed by the Board;
2) be at least 21 years of age;
3) pay all applicable fees prescribed by the Board;
4) have the physical and mental capability to engage in the practice of behavioral health safely and competently;
5) not have committed any act or engaged in any conduct that would constitute grounds for disciplinary action against a licensee;
6) not have had a professional license or certificate refused, revoked, suspended or restricted for reasons that relate to unprofessional conduct;
7) not have voluntarily surrendered a professional license or certificate while under investigation for reasons that relates to unprofessional conduct; and
8) not have a complaint, allegation or investigation pending that relates to unprofessional conduct (A.R.S. § 32-3275).

Provisions

1. Directs the Board to issue a temporary license to a person who:
   a) has graduated;
   b) has completed a course of study from a regionally accredited institution of higher education in social work, counseling, marriage and family therapy or substance abuse counseling; and
   c) is in the process of applying for an associate level license. (Sec. 1)
2. Requires the person's activities to be performed under the qualified supervision of a person who provided direct supervision during the course of study or internship. (Sec. 1)
3. Specifies that the temporary licensure is valid for 90 days after the person's date of graduation. (Sec. 1)
4. States that the person can apply any direct client contact work experience obtained during the temporary licensure time frame toward the person's direct client contact work experience licensure requirements. (Sec. 1)

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

HB 2048: Arizona wine trail special plates
Sponsor: Representative Bliss, LD 1
Caucus & COW

Overview
Establishes the Arizona Wine Trail Special Plate and Fund.

History
The Arizona Department of Transportation (ADOT) is required to provide every vehicle owner one license plate for every vehicle registered upon application and payment of fees (A.R.S. § 28- 2351). Statute requires ADOT to issue or renew special plates according to specified requirements (A.R.S. § 28-2403). An initial and annual renewal fee of $25 is required for the special plate in addition to the vehicle registration fees. Of the $25 special plate fee, $8 is an administrative fee and $17 is an annual donation (A.R.S. §§ 28-2402, 2404). Special plates require a standard $32,000 implementation fee.

All license plates, including special plates, that are designed or redesigned after September 24, 2022, are required to have: 1) the background color of the license plate contrast significantly with the color of the letters and numerals and the name of the state on the license plate; and 2) the name of the state appear on the license plate in capital letters in sans serif font with a height of three-fourths of an inch (A.R.S. § 28-2351).

Provisions
1. Establishes the Arizona Wine Trail Special Plate and Fund if a person pays $32,000 to ADOT by December 31, 2024. (Sec. 3)
2. Requires the person who provides the $32,000 to design the Arizona Wine Trail Special Plate. (Sec. 3)
3. States that the design and color of the Arizona Wine Trail Special Plate are subject to the approval of ADOT. (Sec. 3)
4. Allows the Director of ADOT (Director) to combine requests for the Arizona Wine Trail Special Plate with requests for personalized special plates and subjects the request to additional fees. (Sec. 3)
5. Stipulates that of the $25 fee for the Arizona Wine Trail Special Plate, $8 is an administration fee and $17 is an annual donation. (Sec. 3)
6. Requires ADOT to deposit all Arizona Wine Trail Special Plate administration fees into the state Highway Fund and all donations into the Arizona Wine Trail Special Plate Fund (Fund). (Sec. 3)
7. Directs the first $32,000 in the Fund to be reimbursed to the person who paid the implementation fee. (Sec. 3)
8. Tasks the Director with administering the Fund. (Sec. 3)
9. Asserts that no more than 10% of monies in the Fund may be used for the cost of administering the Fund. (Sec. 3)
10. Stipulates that monies in the Fund are continuously appropriated. (Sec. 3)
11. Requires the Director to annually allocate monies from the Fund to an entity that is qualified under section 501(c)(3) of the United States Internal Revenue Code for federal income tax purposes that:

a) has more than 20 winery members located in a designated American Viticultural Area in the north-central region of this state that has vineyards that are examples of sustainable practices making grapes an even more efficient water crop; and
b) encourages continued growth of the Viticultural Area by promoting water-friendly vineyard development and helping industry professionals play a more prominent role in advocating for responsible drinking. (Sec. 3)

12. Directs the State Treasurer, on notice from the Director, to invest and divest Fund monies and states that monies earned from investment must be credited to the Fund. (Sec. 3)

13. Makes technical and conforming changes. (Sec. 1-2, 4-6)

Amendments

Committee on Transportation & Infrastructure

1. Changes the name of the Arizona Wine Trail Special Plate and Fund, to be known as the *Northern* Arizona Trail Special Plate and Fund.

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

HB 2522: defensive driving schools; fees
Sponsor: Representative Peña, LD 23
Caucus & COW

Overview

Requires the court of record, rather than the defensive driving school, to collect the Defensive Driving School Fund fee, court diversion fee and surcharge.

History

The presiding judges of each court must:

1) set the amount of the court diversion fee that an individual, including a commercial driver's license holder, who attends a defensive driving school may be assessed; and
2) charge an individual a $45 surcharge if they attend a defensive driving school.

Payment of a court diversion fee and surcharge is in lieu of a civil penalty or criminal fine and any surcharge imposed for a traffic violation.

The driving school is required to collect the court diversion fee and surcharge before or at the time an individual attends the school. After receiving the diversion fee, the defensive driving school must transmit the fee to the appropriate court. After receiving the surcharge, the school must transmit the surcharge to the State Treasurer. The first $10,400,000 of annual surcharge revenue is required to go to the Department of Public Safety Forensics Fund. The remaining monies go to the state General Fund (A.R.S. § 28-3396).

In addition to the court diversion fee and the fee for the cost of attending a defensive driving school, a person attending a defensive driving school as prescribed by statute or by a court order must pay a Defensive Driving School Fund (Fund) fee of not more than $15 that is established by the Supreme Court.

The defensive driving school must collect the Fund fee and the fee, if any, charged by the school for the course. The defensive driving school must transmit the Fund fee to the Supreme Court which will deposit the fee into the Fund (A.R.S. § 28-3397).

Provisions

1. Makes it so the court of record, rather than the defensive driving school, collects the court diversion fee, surcharge and Fund fee. (Sec. 1-2)
2. Requires the court of record, instead of the defensive driving school, to transmit the surcharge to the State Treasurer. (Sec. 1)
3. Requires the court of record, rather than the defensive driving school, to transmit the Fund fee to the Supreme Court. (Sec. 2)
4. Removes language that required the defensive driving school to transmit the diversion fee to the appropriate court. (Sec. 1)
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 2203: public retirement plans; liabilities; administration
Sponsor: Representative Livingston, LD 28
Caucus & COW

Overview

Transfers the total amount of assets to cover the accrued liability from a previous employer under the Public Safety Personnel Retirement System (PSPRS) to the subsequent employer under the same retirement plan leaving any unfunded or overfunded amounts with the employer in which it was incurred. Exempts all trust funds administered by the board from becoming abandoned or unclaimed property and allows participants in the defined contribution plan to take loans on accumulated assets in their annuity account.

History

PSPRS was established in 1968 as a uniform, consistent and equitable statewide program for public safety personnel who are regularly assigned hazardous duty in the employ of Arizona or a political subdivision. This program provides for municipal firemen and policemen, employees of the Arizona highway patrol and other public safety personnel in Arizona (A.R.S. § 38-841).

The Arizona Department of Administration and the Treasurer of each county and participating city and town transfer to the board the employer contributions provided within 10 working days after each payroll date. For each day that the contributions are late, there is currently a 10 percent penalty per annum, compounded daily (A.R.S. § 38-840.04).

If a member's employment is terminated with an employer and participates with PSPRS, the total liability under the system associated with the member's service with the employer remains with the employer (A.R.S. § 38-843).

A.R.S. § 38-867 prohibits participants in the PSPRS defined contribution plan from taking loans on any portion of the accumulated assets in the participant's annuity account.

Provisions

1. Requires the transfer of the total amount of assets to cover the accrued liability earned from a previous employer to the subsequent employer, in the case that the member transfers from one employer to another under PSPRS and leaves any unfunded or overfunded amounts with the employer in which it was incurred. (Sec. 2, 6)
2. Modifies the penalty for late contributions to be compounded annually. (Sec. 1)
3. Exempts all trust funds administered by the board from becoming abandoned or unclaimed property. (Sec. 3)
4. Mandates the board to adopt policies for monies presumed to be abandoned, including requirements for the notification of the presumed owner and for distributing the monies if the owner establishes an entitlement in the monies. (Sec. 3)
5. Classifies monies in the retirement plans and system administered by the board as abandoned for two years after:
   a) the date of the distribution or attempted distribution of the monies;

b) the date of the required distribution as stated in the plan of the trust agreement that governs the plan; or
c) if determinable by the holder, the date specified in the income tax laws of the United States by which distribution of the monies must begin in order to avoid a tax penalty. (Sec. 3)

6. Allows a participant of the defined contribution plan to take loans on any amount of the accumulated assets in their annuity account with IRS limits. (Sec. 4)
7. Expands the definition of *eligible group* under the 401a supplemental plan to include the elected officials' defined contribution retirement system and the public safety personnel defined contribution retirement plan. (Sec. 7)
8. Contains a retroactivity clause. (Sec. 9)
9. Makes technical and conforming changes. (Sec. 1-6, Sec. 8)

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

HB 2378: continuation; PSPRS
Sponsor: Representative Carter, LD 15
Caucus & COW

Overview
Continues the Public Safety Personnel Retirement System (PSPRS) through July 1, 2030.

History
PSPRS was established in 1968 as a uniform, consistent and equitable statewide program for public safety personnel who are regularly assigned hazardous duty in the employ of Arizona or a political subdivision. This program provides for municipal firemen and policemen, employees of the Arizona highway patrol and other public safety personnel in Arizona (A.R.S. § 38-841).

The House Ways & Means Committee of Reference (COR) met on January 10, 2024, to consider PSPRS's response to the sunset factors and receive public testimony. The COR recommended that PSPRS be continued. Currently, PSPRS is set to terminate on July 1, 2024 unless legislation is enacted for its continuation (A.R.S. § 41-3024.27).

Provisions
1. Continues PSPRS through July 1, 2028. (Sec. 2)
2. Contains a purpose statement. (Sec. 3)
3. Contains a retroactivity clause. (Sec. 4)
4. Makes conforming changes. (Sec. 1)

Amendments
Committee on Ways & Means
1. Continues PSPRS through July 1, 2030.

☐ 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 10-0-0-0

HB 2381: non-contiguous county island fire districts
Sponsor: Representative Carter, LD 15
Caucus & COW

Overview

Permits a fire district to include unincorporated parcels within a city's or town's municipal planning area if the parcel is contiguous with the city's or town's boundaries or contiguous with the existing district formed.

History

A.R.S. § 48-262 outlines the procedures which a fire district, community park maintenance district or sanitary district must follow to change its boundaries.

Fire districts, through their boards, are given certain procedures and abilities that it must abide by. Currently, a fire district, through its board, may expand its boundaries to include unincorporated parcels within a city's or town's municipal planning area with the permission of the city or town (A.R.S. § 48-853).

Provisions

1. Removes, for fire districts, the requirement for a proposed annexation to be contiguous with the districts' existing boundary. (Sec. 1)
2. Permits a fire district, through its board, to include unincorporated parcels within a city's or town's municipal planning area if the parcel is contiguous with the city's or town's boundaries or contiguous with the existing district formed and with the permission of the city or town. (Sec. 1)
3. Makes technical changes. (Sec. 1)

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

HB 2382: TPT; sourcing; validation
Sponsor: Representative Carter, LD 15
Caucus & COW

Overview

Requires the Department of Revenue (DOR) to establish and maintain a taxpayer assistance team (Team) to ensure taxpayers are sourcing the transaction to the correct jurisdiction, levying the correct transaction privilege tax (TPT) rate and outlines duties of the Team.
Requires DOR to establish a process for a third-party provider that offers sourcing services to taxpayers to become certified in Arizona. Requires the Director to establish minimum standards for certification, ensure that those standards are being complied with and post a list of the certified third-party service providers on the DOR website. Provides that a taxpayer using a certified third-party service provider is not liable for failing to pay the correct amount of tax due to an error in sourcing the transaction.

Requires DOR, on or before December 31, 2024, to conduct a taxpayer education campaign and obtain feedback from remote sellers and marketplace facilitators and other TPT license holders located in unincorporated areas of a county on issues related to sourcing and levying the correct tax rate. Requires DOR, on or before March 31, 2025, to submit a report on the taxpayer education campaign and the feedback received to the Governor, Senate President, Speaker of the House of Representatives and the Secretary of State.

History

Current law provides for the licensing, renewal and revocation of state and municipal TPT licenses but excludes any taxpayer assistance (A.R.S. § 42-5005).

Provides that retail sales of tangible personal property be sourced to the seller's business location if the seller receives the order at a business location in Arizona (A.R.S. § 42-5040).

Provisions

1. Requires DOR to establish and maintain a Team to ensure taxpayers are sourcing transactions to the correct jurisdiction and levying the correct TPT rate. (Sec. 1)
2. Requires the Team to conduct a verification on a random sample of TPT licensees to ensure the correct TPT rate and source of the transaction is accurate. (Sec. 1)
3. Requires the Team to notify the taxpayer if they are levying an incorrect rate or sourcing a transaction incorrectly and provide resources to assist the taxpayer in correcting these mistakes. (Sec. 1)
4. Adds language to further define the sourcing for retail sales of tangible personal property and a seller's business location. (Sec. 2)
5. Requires DOR, on or before January 1, 2026, to establish a process for a third-party provider that offers sourcing services to become certified in Arizona. (Sec. 2)
6. Requires a certified third-party service provider to meet all requirements established by DOR. (Sec. 2)
7. Requires the Director to:
   a) supervise and regulate certified third-party providers;
   b) establish minimum standards for certification and a quality assurance program;
   c) post a list of the certified third-party service providers on the DOR website; and
   d) adopt rules to administer and enforce this section of law. (Sec. 3)

8. Allows the Director to investigate and audit certified third-party service providers and to require them, their employees or agents to be certified by DOR. (Sec. 3)
9. Allows a person to apply to be a certified third-party service provider on a form prescribed by DOR that includes specific minimum required information. (Sec. 3)
10. Allows a taxpayer to use a certified third-party service provider to assist in sourcing transactions. (Sec. 3)
11. States that a taxpayer that uses a certified third-party service provider for sourcing of transactions involving tangible personal property is not liable for incorrectly reporting the correct amount of tax due to an error in sourcing the transaction. (Sec. 3)
12. Requires DOR, on or before December 31, 2024, to conduct a taxpayer education campaign and obtain feedback from remote sellers and marketplace facilitators and other TPT license holders located in unincorporated areas of a county on issues related to sourcing and levying the correct tax rate. (Sec. 4)
13. Requires DOR, on or before March 31, 2025, to submit a report on the taxpayer education campaign and the feedback received to the Governor, Senate President, Speaker of the House of Representatives and the Secretary of State. (Sec. 4)

Amendments

Ways & Means Committee

1. Ensures the information obtained by the Team will not be used for enforcement purposes. (Sec. 1)

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