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

CAUCUS AGENDA

February 20, 2024

Bill Number	Short Title	Committee	Date	Action

Committee on Appropriations

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

HB 2735(BSI) ABOR; course approval; accounting system
SPONSOR: GRANTHAM, LD 14 HOUSE
APPROP 2/14/2024 DP (10-5-2-0)
(No: DE LOS SANTOS, GUTIERREZ, SCHWIEBERT, STAHL HAMILTON, AUSTIN Present: BLATTMAN, QUIÑONEZ)

Committee on Commerce

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

HB 2197(BSI) minimum wage; minor league baseball
SPONSOR: BIASIUCCI, LD 30 HOUSE
COM 1/16/2024 DPA (6-4-0-0)
(No: AGUILAR, ORTIZ, SUN, AUSTIN)

HB 2252(BSI) professional employer organization; repeal
SPONSOR: WILMETH, LD 2 HOUSE
COM 2/13/2024 DP (10-0-0-0)

HB 2570(BSI) planning; home design; restrictions; prohibition
SPONSOR: BIASIUCCI, LD 30 HOUSE
COM 1/30/2024 DP (8-1-1-0)
(No: GRESS Present: HENDRIX)

HB 2592(BSI) unemployment insurance; benefit amounts; definition
SPONSOR: CARBONE, LD 25 HOUSE
COM 2/13/2024 DP (6-4-0-0)
(No: AGUILAR, ORTIZ, AUSTIN, LIGUORI)

HB 2599(BSI) health care appeals
SPONSOR: LIVINGSTON, LD 28 HOUSE
COM 2/13/2024 DPA (10-0-0-0)

HB 2648(BSI) motor vehicle manufacturers; TPT; exemption
SPONSOR: MARTINEZ, LD 16 HOUSE
COM 2/13/2024 DPA/SE (9-0-1-0)
(Present: LIGUORI)

HB 2734(BSI) affordable housing; parking requirements; prohibition
SPONSOR: ORTIZ, LD 24 HOUSE
COM 2/13/2024 FAILED (4-5-1-0)
(No: CARTER, CARBONE, GRESS, HEAP, HENDRIX Present: WILMETH)
COM 2/13/2024 DPA/SE ON RECON (9-1-0-0)
(No: HEAP)

HB 2861(BSI) condominiums; terminations
SPONSOR: SCHWIEBERT, LD 2 HOUSE
COM 2/13/2024 DP (10-0-0-0)

HB 2885(BSI) apprenticeship; supervised probation
SPONSOR: HERNANDEZ A, LD 20 HOUSE
COM 2/13/2024 DP (10-0-0-0)

Committee on Education

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

HB 2218(BSI) public schools; student discipline; absenteeism
SPONSOR: TERECH, LD 4 HOUSE
ED 2/13/2024 DP (10-0-0-0)

HB 2484(BSI) schools; health care services; posting
SPONSOR: PARKER B, LD 10 HOUSE
ED 2/13/2024 DPA (6-4-0-0)
(No: GUTIERREZ, PAWLIK, SCHWIEBERT, TERECH)

HB 2675(BSI) school report cards; letter grades
SPONSOR: PINGERELLI, LD 28 HOUSE
ED 2/13/2024 DP (6-3-1-0)
(No: GUTIERREZ, PAWLIK, TERECH Present: SCHWIEBERT)

HB 2699(BSI) internet safety instruction; public schools
SPONSOR: MARTINEZ, LD 16 HOUSE
ED 2/13/2024 DPA (6-4-0-0)
(No: GUTIERREZ, PAWLIK, SCHWIEBERT, TERECH)

HB 2760(BSI) Holocaust education study committee
SPONSOR: HERNANDEZ A, LD 20 HOUSE
ED 2/13/2024 DP (10-0-0-0)

HB 2779(BSI) Holocaust education; instruction requirements
SPONSOR: MARSHALL, LD 7 HOUSE
ED 2/13/2024 DP (8-2-0-0)
(No: GUTIERREZ, PAWLIK)

HB 2793(BSI) school policies; internet; wireless devices
SPONSOR: PINGERELLI, LD 28 HOUSE
ED 2/13/2024 DP (6-4-0-0)
(No: GUTIERREZ, PAWLIK, SCHWIEBERT, TERECH)

Committee on Government

Chairman: Timothy M. Dunn, LD 25 **Vice Chairman:** John Gillette, LD 30

Analyst: Stephanie Jensen **Intern:** Ada Cawood

HB 2168(BSI) technical correction; conservation easements; applicability
SPONSOR: DUNN, LD 25 HOUSE
GOV 2/14/2024 DPA/SE (7-0-0-2)
(Abs: MONTENEGRO, PESHLAKAI)

HB 2169(BSI) barbering, cosmetology, massage therapy; consolidation
SPONSOR: DUNN, LD 25 HOUSE
GOV 2/14/2024 DPA (6-2-1-0)
(No: PESHLAKAI, HODGE Present: JONES)

HB 2213(BSI) governmental entities; proxy voting; prohibition
SPONSOR: LIVINGSTON, LD 28 HOUSE
GOV 2/14/2024 DP (7-2-0-0)
(No: HERNANDEZ L, VILLEGAS)

HB 2375(BSI) guaranteed income program; prohibition
SPONSOR: DIAZ, LD 19 HOUSE
GOV 2/14/2024 DP (5-4-0-0)
(No: HERNANDEZ L, PESHLAKAI, VILLEGAS, HODGE)

HB 2384(BSI) development requests; expedited processing
SPONSOR: LIVINGSTON, LD 28 HOUSE
GOV 2/14/2024 DP (7-2-0-0)
(No: HERNANDEZ L, VILLEGAS)

HB 2427(BSI) active management areas; technical correction
SPONSOR: DUNN, LD 25 HOUSE
GOV 2/14/2024 DPA/SE (9-0-0-0)

HB 2481(BSI) open meetings; public body; legislature
SPONSOR: PARKER B, LD 10 HOUSE
GOV 2/14/2024 DP (6-3-0-0)
(No: PESHLAKAI, VILLEGAS, HODGE)

HB 2506(BSI) foreign agents; registration; attorney general
SPONSOR: GRESS, LD 4 HOUSE
GOV 2/14/2024 DPA (8-0-1-0)
(Present: VILLEGAS)

HB 2720(BSI) accessory dwelling units; requirements.
SPONSOR: CARBONE, LD 25 HOUSE
GOV 2/14/2024 DP (6-3-0-0)
(No: HERNANDEZ L, PESHLAKAI, VILLEGAS)

HB 2767(BSI) emergency management assistance; reimbursement
SPONSOR: BLISS, LD 1 HOUSE
GOV 2/14/2024 DP (9-0-0-0)

Committee on Health & Human Services

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

HB 2323(BSI) DCS; specialty medical evaluations
SPONSOR: PAYNE, LD 27 HOUSE
HHS 2/12/2024 DP (5-4-1-0)
(No: CONTRERAS P, GUTIERREZ, HERNANDEZ A, MATHIS Present: WILLOUGHBY)

HB 2444(BSI) grievance process; payment methods; report
SPONSOR: MONTENEGRO, LD 29 HOUSE
HHS 2/12/2024 DPA (9-0-0-1)
(Abs: HERNANDEZ A)

HB 2446(BSI) dietitian nutritionists; licensure
SPONSOR: MONTENEGRO, LD 29 HOUSE
HHS 2/12/2024 DPA (7-2-0-1)
(No: GRESS, PARKER B Abs: HERNANDEZ A)

HB 2502(BSI) SNAP; mandatory employment; training
SPONSOR: BIASIUCCI, LD 30 HOUSE
HHS 2/12/2024 DP (6-4-0-0)
(No: CONTRERAS P, GUTIERREZ, HERNANDEZ A, MATHIS)

HB 2503(BSI) SNAP; waivers; exemptions
SPONSOR: BIASIUCCI, LD 30 HOUSE
HHS 2/12/2024 DP (6-3-0-1)
(No: CONTRERAS P, GUTIERREZ, MATHIS Abs: HERNANDEZ A)

HB 2653(BSI) long-term care; reporting; monitoring; injury
SPONSOR: NGUYEN, LD 1 HOUSE
HHS 2/12/2024 DPA (8-0-1-1)
(Abs: WILLOUGHBY Present: CONTRERAS P)

HB 2704(BSI) foster youth permanency project team
SPONSOR: GRESS, LD 4 HOUSE
HHS 2/12/2024 DP (8-1-0-1)
(No: PARKER B Abs: HERNANDEZ A)

Committee on Judiciary

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

HB 2076(BSI) domestic violence; definition; animal abuse
SPONSOR: PARKER B, LD 10 HOUSE
JUD 2/14/2024 DP (8-0-0-1)
(Abs: BIASIUCCI)

HB 2177(BSI) jury; parental rights; termination
SPONSOR: PAYNE, LD 27 HOUSE
JUD 2/14/2024 DP (6-2-1-0)
(No: CONTRERAS L, ORTIZ Present: HERNANDEZ M)

HB 2241(BSI) bestiality; visual depiction; minors
SPONSOR: WILLOUGHBY, LD 13 HOUSE
JUD 1/24/2024 DPA (5-3-0-1)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ Abs: KOLODIN)

HB 2638(BSI) litigation; financing; consumer protection; enforcement
SPONSOR: GRANTHAM, LD 14 HOUSE
JUD 2/14/2024 DPA (5-4-0-0)
(No: HERNANDEZ M, KOLODIN, ORTIZ, MARSHALL)

HB2727(BSI) firearms; merchant category codes; prohibition
SPONSOR: NGUYEN, LD 1 HOUSE
JUD 2/14/2024 DPA/SE (6-3-0-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ)

HB 2742(BSI) aggravated assault; transit; airport; rail
SPONSOR: HERNANDEZ C, LD 21 HOUSE
JUD 2/14/2024 DPA (8-1-0-0)
(No: ORTIZ)

HB 2819(BSI) carrying firearms; minors; exception; consent
SPONSOR: NGUYEN, LD 1 HOUSE
JUD 2/14/2024 DP (5-3-1-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ Present: KOLODIN)

HB 2821(BSI) state crime; illegal border crossings.
SPONSOR: MONTENEGRO, LD 29 HOUSE
JUD 2/14/2024 DP (6-3-0-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ)

HB 2835(BSI) observing nude minor; sexual gratification
SPONSOR: NGUYEN, LD 1 HOUSE
JUD 2/14/2024 DP (5-3-1-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ Present: KOLODIN)

HB 2843(BSI) defense of premises; definition
SPONSOR: HEAP, LD 10 HOUSE
JUD 2/14/2024 DP (5-3-0-1)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ Abs: BIASIUCCI)

Committee on Land, Agriculture & Rural Affairs

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

HB 2021(BSI) conservation easements; in lieu payments
SPONSOR: GRIFFIN, LD 19 HOUSE
LARA 2/12/2024 DP (7-2-0-0)
(No: HERNANDEZ L, SEAMAN)

HB 2022(BSI) conservation easements; maintenance; weeds
SPONSOR: GRIFFIN, LD 19 HOUSE
LARA 2/12/2024 DP (5-4-0-0)
(No: HERNANDEZ C, HERNANDEZ L, SANDOVAL, SEAMAN)

HB 2376(BSI) federal government; land acquisition; consent
SPONSOR: DIAZ, LD 19 HOUSE
LARA 2/12/2024 DP (5-4-0-0)
(No: HERNANDEZ C, HERNANDEZ L, SANDOVAL, SEAMAN)

HB 2377(BSI) federal lands; state management costs
SPONSOR: DIAZ, LD 19 HOUSE
LARA 2/12/2024 DPA (5-4-0-0)
(No: HERNANDEZ C, HERNANDEZ L, SANDOVAL, SEAMAN)

HB 2439(BSI) property conveyance; foreign entities; prohibition
SPONSOR: MONTENEGRO, LD 29 HOUSE
LARA 2/12/2024 DPA (8-1-0-0)
(No: SANDOVAL)

HB 2455(BSI) trampoline courts; registry; website posting
SPONSOR: MONTENEGRO, LD 29 HOUSE
LARA 2/12/2024 DP (8-1-0-0)
(No: SANDOVAL)

HB 2637(BSI) state lake improvement fund; drones
SPONSOR: BIASIUCCI, LD 30 HOUSE
LARA 2/12/2024 DPA (9-0-0-0)

HB 2751(BSI) interstate compact; fire management; aid
SPONSOR: COOK, LD 7 HOUSE
LARA 2/12/2024 DP (9-0-0-0)

HB 2865(BSI) natural resource conservation districts; board
SPONSOR: GRIFFIN, LD 19 HOUSE
LARA 2/12/2024 DP (8-1-0-0)
(No: SANDOVAL)

HCM 2004(BSI) federal land acquisition; acreage return
SPONSOR: SMITH, LD 29 HOUSE
LARA 2/12/2024 DP (5-4-0-0)
(No: HERNANDEZ C, HERNANDEZ L, SANDOVAL, SEAMAN)

HCM 2005(BSI) federal lands; transfer to states
SPONSOR: SMITH, LD 29 HOUSE
LARA 2/12/2024 DP (5-4-0-0)
(No: HERNANDEZ C, HERNANDEZ L, SANDOVAL, SEAMAN)

HCM 2006(BSI) federal lands; natural resources; permission
SPONSOR: GRIFFIN, LD 19 HOUSE
LARA 2/12/2024 DP (5-4-0-0)
(No: HERNANDEZ C, HERNANDEZ L, SANDOVAL, SEAMAN)

HCM 2007(BSI) Grand Canyon Footprints monument; repeal
SPONSOR: BIASIUCCI, LD 30 HOUSE
LARA 2/12/2024 DP (5-4-0-0)
(No: HERNANDEZ C, HERNANDEZ L, SANDOVAL, SEAMAN)

HCM 2008(BSI) urging Congress; Antiquities Act; repeal
SPONSOR: GILLETTE, LD 30 HOUSE
LARA 2/12/2024 DP (5-4-0-0)
(No: HERNANDEZ C, HERNANDEZ L, SANDOVAL, SEAMAN)

Committee on Military Affairs & Public Safety
Chairman: Kevin Payne, LD 27 **Vice Chairman:** Rachel Jones, LD 17

Analyst: Nathan McRae **Intern:** Tanner Mitchell

HB 2120(BSI) law enforcement; defunding; prohibition
SPONSOR: MARSHALL, LD 7 HOUSE
MAPS 2/12/2024 DP (8-7-0-0)
(No: BLATTMAN, HERNANDEZ M, PESHLAKAI, QUIÑONEZ, TRAVERS, TSOSIE, LIGUORI)

HB 2418(BSI) fire district advisory board
SPONSOR: LIVINGSTON, LD 28 HOUSE
MAPS 2/12/2024 DP (14-0-0-1)
(Abs: NGUYEN)

HB 2479(BSI) missing; abducted; runaway children
SPONSOR: PARKER B, LD 10 HOUSE
MAPS 2/12/2024 DP (11-0-4-0)
(Present: PESHLAKAI, QUIÑONEZ, TRAVERS, LIGUORI)

HB 2748(BSI) illegal border crossings; state; crime
SPONSOR: CHAPLIK, LD 3 HOUSE
MAPS 2/12/2024 DPA (8-7-0-0)
(No: BLATTMAN, HERNANDEZ M, PESHLAKAI, QUIÑONEZ, TRAVERS, TSOSIE, LIGUORI)

HB 2818(BSI) service members; flags; half-staff
SPONSOR: NGUYEN, LD 1 HOUSE
MAPS 2/12/2024 DPA (13-1-1-0)
(No: LIGUORI Present: HERNANDEZ M)

Committee on Municipal Oversight & Elections

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

HB 2753(BSI) voter registration rolls; auditor general
SPONSOR: GILLETTE, LD 30 HOUSE
MOE 2/14/2024 DP (5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)

HB 2787(BSI) voting equipment; inspection; elected officials
SPONSOR: JONES, LD 17 HOUSE
MOE 2/14/2024 DP (5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)

HB 2851(BSI) elections; ballot chain of custody
SPONSOR: HEAP, LD 10 HOUSE
MOE 2/14/2024 DP (5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)

HB 2852(BSI) voter registrations; organizations; prohibition
SPONSOR: HEAP, LD 10 HOUSE
MOE 2/14/2024 DP (5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)

HB 2876(BSI) elections; mailing; curing; canvassing; precincts
SPONSOR: CARBONE, LD 25 HOUSE
MOE 2/14/2024 DP (5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)

Committee on Natural Resources, Energy & Water
Chairman: Gail Griffin, LD 19 **Vice Chairman:** Austin Smith, LD 29
Analyst: Emily Bonner **Intern:**

HB 2025(BSI) residential lease community; water; requirements
SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 2/13/2024 DP (5-4-0-1)
(No: DE LOS SANTOS, MATHIS, TRAVERS, VILLEGAS Abs: MARTINEZ)

HB 2026(BSI) residential lease community; water; certificate
SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 2/13/2024 DPA (9-0-0-1)
(Abs: MARTINEZ)

HB 2030(BSI) cities; towns; water service; audit
SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 2/13/2024 DPA (5-4-0-1)
(No: DE LOS SANTOS, MATHIS, TRAVERS, VILLEGAS Abs: PARKER B)

HB 2127(BSI) assured water supply certificate; effluent
SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 2/13/2024 DPA (5-4-0-1)
(No: DE LOS SANTOS, MATHIS, TRAVERS, VILLEGAS Abs: PARKER B)

HB 2131(BSI) residential utility consumer office; businesses
SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 2/13/2024 DPA (6-4-0-0)
(No: DE LOS SANTOS, MATHIS, TRAVERS, VILLEGAS)

HB 2186(BSI) remedial groundwater incentive; brackish groundwater
SPONSOR: KOLODIN, LD 3 HOUSE
NREW 2/13/2024 DP (6-4-0-0)
(No: DE LOS SANTOS, MATHIS, TRAVERS, VILLEGAS)

HB 2195(BSI) on-site wastewater treatment facilities; permitting
SPONSOR: HENDRIX, LD 14 HOUSE
NREW 2/13/2024 DPA (7-2-0-1)
(No: DE LOS SANTOS, TRAVERS Abs: PARKER B)

HB 2200(BSI) groundwater transportation; Harquahala non-expansion area
SPONSOR: DUNN, LD 25 HOUSE
NREW 2/13/2024 DPA (7-2-0-1)
(No: DE LOS SANTOS, VILLEGAS Abs: MARTINEZ)

HB 2201(BSI) Harquahala non-expansion area; groundwater transportation
SPONSOR: DUNN, LD 25 HOUSE
NREW 2/13/2024 DPA (7-2-0-1)
(No: TRAVERS, VILLEGAS Abs: MARTINEZ)

HB 2646(BSI) power plants; public service corporations
SPONSOR: BLISS, LD 1 HOUSE
NREW 2/13/2024 DP (6-4-0-0)
(No: DE LOS SANTOS, MATHIS, TRAVERS, VILLEGAS)

HB 2647(BSI) physical availability credits; water supply.
SPONSOR: SMITH, LD 29 HOUSE
NREW 2/13/2024 DP (6-4-0-0)
(No: DE LOS SANTOS, MATHIS, TRAVERS, VILLEGAS)

HCR 2051(BSI) rural communities; groundwater; tools
SPONSOR: GRIFFIN, LD 19 HOUSE
NREW 2/13/2024 DP (6-4-0-0)
(No: DE LOS SANTOS, MATHIS, TRAVERS, VILLEGAS)

Committee on Regulatory Affairs

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

HB 2068(BSI) behavior analysts; regulatory board
SPONSOR: BLISS, LD 1 HOUSE
RA 1/31/2024 DP (5-1-0-0)
(No: MCGARR)
HHS 2/12/2024 DP (7-2-0-1)
(No: GRESS, PINGERELLI Abs: PARKER B)

HB 2618(BSI) spirituous liquor; DHS; inspection; exemption
SPONSOR: HERNANDEZ A, LD 20 HOUSE
RA 2/14/2024 DP (6-0-0-0)

HB 2738(BSI) DIFI; title companies; recorded documents
SPONSOR: HENDRIX, LD 14 HOUSE
RA 2/14/2024 DP (5-0-0-1)
(Abs: HERNANDEZ A)

HB 2845(BSI) administrative rules oversight committee; staff
SPONSOR: HEAP, LD 10 HOUSE
RA 2/14/2024 DP (6-0-0-0)

HB 2864(BSI) cottage food; freeze-dried; preparation
SPONSOR: GRIFFIN, LD 19 HOUSE
RA 2/14/2024 DP (4-1-0-1)
(No: CREWS Abs: HERNANDEZ A)

Committee on Transportation & Infrastructure

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

HB 2271(BSI) religious educational institution; special plates
SPONSOR: PARKER B, LD 10 HOUSE

TI	2/14/2024	DP	(9-2-0-0)
(No: CONTRERAS P, SEAMAN)			

HB 2426(BSI) technical correction; traffic violations
SPONSOR: DUNN, LD 25 HOUSE

TI	2/14/2024	DPA/SE	(10-0-1-0)
(Present: CONTRERAS P)			

HB 2750(BSI) motorcycle helmets; minors; citations
SPONSOR: NGUYEN, LD 1 HOUSE

TI	2/14/2024	DPA	(9-0-0-2)
(Abs: CARTER, HERNANDEZ C)			

HB 2859(BSI) teen suicide awareness special plates
SPONSOR: GRESS, LD 4 HOUSE

TI	2/14/2024	DPA	(11-0-0-0)

HB 2880(BSI) Arizona bicycling special plates
SPONSOR: MATHIS, LD 18 HOUSE

TI	2/14/2024	DP	(10-1-0-0)
(No: MONTENEGRO)			

Committee on Ways & Means

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

HB 2098(BSI) tax liens; redemption; property sale
SPONSOR: GRIFFIN, LD 19 HOUSE

WM	2/14/2024	DPA/SE	(10-0-0-0)

HB 2634(BSI) department of revenue; reuse zone
SPONSOR: GRANTHAM, LD 14 HOUSE

WM	2/14/2024	DP	(9-1-0-0)
(No: BLATTMAN)			

HB 2875(BSI) tax payments; electronic funds transfer
SPONSOR: CARBONE, LD 25 HOUSE

WM	2/14/2024	DP	(10-0-0-0)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
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House: APPROP DP 10-5-2-0

HB 2735: ABOR; course approval; accounting system
Sponsor: Representative Grantham, LD 14
Caucus & COW

Overview

Allows the Arizona Board of Regents (ABOR) to delegate their authority to a university president and prohibits university presidents from further delegating that authority.

History

The Arizona Constitution established ABOR as the governing body of Arizona's university system (Ariz. Const., Article XI, § 5). ABOR governs Arizona State University, Northern Arizona University and the University of Arizona. ABOR is legally, fiscally and strategically responsible for the state universities. The university presidents and their compensations are also determined by ABOR (A.R.S. § 15-1626).

Provisions

1. Allows ABOR to delegate their authority to approve academic degrees or organizational units only to a university president, who may not further delegate that authority. (Sec 1.)
2. Requires ABOR and university presidents to consult, rather than share responsibility with, university faculty regarding educational and personnel matters. (Sec 1.)
3. Changes faculty's role in university governance from participation to consultation. (Sec. 1)
4. Defines *organizational unit* as a department, center, institute, college or other academic unit of a university. (Sec. 1)
5. Requires each university to provide ABOR with access to the university's accounting and reporting system for oversight and monitoring purposes. (Sec. 2)
6. Makes technical and conforming changes. (Sec. 2)

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

HB 2197: minimum wage; minor league baseball
Sponsor: Representative Biasiucci, LD 30
Caucus & COW

Overview
An emergency measure that allows certain employers to designate fixed paydays for minor league baseball players. Exempts minor league baseball players from statutory minimum wage and recordkeeping requirements.

History
Title 23, Chapter 2, A.R.S., governs employment practices and working conditions, including requirements for payment of wages, minimum wages and employee benefits.

Pursuant to A.R.S. § 23-351, Arizona employers must designate at least two fixed paydays a month for payment of wages to their employees. However, employers who have a principal place of business located out-of-state and whose payroll system is centralized outside of Arizona may designate one or more fixed paydays a month for payment of wages to:

1. professional, administrative or executive employees or employees employed in the capacity of an outside salesman; and
2. employees employed in a supervisory capacity.

The ability for employers to designate at least one fixed payday a month for specified employees does not apply to employees whose salaries are subject to provisions of collective bargaining agreements.

Employers are required to post notices in the workplace informing employees of their rights relating to minimum wage and employee benefits. Additionally, employers must maintain payroll records showing the hours worked for each day and the wages and earned paid sick time paid to all employees for a period of four years (A.R.S. § 23-364).

Provisions
1. Permits employers with a payroll system centralized outside of Arizona to designate at least one fixed payday a month to employees who have a contract to play minor league baseball and who are compensated under the terms of a collective bargaining agreement. (Sec. 1)
2. Exempts employees who have a contract to play minor league baseball and who are compensated under the terms of a collective bargaining agreement from statutory minimum wage requirements or recordkeeping requirements concerning hours worked relating to minimum wage, subject to the Proposition 105 requirements. (Sec. 2, 3)
3. Contains an emergency clause. (Sec. 4)

Amendments
Committee on Commerce

1. Removes the provision relating to designating a fixed payday for minor league baseball players.

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

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

HB 2252: professional employer organization; repeal
Sponsor: Representative Wilmeth, LD 2
Caucus & COW

Overview

Repeals statutes relating to the registration of Professional Employer Organizations (PEO).

History

According to the National Association of Professional Employer Organizations, a PEO provides payroll, benefits, regulatory compliance assistance and other HR services to companies. Any person who is engaged in the business of providing professional employer services whether or not the person uses the term professional employer organization, staff leasing company, registered staff leasing company, employee leasing company or any other name is statutorily designated as a PEO. Statute requires PEOs to register with the Secretary of State (SOS). PEOs must maintain either: 1) a minimum net worth of at least $100,000; or 2) a bond, an irrevocable letter of credit or securities that have a minimum market value of $100,000. The bond must be held by a depository designated by the SOS (Title 23, Chapter 3, Art. 4, A.R.S.).

Laws 2023, Chapter 144, extended the delayed implementation of statutes relating to Professional Employer Organization registration until June 30, 2024.

Provisions

1. Removes the requirement for a PEO to register with the SOS. (Sec. 2)
2. Changes the required bond to be held in an insured depository institution, rather than by a depository designated by the SOS. (Sec. 3)
3. Repeals statutes relating to:
   a) the registration of PEOs;
   b) types of PEO registrations;
   c) criminal acts and penalties for PEOs and clients of PEOs;
   d) SOS authority to collect registration fees, adopt rules and penalties for PEO violations; and
   e) the PEO Fund. (Sec. 2, 5)
4. Makes technical changes. (Sec. 1, 3, 4)

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

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

5. 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)

6. 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)

7. Stipulates property owners may voluntarily form or establish a homeowners' association, condominium association or any other association. (Sec. 1)

8. Asserts the planning and home design prohibitions do not supersede applicable building codes, fire codes or public health and safety regulations. (Sec. 1)

9. 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)

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

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

HB 2592: unemployment insurance; benefit amounts; definition
Sponsor: Representative Carbone, LD 25
Caucus & COW

Overview

Changes the duration of unemployment insurance (UI) benefits for which an individual may receive during a benefit year.

History

Individuals awarded unemployment insurance benefits are entitled to receive a weekly benefit in an amount equal to 4% of the total wages for insured work paid in the highest quarter of their base period. The base period is the first four of the last five completed calendar quarters immediately preceding the first day of their benefit year. The weekly benefit amount is statutorily capped at $320 (A.R.S. § 23-779).

The duration of benefits is based on the unemployment rate in the prior calendar quarter, which is the average of the seasonally adjusted unemployment rates for the three months of the most recently published calendar year quarter as published by the Office of Economic Opportunity. If the prior calendar quarter unemployment rate is less than 5% the duration of benefits is 24 weeks. If the prior calendar quarter unemployment rate is 5% or more the duration of benefits is 26 weeks (A.R.S. § 23-780).

According to the Office of Economic Opportunity, Arizona's unemployment rate (December 2023 – Seasonally Adjusted) is 4.3%.

Provisions

1. Modifies the duration schedule for which an eligible individual receives UI benefits based on incremental changes in the unemployment rate (UR) in the prior calendar quarter:
   a) 12 weeks, if the UR is 5% or less;
   b) 14 weeks, if the UR is more than 5% but not more than 5.5%;
   c) 16 weeks, if the UR is more than 5.5% but not more than 6%;
   d) 18 weeks, if the UR is more than 6% but not more than 6.5%;
   e) 20 weeks, if the UR is more than 6.5% but not more than 7%;
   f) 22 weeks, if the UR is more than 7% but not more than 7.5%;
   g) 24 weeks, if the UR is more than 7.5% but not more than 8%;
   h) 26 weeks, if the UR is more than 8%. (Sec 1)

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

HB 2599: health care appeals
Sponsor: Representative Livingston, LD 28
Caucus & COW

Overview

Revises statute relating to health care appeals.

History

Title 20, Chapter 15, A.R.S. prescribes and governs the health care appeal process for members whose covered service or claim for a service has been denied by a health care insurer. Each utilization review agent and each health care insurer whose utilization review system includes the power to affect the direct or indirect denial of requested medical or health care services or claims for medical or health care services shall adopt written utilization review standards and criteria and processes for the review, reconsideration and appeal of denials.

Provisions

Levels of Review

1. Clarifies a member who *receives an adverse determination*, rather than is denied a covered service or whose claim for a service is denied, may pursue the applicable review process. (Sec. 4)
2. Removes references of a formal appeal process as a level of review. (Sec. 4)
3. Deletes language relating to a health care insurer offering certain additional levels of review. (Sec. 4)
4. Allows a health care insurer, for group plans, to offer a voluntary internal appeal as an additional internal level of review after a determination of an initial appeal. (Sec. 4)
5. Outlines requirements for a health care insurer, who offers a voluntary internal appeal for group plans, relating to the time frame for providing a written determination. (Sec. 4)
6. Outlines requirements for a health care insurer, for individual plans and group plans for which a voluntary internal appeal is not offered, relating to the time frame for providing a written determination. (Sec. 4)
7. Instructs a health care insurer to provide a written determination and include the basis, criteria used, clinical reasons and rationale for the determination. (Sec. 4)
8. Specifies a member has exhausted the health care insurer's internal levels of review if the insurer fails to comply with statutory requirements relating to health care appeals, with outlined exceptions. (Sec. 4)
9. Permits a health care insurer to waive the internal appeal process. (Sec. 4)
10. Clarifies the information that must be included in a health care insurers information packet that is provided to a member. (Sec. 4)
11. Adds that if a member's complaint is experimental or investigational under the coverage document, an internal appeal process must be performed. (Sec. 4)
12. Instructs the health care insurer, prior to making a final adverse determination that relies on new or additional evidence, to provide the new or additional information to the member free of charge sufficiently in advance of the final adverse determination to allow the member a reasonable opportunity to respond. (Sec. 4)

Expedited Medical Review

13. Clarifies that any member who receives an adverse determination, except for a denial of a claim for service or a rescission of coverage, may pursue an expedited medical review of that denial if the member's treating provider certifies in writing that the time period for the initial appeal process and the voluntary internal appeal process are likely to cause a significant negative change in the member's medical condition. (Sec. 5)

14. Clarifies that the utilization review agent's determination notice must include *the basis*, criteria used, clinical reasons *and rationale* for the determination. (Sec. 5)

15. Applies certain requirements relating to complaints that are an issue of medical necessity to complaints that are experimental or investigational. (Sec. 5)

Initial Appeal

16. Changes references of an informal reconsideration to initial appeal. (Sec. 6, 7)

17. Adds that a member whose claim for a service that has already been provided is denied may request an initial appeal of that denial. (Sec. 6)

18. Removes language relating to a health care insurer providing its members an informal reconsideration. (Sec. 6)

19. Instructs a utilization review agent to select a provider to review an appeal that is an issue of medical necessity or appropriateness, including health care setting, level of care or effectiveness of a covered benefit or is experimental or investigational under the coverage document and render a determination based on the utilization review plan. (Sec. 6)

20. Defines *provider*. (Sec. 6)

21. Requires a utilization review agent to send a notice of their determination, and the *basis*, criteria used, clinical reasons and *rationale*, within the statutory time frames relating to claim denial, rather than 30 days after receipt of the request for reconsideration. (Sec. 6)

22. Requires the determination to include a notice of the option to proceed to the voluntary internal appeal process, as applicable, or to an external independent review if the member has only one internal level of review. (Sec. 6)

Voluntary Internal Appeal

23. Specifies a member may appeal an adverse determination to the voluntary appeal level if a health care insurer offers a voluntary appeal level as part of its internal review levels. (Sec. 7)

24. Changes references of formal appeal to voluntary internal appeal. (Sec. 7)

25. Restates that a provider, physician or other specified health care professional must review an appeal if the appeal is an issue of medical necessity or appropriateness, including health care setting, level of care or effectiveness of a covered benefit or is experimental or investigation. (Sec. 7)

26. Instructs a utilization review agent to send the member and the treating provider a notice of their determination and the basis, criteria used, clinical reasons and rationale for the determination within the statutory time frames relating to claim denial, instead of up to the 30-day and 60-day time frame as outlined. (Sec. 7)

External Independent Review

27. Clarifies a member may initiate an external independent review if the utilization review agent denies a request for a covered service or claim at all applicable internal levels of review or if the member has exhausted the health care insurer's internal levels of review. (Sec. 8)

28. Requires the written acknowledgment relating to an external independent review to include notice to the member that the member has five business days after receiving the notice to submit additional written evidence to Department of Insurance and Financial Institutions (DIFI) for consideration by the assigned independent review organization. (Sec. 8)

29. Instructs DIFI, within one business day after receiving additional written evidence submitted by the member, to provide a copy of the evidence to the health care insurer and the independent review organization. (Sec. 8)

30. Requires the independent review organization to consider the evidence in making its determination and allows the organization to consider evidence submitted after five business days. (Sec. 8)

31. Instructs the independent review organization, within 21 days after receiving a case for review from DIFI, to evaluate and analyze the case. (Sec. 8)

32. Requires the independent review organization, for claims or requests for services denied as experimental or investigational, to render a determination that is consistent with the review plan and send a copy of the determination to DIFI in accordance with specified requirements. (Sec. 8)

33. Instructs DIFI to send a notice of the determination to specified individuals within five business days after receiving a notice of determination from the independent review organization. (Sec. 8)

34. Asserts the determination is a final administrative decision and is subject to judicial review. (Sec. 8)

35. Requires the health care insurer to provide any service or pay any claim determined to be covered and medically necessary by the independent review organization for a case under review without delay regardless of whether judicial review is sought. (Sec. 8)

36. Lowers the number of additional days DIFI may extend the time frame for the independent review organization to evaluate and analyze specified cases, from 30 days to 10 days. (Sec. 8)

37. Provides additional circumstances for which a member may initiate an expedited external independent review and extends the time frame for submitting a written request for an independent review from five business days to four months. (Sec. 8)

38. Adds that, for a matter involving an experimental or investigational determination, a member may make an oral request provided the member's treating physician certifies in writing that the recommended service or treatment would be less effective if not promptly initiated. (Sec. 8)

39. Requires the independent review organization, for cases involving an issue of appropriateness, including health care setting, level of care or effectiveness of a covered benefit or is experimental or investigational, to evaluate and analyze the case within 72 hours from the date of receiving a case for expedited external independent review from DIFI. (Sec. 8)

Miscellaneous

40. Directs a health care insurer and an independent review organization to maintain all records relating to internal and external appeals and exception requests for at least three years after the completion of the appeals process or exception request process. (Sec. 9)

41. Contains a delayed effective date of January 1, 2025. (Sec. 10)

42. Replaces the term *adverse decision* with *adverse determination* as appropriate. (Sec. 3, 4)

43. Includes a definition for *final adverse determination, internal level of review* and *rescission.* (Sec. 1, 2)

44. Changes the defined term of *adverse decision* to *adverse determination* and modifies the definition. (Sec. 1)

45. Adds that *denial* includes a denial, reduction or termination of a service or a rescission of coverage. (Sec. 1)

46. Makes technical and conforming changes. (Sec. 1, 4, 5, 6, 7, 8)

Amendments

Committee on Commerce

1. Changes the defined term of *final adverse determination* to *final internal adverse determination* and modifies the definition.
2. Includes a definition for *grandfathered individual plan* and *health care setting.*
3. Adds that no minimum dollar amount may be imposed on any claim that is the subject of an adverse determination for a member.
4. Allows a health care insurer to offer a voluntary internal appeal for grandfathered individual plans.
5. Adds that if a member's complaint involves an issue of appropriateness, including health care setting, level of care or effectiveness of a covered benefit the initial appeal process must be performed and the expedited review or voluntary internal appeal must be decided by a health care professional.
6. Changes the deadline for a utilization review agent to make a determination regarding expeditated medical review from 1 business day to 72 hours.
7. Adds that if the members complaint involves an issue of appropriateness, including health care setting, level of care or effectiveness of a covered benefit must consult with a health care professional.
8. Clarifies the types of complaints in which a utilization review agent must select a provider to review the appeal and render the determination based on the review plan adopted by the agent.
9. Includes a definition for *provider*.
10. Removes the requirement for a utilization review agent to send a written acknowledgment to the member and treating provider after receiving the request for initial appeal or voluntary internal appeal.

11. Specifies the independent review organization's determination must be consistent with the utilization review plan.
12. Makes further clarifying changes.

HB 2648: motor vehicle manufacturers; TPT; exemption
S/E: condominiums; planned communities; lien; assessment
Sponsor: Representative Martinez, LD 16
Caucus & COW

Overview

Restructures statutes relating to condominium and planned community liens.

History

A condominium and planned community association has a lien on a unit for any assessment levied against that unit from the time the assessment becomes due. The association's lien for assessments, for charges for late payment of those assessments, for reasonable collection fees and for reasonable attorney fees and costs incurred with respect to those assessments may be foreclosed in the same manner as a mortgage on real estate but only if the owner has been delinquent in the payment of monies secured by the lien, excluding reasonable collection fees, reasonable attorney fees and charges for late payment of and costs incurred with respect to those assessments, for a period of one year or in the amount of $1,200 or more, whichever occurs first.

Fees, charges, late charges, monetary penalties and interest charged, other than charges for late payment of assessments, are not enforceable as assessments. The association's lien for monies other than for assessments, for charges for late payment of those assessments, for reasonable collection fees and for reasonable attorney fees and costs incurred with respect to those assessments may not be foreclosed and is effective only on conveyance of any interest in the real property (A.R.S. §§ 33-1256 and 33-1807).

Provisions

Condominium Assessment Liens

1. Specifies the association has a lien on a unit for any *common expense* assessment from the time the assessment becomes due. (Sec. 1)
2. Clarifies the lien for common expense assessments may include:
   a) reasonable charges or interest for late payment of those assessments only if authorized in the declaration;
   b) reasonable collection costs or fees incurred or applied by the association only; and
   c) reasonable attorney fees and costs incurred but only as awarded by the court. (Sec. 1)
3. Restates the full amount of a common expense assessment that is payable in installments is a lien from the time the first installment of the assessment becomes due. (Sec. 1)
4. Restates the common expense assessment lien is not subject to the homestead exemption. (Sec. 1)
5. Clarifies the common expense assessment lien may be foreclosed only if the unit owner has been *and remains* delinquent in the payment of common expense assessments. (Sec. 1)
6. Revises items that constitute a record notice and perfection of a lien. (Sec. 1)
7. Requires costs and reasonable attorney fees be included in a judgment or decree only if ordered by the court. (Sec. 1)
8. Clarifies the order of payments received that are applied to a unit owner's account. (Sec. 1)
9. Replace assessments with *common expense* assessments as appropriate. (Sec. 1)

Condominium Liens for Fees and Other Charges

10. Restates a condominium association that is owed fees, charges, late charges and monetary penalties or interest charged does not have a lien against the debtor's unit for those amounts and the unpaid amounts are not enforceable *and collectable* as common expense assessments. (Sec. 1, 2)
11. Restates that the association has a lien for fees, charges and late charges, other than charges for late payment of common expense assessments, and for monetary penalties or interest charged only after the entry of a judgment in a civil suit. (Sec. 1, 2)
12. Restates the association's judgment lien for specified monies cannot be foreclosed and is effective only on conveyance of any interest in the real property. (Sec. 1, 2)
13. Specifies an association's judgment lien for specified monies does not affect the priority of mechanics' or materialmen's liens or other liens for other assessment made by the association. (Sec. 2)
14. Specifies liens for fees and other charges provisions does not prohibit actions to recover sums with the creation of a lien. (Sec. 2)
15. Stipulates a judgment or decree may include costs and reasonable attorney fees for the prevailing party only if ordered by the court. (Sec. 2)
16. Restates the order of received payments that are applied to a unit owner's account. (Sec. 2)
17. Exempts timeshare plans or timeshare owners' associations from the requirements relating to condominium liens. (Sec. 2)

Planned Communities Assessment Liens

18. Specifies the association has a lien on a property for any *common expense* assessment from the time the assessment becomes due. (Sec. 3)
19. Clarifies the lien for common expense assessments may include:
    a) reasonable charges or interest for late payment of those assessments only if authorized in the declaration;
    b) reasonable collection costs or fees incurred or applied by the association only; and
    c) reasonable attorney fees and costs incurred but only as awarded by the court. (Sec. 3)
20. Restates the full amount of a common expense assessment that is payable in installments is a lien from the time the first installment of the assessment becomes due. (Sec. 3)
21. Restates the common expense assessment lien is not subject to the homestead exemption. (Sec. 3)
22. Clarifies the common expense assessment lien may be foreclosed only if the owner has been *and remains* delinquent in the payment of common expense assessments. (Sec. 3)
23. Revises items that constitute a record notice and perfection of a lien. (Sec. 3)
24. Requires costs and reasonable attorney fees be included in a judgment or decree only if ordered by the court. (Sec. 3)
25. Clarifies the order of payments received that are applied to a member's account. (Sec. 3)
26. Replace assessments with *common expense* assessments as appropriate. (Sec. 3)

Planned Community Liens for Fees and Other Charges

27. Restates an association that is owed fees, charges, late charges and monetary penalties or interest charged does not have a lien against the debtor's property for those amounts and the unpaid amounts are not enforceable *and collectable* as common expense assessments. (Sec. 3, 4)
28. Restates that the association has a lien for fees, charges and late charges, other than charges for late payment of common expense assessments, and for monetary penalties or interest charged only after the entry of a judgment in a civil suit. (Sec. 3, 4)

29. Restates the association's judgment lien for specified monies cannot be foreclosed and is effective only on conveyance of any interest in the real property. (Sec. 3, 4)

30. Specifies an association's judgment lien for specified monies does not affect the priority of mechanics' or materialmen's liens or other liens for other assessment made by the association. (Sec. 4)

31. Specifies liens for fees and other charges provisions does not prohibit actions to recover sums with the creation of a lien. (Sec. 4)

32. Stipulates a judgment or decree may include costs and reasonable attorney fees for the prevailing party only if ordered by the court. (Sec. 4)

33. Restates the order of received payments that are applied to a member's account. (Sec. 4)

Miscellaneous

34. Makes technical and clarifying changes. (Sec. 1, 3)

Amendments

Committee on Commerce

1. Adopted the strike-everything amendment.

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

HB 2734: affordable housing; parking requirements; prohibition
S/E: public hearings; voting
Sponsor: Representative Ortiz, LD 24
Caucus & COW

Summary of the Strike-Everything Amendment to HB 2734

Overview
Limits public hearings on any zoning ordinance to two hearings and changes the voting threshold required to enact a protested zoning ordinance amendment.

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

If a municipality has a planning commission or a hearing officer, the commission or officer must hold a public hearing on any zoning ordinance. After the hearing, the commission or office renders a written recommendation to the governing body of the municipality. The governing body may adopt the recommendations without holding a second public hearing provided there is no objection, request for public hearing or other protest.

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

Provisions
1. Limits public hearings on zoning ordinance to two hearings. (Sec 1)
2. Lowers the number of votes required to enact a proposed zoning amendment that is protested by certain property owners from three-fourths of all members to a majority of all members of a governing body of a municipality. (Sec 1)
3. Changes the deadline to file a protest against a proposed amendment from no later than 12:00 noon *one business day* before the voting date to no later than 12:00 noon *three business days* before the voting date. (Sec. 1)
4. Makes technical changes. (Sec 1)

Amendments
Committee on Commerce
1. Adopted the strike-everything amendment with the following changes:
   a) Restores the voting threshold to three-fourths;
   b) Adds that the property for which the owners may file a protest against a proposed zoning amendment excludes government owned property; and
   c) Stipulates the specified deadline to file a protest applies unless the municipality is closed because of a state or national holiday, then the protest must be filed by 12:00 noon the next business day.

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

HB 2861: condominiums; terminations
Sponsor: Representative Schwiebert, LD 2
Caucus & COW

Overview

Amends condominium statutes relating to condominium termination.

History

A condominium may be terminated only by an agreement containing the requisite number of votes of unit owners. A termination agreement may provide that all the common elements and units of the condominium must be sold following termination. The association may contract for the sale of real estate in the condominium. Proceeds of the sale are distributed to unit owners and lienholders as their interests may appear, in proportion to the respective interests of unit owners. The respective interests of unit owners are the fair market values of their units, limited common elements and common element interests immediately before the termination, their pro rata share of any monies in the association's reserve fund and the operating account and an additional five percent of that total amount for relocation costs (A.R.S. § 33-1228).

Provisions

1. Clarifies the respective interest of unit owners are their pro rata share of monies in the reserve fund and the operating account *immediately before the termination.* (Sec. 1)
2. Specifies only units that are owner-occupied receive the additional 5% of the total amount for relocation costs as part of their respective interests. (Sec. 1)
3. Increases the amount of relocation costs as part of a unit owner's respective interests from 5% to 10%. (Sec. 1)
4. Adds that the relocation costs amount includes all closing costs of the sales transaction, including costs for title insurance if requested by the unit owner. (Sec. 1)
5. Outlines the requirements and methods for appraising a unit to determine the fair market value. (Sec. 1)
6. Adds that the appraisal requirements and methods is at the unit owner's option, and the buyer must pay for the appraisal. (Sec. 1)
7. Stipulates the fair market value must be determined without such requirements and methods if the unit owner chooses not to use an appraisal. (Sec. 1)
8. Prohibits the fair market value from being reduced by any special assessments, capital improvement fees or other charges imposed by the association during the two-year period immediately preceding the termination. (Sec. 1)
9. Stipulates the unit owner may submit issues to arbitration if the owner and the buyer do not agree on the fair market value of the unit. (Sec. 1)
10. Removes language relating to the association selecting an independent appraiser to determine the fair market value of a unit and the unit owner obtaining a second appraisal. (Sec. 1)
11. Requires the written notice of a pending sale to include the following:
    a) a statement notifying the purchaser that the condominium may be terminated by a vote of eighty percent or more of the owners of the units in the condominium and if a sufficient number of units

are acquired by a potential buyer for the entire property, the unit owners may be required to sell their units; and

b) a statement that the condominium is governed by recorded covenants, conditions and restrictions that regulate the use of the property. (Sec. 2)

12. Instructs the association's board of directors to provide an annual notice to unit owners that includes:
    a) a statement that the condominium may be terminated by a vote of eighty percent or more of the owners of the units in the condominium and if a sufficient number of units are acquired by a potential buyer for the entire property, the unit owners may be required to sell their units; and
    b) a statement that provides the total number of units in the condominium, the number of units owned by each unit owner and the name of each unit owner. (Sec. 3)

13. Contains a Legislative intent clause. (Sec. 4)

14. Applies the Acts requirements retroactively to all condominiums regardless of when the condominium was established. (Sec. 5)

HB 2885: apprenticeship; supervised probation
Sponsor: Representative Hernandez A, LD 20
Caucus & COW

Overview

Grants additional work hours and travel allowances to certain persons on probation who are participating in an apprenticeship program.

History

The court may place a person who is eligible for probation on intensive probation supervision or supervised or unsupervised probation on such terms and conditions as the law requires and the court deems appropriate. If the court imposes a term of probation, the court may require the defendant to report to a probation officer (A.R.S. § 13-901).

Provisions

1. Allows a probationer who is on supervised probation and who is participating in a state or federally recognized apprenticeship program to:
   a) work at any hours of the day as long as the probationer remains in good standing with the apprenticeship program; and
   b) travel outside the jurisdiction in which the probationer resides to work in the apprenticeship program if the probationer returns to the jurisdiction in which the probationer resides by 11:59 p.m. each day. (Sec. 1)

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

HB 2218: public schools; student discipline; absenteeism
Sponsor: Representative Terech, LD 4
Caucus & COW

Overview

Prohibits a charter school or school district from suspending a student for absenteeism.

History

A school district governing board (governing board), in consultation with teachers and parents, must prescribe rules for the discipline, suspension and expulsion of students that are consistent with a student's constitutional rights. These rules must include: 1) penalties for excessive absenteeism (including failure in a subject, failure to pass a grade, suspension or expulsion); 2) a notice and hearing procedure for suspensions exceeding 10 days; 3) procedures and conditions for readmitting a student who has been suspended or expelled for more than 10 days; and 4) procedures to appeal the suspension of a student exceeding 10 days if the suspension decision was not made by the governing board. All cases of suspension must be for good cause and reported to the governing board within five days (A.R.S. § 15-843).

It is unlawful for any child between the ages of 6 and 16 to fail to attend school during school hours unless the child meets outlined statutory criteria. Absences may be considered excessive when the number of absent days (including excused and unexcused absences) exceeds 10% of the number of required attendance days (A.R.S. §§ 15-802, 15-803). Arizona Department of Education (ADE) guidelines note that excused absences due to out-of-school suspensions must not exceed 10% of the instructional days scheduled for the school year (ADE School Finance Manual).

Provisions

1. Prohibits a charter school from including suspension as a penalty for a student's unexcused absence or absences. (Sec. 1)
2. Prohibits a governing board from including suspension as a penalty for excessive student absenteeism and specifies suspension may not be solely based on a student's absenteeism. (Sec. 2)
3. Makes technical changes. (Sec. 2)

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

HB 2484: schools; health care services; posting
Sponsor: Representative Parker B, LD 10
Caucus & COW

Overview

Details posting requirements for a school, school district or charter school that employs a registered nurse (RN) or provides student health care services.

History

The Arizona State Board of Nursing (AZBN) is tasked with licensing qualified RN and practical nurse applicants (A.R.S. Title 32, Chapter 15). AZBN rules detail requirements an applicant must meet to be licensed as an RN either through licensure by examination or licensure by endorsement (A.A.C. R14-19-301).

AZBN does not require a school nurse to hold a school nurse certification, though eligible individuals may apply for optional school nurse certification. To receive a school nurse certification from AZBN, an applicant must hold a current RN current license in good standing or multistate privilege to practice as an RN in Arizona. AZBN must grant a school nurse certificate to any applicant who meets these criteria. A school nurse certificate expires every six years (A.A.C. R4-19-309).

Provisions

1. Requires, if an RN provides student health care services as an employee of a school, school district or charter school, each school where the RN provides services to prominently post on its website a statement that an RN is assigned to the school.
2. Stipulates a school that does not employ an RN but provides student health care services must prominently post on its website:
   a) any health care credentials of each individual who, in the course of their official duties, provides student health care services; or
   b) a statement that individuals who do not have health care credentials provide student health care services in the course of their duties.
3. Allows the website posting requirements to be satisfied by the school district or charter school that operates the school if the school does not maintain its own website.
4. Instructs each school that provides student health care services to prominently post in its health office:
   a) any health care credentials of each individual who provides student health care services; or
   b) a statement that individuals who do not have health care credentials provide student health care services.
5. Defines *health care credentials* and *RN*.

Amendments

Committee on Education

1. Applies the posting requirements to a school or RN that provides *routine* student health care services in the school's health office.
2. Requires a school to prominently post on the homepage of the school's website a hyperlink to a webpage that contains the statements or health care credentials.
3. Requires a school that provides routine student health care services to also post the health care credentials or statement in the school's parent handbook, if applicable.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: ED DP 6-3-1-0

HB 2675: school report cards; letter grades
Sponsor: Representative Pingerelli, LD 28
Caucus & COW

Overview

Replaces the A-F letter grade system with performance classifications adopted by the State Board of Education (SBE). Modifies requirements relating to school report cards and notification procedures.

History

The Arizona Department of Education (ADE), subject to final adoption by SBE, must develop an annual achievement profile for every public school and local education agency (LEA) based on an A-F letter grade system adopted by SBE. The annual achievement profile is required to reflect the achievement for each public school and LEA on the prescribed academic and educational performance indicators. Furthermore, statute mandates the A-F letter grade system: 1) be applied to each performance indicator; and 2) indicate expected performance standards for all schools. SBE must assign an overall letter grade for a public school or LEA (A.R.S. § 15-241).

Currently, each school must distribute an annual report card that contains specified information, including: 1) student results and progress on assessments; 2) graduation rates; 3) expenditure data; and 4) average class sizes (A.R.S. § 15-746). A school report card must also include the classification on each performance indicator of the annual achievement profile for each school (A.R.S. § 15-241). Schools must distribute report cards to parents of enrolled students by the last day of school of each fiscal year, as well as present a summary of the report card's contents at an annual public meeting.

Provisions

Performance Classifications

1. Requires the annual achievement profile to use performance classifications based on a system adopted by SBE, rather than an A-F letter grade system adopted by SBE. (Sec. 3)
2. Applies the performance classifications, instead of the A-F letter grade system, to each performance indicator of the annual achievement profile. (Sec. 3)
3. Directs SBE to assign an overall performance classification, rather than letter grade, for a public school or LEA. (Sec. 3)
4. Transfers the statutory requirements for the A-F letter grade system to the performance classifications adopted by SBE. (Sec. 3)
5. Replaces references to the A-F letter grade system with the performance classifications adopted by SBE in the following statutes relating to:
   a) K-3 reading program requirements;
   b) the petition process for regulatory exemptions for school districts or charter schools;
   c) alternative operation plans;
   d) school improvement plans;
   e) the exemption of a career technical education district from receiving a letter grade;
   f) the consolidation of school districts;
   g) teacher evaluation policies;

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

h) menu of achievement assessments;
i) the definition of *qualified student* as it relates to an empowerment scholarship account; and
j) achievement district schools. (Sec. 1, 2, 4, 5, 6, 7, 8, 9, 11, 12)

School Report Cards

6. Requires the school report card to also explain whether the assigned performance classification indicates that the school:
   a) meets the expected standards;
   b) fails to meet the expected standards; or
   c) exceeds the expected standards. (Sec. 3)
7. Requires, within 60 days after receiving notification that a charter school or district school has been assigned a failing performance classification, the charter school governing body or school district governing board to provide to the parents of each student:
   a) notification that the school has been assigned a failing performance classification; and
   b) the school's report card. (Sec. 5)
8. Allows a school to provide a web address for or hyperlink to the school's report card. (Sec. 5)
9. Authorizes a school district or charter school to electronically deliver the notification if the school district or charter school electronically communicates with parents in the ordinary course of business. (Sec. 5)
10. Requires any electronic communications sent to contain hyperlinks to websites that provide further information. (Sec. 5)
11. Replaces the requirement that ADE publish a list of F letter grade schools in a newspaper in each county at least twice a year with the requirement that ADE post a list of schools assigned the lowest performance classification in a conspicuous location on its website and all official communication channels. (Sec. 5)
12. Instructs ADE to publish the annual report that contains each school's report card on its website. (Sec. 10)
13. Specifies the requirement for a school to distribute school report cards to parents may be satisfied by electronic communications if the school district or charter school electronically communicates with parents in the ordinary course of business. (Sec. 10)
14. Stipulates any electronic communications sent to satisfy the required distribution of school report cards must contain hyperlinks to websites that provide further information. (Sec. 10)
15. Mandates each school district and charter school prominently post the report cards for each school on the school district's or charter school's website and, if available, the school's website. (Sec. 10)

Miscellaneous

16. Makes technical and conforming changes. (Sec. 1, 3, 4, 5, 8, 9, 10)

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

HB 2699: internet safety instruction; public schools
Sponsor: Representative Martinez, LD 16
Caucus & COW

Overview

Requires students in each of the 5th-12th grades to receive internet safety instruction. Details internet safety instruction requirements and establishes a parental opt out option.

History

Statute tasks the State Board of Education (SBE) with prescribing a minimum course of study to be taught in common schools and for the graduation of students from high school. The minimum course of study must incorporate the academic standards adopted by SBE. Statute authorizes a school district governing board to establish course of study and competency requirements that are in addition to or higher than the course of study requirements prescribed by SBE. A school district governing board must prescribe curricula that includes the academic standards in the required subject areas (A.R.S. §§ 15-701, 15-701.01).

Provisions

1. Directs SBE, beginning in the 2024-2025 school year, to include in the minimum course of study a requirement that students in each of the 5th-12th grades receive internet safety instruction.
2. Specifies internet safety instruction must include best practices for:
   a) protecting students from opioids and online predators;
   b) safe online communication; and
   c) protecting students' privacy, personal safety and other cyber security interests while using phone or computer applications.
3. Instructs the Arizona Department of Education (ADE), by June 30, 2025, to compile age-appropriate resources that satisfy internet safety instruction requirements and to make these resources available to school districts and charter schools.
4. Allows a school district or charter school to satisfy the internet safety instruction requirement by using:
   a) the ADE age-appropriate resources; or
   b) training provided by a county attorney's office or a state or federal agency.
5. Requires a school district or charter school to provide a parent with an opportunity to opt their student out of the internet safety instruction and exempts the student from the instruction if opted out.

Amendments

Committee on Education

1. Delays the requirement for SBE to include the internet safety instruction in the minimum course of study to the 2026-2027 school year.
2. Modifies the best practices included in the internet safety instruction by:
   a) removing best practices for:
      i. safe online instruction; and
      ii. protecting student's privacy, personal safety and other cyber security interests while using phone or computer applications;
   b) adding best practices for:
      i. avoiding online scams; and

ii. protecting passwords and personal information from online predators.

3. Allows a school district or charter school to satisfy the internet safety instruction requirement by using training provided by a state or local law enforcement agency, rather than a state or federal agency.

4. Clarifies a county attorney's office and state or local law enforcement agency is not required to provide the training to a school district or charter school.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: ED DP 10-0-0-0

HB 2760: Holocaust education study committee
Sponsor: Representative Hernandez A., LD 20
Caucus & COW

Overview

Establishes the Holocaust Education Study Committee (Study Committee).

History

Laws 2021, Chapter 418 instructs the State Board of Education (SBE) to include, in course of study and competency requirements, a requirement that students be taught about the Holocaust and other genocides at least twice between the 7th-12th grades (A.R.S. § 15-701.02). Currently, SBE rules require that: 1) students, as part of a social studies course, receive instruction on the Holocaust and other genocides at least once in the 7th or 8th grades; and 2) the one credit of world history/geography required for high school graduation include instruction on the Holocaust and other genocides (A.A.C. R7-2-301, R7-2-302).

Provisions

1. Establishes the Study Committee that consists of:
   a) three Senate members and two SBE members appointed by the Senate President;
   b) three House of Representatives (House) members, one public schoolteacher and one public university faculty member appointed by the Speaker of the House;
   c) the Superintendent of Public Instruction or their designee; and
   d) three public members with expertise in the Holocaust appointed by the Governor.
2. Specifies requirements regarding the Senate and House members appointed by the Senate President and Speaker of the House.
3. States Study Committee members are ineligible for compensation but specified members are eligible for expense reimbursement.
4. Directs the Study Committee to:
   a) review the course of study and competency requirements that require instruction on the Holocaust and other genocides;
   b) study how teacher lessons and trainings regarding the Holocaust can be improved;
   c) study how the public universities can incorporate teachings of the Holocaust into courses and campus engagements; and
   d) explore how public schools and universities can facilitate speaking engagements for students by survivors, their families and liberators.
5. Instructs the Study Committee, by December 15, 2024, to submit a report of its activities and recommendations for legislative action to specified individuals.
6. Repeals the Study Committee on October 1, 2025.

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

HB 2779: Holocaust education; instruction requirements
Sponsor: Representative Marshall, LD 7
Caucus & COW

Overview

Specifies the required instruction on the Holocaust and other genocides must be for at least three school days on at least two separate occasions during any of the 7th-12th grades.

History

In October 2020, the State Board of Education (SBE) adopted rules modifying course of study and competency requirements for students. These rules require: 1) students, as part of a social studies course, receive instruction on the Holocaust and other genocides at least once in the 7th or 8th grades; and 2) the one credit of world history/geography required for high school graduation include instruction on the Holocaust and other genocides (A.A.C. R7-2-301, R7-2-302).

In addition to these SBE rules, Laws 2021, Chapter 418 requires instruction on the Holocaust and other genocides by directing SBE, in course of study and competency requirements, to include a requirement that students be taught about the Holocaust and other genocides at least twice between the 7th-12th grades (A.R.S. § 15-701.02).

Provisions

1. Specifies that SBE must require, in course of study and competency requirements, that students be taught about the Holocaust and other genocides *for at least three school days, or the equivalent, on at least two separate occasions* during any of the 7th-12th grades.

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

ARIZONA HOUSE OF REPRESENTATIVES

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

HB 2793: school policies; internet; wireless devices
Sponsor: Representative Pingerelli, LD 28
Caucus & COW

Overview

Directs each school district governing board (governing board) and charter school governing body (governing body) to prescribe policies that govern student access to the internet and limit the use of wireless communication devices.

History

A local education agency must adopt policies regarding the use of technology and the internet while at school that include: 1) notifying a parent of the adopted policies; and 2) the parent's ability to prohibit their student from using technology and the internet while at school in which personally identifiable information or material that meets prescribed criteria may be shared with the operator of an internet website, online service, online application or mobile application as specified (A.R.S. § 15-1046).

Furthermore, the State Board of Education (SBE) to establish best practices for social media and cell phone use between students and school personnel. SBE is to encourage governing boards and governing bodies to adopt policies that implement these best practices. Additionally, statute requires SBE to make these best practices available to public and private schools (A.R.S. § 15-203). In June 2022, SBE adopted social media and phone guidance (Social Media and Phone Guidance for Educators).

Provisions

1. Instructs a governing board or governing body to prescribe policies that:
   a) govern student access to the internet as provided by the school, including policies that restrict student access to social media platforms; and
   b) limit the use of wireless communication devices by students during the school day.
2. Specifies the policies to govern student access to the internet must allow teachers to give students access to social media platforms as necessary for educational purposes.
3. Requires the policies to limit the use of wireless communication devices by students to allow students to use these devices for educational purposes, as directed by their teacher, or during an emergency.
4. Defines *school day*, *social media platform* and *wireless communication devices*.

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

HB 2168: technical correction; conservation easements; applicability
S/E: barbering; cosmetology; conforming legislation
Sponsor: Representative Dunn, LD 25
Caucus & COW

Summary of the Strike-Everything Amendment to HB 2168

Overview
Modifies statutes relating to barbering and cosmetology.

History
Laws 2021, Chapter 334 consolidated the Boards of Cosmetology and Barbering into one board.

Current law outlines the powers and duties of the Barbering and Cosmetology Board (Board). Some of the powers include adopting rules necessary to complete duties, maintain a record of their acts and proceedings and keep these records open to public inspection and provide minimum school curriculum requirements (A.R.S. §§ 32-304, 32-504).

Provisions
1. Repeals statute relating to barbers and adds barbers to statute relating to cosmetology.
2. Deletes references to *salons* and replaces with *establishments*.
3. Removes an instructor who is a supervisor of examinations and examiners who are related to barbering and cosmetology from the people the Board may employ. (Sec. 5)
4. Adds that the Board must adopt rules necessary for mobile facility requirements. (Sec. 6)
5. Includes barbering, aesthetics, hair styling and nail technology in the requirements for the Board to administer examinations. (Sec. 6)
6. Establishes that the Board must additionally make and maintain records of registrations and registrants. (Sec. 6)
7. Deletes the requirement that the Board make an annual report to the Governor covering its official acts and financial transactions. (Sec. 6)
8. Adds aestheticians, barbers, hairstylists and nail technicians to the requirement for the Board to approve a mentor based on the licensee's record of compliance. (Sec. 6)
9. Provides that cosmetology statutes do not apply to:
   a) people performing services without compensation in either an emergency or a domestic administration; and
   b) people performing barbering, cosmetology, hairstyling or nail technology services in a funeral establishment. (Sec. 7)
10. Modifies fees that the Board must establish and collect. (Sec. 8)
11. Removes the requirement for the Board to issue a duplicate license upon written request. (Sec. 8)
12. Outlines application requirements for a barber license. (Sec. 9)

13. Specifies that an applicant for a barber license who has a cosmetologist or hairstylist license must complete a 200-hour course consisting of barbering techniques in a school licensed by the Board. (Sec. 9)

14. Allows an applicant reciprocity if the person holds a valid license or authorizing document to practice aesthetics, barbering, cosmetology, hair styling or nail technology issued by another country if:
    a) the applicant is lawfully present in the United States under federal law;
    b) the applicant has proof that they have one year of experience;
    c) the Board determines the applicant is proficient;
    d) the applicant passes the practical examinations in their profession; and
    e) the applicant takes and completes an infection prevention class provided by the Board. (Sec. 10)

15. Deletes specific requirements for an aesthetician or cosmetologist who performs cosmetic laser procedures and procedures using IPL devices. (Sec. 12)

16. Stipulates that a barber, cosmetologist, aesthetician, nail technician or a hairstylist must pay the prescribed renewal fee and comply with other requirements in order to renew their license. (Sec. 13)

17. Modifies the time period for a license to be inactive before it is automatically suspended from ten years to five years. (Sec. 14, 17)

18. Specifies that a person is entitled to receive a license to teach or reciprocity for teaching if they are at least 19 years old, rather than 16, and holds a high school diploma or equivalent. (Sec. 15, 16)

19. Removes the option of an instructor to be at least 18 years old. (Sec. 15, 16)

20. Includes 350 hours of instructor training for a barbering instructor before receiving an instructor license. (Sec. 15)

21. Adds the following requirements for a person to be entitled to receive a license to teach or reciprocity for teaching:
    a) pass both a written and practical examination; and
    b) complete the infection prevention, sanitation and law review class provided by the Board. (Sec. 15, 16)

22. Allows an applicant for an instructor license to appeal the Board's denial. (Sec. 15)

23. Requires an applicant for an instructor license who has appealed the Board's denial to be granted a hearing on request before the Board at its next regular meeting after receipt of the request. (Sec. 15)

24. Establishes that the burden of proof is on the applicant to demonstrate that the alleged deficiencies do not exist at a hearing granted for an applicant who appeals the Board's denial of an instructor license. (Sec. 15)

25. Includes the current registration for eyelash technicians practicing in an establishment and barber licenses to be displayed in a conspicuous location. (Sec. 22)

26. Directs an establishment, within 10 days of change of ownership or location, to file a new application, notify the Board in writing and pay the prescribed fee. (Sec. 24)

27. Adds the following requirements to receive a license to operate a school:
    a) a course of instruction in a licensed school that teaches barbering must consist of at least 1,200 hours of instruction and outlines what must be included in the course of instruction;
    b) a licensed school must be operated under the general supervision of a licensed instructor;
    c) students may not teach other students; and
    d) a school that holds a license in barbering and a license in cosmetology may offer courses on both cosmetology and barbering if an instructor licensed pursuant to requirements for cosmetology and barbering teach the respective subjects. (Sec. 25)

28. Specifies that the required notice on a school that offers services for the public must also include a statement that the work is done under the direct supervision of a licensed instructor. (Sec. 27)

29. Allows a student who wishes to transfer from one school to another to apply to another school of their choice, rather than apply for transfer on a form prescribed by the Board. (Sec. 28)

30. Directs the transferring school to provide the student with a completion form documenting the hours and courses successfully complete and mandates the form include the following:
    a) the name, address and license number of the school; and
    b) the student's dates of attendance. (Sec. 28)

31. Mandates each establishment to be licensed by the Board and have an individual designated as the manager of the establishment. (Sec. 30)

32. Stipulates that a school must clearly indicate to the public that all services are performed by students under the direct supervision of a licensed instructor. (Sec. 30)

33. Appropriates $200,000 from the Barbering and Cosmetology Fund in FY 2025 and FY 2026 to the Board for information technology development. (Sec. 35)

34. Appropriates $298,250 and four FTE positions from the Barbering and Cosmetology Fund in FY 2025 to the Board to enforce statute. (Sec. 35)

35. Specifies that the appropriations are exempt from statute relating to the lapsing of appropriations. (Sec. 35)

36. Removes the definition of *salon*. (Sec. 4)

37. Modifies the definitions of the following:
    a) *barbering*;
    b) *instructor*;
    c) *mentor*. (Sec. 4)

38. Defines *barber* and *establishment*. (Sec. 4)

39. Makes technical and conforming changes. (Sec. 1, 4-8, 10-34)

HB 2169: barbering, cosmetology, massage therapy; consolidation
Sponsor: Representative Dunn, LD 25
Caucus & COW

Overview

Establishes the Barbering, Cosmetology and Massage Therapy Board (Board).

History

Laws 2021, Chapter 334 consolidated the Boards of Cosmetology and Barbering into one board.

Current law outlines the powers and duties of the Barbering and Cosmetology Board. Some of the powers include adopting rules necessary to complete duties, maintain a record of their acts and proceedings and keep these records open to public inspection and provide minimum school curriculum requirements (A.R.S. §§ 32-304, 32-504).

Provisions

1. Consolidates the Barbering and Cosmetology Board with the Board of Massage Therapy into the Board.
2. Modifies the membership of the Board to include:
   a) *three* school owners one of whom owns a school that teaches massage therapy;
   b) adds massage therapy to the public members who may not be involved with specified industries;
   c) one massage therapist who has actively practiced in Arizona for at least three years. (Sec. 3)
3. Repeals statute relating to the Board of Massage Therapy membership, executive director and fund. (Sec. 8)
4. Transfers all unexpended and unencumbered monies remaining in the Board of Massage Therapy Fund to the Barbering, Cosmetology and Massage Therapy Fund. (Sec. 8)
5. Provides that the Board succeeds to the powers, duties, authority and responsibilities of the Board of Massage Therapy. (Sec. 15)
6. Clarifies that this does not alter the effect of current actions taken or valid obligations of the Board of Massage Therapy. (Sec. 15)
7. Specifies that all current administrative matters, contracts and judicial actions, regardless of status, of the Board of Massage Therapy are transferred to the Board and maintain the same status. (Sec. 15)
8. Maintains the validity of all certificates, licenses, registrations and permits issued by the Board of Massage Therapy. (Sec. 15)
9. Transfers all equipment, records, furnishings and other property from the Board of Massage Therapy to the Board. (Sec. 15)
10. Specifies the initial terms of members of the Board as follows:
    a) two terms ending June 30, 2027;
    b) two terms ending June 30, 2028;
    c) three terms ending June 30, 2029; and
    d) four terms ending June 30, 2030. (Sec. 16)

11. Authorizes all members of the former Barbering and Cosmetology Board and the former Massage Therapy Board to continue to serve on the Board until the expiration of their normal terms. (Sec. 17)

12. Requires the Governor to make all subsequent appointments to the Board as prescribed in statute. (Sec. 16, 17)

13. Makes technical and conforming changes. (Sec. 1-7, 9-12, 13, 14)

Amendments

Committee on Government

1. Delays the termination of the Board until July 1, 2028.

2. Allows the Board to waive annual renewal fees for a licensee in good standing during the period of consolidation.

3. Requires the Board to first use funds from the Massage Therapy Fund for implementation.

4. Contains a delayed effective date of July 1, 2025.

HB 2213: governmental entities; proxy voting; prohibition
Sponsor: Representative Livingston, LD 28
Caucus & COW

Overview

Prescribes requirements relating to the handling of public funds.

History

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

Provisions

1. Directs the State Treasurer to post on its publicly accessible website a current list of state investments by name and investment managers and update any changes to the lists within a reasonable period of time. (Sec. 1)
2. Declares that all state investments must be made in the sole interest of the beneficiary taxpayer. (Sec. 1)
3. Requires the State Treasurer's evaluation of an investment to be based on pecuniary factors as statutorily prescribed. (Sec. 1)
4. Stipulates the following must be done when a governmental entity establishes or maintains a plan:
   a) make all direct investment decisions based solely on pecuniary factors; and
   b) vote all directly held shares based solely on pecuniary factors when voting proxies. (Sec. 2)
5. Instructs, if a governmental entity with a plan has indirect or commingled investments, notification be sent to the general partner or investment manager that for all possible cases the partner or manager must:
   a) make investment decisions based solely on pecuniary factors; and
   b) proportionally vote directly held shares based solely on pecuniary factors. (Sec. 2)
6. Defines *pecuniary factor* and *plan*. (Sec. 2)

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

HB 2375: guaranteed income program; prohibition
Sponsor: Representative Diaz, LD 19
Caucus & COW

Overview

Prohibits a city, town or county from enforcing ordinances relating to making payments to individuals as part of a guaranteed income program.

History

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

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. States a city, town or county must not adopt, enforce or maintain any ordinance, order or rule with the purpose of making payments to individuals as part of a guaranteed income program. (Sec. 1, 2)
2. Prohibits a city, town, or county from applying or interpreting a law of general application in a manner that conflicts with the prohibition on a guaranteed income program. (Sec. 1, 2)
3. Defines a *guaranteed income program* as any program where individuals are provided with regular, periodic cash payments that are unearned and that may be used for any purpose. (Sec. 1, 2)
4. Excludes a program in which a person is required to perform work or attend training from the definition of *guaranteed income program*. (Sec. 1, 2)

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

HB 2384: development requests; expedited processing
Sponsor: Representative Livingston, LD 28
Caucus & COW

Overview

Prescribes requirements for municipalities and counties on processing development requests.

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).

Arizona counties have the authority, through their board of supervisors, to purchase and hold lands within its limits, levy and collect taxes as authorized by law and make orders for the disposition of property as the interests of the county inhabitants require (A.R.S. § 11-201).

Provisions

1. Requires a municipality or county to approve a development request within 60 days after receipt. (Sec. 1, 2)
2. Specifies that the request is deemed approved if the municipality or county does not respond within 60 days after receipt. (Sec. 1, 2)
3. Prohibits the municipality or county from imposing any additional requirements on the applicant related to the request if it is approved. (Sec. 1, 2)
4. Directs the municipality or county to provide written reasons for a denial of the request. (Sec. 1, 2)
5. Stipulates that the following apply if a request is deemed incomplete:
   a) the municipality or county must provide written reasons for the request being incomplete;
   b) the 60-day time period resets as of the date the municipality or county provides written notice that the request is incomplete if provided within 15 days of the request; and
   c) a request is incomplete if it does not have all information required by law or a previously adopted rule, ordinance or policy. (Sec. 1, 2)
6. Defines *applicant* and *request*. (Sec. 1, 2)
7. Contains a delayed effective date of January 1, 2025. (Sec. 3)

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

HB 2427: active management areas; technical correction
S/E: land; conveyance; historical society; Yuma
Sponsor: Representative Dunn, LD 25
Caucus & COW

Summary of the Strike-Everything Amendment to HB 2427

Overview

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

History

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

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

Provisions

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

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

HB 2481: open meetings; public body; legislature
Sponsor: Representative Parker B, LD 10
Caucus & COW

Overview
Modifies statute relating to public proceedings and meetings.

History
A *public body* is defined as the Legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of the state, all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of the public body. All meetings of a public body must be public meetings and anyone desiring to attend must be allowed to attend and listen to the deliberations and proceedings (A.R.S. §§ 38-431, 38-431.01).

Provisions
1. Removes the Legislature from the definition of *public body* as it relates to open meeting laws. (Sec. 1)
2. Requires all public bodies to provide an opportunity for public comment in person before any final decision subject to reasonable time, place and manner restrictions. (Sec. 2)
3. Specifies that all public bodies, rather than schools, school boards, executive boards and municipalities, must provide an amount of seating sufficient to accommodate the reasonably anticipated attendance. (Sec. 2)
4. Applies website posting, statement and recording requirements to all public bodies, rather than just a city or town with a population of more than 2,500 people. (Sec. 2)
5. Requires, rather than allows, a public body to make an open call to the public during a public meeting to allow individuals to address the public body. (Sec. 2)
6. Prohibits meetings from being held without at least 48, rather than 24, hours' notice to the members of the public body and the general public. (Sec. 3)
7. Allows a meeting to be recessed and resumed with less than 48, rather than 24, hours' notice provided statutory requirements are followed. (Sec. 3)
8. Dictates that an agenda must be made available to the public at least 48, rather than 24, hours before the meeting. (Sec. 3)
9. Adds that agendas must be made publicly available online and include a hyperlink to any relevant texts under consideration by the public body and referenced in the agenda. (Sec. 3)
10. Makes technical and conforming changes. (Sec. 2-4)

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

HB 2506: foreign agents; registration; attorney general
Sponsor: Representative Gress, LD 4
Caucus & COW

Overview

Prescribes requirements for registration with the Attorney General (AG) as an agent of a foreign principal from a country of concern.

History

The AG serves as the chief legal officer of Arizona. The AG is mandated by the Arizona Constitution and elected to serve a four-year term. The AG may: 1) issue subpoenas to any person; 2) administer an oath or affirmation to any person; 3) conduct hearings in aid of any investigation or injury; and 4) prescribe and promulgate forms, procedural rules and regulations that may be necessary to enforce the law (A.R.S. § 44-1526).

Provisions

1. Prohibits a person from acting as an agent of a foreign principal from a country of concern unless the person has filed a registration statement with the office of the AG. (Sec. 1)
2. Directs a person, within 10 days of becoming an agent of a foreign principal from a country of concern, to file the prescribed registration statement, under oath, on a form prescribed by the AG's Office. (Sec. 1)
3. Specifies that the registration statement must include:
   a) the registrant's name;
   b) the registrant's address;
   c) the foreign principal's business address and other associated business addresses in the United States or outside of the United States;
   d) the status of the registrant and any associated information based on the outlined factors;
   e) a comprehensive statement of the nature of the registrant's business;
   f) a complete list of the registrant's employees and the nature of their work;
   g) the names and addresses of each foreign principal from a country of concern on whose behalf the registrant is acting;
   h) the extent to which the foreign principal from a country of concern is controlled, directed, financed, owned, supervised or subsidized by any government of a foreign country, foreign political party or other foreign principal from a country of concern;
   i) copies of each written agreement including terms and conditions of each oral agreement and if no agreements exist, a comprehensive statement of all circumstances in which the registrant is an agent of a foreign principal from a country of concern;
   j) a comprehensive statement of the nature and method of performance of any agreement and existing and proposed activities engaged in by the registrant, including political activities;
   k) the amount of any monies that the registrant has received as compensation or disbursement from the foreign principal from a country of concern, the form and time of each payment and from whom the registrant received the payment; and
   l) a comprehensive statement of every activity the registrant is performing or has agreed to perform for any other person and that requires the registrant's registration, including a detailed statement of any political activity. (Sec. 1)

4. Stipulates that the registration statement and supplemental information must be executed by the individual registrant unless:
   a) the registrant is in a partnership, in which case it must be executed by the majority of the members; or
   b) there is no involvement from an individual or partnership, in which case it must be executed by a majority of the officers or by a majority of the board of directors. (Sec. 1)
5. Instructs the AG's Office to notify the registrant in writing of any deficiencies and the registrant to cure all deficiencies within 10 days of receiving a notice of deficiencies. (Sec. 1)
6. States that the registrant must update the registration statement with any required additional information within 10 days after receiving the information. (Sec. 1)
7. Requires the AG's Office to retain a copy of all registration statements that must be open for public inspection at any reasonable time. (Sec. 1)
8. Allows the AG to establish a fee in rule for providing copies of the registration statements that are open for public inspection. (Sec. 1)
9. Exempts the following from the registration statement requirements:
   a) an accredited diplomatic or consular officer of a foreign government recognized by the United States Department of State;
   b) any official of a recognized foreign government who is not a public relations counsel, publicity agent or information service employee; and
   c) any person qualified to practice law in this state who engages in legal representation of a foreign principal based on prescribed requirements. (Sec. 1)
10. Prohibits a person that is an agent of a foreign principal from a country of concern from:
   a) transmitting through United States mail or alternate means informational materials in the interests of a foreign principal from a country of concern without including a conspicuous statement that the materials are being distributed on behalf of a foreign principal;
   b) transmitting or conveying to any agency or public official in this state political propaganda in support of a country of concern unless accompanied by an accurate statement that the person is registered as an agent of a foreign principal; or
   c) requesting advice or information regarding the political or public interests, policies or relations of a country of concern. (Sec. 1)
11. States that an agent of a foreign principal from a country of concern who appears to testify in the Legislature in the interest of the foreign principal must present the committee with a copy of the prescribed registration statement filed with the AG's Office. (Sec. 1)
12. Stipulates that it is unlawful for an agent of a foreign principal from a country of concern to be a party to any contract where the amount of compensation is contingent on the success of any political activities carried out by the agent and prescribes a class 6 felony and a fine of $50,000 per violation. (Sec. 1)
13. Provides a class 4 felony and fine of $100,000 per violation of a person who knowingly or wilfully violates the registration requirements or wilfully makes a false statement of material fact when filing a registration statement. (Sec. 1)
14. Declares that any student, faculty member, researcher or adjunct professor or individual otherwise employed by or associated with a university in this state must be expelled or dismissed and further prohibited from the campus and from their role if the person wilfully violates the registration requirements. (Sec. 1)
15. Directs each institution of higher education in Arizona to adopt a policy for the expulsion or dismissal of an individual who has violated the registration requirements. (Sec. 1)
16. Establishes that any alien who violates the prescribed registration requirements or is found to be in conspiracy of a violation is subject to referral to the United States Department of Justice. (Sec. 1)

17. Authorizes the AG to adopt rules necessary to implement the provisions of this Act. (Sec. 1)

18. Defines:
    a) *agent of a foreign principal*;
    b) *country of concern*;
    c) *foreign political party*;
    d) *foreign principal*;
    e) *government of a foreign country*;
    f) *information service employee*;
    g) *person*;
    h) *publicity agent*; and
    i) *public relations counsel*. (Sec. 1)

19. Contains a retroactivity clause of January 1, 2014. (Sec. 2)

Amendments

Committee on Government

1. Directs a foreign principal from a country of concern to also pay the fee prescribed by the AG.
2. Instructs the AG to post each registration statement on their website.
3. Stipulates that state employees must annually submit a signed affidavit to their employer stating they are not an agent of a foreign principal.
4. Specifies that institutions of higher education must develop a reporting mechanism for students who are former citizens or dissidents of a country of concern who are being harassed by an agent of a foreign principal to file a report describing the harassment.

HB 2720: accessory dwelling units; requirements.
Sponsor: Representative Carbone, LD 25
Caucus & COW

Overview
Establishes requirements relating to accessory dwelling units.

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

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

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

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

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

5. Permits a city or town to apply building codes, fire codes or public health and safety regulations to an accessory dwelling unit. (Sec. 1)

6. Prohibits a city or town from requiring an accessory dwelling unit to comply with commercial building code or to contain fire sprinklers. (Sec. 1)
7. Stipulates that accessory dwelling units are allowed on all lots or parcels zoned for residential use in a city or town without any limits if a city or town fails to adopt development regulations by January 1, 2025. (Sec. 1)
8. Defines:
   a) *accessory dwelling unit;*
   b) *gross floor area;*
   c) *long-term rental;*
   d) *municipality;*
   e) *kitchen facilities;*
   f) *permitted use;* and
   g) *restricted-affordable dwelling unit.* (Sec. 1)

HB 2767: emergency management assistance; reimbursement
Sponsor: Representative Bliss, LD 1
Caucus & COW

Overview

Modifies statute relating to the Emergency Management Assistance Compact Revolving Fund (Emergency Fund).

History

The Emergency Fund consists of monies that are appropriated by the Legislature and monies received as reimbursement of costs incurred by the state while rendering aid during an emergency as outlined in statute. The Department of Emergency and Military Affairs administers the Emergency Fund. The monies in the Emergency Fund are also used for the costs incurred by the state while assisting other states with emergencies or natural disasters (A.R.S. § 26-403).

Provisions

1. Renames the current Emergency Fund as the *Emergency Management Assistance Compact and Arizona Mutual Aid Compact Revolving Fund* (Fund). (Sec. 1)
2. Includes monies received as reimbursement for costs incurred by any supporting partners of this state, that respond to Arizona Mutual Aid Compact requests coordinated and approved by the Division of Emergency Management (Division), while rendering aid as prescribed in statute to the monies in the Fund. (Sec. 1)
3. Adds the option of monies in the Fund being used to reimburse supporting partners and agencies that respond to Arizona Mutual Aid Compact requests coordinated and approved by the Division. (Sec. 1)
4. Defines:
   a) *Arizona Mutual Aid Compact*;
   b) *division*; and
   c) *supporting partner*. (Sec. 1)

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

HB 2323: DCS; specialty medical evaluations
Sponsor: Representative Payne, LD 27
Caucus & COW

Overview

Prohibits the superior courts from issuing an order authorizing the Arizona Department of Child Safety (DCS) to take temporary custody of a child based on a sworn statement or testimony that relies solely on the opinion of a licensed physician or health care provider who performs evaluations for DCS or who has not conducted a physical examination of the child.

History

A child must be taken into temporary custody pursuant to only one of the following: 1) an order of the superior court; 2) if temporary custody is clearly necessary to protect the child because exigent circumstances exist; or 3) the consent of the child's parent or guardian. *Exigent circumstances* mean there is probable cause to believe that the child is likely to suffer serious harm in the time it would take to obtain a court order for removal and either: 1) there is no less intrusive alternative to taking temporary custody of the child that would reasonably and sufficiently protect the child's health or safety; or 2) probable cause exists to believe that the child is a victim of sexual abuse or abuse involving serious physical injury that can be diagnosed only by a licensed medical doctor, osteopathic physician or health care provider who has specific training in evaluations of child abuse.

A person who takes a child into custody because an exigent circumstance exists must immediately have the child forensically interviewed by a person who is trained in forensic interviewing protocols and may have the child examined by a licensed medical doctor, osteopathic physician or health care provider who has specific training in evaluations of child abuse. After the interview or examination, or both, the person must release the child to the custody of the parent or guardian of the child, unless the interview or examination reveals abuse.

The court is required to hold a preliminary protective hearing to review the taking into temporary custody of a child not fewer than five days nor more than seven days after the child is taken into custody. The court's determination in the preliminary protective hearing may be based on evidence that is hearsay, in whole or in part, in the following forms: 1) the allegations of the petition; 2) an affidavit; 3) sworn testimony; 4) the written reports of expert witnesses; 5) DCSs written reports if the child safety worker is present and available for cross-examination; 6) documentary evidence without foundation if there is a substantial basis for believing the foundation will be available at the dependency hearing and the document is otherwise admissible; and 7) the testimony of a witness concerning the declarations of another person if the evidence is cumulative or there is a reasonable ground to believe that the other person will be personally available for trial (A.R.S. §§ 8-821, 8-824 and 8-825).

Provisions

Preliminary Protective Hearings

1. Prohibits the superior courts from issuing an order authorizing DCS to take temporary custody of a child based on a sworn statement or testimony that relies solely on the opinion of a licensed physician or health care provider who performs evaluations for DCS or who has not conducted a physical examination of the child. (Sec. 1)

2. Asserts that a determination of exigent circumstances may not be based solely on the opinion of a licensed physician or health care provider who performs evaluations for DCS or who did not conduct a physical examination of the child. (Sec. 1)

3. Requires the court at the preliminary protective hearing to consider the opinion of a licensed physician or health care provider who is obtained by the person against whom the allegation of suspected abuse or neglect is being made. (Sec. 2, 3)

Specialty Medical Evaluations

4. Requires DCS, during the course of an investigation of suspected abuse or neglect, to refer a child who is taken into temporary custody for a specialty medical evaluation for any of the following reasons:
   a) DCS determined that the child requires a specialty medical evaluation with a physician;
   b) the child's parent, legal guardian or the attorney for the child, child's parent or legal guardian requests a specialty medical evaluation; or
   c) the child's primary care physician or other primary health care provider who provided health care or treatment to or otherwise evaluated the child recommends a special medical evaluation. (Sec. 4)

5. Requires DCS, if a child is referred for a specialty medical evaluation, to refer the child to a physician or health care provider who meets all the following:
   a) is a licensed physician or a health care provider; and
   b) is board certified in the field or specialty that is relevant to diagnosing and treating the condition that required the special medical evaluation;
   c) did not report the suspected abuse or neglect of the child. (Sec. 4)

6. Prohibits the physician or health care provider who reported the suspected abuse or neglect of the child from participating in the specialty medical evaluation. (Sec. 4)

7. Requires DCS to provide the child's parent, legal guardian or the attorney for the child, child's parent or legal guardian with written notice of the name, contact information and credentials of the specialist before referring a child for a specialty medical evaluation. (Sec. 4)

8. Allows the child's parent, legal guardian or the attorney of the child, child's parent or legal guardian to object to the proposed referral and request a referral to another specialist. (Sec. 4)

9. Instructs DCS, parents, legal guardians or attorneys to collaborate in good faith to select an acceptable specialist. (Sec. 4)

10. Allows DCS to refer the child to a specialist over the objection of the child's parent, legal guardian or the attorney for the child, child's parent or legal guardian. (Sec. 4)

11. Permits DCS to obtain consultations with physicians or health care providers with the ability to diagnose and treat unique health conditions that mimic child maltreatment or that increase the risk of misdiagnosis of child maltreatment. (Sec. 4)

12. Clarifies that this does not prohibit a child's parent, legal guardian or the attorney for the child, child's parent or legal guardian from obtaining an alternative opinion. (Sec. 4)

13. States that the child's parent, legal guardian or the attorney for the child, child's parent or legal guardian is responsible for the cost of the alternative opinion. (Sec. 4)

14. Directs DCS to accept and consider an obtained alternative opinion. (Sec. 4)

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

HB 2444: grievance process; payment methods; report
Sponsor: Representative Montenegro, LD 29
Caucus & COW

Overview

Requires a health insurer to accept tangible checks as a form of acceptable payment and establishes reporting requirements for health care provider grievances.

History

Contracts to provide health care services

A contract between a health insurer and a health care provider that is issued, amended or renewed to provide health care services to the health insurer's enrollees may not restrict the method of payment from the health insurer to the health care provider in which the only acceptable payment method is a credit card payment.

If a health insurer initiates or changes payments to a health care provider using electronic funds transfer payments, including virtual credit card payments, the health insurer must do the following:

1) notify the health care provider if any fee is associated with a particular payment method;
2) advise the health care provider of the available methods of payment and provide clear instruction to the health care provider as to how to select an alternative payment method; and
3) remit or associate with each payment the explanation of benefits (A.R.S. § 20-241).

Grievances

Grievances are any written complaint that is subject to resolution through the insurer's internal system for resolving payment disputes and other contractual grievances with health care providers and submitted by a health care provider and received by the health care insurer. Grievances do not include: 1) complaints by a noncontracted provider regarding an insurer's decision to deny the noncontracted provider admission to the insurer's network; 2) complaints about an insurer's decision to terminate a health care provider from the insurer's network; and 3) complaints that are subject of a health care appeal.

Health care insurers are required to establish an internal system for resolving payment disputes and other contractual grievances with health care providers. Each health care insurer must provide a summary of all records of health care provider grievances received during the prior six months. The Director of the Department of Insurance and Financial Intuition (DIFI) may review the health care insurer's internal system and examine the health care insurer if the DIFI Director find's a significant number of grievances that have not been resolved (A.R.S. §§ 20-3101 and 20-3102).

Provisions

1. Requires a health insurer to accept tangible checks as a form of acceptable payment. (Sec. 1)
2. Asserts that a health care provider's decision to opt out of a method of payment remains in effect until they opt back in to the prior method of payment or a new contract is executed. (Sec. 1)
3. Requires the DIFI Director, annually on August 1, to post a report on DIFI's publicly accessible website information on health care provider grievances for the prior fiscal year. (Sec. 3)
4. Specifies that the report on health care provider grievances must include:
   a) the total number of grievances received;
   b) the average time to resolve a grievance; and

c) the percentage of grievances where a health care insurer's decision was overturned. (Sec. 3)

5. Clarifies that this does not preclude a health care provider from collecting monies for a medical service that is not covered under the insurance policy or for the frequency of a medical service that is not covered under the insurance policy. (Sec. 3)
6. Expands the definition of *grievance* to include any delays in the timeliness of payments or payment denials. (Sec. 2)
7. Makes technical and conforming changes. (Sec. 1-4)

Amendments

Committee on Health & Human Services

1. Modifies the term *grievance* to include any delay in the timeliness of claim adjudications that result in a delay of payment for clean claims.
2. Clarifies that this does not preclude a health care provider with written informed consent of the patient from collecting monies for a medical service that is either:
   a) not covered under the insurance policy; or
   b) medically necessary and a payment of the claim was not made due to a denial or disallowance on the basis of frequency. A provider is limited to the rates prescribed by that provider's fee schedule in this manner.

HB 2446: dietitian nutritionists; licensure
Sponsor: Representative Montenegro, LD 29
Caucus & COW

Overview

Allows the Director of the Department of Health Services (DHS Director) to create licensing for Licensed Dietitian Nutritionists (LDN) and implement an Advisory Committee to assist the DHS Director in administrative functions and duties related to LDN licensing.

History

The Department of Health Services (DHS) is responsible for providing a majority of public health programs in the state addressing such topics as: 1) disease prevention and control; 2) health promotion; 3) community public health; 4) environmental health; 5) maternal and child health; 6) emergency preparedness; and 7) regulation of healthcare-related institutions.

The Academy of Nutrition and Dietetics (Academy) defines *Registered Dietitian Nutritionists* (RDN) as practicing food and nutrition experts with education in an accredited dietetics program who have completed supervised practice and the national exam. The Commission on Dietic Registration (Commission) is a credentialing agency for the Academy and is responsible for providing and enforcing credentialing standards, requirements and the national exam for registered dieticians and RDNs.

Current statute allows hospitals to grant registered dieticians or qualified nutrition professionals ordering abilities for diets, enteral feeding, nutritional supplementation or parenteral nutrition if authorized by medical staff (A.R.S. § 36-416).

Provisions

Orders

1. Allows an LDN in either a hospital, if authorized or granted standing ordering privileges by medical staff, or a nonhospital health care institution to order any of the following:
   a) diets or a change in diet orders;
   b) enteral feeding;
   c) durable medical equipment related to nutrition;
   d) nutritional supplementation;
   e) parenteral nutrition;
   f) medical nutrition therapy; and
   g) laboratory tests to check and track nutrition status. (Sec. 3, 4)
2. Directs hospitals or nonhospital health care institutions to have written policies and procedures that:
   a) allow LDN's to issue orders or perform medical nutrition therapy; and
   b) prescribe necessary qualifications for qualified nutrition professionals to issue orders and list any restrictions on their ability to issue orders. (Sec. 3, 4)
3. Requires nonhospital health care institutions to have written policies and procedures to address adverse events, if any, that arise from orders issued by an LDN or unlicensed dietician nutritionist. (Sec. 3)

Licensing and Advisory Committee

4. Requires the DHS Director to:
   a) license persons who apply for and possess all qualifications required for the practice of dietetics and nutrition;
   b) authorize all necessary disbursements;

c) ensure the public's health and safety by adopting and enforcing qualification standards and a scope of practice for licensees and applicants for licensure; and
d) adopt a scope of practice for LDNs consistent with that adopted by the Academy. (Sec. 5)

5. Allows the DHS Director to:
   a) issue and renew licenses;
   b) deny, suspend, revoke or refuse to renew a license or file a letter of concern, issue a decree of censure, prescribe probation, impose a civil penalty or restrict or limit the practice of a licensee;
   c) make and publish rules that are consistent with the laws of the state and that are necessary to carry out; and
   d) require a licensee to produce records of patients involved in complaints on file with DHS. (Sec. 5)
6. Lists the licensure requirements for an LDN as:
   a) submitting a nonrefundable application fee;
   b) holding either a current registration as a registered dietitian or registered dietitian nutritionist;
   c) having a baccalaureate degree, master's degree or doctoral degree from a qualified university with a major in a nutrition and dietetics-related field;
   d) completing an accredited and approved planned clinical program consisting of at least 1,000 hours of supervised experience;
   e) passing the examination for registered dieticians from the Commission or another equally accredited exam approved by the DHS Director; and
   f) having good moral character and not having a license suspended or revoked in the past two years in any state or ineligible for licensure in any state. (Sec. 5)

Advisory Committee

7. Permits the DHS Director to appoint an Advisory Committee to collaborate with and assist with performing the prescribed duties. (Sec. 5)
8. Allows the DHS Director to inform the Advisory Committee regarding disciplinary actions. (Sec. 5)
9. Includes the DHS Director, a licensed physician, three LDNs and one public member to be appointed to the Advisory Committee and outlines committee member qualifications. (Sec. 5)
10. Outlines the areas in which the Advisory Committee may provide recommendations to the DHS Director to act upon within a reasonable time period. (Sec. 5)
11. Allows the Advisory Committee to recommend to the DHS Director a waiver of the educational requirements if an applicant submits satisfactory proof that the applicant received the required professional education in another country equivalent to the education requirements. (Sec. 5)

Assessment of Fees and Management of Monies

12. Permits the DHS Director to prescribe and collect fees for the following:
    a) an application for a license;
    b) the issuance of a license or duplicate license;
    c) the renewal of a license; and
    d) late fees. (Sec. 5)
13. Requires the DHS Director to deposit 10% of all collected monies, including civil penalties, in to the state General Fund and deposit the remaining 90% in the Health Services Licensing Fund. (Sec. 5)

Issuance and Maintenance of License

14. Asserts that an LDN license is valid for two years. (Sec. 5)
15. Requires LDN licensees to renew their license every two years on payment of a renewal fee. (Sec. 5)
16. States that there is a 30-day grace period after a licensee expires when the licensee may renew the license on payment of a late fee in addition to the renewal fee. (Sec. 5)

17. Requires an LDN, when renewing their license, to attest to having completed continuing professional education as required during the licensing period and provide documentation of completion on DHS's request. (Sec. 5)

18. Directs the DHS Director by rule to provide standards for continuing professional education units. (Sec. 5)

19. Specifies that educational courses that are accepted by the Commission on Dietetic registration are deemed to comply with DHS standards. (Sec. 5)

20. Allows the DHS Director to refuse to renew a license for any cause for denial, revocation or suspension. (Sec. 5)

21. Instructs a person who does not renew their license to reapply for a new license pursuant to the licensure requirements. (Sec. 5)

22. Instructs the person to provide proof of having completed the continuing professional education units within the previous 24 months before the date of reapplication. (Sec. 5)

23. Mandates that a LDN licensee notify the DHS Director in writing of their place or places of practice and whether there is any change of address. (Sec. 5)

24. Directs the DHS Director to keep a record of an LDN's places of practice. (Sec. 5)

25. Specifies that any notice the DHS Director is required to give to a person holding an LDN license may be given by mailing it to that person at the address last given by that person to the Director. (Sec. 5)

26. Established title designations and violations for use of title as a *certified nutrition specialist, registered dietitian, registered dietitian nutritionist* or *licensed dietitian*. (Sec. 5)

27. Asserts that a violation for use of title of the specified professions constitutes as an unlawful practice and permits the Attorney General to investigate and take appropriate action. (Sec. 5)

Active-Duty Military Licensure Extension

28. Specifies that licenses for military or national guard members do not expire while on active duty and are extended 180 days after return or release from service. (Sec. 5)

29. Outlines criteria and processes for extensions and renewal of licenses for military or national guard members. (Sec. 5)

30. Makes technical changes. (Sec. 1)

Licensure Violations and Legal Actions

31. Allows the DHS Director to deny, revoke or suspend a license if the applicant does any of the following:
    a) is convicted of a felony or misdemeanor involving moral turpitude;
    b) secures a license through fraud or deceit;
    c) engages in unprofessional conduct or incompetence;
    d) uses a false name or alias in the practice of the applicant's or licensee's profession; or
    e) violates any statutes or rules. (Sec. 5)

32. Permits DHS to deny a license without holding a hearing and allows the applicant to request a hearing to review the denial after receiving notification of the denial. (Sec. 5)

33. States that if the DHS Director determines pursuant to a hearing that grounds exist to revoke or suspend a license, the DHS Director may do so permanently or for a fixed period of time and impose conditions as prescribed by rule. (Sec. 5)

34. Requires DHS to conduct a hearing before revoking or suspending a license and imposing a civil penalty. (Sec. 5)

35. Authorizes the DHS Director to file a letter of concern, issue a decree of censure, prescribe a period of probation, restrict or limit the practice of a licensee in place of denying, revoking or suspending a license. (Sec. 5)

36. Requires the DHS Director to notify a licensee's employer if disciplinary action has been initiated against that licensee. (Sec. 5)

37. Permits the DHS Director to enforce these provisions through injunction and prevents a prior or current proceeding from barring an enforcement proceeding. (Sec. 5)

38. Establishes that any violation of these provisions constitutes a class 3 misdemeanor. (Sec. 5)

39. Provides the DHS Director the ability to impose a civil penalty not exceeding $500 for violations of these provisions in addition to any other penalties. (Sec. 5)

40. Enables the Attorney General or the County Attorney to bring an action in the appropriate Superior Court to enforce the imposed civil penalties. (Sec. 5)

Miscellaneous

41. Exempts DHS from rulemaking requirements for one year following the effective date. (Sec. 6)

42. Contains a legislative intent clause. (Sec. 7)

43. Modifies terms. (Sec. 1)

44. Defines terms. (Sec. 3, 4, 5)

45. Makes conforming changes. (Sec. 2, 3)

Amendments

Committee on Health & Human Services

1. Makes technical changes.

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

HB 2502: SNAP; mandatory employment; training
Sponsor: Representative Biasiucci, LD 30
Caucus & COW

Overview

Requires the Arizona Department of Economic Security (DES) to require able-bodied adults who are under 60 years of age and receiving supplemental nutrition assistance to participate in a mandatory employment and training program unless the person meets the exempt criteria.

History

The Supplemental Nutrition Assistance Program (SNAP) is a federal program that provides nutrition benefits to low-income individuals and families that are used at stores to purchase food. Individuals must apply in the state in which they currently live and meet certain requirements. DES receives and reviews applications of eligible recipients for SNAP benefits.

7 U.S.C. § 2015(d) outlines the conditions to participate in SNAP. Each state agency must implement an employment and training program designed by the state agency, in consultation with the state workforce development board or with private employers or employer organizations if the state can demonstrate that consultation with private employers or employer organizations would be more effective or efficient to be approved by the U.S. Secretary of Agriculture for the purpose of assisting members of households participating in SNAP to gain skills, training, work or experience that will increase the ability of the household members to obtain regular employment and meet state or local workforce needs.

Provisions

1. Instructs DES to require able-bodied adults who are under 60 years of age and are receiving SNAP to participate in the mandatory employment and training program, unless the recipient meets the exempt criteria. (Sec. 1)

2. Outlines the criteria that a SNAP recipient must meet in order to be exempted from the mandatory employment and training program:
   a) be in compliance with the work registration requirements under Title IV of the Social Security Act or the Federal-State Unemployment Compensation System;
   b) be a parent or other member of a household who is responsible for the care of an incapacitated person or a dependent child who is under the age of six;
   c) be a bona fide student who is enrolled at least half time in any recognized school, training program or institution of higher education unless the recipient is ineligible to participate in the mandatory employment and training program;
   d) be a regular participant in a drug addiction or an alcoholic treatment and rehabilitation program;
   e) be employed a minimum of 30 hours per week or receiving weekly earnings that equal the minimum hourly rate under the Fair Labor Standards Act of 1938, multiplied by 30 hours; or
   f) be 16-18 years of age and not the head of a household, attend school or be enrolled in an employment training program on at least a half-time basis. (Sec. 1)

3. Asserts that a person who is noncompliant with the work registration requirements of Title IV of the Social Security Act or the Federal State Unemployment Compensation System is noncompliant with the work requirements. (Sec. 1)

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: HHS DP 6-3-0-1

HB 2503: SNAP; waivers; exemptions
Sponsor: Representative Biasiucci, LD 30
Caucus & COW

Overview

Prohibits the Arizona Department of Economic Security (DES) from seeking, applying, accepting or renewing any waiver of work requirement for able-bodied adults without dependents unless it is required by federal law or authorized by state law.

History

The Supplemental Nutrition Assistance Program (SNAP) is a federal program that provides nutrition benefits to low-income individuals and families that are used at stores to purchase food. Individuals must apply in the state in which they currently live and meet certain requirements. DES receives and reviews applications of eligible recipients for SNAP benefits.

Federal law prohibits an individual from participating in SNAP as a member of any household if, during the preceding 36-month period, the individual received SNAP benefits for not less than 3 months (consecutive or otherwise) during which the individual did not:

1) work 20 hours or more per week, averaged monthly;
2) participate in and comply with the requirements of a work program for 20 hours or more per week, as determined by the state agency;
3) participate in and comply with the requirements of a workfare program or a comparable program established by a state or political subdivision of a state; or
4) receive federal benefits.

Additionally, on request of a state agency and with the support of the state's chief executive officer, the U.S. Secretary of Agriculture (Secretary) may waive the applicability of certain work requirements for SNAP to any group of individuals in the state if the Secretary makes a determination that the area in which the individuals reside has an unemployment rate of over 10% or does not have a sufficient number of jobs to provide employment for the individuals (7 U.S.C. § 2015(o)(4)).

Additionally, for FYs 2020 through 2023, a state agency may provide a number of exemptions such that the average monthly number of exemptions in effect during the fiscal year does not exceed 12% of the number of covered individuals in the state, as estimated by the Secretary, adjusted by the Secretary to reflect changes in the state's caseload and the Secretary's estimate of changes in the proportion of members of households that receive SNAP benefits covered by waivers (7 U.S.C. § 2015 (o)(6)(E)).

Provisions

1. Prohibits DES from seeking, applying, accepting or renewing any waiver of work requirement for able-bodied adults without dependents unless it is required by federal law or authorized by state law. (Sec. 1)

2. Forbids DES from exercising the state's option to provide any exemptions from the federal work requirement unless authorized by state law. (Sec. 1)

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

HB 2653: long-term care; reporting; monitoring; injury
Sponsor: Representative Nguyen, LD 1
Caucus & COW

Overview

Establishes requirements for electronic monitoring devices and incident reporting for assisted living facilities.

History

Long-Term Care Facilities

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

Adult Protective Services Registry

Laws 2006, Chapter 211 created the Adult Protective Services (APS) registry. The law instructs the Arizona Department of Economic Security (DES) to maintain a registry of substantiated reports of abuse, neglect and exploitation of vulnerable adults. The APS registry contains the name and date of birth of the person determined to have abused, neglected or exploited a vulnerable adult, the nature of the allegation made and the date and description of the disposition of the allegation. The names of the vulnerable adult and reporting source cannot be reported to the registry. DES must maintain a report in the APS registry for 25 years after the date of the entry. A *vulnerable adult* is an individual who is 18 years of age or older and unable to protect themselves from abuse, neglect or exploitation by others because of a physical or mental impairment (A.R.S. §§ 46-451 and 46-459).

Duty to Report Abuse, Neglect and Exploitation of Vulnerable Adults

The following individuals are required to immediately report or cause reports to be made to a peace officer or to the APS central intake unit if they have a reasonable basis to believe that abuse, neglect or exploitation is happening to a vulnerable adult: 1) health professionals; 2) emergency medical technicians; 3) home health providers; 4) hospital interns or residents; 5) speech, physical or occupational therapists; 6) long-term care provider; 7) social workers; 8) peace officers; 9) medical examiners; 10) guardians and conservators; 11) fire protection personnel; 12) developmental disabilities providers; 13) DES employees; and 14) other persons who are responsible for the care of the vulnerable adult (A.R.S. § 46-454)

Provisions

Registry Checks

1. Requires, beginning January 1, 2025, an owner of a residential care institution, nursing care institution or home health agency to verify that an employee or potential employee is not on the APS registry or Elder Abuse Central Registry. (Sec. 1)
2. Requires an owner to take action to terminate the employment of an employee or not hire a potential employee if they are found to be on the APS or Elder Abuse Central Registry. (Sec. 1)

Electronic Monitoring Devices

3. Allows an owner or manager of a nursing care institution or assisted living facility to install, oversee and monitor electronic monitoring devices in common areas, including hallways, unless any resident or resident's responsible person objects to the installation of the devices. (Sec. 2)
4. Requires an owner or manager to provide advance notice of the intent to install electronic monitoring devices at least 30 days before installing the devices. (Sec. 2)
5. Permits an owner or manager to contract with a third party to install, oversee and monitor the electronic monitoring devices. (Sec. 2)
6. Permits an owner or manager to require cost sharing for the electronic monitoring devices only with the consent of responsible persons. (Sec. 2)
7. Allows a resident to a resident's responsible person to install electronic monitoring devices of the resident. (Sec. 2)
8. Prohibits an owner or manager from preventing the resident or the resident's responsible person from installing and paying for the cost of electronic monitoring devices if the resident or resident's responsible person agrees to the installation. (Sec. 2)
9. Asserts that the resident or the resident's responsible person is responsible for the maintenance and repairs of those electronic monitoring devices if they install and pay for the devices. (Sec. 2)
10. Prohibits an owner or manager from accessing the installed electronic record of electronic monitoring devices unless the resident or resident's responsible person provides access. (Sec. 2)
11. Establishes rules that the Arizona Department of Health Services (DHS) Director must adopt at minimum regarding the use of electronic monitoring devices in nursing care institutions and assisted living facilities. (Sec. 2)
12. Asserts that the rules adopted regarding the use of electronic monitoring devices do not apply if the residents' responsible persons install the electronic monitoring device. (Sec. 2)
13. States that the rules adopted for electronic monitoring devices may not:
    a) prohibit accessing the electronic record from the owner or manager, the resident or resident's responsible person unless the electronic record contains evidence of a suspected criminal offense; and
    b) prohibit cost sharing for the electronic monitoring devices between the owner or manager and the residents' responsible persons. (Sec. 2)
14. States that if an owner or manager has installed and uses an electronic monitoring device before the effective date, the owner or manager must establish policies consistent with DHS rules and submit the policies to DHS within 90 days after the rules are adopted. (Sec. 2)

Assisted Living Facilities Injury Reportion Requirements

15. Directs assisted living facilities to report to DHS each incident involving any of the following:
    a) any serious injury or medical issue sustained by a resident, whether incidental to a situation or malicious;
    b) any injury sustained by a resident that was inflicted by another resident;
    c) any injury in which a resident leaves the assisted living facility without notice; and
    d) any injury sustained by staff that was inflicted by a resident. (Sec. 4)
16. Requires an assisted living facility to also report the injury to the family member or the resident's representative who is designated to receive such reports. (Sec. 4)
17. Specifies that the report to DHS and the family member or resident's representative must include any follow-up action the assisted living facility takes to prevent the incident from happening again. (Sec. 4)

18. Requires DHS to adopt rules for the implementation of the assisted living facility incident reporting requirements. (Sec. 8)

19. Requires the rules for assisted living facility incident reporting to include timelines for reports to DHS, the family member or resident's representative involved in any of the described incidents. (Sec. 8)

Duty to Report Abuse, Neglect and Exploitation of Vulnerable Adults

20. Requires the DHS Director and the Arizona Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers (NCIA Board) to immediately report to APS information that a nursing care institution administrator's or assisted living facility manager's conduct may have resulted in abuse, neglect or exploitation of an adult in the nursing care institution or assisted living facility. (Sec. 3 and 5)

21. Requires the Director of the Arizona Health Care Cost Containment System and its contractors to immediately report to:
    a) the NCIA Board information identifying that a nursing care institution administrator or an assisted living facility manager's conduct may be grounds for disciplinary action; and
    b) DHS that an assisted living facility's conduct may be grounds for disciplinary action pursuant to DHS's requirements for health care institutions applicable to assisted living facilities. (Sec. 6)

22. Makes a DHS employee a mandatory reporter for abuse, neglect or exploitation of a vulnerable adult. (Sec. 7)

Miscellaneous

23. Defines the following terms:
    a) *assisted living facilities*;
    b) *electronic monitoring device; and*
    c) *serious injury or medical issue*. (Sec. 2, 4 and 6)

24. Makes technical and conforming changes. (Sec. 1, 3 and 7)

Amendments

Committee on Health & Human Services

1. Removes the ability for an owner or manager of a nursing care institution or an assisted living facility manager to install, oversee and monitor electronic monitoring devices and instead maintains the ability for a resident to install electronic monitoring devices in their private living space.

2. Establishes procedures for when a resident shares a private living space with a roommate and wants to install an electronic monitoring device which includes obtaining written permission from each roommate or their responsible person to install the device.

3. Asserts that a nursing care institution or assisted living facility is not responsible for gaining permission for the use of electronic monitoring devices in a resident's private living space and are not legally liable for the use of the installed device.

4. Modifies the assisted living injury reporting requirements.

5. Redefines terms.

HB 2704: foster youth permanency project team
Sponsor: Representative Gress, LD 4
Caucus & COW

Overview

Establishes a Foster Youth Permanency Project Team to implement solutions to remove barriers to permanency for children likely to be in custody of the Arizona Department of Child Safety (DCS) when they turn 18 years old or begin participating in the Extended Foster Care Program.

History

Extended Foster Care

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

DCS may establish an extended foster care program for qualified young adults. To participate in the program, a qualified young adult must meet certain eligibility requirements. DCS must provide a progress report every six months to the Young Adult Administrative Review Panel (Panel) for each participating young adult. The Panel must review, the qualified young adult's voluntary extended foster care case plan at least once every six months. This includes reviewing the services and supports provided and needed to assist the young adult in their successful transition to adulthood.

DCS must develop and coordinate educational case management plans for participating young adults to assist them in accomplishing the following: 1) graduating from high school; 2) passing the statewide assessment to measure pupil achievement; 3) applying for postsecondary education and financial assistance; and 4) completing postsecondary education classes (A.R.S. § 8-521.02).

Permanent Guardianship

Any party to a dependency proceeding or a pending dependency proceeding can file a motion for permanent guardianship. The motion must be verified by the person who files the motion and include the following: 1) the name, sex, residence, date and place of birth of the child; 2) the facts and circumstances supporting the grounds for permanent guardianship; 3) the name and address of the prospective guardian and a statement that the prospective guardian agrees to accept the duties and responsibilities of guardianship; 4) the basis for the court's jurisdiction; 5) the relationship of the child to the prospective guardian; 6) whether the child is subject to the Indian Child Welfare Act of 1978; and 7) the name, address, marital status and date of birth of the birth parents, if known. Before a final hearing, DCS, the agency or a person designated as an officer of the court must conduct an investigation addressing certain factors and whether the prospective permanent guardian or guardians are fit and proper to become permanent guardians and whether the best interests of the child would be served by granting the permanent guardianship (A.R.S. § 8-872).

Provisions

1. Requires DCS to establish a Foster Youth Permanency Project Team to implement solutions to remove barriers to permanency for children who are likely to be in DCS custody when the child turns 18 years old or begin to participate in the Extended Foster Care Program. (Sec. 1)
2. Require the DCS Director to appoint DCS staff and volunteers who have experience or expertise in child welfare to serve as team members. (Sec. 1)
3. Allows the DCS Director to appoint the following:
   a) members who have expertise or experience in social work;
   b) members who are attorneys and who have expertise in representing children or experience in child welfare law;
   c) members who have served as guardians ad litem; and
   d) members who have served as court appointed special advocates. (Sec. 1)
4. Prescribes duties for the Foster Youth Permanency Project Team. (Sec. 1)
5. Asserts that the Foster Youth Permanency Project Team must have access to all DCS documents and personnel that are necessary to perform the duties of the Foster Youth Permanency Project Team. (Sec. 1)
6. Allows the Foster Youth Permanency Project Team to enter into contracts with any of the following:
   a) a child or adolescent psychiatrist who has expertise in effective therapies and assessing proper use of psychotropic medications;
   b) an attorney who has expertise in social security benefits, education, immigration, disability, adoption, DCS and child welfare policies; or
   c) a private investigator who can successfully locate relatives or kin of children who were not previously identified as placement options. (Sec. 1)
7. Requires the Foster Youth Permanency Project Team to take reasonable steps to prevent unwarranted invasions of privacy and to protect the privacy and dignity of children who are the subject of a permanency action plan. (Sec. 1)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: JUD DP 8-1-0-0

HB 2076: domestic violence; definition; animal abuse
Sponsor: Representative Parker B, LD 10
Caucus & COW

Overview

Adds certain cruelty to animals offenses to the list of offenses that may qualify as domestic violence under certain circumstances.

History

Current law outlines a list of existing criminal offenses that may constitute *domestic violence* if the defendant has a certain relationship with the victim, such as being family members, having a child in common or sharing a residence together.

Peace officers are required to follow certain protocols when handling suspected domestic violence incidents and gives them the ability to arrest suspects for probable cause; inquire and seize firearms that may pose potential risk to the victim or others; and inform the alleged or potential victim about resources and procedures for their protection. Additionally, harsher sentencing may apply in domestic violence cases if the victim is pregnant at the time of the incident (A.R.S § 13-3601).

A person can commit the offense of *cruelty to animals* in numerous ways that are enumerated in A.R.S. § 13-2910. Specifically, under subsection A, paragraph 14, a person commits the offense by intentionally or knowingly subjecting a domestic animal to cruel mistreatment. Moreover, under subsection A, paragraph 15, a person commits the offense by intentionally or knowingly killing a domestic animal without either legal privilege or consent of the domestic animal's owner or handler. For purposes of this statute, *cruel mistreatment* means to torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.

Provisions

1. Adds cruelty to animals under A.R.S. § 13-2910, subsection A, paragraphs 14 and 15 to the list of offenses that can qualify as domestic violence. (Sec. 1)
2. Makes conforming changes. (Sec. 1)

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

HB 2177: jury; parental rights; termination
Sponsor: Representative Payne, LD 27
Caucus & COW

Overview

Entitles a parent to a jury trial in a hearing to terminate parental rights, if requested, and outlines related reporting requirements for the Administrative Office of Courts (AOC).

History

Current law allows any relative, foster parent, physician, department or private licensed child welfare agency to file a petition for the termination of parental rights on any of the following grounds:

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;
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).

The current process for terminating parental rights consists of a pretrial conference, status conference and a termination adjudication hearing before a court. If the parent does not appear at the proceedings after receiving proper notice, the court may terminate the parent-child relationship as to the parent who does not appear based on the record and evidence presented as provided in the rules prescribed the by Arizona Supreme Court (A.R.S. §§ 8-535, 8-537, 8-863).

In order terminate parental rights, the court must find that: 1) clear and convincing evidence establishes 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. Dept. of Child Safety*, 252 Ariz. 470, 2022). The preponderance of evidence standard requires that the fact-finder determine whether a fact sought to be proved is more probable than not. Clear and convincing evidence, by contrast, reflects a heightened standard of proof that indicates that the thing to be proved is highly probable or reasonably certain. (*Kent K. v. Bobby M.*, 210 Ariz. 279, 2005).

Provisions

1. Stipulates that a hearing to terminate parental rights must be held before a jury if a parent files a written request before or at the time of the initial termination hearing. (Sec. 1)

2. Instructs the court to provide notice of the option for a jury trial when providing notice of the initial termination hearing. (Sec. 1)

3. Allows one jury trial to be held for a parental rights termination proceeding if a court receives multiple requests for a jury trial and provides that a jury trial may be held in lieu of a bench trial for all parents involved in the proceeding. (Sec. 1)
4. Specifies that the jury consists of eight jurors and requires a concurrence of at least six jurors to reach a verdict pursuant to A.R.S. § 21-102. (Sec. 1)
5. Mandates that all jury trials held regarding the termination of parental rights begin at least 120 days after the initial termination hearing. (Sec. 1)
6. States that by January 1, 2027, the AOC must review the following:
   a) the number of jury trials requested and completed;
   b) the outcome and length of the jury trials;
   c) feedback from all parties, attorneys, judges, juries and court staff in a jury trial; and
   d) any relevant information or data regarding both jury and bench trials in termination of parental rights proceedings. (Sec. 2)
7. Requires the AOC to submit the completed review of the specified factors to the Governor, President of the Senate, Speaker of the House of Representatives and Secretary of State. (Sec. 2)
8. Contains a delayed effective date of July 1, 2025. (Sec. 3)

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

HB 2241: bestiality; visual depiction; minors
Sponsor: Representative Willoughby, LD 13
Caucus & COW

Overview

Establishes an additional form of bestiality involving a visual depiction in which a person is engaging in oral sexual contact, sexual contact or sexual intercourse with an animal.

History

Under current law, a person commits bestiality by knowingly doing either of the following:

1) engaging in oral sexual contact, sexual contact or sexual intercourse with an animal, which is a class 6 felony; or
2) causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal, which is a class 3 felony punishable as a dangerous crime against children if the other person is a minor below the age of 15.

In addition to any other penalties, the court may order that a person convicted of bestiality undergo psychological assessment; participate in appropriate counseling at the person's own expense; and/or reimburse an animal shelter for reasonable costs incurred for the care and maintenance of any animal that was taken to the animal shelter as a result of the offense.

Criminal liability for bestiality does not apply to the following activities:

1) accepted veterinary medical practices performed by a licensed veterinarian or veterinary technician;
2) insemination of animals by the same species, bred for commercial purposes; or
3) accepted animal husbandry practices that provide necessary care for animals bred for commercial purposes.

For purposes of this offense, *animal* is defined as a nonhuman mammal, bird, reptile or amphibian, either dead or alive (A.R.S. § 13-1411). Other applicable terms such as *oral sexual contact*, *sexual contact* and *sexual intercourse* are also defined in statute (A.R.S. § 13-1401).

Provisions

1. Adds that a person commits bestiality by knowingly possessing, distributing, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing or exchanging any visual depiction in which a person is engaging in oral sexual contact, sexual contact or sexual intercourse with an animal. (Sec. 1)
2. Classifies this new form of bestiality as a class 1 misdemeanor, unless the depicted person is a minor under the age of 15, in which case the offense becomes a class 6 felony. (Sec. 1)
3. Makes technical and conforming changes. (Sec. 1)

Amendments

Committee on Judiciary

1. Removes separate class 6 felony sentencing classification pertaining to minors.

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

ARIZONA HOUSE OF REPRESENTATIVES

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

HB 2638: litigation; financing; consumer protection; enforcement
Sponsor: Representative Grantham, LD 14
Caucus & COW

Overview

Establishes a new chapter in A.R.S. title 12 relating to litigation financing.

History

According to the American Bar Association, *litigation finance* is the practice of an unrelated third party providing capital to a plaintiff to fund litigation in return for a portion of any monetary recovery.

The Arizona Consumer Fraud Act, which is codified at A.R.S. title 44, chapter 10, article 7, relates generally to elimination and remedying of unlawful practices in merchant-consumer transactions. Under A.R.S. § 44-1522, the act, use or employment by any person of any deception, deceptive or unfair act or practice, fraud, false pretense, false promise, misrepresentation, or concealment, suppression or omission of any material fact with intent that others rely on such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise whether or not any person has in fact been misled, deceived or damages thereby, is declared to be an unlawful practice. The Arizona Attorney General is authorized to take certain actions to investigate and enforce violations of this provision (A.R.S. §§ 44-1524 through 44-1534).

Provisions

Preserving Consumer Control and Recoveries

1. Prohibits a litigation financier from directing or making any decisions with respect to the course of any action that is subject to a litigation financing agreement (Agreement) or any settlement or other disposition of the action, including decisions concerning the appointment or changing of counsel, the choice of or use of expert witnesses and litigation strategy, and requires that the named party and counsel of record retain all rights to control and decision-making with regard to the action. (Sec. 1)
2. Proscribes a litigation financier from, directly or indirectly, receiving a larger share of the proceeds of an action than the named parties to the action that is subject to an Agreement. (Sec. 1)
3. Requires the court in a class action lawsuit to consider the existence of litigation financing and any related conflicts of interest when determining whether a class representative or class counsel would adequately and fairly represent the interests of the class. (Sec. 1)
4. Instructs the court in a multidistrict lawsuit to consider the existence of litigation financing and any related conflicts of interest when approving or appointing counsel to *leadership positions*, meaning any lead counsel, colead counsel, common benefit counsel, steering committee membership, executive committee membership and other similar positions or roles. (Sec. 1)

Prohibited Conduct

5. Prohibits a litigation financier from doing any of the following:
   a) paying or offering to pay a commission, referral fee or other consideration to any person, including legal counsel, a law firm or a licensed health care provider, for referring a person to the litigation financier;
   b) assigning, including securitizing, an Agreement in whole or in part; or
   c) being assigned rights to an action that is subject to an Agreement to which that litigation financier is a party. (Sec. 1)

Required Disclosures

6. Requires legal counsel who enters into an Agreement to deliver a copy to all persons legal counsel is representing in the subject action within 30 days after the earlier of:
   a) being retained as legal counsel; or
   b) entering into the litigation financing agreement. (Sec. 1)

7. Unless otherwise stipulated or ordered by a court, requires a party to an action or the party's counsel of record to, without awaiting a discovery request and within 30 days after commencement of the action, deliver a copy of the Agreement to all of the following persons:
   a) all parties to the action or to the parties' counsels of record;
   b) the court, agency or tribunal in which the action is pending;
   c) any known person with a preexisting contractual obligation to indemnify or defend a party to the action, including an insurer providing indemnification or paying a party's defense costs;
   d) for class actions, any member of the class on request; and
   e) for multidistrict litigation consolidated in Arizona, all legal counsel approved or appointed to a leadership position. (Sec. 1)

8. Unless otherwise stipulated or ordered by a court, instructs a party to an action or the party's counsel of record to, without awaiting a discovery request and within 30 days after commencement of the action, disclose in writing the existence and nature of any legal, financial or other relationship between legal counsel for the party to the action that is subject to an Agreement and the litigation financier to the persons listed in paragraphs a), b) and c) under provision 7 above. (Sec. 1)

9. In addition to the disclosures required above and unless otherwise stipulated or ordered by a court, requires a party to an action or the party's legal counsel of record, without awaiting a discovery request and within 30 days after commencement of the action, to disclosure in writing to the persons listed in paragraphs a), b) and c) under provision 7 above, the U.S. Department of State and the U.S. Attorney General the name, address and citizenship or county of incorporation or registration of any foreign person, foreign principal or sovereign wealth fund, other than the named parties or legal counsel of record:
   a) that has a right to receive any payment that is contingent in any respect on the outcome of the action by settlement, judgment or otherwise, or on the outcome of any matter within a portfolio that includes the action and involves the same or affiliated legal counsel;
   b) from which money that is used to satisfy any term of the litigation financing agreement has been or will be directly or indirectly sources, in whole or in party;
   c) that has received or is entitled to receive proprietary information or information affecting national security interests obtained as a result of the action. (Sec. 1)

10. Specifies that the above disclosure requirements are continuing obligations that are triggered on any party or their counsel of record upon entering into a new Agreement or amending an existing Agreement, and that they apply to class actions and multidistrict litigation. (Sec. 1)

11. Provides that the existence of an Agreement and its participants or parties are permissible subjects for discovery in any action that is subject to an Agreement. (Sec. 1)

Consumer Protection from Adverse Determinations

12. In any Agreement, requires a litigation financier to indemnify the funded consumers against any adverse costs, attorney fees, damages or sanctions that may be ordered or awarded in any action for which the litigation financier is providing litigation financing, except that indemnification is not required for any adverse costs, attorney fees, damages or sanctions that result from the consumer's intentionally wrongful conduct. (Sec. 1)

Enforcement for Violations

13. Deems an Agreement that is entered into in violation of this new chapter to be void and adjudges a litigation financier who violates any of the requirements above relating to preserving consumer control

and recoveries, prohibited conduct or required disclosures to have committed an unlawful practice under A.R.S. § 44-1522. (Sec. 1)

14. Requires the court to determine sanctions for any party that fails to make the disclosures required above, and mandates that an evasive or incomplete disclosure be treated as a failure to make the required disclosure. (Sec. 1)

Miscellaneous

15. Defines the following terms:
    a) *action*;
    b) *consumer* or *funded consumer*;
    c) *foreign person*;
    d) *foreign principal*;
    e) *licensed health care provider*;
    f) *litigation financier*;
    g) *litigation financing agreement* or *litigation financing*;
    h) *national security interests*;
    i) *proprietary information*; and
    j) *sovereign wealth fund*.

16. States that this act applies to any civil action, administrative proceeding, claim or cause of action that is pending or commenced on or after its effective date. (Sec. 2)

17. Contains a delayed effective date of January 1, 2025. (Sec. 3)

Amendments

Committee on Judiciary

1. Replaces provision in the definition of *litigation financing agreement* or *litigation financing* exempting certain nonprofit legal organizations with two new provisions exempting funding provided to or by certain nonprofit organizations.

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: JUD DPA/SE 6-3-0-0

HB 2727: firearms; merchant category codes; prohibition
S/E: sexual exploitation; minor; artificial intelligence
Sponsor: Representative Nguyen, LD 1
Caucus & COW

Summary of the Strike-Everything Amendment to HB 2727

Overview

Adds knowingly engaging in specified conduct pertaining to artificially generated depictions of a minor engaging in exploitive exhibition or other sexual conduct to the existing criminal statute for sexual exploitation of a minor.

History

Under current law, a person commits sexual exploitation of a minor by knowingly:

1) recording, filming, photographing, developing or duplicating any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct;
2) distributing, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing or exchanging any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct; or
3) possessing, manufacturing, distributing, advertising, ordering, offering to sell, selling or purchasing a child sex doll that uses the face, image or likeness of a real infant or minor under the age of 12 with the intent to replicate the physical features of the real infant or minor.

Sexual exploitation of a minor is a class 2 felony and is punishable as a dangerous crime against children (DCAC) if the minor is under 15 years of age (A.R.S. § 13-3553). DCACs are a category of criminal offenses that may be treated differently when they involve a defendant who is at least 18 years old (or tried as an adult) and a victim who is below 15 years old (or an unborn child). Statute specifies numerous offenses that may be punishable as a DCAC, meaning that they can be subject to increased prison sentences and special provisions regarding the defendant's eligibility for probation or early release (A.R.S. § 13-705).

Provisions

1. Adds that a person commits sexual exploitation of a minor by knowingly:
   a) producing, publishing, altering or generating with artificial intelligence any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct; and
   b) possessing, producing, publishing, distributing, offering to sell, selling, purchasing or generating with artificial intelligence any visual depiction that uses the face, image or likeness of a real minor who is under 12 years of age and who is engaged in exploitive exhibition or other sexual conduct with the intent to replicate the physical features of that real minor who is under 12 years of age. (Sec. 1)
2. Makes technical and conforming changes. (Sec. 1)

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

ARIZONA HOUSE OF REPRESENTATIVES

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

HB 2742: aggravated assault; transit; airport; rail
Sponsor: Representative Hernandez C, LD 21
Caucus & COW

Overview

Adds that assaulting a public transit employee, airport employee or railway worker as a form of aggravated assault.

History

Under the current criminal code, a person commits *assault* by doing any of the following:

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

Additionally, *aggravated assault* is a separate offense that occurs when a person commits assault as defined in A.R.S. § 13-1203 but additional circumstances outlined in statute are met. These circumstances include, among others, the level of injury caused to the victim, the defendant's use of a deadly weapon or the position or status of the victim. For example, assault can become aggravated assault if the defendant commits assault knowing or having reason to know that the victim is a peace officer, a first responder or a health care worker. Aggravated assault can range from a class 2 felony to a class 6 felony depending on the nature of the offense (A.R.S. § 13-1204).

Provisions

1. Adds an additional form of class 6 felony aggravated assault involving a person who commits assault knowing or having reason to know that the victim is any of the following:
   a) a public transit employee who performs duties on and off a vehicle while engaged in transferring members of the community to and from destinations in a bus, van or shuttle;
   b) an airport employee who interacts with the public while engaged in the airport employee's work duties; or
   c) a railway worker while engaged in operating a train, light rail or passenger rail or performing track maintenance. (Sec 1)
2. Makes a technical change. (Sec. 1)

Amendments

Committee on Judiciary

1. Lowers the sentencing classification in A.R.S. § 13-1203 for assault that involves intentionally placing another person in reasonable apprehension of imminent physical injury from a class 2 misdemeanor to a class 3 misdemeanor.

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

HB 2819: carrying firearms; minors; exception; consent
Sponsor: Representative Nguyen, LD 1
Caucus & COW

Overview

Adds that an unemancipated, unaccompanied minor may only possess or carry a firearm on private property that is owned or leased by the minor or the minor's parent, grandparent or guardian if the parent, grandparent or guardian consents. Increases the penalty for a minor unlawfully possessing or carrying a firearm to a class 5 felony.

History

Current statute forbids an unaccompanied, unemancipated minor from knowingly possessing or carrying a firearm anywhere except for private property owned or leased by the minor or the minor's parent, grandparent or guardian. This prohibition does not apply to minors that are between 14 and 17 years old who lawfully carry a firearm for the purposes of certain lawful hunting, marksmanship or agricultural activities as outlined in statute. If not within one of these exemptions, statute classifies a violation of this prohibition as a class 6 felony and prescribes other penalties for the minor and, in some cases, the minor's parent or guardian if they knew or should have known and made no effort to stop the minor's unlawful conduct (A.R.S. § 31-3111).

Provisions

1. Adds that an unaccompanied, unemancipated minor cannot carry a firearm on private property owned or leased by the minor or the minor's parent, grandparent or guardian unless they have been given consent to do so. (Sec. 1)
2. Raises the penalty for a minor unlawfully carrying or possessing a firearm from a class 6 felony to a class 5 felony. (Sec. 1)
3. 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: JUD DP 6-3-0-0

HB 2821: state crime; illegal border crossings.
Sponsor: Representative Montenegro, LD 29
Caucus & COW

Overview

An emergency measure that establishes state criminal liability for a range of conduct relating to unlawful immigration, including illegal entry and reentry into Arizona from a foreign nation and refusal to comply with an order to return to a foreign nation. Creates various enforcement mechanisms of these provisions as well as civil immunity and indemnification for certain persons who enforce them as part of their official duties.

History

8 U.S.C. chapter 12 contains numerous federal statutes relating to aliens, immigration and nationality in the U.S. For purposes of this chapter, *alien* means any person not a citizen or national of the U.S. (8 U.S.C. § 1101(a)(3)). It is a federal crime for an alien to do any of the following:

1) enter or attempt to enter the U.S. at any time or place other than as designated by immigration officers;
2) elude examination or inspection by immigration officers; or
3) attempt to enter or obtain entry to the U.S. by a willfully false or misleading representation or the willful concealment of a material fact.

Under this provision, a first-time offense carries a maximum prison term for 6 months and/or a fine, and a subsequent offense carries a maximum prison term of 2 years and/or a fine (8 U.S.C. § 1325(a)).

Any alien who is physically present in the U.S. or who arrives in the U.S. may apply for asylum. In order to receive asylum status, the applicant must show that they are a refugee as defined in 8 U.S.C. § 1101(a)(42)(A) and, in order to show refugee status, the applicant must establish that race, religion, nationality, membership in a particular social group or political opinion was or will be at least one central reason for persecuting the applicant (8 U.S.C. § 1158).

Federal immigration officers or judges are required to order the removal of certain aliens, subject to a certain review process, if they suspect that an arriving alien may be inadmissible for certain reasons, including for certain terrorist activities enumerated in 8 U.S.C. § 1182(a)(3)(B) (8 U.S.C. § 1225(c)). 8 U.S.C. chapter 12, subchapter V also provides for certain alien terrorist removal procedures.

Finally, under certain circumstances enumerated in federal statute, the U.S. Attorney General is authorized to remove an alien who has been sentenced to a term of imprisonment before the alien has competed the sentence in accordance with applicable procedures (8 U.S.C. § 1231(a)(4)(B)).

The Deferred Action for Childhood Arrivals (DACA) program allows qualified individuals without lawful immigration status to defer removal of the individual from the U.S. Deferred action remains in effect for a period of two years, subject to renewal, and provides recipients with employment authorization. On July 16, 2021, the U.S. District Court for the Southern District of Texas issued a vacatur and a permanent injunction against the continued operation of the program, thereby enjoining the U.S. Department of Homeland Security from granting DACA status for new applicants (U.S. Department of Homeland Security).

Provisions

1. Adds article 35 to A.R.S. title 13, chapter 38, relating to illegal entry into Arizona, containing several sections of statute outlined more specifically below. (Sec. 3)

Illegal Entry from a Foreign Nation

2. Establishes *illegal entry from a foreign nation* as a criminal offense involving a person who is an alien entering or attempting to enter Arizona directly from a foreign nation at any location other than a lawful port of entry. (Sec. 3)
3. Classifies this offense as a class 1 misdemeanor, unless the defendant has been previously convicted of the offense, in which case it becomes a class 6 felony. (Sec. 3)
4. Provides for an affirmative defense for a violation of this new offense if any of the following applies:
   a) the federal government has granted the defendant lawful presence in the U.S. or asylum under 8 U.S.C. § 1158.
   b) the defendant's conduct does not constitute a violation of 8 U.S.C. § 1325(a).
   c) the defendant was approved for benefits under the DACA program between June 15, 2012 and July 16, 2021. (Sec. 3).
5. Notwithstanding this affirmative defense, specifies that the following federal programs do not provide an affirmative defense in a prosecution for this new offense:
   a) the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program.
   b) any program not enacted by the U.S. Congress that is a successor to or materially similar to the DAPA program or the DACA program. (Sec. 3)

Illegal Reentry by Certain Aliens

6. Establishes *illegal reentry by certain aliens* as a criminal offense involving a person who is an alien who enters, attempts to enter or is found at any time in Arizona if either of the following applies:
   a) the person has been denied admission to or excluded, deported or removed from the U.S.; or
   b) the person has departed from the U.S. while an order of exclusion, deportation or removal is outstanding (Sec. 3)
7. Classifies this offense as a class 1 misdemeanor, exception that the offense becomes a class 3 felony if any of the following applies:
   a) the defendant's removal was subsequent to a conviction for commission of two or more misdemeanors involving drugs or crimes against a person or both;
   b) the defendant was excluded pursuant to 8 U.S.C. § 1225(c) because the defendant was excludable under 8 U.S.C. § 1182(a)(3)(B);
   c) the defendant was removed pursuant to 8 U.S.C. chapter 12, subchapter V;
   d) the defendant was removed pursuant to 8 U.S.C. § 1231(a)(4)(B). (Sec. 3)
8. Notwithstanding the above classifications, makes this offense a class 2 felony if the defendant was removed subsequent to a conviction for the commission of a felony. (Sec. 3)

Order to Return to Foreign Nation

9. Establishes a process for a judge or magistrate to issue an *order to return to a foreign nation* in certain circumstances for a person who is arrested for illegal entry from a foreign nation or illegal reentry by certain aliens, which must discharge the person and require the person to return to the foreign nation from which the person entered or attempted to enter and may be issued if all of the following apply:
   a) the person agrees to the order;
   b) the person has not previously been convicted of an offense under this new article or previously obtained a discharge under an order to return to a foreign nation;
   c) the person is not charged with another class 1 misdemeanor or any felony offense; and
   d) before the issuance of the order, the arresting law enforcement agency does all of the following:
      i. collects all identifying formation of the person, which must include taking fingerprints from the person and using other applicable photographic and biometric measures to identify the person; and

ii. cross-reference the collect collected information with all relevant local, state and federal criminal databases and federal lists or classifications that are used to identify a person as a threat or potential threat to national security (Sec. 3)

10. Additionally, after conviction for an offense under this new article, requires the judges to enter an order that requires the person to return to the foreign nation from which the person entered or attempted to enter, which takes effect on competition of the person's prison term. (Sec. 3).

11. Requires an order to return to a foreign nation to include both of the following:
- **a)** the manner of transportation of the person to a port of entry; and
- **b)** the law enforcement officer or state agency that is responsible for monitoring compliance with the order. (Sec. 3)

12. Directs orders to return to a foreign nation to be filed with either the county clerk of the county in which the person was arrested or the clerk of the court excising jurisdiction in the case, depending upon what stage in the criminal case the order was issued. (Sec. 3)

13. No later than seven days after an order to return to a foreign nation is issued, requires the law enforcement officer or state agency that is required to monitor compliance with the order to report the issuance of the order to the Department of Public Safety (DPS) for inclusion in the Central State Repository under A.R.S. § 41-1750. (Sec. 3)

14. Establishes *refusal to comply with an order to return to a foreign nation* as a criminal offense involving a person who is an alien meeting all of the following circumstances:
- **a)** the person is charged with or convicted of an offense under this new article;
- **b)** a magistrate or judge, as applicable, issues an order to return to a foreign nation; and
- **c)** the person refuses to comply with the order. (Sec. 3)

15. Classifies this offense as a class 2 felony. (Sec. 3).

Civil Immunity and Indemnification

16. Adds two new sections to A.R.S. title 12, chapter 7, article 2 that make a Arizona state or local government official, employee or contractor immune from civil liability for damages arising from a cause of action under Arizona law resulting from an action taken by the person to enforce the new article being added to A.R.S. title 13, chapter 38 (described above) during the course and scope of the person's office, employment or contractual performance for or service on behalf of the Arizona state or local government. (Sec. 1)

17. Requires a local government to indemnify a local government official, employee or contractor for damages arising from a cause of action under federal law resulting from an action taken by the person to enforce the new article being added to A.R.S. title 13, chapter 38 (described above) during the course and scope of the person's office, employment or contractual performance for or service on behalf of the local government in an amount no greater than:
   a) $100,000 to any one person or $300,000 for any single occurrence in the case of personal injury or death; or
   b) $10,000 for a single occurrence of property damage. (Sec. 1)

18. Requires the state of Arizona to indemnify an Arizona state official, employee or contractor for damages arising from a cause of action under feral law resulting from an action taken by the person to enforce the new article being added to A.R.S. title 13, chapter 38 during the course and scope of the person's office, employment or contractual performance for or service on behalf of the state of Arizona, and states that, notwithstanding any other law, an indemnification payment made under this provision is not subject to an indemnification limit under Arizona law. (Sec. 1)

19. Specifies that, for both state and local government officials, employees or contractors, the above immunity and indemnification provisions do not apply if the court or a jury determines that the person acted in bad faith, with conscious indifference or with recklessness. (Sec. 1)

20. Requires the Arizona state government or a local government to indemnify their respective officials, employees or contractors for reasonable attorney feeds incurred in defense of a criminal prosecution against the person for an action taken by the person to enforce the new article that is being added to A.R.S. title 13, chapter 38 during the course and scope of the person's office, employment or contractual performance for or service on behalf of the local government. (Sec. 1)
21. States that neither of these two new sections concerning civil immunity and indemnification for Arizona state and local government officials, employees or contractors waive any statutory limits on damages under Arizona law. (Sec. 1)
22. Adds an additional section to A.R.S. title 12, chapter 7, article 2 requiring that, for a civil action that is brough against a person who may be entitled to immunity or indemnification under the other two new section described above, an appeal must be taken directly to the Arizona Supreme Court. (Sec. 1)
23. Specifies that the three new sections to A.R.S. title 12, chapter 7, article 2 described above do not affect a defense, immunity or jurisdictional bar available to the state of Arizona or a local government or an official, employee or contractor of the state of Arizona or a local government. (Sec. 1)

Miscellaneous

24. Makes a defendant who is convicted of an offense under the new article that is being A.R.S. title 13, chapter 38 ineligible for community supervision and prohibits a court from abating the prosecution of an offense under the new article on the basis that a federal determination regarding the defendant's immigration status is pending or will be initiations. (Sec. 2, 3)
25. For purposes of the new article that is being added to A.R.S. title 13, chapter 38, defines terms as follows:
    a) *alien* means a person who is not a citizen or national of the U.S. as described in 8 U.S.C. § 1101;
    b) *port of entry* means a port of entry in the U.S. as described in 19 C.F.R. part 101.1.
26. For purposes of the Central State Repository, requires DPS to procure certain information for persons who have been charged with, arrested for, convicted of or summoned to court as a criminal defendant for illegal entry from a foreign nation or illegal reentry by certain aliens and from whom an order to return to a foreign nation was issued. (Sec. 6).
27. Makes conforming changes. (Sec. 4, 5).
28. Contains an emergency clause. (Sec. 7)

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

HB 2835: observing nude minor; sexual gratification
Sponsor: Representative Nguyen, LD 1
Caucus & COW

Overview

Adds knowingly observing a nude minor for the purpose of a person's sexual gratification as to the existing criminal statute for sexual exploitation of a minor.

History

Under current law, a person commits sexual exploitation of a minor by knowingly:

1) recording, filming, photographing, developing or duplicating any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct;
2) distributing, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing or exchanging any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct; or
3) possessing, manufacturing, distributing, advertising, ordering, offering to sell, selling or purchasing a child sex doll that uses the face, image or likeness of a real infant or minor under the age of 12 with the intent to replicate the physical features of the real infant or minor.

Sexual exploitation of a minor is a class 2 felony and is punishable as a dangerous crime against children (DCAC) if the minor is under 15 years of age (A.R.S. § 13-3553). DCACs are a category of criminal offenses that may be treated differently when they involve a defendant who is at least 18 years old (or tried as an adult) and a victim who is below 15 years old (or an unborn child). Statute specifies numerous offenses that may be punishable as a DCAC, meaning that they can be subject to increased prison sentences and special provisions regarding the defendant's eligibility for probation or early release (A.R.S. § 13-705).

Provisions

1. Adds that a person commits sexual exploitation of a minor by knowingly observing a nude minor for the purpose of the person's sexual gratification. (Sec. 1)

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

HB 2843: defense of premises; definition
Sponsor: Representative Heap, LD 10
Caucus & COW

Overview

Amends the definition of *premises* for purposes of an existing justification defense in the criminal code.

History

A.R.S. title 13, chapter 4 contains multiple sections of statute relating to justification defenses in criminal prosecutions. These defenses describe conduct that, if not justified, would constitute an offense but, if justified, does not constitute criminal or wrongful conduct. Justification defenses under chapter 4 are not affirmative defenses; therefore, if the defendant in a criminal prosecution presents evidence of justification under chapter 4, the state must prove beyond a reasonable doubt that the defendant did not act with justification (A.R.S. § 13-205). Justification is available as a defense in a prosecution for any offense in the criminal code, except that the defense is unavailable if a person recklessly injures or kills an innocent third person regardless of whether the person was justified in threatening or using physical force or deadly physical force against another (A.R.S. § 13-401).

One form of justification involves actions taken by a person to stop or prevent a criminal trespass on certain premises. Specifically, a person or the person's agent who is in lawful possession or control of a premises is justified in threatening to use deadly physical force or in threatening or using physical force against another if a reasonable person would believe it immediately necessary to prevent or terminate the commission or attempted commission of a criminal trespass by the other person in or upon the premises. However, such a person may only use deadly physical force in these circumstances in defense of himself or third persons as described in A.R.S. §§ 13-405 and 13-406.

For purposes of this form of justification, *premises* is defined as any real property and any structure, movable or immovable, permanent or temporary, adopted for both human residence and lodging whether occupied or not (A.R.S. § 13-407). Other applicable terms, such as *physical force*, *deadly physical force*, *possess* and *possession* are defined in A.R.S. § 13-105. Additionally, the different forms of criminal trespass are prescribed in A.R.S. title 13, chapter 15.

Provisions

1. Changes the definition of *premises* for purposes of the justification defense in A.R.S. § 13-407 to mean any real property *or* (rather than *and*) any structure, moveable or immovable, permanent or temporary, adopted for *either* (rather than *both*) human residence *or* (rather than *and*) lodging whether occupied or not. (Sec. 1)

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

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: LARA DP 7-2-0-0

HB 2021: conservation easements; in lieu payments
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview
Requires the holder of a conservation easement to make an annual payment in lieu of taxes on the reduction of value of the original parcel caused by the placement of the easement.

History
Conservation easement means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations for conservation purposes or to preserve the historical, architectural, archaeological or cultural aspects of real property.

A *holder*, in relation to conservation easements, includes a governmental body empowered to hold an interest in real property and a charitable corporation, the purposes or powers of which include: 1) protecting the natural, scenic or open space values of real property; 2) assuring the availability of real property for agricultural, forest, recreational or open space use; 3) protecting natural resources; 4) maintaining or enhancing air or water quality; or 5) preserving the historical, archaeological or cultural aspects of real property (A.R.S. § 33-271).

Provisions
1. Requires the holder of a conservation easement to make an annual payment of monies in lieu of taxes on the reduction of value of the original parcel caused by the placement of the conservation easement. (Sec. 1)
2. Requires the payments in lieu of taxes to be paid to the county treasurer of the county in which the real property burdened by the conservation easement is located. (Sec. 1)
3. Requires payments made to be distributed by the county treasurer to the county, school districts and municipalities in the county in the same manner as other property tax revenues. (Sec. 1)
4. Contains a retroactivity clause of January 1, 2024. (Sec. 2)

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

HB 2022: conservation easements; maintenance; weeds
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Requires the holder of a conservation easement to maintain the property free of noxious weeds, Russian thistles (Salsola kali) and blowing dust.

History

Conservation easement means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations for conservation purposes or to preserve the historical, architectural, archaeological or cultural aspects of real property.

A *holder*, in relation to conservation easements, includes a governmental body empowered to hold an interest in real property and a charitable corporation, the purposes or powers of which include: 1) protecting the natural, scenic or open space values of real property; 2) assuring the availability of real property for agricultural, forest, recreational or open space use; 3) protecting natural resources; 4) maintaining or enhancing air or water quality; or 5) preserving the historical, archaeological or cultural aspects of real property (A.R.S. § 33-271).

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

Provisions

1. Requires the holder of a conservation easement to maintain the conservation easement property free of noxious weeds, Russian thistles (Salsola kali) and blowing dust that creates a threat to health or safety.

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

HB 2376: federal government; land acquisition; consent
Sponsor: Representative Diaz, LD 19
Caucus & COW

Overview

Requires consent of the Governor and State Legislature for the sale of any Arizona lands to a federal agency if the sale removes the property from state or local property tax rolls.

History

Statute reflects the constitutional authority for Arizona to consent to the acquisition of privately owned real property in Arizona by the federal government only through the joint resolution process. The joint resolution must state the legal description of the land and purposes for which it will be used (A.R.S. § 37-620.02).

A resolution is a declaration or expression of legislative opinion, will, intent or resolve in matters within the Legislature's purview. The joint resolution is processed through both houses of the Legislature and is signed by the Governor. It is used to provide for temporary measures having the effect of law, such as a contract or other official action (Arizona Legislative Council Bill Drafting Manual).

According to the State Land Department, land ownership in Arizona is categorized as follows: 17.6% Private; 42.1% Federal; 27.6% Indian Reservation; and 12.7% State Trust (Arizona State Land Department).

Provisions

1. States that the express, affirmative consent of the Governor and Legislature is required for the sale, gift, grant or other transfer of ownership of private property to a federal agency if that transfer would remove the property from state, county and municipal property tax rolls. (Sec. 1)
2. Specifies that any transfer requires the express, affirmative consent through the current joint resolution process. (Sec. 1)
3. Specifies that the legislative consent requirement does not limit the rights of any Indian tribe with respect to its lands, reservations and lands acquired as a settlement of land claim. (Sec. 1)
4. Requires, for the sale of private property to the federal government or its agencies, the escrow agent or landowner to:
   a) notify the Speaker of the House and the Senate President that a contract for the sale has been placed in escrow; and
   b) request written approval from both officials. (Sec. 3)
5. Requires, for the sale of private property to the federal government or its agencies that is not processed through escrow, the landowner to:
   a) notify the Speaker of the House and the Senate President of the sale; and
   b) request written approval from both officials. (Sec. 3)
6. Directs the Senate President and Speaker of the House, upon receiving a request to approve the sale to the federal government, to appoint a joint legislative committee to consider the request. (Sec. 3)
7. Instructs the Legislature to prepare a joint resolution if the committee approves the request. (Sec. 3)
8. Specifies that if the committee does not approve the request, Arizona must exercise its right of first refusal to purchase the private property. (Sec. 3)

9. Requires any state agency that is notified by the U.S. Department of Interior about an effort to place private real property in Arizona in trust as part of an Indian tribe's settlement of a land claim to immediately notify the Speaker of the House and Senate President so that the Legislature can provide comment, file an administrative appeal or file an action with the appropriate court. (Sec. 3)
10. Assesses a minimum civil penalty of $500 to a maximum penalty of $1,000 for failing to properly notify the specified officials. (Sec. 3)
11. Declares that Arizona has the right of first refusal to purchase private real property that the federal government is contracting to acquire through a sale, gift or grant or any other transfer of an ownership interest. (Sec. 3)
12. Requires the purchase of private real property to occur in a timely manner. (Sec. 3)
13. Declares that this process does not apply to a trustee's deed or mortgage that is insured or held by the U.S. Department of Housing and Urban Development, the U.S. Veterans Affairs or the Federal Housing Administration. (Sec. 3)
14. Contains legislative findings. (Sec. 4)
15. States that this law may be cited as the Tax Base Protection Act. (Sec. 5)
16. Makes technical and conforming changes. (Sec. 1, 2)

HB 2377: federal lands; state management costs
Sponsor: Representative Diaz, LD 19
Caucus & COW

Overview

Requires the Office of the Auditor General (OAG) to conduct and complete a cost study of the annual price to manage all federal land in Arizona that is not under the control of the U.S. Department of Defense (DOD) or the U.S. Bureau of Reclamation (BOR).

History

The Federal Land Policy and Management Act of 1976 governs how federal lands are administered under the U.S. Bureau of Land Management. This act allows public land to be sold if the Secretary of Interior determines that the tract of land meets any of the following criteria:

1) the tract is difficult and prohibitively expensive to manage and unsuitable for management by another department or agency;
2) the tract is no longer required for the federal purpose for which it was originally acquired; or
3) selling the tract will serve important public objectives that cannot be achieved on nonpublic lands and that outweigh other public objectives and values which would otherwise be served by maintaining this tract in federal ownership (43 U.S.C. § 1713).

Public lands are generally sold through competitive bid at a public auction. However, the Secretary of Interior may adopt a modified competitive bidding process where some preferences of adjoining landowners are recognized or directly sell the land to a party when circumstances warrant. In any case, public lands cannot be sold for less than their fair market value (U.S.C. § 43-1713).

Provisions

1. Requires the OAG to conduct and complete a cost study of the annual price to manage all federal land in Arizona that are not under the control of DOD or BOR. (Sec. 1)
2. States the OAG must assume that all federal land, except land controlled by DOD or BOR, is given to Arizona at no cost. (Sec. 1)
3. Requires the following agencies to cooperate with and provide all necessary information to the Auditor General:
    a) The Arizona Game and Fish Department;
    b) The Arizona State Parks Board;
    c) The Arizona Department of Administration;
    d) The Arizona Department of Law;
    e) The Arizona Department of Environmental Quality;
    f) The Arizona Department of Water Resources;
    g) The Arizona Department of Forestry and Fire Management;
    h) The Arizona State Land Department; and
    i) any other agency or political subdivision the OAG deems to have relevant information. (Sec. 1)
4. Instructs the OAG, within one year after the effective date, to submit the cost study to the Governor, the President of the Senate and the Speaker of the House of Representatives and provide a copy to the Secretary of State. (Sec. 1)
5. Repeals these requirements on January 1, 2026. (Sec. 1)

Amendments

Committee on Natural Resources, Energy & Water

1. Requires the OAG and the Joint Legislative Budget Committee to conduct and complete a cost and revenue study of the annual cost to manage all federal land in Arizona that are not under the control of specified entities.
2. Makes technical changes.

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

HB 2439: property conveyance; foreign entities; prohibition
Sponsor: Representative Montenegro, LD 29
Caucus & COW

Overview

Prohibits, as of the effective date of this legislation, conveying land in this state to a foreign entity.

History

State lands means any land owned or held in trust, or otherwise, by the state, including leased school or university land. The Arizona State Land Department manages state lands, which includes state trust lands and lands otherwise owned by Arizona. Management, sale and lease of state land is outlined in statute and the Arizona Constitution (A.R.S. §§ 37-101, 37-102, 37-281, 37-232, 37-240) (Constitution of Arizona, Article 10).

Conveying land means to pass or transfer the title to property from the present owner to another by deed or other instrument (Black's Law Dictionary).

Provisions

1. Prohibits, beginning on the effective date of this legislation, conveying land in this state to a foreign entity. (Sec. 1)
2. Prohibits, beginning on the effective date of this legislation, sales of state lands to a foreign entity. (Sec. 3)
3. Defines *foreign entity*. (Sec. 1 and 3)
4. Makes technical and conforming changes. (Sec. 1-3)

Amendments

Committee on Natural Resources, Energy & Water

1. Deletes references to *foreign entity* and provides that land cannot be conveyed or sold to a *federally banned corporation* or any agent or entity under control of the banned corporation.

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

HB 2455: trampoline courts; registry; website posting
Sponsor: Representative Montenegro, LD 29
Caucus & COW

Overview

Modifies the duties of the State Forester relating to trampoline courts.

History

Laws 2014, Chapter 259 established regulations for trampoline courts to be administered by the Arizona Department of Fire, Building and Life Safety (ADFBLS) and outlined requirements for insurance, inspections and safety standards.

Laws 2016, Chapter 128 eliminated ADFBLS and transferred the following duties, responsibilities and programs to the Arizona Department of Forestry and Fire Management (DFFM): 1) the Community Initiative Program and Fund; 2) the Office of the State Fire Marshal; and 3) regulation of trampoline courts.

Under current law, *trampoline court* means a commercial facility with a defined area composed of one or more trampolines, a series of trampolines, a trampoline court foam pit or a series of trampoline court foam pits (A.R.S § 37-1421).

The State Forester is required to:

1) administer and enforce rules regarding trampoline courts;
2) establish fees for the initial registration and renewal of registration of trampoline courts;
3) request from each trampoline court owner information to determine that the insurance required is in effect and that the trampoline court has been inspected at least annually;
4) maintain a registry of all trampoline courts; and
5) maintain as public record proof of insurance, service calls to emergency responders and inspection certificates that are issued by an insurer or an inspector with whom the insurer has contracted and records for each trampoline court that is registered (A.R.S § 37-1422).

Provisions

1. Requires the State Forester to post the registry of all trampoline courts on the DFFM website. (Sec. 1)

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

HB 2637: state lake improvement fund; drones
Sponsor: Representative Biasiucci, LD 30
Caucus & COW

Overview

Allows the State Lake Improvement Fund (SLIF) to fund the purchase of drones to clean floating trash from lakes and waterways or for search, rescue and recovery operations.

History

The SLIF is funded by the Arizona State Parks Board. Monies in SLIF are used for: 1) projects on waters where gasoline-powered boats are permitted; and 2) staff support to plan and administer the fund in conjunction with other administrative tasks and recreation plans of the board (A.R.S. § 5-382).

Provisions

1. Allows the SLIF to fund the purchase of drones to clean plastic, algae, biomass and other floating trash from lakes and waterways. (Sec. 1)
2. Requires the drones purchased to be equipped with:
   a) time stamped and GPS locating data sensors to provide constant monitoring of lakes and waterways; and
   b) collision avoidance. (Sec. 1)
3. Makes technical changes. (Sec. 1)

Amendments

Committee on Land, Agricultural and Rural Affairs

1. Allows the SLIF to fund the purchase of drones by law enforcement and fire service agencies for search, rescue and recovery options and training for the use and operations of the drones.

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

HB 2751: interstate compact; fire management; aid
Sponsor: Representative Cook, LD 7
Caucus & COW

Overview

Allows the Governor to enter into the Great Plains Interstate Fire Compact (Compact).

History

The State Forester leads the Department of Forestry and Fire Management and has numerous mandated duties including developing an annual statewide wildfire response plan and educating communities about wildfire threats. The State Forester is required to present information to the legislative committees with jurisdiction over forestry issues during the first regular session of each Legislature (A.R.S. § 37-1302).

As of 2019, Colorado, Kansas, Nebraska, New Mexico, North Dakota, Saskatchewan, South Dakota and Wyoming are members of the Compact (Compact).

Provisions

1. Allows the Governor to enter into the Compact on behalf of Arizona with any other state. (Sec. 1)
2. States that the Compact's purpose is to promote effective prevention of forest fires in the Great Plains region by:
   a) maintaining adequate forest firefighting services by the member states; and
   b) providing for reciprocal aid in fighting forest fires among the compacting states. (Sec. 1)
3. Specifies that the compact is operative immediately if two or more member states ratify it. (Sec. 1)
4. Allows, in each state, the State Forester, or the equivalent, to act as Compact administrator for that state, consult with like officials of the other member states and implement cooperation between the states in forest fire prevention and control. (Sec. 1)
5. Allows each member state to formulate and put into effect a forest fire plan. (Sec. 1)
6. Allows, if a member state's forest fire control agency requests aid from any other member state in combating, controlling or preventing forest fires, the state forest fire control agency of that state to render all possible aid to the requesting agency, consonant with maintaining protection at home. (Sec. 1)
7. Requires the employees of a state rendering outside aid pursuant to the request of another member state to have the same powers and immunities as comparable employees of the state to which they are rendering aid. (Sec. 1)
8. Exempts a member state and its officers and employees rendering outside aid from liability for any act or omission or maintaining or using any equipment in connection with rendering outside aid. (Sec. 1)
9. Requires all liability that may arise under the laws of the requesting state, the aiding state or of a third state in connection with a request for aid to be assumed by the requesting state.
10. Instructs the member state receiving aid to reimburse the member state rendering the aid for specified incurred expenses.
11. States that the Compact does not prevent any assisting member state from assuming loss, damage, expense or other cost from loaning the equipment or from donating the services to the receiving member state without charge.

12. Directs each member state to ensure that workers' compensation benefits are in conformity with the state's minimum legal requirements and available to all employees and contract firefighters sent to a requesting state.
13. Defines *employee*.
14. Allows the Compact administrators to formulate procedures for claims and reimbursement in accordance with the laws of the member states.
15. States that ratification of this Compact does not authorize or permit any member state to diminish its forest firefighting forces, services or facilities.
16. Requires each member state to maintain adequate forest firefighting forces and equipment to meet demands for forest fire protection within its borders to the same extent as if the Compact were not operative.
17. Provides that the Compact does not limit a state's powers to provide for forest fire management.
18. States that the compact does not affect any existing or future cooperative relationship between the U.S. Forest Service and a member state.
19. Allows representatives of the U.S. Forest Service representatives to attend meetings of the Compact administrators.
20. States the provisions relating to reciprocal aid in combating forest fires are operative as between any state party to the Compact if the Legislature of the other state has given its assent to the mutual aid provisions of this compact.
21. Requires the Compact to continue in force and remain binding in each state ratifying it until the Legislature or Governor of the state takes action to withdraw from the compact.
22. Details when withdrawal of from the Compact is effective.

HB 2865: natural resource conservation districts; board
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Establishes the State Natural Resource Conservation Board (Board) and transfers oversight of natural resource conservation districts (Districts) from the State Land Commissioner to the Board. Appropriates $150,000 and 2 FTE positions from the state General Fund (GF) in FY 2025 to the Board and $1,000,000 from the state GF in FY 2026 to the Natural Resource Conservation District Fund (Fund).

History

Currently, the State Land Commissioner oversees the Division of Natural Resource Conservation (Division). A District can be established through the Division to: 1) conserve Arizona lands, soil resources, natural resources, wildlife, rivers and streams; and 2) preserve water rights and prevent soil erosion. Statute outlines the procedure for establishing a District and its supervisors through a petition and election (A.R.S. §§ 37-1001, 37-1033).

Provisions

Establishment of the Board and Membership

1. Establishes the Board that consists of members Arizona residents, not more than two of whom are residents of the same county and who are appointed by the Governor. (Sec. 7)
2. Outlines Board membership and specifies that at least six members be appointed from Districts and the remaining members must be members of the public. (Sec. 7)
3. Requires the initial Board members to assign themselves by lot to terms of one, two and three years in office and subsequent members to serve three-year terms. (Sec. 7)
4. Directs the Board's chairperson to notify the Governor's Office of these terms. (Sec. 7)
5. Details service, designee and reimbursement duties and powers for Board members. (Sec. 7)
6. Repeals the Board on July 1, 2032 and this legislation on January 1, 2033. (Sec. 3)

Powers and Duties of the Board

7. Allows the Board to appoint an administrative officer, a secretary and other assistants as required, assign their duties, define their powers and determine the amount of bond required of an assistant entrusted with monies or property. (Sec. 7)
8. Requires the Board to adopt a seal, hold public hearings, keep records of all proceedings and adopt orders and rules as necessary. (Sec. 7)
9. Specifies that the Board must keep the supervisors of each District informed of relevant information from other states and facilitate cooperation of program opportunities between Districts. (Sec. 7)
10. Assigns the current duties of the Commissioner to the Board. (Sec. 7)
11. Requires the Board to:
    a) meet at least quarterly to receive updates from its administrative officer, provide guidance to the administrative officer and vote on any matters requiring a decision;
    b) assist a District with coordinating with a federal agency and developing long-term plans; and
    c) adopt administrative rules as deemed necessary and proper. (Sec. 7)

12. Allows the Board to contract or employ legal counsel and other professional and administrative services. (Sec. 7)

13. Outlines permissible powers of the legal counsel retained by the Board. (Sec. 7)

14. Specifies that the Board must include in its annual budget request a sum of not more than $40,000 for each District and soil and water conservation district and $60,0000 for each District that operates an education center. (Sec. 8)

Natural Resource Conservation District Fund

15. Establishes the Fund that consists of legislative appropriations, grants, federal monies and other contributions. (Sec. 10)

16. Requires the Board to administer the Fund. (Sec. 10)

17. States that Fund monies are continuously appropriated and exempt from lapsing. (Sec. 10)

18. Requires the State Treasurer to invest and divest Fund monies and requires monies earned from investment to be credited to the Fund. (Sec. 10)

19. Requires the Board to:
    a) establish criteria for the use of Fund monies;
    b) establish and revise the grant application process;
    c) review and evaluate all submitted grant applications; and
    d) award grants to Districts and soil and water conservation districts to conduct projects. (Sec. 10)

20. Specifies that Fund monies cannot be used to acquire property. (Sec. 10)

21. Allows the Board to use up to 10% of Fund monies Fund administration. (Sec. 10)

22. Established reporting requirements for the Fund. (Sec. 10)

District Governing Body

23. Specifies that two members of a District governing body must be appointed by the Board from a list of nominees selected by the elected supervisors. (Sec. 21)

24. Requires a nomination petition to be a candidate for a District governing body to contain signatures of the higher of not less than .5% of the qualified electors of the District or five qualified electors of the District, rather than 25% of the District's qualified electors.. (Sec. 21)

25. States that if only one person files a nominating petition for an election to fill a position on the District board, the Board can cancel the election for that position and instead appoint the person who filed the nominating petition to fill the position. (Sec. 21)

26. Allows, if no person files a nominating petition for an election to fill a District office, the Board to cancel the election for the offices and states the office is to be filled as otherwise provided by law. (Sec. 21)

27. States that a person who is appointed to office is fully vested with the powers and duties of the office as if elected to that office. (Sec. 21)

Appropriation

28. Appropriates $150,000 and 2 FTE positions from the state GF in FY 2025 to the Board. (Sec. 32)

29. Appropriates $1,000,000 from the GF in FY 2026 to the Fund. (Sec. 32)

30. Exempts the appropriations from lapsing. (Sec. 32)

Miscellaneous

31. Specifies that a notice of a hearing to organize a District can be posted on its website (Sec. 12)

32. Allows a District to apply for and spend monies from the Water Infrastructure Finance Authority. (Sec. 24)

33. Requires the Arizona Water Protection Fund Commission to gather information from the Board. (Sec. 28)

34. Defines *board*, *cooperative agreement* and *fund*. (Sec. 5)

35. Transfers the State Land Commissioner's oversight and responsibilities to the Natural Resource Conservation Districts to the Board on the effective date of this legislation. (Sec. 30)

36. Requires the Board to initiate the recruitment of staff, determine where staff will be housed and decide on an annual budget and conduct any other business required to effectuate the transition of duties. (Sec. 30)

37. Contains a purpose statement. (Sec. 31)

38. Makes technical and conforming changes. (Sec. 1, 4-9, 11-29)

ARIZONA HOUSE OF REPRESENTATIVES

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

HCM2004: federal land acquisition; acreage return
Sponsor: Representative Smith, LD 29
Caucus & COW

Overview

Urges Congress to enact legislation that requires the federal government give to a state or county one acre of federal land for every acre the federal government reserves from the respective state or county.

History

Currently, all 15 counties in Arizona contain federal land. In the United States federal lands are typically exempt from state and local taxes, including property tax. Congress established the Payment in Lieu of Taxes program in 1976 to reimburse counties impacted by lost revenues due to nontaxable federal land. The federal government makes annual payments to local governments to compensate for reductions to their property tax base (Public Law 94-565).

In federal FY 2023, Arizona counties received a total of $43,501,616 from the Department of the Interior for the total of 28,132,256 acres of federal land (PILT-National Summary).

According to the State Land Department, land ownership in Arizona is categorized as follows: 17.6% Private; 42.1% Federal; 27.6% Indian Reservation; and 12.7% State Trust (Arizona State Land Department).

Provisions

1. Urges Congress to pass legislation that requires the federal government to:
   a) give an acre of land of equal or greater size to the county or state applicable for every acre of land acquired or reserved by the federal government; and
   b) in the absence of land of equal or greater size, it must give land of a size and value as close as possible to the land acquired or reserved, along with payments to the county or state for the value of the difference.

2. Directs the Arizona Secretary of State to transmit the memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of Congress from the state of Arizona.

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

HCM2005: federal lands; transfer to states
Sponsor: Representative Smith, LD 29
Caucus & COW

Overview

Urges Congress to enact legislation that transfers 30% of Western federal land to the states by 2030.

History

The Equal Footing Doctrine prohibits any state from being formed within the jurisdiction of an existing state and ensures that new states enter the union on an equal footing with the original states in all respects. Newly admitted states acquire general jurisdiction over the lands in their territory, except on lands the United States has reserved as its property. If the federal land is relinquished, the existing state lays claim to the land because it acquired sovereignty over its territory when it was admitted into the union (U.S. Constitution, Article IV, Section 3, Clause 1).

Provisions

1. Urges Congress to pass legislation that gives 30% of all federally owned Western lands to their respective states by 2030.
2. Urges Congress to engage in good faith cooperation with Western States regarding the immediate disposal of the public lands directly to the states.
3. Directs the Arizona Secretary of State to transmit the memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of Congress from the state of Arizona.

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

HCM2006: federal lands; natural resources; permission
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Urges Congress to enact legislation that prohibits the federal government from acquiring additional land from Arizona without permission from Congress, the Arizona State Legislature and the impacted counties.

History

Federal agencies can acquire land from private parties and state and local government by purchasing, exchanging or receiving a donation. Both federal and state governments have the power of *eminent domain*, which is the authority of government to take private property and convert it into public use so long as just compensation is provided to the property owner. The federal government has the power to acquire state land through eminent domain (U.S. Constitution 5th Amendment).

The *Antiquities Act of 1906* authorizes the president to establish monuments on existing federal lands at the President's sole discretion (U.S.C. § 16-431).

Provisions

1. Urges Congress to pass legislation that requires the federal government to gain the express authorization of Congress, the Arizona State Legislature and the impacted counties prior to any additional land acquisitions in Arizona.
2. Urges Congress to complete an economic impact study analyzing the fiscal impact to the state and local counties from additional federal land acquisitions.
3. Directs the Arizona Secretary of State to transmit the memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of Congress from the state of Arizona.

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

ARIZONA HOUSE OF REPRESENTATIVES

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

HCM2007: Grand Canyon Footprints monument; repeal
Sponsor: Representative Biasiucci, LD 30
Caucus & COW

Overview

Urges the President of the United States to rescind or revoke the designation of the Grand Canyon National Monument, and to oppose the designation of any federal or mineral withdrawal that seeks to limit activities in the Arizona Strip.

History

Presidential Proclamation 10606 on August 8, 2023 established the Baaj Nwaavjo I'tah Kukveni Ancestral Footprints of the Grand Canyon National Monument.

The Antiquities Act of 1906 authorizes the President of the United States to declare by public proclamation historic landmarks, historic and prehistoric structures and other objects of historic or scientific interest on lands owned or controlled by the United States as national monuments.

Provisions

1. Urges the President of the U.S. to:
   a) rescind or revoke the designation of the Grand Canyon National Monument;
   b) oppose the designation of any future permanent federal or mineral withdrawal that seeks to limit critical mineral, metal and aggregate mining, cattle grazing or multiple-use activities in the Arizona Strip;
   c) not designate any national monument, park, wildlife refuge, conservation area, area of critical environmental concern, wild and scenic river, wilderness or wilderness characteristic area of any other federal special use designation, land, mineral reservation or withdrawal in Arizona without the express authorization of:
      i. the U.S. Congress;
      ii. the Arizona State Legislature while in session; and
      iii. the members of the county board of supervisors in each county that would be impacted by the designation, reservation or withdrawal.
2. Requests the Arizona Secretary of State to transmit the Memorial to the President of the U.S., the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and each member of the U.S. Congress from Arizona.

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

HCM2008: urging Congress; Antiquities Act; repeal
Sponsor: Representative Gillette, LD 30
Caucus & COW

Overview

Urges the U.S. Congress to repeal or amend the Antiquities Act of 1906.

History

The Antiquities Act of 1906 authorizes the President of the United States to declare by public proclamation historic landmarks, historic and prehistoric structures and other objects of historic or scientific interest on lands owned or controlled by the United States as national monuments.

Provisions

1. Urges the U.S. Congress to repeal the Antiquities Act of 1906 or amend it to reaffirm that entire landscapes, animate life, such as birds and mammals, and common plants and vegetation are not considered landmarks, structures or objects under federal law.
2. Urges any proclamation made by the President of the United States to be stated publicly and must specifically name and describe the location of each landmark, structure and object to be protected.
3. Urges the limitation on extending or establishing a national monument to be offered to all Western states.
4. Urges no new national monument, federal reservation or expansion of an existing national monument be established in Arizona, unless with the express authorization of:
   a) the Arizona State Legislature while in session; and
   b) the members of the county board of supervisors in all the counties that would be impacted by the monument or reservation.
5. Requests the Arizona Secretary of State to transmit the memorial to the U.S. President, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and each member of Congress from Arizona.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session
House: MAPS DP 8-7-0-0

HB 2120: law enforcement; defunding; prohibition
Sponsor: Representative Marshall, LD 7
Caucus & COW

Overview

Mandates that a city or town (municipality) must not reduce the annual operating budget (budget) of a law enforcement agency below the previous year's budget.

History

The Urban Revenue Sharing (URS) program provides that a percentage of state individual and corporate income tax revenues are to be shared with municipalities in Arizona. The amount currently distributed to municipalities is 15% of net income tax collections from the fiscal year two years prior to the current fiscal year. URS monies are distributed to municipalities based on population (A.R.S. § 43-206; JLBC FY 2024 Baseline, GF Revenue; DOR Tax Handbook, Individual Income Tax).

Revenues collected through state transaction privilege tax (TPT), often called "sales tax", are also shared with Arizona's counties and municipalities through a complex system of formulas established in statute. The Department of Revenue transmits all TPT revenues to the State Treasurer, a portion of which are designated for distribution to counties, municipalities, and other purposes. After the required distributions, remaining monies are credited to the state General Fund (A.R.S. § 42-5029; DOR Tax Handbook, TPT).

Provisions

1. Prohibits a municipality from reducing the budget of a law enforcement agency below the previous year's budget. (Sec. 1)
2. Requires a municipality that reduces a law enforcement agency's budget to notify the State Treasurer. (Sec. 1)
3. Requires the State Treasurer to withhold URS and state-shared TPT monies, from a municipality that reduces a law enforcement agency's budget, in an amount equal to the budget reduction. (Sec. 1, 2, 3, 4)
4. Specifies that the State Treasurer is to continue withholding state shared monies until the municipality restores the law enforcement agency's budget. (Sec. 1, 2, 3, 4)
5. Stipulates that the State Treasurer is not to withhold any amount of state shared monies which the municipality certifies as being necessary to make required payments for debt service on bonds or other long-term obligations issued or incurred before the reduction in the law enforcement agency's budget. (Sec. 2, 3, 4)
6. Provides that if a municipality does not have the monies required, to continue the law enforcement agency's budget at the same amount as the previous year, that the municipality will not have its state shared monies withheld. (Sec. 1)
7. Contains a delayed effective date of January 1, 2025. (Sec. 5)
8. Defines *law enforcement agency*. (Sec. 1, 2, 3, 4)
9. Makes technical and conforming changes. (Sec. 2, 3)

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

HB 2418: fire district advisory board
Sponsor: Representative Livingston, LD 28
Caucus & COW

Overview

Creates the Fire District Advisory Board (Board).

History

Fire districts are special taxing districts in Arizona created to provide fire protection, emergency medical services and related services in rural and unincorporated areas. Fire districts are governed by three or five member boards; the number is based on specified population and tax levy thresholds (A.R.S. Title 48, Chapter 5, Article 1).

The Arizona Department of Forestry and Fire Management (DFFM) is tasked with providing for land management and the prevention and suppression of wildland fires on State Trust Land and on private property located outside of cities and towns. DFFM is led by the State Forester; he is appointed by the Governor and is tasked with directing DFFM's various functions and administering federal and state forestry and wildfire management programs (A.R.S. §§ 37-1301; 37-1302).

Provisions

1. Establishes the Board for the purpose of ensuring the effective and efficient delivery of emergency services throughout Arizona. (Sec. 1)
2. Outlines the membership terms and requirements for the seven voting members and one non-voting member of the Board. (Sec. 1)
3. Instructs the Board to meet at least once every 180 days per fiscal year. (Sec. 1)
4. Requires the Board to:
   a) make recommendations to the Governor and Legislature about various appropriations, programs, projects and actions which should be taken to improve fire, medical and other related emergency services and systems in Arizona;
   b) apply for and administer statewide and regional grants for fire district services;
   c) check annually if fire district board members are complying with statutorily required professional development training requirements and to provide notice to the Attorney General for noncompliance and enforcement if necessary; and
   d) annually evaluate fire district budget filings and, if deemed necessary, require a governing body to undertake a study of merger or consolidation and submit the results to the Board. (Sec. 1)
5. Permits the Board to:
   a) require a fire district to complete a wildfire risk assessment and submit the completed assessment to the Board and Director of DFFM;
   b) annually evaluate, and provide notice to the affected county board of supervisors, if a fire district's governing board needs to be expanded from three to five seats based on the statutory population or tax levy thresholds;
   c) annually review fire district tax levies and receipts and make recommendations to the Governor and Legislature to remedy service delivery deficiencies as necessary;
   d) require a fire district, with a tax rate within 10% of the maximum allowable rate, to undertake a study of merger or consolidation and submit the study to the Board;

e) establish a procurement authority or a cooperative group purchasing program, or join an existing instance of the same, for the purchase of equipment and supplies;
f) accept gifts, grants and contributions from private individuals, foundations and the federal government; and
g) recommend national standards and best practices for the operation of fire districts. (Sec. 1)

6. Directs DFFM to provide administrative support for the Board. (Sec. 1)
7. Defines pertinent terms. (Sec. 1)

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

HB 2479: missing; abducted; runaway children
Sponsor: Representative Parker B, LD 10
Caucus & COW

Overview

Revises various requirements related to what must be done by the Department of Child Safety (DCS) when a child is found to be missing, abducted or runaway (disappeared).

History

Under current law, when a child is found to be disappeared, DCS must, within 24 hours of receiving a report, notify specified parties and collect specified information about the child. DCS is required to provide training for employees regarding disappeared children and to take various continuing efforts to locate disappeared children. The Legislature is permitted to convene the Joint Legislative Oversight Committee on DCS to address concerns with DCS's efforts; additionally the Legislature may request an annual independent audit of DCS's efforts and provide recommendations for improving DCS's efforts (A.R.S. § 8-810).

Provisions

1. Asserts that DCS must act immediately or within 24 hours when a report of a disappeared child is received. (Sec. 1)
2. Instructs DCS to also contact the disappeared child's school, friends, household or other persons who may have relevant information, unless such action would hinder investigation or location efforts. (Sec. 1)
3. States that the disappearance of a child must be reported to all relevant parties by both writing and telephone, instead of just one of the two methods. (Sec. 1)
4. Specifies that DCS must contact law enforcement about a disappeared child within 24 hours. (Sec. 1)
5. Instructs a law enforcement agency contacted by DCS about a disappeared child to document its response regarding amber alert or silver alert criteria. (Sec. 1)
6. Requires a law enforcement agency contacted by DCS, within 24 instead of 48 hours, to provide local media outlets specified information about the disappeared child. (Sec. 1)
7. Directs DCS to provide a law enforcement agency contacted with the necessary information to be given to local media outlets. (Sec. 1)
8. Specifies that the appropriate law enforcement agency must update social media every 14 days with updated information regarding a disappeared child. (Sec. 1)
9. Directs the appropriate law enforcement agency to work with a specialized artist to create an age-appropriate progression image of a disappeared child if the child has been disappeared for more than two years. (Sec. 1)
10. Specifies that DCS must contact law enforcement every seven days, instead of frequently, to exchange information on a disappeared child. (Sec. 1)
11. Requires DCS to provide immediate training to newly hired and current employees who have direct oversight of children or who are direct supervisors of said employees. (Sec. 1)
12. Specifies that DCS is to carry out its recovery efforts monthly. (Sec. 1)

13. Directs DCS to request the appropriate law enforcement agency conduct welfare checks at any location where a child might be. (Sec. 1)
14. Specifies that the actions DCS must take when a child is located must be carried out within 24 hours. (Sec. 1)
15. Adds various additional actions that DCS must take after a child is found, including reviewing the case to assess contributing factors and respond to those factors in future cases. (Sec. 1)
16. Requires DCS, within 60 days of the passage of this Act, to contract with a provider to develop a checklist to complete its duties within the timelines specified by law. (Sec. 1)
17. Directs DCS to submit monthly and quarterly reports with specified information to designated members of the Legislature. (Sec. 1)
18. Permits the Legislature to convene an oversight committee to address problems and make recommendations. (Sec. 1)
19. Requires the Legislature to request an annual independent audit of DCS's compliance with fulfilling its statutory duties for disappeared children. (Sec. 1)
20. Mandates that DCS must hire a third party to oversee efforts to locate children if the audit finds that DCS is not in compliance with statute. (Sec. 1)
21. Requires the Joint Legislative Oversight Committee on DCS, if it determines that DCS has continually failed to follow the law, to contract with a third party to oversee efforts to locate children. (Sec. 1)
22. Makes conforming changes. (Sec. 1)

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

HB 2748: illegal border crossings; state; crime
Sponsor: Representative Chaplik, LD 3
Caucus & COW

Overview

Establishes penalties and enforcement against illegal border crossings.

History

Federal law provides that any alien who: 1) enters or attempts to enter the U.S. at any time or place other than as designated by immigration officers; 2) eludes examination by immigration officers; or 3) enters or attempts to enter the U.S. by a willfully false or misleading representation is guilty of *improper entry by an alien*. For the first commission of the offense, the person is fined, imprisoned up to six months, or both, and for a subsequent offense, is fined, imprisoned up to 2 years, or both (8 U.S.C. § 1325).

Provisions

Illegal Border Crossings Into Arizona

1. Makes an alien entering or attempting to enter Arizona directly from a foreign nation at any location other than a lawful port of entry (Illegal Entry) unlawful and a class 1 misdemeanor. (Sec. 3)
2. Stipulates that Illegal Entry is a class 6 felony if the person has been previously convicted of Illegal Entry. (Sec. 3)
3. Establishes that a person may use, as an affirmative defense to Illegal Entry, the following: a) having an asylum claim granted by the Federal Government; b) not having violated federal immigration law; or c) having been approved for the Deferred Action For Childhood Arrivals Program (DACA) between June 15, 2012, and July 16, 2021. (Sec. 3)
4. Stipulates that the Deferred Action for Parents of Americans and Lawful Permanent Residents Program (DAPA), and any other program materially similar to DACA or DAPA, does not provide an affirmative defense for Illegal Entry. (Sec. 3)
5. Makes being an alien and entering, or attempting to enter, or being found at any time within the state (Illegal Reentry) unlawful, if the person has:
   a) been denied admission to or excluded, deported or removed from the United States; or
   b) departed from the United States while an order of exclusion deportation or removal is outstanding. (Sec. 3)
6. Specifies that Illegal Reentry is a class 1 misdemeanor, except that it is a class 2 felony if the person was removed subsequent to a conviction for the commission of a felony, and that it is a class 3 felony if:
   a) The person's removal was subsequent to a conviction of two or more misdemeanors involving drugs or crimes against a person;
   b) The person was excluded under federal law as an inadmissible alien due to engagement or association with terrorist activities;
   c) The person was removed under federal law provisions for removal of alien terrorists;
   d) The person was removed by federal authorities subsequent to a term of imprisonment. (Sec. 3)
7. Makes being an alien and refusing to comply with an order to return to a foreign nation (Refusal to Return) a class 2 felony. (Sec. 3)
8. Stipulates that all the following must occur for a person to commit Refusal to Return:
   a) The person is charged with, or convicted of, Illegal Entry or Illegal Reentry;

b) A judge issues an order for the person to return to the foreign nation from which he entered or attempted to enter; and
c) The person refuses to comply with the order. (Sec. 3)

9. Prohibits arresting or detaining a person for Illegal Entry, Illegal Reentry or Refusal to Return if he is on the premises of a: a) public or private school; b) church, synagogue or other place of worship; or c) healthcare facility to receive medical treatment. (Sec. 3)

10. Prohibits a court from abating the prosecution of a person for Illegal Entry, Illegal Reentry or Refusal to Return on the basis that a federal determination regarding his immigration status is pending. (Sec. 3)

11. Disqualifies a person convicted of Illegal Entry, Illegal Reentry or Refusal to Return from being eligible for community supervision. (Sec. 2)

Order to Return to a Foreign Nation

12. Permits a magistrate, after a person has been arrested, if the magistrate determines that there is probable cause to arrest the person for Illegal Entry or Illegal Reentry, to release the person from custody and issue a written *order requiring the person to return to the foreign nation from which he entered or attempted to enter* (Order to Return). (Sec. 3)

13. Permits a judge, instead of continuing a prosecution or entering an adjudication for Illegal Entry or Illegal Reentry, to dismiss the charges and issue an Order to Return. (Sec. 3)

14. Allows an Order to Return to be issued if all the following apply:
a) The person agrees to the order;
b) The person has not previously been convicted of Illegal Entry, Illegal Reentry or Refusal to Return;
c) The person has not previously received an Order to Return;
d) The person is not charged with any other felony or class 1 misdemeanor; and
e) Law enforcement has collected fingerprints and other identifying information from the person and cross-references the information with relevant databases to identify potential threats to national security. (Sec. 3)

15. Requires an Order to Return to include: a) provision of transportation to a port of entry; and b) the law enforcement entity responsible for monitoring compliance with the order. (Sec. 3)

16. Mandates, if a person is convicted of Illegal Entry, Illegal Reentry or Refusal to Return, that the judge is to issue an Order to Return, which order will take effect upon completion of the person's term of imprisonment. (Sec. 3)

17. Outlines filing and reporting requirements for an Order to Return. (Sec. 3)

Civil Immunity

18. Provides that local government officials, local government employees, local government contractors (Local Personnel), elected state officials, appointed state officials, state employees and state contractors (State Personnel) are immune from civil liability for damages arising from a cause of action under Arizona law resulting from an action taken to enforce this Act. (Sec. 1)

19. Instructs a local government to indemnify Local Personnel for damages, arising from a federal cause of action resulting from an action taken to enforce this Act, in an amount not to exceed:
a) $100,000 to any one person or $300,000 for any single occurrence in the case of personal injury or death; and
b) $10,000 for a single occurrence of property damage. (Sec. 1)

20. Instructs the state to indemnify State Personnel for damages, arising from a federal cause of action resulting from an action taken to enforce this Act, without financial limit. (Sec. 1)

21. Stipulates that the civil immunity and the indemnification for damages do not apply if a court or jury determine that the Local Personnel or State Personnel were acting in bad faith, acting with conscious indifference or acting with recklessness. (Sec. 1)

22. Directs a local government to indemnify Local Personnel, and the state to indemnify State Personnel, for reasonable attorney fees incurred in the defense of a criminal prosecution against the personnel for enforcing this Act. (Sec. 1)

23. Requires the Attorney General to represent State Personnel in any case where said personnel may be entitled to indemnification under this Act. (Sec. 1)

24. Specifies that this Act does not waive statutory limits on damages under state law. (Sec. 1)

25. Requires a civil action brought against a person, who may be entitled to immunity or indemnification under this Act, to be appealed directly to the Arizona Supreme Court. (Sec. 1)

26. Stipulates that the immunity and indemnification provisions of this Act do not affect any other state laws. (Sec. 1)

Miscellaneous

27. Directs the Central State Repository to collect the fingerprints and records of persons who were convicted of Illegal Entry or Illegal Reentry or who had an Order to Return issued against them. (Sec. 6)

28. Defines *alien* and *port of entry*. (Sec. 3)

29. Contains a legislative findings clause. (Sec. 7)

30. Makes conforming changes. (Sec. 1, 4, 5)

Amendments

Committee on Military Affairs and Public Safety

1. Directs the Attorney General to recover any monies owed by the federal government to Arizona, for reimbursement of costs incurred by Arizona addressing illegal immigration.

2. Adds a retroactivity clause of July 1, 2024.

HB 2818: service members; flags; half-staff
Sponsor: Representative Nguyen, LD 1
Caucus & COW

Overview

Requires all state agencies to lower displayed flags to half-staff upon the death of a service member having a home of record in Arizona.

History

The Federal Flag Codes allow a governor from any state to proclaim the national flag to be flown at half-staff upon the death of a: 1) present or former government official; 2) member of the Armed Forces while serving on active duty; or 3) first responder who dies while serving in the line of duty.

Pursuant to A.R.S. § 41-852, the Arizona State flag and United States flag are to be displayed on or in front of the state capitol building, county courthouses, city halls, town halls and other specified government buildings. Each State flag displayed is to be flown at half-staff for seven days following the death of an incumbent elective state officer.

Provisions

1. Requires all state agencies to lower displayed flags to half-staff upon the Governor's notification of the death of a service member whose home of record is in Arizona. (Sec. 1)
2. Mandates the State Flag to be displayed in honor of the United States Flag when flags are displayed on multiple staffs. (Sec. 1)
3. Directs the Governor to notify all state agencies to fly displayed flags in front of state buildings at half-staff within 48 hours after receiving notification of the death of a service member whose home of record is in Arizona. (Sec. 1)

Amendments

Committee on Military Affairs and Public Safety

1. Includes that flags must also be lowered upon the death of service members stationed in Arizona.

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

HB 2753: voter registration rolls; auditor general
Sponsor: Representative Gillette, LD 30
Caucus & COW

Overview

Directs the Auditor General to conduct an analysis of the statewide voter registration system and instructs the Auditor General, Secretary of State and County Recorders to issue specified reports.

History

Arizona School Boards Association v. State of Arizona

Laws 2021, Chapter 405 § 4 instructed the election integrity unit of the Attorney General's office to conduct an analysis of the statewide voter registration system to determine whether the Secretary of State's voter registration list maintenance procedures, related to federal only voters, comply with federal law. Additionally, the bill required the County Recorders to submit annual reports to the Legislature containing certain information, such as their procedures for registering federal only voters. In 2022, the Arizona Supreme Court struck down this law for violating the Arizona Constitution's title requirement (Arizona School Boards Association v. State of Arizona)

DPOC and Federal Only Voters

A person must be a United States citizen to register to vote pursuant to federal law and the Arizona Constitution (Ariz. Const. Art. VII § 2, 18 U.S.C. § 611). In 2004, Arizona voters passed Proposition 200 which required, in part, County Recorders to reject voter registration forms that are not accompanied by sufficient evidence of citizenship, or Documentary Proof of Citizenship (DPOC). Proposition 200 also defined the acceptable methods or documents that prove citizenship, such as the presentation of a driver license or nonoperating identification license that was issued after October 1, 1996, or providing a photocopy of one's birth certificate (A.R.S. §§ 16-152, 16-166).

In 2013, the United States Supreme Court ruled that Arizona must accept and use the federal voter registration form to register voters for federal office. This led to Arizona's bifurcated voter registration system where voters who provide an acceptable form of DPOC are registered as *full ballot* voters, while registrants who are otherwise eligible to vote but do not provide DPOC are registered as *federal only* voters (Arizona v. Inter Tribal Council of Arizona, I13-011).

Provisions

1. Repeals statute requiring the Secretary of State to provide access to the statewide voter registration system to the Auditor General's election integrity unit for specified purposes. (Sec. 1)
2. Directs the Secretary of State to provide access to the statewide voter registration database to the Auditor General to determine whether the Secretary of State's voter registration list maintenance procedures comply with federal law concerning federal only voters. (Sec. 2)
3. Requires the Legislature to appropriate sufficient monies to the Auditor General to conduct the analysis outlined above at least annually. (Sec. 2)
4. Instructs the Auditor General to submit a report of its findings to specified members of the legislature, the Attorney General and the Secretary of State. (Sec. 2)
5. Requires, if the analysis discovers ineligible persons registered to vote, the Secretary of State must notify the appropriate County Recorder and the County Recorder must remove the ineligible voters from the voter registration rolls. (Sec. 2)

6. Directs the County Recorders to submit an annual report to specified members of the Legislature that contains:
   a) a description of their procedures for registering federal only voters;
   b) the number of registered federal only voters in that county;
   c) the number of registered voters whose citizenship was subsequently verified and the voter became eligible to vote a full ballot;
   d) a comprehensive description of the obstacles to obtaining registrant's documentary proof of citizenship; and
   e) the number of federal only voters who have been subsequently determined to be ineligible to vote and removed from the voter registration rolls. (Sec. 2)
7. Instructs the Secretary of State to conduct a separate audit of the statewide voter registration database to ensure the accuracy of voter registration data. (Sec. 2)
8. Specifies the audit referenced above must be completed before December 31 each year. (Sec. 2)
9. Requires the Secretary of State to submit a report containing the number of voter registration removals, the locations of the removed registrants and the reasons for removals to specified members of the Legislature and the Attorney General by March 1 each year. (Sec. 2)
10. Directs the Attorney General and the County Attorneys to investigate and prosecute, as appropriate, any person who is ineligible to register to vote and who knowingly registers to vote. (Sec. 2)

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

HB 2787: voting equipment; inspection; elected officials
Sponsor: Representative Jones, LD 17
Caucus & COW

Overview

Allows elected officials accompanied by an expert to inspect all voting equipment used in a jurisdiction.

History

Prior to election day the Board of Supervisors or officer in charge of elections must have the automatic tabulating equipment and programs tested and checked for all offices and measures on the ballot. In elections with state or federal candidates, the Secretary of State is responsible for conducting tests for election day equipment. Tests must be overseen by two election inspectors of different political parties and are open to political party representatives, candidates, press and the public. Procedures and time periods for tests are established by the Secretary of State and repeated immediately before the start of the official count (A.R.S. § 16-449).

Provisions

1. Authorizes any elected official of the state, accompanied by an expert of their choice, to inspect all voting equipment in a jurisdiction, including source codes and other proprietary material relating to voting equipment. (Sec. 1)
2. Specifies that an elected official may conduct an inspection of voting equipment at any time, however they must not disrupt the voting process on election day. (Sec. 1)
3. Stipulates that the elected official and accompanying expert are legally bound to keep all information from the inspection confidential, unless either have a good faith belief that the voting equipment is malfunctioning or is being exploited. (Sec. 1)

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

HB 2851: elections; ballot chain of custody
Sponsor: Representative Heap, LD 10
Caucus & COW

Overview

Specifies the chain of custody standards that must be maintained during the transfer of ballot boxes, delivery of voted ballots, duplication of ballots and tabulation of ballots.

History

The county recorder or other officer in charge of elections must designate two ballot retrievers from two differing political parties to retrieve voted ballots from a ballot drop-off location or drop-box. Upon arrival, the ballot retrievers must note the location and identification number of the drop-box and the date and time of the arrival on the prescribed retrieval form that is to be provided by the county recorder or other officer in charge of elections. A chain of custody for accessible voting devices must be tracked and logged by a team of two election board workers or staff of the county recorder or other officer in charge of elections. The log must include: 1) the seal numbers on the device; 2) for devices that mark and tabulate, the number of votes cast at the time the device was turned on and the number of votes cast at the time the device was turned off; and 3) a place for the two board workers or county staff to initial or sign verifying the information (Elections Procedures Manual 2019).

For any statewide, county or legislative election, the county recorder or officer in charge of elections must provide a live video recording of the custody of all ballots while the ballots are present in a tabulation room in the counting center. The live video recording must include date and time indicators and shall be linked to the Secretary of State's website. The county recorder or other officer in charge of elections shall maintain chain of custody records for all election equipment and ballots during early voting through the completion of provisional voting tabulation (A.R.S. 16-621).

Provisions

1. Requires the Board of Supervisors to provide a chain of custody record for the following:
   a) ballot printing location;
   b) ballot transportation;
   c) storage and delivery of ballots to the county recorder or other officer in charge of elections; and
   d) any voting location. (Sec. 1)
2. Asserts that the chain of custody record must include the time and signature for each point of contact and other specified information. (Sec. 1)
3. Specifies that unvoted ballots delivered to a voting location where there is no election board worker requires the person delivering the ballots to note that the ballots were delivered and secured without a designated recipient. (Sec. 1)
4. Adds that a ballot box, before receiving ballots, must be locked with a tamper evident seal. (Sec. 2)
5. Specifies that the tamper evident seal must be checked by two board members in case of an emergency transfer. (Sec. 2)
6. Details that at the close of the polls and if a ballot box has been transferred or opened, a report must be made including the date, time and name of any election officer witnessing the transfer or opening of a ballot box. (Sec. 3)
7. Requires the county recorder or other officer in charge of elections to prepare a chain of custody record, with specified information, for the transportation and delivery of voted ballots. (Sec. 3)
8. States that all damaged and defective ballots replaced with a duplicate ballot must be included in a chain of custody record that includes specified information. (Sec. 4)

9. Requires the county recorder or election officer in charge to provide a live video, with full visibility of the ballots, at various stages of the ballot's cycle. (Sec. 4)
10. Instructs the county recorder or election officer in charge to maintain a specified record of all voting irregularities that occur during specified elections. (Sec. 4)
11. Specifies that the voting irregularities record must be sent to the President of the Senate, Speaker of the House and the Secretary of State. (Sec. 4)

ARIZONA HOUSE OF REPRESENTATIVES

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

HB 2852: voter registrations; organizations; prohibition
Sponsor: Representative Heap, LD 10
Caucus & COW

Overview

Specifies that Arizona and its political subdivisions may not be a member or enter into an agreement with any multistate voter registration or voter registration list maintenance organization.

History

The Electronic Registration Information Center (ERIC) is a non-profit voter registration list maintenance organization. Arizona joined ERIC as a member state in 2017. Each member state submits its voter registration data and licensing and identification data to ERIC every 60 days. This data is used to compile ERIC's four list maintenance reports:

1) the *Cross-State Movers Report* identifies voters who appear to have moved from one ERIC state to another by using voter registration data and Motor Vehicle Division (MVD) data;
2) the *In-State Movers Report* uses the same data to identify voters who have moved within the state;
3) the *Duplicate Report* identifies voters with duplicate registrations in the same state by using voter registration data; and
4) the *Deceased Report* identifies voters who have died using voter registration data and Social Security death data.

Upon receipt of a list maintenance report that indicates a registrant has moved to a different address, the County Recorder is required to send the registrant notice of the change and a method of revising or verifying their voter registration information. If the registrant fails to revise the information or return the form within 35 days, the County Recorder must change the elector's registration status from active to inactive (A.R.S. § 16-166, ERIC).

Provisions

1. Prohibits this state and any of its political subdivisions from:
   a) being a member of any multistate voter registration or voter registration list maintenance organization that requires Arizona to provide certain confidential voter registration information, such as social security numbers and drivers license numbers; and
   b) joining or entering into an agreement with any organization that imposes a duty on this state, such as mailing voter registration forms to voters that are not registered to vote. (Sec. 1)
2. Prohibits a political subdivision of Arizona from joining an organization or entering an agreement with any organization that imposes a duty on the political subdivision, unless otherwise expressly required by Arizona law. (Sec. 1)
3. Makes conforming changes. (Sec. 1)

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

ARIZONA HOUSE OF REPRESENTATIVES

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

HB 2876: elections; mailing; curing; canvassing; precincts
Sponsor: Representative Carbone, LD 25
Caucus & COW

Overview

Prohibits the use of voting center locations and outlines requirements for early ballot voting.

History

Voting centers may be established in place of or in addition to precinct-based polling places on specific resolution of the Board of Supervisors. Ballots are printed on demand at voting centers, allowing all qualified electors within a county to receive the appropriate ballot for each of their respected counties at the location. The precinct voting model employs pre-printed ballots specific to each precinct and designates one polling place within each precinct (A.R.S. §§ 16-411, 16-413).

Requests for early ballots are made with the County Recorder or officer in charge of elections verbally or through signed mail within 93 days before the election. Early ballots are printed based on each elector's precinct and distributed no earlier than 27 days before election day. Any qualified elector of the state may vote by early ballot for any election (A.R.S. §§ 16-541 et. seq.).

Provisions

1. Eliminates the use of voting centers, early voting locations or similar methods of voting. (Sec. 1)
2. Requires that all voting occur through individual precinct voting locations with preprinted ballots. (Sec. 1)
3. Limits those who may vote an early ballot to qualified electors who are:
   a) students temporarily absent from the state for the purpose of attending school;
   b) required to temporarily reside outside of the state;
   c) required to travel on election day;
   d) elderly or disabled persons; and
   e) eligible electors under the Uniformed and Overseas Citizens Absentee Voting Act. (Sec. 2)
4. Extends the beginning of the early ballot distribution period from no more than 27 days to no more than 34 days prior to the election and if an early ballot is requested 38 days or more prior to an election, the early ballot must not be distributed earlier than 34 days prior to the election. (Sec. 3)
5. Reduces the signature curing period from no later than the fifth business days after a primary, general or special election with a federal office or the third business days after any other election to the second business day following any election. (Sec. 4)
6. Revises the period elections must be canvased from between 6 and 20 days to between 6 and 12 days following an election. (Sec. 6)
7. Instructs the Secretary of State to canvass all state offices 14 calendar days following a general election as opposed to the fourth Monday following a general election. (Sec. 7)
8. Contains a conforming legislation clause. (Sec. 8)
9. Entitles this act as the *Free, Fair and Transparent Elections Act*. (Sec. 9)
10. Makes conforming changes. (Sec. 1)
11. Makes technical changes. (Sec. 3, 4, 5)

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

HB 2025: residential lease community; water; requirements
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Requires a person applying for a building permit for a detached residential dwelling unit located in a residential lease community within an active management area (AMA) to obtain a written commitment of water service or be located on land that qualifies as member land.

History

Someone who plans to sell or lease subdivided lands in an AMA must obtain a certificate of assured water supply from the Arizona Department of Water Resources (ADWR) or obtain a commitment for water service from a municipality or private water company with a designation of assured water supply. Otherwise, a municipality or county cannot approve the subdivision plat and the State Real Estate Commissioner will not issue a public report authorizing the sale or lease of the subdivided lands. An assured water supply means:

1) sufficient groundwater, surface water or effluent of adequate quality that will be legally, physically and continuously available to meet proposed water needs for at least 100 years;
2) any projected groundwater use that is consistent with the AMA's management plan and achieving its management goal; and
3) the applicant has demonstrated the financial capability to build the infrastructure necessary to make water available for the proposed use (A.R.S. § 45-576).

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. § 48-3771).

Member land is any real property that satisfies specified criteria including being located in an AMA in which a part of the Central Arizona Project aqueduct is located (A.R.S. § 48-3774).

Provisions

1. Prohibits the legislative body of a municipality and county BOS from approving a building permit for one or more detached residential dwelling units that are located in a residential lease community within an AMA unless:
   a) the residential dwelling units obtain a written commitment of water service from a municipality or private water company that has an assured water supply designation or are located on land that qualifies as member land; and
   b) the applicant pays all applicable fees and attaches proof of payment to the building permit application. (Sec. 1 and 2)
2. Requires the legislative body of a municipality and county BOS to note on the face of the building permit application proof of payment of the applicable fees. (Sec. 1 and 2)
3. Specifies that these provisions do not apply to an existing or planned residential lease community that applied for or received zoning entitlements by September 30, 2024. (Sec. 1 and 2)
4. Requires a person applying for a building permit for one of more detached residential dwelling units located in a residential lease community within an AMA to:
   a) apply for and obtain a written commitment of water service from a municipality or private water company that has an assured water supply designation;

b) pay all applicable fees; and
c) attach proof of payment of applicable fees to the building permit application. (Sec. 4)

5. Exempts a person from applying for and obtaining a written commitment of water service if the residential dwelling units are located on land that qualifies as member land, paid all applicable fees and attached proof of payment of applicable fees to the building permit application. (Sec. 4)
6. Requires a District to levy a onetime activation fee against each detached residential dwelling unit to be constructed within a residential lease community that is enrolled in member lands and member service areas on or after January 1, 2024. (Sec. 5)
7. Requires the levy to be paid in full at the time of enrollment as member land. (Sec. 5)
8. Adds that real property can qualify as member land if the owner declares that qualifying as member land benefits the real property by increasing the potential of the property to qualify for a building permit as a residential lease community. (Sec. 6)
9. Excludes from the definition of *improved lot or parcel* a condominium that is completely constructed within four years of the subdivider entering into a contract for sale. (Sec 3)
10. Excludes from the definition of *subdivision* the construction or leasing of residential structures that are located on agricultural property, exempt from building codes requirements and are offered for the purpose of housing agricultural workers. (Sec. 3)
11. Defines *residential lease community*. (Sec. 1 and 2)
12. Makes technical and conforming changes. (Sec. 4-6)

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

HB 2026: residential lease community; water; certificate
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Requires a person applying for a building permit for six or more detached single-family residences within an active management area (AMA) in which any portion of the Central Arizona Project (CAP) aqueduct is located to obtain a certificate of assured water supply (Certificate) or a written commitment of water service.

History

Someone who plans to sell or lease subdivided lands in an AMA must obtain a certificate of assured water supply from the Arizona Department of Water Resources (ADWR) or obtain a commitment for water service from a municipality or private water company with a designation of assured water supply. Otherwise, a municipality or county cannot approve the subdivision plat and the State Real Estate Commissioner will not issue a public report authorizing the sale or lease of the subdivided lands. An assured water supply means:

4) sufficient groundwater, surface water or effluent of adequate quality that will be legally, physically and continuously available to meet proposed water needs for at least 100 years;
5) any projected groundwater use that is consistent with the AMA's management plan and achieving its management goal; and
6) the applicant has demonstrated the financial capability to build the infrastructure necessary to make water available for the proposed use (A.R.S. § 45-576).

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. § 48-3771).

Member land is any real property that satisfies specified criteria including being located in an AMA in which a part of the CAP aqueduct is located (A.R.S. § 48-3774).

Provisions

1. Requires, except for applications submitted by September 30, 2023, a person applying for a building permit for six or more detached single-family residences within an AMA in which any portion of the CAP aqueduct is located to:
   a) apply for and obtain a Certificate from the ADWR Director unless the applicant has obtained a written commitment of water service for the residences from a municipality or private water company that has an assured water supply designation; and
   b) pay all applicable fees and accompany proof of payment on the permit application. (Sec. 2)

2. Allows, except for applications submitted by September 30, 2023, a municipality or county to approve a building permit for a building permit application that includes six or more detached single-family residences within an AMA in which any portion of the CAP aqueduct is located only if:
   a) the detached single-family residences included in the building permit have obtained a Certificate; or
   b) a written commitment of water service for the residences from a municipality or private water company that has an assured water supply designation. (Sec. 3)

3. Requires a District to levy a onetime activation fee against each detached residential dwelling unit to be constructed within a residential lease community that is enrolled in member lands and member service areas on or after January 1, 2024. (Sec. 3)
4. Requires the levy to be paid in full at the time of enrollment as member land. (Sec. 3)
5. Excludes from the definition of *improved lot or parcel* a condominium that is completely constructed within four years of the subdivider entering into a contract for sale. (Sec. 1)
6. Excludes from the definition of *subdivision* the construction or leasing of residential structures that are located on agricultural property, exempt from building codes requirements and are offered for the purpose of housing agricultural workers. (Sec. 1)
7. Makes technical and conforming changes. (Sec. 2-4)

Amendments

Committee on Natural Resources, Energy & Water

1. Adds the definition for a *residential lease community* to statute relating to multi county water conservation districts.
2. Allows each multi county water conservation district to charge annual membership dues on each detached single-family residence within a residential lease community.

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

HB 2030: cities; towns; water service; audit
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Requires certain municipalities to hire an independent auditor to conduct a rate audit and cost-of-service study of it's water and sewer service.

History

The five initial active management areas (AMA) are:

1) the Tucson AMA which includes the Upper Santa Cruz and Avra Valley sub-basins;
2) the Phoenix AMA which includes the East Salt River Valley, Fountain Hills, Carefree, Lake Pleasant, Rainbow Valley and Hassayampa sub-basins;
3) the Prescott AMA which includes the Little Chino and Upper Agua Fria sub-basins;
4) the Pinal AMA which includes the Maricopa-Stanfield, Eloy, Aguirre Valley, Santa Rosa Valley and Vekol Valley sub-basins; and
5) the Santa Cruz AMA which includes a portion of the Upper Santa Cruz Valley sub-basin (A.R.S. § 45-411) (A.R.S. § 45-411.03).

Assured water supply means:

1) sufficient groundwater, surface water or effluent of adequate quality will be continuously available to satisfy the water needs of the proposed use for at least 100 years;
2) the projected groundwater use is consistent with the management plan and achievement of the management goal for the AMA; and
3) the financial capability has been demonstrated to construct the water facilities necessary to make the supply of water available for the proposed use (A.R.S. § 45-576).

The cities in Arizona with a population larger than 240,000 are Phoenix, Tucson, Mesa, Chandler, Gilbert, Glendale and Scottsdale (2020 Census).

Provisions

1. Requires a municipality with more than 240,000 people, a designation of assured water supply and is located in an initial AMA to hire an independent auditor to conduct a full rate audit and cost-of-service study of the municipality's water and sewer service if the municipality has:
   a) entered into a contract or subcontract with the Central Arizona Project;
   b) participated in an intentionally created surplus program;
   c) received federal monies for voluntary conservation measures of the Colorado River; or
   d) sold long-term storage credits to a third party using effluent generated within the municipality's water service area. (Sec. 1)

2. Stipulates that for the rate audit and cost-of-service study:
   a) a municipality must provide all books and records requested by the auditor; and
   b) the auditor's report is public record. (Sec. 1)

3. Requires the auditor to investigate fees, revenue and expenditures regarding:
   a) hookup fees;
   b) nonutility related expenses;
   c) whether customers are being double charged;
   d) effluent or long-term storage credit; and

e) voluntary system conservation. (Sec. 1)

4. Requires the municipality to submit a copy of the auditor's report to the Governor, the President of the Senate and the Speaker of the House of Representatives on or before January 1, 2025. (Sec. 1)
5. Requires the municipality to provide a copy of the rate audit and cost-of-service study to the Secretary of State. (Sec. 1)
6. Repeals the municipal water systems audit on January 1, 2027. (Sec. 1)

Amendments

Committee on Natural Resources, Energy & Water

1. Requires the auditor to investigate costs, revenues and other specified details of utility rates.

HB 2127: assured water supply certificate; effluent
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Allows an application for a certificate of assured water supply for a proposed subdivision in the Tucson, Phoenix, Prescott or Santa Cruz active management areas (AMAs) to include effluent generated by a proposed subdivision.

History

The Groundwater Management Code (Code) was enacted in 1980 and established the statutory framework to regulate and control the use of groundwater. As part of the management framework, the Code designated five AMAs: Phoenix, Pinal, Prescott, Tucson and Santa Cruz (A.R.S. §§ 45-411, 45-411.03, 45-431 and 45-554).

The Code's *Assured and Adequate Water Supply Program* requires a developer who plans to sell or lease subdivided lands in an AMA to obtain a *certificate of assured water supply* from the Arizona Department of Water Resources (ADWR) or obtain a commitment for water service from a municipality or private water company with an assured water supply designation. Without a certificate, a municipality or county cannot approve the subdivision plat and the State Real Estate Commissioner will not issue a public report authorizing the sale or lease of the subdivided lands (ADWR).

An *assured water supply* means:

1) sufficient groundwater, surface water or effluent of adequate quality that will be legally, physically and continuously available to meet proposed water needs for at least 100 years;
2) any projected groundwater use is consistent with the AMA's management plan and goal; and
3) the applicant has demonstrated the financial capability to build the infrastructure necessary to make water available for the proposed use (A.R.S. § 45-576).

The Central Arizona Groundwater Replenishment District (CAGRD) is a function of the Central Arizona Project that replenishes groundwater pumped by its members and provides a way to comply with requirements of the assured water supply program (CAGRD).

Effluent is water that has been collected in a sanitary sewer for subsequent treatment in a facility regulated by the Arizona Department of Environmental Quality. Such water remains effluent until it acquires the characteristics of groundwater or surface water (A.R.S. § 45-101).

Provisions

1. Allows an applicant for a certificate of assured water supply for proposed subdivisions in the Tucson, Phoenix, Prescott or Santa Cruz AMAs to use any projected effluent, as follows:
   a) if the application states the subdivision will use all the effluent it produces, the applicant can use this to demonstrate physical availability of water and consistency with the management plan and the ADWR Director must deem the applicant to be consistent with the AMA's management plan and goal; and

b) if the applicant enrolls with CAGRD as a member land, and all projected effluent produced by the subdivision will be recharged in the subbasin in which the proposed subdivision is located, the ADWR Director is required to grant a certificate of assured water supply to the applicant. (Sec. 1)

2. Contains technical and conforming changes. (Sec. 1)

Amendments

Committee on Natural Resources, Energy & Water

1. Adds that an application for a certificate of assured water supply for a proposed subdivision in the Pinal AMA can include projected effluent and removes references to the Prescott and Santa Cruz AMAs.
2. Allows an applicant for an assured water supply certificate to include effluent projections for the proposed subdivision as evidence of legal and physical availability if:
   a) the effluent will be used directly to meet water demand of the subdivision; or
   b) the effluent will be recharged in the same subbasin where the subdivision will be located.

☐ 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 6-4-0-0

HB 2131: residential utility consumer office; businesses
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Authorizes the Residential Utility Consumer Office (RUCO) to represent the interests of small commercial utility consumers.

History

RUCO represents the interests of residential utility consumers (consumers) in regulatory proceedings involving public service corporations before the Arizona Corporation Commission (ACC). RUCO conducts a preliminary review of each utility rate increase application submitted to the ACC to determine the impact on consumers. The RUCO Director is appointed by the Governor and must have knowledge of the regulation of utilities and possess management and administrative experience (A.R.S. § 40-462).

The RUCO Director is allowed to:

1) research, study and analyze consumer interests;
2) prepare and present briefs, arguments, proposed rates or orders and intervene or appear on behalf of consumers and to testify at ACC hearings;
3) make and execute contracts and other instruments;
4) hire employees; and
5) employ attorneys to represent the interests of consumers (A.R.S. § 40-464).

Provisions

1. Allows RUCO to represent the interest of small commercial utility consumers. (Sec. 1)
2. Modifies the RUCO Directors powers and duties to include small commercial utility consumers. (Sec. 2)
3. States all contacts by small commercial utility consumers regarding quality or quantity of service provided by a public service corporation must be recorded by RUCO to determine general concerns of consumers. (Sec. 2)
4. Makes technical changes. (Sec. 1 and 2)

Amendments

Committee on Natural Resources, Energy & Water

1. Changes the name of the Residential Utility Consumer Office to the Arizona Utility Consumer Office.
2. Makes technical changes.

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

HB 2186: remedial groundwater incentive; brackish groundwater
Sponsor: Representative Kolodin, LD 3
Caucus & COW

Overview

Establishes procedures to withdraw remedial groundwater within an Active Management Area (AMA).

History

The Groundwater Management Code (Code) was enacted in 1980 and established the statutory framework to regulate and control the use of groundwater. As part of the management framework, the Code designated five AMAs: Phoenix, Pinal, Prescott, Tucson and Santa Cruz (A.R.S. §§ 45-411, 45-411.03, 45-431 and 45-554).

The Code's *Assured and Adequate Water Supply Program* requires a developer to provide information on a proposed subdivision's water supplies to Arizona Department of Water Resources (ADWR) before the land can be offered for sale or lease. Specific requirements apply depending on whether the subdivision is inside or outside an AMA. (A.R.S. § 45-576). There are currently six AMAs (Douglas, Phoenix, Pinal, Prescott, Tucson and Santa Cruz) and three INAs (Harquahala, Hualapai and Joseph City) (ADWR).

Brackish groundwater is groundwater with concentrations of total dissolved solids (TDS) of 1,000 to 10,000 milligrams per liter (mg/L). 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

Remedial Groundwater

1. Designates the use of remedial groundwater by a person with or applying for a certificate or designation of assured water supply as consistent with the management goal of the AMA where the remedial groundwater is withdrawn. (Sec. 2)
2. Specifies the criteria that must be met for the use of remedial groundwater to be excluded from management goal requirements. (Sec. 2)
3. Allows a person to submit an application to the ADWR Director (Director) for a determination if the person's use of remedial groundwater is consistent with the management goal of the AMA. (Sec. 3)
4. Instructs the Director to calculate the annual amount of remedial groundwater that is consistent with the management goal upon the Director's approval of an application. (Sec. 3)
5. Requires the Director to adopt specified rules pertaining to the application process. (Sec. 3)
6. Requires a person who withdraws remedial groundwater to:
   a) meter the remedial groundwater withdrawals;
   b) report the annul amount of remedial groundwater withdrawn; and
   c) include the purposes for which the remedial groundwater was used. (Sec. 3)
7. Requires a person that is withdrawing or using remedial groundwater that meets the definition of a *hazardous substance* to provide a written notice to the Director within a specified timeframe that includes:

a) the annual volume of remedial groundwater to be withdrawn from each well;
b) the total amount of remedial groundwater in the relevant area that meets the definition of *hazardous substance*;
c) the time period that the remedial groundwater will be withdrawn and used;
d) the anticipated or actual start date of withdrawals or use;
e) the purpose by which the remedial groundwater will be used;
f) a copy of the qualified document that approves the person's withdrawal and use of remedial groundwater;
g) the person to which the remedial groundwater will be pledged; and
h) the name and telephone number of the person that can be contacted regarding the withdrawal or use. (Sec. 3)

Miscellaneous

8. Expands the definition of *hazardous substance* to include groundwater that contains an amount of TDS between 1,000 and 10,000 milligrams per liter. (Sec. 4)

9. Modifies the definition of *inert material*. (Sec. 4)

10. Broadens the definition of *remedial action*. (Sec. 5)

11. Excludes remedial groundwater that meets the definition of *hazardous substance* from being disclosed in the specified notice relating to a proposed remedial action plan. (Sec. 6)

12. Defines pertinent terms. (Sec. 1)

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

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

HB 2195: on-site wastewater treatment facilities; permitting
Sponsor: Representative Hendrix, LD 14
Caucus & COW

Overview

Permits an *on-site wastewater treatment facility* (Facility) that treats and disposes of wastewater to discharge under a general permit if specific requirements are met.

History

A *Facility* is a conventional septic tank system or alternative system installed at a site to treat and dispose of wastewater of predominantly human origin that is generated at that site (A.R.S. § 49-201).

A Facility is required to be operated pursuant to either an individual permit or general permit issued by the Arizona Department of Environmental Quality (ADEQ) Director. A general permit for a defined class of facilities can be issued if:

1) the cost of issuing individual permits cannot be justified by any environmental or public health benefit;
2) the Facilities, activities or practices are substantially similar; and
3) the ADEQ Director is satisfied that appropriate conditions under a general permit for operating the Facilities or conducting the activities will meet the applicable requirements outlined in statute as well as the established best management practices (A.R.S. §§ 49-241, 49-245).

Provisions

1. Authorizes a Facility with a design flow of between 3,000 gallons or more but not more than 75,000 gallons per day to discharge under a general permit if the Facility complies with general permit rules and is operated by a service provider that is certified by the technology manufacturer. (Sec. 1)

2. Requires the Director of ADEQ to include an addendum to the general permit authorization that requires Facilities to maintain, monitor, keep records and issue reports, in addition to the general permit requirements. (Sec. 1)

Amendments

Committee on Natural Resources, Energy & Water

1. Allows the ADEQ Director to require an on-site wastewater treatment facility with a design flow of 50,000 gallons or more per day or for a site with multiple facilities with a collective flow of 50,000 gallons or more per day to provide adequate financial assurance.

HB 2200: groundwater transportation; Harquahala non-expansion area
Sponsor: Representative Dunn, LD 25
Caucus & COW

Overview

Adds a public service corporation to the list of eligible entities authorized to transport groundwater from the Harquahala Irrigation Non-expansion Area (INA) to an initial active management area (AMA).

History

Unless specifically authorized, groundwater that is withdrawn in a basin or sub-basin located outside an initial AMA may not be transported to an initial AMA. Current law identifies four groundwater basins and sub-basins from which groundwater can be withdrawn and transported to an initial AMA. Those basins are: 1) McMullen Valley; 2) Butler Valley; 3) Harquahala INA; and 4) Big Chino sub-basin of the Verde River groundwater basin. Transportation of groundwater from these basins is subject to 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., 45-551, 45-556, 45-557, 45-558, 45-559, 42 U.S.C. § 4332 et seq.).

In the Harquahala INA, only Arizona and its political subdivisions can withdraw and transport groundwater from legally irrigable lands. The groundwater can be withdrawn up to a depth of 1,000 feet at a rate that, when combined with current withdrawals, does not cause groundwater declines at the site by more than 10 feet annually during a 100-year period. There are limitations on how much can be withdrawn per acre over specified time periods (A.R.S. § 45-554).

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 that authorize the corporation to provide a service in a certain geographical area (Constitution of Arizona, Article 15 §§ 2 and 3, A.R.S. § 40-281).

Provisions

1. Adds public service corporations to the list of authorized entities that may transport groundwater from the Harquahala INA to an initial AMA. (Sec. 1)
2. Specifies that the public service corporation must be regulated by the ACC, hold a certificate of convenience and necessity for water service in an initial AMA and own land in the INA that is eligible to be irrigated. (Sec. 1)
3. Specifies the transported groundwater must be used by the transporting entity's customers within five years of the time it is transported and cannot be sold or conveyed for use other than by the eligible entity. (Sec. 1)

4. Requires all costs associated with withdrawing, transporting and delivering groundwater that is transported away from the basin by a public service corporation to be collected from the customers of the corporation's water distribution system where the transported groundwater is used. (Sec. 1)
5. Requires the ADWR Director to adopt administrative rules to implement the provisions of this legislation and include reporting of groundwater transported from the Harquahala INA. (Sec. 1)
6. Exempts ADWR from rulemaking requirements related to this measure for one year after the effective date of this legislation. (Sec. 2)
7. Makes technical changes. (Sec. 1)

Amendments

Committee on Natural Resources, Energy & Water

1. Deletes the requirement for an eligible entity's customers to use transported groundwater within five years it being transported.
2. Specifies that costs incurred by a public service corporation to withdraw, transport or deliver groundwater away from the Harquahala basin must be collected from the customers of a corporation's water district, rather than the distribution system.

☐ 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 7-2-0-1

HB 2201: Harquahala non-expansion area; groundwater transportation
Sponsor: Representative Dunn, LD 25
Caucus & COW

Overview

Allows groundwater to be transported from the Harquahala Irrigation Non-expansion Area (INA) to any location in La Paz County. Adds a public service corporation to the list of eligible entities authorized to transport groundwater from the Harquahala INA to an initial Active Management Area (AMA).

History

Unless specifically authorized, groundwater that is withdrawn in a basin or sub-basin located outside an initial AMA may not be transported to an initial AMA. Current law identifies four groundwater basins and sub-basins from which groundwater can be withdrawn and transported to an initial AMA. Those basins are: 1) McMullen Valley; 2) Butler Valley; 3) Harquahala INA; and 4) Big Chino sub-basin of the Verde River groundwater basin. Transportation of groundwater from these basins is subject to limitations as outlined in statute (A.R.S. § 45-551).

In the Harquahala INA, only Arizona and its political subdivisions can withdraw and transport groundwater from legally irrigable lands. The Harquahala INA is located in western Maricopa County and eastern La Paz County. The groundwater can be withdrawn up to a depth of 1,000 feet at a rate that, when combined with current withdrawals, does not cause groundwater declines at the site by more than 10 feet annually during a 100-year period. There are limitations on how much can be withdrawn per acre over specified time periods (A.R.S. § 45-554).

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 that authorizes the corporation to provide a service in a certain geographical area (A.R.S. § 40-281).

Provisions

1. Adds public service corporations to the list of authorized entities that may transport groundwater from the Harquahala INA to an initial AMA. (Sec. 1)
2. Specifies that the public service corporation must be regulated by the ACC, hold a certificate of convenience and necessity for water service in an initial AMA and own land in the INA that is eligible to be irrigated. (Sec. 1)
3. Specifies the transported groundwater must be used by the transporting entity's customers within five years of the time it is transported and cannot be sold or conveyed for use other than by the eligible entity. (Sec. 1)
4. Requires all costs associated with withdrawing, transporting, and delivering groundwater that is transported away from the basin by a public service corporation to be collected from the customers of the corporation's water distribution system where the transported groundwater is used. (Sec. 1)
5. Allows groundwater to be transported away from the Harquahala INA to any location in La Paz County for use by an eligible entity. (Sec. 1)
6. Requires the ADWR Director to adopt administrative rules to implement the provisions of this legislation and include reporting of groundwater transported from the Harquahala INA. (Sec. 1)

7. Exempts ADWR from rulemaking requirements related to this measure for one year after the effective date of this legislation. (Sec. 2)
8. Makes technical changes. (Sec. 1)

Amendments

Committee on Natural Resources, Energy & Water

1. Deletes the requirement for an eligible entity's customers to use transported groundwater within five years of it being transported.
2. Specifies that costs incurred by a public service corporation to withdraw, transport or deliver groundwater away from the Harquahala basin must be collected from the customers of a corporation's water district, rather than the distribution system.

HB 2646: power plants; public service corporations
Sponsor: Representative Bliss, LD 1
Caucus & COW

Overview

Outlines requirements, procedures and reporting requirements for the closure or transition of public service corporations (Corporations) or public power entity (Power Entity).

History

The Arizona Corporation Commission (ACC) is composed of five elected Commissioners that governs the offer and sale of securities and investments in or from Arizona, licenses investment advisers and their representatives, registers securities dealers and salesman, regulate public utilities, register corporations and limited liability companies, and enforce regulations to ensure railroad and pipeline safety.

Current law prohibits a Corporation from selling, leasing, assigning, mortgaging or otherwise disposing of its railroad, line, plant or system if it is necessary or useful in the performance of its duties to the public or merging its system with any other Corporation without the authorization of the ACC. Any disposition, encumbrance or merger made other than in accordance with the order of the ACC authorizing it is void (A.R.S. § 40-285).

Provisions

1. Prohibits a Corporation or Power Entity from initiating the closure, decommissioning or disposal of an electric generation facility within 5 years after the date of the written notice. (Sec. 1)
2. Requires a Corporation or Power Entity to provide written notice to specified entities within 6 months after a decision or application to the ACC for an order to close, decommission or dispose of an electric generation facility. (Sec. 1)
3. Outlines the notice of closure, decommissioning or disposal requirements. (Sec. 1)
4. States a Corporation or Power Entity may:
   a) take any action necessary to convert or repurpose an existing electric generation facility that is powered by fossil fuels to a new electric generation facility that is powered by chemical energy, including any action approved by a permitting authority.
   b) install any emission reduction controls or improvements on the electric generation facility that maintain the net electric generating output of the facility at a lower rate of emissions per unit of output, including any action approved by a permitting authority. (Sec. 1)
5. Requires a Corporation or Power Entity that receives notice of any federal law or regulation that may result in the forced retirement of an electric generation facility to inform, within 30 days after receipt of the notice, the Attorney General (AG), the Arizona Power Authority (APA) Director and each member of the ACC of the law or regulation. (Sec. 1)
6. Authorizes the AG, APA and ACC to each take any action necessary to defend the interest of Arizona with respect to the law or regulation, the Corporation's or Power Entity's electric generation facility or the total electricity generation by the Corporation or Power Entity, including filing an action in court or participating in administrative proceedings. (Sec. 1)
7. Requires the AG to represent the APA or ACC upon written request. (Sec. 1)

8. Defines related terms. (Sec. 1)
9. Contains legislative findings clause. (sec. 2)

HB 2647: physical availability credits; water supply.
Sponsor: Representative Smith, LD 29
Caucus & COW

Overview

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

History

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

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

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

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

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

Provisions

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

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

3. States that a physical availability credit may be used to withdraw from or receive for the irrigated land a specified amount of groundwater calculated for non-irrigation use if:
   a) the land has been actively farmed in the three of the last seven calendar years and is permanently retired from irrigation use;
   b) the new non-irrigation use of water remains appurtenant to the original irrigation acres described in the certificate of grandfathered right; and
   c) the water is delivered by a municipal provider within an AMA pursuant to a contract that requires the municipal provider to deliver at least the same quantity of water available to the retired original irrigation acres and to withdraw any groundwater that is part of the delivery form within its service area. (Sec. 1)

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

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

HCR2051: rural communities; groundwater; tools
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Provides legislative support for rural communities and their groundwater interests.

History

Laws 2007, Chapter 240 allowed municipalities to require new subdivisions located outside of an active management area (AMA) guarantee an adequate water supply to receive approval.

Laws 2016, Chapter 227 permitted a county board of supervisors (BOS) to establish programs offering financial assistance to low and fixed income homeowners to make improvements to existing drinking water wells or to provide water delivery systems for the residence.

Laws 2016, Chapter 164 required the Arizona State Land Commissioner and Arizona Department of Water Resources Director to develop a plan for constructing a potential new water storage facility on state trust land.

Laws 2022, Chapter 366: 1) established the Water Infrastructure Finance Authority (WIFA) and the Long-Term Water Augmentation Fund; and 2) appropriated monies to the Water Supply Development Revolving Fund.

Laws 2023, Chapter 75 authorized a county BOS to participate in water recycling programs and regional wastewater recharge projects.

Provisions

1. Directs the Legislature to provide and continue to provide rural communities with an abundance of tools to adequately manage and address their current and future groundwater resources.

☐ 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 5-1-0-0

HB 2068: behavior analysts; regulatory board
Sponsor: Representative Bliss, LD 1
Caucus & COW

Overview

Creates a *State Board of Behavior Analysts* (Board) independent of the Arizona Board of Psychologist Examiners.

History

The Arizona Board of Psychologist Examiners states its mission is "*to protect the health, safety, and welfare of Arizona citizens by licensing and regulating the professions of Psychology and Behavior Analysis.*" This 90/10 state agency licenses and regulates psychologists and behavior analysts. The 5-member *Committee on Behavior Analysts* (Committee) makes recommendations to the Board of Psychologist Examiners regarding licensing and regulation of its profession. This Committee may make recommendations for regulatory changes after obtaining public input and from other behavior analyst licensees (A.R.S. § 32-2091.15).

During the Forty-eighth Legislature, Second Regular Session (2008), HB 2470 (*Now: board of behavior analysts*), passed both houses of the Legislature, but was vetoed by the Governor. The bill established the regulatory framework to license and regulate the behavior analyst profession, which consisted of approximately 32 applicants. In 2024, there are close to 1,000 active licensees. Applicants for an initial license or renewal may apply online by paying the nonrefundable license fee and submitting the application and supporting documents. The website permits license look-up and provides information pertaining to expired, inactive, closed, surrendered or probationary status.

Provisions

1. Establishes an independent stand-alone *State Board of Behavior Analysts* (Board) and transitions regulatory authority from the *State Board of Psychologist Examiners*. (Sec. 1)
2. Transfers the 5-member *Committee on Behavior Analysts (Committee)* within the *Board of Psychologist Examiners* to the newly established Board and adds two public members who are not eligible for licensure. (Sec. 4)
3. Outlines the powers and duties of the 7-member Board whose members are appointed by the Governor and confirmed by the Senate. (Sec. 4, 5)
4. Stipulates that each member of the Board must be a United States citizen and Arizona resident at the time of appointment. (Sec. 4)
5. Prescribes the process to fill a vacancy on the Board. (Sec. 4)
6. Provides personal immunity from suits for Board members, employees and consultants when actions are in good faith and to further the purpose of the Board's duties. (Sec. 4)
7. States the powers and duties of the new Board, which are substantially the same as those while the Board was under the regulatory authority of the Board of Psychologist Examiners as follows:
   a) administer and enforce Board rules;
   b) regulate discipline of licensees;
   c) prescribe application content and deadlines for initial and renewal licenses;

d) record and maintain licensee information, including receipt and disbursement of monies and all board actions;
e) adopt an official seal;
f) investigate violations of statute and board rules;
g) employ an executive director who serves at the pleasure of the board;
h) elect leadership annually from its membership to serve on behalf of the Board;
i) adopt pertinent rules for code of ethics, telehealth and exceptions to a license denial based on criminal history;
j) authorizes the board to hire employees necessary to carry out the terms of these provisions of law;
k) permits the board to accept, expend and account for gifts, grants, and various contributions from public and private sources, which the board must deposit into special funds for the specified purposes and states these monies are exempt from statutory lapsing of appropriations;
l) stipulates that an executive director will serve both the Board of Psychologist Examiners and the newly established Board;
m) directs the two boards to jointly choose the executive director;
n) states the executive director will hire staff and be paid pursuant to statute. (Sec. 5)

8. Directs the Board to hold quarterly meetings and special meetings as needed. (Sec. 5)
9. Authorizes the Board chairperson to establish committees to act as consultants to the board and to carry out its duties. (Sec. 5)
10. Permits members of the consultant committees to be reimbursed for expenses. (Sec. 5)
11. States that a majority of the Board constitutes a quorum, and a majority vote of a quorum present is necessary for the Board to act. (Sec. 5)
12. Creates a stand-alone Board fund, which currently exists as the Committee's account, which is separate from the Board of Psychologist Examiners fund account. (Sec. 5)
13. Stipulates the Board is an Arizona 90/10 Board. (Sec. 5)
14. Specifies the Board will establish fees for initial and renewal licenses, but there will not be a temporary license. (Sec. 6)
15. Deletes the reference to the number of required hours for supervised experience. (Sec. 9)
16. Consistent with the Board of Psychologist Examiners, outlines the complaints the Board may not consider when the complaints relate to a licensee's or employee's performance of board duties and further specifies actions the Board may take during the investigative or disciplinary processes. (Sec. 14)
17. Decreases, from 10 to 8, the Board of Psychologist Examiners. (Sec. 20)
18. Places the Board into the Sunset Review statutory schedule of state agencies that terminate on July 1, 2033, unless continued, revised or consolidated with another state agency. (Sec. 33)
19. Specifies the purpose of the Board is to regulate the practice of Behavior Analysts for the public health, safety and welfare. (Sec, 34)
20. Outlines the transition of the Committee to the new Board. (Sec. 35)
21. Strikes archaic and obsolete language. (Sec. 3, 4, 6, 8, 9, 11-14, 18, 19, 26, 28,)
22. Makes technical and conforming changes. (Sec. 3, 6-22, 24-32)

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

HB 2618: spirituous liquor; DHS; inspection; exemption
Sponsor: Representative Hernandez A, LD 20
Caucus & COW

Overview

Exempts specific spirituous liquor from inspections by the Arizona Department of Health Services (DHS).

History

The director of DHS must prescribe reasonably necessary rules to ensure that food and drink sold at retail for human consumption are free from unwholesome substances, poisonous or disease-causing organisms. Rules must include measures to protect the health and safety of the public during production, processing, labeling, serving, handling and transporting the products. These rules must prescribe minimum standards for sanitary facilities and conditions to be maintained in all warehouses, restaurants and other premises, except as outlined when there is an exemption. Additionally, the rules ensure proper inspection and licensing of premises and vehicles used in preparing, storing, handling and producing food and drink (A.R.S. § 36-136).

Special event license (Series 15) means authorization issued to a charitable, civic, fraternal, political or religious organization to sell spirituous liquors for consumption on or off the premises where the spirituous liquor is sold only for a specified period (A.R.S. § 4-112)

Wine festival or fair license (Series 16) means authorization issued for a specified period to a domestic farm winery to serve samples of its products and sell the products in individual portions for consumption on the premises or in original, unopened containers for consumption off the premises (A.R.S. § 4-112).

Statute in part, defines *spirituous liquor* as alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor or malt beverage, absinthe, a compound or mixture of any of them and beverages containing more than 1/2 of 1 percent of alcohol by volume (A.R.S. §4-101).

Provisions

1. Exempts certain spirituous liquor from DHS inspections and related rules as follows:
   a) spirituous liquor of licensed producers;
   b) imported spirituous liquor sold by licensed wholesalers. (Sec. 1)
2. Applies the exemption to all commercially prepackaged spirituous liquor and all spirituous liquor poured at Arizona's licensed special events, festivals and fairs. (Sec. 1)
3. 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: RA DP 5-0-0-1

HB 2738: DIFI; title companies; recorded documents
Sponsor: Representative Hendrix, LD 14
Caucus & COW

Overview

Prescribes the responsibility of the title insurance agent and the title insurer as it relates to recorded documents.

History

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

Provisions

1. States that a *title insurance agent* is solely responsible for all recorded documents related to a property transaction. (Sec. 1)
2. Prohibits a *title insurer* from entering into any agreement with an insurance applicant, owner or occupant of real property for which insurance has already been or may be issued in the future, to do any of the following as it relates to the real property:
   a) make any warranties about the existence or validity of recorded documents;
   b) warrant the accuracy of any abstract of title;
   c) confirm that any *preliminary report, commitment or binder* is an accurate or complete list of recorded documents affecting the real property;
   d) insure, guarantee or indemnify the title insurer against loss or damage as outlined;
   e) guarantee the correctness of searches relating to the real property title. (Sec. 2)
3. Stipulates that a *title insurer* who violates the provisions of this bill is liable for reasonable attorney's fees in any court action or arbitration proceeding. (Sec. 2)
4. Specifies that an agreement obtained in violation of these provisions is deemed to be against public policy and is void and unenforceable. (Sec. 2)
5. Makes technical changes. (Sec. 1, 2)

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

ARIZONA HOUSE OF REPRESENTATIVES

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

HB 2845: administrative rules oversight committee; staff
Sponsor: Representative Heap, LD 10
Caucus & COW

Overview

Changes the staff for the *Administrative Rules Oversight Committee* (AROC) from Legislative Council to the directors of research staff for the Arizona State Senate and House of Representatives or their designees.

History

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

Statute prohibits state agencies from conducting rulemaking without prior written approval of the Governor. State agencies may not adopt any new rule that would increase existing regulatory burdens on the free exercise of property rights or the freedom to engage in lawful business or occupation unless: 1) the rule reduces regulatory restraints or burdens; or 2) is necessary to implement statutes or is required by a final court order or decision (A.R.S. §§ 41-1038, 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. Specifies that the directors of the research staff of the Senate and House of Representatives will serve as staff for AROC rather than Legislative Council. (Sec. 1)

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

HB 2864: cottage food; freeze-dried; preparation
Sponsor: Representative Griffin, LD 19
Caucus & COW

Overview

Adds freeze-dried fruits and vegetables to the list of acceptable *cottage food products*.

History

Statute requires the Director of the Department of Health Services (DHS) to adopt rules for the regulation and oversight of food and drinks sold at retail, including standards for producing, labeling, serving and transporting food products. State laws and rules also prescribe requirements for food preparers, including training courses, certification and registration with an online DHS registry. Rules prescribe sanitary conditions for warehouses, restaurants and other premises, including trucks or vehicles where food or drink is produced, stored, served or transported. State law exempts food and drink served at noncommercial social events such as potlucks, home cooking schools and cottage food products.

Cottage food products prepared in a home kitchen may be offered for commercial sale if the products are not potentially hazardous and do not require time and temperature control for food safety. Approved foods in the *cottage food products* category include cakes, cookies, breads, jams and jellies made from allowable fruits. Products must be packaged at home and include an attached label that clearly identifies the name/registration number of the food preparer. list of ingredients and a disclosure statement about the home kitchen and possible allergens. (A.R.S. § 36-136).

Provisions

1. Adds precut and processed freeze-dried fruits and vegetables to the list of *cottage food products* that do not need time or temperature control and are not potentially hazardous. (Sec. 1)
2. Makes technical changes. (Sec. 1)

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

HB2271: religious educational institution; special plates
Sponsor: Representative Parker B, LD 10
Caucus & COW

Overview

Establishes the Religious Educational Institution 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 Religious Educational Institution 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 Religious Educational Institution Special Plate. (Sec. 3)
3. States that the design and color of the Religious Educational Institution Special Plate are subject to the approval of ADOT. (Sec. 3)
4. Allows the Director of ADOT (Director) to combine requests for the Religious Educational Institution 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 Religious Educational Institution Special Plate, $8 is an administration fee and $17 is an annual donation. (Sec. 3)
6. Requires ADOT to deposit all Religious Educational Institution Special Plate administration fees into the state Highway Fund and all donations into the Religious Educational Institution 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) is a Utah nonprofit corporation; and
    b) has offices in any of the following locations:
        i. Provo, Utah;
        ii. Laie, Hawaii; or
        iii. Rexburg, Idaho. (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)

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

HB 2426: ~~technical correction; traffic violations~~
S/E: off-highway vehicle; temporary registration
Sponsor: Representative Cook, LD 7
Caucus & COW

Summary of the Strike-Everything Amendment to HB2426

Overview

Allows the Arizona Department of Transportation (ADOT) to issue a temporary general use registration to a nonresident for an off-highway vehicle that is titled in another state and meets the requirements of statute regulating off-highway vehicles.

History

Instead of permanent registration, ADOT may issue a temporary general use registration that allows a person to operate a vehicle for no more than 30 days (30-day registration). The Director of ADOT (Director) may authorize the issuance of a 30-day registration if someone does not qualify for other special registrations including a nonresident drive out registration, a nonresident daily commuter registration or a special registration permit for foreign motor vehicles.

A person operating a vehicle with a 30-day registration is required to comply with the mandatory motor vehicle insurance requirements outlined in statute. ADOT prescribes the content and form of the 30-day registration application. The owner or operator of the vehicle is required to display the 30-day registration so that it is clearly visible from outside the vehicle. At the time of application, the applicant must submit proper evidence of ownership or authorized possession of the vehicle.

The registration fee for a 30-day registration is $15. The registering officer is required to deposit $1 of the fee in the County Assessor's Special Registration Fund if the assessor is the registering officer or in the State Highway Fund if the Director is the registration officer. The registration officer cannot issue more than one 30-day registration for a vehicle in a 12 month period (A.R.S. § 28-2003, 2156).

Provisions

1. Authorizes ADOT to issue a 30-day registration to a nonresident who owns an off-highway vehicle that is titled in another state and otherwise meets the requirements of statute relating to off-highway vehicles. (Sec. 1)
2. Specifies that the registering officer may issue more than one 30-day registration in a 12-month period for a nonresident's off-highway vehicle. (Sec. 1)
3. Defines *off-highway vehicle* as an off-highway vehicle that:
   a. is designed primarily for recreational nonhighway all-terrain travel;
   b. is 80 or fewer inches in width;
   c. has an unladen weight of 2,500 pounds or less;
   d. travels on four or more nonhighway tires;
   e. has a steering wheel for steering control;
   f. has a rollover protective structure; and
   g. has an occupant retention system. (Sec. 1)
4. Makes technical and conforming changes. (Sec. 1)

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

HB2750: motorcycle helmets; minors; citations
Sponsor: Representative Nguyen, LD 1
Caucus & COW

Overview

Permits a law enforcement officer to issue a citation for a violation of not wearing a protective helmet to an operator or passenger of a motorcycle, all-terrain vehicle or motor driven cycle who is 16 or 17 years old.

History

An operator or passenger of a motorcycle, all-terrain vehicle or motor driven cycle who is under 18 years of age must wear at all times a protective helmet on the operator's or passenger's head in an appropriate manner. The protective helmet must be safely secured while the operator or passenger is operating or riding on the motorcycle, all-terrain vehicle or motor driven cycle. An operator of a motorcycle, all-terrain vehicle or motor driven cycle must wear at all times protective glasses, goggles or a transparent face shield of a type approved by the Director of the Arizona Department of Transportation unless the motorcycle, all-terrain vehicle or motor driven cycle is equipped with a protective windshield.

This requirement does not apply to electrically powered three-wheeled vehicles or three-wheeled vehicles on which the operator and passenger ride within an enclosed cab.

A motorcycle, all-terrain vehicle and motor driven cycle must be equipped with a rearview mirror, seat and footrests for the operator. A motorcycle, all-terrain vehicle or motor driven cycle operated with a passenger must be equipped with a seat and footrests for the passenger (A.R.S. § 28-964).

Provisions

1. Allows a law enforcement officer to issue a citation for a violation of not wearing a protective helmet to an operator or passenger of a motorcycle, all-terrain vehicle or motor driven cycle who is 16 or 17 years old. (Sec. 1)

2. Stipulates that an operator of a motorcycle, all-terrain vehicle or motor driven cycle who is at least 16 may be issued a citation if either:
   a) a passenger of a motorcycle, all-terrain vehicle or motor driven cycle is under 16 years old and is not wearing a protective helmet; or
   b) the operator or passenger of a motorcycle, all-terrain vehicle or motor driven cycle is under 16 years old and is both:
      i. not wearing a protective helmet; and
      ii. in the same group or party as the operator of the initial motorcycle, all-terrain vehicle or motor driven cycle who is at least 16 years old. (Sec. 1)

Amendments

Committee on Transportation & Infrastructure

1. Exempts from the requirement for wearing a protective helmet a motorcycle, all-terrain vehicle or motor driven cycle that is a farm or agricultural vehicle if the operator or passenger is engaged in agricultural work.

2. Exempts from the requirement for wearing a protective helmet a recreational off-highway vehicle that:
   a) is designed primarily for recreational nonhighway all-terrain travel;
   b) is 80 or fewer inches in width;
   c) has an unladen weight of 2,500 pounds or less;

d) travels on four or more nonhighway tires;
e) has a steering wheel for steering control;
f) has a rollover protective structure; and
g) has an occupant retention system.

HB 2859: teen suicide awareness special plates
Sponsor: Representative Gress, LD 4
Caucus & COW

Overview

Establishes the Teen Suicide Awareness 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 Teen Suicide Awareness 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 Teen Suicide Awareness Special Plate. (Sec. 3)
3. States that the design and color of the Teen Suicide Awareness Special Plate are subject to the approval of ADOT. (Sec. 3)
4. Allows the Director of ADOT (Director) to combine requests for the Teen Suicide Awareness 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 Teen Suicide Awareness Special Plate, $8 is an administration fee and $17 is an annual donation. (Sec. 3)
6. Requires ADOT to deposit all Teen Suicide Awareness Special Plate administration fees into the State Highway Fund and all donations into the Teen Suicide Awareness 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 been established in this state in 1986 to prevent teen suicide;

b) provides a peer-to-peer teen crisis hotline and text line;
c) has a mission to prevent teen suicide through enhancing resiliency in youth and fostering supportive communities;
d) provides teen suicide prevention education to teenagers, schools and the community at large;
e) has begun the school identification card initiative in 2015 to put peer counseling information on the back of the cards;
f) hosts tabling events for teen suicide prevention awareness month;
g) provides prevention and hotline services to children and families at no cost; and
h) facilitates suicide prevention trainings for school staff. (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. Modifies the deadline for a person to pay $32,000 to ADOT to issue the Gila River Indian Community Special Plates from December 31, 2023, to December 31, 2024.

2. Establishes the Arizona Professional Women's Basketball Club Special Plate if a person pays $32,000 to ADOT by December 31, 2024.

3. Requires the person who provides the $32,000 to design the Arizona Professional Women's Basketball Club Special Plate. (Sec. 3)

4. States that the design and color of the Arizona Professional Women's Basketball Club Special Plate are subject to the approval of ADOT. (Sec. 3)

5. Requires ADOT to deposit all Arizona Professional Women's Basketball Club Special Plate administration fees into the State Highway Fund and all donations into the Arizona Professional Basketball Clubs Special Plate Fund which goes towards an Arizona Professional Basketball Organization's foundation that is qualified under section 501(c)(3) of the United States Internal Revenue Code for federal income tax purposes.

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

HB2880: Arizona bicycling special plates
Sponsor: Representative Mathis, LD 18
Caucus & COW

Overview

Establishes the Arizona Bicycling 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 Bicycling 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 Bicycling Special Plate. (Sec. 3)
3. States that the design and color of the Arizona Bicycling Special Plate are subject to the approval of ADOT. (Sec. 3)
4. Allows the Director of ADOT (Director) to combine requests for the Arizona Bicycling 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 Bicycling Special Plate, $8 is an administration fee and $17 is an annual donation. (Sec. 3)
6. Requires ADOT to deposit all Arizona Bicycling Special Plate administration fees into the state Highway Fund and all donations into the Arizona Bicycling 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) produces bicycling events in this state for community, charity and wellness;
    b) has raised at least $101,000,000 for charities;

c) has all of the following objectives;
   i. aiding in the economic development of this state;
   ii. establishing this state as the bicycle center of the United States;
   iii. encouraging individuals to adopt bicycling as a natural daily life activity;
   iv. produces bicycling events for bicyclists of all ages and abilities; and
d) annually holds the largest bicycling event in the United States on the Saturday before Thanksgiving that attracts over 6,000 cyclists of all ages and abilities from around the world. (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)

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

HB 2098: tax liens; redemption; property sale
S/E: right to redeem; foreclosure; sale
Sponsor: Representative Griffin, LD 19
Caucus & COW

Summary of the Strike-Everything Amendment to HB 2098

Overview

Allows a property owner whose right to redeem is being foreclosed to have a sale of the property to cover excess proceeds. Outlines the details for a notice of sale, the sale by public auction, the payment of the bid and the disposition of the proceeds of sale.

History

A real property tax lien currently may be full redeemed at any time within three years after the date of sale, or after three years but before the delivery of a treasurer's deed to the purchaser or the purchaser's heirs or assigns (A.R.S. § 42-18152).

In an action to foreclose the right to redeem, if the court finds that the sale is valid and that the tax lien has not been redeemed, the court must enter judgment by foreclosing the right of the defendant to redeem, and by directing the county treasurer to expeditiously execute and deliver to the party in whose favor judgment is entered, including the state, a deed conveying the property described in the certificate of purchase. The foreclosure of the right to redeem does not extinguish any easement on or appurtenant to the property, or any lien for a levied assessment (A.R.S. § 42-18204).

Provisions

1. Excludes judgements directing the sale of property pursuant to the sale of property for excess proceeds from the issuance of a writ of execution. (Sec. 1)
2. Requires the county treasurer to issue a refund in specific instances within thirty days after delivering the treasurer's deed to the purchaser or entry of a judgement directing the sale of the property for excess proceeds. (Sec. 2)
3. Requires certain content in the statement contained in the notice of intent to file a foreclosure action. (Sec. 3)
4. Requires the court to enter judgement if the tax lien is valid, the tax lien has not been redeemed and the defendant's request for an excess proceeds sale is unreasonable or the defendant did not request an excess proceeds sale. (Sec. 4)
5. Specifies the court will enter a specific judgement if the tax lien is valid, the tax lien has not been redeemed and the defendant's request for excess proceeds is reasonable. (Sec. 4)
6. Allows a property owner whose right to redeem is being foreclosed to request the court to determine if the sale of the property to recover excess proceeds sale is reasonable. (Sec. 4)
7. Outlines the specific information that shall be provided to the court for the purposes of determining if an excess proceeds sale is reasonable. (Sec. 4)
8. Specifies that an assessment does not include an abatement lien imposed for municipal taxes and fees. (Sec. 4)
9. Outlines the costs and fees that can be included in a judgement. (Sec. 6)

10. Establishes an Article 6 to address the sale of property for excess proceeds. (Sec. 7)
11. Defines *qualified entity*. (Sec. 7)
12. Outlines the notice details and the information required in the notice of sale. (Sec. 7)
13. Outlines the format and content of the notice of sale for excess proceeds. (Sec. 7)
14. Specifies the date and time of sale. (Sec. 7)
15. Outlines the date, time and place requirements for a sale that takes place by public auction. (Sec. 7)
16. Specifies bidder requirements. (Sec. 7)
17. Allows a qualified entity to postpone or continue the sale by giving proper notice. (Sec. 7)
18. Specifies that a sale concluded under the sale of property for excess proceeds extinguishes any other liens and encumbrances by the state on the property. (Sec. 7)
19. Outlines the requirements for the payment of the bid. (Sec. 7)
20. Outlines the required information the qualified entity must include in the deed. (Sec. 7)
21. Outlines the requirements for a qualified entity when distributing the proceeds of sale. (Sec. 7)
22. Applies to actions to foreclosure the right to redeem for the judicial foreclosure of right of redemption after the effective date of this legislation. (Sec. 8)
23. Makes technical and conforming changes. (Sec. 2, 3, 4, 5, 6)

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

ARIZONA HOUSE OF REPRESENTATIVES

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

HB 2634: department of revenue; reuse zone
Sponsor: Representative Grantham, LD 14
Caucus & COW

Overview

Transfers the designation of military reuse zones from the CEO of the Arizona Commerce Authority (ACA) to the Department of Revenue (DOR).

History

After executing a lease with a term of 15 years or longer for the use or occupancy of real property or improvements that are located on a closed military facility with a runway that is at least 8,000 feet long at closing or after title to any part of a closed military facility with a runway that is at least 8,000 feet long at closing is transferred to Arizona or to another public or private entity, the governor, after consulting with the CEO of the ACA, may designate the property as a military reuse zone (A.R.S. 41-1531).

Provisions

1. Transfers the designation of military reuse zones from the CEO of the ACA to the DOR. (Sec. 2)
2. Transfers and renumbers Title 41, Chapter 10, Article 3 to Title 42, Chapter 1, Article 7. (Sec. 1)
3. Makes technical and conforming changes. (Sec. 2-6)

☐ 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 2875: tax payments; electronic funds transfer
Sponsor: Representative Carbone, LD 25
Caucus & COW

Overview

Deems a taxpayer's electronic payment as submitted when the taxpayer initiates payment with certification from the taxpayer's financial institution.

History

A taxpayer remitting a tax payment through an electronic funds transfer shall initiate the transfer so that the payment is deposited to the Department account on or before the payment due date (Ariz. Admin. Code § R15-10-307).

Provisions

1. States that a taxpayer's electronic payment is deemed submitted when the taxpayer initiates payment with certification from the taxpayer's financial institution. (Sec. 1)
2. Allows the DOR, through December 31, 2024, to abate any late payment penalties to a taxpayer who provides reasonable evidence from the taxpayer's financial institution or the DOR of the successful and timely authorization of the taxpayer's electronic funds transfer under the amended changes. (Sec. 2)

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