# **2024 Legislative Summary**

ARIZONA STATE SENATE Fifty-Sixth Legislature, Second Regular Session Warren Petersen, President



CONVENED: January 8, 2024 ADJOURNED SINE DIE: June 15, 2024 GENERAL EFFECTIVE DATE: September 14, 2024 Arizona Senate Research Staff Senate Building 1700 West Washington Phoenix, Arizona 85007 <u>www.azleg.gov</u>

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# Arizona State Senate

November 7, 2024

Dear Reader:

The 2024 Legislative Summary, commonly referred to as the Spiel, was prepared by the Senate Research Staff under the direction of Warren Petersen, Arizona Senate President.

The Senate Research Staff is a nonpartisan staff that has provided professional analysis services to the Arizona State Senate for over 45 years. The staff consists of full-time legislative committee research analysts, support staff and session-only interns from the state's universities.

The Spiel presents an overview of all legislation approved by the Legislature during the Fifty-Sixth Legislature, Second Regular Session (2024). Additional bill information can be obtained from the Arizona Legislature's website: www.azleg.gov.

To prepare this document, the Senate Research Staff relies on many individuals whose assistance is integral to the process and is deeply appreciated. On behalf of the Senate Research Staff, we sincerely thank everyone who participated in producing this year's Spiel.

Liam Maher Senate Research Staff Director

Molly Graver Senate Research Staff Deputy Director

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# **ACTION KEY**

E - EmergencyW/S - Without SignatureW/O - Without EmergencyLIVS - Line Item Veto SignedV/O - Veto OverrideRFE - Requirements for Enactment;RFEIR - Requirements for Enactment;Initiative or Referendum

# **Appropriations Committee**

Senator John Kavanagh, Chairperson



Liam Maher, Research Analyst Sam Rosenberg, Assistant Research Analyst

# **APPROPRIATIONS COMMITTEE**

# LEGISLATION ENACTED

monument and memorial repair fund (S.B. 1110) - Chapter 49

SEE THE GOVERNMENT COMMITTEE.

appropriations; named claimants (S.B. 1111) – Chapter 81

Effective April 3, 2024, appropriates \$69,884.06 from the state General Fund and \$285,215.69 from other funds in FY 2024 to various state agencies for the payment of past claims.

expenditure limit; school districts; authorization (H.C.R. 2065/S.C.R. 1047)

SEE THE EDUCATION COMMITTEE.

# FY 2024 – FY 2025 STATE BUDGET PACKAGE

general appropriations act; 2024-2025 (H.B. 2897/S.B. 1735) - Chapter 209

Effective June 18, 2024, the FY 2025 budget includes spending in the total amount of \$16.2 billion and a cash balance of \$95 million. The adopted budget includes ongoing and one-time revenues of \$16.3 billion.

The budget includes FY 2025 (unless otherwise stated) one-time additional state General Fund (state GF) spending as follows:

	State GF \$ (in Millions)*
Arizona Commerce Authority (ACA) – Eliminate Federal Broadband Matching Funds – FY 2024	(23.6)
ACA – Small Business Grants	0.5
Arizona Commission on the Arts – Funding	2.0
Arizona Department of Administration (ADOA) – Automation Projects Fund (APF) – Shift Arizona Department of Revenue (ADOR) Tax System Funding – FY 2024	(1.3)
ADOA – APF – Reduce Business One-Stop Funding – FY 2024	(7.0)
ADOA – APF – Reduce Health and Human Services Information Technology (IT) Funding	(1.8)

	State GF \$ (in Millions)*
ADOA – APF – Arizona Health Care Cost Containment System (AHCCCS) – IT Mainframe Replacement Initiative	3.4
ADOA – Reduce Employee Compensation Study – FY 2024	(2.2)
ADOA – Reduce Health Care Interoperability Grant Funding – FY 2024	(1.52)
ADOA – Navajo Nation Household Electrical Connections	1.0
ADOA – School Facilities Division (SFD) – Building Renewal Funding	183.3
ADOA – SFD – New Construction Formula	(16.6)
Arizona Department of Agriculture (AZDA) – Reduce IT Modernization Funding – FY 2024	(0.3)
Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR) – Repurpose Community Treatment for Imprisoned Women Funding – FY 2024	(2.0)
ADCRR – Transition Program Fund – Other Fund (OF)	13.0
ADCRR – Private Prison Rate Increase	54.3
Arizona Department of Education (ADE) – Holocaust Education Center	7.0
ADE – Reduce Art Consumables Grant Funding – FY 2024	(2.5)
ADE – Eliminate Dual Enrollment – Teachers Incentives – FY 2024	(0.5)
ADE – English Language Learner Achievement Testing Funding	5.0
ADE – Third Year of Incremental Low-Income Weight Increase One-time Funding	37.0
ADE – Third Year of Incremental Additional Assistance Increases One-time Funding	29.0
ADE – Adult Workforce Diploma Programs One-time Funding	4.0
ADE – Community College Adult Education Workforce Development Program One-time Funding	4.0
ADE – Continuing High School Workforce and Training Program One-time Funding	4.0
ADE – High School Centers for Success	1.0
ADE – K-12 Mental Health Telehealth Pilot Programs	2.0
ADE – Low-Income After School Program Grants	2.0
ADE – Reduce Broadband Funding – FY 2024	(2.5)
ADE – Reduce Dual Enrollment – FY 2024	(12.0)
ADE – Remove Co-Pay for School Meals	3.8
Arizona Department of Environmental Quality (ADEQ) – Water Quality Fee Fund Deposit – OF	7.2

	State GF \$ (in Millions)*
ADEQ – Zero-Emissions Heavy-Duty Eight Ton Pilot Program	1.0
Arizona Department of Gaming (ADG) – Racetrack Capital Projects and Maintenance and Operations Funding	1.5
ADG – Racing Purse Enhancement Funding	4.0
Arizona Department of Homeland Security (AZDOHS) – Cybersecurity Programs	0.2
Arizona Department of Housing – Housing Trust Fund Deposit	15.0
Arizona Department of Juvenile Corrections (ADJC) – Operating Budget Shift to OF	(0.1)
ADJC – Operating Budget Shift to OF	(0.8)
Arizona Department of Veterans' Services (ADVS) – Veterans Center Funding	0.5
Arizona Department of Water Resources (ADWR) – Eliminate Brackish Groundwater Recovery Pilot Program Funding – FY 2024	(11.0)
AHCCCS – Case Management Provider Wage Increases	1.0
AHCCCS – Critical Access Hospitals Supplemental Pool	4.2
AHCCCS – Increase Hospital Assessment – Behavioral Health and Hospital Rate Increase – FYs 2025 and 2026	(100.0)
Arizona Office of Tourism (AOT) – Reduce Culinary Tourism and Workforce Development Funding – FY 2024	(0.15)
Arizona State Parks Board (ASPB) – Arizona Trail Fund	0.1
Attorney General (AG) – Grants to Veterans Services Organizations – OF	5.0
Department of Child Safety (DCS) – Additional Federal Expenditure Authority Savings	(15.2)
DCS – Backfill Loss of Federal Congregate Care Funds – FY 2024	14.7
DCS – Caseworkers – Additional Operating Resources – FY 2024	19.7
DCS – Children and Family Supports Contract Increase – FY 2024	6.2
DCS – Eliminate Positive Program for Permanency Placement Pilot – FY 2024	(4.0)
DCS – Reduce Extended Foster Care Comprehensive Service Model Funding – FY 2024	(2.72)
DCS – Extended Foster Care Surplus – FY 2024	(6.7)
DCS – Health Families Expansion	12.5
DCS – In-Home Mitigation Utilization Adjustment – FY 2024	6.3
DCS – Out-of-Home Support Services Utilization Adjustments – FY 2024	(6.3)

	State GF \$ (in Millions)*
Department of Economic Security (DES) – Area Agencies on Aging Funding	2.0
DES – Child Care Network Funding	12.0
DES – Developmentally Disabled Job Training and Life Skills Services	1.0
DES – Food Distribution for Low-Income Individuals in Cochise County	1.0
DES – Low-Income Food Services for Tribal Reservations	0.25
DES – Navajo Nation Women's Shelter and Services	0.5
DES – Navajo Nation Youth Programs	0.5
DES – Nutrition, Housing and Rental Assistance Programs in Pinal County	0.5
DES – Pascua Yaqui Tribe Social Services Programs	1.0
Department of Emergency and Military Affairs (DEMA) – Assist Local Law Enforcement Fentanyl Interdiction – OF	3.0
Department of Forestry and Fire Management (DFFM) – Fire Suppression Funding	5.0
Department of Health Services (DHS) – Counseling Services for Parents of Deceased Children	0.5
DHS – Distribute Overdose Medication to First Responders – OF	1.0
DHS – Eliminate Nurse Education Investment Pilot Program – FY 2025	(15.0)
DHS – Licensing Compliance	1.2
DHS – Preventative Health Services for Low-Income and Underserved Women	0.5
DHS – Senior Health Promotion and Coordination in Santa Cruz County	1.0
DHS – Shift Alzheimer's Disease Research to OF	(1.0)
DHS – Shift Biomedical Research to OF	(2.0)
DHS – Southern Arizona Counseling and Community Service Grants	1.0
DHS – Southern Arizona Heat Mitigation Programs	0.5
Department of Insurance and Financial Institutions (DIFI) – Health Insurance Claims Appeals	0.25
Department of Public Safety (DPS) – Increase Local Border Support	4.0
DPS – Repurpose DEMA Emergency Operations Center Capital Funding to Border Security Funding	(27.7)
Independent Redistricting Commission – Revert Remaining Unused Funding – FY 2024	(0.4)
Office of Administrative Hearings (OAH) – Health Insurance Claims Appeals	0.2
Secretary of State (SOS) – 2024 Primary and General Election Funding	4.0
SOS – One-time Operating Funding	1.0

	State GF \$ (in Millions)*
State Treasurer – Local Distribution – Reduce Glendale Veterans Community Project – FY 2024	(0.8)
Universities – Arizona Board of Regents (ABOR) – Eliminate Camp Verde Meat Processing Facility Funding – FY 2024	(9.7)
Universities – ABOR – Teachers Academy Funding	1.0
Water Infrastructure Finance Authority – Eliminate Water Supply Funding	(333.0)

\*Figures are rounded.

The budget also includes ongoing additional state GF spending as follows:

	State GF \$ (in Millions)*
ACA – Reduce Economic Development Marketing	(0.5)
ADCRR – Inmate Health Care – IT Upgrades	16.0
ADCRR – Inmate Health Care – Medication	55.0
ADCRR – Inmate Health Care – Other Injunction Costs	2.7
ADCRR – Inmate Health Care – Savings Offsets	(30.8)
ADCRR – Inmate Health Care – Savings Offsets – Marana Prison	(9.7)
ADCRR – Inmate Health Care – Staff and Overtime Costs	6.8
ADCRR – Inmate Health Care – Vendor Contract	107.1
ADCRR – Opioid Settlement Shift	(40.0)
ADCRR – Private Prison Capacity Savings	(14.5)
ADCRR – Substance Abuse Treatment Reduction	(1.5)
ADE – Eliminate Adult Education Administration Funding	(0.15)
ADE – Eliminate Adult Workforce Diploma Program	(6.0)
ADE – Eliminate Joint Legislative Budget Committee (JLBC) Baseline FY 2024 Ex-Appropriation	43.9
ADE – Eliminate Kindergarten Entry Assessment	(1.5)
ADE – Formula	(9.2)
ADE – Fund Community College Adult Education Workforce Development Program	(6.0)
ADE – Limit Empowerment Scholarship Account Enrollment to 1.0 ADM	(2.5)
ADE – Move Third Year of Incremental Additional Assistance Increases to One-time	(29.0)
ADE – Move Third Year of Incremental Low-Income Weight Increases to One-time	(37.0)

	State GF \$ (in Millions)*
ADE – Move Continuing High School Workforce and Training Funding to One-time	(6.1)
ADE – Reduce College Credit by Examination Incentive Program	(3.7)
ADG – Racing Division – Eliminate Racing Purse Enhancement Funding	(5.0)
ADG – Racing Division – Shift Horseracing Integrity and Safety Act (HISA) Costs to OF	(0.4)
ADOA – Add One Ombudsman Full-Time Equivalent (FTE) for Arizona State Hospital Complaints	0.1
ADOA – Eliminate Southwest Defense Contracts	(0.025)
ADWR – Arizona Water Protection Fund Deposit Reduction	(0.5)
AHCCCS – Add 101 FTEs for Service Administrative Staff to Reduce Fraud	3.3
AHCCCS – Formula – FY 2026	6.3
AHCCCS – Prescription Drug Rebate Fund Shift	(24.7)
AHCCCS – Reduced Level of Invalid Payments from Additional Fee for Service	(3.3)
AOT – Reduce Arizona Promotion	(0.2)
Arizona State Land Department (ASLD) – Eliminate Streambed Navigability Litigation	(0.22)
ASLD – Operating Budget Shift to OF	(0.2)
AZDA – Centralize IT Position	(0.1)
AZDA – Reduce Salt River Horse Liaison from Full-Time to Part-Time	(0.1)
Community Colleges – Formula	0.4
DCS – Administrative Cost of New Social Security Payment Policy	0.9
DCS – Adoption Surplus	(5.7)
DCS – Backfill Social Security Payments No Longer Retained by the State	5.0
DCS – Caseworker – Savings from 50 Vacant Positions and Reduced Overtime	(6.1)
DCS – Community-Based Child Abuse Prevention	0.3
DCS – Foster Care Surplus	(11.4)
DCS – Fund Incremental FY 2025 Health Families Expansion	(2.5)
DCS – Kinship Care Surplus	(4.2)
DCS – Move Base of Health Families Expansion to One-time	(12.5)
DCS – Operating Budget Increase	13.3
DCS – Permanent Guardianship Caseload Increase	4.3
DCS – Shift Preventative Services to Federal Funds	(5.5)

	State GF \$ (in Millions)*
DEMA – National Guard Matching Fund Reduction	(0.6)
DEMA – Risk Management Error Adjustment	(0.6)
DES – Formula – FY 2026	25.2
DES – Homeless Youth Assistance General Fund Backfill Delay	(1.0)
DES – Reduce Incremental Rate Increase	(2.4)
DFFM – Reduce Wildfire Mitigation Funding	(5.0)
DHS – Arizona Care Check	1.4
DPS – Civil Air Patrol Maintenance and Operations	(0.006)
DPS – Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) Permanent Vacancy Savings	(0.7)
DPS – GIITEM Aid to Others Permanent Vacancy Savings	(0.2)
DPS – Increase Local Border Support	1.0
DPS – Increase State Highway Fund Usage	(3.6)
DPS – Major Incident Division	(8.5)
DPS – Pharmaceutical Diversion and Drug Theft Task Force Excess Funding	(0.1)
Judiciary – Court of Appeals – Judicial Salary Increase	0.3
Judiciary – Superior Court – Judicial Salary Increase	0.8
Judiciary – Supreme Court – Judicial Salary Increase	0.1
Judiciary – Supreme Court – Probation IT System Ongoing Costs	2.1
Other – Administrative Adjustments and Revertment	(15.0)
Other – Lump Sum Reduction	(39.6)
Other – Statewide Arizona Financial Information System Adjustments	(0.8)
Other – Statewide Human Resources Information System Adjustments	(1.0)
Other – Statewide Retirement Adjustments	7.2
SOS – Talking Book Library	(0.1)
State Mine Inspector – Aggregate Mining Land Reclamation Reduction	(0.1)
State Treasurer – Justice of the Peace Salary Reduction	(0.5) Figures are rounded

\*Figures are rounded.

	State GF \$
ABOR	(109,200)
ACC	(27,600)
ADE	(469,700)
ADJC	(1,098,100)
ADOA	(300,000)
ADOA – SFD	(57,100)
ADOR	(1,748,200)
ADVS	(108,200)
ADWR	(21,500)
AG	(839,000)
AHCCCS	(1,242,000)
AOT	(75,800)
Arizona Department of Real Estate	(110,400)
Arizona Historical Society	(83,500)
Arizona Legislative Council	(328,100)
Arizona State Board for Charter Schools	(97,800)
Arizona State Lottery Commission	(279,800)
Arizona State Schools for the Deaf and the Blind	(897,000)
Arizona State University (ASU)	(10,995,800)
ASLD	(148,000)
AZDA	(671,500)
State Board of Tax Appeals	(13,000)
DES	(3,026,200)
DFFM	(248,600)
DHS	(719,200)
DIFI	(222,500)
Governor's Office	(368,100)
Governor's Office of Strategic Planning and Budgeting	(101,400)
Governor's Office on Tribal Relations	(2,400)
House of Representatives	(664,100)
JLBC	(107,800)
Judiciary – Court of Appeals	(508,200)
Judiciary – Superior Court	(180,100)
Judiciary – Supreme Court	(386,300)

The budget reduces the following state GF amounts from the lump sum appropriations for the following budget units in FY 2025:

	State GF \$
Navigable Streams Commission	(6,000)
Northern Arizona University (NAU)	(4,070,200)
OAH	(34,200)
Office of Economic Opportunity	(21,000)
Prescott Historical Society	(35,000)
State Senate	(587,300)
SOS	(463,600)
State Board of Education	(111,200)
State Board of Equalization	(30,000)
University of Arizona (UA) – Health Sciences	(1,469,300)
UA – Main	(6,562,200)

## Major Footnote Changes

The budget includes the following major footnote additions, deletions and modifications. This list does not include footnotes pertaining to one-time reports, appropriations or footnote changes conforming to enacted policy.

#### Arizona Department of Administration (ADOA)

• Requires the amount of monies appropriated for a school district health insurance actuarial study to be used to conduct an actuarial study of the cost and benefits for school district optional participation in the state health insurance program.

## Office of Administrative Hearings (OAH)

- Specifies that, in the lump sum appropriation to the OAH, \$200,000 must be used to administer the provisions of a bill addressing insurance provider claims against insurers, if the bill becomes law in the Fifty-Sixth Legislature, Second Regular Session.
- Reverts \$200,000 of the lump sum appropriation to the OAH to the state GF, if a bill addressing provider claims against insurers does not become law.

## Arizona Health Care Cost Containment System (AHCCCS)

- Requires \$100,000,000 of the appropriation for Proposition 204 from the Hospital Assessment Fund to be used to cover a portion of the nonfederal share of service costs, as included in the expenditure authority.
- Allows AHCCCS, if any graduate medical education monies remain after funding all eligible graduate medical education programs in counties with a population of fewer than 500,000 persons, to fund graduate medical education programs operated by community health centers and rural health clinics.

# <u>Attorney General (AG)</u>

• Appropriates specified opioid claims-related amounts from the Consumer Restitution Subaccount of the Consumer and Remediation Revolving Fund and prescribes transfer timelines and requirements for the AG and ADOA.

# **Department of Economic Security (DES)**

• Requires at least 10 percent of the state GF share of the amount appropriated to DES for childcare subsidies to be distributed to childcare centers in counties other than Maricopa, Pima and Pinal Counties.

# Arizona Department of Education (ADE)

- Directs ADE to distribute the one-time allocations for charter additional assistance and district additional assistance on a proportional basis based on FY 2025 funding.
- Requires ADE to distribute the appropriated amount for one-time Free and Reduced-Price Lunch (FRPL) group B weight supplement to school districts and charter schools on a pro rata basis using the weighted student count for FRPL students for the district or school.
- Requires ADE to allocate the appropriated amount for one-time school meal grants to school districts and charter schools that participate in the National School Lunch or School Breakfast Programs established under the federal National School Lunch and Child Nutrition Acts for grants to reduce or eliminate copayments that would otherwise be charged to children eligible for reduced-price meals.

# Arizona Department of Environmental Quality (ADEQ)

• Requires ADEQ, before expending any Emissions Inspection Fund monies on operating costs in excess of the amount appropriated, to report on the intended use of the monies to JLBC.

# Arizona Department of Gaming (ADG)

- Requires the monies appropriated for the HISA assessment to be used by ADG during FY 2025 to pay the 2024 assessment.
- Requires the \$4,000,000 appropriation for racing purse enhancements to be distributed to a recognized nonprofit horsemen's organization that has represented horsemen participating in racing meetings since 1988 and be used to promote racing and enhance the general purse structure for eligible horse races in Arizona.

# Arizona Department of Homeland Security (AZDOHS)

• Allows the AZDOHS to use up to \$500,000 of statewide cybersecurity grant monies for grant administration.

# Department of Public Safety (DPS)

- Outlines required allocations for FY 2024 appropriations for law enforcement retention initiatives to law enforcement agencies for recruitment and retention services and software.
- Requires each law enforcement agency that receives monies for law enforcement retention initiatives to use the monies to obtain goods and services from a vendor that fulfills outlined requirements.

# Arizona State Parks Board (ASPB)

• Specifies that an amount equal to the revenue share agreement with the U.S. Forest Service for Fool Hollow Lake Recreation Area and Catalina State Park is appropriated to ASPB from the State Parks Revenue Fund.

# Secretary of State (SOS)

- Allows the SOS to make expenditures or incur indebtedness to employ outside or private attorneys if certain stipulations are met.
- Allows the SOS to use up to \$250,000 of election services monies for direct costs related to the 2024 primary and general elections.

# Arizona Department of Transportation (ADOT)

• Specifies that ADOT's operating lump sum includes a \$2,000,000 reduction from the State Highway Fund in FY 2025 from ADOT's Enforcement and Compliance Division.

# <u>Universities</u>

• Declares the Legislature's intent that the ASU School of Civic and Economic Thought and Leadership, the NAU Economic Policy Institute and the UA Center for the Philosophy of Freedom maintain the same funding level as FY 2023, except the universities may allocate the lump sum reduction of up to 3.45 percent as prescribed by the FY 2025 General Appropriations Act.

# amusements; 2024-2025 (H.B. 2898/S.B. 1736) - Chapter 210

Makes the following statutory and session law changes to amusements necessary to reconcile the FY 2025 state budget:

Makes permanent the Exposition and State Fair Board Permanent Revolving Fund balance cap increase from \$60,000 to \$400,000 for the period beginning 15 days before and ending 15 days after the annual Arizona State Fair, rather than from October 1 to November 30. Decreases the annual distribution from the State Lottery Fund to the Arizona Competes Fund from \$3,500,000 to \$1,750,000 and restores the \$3,500,000 annual distribution beginning July 1, 2027.

Authorizes, until January 1, 2026, the Arizona Department of Gaming (ADG) to allow a first-time starter horse to race as long as the horse has gate approval and at least two timed workouts for race meetings in 2024 and 2025. One of the timed workouts must be an out-of-the-gate workout conducted within 60 days of the race in which the horse is entered. Continues to require ADG, in FY 2025, to establish and collect, in addition to statutorily authorized deductions, a regulatory assessment from each commercial racing permittee in the amount of 0.5 percent of the amounts wagered, payable from pari-mutuel pools from in-state and out-of-state live and simulcast races.

#### capital outlay; appropriations; 2024-2025 (H.B. 2899/S.B. 1737) - Chapter 211

Effective June 18, 2024, transportation funding and capital outlay expenditures account for \$0 of FY 2025 state budget expenditures.

*Building Renewal* – Appropriates \$52,110,300 in FY 2025 to the following state agencies from the specified funds for major maintenance and repair activities for state buildings:

Agency	Fund	Amount
Arizona Department of Administration (ADOA)	Capital Outlay Stabilization Fund (COSF)	\$19,000,000
Arizona Department of Corrections,	ADCRR Building Renewal Fund	\$5,864,300
Rehabilitation and Reentry (ADCRR)	Prison Construction and Operations Fund	\$2,692,700
Arizona Department of Transportation (ADOT)	State Highway Fund (SHF)	\$22,082,800
	State Aviation Fund	\$457,300
Arizona Game and Fish Department (AZGFD)	AZGFD Fund	\$1,795,000
Arizona State Lottery Commission	State Lottery Fund	\$218,200

Requires ADOA to allocate monies to state agencies for building projects related to retrofitting facilities for space consolidation initiatives. Reduces the ADOA appropriation for building renewal by the difference between the amount appropriated and the balance in the COSF, if COSF monies are insufficient to fund the appropriation. ADCRR may not spend building renewal appropriations on personal services or overhead expenses related to managing funded projects.

*Capital Projects* – Appropriates \$12,575,200 in FY 2025 to the following state agencies from the specified funds for capital projects:

Agency	Purpose	Fund	Amount
ADOT	Additional vehicle fueling replacement funding for facilities in Flagstaff, Needle Mountain, Kingman, Tucson, Willcox, Three Points, Saint David, Springerville, Holbrook and Chambers	SHF	\$9,088,200
Arizona Pioneers' Home	Capital improvements	Miners' Hospital for Miners with Disabilities Land Fund	\$465,000
Arizona State Parks Board (ASPB)	Capital improvements	State Parks Revenue Fund	\$3,022,000

**ASPB** – Requires ASPB to report to the Joint Committee on Capital Review (JCCR) and Governor's Office of Strategic Planning and Budgeting (OSPB) if ASPB revises a project plan due to receiving land and water conservation grant funding.

*Airports* – Appropriates \$25,550,000 from the State Aviation Fund in FY 2025 to ADOT for airport planning and development, as determined by the State Transportation Board. Appropriates balances and collections in the State Aviation Fund that exceed the amount appropriated by the FY 2025 General Appropriations and Capital Outlay Budget Reconciliation Acts to ADOT for authorized purposes. Prescribes reporting requirements for aviation grant awards and distributions.

*Statewide Highway Construction* – Appropriates \$462,488,000 from the SHF in FY 2025 to ADOT to plan and construct state highways, acquire rights-of-way and provide for the cost of contracted field administration and construction project engineering and debt service payments on specified bonds. Appropriates balances and collections in the SHF that exceed the amount appropriated by the FY 2025 General Appropriations and Capital Outlay Budget Reconciliation Acts to ADOT for authorized purposes. Prescribes reporting and oversight requirements for outlined highway construction expenses, capital outlay information, outstanding debt principal balance and debt service payments.

*ADOA* – Prohibits ADOA from spending capital outlay appropriations on personal services or employee-related expenditures, except for services provided by the Inmate Construction Program for correctional facilities, or for maintenance contracts on building components and equipment without JCCR review.

*Adjustments* – Modifies the following amounts appropriated from specified funds in FYs 2021, 2023 and 2024 to ADOT for the following highway projects:

Purpose		Fund	Amount Modified
Conduct a tier 2 study for the Sonoran Corridor in Pima County		SHF	(\$2,436,000)
Construct roundabout at the intersection of State Route (SR) 69 and 169		SHF	\$939,100
Design of SR 87 intersection improvements at Arica and Shedd Road		state GF	\$315,000
Design work and engineer improvements on SR 85 between mile post 123 and Maricopa Road		SHF	\$12,600,500
Design work for the interchange at SR 303 and I-17	2023	SHF	(\$4,000,000)
Distribute to Queen Creek to extend SR 24, including a traffic interchange at SR 24 and Ironwood Road		state GF	(\$27,700,000)
Final design plan, right-of-way and easements for an overpass at Riggs Road and SR 347		SHF	\$1,500,000
Improve intersection on SR 347 at Casa Blanca Road and Cement Plant access	2024	state GF	\$1,901,000
Improve SR 260 within Navajo County		state GF	\$172,200
Improve SR 83 within Santa Cruz County		SHF	\$1,100,000
Improve SR 90 from Moson Road to Campus Drive		SHF	(\$3,300,000)
Improve SR 90 near Fort Huachuca		state GF	(\$2,095,000)
Improve the interchange at SR 303 and U.S. Route 60		state GF	\$167,000
Rehabilitate pavement along SR 90 between Campus Drive and the U.S. Border Patrol Station in Huachuca City		SHF	(\$8,720,000)
Rehabilitate pavement along U.S. Route 191 between Armory Road and East Safford		SHF	(\$7,038,200)
Repave U.S. Route 60 between Morristown and Wickenburg		SHF	\$220,900
		state GF	\$206,800

Prioritizes monies appropriated to the Town of Queen Creek for SR 24 for a traffic interchange at DR 24 and Ironwood Road and requires any remaining appropriated monies to be used to extend SR 24. The reduced FY 2024 appropriation of \$59,800,000 from the state General Fund (state GF) to ADOT to extend SR 24 must be distributed to the Town of Queen Creek by June 30, 2024. Exempts the \$1,800,000 FY 2022 appropriation to ADOT to replace vehicle fueling facilities in Flagstaff, Holbrook and Kingman from lapsing until June 30, 2025.

Transfers, by June 30, 2024, a total of \$156,624,000 to the state GF to provide adequate support and maintenance for state agencies, including \$38,237,100 from the State Parks Revenue Fund and a total of \$118,386,900 from the SHF by removing \$9,133,700 from the FY 2023 distribution of transaction privilege tax (TPT) revenues and the following FY 2023 appropriations to ADOT: 1) \$24,000,000 to construct an overpass at Riggs Road and SR 347; 2) \$55,910,000 to design and construct additional vehicle lanes on the I-10; and 3) \$29,343,200 to rehabilitate pavement on selected road projects. The monies transferred to the state GF reflect a distribution of TPT revenues in FY 2023 to the SHF and State Parks Revenue Fund by Laws 2022, Chapter 321.

Project	Fund	Fiscal Year	Amount Modified	Amount Appropriated
Construct an overpass at Riggs Road and SR 347	SHF	2023	(\$24,000,000)	
	state	2021	(\$25,000,000)	
	GF	2028		\$49,000,000
Design and construct additional vehicle lanes on I-10 between SR 85 and Citrus Road	SHF	2023	(\$55,910,000)	
	state GF	2024	(\$52,090,000)	
		2027		\$30,000,000
		2028		\$78,000,000
Distribute to Pinal County for	state	2024	(\$9,240,000)	
engineering and design of the West Pinal Parkway East-West Corridor	GF	2028		\$9,240,000
Dehebilitete nevement en selected	SHF	2023	(\$29,343,200)	
Rehabilitate pavement on selected road projects	state GF	2024	(\$41,000,000)	
Improve SR 97 near Bagdad	state GF	2024	(\$10,000,000)	

ADOT – Modifies the following amounts appropriated from the SHF and state GF in various fiscal years to ADOT for the following projects:

*ASPB* – Requires, by September 1, 2024, the ASPB to submit an expenditure report to JCCR that describes how monies appropriated from the State Parks Revenue Fund by the FY 2023 Capital Outlay Budget Reconciliation Act will be allocated for the prescribed capital projects after deducting the \$38,237,100.

*ADOA* – Reduces a total of \$61,208,000 in FY 2023 appropriations from the state GF to ADOA by removing: 1) \$12,875,800 from the \$37,594,200 appropriation for building renewal; 2) \$68,600 from the \$1,568,000 appropriation for building demolition; and 3) \$48,263,600 from the \$52,274,000 appropriation for West Adams building renovations. Reduces a total of \$27,539,500 in FY 2024 appropriations from the state GF to ADOA by removing: 1) \$22,539,500 from the \$25,124,700 appropriation for building renewal; and 2) the \$5,000,000 appropriation for electric vehicle charging and advance fuel infrastructure.

*ADCRR* – Reduces a total of \$76,362,700 in FY 2024 appropriations from the state GF to ADCRR by removing \$19,379,100 from the \$33,942,600 appropriation for building renewal and \$56,983,600 from the \$66,783,600 appropriation to replace evaporative cooling with HVAC.

*Arizona Department of Veterans' Services (ADVS)* – Appropriates \$25,000,000 from the state GF in FY 2028, rather than FY 2022, to the ADVS to construct and establish a veterans' home facility in northwest Arizona. Before spending the reappropriated monies, the ADVS must: 1) obtain irrevocable commitments from the U.S. government to fund at least 65 percent of the total costs; 2) submit the scope, purpose and estimated cost for JCCR review; and 3) provide the Arizona Veterans' Service Advisory Commission with a feasibility analysis of suitable sites and the proposed site location for approval. The \$25,000,000 reappropriation is exempt from lapsing.

*Miscellaneous* – Deems the following as favorably reviewed by JCCR: 1) \$214,200 for Arizona State Lottery Commission FY 2024 building renewal projects for specified structural repairs; 2) \$250,000 for the FY 2024 Arizona Pioneers' Home project to improve the cemetery parking lot; 3) \$8,704,900 for ADCRR to purchase HVAC units and electrical equipment for the Eyman Prison Complex; 4) \$2,600,000 for outlined FY 2024 Arizona Game and Fish Department capital projects; 5) \$63,000,000 for Arizona State University (ASU) system revenue bond issuances for information technology infrastructure improvements; 6) \$22,000,000 for ASU system revenue bond issuances for a specified utility expansion project; and 7) \$16,375,000 for Yavapai College bond projects for learning and innovation centers, capital improvements and software system upgrades. The favorably reviewed ASU system revenue and Yavapai College bond projects are subject to prescribed financing provisions relating to revenue offsets, JCCR review and annual reporting.

#### commerce; 2024-2025 (H.B. 2900/S.B. 1738) - Chapter 212

Makes the following statutory and session law changes relating to commerce necessary to reconcile the FY 2025 state budget:

Increases, from \$200,000 to \$700,000, the cap of unencumbered monies retained in the Department of Insurance and Financial Institutions (DIFI) Revolving Fund before monies must be deposited into the DIFI Receivership Revolving Fund. Establishes, beginning July 1, 2025, the Fraud Unit Assessment Fund, administered by DIFI, to administer and operate the DIFI Fraud Unit. Fees collected for the DIFI Fraud Unit's administration and operation must be deposited into the Fraud Unit Assessment Fund, rather than the state General Fund (state GF). Monies in the Fraud Unit Assessment Fund are continuously appropriated.

Repeals the Rural Broadband Accelerated Match Fund and removes the requirement that all unencumbered and unexpended Data Processing Acquisition Fund monies in excess of \$250,000 revert to the state GF at the end of each calendar year.

Eliminates the stipulation that the Microbusiness Loan Fund and Program be utilized only in FY 2024. Repeals the Microbusiness Loan Fund and Program on July 1, 2025, and transfers all unexpended and unencumbered monies in the Microbusiness Loan Fund to the state GF.

#### criminal justice; 2024-2025 (H.B. 2901/S.B. 1739) - Chapter 213

Makes the following statutory and session law changes relating to criminal justice necessary to reconcile the FY 2025 state budget:

*Judiciary* – Renames the *Court Appointed Special Advocate Fund* as the *Court Appointed Special Advocate and Vulnerable Persons Fund* and allows Court Appointed Special Advocate and Vulnerable Persons Fund monies to be used for court functions benefitting vulnerable persons.

Attorney General (AG) – Allows the AG to continue to use Anti-Racketeering Revolving Fund monies to pay for full-time equivalent salaries until August 27, 2025.

**Department of Public Safety (DPS)** – Requires DPS to prioritize applications for concealed carry weapon permits (CCW) from in-state residents and to annually report to the Joint Legislative Budget Committee on the number of CCWs issued in the prior fiscal year, the number of CCW applications that have not been issued and the average turnaround time to issue a CCW. Allows Fentanyl Prosecution, Diversion and Testing Fund monies to be used beyond FY 2024 and repeals the Fentanyl Prosecution, Diversion and Testing Fund on July 1, 2025. DPS may use appropriated monies from the Fingerprint Clearance Card Fund for real property use. Delays the full implementation of the Major Incident Division until July 1, 2027.

*Antihuman Trafficking Grant Fund* – Allows Antihuman Trafficking Grant Fund monies to be used beyond FY 2024 and repeals the Fund on July 1, 2025.

*Arizona State Nonprofit Security Grant Program (Program)* – Retroactive to July 1, 2024, allows Program grants to be used to hire permanent or contracted security personnel and modifies eligibility criteria for Program participants. The Arizona Department of Homeland Security must form an informal review panel to review the scoring of applications to ensure that each application meets outlined criteria. Prescribes requirements and prohibitions on review panel members and exempts monies in the Program Fund from lapsing. Repeals the Program on October 1, 2028, and transfers any unexpended and unencumbered Program Fund monies to the state General Fund.

*Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR)* – Allows ADCRR, at the Director of ADCRR's discretion, to use appropriated monies in the Transition Program and Alcohol Abuse Treatment Fund for any ADCRR expenses in FY 2025.

#### environment; 2024-2025 (H.B. 2902/S.B. 1740) - Chapter 214

Makes the following statutory and session law changes relating to the environment necessary to reconcile the FY 2025 state budget:

**Department of Emergency and Military Affairs** – Renames the Emergency Management Training Fund as the Emergency Management Training Revolving Fund. Emergency Management Training Revolving Fund monies: 1) may include legislative appropriations and reimbursements; 2) are exempt from lapsing; and 3) are continuously appropriated. Removes the requirement that all monies collected from each outlined event in excess of the event expenses revert to the state General Fund (state GF) by the end of the fiscal year. *Water Infrastructure Finance Authority (WIFA)* – Allows an eligible entity to apply to WIFA for and accept grants from the Water Conservation Grant Fund to distribute rebates for the installation of gray water systems.

*Fire Incident Management Fund (FIMF)* – Exempts monies in the FIMF from lapsing. Repeals the FIMF on July 1, 2025, and transfers all unexpended and unencumbered monies in the FIMF to the state GF.

*Arizona Department of Water Resources (ADWR)* – Continues to allow up to \$336,000 from the Water Protection Fund to be used for ADWR administrative costs.

*Arizona Navigable Stream Adjudication Commission (ANSAC)* – Continues to allow monies appropriated to ANSAC from the Arizona Water Banking Fund to be used for legal fees in FY 2025.

*Arizona Department of Environmental Quality (ADEQ)* – Continues to authorize ADEQ to use up to \$6,531,000 in FY 2025 from the Underground Storage Tank Revolving Fund for administrative costs and remediating sewage discharge issues in Arizona border areas. ADEQ must charge the same fees in FY 2025 that were charged in FY 2024 for vehicle emissions tests conducted in the Phoenix metropolitan area. ADEQ is exempt from rulemaking requirements until July 1, 2025, to set emissions testing fees. Continues to cap the appropriation from the state GF to the Water Quality Assurance Revolving Fund at \$15,000,000 in FY 2025.

*Arizona Department of Agriculture (AZDA)* – Allows the Director of the AZDA, notwithstanding any other law and subject to the review of the AZDA Advisory Council, to lower existing fees in FY 2025 for any funds held in trust by the AZDA. The AZDA must adopt emergency rules through July 1, 2025, in conjunction with the industry and to be reviewed by the AZDA Advisory Council, to modify fees deposited in the Dangerous Plants, Pests and Diseases Trust Fund. Allows landowners and lessees of a livestock operation that are affected by either a wildfire or flood, rather than both a wildfire and a flood, to accept grant monies from the Livestock Operator Fire and Flood Assistance Grant Program.

*Miscellaneous* – Allows the Governor, in FY 2025, to allocate: 1) \$500,000 to the Emergency Management Assistance Compact and the Arizona Mutual Aid Compact Revolving Fund; and 2) \$300,000 to the Emergency Management Training Revolving Fund. Each allocation counts towards the prescribed \$4,000,000 aggregate amount allowed in FY 2025.

## health care; 2024-2025 (H.B. 2903/S.B. 1741) - Chapter 215

Makes the following statutory and session law changes relating to health care necessary to reconcile the FY 2025 state budget:

Arizona Health Care Cost Containment System (AHCCCS) – Requires the Director of AHCCCS to annually report the amount of unexpended monies in the Arizona Long-Term Care System (ALTCS) Fund remaining from the previous fiscal year to the State Treasurer, Joint Legislative Budget Committee (JLBC) and the Governor's Office of Strategic Planning and Budgeting. The report must include the calculations used to compute the total surplus amount and the apportionment of the surplus between each county and the state. Requires AHCCCS, by January 31, 2025, to prepare and issue a report to outlined officials regarding the costs and

utilization of mental health medications during contract years 2020 through 2023 that includes data relating to the cost, utilization and claim status for mental health medications.

Allows AHCCCS, in FYs 2025 and 2026, to use the hospital assessment to fund a portion of the nonfederal share of the costs of behavioral health services for specified Medicaid expansion populations.

Continues to allow AHCCCS to extend risk contingency rate settings for all managed care organizations (MCOs) and funding for all MCO administrative funding levels imposed in contract year 2010 for the contract year ending September 30, 2025. By December 31, 2025, AHCCCS must transfer any federal Patient Protection and Affordable Care Act monies to the counties, per the counties' proportional share of the state's contribution.

*Collaborative Care Uptake Fund* – Allows Collaborative Care Uptake Fund monies to be used through the end of FY 2025, repeals the Collaborative Care Uptake Fund on July 1, 2025, and transfers any remaining unexpended and unencumbered monies to the state General Fund.

*ALTCS Contributions* – Outlines individual county contributions for ALTCS. Directs the State Treasurer to withhold monies as prescribed to fulfill county contribution obligations and deposit any paid or withheld county contributions into the ALTCS Fund. Continues to authorize the State Treasurer to collect additional monies from counties if the aggregate cost for ALTCS exceeds the amount specified in the FY 2025 General Appropriations Act. The counties' share of the state's contribution must comply with federal maintenance of effort requirements. Requires the Director of AHCCCS to notify the State Treasurer of the counties' share of the state's contribution and report the amount to the Director of JLBC.

*County Acute Care* – Outlines individual county contributions for county acute care. Directs the State Treasurer to withhold monies as prescribed to fulfill county contribution obligations for acute care and deposit any paid or withheld county contributions into the AHCCCS and ALTCS Funds. Continues to require that 1/12th of the prescribed county acute care contributions be made to the State Treasurer by the fifth day of each month. Upon request of the Director of AHCCCS, the State Treasurer must require up to three months' payment in advance. Allows the Director of AHCCCS to instruct the State Treasurer to reduce or return county acute care payments as outlined, if the payments exceed costs incurred by AHCCCS.

**Disproportionate Share Hospital (DSH) Payments** – Outlines DSH payment amounts for qualifying nonstate-operated public hospitals, private qualifying DSHs and the Arizona State Hospital (ASH). DSH payment monies must be distributed to the Maricopa County Special Health Care District (District) and deposited into the state General Fund as prescribed. Outlines notification, payment distribution and deposit requirements for AHCCCS after filing claims with the federal government and receiving federal financial participation based on certified amounts.

Requires the District, by May 1, 2025, and ASH, by March 31, 2025, to provide specified forms for qualifying DSH expenditures to AHCCCS. Continues to require AHCCCS to assist the District and ASH in determining the amount of qualifying DSH expenditures and maintains reporting requirements and distribution procedures for federal matching funds for FY 2025.

*Miscellaneous* – Continues to exclude county contributions for costs of inpatient and in-custody competency restoration treatment and Proposition 204 administrative costs from county expenditure limitations.

#### higher education; 2024-2025 (H.B. 2904/S.B. 1742) – Chapter 216

Makes the following statutory and session law changes relating to higher education necessary to reconcile the FY 2025 state budget:

Funds the FY 2025 operating state aid for community college districts (CCDs) and CCD science, technology, engineering and mathematics and workforce development programs as specified in the FY 2025 General Appropriations Act.

Establishes the Arizona Community Colleges Promise Program Fund (Promise Program Fund), administered by the Arizona Board of Regents (ABOR) and consisting of legislative appropriations, to distribute monies as outlined to each CCD. If monies are appropriated to the Promise Program Fund, each CCD must establish and administer a community college promise program scholarship fund (scholarship fund) to provide eligible students financial aid rewards. A student is eligible for an initial financial aid award if the student: 1) qualifies for resident student status; 2) satisfies the CCD's admission standards; 3) completes and submits the Free Application for Federal Student Aid (FAFSA) and meets the income eligibility for a federal Pell Grant; and 4) is admitted and enrolled in the community college. To maintain eligibility after an initial financial aid award, a student must: 1) annually complete and submit the FAFSA; 2) maintain community college must establish a policy or guidelines outlining qualifying expenses for a financial aid award and reduce a student's financial aid award by the amount of any other scholarship or grant received by the student as outlined.

Repeals the Spouses and Dependents of Law Enforcement Officers Tuition Scholarship Fund and transfers all unexpended and unencumbered monies to the state General Fund on July 1, 2025.

Continues, for FY 2025, to allow the Legislature to appropriate less than a two-to-one match to student registration fees assessed by the Arizona Financial Aid Trust Fund.

#### human services; 2024-2025 (H.B. 2905/S.B. 1743) - Chapter 217

Makes the following session law changes relating to human services necessary to reconcile the FY 2025 state budget:

Allows Extended Foster Care Comprehensive Service Model Fund monies to be used through the end of FY 2025, repeals the Extended Foster Care Comprehensive Service Model Fund on July 1, 2025, and transfers any remaining unexpended and unencumbered monies to the state General Fund (GF).

Expedites the repeal of the Homeless Shelter and Services Fund from October 1, 2027, to July 1, 2025, and requires any remaining unexpended and unencumbered monies to be transferred to the state GF.

Requires the Department of Economic Security (DES) in FY 2025 to continue to screen and test each adult recipient who is eligible to receive Temporary Assistance for Needy Families (TANF) cash benefits and who DES has reasonable cause to believe engages in the illegal use of controlled substances. Any TANF recipient who tests positive for an unprescribed controlled substance is ineligible to receive TANF benefits for one year.

#### K-12 education; 2024-2025 (H.B. 2906/S.B. 1744) – Chapter 218

Makes the following statutory and session law changes relating to K-12 education necessary to reconcile the FY 2025 state budget:

*Basic State Aid (BSA)* – Increases the base level in FY 2025 from \$4,914.71 to \$5,013.00 per pupil. Increases transportation support levels and charter additional assistance amounts by two percent for standard inflation.

**Empowerment Scholarship Accounts (ESAs)**– Requires the Arizona Department of Education (ADE) to create and post on its website an online database of allowable and disallowed categories of ESA expenses and allows ESA monies to be used to reimburse the purchase of a good or educational service. Specifies that the use of ESA monies for tuition or fees at a qualified school may only be used at a qualified school that requires all staff and personnel who have unsupervised contact with students to be fingerprinted. The use of ESA monies for tutoring or teaching services provided by an individual may only be used for services provided by an individual who is not subject to disciplinary action by the State Board of Education (SBE).

If an eligible ESA applicant applies in advance for funding to begin on a later date, ADE may enroll the applicant on the later date, unless the later date is: 1) more than two fiscal quarters after the fiscal quarter the application is completed; or 2) after March 31 and before July 1. If an eligible applicant completes the application after March 31 and before July 1, ADE must enroll the applicant on July 1. A qualified student may not receive ESA monies while enrolled in a public school. ADE must verify that a child meets the statutory requirements of a *qualified student* in the year for which a parent seeks to renew the child's ESA but is not required to annually verify a child's disability, if applicable.

Requires ADE to annually audit a randomly selected sample of ESAs to determine compliance with the terms of the agreement contract and applicable ESA laws and rules. ADE must develop risk-based auditing procedures in consultation with the Auditor General for ESA audits. An ESA that is in good standing may be randomly selected only one time during any five-year period.

Requires ADE to annually provide an estimate of the amount required to fund the ESA Program to the Joint Legislative Budget Committee (JLBC) and the Governor's Office of Strategic Planning and Budgeting (OSPB) on September 1 and November 1.

*Program and Fund Modifications and Repeals* – Caps, for FY 2025, the Continuing High School and Workforce Training Program's total projected full-time enrollment at 520, rather than 800. Allows a Community College Adult Education Workforce Program (Community College Program) school to receive Community College Program Fund monies for each adult learner who

meets prescribed requirements and to use Community College Program Fund monies to offer community college certificates to adult learners. Repeals, on July 1, 2025: 1) the Continuing High School and Workforce Training Program, the Adult Workforce Diploma Program and Fund and the Community College Program and Fund; and 2) the SBE's and ADE's Adult Education Program performance measures and related reporting requirements.

Eliminates the specification that the Early Education and Career Exploration Program and Fund and the Arizona Civics Education and Leadership Development Program and Fund be utilized only in FY 2024. Repeals the Early Education and Career Exploration Program and Fund and the Arizona Civics Education and Leadership Development Program and Fund and transfers all unexpended and unencumbered monies from the funds to the state General Fund on July 1, 2025.

Repeals the Dual Enrollment Teacher Development Fund, the Dual Enrollment Student Development Fund and the related administrative requirements.

*Arizona State School for the Deaf and the Blind (ASDB)* – Allows ASDB to use monies appropriated from the Telecommunication Fund for the Deaf for ASDB's educational and operational costs in FY 2025. Removes ASDB's exemption from participating in the State Motor Vehicle Fleet.

*Litigation Recovery Fund* – Allows a school district, if the school district receives Litigation Recovery Fund monies for purposes other than replacing or rebuilding school property, to apply the monies for remedial measures related to a legal controversy or litigation by or against the school district. After all authorized expenditures, a school district may use monies remaining in the Litigation Recovery Fund for maintenance and operation or unrestricted capital.

*Miscellaneous* – Removes the requirements of the SBE, school district governing boards and charter school governing bodies relating to the adoption, selection and administration of a kindergarten entry evaluation tool for kindergarten pupils. Sets the date, as March 15, by which a school district governing board must annually offer each teacher a teaching contract for the ensuing school year. Allows a career technical education district to build and provide housing and support services for students who are in foster care or meet the definition of *unaccompanied youth*. Allows ADE to use Failing Schools Tutoring Fund monies in FY 2025 for specified school improvements and requires ADE to report the proposed expenditures by September 1, 2024, as outlined.

#### local government; 2024-2025 (H.B. 2907/S.B. 1745) - Chapter 219

Makes the following session law changes relating to local governments necessary to reconcile the FY 2025 state budget:

Continues to allow counties with a population of fewer than 250,000 persons to use up to \$1,250,000 of any source of county revenue to meet any county fiscal obligation in FY 2025. By October 1, 2024, a county using the flexible authority must report to the Director of the Joint Legislative Budget Committee: 1) whether the county used a revenue source for purposes other than outlined to meet a county fiscal obligation; and 2) the specific source and amount of revenues that the county intends to use in FY 2025.

#### state buildings; management; 2024-2025 (H.B. 2908/S.B. 1746) - Chapter 220

Makes the following session law change relating to the management of state buildings necessary to reconcile the FY 2025 state budget:

Continues to set the Capital Outlay Stabilization Fund square-footage rental rates for state-owned buildings at \$17.87 for office space and \$6.43 for storage space in FY 2025.

#### taxation; 2024-2025 (H.B. 2909/S.B. 1747) - Chapter 221 W/O

Makes the following statutory and session law changes relating to taxation necessary to implement the FY 2025 state budget:

School Tuition Organizations (STOs) – Caps, beginning in FY 2025, the aggregate amount of the Credit for Corporate Contributions to STOs for Low-Income Students (Low-Income Credit) at \$135,000,000 annually. Adds students who are placed in state foster care before graduating from high school or obtaining a general equivalency diploma to the student population that is eligible to receive a scholarship or grant awarded through the Credit for Contributions to Certified STOs or the Low-Income Credit and outlines eligibility criteria for foster care students. If a court of competent jurisdiction issues a final judgment that the Low-Income Credit cap is unenforceable and that judgment is no longer subject to further appeal or review, an STO may not issue a scholarship or grant for children who qualified under the foster child student population.

**Qasimyar v. Maricopa County** – Outlines requirements for the Arizona Department of Education (ADE), school districts and taxing jurisdictions relating to the tax judgment in Qasimyar vs. Maricopa County, including allowing school districts and affected taxing jurisdictions that estimate a property tax rate increase of four percent or more from TY 2023 to issue tax anticipation notes or request the Governor, the Director of the Arizona Department of Administration and the State Treasurer to issue bonds to redeem or refund the notes. ADE must recalculate state aid for each prior affected year and report the recalculations to the Joint Legislative Budget Committee and the Governor's Office of Strategic Planning and Budgeting. Each affected school district must subtract ADE's estimated state aid adjustment amount from the amount the tax judgment ordered for FY 2025, which is the maximum amount of a cash deficit resulting from the tax judgment that the district may levy in FY 2025 and submit the calculated amount to the Property Tax Oversight Commission for approval by August 1, 2024. Each school district governing board may use any portion of the district's total ending cash balance as of June 30, 2023, from the district's annual financial report for FY 2025 that was not included in the district's adopted budget for FY 2024 to pay property tax refunds in FY 2025.

*Common School District Not Within a High School District (Type 03 Districts)* – Requires each county board of supervisors that levied a minimum qualifying tax rate (MQTR) in a Type 03 district in TY 2023 to reduce the school district property tax levies in TY 2024 by the amount of the Type 03 district's TY 2023 additional county levy, as prescribed and subject to outlined requirements. The TY 2024 MQTR must be calculated without consideration of the prescribed property tax levy reductions.

*Arizona Department of Revenue (ADOR)* – Declares the Legislature's intent for FY 2025 that the share of fees for the ADOR Integrated Tax System Modernization Project be determined as outlined and that the assessment and transfers may not exceed: 1) \$6,626,900 in total fees assessed on government entities; 2) \$803,600 from additional education transaction privilege tax revenues; and 3) \$179,000 in marijuana excise tax revenues.

*Miscellaneous* – Amends Laws 2024, Chapter 142 to delay, until January 1, 2028, the requirement for ADOR to establish a certification process for third-party providers that offer sourcing services to taxpayers for transactions involving tangible personal property. Extends, from June 30, 2024, to December 31, 2026, the transaction privilege and use tax exemption for equipment that is used directly in harvesting or processing qualifying forest products removed from a qualifying project and that is purchased by a qualified healthy forest enterprise.

## self-supporting regulatory agencies; funds; 2024-2025 (H.B. 2910/S.B. 1748) – Chapter 222

Increases, from 10 percent to 15 percent, the percentage of licensing fee revenues that specified occupational and health regulatory boards must annually deposit in the state General Fund and reverts the deposit to 10 percent beginning July 1, 2028.

The affected regulatory boards may not increase licensing fees in FYs 2025 or 2026 but may submit a written request to the Governor's Regulatory Review Council (GRRC) to adopt a licensing fee increase on an emergency basis. GRRC may approve an emergency increase for a regulatory board that demonstrates it will not have sufficient monies available to continue daily operations without the increase.

## state budget implementation; 2024-2025 (H.B. 2911/S.B. 1749) - Chapter 223

Makes the following session law changes relating to state budget implementation necessary to implement the FY 2025 state budget:

Continues, retroactive to July 1, 2024, to require any unrestricted federal monies received by Arizona in FY 2025 to be deposited into the state General Fund (state GF) to pay essential government services.

Continues to: 1) suspend the Budget Stabilization Fund (BSF) cap of 10 percent of state GF revenue for FY 2025; 2) assert that the Legislature is not required to appropriate monies to or transfer monies from the BSF in FYs 2025 through 2027; and 3) prohibit the State Treasurer from transferring any surplus monies from the BSF to the state GF in FY 2025.

# **LEGISLATION VETOED**

brackish groundwater pilot program (H.B. 2184) - VETOED

SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.

# **Education Committee**

Senator Ken Bennett, Chairperson



Mason Holler, Research Analyst Lauren Brazele, Intern

# **EDUCATION COMMITTEE**

# **LEGISLATION ENACTED**

## private postsecondary education; board; continuation (S.B. 1039) - Chapter 156

Continues the Arizona State Board for Private Postsecondary Education for eight years, until July 1, 2032, retroactive to July 1, 2024.

#### adult education; program schools; revisions (S.B. 1113) – Chapter 50

Exempts a Continuing High School and Workforce Training Program (Program) school from all applicable legal requirements prescribed for public schools if the Program school is expressly exempt from the legal requirement or the State Board of Education determines the legal requirement is not feasible or applicable to the education of adult learners. A Program school must: 1) administer an English language proficiency assessment that is accepted by an Arizona university or community college; 2) attempt to confirm each adult learner's withdrawal from another school; and 3) require adult learners to provide reliable proof of age and verifiable residency documentation.

Prohibits the Arizona Department of Education from assigning an annual achievement profile letter grade to a Program school.

#### tuition; family; posttraumatic stress; suicide (S.B. 1174) – Chapter 230

<u>SEE THE MILITARY AFFAIRS, PUBLIC SAFETY & BORDER SECURITY</u> <u>COMMITTEE.</u>

school boards; sex offender registry (S.B. 1280) - Chapter 11

Deems a person who is required to register as a sex offender as ineligible for election or appointment to a school district governing board.

## sex offender registration; school notification (S.B. 1404) – Chapter 57

<u>SEE THE MILITARY AFFAIRS, PUBLIC SAFETY & BORDER SECURITY</u> <u>COMMITTEE.</u>

## AZ529 savings plan; committee; membership (S.B. 1454) – Chapter 15

Allows a member's designee to serve on the AZ529, Arizona's Education Savings Plan Advisory Committee (Advisory Committee) in the member's place and requires at least one Advisory Committee public member to have financial planning experience. All current Advisory Committee members may continue to serve until the expiration of their terms, after which the State Treasurer must make all subsequent appointments.

#### online instruction; virtual setting; assessments (S.B. 1457) - Chapter 239

Authorizes an Arizona Online Instruction school or dropout recovery program that is provided online (virtual schools) to administer a statewide assessment in a virtual setting, if the virtual school meets outlined requirements. A virtual school that administers a statewide assessment in a virtual setting may administer the assessment in person to any specific student or student group, if the virtual school identifies a necessary and appropriate exception to the virtual setting. Specifies certain assessments that a virtual school may not administer in a virtual setting.

Requires the Arizona Department of Education (ADE), when sufficient monies are available, to include a provision for testing in a virtual setting in each contract ADE executes or extends with a third-party assessment vendor. A virtual school may not administer an assessment in a virtual setting until the first school year after the school year in which ADE executes or extends a contract for the assessment that includes a provision for testing in a virtual setting.

#### school employment; criminal convictions; disclosure (S.B. 1558) – Chapter 110

Requires an applicant for public or private school employment to disclose whether the applicant has pled guilty or no contest, been convicted of or is awaiting trial on: 1) *a dangerous crime against children*; 2) *sexual abuse* or *sexual assault* of a minor; 3) *sexual conduct* with a minor; 4) an offense that requires registration as a sex offender; 5) an act committed in another state or territory that if committed in Arizona would be a *dangerous crime against children* or *sexual abuse* or *sexual assault* of a minor; or 6) a preparatory offense of the outlined offenses. A knowing violation of the disclosure requirement is a class 6 felony. It is a defense to a prosecution for a violation of the requirement to disclose an offense committed in another state or territory if the individual's failure to disclose was due to a good faith mistake of law.

#### public schools; noncertificated personnel; discipline (S.B. 1560) – Chapter 6

Requires a noncertificated person who has been disciplined in another jurisdiction for immoral or unprofessional conduct to complete the disciplinary process in that jurisdiction before the person may be employed by a public school. If the State Board of Education (SBE) receives notice that another jurisdiction has revoked or suspended a noncertificated person's employment, the SBE may prohibit that person from being employed by a public school in a manner consistent with the other jurisdiction's disciplinary terms. If the noncertificated person requests a hearing, the SBE must first conduct the hearing before determining whether to uphold or decline the disciplinary terms. *Noncertificated person* includes a current or prospective school district or charter school employee who meets specified requirements.

If the SBE receives notification that a person's educator certificate has been suspended in another jurisdiction, the SBE may suspend all Arizona certificates issued to that person in a manner consistent with the other jurisdiction's suspension terms.

#### provisional community colleges; accreditation; oversight (H.B. 2039) - Chapter 84 E

An emergency measure effective April 8, 2024, that allows a provisional community college district (CCD) to maintain a regional accreditation and oversight relationship with another postsecondary institution, rather than only another CCD, for the purposes of organizing a CCD.

#### charter schools; state board; continuation (H.B. 2172) - Chapter 65

Continues the Arizona State Board for Charter Schools for eight years, until July 1, 2032, retroactive to July 1, 2024.

#### county aid; school districts; revisions (H.B. 2173) - Chapter 134 E

An emergency measure effective April 10, 2024, that modifies property tax calculations for common school districts not within a high school district (Type 03 districts) retroactive to TYs beginning January 1, 2024. Modifies the minimum qualifying tax rate (MQTR) levy amount in a school district not eligible for equalization assistance by subtracting the amount levied by the Type 03 district additional tax and requires the Type 03 district additional tax levy to be equal to the lessor of: 1) a rate that is equal to the applicable qualifying tax rate; or 2) a rate that would result in a levy that equals the statewide average per pupil funding for high school pupils multiplied by the student count of resident high school pupils in the Type 03 district during the prior school year. For the purposes of the Type 03 district additional tax levy, per pupil funding is the weighted student count group A weight amount calculated for grades 9 through 12, multiplied by the sum of: 1) the district additional assistance prescribed for a school district with a student count of 600 or more in grades 9 through 12; and 2) the statutory base level amount.

Directs unexpended and unencumbered monies collected by the Type 03 district additional tax in TY 2023 and monies collected from the Type 03 district additional tax levy designated for county aid for equalization assistance to the State Treasurer for deposit in the state General Fund for school financial assistance. Outlines information that the Arizona Department of Education (ADE) must annually provide to Type 03 districts and each county board of supervisors to levy the Type 03 district additional tax. In FYs 2025 and 2026, ADE may use the most recent data from its annual open enrollment report to provide the information.

Excludes the MQTR and Type 03 district additional tax from the criteria the Property Tax Oversight Commission uses to determine whether a school's primary property tax rate exceeds the maximum primary property tax rate.

#### school personnel; emergency glucagon administration (H.B. 2174) – Chapter 28

Authorizes a school district governing board or charter school governing body to annually request a standing order for glucagon from certain medical professionals and to stock glucagon doses at school sites for emergency administration to a pupil by a: 1) school nurse or nurse under contract with the school; 2) a licensed doctor of medicine (MD), doctor of osteopathy (DO) or doctor of naturopathic medicine; 3) a nurse practitioner or physician assistant; or 4) a voluntary

diabetes care assistant. A public school employee or contractor who implements a diabetes medical management plan must provide the school with a written statement signed by a medical professional attesting that the employee or contractor has received proper glucagon administration training, which must be regularly renewed. A school district or charter school may apply for grants, accept monetary donations or participate in third-party programs to assist with glucagon purchases.

Immunizes outlined medical professionals from civil liability for the consequences of a good faith adoption and implementation of glucagon administration policy requirements. Excludes, from the definition of *unprofessional conduct* of a licensed MD or DO, the writing or dispensing of a glucagon prescription without an examination or doctor-patient relationship, if the prescription is for emergency school use. Excludes, from the definition of *unprofessional conduct* of a pharmacist or pharmacy intern, knowingly dispensing a glucagon prescription order pursuant to a diagnosis by mail or the internet, if the order is for emergency school use.

#### universities; student fees; clubs; organizations (H.B. 2178) - Chapter 135

Requires a public university that allocates student fees to support individual university -recognized student organizations or clubs to: 1) provide each student who is charged fees with a reasonable opportunity to select organizations or clubs to which the university may not allocate the student's pro rata share of the fees; and 2) for each student who makes a selection, allocate the student's pro rata share of the fees only for programs that are open to all students. If a student does not make a selection, the public university may allocate the student's pro rata share of the fees to support the activities of any individual university-recognized organization or club or to programs that are open to all students.

#### purple star school designation; requirements (H.B. 2246) - Chapter 90

Establishes the Purple Star School Program (Program) within the Arizona Department of Education (ADE) to identify schools that provide transition support to military students and their families. Any school that offers instruction to students in kindergarten programs or grades 1 through 12 may apply to ADE to participate in the Program, and ADE must approve an application if a school demonstrates that the school: 1) provides professional development training relating to military students' unique needs; 2) designates an employee as the school's point of contact for the Program; 3) establishes a peer mentorship program; 4) holds at least one patriotic event during each school year that recognizes the service of military members and their families; and 5) creates and maintains a website or webpage with resources for military students and families. ADE may adopt policies and procedures to implement the Program and develop additional criteria for Program eligibility determination. Outlines annual reporting and review requirements.

#### schools; enrollment preference; armed forces (H.B. 2311) – Chapter 68

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

#### foster children; high school; transfer (H.B. 2645) - Chapter 98

Requires each school district governing board (governing board) and charter school governing body (governing body) to develop and adopt policies relating to transferring academic credits and educational records for foster children who are enrolled in grades 9 through 12 and transfer schools pursuant to a best interest educational placement determination. A school district or charter school must attempt to accept academic credits as core credits, consider each of the foster child's mastered learning outcomes and demonstrated competency requirements and provide the foster child's graduation plan to specified individuals. A school district or charter school that enrolls a foster child pursuant to a best interest educational placement determination may administer a local competency assessment to award full or partial credit for the core competencies identified in the educational records provided by the foster child's school of origin. The State Board of Education (SBE) must develop guidelines for schools to consider when developing the transfer credit policies, including alternative methods for a receiving school to calculate and accept a foster child's academic credits.

Precludes a governing board or governing body from requiring a foster child who is enrolled in grades 11 or 12 and transfers schools pursuant to a best interest educational placement determination to satisfy a course of study or competency requirement for graduation that is in addition to, or higher than, minimum SBE-prescribed course of study and competency requirements.

### Holocaust education study committee (NOW: study committee; Holocaust; other genocides) (H.B. 2760) – Chapter 99

Establishes the 14-member Education on the Holocaust and Other Genocides Study Committee (Study Committee) and outlines Study Committee membership. The Study Committee must: 1) review the course of study and competency requirements that include a requirement that students be taught about the Holocaust and other genocides; 2) study how teacher lessons and trainings regarding the Holocaust and other genocides can be improved; 3) study how public universities can incorporate teachings of the Holocaust and other genocides into courses and campus engagements; 4) explore how public schools and universities can facilitate student speaking engagements by survivors, their families and liberators; and 5) submit a report regarding the Study Committee's activities and recommendations to the Governor, Legislature and Secretary of State by April 1, 2025. Terminates the Study Committee on October 1, 2025.

#### Holocaust education; instruction requirements (H.B. 2779) – Chapter 153

Specifies that the State Board of Education's course of study and competency requirements relating to the Holocaust and other genocides must include a requirement for the topic to be taught for at least three class periods on at least two separate occasions during grades 7 through 12.

higher education; 2024-2025 (H.B. 2904/S.B. 1742) – Chapter 216

SEE THE APPROPRIATIONS COMMITTEE.

# K-12 education; 2024-2025 (H.B. 2906/S.B. 1744) - Chapter 218

# SEE THE APPROPRIATIONS COMMITTEE.

taxation; 2024-2025 (H.B. 2909/S.B. 1747) - Chapter 221 W/O

# SEE THE APPROPRIATIONS COMMITTEE.

### expenditure limit; school districts; authorization (H.C.R. 2065/S.C.R. 1047)

Effective June 15, 2024, authorizes school districts in FY 2025 to spend local revenues in excess of the aggregate expenditure limitation.

# **LEGISLATION VETOED**

schools; sexually explicit materials; classification (NOW: schools; libraries; explicit materials; classification) (S.B. 1007) – VETOED

# SEE THE JUDICIARY COMMITTEE.

# school districts; partisan elections (S.B. 1097) - VETOED

Requires, for elections beginning January 1, 2025, school district governing board election ballots to include each candidate's partisan designation. A candidate's partisan designation is the political party of which the candidate is a qualified elector 120 days before the primary election.

The Governor indicates in her <u>veto message</u> that S.B. 1097 would further the politicization and polarization of school district governing boards.

# school classrooms; ten commandments; posting (S.B. 1151) – VETOED

Allows any school teacher or administrator to read or post, in any school building, copies or excerpts of the Ten Commandments.

The Governor indicates in her <u>veto message</u> that S.B. 1151 is unnecessary and she is concerned about its constitutionality.

#### public schools; showers; reasonable accommodations (S.B. 1182) - VETOED

Requires a public school to provide a reasonable accommodation to a person who is unwilling or unable to use a multi-occupancy shower room designated for the person's sex, if the person requests an accommodation in writing and submits satisfactory evidence of the person's sex to the school. A public school may adopt policies to implement the reasonable accommodation requirements, including provisions authorizing a person to enter a multi-occupancy shower room designated for the opposite sex for outlined purposes. A *reasonable accommodation* includes access to a single-occupancy or employee shower room and does not include a shower room designated for the opposite sex while persons of the opposite sex are present.

Outlines legal remedies for persons whose written request for a reasonable accommodation is denied and for persons who encounter a person of the opposite sex in a multi-occupancy shower room designated for their sex that is either located in a public school building or provided in connection with a public school-sponsored event. A claim must be initiated within two years in superior court in the county where either the person resides or the public school is located. An aggrieved person who prevails in court may recover monetary damages for all psychological, emotional and physical harm suffered. Designates this legislation as the *Arizona Accommodations for All Children Act*.

The Governor indicates in her <u>veto message</u> that she will not sign legislation that attacks Arizonans.

#### scholarships; requirements; foster care students (H.B. 2095) - VETOED

Adds students who are placed in state foster care before graduating from high school or obtaining a general equivalency diploma to the student population that is eligible to receive a scholarship or grant awarded through the Credit for Contributions to Certified School Tuition Organizations or the Credit for Contributions to School Tuition Organizations for Low-Income Students. Outlines foster care student eligibility criteria.

The Governor indicates in her <u>veto message</u> that H.B. 2095 would have an estimated impact on the state General Fund and should be considered in the full context of budget discussions.

#### schools; instruction; victims of communism (H.B. 2629) - VETOED

Designates November 7 of each year as Victims of Communism Day, which is a non-legal holiday, and requires any American government course required for high school graduation to include at least 45 minutes of instruction on the history of communist regimes. The State Board of Education (SBE) must develop a list of recommended educational resources on the history of communist regimes that align with academic standards and establish a process for public schools to recommend resources for addition to the list.

The Governor indicates in her <u>veto message</u> that H.B. 2629 is too prescriptive in dictating instructional requirements to education professionals and therefore urges the SBE to begin the process of updating the social studies academic standards.

# ABOR; course approval; accounting system (H.B. 2735) – VETOED

Authorizes the Arizona Board of Regents (ABOR) to delegate the authority to approve academic degrees or organizational units only to a university president and prohibits a university president from further delegating that authority. ABOR and university presidents must consult with university faculty members regarding academic and educational activities and personnel matters. University faculty members must consult with ABOR and the university president regarding, rather than participate in, the governance and development of policy for a university.

Requires ABOR to require each public university to provide ABOR with access to the university's uniform accounting and reporting system for oversight and monitoring purposes.

The Governor indicates in her <u>veto message</u> that university faculty play a key role in a university's shared governance and limiting their management participation has the potential to weaken the institution and limit the perspectives and expertise included in decision making.

#### school policies; internet; wireless devices (H.B. 2793) - VETOED

Requires each school district governing board and charter school governing body to prescribe and enforce policies and procedures that govern student access to the school-provided internet and limit student use of wireless communications devices during the school day. The policies and procedures must: 1) include policies that restrict student access to social media platforms; 2) allow teachers to give students access to social media platforms to the extent necessary for educational purposes; and 3) allow students to use wireless communications devices for educational purposes as directed by a teacher or during an emergency.

The Governor indicates in her <u>veto message</u> that H.B. 2793 establishes an unnecessary mandate for an issue that schools are already addressing.

# **Elections Committee**

Senator Wendy Rogers, Chairperson



Anna Nguyen, Research Analyst Kaytie Sherman, Assistant Research Analyst Hunter Smith, Intern

# **ELECTIONS COMMITTEE**

### **LEGISLATION ENACTED**

#### political signs; removal; elections (S.B. 1063) – Chapter 170

Extends, from 45 days before an election to 71 days before an election, the time period during which: 1) a person is subject to a class 2 misdemeanor for political sign tampering; and 2) a city, town or county may not remove or tamper with lawfully placed political signs. For a political sign that supports or opposes a ballot measure, question or issue, the extended time period applies only for the election at which the ballot measure, question or issue is scheduled to appear.

# technical correction; juvenile offenders; notice (NOW: legislative vacancies; appointment) (S.B. 1278) – Chapter 174

Prescribes a timeline for the county board of supervisors (county BOS) and the legislative district's precinct committeemen (PCs) to fill a legislative vacancy. If the Legislature is in session, the Governor has called a special session or a special session is pending, the PCs must select three nominees to fill a legislative vacancy within 5 calendar days of receiving notice of the vacancy and the county BOS must appoint a nominee to fill the vacancy within 10 calendar days of receiving the nominee's names. If the Legislature is not in session and a special session is not pending, the PCs must select the three nominees within 21 calendar days of receiving notice of the vacancy and the county BOS must make the appointment within 21 calendar days of receiving the names.

If the PCs fail to select nominees within the applicable timeframe, a citizens panel must select the nominees. If the county BOS fails to fill a legislative vacancy within the applicable timeframe, the appropriate state party chairperson must fill the vacancy from the list of nominees. If a nominee withdraws from consideration, the appropriate state party chairperson must immediately nominate an alternative qualified elector to fill the vacancy.

#### local candidates; petitions; electronic signatures (S.B. 1285) – Chapter 2 E

An emergency measure effective March 6, 2024, that amends Laws 2024, Chapter 1 to require any election item that was called by a city, town or county for the August 6, 2024, primary election to be placed on the ballot for the newly designated primary election date of July 30, 2024. Petition signatures collected through the online signature collection system (E-Qual) with the August 6, 2024, primary date that otherwise comply with the nomination petition signature requirements are valid. A filing officer may not reject signatures or petitions solely due to the date of the primary election listed on a petition form and a person does not have to file a new or amended statement of interest based solely on the change to the 2024 primary election date.

A voter that casts a conditional provisional ballot must provide proof of identification to the county recorder or other officer in charge of elections by the fifth business day after a primary, general or special election that includes a federal office or by the third business day after any other election. If a city or town clerk's office has an agreement with a county to be used as a location where voters may submit proof of identification, the office must be open from at least 8:00 a.m. to 5:00 p.m. during the Friday and weekend before and after any election that includes a federal office to allow for curing signatures.

Beginning January 1, 2025, a candidate for city, town, county or precinct committeeman office may collect up to 110 percent, rather than 100 percent, of the minimum number of required nomination petition signatures through E-Qual.

# elections; parties; hand count audits (S.B. 1342) - Chapter 79

Requires the county chairperson of each political party to provide a list of designated hand count board workers to the county officer in charge of elections and the appropriate state party chairperson by 5:00 p.m. on the second Tuesday, rather than the first Tuesday, before the election. The officer in charge of elections must notify the political parties of a shortage in hand count workers by 9:00 a.m. on the second Wednesday, rather than the first Wednesday, before the election. When notice of a hand county board worker shortage is provided, each political party has until 9:00 a.m. on the second Thursday before the election to provide an additional list of willing hand count designees. Requires the county officer in charge of elections to distribute the list of additional electors to the county chairperson and state chairperson of each political party by 5:00 p.m. on the second Friday before the election. Prescribes procedures for designating qualified electors as hand count board workers when there is a shortage of designees. A county must make hand count audit results available on the county's website.

election communications; deep fakes; prohibition (NOW: election communications; deepfakes; prohibition) (S.B. 1359) – Chapter 199

Prohibits a creator of a deceptive and fraudulent deepfake (deepfake) of an election candidate from distributing the deepfake within 90 days before an election at which the candidate will appear on the ballot unless the deepfake includes a clear and conspicuous disclosure that the media contains content generated by artificial intelligence. A person who fails to provide the disclosure is subject to a civil penalty for each day the deepfake is distributed without the disclosure. The disclosure requirement does not apply to satire, parody or an interactive computer service.

# night schools; technical correction (NOW: campaign finance report; statewide office) (S.B. 1571) – Chapter 112 E

An emergency measure effective April 8, 2024, that requires a statewide candidate committee to file a campaign finance report for each calendar quarter of the 48-month period, rather than 12-month period, before the general election at which the candidate is seeking office.

#### elections; municipal vacancies; primary (H.B. 2080) - Chapter 114

Stipulates that, if city or town mayor or councilmember is serving by appointment at the time a candidate for a new term in office is elected at the primary, the candidate who receives a majority of votes cast at the primary must be declared elected after the election canvass and

certification and upon taking the oath of office. The elected candidate may be seated to complete the remainder of the existing term that is being filled by appointment in addition to the new term. If multiple candidates receive a majority of votes cast for the city or town mayor or councilmember and the office is filled by an appointee, the order of seating the candidates proceeds in order of the highest number of votes.

# <u>candidates; digital impersonation; injunctive relief (NOW: digital impersonation; injunctive relief;</u> requirements) (H.B. 2394) – Chapter 193 E

An emergency measure effective May 21, 2024, and beginning June 4, 2024, that allows an election candidate or an Arizona citizen to initiate an action against the digital impersonation of that person within two years of the person knowing that the digital impersonation was published. A *digital impersonation* is synthetic media, typically video, audio or still image, that is digitally manipulated or simulated using deep generative methods and artificial intelligence techniques to convincingly replace a person's likeness or voice with the intent to lead a reasonable audience to believe that the impersonation is authentic and a true depiction of something the impersonated person said or did.

A person may initiate a digital impersonation action by petitioning the applicable superior court. If the digital impersonation is or is part of a paid advertisement, the digital impersonation action may be brought only against the person or entity that originated, ordered, placed or paid for the advertisement. To prevail in a digital impersonation action, a plaintiff must prove that: 1) a digital impersonation of the plaintiff was published to at least one other person without the plaintiff's consent; and 2) at the time of publication, it was either not obvious that the recording or image was a digital impersonation or the publisher did not convey that the recording or image's authenticity was disputed. The publisher of an alleged digital impersonation has the right to appear, be heard and present evidence before the court enters a judgment of preliminary declaratory relief and the plaintiff that files the petition for relief must make reasonable efforts to serve and provide notice of the petition.

A plaintiff to a digital impersonation action who is a candidate for public or political party office for which an election is scheduled to be held within 180 days may request preliminary declaratory relief with the superior court as prescribed. Outlines circumstances in which a person has the additional right to injunctive relief and damages. A plaintiff seeking preliminary declaratory relief or injunctive relief must prove the elements of digital impersonation by clear and convincing evidence and a plaintiff seeking permanent declaratory relief must prove the elements by a preponderance of evidence. If preliminary declaratory relief is granted, the trier of fact may not consider any factual or legal determinations made by the court at any later stage of the proceeding or other proceeding.

#### new party recognition; signatures; circulators (H.B. 2474) - Chapter 145 E

An emergency measure effective April 10, 2024, that voids a signature sheet for a new political party petition that contains signatures collected 24 months or more before the primary election at which the party seeks recognition. The filing officer may not accept a voided signature sheet and must remove the voided sheet from the new political party petition.

#### voter registration changes; text notice (H.B. 2482) - Chapter 73

Requires a county recorder to notify an elector by text message or email within 24 hours of making a change to the elector's voter registration information. If the elector has not subscribed to the voter registration alert system, the county recorder must notify the elector in writing within 10 days after making the change. The notice must include instructions on how the elector may check the elector's voter registration form, revise the elector's voter registration information and notify the county recorder if the elector did not request or authorize the change.

# technical correction; joint school district (NOW: department of education; reports; consolidation) (NOW: judicial offices; petitions; electronic signatures) (H.B. 2497) – Chapter 148

Requires the Secretary of State to allow candidates for certain judicial offices to collect up to 125 percent of the required nomination signatures using the secure, online petition signature collection system (E-Qual).

#### primary; identification; canvass; recounts; ballots (H.B. 2785/S.B. 1733) - Chapter 1 E

An emergency measure effective February 9, 2024, that modifies timelines and procedures relating to the conduct of elections, including extending in-person early voting to 7:00 p.m. on the Friday before election day and changing the 2024 primary election date to July 30, 2024.

Requires a county board of supervisors (county BOS) to canvass an election by the second Monday after a primary election and the third Monday after a general election, rather than between 6 and 20 days after an election. The Secretary of State (SOS) must canvass an election by the third Thursday after a primary election and the third Monday after a general election, rather than by the third Monday after a primary election and the fourth Monday after a general election. An electronic copy of the official canvass from a county BOS is sufficient for the SOS to conduct and issue the statewide canvass if the electronic copy meets outlined requirements. Removes the requirement that the state canvass be postponed day to day for up to 30 days after an election if any official county canvass has not been received by the fourth Monday after the general election.

A county recorder's office and city or town clerk's office must be open during regular business hours on the Friday and weekend before and after any election that includes a federal office to allow for curing signatures. Reduces the signature cure period, through 2026, from five business days to five calendar days for any election that includes a federal office.

Beginning in 2026, an elector may provide valid identification when presenting the voter's mailed early ballot at any voting location and, upon confirming that the voter's name and address on the identification reasonably appears to be the same as the voter's registration record, the election official must stamp the signed affidavit and place the stamped affidavit containing the early ballot in the designated secured box. The stamped early ballot is deemed ready for tabulating and exempt from further signature verification. If an early ballot is delivered by a voter to a voting location without presenting and confirming valid identification, the early ballot must be signature verified. The Arizona Department of Administration must coordinate with state agencies and counties to provide available and appropriate state-owned facilities for use as a voting location for any city, county or state election upon request by the officer in charge of elections. Modifies the early ballot instructions.

Prescribes requirements for early ballot affidavit signature verification and states that the Legislature intends that the illustrations of broad and local characteristics in the 2020 SOS Signature Verification Guide be used as a reference. An early ballot signature evaluator (evaluator) must examine the broad characteristics of the signature and, if there are discrepancies, examine the local characteristics of the signature. The evaluator may accept the signature if the local or broad characteristics are clearly consistent with the voter's signature in the registration record. If the evaluator finds a combination of broad and local characteristic differences between the signatures on the voter's ballot affidavit and registration record, the evaluator must denote the signature for a second review using the same standards.

#### ballot measures; challenges (S.C.R. 1041)

Subject to voter approval, constitutionally allows a person to challenge the constitutionality of a proposed constitutional amendment or initiative measure in the superior court at least 100 days before the date of the election at which the amendment or initiative is scheduled to be voted on. Prohibits the Secretary of State from certifying or printing the amendment or measure on the official ballot if a court of competent jurisdiction enters a judgment finding the amendment or measure to be unconstitutional under the U.S. or Arizona Constitution. Any party may appeal to the Arizona Supreme Court within five calendar days after the superior court enters judgment. Requires the Secretary of State to submit the proposition to the voters at the next general election. Becomes effective if approved by the voters and on proclamation of the Governor.

#### judicial retention elections (S.C.R. 1044)

Subject to voter approval, and retroactive to November 1, 2024, constitutionally replaces term limits for Arizona Supreme Court justices and intermediate appellate court and superior court judges with terms of good behavior and outlines conditions that subject a justice or judge to a retention vote, including: 1) a final conviction of a felony offense or crime involving fraud or dishonesty if not otherwise removed; 2) an initiation of personal bankruptcy proceedings; 3) a mortgage foreclosure; or 4) a determination by a majority of all members of the Commission on Judicial Performance Review (JPR) that the justice or judge does not meet judicial performance standards. An intermediate appellate judge who is subject to a retention vote must be elected on a statewide basis and any justice or judge subject to a vote retention must file a declaration to be retained in office with the Secretary of State, as prescribed.

Requires: 1) the House of Representatives and the Senate to each appoint one member to the JPR; 2) the JPR, on request from a Legislator, to investigate an allegation that a justice or judge has engaged in a pattern of malfeasance while in office; and 3) the JPR to make a determination that a justice or judge does not meet judicial performance standards if the JPR finds that the justice or judge engaged in a pattern of malfeasance in office. Requires the Secretary of State to submit the proposition to the voters at the next general election. Becomes effective if approved by the voters and on proclamation of the Governor.

# **LEGISLATION VETOED**

#### federal candidates; observers; elections (S.B. 1060) - VETOED

Allows each candidate for U.S. President, U.S. Senate and U.S. House of Representatives to designate an observer at a counting center during the general election. If more than one candidate from each political party designates an observer, a lottery must determine which candidate may send an observer.

Each political party county chairman may designate a challenger at a vote center. A challenger must be allowed to enter and observe in all polling places in the county in which the challenger is designated, including setup and closeout procedures, and a challenger may not interact with a voter.

Prohibits a party representative, challenger or observer from obstructing the administration of election procedures or approaching an election official's table or equipment any closer than what is reasonably necessary to perform the representative's, challenger's or observer's functions. Each party representative, challenger or observer must: 1) be allowed to observe the conduct of election officials; 2) provide their own materials and necessities; and 3) pose questions directly to the statutorily designated official. A candidate appearing on the ballot may not be designated as a party representative, challenger or observer.

The Governor indicates in her <u>veto message</u> that current statute adequately provides for the designation of observers.

on-site ballot tabulation; secured containers (NOW: on-site ballot tabulation; containers) (S.B. 1330) – VETOED

Specifies that voted early ballots and empty completed affidavit envelopes deposited for the purpose of on-site ballot tabulation must be deposited in a ballot box or a secured and labeled container, rather than a drop box.

The Governor indicates in her veto message that S.B. 1330 is unnecessary.

# county supervisors; population; membership (H.B. 2031) - VETOED

# SEE THE GOVERNMENT COMMITTEE.

#### presidential preference; parties; voting methods (H.B. 2393) - VETOED

Applies the following to a political party that chooses not to participate in the publicly administered Presidential Preference Election and that chooses to select a nominee for U.S. President by a party membership vote: 1) the party must provide a method of voting that allows persons with disabilities, absent U.S. Uniformed Services voters and overseas voters to vote; and 2) the party may choose the means of voting.

The Governor indicates in her <u>veto message</u> that if the state were to change the manner in which political party elections are held, it would be important to reflect bipartisan agreement.

#### voter registration cards; mailing limitation (H.B. 2404) – VETOED

Prohibits a county recorder from providing an initial or updated voter registration card to an elector whose mailing address is outside of Arizona, except for absent U.S. Uniformed Service voters, overseas voters and Arizona residents who are not served by a U.S. Post Office in Arizona.

The Governor indicates in her <u>veto message</u> that state statute and the Elections Procedures Manual already outline the process for when a voter provides a new residential address located outside the state.

# technical correction; waste; enforcement; venue (NOW: ballot collection conviction; public office) (H.B. 2612) – VETOED

Stipulates that a person who is convicted of ballot abuse is ineligible to hold or be nominated or elected to public office in Arizona. A person holding public office must resign upon receiving a ballot abuse conviction.

The Governor indicates in her <u>veto message</u> that H.B. 2612 is unnecessary.

# Finance & Commerce Committee

Senator J.D. Mesnard, Chairperson



Molly Graver, Research Analyst Alanna Bendel, Assistant Research Analyst Jeff Christophersen, Intern

# **FINANCE & COMMERCE COMMITTEE**

#### **LEGISLATION ENACTED**

# revenue department; technical correction (NOW: money transmission; notice) (S.B. 1034) – Chapter 102

Requires a licensee that engages in the money transmission business on behalf of consumers for personal, family or household purposes to provide prescribed consumer fraud warnings. The licensee must provide a consumer with the consumer fraud warnings before transmitting any money either in person or through electronic transmission in a type that contrasts with the background against which the written warning appears. The consumer fraud warning requirements do not apply to: 1) an electronic funds transfer where monies are not transferred directly to another person and are not available for immediate use; 2) an electronic funds transfer that is made with a gift certificate; or 3) a licensee that requires its authorized delegate to provide annual fraud prevention employee training that covers the indicia of fraud associated with electronic money transfers.

#### eremation (NOW: title companies; recorded documents; DIFI) (S.B. 1042) - Chapter 103

Stipulates that an agreement to indemnify or hold harmless a title insurer from risks arising from an instrument that is or becomes properly recorded with the county recorder is only enforceable if the agreement is in writing and: 1) the instrument was not of record at the time the agreement was executed; 2) the instrument is specifically described in the agreement; 3) the instrument is shown as an exception from coverage in the title insurance policy; 4) the agreement indemnifies for or holds harmless against liens that arise from work or labor done or professional services furnished on the insured property; or 5) the instrument is or secures a monetary obligation and the instrument remains an outstanding and enforceable debt. The outlined stipulation does not affect the enforceability of title warranties provided by a person in a deed or mortgage, and an agreement that meets the outlined stipulation must be separate from and not included in a title insurance policy.

#### metal theft study committee (NOW: Arizona-Ireland trade commission) (S.B. 1053) - Chapter 168

Establishes the nine-member Arizona-Ireland Trade Commission (Commission) within the Arizona Commerce Authority to initiate joint action on policy issues, advance bilateral trade and investment, promote business and academic exchanges and encourage mutual economic support and infrastructure investment. Outlines Commission membership, duties and reporting requirements.

#### judgments; interest rates (S.B. 1059) – Chapter 3

Specifies, for the purposes of determining interest on judgments, except medical debt judgments, that the effective date of the prime rate is the business day following publication by the Federal Reserve.

#### virtual credit cards; payment method (S.B. 1070) - Chapter 48

Requires a health insurer to accept tangible checks as a form of payment from a health care provider. If a health care provider opts out of a payment method provided by a health insurer, that decision remains in effect until either the provider opts back into the prior payment method or a new contract is executed between the insurer and provider.

#### property tax; golf courses; valuation (S.B. 1095) - Chapter 8

Specifies that a golf course owner's deed restriction, as required for property tax valuation as a golf course, must require the property to be used solely as a golf course for the duration of the deed restriction and must be refiled when the property is split or combined. A golf course owner must notify the county assessor within 30 days after a golf course property is converted to a different use. The penalty for the property conversion is assessed from the date the golf course owner notifies the county assessor of the conversion or the date the county assessor discovers the conversion.

telecommunications fund; report; posting (NOW: residential zoning; housing; assessment; hearings) (S.B. 1162) – Chapter 172

# SEE THE GOVERNMENT COMMITTEE.

# pharmacy audit; procedures; prohibition (S.B. 1165) – Chapter 51

# SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

# real estate department; licensing; administration (S.B. 1171) – Chapter 52

Makes various administrative changes to statutes governing the Arizona Department of Real Estate (ADRE), including requiring each employing broker to have and maintain on file an active and valid statutory agent in lieu of a definite place of business. Allows a broker to electronically retain a complete record of all real estate transaction monies and allows a nonresident broker to use online transaction and employment recordkeeping if the data is backed up and the broker notifies ADRE of the online recordkeeping provider name and contact information. Replaces the current broker trust fund reconciliation process with a three-way reconciliation between trust fund account bank statements, client ledgers and trust fund account ledgers and requires an explanation for any account variation monthly. Increases, from \$3,000 to \$5,000, the maximum amount of broker personal monies that may be deposited in a trust fund account to avoid a commingling violation. Prohibits a corporation or limited liability company that is pending issuance of a new broker license or installation of a new designated broker from representing new clients and outlines prohibited criteria for designated brokers on the license.

Modifies the ADRE Commissioner's duties and examination, license suspension and application requirements. Requires a live classroom course outline to state how the course is intended to protect the public, rather than the course's desired instructional outcome.

Specifies that a real estate licensee with an inactive license does not need to complete continuing education during an inactive license status period. If a person's license is inactive for over 15 years, the ADRE Commissioner must require the person to pass an Arizona-specific examination before license reactivation.

Modifies Real Estate Advisory Board membership to include a member engaged in timeshare, campground or cemetery sales and an active school administrator or approved instructor. Specifies that timeshare reports and notices must be provided by electronic means or in hard copy.

#### exclusive agreements; residential property sales (S.B. 1218) - Chapter 78

Outlines unlawful practices for exclusive property engagement agreements, which are contracts or agreements that provide a person the exclusive right to list or sell residential real estate, including a contract or agreement to enter into any listing agreement or arrangement in the future or any memorandum recognizing the existence of an exclusive property engagement agreement. If listing services do not begin within one year after executing an exclusive property engagement agreement agreement, the agreement is void. Any contract or agreement made or recorded in violation of the outlined requirements is void and unenforceable. Prohibits a court from imposing a constructive trust in a property that is the subject of an exclusive property engagement agreement or on any related disposition proceeds.

The Commissioner of the Arizona Department of Real Estate (ADRE) must execute and record in each county recorder's office a document disclaiming the validity and enforceability of any contract or agreement or any related liens or assignments that violate the exclusive property engagement agreement requirements and ADRE must display the document on its website. Subjects any person who violates the prescribed exclusive property engagement agreement requirements to liability and penalties. A violation of the exclusive property engagement agreement requirements is an unlawful practice under Arizona's Consumer Fraud Act and is subject to enforcement through private action and by the Attorney General.

#### dog racing; simulcast wagering; prohibition (S.B. 1260) - Chapter 235

Prohibits pari-mutuel wagering on simulcasts of dog racing that originate outside of the continental United States beginning June 30, 2024, and prohibits pari-mutuel wagering on all simulcast dog racing in Arizona beginning December 31, 2028.

#### reciprocal deposits; escrow agents; definitions (S.B. 1270) - Chapter 4

Authorizes an escrow agent to use a system of reciprocal deposits to provide additional insurance with the Federal Deposit Insurance Corporation for monies held by the escrow agent, if: 1) the monies are designated for deposit in a federally insured bank, savings bank or savings and loan association that has a branch or principal place of business in Arizona; and 2) the depository receives an amount of federally insured deposits that is equal or greater than the monies initially deposited by the escrow agent.

#### rental-purchase property; electronic disclosures (S.B. 1271) – Chapter 10

Allows a lessor, if rental-purchase property is displayed or offered online for rental-purchase, and requires, if a lessor offers personal property for rental-purchase and the property is not owned by the lessor when displayed or offered for rental-purchase, to electronically disclose outlined information relating to the costs and timeline associated with the rental-purchase. *Rental-purchase property* is personal property owned by the lessor at the time it is physically displayed and offered for rental-purchase to a consumer and before execution of a rental-purchase agreement.

#### credit unions; formation; loans; membership (S.B. 1296) – Chapter 82

Specifies that a credit union may purchase all or a portion of the assets and assume all or a portion of the liabilities of any state-chartered credit union, federal credit union, bank or an out-of-state bank. Adds, to the list of credit union purposes, assisting members to manage and control their financial resources to improve their social and economic conditions.

Modifies credit union membership eligibility and member expulsion and suspension procedures and allows a credit union's board of directors to delegate the duty of member expulsion to management. Allows a credit union to deny membership based on policies established by the credit union's board of directors and provides a member appeal timeline. Allows a credit union to make loans to credit union members for purposes prescribed by the credit union's board of directors, rather than the credit union bylaws. Allows credit union board members to vote electronically and reduces the required number of board meetings from 10 per year, to once every two months.

Repeals the requirement for each credit union's fiscal year to end on December 31. Removes the authority for a credit union to establish and maintain automated teller machines at locations other than the credit union's place of business and removes automated teller machine notification requirements. Reduces the required retained interest in credit union loans from 10 percent to 5 percent. Requires a credit union's board of directors approval for any loan made to a credit union official in an aggregate amount of more than one percent of the credit union's net worth and requires loans aggregating more than \$50,000 or one percent of the credit union's net worth to be reported to the Department of Insurance and Financial Institutions.

#### income tax withholding; retirement distributions (S.B. 1358) - Chapter 55

Specifies that payments from a pension or annuity or distributions from a retirement account are eligible for state income tax withholding to the extent that the amount is includable in the individual's Arizona gross income. Retirement account distributions must be treated as a payment of wages for income tax purposes.

A request to initiate, adjust or terminate withholding from a pension, annuity or retirement account may be executed in writing by paper or electronic means on a form prescribed by the Arizona Department of Revenue. Allows a payor to deny a request to withhold state income tax from a pension, annuity or retirement account payment or distribution.

#### occupational license; criminal record (S.B. 1367) – Chapter 83

Modifies the criteria for a state agency to determine whether a person's criminal record disqualifies the person from receiving an occupational license, permit or certificate by: 1) excluding sealed criminal convictions from consideration by the state agency; and 2) reducing, from the prior seven years to the prior three years, the period during which a conviction of certain offenses may be considered by the state agency. A state agency may not negatively consider whether a person would qualify for a fingerprint clearance card without a good cause exception when determining whether the person's criminal record disqualifies the person from obtaining an occupational license, permit or certificate. Requires, rather than allows, a state agency that determines that a person's criminal record disqualifies the person from obtaining an occupational license, permit or certificate to advise the person of the steps to remedy the disqualification.

#### youth businesses; licenses; tax; exemption (S.B. 1370) – Chapter 237

#### SEE THE GOVERNMENT COMMITTEE.

#### health care; costs; reimbursement (S.B. 1402) – Chapter 184

Allows a health insurer to establish a program that provides enrollees a savings incentive for medically necessary covered health care services provided at a price below the insurer's usual reimbursement. The program may enable an eligible enrollee to: 1) have the amount the enrollee pays applied toward the enrollee's deductible and out-of-pocket maximum; and 2) be reimbursed for a portion of the difference between the price the enrollee paid and the insurer's usual reimbursement. A health insurer's *usual reimbursement* is the amount the insurer would ordinarily pay an in-network health care provider or facility for the service.

#### right to redeem; foreclosure; sale (S.B. 1431) - Chapter 176

Bifurcates the process to foreclose the right to redeem a property tax lien by establishing procedures to hold a sale of the property to recover excess proceeds (excess proceeds sale). If a defendant's request for an excess proceeds sale is unreasonable or the defendant did not request an excess proceeds sale, the existing statutory tax lien sale requirements apply. An excess proceeds sale extinguishes any other liens and encumbrances held by the state on the property.

Allows a property owner whose right to redeem is being foreclosed to request the court to determine if an excess proceeds sale is reasonable. If a request is made for an excess proceeds sale, the property owner must provide a reasonable estimate of the property's market value and the certificate holder must provide specified financial information to the court. An excess proceeds sale is reasonable if the property sale price is likely to be more than \$2,500 above all outstanding costs, fees and interest related to the property. If the court determines that a tax lien sale is valid, the lien has not been redeemed and the excess proceeds sale is reasonable, the court must: 1) foreclose the right of the defendant to redeem; 2) direct the excess proceeds sale is exempt from the

10-year judgment renewal requirement. A county treasurer must refund any partial property tax payments, to the property owner or their heirs, within 30 days after entry of judgment directing an excess proceeds sale.

Requires an association or corporation doing business in Arizona as a bank, credit union, consumer lender, escrow agent, insurance company, law firm or a special master appointed by the court (qualified entity) conducting an excess proceeds sale to provide notice of the sale's time and place, a description of the property being sold and the amount of the opening bid by recording a sale notice with the county recorder, mailing a sale notice to the property owners and posting the information in specified places. All persons to whom the qualified entity mails a sale notice must waive all defenses and objections to the sale not raised in an action that results in an injunction before the scheduled sale date. A copy of the injunction must be delivered to the qualified entity within 24 hours after the order is entered and a sale is not complete if the sale violates the delivery requirement because of an undisclosed order entered by the court within the 24-hour time frame. Prescribes additional sale notice requirements.

An excess proceeds sale must be held: 1) within 60 days after the date a judgment is entered by the court directing the property sale; 2) on a day other than Saturday, Sunday or a legal holiday; 3) between 9:00 a.m. and 5:00 p.m. MST; and 4) at a specified place on the property, the superior court or the qualified entity's business. The qualified entity may schedule more than one excess proceeds sale for the same date, time and place and may postpone or continue the excess proceeds sale from time to time or change the place of the sale to any other authorized location with notice.

Requires a qualified entity to offer the property for sale at public auction for cash to the highest bidder and prescribes auction, bid payment and sale continuation procedures. Only the certificate holder may make a credit bid in lieu of cash. Each bidder, except the certificate holder, must provide a nonrefundable deposit as a condition of offering a bid. In any excess proceeds sale that is continued because of a failure to pay, the qualified entity must reject a bid from a previous bidder who elected not to pay that bidder's bid price.

Requires the qualified entity to distribute the excess proceeds sale proceeds within 90 days after the sale, notify the court after the proceed distributions have been made and dispose of any unclaimed monies after 90 days pursuant to Arizona's Unclaimed Property Act. Any party in the action to foreclose the right to redeem may bring civil action against the qualified entity for the entity's failure to comply with the proceed distribution requirements. Outlines deed recordation requirements.

#### unlawful restrictive covenants; uniform act.. (S.B. 1432) - Chapter 58

Establishes the Uniform Unlawful Restrictions in Land Records Act which allows a property owner whose property is subject to an unlawful restriction to submit to the county recorder an amendment to remove the unlawful restriction from a title to real property. An *unlawful restriction* is a prohibition, restriction, covenant or condition in a document that interferes with or restricts the transfer, use or occupancy of real property on the basis of race, color, religion, national origin, sex, familial status or disability in violation of state or federal law.

A homeowners' association (HOA) or condominium unit owners' association (COA) governing body may amend the body's governing instrument without a vote to remove an unlawful restriction. An HOA or COA member may request the governing body to exercise the authority to amend the governing instrument to remove an unlawful restriction. Within 90 days after the request, the governing body must determine whether the governing instrument includes the unlawful restriction and, within 90 days after that determination, must amend the governing instrument to remove the unlawful restriction. Outlines amendment form, requirements and limitations, including recording requirements for county recorders.

#### excise tax; jet fuel; definition (S.B. 1636) – Chapter 242

Expands the definition of *jet fuel* to include: 1) an aviation turbine fuel that consists of conventional and synthetic blending components that can be used without the need to modify aircraft engines and existing fuel distribution infrastructure; and 2) jet fuels derived from coprocessed feedstocks at a conventional petroleum refinery.

#### firefighters; peace officers; PTSD; therapy (S.B. 1677) – Chapter 203

Conditionally upon the U.S. Food and Drug Administration approving midomafetamine (MDMA) for treatment of post-traumatic stress disorder (PTSD) by December 31, 2025, requires employers to provide workers' compensation coverage to firefighters and certified peace officers who have been diagnosed with PTSD by a licensed mental health professional and who have an accepted workers' compensation claim for PTSD. If outlined requirements are met, the workers' compensation coverage may include one complete course of MDMA treatment.

The Department of Health Services (DHS) must notify the Director of Legislative Council and the Director of the Industrial Commission of Arizona (ICA) by February 2, 2026, of the date the conditional enactment was or was not met. On notification from DHS, the ICA must assign reimbursement values in its fee schedule and publish guidelines on MDMA billing and reimbursement practices. The ICA must submit a report to the Joint Legislative Budget Committee on the costs of MDMA treatment.

# <u>defensive driving schools; fees.</u> (NOW: mixed martial arts; boxing; gaming) (S.B. 1679) – Chapter 245

Replaces the requirement for the Arizona State Boxing and Mixed Martial Arts Commission (Commission) to use rules for mixed martial arts (MMA) that are consistent with the rules adopted by the New Jersey State Athletic Control Board with an authorization for the Commission to use rules adopted by a boxing commission or any alternative rules of MMA approved by another jurisdiction within the United States. Defines *combatant* as any person who practices the sport of unarmed combat and replaces the term *contestant* with the term *combatant*. The required insurance coverage paid by a promotor for a combatant is the primary insurance that must be exhausted before a combatant uses any other form of insurance. Specifies that weigh-ins for all contests may not be more than one calendar day, rather than 24 hours, before the scheduled event time and removes the requirement for a weigh-in period to be one hour. Increases, from a class 2 misdemeanor to a class 1 misdemeanor, the penalty for conducting, holding, sponsoring, sanctioning or giving any contest that is subject to regulation by the Commission without first procuring an appropriate license or approval. All boxing and MMA licenses expire at midnight 365 days after the date of issuance, rather than at midnight on December 31 in the year of license issuance. Modifies license application and medical examination requirements.

Replaces the requirement for a chief of police or county sheriff to assign an officer or deputy to attend a boxing or MMA contest with a requirement for the promotor to request the chief of police or county sheriff to assign at least one officer or deputy to attend each contest and authorizes the Commission to grant a promoter permission to use private security services to attend a boxing or MMA contest if law enforcement officers or sheriff's deputies are not available.

Removes the requirement for the Commission to furnish a list of all licensed referees within the state to a matchmaker who protests a referee assignment for the purpose of selecting another referee from the list and instead requires the Commission to make a reasonable effort to grant a matchmaker's request for referee reassignment.

#### permanent school fund; distribution; uses (NOW: tipped workers; wages) (S.C.R. 1040)

Subject to voter approval, constitutionally allows an employer to pay tipped employees a wage of up to 25 percent per hour less than the statutory minimum wage if the employer can establish that for each week, when adding tips or gratuities received to wages paid, the employee received not less than the minimum wage plus \$2 for all hours worked. Compliance with the constitutional tipped employee wage is determined by averaging tips or gratuities received over the course of the employer's payroll period or any other employer-selected period that complies with laws enacted by the Legislature. Designates this legislation as the *Tipped Workers Protection Act*. Requires the Secretary of State to submit the proposition to the voters at the next general election. Becomes effective if approved by the voters and on proclamation of the Governor.

# event online ticket sales (H.B. 2040) - Chapter 129

Prohibits a person from using or creating a bot to: 1) purchase tickets for an online ticket sale in excess of the posted limit; 2) circumvent or disable a limitation system associated with an online ticket sale; or 3) circumvent or disable a control or measure used to validate that a ticket is not fraudulent. A violation of the event online ticket sales prohibitions is an unlawful practice under Arizona's Consumer Fraud Act and the Attorney General may investigate and bring appropriate action. Each ticket acquired in violation of the prohibitions constitutes a separate violation for the purpose of assessing a civil penalty.

#### food preparation; sale; cottage food (H.B. 2042) - Chapter 18

Adds, to the cottage food products exemption, food products that are potentially hazardous or require time or temperature control for safety. A food preparer may sell cottage food products to the maximum extent allowed by federal law, except as provided by state law, and may not store cottage food products or food preparation equipment outside of the food preparer's home. A cottage

food product: 1) may not be used as an ingredient in food products sold at a permitted retail food establishment or contain marijuana or marijuana by-products; and 2) must only contain ingredients that are approved by law. A home kitchen used to prepare cottage food products may not operate as a commissary for the purposes of serving a mobile food vendor. A *home kitchen* is a kitchen in either: 1) the residential home or dwelling of an individual registered to prepare cottage food products, of a type that is normally found in a residential home and that does not exceed 1,000 square feet; or 2) a facility for individuals with developmental disabilities and of a type normally found in a facility for individuals with developmental disabilities.

Outlines cottage food labeling requirements and sale and delivery requirements for products that: 1) do, or do not, contain dairy, meat or poultry; 2) are potentially hazardous or require time or temperature control for safety; and 3) are sold by a third-party vendor. An online platform that offers cottage food products for sale must provide a notification that includes prescribed food preparer and cottage food product information and a website that includes outlined information. The Department of Health Services must adopt rules relating to cottage food products, as prescribed.

#### cremation. (H.B. 2081) – Chapter 22

Expands the definition of *cremation* to include natural organic reduction, which is the contained, accelerated conversion of human remains to soil.

#### self-storage facilities; valuation; vehicles; towing (H.B. 2087) - Chapter 23

Allows a self-service storage facility rental agreement to provide for a limit on the value of property stored by an occupant on the premises and sets the limit at the maximum value of stored property for all purposes.

If a self-storage facility occupant is in default for more than 30 days, the self-service storage facility operator may contract with a towing company to remove a stored vehicle, watercraft or trailer. At least 10 days before the towing company removes the property, the self-service storage facility operator must notify the self-storage facility occupant of the name, address and telephone number of the towing company that will remove the property if the occupant does not cure the default by the date prescribed in the notice. On receipt of the property by the towing company, the self-service storage facility operator is not liable to the occupant or any other person who claims an interest in the property.

#### apprenticeship programs; completion; ROC filings (H.B. 2090) - Chapter 88

Allows an apprenticeship program participant or sponsor to file, in a manner prescribed by the Registrar of Contractors (ROC), a certificate of completion and any related updates with the ROC following completion of a U.S. Department of Labor-approved or Department of Economic Security-approved apprenticeship program in a construction trade. The ROC must maintain the documents for 10 years.

registrar of contractors agency; continuation (NOW: agency continuations; technical registration; contractors) (H.B. 2091) – Chapter 204

# SEE THE GOVERNMENT COMMITTEE.

# emergency services; prudent layperson; definition (H.B. 2093) - Chapter 24

# SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

mechanics' liens; notice (H.B. 2110) - Chapter 89

SEE THE GOVERNMENT COMMITTEE.

homeowner's associations; fees; related parties (NOW: real property) (NOW: homeowner's associations; fees) (H.B. 2119) – Chapter 131

SEE THE GOVERNMENT COMMITTEE.

improved lot or parcel; definition (H.B. 2129) - Chapter 63

Adds, to the definition of *improved lot or parcel*, a subdivision lot or parcel concerning which a contract between a subdivider and a purchaser obligates the subdivider to completely construct a condominium on the lot or parcel within four years after the date on which the contract for sale is entered.

# funeral services; alkaline hydrolysis (H.B. 2140) - Chapter 133

*Funeral Industry Licenses and Fees* – Removes the requirement for the Department of Health Services (DHS) to establish and collect funeral industry license renewal fees and specifies that funeral services industry licenses, registrations and endorsements do not expire and remain valid unless revoked or suspended by DHS or the licensee fails to pay outstanding fees or penalties. Requires DHS to establish and collect fees for prearranged funeral sales establishment endorsements, multiple funeral director licenses and interim permits for crematories and alkaline hydrolysis facilities.

**Complaints and Disciplinary Actions** – Removes the requirement for DHS to inform a funeral industry licensee of a complainant's name following receipt of a complaint. As a disciplinary action against a person who violates funeral industry statute or rules, DHS may: 1) suspend or revoke a funeral service industry license or endorsement; or 2) assess a civil penalty of up to \$1,000 for each day a violation occurs. Outlines factors for DHS to consider when determining the amount of a civil penalty and requires an action to enforce the collection of a civil penalty to be brought by the Attorney General or the county attorney in the justice or superior court.

*Interviews, Hearings and Records* – Removes the authority for DHS to initiate an informal interview or conduct a formal hearing regarding complaints if it appears after an initial investigation that grounds for disciplinary action may exist. Removes the requirement for DHS to serve notice and conduct an administrative hearing prior to revoking or suspending a license or endorsement. Repeals the authority for DHS to assess a licensee for administrative costs and expenses incurred when conducting an informal interview or formal hearing. Information maintained by DHS for funeral regulation administrative purposes must be publicly available, with certain exceptions.

**Pathway to Embalmer Licensure** – Caps the duration of the pathway to licensure as an embalmer at a maximum of three years. The pathway begins when the person is enrolled in or has graduated from an accredited school of mortuary science and assists in the embalming of dead human bodies or the arranging and directing of funerals. Specified information must be submitted to DHS to verify the person is on the pathway to licensure. A person who was a licensed embalmer's assistant on March 31, 2023, may continue to be licensed following payment of any lapsed or required fees and the licensure pathway requirements do not apply to such persons.

*Alkaline Hydrolysis* – Prohibits a person from advertising or engaging in cremation or alkaline hydrolysis without a valid license and applies the requirement to obtain written consent for the lawful disposition of dead human bodies to alkaline hydrolysis facilities. Removes the requirement for an alkaline hydrolysis facility's refrigerated holding area to be approved by DHS.

**DHS Funeral Services Licensing Advisory Committee (Advisory Committee)** – Specifies that the Advisory Committee must advise the Director of DHS on funeral services industry regulations. Removes the specification that Advisory Committee members serve four-year terms and requires Advisory Committee members to be appointed by the Director of DHS, rather than the Governor. Removes the requirement for the Advisory Committee to present an annual performance evaluation to the Governor on the performance of DHS and the Director of DHS.

*Regulations and Rulemaking* – Requires DHS to adopt rules for alkaline hydrolysis facility operation. Prescribes prep room requirements for funeral establishments that embalm on-site or at a central location. Modifies requirements relating to prearranged funeral sales.

condominiums; interior improvements; approvals (H.B. 2141) - Chapter 27

# SEE THE GOVERNMENT COMMITTEE.

mobile homes; cooling; prohibition (H.B. 2146) - Chapter 64 E

An emergency measure effective April 2, 2024, that precludes a mobile home park owner or operator from prohibiting a tenant from installing reasonably necessary commercial cooling methods on the tenant's mobile home.

technical correction; conservation easements; applicability (NOW: barbering; cosmetology; conforming legislation) (H.B. 2168) – Chapter 250

SEE THE GOVERNMENT COMMITTEE.

liquor; policies; procedures (H.B. 2185) – Chapter 202

*Liquor Licensee Extension of Premises* – Allows a liquor licensee with on-sale retail privileges to apply to extend the licensed premises on an ongoing limited use basis to contiguous private property that is owned or leased by the licensee or to public or private property that the licensee has permission to use. Deems a permit for an extended premises valid for six consecutive months or less. Adds information that must be included in an extension of premises application. A liquor licensee may not modify the extended premises' layout, access or security without notifying the Department of Liquor Licenses and Control (DLLC) and the local governing body at least 10 days in advance of the proposed modification. DLLC may consult with the local governing body and approve, reject or modify the proposed modification. A local governing body may conduct an optional safety inspection of an extended premises on the day of an event, before the event if the extended premises are ready for use or before the local governing body or designee has made its recommendations, whichever is soonest. Requires the Director of DLLC (Director) to determine the appropriate security measures that the applicant liquor licensee must use to control spirituous liquor service on the extended premises and to protect public health and safety.

**To-Go Mixed Cocktails Lease Addendums** – Requires DLLC, until December 31, 2025, to provide for an addendum to a to-go mixed cocktails lease between a bar or liquor store licensee and a restaurant licensee that derives at least 90 percent of gross revenue from food sales and that has off-sale spirituous liquor sales that exceed 30 percent of total spirituous liquor sales in either 2023 or 2024. Eligible restaurant licensees may apply for the lease addendum on the licensee's lease renewal date and must pay DLLC the addendum payments in full, in advance. DLLC must establish a process to facilitate, approve and govern the addendum, as outlined.

Exempts, from the statutory limit on off-sale use, a restaurant licensee that has a to-go mixed cocktails lease, derives at least 90 percent of gross revenue from food sales and has off-sale spirituous liquor sales that exceed 30 percent of total spirituous liquor sales in either 2023 or 2024.

**Special Event Liquor Licenses** – Before the Director may issue a temporary special event license, the president of a university under the jurisdiction of the Arizona Board of Regents must approve the license if the event is being held on university property. The Director may issue a special event license concurrently with a microbrewery festival license. Removes the authorization for the Director to approve the location of a wine festival license within an excluded area of a special event license.

*Miscellaneous* – Allows the Director to issue a new license in the same series and county for every surrendered license. Removes the requirement for a producer or wholesaler to designate and separate a sampling area in the area of a licensed premises where spirituous liquor is primarily displayed when providing samples to retail consumers on an off-sale retailer's premises. Allows the Director to issue a bar license to the holder of a liquor store license issued simultaneously at the same premises and allows the applicant to consolidate the application.

#### ticket resales; restrictions (H.B. 2194) - Chapter 136

Prohibits a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange from: 1) reselling more than one copy of the same ticket to an event; 2) reselling a ticket without first informing the purchaser of the ticket's location in the entertainment facility;

or 3) reselling a ticket or advertising a ticket for resale, unless either the ticket is in the possession or constructive possession of the reseller or the reseller has a written contract with the rights holder to obtain the ticket.

restaurants; small alcohol ratio exemption (NOW: life care contract; disclosure) (H.B. 2199) – Chapter 138

Stipulates that, for all new and existing life care contracts that offer a refund, a life care service provider must deliver a separate disclosure document relating to the payment of entrance fees and potential refunds. The separate disclosure document must be printed in at least 10-point boldface type, signed by the contract holder and their spouse, if any, and witnessed by at least two independent persons. The life care contract purchaser must initial each disclosure item and the life care service provider must retain the initialed disclosure statement.

#### public retirement plans; liabilities; administration (H.B. 2203) - Chapter 116

Modifies administration of the Public Safety Personnel Retirement System (PSPRS) and other PSPRS-managed retirement plans.

Establishes guidelines for the transfer of assets equal to the actuarially accrued liability earned when a member is reemployed in the same retirement plan with a subsequent employer, with retroactive dates as noted. The actuarially accrued liability must be computed using the actuarial methods and assumptions prescribed by PSPRS's actuary and adopted by the PSPRS Board of Trustees (PSPRS Board).

Exempts all trust funds administered by the PSPRS Board from Arizona's Unclaimed Property Act and requires the PSPRS Board to adopt abandoned monies policies. Monies in PSPRS or any PSPRS Board-administered retirement plans are presumed to be abandoned two years after the earlier of the distribution or attempted distribution of the monies, the required distribution date specified in the retirement plan or the date specified by federal law.

Removes the prohibition against a Public Safety Personnel Defined Contribution Retirement Plan member taking loans on the accumulated assets in the member's annuity account. Adds, to the definition of *eligible groups* for the purposes of establishing or participating in a supplemental defined contribution plan, the Elected Officials' Defined Contribution Retirement System and Public Safety Personnel Defined Contribution Retirement Plan. A supplemental defined contribution plan is in addition to and does not replace an employee's existing state defined contribution retirement plan.

workers' compensation rates; deviation (NOW: workers' compensation; premiums) (H.B. 2204) – Chapter 139

Allows an insurance carrier to reduce the premiums paid by an employer by up to five percent if the employer is a part of a membership organization that meets outlined criteria and the insurance carrier has a program agreement with that membership organization.

<u>ASRS; contingent annuitants</u> (NOW: ASRS; contingent annuitants; account information) (H.B. 2206) – Chapter 117

Specifies that an Arizona State Retirement System (ASRS) member who chooses an Optional Premium Benefit (OPB) may name only one contingent annuitant to receive the OPB after the member's death.

Authorizes ASRS to disclose the value of a member's benefit to a member's current or former spouse on receipt of proof of service of a petition for annulment, dissolution of marriage or legal separation.

#### continuation; ASRS (H.B. 2208) - Chapter 30

Continues the Arizona State Retirement System for eight years, until January 1, 2032, retroactive to July 1, 2024.

industrial commission of Arizona; continuation (NOW: industrial commission of Arizona; continuations) (H.B. 2209) – Chapter 205

Continues the Industrial Commission of Arizona (ICA) for four years, until July 1, 2028, retroactive to July 1, 2024, and continues the Arizona Division of Occupational Safety and Health (ADOSH) Advisory Committee, the Occupational Safety and Health (OSHA) Review Board and the Boiler Advisory Board for eight years, until July 1, 2032, retroactive to July 1, 2024. Declares the Legislature's intent to request the Joint Legislative Audit Committee (JLAC) to assign the sunset review of the ICA to the Office of the Auditor General to conduct a performance audit.

Before submitting the ADOSH State Plan proposal or proposed adoption to OSHA, the ICA must submit the proposal or proposed adoption to JLAC, which may review and recommend an amendment. Any ICA Labor Department determinations, penalties and labor violation fines must be considered, authorized and determined by a vote of ICA Commissioners, and ICA Commissioners must consider whether a labor violation continues after an employer's course of conduct has ceased.

Prohibits the Director of ADOSH from allowing an individual to accompany a compliance safety and health officer when conducting a workplace inspection for the ICA, with certain exceptions. Outlines conditions that an employer may require for a third party who accompanies a compliance safety and health officer during a workplace inspection. Information obtained by the ICA or its representatives during a workplace inspection that contains or that may reveal a trade secret is confidential. A compliance safety and health officer may consult with a reasonable number of employees who work in an identified trade secret area on matters of safety and health, even if those employees are not joining the workplace inspection. occupational safety advisory committee; continuation (NOW: state agencies; continuations; duties) (H.B. 2210) – Chapter 206

Continues the Arizona Commerce Authority (ACA) for five years, until July 1, 2029, retroactive to July 1, 2024, continues the Arizona Department of Administration for six years, until July 1, 2030, retroactive to July 1, 2024, and continues the Arizona Historical Society, the Governor's Office on Tribal Relations, the Occupational Safety and Health Advisory Committee, the Prescott Historical Society and the State Personnel Board for eight years, until July 1, 2032, retroactive to July 1, 2024.

Adds, as a technical advisor to the ACA Board of Directors, an attorney with experience litigating constitutional cases involving the Arizona Constitution's Gift Clause. The attorney must be jointly appointed by the President of the Senate and Speaker of the House of Representatives. The public portion of meetings of the ACA Board of Directors must be recorded and posted on the ACA's website within three business days and retained on the website for at least one year. Prohibits the ACA from having more than 100 full-time employees, excluding any full-time employees funded with non-state monies. The ACA must adopt policies that prohibit the use of state monies to provide business executive lodging, alcoholic beverages, personal transportation or tickets for entertainment events for the purpose of attracting businesses to Arizona. The ACA annual report must include additional information relating to job creation and be submitted to the Governor and Legislature.

Establishes the five-member Municipality Time Frames Advisory Committee which must submit recommendations to the ACA relating to municipal and county support for economic development projects. By September 30, each city, town and county must annually submit to the ACA statistics relating to outlined municipal time frames, including any other statistics determined by the ACA or the Municipal Time Frames Advisory Committee relating to municipal or county support for economic development projects. By December 31, the ACA must compile the collected statistical data and submit an annual report to the Governor, Legislature and Secretary of State. The Chief Executive Officer of the ACA (CEO) must report to the President of the Senate and Speaker of the House of Representatives on a quarterly basis regarding any amendments to any written agreements executed under the Arizona Competes Fund. The CEO must also track the status and completion of any agreement and amendment provisions and retain supporting documentation for inspection on request.

#### state board of equalization; continuation. (H.B. 2250) - Chapter 31

Continues the State Board of Equalization for eight years, until January 1, 2032, retroactive to July 1, 2024.

professional employer organization; repeal (H.B. 2252) - Chapter 67

SEE THE GOVERNMENT COMMITTEE.

firefighters; peace officers; PTSD; coverage (NOW: theme park districts; formation) (H.B. 2274) – Chapter 252

# SEE THE GOVERNMENT COMMITTEE.

adaptive reuse; commercial buildings; zoning (NOW: zoning; adaptive reuse; commercial buildings) (NOW: commercial buildings; adaptive reuse) (H.B. 2297) – Chapter 141

# SEE THE GOVERNMENT COMMITTEE.

#### occupational licenses; criminal offense; prohibition (H.B. 2308) - Chapter 91

Prohibits an occupational or professional licensing board or health profession regulatory board from denying, suspending or revoking a license, registration or certificate based on the person's prior criminal offense, unless: 1) the offense is substantially related to the occupation; or 2) approving the license, registration or certificate or not imposing disciplinary action against the license, registration or certificate would pose a reasonable threat to public health and safety. In addition to other available remedies, an applicant, licensee, registrant or certificate holder may petition the Office of Administrative Hearings (OAH) to request a review of a denial, suspension or revocation for a prior criminal offense. Outlines petition requirements and procedures. Each occupational or professional licensing board and health profession regulatory board must prominently post a notice of an individual's right to petition OAH on the board's website and on each license, registration or certificate denial.

# private universities; Arizona teachers academy (NOW: mobile home; relocation; building codes) (H.B. 2316) – Chapter 92 E

An emergency measure effective April 8, 2024, that increases the maximum compensation that a mobile home park tenant (tenant) may collect from the Mobile Home Relocation Fund (Fund) for relocating a mobile home to a new location due to a rent increase or a change in age-restricted community use from: 1) \$7,500 to \$12,500 for a single section mobile home; and 2) \$12,500 to \$20,000 for a multi-section mobile home. Increases the maximum compensation, from 25 percent to 40 percent, that a tenant who is relocating due to a rent increase and who abandons the mobile home in the mobile home park may collect from the Fund as an alternative to the lumpsum payment. Removes the requirement to specify a moving date in a mobile home relocation contract and removes the 45-day time period within which a tenant must relocate a mobile home.

# continuation; PSPRS (H.B. 2378) - Chapter 207

Continues the Public Safety Personnel Retirement System Board of Trustees for six years, until January 1, 2030, retroactive to July 1, 2024.

internal revenue code; conformity. (H.B. 2379/S.B. 1057) – Chapter 7

Updates the statutory definition of *Internal Revenue Code* to include all federal provisions in effect as of January 1, 2024, with the specific adoption of all retroactive effective dates.

# TPT; municipalities; audits; guidelines (H.B. 2380) - Chapter 33

Allows the Arizona Department of Revenue (ADOR) to deny a municipality's request to audit a taxpayer engaged in business in more than one city or town. If ADOR denies an audit request, the city or town may not audit the taxpayer. Requires ADOR's Unified Audit Committee to publish uniform audit guidelines.

# non-contiguous county island fire districts (H.B. 2381) – Chapter 71

# SEE THE GOVERNMENT COMMITTEE.

# TPT; sourcing; validation (H.B. 2382) - Chapter 142

Requires the Arizona Department of Revenue (ADOR), by January 1, 2026, to establish a certification process for third-party providers that offer sourcing services to taxpayers for transactions involving tangible personal property. Prescribes application requirements and outlines transaction sourcing error liability determination.

Requires the Director of ADOR to: 1) supervise and regulate certified third-party service providers; 2) establish minimum certification standards and a quality assurance program to ensure minimum standard compliance; 3) post a list of certified third-party service providers on ADOR's website; and 4) adopt rules for certification administration and enforcement. The Director of ADOR may investigate and audit third-party service providers to ensure compliance and may require a certified third-party service provider or any employees or agents of the provider to be certified by ADOR to perform certain functions.

# property tax assessment; destroyed property (H.B. 2408) - Chapter 34

Allows a county assessor, for the purposes of classifying property, to maintain a property's property classification in place on the date the property is destroyed for a period of five years or until an objectively verifiable change in property use occurs, whichever is sooner. If a property is destroyed after the county assessor closes the assessment rolls, the county assessor may issue a notice of proposed correction to prorate the property valuation from the date of destruction. A county assessor must notify the property owner of the property assessment in compliance with applicable statutory notice requirements.

# motor vehicle dealers; franchises (H.B. 2410) - Chapter 94

# SEE THE TRANSPORTATION, TECHNOLOGY & MISSING CHILDREN COMMITTEE.

grievance process; payment methods; report (H.B. 2444) – Chapter 72

SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

state planet; Pluto (H.B. 2477) – Chapter 38

Designates Pluto as the official state planet.

health care appeals (H.B. 2599) – Chapter 178

# SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

#### auto theft authority; fee overpayment (H.B. 2609) - Chapter 149

Entitles an insurer that has overpaid the per-vehicle motor vehicle liability insurance policy fee to a refund of the overpaid amount if the insurer submits a written refund request and substantiating documentation to the Automobile Theft Authority within one year of the date the fee was due. The Director of the Department of Insurance and Financial Institutions (Director) must approve or deny a refund request and, if approved, refund the insurer with monies from the Automobile Theft Authority Fund. A refund claim initiated by an insurer in 2023 may be approved by the Director until December 31, 2024, if the insurer submits substantiating documentation to the Director.

The Director may audit an insurer that issues motor vehicle liability insurance policies in Arizona for the purpose of determining compliance with motor vehicle liability insurance policy fee collection requirements.

# spirituous liquor; DHS; inspection; exemption (H.B. 2618) - Chapter 254

# SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

# department of revenue; reuse zone (H.B. 2634) - Chapter 43

Transfers the administration and tax incentive eligibility determination of military reuse zones from the Arizona Commerce Authority to the Arizona Department of Revenue.

# motor vehicle manufacturers; TPT; exemption (NOW: condominiums; planned communities; lien; assessment) (H.B. 2648) – Chapter 151

Bifurcates condominium association and planned community association liens into common expense liens and liens for member or unit owner expenses. A member or unit owner expense lien may not be foreclosed and is effective only on conveyance of any interest in real property. A common expense lien may be foreclosed only if the owner has been and remains delinquent in the payment of any assessments for a period of one year or in the amount of \$1,200 or more, whichever occurs first. An *assessment* is the share of monies required for the payment of common expenses that the association assesses periodically against each unit. An association board of directors must exercise reasonable efforts to communicate with the unit owner and offer a reasonable payment plan before filing a foreclosure action on a common expense lien.

Allows, rather than requires, a foreclosure judgment or decree to include costs and reasonable attorney fees for the prevailing party. An association may not transfer ownership or control of debt for common expense liens or member or unit owner expenses. Adds, to the items required to be paid by any payment received on a unit owner's account, due but not delinquent assessments and costs incurred or applied by the association.

# planned communities; declarant control (NOW: declarant control; planned communities) (H.B. 2698) – Chapter 124

# SEE THE GOVERNMENT COMMITTEE.

# accessory dwelling units; requirements. (H.B. 2720) - Chapter 196

Requires a municipality with a population of more than 75,000 persons to adopt regulations that allow on any lot or parcel where a single-family dwelling is allowed: 1) at least one attached and one detached accessory dwelling unit (ADU) as a permitted use; 2) a minimum of one additional detached ADU as a permitted use on a lot or parcel that is one acre or more in size if at least one ADU on the lot or parcel is a restricted-affordable dwelling unit; and 3) an ADU that is 75 percent of the gross floor area of the single-family dwelling on the same lot or parcel or 1,000 square feet, whichever is less. A municipality may require the owner of a vacation or short-term rental (STR) to reside on the property if the property is being used as an STR and contains an ADU constructed on or after September 14, 2024. Unless the time period to bring an action for a diminution in value claim has expired, the residency requirement does not apply to an owner who has the right to build an ADU on the property before September 14, 2024. If a municipality fails to adopt the required ADU regulations by January 1, 2025, ADUs must be allowed on all lots and parcels zoned for residential use in the municipality without limit.

Prescribes restrictions relating to the municipal development and regulation of ADUs. The ADU requirements do not: 1) prohibit restrictive covenants concerning ADUs entered into between private parties; 2) supersede applicable building codes, fire codes or public health and safety regulations, except that a municipality may not require an ADU to comply with a commercial building code or contain a fire sprinkler; or 3) apply to lots or parcels located on tribal land or on land in the territory in the vicinity of a military airport or ancillary military facility, a federally licensed commercial airport or general aviation airport or a public airport.

### municipal zoning; middle housing (H.B. 2721) - Chapter 197

Requires, by January 1, 2026, a municipality with a population of 75,000 persons or more to authorize by ordinance and incorporate into its development regulations, zoning regulations and other official controls the development of duplexes, triplexes, fourplexes and townhomes as a

permitted use on: 1) all lots zoned for single-family residential use within one mile of the municipality's central business district; and 2) at least 20 percent of any new development of more than 10 contiguous acres. A utility provider impacted by a development subject to the middle housing requirements must have an opportunity to review and approve the development's site plan. Prescribes additional restrictions on the municipal regulation of middle housing. If a municipality does not adopt the middle housing requirements by January 1, 2026, middle housing must be allowed on all lots in the municipality zoned for single-family residential use without limitation.

The middle housing requirements do not apply to: 1) areas that are not incorporated, zoned for residential use or served by water and sewer services; 2) unincorporated areas zoned under specified interim zoning designations; 3) areas that lack sufficient urban services; 4) areas covered under domestic water and wastewater improvement districts; or 5) any land within the territory in the vicinity of a military airport or a public airport or to the extent the middle housing requirements would interfere with the public airport's ability to apply for, receive or spend federal monies.

#### insurance coverage requirements; transportation companies. (H.B. 2729/S.B. 1272) - Chapter 74

Increases, from \$250,000 per incident to \$1,000,000 per incident, the minimum primary commercial motor vehicle liability insurance required for a transportation network company when a passenger to whom the driver is providing network transportation services occupies the transportation network company vehicle.

Adjusts, from \$250,000 per incident to \$25,000 per person and \$75,000 per incident, the minimum primary commercial uninsured motorist coverage that must be maintained by: 1) a transportation network company, its driver or both; and 2) a taxi, vehicle or limousine driver or company during the time in which passenger transportation is provided. Transportation network companies and taxi, vehicle and limousine drivers or companies must maintain the greater of either the applicable minimum uninsured motorist coverage or the statutory minimum liability limit for bodily injury or death.

#### tax payments; electronic funds transfer (H.B. 2875) - Chapter 44

Specifies that a taxpayer's electronic tax payment is deemed to have been made at the date and time the taxpayer successfully authorizes an electronic funds transfer from the taxpayer's financial institution to the Arizona Department of Revenue (ADOR) as evidenced by an electronic payment confirmation issued by ADOR, a vender certified by ADOR or the taxpayer's financial institution. Through December 31, 2024, ADOR may abate late payment penalties relating to the timeliness of an electronic funds transfer if the taxpayer provides reasonable evidence of a successful and timely authorization. Exempts ADOR from rulemaking requirements for one year.

amusements; 2024-2025 (H.B. 2898/S.B. 1736) - Chapter 210

SEE THE APPROPRIATIONS COMMITTEE.

#### commerce; 2024-2025 (H.B. 2900/S.B. 1738) - Chapter 212

#### SEE THE APPROPRIATIONS COMMITTEE.

### taxation; 2024-2025 (H.B. 2909/S.B. 1747) - Chapter 221 W/O

#### SEE THE APPROPRIATIONS COMMITTEE.

#### self-supporting regulatory agencies; funds; 2024-2025 (H.B. 2910/S.B. 1748) - Chapter 222

#### SEE THE APPROPRIATIONS COMMITTEE.

#### Phoenix-Mesa gateway airport; reuse zone (H.J.R. 2001) - Chapter 259

Declares the Legislature's and Governor's five-year renewal of the designation of the Phoenix-Mesa Gateway Airport as a Military Reuse Zone.

#### property tax; refund; nuisance enforcement. (H.C.R. 2023/S.C.R. 1006)

Subject to voter approval, statutorily allows a property owner, for TYs 2025 through 2035, to annually apply for a refund of reasonably necessary documented expenses that were incurred to mitigate a public nuisance or the effects of a policy, pattern or practice, if the city, town or county in which the real property is located either: 1) maintains the public nuisance; or 2) adopts and follows a policy, pattern or practice of declining to enforce existing laws, ordinances or other legislation prohibiting illegal camping, obstructing public thoroughfares, loitering, panhandling, public urination or defecation, public alcohol consumption or possession or use of illegal substances. The refund may not exceed the amount the property owner paid for the prior tax year in primary property taxes to the affected city, town or county. If the total accepted refund amount exceeds that amount, the property owner must apply to the Arizona Department of Revenue (ADOR) for the remaining portion the following and successive tax years, as needed. If the policy, pattern, practice or public nuisance remains in place after the property owner applies for a refund, the property owner is entitled to another refund in a subsequent tax year, unless the affected city, town or county and the property owner enter into a knowing and voluntary settlement, or the affected city, town or county ends the policy, pattern or practice or abates the public nuisance.

ADOR must notify the affected city, town or county within 15 days after receiving a property owner's refund application. Within 30 days after receiving ADOR's notice, the city, town or county must accept or reject the refund and notify ADOR of its determination. If an affected city, town or county does not respond to ADOR within 30 days, the refund is deemed accepted and ADOR must pay the refund to the property owner. A property owner may challenge a refund rejection by filing a cause of action in the superior court. In a cause of action, the affected city, town or county bears the burden of demonstrating that its actions are lawful or that the refund amount is unreasonable. A property owner is not liable to the city, town or county for attorney fees or costs, and a prevailing property owner must be awarded reasonable attorney fees and costs.

Requires the State Treasurer, on notice from ADOR, to withhold the respective aggregate issued refund amount from affected city, town or county distribution base monies. The State Treasurer must reimburse ADOR from the withheld distribution base monies and may not withhold any payments for debt service on bonds or other long-term obligations of a city, town or county that were issued or incurred before the refund was issued. Outlines exemptions to the refund requirements. Requires the Secretary of State to submit the proposition to the voters at the next general election. Becomes effective if approved by the voters and on proclamation of the Governor.

### **LEGISLATION VETOED**

#### public funds; foreign adversaries; divestment (S.B. 1340) – VETOED

Prohibits the State Treasurer and any state retirement plans or systems (publicly managed funds) from holding investments in a country determined to be a foreign adversary pursuant to federal law (foreign adversary) or from investing or depositing public monies in a bank that is domiciled in, or has a principal place of business in, a foreign adversary.

The State Board of Investment must review publicly available information regarding companies that are state-owned enterprises of and are domiciled within a foreign adversary or whose primary affairs are conducted within a foreign adversary, contact specified entities, retain an independent research firm to identify foreign adversary companies that are investment holdings of publicly managed funds and distribute a list of the identified companies to publicly managed funds. Each publicly managed fund must immediately begin divesting any prohibited holdings or investments and complete divestment within two years.

The Governor indicates in her <u>veto message</u> that S.B. 1340 would be detrimental to Arizona's economic growth and investment portfolio.

# regulatory sandbox; blockchain (S.B. 1366) - VETOED

Redefines *innovation*, for the purposes of the Arizona Regulatory Sandbox Program (Sandbox), as the use or incorporation of a new or existing idea or a new or emerging technology or a new use of existing technology, including blockchain technology, to address a problem, provide a benefit or otherwise offer a product, production method or service.

The Governor indicates in her <u>veto message</u> that S.B. 1366 is too broad and would undermine the original intentions of the Sandbox.

insurance; gender surgeries; documentation; reports (S.B. 1511) – VETOED

#### SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

subdivisions; acting in concert (NOW: real estate; subdivisions; employment agreements) (H.B. 2009) – VETOED

SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.

### GPLET; agreement posting; abatement period (H.B. 2309) - VETOED

Reduces the maximum lease and abatement period for property subject to the government property lease excise tax (GPLET) from eight years to four years for agreements entered into beginning January 1, 2025. Prescribes posting requirements for GPLET leases, development agreements and reports.

The Governor indicates in her <u>veto message</u> that H.B. 2309 contains provisions that would have harmful consequences for economic development efforts.

#### forced organ harvesting; insurance; prohibition (H.B. 2504) – VETOED

Allows health insurers, and the Arizona Health Care Cost Containment System subject to approval by the U.S. Centers for Medicare and Medicaid Services, to limit coverage for genetic sequencing or organ transplant care if the genetic sequencing is performed on a device produced by a company domiciled in, or owned or controlled by a company domiciled in, a foreign adversary or if the transplant care is performed in, or the organ was procured from, the People's Republic of China or the Hong Kong Special Administrative Region. Health care institutions and research facilities may not use genetic sequencers and genetic sequencing software produced in or by a foreign adversary, a company in a foreign adversary or a company deemed a Chinese military company. By December 31, 2025, each health care institution and research facility must annually certify compliance with the genetic sequencing prohibition. A health care institution or research facility that spends state monies in violation of the prohibition on genetic sequencers is subject to a civil penalty of \$20,000 for each violation. Any person may notify the Attorney General of a suspected violation of the genetic sequencer prohibition. Designates this legislation as the *Arizona End Organ Harvesting Act*.

The Governor indicates in her <u>veto message</u> that H.B. 2504 includes overbroad provisions for genetic sequencing equipment that create compliance challenges for hospitals, healthcare providers and researchers.

planning; home design; restrictions; prohibition (H.B. 2570/S.B. 1112) – VETOED

SEE THE GOVERNMENT COMMITTEE.

# **Government Committee**

Senator Jake Hoffman, Chairperson



Jason Theodorou, Research Analyst Michael Ayala, Intern

### **GOVERNMENT COMMITTEE**

#### **LEGISLATION ENACTED**

#### homeowners' associations; flagpoles (S.B. 1016) - Chapter 155

Allows a homeowners' association to limit a member to the display of two wall mounted flagpole holders.

#### reviser's technical corrections; 2024 (S.B. 1049) - Chapter 105

Makes annual non-substantive technical reviser's corrections to correct defective or conflicting statutory text from the previous session's legislative enactments.

#### state land auctions; electronic means (S.B. 1079) – Chapter 228

#### SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.

#### monument and memorial repair fund (S.B. 1110) - Chapter 49

Stipulates that all monies in the State Monument and Memorial Repair Fund are continuously appropriated, rather than subject to legislative appropriation.

## telecommunications fund; report; posting (NOW: residential zoning; housing; assessment; hearings) (S.B. 1162) – Chapter 172

Requires, by January 1, 2025, a municipality to adopt an amendment to the municipality's zoning ordinance that requires the municipality to determine whether a zoning application is administratively complete within 30 days after receiving the application. The municipality must determine whether a resubmitted application is administratively complete within 15 days after receiving the resubmitted application. After determining that an application is administratively complete, the municipality must approve or deny the application within 180 days. A municipality may extend the 180-day time frame for extenuating circumstances or if an applicant requests an extension. The zoning application time frames do not apply to land designated as a district of historical significance by a municipality, an area designated as historic on the National Register of Historic Places or a planned area development.

Excludes government-owned property from the 20 percent property threshold in a zoning area over which the property owners may file a protest against a proposed zoning amendment.

Requires, beginning January 1, 2025, and every five years thereafter, each municipality to publish a housing needs assessment that includes prescribed municipal population and job growth data and the total need for additional residential housing units. A municipality that has conducted a housing needs assessment report as of January 1, 2021, must amend all existing reports to include

the newly required information. Beginning January 1, 2025, each municipality must submit an annual report to the Arizona Department of Housing (ADOH) accounting for prescribed residential housing data. ADOH must compile the annual reports received from each municipality and submit the reports to the Governor, President of the Senate and Speaker of the House of Representatives. The housing needs assessment and annual report requirements do not apply to a municipality located on tribal land or a municipality with a population of fewer than 30,000 persons.

technical correction; juvenile offenders; notice (NOW: legislative vacancies; appointment) (S.B. 1278) – Chapter 174

#### SEE THE ELECTIONS COMMITTEE.

### appropriation; older individuals; blind. (NOW: public notice; municipal land sales) (S.B. 1335) – Chapter 198

Increases, from more than \$1,500,000 to more than \$15,000,000, the property value threshold that requires a city or town to hold a special election to sell municipal real property. A city or town may not sell real property valued between \$1,500,000 and \$15,000,000, unless the city or town governing body: 1) holds at least one hearing to take public comment on the proposed sale after publishing the invitation for bids at least 30 days before the scheduled approval of the purchase agreement; and 2) adopts a resolution approving the property sale. The public hearing notice must be provided at least 10 days before the hearing and include outlined information. The property sale terms must be posted on the city's or town's website on completion of the sale. Real property sold by a city or town must be sold at no less than the appraised property value.

occupational license; criminal record (S.B. 1367) - Chapter 83

SEE THE FINANCE & COMMERCE COMMITTEE.

#### youth businesses; licenses; tax; exemption (S.B. 1370) - Chapter 237

Prohibits a municipality or county from requiring any type of license or permit for a business that operates only occasionally by a person who is under 19 years old and exempts a person who is under 19 years old from the requirement to obtain a transaction privilege tax (TPT) license and pay TPT, use tax and local excise taxes, if the business's gross proceeds of sales or gross income is less than \$10,000 per calendar year.

#### land and buildings transfers; Yuma (S.B. 1441) - Chapter 14

Transfers, from the Arizona Historical Society to the City of Yuma, ownership of: 1) the Sanguinetti House Museum and Gardens and Jack Mellon House located in Yuma, Arizona; and 2) the Molina Block in Yuma, Arizona. The President of the Arizona Historical Society must deliver a properly signed and recorded deed or patent to the City of Yuma by September 29, 2024. The transferred land and buildings must be used by the City of Yuma for public purposes perpetually and may not be sold, exchanged or bartered.

#### public-private partnership contracts (S.B. 1670) – Chapter 201 E

An emergency measure effective May 29, 2024, that allows, until October 1, 2026, the Arizona Department of Administration (ADOA) and the Department of Emergency and Military Affairs (DEMA), on legislative authorization, to issue a request for proposals (RFP) and enter into a public-private partnership (P3) contract for military rotary wing aviation flight and maintenance training services at locations that DEMA owns, administers or controls. ADOA and DEMA must develop an RFP to procure a private sector entity to perform all elements and duties of the P3 contract. The private sector entity must provide evidence, to the satisfaction of ADOA and DEMA, that the entity has the capacity to: 1) operate all facets of the P3 contract without using any state monies; and 2) administer the P3 contract under DEMA oversight. Executed P3 contracts must not cause the state to share in the liabilities of the private sector partner or exempt the private sector partner from state law and regulations unless an exemption is specified under state law.

DEMA must have written agreements with the private sector entity for reimbursement and cost recovery which may include accepting desired in-kind services for any allocated space or resources used by the private sector entity. DEMA may not use any state monies to pay for services rendered by the private sector entity to the United States or any foreign military personnel unless written agreements have been established regarding reimbursement for the expenditures. ADOA and DEMA must consult with Joint Legislative Budget Committee (JLBC) Staff regarding the potential fiscal impact of the P3 contract and cooperate with and be responsive to information requests made by the JLBC Staff regarding the operation of the P3 contract.

Exempts the establishment of a P3 for a military aviation training program from the statutory prohibition on state competition with private enterprise if there is training only of military personnel and use only of aircraft in the U.S. Department of Defense's inventory or procured by a foreign partner for military purposes through the U.S. Foreign Military Sales Program.

#### rulemaking; legislative ratification; regulatory costs (S.C.R. 1012)

Subject to voter approval, statutorily requires a state agency to submit a proposed rule that is estimated to increase regulatory costs in Arizona by more than \$100,000 within five years after implementation to the Office of Economic Opportunity (OEO) for review. If the OEO confirms that the proposed rule is estimated to increase regulatory costs in Arizona by more than \$500,000 within five years of implementation, the proposed rule may not become effective until the Legislature enacts legislation ratifying the proposed rule. On the Governor's proclamation that the legislative ratification requirement is approved by the voters, any rule that increases regulatory costs by more than \$500,000 within five years of implementation is void and unenforceable, unless the Legislature enacts legislation ratifying the rule. A legislator or a person regulated by a state agency that is proposing a rule may request the OEO to review the proposed rule.

The OEO must submit a proposed rule to the Administrative Rules Oversight Committee (Oversight Committee) at least 30 days before the next regular legislative session. The Oversight Committee must submit the proposed rules to the Legislature as soon as practicable. A state agency may not file a final rule with the Secretary of State before obtaining legislative approval. If the Legislature does not enact legislation to ratify the proposed rule during the current legislative

session, the state agency must terminate the proposed rulemaking. Emergency rules and the Arizona Corporation Commission are exempt from the legislative ratification requirement. Requires the Secretary of State to submit the proposition to the voters at the next general election. Becomes effective if approved by the voters and on proclamation of the Governor.

#### food handler certificate; volunteers; limits (H.B. 2079) – Chapter 87

Prohibits a county from requiring a person who volunteers three or fewer times in a calendar year at any activity or function where food is being packaged or heated to obtain a food handler certificate or identification card or to participate in a food handler certificate training course, if the person is overseen by a certified food protection manager or person in charge.

### registrar of contractors agency; continuation (NOW: agency continuations; technical registration; contractors) (H.B. 2091) – Chapter 204

Continues the Arizona Board of Technical Registration (AZBTR) for six years, until July 1, 2030, retroactive to July 1, 2024, and narrows the complaints on which the AZBTR may hear and act to only complaints or charges specified by a complainant. The AZBTR may investigate a complaint and take necessary disciplinary or enforcement action only if the complainant either: 1) currently has a contractual relationship with the person who is the complaint subject or had a contractual relationship with the person at the time of the alleged misconduct; or 2) was harmed by the alleged misconduct or possesses firsthand knowledge of the alleged misconduct. Eliminates the AZBTR's authority to do all other things necessary to carry out the purpose of regulating technical registrants and repeals the Home Inspectors Rules and Standards Committee.

Continues the Registrar of Contractors (ROC) for eight years, until July 1, 2032, retroactive to July 1, 2024. The ROC must study and compile a report on commercial contractors to determine whether opportunities exist to statutorily remove the ROC's oversight of the commercial contracting profession. The ROC must submit the findings to the President of the Senate and Speaker of the House of Representatives by December 31, 2024.

#### mechanics' liens; notice (H.B. 2110) - Chapter 89

Stipulates that a preliminary 20-day notice of a mechanic's lien that otherwise complies with statutory requirements is not defective based on the failure to use bold-faced type or the largest type on the document, or both.

## homeowner's associations; fees; related parties (NOW: real property) (NOW: homeowner's associations; fees) (H.B. 2119) – Chapter 131

Prohibits 501(c)(3) or 501(c)(4) nonprofit organizations and specified nonprofit mandatory membership organizations from charging certain document fees, except outlined service fees, for any property conveyance between: 1) familial parties when the residential property transfer has nominal actual consideration; or 2) business or trust parties when the transfer has nominal or no consideration.

#### condominiums; interior improvements; approvals (H.B. 2141) - Chapter 27

Precludes a condominium unit owners' association from prohibiting a unit owner from: 1) improving or altering the unit's interior in a manner that may disturb adjacent unit occupants if the unit owner purchases and installs any reasonably necessary improved materials, accessories or other adjustments to eliminate or minimize potential disturbances; and 2) using any manner of decoration on the unit's interior.

technical correction; conservation easements; applicability (NOW: barbering; cosmetology; conforming legislation) (H.B. 2168) – Chapter 250

Laws 2021, Chapter 334 consolidated the Board of Barbers and the Board of Cosmetology into the Barbering and Cosmetology Board (Board).

Repeals the Barbering statutes, incorporates barbering into the Cosmetology statutes and repeals the Board's authority to employ a supervisor of examinations and examiners. Exempts, from the Barbering and Cosmetology statutes, a person who performs services without compensation in either an emergency or domestic administration or in a licensed funeral establishment. Modifies specified Board-established fees. Eliminates the requirements for the Board to: 1) annually report to the Governor on official acts, financial transactions and necessary recommendations; and 2) only issue a duplicate license on receipt of a written request that states the reason for the request.

Decreases, from 10 years to 5 years, the time period for a Board-issued license to be inactive before automatic suspension. Adds completing a Board-provided infection prevention, sanitation and law review class to the qualifications for an instructor license or license reciprocity. An applicant may appeal the Board's denial of an instructor license by requesting a hearing. The hearing must be before the Board at its next regular meeting that follows the Board's receipt of the request. At the hearing, the burden of proof is on the applicant to demonstrate that the alleged deficiencies that are the basis of the denial do not exist.

Allows an aesthetician or cosmetologist to perform eyelash extensions without registering as an eyelash technician. Each barbering, cosmetology, aesthetics, nail technology, hairstyling or eyelash extensions establishment (establishment) must display the current registration for each eyelash technician practicing in the establishment. Operating an establishment without being licensed by the Board and without having an individual designated as the manager is an unlawful act subject to a class 1 misdemeanor.

A school that holds a barbering and cosmetology school license may offer courses on both barbering and cosmetology if an instructor licensed as a cosmetologist teaches the cosmetology courses and an instructor licensed as a barber teaches the barbering courses. A school must post a conspicuous notice to the public that all services are performed by students under the direct supervision of a licensed instructor. A violation of the posting requirement is an unlawful act and subject to a class 1 misdemeanor. A student who desires to transfer from one school to another may apply to another school of the student's choice, rather than execute a Board-prescribed transfer application. The transferring school must provide the student with a completion form documenting the hours and courses that the student has successfully completed. The form must include the school's name, address and license number and the student's dates of attendance.

Appropriates \$200,000 from the Barbering and Cosmetology Fund (Fund) to the Board in FYs 2025 and 2026 for information technology development and appropriates \$298,250 and four FTEs from the Fund to the Board in FY 2025 to enforce the Barbering and Cosmetology statutes. Exempts the appropriations from lapsing.

industrial commission of Arizona; continuation (NOW: industrial commission of Arizona; continuations) (H.B. 2209) – Chapter 205

#### SEE THE FINANCE & COMMERCE COMMITTEE.

occupational safety advisory committee; continuation (NOW: state agencies; continuations; duties) (H.B. 2210) – Chapter 206

#### SEE THE FINANCE & COMMERCE COMMITTEE.

#### professional employer organization; repeal (H.B. 2252) - Chapter 67

Repeals the requirement for a professional employer organization (PEO) to register with the Secretary of State (SOS) and repeals related statutes. A bond required to be maintained by a PEO must be held by an insured depository institution, rather than by an SOS-designated depository.

### firefighters; peace officers; PTSD; coverage (NOW: theme park districts; formation) (H.B. 2274) – Chapter 252

Decreases, from more than 1,000,000 persons to 500,000 persons, the population threshold for the governing body of a city to establish a theme park district (district) in conjunction with the county in which the city is entirely located. Allows the governing body of a city with a population of more than 500,000 persons or the governing body of a county with a population of more than 125,000 persons to establish a district while acting alone. A district is limited to properties whose owners have consented to being included in the district, including any sites added after the district is initially established, and more than one district may be located in a county or city.

If a district is formed by a county in conjunction with a city or by a city acting on its own, the district may include theme park sites in only the city participating in establishing the district. If a district is formed by a county acting on its own, the geographic boundaries of the district must include only theme park sites, consist of only contiguous property and be located entirely and only in the county's unincorporated area.

If a county does not participate in establishing a district, the city must elect two members of its governing body to be members of the district's board of directors. If a city does not participate in establishing a district, the county must elect two members of its governing body to be members of the district's board of directors. Modifies legislative appointments to a district board of directors.

adaptive reuse; commercial buildings; zoning (NOW: zoning; adaptive reuse; commercial buildings) (NOW: commercial buildings; adaptive reuse) (H.B. 2297) – Chapter 141

Requires, by January 1, 2025, the governing body of a municipality with a population of 150,000 or more persons to establish objective standards to allow multifamily residential development or adaptive reuse on up to 10 percent of the total existing commercial, office or mixed-use buildings within the municipality without requiring a conditional use permit, a planned unit development or rezoning application or any other application that would require a public hearing. The objective standards must meet prescribed requirements. Prohibits withholding a demolition permit for multifamily residential development and adaptive reuse projects, as prescribed. The municipality's governing body may modify the percentage of existing commercial, office or mixed-use buildings within the municipality available for multifamily residential development or adaptive reuse every 10 years.

A municipality's governing body may designate commercial or employment hubs and other essential commercial or employment use areas where existing commercial, office, employment or mixed-use buildings are excluded from the multifamily residential development and adaptive reuse requirements. The municipal designation of commercial or employment hubs may not exceed 10 percent of the existing commercial, office, employment or mixed-use buildings within the municipality. A municipality may modify the excluded commercial or employment hubs once every 10 years.

The multifamily residential development and adaptive reuse requirements do not apply to: 1) land in an area designated historic by a local government or that is on the National Register of Historic Places; 2) land in the territory in the vicinity of a military airport or ancillary military facility, a Federal Aviation Administration commercially licensed airport or general aviation airport; or 3) land in a municipality that is located on tribal land.

#### Buffalo Soldiers Arizona territory monument (H.B. 2304) – Chapter 32

Designates the memorial dedicated to the commemoration of Buffalo Soldiers in Wesley Bolin Plaza as the *Buffalo Soldiers Arizona Territory Monument*.

#### backyard fowl; regulation; prohibition (H.B. 2325) – Chapter 192

SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.

#### non-contiguous county island fire districts (H.B. 2381) - Chapter 71

Specifies that a non-contiguous county island fire district board may expand its boundaries to include unincorporated parcels within a city's or town's municipal planning area only if the parcel is contiguous with the city's or town's boundaries or the existing district.

#### Arizona racing commission; continuation (H.B. 2415) – Chapter 177

Continues the Arizona Racing Commission for two years, until July 1, 2026, retroactive to July 1, 2024.

#### proper venue; challenges; policy statements (H.B. 2490) – Chapter 194

Allows a party that appeals a final administrative decision to the superior court to bring the action to any proper venue, including: 1) the county where the plaintiff, claimant or appellant resides; 2) the county where the plaintiff's, claimant's or appellant's principal place of business is located; 3) the county where the state agency is headquartered; or 4) Maricopa County. A state agency may not restrict the proper venue for any appeal of a final administrative decision or require a party to travel to the state agency's county, venue or headquarters to submit or receive documentation that supports the analysis used to propose or finalize a final administrative decision. If the proper venue for an action to review a final administrative decision is expressly prescribed by statute, the venue must control.

motor vehicle manufacturers; TPT; exemption (NOW: condominiums; planned communities; lien; assessment) (H.B. 2648) – Chapter 151

#### SEE THE FINANCE & COMMERCE COMMITTEE.

#### homeowners' associations; meeting agendas (H.B. 2662) - Chapter 180

Requires the secretary of a condominium unit owners' association or planned community association to provide an agenda for any meeting of the association by hand delivery, mail, website posting, email or other electronic means or posting at a community center or other similar location. All meeting agendas must be provided to the unit owners or association members in advance of all meetings. For meetings of the board of directors that are held after the termination of declarant control, meeting agendas must be given to the unit owners or association members at least 48 hours in advance of the meeting by newsletter, conspicuous posting or any other reasonable means. The failure of any unit owner or association member to receive a meeting agenda does not affect the validity of any action taken at the meeting.

planned communities; declarant control (NOW: declarant control; planned communities) (H.B. 2698) – Chapter 124

Requires each declaration that provides for a period of declarant control of a homeowners' association (HOA) to also provide a date of or method for calculating the declarant control termination date. For every planned community, without regard to whether the community documents provide for the termination of declarant control, declarant control terminates no later than the date on which the second to last lot in the planned community is conveyed to a buyer. After termination of the period of declarant control and while the declarant owns one or more lots in the planned community, the HOA: 1) must provide at least the same level maintenance of common areas that the declarant provided; and 2) may not impede the declarant's ability to develop, construct and sell its lots or impede access to and use of common areas by the declarant in the same manner as other members.

accessory dwelling units; requirements. (H.B. 2720) - Chapter 196

SEE THE FINANCE & COMMERCE COMMITTEE.

#### municipal zoning; middle housing (H.B. 2721) – Chapter 197

#### SEE THE FINANCE & COMMERCE COMMITTEE.

interstate compact; fire management; aid (H.B. 2751) - Chapter 190 E

#### SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.

#### <u>agency; licensing; information (NOW: hoophouses; building permits; exemption)</u> (NOW: hoophouses; polyhouses; regulation; compliance) (H.B. 2846) – Chapter 186

Exempts the construction of a hoophouse or polyhouse from municipal and county building permit requirements if the hoophouse or polyhouse meets prescribed requirements. A *hoophouse* or *polyhouse* is a greenhouse used exclusively for producing and storing live plants and must: 1) be anchored in a way that allows removal and relocation of the structure at the discretion of the property owner and in a manner that prevents unintended detachment or relocation; and 2) comply with all height, setback, and lot coverage requirements contained in municipal or county zoning and land use regulations for detached accessory buildings or structures. A device contained within or connected to a hoophouse or polyhouse that is subject to municipal electrical or mechanical codes and regulations or connected to the potable water system for backflow prevention must be permitted by the municipality or county.

A municipality or county may: 1) adopt an ordinance to regulate a hoophouse's or polyhouse's height above the fence line if the structure is located on a lot less than one acre in size within a residential community; 2) establish an administrative review process for a hoophouse or polyhouse constructed without a building permit; 3) require an owner who intends to build a hoophouse or polyhouse to submit information regarding the construction of the structure; and 4) determine if the planned construction of the hoophouse or polyhouse meets the statutory requirements for an exemption from building permit requirements.

local government; 2024-2025 (H.B. 2907/S.B. 1745) - Chapter 219

#### SEE THE APPROPRIATIONS COMMITTEE.

state buildings; management; 2024-2025 (H.B. 2908/S.B. 1746) – Chapter 220

SEE THE APPROPRIATIONS COMMITTEE.

self-supporting regulatory agencies; funds; 2024-2025 (H.B. 2910/S.B. 1748) – Chapter 222

SEE THE APPROPRIATIONS COMMITTEE.

#### federal land acquisition; acreage return (H.C.M. 2004)

Urges the U.S. Congress to immediately pass, and the U.S. President to sign, legislation that requires the federal government, for every acre of county or state land acquired or federal public domain land expressly reserved or withdrawn by the federal government, to give to the applicable county or the state: 1) one acre of land of equal or greater size and value; or 2) in the absence of land of equal or greater size and value, land of a size and value as proximate as possible to the acquired, reserved or withdrawn land and in lieu payments for the value of the difference.

#### federal lands; transfer to states (H.C.M. 2005)

Urges the U.S. Congress to immediately pass, and the U.S. President to sign, legislation that requires 30 percent of all federally controlled lands in the west to be given to the respective states by 2030 under the equal footing doctrine. Urges the U.S. Congress to engage in good faith communication, cooperation, coordination and consultation with each state regarding the immediate disposal of the public lands directly to those states.

#### **LEGISLATION VETOED**

#### committees of reference; deadline; extension (S.B. 1061) – VETOED

Extends, from the third Friday in January to the last day in January, the deadline for each committee of reference (COR) to: 1) hold at least one public hearing after receiving a preliminary sunset review report; and 2) deliver the final sunset review report to the President of the Senate, Speaker of the House of Representatives, Governor, Auditor General and the affected agency.

The Governor indicates in her <u>veto message</u> that legislators currently have the ability to hold COR hearings in the interim, prior to the deadlines at the start of the legislative session.

#### regulatory costs; rulemaking; legislative ratification (S.B. 1153) - VETOED

Requires a state agency to submit a proposed rule that is estimated to increase regulatory costs in Arizona by more than \$100,000 within five years after implementation to the Office of Economic Opportunity (OEO) for review. If the OEO confirms that the proposed rule is estimated to increase regulatory costs in Arizona by more than \$500,000 within five years of implementation, the proposed rule may not become effective until the Legislature enacts legislation ratifying the proposed rule. Any rule that increases regulatory costs by more than \$500,000 within five years of implementation is void and unenforceable, unless the Legislature enacts legislation ratifying the rule. A legislator or a person regulated by a state agency that is proposing a rule may request the OEO to review the proposed rule.

The OEO must submit a proposed rule to the Administrative Rules Oversight Committee (Oversight Committee) at least 30 days before the next regular legislative session. The Oversight Committee must submit the proposed rules to the Legislature as soon as practicable. A state agency may not file a final rule with the Secretary of State before obtaining legislative approval. If the Legislature does not enact legislation to ratify the proposed rule during the current legislative

session, the state agency must terminate the proposed rulemaking. Emergency rules and the Arizona Corporation Commission are exempt from the legislative ratification requirement.

The Governor indicates in her <u>veto message</u> that S.B. 1153 would create an unnecessary burden on state agencies that would inhibit their ability to carry out duties in a timely manner.

#### agency review; rules; automatic expiration (S.B. 1343) - VETOED

Requires any rule analysis performed by a state agency in accordance with the five-year rule review that also examines the economic impact or other costs of a rule to use the actual impacts and costs from the last five years that the rule has been in effect as the basis for any calculation. Any rule regarding occupational licenses adopted by a state agency must automatically expire at the conclusion of the five-year review unless the state agency: 1) performs a five-year review; 2) readopts the statutorily required code chapter; 3) publishes an evaluation of the burdens on similar occupational licenses in all states that border Arizona and justifies any instance where Arizona imposes a greater burden on a licensee than any neighboring states; and 4) publishes a report that includes analyses and responses to public comments. The automatic expiration does not apply to any rule that is required to comply with federal law or receive federal monies. If an occupational licensing agency rule automatically expires, the Governor's Regulatory Review Council must notify specified entities that the rule has expired and is no longer enforceable.

The Governor indicates in her <u>veto message</u> that the state agency rulemaking process is rigorous, transparent and essential to allowing state government to function and serve Arizonans.

#### agencies; single audit reports; penalty (S.B. 1473) - VETOED

Requires a state agency that is required to comply with federal single audit requirements to be assessed a penalty of one percent of any federal monies received annually by the agency for every 30 days the agency is late in submitting a Schedule of Expenditures of Federal Awards (SEFA) to the Auditor General. When a state agency submits a SEFA late, the Auditor General must notify the State Treasurer of the penalty amount and the State Treasurer must withhold that amount from the agency's appropriation for the next fiscal year.

The Governor indicates in her <u>veto message</u> that state agencies provide critical services to Arizonans and should not be punished for leveraging a once in a generation influx of federal funding to improve the lives of everyday Arizonans.

#### county supervisors; population; membership (H.B. 2031) - VETOED

Allows, rather than requires, a qualifying county to submit to the electors the question on whether the county should elect five members to the county board of supervisors (BOS). Decreases, from 150,000 persons to 125,000 persons, the population threshold for a county to submit to the electors the question on whether the county should change from a three-member to a five-member county BOS.

The Governor indicates in her <u>veto message</u> that H.B. 2031 is unnecessary.

#### administrative completeness review; licensing (H.B. 2100) - VETOED

Requires a state agency to make available to the public on the agency's website a comprehensive list of items needed for an application to be deemed administratively complete. At the time an applicant obtains an application, the licensing state agency must provide a copy of the comprehensive list. An application with a state agency is deemed administratively complete if the agency issues a timely written notice of deficiencies that is substantive in nature within the administrative completeness review time frame. A state agency may not: 1) determine the substantive merits or outcome of an application or notify an applicant of the agency's determination of the substantive merits or outcome of an application while the application is within the administrative completeness review time frame; or 2) make a final decision on an application or notify an applicant of the outcome of the application based on the findings or conclusions of a document or report that is not included in the application or listed on the agency's comprehensive list unless the document or report and its findings before submitting the application.

The Governor indicates in her <u>veto message</u> that H.B. 2100 would add onerous processes to licensing agencies that would result in longer wait times for applicants and increased costs for state agencies.

#### annexation; notice; approval (H.B. 2125) – VETOED

Increases, from 50 percent to 60 percent, the percentage of property owners in a county with a population of more than 4,000,000 persons that are required to sign a petition for the purpose of extending or increasing the corporate limits of a city or town by annexation. Notice of the public hearing to discuss the annexation proposal must be sent to the county board of supervisors by certified mail and the certified mail cost must be covered by the city or town governing body.

The Governor indicates in her <u>veto message</u> that H.B. 2125 would favor the voices of some Arizonans over others and create an unfair power imbalance in Arizona communities.

#### settlement agreements; report; approval (H.B. 2275) - VETOED

Declares legally binding contracts entered into by a city, town or county (local government) as a matter of statewide concern due to the impact on public finance. At least 90 days before entering into a settlement agreement that is \$500,000 or more, the local government must submit a settlement agreement report to the Governor, Legislature and Attorney General (AG) describing the proposed settlement agreement terms. Before entering into a settlement agreement that is \$1,000,000 or more, the local government must submit the proposed settlement agreement to the Joint Legislative Budget Committee (JLBC) for review. JLBC may recommend that the local government amend the proposed settlement agreement.

At least 30 days before entering into a settlement agreement, the AG must submit a settlement agreement report to the Legislature describing its terms.

The Governor indicates in her <u>veto message</u> that H.B. 2275 is unnecessary and undermines separation of powers.

#### mobile food vendors; operation; rules (H.B. 2328) - VETOED

Allows a mobile food vender to operate on private residential property if the mobile food vendor meets prescribed requirements and caps, at \$150, the annual fee that a city or town may require a mobile food vendor to pay for each fixed location or mobile food unit. Department of Health Services licensing standards must allow a mobile food unit to request an exemption from the commissary or other servicing area requirements if the mobile food unit is sufficiently equipped to meet health and safety standards without the use of a commissary or other servicing area. A county board of supervisors may not require generators to be permanently affixed to a mobile food unit.

The Governor indicates in her <u>veto message</u> that H.B. 2328 was crafted without input from key community stakeholders and fails to strike a balance between deregulation and safety.

#### guaranteed income program; prohibition (H.B. 2375) – VETOED

Prohibits a municipality or a county from: 1) establishing, adopting, enforcing or maintaining any ordinance, order or rule that has the purpose or effect of making payments to persons as part of a guaranteed income program; and 2) interpreting or applying a law of general application in a manner that conflicts with the guaranteed income program prohibition.

The Governor indicates in her <u>veto message</u> that the broad language in H.B. 2375 could threaten housing, food and emergency need programs if administered at the local level.

#### federal government; land acquisition; consent (H.B. 2376) – VETOED

#### SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.

#### administrative rules oversight committee; dissent (H.B. 2491) – VETOED

Allows a person to file a complaint with the Administrative Rules Oversight Committee (Oversight Committee) concerning an existing statute, rule, agency practice or substitutive policy statement that is alleged to be inconsistent with legislative intent or beyond an agency's statutory authority. Allows the Oversight Committee to review the complaints in the same manner as other complaints. The Oversight Committee may prepare a dissent letter expressing disagreement with any statutes, rules, agency practices or substantive policy statements that are duplicative, onerous, inconsistent with legislative intent or beyond the agency's statutory authority. The dissent letter must be filed with the Secretary of State and placed in the Arizona Administrative Code. The Oversight Committee's annual report to the Legislature must include recommended legislation to ensure consistency with legislative intent.

Increases GRRC membership from six members to eight members.

The Governor indicates in her veto message that H.B. 2491 is unnecessary.

#### planning; home design; restrictions; prohibition (H.B. 2570/S.B. 1112) - VETOED

Prohibits a municipality from interfering with a home buyer's right to choose the features, amenities, structure, floor plan and interior and exterior design of a home. A municipality may not require: 1) a homeowners' association, a condominium association or any other association (HOA); 2) a shared feature or amenity that would require an HOA to maintain or operate the feature or amenity, unless necessary for stormwater management; 3) screening, walls or fences; or 4) private streets or roads.

Prohibits a municipality from adopting or enforcing any requirement establishing, for single-family home developments, prescribed minimum or maximum lot sizes, lot coverage, square footage or dimensions, building setbacks or design, architectural or aesthetic elements. The single-family home development standards only apply to developments constructed in a municipality with a population of more than 70,000 persons that is designated as an urban area by the U.S. Census Bureau or is located on tribal land. Designates this legislation as the *Arizona Starter Homes Act*.

The Governor indicates in her <u>veto message</u> that H.B. 2570 is an expansive bill that lacks the nuance necessary for statewide reform and there is great promise in other ongoing efforts in the Legislature to build more attainable housing in Arizona.

#### physical presence; resident (H.B. 2581) – VETOED

Specifies that a *resident* is an individual who has actual physical presence in Arizona for at least 181 days with the intent to remain, which applies only for the purposes of: 1) property tax; 2) vehicle registration; and 3) voter registration. The county assessor, the Director of the Arizona Department of Transportation and the county recorder may establish a physical presence requirement of less than 181 days if the individual demonstrates an intent to remain by providing prescribed evidence.

The Governor indicates in her <u>veto message</u> that H.B. 2581 creates additional, unnecessary barriers for individuals registering to vote.

#### forced labor; child labor; prohibitions (H.B. 2591) - VETOED

Prohibits a public power entity (PPE) or a public service corporation (PSC) from entering into or renewing a contract with a person or company to acquire land, electric vehicles, utility scale batteries or solar panels, unless the contract includes a sworn certification that the person or company does not knowingly use: 1) forced labor; 2) oppressive child labor; or 3) any goods or services produced by forced labor or oppressive child labor. A public entity may not enter into or renew a contract with a person or company to acquire or dispose of land, services, supplies, information technology, goods, including electric vehicles, batteries, solar panels and the minerals used to create batteries and solar panels, or construction unless the contract includes a sworn certification that the person or company does not knowingly use: 1) forced labor; 2) oppressive child labor; 4) any goods or services produced by forced by forced by forced by forced labor or oppressive child solar panels, or construction unless the contract includes a sworn certification that the person or company does not knowingly use: 1) forced labor; 2) oppressive child labor; 3) any goods or services produced by forced labor or oppressive child labor; or 4) any

contractors, subcontractors or suppliers that use forced labor or oppressive child labor or any goods or services produced by forced labor or oppressive child labor.

If a person or company that has provided a sworn certification becomes aware during the term of the contract that they are not in compliance with the sworn certification, the person or company must notify the PPE, PSC or public entity within five business days. If the person or company does not provide the PPE, PSC or public entity with a sworn certification that the person or company has remedied the noncompliance within 180 days, the contract terminates. A person, company, PPE, PSC or public entity that knowingly violates the sworn certification requirements is subject to a civil penalty of up to \$10,000 for each violation.

Eliminates the requirement for a company entering into or renewing a contract with a public entity to provide a written certification that the company does not use the forced labor of ethnic Uyghurs in the People's Republic of China.

The Governor indicates in her <u>veto message</u> that current federal law addresses this prohibition.

#### United Nations; sustainable development; prohibition (H.B. 2788) – VETOED

Prohibits the state and each political subdivision from spending public monies to enforce the goals adopted in 2015 by the United Nations as the 2030 Agenda for Sustainable Development.

The Governor indicates in her <u>veto message</u> that the United Nations' core goals include decreasing hunger and poverty and ensuring a quality education for all, and that H.B. 2788 would limit the ability to meaningfully address these issues to ensure the long-term prosperity of Arizona and its constituents.

# Health & Human Services Committee

Senator T.J. Shope, Chairperson



Michael Madden, Research Analyst Kaytie Sherman, Assistant Research Analyst Dhaki Mullangi, Intern

### **HEALTH & HUMAN SERVICES COMMITTEE**

#### **LEGISLATION ENACTED**

#### scope of practice; process; repeal (S.B. 1021) – Chapter 75

Repeals the requirement for regulated health professions seeking an expanded scope of practice to complete a statutory sunrise review. Prescribes factors for the Legislature to consider when considering proposed legislation to expand the scope of practice of a health professional group. Within 10 days of the introduction of proposed legislation for scope of practice expansion, a health professional group must provide written notification to the health profession's regulatory entity. The Legislature reserves the right to reinstate the sunrise review process at any time if the elimination demonstrably lessens the quality of health care in Arizona.

#### social work compact (S.B. 1036) - Chapter 227

Adopts the Social Work Licensure Compact (Compact), which allows licensed social workers to obtain licensure in other Compact states. Outlines Compact privilege terms, requirements for state inclusion in the Compact, procedures for obtaining multistate licensure and procedures for Compact states to impose adverse actions against licensees that violate the terms of the license or Compact. Prescribes requirements for oversight, dispute resolution and enforcement.

Establishes the Compact Commission (Commission) as an instrumentality of the Compact states and grants the Commission rulemaking authority as outlined. Outlines Commission: 1) membership, powers, duties and financing; 2) public meeting, rulemaking and recordkeeping requirements; 3) utilization and development of a coordinated data system; and 4) requirements for qualified immunity, defense and indemnification.

Outlines Compact withdrawal and amendment procedures and becomes effective on the date on which the Compact is adopted by a seventh member state.

#### child fatality review teams; duties (S.B. 1048) - Chapter 104

Modifies the membership and duties of the State Child Fatality Review Team (State CFR Team) and local child fatality review teams (local review teams). Requires, rather than allows, the establishment of local review teams. The chairperson of the State CFR Team or a local review team may access all information and records from a person or institution providing care regarding a child fatality or near fatality under review. The State CFR Team Chairperson must establish a process for approving engagement of a family member by a board member prior to contact.

Beginning January 1, 2025, the State CFR Team must conduct an annual statistical report on the incidence and causes of child fatalities and near fatalities identified by the Department of Child Safety within the past year. A copy of the report and recommendations must be submitted to the Governor and Legislature by November 15 of each year. Any recommendations made to a state agency, board or commission must require a response within 60 days indicating whether the agency, board or commission is capable of implementing the recommendations within its existing authority and resources.

#### behavioral health professionals; addiction counseling (S.B. 1062) – Chapter 169

Redefines *substance abuse counseling* as *addiction counseling* and expands the practice of addiction counseling to include treatment for all forms of addiction. At the time of license renewal, a person licensed as a *substance abuse technician, associate substance abuse counselor* or *independent substance abuse counselor* must update the licensure designation to reflect that the person is a licensed addiction, rather than substance abuse, professional. A person seeking licensure through endorsement by the Arizona State Board of Behavioral Health Examiners (AzBBHE) must be licensed for one, rather than three, years in the area and practice level for which the person seeks licensure in at least one other state or federal jurisdiction. Exempts the AzBBHE from rulemaking requirements for one year.

#### DCS; group homes; investigations (S.B. 1067) - Chapter 47

Includes, in the definition of *abuse*, the physical injury or emotional damage of a child by an employee of a child welfare agency contracted with the Department of Child Safety (DCS), for the purposes of DCS investigations into allegations of abuse and neglect of a child. A DCS hotline worker must prepare a DCS report if: 1) a person suspected of child abuse is an employee of a child welfare agency; 2) the child victim is placed with the child welfare agency; and 3) the child welfare agency is licensed by and contracted with DCS. The DCS report must include the employee's name, address and other location or contact information.

virtual credit cards; payment method (S.B. 1070) – Chapter 48

#### SEE THE FINANCE & COMMERCE COMMITTEE.

peer support teams; information; disclosure (S.B. 1071) – Chapter 171

#### <u>SEE THE MILITARY AFFAIRS, PUBLIC SAFETY & BORDER SECURITY</u> <u>COMMITTEE.</u>

## technical correction; home health agencies (NOW: dentists; restricted permits; continuing education) (S.B. 1159) – Chapter 229

Allows a dentist who holds a license in another U.S. state, territory or possession to apply for a restricted dental permit if the person will be practicing dentistry for educational purposes in connection with and while enrolled in a continuing dental education program recognized by the Arizona Board of Dental Examiners (BODEX). Within 30 days of application, BODEX must issue a restricted permit to any applicant that meets all prescribed requirements. A restricted permittee enrolled in a continuing dental education program may only practice dentistry in connection with and while enrolled in the program and may not provide dental care to a person who is: 1) physically unable to safely receive the dental care or services; or 2) not mentally competent to knowingly and voluntarily consent to the dental care or services. A restricted permittee is subject to BODEX jurisdiction and discipline. homeopathic medicine; integrated medicine; qualifications (NOW: homeopathic medicine; qualifications) (S.B. 1163) – Chapter 106

Establishes a pathway for an acupuncturist, physical therapist, naturopath, chiropractor, individual trained by the U.S. Armed Forces in emergency medical care and individual who complete an approved training program to become a licensed homeopathic physician. Requires the Director and Staff of the Acupuncture Board of Examiners (Board) to carry out the executive and administrative responsibilities of the Board of Homeopathic and Integrated Medicine Examiners. Prescribes requirements for the Board relating to staffing, rulemaking and licensing and outlines licensee education and licensure requirements.

Practicing as a homeopathic practitioner without being licensed or exempt from licensure is a class 5 felony and using the title of *osteopathic medicine (homeopathic)* or *homeopathic practitioner* without being licensed is a class 2 misdemeanor.

#### pharmacy audit; procedures; prohibition (S.B. 1165) – Chapter 51

Prohibits an entity that audits pharmacy drug claims adjudicated by pharmacies (auditing entity) from retroactively reducing a claim payment to a pharmacist or pharmacy after the prescription drug claim adjudication, with certain exceptions. Outlines requirements for an auditing entity when conducting a wholesale invoice pharmacy audit, including documentation requirements and a requirement to reverse a discrepancy finding if the pharmacist or pharmacy dispensed the correct quantity of a drug using a subunit or multiple of the drug.

#### licensed professional counselors; compact (S.B. 1173) – Chapter 77

Adopts the Licensed Professional Counselor Compact (Compact), which allows licensed professional counselors to obtain licensure in other Compact states. Outlines Compact privilege terms, requirements for state inclusion in the Compact, procedures for obtaining multistate licensure and procedures for Compact states to impose adverse actions against licensees that violate the terms of the license or Compact. Prescribes requirements for oversight, dispute resolution and Compact enforcement. Outlines Compact withdrawal and amendment procedures.

Establishes the Counseling Compact Commission (Commission) as an instrumentality of the Compact states and grants the Commission rulemaking authority as outlined. Outlines Commission: 1) membership, powers, duties and financing; 2) public meeting, rulemaking and recordkeeping requirements; 3) utilization of a coordinated database and reporting system; 4) requirements for qualified immunity, defense and indemnification; and 5) procedures for member state default, technical assistance and termination.

#### pharmacists; prescribing; naloxone; reporting (S.B. 1211) - Chapter 232 E

An emergency measure effective June 21, 2024, that removes the specification that a standing prescription order must be signed before a pharmacist may dispense naloxone hydrochloride or any other opioid antagonist approved by the U.S. Food and Drug Administration. Repeals the requirement to report on the dispensing of opioid antagonists and the requirement that

the Arizona State Board of Pharmacy (Board) must establish rules and procedures for dispensing opioid antagonists.

Allows the Executive Director of the Board to transfer up to \$1,000,000 annually from the Board Fund to a poison and drug information center that serves Maricopa County.

#### pharmacy board; virtual manufacturers (S.B. 1234) - Chapter 234

Defines *virtual manufacturer* as an entity that contracts for the physical manufacture of a prescription drug or device and meets outlined conditions. A virtual manufacturer that is located in Arizona, or that is responsible for shipping prescription drugs or devices into Arizona, must contract with an Arizona-permitted physical manufacturer and make reasonable efforts to ensure the physical manufacturer complies with federal Current Good Manufacturing Practice regulations.

## maltreatment oversight committee; establishment (NOW: DCS; child fatality review team) (S.B. 1235) – Chapter 53

Establishes the Department of Child Safety Fatality and Near Fatality Review Team (DCS Review Team) to review all reports of child fatalities and near fatalities made to DCS's child abuse hotline. Outlines DCS Review Team membership, powers and duties, including requirements to identify systemic trends and recommend changes to DCS policy and practice. Requires DCS to produce an annual report of specified death, abuse and neglect information and present that information in a public meeting, as prescribed.

Requires the Joint Legislative Oversight Committee on DCS to review systemic factors related to alleged child maltreatment fatalities and near fatalities.

#### AHCCCS; claims (S.B. 1250) - Chapter 54

Prohibits a health care insurer contracted with the Arizona Health Care Cost Containment System (AHCCCS) from denying a payment claim submitted by the state based on a lack of prior authorization, if AHCCCS authorized the item or service. A health care insurer must respond within 60 days to any inquiries from the Director of AHCCCS (Director) regarding a timely submitted payment claim. Removes the requirement for the Director to submit health care insurer compliance reports to the Director of the Arizona State Library, Archives and Public Records.

#### nursing care; assisted living; continuation (S.B. 1254) – Chapter 159

Continues the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers (NCIA Board) for eight years, until July 1, 2032, retroactive to July 1, 2024.

By June 15, 2026, the NCIA Board, the Department of Health Services and the Arizona Health Care Cost Containment System must collaborate to update training standards and programs for caregivers, assisted living facility managers and nursing care institution administrators.

#### physical therapy board; continuation (S.B. 1255) - Chapter 160

Continues the Arizona State Board of Physical Therapy for eight years, until July 1, 2032, retroactive to July 1, 2024.

#### pioneers' home; miners' hospital; continuation (S.B. 1256) - Chapter 161

Continues the Arizona Pioneers' Home and the State Hospital for Miners with Disabilities for eight years, until July 1, 2032, retroactive to July 1, 2024.

#### foster care review board; continuation (S.B. 1258) - Chapter 162

Continues the Arizona Foster Care Review Board (FCRB) for four years, until July 1, 2028, retroactive to July 1, 2024. By November 1, the FCRB must submit an annual report to outlined officials containing the: 1) number of times the FCRB failed to submit reports to a juvenile court within a time frame that allows sufficient time for judicial review before a dependency hearing; 2) FCRB's progress in facilitating and increasing parent and foster parent attendance at local board reviews; and 3) number of times the FCRB failed to timely and accurately enter data about child dependency cases and local board reviews into the FCRB data system.

#### physical therapy assistants; students; supervision (S.B. 1267) - Chapter 236

Requires the Arizona State of Board of Physical Therapy to license, rather than certify, physical therapy assistants and to issue the license on the physical therapist assistant's certification renewal date. Specifies that a physical therapist is responsible for patient care provided by student physical therapists and student physical therapist assistants and adds supervision provided through telehealth to the definition of *general supervision*. Removes the specification that imaging ordered under the practice of physical therapy be limited to musculoskeletal imaging consisting of plain film radiographs.

#### child abduction from state agency (S.B. 1302) - Chapter 108

#### SEE THE JUDICIARY COMMITTEE.

#### mental health evaluations; information; consent. (S.B. 1309) – Chapter 182

Expands the information that must be included in an application or petition for a court-ordered behavioral health evaluation to include additional information about the proposed patient. Requires a screening and evaluation agency to accept and consider the proposed patient's relevant past and present behavioral health history from persons who have a significant relationship with the proposed patient. An evaluation agency may not decline to process a petition or application for court-ordered evaluation due to a lack of persons who witnessed the behavior that prompted the petition or application. Specifies which individuals may provide informed consent for a voluntary evaluation on behalf of a proposed patient.

#### mental health; oversight; data; documentation. (S.B. 1311) – Chapter 163

Declares the Arizona Health Care Cost Containment System (AHCCCS) responsible for monitoring, overseeing and evaluating its contractors and contracted agencies that provide mental health services to ensure that services are provided in a timely, clinically effective and efficient manner. Requires AHCCCS and its contractors to monitor the performance of contracted agencies providing mental health services and take corrective action when necessary.

By October 1, 2025, AHCCCS must collect and analyze prescribed data semi-annually from each contractor and contracted agency and annually report the information to the Governor and Legislature. Requires the Director of AHCCCS, under advisement by a group of prescribed stakeholders, to develop recommendations on opportunities to improve the availability and transparency of information related to AHCCCS members with a serious mental illness designation.

If it is determined in a court ordered evaluation and prepetition process that a proposed patient does not need evaluation, the medical director of the screening agency must make a written statement of the reasons why the proposed patient does not need an evaluation and retain the application together with the medical director's statement and any relevant records or reports. A screening agency must consider whether a proposed patient is a danger to self or others as a result of a mental disorder. A screening agency that denies an evaluation must state the denial in writing on the application form and include confirmation by the agency's medical director. If a proposed patient meets certain conditions, a screening agency must assist the proposed patient with finding available evaluation or treatment services, including direct referrals.

DCS; discharge from care; housing (S.B. 1313) - Chapter 164

#### SEE THE TRANSPORTATION, TECHNOLOGY & MISSING CHILDREN COMMITTEE.

health care; costs; reimbursement (S.B. 1402) – Chapter 184

SEE THE FINANCE & COMMERCE COMMITTEE.

## housing trust fund; rural areas (NOW: marijuana; licensing; delivery) (S.B. 1410) – Chapter 238 RFEIR

Subject to the requirements for enactment for initiatives and referendums (Proposition 105), which requires the affirmative vote of at least three-fourths of the members of each house of the Legislature, prohibits Department of Health Services rules regulating the delivery of marijuana or marijuana products by marijuana establishments from limiting either the distance between a delivery location and a marijuana establishment's originating designated retail location or the number of vehicles that a marijuana establishment may use for delivery.

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aggravated assault; developmental disability; exception (S.B. 1594) - Chapter 113
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Exempts, from the aggravated assault criminal classification, an assault committed against a health care worker by a person who is unable to form a culpable mental state due to a developmental or cognitive disability. <u>AHCCCS; personal health information</u> (NOW: behavioral health; AHCCCS; health facilities) (S.B. 1609) – Chapter 200

Requires a health care institution that provides inpatient behavioral health services to a patient with a serious mental illness (SMI) designation by the Arizona Health Care Cost Containment System (AHCCCS) to provide an accurate list of the patient's necessary medications upon discharge. The discharging health care institution must provide the medication list to the patient or the patient's representative and to a designated person from the residential care institution or health care institution that will provide outpatient behavioral health services to the patient. AHCCCS must establish requirements to discharge SMI-designated members from inpatient psychiatric facilities as outlined.

Directs AHCCCS to require its contracted housing program administrators to review and minimize duplicative paperwork requirements and limit the number of contractors and entities that unnecessarily receive personal health information of SMI-designated members receiving services.

By January 31, 2025, AHCCCS must: 1) study the implementation of developing and distributing a real-time automated survey to SMI-designated members to collect feedback, identify quality of care issues and respond to the needs of members; and 2) submit a report outlining the development and implementation costs of the survey to the Joint Legislative Budget Committee and specified legislators.

Requires AHCCCS to develop and implement processes to monitor its contractors' oversight of peer specialists to ensure that peer specialists meet qualifications and receive required supervision. Beginning October 1, 2025, peer specialists must complete AHCCCS-developed training that includes psychosis-specific content. Beginning November 1, 2024, AHCCCS must submit an annual report to the Governor and Legislature regarding the development and implementation of the peer specialist monitoring requirements.

#### DCS; tiered central registry; hearings (S.B. 1664) - Chapter 127

Requires the Department of Child Safety (DCS) to establish a tiered system within the central registry of abuse and neglect for the placement of persons who commit child abuse or neglect as determined by a court. DCS must adopt rules to implement the tiered system by September 15, 2025, and when adopting the rules DCS must: 1) consider the severity of the abuse or neglect committed and the risk a person who commits abuse or neglect may pose if that person is in a setting that involves the care or substantial contact with children; 2) determine which acts of abuse or neglect require a person to be placed on the central registry; 3) designate tiers and timeframes that a person is maintained on the central registry based on outlined factors; and 4) include early removal procedures. All entries in the central registry must be conformed to the tiered system by May 15, 2026, and be purged monthly.

DCS must record a finding of child abuse or neglect if the finding is supported by a preponderance of evidence, rather than if probable cause exists. Notice for a dependency hearing must include a statement that, contingent on the result of the proceedings, the parent or guardian may be placed on the central registry. A person subject to an allegation of child abuse or neglect must disclose the allegation only if the allegation is entered into the central registry prior to employment in a position that provides direct services to vulnerable adults or children.

department of health services; rulemaking (NOW: ambulance attendants; services) (H.B. 2033) – Chapter 128

#### SEE THE MILITARY AFFAIRS, PUBLIC SAFETY & BORDER SECURITY COMMITTEE.

#### joint training; surveyors; providers (H.B. 2051) - Chapter 20

Requires the Department of Health Services (DHS) to hold an annual joint training session between skilled nursing and assisted living providers and DHS compliance personnel to report changes to the long-term care facility survey process and educate providers on how compliance with the changes will be determined. DHS may receive and spend gifts, grants or donations to pay for the annual joint training.

#### dentists; registration; civil penalty; repeal (H.B. 2071) - Chapter 21

Eliminates the civil penalty for and the prohibition against a dentist dispensing drugs for profit without being registered to dispense by the Arizona State Board of Dental Examiners.

food handler certificate; volunteers; limits (H.B. 2079) - Chapter 87

SEE THE GOVERNMENT COMMITTEE.

cremation. (H.B. 2081) – Chapter 22

#### SEE THE FINANCE & COMMERCE COMMITTEE.

#### emergency services; prudent layperson; definition (H.B. 2093) - Chapter 24

Includes, in the definition of *emergency services* for the purposes of emergency health care insurance coverage, health care services provided to a health insurance enrollee: 1) for the treatment of severe pain, such that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in harm, impairment or dysfunction; and 2) for symptoms of sufficient severity that, without immediate medical attention, could result in serious jeopardy to the patient's mental health or harm to the patient or others.

#### medical assistants; scope of practice (H.B. 2113) - Chapter 26

Expands the scope of practice of a medical assistant who is not under direct supervision of a doctor of medicine (MD), physician assistant (PA) or nurse practitioner (NP) to include: 1) communicating medical advice, documented interpretation of test results and documented orders from an MD, PA or NP; and 2) obtaining, processing and communicating medication or procedure prior authorization as documented and ordered by an MD, PA or NP.

#### fatality review; information; access (H.B. 2116) - Chapter 130

Requires the State Child Fatality Review Team (State CFR Team) and Maternal Mortality Review Program (MMR Program) to establish procedures for approving any contact, interview or request before any State CFR Team, local review team or MMR Program member engages the close contact or family member of a child or mother who dies within their jurisdiction. The procedures must include a requirement for individuals who engage with family members to be trained in trauma informed interview techniques and educated on available support services.

Applies the State CFR Team and local review team fatality information confidentiality requirements to the MMR Program. MMR Program meetings are closed to the public if individual maternal fatalities associated with pregnancy are under review.

A law enforcement agency may withhold the release of any investigative records relating to a child or maternal death that might interfere with a pending criminal action with the approval of the prosecuting attorney.

#### infants; toddlers; developmental delays (NOW: developmental delays; infants; toddlers) (H.B. 2137) – Chapter 132

Requires the Department of Economic Security (DES) to provide families that participate in the Arizona Early Intervention Program (AzEIP) with information on the identified priorities, needs and outcomes for the infant or toddler, including additional community resources that are not covered under the federal Individuals with Disabilities Education Act. Directs DES to create a community resource guide available to families by electronic and paper format and prescribes community resource guide procedures and requirements.

An AzEIP intergovernmental agreement that is developed and implemented by DES must include a process to allow parents to choose a natural environment, to the maximum extent appropriate, for infants and toddlers with disabilities to participate in services, including the home and community-based settings in which children without disabilities participate. A family with an infant or toddler identified with hearing impairment may engage an audiologist in the initial or a subsequent family service plan meeting.

#### funeral services; alkaline hydrolysis (H.B. 2140) - Chapter 133

#### SEE THE FINANCE & COMMERCE COMMITTEE.

#### licensed health aides (H.B. 2424) - Chapter 95

Expands the definition of *licensed health aide* to include family members, by affinity or consanguinity, of the Arizona Long-Term Care System member receiving services who may provide licensed health aide services only to that member. A licensed health aide must operate under the supervision and direction of a licensed nursing staff member and may perform routine ventilator care. An applicant for health aide licensure may authorize a prospective employer to discuss the applicant's licensure application with the Arizona Board of Nursing.

#### grievance process; payment methods; report (H.B. 2444) – Chapter 72

Requires, by August 1, the Director of the Department of Insurance and Financial Institutions (DIFI) to annually post a report on DIFI's website that includes insurance grievance information for the prior fiscal year, including the: 1) total number of grievances received; 2) average time to resolve a grievance; and 3) percentage of grievances where a health care insurer's decision was overturned.

Includes, in the definition of insurance *grievance*, any delay in the timeliness of claim adjudication that results in a delay of payment or a clean claim. A health insurer must accept tangible checks as a form of payment. If a health care provider opts out of a payment method, that decision remains in effect until either the provider opts back into the prior payment method or a new contract is executed between the insurer and provider.

Statutory requirements relating to the timely payment of insurance claims do not preclude a health care provider, with the written informed consent of a patient, from collecting monies for a medical service that is: 1) not covered under the insurance policy; or 2) medically necessary and a payment on the claim was not made due to a denial or disallowance based on frequency.

#### <u>department of child safety; continuation</u> (NOW: child safety; department continuation; procedures) (H.B. 2447) – Chapter 143

Continues the Department of Child Safety (DCS) for four years, until July 1, 2028, retroactive to July 1, 2024. The DCS Inspections Bureau must submit a report that justifies any proposed change in a standardized hotline assessment tool that is not the result of legislative action or an adopted administrative rule to the Joint Legislative Oversight Committee on DCS at least 30 days before the proposed change is implemented.

In cases of suspected neglect and prenatal cannabis exposure that are reported to DCS's centralized hotline, DCS must investigate and determine if a mother is a qualifying medical cannabis patient.

Before increasing the child placement rate for a child welfare agency or group foster home, DCS must submit the proposed rate change to the Joint Legislative Budget Committee (JLBC) at least 90 days before the proposed rate increase takes effect. By November 1, 2024, DCS must submit a report to JLBC detailing all requests for increases in the child placement rate for a child welfare agency or group foster home that DCS received as of January 1, 2023, including DCS's justification for approving or denying the requests.

Removes the requirement for a legislator to sign a confidentiality form before discussing requested DCS information with another legislator.

#### kinship foster care; hearings; reports (H.B. 2454) - Chapter 36

Clarifies that the requirement for the Department of Child Safety to file documentation with the court regarding attempts made to contact a child's kinship caregivers applies to each review and report hearing or permanency planning hearing.

#### licensure renewal; fee waiver (H.B. 2473) - Chapter 37

Requires the Arizona State Board of Behavioral Health Examiners to waive the renewal fee for an associate level license if a licensee submits a renewal application while an application for independent licensure is pending.

#### missing; abducted; runaway children (H.B. 2479) - Chapter 146

#### SEE THE TRANSPORTATION, TECHNOLOGY & MISSING CHILDREN COMMITTEE.

#### group homes; random drug screening (H.B. 2480) – Chapter 96

Requires the Department of Child Safety (DCS) to develop and implement policies and procedures to conduct random quarterly drug screening of group foster home employees. A group foster home employee may not have contact with any child living at the group foster home before an initial drug screening. If a group foster home employee is involved in an accident or incident in which a child that lives at the home is injured, DCS may conduct random drug screening of that employee. A group foster home must submit all random drug screenings results to DCS within 48 hours after receiving the results.

#### parent-child relationship; restoration (H.B. 2486) - Chapter 147

#### SEE THE JUDICIARY COMMITTEE.

#### community health centers; graduate education (H.B. 2520) – Chapter 40

Requires, beginning October 1, 2024, the Arizona Health Care Cost Containment System to annually distribute monies appropriated for primary care graduate medical education (GME) services to qualifying community health centers and rural health clinics for direct and indirect costs, rather than for the costs of primary care GME programs.

#### pharmacists; collaborative practice agreements (H.B. 2582) - Chapter 123

Expands the definition of *provider*, for the purposes of collaborative practice agreements between pharmacists and health care providers, to include certified nurse midwives and physician assistants.

#### health care appeals (H.B. 2599) - Chapter 178

Beginning January 1, 2025, modifies health care insurer and utilization review agent procedures and requirements relating to health care appeals.

Applies the requirements relating to informal reconsiderations to initial health care appeals and allows a member to request an initial appeal upon receiving an adverse determination, rather than solely upon a service denial. A health insurer (insurer) may waive the internal appeal process. The initial appeal process must be performed by a licensed health care professional if the member's complaint involves an issue of medical appropriateness, including health care setting, level of care or effectiveness or a covered benefit, or if the complaint is experimental or investigational.

Replaces the formal health care appeals process with a voluntary internal appeal as an additional level of review after a determination of an initial appeal. Removes the authorization for an insurer to offer additional, nonprescribed levels of review and outlines determination timeline requirements for insurers that do or do not elect to offer an internal level of review. An insurer's determination must include the basis, criteria used, clinical reasons and rationale. If an insurer fails to comply with health care appeals statutes, the member is considered to have exhausted the insurer's internal levels of review and may simultaneously initiate an expedited external independent review. A minimum dollar amount may not be imposed on any claim that is the subject of an adverse determination for a member to pursue the applicable review process.

If a utilization review agent does not request an external independent review and at the conclusion of the initial appeal the agent denies the service or claim, the determination must include notice of the option to proceed to either the voluntary internal appeal process or the external independent review, as applicable.

Outlines procedures, timelines and requirements for initiating an external independent review. An acknowledgment of a request for external independent review must include notification to the appealing member that the member has five business days to submit additional evidence to the Director of the Department of Insurance and Financial Institutions (DIFI) for consideration. The Director of DIFI must provide a copy of any additional evidence to both the insurer and the independent review organization within one business day. When rendering determinations, independent review organizations must consider various factors, including medical records, provider recommendations, applicable guidelines and policy terms. For an adverse determination involving an experimental or investigational service, a member may make an oral request if the member's treating physician certifies in writing that the recommended service or treatment would be significantly less effective if not promptly initiated. Insurers and independent review organizations must retain all records related to internal and external appeals for at least three years after the appeals process is completed.

Allows a member facing an adverse determination to pursue an expedited medical review if the standard appeal time frame is likely to cause a significant negative change in the member's medical condition. If a member chooses to proceed with an expedited medical review and the member's complaint involves 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, the utilization review agent must select a health care provider to review the appeal and render the determination based on the utilization review plan adopted by the agent. Increases, from one business day to 72 hours, the time period within which a utilization review agent must make an expedited medical review determination after receiving certification and supporting documentation from a health care provider. If a member's complaint involves an issue of medical appropriateness or is experimental or investigational, the utilization review agent must consult with specified healthcare professionals before making a determination.

#### spirituous liquor; DHS; inspection; exemption (H.B. 2618) - Chapter 254

Adds spirituous liquor that is produced or imported by a state licensed producer or wholesaler to the list of spirituous liquors that are exempt from public health inspections by the Department of Health Services. The exemption applies to all commercially prepackaged spirituous liquor and all spirituous liquor poured at a licensed special event, festival or fair.

#### abortion ban; repeal (H.B. 2677/S.B. 1734) - Chapter 181

Repeals the criminal penalty of between two to five years imprisonment for any person who employs any means to procure the miscarriage of a pregnant woman when it is not necessary to save the woman's life.

#### <u>foster youth permanency project team (NOW: foster youth permanency; pilot project) (H.B. 2704)</u> – Chapter 256

Requires the Department of Child Safety (DCS) to establish a Foster Youth Permanency Pilot Project Team (Team) to: 1) develop a methodology to identify children believed to be at risk of exiting DCS custody without a permanency placement; and 2) implement solutions to barriers to permanency for children who are likely to be in DCS custody when the child turns 18 years old or to begin participating in the Extended Foster Care Program. Outlines Team membership, powers and duties, including contracting with child psychiatrists, attorneys and private investigators, and grants the Team access to all DCS documents and personnel necessary to perform Team duties. By July 1, 2026, DCS must submit a report to specified officials on Team outcomes, including recommendations on how DCS may improve and enhance the Team.

#### involuntary treatment; guardians; agents; rights (H.B. 2744) - Chapter 152

Outlines the rights of guardians and agents with prescribed decision-making authority for a patient in any proceeding involving court ordered treatment, including the: 1) right to provide the court with the guardian or agent's position and relevant information to assist the court in making a determination in any subsequent proceeding; and 2) right to participate, as appropriate, in treatment and discharge planning with inpatient or outpatient treatment providers. A patient's guardian may file a report with the court at any time that addresses whether the: 1) patient is complying with the terms of the order for treatment; 2) outpatient treatment plan is still appropriate; and 3) patient needs inpatient treatment.

When filing a petition for court ordered treatment, the petitioner must meet outlined notice and service requirements. A screening agency must follow prescribed procedures when denying an application for court-ordered evaluation or declining to file a petition for court-ordered evaluation, including notifying the applicant that the screening agency intends to release the proposed patient and providing the reason for the denial or decision not to file a petition.

#### long-term care; enforcement; memory care (H.B. 2764) - Chapter 100

Beginning July 1, 2025, requires the Director of the Department of Health Services (DHS) to establish by rule memory care services standards for assisted living facilities licensed to provide directed care services, including staff and contractor minimum training standards. The training

standards must meet specified criteria and are subject to approval by DHS. An assisted living facility licensed to provide directed care services must provide documentation of staff training during an investigation or compliance survey.

Requires the Director of DHS (Director) to establish a model, and fees, for on-site monitoring of health care institutions that are found to not be in substantial compliance with applicable licensure requirements. DHS may not charge a fee for a complaint or inspection if a health care institution is in compliance. DHS may provide, and establish fees for, in-service regulatory compliance training to requesting health care institutions.

Allows the Director to continue to pursue any court, administrative or enforcement action against a licensee even if the health care institution is in the process of being sold or has closed and authorizes DHS to deny a new health care institution license application that is in active enforcement action or if issuing the license would jeopardize patient safety. Increases the cap on civil penalties for violating health care institution statutes or rules from \$500 to \$1,000, which may be assessed for each resident or patient who DHS determines was impacted by a violation.

Establishes procedures for conducting Adult Protective Services (APS) registry checks for owners and employees of assisted living facilities. The Department of Economic Security and APS workers may access law enforcement records when performing duties related to an APS case.

Modifies the membership of the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers. Establishes the 25-member Vulnerable Adult System Study Committee (Study Committee), outlines Study Committee membership, duties and reporting requirements and terminates the Study Committee on January 1, 2026.

health care; 2024-2025 (H.B. 2903/S.B. 1741) - Chapter 215

SEE THE APPROPRIATIONS COMMITTEE.

human services; 2024-2025 (H.B. 2905/S.B. 1743) - Chapter 217

SEE THE APPROPRIATIONS COMMITTEE.

#### **LEGISLATION VETOED**

informed consent; signatures (S.B. 1509) – VETOED

Requires, except in an emergency, informed consent for a surgical procedure that is obtained by a licensed physician, nurse practitioner (NP) or physician assistant (PA) to include the dated signatures of the patient, a witness and the physician, NP or PA performing the surgical procedure. If a patient or a patient's surrogate decision maker is physically unable to sign or mark an informed consent form for a surgical procedure, a witness must verify on the form that the patient directly indicated the intent to consent to the procedure.

The Governor indicates in her <u>veto message</u> that S.B. 1509 is unnecessary because receiving informed consent from patients prior to receiving care is already standard practice.

#### insurance; gender surgeries; documentation; reports (S.B. 1511) - VETOED

Prohibits, beginning January 1, 2025, a health insurer that provides coverage for gender transition procedures from denying coverage for gender detransition procedures and requires a health care services provider that performs gender transition procedures to agree to provide or pay for gender detransition procedures. Authorizes the Attorney General to investigate and bring action for gender detransition coverage violations.

A health insurer that provides coverage for gender transition services must submit a detransition service report, excluding any self-identifying information, to the Department of Insurance and Financial Institutions (DIFI) as prescribed. DIFI must prepare an annual statistical report that includes the received information and submit the report to the Governor, Legislature and Secretary of State.

The Governor indicates in her <u>veto message</u> that S.B. 1511 is unnecessary and will create a privacy risk for patients.

#### psilocybin services; regulation; licensure (S.B. 1570) - VETOED

Requires the Department of Health Services (DHS), by January 1, 2026, to begin licensing psychedelic-assisted therapy centers. Prescribes psychedelic-assisted therapy center licensure and staffing requirements and restrictions and outlines Board-approved training programs requirements. DHS must adopt applicable rules and process license applications and fees for psychedelic-assisted therapy centers. A psychedelic-assisted therapy center may not be located within 1,000 feet of a K-12 school, unless authorized by DHS.

Establishes the 12-member Arizona Psilocybin Advisory Board (Board) within DHS and outlines Board membership, duties and powers, including approving training programs for licensees to provide psilocybin services and advising and making recommendations to implement psychedelic-assisted therapy centers. Establishes the Psilocybin Control and Regulation Fund (Fund), consisting of fees and civil penalties collected through the regulation of psilocybin, and allows Fund monies to be used to provide grants for psilocybin clinical trials.

The Governor indicates in her <u>veto message</u> that the state's Psilocybin Research Advisory Board's annual report included a message that although psilocybin may be a promising treatment in the future, we do not yet have the evidence needed to support widespread clinical expansion. The Governor states that S.B. 1570 is estimated to have an ongoing annual cost of nearly \$400,000, which was not funded in the FY 2025 state budget.

#### sex-based terms; laws; rules; regulations (S.B. 1628) - VETOED

Requires any policy, program, rule or law that prohibits sex discrimination to also prohibit the unfair treatment of a female or male in relation to a similarly situated member of the opposite sex and requires the state to replace the stand-alone term *gender* with *sex* in all laws, rules, publications, orders, actions, programs, policies and signage when updates are necessary. Specifies that the term *sex*: 1) means a person's biological sex, either male or female, at birth; 2) only includes two sexes and every individual is either a male or female; 3) is objective and fixed; and 4) does

not include gender identity or any other term intended to convey a person's subjective sense of self and may not be used as a synonym or substitute for the term sex.

The state or a political subdivision may provide a separate single-sex environment for a male or female if the sexes are not similarly situated, particularly with respect to biology. Requires the state, state agencies, political subdivisions and public schools and school districts, in collecting vital statistics, to identify each natural person in a collected data set as either male or female.

The Governor indicates in her <u>veto message</u> that she will not sign legislation that attacks Arizonans.

#### parental rights; medical records (H.B. 2183) - VETOED

Requires a health care entity to provide a parent of a minor child access to any electronic portal and delivery platform for the minor's medical records throughout the child's minority. A parent's right to request, access and review a minor's written and electronic medical records includes medical records of services not requiring parental consent.

The Governor indicates in her <u>veto message</u> that H.B. 2183 may put the health and safety of vulnerable Arizonans at risk.

#### SNAP; mandatory employment; training (H.B. 2502) – VETOED

Requires the Department of Economic Security to require able-bodied adults under 60 years old who are receiving Supplemental Nutrition Assistance Program (SNAP) benefits to participate in a mandatory employment and training program, as prescribed by federal law, unless the recipient meets outlined criteria for exemption.

The Governor indicates in her <u>veto message</u> that H.B. 2502 would undermine Arizona's efforts to connect SNAP participants with high-quality training and job support services and that resources should be allocated towards the SNAP Career Advancement Network instead of the supports contemplated in H.B. 2502.

#### SNAP; waivers; exemptions (H.B. 2503) – VETOED

Prohibits the Department of Economic Security (DES) from seeking, applying for, accepting or renewing any waiver of work requirement under the Supplemental Nutrition Assistance Program (SNAP) for able-bodied adults without dependents unless required by federal law or authorized by state law. DES may not exercise Arizona's option to provide exemptions from the SNAP work requirement unless authorized by state law.

The Governor indicates in her <u>veto message</u> that H.B. 2503 would inhibit Arizona's ability to support Arizona families, retailers and farmers and place additional strain on food banks.

#### forced organ harvesting; insurance; prohibition (H.B. 2504) – VETOED

SEE THE FINANCE & COMMERCE COMMITTEE.

# **Judiciary Committee**

Senator Anthony Kern, Chairperson



Zack Dean, Research Analyst Sawyer Bessler, Assistant Research Analyst Kaytlin King, Intern

### JUDICIARY COMMITTEE

#### **LEGISLATION ENACTED**

#### DUI; transportation network drivers (NOW: DUI threshold; drivers) (S.B. 1025) - Chapter 101

Deems it unlawful for a person to have a blood alcohol concentration of 0.04 or more while driving or in actual physical control of a taxi, livery vehicle or limousine or while providing transportation network company services as a transportation network company driver. Subjects such a driver to the presumptions that arise from an analysis of blood alcohol concentration within two hours of driving.

judgments; interest rates (S.B. 1059) - Chapter 3

#### SEE THE FINANCE & COMMERCE COMMITTEE.

#### catalytic converter; unlawful use; classification (S.B. 1185) - Chapter 231

Increases the penalty, from a class 1 misdemeanor to a class 6 felony, for an unlawful purchase, solicitation, advertisement, possession or sale of a used detached catalytic converter, if the violation involves the unlawful possession of 10 or more used detached catalytic converters.

#### <u>county procedures; technical correction</u> (NOW: continuing education; agency license requirements) (S.B. 1214) – Chapter 9

Requires the Arizona Supreme Court to allow a member of the Arizona State Bar who attends a continuing education program to fulfill a state agency license renewal requirement to also earn credit towards the member's annual continuing legal education activity requirement if the continuing education program deals with matters directly related to law, consists of an organized program of learning, follows an agenda and is accompanied by substantive or practical written materials or exercises.

#### sexual conduct; minor; capital punishment. (NOW: sexual conduct; minor; punishment) (S.B. 1232) - Chapter 233

Classifies *sexual conduct with a minor* who is 12 years old or younger and who suffers serious physical injury during the offense as a class 1 felony punishable by natural life imprisonment without eligibility for commutation, parole, work furlough, work release or release from confinement on any basis.

#### child abduction from state agency (S.B. 1302) - Chapter 108

Reduces the prescribed felony penalty for committing an *abduction of a child from a state agency* to a class 1 misdemeanor if the person who fails or refuses to return the child is the child's natural or adoptive parent, the child has voluntarily and without consent left the placement location

and the person's motive is to protect and care for the child when the person: 1) takes, entices or keeps the child from the lawful custody of the state agency; or 2) impedes the immediate return or intentionally fails or refuses to immediately return a child to the lawful custody of the state agency, including at the expiration of visitation or access.

#### probation; transfer (S.B. 1364) – Chapter 13

Allows a probationer to make a written request to the supervising probation department for a courtesy transfer to a different county if the probationer provides proof of family caregiver obligations, employment, housing or an offer of employment or housing that will assist in the probationer's positive behavioral change. The supervising probation department must: 1) confirm the details of employment, housing or family caregiving plans; 2) review any victim safety concerns and ensure compliance with the victims' bill of rights; and 3) submit the courtesy transfer request to the receiving county within seven business days after receipt.

After verifying the submitted information, the receiving probation department must provide the sending probation department with permission for transfer within seven business days after receipt, unless the receiving probation department finds the basis for the transfer plan is not factual or the transfer will endanger the probationer's victim. A probationer that violates probation or commits an additional offense may not be transferred back to the county in which probation was originally imposed, except for revocation hearings or by court order.

#### police reports; time; cost requirements. (S.B. 1371) - Chapter 56

Grants a victim of a domestic violence or sexual offense, or their attorney, the right to: 1) receive one copy of the police report and video recordings from the investigating law enforcement agency at no charge; and 2) request the court to provide, at no charge, the minute entry or portion of the record of any proceeding in the case that arises out of the offense committed against the victim and that is reasonably necessary to pursue a claimed victim's right. A law enforcement agency must prioritize the processing and providing of requested police reports.

#### family reunification treatment; prohibitions (S.B. 1372) – Chapter 166

#### SEE THE TRANSPORTATION, TECHNOLOGY & MISSING CHILDREN COMMITTEE.

#### offenses; lifetime injunction (S.B. 1436) – Chapter 5

Adds stalking, voyeurism and aggravated assault by way of strangulation or domestic violence to the list of felony offenses for which a victim may petition for, and the court must issue, a lifetime injunction against the defendant.

#### DUI; license suspension; records (S.B. 1453) - Chapter 109

Modifies requirements related to driving under the influence (DUI) offenses and orders of suspension issued by the Arizona Department of Transportation (ADOT). If a person is arrested for suspected DUI or refuses a DUI test, the law enforcement officer must file a certified report of

the arrest or refusal with ADOT within 30 days after the date of arrest. ADOT may not suspend a person's driver license if a certified report is not received, unless the DUI violation resulted in serious physical injury or death. Law enforcement officers must provide specified information to a person who is arrested for DUI and refuses testing. Aligns relevant reporting and notification requirements with the 30-day timeframe.

The Director of ADOT may only expunge a note of administrative suspension or revocation for a DUI involving death or serious physical injury if the offender has not been charged with another DUI violation within 24 months, rather than 12 months, from the date of the DUI. A notification of suspension must include outlined information relating to drug and alcohol treatment programs and hearing or summary review eligibility.

If a person is subject to ignition interlock device (IID) requirements and has a medical condition that prevents the person from using the IID, ADOT must receive satisfactory evidence of the medical condition from an authorized physician or physician assistant and require monthly alcohol and drug screening in lieu of an IID.

aggravated assault; developmental disability; exception (S.B. 1594) - Chapter 113

### SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

technical correction; state facilities (NOW: ombudsman; corrections; reporting requirements) (S.B. 1629) – Chapter 59

Requires the Ombudsman-Citizens Aide, by December 31 of each year, to submit a report to the Legislature that includes the number, topic and resolution of complaints made regarding the Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR).

By December 31 of each year, the Director of ADCRR must submit a report to the Legislature that contains outlined information, including staff compensation, tenure and turnover rate, inmate-to-staff ratios and the number of: 1) staff and staff vacancies; 2) facility lockdowns lasting more than 24 hours; 3) inmates and inmates who were segregated or confined and the duration of segregation or confinement; 4) in-custody physical and sexual assaults, suicide attempts and deaths; 5) in-person visits made and denied for each inmate; and 6) inmate complaints submitted to ADCRR and complaint resolutions, including the time period to reach resolution.

### sex offender management working group (NOW: sex offender management board; establishment) (S.B. 1630) – Chapter 241

Establishes the Sex Offender Management Board (Board) and outlines Board membership and duties. Requires the Board to develop and present to the Legislature various procedures, programs, guidelines, standards and recommendations relating to the intervention and treatment of sex offenders, including juvenile sex offenders and sex offenders with intellectual and developmental disabilities. The Board must adopt recommendations by majority vote, but the recommendations are subject to the discretion of the cochairpersons, who must both approve each recommendation. If sufficient monies are appropriated to the Department of Public Safety, the Board may request individuals or entities that provide specified services that conform with the Board-adopted standards to submit data and information to the Board for use in evaluating the effectiveness of the Board-developed guidelines and standards, as prescribed. Terminates the Board on July 1, 2032.

### residential property; transient occupant; remedies (NOW: Pacific conflict; assessment) (S.B. 1638) - Chapter 243

Requires, until January 1, 2029, the Department of Emergency and Military Affairs to: 1) identify any threats posed to Arizona in the event of a Pacific conflict; 2) complete a comprehensive risk assessment, including all vulnerabilities and recommendations for emergency response strategies for outlined areas; 3) provide mitigation strategies and suggestions to limit or eliminate the risk posed to critical infrastructure, other assets and the safety and security of the state or nation; and 4) by December 31 of each year, conduct a briefing before the Governor and Legislature to address compliance with the assessment requirements and provide any legislative action recommendations. Designates this legislation as the *Pacific Conflict Stress Test Act*.

### gold; silver; currency; study committee (NOW: subsequent felony; sealing case records) (S.B. 1639) - Chapter 244

Modifies requirements relating to the sealing of case records for eligible criminal offenses by: 1) allowing a person convicted of a subsequent felony offense to petition the court to seal the person's case records after the applicable waiting period has expired and an additional five years have passed; and 2) beginning the waiting period for an eligible offense after a person has completed all nonmonetary terms and conditions of the person's sentence. A petitioner must have paid all monetary obligations at the time of filing. A court may not grant a petition to seal case records if the petitioner has a charge pending that could result in a disqualifying conviction. Extends, from 30 days to 60 days, the timeframe to provide an opportunity for objection during which a court may not grant a petition to seal case records.

Removes the requirement that a person must have been convicted of an ineligible offense for the person's records to be ineligible for sealing and specifies that dangerous offenses are ineligible for sealing even if the person is not sentenced as a dangerous offender.

Modifies the eligible offenses that must be disclosed despite being sealed when applying for certain employment positions. The Board of Fingerprinting must consider sealed case records as a mitigating factor when determining whether to grant a good cause exception.

# <u>failure to pay; suspension; restriction</u> (NOW: master jury list; juror information) (S.B. 1673) – Chapter 175

Adds the birth dates and, if available, telephone numbers and email addresses of eligible jurors to the information required in a *master jury list* and the lists of qualified voters and adults with driver licenses that are provided to jury commissioners.

### sex trafficking; minors; natural life (NOW: sex trafficking; child; natural life) (S.C.R. 1021/ H.C.R. 2042)

Subject to voter approval and notwithstanding any other law, statutorily requires an adult who is convicted of a class 2 felony for any child sex trafficking offense to be sentenced to natural life imprisonment without eligibility for any form of release. Requires the Secretary of State to submit the proposition to the voters at the next general election. Becomes effective if approved by the voters and on proclamation of the Governor.

### judicial retention elections (S.C.R. 1044)

# SEE THE ELECTIONS COMMITTEE.

### dangerous drugs; definition; xylazine (H.B. 2045) – Chapter 85

Expands the definition of *dangerous drug* to include xylazine. Exempts, from penalties associated with the possession, use, administration, acquisition, sale, manufacture or transportation of dangerous drugs, a licensed veterinarian who lawfully acquires, uses, prescribes, dispenses or administers a dangerous drug while acting in a professional capacity, in good faith and in accordance with generally accepted medical standards.

### school safety zone; offenses; sentencing (H.B. 2064) - Chapter 86

Allows the court to impose a sentence that is up to five years longer than the minimum, maximum and presumptive sentence for a felony committed in a school safety zone if the person is in a position of trust and is convicted of a felony involving sexual offenses, sexual exploitation of children or child sex trafficking.

### property; criminal damage (H.B. 2191) – Chapter 29

Specifies that a person commits *criminal damage* by recklessly physically obstructing a passageway, rather than parking any vehicle, in such a manner as to deprive livestock of access to the only reasonably available water.

### bestiality; visual depiction; minors (H.B. 2241) - Chapter 251

Expands the criminal classification of *bestiality* to include possessing, distributing, transporting, exhibiting, selling, purchasing or electronically transmitting any visual depiction of a real person engaging in outlined sexual activity with a real animal. Classifies a violation of *bestiality* in this manner as a class 1 misdemeanor.

# grooming; classification (NOW: child enticement; classification; definition) (H.B. 2310) – Chapter 189

Establishes the criminal classification of *child enticement* which a person commits by knowingly using various means to lure or entice a minor to distribute a visual depiction of a person's genitals or the female breast or committing any act in furtherance of the sexual abuse of the minor. A child enticement violation is a class 5 felony, or a class 4 felony if the defendant is in a position of trust. A child enticement offense: 1) is eligible for the Romeo and Juliet prosecution defense if all requirements are met; and 2) does not prohibit the distribution of visual depictions that, when taken as a whole, have serious literary, artistic, political or scientific value for minors.

### <u>candidates; digital impersonation; injunctive relief (NOW: digital impersonation; injunctive relief;</u> requirements) (H.B. 2394) – Chapter 193 E

### SEE THE ELECTIONS COMMITTEE.

#### duty of care; leased vehicles (H.B. 2461) - Chapter 144

Specifies that, in a civil action where a motor vehicle is involved in an accident, there is no obligation or duty for the owner, lessor or operator of the vehicle or the person renting the vehicle to another person to retrofit the vehicle with component parts or optional equipment or to include selected component parts or optional equipment on the vehicle if the parts or equipment were not required by Federal Motor Vehicle Safety Standards when the vehicle was manufactured or first sold. Evidence related to such an alleged obligation or duty is inadmissible in a civil action.

The outlined specification does not apply if the owner, lessor or operator of the vehicle or the person renting the vehicle to another person fails to comply with a mandatory recall or retrofit that is required by a law or regulation issued after the vehicle was manufactured or first sold.

### parent-child relationship; restoration (H.B. 2486) - Chapter 147

Allows, if a parent-child relationship has been terminated, the Department of Child Safety (DCS), the child, the child's parent, attorney or guardian ad litem or an Indian child's tribe to petition to have the parent-child relationship restored if: 1) the child is in DCS care or custody and has not achieved permanency, is unlikely to achieve permanency and is not in a preadoptive placement; 2) at least two years have passed since the relationship was terminated, unless there is a demonstration of good cause for an earlier filing; and 3) the dependency adjudication finding did not include, or the relationship was not terminated because, the parent committed or was found to have failed to protect the child from outlined acts. Prescribes requirements relating to the contents of a petition for restoration of a parent-child relationship (petition) and disrupted adoptions.

On the filing of a petition and if DCS is not the petitioner, the court must order DCS to conduct an assessment, as outlined, and to provide a report that includes whether restoring the parent-child relationship is in the child's best interests and a description of the diligent efforts DCS made to locate permanent placement. On completion of DCS's assessment and if the court finds by clear and convincing evidence that restoring the parent-child relationship is in the best interests

of the child, the court must order DCS to conduct a trial in-home placement of the child with the child's parent or parents. DCS must provide an evaluation of the trial in-home placement to the court within three to six months after the trial placement starts. After receiving DCS's evaluation and considering specified criteria, the court may either grant the petition or order DCS to continue the trial in-home placement for up to one year. DCS must establish policies and procedures for trial in-home placements and immediately terminate a trial in-home placement if there is a substantiated report of abuse or neglect.

### <u>false reporting; public alarm; classification</u> (NOW: public alarm; false reporting; classification) (H.B. 2508) – Chapter 97

Expands the criminal classification of *false reporting* to add that a person commits false reporting by initiating a report of a serious offense involving an educational institution or any place used for worship or religious services knowing that the report is false and intending that it will cause an emergency response. A violation of false reporting in this manner is a class 6 felony.

### partition; property; inheritance (H.B. 2521) - Chapter 122

Establishes the Uniform Partition of Heirs Property Act which applies to partition actions filed on or after September 14, 2024, involving heirs property. Heirs property is real property that: 1) is held in tenancy in common where there is no agreement that binds the cotenants and governs the partition; 2) is acquired by one or more cotenants from a relative; and 3) meets outlined criteria relating to fractional ownership between cotenants. Prior to considering the merits of a partition action, the court must appoint a disinterested, licensed real estate appraiser to determine the property's fair market value and subsequently conduct a hearing to consider any other evidence and make a final determination of value. Prescribes plaintiff notification requirements and appraisal and hearing determinations.

After the final determination, the court must notify all applicable cotenants of the ability to buyout the property interests of any cotenant who requested partition by sale. If the property interests of parties who requested the partition by sale are not purchased by the other cotenants, the court must consider outlined factors and order partition in kind, unless it would result in manifest prejudice to the cotenants. If the court does not order partition in kind, it must order partition by sale according to open-market procedures, unless the court finds that sale by sealed bid or auction would be in the best interest of the cotenants.

Provides alternatives the court may take if previous partition options are unsuccessful or infeasible and outlines property sale requirements and rules and procedures for the buyout of fractional property interests.

### vacate conviction; sex trafficking; victims (H.B. 2623) - Chapter 195

Removes the stipulation that a prostitution offense committed as a result of being a victim of sex trafficking must have been committed before July 24, 2014, for the offender to be eligible to apply to vacate the conviction. A prostitution conviction may be vacated if clear and convincing evidence shows that the offense was the direct result of being a victim of child sex trafficking.

### child sex trafficking; facilitating prostitution (H.B. 2665) – Chapter 255

Specifies that a person who is at least 18 years old commits *child sex trafficking* by knowingly engaging in prostitution with a person for the purpose of facilitating the prostitution of a minor who is under 15 years old or a minor who the person knows or should know is 15, 16 or 17 years old. It is not a defense to a prosecution for *child sex trafficking* that the other person is a peace officer posing as a person facilitating the prostitution of a minor. Evidence relating to a victim's chastity and opinion evidence relating to a victim's chastity are inadmissible in any prosecution for *child sex trafficking* or any offense relating to the sexual exploitation of children.

The judicial officer for a person who is charged with *child sex trafficking* and is released on the person's own recognizance or bail must impose electronic monitoring where available and a condition prohibiting the person from having any contact with the victim. In addition to any other assessment or restitution, the court must order a person convicted of *sexual abuse*, *sexual conduct with a minor*, *sexual assault* or *child sex trafficking* to pay an assessment of \$500.

Removes the stipulation that a prostitution offense committed as a result of being a victim of sex trafficking must have been committed before July 24, 2014, for the offender to be eligible to apply to vacate the conviction.

abortion ban; repeal (H.B. 2677/S.B. 1734) - Chapter 181

# SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

### aggravated assault; transit; airport; rail (H.B. 2742) - Chapter 257

Adds public transit employees, airport employees and railway workers who are engaged in official duties as protected persons in the *aggravated assault* criminal classification and classifies *aggravated assault* in this manner as a class 6 felony. Decreases the penalty, from a class 2 misdemeanor to a class 3 misdemeanor, for *assault* by way of intentionally placing another person in reasonable apprehension of imminent physical injury.

involuntary treatment; guardians; agents; rights (H.B. 2744) - Chapter 152

SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

criminal justice; 2024-2025 (H.B. 2901/S.B. 1739) - Chapter 213

SEE THE APPROPRIATIONS COMMITTEE.

### **LEGISLATION VETOED**

schools; sexually explicit materials; classification (NOW: schools; libraries; explicit materials; classification) (S.B. 1007) – VETOED

Prohibits a public library employee or independent contractor from referring an unemancipated minor, or facilitating an unemancipated minor's access, to any sexually explicit material in any manner. A person acting with criminal negligence who violates the prohibition is guilty of a class 5 felony.

Classifies, as a class 5 felony, the act of a public school employee or independent contractor who, with criminal negligence, refers a student to, or uses, sexually explicit material in any manner, except as specified.

The Governor indicates in her <u>veto message</u> that S.B. 1007 attacks public schools and libraries and does nothing to protect minors.

### obstruction highway; large event; classification (S.B. 1073) – VETOED

Expands the criminal classification of *obstructing a highway or other public thoroughfare* to deem it unlawful for a person, having no legal privilege to do so and after receiving a verbal warning to desist, to intentionally interfere with passage on: 1) any roadway in or leading to an airport; or 2) a highway, bridge or tunnel currently holding 25 or more vehicles or people. Classifies an offense as a class 6 felony.

The Governor indicates in her <u>veto message</u> that in approaching these matters, it is critical to avoid infringing on Arizonan's freedoms.

### transient occupants; property; removal (NOW: unlawful occupants; property; removal) (S.B. 1129) - VETOED

Allows a property owner or the owner's authorized agent to request law enforcement to immediately remove an unlawful occupant from a residential dwelling and outlines factors to determine when a person unlawfully occupies a residential dwelling. To request the immediate removal of an unlawful occupant, the property owner or authorized agent must submit an affidavit to law enforcement that includes outlined information. Law enforcement must verify that the person is the record owner of the real property or the owner's authorized agent before directing the unlawful occupant to surrender possession of the real property, as prescribed. A person who is wrongfully removed from a premises may file an action against the person who claims the right to possession of the real property and may be entitled to restoration of property possession and recovery of outlined costs, damages and fees.

After law enforcement serves the notice to immediately vacate, the property owner or authorized agent may request that law enforcement stand by to keep the peace while changing the locks and removing the unlawful occupant's personal property from the premises to or near the property line and law enforcement may charge a reasonable hourly rate for the service to be paid by the person requesting law enforcement presence. A person who fails or refuses to surrender possession of the property as directed by law enforcement is committing *trespass*. Neither law enforcement nor the property owner is liable to the unlawful occupant for loss, destruction or damage to the occupant's personal property.

The Governor indicates in her <u>veto message</u> that S.B. 1129 fails to leverage existing legal mechanisms, respect due process rights of lawful tenants and minimize unintended consequences.

### political subdivisions; gun shows; preemption (S.B. 1189) – VETOED

Precludes a political subdivision from prohibiting a gun show from occurring in the political subdivision or from enacting or enforcing any ordinance, rule or policy that primarily affects gun shows and effectively prohibits a gun show from occurring in the political subdivision.

The Governor indicates in her <u>veto message</u> that S.B. 1189 restricts the authority of political subdivisions to make decisions about how to keep communities safe.

# retirement; reemployment; school resource officers (NOW: organized retail theft; repetitive offenders) (S.B. 1414) – VETOED

Requires a person convicted of a third or subsequent violation of *organized retail theft* with the intent to resell or trade the merchandise to be sentenced as a category two repetitive offender.

The Governor indicates in her <u>veto message</u> that she signed S.B. 1411 establishing the Organized Retail Theft Task Force and she looks forward to reviewing the required policy recommendations and finding balanced policies for this matter.

### public entity liability; sexual offenses (S.B. 1435) - VETOED

Beginning January 1, 2027, subjects a public entity to liability for losses that arise out of an act or omission by a public employee that involves a sexual offense, if the victim is a minor or child with a disability and one or more of the following conditions apply: 1) the entity violated a statutory duty relating to employee background checks; 2) the entity or employee has a statutory duty to report and failed to do so; or 3) clear and convincing evidence proves that the entity failed to reasonably investigate or take reasonable action on an alleged policy violation that was substantially related to the harm that occurred. The public entity liability expansion applies to acts or omissions committed on or after September 14, 2024.

The Governor indicates in her <u>veto message</u> that S.B. 1435 fails to meet the standard of careful tailoring and thoughtful execution required by legislation that expands public entity liability.

sex-based terms; laws; rules; regulations (S.B. 1628) - VETOED

### SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

### agricultural operations; water; protection; definition (H.B. 2124) - VETOED

### SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.

### probation; termination; deportation (H.B. 2157) - VETOED

Prohibits the court from using the deportation of a probationer as the sole reason for terminating the period of probation or intensive probation at a time earlier than originally imposed.

The Governor indicates in her <u>veto message</u> that H.B. 2157 is unnecessary as current Arizona Supreme Court administrative directives state that a person's probation continues upon returning to the country.

### defense of premises; definition (H.B. 2843) - VETOED

Modifies the definition of *premises*, for the purpose of justifying the use of physical force in defense of *premises*, to be any real property or structure, movable or immovable, permanent or temporary, adapted for either, rather than both, human residence or lodging whether occupied or not.

The Governor indicates in her <u>veto message</u> that H.B. 2843 values property over human life and unnecessarily alters traditional laws on self-defense.

# Military Affairs, Public Safety & Border Security Committee

Senator David Gowan, Chairperson



Zack Dean, Research Analyst Sawyer Bessler, Assistant Research Analyst Kaytlin King, Intern

# MILITARY AFFAIRS, PUBLIC SAFETY & BORDER SECURITY COMMITTEE

## **LEGISLATION ENACTED**

# <u>correctional facilities; body scanners</u> (NOW: body scanners; correctional facilities) (S.B. 1030) – Chapter 45

Allows a city or town correctional facility to: 1) request a licensed practitioner to order that x-radiation be performed on any inmate if there is reason to believe the inmate is in possession of any contraband; and 2) perform a body scan of an inmate by using low-dose ionizing radiation without an order from a licensed practitioner to prevent any contraband from entering a correctional facility.

### peer support teams; information; disclosure (S.B. 1071) – Chapter 171

Prohibits a peer support team member from being compelled to disclose privileged information regarding designated persons in a legal proceeding, trial or investigation, with certain exceptions. A *peer support team* is a designated group of individuals trained in compassion fatigue, crisis support, grief and loss resiliency, motivational interviewing and suicide prevention who have completed training provided by a licensed mental health professional and who are part of a crisis response team for law enforcement, probation officers, firefighters or emergency medical providers.

### tuition; family; posttraumatic stress; suicide (S.B. 1174) – Chapter 230

Retroactive to July 1, 2023, requires the Arizona Board of Regents or a community college district to provide a tuition waiver scholarship to the child or spouse of a deceased veteran or member of the U.S. Armed Forces, or a current or previously employed peace officer or firefighter, if the parent or spouse was an Arizona resident at their time of death and died by suicide while having a documented posttraumatic stress injury that occurred in the line of duty. Outlines criteria that establishes prima facie evidence of a parent's or spouse's posttraumatic stress injury. A person who was eligible for a tuition waiver scholarship in FYs 2024 or 2025, or both, and who did not receive a scholarship, is eligible for a tuition scholarship award in an amount equal to the tuition for both years, as outlined.

prisoners; transition services; noncontracted entities (NOW: vehicle lighting; law enforcement; exceptions) (S.B. 1196) – Chapter 173

### SEE THE TRANSPORTATION, TECHNOLOGY & MISSING CHILDREN COMMITTEE.

### internet sex offender website; offenses (S.B. 1236) - Chapter 158

Requires a person registered as a Level 1 sex offender to register on the internet sex offender website if the offender was at least 21 years old at the time of the offense and was sentenced for a dangerous crime against children after committing any of the following sexual

offenses: 1) sexual abuse; 2) child molestation; 3) sexual conduct with a minor; 4) child sex trafficking; 5) taking a child for the purpose of prostitution; 6) luring or aggravated luring of a minor for sexual exploitation; or 7) continuous sexual abuse of a child. A person registered as a Level 1 sex offender who was convicted of or adjudicated guilty except insane must have been at least 18 years old at the time of the qualifying offense to be required to register. By September 14, 2025, the Department of Public Safety must add to the internet sex offender website the names and information of all persons convicted of outlined sexual offenses before September 14, 2024.

### sex offender registration; school notification (S.B. 1404) – Chapter 57

Requires a person registered as a sex offender who has legal custody of a child enrolled in school to: 1) provide the child's name and enrollment status at the time of registering as a sex offender with the county sheriff; and 2) notify the county sheriff of any change to the enrollment status of the person's child within 72 hours. A Level 1 sex offender who has been convicted of a dangerous crime against children must be included in the community notification that is disseminated to specified schools.

### organized retail theft task force (S.B. 1411) - Chapter 167

Requires the Attorney General (AG) to establish the Organized Retail Theft Task Force (Task Force) to combat crimes that relate to stealing, embezzling or obtaining retail merchandise by fraud, false pretenses or other illegal means for the purpose of resale. Outlines Task Force membership and requires the AG to invite federal, state and local law enforcement personnel to participate in the Task Force.

The Task Force must: 1) meet regularly to review cases and provide updates on ongoing cases; 2) investigate, apprehend and recommend individuals or entities for prosecution, as appropriate; 3) investigate offenses or violations under the AG's jurisdiction; 4) review, investigate and recommend for prosecution appropriate cases brought before the Task Force by law enforcement agencies or authorized loss prevention personnel; and 5) by July 1, submit a report to the Governor, Legislature and Secretary of State outlining activities and recommendations.

### residential property; transient occupant; remedies (NOW: Pacific conflict; assessment) (S.B. 1638) – Chapter 243

### SEE THE JUDICIARY COMMITTEE.

public-private partnership contracts (S.B. 1670) - Chapter 201 E

# SEE THE GOVERNMENT COMMITTEE.

### prisoner spendable accounts; restitution (S.B. 1671) - Chapter 80

Allows the court to order the Director of the Arizona Department of Corrections, Rehabilitation and Reentry to withdraw more than 20 percent of available monies from a prisoner's spendable account for restitution purposes.

### prior felony conviction; aggravated DUI (S.B. 1675) – Chapter 60

Allows an aggravated driving under the influence offense (DUI) that was committed within five years immediately preceding the present offense to be alleged as a historical prior felony conviction, even if the present offense is not also an aggravated DUI.

### traffic violations; photo radar; penalties (NOW: minors; motorcycle helmets; citations) (S.B. 1680) - Chapter 246

### SEE THE TRANSPORTATION, TECHNOLOGY & MISSING CHILDREN COMMITTEE.

### peace officers; mutual aid agreements (S.B. 1683) - Chapter 185

Requires each county sheriff to develop and adopt a policy on cross-certifying peace officers from adjoining states, including whether to allow cross-certification in that county. A peace officer employed by an adjoining state county must submit a cross-certification request to the county sheriff and submit evidence that the officer is certified as a peace officer. Cross-certification remains active for one year and provides the peace officer with the law enforcement powers of an Arizona peace officer for the purpose of assisting with emergencies, including the capability to enforce Arizona's criminal laws if directed by the peace officer's employer. The Arizona Peace Officer Standards and Training Board must maintain records of all cross-certified peace officers from adjoining states. The state and each political subdivision are indemnified from liability for any act or failure to act by a cross-certified peace officer.

### private property; sale; veterans affairs. (S.J.R. 1001) – Chapter 247 E

An emergency measure effective June 21, 2024, that consents to the sale of specified parcels of land in Maricopa County to the United States for and on behalf of the U.S. Department of Veterans Affairs and provides a legal description of the land being sold.

### space national guard; urging establishment (S.C.M. 1004)

Urges the U.S. Congress to enact legislation to establish a Space National Guard.

# department of health services; rulemaking (NOW: ambulance attendants; services) (H.B. 2033) – Chapter 128

Allows an emergency medical responder who is employed by an ambulance service and whose primary responsibility is driving an ambulance to exclusively drive an ambulance when providing interfacility transportation. Department of Health Services (DHS)-adopted ambulance operation standards, criteria and procedures must require that ambulance services providing interfacility transportation have one, rather than at least one, ambulance attendant who is an emergency medical technician (EMT), licensed physician or professional nurse. The second ambulance attendant required by the ambulance operation standards may be any classification of ambulance attendant, including an emergency medical responder.

An ambulance service must charge the basic life support base rate as prescribed by the Director of DHS for an interfacility transport when the ambulance is staffed with at least one EMT, one paramedic whose primary responsibility is the care of patients in an ambulance, one licensed physician or one professional nurse.

### DOC officers; personnel system; covered (H.B. 2034) - Chapter 249

Adds the following employees at the Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR) to covered service under the state personnel system: 1) correctional captains, lieutenants, sergeants and corporals; 2) correctional officer IVs; and 3) community corrections unit supervisors and group supervisors. Requires the Director of ADCRR to adopt rules to allow such employees to keep the maximum annual leave carryover and accrual rate prescribed for employees in uncovered service.

### traumatic event counseling; constables (NOW: constables; traumatic event counseling) (H.B. 2103) - Chapter 115

Adds constables and deputy constables to the definition of *peace officers* for the purpose of qualifying for state employer-provided traumatic event counseling.

### department of homeland security; continuation (H.B. 2107) - Chapter 25

Continues the Arizona Department of Homeland Security for four years, until July 1, 2028, retroactive to July 1, 2024.

### fingerprinting; criminal history; records checks (H.B. 2243) - Chapter 188 E

An emergency measure effective May 17, 2024, that modifies policies and procedures for the Board of Fingerprinting (Board) and the Department of Public Safety (DPS) relating to fingerprinting and criminal history records checks. The Board may only review a person's criminal history records if the person has applied for a good cause exception for a fingerprint clearance card (FCC). The DPS Fingerprinting Division (Division) may only release a person's criminal history records to the Board if the Division suspends a person's FCC and the person applies for a good cause exception through the Board. Removes the requirement for the Director of the Board to provide reports of arrests, charges or convictions of precluding offenses to applicable state agencies and specifies that DPS may notify the agency. Codifies the authorization for DPS to use and retain fingerprints for conducting criminal history records checks through Rap Back services.

Allows an applicant for an occupation or position that requires a valid FCC, and whose application is pending approval for a federal criminal records check, to be granted a temporary work authorization while the application is pending. To be granted work authorization, an applicant must provide specified documents to the state agency, including notarized forms that affirm the person has never been convicted of a precluding offense. A state agency may perform third-party background checks on applicants and take other actions as outlined. The authority to grant temporary work authorizations expires on the date that the Federal Bureau of Investigation notifies DPS that the agency has been approved to conduct federal criminal history records checks.

### narcotic drugs; fentanyl; sentencing (H.B. 2245) - Chapter 66

Establishes sentencing ranges for persons convicted of possessing or transporting a narcotic drug if the offense involves the sale of fentanyl to another person in an amount of at least 200 grams. For a first offense, the sentence is a minimum of 5 years, presumptive of 10 years and maximum of 15 years. The minimum, presumptive and maximum sentences are increased by five years if the person has previously been convicted of possessing or transporting a narcotic drug. The presumptive prison sentences may be mitigated or aggravated as prescribed.

### prisoners; services budget; postsecondary education (H.B. 2248) - Chapter 119

Adds postsecondary education for employment in any of the following industries to the list of education programs for which appropriated and expended monies must be identified in the Arizona Department of Corrections, Rehabilitation and Reentry's prisoner education services budget: 1) information technology; 2) transportation and warehousing; 3) construction; 4) health care and social assistance; 5) manufacturing; 6) finance and insurance; and 7) retail trade.

### health care decisions; living wills (NOW: Arizona space commission; research fund) (H.B. 2254) - Chapter 140

Establishes the 13-member Arizona Space Commission (Commission) and outlines Commission membership and duties. The Commission must identify research and funding opportunities within Arizona that: 1) enhance Arizona's position in civil, commercial and military aeronautics research and development and space flight infrastructure; 2) enhance the integration of the space aeronautics, astronautics and aviation industries in Arizona; and 3) promote and research materials derived from or developed through space exploration and space flight.

Establishes the Space Exploration and Aeronautics Research Fund (Fund), consisting of legislative appropriations, gifts, grants and donations. Fund monies may be used, as prescribed, to provide grants to businesses or nonprofit organizations in Arizona that are involved in the space exploration or aeronautics industry or to a governmental entity with which the Commission's governing Board has entered into an intergovernmental agreement. Prescribes grant project, prioritization and reporting requirements.

Requires the Commission to develop and annually update a strategic plan for promoting and expanding space, aeronautics and aviation in Arizona, including a list of potential projects to further the purposes of the Commission. By December 31, 2024, and each even-numbered year thereafter, the Commission must submit the strategic plan to the Governor and Legislature.

### peace officers; discipline; modification (H.B. 2322) - Chapter 69

Allows the Law Enforcement Merit System Council (LEMSC) to recommend modification of a disciplinary action if the state agency head has proven that the employing agency had just cause to discipline the employee but evidence presented by the employee or the employing agency, any legal basis brought in the appeal or any other facts or circumstances offered for LEMSC's consideration demonstrate that the disciplinary action should be modified.

### mental health transition program; release (H.B. 2433) - Chapter 35

Allows an inmate who is eligible for the Arizona Department of Corrections, Rehabilitation and Reentry's (ADCRR's) Mental Health Transition Pilot Program (Pilot Program) to be released from confinement three months earlier than the inmate's earliest release date if certain criteria are met, including that the inmate has not been convicted of: 1) specified sexual offenses; 2) arson related offenses; or 3) violent crimes resulting in death or physical injury or any criminal use of a deadly weapon or dangerous instrument. The Director of ADCRR must adopt rules to require that an eligible inmate receive Pilot Program services for at least 90 days or for the duration of the inmate's release.

### diversion; juveniles; conditions (H.B. 2511) - Chapter 39

Allows a juvenile offender whose prosecution has been diverted to voluntarily participate in a court-approved religious program. The religious program may be substituted for another diversion program. The purpose of the religious program may not include any effort to coerce the juvenile offender to adopt or change any religious affiliation or beliefs.

# military installations; general plan amendments (NOW: military installations; general plans; land) (H.B. 2548) – Chapter 41

Requires a city, town or county that contains any portion of a military installation or range or an Arizona National Guard site (military sites), or any portion of the influence area of a military site as delineated in the map prepared by the Arizona State Land Department (ASLD), to notify the office of the commander of each military site when outlined land use applications are deemed complete. Outlines notice and comment requirements. The governing body of a city or town or the county board of supervisors must consult with, advise and provide an opportunity for official comment by a military site to secure maximum coordination of plans and to indicate properly located sites for all public purposes on the general plan. The general plan of a city or town that contains any portion of a military site influence area must include consideration of the military site's operations.

By December 31, 2024, and on receipt of proper information from the applicable military site, the ASLD must prepare electronic legal descriptions and maps of the military sites and their influence areas and provide legal descriptions and maps to the Arizona Department of Real Estate (ADRE) and the public.

The Commissioner of ADRE must execute and record, in the office of the county recorder in each county that includes a military site, a document that applies to land contained in the influence area and that discloses that the land is contained in an influence area. ADRE must post military site influence area maps on its website.

Any public report issued after December 31, 2024, that is applicable to property located fully or partially within a military site's influence area must state that: 1) the property is located in the influence area of a military site; 2) ASLD and ADRE maintain the influence area maps of military sites that are available to the public; and 3) the military site influence area maps are posted on ADRE's website.

### Arizona criminal justice commission; members (H.B. 2716) – Chapter 125

Adds two Governor-appointed members to the Arizona Criminal Justice Commission, including one public defender and one victim advocate.

### emergency management assistance; reimbursement (H.B. 2767) - Chapter 191

Adds, to the Management Assistance Compact and Arizona Mutual Aid Compact Revolving Fund's (Fund's) funding sources, monies received as reimbursement for costs incurred by the state and any supporting partners of the state while rendering aid in response to approved Arizona Mutual Aid Compact requests. Fund Monies may be used to reimburse supporting partners of the state and state agencies that respond to Arizona Mutual Aid Compact requests.

### service members; flags; half-staff (H.B. 2818) - Chapter 154

Requires all state agencies to fly all flags at half-staff on notification from the Governor of the death of a U.S. Armed Forces member who was killed in action and who claimed Arizona as their home or who was stationed in Arizona. Designates this legislation as the *Dan Ari Act*.

# lawful presence; e-verify program; penalties (NOW: border; benefits; fentanyl; illegal entry) (H.C.R. 2060)

Subject to voter approval, statutorily establishes the state crime of *illegal entry*, which a person who is an unlawful immigrant commits by entering or attempting to enter the state directly from a foreign nation at any location other than a lawful port of entry. *Illegal entry* is a class 1 misdemeanor or a class 6 felony if the person has been previously convicted of *illegal entry*. A person may not be arrested for *illegal entry* without probable cause being established through prescribed methods. A person has an affirmative defense to the crime of *illegal entry* if the federal government has granted the defendant lawful presence in the United States and the defendant's conduct does not constitute a violation of federal immigration law. The state crime of *illegal entry* may only be enforced prospectively and does not go into effect until a similar law in Texas, or any other similar state law, has been in effect for at least 60 consecutive days.

Before a person is convicted of or adjudicated for an *illegal entry* violation, the court may dismiss the charge and issue an order to return to the foreign nation from which the person entered the state or the person's nation of origin. An order to return may only be issued if certain criteria are met and refusing to comply with an order to return is a class 4 felony. The Arizona Department of Corrections, Rehabilitation and Reentry must accept persons convicted of or arrested for *illegal entry* offenses if county or local law enforcement agencies do not have the capacity to hold the person. State and local government entities, officials, employees and contractors are immune from civil lability arising from actions taken to enforce *illegal entry* provisions during the person's course and scope of office or employment.

Prohibits a natural person who is not lawfully present in the United States from knowingly submitting false documentation when both applying to receive public benefits and during the

employment eligibility verification process. Submitting false documentation when applying for public benefits is a class 6 felony. Submitting false documentation during the employment eligibility verification process is a class 1 misdemeanor or a class 6 felony if the person has a prior conviction. An agency or political subdivision that administers public benefits must utilize the Systematic Alien Verification for Entitlements Program to verify an applicant's documentation and benefit eligibility.

Establishes the state crime of *sale of lethal fentanyl*, which a person commits by knowingly selling fentanyl in violation of current law if the person knows the drug sold contains fentanyl and the fentanyl causes the death of another person. *Sale of lethal fentanyl* is a class 2 felony, except sentencing must be increased by five years. It is an affirmative defense to the crime of *sale of lethal fentanyl* if the fentanyl was manufactured in or lawfully imported into the United States.

Designates this legislation as the *Secure the Border Act*. Requires the Secretary of State to submit the proposition to the voters at the next general election. Becomes effective if approved by the voters and on proclamation of the Governor.

### **LEGISLATION VETOED**

### lifetime probation; sexual offenses; termination (S.B. 1155) – VETOED

Prohibits a person who is placed on lifetime probation for a sexual offense from petitioning the court to terminate probation before the following time has elapsed after the person was placed on probation: 1) 20 years, for a class 2 or 3 felony; or 2) 10 years, for a class 4, 5 or 6 felony. The court may not issue an order terminating or modifying a probation sentence if there is a current or pending criminal charge against the person.

The Governor indicates in her <u>veto message</u> that while clarification around the term *lifetime probation* is a worthwhile consideration, proposed solutions should not strip away judicial discretion.

### state crime; illegal border crossings (S.B. 1231) - VETOED

Establishes the state crime of *illegal entry*, which a person who is an unlawful immigrant commits by entering or attempting to enter the state directly from a foreign nation at any location other than a lawful port of entry. *Illegal entry* is a class 1 misdemeanor for a first offense, a class 6 felony for a subsequent offense or a class 2 or 3 felony if other aggravating factors exist. A person has an affirmative defense to the crime of *illegal entry* if the federal government has granted the defendant lawful presence in the United States, the defendant's conduct does not constitute a violation of federal immigration law or the defendant was approved for benefits under the Deferred Action for Childhood Arrivals program between June 15, 2012, and July 8, 2021. A peace officer may not arrest or detain a person suspected of committing *illegal entry* if the person is on the grounds of an educational institution, a place of religious worship or specified health care facilities.

A judge may dismiss a pending *illegal entry* charge and issue an order to return to the foreign nation from which the person entered the state. An order to return may only be issued if

certain criteria are met and refusing to comply with an order to return is a class 2 felony. An order to return that is issued upon a person's conviction takes effect on completion of imprisonment.

State and local government officials, employees and contractors are immune from civil liability arising from actions taken to enforce *illegal entry* provisions during the person's course and scope of office or employment. State and local governments must indemnify officials, employees and contractors for reasonable attorney fees and damages, as prescribed. Immunity from civil liability and indemnification do not apply if the court or a jury determines that the official, employee or contractor acted in bad faith or with conscious indifference or recklessness.

The Governor indicates in her <u>veto message</u> that S.B. 1231 will be harmful for Arizona communities and businesses and presents significant constitutional concerns.

### shoplifting; prior offenses (S.B. 1412) - VETOED

Stipulates that, when determining whether a person is guilty of a class 4 shoplifting felony, any time a person spent on absconder status during probation, on escape status or incarcerated is excluded in calculating if the person has previously committed or been convicted within the past five years of two or more offenses involving burglary, shoplifting, robbery, organized retail theft or theft.

The Governor indicates in her <u>veto message</u> that she signed S.B. 1411 establishing the Organized Retail Theft Task Force and she looks forward to reviewing the required policy recommendations and finding balanced policies for this matter.

# pedestrians; congregating; medians; unsafe locations (NOW: pedestrians; congregating; medians; intersections) (H.B. 2658) – VETOED

Prohibits a pedestrian from congregating or soliciting while on a painted or raised traffic island or median, exit ramp, entrance ramp or roadway of a controlled access highway or in an intersection where there is not a sidewalk or safe corridor for pedestrians. For a first violation, a peace officer may not issue a citation and may issue only a warning. For a second violation, the person is responsible for a civil traffic violation and, for a third or subsequent violation, the person is guilty of a class 1 misdemeanor.

The Governor indicates in her <u>veto message</u> that in approaching these matters, it is critical to avoid infringing on Arizonan's freedoms.

# Natural Resources, Energy & Water Committee

Senator Sine Kerr, Chairperson



Rachel Andrews, Research Analyst Sam Rosenberg, Assistant Research Analyst Kaya Pyle, Intern

# NATURAL RESOURCES, ENERGY & WATER COMMITTEE

### **LEGISLATION ENACTED**

cotton research protection council; continuation (S.B. 1065) – Chapter 157

Continues the Arizona Cotton Research Protection Council for eight years, until July 1, 2032, retroactive to July 1, 2024.

### state land auctions; electronic means (S.B. 1079) – Chapter 228

Allows the Arizona State Land Department (ASLD) to accept bids offered through electronic means during a public auction. If the ASLD accepts electronic bids, the ASLD is not liable for the failure of the electronic means in certain circumstances. A person who is adversely affected by a decision to terminate a sale may not appeal the decision to the ASLD Board of Appeals based on an electronic means failure for which the ASLD is not liable. The ASLD must adopt rules to prescribe the procedure, method and means for state land sales and may only conduct online state land auctions after the rules are adopted.

#### exemption area; assured water supply (S.B. 1081) – Chapter 226

Allows the Director of the Arizona Department of Water Resources (ADWR), on application by a city or town, to designate a portion of the city or town that is located both in the area delineated for exemption and in the Phoenix Active Management Area as having an assured water supply if: 1) the portion of the city or town is located entirely within an irrigation and water conservation district; 2) the city or town has contracted with the irrigation and water conservation district for a term of at least 100 years; 3) sufficient surface water or effluent of an adequate quality will be continuously available to satisfy the portion of a city's or town's proposed water needs for up to 100 years; and 4) the city or town demonstrates the financial capability to construct the necessary water facilities. Allows the Director of ADWR to: 1) accept evidence of construction assurances to satisfy the financial capability requirement; 2) review the determination that a portion of a city or town has an assured water supply; and 3) determine that a portion of a city or town does not have an assured water supply.

#### groundwater replenishment; member lands; areas (S.B. 1181) - Chapter 224

Allows a municipal provider that applies for a new designation of assured water supply in the Phoenix Active Management Area to elect for parcels of member land to retain a replenishment obligation. At the time of application, the municipal provider must notify the multi-county water conservation district (district) and the Director of the Arizona Department of Water Resources (ADWR) whether it chooses to assume the member lands' replenishment obligation under the provider's designation of assured water supply and member service area agreement. For parcels that retain a replenishment obligation, the district must replenish groundwater in an amount equal to the obligation applicable to that parcel. If a municipal provider chooses to allow parcels of member land within its service area to retain the parcel replenishment obligation, the assured water supply designation and member service area agreement must provide that the parcels of member land retain the parcel replenishment obligation for a prescribed term. Outlines groundwater delivery, groundwater credit and reporting requirements.

By January 1, 2025, ADWR must amend assured water supply rules for the incorporation of extinguishment credits and groundwater allowance associated with member lands in a designation of assured water supply consistent with statute.

### <u>ADWR; application; review; time frames</u> (NOW: water conservation grant fund; purpose) (S.B. 1242) – Chapter 225

Adds Arizona Corporation Commission-regulated public service corporations that own land eligible to be irrigated in the Harquahala Irrigation Non-Expansion Area (INA) and that hold a certificate of convenience and necessity for water service to the list of entities eligible to withdraw groundwater from the Harquahala INA for transportation to an initial active management area (AMA) for prescribed purposes. Expands the criteria for an eligible entity to withdraw and transport groundwater from the Harquahala INA. Adds La Paz County as a location authorized to receive groundwater transported from the Harquahala INA and prescribes eligibility requirements. Requires the Director of the Arizona Department of Water Resources to adopt rules to implement the Harquahala INA groundwater transportation requirements and outlines annual reporting requirements.

Allows a water provider or any city, town, county, district, commission, authority or other public entity to apply to the Water Infrastructure Finance Authority for and accept grants from the Water Conservation Grant Fund to distribute rebates for the installation of gray water systems.

### electricity producers; safeguards; electromagnetic pulse (S.B. 1301) – Chapter 12

Requires Arizona electricity producers to consider the dangers of an electromatic pulse and take steps to secure a continuous supply of electricity to Arizona residents.

### Arizona power authority; continuation (S.B. 1345) – Chapter 165

Continues the Arizona Power Authority (APA) for eight years, until July 1, 2032, retroactive to July 1, 2024. Repeals the APA on January 1, 2033, if the APA has no outstanding obligations or has otherwise provided for paying or retiring the outstanding obligations.

### replacement lines; structures; commission hearings (H.B. 2003) - Chapter 248

Allows a utility to replace a conductor or wire on a transmission line or replace an existing transmission line structure or structures without seeking a new Certificate of Environmental Compatibility (CEC) and without holding a Power Plant and Transmission Line Siting Committee hearing if the replacement is on a transmission line that previously received a CEC or was in use or authorized before August 13, 1971.

### utilities; electronic filings; corporation commission (H.B. 2004) - Chapter 17

Allows the Arizona Corporation Commission to accept electronic applications for a Certificate of Environmental Compatibility and adopt rules governing such electronic filings.

### department of forestry; continuation (H.B. 2012) - Chapter 61

Continues the Department of Forestry and Fire Management for eight years, until July 1, 2032, retroactive to July 1, 2024. Each First Regular Legislative Session, the State Forester must provide a written report that includes prescribed information to the legislative committees with jurisdiction over forestry issues, the Governor and the Secretary of State.

### grandfathered right; subsequent AMA; extension (H.B. 2016) - Chapter 16 E

An emergency measure effective March 25, 2024, and retroactive to March 1, 2024, that extends the application deadline for a certificate of grandfathered right until October 1, 2024, for a person claiming a grandfathered right to withdraw or receive groundwater in the Douglas Active Management Area.

### underground water storage; permitting (H.B. 2055) – Chapter 62

Extends, from 100 days to 180 days, the time period for the Director of the Arizona Department of Water Resources (ADWR) to review an underground water storage permit application and reduces, from six months to 100 days, the time period within which the Director of ADWR must issue a decision regarding the application.

### improved lot or parcel; definition (H.B. 2129) - Chapter 63

# SEE THE FINANCE & COMMERCE COMMITTEE.

### domestic water improvement districts; reviews (H.B. 2160) - Chapter 118

Requires a domestic water improvement district that serves a population of fewer than 10,000 residents to submit: 1) a prescribed annual report to the county board of supervisors (county BOS); and 2) the most recently adopted budget to the county BOS and county treasurer.

### on-site wastewater treatment facilities; permitting (H.B. 2195) - Chapter 137

Allows an on-site wastewater treatment facility (facility) with a design flow between 3,000 gallons and 75,000 gallons per day to discharge under a general permit until revised rules proposed after December 31, 2024, by the Arizona Department of Environmental Quality (ADEQ) are effective, if the facility complies with existing general permit rules and is operated by a service provider certified by the technology manufacturer. The Director of ADEQ must include an

addendum to the general permit authorization that requires a facility to conduct maintenance, monitoring, recordkeeping and reporting. The Director of ADEQ may require facilities with a total design flow of at least 50,000 gallons per day to provide financial assurance by an addendum to the general permit authorization. The Director of ADEQ must establish fees for the general permits and ADEQ must deposit the fees in the Water Quality Fee Fund.

### backyard fowl; regulation; prohibition (H.B. 2325) - Chapter 192

Declares a property owners' right to keep up to six fowl in the backyard of a single-family detached residence on a lot that is one-half acre or less as a matter or statewide concern and preempts all local laws and ordinances to the contrary. A city, town or county may prohibit: 1) a resident from keeping male fowl; and 2) fowl from running at large. A city, town or county may require specific enclosure measurements, placement and maintenance. An ordinance enacted after September 14, 2024, does not apply to an enclosure constructed on or before September 14, 2024.

### solid waste; fees; rules (H.B. 2367) - Chapter 121 E

An emergency measure effective April 9, 2024, that requires the Arizona Department of Environmental Quality (ADEQ) to adopt rules and establish and modify fees for various solid waste programs. Removes, for modifications to specified solid waste fees, the: 1) requirement to provide public notice and comment; 2) prohibition against ADEQ increasing permit fees without specific statutory authorization; and 3) requirement for the Joint Legislative Budget Committee to review established rules.

### transportation; groundwater; Douglas AMA (H.B. 2368) - Chapter 253

Allows an owner of a well located in the Upper San Pedro Groundwater Basin (San Pedro Basin) to annually withdraw groundwater from the San Pedro Basin for transportation to the Douglas Active Management Area (AMA) if outlined conditions are met. The total amount of groundwater that a well owner may annually transport from the San Pedro Basin to the Douglas AMA may not exceed the highest annual amount of groundwater that the well owner withdrew from the San Pedro Basin for transportation to the Douglas Groundwater Basin in any of the preceding 10 years before December 1, 2022.

A well owner that wishes to transport groundwater from the San Pedro Basin to the Douglas Groundwater Basin must submit specified evidence and information to the Director of the Arizona Department of Water Resources by October 14, 2024, or within 30 days before the effective date of groundwater withdrawal, whichever is later.

### dredge; fill; permits; clean up (H.B. 2369) - Chapter 93

Removes the authorization for the Director of the Arizona Department of Environmental Quality to adopt an Arizona Dredge and Fill Permit Program.

### oxygenated fuel; federal approval; extension (H.B. 2370) - Chapter 70 E

An emergency measure effective April 2, 2024, that extends, until July 1, 2027, the conditional enactment deadline for legislation that allows an additional type of gasoline to meet fuel reformation requirements for use in counties with a population of 1,200,000 or more persons.

### Arizona racing commission; continuation (H.B. 2415) – Chapter 177

### SEE THE GOVERNMENT COMMITTEE.

### department of environmental quality; omnibus (H.B. 2628) - Chapter 150

*Monitoring Assistance Program for Public Water Systems* – Adds federal monies as a funding source for the Small Drinking Water Systems Fund and the Monitoring Assistance Program for Public Water Systems Fund. The Arizona Department of Environmental Quality (ADEQ) may adopt rules for any public water system to opt out of the Monitoring Assistance Program for Public Water Systems and conduct additional sampling for a system that triggers a detection limit set by rule to comply with the federal Safe Drinking Water Act. If the Monitoring Assistance Program for Public Water Systems Fund has a surplus after execution of the previous year's contract, any surplus more than the average annual operating costs as measured by the three preceding fiscal years must be used to reduce the public water system fee for the subsequent year.

*Vehicle Testing* – Requires a motor vehicle with a model year of 1981 or later with a gross weight rating of less than 8,501 pounds to pass a transient loaded test. A motor vehicle with a model year of 1981 or later with a gross weight of more than 8,501 pounds must pass a steady state loaded test, a curb idle test or another test approved under the federal Clean Air Act.

Conditions the enactment of the modified vehicle emissions testing requirements on the U.S. EPA approving Arizona's State Implementation Plan for air quality by July 1, 2027.

**Permitting** – Allows a facility with a coal combustion residuals (CCR) unit to submit a permit application for each CCR unit at the facility at any time after the effective date of design and operation rules adopted by the Director of ADEQ, rather than within 180 days after the effective date of the rules.

**Disposal of Waste Tires** – Allows a solid waste disposal site owner or operator to knowingly accept waste tires for disposal only if the Director of ADEQ has approved waste tire disposal pursuant to the site's solid waste facility plan. The Director of ADEQ may allow the disposal of whole tires pursuant to a solid waste facility plan if disposed of in a statutorily authorized manner.

### state lake improvement fund; drones (H.B. 2637) - Chapter 179

Requires the Arizona State Parks Board to use monies in the State Lake Improvement Fund to fund the purchase of drones that meet outlined specifications to: 1) clean plastic, algae, biomass and other floating trash from lakes and waterways; and 2) to aid in search, rescue and recovery operations and drone operation training for law enforcement and fire service agencies.

### mine inspector; geological survey; authority (H.B. 2685) – Chapter 187

Requires the Arizona Geological Survey to establish, and the State Geologist to update on request of the State Mine Inspector, a map of all known areas that contain aggregate resources and all existing aggregate mining facilities in Arizona.

The State Mine Inspector may consider comments from the State Geologist or any elected official in evaluating a mining facility's reclamation plan. A mining facility's proposed reclamation plan must include the distance and direction from the closest occupied residential structure and aggregate mining facility and a statement that the owner or operator has provided a notice of the proposed reclamation plan to each residential property owner whose property is located within a one-half mile radius of the aggregate mining facility.

### interstate compact; fire management; aid (H.B. 2751) – Chapter 190 E

An emergency measure effective May 17, 2024, that adopts the Great Plains Wildland Fire Protection Compact (Compact) to promote effective prevention and control of forest fires in the Great Plains region of the United States by maintaining adequate forest firefighting services by Compact member states and by providing for reciprocal aid in fighting forest fires among compacting states of the region. Outlines Compact implementation, administration and withdrawal guidelines. If a member state's state forest fire control (SFFC) agency requests aid from the SFFC agency of any other member state, the SFFC agency of the requested state may render all possible aid to the requesting SFFC agency, consonant with maintaining protection at home. Exempts a member state and the member state's officers and employees from liability on account of any act or omission on the part of such forces while engaged in outside aid or on account of maintaining or using any equipment or supplies in connection with rendering outside aid. Outlines reimbursement procedures for any loss, damage or expense incurred.

<u>agency; licensing; information (NOW: hoophouses; building permits; exemption) (NOW: hoophouses; polyhouses; regulation; compliance) (H.B. 2846)</u> – Chapter 186

# SEE THE GOVERNMENT COMMITTEE.

### natural resource conservation districts; board (H.B. 2865) – Chapter 258

Establishes the State Natural Resource Conservation District Board (NRCD Board) and transfers NRCD oversight from the Arizona State Land Commissioner to the NRCD Board. Outlines NRCD Board membership, reporting requirements, powers and duties, including: 1) meeting at least quarterly to receive updates from the NRCD Board's administrative officer regarding any relevant issue or matter; 2) providing guidance to the administrative officer and voting on any matters requiring a decision by the NRCD Board; 3) assisting an NRCD when cooperating or coordinating with a federal agency; 4) assisting NRCDs with developing conservation action or district wide plans; and 5) adopting administrative rules as outlined.

Establishes the NRCD Fund, administered by the NRCD Board, consisting of legislative appropriations, grants, federal monies and other contributions. NRCD Fund monies are

continuously appropriated and exempt from lapsing. The NRCD Board must: 1) establish criteria for using NRCD Fund monies; 2) establish and revise, as necessary, the grant application process; 3) review and evaluate all submitted grant applications; and 4) award grants to NRCDs and soil and water conservation districts to conduct projects that further the district's purpose.

environment; 2024-2025 (H.B. 2902/S.B. 1740) - Chapter 214

## SEE THE APPROPRIATIONS COMMITTEE.

federal land acquisition; acreage return (H.C.M. 2004)

SEE THE GOVERNMENT COMMITTEE.

federal lands; transfer to states (H.C.M. 2005)

SEE THE GOVERNMENT COMMITTEE.

### federal lands; natural resources; permission (H.C.M. 2006)

Urges the U.S. Congress to: 1) complete a comprehensive economic impact study that analyzes outlined factors relating to removing land, water or natural resources from economic production; and 2) enact legislation that prohibits the Federal Government from establishing, authorizing or declaring any new national monument, national park, wildlife refuge, conservation area, area of critical environmental concern, wild and scenic river, wilderness, wilderness characteristic area or any other federal reservation or special use designation and from withdrawing or reserving any additional federal mineral, land, water or other national resource right without the express permission of the U.S. Congress, the Arizona Legislature and the impacted county boards of supervisors.

### Grand Canyon Footprints monument; repeal (H.C.M. 2007)

Urges the U.S. President to: 1) rescind or revoke the designation of the Grand Canyon National Monument; 2) oppose the designation of future permanent federal land or mineral withdrawal that seeks to limit critical mineral, metal and aggregate mining, cattle grazing, or multiple-use activities in the Arizona Strip; and 3) not designate any national monument, park, wildlife refuge, conservation area, area of critical environmental concern, wild and scenic river, wilderness or wilderness characteristic area or any other federal special use designation or land and mineral reservation or withdrawal without having the express authorization of the U.S. Congress, the Arizona Legislature and the impacted county boards of supervisors.

### urging Congress; Antiquities Act; repeal (H.C.M. 2008)

Urges the U.S. Congress to repeal or amend the federal Antiquities Act of 1906 to reaffirm that entire landscapes, animate life and common plants and vegetation not be considered landmarks, structures or objects under federal law.

Requests any proclamation made by the U.S. President to be stated publicly and to specifically name and describe the location of each landmark, structure and object to be protected.

Requests that the limitation offered to the State of Wyoming, which requires express authorization of the U.S. Congress to extend or establish a national monument, be offered to all western states and that no new or expanded national monument or federal reservation be established in Arizona without the express authorization of the Arizona Legislature and the impacted county boards of supervisors.

## rural communities; groundwater; tools (H.C.R. 2051)

Resolves that the Legislature and local communities will continue to provide rural communities with an abundance of tools to adequately manage and address groundwater resources, both now and in the future.

### **LEGISLATION VETOED**

### disclosure; agricultural vaccinations; prohibition (S.B. 1146) - VETOED

Allows all aquaculture, livestock or poultry products made from aquaculture, livestock or poultry that has not received a messenger ribonucleic acid vaccine (mRNA vaccine) to be labeled with a label that states *mRNA free*, as prescribed. Specifies that the Arizona Department of Agriculture (AZDA) rules that govern animal and poultry vaccination do not authorize the Director of the AZDA or the State Veterinarian to require or administer an mRNA vaccine that has not received full approval, excluding emergency approval, from either the U.S. Department of Agriculture or the U.S. Food and Drug Administration.

The Governor indicates in her <u>veto message</u> that, if the AZDA needs to rely on the use of mRNA vaccines in the future to mitigate disease outbreaks, S.B. 1146 would pose a risk to the health and safety of Arizonans, as well as the vitality of cattle ranchers and farmers.

# physical availability credits; water supply (NOW: land division; water; transportation; turf) (S.B. 1172) – VETOED

Allows a person who owns land subject to an irrigation grandfathered right that is within an active management area (AMA) to permanently retire the right and retain a physical availability exemption credit, if certain criteria are met. Outlines eligibility criteria and procedures to calculate the amount of water that may be withdrawn using a physical availability exemption credit. The Director of the Arizona Department of Water Resources (ADWR) must issue physical availability exemption credits as statutorily prescribed and, when issuing a physical availability exemption credit, identify whether the specified criteria would be satisfied based on the Director of ADWR's most recent assured water supply projection.

Modifies requirements for lot splitting and exemptions for creation of lots, parcels or fractional interests, including requiring an applicant for a building permit for new construction of

a residential single-family home to identify any ownership interests in the property subject to the permit, unless the applicant provides copies of the subdivision final plat indicating assured water supply as approved by the municipality where the parcels, lots or fractional interests exist.

Subjects a subdivider or agent subject to the jurisdiction of the Arizona Department of Real Estate who violates outlined rules or laws or engages in outlined unlawful practices with respect to the sale or lease of subdivided lands to a civil penalty of up to \$2,000 for each lot where the violation occurs, rather than for each infraction.

Adds, to the exemptions for *unlawful acting in concert* for the purposes of avoiding laws relating to dividing a parcel of land or selling subdivision lots: 1) individuals involved in a well share agreement; 2) individuals involved in a road maintenance agreement; and 3) for a county with a population of fewer than 500,000 persons, the use of or referral to the same licensed contractor or registered architect, engineer, geologist, home inspector, landscape architect or surveyor.

Prohibits a municipal provider, beginning January 1, 2026, from applying potable water on nonfunctional turf installed as part of a new development project or redevelopment project on any portion of applicable property within an initial AMA and outlines exemptions to the prohibition. A municipality located in an initial AMA may not adopt or enforce any requirement establishing the installation of plants that are not included on the low-water-use and drought-tolerant plant list published by ADWR or minimum turf requirements, with outlined exceptions.

The Governor indicates in her <u>veto message</u> that the concept at the core of S.B. 1172 is a policy that has broad potential benefits, but that unique data among Arizona's AMAs does not support universal adoption and more time is needed to develop this concept in collaboration with stakeholders and lawmakers to ensure that legislation is crafted appropriately.

### DWR; hydrology reports (S.B. 1289) - VETOED

Requires the Governor and the Director of the Arizona Department of Water Resources (ADWR), 30 days before issuing a report on the hydrologic conditions of an active management area or any related statutory reports, to submit a copy to the Members of the Senate and the House of Representatives Natural Resources, Energy and Water Committees.

The Governor indicates in her <u>veto message</u> that S.B. 1289 would create a burdensome workload for ADWR that would interfere with its core mission of building a sustainable and secure water future for Arizona.

### power plants; transmission lines; definition (H.B. 2002) - VETOED

Excludes, from the definition of *transmission line*, a substation or switchyard to which the line connects.

The Governor indicates in her <u>veto message</u> that there are other approaches to adjust the Power Plant and Line Siting Committee permitting process which are more direct.

### subdivisions; acting in concert (NOW: real estate; subdivisions; employment agreements) (H.B. 2009) – VETOED

Limits, to within a 10-year period, restrictions on acting in concert to unlawfully divide a parcel of land into six or more lots or sell or lease six or more lots by using a series of owners or conveyances.

Requires a real estate employment agreement to be entered into before the buyer tours any dwelling and before a broker writes a purchase offer on a buyer's behalf. The real estate employment agreement must include an ascertainable amount or rate of broker compensation and a broker may not receive compensation from any source that exceeds the amount or rate specified in the agreement.

The Governor indicates in her <u>veto message</u> that H.B. 2009 lacks consumer protections, bars entry into the housing market by forcing homebuyers into unvetted contracts, represents a serious change in how homebuyers are represented by their agents and would have benefitted from including language ensuring that homebuyers are protected.

### water improvements program; nonprofit corporations (H.B. 2013) – VETOED

Allows a nonprofit corporation to establish and administer a water improvement program to allow persons to accept gifts, grants or donations for the purpose of providing financial assistance to residential property owners for making improvements to an existing drinking water well or providing for a water delivery system for the residence.

The Governor indicates in her <u>veto message</u> that H.B. 2013 does not move the needle on groundwater management or provide the reforms needed by rural communities facing aquifer depletion.

### assured water supply; commingling (H.B. 2017) - VETOED

Allows the Director of the Arizona Department of Water Resources (ADWR) to consider only the source of water when determining physical availability for a designation or certification of assured water supply, regardless of whether the water is distributed through a commingled water delivery system. The Director of ADWR may not require a subdivider that applies for a certificate of assured water supply or a commitment of water service from a water provider designated as having an assured water supply to procure or dedicate a source of supply that exceeds 100 percent of the water needed to meet the subdivider's proposed use.

The Governor indicates in her <u>veto message</u> that H.B. 2017 threatens to erode the water protections Arizonans rely upon and does not measure up to the real groundwater challenges Arizonans face.

### groundwater model; public inspection; challenge (H.B. 2019) - VETOED

Requires the Arizona Department of Water Resources (ADWR) to make available for public inspection any hydrologic modeling that ADWR uses to determine projected groundwater levels for the purposes of evaluating an application for a certificate or designation of assured water supply. Within 90 days before a new groundwater model is used, ADWR must post to its website any assumptions anticipated to be included in the modeling. Following the posting period, ADWR must hold a public meeting to receive comments on the assumptions. All public comments received must be posted to ADWR's website, including a statement with each comment that indicates whether the comments resulted in any modification to the assumption.

The Governor indicates in her <u>veto message</u> that that H.B. 2019 would create unnecessary processes that would delay further updates and release of information.

### long-term storage; stormwater; rainwater; rules (H.B. 2020) - VETOED

Allows a person that develops infrastructure in an active management area that results in naturally, incidentally or artificially recharging the groundwater basin to receive long-term storage credits in an amount up to the level of increased recharge or projected increased recharge. A person that applies for long-term storage credits in this manner is exempt from underground storage and groundwater savings facility permitting requirements. The Director of the Arizona Department of Water Resources must adopt rules that promote new construction of facilities eligible to earn long-term storage credits by January 1, 2025.

The Governor indicates in her <u>veto message</u> that H.B. 2020 threatens to erode the water protections Arizonans rely upon and does not measure up to the real groundwater challenges Arizonans face.

### subsequent AMAs; assured water supply (H.B. 2027) - VETOED

Outlines procedures for subdivisions and proposed subdivisions that are located in an active management area (AMA) and that are subject to a local adequate water supply ordinance. Allows a subdivision that has been issued an adequate water supply report by the Director of the Arizona Department of Water Resources before the effective date of the subsequent AMA, or any county that has adopted an adequate water supply ordinance that subsequently becomes an AMA, to be treated as having a certificate of assured water supply and be exempt from the requirement to obtain a certificate of assured water supply.

The Governor indicates in her <u>veto message</u> that H.B. 2027 unnecessarily codifies a process that ADWR is undertaking in the Douglas AMA and would undergo in any subsequent AMA.

### assured water supply; certificate; model (H.B. 2062) - VETOED

Requires the Arizona Department of Water Resources (ADWR), on request of an eligible applicant and until December 31, 2024, to review the merits of an application for a certificate of assured water supply and issue a new written determination of action within 15 days if certain

criteria are met. ADWR must review the determination to grant a certificate using either the 2006-2009 Salt River Valley Model or the 2006 Lower Hassayampa Sub-Basin Groundwater Flow Model and any financial information submitted by the applicant. ADWR must notify all eligible applicants of the ability to have determinations of assured water supply reviewed.

The Governor indicates in her <u>veto message</u> that H.B. 2062 threatens to erode the water protections Arizonans rely upon and does not measure up to the real groundwater challenges Arizonans face.

### exempt wells; certificate; groundwater use (H.B. 2063) - VETOED

Requires the Arizona Department of Water Resources (ADWR) to issue to each registered exempt well a certificate of water rights which allows the groundwater user to pump up to 35 gallons per minute. The right to withdraw up to 35 gallons per minute does not preempt or affect decreed or appropriative rights, surface water, water subject to appropriation or a general adjudication of water rights.

The governor indicates in her <u>veto message</u> that H.B. 2063 serves no water management purpose and would divert essential functions of ADWR to unnecessary paperwork.

### wells; water measuring devices; prohibition (H.B. 2123) - VETOED

Prohibits the state or any political subdivision from requiring a water measuring device for any well located in a groundwater basin or subbasin that: 1) contains a river system subject to a general adjudication of water rights and the water rights are not fully adjudicated; 2) is outside of an active management area; and 3) is outside of an area in which groundwater may be withdrawn and transported to an active management area.

The Governor indicates in her <u>veto message</u> that H.B. 2123 sends the message that Arizona is uninterested in sound management of groundwater supplies and contains technical, legal and practical issues.

### agricultural operations; water; protection; definition (H.B. 2124) - VETOED

Requires a court, if the court determines that a nuisance action against an agricultural operation conducted on farmland was filed to take or reduce the water used by the other party, to award reasonable costs and attorney fees to the other party. Includes, in the definition of *agricultural operations*, any water use by an owner, lessee, agent, independent contractor and supplier conducted on any facility for the production of crops, livestock, poultry, livestock products or poultry products or for the purposes of agritourism.

Removes the authority of the Attorney General to bring action in a superior court to abate, enjoin or prevent a public nuisance.

The Governor indicates in her <u>veto message</u> that water policy must be addressed in a holistic manner to create solutions to challenges in Arizona.

### assured water supply certificate; effluent (H.B. 2127) – VETOED

Allows an applicant for a certificate of assured water supply for a proposed subdivision in the Tucson, Pinal or Phoenix Active Management Area to include projected effluent to demonstrate the legal and physical availability of the effluent, if the effluent will be, either alone or in combination: 1) used to directly meet water demand of water uses associated with the subdivision; or 2) recharged in the same subbasin where the proposed subdivision is located.

The Governor indicates in her <u>veto message</u> that H.B. 2127 threatens to erode the water protections Arizonans rely upon and does not measure up to the real groundwater challenges Arizonans face.

### brackish groundwater pilot program (H.B. 2184) - VETOED

Amends the FY 2024 General Appropriations Act by requiring monies allocated to the Arizona Department of Water Resources (ADWR) for the Brackish Groundwater Recovery Pilot Program (Pilot Program) to be used to develop a base knowledge of groundwater desalination in all of Arizona, rather than only in Arizona's active management areas (AMAs). For every dollar the Central Arizona Project (CAP) contributes to the Pilot Program, the \$3 received by CAP must be dedicated to brackish desalination projects within AMAs. Requires ADWR to locate the Pilot Program within a section of ADWR that the Director of ADWR deems most appropriate, rather than within ADWR's AMA section.

The Governor indicates in her <u>veto message</u> that H.B. 2184 would alter the FY 2024 General Appropriations Act and should be considered in the full context of budget discussions.

### federal government; land acquisition; consent (H.B. 2376) - VETOED

Requires the Governor to sign a joint resolution adopted by an affirmative vote of a majority of the Members of the Legislature for consent to be given to any transfer of an ownership interest in privately owned real property in Arizona to the Federal Government or a federal agency. Outlines reporting requirements for escrow agents and property owners relating to the sale of private real property to the Federal Government. Outlines legislative requirements, establishes civil penalties and grants the state the right of first refusal to purchase private real property that the Federal Government is contracting to acquire, with certain exceptions. Designates this legislation as the *Tax Base Protection Act*.

The Governor indicates in her <u>veto message</u> that H.B. 2376 would set an unprecedented standard of allowing the state to dictate the sale of private property and could undermine conservation efforts and the ability to preserve historic places and archaeological sites.

### power plants; public service corporations (H.B. 2646) - VETOED

Prohibits a public service corporation or public power entity from initiating the closure, decommissioning or disposal of an electric generation facility within five years after a written notice is provided to certain Members of the Legislature and the Director of the Arizona Power

Authority (APA). The written notice must be provided within six months after the decision to close, decommission or dispose of an electric generation facility and must include outlined information. If a public service corporation or public power entity receives notice of any federal law or regulation that results in the forced retirement of an electric generation facility, the corporation or entity must inform the Attorney General, Director of the APA and each Member of the Arizona Corporation Commission, who may take any action necessary to defend the interest of the state. A public service corporation or public power entity may take action to repurpose an existing electric generation facility powered by coal, petroleum, oil or natural gas to a facility powered by natural gas, biomass, nuclear or hydrogen and install emission reduction controls that maintain the net electric generating output of the facility at a lower rate.

The Governor indicates in her <u>veto message</u> that, because Arizona's public service and public power utilities currently complete comprehensive resource plans, H.B. 2646 creates unnecessary bureaucracy for the state government and public service and public power utilities.

# **Transportation, Technology & Missing Children Committee**

Senator David Farnsworth, Chairperson



Kiyahna Araza, Research Analyst Elizabeth Buskirk, Intern

# TRANSPORTATION, TECHNOLOGY & MISSING CHILDREN COMMITTEE

# **LEGISLATION ENACTED**

DUI; transportation network drivers (NOW: DUI threshold; drivers) (S.B. 1025) - Chapter 101

# SEE THE JUDICIARY COMMITTEE.

### state construction project delivery methods (S.B. 1054) – Chapter 46

Extends, until December 31, 2030, the authorization for: 1) the Arizona Department of Transportation to commence a design-build project and procure construction services using the construction-manager-at-risk or job-order-contracting construction services method of project delivery; and 2) an agent to procure horizontal construction using construction-manager-at-risk construction services and the construction-manager-at-risk, design-build or job-order-contracting method of project delivery.

### off-highway vehicle study committee; extension (S.B. 1055) - Chapter 76

Extends the Arizona Off-Highway Vehicle Study Committee for one year, until June 1, 2025.

catalytic converter; unlawful use; classification (S.B. 1185) - Chapter 231

# SEE THE JUDICIARY COMMITTEE.

# collegiate plates; community college enrollment (S.B. 1190) – Chapter 107

Reduces, from 50,000 students to 500 students, the minimum full-time equivalent student enrollment of a community college district (CCD) that must establish a CCD collegiate special plate fund. The Arizona Department of Transportation (ADOT) may issue a CCD collegiate special plate if a person pays the \$32,000 implementation fee and designs the CCD's collegiate special plate, subject to ADOT's approval.

prisoners; transition services; noncontracted entities (NOW: vehicle lighting; law enforcement; exceptions) (S.B. 1196) – Chapter 173

Excludes, from specified vehicle lamp restrictions, an authorized emergency vehicle or a vehicle with a red or red and blue light or lens visible from the front of the vehicle that is used by a law enforcement officer for traffic control while employed in an off-duty capacity for an entity other than the law enforcement agency.

# DCS; discharge from care; housing (S.B. 1313) - Chapter 164

Requires, by December 31, 2025, the Department of Child Safety (DCS) to develop and implement policies and procedures, including specific actions DCS will take, to ensure access to safe and secure housing for every young adult who is under 21 years old and who is exiting or has exited DCS care at 18 years old and has not achieved permanency through reunification, adoption or guardianship. By December 31, 2025, DCS must submit a report on the adopted policies and procedures to the Governor, Legislature and Secretary of State.

# family reunification treatment; prohibitions (S.B. 1372) – Chapter 166

Prohibits a court, unless both parents consent, from ordering family reunification treatment that requires: 1) a no-contact order with the aligned parent; 2) a transfer of physical or legal custody or an overnight, out-of-state or multiday stay; 3) the use of threats of physical force, undue coercion, verbal abuse or isolation from sources of support; or 4) private youth transporters or transportation agents engaged in the use of force, threat of force, or physical obstruction or circumstances that risk the child's safety.

# vehicle loads; restrictions (S.B. 1376) - Chapter 183

Expands the requirement that a vehicle must secure its load while driving on a highway to apply when driving on a street or roadway, except when a vehicle is used for agricultural purposes on a farm and the minor pieces of agriculture materials that escape from agriculture equipment.

DUI; license suspension; records (S.B. 1453) - Chapter 109

# SEE THE JUDICIARY COMMITTEE.

# wildland fire prevention special plates (S.B. 1561) - Chapter 111

Requires the Arizona Department of Transportation (ADOT) to issue a wildland fire prevention and a neurodiversity services and research special plate if a \$32,000 implementation is paid fee for each special plate to ADOT by December 31, 2024. The first \$32,000 collected for each special plate must be reimbursed to the person who paid the corresponding implementation fee. Requires \$17 of the \$25 fee collected from each special plate to be distributed to specified entities and asserts that \$8 of the \$25 special plate fee is an administration fee that ADOT must deposit in the State Highway Fund.

Renames the *national guard member special plate* as the *national guard special plate* and eliminates the: 1) requirement to submit satisfactory proof that a person, or the spouse of a person, is or has been an Arizona National Guard member; and 2) prohibition on issuing the special plate to a person, or the spouse of a person, who was discharged under less than honorable conditions.

Retroactive to December 31, 2023, extends the implementation deadline for the Pascua Yaqui Tribe special plate to December 31, 2025.

### off-highway vehicles; education requirement (S.B. 1567) – Chapter 240

Prohibits a person from: 1) driving an off-highway vehicle (OHV) without a valid driver license; and 2) consuming or possessing an open container of spirituous liquor while operating or within the passenger compartment of any self-propelled motor vehicle that is not operated exclusively on rails or water.

A minor may not, and a person may not allow a minor to, operate an OHV or be an OHV passenger without wearing a protective helmet, rather than headgear. A child may be an OHV passenger without a protective helmet if the child is properly secured in a child restraint system and the OHV is equipped with a rollover protective system. A person who allows a minor who is under 12 years old to operate an OHV must adhere to outlined OHV operation restrictions. If a minor who is under 12 years old violates the OHV driver license requirement or operation restrictions, a citation must be issued to the parent or legal guardian and not to the minor. If the violating minor is between 12 and 16 years old, the citation must be issued to the minor or the parent, but not to both.

The Arizona Game and Fish Department (AZGFD) must certify an OHV Safety Education Course (Safety Course) that is available online and includes verification of completion. Beginning January 1, 2025, and until June 1, 2027, a person must complete the Safety Course and provide proof of completion before an OHV user indicia may be issued. The Arizona Department of Transportation must share with the AZGFD all OHV data relating to persons who provide proof of completion and all issued user indicia. By December 1, 2026, the AZGFD must report to the Governor, Legislature and Secretary of State on the results of implementing the education requirement.

# excise tax; jet fuel; definition (S.B. 1636) - Chapter 242

### SEE THE FINANCE & COMMERCE COMMITTEE.

# traffic violations; photo radar; penalties (NOW: minors; motorcycle helmets; citations) (S.B. 1680) - Chapter 246

Allows a law enforcement officer to issue a citation for violating the protective headgear requirements prescribed for motorcycles, all-terrain vehicles (ATVs) and motor-driven cycles to an operator or passenger who is 16 or 17 years old and has been issued a driver license or permit and an operator who is at least 18 years old (adult operator) for: 1) an unhelmeted passenger who is under 18 years old; and 2) an unhelmeted operator or passenger who is under 18 years old and is in the same group or party of vehicles as the adult operator. Exempts, from the prescribed protective headgear requirements, an ATV that is also an off-highway vehicle and a motorcycle, ATV or motor-driven cycle that is operated on private property or is a farm or agricultural vehicle, if the operator or passenger is engaged in agricultural work.

For an initial violation of the protective equipment requirements prescribed for motorcycles, ATVs and motor-driven cycles, a person is subject to a civil penalty of \$100 or community service if the person is 16 or 17 years old at the time of the violation.

### Arizona wine trail special plates (H.B. 2048) - Chapter 19

Requires the Arizona Department of Transportation (ADOT) to issue a Northern Arizona wine trail special plate (special plate) if a \$32,000 implementation fee is paid to ADOT by December 31, 2024. Requires \$17 of the \$25 special plate fee collected from each special plate to be deposited into the Northern Arizona Wine Trail Special Plate Fund (Fund) and the first \$32,000 collected to be reimbursed to the person who paid the implementation fee. Asserts that \$8 of the \$25 special plate fee is an administration fee that ADOT must deposit in the State Highway Fund. The Director of ADOT must annually allocate Fund monies to a qualifying organization.

### fatality review; information; access (H.B. 2116) - Chapter 130

### SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

#### state match fund; rural transportation (H.B. 2318) – Chapter 120

Requires the Arizona Department of Transportation (ADOT) to suballocate State Match Advantage for Rural Transportation (SMART) Fund monies to projects located in specified counties, rather than to the specific county, and prohibits SMART Fund monies from being used for projects in specified municipalities. Beginning January 1 and July 1 of each year, the State Transportation Board (Board) may redistribute unawarded SMART Fund monies to ensure each funding category receives a 20 percent share and, within 30 days after the Board approves redistribution, ADOT must post on its website the redistributed amounts available for each category. Increases, from one percent to five percent, the annual percentage of SMART Fund monies that ADOT may use for administrative purposes.

Expands eligibility for SMART Fund awards to include any entity eligible to receive a grant from a federal discretionary grant program administered by any federal agency for surface transportation purposes, rather than only political subdivisions. Adds, to the allowable uses of SMART Fund awards, reimbursing a federal grant match and funding design and other engineering services expenditures and prohibits ADOT, rather than the Board, from approving any SMART Fund expenditure that is not lawfully made. Within two years after a SMART Fund award for design and other engineering services, the applicant must apply for a federal grant or the SMART Fund award lapses and any expended monies must be repaid within 30 days of ADOT's invoice. If an applicant receives funding equal to or greater than the amount SMART Fund award from another source for the same project and purpose, the Board must rescind the SMART Fund award and any expended monies must be repaid within a year of the recission.

Eliminates the 15-day notification requirement for failing to secure a federal grant match and modifies SMART Fund award application procedures.

#### motor vehicle dealers; franchises (H.B. 2410) – Chapter 94

Prohibits a new motor vehicle manufacturer, factory branch, distributor, distributor branch, field representative and any officers, agents or representatives thereof from coercing or attempting to coerce a new motor vehicle dealer to install a customer facing electric vehicle charging station accessible to the public on the dealership premises. Prohibits a manufacturer or distributor from

exercising or threatening to exercise the right of first refusal in bad faith. Outlines indemnification obligations for third-party claims against a franchisee.

Adds to the list of factory-prohibited acts that constitute *competing with or unfair discrimination* and establishes factory compliance requirements for the implementation of vehicle reservation systems. Stipulates that a factory updating a vehicle or product, service or financing to any retail consumer is a prohibited act, unless the update occurs through the factory's dealers.

The statutory franchise regulations do not apply to manufacturers that do not and have never used franchised new motor vehicle dealers to offer, sell or service new motor vehicles manufactured or distributed by a franchisor, manufacturer, importer or distributor.

# ADOT; administration; licensing; planning (NOW: ADOT; continuation; administration; licensing; planning) (H.B. 2438) – Chapter 208

*Arizona Department of Transportation (ADOT)* – Continues ADOT for eight years, until July 1, 2032, retroactive to July 1, 2024, and allows the Director of ADOT (Director) to establish hours of operation for Motor Vehicle Division offices on legal holidays.

Allows ADOT to issue a commercial vehicle fleet license plate to an eligible fleet applicant that pays a fee for the plate's initial design and administration, in a manner and amount determined by the Director. Allows ADOT to establish plate design guidelines to streamline the design approval process and minimize costs and outlines plate design requirements. Establishes the Commercial Vehicle Fleet License Plate Fund, administered by the Director and consisting of plate fee collections. Commercial Vehicle Fleet License Plate Fund, administered by the Director and consisting of plate fee collections. Commercial Vehicle Fleet License Plate Fund monies are continuously appropriated and exempt from lapsing.

*Law Enforcement* – An ADOT-designated peace officer: 1) has the primary duties of enforcing commercial motor carrier laws and rules and conducting vehicle inspections and fraud, abuse and misconduct investigations; and 2) may not enforce a violation committed by a noncommercial vehicle operator, except as specified. A mobile port of entry may only operate within 25 road miles of a fixed port of entry in Arizona, unless law enforcement agencies request assistance for commercial vehicle enforcement to: 1) streamline operations or combine resources for compliance, education or training; or 2) ensure safe, secure and efficient commercial transportation across the state.

A traffic offense or civil violation committed by a minor must be reported to ADOT within 30 days after the date of conviction or finding of responsibility, rather than the date of the offense or violation. Immunizes a person's driving privileges and vehicle registration from administrative action if a conviction or finding of responsibility is reported more than five years after the conviction or finding date.

*Federal Compliance* – Codifies federal Drug and Alcohol Clearinghouse requirements for commercial driver license and commercial learner's permit drivers who violate controlled substances and alcohol use and testing prohibitions and prescribes procedures for removing and reinstating a driver's commercial privilege and correcting erroneous notifications.

*Miscellaneous* – Caps, at five years, the validity of a driver license that is initially issued to an applicant who is 60 years old or older, modifies meeting and notification requirements for the Five-Year Transportation Facilities Construction Program's annual review process and removes requirements relating to state fleet participation, use fuel tax refunds and vehicle license taxes for alternative fuel vehicles.

### duty of care; leased vehicles (H.B. 2461) - Chapter 144

# SEE THE JUDICIARY COMMITTEE.

### missing; abducted; runaway children (H.B. 2479) - Chapter 146

Modifies procedures for the Department of Child Safety (DCS) when receiving a report that a child who is a ward of the court or in DCS care is missing, abducted or a runaway and the child's location is unknown (missing child) to require DCS to: 1) complete outlined requirements immediately or within 24-hours (24-hour requirements); 2) provide the appropriate law enforcement agency (LEA) with outlined information regarding the child and the child's abductor within 48-hours (48-hour requirements); and 3) contact law enforcement every seven calendar days, rather than frequently, until the child is located or reaches the age of majority. The appropriate LEA must document its amber or silver alert response, update social media platforms with information regarding the missing child and create age-appropriate progression images of children missing for two or more years, when possible. DCS must complete certain requirements within 24 hours of locating a missing child, including contacting prescribed persons, notifying an LEA if the child is a sex trafficking victim, determining the need for additional behavioral health services, reviewing the case to assess contributing factors to the child going missing and responding to those factors.

Requires DCS to immediately develop, refine, implement and provide initial training on DCS policies for locating missing children to a newly hired employee before any children may be assigned to the new hire's caseload. Modifies annual DCS employee training by requiring ongoing efforts to locate a missing child to be made on a monthly basis. The ongoing efforts must include continued search efforts made by specific DCS employees and requesting an LEA to conduct welfare checks at locations where the child may be. By November 14, 2024, DCS must develop a checklist for specialists that is distributed to each caseworker and has a mechanism to mark duties as complete within specified timelines.

Requires DCS to provide monthly reports within specified timelines to: 1) the Legislature that information about missing and located children, an acknowledgement of DCS's ability or inability to complete notification requirements within specified timeframes and DCS' compliance with ongoing search efforts and the requirements that must be completed within 24 hours of locating a missing child; and 2) the Legislature and Joint Legislative Budget Committee (JLBC) on the number of missing and located children, DCS' compliance with the prescribed missing children requirements and the percentage of times DCS complied with the 24-hour and 48-hour requirements. If the report to JLBC and the Legislature shows less than 95 percent compliance for more than 4 months in a 12-month period, DCS must establish a Missing, Abducted and Runaway Children Unit (Unit), as prescribed. If established, the Unit must submit a report to the Governor,

Legislature and Joint Legislative Oversight Committee on DCS that identifies the reasons for noncompliance, methods by which the Unit will achieve a 95-percent compliance rate with the 24-hour and 48-hour requirements, and necessary organizational and legislative changes. If the Joint Legislative Oversight Committee on DCS determines that DCS has failed to establish the Unit and complete the related reporting requirement for a period of more than two months, DCS must contract with a consulting firm to present recommendations to the Joint Legislative Oversight Committee on DCS on how to improve compliance.

The Legislature: 1) may convene an oversight committee to address problems and recommend corrective action plans; and 2) must request an annual independent audit of DCS's compliance with the prescribed missing children requirements. If the independent audit determines DCS is not in compliance, DCS must contract with a consulting firm to present recommendations to the oversight committee on how to improve compliance.

# ovarian cancer plates; deadline extension (H.B. 2567) - Chapter 42

Retroactive to January 1, 2023, extends the deadline to pay the ovarian cancer awareness special plate implementation fee until December 31, 2025.

# insurance coverage requirements; transportation companies. (H.B. 2729/S.B. 1272) - Chapter 74

# SEE THE FINANCE & COMMERCE COMMITTEE.

# teen suicide awareness special plates (H.B. 2859) - Chapter 126

Requires the Arizona Department of Transportation (ADOT) to issue a teen suicide awareness special plate if a \$32,000 implementation fee is paid to ADOT by December 31, 2024. Requires \$17 of the \$25 fee collected from each special plate to be deposited in the Teen Suicide Awareness Special Plate Fund and the first \$32,000 collected to be reimbursed to the person who paid the implementation fee. Asserts that \$8 of the \$25 special plate fee is an administration fee that ADOT must deposit in the State Highway Fund.

Bifurcates the *Arizona professional basketball clubs special plate* into the established Arizona professional men's basketball club special plate and an Arizona professional women's basketball club special plate if a \$32,000 implementation fee is paid to ADOT by December 31, 2024. The first \$32,000 donated for the Arizona professional women's basketball club special plate design must be reimbursed to the person that paid the implementation fee.

Extends the implementation deadline for the Gila River Indian Community special plate to December 31, 2024.

capital outlay; appropriations; 2024-2025 (H.B. 2899/S.B. 1737) - Chapter 211

# SEE THE APPROPRIATIONS COMMITTEE.

# **LEGISLATION VETOED**

#### traffic control; right on red (S.B. 1299) - VETOED

Requires, before a right turn on a red light may be prohibited, a registered engineer to evaluate the intersection and determine that allowing a right turn against a red signal is unsafe.

The Governor indicates in her <u>veto message</u> that S.B. 1299 is unnecessary and redundant for state and local jurisdictions required to follow traffic engineering guidelines and standards when determining traffic movement.

#### deep fake recordings or images (NOW: deepfake recordings or images) (S.B. 1336) - VETOED

Deems it unlawful to intentionally disseminate a deepfake recording or image if: 1) the person who intentionally creates and disseminates the recording or image reasonably knows that the depicted individual does not consent to the dissemination; 2) the recording or image realistically depicts the depicted individual engaging in a sexual act or depicts intimate parts that are presented as the depicted individual's intimate parts; and 3) the depicted individual is identifiable. An unlawful dissemination of a deepfake recording or image is a class 6 felony, or a class 4 felony if the depicted individual suffers any financial loss due to the intentional dissemination or the person: 1) disseminates with intent to profit or harass the depicted individual; 2) maintains an internet website, online service or application or mobile application for deepfake dissemination; 3) posts the recording or image on an internet website; 4) obtains the recording or image by committing theft, criminal trespass, computer tampering or unauthorized access; or 5) has previously been convicted of an unlawful deepfake dissemination. Exempts an interactive computer service from liability for an unlawful deepfake dissemination.

The Governor indicates in her <u>veto message</u> that S.B. 1336 overlaps with S.B. 1078 and is duplicative.

#### religious educational institution; special plates (H.B. 2271) - VETOED

Requires the Arizona Department of Transportation (ADOT) to issue a religious educational institution special plate if a \$32,000 implementation fee is paid to ADOT by December 31, 2024. Requires \$17 of the \$25 special plate fee collected from each special plate to be deposited into the Religious Educational Institution Special Plate Fund (Fund) and the first \$32,000 collected to be reimbursed to the person who paid the implementation fee. Asserts that \$8 of the \$25 special plate fee is an administration fee that ADOT must deposit in the State Highway Fund. The Director of ADOT must annually allocate Fund monies to a qualifying organization for use as prescribed.

The Governor indicates in her <u>veto message</u> that H.B. 2271 establishes a special plate that benefits an out-of-state private educational institution using public resources which is not the best use of Arizona taxpayers' money.

#### use fuel dispenser labels; penalties (H.B. 2573) – VETOED

Specifies that a vendor who fails to properly affix a use fuel dispenser label is subject to a civil penalty of \$100, rather than \$100 for each day the violation continues. The Arizona Department of Transportation must provide use fuel dispenser labels to vendors who comply with prescribed record retention requirements.

The Governor indicates in her <u>veto message</u> that H.B. 2573 reduces accountability and consumer protection measures.

#### harmful website content; age verification. (H.B. 2586) - VETOED

Specifies that a commercial entity is liable for damages in a civil action and for damages resulting from a minor's access to material harmful to minors, if the entity knowingly or intentionally publishes or distributes material harmful to minors from a website that contains more than 33.3 percent of such material and the entity fails to perform a reasonable age verification method on an individual attempting to access the material. A commercial entity or third party that performs the age verification may not retain any of the individual's identifying information after access is granted and both are liable to an individual for damages from knowingly retaining the individual's information. Outlines exemptions to the prescribed prohibition and civil liabilities.

The Governor indicates in her <u>veto message</u> that H.B. 2586 conflicts with settled case law and that children's online safety is a pressing issue requiring a bipartisan solution that works within the bounds of the First Amendment.

# **Memorials & Resolutions**



# **MEMORIALS & RESOLUTIONS**

# space national guard; urging establishment (S.C.M. 1004)

<u>SEE THE MILITARY AFFAIRS, PUBLIC SAFETY & BORDER SECURITY</u> <u>COMMITTEE.</u>

# Sandra Day O'Connor; death resolution (S.C.R. 1005)

Acknowledges the passing of the Honorable Justice Sandra Day O'Connor and extends sympathies and condolences to her family members.

# NCSL; fiftieth anniversary (S.C.R. 1008)

Recognizes the National Conference of State Legislatures (NCSL) for nearly 50 years of leadership and service and commends NCSL's employees for their commitment to the legislative institution.

rulemaking; legislative ratification; regulatory costs (S.C.R. 1012)

SEE THE GOVERNMENT COMMITTEE.

sex trafficking; minors; natural life (NOW: sex trafficking; child; natural life) (S.C.R. 1021/ H.C.R. 2042)

SEE THE JUDICIARY COMMITTEE.

permanent school fund; distribution; uses (NOW: tipped workers; wages) (S.C.R. 1040)

SEE THE FINANCE & COMMERCE COMMITTEE.

ballot measures; challenges (S.C.R. 1041)

SEE THE ELECTIONS COMMITTEE.

# support; Texas; southern border (S.C.R. 1042)

Expresses support for: 1) the people of Texas, the Texas National Guard, the Texas Department of Public Safety and all personnel acting in their lawful authority to secure the U.S. southern border; and 2) Texas Governor Greg Abbott in his fight for secure borders. Urges U.S. President Biden to repel the invasion America faces at the U.S. southern border.

# judicial retention elections (S.C.R. 1044)

# SEE THE ELECTIONS COMMITTEE.

# United States; Taiwan; supporting trade. (S.C.R. 1045)

Declares support for the negotiation of a U.S.-Taiwan bilateral trade agreement and Taiwan's meaningful participation in international organizations. Acknowledges achievements made by Arizona and Taiwan in the fields of economy, trade, technology, education and culture since establishing sister-state relations and encourages continued bilateral cooperation and exchanges between the two sides in the future.

# Jim Weiers; death resolution (S.C.R. 1046)

Expresses sincere regret at the death of the Honorable Jim Weiers and extends condolences to his family and friends.

# reevaluate restrictions; chemical industry (H.C.M. 2001)

Urges the U.S. President, U.S. Congress and federal agencies to reevaluate proposed restrictions on the chemical industry and to support frameworks that celebrate innovation and accelerate progress in the chemical industry.

federal land acquisition; acreage return (H.C.M. 2004)

SEE THE GOVERNMENT COMMITTEE.

federal lands; transfer to states (H.C.M. 2005)

SEE THE GOVERNMENT COMMITTEE.

federal lands; natural resources; permission (H.C.M. 2006)

SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.

Grand Canyon Footprints monument; repeal (H.C.M. 2007)

SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.

urging Congress; Antiquities Act; repeal (H.C.M. 2008)

SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.

# Israel; support (H.C.R. 2009)

Declares support and unwavering commitment to the welfare, security and survival of the Jewish State of Israel and recognizes Israel's right to act decisively and unilaterally in self-defense to protect its citizens. Declares support for Israel's right to pursue without interference or condemnation the elimination of Hamas. Extends heartfelt condolences to all Israeli victims and their families and communities. Expresses support for Arizona's law enforcement community in its efforts to remain vigilant in protecting Israeli Americans, Jewish Americans and all supporters of Israel from acts of crime and unlawful discrimination. Declares support for Arizona's Executive Branch Officials in holding any individual who engages in an act of terrorism supporting Hamas fully accountable. Encourages all other Americans to likewise condemn Hamas and any official body that refuses to recognize Israel's right to act decisively in self-defense to protect its citizens. Declares support for the United States in providing all assistance as may be required to support Israel in its defense against Hamas and all other terrorist organizations.

# property tax; refund; nuisance enforcement. (H.C.R. 2023/S.C.R. 1006)

# SEE THE FINANCE & COMMERCE COMMITTEE.

# victims of communism day (H.C.R. 2037)

Proclaims November 7, 2024, as *Victims of Communism Day* and encourages Arizona citizens and schools to observe the day and honor the people around the world who have fallen victim to communist regimes through poverty, starvation, imprisonment, forced migration, death, violence and suppression of basic human rights.

# Dr. Geraldine Peten; death resolution (H.C.R. 2046)

Acknowledges the passing of the Honorable Dr. Geraldine Peten and extends sympathies and condolences to her family and friends.

# rural communities; groundwater; tools (H.C.R. 2051)

# SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.

# Daughters of American Revolution (H.C.R. 2054)

Honors the members of the Arizona State Society Daughters of the American Revolution and State Regent Sallie Beraud Lovorn for their commitment to historic preservation, education and patriotism in the United States and Arizona.

# expenditure limit; school districts; authorization (H.C.R. 2065/S.C.R. 1047)

SEE THE EDUCATION COMMITTEE.

# Darrell Covert; death resolution (H.R. 2001)

Expresses sincere regret at the death of Darrell Covert and extends sympathies to his family members.

# honoring; first African American legislators (H.R. 2002)

Honors the legacy of Representatives Hayzel Daniels and Carl Sims and pays tribute to their groundbreaking public service record.

# death resolution; Kory M. Yule (H.R. 2006)

Acknowledges the passing of Scottsdale Fire Captain Kory M. Yule and extends sympathies to his family and friends.

# death resolution; Amy Sue Bhola (H.R. 2007)

Expresses sincere regret at the death of Amy Sue Bhola and extends condolences to her family and friends.

### death resolution; Honorable Lou-Ann Preble (H.R. 2008)

Expresses sincere regret at the passing of the Honorable Lou-Ann Preble and extends sympathies to her family and friends.

### death resolution; Dr. Peter Pingerelli (H.R. 2009)

Expresses sincere regret at the death of Dr. Peter Pingerelli and extends condolences to his family members.

# **Bill Index**



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