

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

# HOUSE BILL 2689

## AN ACT

AMENDING SECTION 6-977, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 1994, CHAPTER 302, SECTION 2; REPEALING SECTION 6-977, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 45, SECTION 6; AMENDING SECTION 13-4517, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 158, SECTION 1; REPEALING SECTION 13-4517, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 352, SECTION 6; AMENDING SECTION 15-217.02, ARIZONA REVISED STATUTES; AMENDING SECTION 15-910, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 317, SECTION 6; REPEALING SECTION 15-910, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 285, SECTION 3; AMENDING SECTION 15-961, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 317, SECTION 12; REPEALING SECTION 15-961, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 285, SECTION 8; AMENDING SECTION 15-2401, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 44, SECTION 9; REPEALING SECTION 15-2401, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 388, SECTION 1; AMENDING SECTION 16-550, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 271, SECTION 2; REPEALING SECTION 16-550, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 358, SECTION 1; AMENDING SECTION 28-7006, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2000, CHAPTER 193, SECTION 236; REPEALING SECTION 28-7006, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 322, SECTION 6; AMENDING SECTION 32-1923.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 59, SECTION 72; REPEALING SECTION 32-1923.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS

2022, CHAPTER 362, SECTION 5; AMENDING SECTION 36-2232, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 217, SECTION 1; REPEALING SECTION 36-2232, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 381, SECTION 3; AMENDING SECTION 36-2604, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 284, SECTION 1; REPEALING SECTION 36-2604, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 362, SECTION 12; RELATING TO MULTIPLE, DEFECTIVE AND CONFLICTING LEGISLATIVE DISPOSITIONS OF STATUTORY TEXT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Purpose

3 1. Section 6-977, Arizona Revised Statutes, was amended by Laws  
4 2022, chapter 45, section 6. However, this version did not reflect the  
5 previous valid version of the section. In order to comply with article  
6 IV, part 2, section 14, Constitution of Arizona, this act amends section  
7 6-977, Arizona Revised Statutes, as added by Laws 1994, chapter 302,  
8 section 2, to incorporate the amendments made by Laws 2022, chapter 45 and  
9 repeals the chapter 45 version.

10 2. Section 13-4517, Arizona Revised Statutes, was amended by Laws  
11 2022, chapter 158, section 1 and chapter 352, section 6. The chapter 352  
12 version could not be blended because of the delayed effective date. In  
13 order to combine these versions, this act amends the Laws 2022, chapter  
14 158 version of section 13-4517, Arizona Revised Statutes, to incorporate  
15 the amendments made by Laws 2022, chapter 352 and repeals the chapter 352  
16 version.

17 3. Section 15-217.02, Arizona Revised Statutes, was added by Laws  
18 2022, chapter 317, section 2. However, Laws 2022, chapter 317 did not  
19 contain all of the amendments made by the house of representatives on June  
20 23, 2022. This act amends section 15-217.02, Arizona Revised Statutes, as  
21 added by Laws 2022, chapter 317, section 2, to correct an engrossing  
22 error.

23 4. Section 15-910, Arizona Revised Statutes, was amended by Laws  
24 2022, chapter 285, section 3 and chapter 317, section 6. The chapter 285  
25 version could not be blended because of the delayed effective date. In  
26 order to combine these versions, this act amends the Laws 2022, chapter  
27 317 version of section 15-910, Arizona Revised Statutes, to incorporate  
28 the amendments made by Laws 2022, chapter 285 and repeals the chapter 285  
29 version.

30 5. Section 15-961, Arizona Revised Statutes, was amended by Laws  
31 2022, chapter 285, section 8 and chapter 317, section 12. The chapter 285  
32 version could not be blended because of the delayed effective date. In  
33 order to combine these versions, this act amends the Laws 2022, chapter  
34 317 version of section 15-961, Arizona Revised Statutes, to incorporate  
35 the amendments made by Laws 2022, chapter 285 and repeals the chapter 285  
36 version.

37 6. Section 15-2401, Arizona Revised Statutes, was amended by Laws  
38 2022, chapter 44, section 9 and chapter 388, section 1. The chapter 388  
39 version could not be blended because section 15-2401, Arizona Revised  
40 Statutes, was subject to a referendum petition. However, the section  
41 failed to be referred to the ballot. In order to combine these versions,  
42 this act amends the Laws 2022, chapter 44 version of section 15-2401,  
43 Arizona Revised Statutes, to incorporate the amendments made by Laws 2022,  
44 chapter 388 and repeals the chapter 388 version.

1           7. Section 16-550, Arizona Revised Statutes, was amended by Laws  
2 2022, chapter 271, section 2 and chapter 358, section 1. The chapter 358  
3 version could not be blended because of the delayed effective date. In  
4 order to combine these versions, this act amends the Laws 2022, chapter  
5 271 version of section 16-550, Arizona Revised Statutes, to incorporate  
6 the amendments made by Laws 2022, chapter 358 and repeals the chapter 358  
7 version.

8           8. Section 28-7006, Arizona Revised Statutes, was amended by Laws  
9 2022, chapter 322, section 6. However, this version did not reflect the  
10 previous valid version of the section. In order to comply with article  
11 IV, part 2, section 14, Constitution of Arizona, this act amends section  
12 28-7006, Arizona Revised Statutes, as amended by Laws 2000, chapter 193,  
13 section 236, to incorporate the amendments made by Laws 2022, chapter 322  
14 and repeals the chapter 322 version.

15           9. Section 32-1923.01, Arizona Revised Statutes, was amended by  
16 Laws 2022, chapter 59, section 72 and chapter 362, section 5. The chapter  
17 362 version could not be blended because of the delayed effective  
18 date. In order to combine these versions, this act amends the Laws 2022,  
19 chapter 59 version of section 32-1923.01, Arizona Revised Statutes, to  
20 incorporate the amendments made by Laws 2022, chapter 362 and repeals the  
21 chapter 362 version.

22           10. Section 36-2232, Arizona Revised Statutes, was amended by Laws  
23 2022, chapter 217, section 1 and chapter 381, section 3. The chapter 381  
24 version could not be blended because of the delayed effective date. In  
25 order to combine these versions, this act amends the Laws 2022, chapter  
26 217 version of section 36-2232, Arizona Revised Statutes, to incorporate  
27 the amendments made by Laws 2022, chapter 381 and repeals the chapter 381  
28 version.

29           11. Section 36-2604, Arizona Revised Statutes, was amended by Laws  
30 2022, chapter 284, section 1 and chapter 362, section 12. The chapter 362  
31 version could not be blended because of the delayed effective date. In  
32 order to combine these versions, this act amends the Laws 2022, chapter  
33 284 version of section 36-2604, Arizona Revised Statutes, to incorporate  
34 the amendments made by Laws 2022, chapter 362 and repeals the chapter 362  
35 version.

36           Sec. 2. Section 6-977, Arizona Revised Statutes, as added by Laws  
37 1994, chapter 302, section 2, is amended to read:

38           6-977. Displaying and using license number

39           A. A licensee shall prominently display the commercial mortgage  
40 banker license in the office of the commercial mortgage banker.

41           B. A licensee or an employee of the licensee shall not advertise  
42 for or solicit commercial mortgage loans in any manner without using the  
43 LICENSE name, OR OTHER ASSUMED NAME OR TRADE NAME THAT IS SUBMITTED TO THE  
44 DEPARTMENT PURSUANT TO SECTION 6-117, and THE license number ~~as issued on~~  
45 ~~the commercial mortgage banker's principal place of business license,~~

1 ~~except that a licensee may employ or refer to the commonly used name and~~  
2 ~~any trademarks or service marks of any affiliate.~~ If a license is issued  
3 in the name of a natural person, ~~nothing in~~ the advertising or  
4 solicitation may NOT imply that the license is in the name of another  
5 person or entity. For the purposes of this subsection, ~~“advertise”~~ does  
6 not include business cards, radio and television advertising directed at  
7 national or regional markets and promotional items unless those items  
8 contain rates or terms on which a commercial mortgage loan may be  
9 obtained.

10 Sec. 3. Repeal

11 Section 6-977, Arizona Revised Statutes, as amended by Laws 2022,  
12 chapter 45, section 6, is repealed.

13 Sec. 4. Section 13-4517, Arizona Revised Statutes, as amended by  
14 Laws 2022, chapter 158, section 1, is amended to read:

15 13-4517. Incompetent defendants; disposition; evaluator costs

16 A. If the court finds that a defendant is incompetent to stand  
17 trial and that there is no substantial probability that the defendant will  
18 regain competency within twenty-one months after the date of the original  
19 finding of incompetency, any party may request that the court:

20 1. Remand the defendant to an evaluating agency for the institution  
21 of civil commitment proceedings pursuant to title 36, chapter 5. If the  
22 defendant is remanded, the prosecutor shall file a petition for evaluation  
23 and provide any known criminal history for the defendant.

24 2. Appoint a guardian ad litem to investigate whether the defendant  
25 is or may be in need of a guardian, a conservator or any other protective  
26 order pursuant to title 14, chapter 5.

27 3. Release the defendant from custody and dismiss the charges  
28 against the defendant without prejudice.

29 4. IF THE DEFENDANT IS CHARGED WITH A SERIOUS OFFENSE AS DEFINED IN  
30 SECTION 13-706, ORDER A TRIAL TO DETERMINE IF THE DEFENDANT IS DANGEROUS  
31 AND SHOULD BE INVOLUNTARILY COMMITTED PURSUANT TO SECTION 13-4521. IF THE  
32 DEFENDANT IS NOT REPRESENTED BY AN ATTORNEY AND IS INDIGENT, THE COURT  
33 SHALL APPOINT AN ATTORNEY TO REPRESENT THE DEFENDANT IN ALL PROCEEDINGS  
34 UNDER SECTION 13-4521 AND ANY FURTHER PROCEEDINGS UNDER TITLE 36,  
35 CHAPTER 40.

36 B. If the court enters an order pursuant to subsection A, paragraph  
37 1, ~~or~~ 2 OR 4 of this section, the court may also order an assessment of  
38 the defendant's eligibility for private insurance or public benefits that  
39 may be applied to the expenses of the defendant's medically necessary  
40 maintenance and treatment, including services pursuant to title 36,  
41 chapter 29, state-only behavioral health services, title XVIII services  
42 and medicare part D prescription drug benefits, supplemental security  
43 income and supplemental security disability income.

1 C. The court may retain jurisdiction over the defendant until the  
2 defendant is committed for treatment pursuant to SECTION 13-4521 OR title  
3 36, chapter 5 or a guardian is appointed pursuant to title 14, chapter 5.

4 D. If the court remands the defendant for the institution of civil  
5 commitment proceedings pursuant to title 36, chapter 5 and the court is  
6 notified that the defendant has not had a civil commitment evaluation OR  
7 IF THE COURT ENTERS AN ORDER PURSUANT TO SUBSECTION A, PARAGRAPH 4 OF THIS  
8 SECTION, the court, if it has retained jurisdiction, may order the sheriff  
9 to take the defendant into custody so that the court may explore options  
10 pursuant to subsection A, paragraph 2, ~~OR~~ 3 OR 4 of this section.

11 E. If the court is notified that the defendant has not been ordered  
12 into treatment pursuant to title 36, chapter 5 and the court has retained  
13 jurisdiction, the court may order the sheriff to take the defendant into  
14 custody so that the court may explore options pursuant to subsection A,  
15 paragraph 2, ~~OR~~ 3 OR 4 of this section.

16 F. A guardian ad litem who is appointed pursuant to this section  
17 and who determines that protective action is appropriate shall initiate  
18 and prosecute proceedings for the appointment of a guardian, a conservator  
19 or any other protective order pursuant to title 14, chapter 5. The court,  
20 on the request of the guardian ad litem or on its own motion, may order an  
21 independent evaluation of the defendant by a licensed physician, a  
22 licensed psychologist or a registered nurse to assess whether the  
23 defendant is an incapacitated person as defined in section 14-5101 or is a  
24 person in need of protection as prescribed in section 14-5401, subsection  
25 A, paragraph 2.

26 G. A guardian ad litem and any other evaluator who is appointed  
27 pursuant to this section is entitled to reasonable compensation for the  
28 work performed as a guardian ad litem or evaluator. If the defendant is  
29 indigent, the court may order the reasonable compensation to be a county  
30 expense.

31 Sec. 5. Repeal

32 Section 13-4517, Arizona Revised Statutes, as amended by Laws 2022,  
33 chapter 352, section 6, is repealed.

34 Sec. 6. Section 15-217.02, Arizona Revised Statutes, is amended to  
35 read:

36 15-217.02. Adult workforce diploma program; fund; program  
37 providers; requirements; annual reports;  
38 definitions

39 A. The adult workforce diploma program is established within the  
40 state board of education to assist a person who is at least twenty-one  
41 years of age in earning a high school diploma and developing critical  
42 employability and career and technical skills to prepare the person for  
43 employment. The department of education shall administer the  
44 program. The program may be delivered in a campus-based, online or  
45 blended modality.

1           B. The adult workforce diploma program fund is established  
2 consisting of legislative appropriations, gifts, grants and other  
3 donations. The department of education shall administer the fund. The  
4 department of education shall use monies in the fund to pay approved  
5 program providers as prescribed in subsection E of this section. Monies  
6 in the fund are continuously appropriated and are exempt from the  
7 provisions of section 35-190 relating to lapsing of appropriations.

8           C. On or before August 15 of each year, to be approved to  
9 participate in the program, an eligible program provider shall submit to  
10 the state board of education on a form that is developed by the board  
11 information showing that the eligible program provider meets all of the  
12 following requirements:

- 13           1. Is operating a regionally accredited high school  
14 diploma-granting entity.
- 15           2. Has the ability to develop a learning plan for each student that  
16 integrates graduation requirements and career goals.
- 17           3. Provides a course catalog that includes all courses that are  
18 necessary to meet graduation requirements.
- 19           4. Has the ability to provide all of the following:
  - 20           (a) Remediation opportunities in literacy and numeracy.
  - 21           (b) Career pathways coursework.
  - 22           (c) Preparation for industry-recognized credentials and stackable  
23 credentials.
  - 24           (d) Career placement services.
  - 25           (e) Academic skills intake assessments and transcript evaluations.

26           D. On or before October 15 of each year, the state board of  
27 education, in consultation with the department of education, shall place  
28 all qualified program providers that submit the form pursuant to  
29 subsection C of this section on an approved program providers  
30 list. Approved program providers shall begin enrolling students on or  
31 before November 15 of each year. Approved program providers maintain  
32 approval status unless the approved program provider is removed from the  
33 approved program providers list pursuant to subsection J of this section.

34           E. The department of education shall pay approved program providers  
35 the following amounts for each student who completes the following  
36 milestones:

- 37           1. \$250 for each completed half unit of high school credit.
- 38           2. \$250 for each completed employability skills certification.
- 39           3. \$250 for each earned industry-recognized credential or stackable  
40 credential that requires not more than fifty hours of training.
- 41           4. \$500 for each earned industry-recognized credential or stackable  
42 credential that requires at least fifty hours but not more than one  
43 hundred hours of training.
- 44           5. \$750 for each earned industry-recognized credential or stackable  
45 credential that requires more than one hundred hours of training.

- 1           6. \$1,000 for each earned high school diploma.
- 2           F. Approved program providers shall submit monthly invoices to the  
3 department of education not later than the tenth calendar day of each  
4 month for milestones met in the previous calendar month. The department  
5 of education shall pay approved program providers in the order in which  
6 invoices are submitted until all available monies are exhausted. The  
7 department of education shall provide a written update to the approved  
8 program providers on or before the last calendar day of each month,  
9 including the aggregate total dollars that have been paid to approved  
10 program providers to date and the estimated number of enrollments still  
11 available for the program year.
- 12           G. On or before October 30 of each year, each approved program  
13 provider shall report the following to the department of education:
- 14           1. The total number of students who were funded through the  
15 program.
- 16           2. The total number of earned credits.
- 17           3. The total number of earned industry-recognized credentials or  
18 stackable credentials earned for each tier of funding.
- 19           4. The total number of students who graduated through the program.
- 20           5. The information required by the performance measures adopted by  
21 the state board of education pursuant to section 15-217.
- 22           H. The department of education shall compile the reports received  
23 from each approved program provider under subsection G of this section  
24 and, on or before December 15 of each year, shall provide an annual report  
25 to the governor, the president of the senate, the speaker of the house of  
26 representatives and the state board of education and provide a copy of  
27 this report to the secretary of state.
- 28           I. Beginning with the end of the second fiscal year of the program,  
29 the state board of education, in cooperation with the department of  
30 education, shall review data from each approved program provider to ensure  
31 that each approved program provider is achieving minimum program  
32 performance standards, including:
- 33           1. A graduation rate of at least fifty percent.
- 34           2. An average cost per graduate of \$7,000 or less.
- 35           J. The state board of education, **IN COOPERATION WITH THE DEPARTMENT**  
36 **OF EDUCATION**, may develop a process to bring an approved program provider  
37 into compliance. The state board of education shall revoke an approved  
38 program provider's authorization to participate in the program if the  
39 approved program provider does not comply with the requirements of this  
40 section within two years.
- 41           K. The department of education shall provide adequate staff support  
42 for the state board of education to comply with this section.
- 43           L. For the purposes of this section:
- 44           1. "Academic skills intake assessment" means a criterion-referenced  
45 assessment of numeracy and literacy skills with high reliability and



- 1 validity that is determined by third-party research and that may be  
2 administered in person or online.
- 3 2. "Accredited provider" means an entity that is currently  
4 accredited by one of the seven regional accreditation organizations or any  
5 successor entity.
- 6 3. "Approved program provider" means a public, nonprofit or other  
7 entity that meets the requirements of this section and that does not  
8 receive federal or state funding or private tuition for a student who is  
9 funded through the program.
- 10 4. "Average cost per graduate" means the total program funding  
11 dispersed to an approved program provider divided by the total number of  
12 graduates for a cohort calculated twelve months after the close of the  
13 cohort.
- 14 5. "Career pathways coursework" means one or more courses that  
15 align with the skill needs of industries in the economy of this state or  
16 region and that assist students to enter or advance within a specific  
17 occupation or occupational cluster.
- 18 6. "Career placement services" means services that are designed to  
19 assist students in obtaining employment, including career interest  
20 self-assessments, job search skills, résumé development and mock  
21 interviews.
- 22 7. "Cohort" means the students who enter the program between July 1  
23 and June 30 of each program year.
- 24 8. "Employability skills certification" means a certificate earned  
25 by demonstrating professional nontechnical skills through assessment and  
26 must include the program standards of the United States department of  
27 labor's "skills to pay the bills: mastering soft skills for workplace  
28 success".
- 29 9. "Graduate" means a student who has successfully completed all  
30 state and approved program provider requirements to earn a high school  
31 diploma.
- 32 10. "Graduation rate" means the total number of graduates from a  
33 cohort divided by the total number of students from the same cohort  
34 calculated twelve months after the close of the cohort.
- 35 11. "Graduation requirements" means course and credit requirements  
36 needed to earn a high school diploma from an approved program provider.
- 37 12. "High school diploma" means a diploma that is issued by an  
38 accredited provider and that is recognized as a secondary school diploma  
39 by this state.
- 40 13. "Industry-recognized credential" means an education-related or  
41 work-related credential that verifies an individual's qualification or  
42 competence and that is issued by a third party with the relevant authority  
43 to issue the credential.

1           14. "Learning plan" means a documented plan that both:  
2           (a) Is designed to prepare a student to succeed in the program and  
3 the student's future endeavors.

4           (b) Identifies the courses and credits that are needed for a  
5 student to complete the program and that are approved program provider  
6 graduation requirements.

7           15. "Milestones" means objective measures of progress for which  
8 payment is made to an approved program provider under this section,  
9 including earned units of high school credit, earned industry-recognized  
10 credentials and earned high school diplomas.

11           16. "Program" means the adult workforce diploma program.

12           17. "Stackable credential" means a third-party credential that is  
13 part of a sequence of credentials that can be accumulated over time to  
14 build up an individual's qualifications to advance along a career pathway.

15           18. "Student" means a participant in the program who is at least  
16 twenty-one years of age, who is a resident of this state and who has not  
17 earned a high school diploma.

18           19. "Transcript evaluation" means a documented summary of credits  
19 that were earned in previous public or private accredited high schools  
20 compared with program and approved program provider graduation  
21 requirements.

22           20. "Unit of high school credit" means a credit that is awarded  
23 based on a student's demonstration that the student has successfully met  
24 the content expectations for the credit area as defined by subject area  
25 standards, expectations or guidelines.

26           Sec. 7. Section 15-910, Arizona Revised Statutes, as amended by  
27 Laws 2022, chapter 317, section 6, is amended to read:

28           15-910. School district budgets; excess utility costs;  
29                                   desegregation costs; tuition costs for bond issues;  
30                                   costs for registering warrants; report

31           A. The governing board may budget for the district's excess utility  
32 costs that are specifically exempt from the district's revenue control  
33 limit. If approved by the qualified electors voting at a statewide  
34 general election, the exemption from the revenue control limit under this  
35 subsection expires at the end of the 2008-2009 budget year. The uniform  
36 system of financial records shall specify expenditure items allowable as  
37 excess utility costs, which are limited to direct operational costs of  
38 heating, cooling, water and electricity, telephone communications and  
39 sanitation fees. The department of education and the auditor general  
40 shall include in the maintenance and operation section of the budget  
41 format, as provided in section 15-903, a separate line for utility  
42 expenditures and a special excess utility cost category. The special  
43 excess utility cost category shall contain budgeted expenditures for  
44 excess utility costs, determined as follows:

- 1           1. Determine the lesser of the total budgeted or total actual  
2 utility expenditures for fiscal year 1984-1985.
- 3           2. Multiply the amount in paragraph 1 of this subsection by the  
4 total percentage increase or decrease in the revenue control limit and the  
5 capital outlay revenue limit for the budget year over the revenue control  
6 limit and the capital outlay revenue limit for fiscal year 1984-1985.
- 7           3. The sum of the amounts in paragraphs 1 and 2 of this subsection  
8 is the amount budgeted in the utility expenditure line.
- 9           4. Additional expenditures for utilities are budgeted in the excess  
10 utility cost category.
- 11           B. The governing board shall apply the same percentage increase or  
12 decrease allowed in the revenue control limit and the capital outlay  
13 revenue limit as provided in section 15-905, subsection E to the utility  
14 expenditure line of the budget.
- 15           C. The governing board may expend from the excess utility cost  
16 category only after it has expended for utility purposes the full amount  
17 budgeted in the utility expenditure line of the budget.
- 18           D. The governing board, after notice is given and a public meeting  
19 is held as provided in section 15-905, subsection D, may revise at any  
20 time before May 15 the amount budgeted in the excess utility cost category  
21 for the current year. Not later than May 18, the budget as revised shall  
22 be submitted electronically to the superintendent of public instruction.
- 23           E. If the revised excess utility cost category results in an  
24 expenditure of monies in excess of school district revenues for the  
25 current year, the county school superintendent shall include within the  
26 revenue estimate for the budget year monies necessary to meet the  
27 liabilities incurred by the school district in the current year in excess  
28 of revenues received for the current year.
- 29           F. If a school district receives a refund of utility expenditures  
30 or a rebate on energy saving devices or services, the refund or rebate  
31 shall be applied against utility expenditures for the current year as a  
32 reduction of the expenditures, except that the reduction of expenditures  
33 shall not exceed the amount of actual utility expenditures.
- 34           G. The governing board may budget for expenses of complying with or  
35 continuing to implement activities that were required or permitted by a  
36 court order of desegregation or administrative agreement with the United  
37 States department of education office for civil rights directed toward  
38 remediating alleged or proven racial discrimination that are specifically  
39 exempt in whole or in part from the revenue control limit and district  
40 additional assistance. This exemption applies only to expenses incurred  
41 for activities that are begun before the termination of the court order or  
42 administrative agreement. If a district is levying a property tax on  
43 February 23, 2006 and using those monies to administer an English language  
44 learner program to remedy alleged or proven discrimination under title VI  
45 of the civil rights act of 1964 (42 United States Code section 2000d), the

1 district may spend those monies to remedy a violation of the equal  
2 educational opportunities act of 1974 (20 United States Code section  
3 1703(f)). Nothing in this subsection allows a school district to levy a  
4 property tax for violations of the equal educational opportunities act of  
5 1974 (20 United States Code section 1703(f)) in the absence of an alleged  
6 or proven discrimination under title VI of the civil rights act of 1964  
7 (42 United States Code section 2000d).

8 H. If a governing board chooses to budget monies outside of the  
9 revenue control limit as provided in subsection G of this section, the  
10 governing board may do one of the following:

11 1. Use monies from the maintenance and operation fund equal to any  
12 excess desegregation or compliance expenses beyond the revenue control  
13 limit before June 30 of the current year.

14 2. Notify the county school superintendent to include the cost of  
15 the excess expenses in the county school superintendent's estimate of the  
16 additional amount needed for the school district from the secondary  
17 property tax as provided in section 15-991.

18 3. Employ the provisions of both paragraphs 1 and 2 of this  
19 subsection, provided that the total amount transferred and included in the  
20 amount needed from property taxes does not exceed the total amount  
21 budgeted as prescribed in subsection J, paragraph 1 of this section.

22 I. If a governing board chooses to budget monies outside of  
23 district additional assistance as provided in subsection G of this  
24 section, the governing board may notify the county school superintendent  
25 to include the cost of the excess expenses in the county school  
26 superintendent's estimate of the additional amount needed for the school  
27 district from the secondary property tax as provided in section 15-991.

28 J. A governing board using subsections G, H and I of this section:

29 1. Shall prepare and employ a separate maintenance and operation  
30 desegregation budget and capital outlay desegregation budget on a form  
31 prescribed by the superintendent of public instruction in conjunction with  
32 the auditor general. The budget format shall be designed to allow a  
33 school district to plan and provide in detail for expenditures to be  
34 incurred solely as a result of compliance with or continuing to implement  
35 activities that were required or permitted by a court order of  
36 desegregation or administrative agreement with the United States  
37 department of education office for civil rights directed toward  
38 remediating alleged or proven racial discrimination.

39 2. Shall prepare as a part of the annual financial report a  
40 detailed report of expenditures incurred solely as a result of compliance  
41 with or continuing to implement activities that were required or permitted  
42 by a court order of desegregation or administrative agreement with the  
43 United States department of education office for civil rights directed  
44 toward remediating alleged or proven racial discrimination, in a format

1 prescribed by the auditor general in conjunction with the Arizona  
2 department of education as provided by section 15-904.

3 3. On or before July 15 each year, shall collect and report data  
4 regarding activities related to a court order of desegregation or an  
5 administrative agreement with the United States department of education  
6 office for civil rights directed toward remediating alleged or proven  
7 racial discrimination in a format prescribed by the Arizona department of  
8 education. The Arizona department of education shall compile and submit  
9 copies of the reports to the governor, the president of the senate, the  
10 speaker of the house of representatives and the chairpersons of the  
11 education committees of the senate and the house of representatives and  
12 shall submit a copy to the secretary of state. A school district that  
13 becomes subject to a new court order of desegregation or a party to an  
14 administrative agreement with the United States department of education  
15 office for civil rights directed toward remediating alleged or proven  
16 racial discrimination shall submit these reports on or before July 15 or  
17 within ninety days of the date of the court order or administrative  
18 agreement, whichever occurs first. The Arizona department of education,  
19 in consultation with the auditor general, shall develop reporting  
20 requirements to ensure that school districts submit at least the following  
21 information and documentation to the Arizona department of education:

22 (a) A district-wide budget summary and a budget summary on a  
23 school-by-school basis for each school in the school district that lists  
24 the sources and uses of monies that are designated for desegregation  
25 purposes.

26 (b) A detailed list of desegregation activities on a district-wide  
27 basis and on a school-by-school basis for each school in the school  
28 district.

29 (c) The date that the school district was determined to be out of  
30 compliance with title VI of the civil rights act of 1964 (42 United States  
31 Code section 2000d) and the basis for that determination.

32 (d) The initial date that the school district began to levy  
33 property taxes to provide funding for desegregation expenses and any dates  
34 that these property tax levies were increased.

35 (e) If applicable, a current and accurate description of all magnet  
36 type programs that are in operation pursuant to the court order during the  
37 current school year on a district-wide basis and on a school-by-school  
38 basis. This information shall contain the eligibility and attendance  
39 criteria of each magnet type program, the capacity of each magnet type  
40 program, the ethnic composition goals of each magnet type program, the  
41 actual attending ethnic composition of each magnet type program and the  
42 specific activities offered in each magnet type program.

43 (f) The number of pupils who participate in desegregation  
44 activities on a district-wide basis and on a school-by-school basis for  
45 each school in the school district.

1 (g) A detailed summary of the academic achievement of pupils on a  
2 district-wide basis and on a school-by-school basis for each school in the  
3 school district.

4 (h) The number of employees, including teachers and administrative  
5 personnel, on a district-wide basis and on a school-by-school basis for  
6 each school in the school district that is necessary to conduct  
7 desegregation activities.

8 (i) The number of employees, including teachers and administrative  
9 personnel, on a district-wide basis and on a school-by-school basis for  
10 each school in the school district and the number of employees at school  
11 district administrative offices that are funded in whole or in part with  
12 desegregation monies received pursuant to this section.

13 (j) The amount of monies that is not derived through a primary or  
14 secondary property tax levy and that is budgeted and spent on  
15 desegregation activities on a district-wide basis and on a  
16 school-by-school basis for each school in the school district.

17 (k) Verification that the desegregation funding will supplement and  
18 not supplant funding for other academic and extracurricular activities.

19 (l) Verification that the desegregation funding is educationally  
20 justifiable.

21 (m) Any documentation that supports the proposition that the  
22 requested desegregation funding is intended to result in equal education  
23 opportunities for all pupils in the school district.

24 (n) Verification that the desegregation funding will be used to  
25 promote systemic and organizational changes within the school district.

26 (o) Verification that the desegregation funding will be used in  
27 accordance with the academic standards adopted by the state board of  
28 education pursuant to sections 15-701 and 15-701.01.

29 (p) Verification that the desegregation funding will be used to  
30 accomplish specific actions to remediate proven discrimination pursuant to  
31 title VI of the civil rights act of 1964 (42 United States Code section  
32 2000d) as specified in the court order or administrative agreement.

33 (q) An evaluation by the school district of the effectiveness of  
34 the school district's desegregation measures.

35 (r) An estimate of when the school district will be in compliance  
36 with the court order or administrative agreement and a detailed account of  
37 the steps that the school district will take to achieve compliance.

38 (s) Any other information that the Arizona department of education  
39 deems necessary to carry out the purposes of this paragraph.

40 K. If a school district governing board budgets for expenses of  
41 complying with a court order of desegregation or an administrative  
42 agreement with the United States department of education office for civil  
43 rights directed toward remediating alleged or proven racial  
44 discrimination, the governing board shall ensure that the desegregation  
45 expenses will:

- 1           1. Be educationally justifiable.
- 2           2. Result in equal education opportunities for all pupils in the  
3 school district.
- 4           3. Be used to promote systemic and organizational changes within  
5 the school district.
- 6           4. Be used in accordance with the academic standards adopted by the  
7 state board of education pursuant to sections 15-701 and 15-701.01.
- 8           5. Be used to accomplish specific actions to remediate proven  
9 discrimination pursuant to title VI of the civil rights act of 1964  
10 (42 United States Code section 2000d) as specified in the court order or  
11 administrative agreement.
- 12          6. Be used in accordance with a plan submitted to the department of  
13 education that includes an estimate of the amount of monies that will be  
14 required to bring the school district into compliance with the court order  
15 or administrative agreement and an estimate of when the school district  
16 will be in compliance with the court order or administrative agreement.
- 17          7. Each fiscal year, not exceed the amount budgeted by the school  
18 district for desegregation expenses in fiscal year 2008-2009.
- 19          L. ~~Beginning in fiscal year 2018-2019,~~ Subsections G through K of  
20 this section apply only if the governing board uses revenues from  
21 secondary property taxes rather than primary property taxes to fund  
22 expenses of complying with or continuing to implement activities that were  
23 required or allowed by a court order of desegregation or administrative  
24 agreement with the United States department of education office for civil  
25 rights directed toward remediating alleged or proven racial discrimination  
26 that are specifically exempt in whole or in part from the revenue control  
27 limit and district additional assistance. Secondary property taxes levied  
28 pursuant to this subsection do not require voter approval, but shall be  
29 separately delineated on a property owner's property tax statement.
- 30          M. ~~The governing board may budget for the bond issues portion of  
31 the cost of tuition charged the district as provided in section 15-824 for  
32 the pupils attending school in another school district, except that if the  
33 district is a common school district not within a high school district,  
34 the district may only include that part of tuition that is excluded from  
35 the revenue control limit and district support level as provided in  
36 section 15-951. The bond issues portion of the cost of tuition charged is  
37 specifically exempt from the revenue control limit of the school district  
38 of residence, and the primary property tax rate set to fund this amount  
39 shall not be included in the computation of additional state aid for  
40 education as provided in section 15-972, except as provided in section  
41 15-972, subsection E. The department of education and the auditor general  
42 shall include in the maintenance and operation section of the budget  
43 format, as provided in section 15-903, a separate category for the bond  
44 issues portion of the cost of tuition.~~

1           ~~N.~~ M. The governing board may budget for interest expenses it  
2 incurred for registering warrants drawn against a fund of the school  
3 district or net interest expense on tax anticipation notes as prescribed  
4 in section 35-465.05, subsection C for the fiscal year preceding the  
5 current year if the county treasurer pooled all school district monies for  
6 investment as provided in section 15-996 for the fiscal year preceding the  
7 current year and, in those school districts that receive state aid, the  
8 school districts applied for an apportionment of state aid before the date  
9 set for the apportionment as provided in section 15-973 for the fiscal  
10 year preceding the current year. The governing board may budget an amount  
11 for interest expenses for registering warrants or issuing tax anticipation  
12 notes equal to or less than the amount of the warrant interest expense or  
13 net interest expense on tax anticipation notes as prescribed in section  
14 35-465.05, subsection C for the fiscal year preceding the current year as  
15 provided in this subsection that is specifically exempt from the revenue  
16 control limit. For the purposes of this subsection, "state aid" means  
17 state aid as determined in sections 15-971 and 15-972.

18           Sec. 8. Repeal

19           Section 15-910, Arizona Revised Statutes, as amended by Laws 2022,  
20 chapter 285, section 3, is repealed.

21           Sec. 9. Section 15-961, Arizona Revised Statutes, as amended by  
22 Laws 2022, chapter 317, section 12, is amended to read:

23           15-961. District additional assistance; growth rate

24           A. District additional assistance per student count is established  
25 as follows:

26           1. For school districts with a student count of less than one  
27 hundred for kindergarten programs and grades one through eight,  
28 \$606.88. For school districts with a student count of one hundred or more  
29 and less than six hundred for kindergarten programs and grades one through  
30 eight, multiply \$433.78 by the weight that corresponds to the student  
31 count for kindergarten programs and grades one through eight for the  
32 school district as provided in section 15-943, paragraph 1, subdivision  
33 (a), column 3. For a school district with a student count of six hundred  
34 or more in kindergarten programs and grades one through eight, the limit  
35 is \$502.33.

36           2. For school districts with a student count of less than one  
37 hundred for grades nine through twelve, \$670.02. For school districts  
38 with a student count of one hundred or more and less than six hundred for  
39 grades nine through twelve, multiply \$451.99 by the weight that  
40 corresponds to the student count for grades nine through twelve for the  
41 school district as provided in section 15-943, paragraph 1, subdivision  
42 (b), column 3. For a school district with a student count of six hundred  
43 or more in grades nine through twelve, the limit is \$549.33.

44           3. For programs for preschool children with disabilities, \$502.33.



1 B. District additional assistance for a school district shall be  
2 computed as follows:

3 1. Select the applicable district additional assistance per student  
4 count for the school district.

5 2. Multiply the amount or amounts selected in paragraph 1 of this  
6 subsection by the appropriate student count of the school district.

7 3. If a school district's student count used for the budget year is  
8 greater than one hundred five percent of the student count used for the  
9 current year's budget, increase the adjusted district additional  
10 assistance determined in paragraph 2 of this subsection by fifty percent  
11 of the actual percentage increase in the school district's student count.

12 C. An amount for the purchase of required textbooks and related  
13 printed subject matter materials shall be used to increase the district  
14 additional assistance for a school district as determined in subsection B,  
15 paragraph 2 or 3 of this section, whichever is applicable. This amount  
16 shall equal the student count in grades nine through twelve multiplied by  
17 \$77.65.

18 D. NOTWITHSTANDING SUBSECTIONS A, B AND C OF THIS SECTION, DISTRICT  
19 ADDITIONAL ASSISTANCE FOR A COMMON SCHOOL DISTRICT THAT IS NOT WITHIN A  
20 HIGH SCHOOL DISTRICT OR FOR A TRANSPORTING SCHOOL DISTRICT IS DISTRICT  
21 ADDITIONAL ASSISTANCE AS PRESCRIBED IN THIS SECTION BUT EXCLUDING PUPILS  
22 WHO ARE ADMITTED TO ANOTHER SCHOOL DISTRICT AS PROVIDED IN SECTION 15-824,  
23 SUBSECTION A, PARAGRAPH 2 OR 3, EXCEPT THAT IF THE SCHOOL DISTRICT  
24 TRANSPORTS HIGH SCHOOL PUPILS, THE DISTRICT ADDITIONAL ASSISTANCE AMOUNT  
25 PRESCRIBED IN THIS SECTION SHALL BE INCREASED BY AN AMOUNT EQUAL TO FIFTY  
26 PERCENT OF THE DISTRICT ADDITIONAL ASSISTANCE PER PUPIL AMOUNT PRESCRIBED  
27 FOR THE SCHOOL DISTRICT PURSUANT TO THIS SECTION MULTIPLIED BY THE NUMBER  
28 OF HIGH SCHOOL PUPILS TRANSPORTED.

29 Sec. 10. Repeal

30 Section 15-961, Arizona Revised Statutes, as amended by Laws 2022,  
31 chapter 285, section 8, is repealed.

32 Sec. 11. Section 15-2401, Arizona Revised Statutes, as amended by  
33 Laws 2022, chapter 44, section 9, is amended to read:

34 15-2401. Definitions

35 In this chapter, unless the context otherwise requires:

36 1. "Annual education plan" means an initial individualized  
37 evaluation and subsequent annual reviews that are developed for a  
38 qualified student who meets the criteria specified in paragraph 7,  
39 subdivision (a), item (i), (ii) or (iii) of this section to determine  
40 ongoing annual eligibility through the school year in which the qualified  
41 student reaches twenty-two years of age and whether the student may be  
42 eligible pursuant to section 36-2981 and should be referred for  
43 eligibility determination.

- 1           2. "Curriculum" means a course of study for content areas or grade  
2 levels, including any supplemental materials required or recommended by  
3 the curriculum, approved by the department.
- 4           3. "Department" means the department of education.
- 5           4. "Eligible postsecondary institution" means a community college  
6 as defined in section 15-1401, a university under the jurisdiction of the  
7 Arizona board of regents or an accredited private postsecondary  
8 institution.
- 9           5. "Parent" means a resident of this state who is the parent,  
10 stepparent or legal guardian of a qualified student.
- 11           6. "Qualified school" means a nongovernmental primary or secondary  
12 school or a preschool for pupils with disabilities that is located in this  
13 state or, for qualified students who reside within the boundaries of an  
14 Indian reservation in this state, that is located in an adjacent state and  
15 that is within two miles of the border of the state in which the qualified  
16 student resides, and that does not discriminate on the basis of race,  
17 color or national origin.
- 18           7. "Qualified student" means a resident of this state who:  
19           (a) Is any of the following:  
20           (i) Identified as having a disability under section 504 of the  
21 rehabilitation act of 1973 (29 United States Code section 794).  
22           (ii) Identified by a school district or by an independent third  
23 party pursuant to section 15-2403, subsection ~~I~~ J as a child with a  
24 disability as defined in section 15-731 or 15-761.  
25           (iii) A child with a disability who is eligible to receive services  
26 from a school district under section 15-763.  
27           (iv) Attending a school or school district that was assigned a  
28 letter grade of D or F pursuant to section 15-241 for the most recent year  
29 in which letter grades were assigned or is currently eligible to attend  
30 kindergarten and resides within the attendance boundary of a school that  
31 was assigned a letter grade of D or F pursuant to section 15-241 for the  
32 most recent year in which letter grades were assigned. A child who meets  
33 the requirements of this item and who meets the income eligibility  
34 requirements for free and reduced-price lunches under the national school  
35 lunch and child nutrition acts (42 United States Code sections 1751  
36 through 1793) is not subject to subdivision (b) of this paragraph.  
37           (v) A previous recipient of a scholarship issued pursuant to this  
38 section, unless the qualified student's parent has been removed from  
39 eligibility in the program for failure to comply pursuant to section  
40 15-2403, subsection C.  
41           (vi) A child of a parent who is a member of the armed forces of the  
42 United States and who is on active duty or was killed in the line of duty.  
43 A child who meets the requirements of this item is not subject to  
44 subdivision (b) of this paragraph.

1 (vii) A child who is a ward of the juvenile court and who is  
2 residing with a prospective permanent placement pursuant to section 8-862  
3 and the case plan is adoption or permanent guardianship.

4 (viii) A child who was a ward of the juvenile court and who  
5 achieved permanency through adoption or permanent guardianship.

6 (ix) A child who is the sibling of a current or previous Arizona  
7 empowerment scholarship account recipient or of an eligible qualified  
8 student who accepts the terms of and enrolls in an Arizona empowerment  
9 scholarship account.

10 (x) A child who resides within the boundaries of an Indian  
11 reservation in this state as determined by the department of education or  
12 a tribal government.

13 (xi) A child of a parent who is legally blind or deaf or hard of  
14 hearing as defined in section 36-1941.

15 (b) And, except as provided in subdivision (a), items (iv) and  
16 (vi) of this paragraph, who meets any of the following requirements:

17 (i) Attended a governmental primary or secondary school as a  
18 full-time student as defined in section 15-901 for at least forty-five  
19 days of the current or prior fiscal year and who transferred from a  
20 governmental primary or secondary school under a contract to participate  
21 in an Arizona empowerment scholarship account. Kindergarten students who  
22 are enrolled in Arizona online instruction must receive ~~two~~ ONE hundred  
23 hours of logged instruction to be eligible pursuant to this item. First,  
24 second and third grade students who are enrolled in Arizona online  
25 instruction must receive ~~four~~ TWO hundred hours of logged instruction to  
26 be eligible pursuant to this item. Fourth, fifth and sixth grade students  
27 who are enrolled in Arizona online instruction must receive ~~five~~ TWO  
28 hundred FIFTY hours of logged instruction to be eligible pursuant to this  
29 item. Seventh and eighth grade students who are enrolled in Arizona  
30 online instruction must receive ~~five~~ TWO hundred ~~fifty~~ SEVENTY-FIVE hours  
31 of logged instruction to be eligible pursuant to this item. High school  
32 students who are enrolled in Arizona online instruction must receive ~~five~~  
33 TWO hundred FIFTY hours of logged instruction to be eligible pursuant to  
34 this item.

35 (ii) Previously participated in an Arizona empowerment scholarship  
36 account.

37 (iii) Received a scholarship under section 43-1505 and who  
38 continues to attend a qualified school if the student attended a  
39 governmental primary or secondary school as a full-time student as defined  
40 in section 15-901 for at least ninety days of the prior fiscal year or one  
41 full semester before attending a qualified school.

42 (iv) Was eligible for an Arizona scholarship for pupils with  
43 disabilities and received monies from a school tuition organization  
44 pursuant to section 43-1505 or received an Arizona scholarship for pupils  
45 with disabilities but did not receive monies from a school tuition

1 organization pursuant to section 43-1505 and who continues to attend a  
2 qualified school if the student attended a governmental primary or  
3 secondary school as a full-time student as defined in section 15-901 for  
4 at least ninety days of the prior fiscal year or one full semester before  
5 attending a qualified school.

6 (v) ATTENDED A NONPUBLIC SCHOOL FOR PUPILS WITH DISABILITIES IN THE  
7 PRIOR YEAR IF PLACEMENT AT THE SCHOOL WAS APPROVED BY THE DEPARTMENT OF  
8 EDUCATION AND CONTRACTED FOR BY A PUBLIC SCHOOL DISTRICT.

9 ~~(v)~~ (vi) Has not previously attended a governmental primary or  
10 secondary school but is currently eligible to enroll in a kindergarten  
11 program in a school district or charter school in this state or attended a  
12 program for preschool children with disabilities. FOR THE PURPOSES OF  
13 THIS ITEM, A CHILD IS ELIGIBLE TO ENROLL IN A KINDERGARTEN PROGRAM IF THE  
14 CHILD IS AT LEAST FIVE YEARS OF AGE ON JANUARY 1 OF THE CURRENT SCHOOL  
15 YEAR, IS UNDER SEVEN YEARS OF AGE, HAS NOT ALREADY COMPLETED A  
16 KINDERGARTEN PROGRAM AND IS NOT ENROLLED IN GRADE ONE OF A PRIVATE OR  
17 GOVERNMENTAL SCHOOL IN THE CURRENT YEAR.

18 ~~(vi)~~ (vii) Has not previously attended a governmental primary or  
19 secondary school but is currently eligible to enroll in a program for  
20 preschool children with disabilities in this state.

21 8. "Treasurer" means the office of the state treasurer.

22 Sec. 12. Repeal

23 Section 15-2401, Arizona Revised Statutes, as amended by Laws 2022,  
24 chapter 388, section 1, is repealed.

25 Sec. 13. Section 16-550, Arizona Revised Statutes, as amended by  
26 Laws 2022, chapter 271, section 2, is amended to read:

27 16-550. Receipt of voter's ballot; cure period; tracking  
28 system

29 A. Except for early ballots tabulated as prescribed in section  
30 16-579.02, on receipt of the envelope containing the early ballot and the  
31 ballot affidavit, the county recorder or other officer in charge of  
32 elections shall compare the signatures thereon with the signature of the  
33 elector on the elector's registration record. If the signature is  
34 inconsistent with the elector's signature on the elector's registration  
35 record, the county recorder or other officer in charge of elections shall  
36 make reasonable efforts to contact the voter, advise the voter of the  
37 inconsistent signature and allow the voter to correct or the county to  
38 confirm the inconsistent signature. The county recorder or other officer  
39 in charge of elections shall allow signatures to be corrected not later  
40 than the fifth business day after a primary, general or special election  
41 that includes a federal office or the third business day after any other  
42 election. If the signature is missing, the county recorder or other  
43 officer in charge of elections shall make reasonable efforts to contact  
44 the elector, advise the elector of the missing signature and allow the  
45 elector to add the elector's signature not later than 7:00 p.m. on

1 election day. If satisfied that the signatures correspond, the recorder  
2 or other officer in charge of elections shall hold the envelope containing  
3 the early ballot and the completed affidavit unopened in accordance with  
4 the rules of the secretary of state.

5 B. The recorder or other officer in charge of elections shall  
6 thereafter safely keep the affidavits and early ballots in the recorder's  
7 or other officer's office and may deliver them for tallying pursuant to  
8 section 16-551. Tallying of ballots may begin immediately after the  
9 envelope and completed affidavit are processed pursuant to this section  
10 and delivered to the early election board.

11 C. The county recorder shall send a list of all voters who were  
12 issued early ballots to the election board of the precinct in which the  
13 voter is registered.

14 D. FOR A COUNTY THAT USES EARLY BALLOTS, THE COUNTY RECORDER OR  
15 OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE AN EARLY BALLOT  
16 TRACKING SYSTEM THAT INDICATES WHETHER THE VOTER'S EARLY BALLOT HAS BEEN  
17 RECEIVED AND WHETHER THE EARLY BALLOT HAS BEEN VERIFIED AND SENT TO BE  
18 TABULATED OR REJECTED. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF  
19 ELECTIONS SHALL PROVIDE VOTERS WITH ACCESS TO THE EARLY BALLOT TRACKING  
20 SYSTEM ON THE COUNTY'S WEBSITE.

21 ~~D.~~ E. This section does not apply to:

22 1. A special taxing district that is authorized pursuant to section  
23 16-191 to conduct its own elections.

24 2. A special district mail ballot election that is conducted  
25 pursuant to article 8.1 of this chapter.

26 Sec. 14. Repeal

27 Section 16-550, Arizona Revised Statutes, as amended by Laws 2022,  
28 chapter 358, section 1, is repealed.

29 Sec. 15. Section 28-7006, Arizona Revised Statutes, as amended by  
30 Laws 2000, chapter 193, section 236, is amended to read:

31 28-7006. Department fleet operations fund; definitions

32 A. ~~A~~ THE ~~transportation~~ department ~~equipment~~ FLEET OPERATIONS fund  
33 is established that consists of:

34 1. Monies appropriated by the legislature to the department for the  
35 purchase, maintenance, service or repair of equipment and consumable  
36 material, including monies appropriated to pay salaries, wages and  
37 benefits of department employees engaged in maintaining, servicing or  
38 repairing equipment or supervising these activities.

39 2. Monies received by the department from the sale of equipment and  
40 consumable material at public auction or by other disposal methods  
41 provided by law.

42 3. Monies credited and transferred to the fund pursuant to  
43 subsection C of this section for ~~the use of~~ USING consumable material and  
44 ~~for the use~~ USING or servicing ~~of~~ equipment.

1 4. Monies received from insurance recoveries for equipment and  
2 consumable material losses.

3 5. Monies received from donations.

4 6. Monies received from the United States as reimbursement to  
5 provide aid for the use of equipment and consumable materials in ~~the~~  
6 ~~construction, maintenance or repair~~ CONSTRUCTING, MAINTAINING AND  
7 REPAIRING of transportation improvements.

8 7. Earnings on any monies in the ~~transportation~~ department  
9 ~~equipment~~ FLEET OPERATIONS fund that are invested pursuant to section  
10 28-6996.

11 B. The director shall establish and from time to time modify or  
12 adjust the equipment rental schedule and the other fee schedule to reflect  
13 all current costs of ~~ownership, maintenance, operation and service of~~  
14 OWNING, MAINTAINING, OPERATING AND SERVICING equipment, including the  
15 costs of labor and supervision and consumable materials used in the  
16 equipment.

17 C. Department equipment shall not be used for any purpose and the  
18 department shall not incur an expense in ~~the maintenance, service or~~  
19 ~~repair of~~ MAINTAINING, SERVICING OR REPAIRING equipment unless within  
20 thirty days after the end of any month in which equipment is used or the  
21 expenses are incurred both:

22 1. The appropriate project, program, section, division, activity or  
23 budget unit is charged for the use pursuant to the equipment rental  
24 schedule or other fee schedule.

25 2. The ~~transportation~~ department ~~equipment~~ FLEET OPERATIONS fund is  
26 credited and the monies are transferred to that fund.

27 D. Monies in the ~~transportation~~ department ~~equipment~~ FLEET  
28 OPERATIONS fund are subject to legislative appropriation and shall be  
29 spent only to:

30 1. Purchase equipment and consumable materials.

31 2. Rent equipment.

32 3. Pay salaries, wages and employee related costs and benefits and  
33 operating expenses for employees engaged in repairing, maintaining or  
34 servicing equipment or ~~the administration of~~ ADMINISTERING these  
35 activities.

36 4. Pay salaries, wages, employee related costs and benefits and the  
37 operating expenses of the department motor pool.

38 E. Monies in the ~~transportation~~ department ~~equipment~~ FLEET  
39 OPERATIONS fund are subject to legislative appropriation and shall be  
40 spent in conformity with the laws governing state financial operations,  
41 except that balances remaining at the end of the fiscal year do not revert  
42 to the state general fund or the state highway fund.

43 F. ~~in~~ FOR THE PURPOSES OF this section, ~~unless the context~~  
44 ~~otherwise requires~~:

1           1. "Consumable material" means motor vehicle fuel, lubricants,  
2 tires, batteries, replacement or repair parts, automotive accessories and  
3 any other necessary article of supply or material consumed in ~~the~~  
4 ~~operation, improvement, repair or maintenance of~~ OPERATING, IMPROVING,  
5 REPAIRING OR MAINTAINING equipment.

6           2. "Equipment" means any automobile, truck, tractor, trailer, motor  
7 driven vehicle, aircraft or other piece of equipment used by the  
8 department in ~~the enforcement of the~~ ENFORCING traffic laws and in ~~the~~  
9 ~~administration, maintenance, construction or repair of~~ ADMINISTERING,  
10 MAINTAINING, CONSTRUCTING OR REPAIRING the state transportation system and  
11 any necessary shop tool or device used in ~~the improvement, repair or~~  
12 ~~maintenance of this~~ IMPROVING, REPAIRING OR MAINTAINING equipment.

13           3. "Equipment rental schedule" means the list of rental rates for  
14 each piece of rental equipment owned or rented by the department and used  
15 as the basis of reimbursing the ~~transportation~~ department ~~equipment~~ FLEET  
16 OPERATIONS fund for ~~use of~~ USING any equipment owned by the department.

17           4. "Other fee schedule" means the list of all costs and expenses  
18 that is used as the basis of reimbursing the ~~transportation~~ department  
19 ~~equipment~~ FLEET OPERATIONS fund for an expenditure for labor or consumable  
20 material that is not reflected in the equipment rental schedule but which  
21 cost or expense is nevertheless incurred by the department in ~~the~~  
22 ~~maintenance, service or repair of~~ MAINTAINING, SERVICING OR REPAIRING  
23 equipment.

24           Sec. 16. Repeal

25           Section 28-7006, Arizona Revised Statutes, as amended by Laws 2022,  
26 chapter 322, section 6, is repealed.

27           Sec. 17. Section 32-1923.01, Arizona Revised Statutes, as amended  
28 by Laws 2022, chapter 59, section 72, is amended to read:

29           32-1923.01. Pharmacy technicians; pharmacy technician  
30 trainees; qualifications; remote dispensing  
31 site pharmacies

32           A. An applicant for licensure as a pharmacy technician must:

- 33           1. Be at least eighteen years of age.
- 34           2. Have a high school diploma or the equivalent of a high school  
35 diploma.
- 36           3. Complete a training program prescribed by board rules.
- 37           4. Pass a board-approved pharmacy technician examination.

38           B. An applicant ~~for licensure~~ TO REGISTER as a pharmacy technician  
39 trainee must:

- 40           1. Be at least eighteen years of age.
- 41           ~~2. Have a high school diploma or the equivalent of a high school~~  
42 ~~diploma.~~
- 43           2. REGISTER WITH THE BOARD VIA AN ONLINE APPLICATION.

1 C. Before a pharmacy technician prepares, compounds or dispenses  
2 prescription medications at a remote dispensing site pharmacy, the  
3 pharmacy technician shall:

4 1. Complete, in addition to any other board-approved mandatory  
5 continuing professional education requirements, a two-hour continuing  
6 education program on remote dispensing site pharmacy practices provided by  
7 an approved provider.

8 2. Have at least one thousand hours of experience working as a  
9 pharmacy technician in an outpatient pharmacy setting under the direct  
10 supervision of a pharmacist.

11 D. A pharmacy technician working at a remote dispensing site  
12 pharmacy:

13 1. Shall maintain an active, nationally recognized pharmacy  
14 technician certification approved by the board.

15 2. May not perform extemporaneous sterile or nonsterile compounding  
16 but may prepare commercially available medications for dispensing,  
17 including the reconstitution of orally administered powder antibiotics.

18 Sec. 18. Repeal

19 Section 32-1923.01, Arizona Revised Statutes, as amended by Laws  
20 2022, chapter 362, section 5, is repealed.

21 Sec. 19. Section 36-2232, Arizona Revised Statutes, as amended by  
22 Laws 2022, chapter 217, section 1, is amended to read:

23 36-2232. Director; powers and duties; regulation of ambulance  
24 services; inspections; response time compliance;  
25 mileage rate calculation factors

26 A. The director shall adopt rules to regulate the operation of  
27 ambulances and ambulance services in this state. Each rule shall identify  
28 all sections and subsections of this chapter under which the rule was  
29 formulated. The rules shall provide for the department to do the  
30 following:

31 1. Consistent with the requirements of subsection H of this  
32 section, determine, fix, alter and regulate just, reasonable and  
33 sufficient rates and charges for the provision of ambulances, including  
34 rates and charges for advanced life support service, basic life support  
35 service, patient loaded mileage, standby waiting, subscription service  
36 contracts and other contracts for services related to the provision of  
37 ambulances. The director shall inform all ambulance services of the  
38 procedures and methodology used to determine ambulance rates or charges.

39 **2. ENSURE EVIDENCE-BASED QUALITY PATIENT CARE IS THE PRIORITY FOR**  
40 **DECISION-MAKING.**

41 ~~2.~~ **3.** Regulate operating and response times of ambulances to meet  
42 the needs of the public and to ensure adequate service. The rules adopted  
43 by the director for certificated ambulance service response times shall  
44 include uniform standards for urban, suburban, rural and wilderness  
45 geographic areas within the certificate of necessity based on, at a



1 minimum, population density, ~~AND~~ geographic and medical considerations.  
2 THE CALCULATION OF RESPONSE TIMES SHALL BEGIN WHEN THE PUBLIC SAFETY  
3 ANSWERING POINT CONTACTS AN AMBULANCE SERVICE FOR DISPATCH AND CONCLUDE  
4 WHEN THE AMBULANCE SERVICE ARRIVES AT THE DISPATCHED LOCATION. ON-SCENE  
5 ARRIVAL TIMES FOR RESPONSE TIME MEASUREMENT SHALL BE DOCUMENTED BY THE  
6 AMBULANCE SERVICE USING DISPATCH OR GLOBAL POSITIONING SYSTEM DATA, OR A  
7 COMBINATION OF BOTH, AND KEPT ON FILE. RESPONSE TIME DATA THAT IS  
8 COMPLIANT WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF  
9 1996 SHALL BE FILED ANNUALLY WITH THE DEPARTMENT. WHEN DISPATCH OR GLOBAL  
10 POSITIONING SYSTEM CONNECTIVITY IS NOT AVAILABLE, THE AMBULANCE SERVICE  
11 SHALL MANUALLY DOCUMENT ON-SCENE ARRIVAL TIMES FOR RESPONSE TIME  
12 MEASUREMENT. THE RESPONSE TIME DATA SHALL BE FILED IN A  
13 DEPARTMENT-APPROVED FORMAT, AND THE DEPARTMENT SHALL MAKE THE RESPONSE  
14 TIME DATA PUBLICLY AVAILABLE.

15 4. REVIEW RESPONSE TIMES ESTABLISHED PURSUANT TO PARAGRAPH 3 OF  
16 THIS SUBSECTION WITH THE AMBULANCE SERVICE AND UPDATE THE RESPONSE TIMES  
17 BASED ON, AT A MINIMUM, POPULATION DENSITY AND GEOGRAPHIC AND MEDICAL  
18 CONSIDERATIONS, AND THE FINANCIAL IMPACT ON RATES AND CHARGES, EVERY SIX  
19 YEARS. ONE ADDITIONAL REVIEW EACH SIX-YEAR PERIOD MAY BE REQUESTED BY A  
20 CITY, TOWN, FIRE DISTRICT OR FIRE AUTHORITY WHOSE JURISDICTIONAL  
21 BOUNDARIES IN WHOLE OR IN PART ARE WITHIN THE SERVICE AREA OF A  
22 CERTIFICATE OF NECESSITY OR AN EXISTING CERTIFICATE OF NECESSITY HOLDER  
23 WITHIN THE SERVICE AREA OF THE CERTIFICATE OF NECESSITY.

24 ~~3.~~ 5. Determine, fix, alter and regulate bases of operation. The  
25 director may issue a certificate of necessity to more than one ambulance  
26 service within any base of operation. For the purposes of this paragraph,  
27 "base of operation" means a service area granted under a certificate of  
28 necessity.

29 ~~4.~~ 6. Issue, amend, transfer, suspend or revoke certificates of  
30 necessity under terms consistent with this article.

31 ~~5.~~ 7. Prescribe a uniform system of accounts to be used by  
32 ambulance services that conforms to standard accounting forms and  
33 principles for the ambulance industry and generally accepted accounting  
34 principles.

35 ~~6.~~ 8. Require the filing of an annual financial report and other  
36 data. These rules shall require an ambulance service to file the report  
37 with the department not later than one hundred eighty days after the  
38 completion of its annual accounting period.

39 ~~7.~~ 9. Regulate ambulance services in all matters affecting  
40 services to the public to the end that this article may be fully carried  
41 out.

42 ~~8.~~ 10. Prescribe bonding requirements, if any, for ambulance  
43 services granted authority to provide any type of subscription service.

1           ~~9.~~ 11. Offer technical assistance to ambulance services to  
2 ~~maximize a healthy and viable business climate for the provision of~~  
3 ~~ambulances~~ ENSURE COMPLIANCE WITH THE RULES.

4           ~~10.~~ 12. Offer technical assistance to ambulance services in order  
5 to obtain or to amend a certificate of necessity.

6           ~~11.~~ 13. Inspect, at a maximum of twelve-month intervals, each  
7 ambulance registered pursuant to section 36-2212 to ensure that the  
8 vehicle is operational and safe and that all required medical equipment is  
9 operational. At the request of the provider, the inspection may be  
10 performed by a facility approved by the director. If a provider requests  
11 that the inspection be performed by a facility approved by the director,  
12 the provider shall pay the cost of the inspection.

13           B. The director may require any ambulance service offering  
14 subscription service contracts to obtain a bond in an amount determined by  
15 the director that is based on the number of subscription service contract  
16 holders and to file the bond with the director to protect all subscription  
17 service contract holders in this state who are covered under that  
18 subscription contract.

19           C. An ambulance service shall:

20           1. Maintain, establish, add, move or delete suboperation stations  
21 within its base of operation to ensure that the ambulance service meets  
22 the established response times or those approved by the director in a  
23 political subdivision contract.

24           2. Determine the operating hours of its suboperation stations to  
25 provide for coverage of its base of operation.

26           3. Provide the department with a list of suboperation station  
27 locations.

28           4. Notify the department not later than thirty days after the  
29 ambulance service makes a change in the number or location of its  
30 suboperation stations.

31           5. BEGINNING JANUARY 1, 2024, INSTALL AND MAINTAIN AN ELECTRONIC  
32 GLOBAL POSITIONING SYSTEM MONITORING DEVICE IN EACH VEHICLE THAT IS USED  
33 FOR TRANSPORT TO RECORD ON-SCENE ARRIVAL TIMES FOR RESPONSE TIME  
34 MEASUREMENT. THE DEPARTMENT SHALL PROVIDE A WAIVER ON A  
35 DEPARTMENT-APPROVED FORM TO AN AMBULANCE SERVICE THAT CAN REASONABLY  
36 DEMONSTRATE IT IS UNABLE TO MEET THE REQUIREMENTS OF THIS PARAGRAPH.

37           D. At any time, the director or the director's agents may:

38           1. Inquire into the operation of an ambulance service, including a  
39 person operating an ambulance that has not been issued a certificate of  
40 registration or a person who does not have or is operating outside of a  
41 certificate of necessity.

42           2. Conduct on-site inspections of facilities, communications  
43 equipment, vehicles, procedures, materials and equipment.

44           3. Review the qualifications of ambulance attendants.

1 E. If all ambulance services that have been granted authority to  
2 operate within the same service area or that have overlapping certificates  
3 of necessity apply for uniform rates and charges, the director may  
4 establish uniform rates and charges for the service area.

5 F. In consultation with the medical director of the emergency  
6 medical services and trauma system, the emergency medical services council  
7 and the medical direction commission, the director of the department of  
8 health services shall establish protocols for ambulance services to refer  
9 and advise a patient or transport a patient by the most appropriate means  
10 to the most appropriate provider of medical services based on the  
11 patient's condition. The protocols shall include triage and treatment  
12 protocols that allow all classifications of emergency medical care  
13 technicians responding to a person who has accessed 911, or a similar  
14 public dispatch number, for a condition that does not pose an immediate  
15 threat to life or limb to refer and advise a patient or transport a  
16 patient to the most appropriate health care institution as defined in  
17 section 36-401 based on the patient's condition, taking into consideration  
18 factors including patient choice, the patient's health care provider,  
19 specialized health care facilities and local protocols.

20 G. The director, when reviewing an ambulance service's response  
21 time compliance with its certificate of necessity, shall consider in  
22 addition to other factors the effect of hospital diversion, delayed  
23 emergency department admission and the number of ambulances engaged in  
24 response or transport in the affected area.

25 H. The department shall incorporate all of the following factors  
26 when calculating the proposed mileage rate:

- 27 1. The cost of licensure and registration of each ground ambulance  
28 vehicle.
- 29 2. The cost of fuel.
- 30 3. The cost of ground ambulance vehicle maintenance.
- 31 4. The cost of ground ambulance vehicle repair.
- 32 5. The cost of tires.
- 33 6. The cost of ground ambulance vehicle insurance.
- 34 7. The cost of mechanic wages, benefits and payroll taxes.
- 35 8. The cost of loan interest related to the ground ambulance  
36 vehicles.
- 37 9. The cost of the weighted allocation of overhead.
- 38 10. The cost of ground ambulance vehicle depreciation.
- 39 11. The cost of reserves for replacement of ground ambulance  
40 vehicles and equipment.

41 Sec. 20. Repeal

42 Section 36-2232, Arizona Revised Statutes, as amended by Laws 2022,  
43 chapter 381, section 3, is repealed.



1           6. A health care insurer. Except as required pursuant to  
2 subsection B of this section, the board shall provide this information  
3 only if the health care insurer states in writing that the information is  
4 necessary for an open investigation or complaint or for performing a drug  
5 utilization review for controlled substances that supports the prevention  
6 of opioid overuse or abuse and the safety and quality of care provided to  
7 the insured.

8           7. A person who is serving a lawful order of a court of competent  
9 jurisdiction.

10          8. A person who is authorized to prescribe or dispense controlled  
11 substances and who performs an evaluation on an individual pursuant to  
12 section 23-1026.

13          9. A county medical examiner or alternate medical examiner who is  
14 directing an investigation into the circumstances surrounding a death as  
15 described in section 11-593 or a delegate who is authorized by the county  
16 medical examiner or alternate medical examiner.

17          10. The department of health services regarding persons who are  
18 receiving or prescribing controlled substances in order to implement a  
19 public health response to address opioid overuse or abuse, including a  
20 review pursuant to section 36-198. Except as required pursuant to  
21 subsection B of this section, the board shall provide this information  
22 only if the department states in writing that the information is necessary  
23 to implement a public health response to help combat opioid overuse or  
24 abuse.

25          D. Data provided by the board pursuant to this section may not be  
26 used for any of the following:

- 27           1. Credentialing health care professionals.
- 28           2. Determining payment.
- 29           3. Preemployment screening.
- 30           4. Any purpose other than as specified in this section.

31          E. For a fee determined by the board, the board may provide data to  
32 public or private entities for statistical, research or educational  
33 purposes after removing information that could be used to identify  
34 individual patients or persons who received prescriptions from dispensers.

35          F. Any employee of the administration, a contractor or a health  
36 care insurer who is assigned delegate access to the program shall operate  
37 under the authority and responsibility of the administration's,  
38 contractor's or health care insurer's chief medical officer or other  
39 employee who is a licensed health care professional and who is authorized  
40 to prescribe or dispense controlled substances. A delegate of the  
41 administration, a contractor or a health care insurer shall hold a valid  
42 license or certification issued pursuant to title 32, chapter 7, 11, 13,  
43 14, 15, 16, 17, 18, 19.1, 25, 29 or 33 as a condition of being assigned  
44 and provided delegate access to the program by the board. Each employee  
45 of the administration, a contractor or a health care insurer who is a

1 licensed health care professional and who is authorized to prescribe or  
2 dispense controlled substances may authorize not more than ten delegates.

3 G. If, after reviewing the information provided pursuant to  
4 subsection C, paragraph 4 of this section, an investigator finds no  
5 evidence of a statutory crime but suspects a medical practitioner of  
6 prescribing controlled substances inappropriately in manner or amount, the  
7 investigator may refer the medical practitioner to the relevant  
8 professional licensing board for investigation of possible deviation from  
9 the standard of care but may not arrest or otherwise undertake criminal  
10 proceedings against the medical practitioner.

11 H. A person who is authorized to prescribe or dispense controlled  
12 substances or the chief medical officer or other licensed health care  
13 professional of the administration, a contractor or a health care insurer  
14 who is authorized to prescribe or dispense controlled substances shall  
15 deactivate a delegate within five business days after an employment status  
16 change, the request of the delegate or the inappropriate use of the  
17 controlled substances prescription monitoring program's central database  
18 tracking system.

19 I. For the purposes of this section:

20 1. "Administration" and "contractor" have the same meanings  
21 prescribed in section 36-2901.

22 2. "Delegate" means any of the following:

23 (a) A licensed health care professional who is employed in the  
24 office of or in a hospital with the prescriber or dispenser.

25 (b) An unlicensed medical records technician, medical assistant or  
26 office manager who is employed in the office of or in a hospital with the  
27 prescriber or dispenser and who has received training regarding both the  
28 health insurance portability and accountability act privacy standards  
29 (45 Code of Federal Regulations part 164, subpart E) and security  
30 standards (45 Code of Federal Regulations part 164, subpart C).

31 (c) A forensic pathologist, medical death investigator or other  
32 qualified person who is assigned duties in connection with a death  
33 investigation pursuant to section 11-594.

34 (d) A ~~licensed~~ REGISTERED pharmacy technician trainee, LICENSED  
35 pharmacy technician or LICENSED pharmacy intern who works in a facility  
36 with the dispenser.

37 (e) Any employee of the administration, a contractor or a health  
38 care insurer who is authorized by the administration's, contractor's or  
39 health care insurer's chief medical officer or other licensed health care  
40 professional who is authorized to prescribe or dispense controlled  
41 substances.

42 3. "Health care insurer" has the same meaning prescribed in section  
43 20-3151.

1           Sec. 22. Repeal  
2           Section 36-2604, Arizona Revised Statutes, as amended by Laws 2022,  
3 chapter 362, section 12, is repealed.

4           Sec. 23. Retroactivity

5           A. Sections 11 and 12 of this act apply retroactively to from and  
6 after June 30, 2022.

7           B. Sections 2, 3, 6, 15 and 16 of this act apply retroactively to  
8 from and after September 23, 2022.

9           C. Sections 7, 8, 9, 10, 17, 18, 21 and 22 of this act apply  
10 retroactively to from and after June 30, 2023.

11          Sec. 24. Effective date

12          Sections 4, 5, 13, 14, 19 and 20 of this act are effective from and  
13 after December 31, 2023.