

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - First Regular Session

## \*MAJORITY CAUCUS CALENDAR

February 25, 2015

Bill Number	Short Title	Committee	Date	Action
<b>Committee on Agriculture, Water and Lands</b>				
<b>Chairman: Brenda Barton, LD6</b>		<b>Vice Chairman: Darin Mitchell, LD13</b>		
<b>Analyst: Tom Savage</b>		<b>Intern: Christopher Palmer</b>		
<a href="#">HCM 2005</a>	federal lands; devolution to Arizona			
SPONSOR:	BARTON, LD6	HOUSE		
		AWL	2/19	DPA (4-3-0-2-0)
		(No: BENALLY,GABALDÓN,OTONDO; Abs: COBB,MONTENEGRO)		
<b>Committee on Children and Family Affairs</b>				
<b>Chairman: John Allen, LD15</b>		<b>Vice Chairman: Kate Brophy McGee, LD28</b>		
<b>Analyst: Ingrid Garvey</b>		<b>Intern: Brennan Rohs</b>		
<a href="#">HB 2075</a>	AHCCCS; annual waiver submittals			
SPONSOR:	PETERSEN, LD12	HOUSE		
		CFA	2/16	DPA (6-3-0-0-0)
		(No: GONZALES,MENDEZ,RIOS)		
<b>Committee on Commerce</b>				
<b>Chairman: Warren Petersen, LD12</b>		<b>Vice Chairman: Jill Norgaard, LD18</b>		
<b>Analyst: Diana Clay</b>		<b>Intern: Justin Larson</b>		
<a href="#">HCM 2003</a>	urging Congress; increase customs personnel			
SPONSOR:	STEELE, LD9	HOUSE		
		COM	2/18	DP (8-0-0-0-0)
<b>Committee on Elections</b>				
<b>Chairman: Michelle Ugenti, LD23</b>		<b>Vice Chairman: J. D. Mesnard, LD17</b>		
<b>Analyst: Ginna Carico</b>		<b>Intern: Robert Lewis</b>		
<a href="#">HB 2138</a>	May primary election date			
SPONSOR:	SHOPE, LD8	HOUSE		
		ELECT	2/16	DPA (5-0-0-1-0)
		(Abs: CARTER)		
<a href="#">HB 2265</a>	lieutenant governor; duties; ballot			
SPONSOR:	MESNARD, LD17	HOUSE		
		ELECT	2/9	DP (4-1-0-1-0)
		(No: UGENTI; Abs: CARTER)		
		GHE	2/19	DP (7-2-0-0-0)
		(No: LOVAS,OLSON)		
<a href="#">HB 2534</a>	ballots; defects; notice; cure			
SPONSOR:	CLARK, LD24	HOUSE		

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Analyst Initials \_\_\_\_\_

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		ELECT	2/16	DP	(5-0-0-1-0)
		(Abs: CARTER)			
<a href="#">HB 2613</a>	political activity; public resources; limitation				
SPONSOR:	PETERSEN, LD12	HOUSE			
		ELECT	2/16	DP	(3-2-0-1-0)
		(No: CLARK,LARKIN; Abs: CARTER)			
<a href="#">HB 2649</a>	campaign finance; political committee; definition				
SPONSOR:	UGENTI, LD23	HOUSE			
		ELECT	2/16	DP	(3-2-0-1-0)
		(No: CLARK,LARKIN; Abs: CARTER)			

### Committee on Federalism and States' Rights

**Chairman:** Kelly Townsend, LD16      **Vice Chairman:** Noel Campbell, LD1  
**Analyst:** Justin Riches      **Intern:** Samantha Oswitch

<a href="#">HB 2481</a>	amendment ratification; certificate; archivist				
SPONSOR:	PETERSEN, LD12	HOUSE			
		FSR	2/18	DP	(5-3-0-0-0)
		(No: WHEELER,VELASQUEZ,RIOS)			

### Committee on Government and Higher Education

**Chairman:** Bob Thorpe, LD6      **Vice Chairman:** Chris Ackerley, LD2  
**Analyst:** Katy Proctor      **Intern:** Danny DeHoog

<a href="#">HB 2008</a>	unordered merchandise; technical correction (GHE S/E: fireworks)				
SPONSOR:	SHOPE, LD8	HOUSE			
		GHE	2/19	DPA/SE	(6-3-0-0-0)
		(No: FRIESE,SALDATE,LARKIN)			
<a href="#">HB 2157</a>	Native Americans; delayed birth certificates				
SPONSOR:	HALE, LD7	HOUSE			
		GHE	2/12	DP	(9-0-0-0-0)
<a href="#">HB 2178</a>	technical correction; tax correction (GHE S/E: wine consumption)				
SPONSOR:	THORPE, LD6	HOUSE			
		GHE	2/19	DPA/SE	(9-0-0-0-0)
<a href="#">HB 2484</a>	income; licensing; patents; repeal				
SPONSOR:	SHOPE, LD8	HOUSE			
		GHE	2/19	DP	(9-0-0-0-0)
<a href="#">HB 2570</a>	municipalities; vegetation requirements; prohibition				
SPONSOR:	MITCHELL, LD13	HOUSE			
		GHE	2/19	DP	(6-3-0-0-0)
		(No: FRIESE,SALDATE,LARKIN)			
<a href="#">HB 2646</a>	rulemaking; approval of governor; factors (GHE S/E: rulemaking; factors; governor approval)				
SPONSOR:	OLSON, LD25	HOUSE			
		GHE	2/19	DPA/SE	(5-3-0-1-0)
		(No: FRIESE,SALDATE,LARKIN; Abs: ACKERLEY)			
<a href="#">HB 2480</a>	municipalities; pawnbrokers; gold; prohibited fees				
SPONSOR:	PETERSEN, LD12	HOUSE			
		GHE	2/12	DP	(6-3-0-0-0)

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(No: FRIESE,SALDATE,LARKIN)  
[HB 2526](#) governor's regulatory review council; membership  
 SPONSOR: PETERSEN, LD12 HOUSE  
 GHE 2/12 DPA (9-0-0-0-0)

**Committee on Judiciary**

**Chairman: Eddie Farnsworth, LD12** **Vice Chairman: Sonny Borrelli, LD5**  
**Analyst: Gina Kash** **Intern: Morganne Barrett**

[HB 2553](#) human trafficking victim; vacating conviction  
 (JUD S/E: sex trafficking victim; vacating conviction)  
 SPONSOR: STEELE, LD9 HOUSE  
 JUD 2/18 DPA/SE (5-0-0-1-0)  
 (Abs: MESNARD)

[HB 2592](#) justice of the peace; residency  
 SPONSOR: CARTER, LD15 HOUSE  
 JUD 2/11 DP (6-0-0-0-0)

**Committee on Military Affairs and Public Safety**

**Chairman: Sonny Borrelli, LD5** **Vice Chairman: Mark Finchem, LD11**  
**Analyst: Casey Baird** **Intern: Delaney Krauss**

[HB 2103](#) military affairs commission; membership; confidentiality  
 SPONSOR: BORRELLI, LD5 HOUSE  
 MAPS 2/19 DP (8-0-0-1-0)  
 (Abs: MACH)

[HB 2240](#) national guard members; tuition waivers  
 SPONSOR: CARDENAS, LD19 HOUSE  
 MAPS 2/5 DPA (9-0-0-0-0)

[HB 2365](#) off-highway vehicles; enforcement  
 SPONSOR: THORPE, LD6 HOUSE  
 MAPS 2/19 DP (9-0-0-0-0)

**Committee on Rural and Economic Development**

**Chairman: T. J. Shope, LD8** **Vice Chairman: Rusty Bowers, LD25**  
**Analyst: Ryan Sullivan** **Intern: Matthew VanBenschoten**

[HB 2010](#) technical correction; petroleum product storage  
 (RED S/E: counties; protected development rights; extensions)  
 SPONSOR: SHOPE, LD8 HOUSE  
 RED 2/17 DPA/SE (6-1-0-1-0)  
 (No: LEACH; Abs: BARTON)

**Committee on Ways and Means**

**Chairman: Darin Mitchell, LD13** **Vice Chairman: Anthony Kern, LD20**  
**Analyst: Ryan Sullivan** **Intern: Matthew VanBenschoten**

[HB 2614](#) contractor transaction privilege tax; application  
 SPONSOR: PETERSEN, LD12 HOUSE  
 WM 2/16 DP (9-0-0-0-0)

**\*Pending Rules Committee Action**

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# HOUSE OF REPRESENTATIVES

HCM 2005

federal lands; devolution to Arizona

Sponsors: Representatives Barton, Gray, Shope, et al.

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**DPA** Committee on Agriculture, Water and Lands

**X** Caucus and COW

House Engrossed

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## **OVERVIEW**

HCM 2005 urges the United States (U.S.) Congress and the Secretary of the U.S. Department of the Interior (Department) to immediately dispose of the public lands within Arizona's border directly to the State of Arizona.

## **HISTORY**

In 1910, the U.S. Congress passed the Arizona Enabling Act, allowing Arizona to become a state. The Arizona Enabling Act states "...the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said boundaries owned or held by any Indian or Indian tribes, the right or title to which shall have been acquired through or from the United States or any prior sovereignty, and that until the title of such Indian or Indian tribes shall have been extinguished the same shall be and remain subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States..." (June 20, 1910, c. 310, 36 Stat. 557, 568-579).

A 2012 study conducted by the Congressional Research Service (CRS) determined that the federal government owns title to around 635-640 million acres of land in the United States, and of that estimate, 609 million acres are managed by four federal agencies: the United States Forest Service; the National Park Service; the Bureau of Land Management; and the Fish and Wildlife Service (CRS Report (Report) R42436). According to the Report, 30,741,287 acres (42.3% of land) in Arizona are owned and managed by the federal government.

## **PROVISIONS**

1. Urges the U.S. Congress and the Secretary of the Department to:
  - a. Immediately dispose of the public lands within Arizona's border directly to the State of Arizona not later than December 31, 2016; and
  - b. Engage in good faith communication, cooperation, coordination and consultation with the State of Arizona regarding the disposal of the public lands directly to the state.
2. Asks the Arizona Secretary of State to transmit copies of this memorial to the following individuals:
  - a. The President of the U.S. Senate.
  - b. The Speaker of the U.S. House of Representatives.
  - c. The Secretary of the Department.

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- d. The Chief of the U.S. Forest Service.
- e. The Chairperson of the U.S. House Committee on Natural Resources.
- f. The Chairperson of the U.S. Senate Committee on Energy and Natural Resources.
- g. Each Member of Congress from the State of Arizona.

**Amendments**

**Committee on Agriculture, Water and Lands**

1. Changes the date the U.S. Congress and the Secretary of the Department is urged to dispose of public lands to the State to not later than December 31, 2019, rather than December 31, 2016.



# HOUSE OF REPRESENTATIVES

HB 2075

AHCCCS; annual waiver submittals

Sponsor: Representative Petersen

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**DPA** Committee on Children and Family Affairs

**X** Caucus and COW

House Engrossed

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## OVERVIEW

HB 2075 requires the Director (Director) of the Arizona Health Care Cost Containment System (AHCCCS) to apply the Centers for Medicare and Medicaid Services (CMS) by March 30 of each year for waivers or amendments to the current Section 1115 Waiver.

## HISTORY

Laws 1981, Chapter 1, established AHCCCS. AHCCCS is Arizona's Medicaid program that oversees contracted health plans for the delivery of health care to individuals and families who qualify for Medicaid and other medical assistance programs. Through contracted health plans across the state, AHCCCS delivers health care to qualifying individuals including low-income adults, their children or people with certain disabilities.

AHCCCS provides medical assistance programs for acute care, long term care and contracts with the Arizona Department of Health Services Division of Behavioral Health Services to bring behavioral health services to its acute care members. The Arizona Long Term Care System program is for individuals over the age of 65, are blind, disabled or need continuing assistance at a nursing facility level of care. As of February 2015 there are approximately 1.6 million individuals enrolled in the AHCCCS program.

Section 1115 of the Social Security Act gives the Secretary of Health and Human Services authority to approve experimental, pilot or demonstration projects that promote the objectives of the Medicaid and Children's Health Insurance programs. The purpose of these demonstrations, give states additional flexibility to design and improve their programs [Hyperlink](#) .

## PROVISIONS

- 1) Requires on or before March 30 of each year, the Director of AHCCCS to apply to CMS for waivers or amendments to the current Section 1115 Waiver to allow the State to:
  - a) Institute a work requirement for all able-bodied adults receiving Medicaid services. The work requirement must:
    - i) Require an eligible person to either become employed, actively seek employment to be verified by AHCCCS or attend a job training program.
    - ii) Require an eligible person to verify on a monthly basis compliance with requirements directly noted above and any change in family income.
    - iii) Require AHCCCS to confirm an eligible person's change in family income and re-determine the person's eligibility.

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- iv) Allow AHCCCS to ban an eligible person from enrollment for one year if the eligible person failed to report a change in family income or made a false statement regarding compliance related to becoming employed, actively seeking employment or attending a job training program.
- v) Allow for an exemption if a person meets any of the following conditions:
  - (1) Is at least 18 years of age but is still attending high school as a full-time student.
  - (2) Is the sole caregiver of a family member who is under five years of age.
  - (3) Is currently receiving temporary or permanent long-term disability benefits from a private insurer or from the government.
- b) Restrict benefits for able-bodied adults to a lifetime limit of five years unless the person meets any of the following conditions:
  - i) Is pregnant.
  - ii) Is the sole caregiver of a family member who is under five years of age.
  - iii) Is currently receiving temporary or permanent long-term disability benefits from a private insurer or from the government.
  - iv) Is at least 18 years of age but is still attending high school as a full-time student.
  - v) Is employed full time but continues to meet the income eligibility requirements under this article.
- c) Develop and impose meaningful copayments to deter both:
  - i) The nonemergency use of emergency departments: and
  - ii) The use of ambulance services for nonemergency transportation or when it is not medically necessary.
- 2) Requires the Director on or before April 1 of each year to submit a letter confirming the submission of the waiver requests to the governor and the legislature.
- 3) Defines *able-bodied* and *adult*.

### **Amendments**

#### **Committee on Children and Family Affairs**

- 1) Adds to the work requirement by including that:
  - a) Able-bodied adults attend school, in addition to a job training program, or both, at least 20 hours per week.
- 2) Allows AHCCCS to ban an eligible person if the person *knowingly* failed to report a change in family income or made a false statement regarding compliance.
- 3) Allows for an exemption to the work requirement if:
  - a) A person is the sole caregiver of a family member under the age of *six* rather than *five*.
  - b) A person has been determined to be physically or mentally unfit for employment by a health care professional.
- 4) Clarifies that the five year lifetime limitation for abled-bodied adults *begins on the effective date of the waiver or amendments and does not include any previous time a person received benefits. The lifetime limit does not include any time during which a person is pregnant, the sole caregiver for a family member under the age of six, is currently receiving temporary or permanent long term-disability benefits, is at least 19 years of age but still a full-time student, is employed full-time but meets the income eligibility, is enrolled before reaching 19 years of age or is a person under 26 and who was in the custody of DCS when the person became 18.*

- 5) Specifies that the waiver or amendments develop and impose meaningful *cost-sharing* rather than *co-payments* to deter the nonemergency use of emergency departments and the use ambulance services for nonemergency transportation or when it is not medically necessary.
- 6) Requires the Director of AHCCCS, in any year to apply for only the waivers or amendments that have not been approved and are not in effect.
- 7) Changes the definition of *adult* to a person who is at least 19 years of age for purposes of this act.
- 8) Provides that for purposes of implementing this act, AHCCCS is exempt from the rule making requirements for one year after the effective date of this act.



# HOUSE OF REPRESENTATIVES

## HCM 2003

urging Congress; increase customs personnel  
Sponsors: Representatives Steele, Coleman, Hale, et al.

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**DP** Committee on Commerce

**X** Caucus and COW

House Engrossed

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### **OVERVIEW**

HCM 2003 urges the United States (U.S.) Congress to increase and maintain staffing for Customs Field Office (Customs) personnel at Arizona's ports of entry from Mexico.

### **HISTORY**

The U.S. has long been engaged in trade and commerce with Mexico. According to the U.S. Department of Commerce, more than \$500 billion in bilateral trade and over \$100 billion in cross-border investment occurs between the two countries annually.

Arizona has a significant role in the trade relationship between the U.S. and Mexico, with primary channels for cross-border trade running through the ports of entry at Nogales, Douglas and San Luis, Arizona. \$28 billion in two-way trade is processed annually through Arizona's points of entry, and according to the U.S. Census Bureau, Arizona exports to Mexico totaled \$7.1 billion in 2013.

The Customs personnel within the U.S. Custom and Border Protection service of the U.S. Department of Homeland Security serve at these ports of entry to promote security and economic stability.

On October 14, 2014, a letter signed by every member of the Arizona Congressional delegation was sent to the U.S. Department of Homeland Security expressing the need for greater staffing and allocation of personnel to Arizona's ports of entry.

### **PROVISIONS**

1. Urges the U.S. Congress to increase and maintain staffing for Customs personnel at the ports of entry from Mexico in Nogales, Douglas and San Luis, Arizona.
2. Asks the Arizona Secretary of State to transmit copies of this Memorial to the following individuals:
  - a. The President of the U.S. Senate.
  - b. The Speaker of the U.S. House of Representatives.
  - c. Each Member of Congress from the State of Arizona.



# HOUSE OF REPRESENTATIVES

HB 2138

May primary election date

Sponsor: Representative Shope

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**DPA** Committee on Elections

**X** Caucus and COW

House Engrossed

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## **OVERVIEW**

HB 2138 moves the primary election to the third Tuesday in May beginning in 2016.

## **HISTORY**

The Arizona Constitution, Article 7, Section 10 stipulates that the nominations of candidates for all elective state, county, and city offices shall be conducted by direct primary election. Any person who is registered as no party preference, independent, or who is registered with a political party that is not qualified for representation on the ballot may vote in the primary election of any one of the qualified political parties.

Laws 1979, Chapter 209 required primary elections to be held on the second Tuesday of September. Laws 2007, Chapter 168 changed this date to the first Tuesday in September.

Laws 2009, Chapter 149 most recently established the primary election date to be the fourth Tuesday in August.

## **PROVISIONS**

3. Changes the date of primary elections from the fourth Tuesday in August to the third Tuesday in May beginning in 2016.
4. Makes technical and conforming changes.

## **AMENDMENTS**

### **Committee on Elections**

1. Changes the date of primary elections in the bill from the third Tuesday in May to the first Tuesday in August beginning in 2016.



# HOUSE OF REPRESENTATIVES

HB 2265

lieutenant governor; duties; ballot  
Sponsor: Representative Mesnard

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**DP** Committee on Elections  
**DP** Committee on Government and Higher Education  
**X** Caucus and COW  
House Engrossed

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## **OVERVIEW**

HB 2265 creates the office of Lieutenant Governor and appoints that person to be director of the Arizona Department of Administration (ADOA).

## **HISTORY**

The Arizona Constitution Article 5, Section 6 designates the Secretary of State (SOS) as the successor of the Governor in event of death, resignation, removal from office or permanent disability. If the SOS fails to qualify as Governor, the Attorney General, State Treasurer or the Superintendent of Public Instruction, in the order named, succeed to the office of Governor.

According to the National Lieutenant Governors Association, 45 states have a lieutenant governor. Of these, 30 states require a joint election of the Governor and Lieutenant Governor. Arizona is one of five states that does not have a position of Lieutenant Governor. Of the other four states, two designate the SOS and two designate the President of the Senate to succeed the Governor.

In 2010, the Legislature referred Proposition 111 to the ballot. Proposition 111 would have constitutionally renamed the SOS as the Lieutenant Governor. The Lieutenant Governor would have run separately from the Governor in the primary election; each winner of their respective primaries from the same political party would then have run jointly on the ticket for Governor. Proposition 111 was not passed by the voters.

## **PROVISIONS**

1. Directs a candidate for Governor to submit to the SOS at least 60 days before the general election the name of the person who will run with them as a candidate for Lieutenant Governor.
  - a. Specifies that the candidate for Lieutenant Governor's name will appear on the general election ballot along with the candidate for Governor's name.
2. Designates the Lieutenant Governor the director of ADOA.
3. Directs Legislative Council to prepare conforming legislation.
4. Contains a conditional enactment upon voter approval and passage of the accompanying House Concurrent Resolution 2024.

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5. Makes technical and conforming changes.



# HOUSE OF REPRESENTATIVES

HB 2534

ballots; defects; notice; cure

Sponsors: Representatives Clark, Andrade, Steele, et al.

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DP Committee on Elections

X Caucus and COW

House Engrossed

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## OVERVIEW

HB 2534 requires county recorders to notify early or provisional ballot voters if there is a defect in their ballot materials and gives voters the opportunity to correct these defects.

## HISTORY

Arizona Revised Statutes (A.R.S.) § 16-541 requires all elections in Arizona to provide for early voting. All qualified electors may vote by early ballot if they make a request to the county recorder, or other officer in charge of elections of the political subdivision in which the voter is registered, to early vote within 93 days of the election. Early voters must sign an affidavit declaring that the ballots they submit are marked by them or by those who assisted them in marking their selections. After sealing their ballot in the envelope, early voters or their agents may mail the envelopes to the county recorder or other officer in charge of elections of the political subdivision in which the voter is registered or deposit it at any polling place in the county (A.R.S. §§ 16-541, 16-542, 16-547, 16-548).

A.R.S. § 16-584 requires election officials to notify provisional ballot voters, at no cost, whether their ballots were counted. If a voter's ballot was not counted, election officials must give that voter the reason for not counting the ballot. This notification may be in the form of mail, a toll free telephone number, internet access or other similar methods. Any method chosen to notify the voter must be reasonably restricted to limit transmittal of the information only to the voter.

## PROVISIONS

1. Requires county recorders or other election officers to notify early and provisional ballot voters, at no cost, if their ballots are defective resulting in their rejection and failure to be counted.
2. Allows notified voters to correct their defective ballot within 10 days following the election.
3. Directs county recorders or other election officers to do the following:
  - a. Permit voters to correct the defects resulting from incomplete or incorrect information.
  - b. Tabulate the corrected ballot.
  - c. Notify the voter if their corrected ballot was verified.
  - d. If not counted, give the voter the reason for the rejection of their corrected ballot.
4. Requires the method of notification to early ballot voters to provide reasonable restrictions that are designed to limit transmittal of the information only to the voter.

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5. Makes technical and conforming changes.



# HOUSE OF REPRESENTATIVES

HB 2613

political activity; public resources; limitation

Sponsor: Representative Petersen

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**DP** Committee on Elections

**X** Caucus and COW

House Engrossed

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## OVERVIEW

HB 2613 modifies the prohibition on the use of public resources for influencing an election by stating that promotional expenditures made after a bond, budget override and other tax-related election is called through election day are prohibited.

## HISTORY

A municipality, county, special taxing district, school district or community college district is prohibited from spending money or using credit, facilities, vehicles or other resources to influence the outcome of an election. These entities may sponsor forums or distribute informational pamphlets on a proposed bond election if the forums and pamphlets present factual information in a neutral manner.

Statute allows the Attorney General or the county attorney for the county in which the alleged violation occurred to file a suit in the county's superior court for purposes of complying with this Act. For each violation, the court may impose a civil penalty of \$5,000 and order an additional penalty in an amount that equals the value of the resources unlawfully used (Arizona Revised Statutes §§ 9-500.14, 11-410, 15-511, 15-1408 and 16-192).

*Influencing the outcomes of an election* is statutorily defined as supporting or opposing any of the following:

- A candidate for nomination or election to public office or the recall of a public officer; or
- A ballot measure, question or proposition, including any bond, budget or override election; or
- The circulation of a petition for any of the aforementioned.

## PROVISIONS

6. Modifies the prohibition on the use of public resources for influencing an election by stating that promotional expenditures made after a bond, budget override and other tax-related election is called through election day are prohibited.
7. Applies to the use of promotional expenditures that are made by:
  - a. Cities or towns
  - b. Counties
  - c. School districts
  - d. Community college districts
  - e. Special taxing districts

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8. Specifies that this does not include routine city or town, county, school district, community college district or special taxing district communications that maintain the frequency, scope and distribution consistent with past practices or are necessary for public safety.
9. Defines *routine city or town communication, routine county communication, routine school district communication, routine community college district, and routine special taxing district communication.*
10. Makes technical changes.



# HOUSE OF REPRESENTATIVES

HB 2649

campaign finance; political committee; definition

Sponsor: Representative Ugenti

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**DP** Committee on Elections

**X** Caucus and COW

House Engrossed

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## **OVERVIEW**

HB 2649 is an emergency measure that restructures and modifies the definition of *political committee*.

## **HISTORY**

Arizona Revised Statutes (A.R.S.) Title 16, Chapter 6 governs campaign contributions and expenses. Specifically, A.R.S. § 16-901 defines pertinent terms such as *candidate*, *contribution* and *political committee*.

On September 30, 2013, U.S. District Court Judge James A. Teilborg ruled in federal district court in *Galassini v. Town of Fountain Hills* that the definition of *political committee* found in A.R.S. § 16-901 is vague, overbroad and consequently unconstitutional.

## **PROVISIONS**

1. Removes language and restructures the definition of *political committee* clarifying that an association or combination of persons that meets both of the following requirements are encompassed within the definition:
  - a. Is organized, conducted or combined for the *primary* purpose of influencing the result of any election in this state or in any county, municipality or other political subdivision of this state, including a judicial retention election.
  - b. Knowingly receives contributions or makes expenditures of more than \$500, rather than \$250, in connection with any election during a calendar year, including a judicial retention election.
2. Requires associations or combinations of persons who qualify under this definition of *political committee* to file a statement of organization with the filing officer in the format prescribed by the filing officer within five business days after meeting the definition of political committee.
3. Contains a retroactivity date of September 30, 2013.
4. Contains an emergency measure.
5. Makes technical, conforming and clarifying changes.



# HOUSE OF REPRESENTATIVES

HB 2481

amendment ratification; certificate; archivist  
Sponsors: Representative Petersen

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DP Committee on Federalism & States' Rights

X Caucus and COW

House Engrossed

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## OVERVIEW

HB 2481 changes the recipient of the certificate of ratification to the archivist of the United States, as opposed to the Secretary of State, as mandated by current law.

## HISTORY

Article V of the United States Constitution provides that amendments to the U.S. Constitution can be proposed in one of two ways: the approval of two-thirds of both Houses of Congress, or on the application for a convention by two-thirds of the states' legislatures. Proposed amendments then have to be ratified by three-fourths of the states' legislatures or by three-fourths of the states' conventions. Congress may propose the mode of ratification.

Arizona Revised Statutes § 16-709 provides if the convention agrees by vote of a majority of the total number of delegates to ratification of the proposed amendment, a certificate to that effect shall be executed by the president and secretary of the convention and transmitted to the Secretary of State of Arizona. The Secretary of State of Arizona will transmit the certificate under his hand and the great seal of the state to the secretary of state of the United States.

## PROVISIONS

1. Specifies that the certificate of ratification needs to be transmitted with the secretary of state's signature rather than under his hand.
2. Changes the recipient of the certificate from the *secretary of state* of the United States to the *archivist* of the United States.



# HOUSE OF REPRESENTATIVES

HB 2008

unordered merchandise; technical correction

Sponsor: Representative Shope

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DPA/SE Committee on Government & Higher Education

X Caucus and COW

House Engrossed

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## OVERVIEW

HB 2008 makes a technical correction.

### Summary of the Proposed Strike-Everything Amendment to HB 2059

The strike-everything amendment to HB 2008 establishes regulations for permissible consumer firework sale and use.

## HISTORY

The National Fire Protection Association (NFPA) is an international nonprofit organization whose mission is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training and education. NFPA codes and standards are designed to minimize the risk and effects of fire by establishing criteria for building, processing, design, service and installation. NFPA 1124 is the Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles. It regulates the construction, use and maintenance of buildings and facilities that manufacture and/or store fireworks, including manufacturing facilities, display sites, distribution facilities and retail stores. (NFPA)

Fire restrictions are implemented by land management agencies and national and state forests to help reduce fire risk and prevent wildfires during periods of high to extreme danger. The agency or forest first establishes a stage one fire restriction by prohibiting specified actions that risk igniting a fire. Stage two is implemented if conditions worsen and further prohibitions are established. If conditions continue to worsen, the forest will close (U.S. Forest Service).

Arizona Revised Statutes (A.R.S.) § 36-1606 asserts that the sale and use of permissible consumer fireworks are of statewide concern. The use of permissible consumer fireworks is not subject to further regulation by a governing body, except by an incorporated city or town, in a county with less than 500,000 people, regulating their use and sale within its corporate limits. A county with less than 500,000 people may also regulate the use and sale of permissible consumer fireworks within the unincorporated areas of the county when a federal or state agency implements stage one fire restrictions in any portion of the county.

A.R.S. § 36-1601 defines *permissible consumer fireworks* as ground and handheld sparkling devices, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners,

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flitter sparklers, toy smoke devices, wire sparklers or dipped sticks, and other devices manufactured in accordance with the American Pyrotechnics Association.

### **PROVISIONS**

1. Prohibits further regulation of the use of permissible consumer fireworks by a governing body, except that cities, towns or unincorporated areas may:
  - a. Regulate the sale of permissible consumer fireworks within its corporate limits in a manner consistent with NFPA 1124 standards.
  - b. Prohibit the sale of permissible consumer fireworks on January 4 through May 19 and July 7 through December 9 each year.
  - c. Prohibit the use of permissible consumer fireworks on January 4 through June 23 and July 7 through December 23.
  - d. Prohibit, on any day, the use of permissible consumer fireworks on public property.
  - e. Prohibit, on any day, the use of permissible consumer fireworks within a 100 foot radius of:
    - i. A hospital;
    - ii. A public school; or
    - iii. The border of preservation lands owned by a city or town that has purchased more than 15,000 acres of preservation land.
2. Allows a city, town or unincorporated area within a county with a population of less than 500,000 people to prohibit the use or sale of permissible consumer fireworks on any day in which a federal or state agency implements a stage one or higher fire restriction.
3. Prohibits a governing body from requiring additional signage for the use or sale of permissible consumer fireworks, except:
  - a. The signage required under NFPA 1124; and
  - b. Specific signage outlined in this act.
4. Continues to allow a governing body, by ordinance, to regulate fireworks that are not permissible consumer fireworks.
5. Defines *NFPA 1124* as the National Fire Protection Association code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles, 2013 edition as published in 2012.
6. Repeals and replaces current statute regulating permissible consumer fireworks.
7. Makes conforming changes.

### **AMENDMENTS**

#### **Committee on Government & Higher Education**

1. The strike-everything amendment was adopted.



# HOUSE OF REPRESENTATIVES

## HB 2157

Native Americans; delayed birth certificates

Sponsors: Representatives Hale, Benally, Meyer, et al.

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**DP** Committee on Government & Higher Education

**X** Caucus and COW

House Engrossed

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### **OVERVIEW**

HB 2157 requires the State Registrar of Vital Records (Registrar) to establish documentation requirements for the requisition of delayed birth certificates for Native Americans born before 1970.

### **HISTORY**

Arizona Revised Statutes (A.R.S.) § 36-302 designates the director of the Arizona Department of Health Services (DHS) as the Registrar. The Registrar's statutory duties include overseeing the creation, registration, and requisition of vital records.

Current statute stipulates that if a birth certificate of an individual born in Arizona has not been registered within a year of the date of birth, they may submit information and evidentiary documents to support the creation of a delayed birth certificate. The information and evidentiary documents may be waived by the Registrar for a birth that occurred before 1970. (A.R.S. § 36-333.02)

### **PROVISIONS**

1. Requires the Registrar to establish documentation requirements for Native Americans requesting a delayed birth certificate who were born before 1970.
2. Requires the Registrar to review documents that do not meet these established requirements and determine whether to create and register a delayed birth certificate.
3. Exempts the DHS from the rulemaking requirements for one year and requires DHS to provide public notice and opportunity for public comment at least 30 days before adopting or amending rules.



# HOUSE OF REPRESENTATIVES

## HB 2178

technical correction; tax correction  
Sponsor: Representative Thorpe

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DPA/SE Committee on Government & Higher Education

X Caucus and COW

House Engrossed

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### OVERVIEW

HB 2178 makes a technical change.

#### **Summary of the Proposed Strike-Everything Amendment to HB 2178**

The proposed strike-everything amendment to HB 2178 clarifies that drinking wine in a public recreation area or on a private property with permission of the owner or lessor is not unlawful.

### HISTORY

Arizona Revised Statutes (A.R.S) Title 4 governs the regulatory requirements for the Department of Liquor Licenses and Control, which is responsible for administering and enforcing the Arizona state liquor laws.

A.R.S. § 4-244 specifies that it is unlawful to consume spirituous liquor in a public place, thoroughfare or gathering except:

- Persons consuming beer on private property or a public recreation area with the permission of the owner or lessor.
- Persons consuming beer and wine from a broken package in a public recreation area as a part of a festival or event which has secured a license pursuant to A.R.S. §§ 4-203.02, 4-203.03.

A.R.S. § 4-101 defines *broken package* as any container of spirituous liquor on which the United States sales tax seal has been broken or removed, or from which the cap, cork or seal of the manufacturer has been removed.

### PROVISIONS

1. States that it is not unlawful to drink wine from a broken package, on a private property or public recreation area with permission of the owner or lessor.
2. Makes technical changes.

### AMENDMENTS

#### **Committee on Government and Higher Education**

1. The proposed strike-everything amendment was adopted.



# HOUSE OF REPRESENTATIVES

HB 2484

income; licensing; patents; repeal

Sponsor: Representative Shope

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**DP** Committee on Government & Higher Education

**X** Caucus and COW

House Engrossed

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## **OVERVIEW**

HB 2484 strikes the requirement that Arizona State University (ASU) distribute income derived from licensing and patents on specified drugs.

## **HISTORY**

Arizona Revised Statutes (A.R.S.) § 15-647 requires ASU to distribute the gross or net income and other revenues derived from licensing and patents, including anticancer, antiviral, antifungal or antimicrobial drug discoveries or inventions. These revenues include up-front payments, royalties and any other revenue attributable to commercialization. ASU is required to detail this distribution in an audited annual report that specifies all expenditures. The report must be distributed to the President of the Arizona Board of Regents, the governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of State and the Department of Library, Archives and Public Records.

## **PROVISIONS**

1. Repeals A.R.S § 15-647: Distribution of licensing and patent income; Arizona State University; report.



# HOUSE OF REPRESENTATIVES

HB 2570

municipalities; vegetation requirements; prohibition  
Sponsor: Representative Mitchell

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**DP** Committee on Government & Higher Education

**X** Caucus and COW

House Engrossed

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## **OVERVIEW**

HB 2570 prohibits municipalities from placing specific restrictions on property owners regarding the installation or removal of vegetation.

## **HISTORY**

Arizona Revised Statutes (A.R.S.) Title 3, Chapter 1, Article 1 establishes the Arizona Department of Agriculture (ADA) as three divisions: animal services, plant services and environmental services. The environmental services division governs the protection of native plants.

A.R.S. § 3-904 allows for destruction of protected native plants if the following apply:

- The land is privately owned.
- The protected native plants are not transported or offered for sale.
- The owner notifies the ADA of the destruction at least:
  - 20 days before the plants are destroyed on properties less than one acre.
  - 30 days before the plants are destroyed on properties between one to forty acres.
  - 60 days before the plants are destroyed on properties forty acres or more.
- The protected plants are destroyed within a year of the date of destruction given on the notice.

## **PROVISIONS**

6. Prohibits municipalities from adopting any ordinance, stipulation or legal requirements that require a property owner to:
  - a. Salvage plants, trees or other vegetation species if the property owner files a notice of intent to clear land with the ADA pursuant to A.R.S. § 3-904.
  - b. Install a specific type or size of plant, tree, or vegetation species.
  - c. Install landscaping that exceeds density recommendations of either:
    - i. A registered landscape architect, or
    - ii. Drought-tolerant standards adopted by a statewide association of landscape contractors.



# HOUSE OF REPRESENTATIVES

HB 2646

rulemaking; approval of governor; factors  
Sponsor: Representative Olson

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**DPA**

**S/E** Committee on Government & Higher Education

**X** Caucus and COW

House Engrossed

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## **OVERVIEW**

HB 2646 prohibits any agency from conducting rulemaking without prior written approval from the Governor.

### **Summary of Proposed Strike-Everything Amendment to HB 2646**

The strike-everything amendment to HB 2646 prohibits agency rulemaking without prior written approval from the Governor.

## **HISTORY**

The process of formulation and finalization of state rules is called rulemaking; it is governed by Arizona Revised Statutes (A.R.S.) Title 41, Chapter 6, Article 3. A.R.S. § 41-1001 defines a *rule* as an agency statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of an agency. A.R.S. § 41-1003 requires agencies to make rules of practice for formal procedures available to the public. For purposes of rulemaking, A.R.S. § 41-1001 defines an *agency* as including:

- Boards
- Commissions
- Departments
- Officers
- State administrative units

The Legislature, Courts and the Governor are excluded.

The rulemaking process includes specific public notice provisions, opportunities for stakeholder comment and final review by the Governor's Regulatory Review Council. A.R.S. Title 41, Chapter 6, Article 3 also provides for expedited and emergency rulemaking authorities in certain situations.

On January 5, 2015, the Governor signed Executive Order 2015-01 (EO), which prohibits agencies from conducting rulemaking without prior approval of the Governor's Office and requires agencies seeking rulemaking approval to identify specific criteria as justification for the request. The EO applies to all agencies except:

- Agencies headed by a single elected official.
- The Corporation Commission.
- Any state agency whose agency head is not appointed by the Governor.

Excluded agencies are strongly encouraged to voluntarily comply with the EO. Specific reporting requirements are outlined in the EO, which also requires each agency to provide the Governor's Office with an evaluation of the agency's existing rules by September 1, 2015. The report must include an analysis of licensing time frames and options for consolidation of multiple permits or licenses into one general permit. The EO expires on December 31, 2015.

### **PROVISIONS**

7. Prohibits an agency from conducting formal or informal rulemaking without prior written approval from the Governor.
8. Requires agencies seeking approval for rulemaking to specify one or more of these factors as justification:
  - a. Fulfilling an objective related to:
    - i. Job creation.
    - ii. Economic development.
    - iii. Economic expansion.
  - b. Reducing or lessening a regulatory burden, while achieving the same objective.
  - c. Preventing a significant threat to public health, peace or safety.
  - d. Avoiding the violation of a federal law or court order that would result in sanctions.
  - e. Complying with a federal statutory or regulatory requirement, if compliance is linked to a condition for receiving federal monies or participating in a federal program.
  - f. Complying with state law.
  - g. Making rules that are exempt from the current rulemaking process. ([A.R.S. 41-1005](#))
  - h. Addressing waste, fraud or abuse within an agency or addressing actions against an agency that constitute waste, fraud or abuse.
9. Excludes the following from the definition of an *agency*:
  - a. The Corporation Commission.
  - b. Any agency headed by a single elected state official.
  - c. Any agency whose administrative head is not appointed by the Governor.
10. Makes technical and conforming changes.

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**AMENDMENTS**

**Government and Higher Education Committee**

1. The proposed strike-everything amendment was adopted.



# HOUSE OF REPRESENTATIVES

## HB 2480

municipalities; pawnbrokers; gold; prohibited fees

Sponsor: Representative Petersen

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**DP** Committee on Government & Higher Education

**X** Caucus and COW

House Engrossed

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### **OVERVIEW**

HB 2480 prohibits a city or town from imposing a tax, fee or assessment on reportable transactions of pawnbrokers or persons in the business of buying gold.

### **HISTORY**

Arizona Revised Statutes (A.R.S.) § 44-1621 defines a *pawnbroker* as a person who is engaged in the business of advancing money on the security of pledged goods or is engaged in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time.

Statute defines *reportable transaction* as any transaction conducted by a pawnbroker in which merchandise is received through a pawn, purchase, trade or consignment. All items received through a reportable transaction must be reported to the sheriff or sheriff's designee within two business days of the transaction on a form provided or approved by the sheriff.

A.R.S. § 44-1626 regulates the fees and interest rates a pawnbroker may charge. Pursuant to this section, pawnbrokers may charge an amount equal to any fee, tax, imposition or assessment imposed by any governmental agency in connection with a reportable transaction. A violation of § 44-1626 is a Class 1 misdemeanor. (A.R.S. § 44-1631)

### **PROVISIONS**

1. Stipulates that cities and towns shall not impose a tax, fee or assessment on reportable transactions of pawnbrokers or persons in the business of buying gold.



# HOUSE OF REPRESENTATIVES

## HB 2526

governor's regulatory review council; membership  
Sponsors: Representatives Petersen, Fann, Mitchell, et al.

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**DPA** Committee on Government & Higher Education

**X** Caucus and COW

House Engrossed

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### **OVERVIEW**

HB 2526 increases the Governor's Regulatory Review Council's (GRRC) membership to seven appointed members and specifies that one appointed member must be a small business owner.

### **HISTORY**

Laws 1986, Chapter 232, Article 5 established the GRRC to review and approve agency rules. Before filing a rule with the Secretary of State, a majority of agencies must submit a proposed rule and preamble along with economic, small business and consumer impact statements to be reviewed and approved by GRRC. These agencies are also required to perform a review of their rules every five years and submit a report of their findings to the GRRC for approval. (Arizona Revised Statutes (A.R.S.) § 41-1056)

Pursuant to A.R.S. § 41-1051, either the director or the assistant director of the Department of Administration shall serve as an ex-officio member and chairperson of the GRRC. Additionally, six members are appointed by the Governor to serve staggered three year terms. Membership consists of:

- At least one member who represents the public interest
- At least one member who represents the business community
- One member from a list of three persons who are not legislators, submitted by the President of the Senate
- One member from a list of three persons who are not legislators, submitted by the Speaker of the House
- At least one member who is an attorney licensed to practice law in Arizona

### **PROVISIONS**

1. Adds a seventh Governor-appointed member to the GRRC.
2. Requires at least one appointed member of the GRRC to be a small business owner.

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3. Makes technical changes.

**AMENDMENTS**

**Committee on Government & Higher Education**

1. Removes language that would increase the amount of members appointed to the GRRC, maintaining the current membership requirement of six appointed members.



# HOUSE OF REPRESENTATIVES

## HB 2553

human trafficking victim; vacating conviction

Sponsors: Representatives Steele, Benally, Bolding, et al.

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DPA/SE Committee on Judiciary

X Caucus and COW

House Engrossed

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### OVERVIEW

HB 2553 allows a conviction of prostitution or any other nondangerous offense that was committed as a direct result of the person being a victim of human trafficking to be vacated at the court's discretion if the prosecutor does not oppose.

### SUMMARY OF STRIKE-EVERYTHING AMENDMENT

The proposed strike-everything amendment to HB 2553 allows a person convicted of prostitution prior to January 1, 2015 to apply to the court to vacate the person's conviction if the court finds by clear and convincing evidence that the person's participation in the offense was a direct result of being a victim of sex trafficking.

### HISTORY

Arizona Revised Statutes § 13-1307 was added by Laws 2005, Chapter 2, § 2 and outlines what constitutes sex trafficking. The law specifies that it is unlawful for a person to knowingly traffic another person 18 years of age or older with 1) an intent to cause the other person to engage in any prostitution or sexually explicit performance by deception, force or coercion, or 2) the knowledge that the other person will engage in any prostitution or sexually explicit performance by deception, coercion or force.

This section also provides that it is unlawful for a person to traffic another person who is under 18 years of age with 1) the intent to cause the other person to engage in any prostitution or sexually explicit performance, or 2) the knowledge that the other person will engage in any prostitution or sexually explicit performance. The law provides that a sentence imposed on a person for a violation shall be consecutive to any other sentence imposed on the person at any time.

The law prescribes a Class 2 felony, except that if the offense is committed against a person who is under 15 years of age, the offense is a dangerous crime against children punishable pursuant to (A.R.S.) § 13-705.

### PROVISIONS

1. Allows a person who was convicted of prostitution prior to January 1, 2015 to apply to the court that pronounced sentence to vacate the person's conviction.

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- a. Requires the court to grant the application if it finds by clear and convincing evidence that the person's participation in the offense was a direct result of being a victim of sex trafficking.
2. Provides the court discretion to grant the application and vacate the conviction without a hearing if the prosecutor does not oppose the application.
3. Requires a hearing if the prosecutor opposes the application.
4. Specifies that when the court vacates a conviction, it shall:
  - a. Release the applicant from all penalties and disabilities resulting from the conviction.
  - b. Enter an order that a notation be made on all the court, law enforcement and prosecution records that the conviction has been vacated and the person was the victim of a crime.
  - c. Transmit the order vacating the conviction to the arresting agency, the prosecutor and the department of public safety.
5. Disqualifies the vacated conviction as a historical prior pursuant to A.R.S. § 13-703.
6. Allows the person whose conviction has been vacated to state that the person has never been arrested for, charged with or convicted of the crime, including in response to questions on employment, housing, financial aid or loan applications, excepting employment applications that require a fingerprint clearance card.

#### AMENDMENTS

##### COMMITTEE ON JUDICIARY

1. Adopted the proposed strike-everything.



# HOUSE OF REPRESENTATIVES

## HB 2592

justice of the peace; residency

Sponsors: Representatives Carter, Borrelli, Fann, et al.

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**DP** Committee on Judiciary

**X** Caucus and COW

House Engrossed

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### **OVERVIEW**

HB 2592 requires a candidate for the justice of the peace to be a qualified elector of the precinct they propose to represent at the time of filing a nomination paper and have resided in that respective precinct for at least one year before the general election date, except for a justice of the peace who is appointed.

### **HISTORY**

Arizona Revised Statutes (A.R.S.) § 22-102 outlines the requirements for officers of justice precincts and their terms of office. Officers of justice precincts shall be a justice of the peace and a constable. They are elected by the precinct's qualified electors at the general election and serve a four-year term.

A.R.S. § 16-230 describes the protocol for filling a vacancy in certain state or county offices. If a state office becomes vacant, a person of the same political party as the person vacating the office shall be appointed by the governor to fill the position until the next regular general election. If a county office becomes vacant, a person of the same political party as the person vacating the office shall be appointed by the board of supervisors to fill the position until the next regular general election.

### **PROVISIONS**

1. Requires a candidate for justice of the peace to be a qualified elector of the precinct they propose to represent at the time of filing a nomination paper and have resided in that respective precinct for at least one year before the general election date, except for a justice of the peace who is appointed.



# HOUSE OF REPRESENTATIVES

## HB 2103

military affairs commission; membership; confidentiality

Sponsor: Representative Borrelli

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**DP** Committee on Military Affairs and Public Safety

**X** Caucus and COW

House Engrossed

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### **OVERVIEW**

HB 2103 modifies Military Affairs Commission (MAC) membership, exempts information relating to Base Realignment and Closure (BRAC) from public record, and expands the use of the Military Installation Fund (MIF).

### **HISTORY**

MAC makes recommendations to the Governor and the Legislature relating to Arizona military installation operations, facilitates coordination between the federal, state, and local governments, determines how MIF monies are used in collaboration with the Department of Emergency and Military Affairs (DEMA), and performs other functions relating to military affairs in Arizona. MAC is comprised of 15 voting members who represent various interests as well as an additional 4 nonvoting advisory members. MAC membership currently includes:

- 5 members appointed by the Governor who have military affairs expertise and live in a community with a military installation;
- 5 local elected officials appointed by the Governor who live in a community with a military installation;
- 3 members appointed by the Governor, 1 member appointed by the Senate President, and 1 member appointed by the Speaker of the House of Representatives who have private property interests in the vicinity of a military installation with an airfield; and
- 4 nonvoting advisory members: the Adjutant General or a designee, a military installation commander representative and a representative from a federal agency involved in land use appointed by the Governor, and the State Land Commissioner or a designee (Arizona Revised Statutes [A.R.S.] § 26-261).

BRAC operations are conducted by the federal government to identify military installations in the U.S. to recommend for closure or consolidation. The federal government has requested the authority for the U.S. Department of Defense to conduct another round of BRAC in 2017. Arizona Executive Order 2014-02 directed MAC to develop strategies and make recommendations to prevent the closure or downsizing of Arizona military installations.

DEMA must use 80% of MIF monies to acquire private property, real estate, property rights, and related infrastructure to preserve, support, or enhance a military installation and up to 20% of this amount may be awarded to counties and municipalities for land acquisition purposes. The

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remaining 20% of MIF monies may be distributed to counties and municipalities for military installation preservation and enhancement projects. Any remaining monies may be used for property acquisition and related projects to support military installations (A.R.S. § 26-262).

#### **PROVISIONS**

5. Expands MAC membership eligibility to include members who have private property interests in a community with any military installation, rather than just a military installation with an airfield.
6. Increases the total number of MAC voting members from 15 to 18:
  - a. Adds 1 member appointed by the Governor who has military affairs expertise and lives in a community with a military installation.
  - b. Adds 1 local elected official appointed by the Governor who lives in a community with a military installation.
  - c. Adds 1 member appointed by the Governor who has private property interests in a community with any military installation.
7. Exempts MAC discussions relating to BRAC processes from public record.
8. Exempts information developed or obtained by MAC relating to BRAC processes from public record until a final, unappealable decision for BRAC processes has been issued by the federal government or a court in the event of litigation.
9. Allows MAC to disclose confidential information to a third party via a confidentiality agreement.
10. Authorizes the use of remaining MIF monies after all other funding obligations have been met for projects or studies needed to preserve or enhance Arizona military missions and military installments.
11. Makes technical and conforming changes.



# HOUSE OF REPRESENTATIVES

## HB 2240

national guard members; tuition waivers

Sponsor: Representative Cardenas

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**DPA** Committee on Military Affairs and Public Safety

**W/D** Committee on Appropriations

**X** Caucus and COW

House Engrossed

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### OVERVIEW

HB 2240 establishes a tuition waiver program for members of the Arizona National Guard.

### HISTORY

The Arizona National Guard is part of the reserve component of the U.S. Army and Air Force and responds to state and national emergencies. The Department of Emergency and Military Affairs (DEMA) is primarily responsible for managing and operating the Arizona National Guard. The National Guard Postsecondary Education Reimbursement Program is administered by DEMA and allows a qualified member of the Arizona National Guard to apply for tuition and fees reimbursement for a semester of undergraduate or graduate coursework at a public or private university or a vocational school in Arizona. A member must meet the following qualifications to be eligible to apply for reimbursement:

- is a member of the Arizona Army or Air National Guard throughout the semester;
- has completed initial active duty service;
- has satisfactorily performed duty upon return from initial active duty training;
- maintains at least a “C” average each semester; and
- is ineligible for benefits under the Veterans’ Readjustment Benefits Act of 1966.

Funding for the National Guard Postsecondary Education Reimbursement Program is subject to Legislative appropriation and reimbursement monies may not be allocated in excess of amounts appropriated by the Legislature.

### PROVISIONS

12. Repeals the National Guard Postsecondary Education Reimbursement Program.
13. Allows a qualifying National Guard member to attend any Arizona public institution of higher learning (IHL) towards completion of a bachelor or master’s degree tuition-free for up to 16 credits per semester, with a maximum of 120 credits allowed for a bachelor’s degree and 33 credits allowed for a master’s degree.
14. States that a National Guard member must meet the following qualifications to be eligible to receive free tuition:

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- a. has completed initial active duty training and is in good standing as an active member of the Arizona Army or Air National Guard;
  - b. is accepted to and has enrolled as an undergraduate or graduate student in good standing at an Arizona public IHL; and
  - c. has applied for and is eligible to receive tuition benefits via the U.S. Department of Veterans Affairs or Department of Defense.
15. Stipulates that a National Guard member who is deployed to active duty service while enrolled at an Arizona public IHL may continue to receive tuition benefits after discharge from service under conditions other than dishonorable.
16. Specifies when tuition benefit eligibility begins and ends for National Guard members whose enrollment at an Arizona public IHL is interrupted by deployment to active duty service:
- a. National Guard members who are discharged for nonmedical reasons or for medical reasons not caused by illness or injury while performing duties may continue to receive tuition benefits from the time of discharge until the greater of one semester or the length of deployment.
  - b. National Guard members who are discharged or retired for medical reasons caused by illness or injury incurred while on Federal orders and deployed overseas, terrorist action, or a natural disaster may continue to receive tuition benefits from the time of discharge or retirement until the earlier of completion of the degree program or five years.
17. Requires a National Guard member to pay the tuition for any failed coursework.

**AMENDMENTS**

**Committee on Military Affairs and Public Safety**

1. Adds the following eligibility requirements for a National Guard member to receive free tuition:
  - a. is an Arizona resident, enlisted in the U.S. Armed Forces in Arizona, or designated Arizona as the member's home of record when beginning active duty status;
  - b. is not eligible for full Vocational Rehabilitation and Employment or Post-9/11 GI Bill benefits; and
  - c. is in compliance with the Arizona public IHL's GPA and excessive credit hour requirements for the member's designated program of study.
2. Stipulates that a National Guard member may only enroll in a course tuition-free if the course has open seats after registration closes.



# HOUSE OF REPRESENTATIVES

## HB 2365

off-highway vehicles; enforcement

Sponsors: Representatives Thorpe; Cardenas

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**DP** Committee on Military Affairs and Public Safety

**X** Caucus and COW

House Engrossed

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### **OVERVIEW**

HB 2365 permits peace officers and duly authorized state employees to enforce off-highway vehicle regulations on any lands.

### **HISTORY**

Arizona Revised Statutes (A.R.S) § 28-1171 defines an *off-highway vehicle* as a motor vehicle when operated primarily off of highways on land, water, snow, ice, or other natural terrain. A.R.S. § 28-1174 restricts the manner and area in which a person may operate an off-highway vehicle. An individual is prohibited from driving an off-highway vehicle on roads, trails, routes, or areas closed as indicated by a federal agency, the state, a county or municipality, or a private land owner, subject to a Class 3 misdemeanor.

Off-highway vehicle sites in Arizona are managed primarily by the Arizona Board of Land Management, the Arizona State Land Department, and the U.S. Forest Service. Federal regulations require National Forest officials or rangers to designate roads, trails, and areas open to motor vehicles on National Forest System Lands in coordination with state, local, and tribal governments. Designations must be made by the class of vehicle and, if appropriate, by time of year. Motor vehicle use off the designated system is prohibited.

Prior to 2013, officers were required to enforce off-highway vehicle regulations on any lands. Laws 2013, Chapter 231 specified that enforcement agencies may only enforce regulations on Arizona lands and open federal lands.

### **PROVISIONS**

1. Allows state, county, and municipal peace officers and duly authorized state employees to enforce rules and regulations relating to off-highway vehicle use on closed federal lands.



# HOUSE OF REPRESENTATIVES

HB 2010

technical correction; petroleum product storage

Sponsor: Representative Shope

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**DPA/SE** Committee on Rural and Economic Development

**X** Caucus and COW

House Engrossed

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## **OVERVIEW**

HB 2010 makes a technical change regarding underground storage tanks used for petroleum sales.

## **SUMMARY OF THE PROPOSED STRIKE-EVERYTHING AMENDMENT TO HB 2010**

HB 2010 allows counties to extend a protected development right plan (PDR) for 30 years if it is a phased development plan that has a gross acreage of more than 1,600 acres.

## **HISTORY**

Pursuant to Arizona Revised Statutes (A.R.S.) § 9-1202 a PDR must describe:

- The proposed uses of the site.
- The boundaries of the site.
- Significant topographical and natural features affecting development.
- For non-phased developments, the general location of the proposed buildings or improvements.
- Number of dwellings, along with square footage and building height.
- Location of existing and proposed utilities.

A PDR plan is submitted by a landowner to a city or town and grants the owner, for a certain time, the right to undertake and complete developments as detailed in the plan. Under a PDR, property may be developed without complying with subsequent zoning regulation changes and changes to development standards. Cities and towns may establish requirements for submittal and approval of development plans, and plans can be presented in phases or in a single phase.

## **PROVISIONS**

18. Allows counties to extend a PDR for 30 years if the development is part of a phased plan that has more than 1,600 acres.
19. States that the maximum time a phased PDR with more than 1,600 acres may be established is 40 years.
20. Makes technical changes.

## **AMENDMENTS**

### **Committee on Rural and Economic Development**

Fifty-second Legislature

1. Adopted the proposed strike-everything amendment.



# HOUSE OF REPRESENTATIVES

HB 2614

contractor transaction privilege tax; application

Sponsor: Representative Petersen

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**DP** Committee on Ways and Means

**X** Caucus and COW

House Engrossed

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## **OVERVIEW**

HB 2614 States the exemption from prime contracting for purposes of maintenance, repair, replacement, or alteration (MRRA) does not apply to contracts or written bids made or entered into before January 1, 2015.

## **HISTORY**

Transaction Privilege Tax (TPT) is imposed on a vendor for the privilege of conducting business in Arizona. Under this tax, the seller is responsible for remitting to the state the entire amount of tax due based on the gross proceeds or gross income of the business. While the tax is commonly passed on to the consumer at the point of sale, it is ultimately the seller's responsibility to remit the tax. Business activities subject to TPT include, but are not limited to: retail, restaurants and bars, transient lodging (hotel/motel), commercial leasing, advertising, amusements, personal property rentals, real property rentals, construction contracting, owner/builders, manufactured building, severance (mining, timbering), transportation, printing, publishing, utilities, communications, air/railroad, and private cars/pipelines.

Pursuant to Arizona Revised Statutes (A.R.S.) § 42-5075 the prime contracting TPT classification is comprised of businesses engaged in prime contracting and businesses engaged in the dealership of manufactured buildings. The TPT base for prime contracting is 65% of the gross sale proceeds or gross income derived from the business. Subsection O, as added by Laws 2014, Chapter 263, Section 13, provides that prime contractors are not subject to tax from gross sale proceeds or gross income resulting from contracts for MRRA of real property and if the contract does not include modification activity.

## **PROVISIONS**

1. States the exemption from prime contracting for purposes of MRRA does not apply to contracts or written bids made or entered into before January 1, 2015.
2. Outlines qualifications to receive an exemption pursuant to this Act.
3. Applies retroactively to December 31, 2014.