

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

MAJORITY CAUCUS CALENDAR

March 12, 2015

Bill Number	Short Title	Committee	Date	Action
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Committee on Appropriations

Chairman: Justin Olson, LD25

Vice Chairman: Vince Leach, LD11

Analyst: Jennifer Thomsen

Intern: Meagan Swart

[HB 2559](#)

constables; study committee.

(APPROP S/E: recreational corridor; channelization districts)

SPONSOR: BOWERS, LD25 HOUSE
APPROP 2/25 DPA/SE (7-5-1-1-0)
(No: MEYER, CLARK, PETERSEN, UGENTI, MACH; Abs: RIVERO;
Present: SHERWOOD)

Committee on Children and Family Affairs

Chairman: John M. Allen, LD15

Vice Chairman: Kate Brophy McGee, LD28

Analyst: Ingrid Garvey

Intern: Brennan Rohs

[HB 2166](#)

DCS information; egregious abuse; neglect

SPONSOR: BROPHY MCGEE, LD28 HOUSE
CFA 2/16 DPA (9-0-0-0-0)

[HB 2640](#)

dependency; households; domestic violence

SPONSOR: BROPHY MCGEE, LD28 HOUSE
CFA 2/16 DPA (9-0-0-0-0)

Committee on Commerce

Chairman: Warren H. Petersen, LD12

Vice Chairman: Jill Norgaard, LD18

Analyst: Diana Clay

Intern: Justin Larson

[HB 2560](#)

communications network facilitators; regulation

SPONSOR: PETERSEN, LD12 HOUSE
COM 2/18 DPA (5-3-0-0-0)
(No: FERNANDEZ, ESPINOZA, MACH)

Committee on Health

Chairman: Heather Carter, LD15

Vice Chairman: Regina Cobb, LD5

Analyst: Ingrid Garvey

Intern: Brennan Rohs

[HB 2038](#)

accountable health plans; technical correction

(HEALTH S/E: anti-trust violation; contact lens pricing)

SPONSOR: CARTER, LD15 HOUSE
HEALTH 2/17 DPA/SE (5-1-0-0-0)
(No: MEYER)

[HB 2496](#)

SPONSOR: dental board; regulation; fingerprinting
CARTER, LD15 HOUSE
HEALTH

1/27

DP

(6-0-0-0-0)



HOUSE OF REPRESENTATIVES

HB 2559

constables; study committee.

Sponsor: Representative Bowers

DPA/SE Committee on Appropriations

X Caucus and COW

House Engrossed

OVERVIEW

HB 2559 creates a study committee to conduct research on constable duties, salary, salary calculation, and current statutes that regulate constables.

Summary of the Proposed Strike-Everything Amendment to HB 2559

The proposed strike-everything amendment to HB 2559 extends the deadline for the formation of new recreational corridor channelization districts from July 1, 2015, to July 1, 2023.

HISTORY

Arizona Revised Statutes (A.R.S.) Title 48 governs special taxing districts. Special taxing districts are formed to provide necessary services or infrastructure by placing the tax burden on those who benefit from the improvements.

Laws 2004, Chapter 321, provided for the formation of recreational corridor channelization districts. A district can receive preliminary approval for formation after the county board of supervisors receives a petition of intent and holds a hearing. After preliminary approval, a district concept report must be developed for the channelization district and must include provisions relating to the watercourse master plan, the land use plan, the financial plan and the governance plan. Upon completion of the district concept report and a submittal of a petition signed by property owners, the county board of supervisors may approve and take steps to officially form the channelization district.

Among the powers and duties of a district is the authority to construct, operate and maintain flood conveyance facilities and recreational facilities in a flood plain during or after aggregate mining operations and reclamation (A.R.S. § 48-6006). Laws 2010, Ch. 179, set a deadline for the formation of recreational corridor channelization districts on July 1, 2015.

PROVISIONS

1. Extends the deadline for the formation of new recreational corridor channelization districts from July 1, 2015, to July 1, 2023.

AMENDMENTS

Committee on Appropriations

1. The proposed strike-everything amendment was adopted.



HOUSE OF REPRESENTATIVES

HB 2166

DCS information; egregious abuse; neglect

Sponsor: Representative Brophy McGee

DPA Committee on Children and Family Affairs

X Caucus and COW

House Engrossed

OVERVIEW

HB 2166 relocates the laws regarding information DCS must provide to the public in a case of fatality or near fatality and further expands disclosure requirements.

HISTORY

Arizona Revised Statutes § 8-807, in part, governs the release of specific DCS information in certain circumstances to designated entities or persons. Statute requires DCS to promptly provide information to the public regarding a case of child abuse, abandonment or neglect that has resulted in a fatality or near fatality. Information required at minimum includes the child and perpetrator's name, age, location of residence, the child's history involving DCS, a synopsis of previous cases if applicable and the action taken by DCS. A person may request additional information from DCS relating to a fatality or near fatality and DCS must provide the information. However, DCS must first notify the county attorney of the decision to release the information and the county attorney must promptly inform DCS if the release of information will interfere with an investigation.

PROVISIONS

1. Requires DCS to promptly provide DCS information to the public regarding a case of child abuse, abandonment or neglect that has resulted in a fatality or near fatality or that involved egregious abuse or neglect as follows:
 - a. The name, age and city, town or general location of the residence of the child who has suffered a near fatality, a near fatality or egregious abuse or neglect.
 - b. The fact that a child suffered a near fatality or fatality as the result of abuse, abandonment or neglect.
 - c. The name, age and city, town or general location of the residence of the alleged perpetrator, if available.
 - d. Whether there have been reports, or any current or past cases, of abuse, abandonment or neglect involving the child and the current alleged abusive or neglectful parent, guardian or custodian.
 - e. Actions taken by DCS in response to the fatality, near fatality or egregious abuse or neglect of the child.
 - f. A detailed synopsis of prior reports or cases of abuse, abandonment or neglect involving the child and the current alleged abusive or neglectful parent, guardian or custodian and the actions taken or determinations made by DCS in response to these reports.
2. Specifies on request by any person, DCS must promptly provide additional DCS information to the requestor. Before releasing additional DCS information, DCS must promptly notify the county attorney of any decision to release that information, and the county attorney must promptly inform DCS if it believes the release would cause a specific, material harm to a criminal investigation. After consultation with the county attorney, DCS must produce to the requestor as much additional DCS information as promptly as possible about a case of child abuse, abandonment or neglect that resulted in a fatality or near fatality or that involved egregious abuse or neglect.

3. Requires DCS, on request, to continue to provide DCS information promptly to the public about a fatality or near fatality or an incident of egregious abuse or neglect unless:
 - a. After consultation with the county attorney, the county attorney demonstrates that release of particular DCS information would cause a specific, material harm to a criminal investigation.
 - b. The release would violate confidentiality provisions or the privacy of victims of crime pursuant to Article II, Section 2.1 of the Arizona Constitution.
4. States that if any person believes that the county attorney has failed to demonstrate that release would cause a specific, material harm to a criminal investigation, the person may file an action in superior court and request the court to review the DCS information in camera and order disclosure.
5. Requires DCS within 90 days after the date of the report of investigation for a case involving a fatality, near fatality or egregious abuse or neglect, to provide to the public a summary report that:
 - a. May include any actions taken by DCS in response to the case, any changes in policies or practices that have been made to address any issues raised in the review of the case and any recommendations for further changes in policies, practices, rules or statutes to address those issues.
 - b. Must include the following summary information outlined below if the child was residing in the child's home or if the child was in out-of-home placement.
6. If the summary report is for a child residing in the child's home, the report must contain the following:
 - a. Whether services were being provided to the child, a member of the child's family or the person suspected of the abuse or neglect at the time of the incident and the date of the last contact before the incident between the entity providing the services and the person receiving the services.
 - b. Whether the child, a member of the child's family or the person suspected of the abuse or neglect was the subject of a report for investigation at the time of the incident.
 - c. All involvement of the child's parents and the person suspected of the abuse or neglect in a situation for which a report for investigation was made or in services provided in the five years preceding the incident involving a fatality, or near fatality or egregious abuse or neglect.
 - d. Any investigation pursuant to a report for investigation concerning the child, a member of the child's family or the person suspected of the abuse or neglect or services provided to the child or the child's family since the date of the incident involving a fatality, a near fatality or egregious abuse or neglect.
7. If the summary relates to a child in out-of-home placement, the summary must include the licensing history of the out-of-home placement, including the licensing history of the out-of-home placement, the type of license held by the operator of the placement, the period for which the placement has been licensed and a summary of all violations by the licensee and any other actions by the licensee or an employee of the licensee that constitute a substantial failure of protect and promote the health, safety and welfare of a child.
8. Defines *egregious abuse or neglect* and *near fatality*.
9. Makes technical and conforming changes.

Amendments

Committee on Children and Family Affairs

1. Specifies that a court when determining whether to close a hearing relating to a dependency, permanent guardianship or determination of parental rights, to consider whether an open proceeding would cause specific material harm to a criminal prosecution.
2. Removes the term well-being related to a child.
3. Provides that DCS or a person who receives DCS information must provide that information to specified agencies/persons (federal agency, state agency, tribal agency, county or municipal agency, law enforcement agency, prosecutor, attorney, guardian ad litem, community service provider, contract service provider) to assert the rights of the child as a victim of crime.

4. Specifies that DCS may provide DCS information to supplement (in addition to confirm, clarify or correct) information concerning an allegation or actual instance of child abuse neglect that has been made public by a source or sources outside DCS.
5. Requires an individual not authorized to receive DCS information to provide notice to the attorney and guardian ad litem for a child when seeking the release of DCS information.
6. States DCS is not required to disclose DCS information if in consultation with the county attorney, the county attorney demonstrates that the disclosure would cause a specific, material harm to a criminal prosecution.
7. Removes the term *egregious abuse or neglect* and replaces it with a *criminal conduct allegation* throughout.
8. Requires DCS to promptly provide information to the public regarding a case of child abuse, abandonment or neglect that has resulted in a fatality or near fatality. DCS must provide preliminary information including at a minimum, for a fatality, the name of the child who died. For a fatality or near fatality, the age, county and general location of the residence of the child, in a county with a population of more than 210,000 persons, who has suffered a fatality or near fatality.
9. States that in relation to preliminary information that must be made public, the name, age and city, town or general location of the residence of alleged perpetrator, if available unless the disclosure would violate the privacy of a victim of crimes pursuant to Article II, Section 2.1 of the Constitution of Arizona.
10. Replaces the wording the current alleged abusive or neglectful parent, guardian or custodian and replaces it with the alleged perpetrator.
11. Provides that on request by any person, DCS must promptly provide additional DCS information to the requestor in the case of child abuse, abandonment or neglect that has resulted in a fatality or near fatality or that involved a criminal conduct allegation. Before releasing information, DCS must notify the county attorney of any decision to release the information, and the county attorney must promptly inform DCS if it believes the release could cause a specific material harm to a criminal investigation or prosecution.
12. States for a case involving a fatality or near fatality the summary report must include a judicial history that includes the name and county of the judge currently presiding over the case, the case plan as recommended by DCS and any court orders entered regarding the current case plan, if the court orders do not compromise the privacy of the victim. If either the person alleged to be responsible for the fatality or near fatality or the victim was subject to prior court proceedings the information reported must include the name of the judge and any prior case plans as recommended by DCS.
13. Specifies for a case involving a fatality, near fatality or criminal conduct allegation that involves a child who was in out-of-home care, the summary report must include the name of any agency the licensee was licensed by.
14. Makes technical and conforming changes.



HOUSE OF REPRESENTATIVES

HB 2640

dependency; households; domestic violence

Sponsors: Representatives Brophy McGee, Carter, Coleman, et al.

DPA Committee on Children and Family Affairs

X Caucus and COW

House Engrossed

OVERVIEW

HB 2640 requires a Department of Child Safety (DCS) investigator, prior to returning a child to the child's home, to determine if any member of the child's household or any person who has a dating or intimate relationship with a member of the household has been arrested for, charged with or convicted of a domestic violence or sexual offense.

HISTORY

Laws 2014, Chapter 1, 2nd Special Session, established DCS with the primary purpose to protect children. DCS consists of four bureaus: Prevention with a focus on community outreach, partnerships and prevention; Intake/Assessment oversees the call center; Field Investigations conducts investigations related to allegations of child abuse or neglect; and Case Management/Permanency focusing on transitions such as ongoing, in-home, out-of-home services and permanency for the child. In addition to the Field Investigations Bureau, the Office of Child Welfare Investigations (OCWI) investigates criminal conduct allegations in conjunction with law enforcement, utilizing joint investigative protocols.

Arizona Revised Statutes § 8-456 outlines protocols for DCS investigators. DCS must train all investigators in forensic interviewing, processes and protocols. The training must include: uniform safety and risk assessment tools; the duty to protect the legal and due process rights of children and families; instruction on a child's rights as a victim of crime and instruction on the legal rights of parents; and a checklist or other mechanisms to assist the investigator in giving consideration to the relevant factors in each investigation. OCWI must investigate reports that contain a criminal conduct allegation.

After a DCS investigator receives a report from the hotline the investigator must do all of the following: make a prompt and thorough investigation to determine the nature, extent and cause of any condition created by the parent's, guardian, or custodian or an adult member of the victim's household to support or refute the allegation that the child is a victim of abuse or neglect and determine the name, age and condition of other children in the home; and if required take the child into temporary custody.

After an investigation, the investigator must determine whether a child is in need of child safety services and if appropriate offer services to the family. The investigator must submit a written report to DCS' case management system within a reasonable amount of time that does not exceed 45 days after receipt of the report and the appropriate court 48 hours prior to a dependency hearing or within 21 days after a petition for dependency is filed, whichever is earlier. The investigator must accept a child into voluntary placement only with written informed consent of the child's parent, guardian or custodian. Further, the investigator must identify, promptly obtain and abide by court orders that restrict, deny custody, visitation or contact by a parent or other person in the home with the child and notify DCS personnel to preclude violations of a court order in the provision of any services. Additionally, if the investigation reveals that an allegation of abuse or neglect may have occurred in another state, contact that state to determine the outcome of the investigation. Ensure that

if the investigation indicates a reason to believe that a criminal offense has been committed, refer the matter to law enforcement and OCWI.

PROVISIONS

1. Requires an investigator, before returning a child to the child's home, to determine if any member of the child's household or any person who has a dating or intimate relationship with a member of the household has been arrested for, charged with or convicted a domestic violence or sexual assault offense.
2. Requires DCS to adopt rules regarding the return of a child that include both of the following:
 - a. DCS must conduct a criminal background check of all members of the household to which the child will be returned and of all persons who have a dating or intimate relationship with a member of the household.
 - b. If any criminal background check indicates that a person has been arrested for, charged with or convicted of a domestic violence or sexual offense, the child may not be returned if an imminent threat of danger exists to the child. In determining existence of an imminent threat, DCS must:
 - i. Consider the nature of the domestic violence or sexual offense, the relative time frame of the occurrence, the victim of the domestic violence or sexual offense and any other relevant factors involved in the domestic violence or sexual offense.
 - ii. Consult with the foster family, the guardian ad litem, a service provider or any other person deemed necessary and with knowledge of the domestic violence or sexual offense or the family.
3. Provides that while a case remains open, the child's parent, guardian or custodian who is seeking the return of the child to the child's home or to whom a child has been returned must notify DCS of both the following:
 - a. Any changes in the members or the household or changes in persons who have a dating or intimate relationship with a member of the household.
 - b. If any member of the child's household or any person who has a dating or intimate relationship with a member of the household is arrested for, charged with or convicted of a domestic violence or sexual offense.
4. Defines terms.

Amendments

Committee on Children and Family Services

1. States that a person who does not notify DCS of the changes noted above is guilty of a petty offense.



HOUSE OF REPRESENTATIVES

HB 2560

communications network facilitators; regulation

Sponsor: Representative Petersen

DPA Committee on Commerce

X Caucus and COW

House Engrossed

OVERVIEW

HB 2560 establishes the Sharing Economy Act and defines parameters for the regulation of online business facilitators, providers and users.

HISTORY

The typical business model for selling or leasing goods and providing services to the consumer is the traditional business model in which a physical location is in Arizona. The business may also have a virtual web-based business plan that permits online ordering. The business and its related individuals are regulated, licensed and certified by various federal, state and local agencies, depending on the circumstances. Traditional business derives its income from the direct-to-consumer products it sells or leases. The business may have a physical location, or virtual website so products may be ordered online, or both.

The new sharing economy is one in which a business and its network of users, are connected virtually by a *communications network facilitator (Facilitator)* through the use of technology in order to share their possessions, talent and time with each other. A *communication network provider (Provider)* is a business that provides products or services to the *communications network user*, whether the business is a for-profit or a nonprofit business.

PROVISIONS

1. Creates a new chapter of law within the Trades and Commerce sections (Title 44) titled *Communications Network Facilitators*.
2. Authorizes a *Facilitator* to be regulated, licensed or certified only insofar as it also acts as a business *Provider* and stipulates the provisions do not prohibit such regulation.
3. Confirms the provisions do not provide immunity from liability under the criminal code.
4. Asserts that a *Facilitator* does not control, own, operate or manage the products or services that are offered by a *Provider*.
5. Proclaims that a *Facilitator* acting in its capacity as such cannot be required to offer products or services as a condition of operating as a business.
6. States that a nonprofit *Provider* acting in its capacity as such may conduct business without undue regulation to the extent that it would otherwise operate without the aid of a *Communications Network*.
7. Includes preemptive language that declares the statewide concern for the regulation of *Facilitators* and specifies they are not subject to further regulation by any county, city, town or political subdivision of this state.

8. Authorizes a *Facilitator* to bring a superior court action to enjoin the unlawful regulation by the state or any county or municipality. Further, directs the court to award costs and reasonable attorney fees if the *Facilitator* prevails.
9. Delegates to the State Attorney General, the authority to bring an action to enjoin any unlawful regulation of the communications network industry.
10. Defines applicable terms: *Communications Network*; *Communications Network Facilitator*; *Communications Network Provider*; *Nonprofit Communications Network Provider*; *Communications Network User*.

AMENDMENTS

1. Excludes from the provisions of the bill: cable television systems or operators; telecommunications corporations; public service corporations; motor vehicle manufacturers and their subsidiaries or any affiliates.
2. Makes a technical change.



HOUSE OF REPRESENTATIVES

HB 2038

accountable health plans; technical correction

Sponsor: Representative Carter

DPA/SE Committee on Health

X Caucus and COW

House Engrossed

OVERVIEW

HB 2038 makes a technical change relating to accountable health plans.

Summary of the Proposed Strike-Everything Amendment

The proposed strike-everything amendment to HB 2038 prohibits a manufacturer or distributor of prescription contact lenses from impeding commerce as it relates to contact lenses.

HISTORY

Laws 1974, Chapter 26 established the Uniform State Antitrust Act (ACT). The ACT specifies that it is unlawful to establish and maintain a monopoly or attempt to establish a monopoly. Other unlawful practices according to the ACT, include: excluding competition, controlling, fixing or maintaining prices and conspiring in order to restrict commerce. Any violation of the ACT is required to be brought to the superior court by either the attorney general or county attorney. After a legal action is brought before the superior court, a judge may grant injunctive relief and assess a civil penalty of not more than \$150,000 for each violation.

PROVISIONS

1. Prohibits a manufacturer or distributor of prescription contacts lenses from:
 - a. Preventing a retailer from selling or advertising contact lenses below a specified price;
 - b. Restricting the ability of a retailer to establish prices for contact lenses that are sold to consumers; and
 - c. Discriminating in the distribution of prescription contact lenses in order to restrict options that are available to consumers.
2. Specifies that a violation is a violation of the ACT.

Amendments

Committee on Health

1. The proposed strike-everything amendment was adopted.



HOUSE OF REPRESENTATIVES

HB 2496

dental board; regulation; fingerprinting

Sponsor: Representative Carter

DP Committee on Health

X Caucus and COW

House Engrossed

OVERVIEW

HB 2496 makes changes to the dental statutes.

HISTORY

Laws 1935, Chapter 24, § 6 established the Arizona State Board of Dental Examiners (Board) with the mission to provide professional, courteous service and information to the dental profession and the general public through the examination, licensure and complaint adjudication and enforcement processes and to protect the oral health, safety and welfare of Arizona citizens through a fair and impartial system.

The Board consists of six licensed dentists, two licensed dental hygienists, two public members and a business entity member all appointed by the governor to serve four-year terms. Members of the Board are entitled to receive compensation in the amount of \$250 per day actually spent in performing work authorized by the Board and all related expenses. As of January 2015, there are 4,658 licensed dentists, 4,167 licensed dental hygienists, 11 certified denturists and 338 registered dental business entities.

PROVISIONS

Dental, Dental Hygienists and Denturists

1. Requires an applicant for licensure for a dental or dental hygienist license or a denturist certification to obtain a valid fingerprint clearance card.
2. States that if the Board orders physical, psychological, psychiatric and competency evaluations for licensees or certificate holders and applicants for licensure or certification, the individual bears the expense of the evaluation.
3. Removes the requirement that license renewal fees for dentists, dental hygienists and denturists established by the Board be for the subsequent three years if the Board is establishing a different license renewal fee.
4. Provides for dentists, dental hygienists and denturists in case of a licensee or certificate holder who is impaired by alcohol or drug abuse after completing a second monitoring program pursuant to a stipulation agreement, the Board must determine whether:
 - a. To refer the matter for a formal hearing for the purpose of suspending or revoking the license or certificate.
 - b. The licensee or certificate holder should be placed on probation for minimum of one year with restrictions necessary to ensure public safety.
 - c. To enter into another stipulation agreement with the licensee or certificate holder.
5. Clarifies that a dentist, dental hygienist or denturist who fails to comply with a board order rather than a *final* board order constitutes unprofessional conduct and may subject the licensee or certificate holder to disciplinary action.

Miscellaneous

1. Requires the Board by rule, for licensure by credential for dentists and dental hygienists, to establish minimum number of active practice hours within a specific time period before the applicant submits the application. The Board must define what constitutes active practice. Additionally the applicant must provide an affirmation that they have completed the continuing education requirements of the jurisdiction where the applicant is licensed.
2. Eliminates the requirement for the Board to establish rules prescribing the costs for reproduction of records.
3. Makes technical and conforming changes.