

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

MAJORITY CAUCUS CALENDAR #8

February 24, 2016

Bill Number	Short Title	Committee	Date	Action
Committee on Appropriations				
Chairman: Justin Olson, LD25		Vice Chairman: Vince Leach, LD11		
Analyst: Jennifer Thomsen		Intern: Brett Galley		
HB 2578	budget stabilization fund; deposits			
SPONSOR:	MESNARD, LD17	HOUSE		
		APPROP	2/17	DP (12-2-0-0-0)
		(No: FERNANDEZ,ALSTON)		
HB 2596	public assistance; limitations; benefit card			
SPONSOR:	OLSON, LD25	HOUSE		
		APPROP	2/17	DP (8-5-0-1-0)
		(No: FERNANDEZ,MEYER,ALSTON,CARDENAS,MACH; Abs: PETERSEN)		
Committee on Agriculture, Water and Lands				
Chairman: Brenda Barton, LD6		Vice Chairman: Darin Mitchell, LD13		
Analyst: Tom Savage		Intern: Shirley Springer		
HB 2331	small water systems fund; appropriation			
SPONSOR:	BARTON, LD6	HOUSE		
		AWL	1/28	DP (9-0-0-1-0)
		(Abs: MONTENEGRO)		
		APPROP	2/17	DP (11-2-0-1-0)
		(No: PETERSEN,UGENTI-RITA; Abs: ALLEN J)		
HB 2405	medical marijuana; cultivation; facilities			
SPONSOR:	LEACH, LD11	HOUSE		
		AWL	2/18	DP (10-0-0-0-0)
HB 2622	water; improvement districts; tax limit			
SPONSOR:	BARTON, LD6	HOUSE		
		AWL	2/18	DP (7-1-0-2-0)
		(No: FANN; Abs: SHOPE,MONTENEGRO)		
HB 2648	pest control advisor; task force			
	(AWL S/E: rural business development advisory council)			
SPONSOR:	MONTENEGRO, LD13	HOUSE		
		AWL	2/18	DPA/SE (10-0-0-0-0)
Committee on Children and Family Affairs				
Chairman: John M. Allen, LD15		Vice Chairman: Kate Brophy McGee, LD28		
Analyst: Ingrid Garvey		Intern: Alexandra Erickson		

Committee on Energy, Environment and Natural Resources

Chairman: Franklin M. Pratt, LD8

Vice Chairman: Russell "Rusty" Bowers, LD25

Analyst: Tom Savage

Intern: Shirley Springer

[HB 2325](#) environment; water quality amendments
SPONSOR: PRATT, LD8 HOUSE
EENR 1/25 DP (9-0-0-0-0)

Committee on Federalism and States' Rights

Chairman: Kelly Townsend, LD16

Vice Chairman: Noel W. Campbell, LD1

Analyst: Justin Riches

Intern: John Oyas

[HB 2585](#) national monuments; justification; litigation
SPONSOR: THORPE, LD6 HOUSE
FSR 2/17 DP (5-3-0-0-0)
(No: WHEELER, VELASQUEZ, RIOS)

Committee on Government and Higher Education

Chairman: Bob Thorpe, LD6

Vice Chairman: J. Christopher Ackerley, LD2

Analyst: Sharon Carpenter

Intern: Taylor McGrew

[HB 2100](#) state agency reports; electronic submission
SPONSOR: ALLEN J, LD15 HOUSE
GHE 2/18 DP (6-0-0-3-0)
(Abs: LOVAS, OLSON, LARKIN)

[HB 2178](#) Arizona silver-haired legislature
SPONSOR: GABALDÓN, LD2 HOUSE
GHE 1/28 DP (6-0-0-3-0)
(Abs: TOWNSEND, LOVAS, PETERSEN)
APPROP 2/17 DPA (11-1-0-2-0)
(No: UGENTI-RITA; Abs: ALLEN J, PETERSEN)

[HB 2217](#) water protection; technical correction
(GHE S/E: investigators; legal decision-making; parenting time)
SPONSOR: KERN, LD20 HOUSE
GHE 2/18 DPA/SE (6-2-1-0-0)
(No: ALSTON, SALDATE; Present: LARKIN)

[HB 2390](#) vocational program license; yoga exemption
SPONSOR: THORPE, LD6 HOUSE
GHE 2/11 DP (5-2-0-2-0)
(No: ALSTON, SALDATE; Abs: PETERSEN, LARKIN)

[HB 2565](#) sanitary districts; rejection of bids
SPONSOR: GOWAN, LD14 HOUSE
GHE 2/18 DP (8-0-0-1-0)
(Abs: LOVAS)

[HB 2600](#) technical correction; double punishment
(GHE S/E: repeal; state boards; committees)
SPONSOR: SHOPE, LD8 HOUSE
GHE 2/18 DPA/SE (6-2-1-0-0)
(No: ALSTON, SALDATE; Present: LARKIN)

[HB 2610](#) Indian nations; tribes; legislative day
SPONSOR: MESNARD, LD17 HOUSE
GHE 2/18 DP (8-0-0-1-0)
(Abs: LOVAS)

[HB 2615](#) campuses; free speech zone; prohibition
SPONSOR: KERN, LD20 HOUSE
GHE 2/18 DP (6-2-0-1-0)
(No: ALSTON,SALDATE; Abs: LARKIN)

[HB 2616](#) claims; public agency; independent adjuster
SPONSOR: KERN, LD20 HOUSE
GHE 2/18 DP (5-2-0-2-0)
(No: ALSTON,SALDATE; Abs: TOWNSEND,LARKIN)

[HB 2634](#) agencies; enrollment; educational programs
SPONSOR: FARNSWORTH E, LD12 HOUSE
GHE 2/18 DP (9-0-0-0-0)

[HB 2643](#) PSPRS; CORP; EORP; administration changes
SPONSOR: OLSON, LD25 HOUSE
GHE 2/18 DPA (9-0-0-0-0)

[HB 2647](#) technical correction; state facilities
SPONSOR: MONTENEGRO, LD13 HOUSE
GHE 2/18 DP (5-0-0-4-0)
(Abs: TOWNSEND,LOVAS,OLSON,LARKIN)

[HB 2656](#) homeowners' associations; cumulative voting; prohibition
SPONSOR: CLARK, LD24 HOUSE
GHE 2/18 DP (8-0-0-1-0)
(Abs: LOVAS)

[HCR 2015](#) technical correction; illegal aliens
SPONSOR: THORPE, LD6 HOUSE
GHE 2/18 DPA/SE (5-2-0-2-0)
(No: ALSTON,SALDATE; Abs: PETERSEN,LARKIN)

[HCR 2040](#) state monies; prohibited investments; terrorism
SPONSOR: MONTENEGRO, LD13 HOUSE
GHE 2/11 DP (6-3-0-0-0)
(No: ALSTON,SALDATE,LARKIN)

Committee on Health

Chairman: Heather Carter, LD15
Analyst: Ingrid Garvey

Vice Chairman: Regina Cobb, LD5
Intern: Alexandra Erickson

[HB 2357](#) AHCCCS; podiatry services
SPONSOR: CARTER, LD15 HOUSE
HEALTH 2/2 DP (5-0-0-1-0)
(Abs: BOYER)
APPROP 2/17 DP (12-0-0-2-0)
(Abs: RIVERO,BOWERS)

[HB 2361](#) technical correction; state land; sale
(HEALTH S/E: diabetes management; child care facilities)
SPONSOR: CARTER, LD15 HOUSE
HEALTH 2/16 DPA/SE (6-0-0-0-0)

[HB 2501](#) health regulatory boards; transfer; DHS
SPONSOR: CARTER, LD15 HOUSE
HEALTH 2/16 DPA (4-2-0-0-0)
(No: MEYER,FRIESE)

Committee on Judiciary

Chairman: Eddie Farnsworth, LD12
Analyst: Katy Proctor

Vice Chairman: Sonny Borrelli, LD5
Intern: Meagan Anglin

[HB 2524](#) uniform firearms transfer compact
SPONSOR: THORPE, LD6 HOUSE
JUD 2/17 DP (4-2-0-0-0)
(No: FRIESE,HALE)

Committee on Military Affairs and Public Safety

Chairman: Sonny Borrelli, LD5

Vice Chairman: Mark Finchem, LD11

Analyst: Rick Hazelton

Intern: Thomas Lane

[HB 2074](#) public safety employees; omnibus
SPONSOR: BORRELLI, LD5 HOUSE
MAPS 2/4 DPA (8-0-0-0-0)

[HB 2198](#) fire districts; vacancies; board operations
(MAPS S/E: vacancies; fire districts; board operations)
SPONSOR: COLEMAN, LD16 HOUSE
MAPS 2/4 DPA/SE (8-0-0-0-0)

[HB 2350](#) occupational disease; post-traumatic stress disorder
(MAPS S/E: post-traumatic stress disorder; occupational disease)
SPONSOR: FINCHEM, LD11 HOUSE
MAPS 2/18 DPA/SE (7-0-0-2-0)
(Abs: FARNSWORTH E,KERN)

[HB 2515](#) prisoner education services budget; uses
SPONSOR: BORRELLI, LD5 HOUSE
MAPS 2/18 DPA (8-0-0-1-0)
(Abs: KERN)

[HB 2541](#) gold bonds; study committee
(MAPS S/E: primitive campgrounds; exemption; definition)
SPONSOR: FINCHEM, LD11 HOUSE
MAPS 2/18 DPA/SE (7-1-0-1-0)
(No: LAWRENCE; Abs: KERN)

[HB 2677](#) peace officer employment; study committee
SPONSOR: RIVERO, LD21 HOUSE
MAPS 2/18 DPA (8-0-0-1-0)
(Abs: KERN)

Committee on Transportation and Infrastructure

Chairman: Rick Gray, LD21

Vice Chairman: David W. Stevens, LD14

Analyst: Amanda Barnes

Intern: Caitlynn Kestler

[HB 2145](#) historic federal highway; special plates
SPONSOR: COLEMAN, LD16 HOUSE
TI 2/9 DP (8-1-0-0-0)
(No: FERNANDEZ)

[HB 2495](#) sporting event tax revenue; tourism
SPONSOR: LIVINGSTON, LD22 HOUSE
TI 2/9 DPA (9-0-0-0-0)

[HB 2584](#) data center tax relief; qualification
SPONSOR: STEVENS, LD14 HOUSE
TI 2/16 DPA (9-0-0-0-0)



HOUSE OF REPRESENTATIVES

HB 2578

budget stabilization fund; deposits

Prime Sponsor: Representative Mesnard, LD 17

DP Committee on Appropriations

X Caucus and COW

House Engrossed

OVERVIEW

HB 2578 increases the cap on Arizona's Budget Stabilization Fund (BSF) from 7% of state General Fund (GF) revenue for a Fiscal Year (FY) to 10% of GF revenue for a FY.

PROVISIONS

1. Raises the maximum amount of monies that the BSF can contain at the end of a FY to 10% of GF revenue for the FY, instead of 7%.
2. Makes technical and conforming changes.

CURRENT LAW

[A.R.S § 35-144](#) currently states at the end of a FY the BSF balance cannot exceed 7% of GF revenue for the FY. Any surplus monies above the allowable percentages will be transferred by the State Treasurer to the state GF.

ADDITIONAL INFORMATION

Currently there are 13 states who have capped their state budget stabilization fund at 10% of GF revenue for a FY.



HOUSE OF REPRESENTATIVES

HB 2596

public assistance; limitations; benefit card

Prime Sponsor: Representative Olson, LD 25

DP Committee on Appropriations

X Caucus and COW

House Engrossed

OVERVIEW

HB 2596 modifies and outlines additional requirements for the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF), including Electronic Benefit Transfer (EBT) cards.

PROVISIONS

SNAP

1. Prohibits the Department of Economic Security (DES) from applying for, accepting or renewing any waiver of work requirements for SNAP as established under [federal law](#) (please see section 2015 (o) *Work requirement*).
2. Requires DES to administer SNAP within the following limitations:
 - a. Categorical eligibility pursuant to [federal law](#) (please see section 2014 (a) *Income and other financial resources as substantial limiting factors in obtaining more nutrition diet; recipients under Social Security Act*) . Prohibits any regulations adopted under that section from being granted for any noncash, in-kind or other benefit unless expressly required by federal law.
 - b. The gross income standards of SNAP is prohibited from exceeding the standards specified in [federal law](#) (please see section 2014 (c) *Gross income standard*) unless expressly required.
 - c. The financial resource limit standards of SNAP is prohibited from exceeding the standards specified in [federal law](#) (please see section 2014 (g) (1) *Allowable financial resources*) unless expressly required.
 - d. Categorical eligibility exempting households from the gross income standards requirements or the resource limits is prohibited from being granted for any noncash, in-kind or other benefit unless expressly required by federal law.
3. Requires DES to set disqualification periods for all instances of noncompliance with any SNAP requirement unless expressly prohibited by federal law, including:
 - a. A three-month, full-household disqualification period for the first instance of noncompliance.
 - b. A six-month, full-household disqualification period for the second instance of noncompliance.
 - c. A permanent disqualification period for the third instance of noncompliance.

EBT Card

4. Adds the following to the list of establishments a person is prohibited from conducting an EBT card transaction:
 - a. A jewelry store.
 - b. A tattoo parlor.
 - c. A massage parlor.
 - d. A body piercing parlor.
 - e. A spa and nail salon.
 - f. A lingerie shop.
 - g. A tobacco paraphernalia or vapor cigarette store.
 - h. A psychic and fortune telling business.
 - i. A bail bond office.
 - j. A movie theater.

- k. A public swimming pool.
 - l. A cruise ship.
 - m. A theme park.
5. Prohibits the use of an EBT card for any of the following:
 - a. The purchase of cigarettes or any other tobacco products.
 - b. Bail.
 - c. Travel services provided by a travel agent.
 - d. Tattoos.
 - e. The purchase of lottery tickets.
 - f. The purchase of sexually-oriented adult materials.
 - g. The purchase of tickets for a concert, sporting event or other entertainment event.
 6. Stipulates that a recipient is subject to the following for any violation of EBT prohibited uses:
 - a. For an initial violation, a written warning.
 - b. For a second violation, a three-month, full-household disqualification period, unless expressly prohibited by federal law.
 - c. For a third violation, a permanent disqualification period, unless expressly prohibited by federal law.
 7. Requires each EBT card issued by DES to have the recipient's color photograph and name on the card, unless the recipient declines to have the photograph included.
 8. Allows the recipient's parent or legal guardian to have that person's photograph placed on the card if a recipient is a minor or otherwise incapacitated person.
 9. Permits DES to enter into a memorandum of understanding with other state agencies, including the Motor Vehicle Division, to share photographs when available.
 10. Requires DES to send each recipient, who requests three replacement cards within a 12 month period, a letter informing the recipient that another request will require participation in a face-to-face interview with a fraud investigator and eligibility expert.
 11. Requires, if a third-party vendor is administering replacement cards directly to recipients, a vendor to notify DES after a recipient requests a third replacement card within a 12 month period and makes any subsequent request thereafter.
 12. Requires DES to schedule an interview with a fraud investigator and eligibility expert before issuing a new card after a recipient's request for a fourth replacement card within a 12 month period, and any subsequent request thereafter.
 13. Requires, unless expressly prohibited by federal law, DES to terminate the recipient's benefits within 10 days after the scheduled interview if the recipient fails to appear.
 14. Limits the number of authorized representatives on any EBT card to no more than four individuals at any given time.
 15. Requires DES to compile the list of authorized users at the time of application and update the list during every recertification.
 16. Allows recipients to add or change authorized representatives by filing a written request.

Spending Report

17. Requires DES to post a spending report of SNAP and TANF benefits on its website. The report must also be made available on an annual basis to the Joint Legislative Budget Committee, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate.
18. Requires the spending report to include the following:
 - a. The dollar amount and number of transactions of SNAP benefits that are accessed or spent outside Arizona, disaggregated by state.
 - b. The dollar amount and number of transactions of TANF benefits that are accessed or spent outside Arizona, disaggregated by state.
 - c. The dollar amount, number of transactions and times of transactions of SNAP benefits that are accessed or spent in Arizona, disaggregated by retailer, institution or location.
 - d. The dollar amount, number of transactions and times of transactions of TANF benefits that are accessed or spent in Arizona, disaggregated by retailer, institution or location.
19. Requires the spending report to be de-identified to prevent identification of individual recipients.

Child Support Enforcement

20. Requires DES to terminate benefits for any recipient who fails to comply with child support enforcement efforts, unless good cause is established, or who is delinquent on any court ordered child support payments, including arrears, unless expressly prohibited by federal law. Current law prescribes DES impose a series of graduated sanctions for recipients in noncompliance with child support enforcement efforts.
21. Specifies that the period of disqualification for a recipient who is terminated ends once DES determines that the person is cooperating with child support services and is no longer delinquent on any court ordered child support payments, including arrears.
22. Makes technical and conforming changes.

CURRENT LAW

[A.R.S. § 46-297](#) prohibits the use of an EBT card at automatic teller machines and point-of-sale terminals located at liquor, gaming and adult entertainment facilities. DES is required to notify EBT card recipients of the use restrictions.

DES is required to impose a series of graduated sanctions to cash assistance for noncompliance with any the following: 1) child support enforcement efforts, unless good cause is established; 2) work activities requirements, unless good cause is established; 3) school enrollment and attendance requirements; and 4) immunization requirements. For a first instance of noncompliance, DES must reduce the household's cash assistance grant by 25% for one month. For a second instance of noncompliance not in the same month as the first instance, the cash assistance must be reduced by 50% for one month. For any subsequent instance of noncompliance not in the same month as the other instances, the cash assistance is terminated for at least one month or until the household complies ([A.R.S. § 46-300](#)).



HOUSE OF REPRESENTATIVES

HB 2331

small water systems fund; appropriation

Prime Sponsor: Representative Barton, LD 6

DP Committee on Agriculture, Water and Lands

DP Committee on Appropriations

X Caucus and COW

House Engrossed

OVERVIEW

HB 2331 appropriates \$500,000 from the General Fund to the Small Water Systems Fund in FY17.

PROVISIONS

1. Appropriates \$500,000 from the General Fund to the Small Water Systems Fund (Fund) in FY17 for emergency grants to interim operators for repairs of small water systems.
 - a. Exempts the funds from lapsing.

CURRENT LAW

No statutory appropriation to this fund.

ADDITIONAL INFORMATION

[A.R.S. § 49-355](#) defines a small water system as a public water system serving no more than 500 connections. The Fund was established by Laws 1987, Chapter 317, under the Department of Environmental Quality and statute allows the Fund to be administered by the Water Infrastructure Finance Authority (WIFA). Statute allows WIFA, on recommendation of the Arizona Corporation Commission (ACC), to approve emergency grants from the fund to an ACC appointed interim operator only if the interim operator demonstrates that immediate financial assistance is needed to replace, repair, or rehabilitate public water system infrastructure.



HOUSE OF REPRESENTATIVES

HB 2405

medical marijuana; cultivation; facilities

Prime Sponsor: Representative Leach, LD 11

DP Committee on Agriculture, Water and Lands

X Caucus and COW

House Engrossed

OVERVIEW

HB 2405 amends the definition of *enclosed, locked facility*, which will require all facilities where medical marijuana is cultivated to have roofing that has a hardened covering.

PROVISIONS

1. Amends the definition of *enclosed, locked facility*, which will require all facilities where medical marijuana is cultivated to have roofing that has a hardened covering.
2. Makes technical changes.
3. Contains a Proposition 105 clause.

CURRENT LAW

The Arizona Medical Marijuana Act, A.R.S. § 36-2801 et seq., requires all medical marijuana that is cultivated by authorized dispensaries to be grown in enclosed, locked facilities at a physical address provided to the Department of Health Services.

Current law defines *enclosed, locked facility* as a closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by a cardholder ([A.R.S. § 36-2801](#)).

Arizona Administrative Code [R9-17-101](#) defines *enclosed area*, when used in conjunction with *enclosed, locked facility*, as an outdoor space surrounded by 10-foot walls, constructed of metal, concrete or stone that prevent any viewing of the marijuana plants, and a 1-inch thick metal gate.



HOUSE OF REPRESENTATIVES

HB 2622

water; improvement districts; tax limit

Prime Sponsor: Representative Barton, LD 6

DP Committee on Agriculture, Water and Lands

X Caucus and COW

House Engrossed

OVERVIEW

HB 2622 allows the governing body of a domestic water or wastewater improvement district (DWID) that levies taxes based on square footage of property to adopt a resolution to limit the taxes collected from any single parcel of real property.

PROVISIONS

1. Allows the governing body of a DWID that assesses and levies taxes based on the square footage of property to establish a limit on the amount of tax that may be assessed and collected from any single parcel of real property in the district.
2. Makes technical and conforming changes.

CURRENT LAW

[A.R.S. § 48-955](#) allows property owners in new or existing DWIDs to petition the governing board to assess and levy property taxes based on the square footage of the property. However, current statute does not provide the authority for a governing body of a DWID to establish limits on taxes collected from any single parcel of property.

ADDITIONAL INFORMATION

DWIDs are special county improvement districts that are governed by an elected board of directors or the county board of supervisors. DWIDs have specific geographic boundaries and the authority to acquire, construct and operate a domestic water system, finance acquisition and construction with special assessment bonds or revenue bonds, charge and collect water rates and user fees and levy ad valorem taxes for operation and maintenance.



HOUSE OF REPRESENTATIVES

HB 2648

pest control advisor; task force

Prime Sponsor: Representative Montenegro, LD 13

DPA/SE Committee on Agriculture, Water and Lands

X Caucus and COW

House Engrossed

Summary of the Proposed Strike-Everything Amendment to HB 2648

The proposed strike-everything amendment to HB 2648 adds a required duty of the Rural Business Development Advisory Council.

PROVISIONS

1. Requires the Rural Business Development Advisory Council to recommend ways to enhance interstate competitiveness of rural businesses without incurring taxpayer expense.
2. Makes technical changes.

CURRENT LAW

[A.R.S. § 41-1505](#) establishes the Rural Business Development Advisory Council with the mission of advising the Board of Directors of the Arizona Commerce Authority on rural business development strategies including job creation, diversifying economies and attracting new investment.

AMENDMENTS IN AGRICULTURE, WATER AND LANDS

1. The strike-everything amendment was adopted.



HOUSE OF REPRESENTATIVES

HB 2262

child care assistance

Prime Sponsor: Representative Brophy McGee, LD 28

DP Committee on Children and Family Affairs

DP Committee on Appropriations

X Caucus and COW

House Engrossed

OVERVIEW

HB 2262 requires DES to provide child care assistance to eligible families for a certain period of time once the family income is greater than 165% of the federal poverty level, but less than 85% of the state median income.

PROVISIONS

1. Requires DES to provide child care assistance to eligible families for a period of time to be specified in rule once the family income exceeds 165% of the federal poverty level, but remains below 85% of the state median income, if the family is:
 - a. Transitioning off of cash assistance;
 - b. Diverted from cash assistance;
 - c. Below 165% of the federal poverty line at the time of application and requires the assistance in order to accept or maintain employment; or
 - d. Less than 165% of the federal poverty level at the time of application and are unable to provide child care for a portion of the day due to a crisis situation of domestic violence or homelessness, or a physical, mental, emotional or medical condition, participating in drug treatment or drug rehabilitation program or court ordered community restitution.
2. Prohibits DES from reviewing a case to evaluate eligibility for child care assistance more than once a year.
3. States that if the family income exceeds 85% of the state median income, child care assistance must cease upon notification by DES.
4. Allows DES to pay different levels of child care assistance depending on a state-approved quality indicator.

CURRENT LAW

[A.R.S. § 46-803](#) requires DES to provide child care assistance to eligible families for up to 24 months after their cash assistance case closure. Statute requires the child care assistance to cease once the family income exceeds 165% of the federal poverty level, as determined by the United States Department of Health and Human Services. [A.R.S. § 46-805](#) permits DES to pay different levels of child care assistance depending on a number of criteria.

[A.R.S. § 46-101](#) defines *cash assistance* as temporary assistance for needy families paid to a recipient for the purpose of meeting basic living expenses.



HOUSE OF REPRESENTATIVES

HB 2222

employment security; omnibus

Prime Sponsor: Representative Fann, LD 1

DPA Committee on Commerce

X Caucus and COW

House Engrossed

OVERVIEW

HB 2222 modifies the appeals process for Unemployment Insurance (UI), repeals the surtax for the Shared Work Program, clarifies the requirements for unemployment benefits and transfers the State Apprenticeship Program from the Arizona Commerce Authority to the Department of Economic Security (DES).

PROVISIONS

1. Eliminates the DES Appeals Board's (Board) review of its own decision on an appeal before parties are allowed to apply for judicial review.
2. Transfers the statutory authority of the State Apprenticeship Program from the Arizona Commerce Authority to DES.
3. Repeals [A.R.S. § 23-765](#), which increased the contribution rates for employers who participate in the Shared Work Program, effective January 1, 2017.
4. Authorizes a majority of the members of the Board to issue an appeal's decision, instead of requiring three or more members to issue a decision.
5. Allows the Board to have up to four members.
6. Instructs employers who wish to appeal DES' refusal to grant relief for the submission of contribution and wage reports to file the appeal either electronically or in writing.
7. Increases the requirement for unemployment benefits to four work search contacts per week and clarifies that the work search contacts must be made on four different days of the week.
8. Makes technical and conforming changes.

AMENDMENTS IN COMMERCE COMMITTEE

1. Restores the exemption for unemployment insurance contributions if the quarterly amount owed is less than \$10.
2. Contains a retroactive effective date, beginning January 1, 2016.

CURRENT LAW

[A.R.S. § 23-672\(F\)](#) allows a party that is dissatisfied with the decision of the Board to request a review within 30 days of the decision. The Board is required to notify all parties of the request for review and allow 15 days from the date of the notice for the parties to respond. All parties are given written notice by mail of the decision on the review.

[A.R.S. § 41-1993\(B\)](#) allows any party aggrieved by decision on review of the Board to file an application for appeal to the court of appeals within 30 days of the date of the decision on review.

[A.R.S. § 23-765](#) increases the contribution rates for employers who participate in the Shared Work Program by 1% if the employer's negative reserve ratio is between 5% and 15% or by 2% if the negative reserve ratio is greater than 15%.

[A.R.S. § 23-771](#) requires unemployed individuals to engage in work search activities during at least four days per week and to make at least three work search contacts per week.



HOUSE OF REPRESENTATIVES

HB 2259

mobile home removal; licensure; noncompliance

Prime Sponsor: Representative Brophy McGee, LD 28

DPA Committee on Commerce

X Caucus and COW

House Engrossed

OVERVIEW

HB 2259 states that a person removing a mobile home from a mobile home park (Park) must have prior clearance by the landlord and prescribes penalties for violations.

PROVISIONS

1. Prohibits a person from removing a mobile home from a Park without first obtaining clearance from the landlord. A person commits *criminal trespass* in the third degree for failure to comply with the landlord's demand to leave the premises.
2. States that an applicant who has been convicted or entered a plea of no contest to a felony or crime cannot obtain a dealer or salesperson's license if the conviction involves moral turpitude and is substantially related to duties of the licensed activity.
3. Specifies disciplinary action if a licensee:
 - a. Commits a wrongful or fraudulent act in conjunction with a sale, transfer or relocation of a mobile home.
 - b. Causes a resident to violate the rental agreement in order to sell the mobile home.
 - c. Misrepresents to a resident's landlord the terms of the sale of the mobile home if disclosure is required.
 - d. Fails to restore the mobile home space as noted in the rental agreement, Park rules or state law.
4. Makes technical changes.

AMENDMENTS IN COMMERCE COMMITTEE

1. Removes the specifications on the issuance of a license.
2. Revises additional disciplinary actions to only include a licensee that commits a wrongful or fraudulent act in conjunction with a sale, transfer or relocation of a mobile home.

CURRENT LAW

[A.R.S. § 33-1451](#) requires tenants to maintain the condition of the mobile home space and outlines rules of conduct within the rented space. Tenants are instructed to give notice of non-renewal at least 30 days before the expiration of the rental agreement. The tenant must receive clearance from the landlord before removing the mobile home.

[A.R.S. § 13-1502](#) stipulates that a person commits *criminal trespass* in the third degree when the person knowingly enters or remains on the property when asked to leave. The action is a class 3 misdemeanor.



HOUSE OF REPRESENTATIVES

HB 2579

nonwage compensation; minimum wage

Prime Sponsor: Representative Mesnard, LD 17

DP Committee on Commerce

X Caucus and COW

House Engrossed

OVERVIEW

HB 2579 modifies the statutes relating to employee compensation and benefits. Contains a Proposition 105 clause.

PROVISIONS

1. Defines *minimum wage* as the nondiscretionary minimum compensation given to an employee, including commissions but excluding tips and gratuities.
2. Adds *nonwage compensation* to the list of employee regulations that are of statewide concern and not subject to further regulation by any city, town or political subdivision of the state.
3. Authorizes a political subdivision to establish a minimum wage equivalent to the statutory requirements of the Minimum Wage Act (Act).
4. Designates *nonwage compensation* as: fringe benefits, welfare benefits, child/adult care plans, sick pay, vacation pay, severance pay, commissions, bonuses, retirement plan/pension contributions, other federal employment benefits, other amounts more than the minimum compensation due to an employee.
5. Removes from the definition of *wages*: sick pay, vacation pay, severance pay, commissions, bonuses and other amounts promised by the employer who has a policy or practice of making such payments.
6. Applies a Proposition 105 clause to the minimum wage section of law (A.R.S. 23-362).

CURRENT LAW

Arizona employers are required to pay regular employees at least the minimum wage, currently \$8.05 per hour. Proposition 202, a voter initiative passed in 2006 (effective January 1, 2007), established the Act, requiring an annual increase in minimum wage based on the Consumer Price Index of All Urban Consumers, Bureau of Labor Statistics, U.S. Department of Labor.

Wages means the nondiscretionary monies due to an employee in return for labor or services, whether determined by time, task, piece, commission or other means of calculation. *Wages* also includes sick, vacation and severance pay, commissions and bonuses, plus other amounts as promised by the employer as a policy or practice. (A.R.S. § 23-350)

The cash wage (\$3.00 less than minimum wage) is paid to employees who regularly and customarily receive tips or gratuities. If the cash wage plus tips do not equal the minimum wage, then employers are responsible for paying the difference to the employee. According to the Industrial Commission of Arizona (ICA), Labor Department, any person can file a complaint if the person is not receiving the state minimum wage or has been retaliated against for asserting a claim or right under the Act. (www.ica.state.az.us)



HOUSE OF REPRESENTATIVES

HB 2652

independent contractors; criteria

Prime Sponsor: Representative Norgaard, LD 18

DP Committee on Commerce

X Caucus and COW

House Engrossed

OVERVIEW

HB 2652 defines a Qualified Marketplace Contractor as an independent contractor for purposes of all state and local laws, tax payments, insurance coverage and other employment purposes, including services to third parties obtained through electronic format.

PROVISIONS

1. Defines a *Qualified Marketplace Contractor* or *contractor* as a person or organization that enters into an agreement with a *Qualified Marketplace Platform* to use a digital means to provide services to third parties or other entities seeking the services.
2. Establishes that a *Qualified Marketplace Platform* includes an organization or any other individual or entity that operates a digital platform to facilitate services by the contractors to third party individuals or entities seeking the services.
3. Establishes a *Qualified Marketplace Contractor* as an independent contractor for purposes of state and local laws as well as ordinances and regulations. Additionally, it includes unemployment insurance coverage and workers' compensation laws.
4. Outlines the specific qualifications as follows:
 - a. The payment for services includes all or substantially all of the services performed.
 - b. A written contract is in effect between the contractor and a qualified marketplace platform when the contract provides all of the following:
 - i. The contractor is providing services as an independent contractor, not as an employee.
 - ii. Any payments to the contractor are for services rendered.
 - iii. The contract may require work during the work hours or schedule set by the contractor.
 - iv. The contract does not restrict the contractor from working for another company or person.
 - v. The contractor pays all or substantially all expenses related to the work or services.
 - vi. The contractor is responsible for payment of all income-related taxes.
 - vii. Either party may terminate the contract at any time, with reasonable notice.
5. Stipulates that, before the effective date of this legislation, a *Qualified Marketplace Contractor* is an independent contractor and must be treated as such if all payments to the contractor relate to the services actually performed. Additionally, there must be a written contract between the parties that conforms to the provisions of this legislation.
6. Defines pertinent terms.

CURRENT LAW

[A.R.S. § 23-613.01](#) defines an *employee* as a person performing services for an employer subject to the direction, rule or control of the employer in both method and final result. Statute describes *control* as setting the employee's work hours, work location, right to perform services for other employers, use of certain tools, equipment, materials, expenses and use of other workers. Statute also lists individuals that do not fall into the category of *employee*, such as independent contractors, business people, agents or consultants, or those working in an independent trade, skill or occupation, including sports officials among others.



HOUSE OF REPRESENTATIVES

HB 2029

small school districts; high schools

Prime Sponsor: Representative Borrelli, LD 5

DP Committee on Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2029 increases the student count limitation for high schools to use the small school adjustment.

PROVISIONS

1. Increases the student count cap, from 100 to 125, for a small high school district to utilize the small school adjustment.
2. Makes technical changes.

CURRENT LAW

School districts use a per student statutory funding formula to annually determine the district's budget capacity. High school districts with a student count of 100 or less are permitted to adopt a budget in excess of the general budget limit without an override election and revise the budget to include the costs for additional students not anticipated when the budget was adopted ([A.R.S. § 15-949](#)). These provisions are named the small school adjustment.



HOUSE OF REPRESENTATIVES

HB 2065

schools; vision screening program

Prime Sponsor: Representative Lawrence, LD 23

DP Committee on Education

DPA/SE Committee on Appropriations

X Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The strike-everything amendment to HB 2065 establishes a program of vision screening evaluation services (Program) within the Department of Health Services (DHS).

PROVISIONS

1. Establishes the Program within DHS.
2. Requires vision screening services to be administered to all children as early as practicable but not later than the first year of attendance in any public or private education program or residential facility for children with disabilities.
3. Requires visual acuity and stereopsis screening to be conducted annually through grade 4, with each child receiving a one-time evaluation of color deficiency.
4. Directs visual acuity screening to be conducted every other year until the child has reached age 16 or is no longer enrolled in a public or private education program.
5. Requires all children who are new to a school district, receiving special education services, and for whom a request has been made by a parent, teacher or other professional to receive a vision screening evaluation.
6. Requires the Program to be administered and provided by DHS, at no cost to the state or to school districts, through a partnership with one or more established vision screening nonprofit organizations in Arizona that have the ability to collect and maintain vision screening data.
7. Requires any selected organization to provide vision screening evaluation services and data management that comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) at no additional cost to the state.
8. Allows any selected nonprofit organization to seek gifts, grants, corporate sponsorships and donations to pay for the vision screening evaluations and data management system.
9. Requires DHS to select one or more established vision screening nonprofit organizations in Arizona to provide vision screening evaluations and data management that comply with HIPAA within 90 days of the effective date.
10. Allows school districts that already provide vision screening evaluation services to continue to provide those services.
 - a. Requires the school districts to provide annual data submissions that comply with HIPAA to DHS at no additional cost to the state.
11. Prescribes all collected data relating to vision screening evaluation services the property of DHS.
12. Provides that the selected organization does not have any ownership of the data or any rights to access the data without the permission of DHS.
13. Directs the implementation schedule to start within 90 days after the date DHS contracts with the organization.
14. Requires DHS to establish, with the selected organization, a timeline for full implementation of vision screening evaluations that is within 5 years after the date DHS contracts with the organization.

15. Requires DHS to notify the President of the Senate, Speaker of the House of Representatives and the Governor if the selected organization is unable to meet the implementation schedule.
16. Terminates the Program on July 1, 2026.
17. Instructs the Director of DHS to adopt rules governing data management and vision screening evaluation services.
18. Permits a parent or guardian to opt their child out of required vision screening services.
19. Specifies that *hearing* evaluation services be administered *annually* to children, from the first year of attendance to the age of 16 as circumstances allow.
20. Defines *vision screening evaluation* and *vision screening evaluation services*.
21. Makes technical and conforming changes.

AMENDMENT IN APPROPRIATIONS COMMITTEE

Adopted the strike-everything amendment.

CURRENT LAW

[A.R.S. § 36.899.01](#) establishes a program of hearing evaluation services within DHS to administer hearing evaluation services to all children as early as possible. Hearing evaluation services are required to be provided no later than the first year of attendance in a public or private education program or residential facility for children with disabilities and are conducted, as circumstances allow, until the child is 16 or no longer enrolled in school. DHS is permitted to provide consulting services, provide training for personnel to administer hearing screening evaluations, delegate powers and duties to other agencies, health departments, schools or community agencies, provide services by contract and accept hearing evaluation reports by qualified specialists ([A.R.S. § 36-899.02](#)). Children are not required to submit to any hearing evaluation test if the child's parent or guardian objects and submits a statement of objection to the agency administering the service ([A.R.S. § 36-899.04](#)).



HOUSE OF REPRESENTATIVES

HB 2088

schools; assessments; surveys; informed consent

Prime Sponsor: Representative Finchem, LD 11

DPA Committee on Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2088 prohibits public schools from administering specified assessments or surveys to students without notifying and obtaining written informed consent from parents and prescribes penalties for violations.

PROVISIONS

1. Requires all schools, school districts and charter schools to provide written notice and obtain written informed consent from parents, or the student if the student is over 18, before administering any assessment or survey soliciting:
 - a. Any pupil psychological data including:
 - i. An assessment of noncognitive skills or attributes, psychological resources, mindsets, learning strategies, effortful control, dispositions, social skills, attitudes, interpersonal or intrapersonal resources or other social, emotional or psychological parameters
 - ii. Data collected through affective computing, facial expressions, brain wave patterns, skin conductance, galvanic skin response, heartrate variability, pulse, blood volume, posture or eye-tracking
 - iii. Data collected through real-time analysis and adaptive tailoring of successive questions in the process of testing, including adaptive testing and pedagogical agents.
 - iv. Data collected through predictive modeling to be used to detect behaviors, beliefs or value systems or to forecast student outcomes
 - b. Personal information about the student, the student's family or the student's household including:
 - i. Critical appraisals of another person the student has a close relationship with
 - ii. Gun or ammunition ownership
 - iii. Illegal, antisocial, self-incriminating or demeaning behavior
 - iv. Income or other financial information
 - v. Legally recognized privileged or analogous relationships
 - vi. Medical history or information
 - vii. Mental health history or information
 - viii. Political affiliations, opinions or beliefs
 - ix. Biometric information
 - x. Quality of home interpersonal relationships
 - xi. Religious practices, affiliations or beliefs
 - xii. Self-sufficiency
 - xiii. Sexual behavior or attitudes
 - xiv. Voting history
2. Limits a parent's written informed consent to the specific assessment or survey in the official written notice from the school district or charter school.
3. Requires consent only from the student, if the student is over 18.
4. Prohibits school districts, charter schools, schools, teachers or other school employees from assessing or surveying students or collecting student data on specified items without obtaining written informed consent from the parent.
5. States that schools, school districts, charter schools, teachers or school employees are not permitted or denied the ability to assess or survey students or collect student data.

6. Requires all applicable assessments and surveys to be approved and authorized by the school, school district or charter school.
7. Determines a school, school district or charter school to be liable for violations and subject to penalties and permits injured persons to commence civil action in superior court.
8. Prohibits teachers or school employees from administering applicable surveys or assessments without written authorization from the school, school district or charter school.
9. Determines teachers to be personally liable for violations and subject to penalties.
10. Determines teachers or other employees who administer an applicable assessment or survey through a substitute teacher, paraprofessional or other school employee without written authorization from the school, school district or charter school to be responsible for violations and permits injured persons to commence civil action in superior court.
11. Applies requirements to all applicable assessments and surveys regardless of the stated purpose or quantity of questions that solicit applicable data, including assessments or surveys that question beliefs or practices in sex, morality or religion, sex education, sexuality, written digital or verbal assessments or any other method of assessment or data collection and national, state or multistate assessments or surveys.
12. Exempts private schools, mental health screenings, assignments that do not become part of a student's record and classroom instruction and discussion on subjects within the purview of the course, excluding topics prohibited without parental notification and consent, if the student's statements do not become a part of the student's educational record.
13. States that teachers or school employees are not permitted or denied the authority to discuss applicable information with students or give assignments relating to applicable matters.
14. Prohibits penalties from being imposed on a student or a parent that does not participate in applicable assessments or surveys.
15. Prohibits participation in an applicable assessment or survey from being required to:
 - a. Demonstrate that a student has met competency requirements for any grade level, course or subject
 - b. Qualify for placement into any grade level, course or subject including college or university placement tests
 - c. Promote a student to the next grade
 - d. Receive credit for any course or as part of a letter grade
 - e. Graduate from high school
 - f. Obtain a high school equivalency diploma
 - g. Participate in any course, program or activity offered to students who participate in the applicable assessment or survey
16. Allows a parent to elect in writing for their student to participate in applicable assessments or surveys.
17. Permits a parent to not respond to a written notice provided by the school district or charter school and determines those parents to have not consented to the assessment or survey.
18. Requires schools, school districts and charter schools to provide an alternative educational activity for students whose parents do not consent to participation in an applicable assessment or survey.
19. Requires students participating in alternative educational activities to be counted towards attendance and Average Daily Membership and prohibits those students from being counted absent.
20. Prohibits applicable assessment or survey responses from being included:
 - a. As part of a school academic performance indicator or similar rating system
 - b. In the Education Learning and Accountability System or similar system
 - c. In the Student Accountability Information System or similar system
 - d. In any school rating system
21. Prohibits penalties or rewards for teachers, administrators, school employees, schools, school districts or charter schools based on the student participation rate in applicable assessments or surveys.
22. Requires parents, on request, to be provided free of charge, the conducted assessment or survey including the questions asked, student's answers, directions given to the student and other supplementary materials used to administer and evaluate the student's assessment or survey.
23. Requires applicable assessments to be available for parental review after the results have been posted or within 120 days after the administration of the assessment or survey, whichever occurs first.

24. Directs schools, school districts and charter schools to comply with parental requests within 45 days after the request is submitted.
25. Directs the Superintendent of Public Instruction to implement procedures to carry out the parental request procedures.
26. Requires written notice by school districts and charter schools to be printed in at least 10 point font and:
 - a. Include the name of the school, school district or charter school that approved the assessment or survey, the name of the assessment or survey, the dates of administration, the method of collecting data, a statement of whether the collected data will be electronically transmitted from the computer or the location of administration, the approximate time the assessment will be administered for, the type of data collected, the reasons for data collection and a statement that the parent's written informed consent is limited to the specific assessment or survey referenced in the notice.
 - b. Require on the right side of the paper the parent's initials to affirmatively acknowledge:
 - i. Participation is voluntary and written parental consent required before the student participates in the assessment or survey
 - ii. Students who do not participate will be provided an alternative educational activity
 - iii. Penalties will not be imposed against students or parents who do not participate
 - iv. Parents may request and be provided free of charge any data collected from the student
 - v. The procedure by which the parent may request and be provided the data collected from the student
 - vi. Whether the student's personally identifiable data will be aggregated by the removal of the student's personally identifiable information
 - vii. The names of the federal and state agencies, institutions and third parties that have access to collected data, whether the parties will keep the data private or share it with other parties and whether the parties will destroy the data when the student is no longer serviced by the school, school district or charter school or when the student reaches 18
 - c. Require and clearly provide space for the student's and parent's names, the parent's signature and the date of the signature.
 - d. Be invalid without all required information on the notice.
 - e. Be retained in physical or electronic form by the school district or charter schools for two years following the date of the assessment or survey.
27. Determines any school, school district or charter school that fails to comply with any requirements to be liable for the following damages to the injured party for individual action:
 - a. For the first violation, at least \$500 plus the costs of the action and reasonable attorney fees
 - b. For the second violation involving the same student, at least \$2,500 plus the costs of the action and reasonable attorney fees
 - c. For a third or subsequent violation involving the same student, at least \$10,000 plus the costs of the action and reasonable attorney fees
28. Permits the court or jury to award punitive damages in addition to prescribed penalties.
29. Determines each violation to be considered a separate violation if it involves a different assessment or survey or a different version or administration of the same assessment or survey.
30. Permits the injured party to commence civil action in superior court or request the Attorney General (AG) to commence civil action on their behalf.
31. Requires the AG to respond within 30 days of a request to commence civil action.
 - a. Permits an injured party to proceed with civil action if the AG denies the request for representation.
32. Requires the proceeds from monetary awards to be paid to the injured party.
33. Requires damages to be assessed and paid in the case of an admission of guilt or a settlement before a formal conviction of a first or second violation.
34. Determines teachers or other employees who fail to comply with requirements to be liable for the following amounts in an individual action:
 - a. For the first violation, \$100 plus the costs of the action and reasonable attorney fees
 - b. For the second violation, \$250 plus the costs of the action and reasonable attorney fees
35. Requires, on conviction of a second violation, by a teacher or school employee, the clerk of superior court to notify the Arizona State Board of Education (SBE).
 - a. Directs SBE to declare the teacher or employee guilty of unprofessional conduct and permanently revoke the teacher's certificate.
 - b. Requires the teacher or employee to be terminated from employment and prohibited from future state employment.

36. Permits the court or jury to award punitive damages in addition to prescribed penalties.
37. Determines conviction of a violation involving one or more incidents to be considered a second violation if the subsequent incidents occur after the teacher or employee has been found guilty of a first violation or damages have been awarded.
38. Permits the injured party to commence civil action in superior court or request the AG to commence civil action on their behalf.
39. Requires the AG to respond within 30 days of a request to commence civil action.
 - a. Permits an injured party to proceed with civil action if the AG denies the request for representation.
40. Requires the proceeds from judicial awards to go to the injured party.
41. Requires damages and penalties to be assessed and paid in the case of an admission of guilt or a settlement before a formal conviction of a first or second violation.
42. Prohibits any statute, rule, regulation, legal opinion or case law from precluding criminal prosecution of a teacher or employee who is guilty of violating requirements.
43. Determines that the requirements do not preclude multiple individual actions, concurrently or otherwise, against the same teacher or employee.
44. Defines terms.
45. Permits this act to be cited as the "Pupil and Teacher Protection Act."

AMENDMENTS IN EDUCATION COMMITTEE

1. Removes assessments from the prohibition.
2. Removes the prohibition on student psychological data.
3. Specifies that the prohibition applies to surveys that become part of the student's permanent education record.
4. Deletes the authority for students over 18 years to provide consent.
5. Removes the stipulation that this Act does not permit or deny the authority to assess or survey students.
6. Deletes the requirement for teachers or other employees to be personally liable for violations and subject to penalties.
7. Removes language regarding surveys that question beliefs or practices in sex, morality or religion.
8. Exempts the identification or programming for children with disabilities or gifted pupils from survey requirements.
9. Removes the stipulation that teachers or employees are not permitted or denied the ability to discuss with students.
10. Removes language allowing parents to request and be provided free of charge, any applicable survey.
11. Reduces the penalties to a school, school district or charter school for violations to the following:
 - a. For a first violation, from \$500 to \$250.
 - b. For a second violation, from \$2,500 to \$500.
 - c. For a third or subsequent violations, from \$10,000 to \$1,000.
12. Requires written notice to be in twelve-point font rather than ten-point.
13. Requires the notice to include whether the personally identifiable information will be anonymous and de-identified.
14. Requires school districts, charter schools and schools to have the opportunity to cure a failure to comply within a reasonable time period and without penalty.
15. Modifies definitions.
16. Prohibits student level nontest data from inclusion in longitudinal, student level data unless approved in a public SBE meeting.
17. Requires SBE to ensure that adopted tests only collect types of nontest data that are approved by SBE in a public meeting and posted on the website.
18. Requires SBE to post in a prominent position on the home page of the website a link to nontest indicators.
 - a. Requires the web page to state the types of data collected, the reasons for collection and the entities with which the data is shared.
19. Requires Arizona Department of Education (ADE) contracts to state the date that student data is to be returned to ADE and destroyed by a third-party contractor.
 - a. Prohibits the contractor from sharing, selling or using student data in any way not stated in the contract with ADE.

- b. Requires the contractor to certify under oath that the student data has been destroyed.
 - c. Determines the contractor to be liable for violations.
20. Determines third-party assessment contractors to assume all responsibility for any violation of law, whether intentional, unintentional or associated with any instrument offered by the contractor.
21. Requires contracts entered into between SBE or ADE and the contractor to specify:
- a. The types of students level nontest data collected.
 - b. The date the data will be delivered to SBE or ADE and destroyed by the contractor.
 - i. Requires the date to be within 180 days after the collection of the data.
22. Prohibits contractors from:
- a. Soliciting or collecting nontest data unless the data is approved by SBE and posted on the website.
 - b. Using student data for research or any other purpose not in the contract during the time the contractor possesses the data.
 - c. Selling student data.
 - d. Keeping or storing data after the contractual date of return.
23. Determines contractors who fail to comply with requirements to be liable for at least the following damages, plus the costs of action and reasonable attorney fees:
- a. For the first violation, \$250.
 - b. For the second violation involving the same student, \$500.
 - c. For the third or subsequent violation involving the same student, \$1,000.
24. Permits the court or jury to award punitive damages.
25. Determines each violation to be separated if it involves a different contract or administration of an assessment.
26. Permits injured persons to commence civil action in superior court or request the Attorney General to commence action on their behalf.
- a. Requires requests to be responded to within 30 days.
 - b. Permits the injured part to proceed with action of the request is denied.
27. Requires the proceeds from monetary awards to be paid to the injured person.
28. Directs damages to be assessed and paid in the case of an admission of guilt or a settlement before conviction of a first or second violation.

CURRENT LAW

[A.R.S. § 15-102](#) requires governing boards, in consultation with parents, teachers and administrators, to develop and adopt policies regarding parental involvement in school. Included in those policies are requirements to adopt procedures to allow parents who object to learning material or activities due to harmful material to withdraw their children from the activity, procedures for parents to learn about and review the course of study and supplemental educational materials and procedures for parents to learn about their rights and responsibilities under the laws of the state.



HOUSE OF REPRESENTATIVES

HB 2548

postsecondary campuses; public forums; activities
Prime Sponsor: Representative Boyer, LD 20

DPA/SE Committee on Education

X Caucus and COW

House Engrossed

PROPOSED STRIKE-EVERYTHING AMENDMENT OVERVIEW

The proposed strike-everything amendment to HB 2548 prescribes penalties for a university or community college unlawfully restricting a student's right to speak.

PROVISIONS

1. Specifies that a *public forum* includes both a traditional public forum and a designated public forum.
2. Permits the Attorney General or a person whose expressive rights were violated to bring action in a court of competent jurisdiction for violations of statutory public postsecondary institution free speech requirements.
 - a. Specifies that actions brought are to enjoin violations or recover compensatory damages, reasonable court costs and reasonable attorney fees.
3. Requires the court, on a finding of a violation, to award the aggrieved person at least \$500 for the initial violation and \$50 per day the violation remains ongoing, plus reasonable court costs and attorney fees.
4. Requires action to be brought within one year of the cause of action.
 - a. Determines each day the violation persists or the policy in violation remains to constitute a new violation and is considered a day that the cause of action has accrued.
5. Makes technical changes.

CURRENT LAW

The strike-everything amendment was adopted.

CURRENT LAW

Universities and community colleges are prohibited from restricting a student's right to speak, including holding a sign or distributing materials, in a public forum ([A.R.S. § 15-1864](#)). The only circumstances in which a public postsecondary institution may restrict a student's speech in a public forum is if the restriction is both in furtherance of a compelling governmental interest and is the least restrictive means of furthering the compelling governmental interest.

A *public forum* is defined in [A.R.S. § 15-1861](#) to include any open, outdoor area on the campus of a university or community college and any facilities, buildings or parts of buildings that have been opened to students or student organizations for expression.



HOUSE OF REPRESENTATIVES

HB 2551

schools; bonds; overrides; funding sources

Prime Sponsor: Representative Lawrence, LD 23

W/D Committee on Elections

DPA Committee on Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2551 requires school district bond and override election informational materials to include a statement of the total amount of per pupil funding received by a school district.

PROVISIONS

1. Requires school district budget override election informational reports and bond election publicity pamphlets to include the total amount of funds the school district received from state, local and federal funding sources per pupil for the Fiscal Year as reported in the Superintendent of Public Instruction's annual report.
2. Makes technical changes.

AMENDMENTS IN EDUCATION COMMITTEE

1. Allows a school district governing board to provide any additional per pupil expenditure or revenue information in the pamphlets or reports
2. Specifies the document to be used to determine per pupil expenditure information.
3. Removes the prohibition on the county school superintendent reviewing and correcting written arguments in override information reports that are statements of opinion.
4. Requires any person submitting an argument for an override information report to sign a sworn statement confirming their identity.
5. Permits a county school superintendent to remove and replace arguments from an override information report if the identity of the submitter is determined to be false and the county school superintendent provides notice to the submitter.

CURRENT LAW

[A.R.S. § 15-481](#) requires a school district governing board to order an override election if a proposed school district budget exceeds the aggregate limit for the budget year. Within 40 days of the election, the county school superintendent is required to prepare and provide an informational report on the proposed increase to the budget to the voters within the school district which includes:

- The total amount of the current year's budget, the total amount of the proposed budget and the total amount of the alternate budget.
- The length of time of the override and the percent of the school district's Revenue Control Limit that the district is requesting.
- The total amount of revenues to fund the increase that derives from a property tax levy in the school district.
- The dollar amount and purpose for the proposed budget increase.
- At least two arguments, if submitted, for an against the proposed increase.

County school superintendents are required to review all factual statements contained in the submitted written arguments and correct any inaccurate statements of fact, however the superintendent is prohibited from reviewing and correcting any portion of the written arguments that are statements of opinion.

[A.R.S. § 15-491](#) outlines the procedures for a school district bond initiative. The school district governing board or the voters are authorized to call for an election to locate or change the location of school buildings, purchase or sell school sites or buildings or to build school buildings. Within 35 days of the election, the school district governing board is required to provide a publicity pamphlet to the voters that includes:

- A summary of the school district's most recent submitted capital plan.

- A list of each proposed capital improvement that will be funded with bond proceeds.
- A description of the proposed cost of each improvement.
- The tax rate associated with each of the proposed capital improvements.



HOUSE OF REPRESENTATIVES

HB 2620

education; certification renewal fees

Prime Sponsor: Representative Coleman, LD 16

DP Committee on Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2620 eliminates the fee amount that the State Board of Education (SBE) may charge for specified items.

PROVISIONS

1. Eliminates the statutory dollar amount that SBE may charge for the renewal of any certificate, name changes, duplicates or changes of coding to existing files or certificates.
2. Specifies that SBE may fix and collect fees for the evaluation of certificates, name changes, duplicates or changes of coding to existing files or certificates.
3. Makes technical changes.

CURRENT LAW

[A.R.S. § 15-531](#) permits SBE to fix and collect the following fees:

- a. For the issuance and evaluation of teaching, administrative or other subject certificates, between \$20 and \$30.
- b. For the renewal of any certificate, name changes, duplicates or changes of coding to existing files or certificates, between \$10 and \$20.
- c. For the administration and evaluation of the Constitutions of the United States and Arizona exam, no more than the fees assessed by the test publisher.
- d. For the administration and evaluation for the proficiency exam for teaching certificate applicants, no more than the fees assessed by the test publisher.

When collecting the fees described above, the Arizona Department of Education (ADE) may impose convenience fees on a per transaction basis for debit, credit or other electronic payments. ADE is also required to continue to except payments that are not subject to a convenience fee.



HOUSE OF REPRESENTATIVES

HB 2325

environment; water quality amendments

Prime Sponsor: Representative Pratt, LD 8

DP Committee on Energy, Environment and Natural Resources

X Caucus and COW

House Engrossed

OVERVIEW

HB 2325 requires fees collected for wastewater and drinking water operator certification to be deposited in the Water Quality Fee Fund and conforms statute to federal law relating to the allowable lead content in pipes and plumbing fixtures.

PROVISIONS

1. Requires fees collected for wastewater and drinking water operator certification to be deposited in the Water Quality Fee Fund (Fund).
 - a. Adds that monies in the Fund are to be used for operator certification, in addition to other statutory uses.
2. Changes the allowable lead content for pipes and pipe fittings, including plumbing fittings and fixtures, to a weighted average of .25%.
 - a. Exempts pipes and plumbing fixtures used for water that is not anticipated for human consumption, as well as other specified products, from the lead content requirement.
3. Provides the calculation formula for determining the weighted average lead content of pipes and plumbing fixtures.
4. Makes technical and conforming changes.

CURRENT LAW

Lead Content

The Reduction of Lead in Drinking Water Act ([P.L. 111-380](#)), enacted on January 4, 2011, amended the Safe Drinking Water Act by reducing the allowable lead content in pipes and plumbing fixtures used for drinking water from 8% to a weighted average of .25% and exempted pipes and plumbing fixtures used for water that is not intended to be used for human consumption, as well other specified products, from the lead content requirement. The law became effective on January 4, 2014, which prohibited the sale and installation of any products not in compliance with the .25% lead limit, unless otherwise exempted from the prohibition.

Current statute caps the allowable lead content for pipes and pipe fittings at 8% (A.R.S. § [49-353](#)).

Operator Certification Fees

Current statute requires wastewater and drinking water operator certification fees collected to be deposited in the General Fund (A.R.S. § [49-352](#), § [49-361](#)).



HOUSE OF REPRESENTATIVES

HB 2585

national monuments; justification; litigation

Prime Sponsor: Representative Thorpe, LD 6

DP Committee on Federalism and States' Rights

X Caucus and COW

House Engrossed

OVERVIEW

HB 2585 requires the Historical Advisory Commission (Commission) to maintain a catalog of each existing or newly created national monument in the state.

PROVISIONS

1. Requires the Commission to maintain a catalog of each existing or newly created national monument in the state with the following information:
 - a. A detailed accounting of each individual item to be protected;
 - b. The precise global positioning system location of each item to be protected;
 - c. The square footage each item to be protected;
 - d. The total square footage of the parcel of land comprising the national monument;
 - e. A peer-reviewed justification for the protection of the object by the federal government.
2. Specifies that the Commission is required to determine whether the limits of a parcel comprising a national monument in this State are confined to the smallest area compatible with the proper care and management of the objects to be protected by the national monument.
3. Requires the Commission to notify the Attorney General if the Commission determines that the limits of a parcel comprising a national monument in this State are not confined to the smallest area compatible with the proper care and management of the objects to be protected by the national monument.
4. Requires the Attorney General to commence an action to confine the limits of the parcel comprising the national monument to the smallest area compatible with the proper care and management of the objects to be protected by the national monument on the receipt of the notice from the Commission.

CURRENT LAW

[Arizona Revised Statutes, Title 41, Chapter 1, Article 2.1](#) provides that the Commission has the responsibility to advise the Legislature and state agencies on matters relating to the state's history and historic preservation. Additionally, the Commission recommends measures to the Legislature and state agencies to improve the effectiveness of activities of state agencies and agencies of political subdivisions of this State to relating the interpretation, research, writing and teaching of this state's history, heritage and historic preservation, including the Indian nations' history, heritage and preservation.



HOUSE OF REPRESENTATIVES

HB 2100

state agency reports; electronic submission

Prime Sponsor: Representative Allen J, LD 15

DP Committee on Government and Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2100 allows state government to submit all statutorily required reports (reports) and budget estimates electronically.

PROVISIONS

1. Allows state government to submit all reports and budget estimates electronically.
2. Requires state government to:
 - a. post all reports and budget estimates on the state government website; and
 - b. consult with the Secretary of State to ensure the Arizona State Library Archives and Public Records (ASLAPR) receives an adequate number of copies in an agreed upon format.

CURRENT LAW

ASLAPR is the central depository of all official books, records and documents not in current use of the state officers and departments. The state archives must be carefully kept and preserved, classified, catalogued and made available for inspection under the rules the director adopts ([A.R.S. § 41-151.09](#)).

State government is defined as any department, commission, board, institution or other agency of the state organization receiving, expending or disbursing state funds or incurring obligations against the state ([A.R.S. § 41-4601](#)).



HOUSE OF REPRESENTATIVES

HB 2178

Arizona silver-haired legislature

Prime Sponsor: Representative Gabaldón, LD 2

DP Committee on Government and Higher Education

DPA Committee on Appropriations

X Caucus and COW

House Engrossed

OVERVIEW

HB 2178 establishes the Arizona Silver-Haired Legislature (Legislature) and appropriates \$60,000 from the state General Fund (GF) to the Legislature in Fiscal Year (FY) 2017.

PROVISIONS

1. Establishes the Legislature consisting of a nonpartisan panel of elected citizens who are at least 60 years of age and who are elected by their peers.
2. Appropriates \$60,000 from the state GF to the Legislature in FY 2017.
3. Exempts the appropriation from lapsing.
4. Requires the Legislature to:
 - a. identify various issues and concerns affecting all Arizona citizens;
 - b. provide seniors with a valuable forum to discuss policy alternatives and possible solutions while acknowledging limitations imposed by budget constraints, tax implications and fiscal impacts;
 - c. demonstrate the benefits of direct participation in the legislative process while fostering a better understanding and awareness of legislative procedure among individuals of all ages;
 - d. promote effective government;
 - e. actively seek private funding and corporate sponsorship; and
 - f. annually submit recommendations to the Governor, President of the Senate (President) and Speaker of the House of Representatives (Speaker).
5. Allows the President and the Speaker to present issues to the Legislature for deliberation.
6. Terminates the Legislature on July 1, 2024.

AMENDMENT IN APPROPRIATIONS COMMITTEE

Removes the \$60,000 appropriation.

CURRENT LAW

Not currently addressed in statute.



HOUSE OF REPRESENTATIVES

HB 2217

water protection; technical correction

Prime Sponsor: Representative Kern, LD 20

DPA/SE Committee on Government and Higher Education

X Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The proposed strike-everything amendment to HB 2217 outlines procedures involving the use of an investigator in legal decision-making and parenting time.

PROVISIONS

1. Requires the court to:
 - a. give primary preference in selecting an investigator to people, companies or organizations whose services are covered by the parties' insurance; and
 - b. make findings of fact as to the ability of the parties to pay the fees of the investigation.
2. Prohibits the court from:
 - a. requiring a party to pay more than 70% of the investigator's fees without first finding clear and convincing evidence that the party acted in bad faith;
 - b. granting powers to the instigator beyond those prescribed by statute;
 - c. issuing orders that abridges any party's access to the court; and
 - d. entering an order that abridges any party's due process rights.
3. Permits the court to authorize the appointed investigator to bill up to four hours, except by stipulation of the parties in writing and additional hours in increments of up to four hours or the number of hours stipulated by the parties in writing.
4. Requires the court, before authorizing additional hours, to hold a hearing and make findings of fact on the following:
 - a. the tangible results of the investigator to date;
 - b. the specific needs of the court that require additional time; and
 - c. the ability of each party to pay the appointment of additional billable hours.
5. Requires the court to state all relevant legal sources of authority in making a finding or issuing a ruling.
6. Stipulates that an investigator must:
 - a. record all meetings, interviews or other activities; and
 - b. provide the parties, or their respective counsel, a copy of any recording within two business days.
7. States that any reports made by an investigator must include evidence to support any statements of fact, opinions, conclusions or recommendations and prohibits the court from giving weight to any statement not supported by evidence.
8. Declares that the investigator's activities, except for clinical and reporting functions, are not protected by immunity.
9. Allows the parties to record any meeting, interview or other activities involving the party and the investigator and declares this right may not be revoked or stipulated away.
10. Requires the court to forward a written complaint by any party to a martial and domestic action alleging a [criminal code](#) violation to the appropriate law enforcement agency for investigation.

AMENDMENTS IN GOVERNMENT AND HIGHER EDUCATION

Adopted the strike-everything amendment.

CURRENT LAW

In contested [legal decision-making](#), parenting time proceedings and in other custody proceedings if a parent or the child's custodian so requests, the court may order an investigation and report concerning legal decision-making or parenting time arrangements for the child. The investigation and report may be made by the court social service agency, the staff of the juvenile court, the local probation or welfare department or a private person. The report must include a written affirmation that the person completing the report has met the prescribed training requirements. If an investigation and report are ordered or if the court appoints a family court advisor the court must allocate the cost based in the financial circumstances of both parties. The investigator may consult any person who may have information about the child or the child's potential legal decision-making and parenting time arrangements in preparing the report. The court is required to mail the investigator's report to counsel at least 10 days before the hearing and make available the names and addresses of all persons whom the investigated consulted. Any party to the proceeding is permitted to call for examination of the investigator and any person consulted by the investigator ([A.R.S. § 25-406](#)).



HOUSE OF REPRESENTATIVES

HB 2390

vocational program license; yoga exemption

Prime Sponsor: Representative Thorpe, LD 6

DP Committee on Government and Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2390 exempts a yoga teacher training and instructional course or program from the requirement to obtain a Private Vocational Program License (License).

PROVISIONS

1. Exempts a yoga teacher training and instructional course or program from the State Board for Private Postsecondary Education (Board) requirement to meet various qualifications for a License.

CURRENT LAW

A person is prohibited from operating a Private Vocational Program unless the person holds a License authorized by the Board. An applicant for a License must meet all of the following requirements: 1) furnish a letter of credit, surety bond or cash deposit; 2) make specific information concerning educational programs available to prospective students and the general public; 3) be financially responsible and have management capability; 4) maintain qualified facilities, equipment and materials appropriate for the stated program that meet applicable state and local health and safety laws; 5) maintain appropriate records as the Board prescribes; 6) use only advertisements consistent with the information made available; 7) provide courses of instruction that meet stated objectives and a grievance procedure for students; 8) comply with all federal and state laws relating to the operation of a private postsecondary educational institution; and 9) other requirements the Board deems necessary ([A.R.S. § 32-3021](#)).

Private vocational program is defined as an instructional program that includes a course or group of courses that: 1) a student does not earn a degree; 2) is designed to provide or is advertised as providing a student with sufficient skills for entry into a paid occupation; and 3) is not conducted solely by a public school, public community college or public university ([A.R.S. § 32-3001](#)).



HOUSE OF REPRESENTATIVES

HB 2565

sanitary districts; rejection of bids

Prime Sponsor: Representative Gowan, LD 14

DP Committee on Government and Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2565 increases the number of days a sanitary district board of directors (board) has to deny proposed contracts.

PROVISIONS

1. Extends the timeframe the board has to order a proposed contract not be entered into from 10 to 30 days after the time fixed for opening bids.

CURRENT LAW

The board is required to publish the notice of the passage of the resolution ordering the improvement and inviting sealed bids from persons interested in constructing the improvement twice in one or more daily newspapers or once in a weekly or semiweekly newspaper of general circulation in the county ([A.R.S. § 48-2049](#)). The board is required, in open session, to examine and publicly declare the bids. The board may reject any bids if deemed for the public good and must reject all bids other than the lowest and best bid of a responsible bidder. Notice of the contract awarded must be published twice in one or more daily newspapers or once in a weekly or semiweekly newspaper of general circulation in the county. Within 20 days after the date of the first publication, if no objections have been filed, the successful bidder must enter into a contract to make the improvement according to the bid ([A.R.S. § 48-2052](#)).

The board may, within 10 days after the time fixed for opening bids and by resolution adopted by a vote of two-thirds of its members, order that the proposed contract not be entered into and that the sanitary district perform the *work* themselves. The district is prohibited from assessing an amount in excess of the amount proposed by the lowest responsible bidder or in excess of the estimate if no bids have been received ([A.R.S. § 48-2053](#)).



HOUSE OF REPRESENTATIVES

HB 2600

technical correction; double punishment
Prime Sponsor: Representative Shope, LD 8

DPA/SE Committee on Government and Higher Education

X Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The proposed strike-everything amendment to HB 2600 repeals specified state boards and committees.

PROVISIONS

1. Repeals the following:
 - a. the Citizens Transportation Oversight Committee;
 - b. the Advisory Board of the Arizona State Library, Archives and Public Records;
 - c. the Arizona State Parks Board;
 - i. transfers power to the Arizona State Parks Director;
 - d. the State Wildland-Urban Fire Safety Committee; and
 - e. the Water Quality Assurance Revolving Fund Advisory Board.
2. Directs Legislative Council to prepare proposed conforming legislation for consideration in the Fifty-third Legislature, First Regular Session.
3. Makes technical and conforming changes.

AMENDMENTS IN GOVERNMENT AND HIGHER EDUCATION COMMITTEE

1. Adopted the strike-everything amendment.
2. Transfers powers and duties of the State Wildland-Urban Fire Safety Committee to the State Forester.
3. Makes technical and conforming changes.

CURRENT LAW

Citizens Transportation Oversight Committee

The 3-member Committee facilitates citizen involvement in the decision-making process for planning and construction of freeways, arterial streets and transit improvements funded by the one-half cent sales tax in Maricopa County and in the Maricopa Association of Governments Regional Transportation Plan ([A.R.S. § 28-6356](#)). The Arizona Department of Transportation provides administrative support ([A.R.S. § 28-6357](#)).

Advisory Board of the Arizona State Library, Archives and Public Records

The 11-member Board advises the Arizona Secretary of State in the supervision of the State Library ([A.R.S. § 41-151.02](#)).

Arizona State Parks Board

The 7-member Board selects, acquires, preserves, establishes and maintains areas of natural features, scenic beauty, historical and scientific interest, zoos and botanical gardens, for the education, pleasure, recreation and health of the people ([A.R.S. § 41-511](#) et al). The Board is set to terminate on July 1, 2023 ([A.R.S. § 41-3023.06](#)).

State Wildland-Urban Fire Safety Committee

The 12-member Committee must develop recommendations for minimum standards for: 1) safeguarding life and property from wildland fire and fire hazards; 2) preventing wildland fires and alleviation of fire hazards; 3) storage, sale, distribution and use of dangerous chemicals, combustibles, flammable liquids, explosives and radioactive materials in wildland-urban interface areas; 4) fire evacuation routes and community alert systems; 5) the creation of defensible spaces in and around wildland-urban interface areas as authorized by existing county and municipal laws and ordinances; 6) the application of adaptive management practices to use in monitoring data from treatment programs to assess the effectiveness of those programs in meeting forest health objectives; and 7) other matters relating to wildland-urban fire prevention and control deemed necessary ([A.R.S. § 41-2148](#)).

Water Quality Assurance Revolving Fund Advisory Board

The 17-member Board is required to meet at least quarterly to evaluate the overall effectiveness of the remedial action including: 1) the prioritization of sites; 2) the selection of remedies and their effectiveness; 3) the allocation process; 4) the pace of remedial actions; 5) the adequacy of funding provided for remedial actions and agency responsibilities at current and future sites, including the need for additional funding to account for inflation; 6) the criteria and processes for settlements; 7) the effectiveness of early settlement incentives; 8) the effectiveness of disincentives for parties not willing to participate in the allocation process; 9) the level of coordination between the department of environmental quality and the department of water resources; 10) the effectiveness of incentives to encourage beneficial use of remediated water; 11) the well inspection and cross-contamination prevention program; 12) the pace of rulemaking by the Arizona Department of environmental Quality; 13) the participation of the department of water resources and other state agencies; and 14) any other aspects deemed relevant ([A.R.S. § 49-289.04](#)).



HOUSE OF REPRESENTATIVES

HB 2610

Indian nations; tribes; legislative day

Prime Sponsor: Representative Mesnard, LD 17

DP Committee on Government and Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2610 modifies the date of the annual Indian Nations and Tribes Legislative Day.

PROVISIONS

1. Specifies the Wednesday of the first week of each Regular Legislative Session as Indian Nations and Tribes Legislative Day.

CURRENT LAW

The Arizona Commission of Indian Affairs (Commission) in cooperation with representatives from Arizona's Indian Nations must annually facilitate an Indian Nations and Tribes Legislative Day on the Tuesday of the second week of each Regular Legislative Session. The commission is required to: 1) invite the Legislature, Governor and other elected officials to pay tribute to the history and culture of the American Indian peoples and their contributions to the prosperity and cultural diversity of the U.S.; and 2) schedule activities and discussions between state and Indian Nations and tribal leaders on issues in which there is a common interest or jurisdiction. Indian Nations and Tribes Legislative Day is not a legal holiday ([A.R.S. § 41-544](#)).



HOUSE OF REPRESENTATIVES

HB 2615

campuses; free speech zone; prohibition

Prime Sponsor: Representative Kern, LD 20

DP Committee on Government and Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2615 prohibits the designation of any area on a community college or university as a free speech zone.

PROVISIONS

1. Prohibits a community college or university from designating any area on campus as a free speech zone.
2. Requires conversion of any free speech zone to a monument or memorial in existence on the effective date.

CURRENT LAW

A university or community college is prohibited from restricting a student's right to speak, including verbal speech, holding a sign or distributing fliers or other materials, in a public forum. The only circumstances in which a public postsecondary institution may restrict a student's speech in a public forum is if the restriction is both in furtherance of a compelling governmental interest and is the least restrictive means of furthering the compelling governmental interest ([A.R.S. § 15-1864](#)).

A *public forum* includes any open, outdoor area on the campus of a university or community college and any facilities, buildings or parts of buildings that have been opened to students or student organizations for expression ([A.R.S. § 15-1861](#)).



HOUSE OF REPRESENTATIVES

HB 2616

claims; public agency; independent adjuster
Prime Sponsor: Representative Kern, LD 20

DP Committee on Government and Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2616 requires a public officer or employee to recuse themselves from any claim in which they have a relationship with the person bringing the claim and directs public agencies to use a state-approved independent risk management claims adjuster (adjuster).

PROVISIONS

1. Requires any public officer or employee of a public agency to put into the official record any personal or professional relationship with a person who has substantial interest in any legal claim against the public agency.
2. Directs the public officer or employee to refrain from voting or participating in any manner in the legal claim.
3. Requires a public agency to use a state-approved adjuster concerning any legal claim filed by a public officer or employee.
4. Requires the adjuster to investigate the claim.
5. Allows the adjuster to negotiate a settlement of the claim.
6. States a public agency cannot adjust a claim settled by the adjuster unless the agency refers the adjustment to a vote at a special or general election.
7. Directs the Arizona Department of Administration to establish a list of state-approved adjusters.

CURRENT LAW

Any public officer or employee of a public agency who has or is related to a person with substantial interest in any contract, sale, purchase or service to such public agency must make known their interest in the official record and refrain from voting or participating in any manner concerning the issue ([A.R.S. § 38-503](#)). Any public officer or employee who intentionally violates this law is guilty of a Class 6 felony and forfeit their public office or employment ([A.R.S. § 38-510](#)). *Public agency* is defined in statute as all courts, departments, agencies, boards commissions, institutions, instrumentality or legislative or administrative body of the state, county, an incorporated town or city and any other political subdivision ([A.R.S. § 38-502](#)).



HOUSE OF REPRESENTATIVES

HB 2634

agencies; enrollment; educational programs

Prime Sponsor: Representative Farnsworth E, LD 12

DP Committee on Government and Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2634 is an emergency measure that prohibits an agency from limiting enrollment in any educational program of an institution of higher education.

PROVISIONS

1. Prohibits an agency from limiting enrollment in any educational program of an institution of higher education.
2. Defines [agency](#) as any board, commission, department, officer or other administrative unit whether created under the Arizona Constitution or by enactment of the Legislature but does not include the Arizona Board of Regents or any Community College District Board.
3. Contain an emergency clause.

CURRENT LAW

Not currently addressed in statute.



HOUSE OF REPRESENTATIVES

HB 2643

PSPRS; CORP; EORP; administration changes
Prime Sponsor: Representative Olson, LD 25

DPA Committee on Government and Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2643 clarifies the alternate contribution rate paid by the Public Safety Personnel Retirement System (PSPRS) or the Corrections Officer Retirement Plan (CORP) employer for retirees who return to work.

PROVISIONS

1. Specifies that the alternate contributions rate paid by a PSPRS or CORP employer on behalf of a retired member who returns to work is equal to the portion of the *individual employer's* total required contribution applied to the amortization of the unfunded actuarial accrued liability for the Fiscal Year (FY).
2. Stipulates that a member of PSPRS who retires having met all the qualifications for retirement and who subsequently becomes an elected official is not considered reemployed by the same employer.
3. Modifies member of a fire district local board by:
 - a. replacing the secretary-treasurer with the chairperson of the fire district governing board (board) or their designee; and
 - b. designating the chairperson of the board to appoint the two citizen members.

AMENDMENTS IN GOVERNMENT AND HIGHER EDUCATION

Specifies a member of CORP that retires and subsequently becomes elected is also not considered reemployed by the same employer.

CURRENT LAW

The alternate contributions rate paid by a PSPRS or CORP employer on behalf of a retired member who returns to work is equal to the portion of the total required contribution applied to the amortization of the unfunded actuarial accrued liability for the FY beginning July 1, based on the fund's actuary's calculation of the total required contribution for the preceding FY ending June 30. The alternate contribution rate must be applied to the compensation, gross salary or contract fee of a retired member. For PSPRS, the alternate contribution rate is prohibited from being less than 8% in any FY and for CORP, the alternative contribution rate is prohibited from being less than 6% in any FY (A.R.S. §§ [38-843.05](#) and [38-891.01](#)).

PSPRS and CORP are "agent multiple-employer" plans where employers pool assets for investment purposes but retain their own individual obligations (liabilities). Actual funded status and employer rates vary across the plan.

If a retired member becomes reemployed in any capacity by the employer from which the member retired before one year from the date of retirement or in the same position at any time following retirement the following apply, with exceptions: 1) within 10 days after the retired member is reemployed, the local board must advise the retirement system in writing of the reemployment; 2) the retirement system may not make pension payment during the period of reemployment; and 3) employee contributions may not be made on the retired member's account or any service be credited during the period of reemployment and the employer must pay the alternate contribution rate specified ([A.R.S. 38-849](#)).



HOUSE OF REPRESENTATIVES

HB 2647

technical correction; state facilities

Prime Sponsor: Representative Montenegro, LD 13

DP Committee on Government and Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2647 makes a technical correction relating to state facilities.

PROVISIONS

1. Makes technical changes.

CURRENT LAW

The Arizona Department of Administration (ADOA) has the following powers and duties relating to facilities planning and construction: 1) review all architectural, engineering and construction contracts before submission; 2) approve plans and specifications and changes thereof for all capital projects; 3) review and approve all progress payments on all major capital projects; and 4) make regular inspections during the course of construction ([A.R.S. § 41-791.01](#))



HOUSE OF REPRESENTATIVES

HB 2656

homeowners' associations; cumulative voting; prohibition
Prime Sponsor: Representative Clark, LD 24

DP Committee on Government and Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2656 prohibits a homeowners' association (HOA) from using cumulative voting.

PROVISIONS

1. Prohibits the use of cumulative voting by a condominium or planned communities' HOA.

CURRENT LAW

The condominium declaration must allocate a fraction or percentage of undivided interests in the common elements and in the common expenses, and a portion of the votes, to each unit and state the formulas used to establish those allocations. Additionally, the declaration may provide for cumulative voting only for the purpose of electing members of the board of directors ([A.R.S. § 33-1217](#)).

If the articles of incorporation or bylaws provide for cumulative voting, a member may cumulate their votes for directors by multiplying the number of votes the member is entitled to cast by the number of directors for whom they are entitled to vote and cast the product for a single candidate or distribute the product among two or more candidates ([A.R.S. § 10-3275](#)).

ADDITIONAL INFORMATION

According to the [U.S. Securities and Exchange Commission](#), *cumulative voting* allows shareholders to cast all of their votes for a single nominee for the board of directors when the company has multiple openings on its board.



HOUSE OF REPRESENTATIVES

HCR 2015

technical correction; illegal aliens

Prime Sponsor: Representative Thorpe, LD 6

DPA/SE Committee on Government and Higher Education

X Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The strike-everything amendment to HCR 2015 urges the support of the Members of the Legislature relating to federal monies.

PROVISIONS

1. Urges the Members of the Legislature to support of:
 - a. the restoration of fiscal sanity and sustainability through the reduction of the federal deficit; and
 - b. the reduction of Arizona's dependence on federal monies.

AMENDMENTS IN GOVERNMENT AND HIGHER EDUCATION COMMITTEE

Adopted the strike-everything amendment.

CURRENT LAW

Not currently addressed in statute.



HOUSE OF REPRESENTATIVES

HCR 2040

state monies; prohibited investments; terrorism

Prime Sponsor: Representative Montenegro, LD 13

DP Committee on Government and Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HCR 2040, upon voter approval, prohibits investment of state monies with another country's government designated by the U.S. Department of State (State Department) as a state sponsor of terrorism.

PROVISIONS

1. Prohibits Arizona, a public retirement system, a county, city, town or other political subdivision from contracting with or investing in any individual, partnership, corporation or other legal entity invested in or doing business with another country's government designated by the State Department as a state sponsor of terrorism on or after January 1, 2015.
2. Stipulates any contract or investment in effect that is in violation may not be renewed and must be cancelled or divested at the earliest prudent opportunity or by December 31, 2018.
3. Provides an exemption if both of the following occur:
 - a. the State Department removes the country's designation as a state sponsor of terrorism; and
 - b. a measure removing the prohibition is passed by the Legislature and approved by the Governor.
4. Requires the Secretary of State to submit this proposition to the voters at the next general election.

CURRENT LAW

Not currently addressed in statute.



HOUSE OF REPRESENTATIVES

HB 2357

AHCCCS; podiatry services

Prime Sponsor: Representative Carter, LD 15

DP Committee on Health

X Caucus and COW

House Engrossed

OVERVIEW

HB 2357 requires Arizona Health Care Cost Containment System (AHCCCS) contractors to provide benefit coverage for podiatry services that are performed by a licensed podiatrist and ordered by a primary care physician or primary care practitioner.

PROVISIONS

1. Requires AHCCCS contractors to provide benefit coverage for podiatry services performed by a licensed podiatrist and ordered by a primary care physician or primary care practitioner.
2. Repeals A.R.S. §36-2907 Version 1.
3. Removes language requiring AHCCCS to contract with the Department of Health Services (DHS) for the delivery of all medically necessary behavioral health services to persons who are eligible and amends to allow AHCCCS to act through the Regional Behavioral Health Authority.
4. Makes technical and conforming changes.

CURRENT LAW

A.R.S. §36-2907 outlines covered health and medical services provided by AHCCCS to AHCCCS recipients.



HOUSE OF REPRESENTATIVES

HB 2361

technical correction; state land; sale

Prime Sponsor: Representative Carter, LD 15

DPA/SE Committee on Health

X Caucus and COW

House Engrossed

SUMMARY OF PROPOSED STRIKE-EVERYTHING AMENDMENT TO HB 2361

The proposed strike-everything amendment to HB 2361 allows the Arizona Department of Health Services (ADHS) to adopt policies and procedures that include diabetes medical management plans for children with diabetes on the premises of a child care facility.

PROVISIONS

1. Permits ADHS to adopt policies and procedures that include diabetes medical management plans for children who have been diagnosed with diabetes by a health care professional to manage diabetes for those children on the premises of child care facilities as authorized by a child's primary health professional.
2. States that if ADHS adopts policies and procedures, the policies and procedures must authorize child care facilities to adopt policies and procedures to manage diabetes for children who attend a child care facility and to designate two or more employees of each child care facility to serve as voluntary diabetes care assistants.
3. Stipulates that the parent or guardian of a child who has been diagnosed with diabetes and who attends a child care facility must have final approval of the child's voluntary diabetes care assistants. Permits voluntary diabetes care assistants to administer insulin to a child or administer glucagon to a child in an emergency situation, or both, if all of the following apply:
 - a. The voluntary diabetes care assistant has provided to the child care facility a written statement signed by a health professional that the voluntary diabetes care assistant has received training in the administration of insulin and glucagon;
 - b. A health professional is not immediately available to attend to the child at the time of the emergency;
 - c. The voluntary diabetes care assistant is authorized to administer glucagon, the child's parent or guardian has provided the child care facility with an unexpired glucagon kit for the calendar year that is prescribed for that child by a health care professional; and
 - d. The voluntary diabetes care assistant is authorized to administer insulin, the child's parent or guardian has provided the child care facility with insulin and all equipment and supplies that are necessary for insulin administration.
4. The training provided by a health professional to voluntary diabetes care assistants must include all of the following:
 - a. An overview of all types of diabetes;
 - b. The symptoms and treatment of hyperglycemia and hypoglycemia;
 - c. Techniques for determining the proper dose of insulin in a specific situation based on instructions provided by the child's primary care health professional;
 - d. Techniques for recognizing the symptoms that require administration of glucagon; and
 - e. Techniques on administering glucagon.
5. States a child care facility may not subject an employee to any penalty or disciplinary action for the employee's refusal to serve as a voluntary diabetes care assistant.
6. Provides if a child care facility follows the policies and procedures adopted by ADHS, the employees and the owner of the child care facility are immune from civil liability with respect to the actions taken to adopt policies and procedures and all decisions made and actions taken that are based on good faith compliance with policies and procedures.
7. Specifies a child care facility and health professionals who provide training for voluntary diabetes care assistants are immune from civil liability for the consequences of the good faith adoption and implementation of policies and procedures.
8. Defines *health professional*.

Amendments

Committee on Health

1. The strike-everything amendment was adopted.

CURRENT LAW

A.R.S. § 15-344.01 allows a school district governing board or a charter school governing body to adopt policies and procedures for pupils diagnosed with diabetes to manage their diabetes in the classroom, on school grounds and at school sponsored activities. If a school district or charter school follows the policies and procedures adopted, the employees of the school district or charter school and the members of the school district governing board or charter school governing body are immune from civil liability with respect to all actions taken to adopt policies and procedures and all decisions made and actions taken that are based on good faith compliance with policies and procedures.

The school district governing board or the charter school governing body may adopt policies and procedures to designate two or more school employees to serve as voluntary diabetes care assistants. Voluntary care assistants are allowed to administer insulin, assist the pupil with self-administration of insulin, administer glucagon in an emergency situation to a pupil or perform a combination of these actions under specified conditions.



HOUSE OF REPRESENTATIVES

HB 2501

health regulatory boards; transfer; DHS

Prime Sponsor: Representative Carter, LD 15

DPA Committee on Health

X Caucus and COW

House Engrossed

OVERVIEW

HB 2501 specifies that the Arizona Department of Health Services (ADHS) succeeds to the administrative authority of specified health professional regulatory boards (Boards).

PROVISIONS

1. Specifies that ADHS succeeds to the administrative authority of the following Boards in the following fiscal years (FYs):
 - a. In FY 2017:
 - i. Acupuncture Board of Examiners;
 - ii. State Board of Dispensing Opticians;
 - iii. Board of Homeopathic and Integrated Medicine Examiners;
 - iv. Board of Occupational Therapy Examiners; and
 - v. Board of Respiratory Care Examiners.
 - b. In FY 2018:
 - i. State Board of Podiatry Examiners;
 - ii. Naturopathic Physicians Medical Board;
 - iii. State Board of Optometry;
 - iv. Board of Physical Therapy;
 - v. State Board of Chiropractic Examiners; and
 - vi. Medical Radiologic Technology Board of Examiners.
 - c. In FY 2019:
 - i. Arizona Board of Osteopathic Examiners in Medicine and Surgery;
 - ii. State Board of Dental Examiners; and
 - iii. Board of Behavioral Health Examiners.
 - d. In FY 2020:
 - i. Arizona Regulatory Board of Physician Assistants;
 - ii. Arizona State Board of Nursing; and
 - iii. Arizona Medical Board.
2. Beginning on the effective date of this section, a Board may not enter into any new contract or renew any existing contract without the approval of the Director of ADHS.
3. States this act does not alter the effect of any actions taken or impair the valid obligations of the Boards before July 1 of the respective FY.
4. Provides all administrative matters and contracts, whether completed, pending or in progress, of a Board on July 1 in the respective fiscal year are transferred to and retain the same status with ADHS.
5. Stipulates all certificates, licenses, registrations, permits and other indicia of qualifications and authority that were issued by a Board retain their validity for the duration of their terms of validity as provided by law.
6. States all tangible and intangible property and assets, all obligations and all data and investigative findings of the Boards are transferred to ADHS in the respective FY.

7. Specifies all personnel under the state personnel system who are employed by a Board are transferred in the respective FY to comparable positions and pay classifications in ADHS.
8. Defines *board*.
9. Contains a legislative intent clause.
10. Requires legislative council to prepare proposed legislation conforming the Arizona Revised Statutes to the provisions of this act for consideration by the legislature.

Amendments

Committee on Health

1. States before a Board files a proposed rule with the Governor's Regulatory Review Council, the Director must review the proposed rule. The Director may reject a proposed rule if the proposed rule either:
 - a. Would have a material anticompetitive effect and the proposed rule is not necessary to protect public health and safety, unless the proposed rule is required by law.
 - b. Would have a material anticompetitive effect and there is a less restrictive means available to protect public health and safety.
2. Permits the Director to review any final decision of a Board on request by any party, pursuant to administrative procedure within 15 days after the Board's final decision is made. The Director must complete the review of the final decision within 30 days and may overturn the decision if:
 - a. The decision would have a material anticompetitive effect and is not necessary to protect public health and safety, unless required by law; and
 - b. The decision would have a material anticompetitive effect and there is a less restrictive means available to protect public health and safety.
3. Provides that if the Director rejects a proposed rule or overturns a final decision of a Board, the Director must remand the decision back to the Board with a written explanation to the Board of the reasons supporting the decision.
4. States that if the Director fails to complete the review of the Boards' final decision within 30 days the decision of the Board stands.
5. Includes the Board of Athletic Training in FY 2017.
6. Delays the FY 2018 Boards until 2019, the 2019 Boards until 2020 and the 2020 Boards until 2021.
7. States beginning on the effective date of this section, a Board may not enter into any new contract or renew an existing contract *that extends beyond July 1 of the respective FY prescribed for that Board*, without the approval of the Director.
8. Provides that after wave one of the Board transfers, if there is a vacant staff position for an executive director for one of these Boards, the respective Board may recommend candidates for the position to the Director who must make the final decision on the replacement for the position. Each executive director serves at the pleasure of the Director and this section is repealed after December 31, 2019.
9. Requires ADHS to conduct a study on or before July 1, 2018 relating to the transfer of wave one. While ADHS is conducting the study, ADHS must hold at least one hearing to receive public comments. The study must address at least the following:
 - a. Individual and combined board staffing recommendations, including staffing levels and salaries;
 - b. The consolidation of administrative functions;
 - c. Areas in which greater efficiencies and cost-effectiveness may be realized; and
 - d. Possibilities for integrating procedures and practices among the Boards.
10. Stipulates ADHS must present a report of the study to the House Health and the Senate Health and Human Services Committee of Reference (COR) on or before September 1, 2018. The COR must make legislative recommendations regarding the continuing transfer of the Boards to ADHS and any necessary statutory changes. Repeals this section after December 31, 2018.
11. Mandates the Arizona Auditor General conduct a study to evaluate the structure, organization and operation of the Boards and make recommendations regarding Board processes that can be streamlined to benefit licensees and be more uniform among the Boards while protecting public health and safety. The study must include a comparison of at least the following:
 - a. Fees charged to persons who are regulated by each Board;
 - b. Fingerprinting requirements for licensees;
 - c. The licensing processes of the Board;
 - d. Disciplinary proceedings and the adjudication of licensees;
 - e. Investigative procedures;

- f. Policies, procedures and practices that could apply uniformly to the Boards;
 - g. Substance abuse programs for licensees; and
 - h. Streamlining the sunset review process of the Boards.
12. Requires the Auditor General to present a report of the study to the House Health and the Senate Health and Human Services Committee of Reference (COR) on or before September 1, 2018 and the COR must make legislative recommendations for any necessary statutory changes. Repeals this section from and after December 31, 2018.
13. Removes the provision for legislative council to prepare conforming legislation.
14. Makes technical and conforming changes.

CURRENT LAW

Title 32 contains the laws related to professions and occupations. Included therein are education and licensing requirements along with the regulatory provisions.



HOUSE OF REPRESENTATIVES

HB 2524

uniform firearms transfer compact

Prime Sponsor: Representative Thorpe, LD 6

DP Committee on Judiciary

X Caucus and COW

House Engrossed

OVERVIEW

HB 2524 enacts a Uniform Firearms Transfer Compact (Compact).

PROVISIONS

1. Enacts the Compact, which becomes effective once at least two states legislatively adopt the Compact. The Compact is comprised of five articles as follows:
 - a. Findings and Declaration of Policy
 - b. Definitions
 - c. Compact Membership and Withdrawal
 - d. Uniformity Requirement
 - e. Construction, Enforcement, Venue and Severability
2. Prohibits member states from creating, imposing or enforcing:
 - a. Any tax, fee, penalty, mandate or regulation in addition to federal law that burdens the transfer of firearms to any person; or
 - b. Any civil or criminal liability that is not imposed under federal law in connection with the transfer of firearms by any person.
3. Exempts:
 - a. The transfer of a firearm if it is an element of a criminal or civil cause of action that involves:
 - i. Violence (including attempted or threatened),
 - ii. The violation of property rights (including attempted or threatened),
 - iii. Controlled substances,
 - iv. Actual fraud,
 - v. Breach of contract, or
 - vi. Intentional or negligent misconduct that causes or threatens personal or economic injury.
 - b. Anything specified in a member state's addendum that meets specific criteria.
4. Designates un rebutted evidence that a law, regulation, policy, prosecution, administrative or enforcement action violates the Compact as a complete defense in all member states against any civil or criminal proceeding related to the transfer of a firearm. Only applicable if the proceeding arises from the authority of the law, regulation or policy.
5. Awards all legal expenses to the prevailing party in the defense.
6. Grants a vested right to intended third party beneficiaries (Beneficiary) of the Compact and lists persons considered Beneficiaries.
7. Automatically repeals any conflicting laws, regulations or policies that exist on the effective date of the Compact.
8. Allows a majority of member states to organize an Interstate Alternative Dispute Resolution Commission (Commission) to mediate or settle disputes, claims or causes of action that arise between or among member states and Beneficiaries. The Commission:
 - a. Is created through the passage of legislation by the member states.
 - b. May have either binding or nonbinding authority.
9. Provides that each state offers to perform and comply strictly in accordance with the Compact in becoming a member state. The offer is reliant on the mutual and reciprocal nature of other member states.

- a. The offer to become a member state is accepted when notice is received by the member state’s Governor or executive officer.
 - b. Each article of the Compact is enforced as a sovereign agreement that is legally and contractually binding on each member state.
10. Allows member states the option to withdraw from the Compact or propose amendments to the Compact during the following times:
 - a. Every 10th year after the enacting legislation;
 - b. When a special session is called specifically to amend or withdraw from the Compact. Written notice of the special session must be given to each member state at least 30 days before the session convenes;
 - c. On written, unanimous consent of all member states.
 11. Makes an amendment to the Compact effective only if it is adopted legislatively by a 2/3rds majority of member states within three years of the first enactment. Non-adopting member states are then deemed to be withdrawn from the Compact, unless the amendment doesn’t affect them.
 12. Permits a member state to repeal any or all provisions of an addendum to the Compact that it created. The remainder of the Compact is not affected.
 13. States that a withdrawal or amendment that is only intended to affect one member state does not affect the validity or applicability of the Compact for the remaining member states, as long as there are at least two remaining member states.
 14. States that any violation of the Compact is a material breach of the Compact.
 15. Grants standing to any Beneficiary to seek declaratory, injunctive or other relief to enforce the Compact if:
 - a. The Beneficiary gives reasonable notice of alleged noncompliance to both the entity responsible for noncompliance and the Attorney General (AG) within 60 days of discovering noncompliance;
 - b. The entity fails to cure the noncompliance within 30 days of receiving notice; and
 - c. The AG fails to enforce the Compact by filing an appropriate action to ensure compliance within 60 days of the expiration of the cure period.
 16. States that the Compact must be liberally construed.
 17. Severs any phrase, clause, sentence or provision that is declared invalid in a final judgment by a court of competent jurisdiction. This does not affect the validity of the remainder of the Compact.
 - a. If the Compact is declared invalid through a final judgment by a court of competent jurisdiction in a member state, the member state is deemed to have withdrawn from the Compact. The Compact remains in full force and effect for other remaining member states.
 - b. If the Compact is declared in final judgment by a court of competent jurisdiction to be wholly or substantially in violation of [Article I, § 10 of the United States Constitution](#), it will be enforced as reciprocal legislation.
 18. Defines *compact*, *member state*, *notice*, *federal law* and *state*.
 19. Becomes effective at the earliest date permitted by law.

CURRENT LAW

[A.R.S. § 13-3108](#) prohibits any political subdivision of the state from enacting any ordinance, rule or tax relating to the sale, transfer, purchase, acquisition or gift of firearms, ammunition, related components or accessories. The statute exempts privilege or use tax on the retail sale, lease or rental of firearms, ammunition or related components at a rate that generally applies to other items of tangible personal property (Subsection G, paragraph 1). Additionally, [A.R.S. § 13-3118](#) prohibits any state agency or political subdivision from enacting or implementing any law, rule or ordinance relating to the possession, transfer or storage of firearms that isn’t provided for in statute, with specific exemptions. The statute does not specifically address taxes, fees, assessments or encumbrances as related to firearm transfers.

Federal law ([18 USC § 922\(g\)](#)) prohibits the out-of-state transfer of a firearm between two unlicensed persons. In order to transfer a weapon between two persons in different states, a Federal Firearms Licensee (FFL) is required to complete the transaction and a background check must be initiated (except in specific situations). An unlicensed person may transfer a firearm to another unlicensed person within the same state; the transaction does not require an FFL and no background check is required.

[Article I, § 10, clause 1 of the United States Constitution](#) prohibits states from enacting any law that retroactively impairs a contract (commonly referred to as the “Contract Clause”). [Article VI, clause 2 of the United States Constitution](#) is commonly referred to as the “Supremacy Clause.” It establishes that the United States Constitution, federal laws and treaties take precedence over state laws and state constitutions. [4 USC § 112](#) permits two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of criminal laws and policies.



HOUSE OF REPRESENTATIVES

HB 2074

public safety employees; omnibus

Prime Sponsor: Representative Borrelli, LD 5

DPA Committee on Military Affairs and Public Safety

X Caucus and COW

House Engrossed

OVERVIEW

HB 2074 makes changes to statute relating to the Firefighter, Peace Officer and Corrections Officer Cancer Insurance Policy Program (Program), qualified immunity and the redemption of prior service.

PROVISIONS

1. Provides qualified immunity for an injury caused by a peace officer, if the injury occurred while administering emergency care at the scene of an emergency occurrence, or if the injury occurred as the result of a failure to act or arrange further medical treatment or care.
 - a. Qualified immunity is not provided if the officer intended to cause injury or was grossly negligent.
2. Expands eligibility for the Program to include probation officers, dispatchers and various other members of the Correctional Officer Retirement Plan. ([click here](#))
3. Specifies that the Public Safety Personnel Retirement System (PSPRS) discount rate for the redemption of prior service is to be implemented beginning January 1, 2018.
 - a. Contains a retroactive date of August 2, 2012.
4. Makes technical and conforming changes.

MILITARY AFFAIRS AND PUBLIC SAFETY COMMITTEE AMENDMENT

1. Changes the name of the Program to the Public Safety Cancer Insurance Policy Program.
2. Changes the redemption of service discount rate implementation date to July 1, 2017.

CURRENT LAW

[A.R.S. § 12-820.02](#) outlines various instances in which qualified immunity is provided to a public employee who is acting within the scope of their job and is neither grossly negligent nor intending to cause injury.

[Title 38, Article 3, A.R.S.](#) establishes the Program, which provides supplemental insurance coverage related to cancer and specifies that the Program is voluntary and all members are required to pay the costs of the program. Statute also outlines eligibility requirements for individuals who wish to opt into the program.

[A.R.S. § 38-853.01](#) allows any active PSPRS member to redeem up to 60 months of prior service if certain conditions are met. In order to buy back time, an eligible individual must pay into the system any amounts withdrawn as a refund plus interest and, if any, the additional amount determined by an actuary in order to equal the present value of projected benefits.



HOUSE OF REPRESENTATIVES

HB 2198

fire districts; vacancies; board operations

Prime Sponsor: Representative Coleman, LD 16

DPA S/E Committee on Military Affairs and Public Safety

X Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The strike-everything amendment to HB 2198 makes changes to statute regarding how a vacancy is filled on a fire district board (board).

PROVISIONS

1. Requires a fire district board to have a quorum of members in order to fill a vacancy on the board, unless the vacancy is a result of the expiration of a term.
2. Requires a quorum of board members to fill a vacancy within 90 days after the date of the vacancy.
3. Requires a county board of supervisors to appoint an interim member, if the vacancy is not filled within the 90 day statutory timeframe.
4. Specifies that if a board does not have a sufficient number of members to obtain a quorum, the county board of supervisors must appoint interim district board members to fill the vacancies, or an administrator who is required to serve until the next general election.
5. States that a majority of the board constitutes a quorum.
6. Requires the fire district association to annually submit a report which lists the fire chiefs and elected officials who have attended mandatory training.
7. Makes technical changes.

MILITARY AFFAIRS AND PUBLIC SAFETY COMMITTEE AMENDMENT

The strike-everything amendment was adopted

CURRENT LAW

[A.R.S. § 48-803](#) outlines the procedures that are to be taken in the event that a vacancy, other than from expiration of a term, occurs on a fire district board. When a vacancy occurs, the remaining members are to appoint an interim member to fill the vacancy within 90 days after the date of the vacancy. If the remaining members fail to fill the vacancy within the time allotted, the fire district board's respective county board of supervisors has an additional 60 days to appoint an interim member. If an entire fire district board resigns, the county board of supervisors is required to appoint an administrator, who is to administer the board with the same duties and obligations of the elected board.



HOUSE OF REPRESENTATIVES

HB 2350

occupational disease; post-traumatic stress disorder
Prime Sponsor: Representative Finchem, et al., LD 11

DPA S/E Committee on Military Affairs and Public Safety

X Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The strike-everything amendment to HB 2350 stipulates that Post-Traumatic Stress Disorder (PTSD) of a peace officer is presumed to be a personal injury that is compensable pursuant to statute relating to workers' compensation.

PROVISIONS

1. Modifies the definition of *personal injury by accident arising out of and in the course of employment* to include PTSD that is caused by or is related to employment as a peace officer.
2. Stipulates that PTSD of a peace officer is presumed to be a personal injury by accident arising out of and in the course of employment and is compensable under workers' compensation, if:
 - a. There is a direct causal connection between the peace officer's employment and the PTSD; and
 - b. The peace officer is diagnosed with PTSD by a licensed psychologist or psychiatrist.
3. Makes technical and clarifying changes.

MILITARY AFFAIRS AND PUBLIC SAFETY COMMITTEE AMENDMENT

The strike-everything amendment was adopted.

CURRENT LAW

A.R.S. 23-901.01 defines a peace officer, for the purposes of worker's compensation, as a full-time peace officer who was regularly assigned in hazardous duty as part of a special operations, special weapons and tactics, explosive ordinance disposal or hazardous materials response unit.



HOUSE OF REPRESENTATIVES

HB 2515

prisoner education services budget; uses
Prime Sponsor: Representative Borrelli, LD 5

DPA Committee on Military Affairs and Public Safety

X Caucus and COW

House Engrossed

OVERVIEW

HB 2515 allows the Director of the Department of Corrections (ADC) to spend education services budget monies (monies) on prisoners incarcerated in a special management unit (SMU).

PROVISIONS

1. Strikes the requirement that the Director of ADC (Director) not spend monies on prisoners incarcerated in an SMU.
2. Requires the Director to determine the amount of monies that are allocated for educational programs dedicated to prisoners incarcerated in an SMU.
3. Makes technical and clarifying changes.

MILITARY AFFAIRS AND PUBLIC SAFETY COMMITTEE AMENDMENT

Prohibits the Director from using monies to provide education services to prisoners who are sentenced to life imprisonment or classified as maximum custody.

CURRENT LAW

The Director is required to maintain a dedicated prisoner education services budget for each state prison and provide money for the functional literacy program, adult basic education, general equivalency diploma programs and vocational and technical education. The Director is prohibited from expending the education services monies on programs dedicated to prisoners incarcerated in SMU or sentenced to death, unless they are less than 18 years of age.



HOUSE OF REPRESENTATIVES

HB 2541

gold bonds; study committee

Prime Sponsor: Representative Finchem, LD 11

DPA S/E Committee on Military Affairs and Public Safety

X Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The strike-everything amendment to HB 2541 exempts primitive camp and picnic grounds from Department of Health Services (DHS) rules regarding minimum requirements for sewage, trash and water supply.

PROVISIONS

1. Exempts primitive camp and picnic grounds from DHS rules related to minimum requirements for campgrounds, including excreta disposal, garbage and trash collection, storage and disposal and water supply.
2. Stipulates that primitive camp and picnic grounds are subject to approval by a county health department under sanitary regulations pursuant to statute.
3. Defines *primitive camp and picnic grounds*.
4. Makes technical changes.

MILITARY AFFAIRS AND PUBLIC SAFETY COMMITTEE AMENDMENT

The strike-everything amendment was adopted.

CURRENT LAW

A.R.S. § 36-136 requires the Director of DHS to establish rules that define, prescribe reasonably necessary measures and prescribe minimum standards concerning sewage and excreta disposal, garbage and trash collection, storage and disposal, and water supply for recreational and summer camps, storage and disposal and water supply for recreational and summer camps, campgrounds, motels, tourist courts, trailer park coach parks and hotels.



HOUSE OF REPRESENTATIVES

HB 2677

peace officer employment; study committee

Prime Sponsor: Representative Rivero, LD 21

DPA Committee on Military Affairs and Public Safety

X Caucus and COW

House Engrossed

OVERVIEW

HB 2677 establishes the Peace Officer Employment Study Committee (Committee).

PROVISIONS

1. Establishes the 15-member Committee consisting of: a member of the House of Representatives (House); a member of the Senate; four law enforcement association representatives; four peace officers; two business community members; two faith community members; and one public member.
2. Requires the Committee to research and report on:
 - a. Peace officer staffing levels;
 - b. Recruitment and retention policies and practices; and
 - c. The impact these have on the rate of attrition and public safety.
3. Allows the Committee to:
 - a. Request information, data and reports from any state agency or political subdivision;
 - b. Hold hearings;
 - c. Conduct fact-finding tours; and
 - d. Take testimony from witnesses who may assist the Committee in fulfilling its responsibilities.
4. Requires a state agency, at the request of the Committee, to provide its services, equipment, documents, personnel and facilities to the extent possible without cost to the Committee.
5. Provides that Committee members are not eligible to receive compensation, but are eligible for reimbursement of travel expenses.
6. Requires the Committee to submit findings and recommendations by December 31, 2016.
7. Repeals the Committee on October 1, 2017.

MILITARY AFFAIRS AND PUBLIC SAFETY COMMITTEE AMENDMENT

1. Increases Committee membership to include an additional member from the House and Senate.
2. Specifies that legislative Committee members from each respective chamber are to be from different political parties.
3. Requires the Speaker and President to each designate a cochairperson of the committee.
4. Makes a technical change.

CURRENT LAW

Not currently addressed in statute.



HOUSE OF REPRESENTATIVES

HB 2145

historic federal highway; special plates

Prime Sponsor: Representative Coleman, LD 16

DP Committee on Transportation and Infrastructure

X Caucus and COW

House Engrossed

OVERVIEW

HB 2145 establishes the Federal Highway Preservation Special License Plate and Fund.

PROVISIONS

1. Establishes the Historic Federal Highway Preservation special license plate for an individual that pays \$32,000 to the Arizona Department of Transportation (ADOT) for implementation.
 - a. Requires the individual that provides the \$32,000 to design the special plate which is subject to approval by ADOT.
 - b. Allows a request for the Historic Federal Highway Preservation Special License Plate to be combined with a request for personalized plates.
2. Designates a \$25 fee for the original plate and renewals (\$8 for the administration fee and \$17 for the annual donation).
3. Requires ADOT to deposit all special plate administration fees in the State Highway Fund and all donations collected in the Historic Federal Highway Preservation Special License Plate Fund (Fund).
4. Establishes the Fund and requires the Director of ADOT to administer the Fund.
5. Mandates the first \$32,000 in the Fund to be reimbursed to the individual that financed the implementation fee.
6. Specifies that no more than 10% of monies deposited in the Fund can be used for administering the Fund.
7. Requires the Director to annually allocate money from the Fund to a designated charitable organization, qualified as such under section 501(c)(3) of the United States Internal Revenue Code, if the following apply:
 - a. The organization is solely comprised of volunteers.
 - b. The organization has been in existence for at least 30 years.
 - c. The organization has a dedicated mission to preserve, protect and promote a federal highway that is in the state.
 - d. The organization has contributed to the accomplishment of designating the Federal Highway as a historic road and a natural scenic byway, and obtaining the All-American Road Status.
 - e. The organization has assisted all communities in this state along the Federal Highway with preservation and marketing projects.
8. Mandates the State Treasurer to invest and divest monies from the Fund on notice from the Director of ADOT.
9. Makes conforming changes.

CURRENT LAW

Not currently addressed in statute.



HOUSE OF REPRESENTATIVES

HB 2495

sporting event tax revenue; tourism

Prime Sponsor: Representative Livingston, LD 22

DPA Committee on Transportation and Infrastructure

X Caucus and COW

House Engrossed

OVERVIEW

HB 2495 establishes distribution standards of tax revenues earned from a special sporting event.

PROVISIONS

1. Requires the Arizona Office of Tourism (AOT) to administer an account consisting of tax revenues collected from a special sporting event and to appropriate these monies continuously.
2. Mandates the state treasurer, upon request from AOT, to invest and divest monies in the account and specifies that the monies earned from the investment must be credited to the account.
3. Prohibits account monies to be reverted or deposited into any other fund, including the General Fund (GF).
4. Requires account monies to supplement (not supplant) existing AOT accounts and must only be spent for the prescribed purpose and not for administrative or overhead expenses.
5. Provides that the state treasurer must pay the distribution base in the determined amount to AOT for the sole benefit of the host facility of a special sporting event.
 - a. Requires AOT to deposit monies into the Tourism Fund.
 - b. Outlines the payment amounts to be distributed to AOT as follows:
 - i. The amount of the sporting event tax revenue, but no more than \$1,000,000, if the special sporting event project costs \$50,000,000-\$74,999,999 in a fiscal year (FY).
 - ii. The amount of the special sporting event tax revenue, but no more than \$1,500,000, if the special sporting event project costs \$75,000,000-\$99,999,999 in a FY.
 - iii. The amount of the special sporting event tax revenue, but no more than \$2,000,000, if the special sporting event project costs at least \$100,000,000.
 - c. Requires monies paid to AOT solely to promote and market the special sporting event and host facility.
6. Specifies that expenditures are payable for 30 years from when the amount of the special sporting event project costs meet the outlined minimum threshold.
7. Requires the Department of Revenue (DOR) to separately account for revenues which are collected that are directly attributable to the special sporting event held at the host facility, beginning January 1, 2020, and sales under the following classifications:
 - a. The retail classification from businesses selling tangible personal property.
 - b. The amusement classification.
 - c. The restaurant classification from businesses operating restaurants, dining rooms, lunchrooms, lunch stands, soda fountains, catering services or similar establishments.
8. Defines *host facility*, *special sporting event*, *special sporting event project*, *special sporting event project cost*, and *special sporting event tax revenue*.
9. Makes technical and conforming changes.

AMENDMENT OF THE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE

Requires 90% of the determined amount paid to the AOT, by the state treasurer, to be used for the benefit of the host facility and the special sporting event, and 10% to be paid to the Department of Transportation which is to be deposited into the Arizona Highway User Revenue Fund.

CURRENT LAW

[A.R.S. § 42-5029 \(D\)](#) outlines the requirements for DOR regarding the monies designated as a distribution base (the portion of revenues derived from the tax levied by the transaction privilege tax, severance taxes, the jet fuel excise and use tax, and affiliated excises taxes designated for distribution to counties, municipalities, and other purposes prescribed by statute).

[A.R.S. § 41-2306](#) establishes the Tourism Fund (Fund) (added by Laws 1988, Ch. 271 § 17) and specifies that the Fund consists of separate accounts derived from a transfer of \$4M in FY 2002 from the Arizona Sports and Tourism Authority, which is to increase by 5% each year. The fund also receives tribal gaming contributions and GF appropriations. The purpose of the fund is to pay for the costs of AOT activities.



HOUSE OF REPRESENTATIVES

HB 2584

data center tax relief; qualification

Prime Sponsor: Representative Stevens, LD 14

DPA Committee on Transportation & Infrastructure

X Caucus and COW

House Engrossed

OVERVIEW

HB 2584 changes requirements and qualifications to the tax relief allotted to the owner, operator or qualified colocation tenant of a certified computer data center and modifies certification revocation by the Arizona Commerce Authority (ACA) and Department of Revenue (DOR).

PROVISIONS

1. States that the effective date of certification for tax relief from ACA is the date on which the application was submitted to the ACA.
 - a. Requires the copy of the certification sent by ACA to the DOR to include the certification's effective date.
2. Changes investment requirements that the data center must meet in order to be eligible for the tax relief to include costs of improvements and stipulates that investment cost requirements are met whether the land, buildings, improvements, modular data centers or computer data center equipment are owned or leased or paid pursuant to a right to use agreement.
3. Requires the owner or operator's detailed records of all investment created by a new computer data center to include costs of improvement.
4. Allows ACA, rather than DOR, to revoke the certification of a new computer data center if it is determined that the investment requirements have not been met or there has been a violation of the requirements for qualifying and continuing as a sustainable redevelopment center.
5. Allows DOR to recapture all or part of the tax relief provided to contributing qualified colocation tenants of a computer data center, in addition to the owner and operator, if the data center's certification was revoked and states that noncontributing qualified colocation tenants are not subject to recapture any part of tax relief received.
6. Stipulates that ACA may give special consideration to allow temporary exemption from recapture of tax relief in the case of extraordinary hardship due to factors beyond the control of the contributing qualified colocation tenants, in addition to the owner and operator.
7. Strikes the provision allowing DOR to revoke certification of a new computer data center and recapture tax relief if the data center generates electricity for resale purposes or generates, provides or sells electricity outside of the computer data center.
8. Prohibits DOR from recapturing any tax relief provided directly to the owner, operator or qualified colocation tenant before the date of revocation if the computer data center violated the requirements for qualifying and continuing as a sustainable redevelopment center.
9. Allows an owner or operator to appeal any revocation of certification with the Office of Administrative Hearings, rather than through the state board of tax appeals.
10. Stipulates that ACA has exclusive authority over issues related to certification, including determinations as to whether a computer data center has satisfied investment requirements, constitutes a qualified sustainable redevelopment project or has committed other violations.
11. Stipulates that DOR has exclusive authority over the administration of tax relief.
12. Requires the owner or operator to notify ACA and DOR with any changes to the list of qualified colocation tenants within 30 days.

13. Stipulates that the failure of an owner or operator to provide the list of qualified colocation tenants or notify ACA or DOR of changes within 30 days is not grounds for termination of the computer data center's certification, but may preclude unlisted colocation tenants from receive tax relief until the list is provided or updated.
14. States that for the purposes of qualifying and continuing as a sustainable redevelopment project:
 - a. An owner, after receiving certification, may substantially demolish any or all of an existing building to the extent reasonably necessary to accommodate future computer data center use, and the demolition is not cause for loss of certification as a sustainable redevelopment project;
 - b. An existing building that has been substantially demolished before certification is not eligible to qualify as a sustainable development project;
 - c. An owner or operator may increase the size of an existing building with a sustainable redevelopment project in an unlimited manner, so long as the expansion fits in within the computer data center boundary described in its application to ACA.
 - d. Expansion activities do not prevent a facility from maintaining its classification as a sustainable redevelopment project.
 - e. All construction activities and investments related to such demolition or expansion are considered part of the sustainable redevelopment project.
15. Clarifies that the owner or operator may be a single individual or entity or multiple affiliated entities.
16. Removes the requirement that the owner, operator or qualified collation tenant of a computer data center must present the retailer its certificate of qualification in order to ensure that:
 - a. The retail classification does not apply to gross proceeds of sales or gross income from computer data center equipment and that the storage, use or consumption of computer data center equipment is exempt from the use tax.
 - b. A city, town or special taxing district does not levy a transaction privilege, sales, use or other similar tax on computer data center equipment and allows rented or leased computer data center equipment from the tax.
17. Stipulates that renting or leasing computer data center equipment by the owner, operator or qualified colocation tenant of the computer data center or an authorized agent of the owner, operator or qualified colocation tenant during the qualification period for use in certified computer data centers must be deducted from the tax base for the personal property rental classification.
18. Modifies the definition of:
 - a. *Computer data center equipment* to include equipment that is owned, leased or used by the owner or operator pursuant to a contract for right to use the equipment.
 - b. *Qualification period* to begin upon the effective date of the computer data centers certification, rather than the date on which the data center was certified and stipulates that the qualification period for a qualified colocation tenant may not extend beyond the qualification period for the owner or operator of the data center.
 - c. *Sustainable redevelopment project* to include a computer data center that occupies or replaces an existing building that was acquired by the owner through purchase or lease after September 1, 2006.
19. Defines *contributing qualified colocation tenant, existing building, operator* and *software*.
20. Makes technical and clarifying changes.

AMENDMENTS OF THE TRANSPORTATION & INFRASTRUCTURE COMMITTEE

1. Removes the ability of ACA to give special consideration or allow temporary exemption from recapture of tax relief in the case of extraordinary hardship due to factors beyond control of the owners, operators, and contributing qualified colocation tenants.
2. Removes language stating that noncontributing qualified colocation tenants are not subject to recapture of any part of tax relief received and language stating that revocation for a violation of investment requirements does not apply to an existing computer data center.
3. Clarifies that for the purposes of qualifying and continuing as a sustainable redevelopment project a computer data center may expand its boundaries in an unlimited manner, so long as the expansion is constructed on the same parcel of land on which the original is situated or a contiguous parcel.
4. Modifies the definition of:
 - a. *Sustainable redevelopment project* to include a newly constructed computer data center that attains certification under the energy star or green globes standard; and
 - b. *Qualified colocation tenant* to include an entity that contracts with another qualified colocation tenant.
5. Makes further clarifying and technical changes

CURRENT LAW

A.R.S. § 41-1519 allows the owner or operator of a computer data center to be eligible to receive tax relief. The owner or operator must send a required form to ACA, who must approve or deny the center's eligibility within 60 days and subsequently issue certification. DOR is permitted to revoke a certification and recapture all or part of the tax relief provided to the owner or operator if certain requirements are not met. Currently, computer data center equipment is exempt from the tax imposed on the retail classification, the use tax and municipal taxes on privilege, sales, use or other similar municipal taxes if, at the time of purchase, the owner, operator or qualified colocation tenant presents the retailer its certificate (A.R.S §§ [42-5061](#), [42-5159](#), [42-6004](#)).