

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

MAJORITY CAUCUS CALENDAR #18

March 22, 2016

Bill Number	Short Title	Committee	Date	Action
-------------	-------------	-----------	------	--------

Committee on Children and Family Affairs

Chairman: John M. Allen, LD15

Analyst: Ingrid Garvey

Vice Chairman: Kate Brophy McGee, LD28

Intern: Alexandra Erickson

*SB 1296 guardianship; proceedings; ward's relationships

SPONSOR: DRIGGS, LD28

SENATE	2/29/2016	(30-0-0-0)
CFA	3/14 DPA	(9-0-0-0-0)

Committee on Commerce

Chairman: Warren H. Petersen, LD12

Analyst: Diana Clay

Vice Chairman: Jill Norgaard, LD18

Intern: Kris Beecher

*SB 1118 office of tourism; continuation

SPONSOR: YEE, LD20

SENATE	2/11/2016	(27-2-1-0)
(No: BIGGS,BURGES; NV: BEGAY)		
COM	3/16 DP	(4-3-0-1-0)
(No: NORGAARD,RIVERO,PETERSEN; Abs: SHOPE)		

*SB 1119 board of technical registration; continuation

SPONSOR: YEE, LD20

SENATE	2/11/2016	(28-1-1-0)
(No: BURGES; NV: BEGAY)		
COM	3/16 DP	(6-2-0-0-0)
(No: RIVERO,PETERSEN)		

Committee on Federalism and States' Rights

Chairman: Kelly Townsend, LD16

Analyst: Justin Riches

Vice Chairman: Noel W. Campbell, LD1

Intern: John Oyas

*SCM 1017 Diné college act; urging Congress

SPONSOR: BEGAY, LD7

SENATE	2/29/2016	(30-0-0-0)
FSR	3/16 DP	(6-1-0-1-0)
(No: MITCHELL; Abs: FINCHEM)		

Committee on Health

Chairman: Heather Carter, LD15

Analyst: Ingrid Garvey

Vice Chairman: Regina Cobb, LD5

Intern: Alexandra Erickson

***SB 1109** Arizona health facilities authority; continuation
SPONSOR: BARTO, LD15
SENATE 1/28/2016 (28-0-2-0)
(NV: BEGAY,KAVANAGH)
HEALTH 3/15 DP (5-0-0-1-0)
(Abs: MEYER)

Committee on Judiciary

Chairman: Eddie Farnsworth, LD12 **Vice Chairman: Sonny Borrelli, LD5**
Analyst: Katy Proctor **Intern: Meagan Anglin**

***SB 1324** abortion clinics; medication abortions
SPONSOR: YEE, LD20
SENATE 2/25/2016 (18-10-2-0)
(No: DALESSANDRO,CAJERO
BEDFORD,MCGUIRE,FARLEY,BRADLEY,CONTRERAS,HOBBS,QUEZ
ADA,MEZA,SHERWOOD; NV: PANCRAZI,BEGAY)
JUD 3/16 DP (4-2-0-0-0)
(No: FRIESE,HALE)

***SB 1474** human fetus; embryo; prohibited actions
SPONSOR: BARTO, LD15
SENATE 2/24/2016 (18-11-1-0)
(No: DALESSANDRO,CAJERO
BEDFORD,PANCRAZI,MCGUIRE,FARLEY,BRADLEY,CONTRERAS,HO
BBS,QUEZADA,MEZA,SHERWOOD; NV: BEGAY)
JUD 3/16 DP (4-2-0-0-0)
(No: FRIESE,HALE)

***SB 1485** payroll deductions; charitable contributions; prohibition
SPONSOR: BIGGS, LD12
SENATE 2/24/2016 (18-11-1-0)
(No: DALESSANDRO,CAJERO
BEDFORD,PANCRAZI,MCGUIRE,FARLEY,BRADLEY,CONTRERAS,HO
BBS,QUEZADA,MEZA,SHERWOOD; NV: BEGAY)
JUD 3/16 DP (4-2-0-0-0)
(No: FRIESE,HALE)

Committee on Transportation and Infrastructure

Chairman: Rick Gray, LD21 **Vice Chairman: David W. Stevens, LD14**
Analyst: Amanda Barnes **Intern: Caitlynn Kestler**

***SB 1414** electronic legal material.
SPONSOR: DRIGGS, LD28
SENATE 2/25/2016 (28-0-2-0)
(NV: PANCRAZI,BEGAY)
TI 3/15 DP (9-0-0-0-0)

***PENDING RULES COMMITTEE**



HOUSE OF REPRESENTATIVES

SB 1296

guardianship; proceedings; ward's relationships
Prime Sponsor: Senator Driggs, LD 28

DPA Committee on Children and Family Affairs

X Caucus and COW

House Engrossed

OVERVIEW

SB 1296 requires a guardian of a ward to permit contact between the ward and persons who have a significant relationship with the ward, unless there is reason to believe that the contact would be detrimental to the ward. Establishes criteria for persons to petition to modify or suspend a contact order.

PROVISIONS

1. Stipulates that a petition for the appointment of a guardian must include:
 - a. The court and case number for any legal decision-making, parenting time or visitation order that was previously entered regarding an alleged incapacitated person in a marriage dissolution, legal separation or paternity actions in which the petitioner or proposed guardian is a parent of an alleged incapacitated person or a nonparent who has been awarded legal decision-making for an alleged incapacitated person; and
 - b. A copy of the most recent court order regarding legal decision making, parenting time and visitation.
2. Requires notice criteria for proceedings regarding the appointment or substitution of a guardian to a ward to also apply to proceedings for a contact order or modification of a contact order.
3. Stipulates that if a petitioner for appointment of a guardian for an incapacitated person is filed for a child that is at least 17 ½ years old or within 2 years after the child's 18th birthday, and the court does not find the appointment to be contrary to the incapacitated person's best interest, then the court must appoint:
 - a. Any person who, by court order, had sole legal decision-making of the incapacitated person when such person attained the age of 18 as the incapacitated person's guardian; or
 - b. Two persons who had joint legal decision-making of the incapacitated person when such person attained the age of 18 as co-guardians.
4. Permits the court to appoint more than one person as the incapacitated person's co-guardians, if the court determines that the appointment is in the incapacitated person's best interest.
5. Requires court-appointed co-guardians to share decision-making for the incapacitated person and maintains that neither of the co-guardian's rights nor responsibilities are superior to the other, unless otherwise ordered by the court.
6. Requires a guardian to encourage and allow contact between the ward and other persons who have a significant relationship with the ward.
7. Permits the guardian to limit, restrict or prohibit contact between the ward and any person, if the guardian believes that the contact will be detrimental to the ward's health, safety or welfare.
8. Stipulates that the guardian must consider the wishes of the ward, if the ward has sufficient mental capacity to make an intelligent choice, in determining contact between the ward and other persons.
9. Allows a ward or a person who has a significant relationship with the ward to petition the court for an order compelling the guardian to allow the person to have contact with the ward; and
 - a. Requires the petition to describe the nature of the relationship between the person and the ward and the type and frequency of contact being requested;
 - b. Stipulates that the ward or person petitioning the court has the burden of proving that the person has a significant relationship with the ward and that the requested contact is in the ward's best interest.

10. Requires the court, in determining what contact between the person and the ward is in the ward's best interest, to consider all factors that are relevant to the ward's emotional and physical well-being, including:
 - a. The past and present relationship between the ward and the person whom the contact is requested;
 - b. The wishes of the ward, if the ward has sufficient mental capacity to make an intelligent choice;
 - c. The mental and physical health of the ward and the person with whom the contact is requested;
 - d. Whether the person with whom the contact is requested has:
 - i. Committed any act involving domestic violence, child abuse or abuse, neglect or exploitation of a vulnerable adult;
 - ii. Abused drugs or alcohol or has been convicted of any drug offense or driving under the influence;
 - iii. Been listed in the elder abuse central registry or is a registered sex offender; and
 - iv. Been convicted of false reporting of child abuse or neglect or vulnerable adult abuse.
11. Stipulates that if a petition for appointment of a guardian for an incapacitated person is filed for a child that is at least 17 ½ years old or within 2 years after the child's 18th birthday, any contact with the ward authorized in the most recent parenting time or visitation order must be presumed to be in the ward's best interest.
 - a. Permits this presumption to be rebutted by evidence showing that the contact is no longer in the ward's best interest.
12. Permits a court-appointed fiduciary for the ward or a person who has a significant relationship to the ward to:
 - a. Petition the court to modify a contact order, if a material change in circumstances affecting the ward's health, safety or welfare has occurred; and
 - i. Requires this petition to be supported by an affidavit alleging the change of circumstances that has occurred since the entry of the last contact order;
 - ii. Stipulates that the court must deny the petition unless the court finds that it establishes good cause for hearing, in which case the court shall set a hearing on the petition; and
 - iii. Requires the petition and notice of the hearing to be served on any court-appointed fiduciary for the ward and to any person to whom notice is required by statute.
 - b. File a motion asking the court to temporarily modify or suspend a contact order, if any material change in circumstances affecting the ward's health, safety or welfare has occurred since the last contact order was made, and
 - i. Stipulates that the motion must be supported by an affidavit alleging the change of circumstances that has occurred since the entry of the last contact order; and
 - ii. Requires the motion to be filed contemporaneously with or after the filing of a petition to modify the prior contact order and state whether the petitioner requests that the prior contact order be modified or suspended with or without notice to any affected persons.
13. Permits the court to temporarily modify or suspend a contact order without notice if:
 - a. It clearly appears that immediate and irreparable injury, loss or damage likely will result if the order is not issued before the affected persons can be heard in opposition; and
 - b. The moving party or party's attorney certifies to the court, in writing, of any efforts that the moving party or the party's attorney has made to give the notice or the reasons supporting the claim that notice shouldn't be required.
14. Requires the court to set a hearing if the court grants a motion to temporarily modify or suspend a contact order without notice.
15. Requires an order temporarily modifying or suspending a contact order that is granted without notice to state the injury, loss or damage that would have been likely to occur if the order were not issued before giving the affected persons the opportunity to be heard in opposition and requires the temporary order to expire at the date and time set for the hearing on the motion unless extended by the court for good cause.
16. Stipulates that the moving party must personally serve the person whose contact with the ward has been modified or suspended with a copy of the order and notice of the hearing and serve a copy of the order on any court-appointed fiduciary for the ward and all persons affected by the order.
17. Requires a guardian to notify the family members of an adult ward if the adult is admitted to a hospital for not more than three days or the adult ward dies and stipulates that this notification must include information regarding any known funeral arrangements and the place of burial.
18. Contains a delayed effective date of January 1, 2017.
19. Defines *abuse*, *child abuse*, *contact*, *contact order*, *exploitation*, *family members*, *joint legal decision-making*, *legal decision-making*, *neglect*, *parenting time*, *significant relationship*, *visitation* and *vulnerable adult*.
20. Makes technical, conforming and clarifying changes.

AMENDMENT OF THE CHILDREN AND FAMILY AFFAIRS COMMITTEE

Requires a guardian to notify the family members of an adult ward if the ward is admitted to a hospital for a period of more than three days, rather than less than three days.

CURRENT LAW

Statute stipulates that any qualified person may be appointed guardian of an incapacitated person ([A.R.S. § 14-5311](#)). A person becomes a guardian of an incapacitated person by a parental or spousal appointment or on appointment by the court and continues to act as guardian until the guardianship is terminated, without regard to the location of the guardian or the ward ([A.R.S. § 14-5301-02](#)). [A.R.S. § 14-5312](#) stipulates that a guardian of an incapacitated person has the same powers, rights and duties respecting the guardian's ward that a parent has respecting the parent's emancipated child.

Incapacitated Person is defined as a person who is impaired by reason of mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause, except minority, to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person.

Ward is defined as a person for whom a guardian has been appointed ([A.R.S. § 14-5101](#)).



HOUSE OF REPRESENTATIVES

SB 1118

office of tourism; continuation

Prime Sponsor: Senator Yee, LD 20

DP Committee on Commerce

X Caucus and COW

House Engrossed

OVERVIEW

SB 1118 continues the Arizona Office of Tourism (AOT) for eight years.

PROVISIONS

1. Continues the AOT for eight years, until July 1, 2024
2. Applies retroactively to July 1, 2016.

CURRENT LAW

[Title 41, Ch. 19, Article 1](#) establishes the AOT, a director, an assistant director and a 15 member advisory council appointed by the governor. The advisory council includes representatives from recreational and tourist attractions, lodging, restaurant, food and transportation industries, other tourism businesses and the general public. The council must have one member from each of the six geographical planning areas of Arizona and the 15 members must serve staggered terms of five years. Additionally, the council assists and advises the director in preparation of the budget and in the establishment of policies and programs which promote and develop tourism in Arizona.

[A.R.S. § 41-2305](#) directs the AOT to engage in tourism promotion, tourism development and research on behalf of the state of Arizona residents.

ADDITIONAL INFORMATION

In August 2015, the Sunset Review of the AOT by the Senate Commerce and Workforce Development and the House of Representatives Commerce Committee of Reference [recommended](#) that AOT be continued for eight years. The FY 2017 [baseline](#) includes \$7,110,400 and 28 FTE Positions from the General Fund.



HOUSE OF REPRESENTATIVES

SB 1119

board of technical registration; continuation
Prime Sponsor: Senator Yee, LD 20

DP Committee on Commerce

X Caucus and COW

House Engrossed

OVERVIEW

SB 1119 continues the Board of Technical Registration (BTR) for eight years.

PROVISIONS

1. Continues the BTR for eight years, until July 1, 2024.
2. Applies retroactively to July 1, 2016.

CURRENT LAW

[A.R.S. § 32-102](#) states that the BTR consists of nine members who serve three year terms and are appointed by the governor. The members are limited to two consecutive terms and the composition of the BTR is as follows:

1. Two architects,
2. Three professional engineers; two are representatives of branches of engineering other than civil engineering and are registered in those branches pursuant to this chapter,
3. One public member,
4. One landscape architect,
5. One geologist or assayer,
6. One land surveyor.

Members of the BTR must be at least 25 years old and any member who is an architect, geologist, assayer, landscape architect, professional engineer or land surveyor must have had at least five years' active professional experience. Additionally, the member must have been a resident of the state for at least three years immediately preceding an appointment as a member. The BTR reviews applications for engineers, architects, geologists, assayers, land surveyors, land architects, home inspectors, alarm agents and remediation specialists and determines if the applicants are qualified for licensure or certification. The BTR also accepts complaints from the public, alleging violations of the standards of practice for these fields and creates policy statements for public guidance on health, safety and welfare issues related to the practice of these professions.

[A.R.S. § 41-2955](#), subsection B authorizes the legislature to continue any agency for up to 10 years. It also states that at the end of that period the agency will be subject to a sunset review.

ADDITIONAL INFORMATION

In December 2015, the Sunset Review of the BTR by the Senate Commerce and Workforce Development and the House of Representatives Commerce Committee of Reference [recommended](#) that the BTR be continued for eight years. The FY 2017 [baseline](#) includes \$2,122,600 and 25 FTE positions from the Technical Registration Fund.



HOUSE OF REPRESENTATIVES

SCM 1017

Diné college act; urging Congress

Prime Sponsor: Senator Begay, LD 7

DP Committee on Federalism and States' Rights

X Caucus and COW

House Engrossed

OVERVIEW

SCM 1017 urges Congress to enact the Diné College (College) Act of 2015 (Act).

PROVISIONS

1. Urges Congress to adopt the Act.
2. Directs the Arizona Secretary of State to transmit copies of this Memorial to the Governor, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of Congress from the State of Arizona.

CURRENT LAW

[Arizona Revised Statutes § 15-244.01](#) establishes the Tribal College Dual Enrollment Program Fund (Fund), which appropriates money to the College. The Department of Education (Department) is required to administer the Fund and monies in the Fund are subject to legislative appropriation. The Department is required to distribute monies in the Fund to provide choice and access to higher education in Arizona by compensating tribal colleges for tuition and fees that are waived to allow high school students to attend classes at tribal colleges.

ADDITIONAL INFORMATION

Established in 1986, the College is the first tribally-controlled community college in the United States. The Navajo Nation (Nation) sought to encourage Navajo youth to become contributing members of society in creating an institution of higher education. The College serves residents of the 26,000 square mile Nation, which spans the states of Arizona, New Mexico and Utah.

The Act appropriates federal funding to the College so that it can: (1) provide higher education programs and vocational and technical education for citizens of the Nation and others, (2) preserve and protect the Navajo language, philosophy and culture for citizens of the Nation, (3) provide Navajo communities and people with employment and training opportunities, (4) provide economic development and outreach for Navajo communities; and (5) provide a safe environment for students and public employees to learn, work and live.

The Act authorizes appropriations to the College to pay for its operation and maintenance and allows the funds to be treated as non-federal, private funds for the purpose of any provision of federal law that requires non-federal or private funds of the College be used in a specific project. Finally, the Act directs the Department of the Interior to fund the operation and maintenance of the College separately from the tribal colleges and universities that are recognized and funded by the Tribally Controlled College or University Assistance Act of 1978.



HOUSE OF REPRESENTATIVES

SB 1109

Arizona health facilities authority; continuation
Prime Sponsor: Senator Barto, LD 15

DP Committee on Health

X Caucus and COW

House Engrossed

OVERVIEW

SB 1109 continues the Arizona Health Facilities Authority and its Governing Board for eight years.

PROVISIONS

1. Continues the Arizona Health Facilities Authority and its Governing Board until July 1, 2024.
2. Contains a purpose statement.
3. Contains a retroactivity date of July 1, 2016.

CURRENT LAW

A.R.S § 41-3016.16 terminates the Arizona Health Facilities Authority and its Governing Board on July 1, 2016. It also repeals the general provisions for the Arizona Health Facilities Authority on January 1, 2017.



HOUSE OF REPRESENTATIVES

SB 1324

abortion clinics; medication abortions
Prime Sponsor: Senator Yee, LD 20

DP Committee on Judiciary

X Caucus and COW

House Engrossed

OVERVIEW

SB 1324 requires abortion procedure rules to include that any medication, drug or other substance used to induce or cause a *medication abortion* be administered in compliance with the Mifeprex final printing label protocol approved by the U.S. Food and Drug Administration (FDA) and in effect as of December 31, 2015.

PROVISIONS

1. States that the rule adopted by the Director of the Department of Health Services (ADHS) must require any medication, drug or other substance used to induce or cause a *medication abortion* is administered in compliance with the Mifeprex final printing label protocol approved by the FDA and in effect as of December 31, 2015.
2. Defines *medication abortion* using an existing definition in [A.R.S. § 36-2151](#).
3. Provides a one-year rulemaking exemption for ADHS for implementation.
4. Makes technical and conforming changes.

CURRENT LAW

[A.R.S. § 36-449.03](#) outlines administrative rules that the director of ADHS must adopt in regard to abortion clinics and abortion procedures. The section was amended in 2012 by [Laws 2012, Ch. 250](#), which in part requires any medication, drug or other substance used to induce an abortion be administered in compliance with the protocol authorized by the FDA and outlined in the final printing labeling instructions for that medication, drug or substance. In response to Laws 2012, Ch. 250 ADHS promulgated [A.A.C. R9-10-1508\(G\)](#) which includes in part:

“A medical director shall ensure that any medication, drug, or substance used to induce an abortion is administered in compliance with the protocol authorized by the United States Food and Drug Administration and that is outlined in the final printing labeling instructions for that medication, drug, or substance.”

Two lawsuits were filed after the changes to A.R.S. 36-449.03 and the subsequent adoption of changes to A.A.C. R9-10-1508. In *Planned Parenthood Arizona Inc v Humble*, plaintiffs challenged the statute and sought a temporary restraining order to block implementation. The District Court held that the plaintiffs were not entitled to the preliminary injunction because they were not likely to succeed on their claim that the statute was void for vagueness nor on the basis of undue burden challenge. On appeal, the U.S. Court of Appeals, Ninth Circuit, reversed the decision not to grant a preliminary injunction and remanded the case back to the District Court for the issuance of the injunction (*Planned Parenthood Inc v Humble*, C.A. 9 (Ariz.) 2014, 753F. 3d 905. The underlying case is still pending.

In a separate action in Maricopa County (*Planned Parenthood Arizona Inc v Cara Christ*), plaintiffs filed suit alleging in part that A.R.S. § 36-449.03 is an unconstitutional delegation of legislative authority because it gives the power to make law to drug companies and the FDA and adopts a changeable standard. The Court found the law to be an unconstitutional delegation of authority ([CV2014-006633, 10/13/2015](#)).



HOUSE OF REPRESENTATIVES

SB 1474

human fetus; embryo; prohibited actions
Prime Sponsor: Senator Barto, LD 15

DP Committee on Judiciary

X Caucus and COW

House Engrossed

OVERVIEW

SB 1474 rewrites current statute relating to prohibitions on the use of a human fetus or embryo.

PROVISIONS

1. Repeals [A.R.S. § 36-2302](#) and replaces it with a new section outlining prohibitions on the use of a human fetus or embryo.
2. States a person may not use a human fetus or embryo or any part, organ or fluid of the fetus or embryo resulting from an abortion in animal or human research, experimentation or study or for transplantation, except for either of the following:
 - a. Diagnostic or remedial procedures for the purpose of determining the life or health of the human fetus or embryo or the mother; or
 - b. A pathological study.
3. Prohibits a person from experimenting on a human fetus or embryo prior to an abortion.
4. Stipulates a person may not perform or offer to perform an abortion for which part or all of the justification or reason is that the human fetus or embryo or any part, organ or fluid of the human fetus or embryo may be used for animal or human research, experimentation or study or for transplantation.
5. Prohibits a person from knowingly selling, transferring, distributing, giving, accepting, using or attempting to use any human fetus or embryo or any part, organ or fluid of the human fetus or embryo resulting from an abortion.
6. States a person may not aid or abet the sale, transfer, distribution, other unlawful disposition, acceptance, use or attempted use of a human fetus or embryo or any part, organ or fluid of the human fetus or embryo resulting from an abortion.
7. States that the physician-patient privilege does not prevent the production of documents or records relevant to an investigation of a violation.
 - a. All documents or records produced in an action brought must be inspected by the court in camera.
 - b. Before the release of documents or records to the requesting party, the court must remove patient names and other identifying information and substitute pseudonyms.
8. Permits the Director of the Department of Health Services to suspend or revoke the license of any health care institution if the owners, officers, agents or employees commit a violation.
9. Defines *abortion*, *experimentation* and *pathological study*.
10. Contains a construction and severability clause.

CURRENT LAW

[A.R.S. § 36-2302](#) prohibits knowingly using any human fetus or embryo, living or dead, or any parts, organs or fluids of any such fetus or embryo resulting from an induced abortion in any manner for any medical experimentation or scientific or medical investigative purposes:

- Except as strictly necessary to diagnose a disease or condition in the mother of the fetus or embryo, and
- Only if the abortion was performed because of such disease or condition.

The physician-patient privilege must not prevent the production of documents or records relevant to an investigation. All documents must be inspected by the court in camera, and before documents are released to a requesting party, the court must remove the names and other identifying information, if any, of the patients and substitute pseudonyms. Routine pathologic examinations are not

prohibited by a medical examiner or hospital laboratory provided such examination is not a part of or in any way related to any medical or scientific experimentation.

In *Forbes v Woods*, an action was brought challenging the constitutionality of A.R.S. § 36-2302; the United States District Court for the District of Arizona found the statutes unconstitutionally vague on summary judgment and permanently enjoined the enforcement of A.R.S. § 36-2302 (*Forbes v Woods*, 71 F. Supp.2d 2015 (D. Ariz. 1999)). On appeal, Court of Appeals, Ninth Circuit affirmed the decision (*Forbes v. Napolitano*, C.A. 9 (Ariz.) 2000, 236 F.3d 1009).



HOUSE OF REPRESENTATIVES

SB 1485

payroll deductions; charitable contributions; prohibition
Prime Sponsor: Senator Biggs, LD 12

DP Committee on Judiciary

X Caucus and COW

House Engrossed

OVERVIEW

SB 1485 prohibits state employee payroll deductions for contributions to charitable organizations that provide or facilitate *nonfederally qualified abortions*.

PROVISIONS

1. Prohibits payroll deductions from state employees or officers for contributions to any charitable organization that either:
 - a. Performs a *nonfederally qualified abortion*; or
 - b. Maintains or operates a facility where a *nonfederally qualified abortion* is performed for family planning services.
2. Defines *nonfederally qualified abortion* using an existing definition in [A.R.S. § 35-196.05](#).
3. Makes technical and conforming changes.

CURRENT LAW

Under [A.R.S. § 38-612](#), payroll deductions from the compensation of state officers and employees must be specifically authorized by federal law, federal regulation or state statute. This section outlines the various payroll deductions that may be taken from state employee compensation, including those for charitable purposes. Charitable contributions can be either selected by the university presidents for employees of state universities, or provided through a fund drive and applicable to all state agencies (except universities).

[A.R.S. § 35-196.05](#) defines a *nonfederally qualified abortion* as an abortion that does not meet the requirements for federal reimbursement under [Title XIX of the Social Security Act](#).

ADDITIONAL INFORMATION

The State Employees Charitable Campaign ([SECC](#)) is conducted under Executive Order and provides an opportunity for state employees to support non-profit agencies through ongoing payroll deductions or through a one-time payment. The Governor serves as the SECC Campaign Chairperson, with the Department of Administration Director as a Co-Chair. The Executive Policy Committee (EPC) is responsible for developing and approving all policies governing the SECC, and is comprised of agency directors. Charities that wish to participate must apply to the SECC; applications are reviewed to ensure that the charities meet specific legal and fiscal requirements. The EPC conducts the final review of charities to determine eligibility for participation. The [SECC Policy](#) guide provides additional information about the governing process for the SECC.



HOUSE OF REPRESENTATIVES

SB 1414

electronic legal material.

Prime Sponsor: Senator Driggs, LD 28

DP Committee on Transportation and Infrastructure

X Caucus and COW

House Engrossed

OVERVIEW

SB 1414 sets requirements and standards for Arizona Legislative Council to publish, preserve and authenticate electronic legal material, which include the Constitution of Arizona, Arizona session laws, and A.R.S.

PROVISIONS

1. Permits this article to be cited as the *Uniform Electronic Legal Material Act*.
2. Stipulates that this article applies to all legal material in an electronic record that is designed as official and first published electronically on or after the effective date of this article.
3. Requires an official publisher, who publishes legal material in only an electronic record to:
 - a. designate the electronic record as official;
 - b. comply with statute relating to authentication of official electronic records, preservation and security of legal materials in official electronic records and public access to legal material in official electronic records (A.R.S. §§ 41-5305, 41-5307 and 41-5308), as added by this article; and
 - c. provide for the preservation and security of the record in an electronic form or a form that is not electronic and:
 - i. ensure the integrity of the record;
 - ii. provide for backup and disaster recovery for the record; and
 - iii. ensure the continuing usability of the material.
4. Stipulates that an official publisher that publishes legal material in an electronic record and in another type of record may designate the electronic record as official.
5. Requires an official publisher of legal material in an electronic record that is designated as official to authenticate the record.
6. Stipulates that in order to authenticate a record, the publisher must provide a method for a user to determine that the record received by the user and from the publisher, is unaltered from the official record published by the publisher and states that:
 - a. legal material that is authenticated in this manner is presumed to be an accurate copy of the legal material; and
 - b. a party contesting the authentication of legal material in an electronic record has the burden of proving by a preponderance of the evidence that the record is not authentic.
7. Prescribes that if another state has adopted a law that is substantially similar to this article, legal material in an electronic record that is designated as official and authenticated by the official publisher in that state is presumed to be an accurate copy of the legal material.
8. Requires an official publisher of legal material in an electronic record that is required to be preserved to ensure that the material is reasonably available for use by the public on a permanent basis.
9. Requires an official publisher of legal material in an electronic record to consider, in implementing this article:
 - a. the standards and practices of other jurisdictions;
 - b. the most recent standards regarding authentication of, preservation and security of and public access to legal materials in an electronic record as promulgated by national standard-setting bodies;
 - c. the needs of users of legal material;
 - d. the views of governmental officials and entities and other interested parties; and

- e. methods and technologies for the authentication of, preservation and security of and public access to legal material that are compatible with the methods and technologies used by other official publishers in this state and in other states that have adopted a law substantially similar to this article.
10. Requires consideration to be given, in applying and construing this act, to the need to promote uniformity of the law with respect to its subject matter among states that enact this act.
 11. Stipulates that this article modifies, limits and supersedes the Electronic Signatures in Global and National Commerce Act, except for authorized electronic delivery of any notices described in Section 103(b) or Section 101(c), relating to consumer disclosures.
 12. Defines *electronic, legal material, official publisher, publish, record, and state.*

CURRENT LAW

A.R.S. § 41-1304.01 stipulates that the Director of the Arizona Legislative Council must provide for the preparation, arranging and correlation for publication of the laws enacted during each session and other laws enacted.