

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

**MAJORITY CAUCUS CALENDAR #19**

March 24, 2016

Bill Number	Short Title	Committee	Date	Action
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**BLUE SHEET #5** - HB2104 ASRS; retention of credited service  
 - HB2106 homeowners' associations; enforcement grace period  
 - HB2402 bonds; disclosure; notice

**Committee on Appropriations**

**Chairman:** Justin Olson, LD25  
**Analyst:** Jennifer Thomsen

**Vice Chairman:** Vince Leach, LD11  
**Intern:** Brett Galley

**\*SB 1251** reviser's technical corrections; 2016  
 SPONSOR: BIGGS, LD12

SENATE	3/8/2016	(27-1-2-0)
(No: BRADLEY; NV: MIRANDA,MEZA)		
APPROP	3/16 DP	(12-0-0-2-0)
(Abs: ALLEN J,PETERSEN)		

**Committee on Agriculture, Water and Lands**

**Chairman:** Brenda Barton, LD6  
**Analyst:** Tom Savage

**Vice Chairman:** Darin Mitchell, LD13  
**Intern:** Shirley Springer

**\*SB 1361** G&F; heritage fund; expenditures  
 SPONSOR: GRIFFIN, LD14

SENATE	3/1/2016	(21-8-1-0)
(No: DALESSANDRO,CAJERO BEDFORD,FARLEY,BRADLEY,HOBBS,QUEZADA,MEZA,SHERWOOD; NV: BURGES)		
AWL	3/17 DP	(7-1-0-2-0)
(No: GABALDÓN; Abs: MONTENEGRO,PRATT)		

**\*SB 1400** ~~water banking authority; report~~  
 (Now: county water supply provision; renewal)  
 SPONSOR: GRIFFIN, LD14

SENATE	2/25/2016	(20-8-2-0)
(No: DALESSANDRO,CAJERO BEDFORD,FARLEY,BRADLEY,CONTRERAS,HOBBS,QUEZADA,SHER WOOD; NV: PANCRAZI,BEGAY)		
AWL	3/17 DP	(5-3-0-2-0)
(No: BENALLY,GABALDÓN,OTONDO; Abs: MONTENEGRO,PRATT)		

[\\*SB 1432](#) private property; acquisition; United States  
 (Now: temporary conservation easement; taxation)  
 (AWL S/E: conservation easements; tax classification; registry)  
 SPONSOR: GRIFFIN, LD14

SENATE	2/29/2016		(20-10-0-0)
(No: DALESSANDRO,CAJERO BEDFORD,FARLEY,BRADLEY,CONTRERAS,LESKO,HOBBS,MIRANDA ,QUEZADA,MEZA)			
AWL	3/17	DPA/SE	(7-1-0-2-0)
(No: BENALLY; Abs: MONTENEGRO,PRATT)			

**Committee on Banking and Financial Services**

**Chairman: Kate Brophy McGee, LD28**      **Vice Chairman: Jeff Weninger, LD17**  
**Analyst: Paul Benny**      **Intern: Jon Rudolph**

[\\*SB 1345](#) state judgment liens; effect; information  
 SPONSOR: FARNSWORTH D, LD16

SENATE	2/18/2016		(29-0-1-0)
(NV: MCGUIRE)			
BFS	3/15	DP	(7-0-0-1-0)
(Abs: FARNSWORTH E)			

[\\*SB 1356](#) business entities; shareholders; officers; directors  
 SPONSOR: WORSLEY, LD25

SENATE	2/18/2016		(27-2-1-0)
(No: BIGGS,BURGESS; NV: MCGUIRE)			
BFS	3/15	DP	(5-2-0-1-0)
(No: ALLEN J,MCCUNE DAVIS; Abs: FARNSWORTH E)			

**Committee on Children and Family Affairs**

**Chairman: John M. Allen, LD15**      **Vice Chairman: Kate Brophy McGee, LD28**  
**Analyst: Ingrid Garvey**      **Intern: Alexandra Erickson**

[\\*SB 1297](#) paternity; preliminary injunction  
 SPONSOR: DRIGGS, LD28

SENATE	2/22/2016		(30-0-0-0)
CFA	3/14	DP	(9-0-0-0-0)

[\\*SB 1299](#) child support action; affirmative defense  
 SPONSOR: DRIGGS, LD28

SENATE	2/22/2016		(30-0-0-0)
CFA	3/14	DP	(9-0-0-0-0)

**Committee on County and Municipal Affairs**

**Chairman: Doug Coleman, LD16**      **Vice Chairman: Tony Rivero, LD21**  
**Analyst: Amanda Barnes**      **Intern: Caitlynn Kestler**

[\\*SB 1235](#) consideration of property rights; zoning  
 SPONSOR: FARNSWORTH D, LD16

SENATE	2/18/2016		(29-0-1-0)
(NV: MCGUIRE)			
CMA	3/7	DPA	(7-0-0-1-0)
(Abs: GABALDÓN)			

**Committee on Commerce**

**Chairman: Warren H. Petersen, LD12**  
**Analyst: Diana Clay**

**Vice Chairman: Jill Norgaard, LD18**  
**Intern: Kris Beecher**

- [\\*SB 1306](#) county development fees  
SPONSOR: GRIFFIN, LD14
- SENATE 3/1/2016 (20-9-1-0)  
(No: DALESSANDRO,CAJERO  
BEDFORD,PANCRAZI,FARLEY,BRADLEY,CONTRERAS,HOBBS,QUEZ  
ADA,SHERWOOD; NV: BURGES)  
COM 3/16 DP (7-1-0-0-0)  
(No: ESPINOZA)
- [\\*SB 1411](#) industries for blind; repeal; successor  
SPONSOR: DRIGGS, LD28
- SENATE 2/25/2016 (28-0-2-0)  
(NV: PANCRAZI,BEGAY)  
COM 3/16 DP (8-0-0-0-0)
- [\\*SB 1501](#) Arizona commerce authority; continuation; report  
SPONSOR: YEE, LD20
- SENATE 2/25/2016 (28-0-2-0)  
(NV: PANCRAZI,BEGAY)  
COM 3/16 DP (8-0-0-0-0)

**Committee on Education**

**Chairman: Paul Boyer, LD20**  
**Analyst: Aaron Wonders**

**Vice Chairman: Jay Lawrence, LD23**  
**Intern: Ellen Hill**

- [\\*SB 1502](#) CTE instructors; specialized teaching certificates  
SPONSOR: YEE, LD20
- SENATE 2/25/2016 (28-0-2-0)  
(NV: PANCRAZI,BEGAY)  
ED 3/16 DP (7-0-0-0-0)

**Committee on Elections**

**Chairman: Michelle B. Ugenti-Rita, LD23**  
**Analyst: Sharon Carpenter**

**Vice Chairman: Javan D. "J.D." Mesnard, LD17**  
**Intern: Taylor McGrew**

- [\\*SB 1516](#) campaign finance amendments  
SPONSOR: DRIGGS, LD28
- SENATE 3/8/2016 (18-10-2-0)  
(No: DALESSANDRO,CAJERO  
BEDFORD,PANCRAZI,MCGUIRE,FARLEY,BRADLEY,CONTRERAS,HO  
BBS,QUEZADA,SHERWOOD; NV: MIRANDA,MEZA)  
ELECT 3/15 DP (4-2-0-0-0)  
(No: CLARK,LARKIN)

**Committee on Government and Higher Education**

**Chairman: Bob Thorpe, LD6**  
**Analyst: Sharon Carpenter**

**Vice Chairman: J. Christopher Ackerley, LD2**  
**Intern: Taylor McGrew**

- [\\*HM 2002](#) urging Congress; ninth circuit reform

SPONSOR: MONTENEGRO, LD13 HOUSE  
 GHE 3/17 DP (5-3-0-1-0)  
 (No: ALSTON,SALDATE,LARKIN; Abs: TOWNSEND)

[\\*SB 1418](#) state museum; fees; rulemaking  
 (GHE S/E: fees; notice; posting; state museum)

SPONSOR: GRIFFIN, LD14  
 SENATE 2/29/2016 (30-0-0-0)  
 GHE 3/17 DPA/SE (8-0-0-1-0)  
 (Abs: TOWNSEND)

[\\*SB 1496](#) homeowners' associations; director removal

SPONSOR: FARNSWORTH D, LD16  
 SENATE 3/1/2016 (29-0-1-0)  
 (NV: BURGES)  
 GHE 3/10 DP (7-0-0-2-0)  
 (Abs: PETERSEN,OLSON)

[\\*SB 1498](#) homeowners' associations; fees; hearings; elections

SPONSOR: FARNSWORTH D, LD16  
 SENATE 3/1/2016 (29-0-1-0)  
 (NV: BURGES)  
 GHE 3/10 DPA (8-0-0-1-0)  
 (Abs: OLSON)

**Committee on Health**

**Chairman: Heather Carter, LD15**

**Vice Chairman: Regina Cobb, LD5**

**Analyst: Ingrid Garvey**

**Intern: Alexandra Erickson**

[\\*SB 1096](#) medical radiologic technology

SPONSOR: BARTO, LD15  
 SENATE 2/25/2016 (28-0-2-0)  
 (NV: PANCRAZI,BEGAY)  
 HEALTH 3/15 DPA (5-0-0-1-0)  
 (Abs: MEYER)

[\\*SB 1112](#) pharmacists; scope of practice

SPONSOR: BARTO, LD15  
 SENATE 2/8/2016 (30-0-0-0)  
 HEALTH 3/15 DPA (5-0-0-1-0)  
 (Abs: MEYER)

[\\*SB 1238](#) advisory council; Indian health care

SPONSOR: BEGAY, LD7  
 SENATE 2/29/2016 (30-0-0-0)  
 HEALTH 3/15 DP (5-0-0-1-0)  
 (Abs: MEYER)

[\\*SB 1283](#) controlled substances prescription monitoring program

SPONSOR: KAVANAGH, LD23  
 SENATE 3/3/2016 (30-0-0-0)  
 HEALTH 3/15 DP (5-0-0-1-0)  
 (Abs: MEYER)

[\\*SB 1327](#) hospitals; dieticians; prescriptions; diet orders

SPONSOR: BARTO, LD15  
 SENATE 2/22/2016 (30-0-0-0)  
 HEALTH 3/15 DPA (5-0-0-1-0)

(Abs: MEYER)

[\\*SB 1442](#) mental health services; information disclosure  
 SPONSOR: BARTO, LD15

SENATE	2/25/2016		(28-0-2-0)
(NV: PANCRAZI,BEGAY)			
HEALTH	3/15	DP	(5-0-0-1-0)
(Abs: MEYER)			

[\\*SB 1443](#) health profession regulatory boards  
 SPONSOR: BARTO, LD15

SENATE	2/25/2016		(28-0-2-0)
(NV: PANCRAZI,BEGAY)			
HEALTH	3/15	DPA	(5-0-0-1-0)
(Abs: MEYER)			

[\\*SB 1444](#) board of nursing; licensure; complaints  
 SPONSOR: BARTO, LD15

SENATE	2/25/2016		(28-0-2-0)
(NV: PANCRAZI,BEGAY)			
HEALTH	3/15	DPA	(4-0-0-2-0)
(Abs: MEYER,BOYER)			

[\\*SB 1445](#) health care services; patient education  
 SPONSOR: BARTO, LD15

SENATE	2/22/2016		(19-11-0-0)
(No: DALESSANDRO,CAJERO BEDFORD,PANCRAZI,FARLEY,BRADLEY,CONTRERAS,HOBBS,MIRA NDA,QUEZADA,MEZA,SHERWOOD)			
HEALTH	3/15	DPA	(4-2-0-0-0)
(No: MEYER,FRIESE)			

**Committee on Judiciary**

**Chairman: Eddie Farnsworth, LD12**

**Vice Chairman: Sonny Borrelli, LD5**

**Analyst: Katy Proctor**

**Intern: Meagan Anglin**

[\\*SB 1018](#) aid; execution of process; injury  
 SPONSOR: KAVANAGH, LD23

SENATE	2/25/2016		(28-0-2-0)
(NV: PANCRAZI,BEGAY)			
JUD	3/16	DP	(6-0-0-0-0)

[\\*SB 1039](#) ~~jury service; eight-year exemption~~  
 (Now: grand jury; excuse; jury service)  
 SPONSOR: KAVANAGH, LD23

SENATE	2/24/2016		(29-0-1-0)
(NV: BEGAY)			
JUD	3/16	DPA	(6-0-0-0-0)

[\\*SB 1266](#) firearms; state preemption; penalties  
 SPONSOR: SMITH, LD11

SENATE	2/18/2016		(18-11-1-0)
(No: DALESSANDRO,CAJERO BEDFORD,PANCRAZI,FARLEY,BRADLEY,CONTRERAS,HOBBS,MIRA NDA,QUEZADA,MEZA,SHERWOOD; NV: MCGUIRE)			
JUD	3/16	DP	(3-2-0-1-0)

(No: FRIESE,HALE; Abs: MESNARD)

[\\*SB 1293](#) mediation; confidential communications; exception  
SPONSOR: DRIGGS, LD28  
SENATE 2/8/2016 (30-0-0-0)  
JUD 3/16 DPA (6-0-0-0-0)

[\\*SB 1294](#) ~~claims; licensed professionals; expert witness~~  
(Now: scanning devices; burglary; trespass; penalty)  
SPONSOR: DRIGGS, LD28  
SENATE 2/29/2016 (26-4-0-0)  
(No: ALLEN S,BIGGS,FARNSWORTH D,LESKO)  
JUD 3/16 DP (6-0-0-0-0)

[\\*SB 1298](#) probation; juvenile; adult  
SPONSOR: DRIGGS, LD28  
SENATE 2/18/2016 (27-2-1-0)  
(No: DALESSANDRO,FARLEY; NV: MCGUIRE)  
JUD 3/16 DPA (6-0-0-0-0)

[\\*SB 1307](#) community property; life sentence; spouse  
SPONSOR: GRIFFIN, LD14  
SENATE 2/25/2016 (28-0-2-0)  
(NV: PANCRAZI,BEGAY)  
JUD 3/16 DP (5-0-0-1-0)  
(Abs: HALE)

[\\*SB 1308](#) juvenile charged as adult; detention  
SPONSOR: GRIFFIN, LD14  
SENATE 2/22/2016 (30-0-0-0)  
JUD 3/16 DPA (6-0-0-0-0)

[\\*SB 1449](#) ~~unmanned aircraft; prohibited operations~~  
(Now: prohibited operations; unmanned aircraft)  
SPONSOR: KAVANAGH, LD23  
SENATE 3/3/2016 (29-1-0-0)  
(No: ALLEN S)  
JUD 3/16 DPA (6-0-0-0-0)

**Committee on Military Affairs and Public Safety**

**Chairman: Sonny Borrelli, LD5**

**Vice Chairman: Mark Finchem, LD11**

**Analyst: Rick Hazelton**

**Intern: Thomas Lane**

[\\*SB 1212](#) national guard; peace officers; appointment  
SPONSOR: SMITH, LD11  
SENATE 2/18/2016 (29-0-1-0)  
(NV: MCGUIRE)  
MAPS 3/17 DP (8-0-0-0-0)

[\\*SB 1240](#) ~~private postsecondary institutions; police officers~~  
(Now: peace officers; appointment; training)  
SPONSOR: KAVANAGH, LD23  
SENATE 3/9/2016 (29-0-1-0)  
(NV: DIAL)  
MAPS 3/17 DP (7-1-0-0-0)  
(No: FARNSWORTH E)

[\\*SB 1410](#) sexual assault victim advocates; privilege  
SPONSOR: HOBBS, LD24  
SENATE 2/18/2016 (29-0-1-0)  
(NV: MCGUIRE)  
MAPS 3/17 DP (8-0-0-0-0)

**\*PENDING RULES COMMITTEE**



# HOUSE OF REPRESENTATIVES

## SB 1251

reviser's technical corrections; 2016

Prime Sponsor: Senator Biggs, LD 12

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**DP** Committee on Appropriations

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1251 makes numerous technical and conforming changes to current statutes.

### PROVISIONS

1. Makes various technical and conforming changes.

### CURRENT LAW

[A.R.S. § 41-1304](#) authorizes Legislative Council to provide bill drafting, research and other services to the Legislature deemed necessary or advisable by the Council to improve the quality of Legislation.

[A.R.S. § 41-1304.01](#) instructs the Director of Legislative Council to prepare a rewriting and revision, in simplified style, phraseology and order, of any title, chapter, article or sections of the Arizona Revised Statutes.

[A.R.S. § 41-1304.02](#) permits the Director of Legislative Council to:

- a. Renumber sections and parts of sections of newly enacted text.
- b. Rearrange sections, parts of sections, articles, chapters and titles.
- c. Change reference numbers to agree with renumbered sections, parts of sections, articles, chapters or titles.
- d. Substitute the actual date for the terms "the effective date of this section" and "the effective date of this amendment to this section" and similar terms.
- e. Strike out figures where they are merely a repetition of written words.
- f. Change capitalization for the purpose of uniformity.



# HOUSE OF REPRESENTATIVES

## SB 1361

G&F; heritage fund; expenditures

Prime Sponsor: Senator Griffin, LD 14

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

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1361 allows the Game and Fish Commission to use a portion of Heritage Fund monies on operations and maintenance of properties acquired with sensitive habitat.

### PROVISIONS

1. Reduces the required expenditure of Heritage Fund (fund) monies set aside for identification, inventory and acquisition of sensitive habitat to at least 20% for acquiring property used by endangered, threatened or candidate species.
  - a. Current law sets aside 60% of the funds and requires 40% to be used for property acquisition ([A.R.S. § 17-298](#)).
2. Allows no more than 20% of the monies to be used for operations and maintenance of acquired property, including the property's infrastructure.
  - a. Current law does not allow monies to be used for this purpose.
3. Requires the Commission to submit its final report regarding the Heritage Fund program and fund expenditures to the Secretary of State.
  - a. Current law requires the report to be submitted to the Governor and the Legislature and specifies the required contents of the report ([A.R.S. § 17-298](#)).
4. Makes technical and conforming changes.

### CURRENT LAW

[A.R.S. § 5-572](#) allocates \$10 million a year from lottery ticket sales to the Heritage Fund for, among other uses, recovering threatened and endangered species.

Statute requires the fund monies to be spent as follows:

1. 5% for public access, including maintenance and operations expenses;
2. 60% for identification, inventory, acquisition and management of sensitive habitat;
3. 15% on habitat evaluation or habitat protection;
4. 15% on urban wildlife and urban wildlife habitat programs; and
5. 5% on environmental education.



# HOUSE OF REPRESENTATIVES

## SB 1400

county water supply provision; renewal  
Prime Sponsor: Senator Griffin, LD 14

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

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1400 requires county water adequacy ordinances to be renewed on a five-year cycle.

### PROVISIONS

1. Requires county water adequacy ordinances to be renewed on a five-year cycle.
  - a. Current law allows counties to adopt a water adequacy ordinance by a unanimous vote of the board of supervisors (board) but does not require the ordinance to be renewed or extended ([A.R.S. § 11-823\(A\)](#)).
2. As session law, stipulates that water adequacy ordinances currently in effect will expire two years after the effective date of this Act. If renewed or extended by the board, the ordinance is required to be renewed or extended on a five-year cycle.
3. Requires the board of supervisors to notify DWR, DEQ and the real estate commissioner if the ordinance is not extended or renewed.

### CURRENT LAW

Laws 2007, Chapter 240 allowed counties, cities and towns located outside of Active Management Areas (AMA) to adopt an ordinance requiring new subdivisions to have sufficient groundwater, surface water or effluent of adequate quality to satisfy the needs of the proposed use for at least 100 years. A county board of supervisors may adopt, by unanimous vote, an adequacy ordinance that prohibits a new subdivision unless the subdivision has an adequate water supply designation from the Department of Water Resources (DWR).

### ADDITIONAL INFORMATION

Cochise and Yuma counties have adopted an adequate water supply ordinance.



# HOUSE OF REPRESENTATIVES

## SB 1432

temporary conservation easement; taxation  
Prime Sponsor: Senator Griffin, LD 14

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

**X** Caucus and COW

House Engrossed

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### Summary of the Proposed Strike-Everything Amendment to SB 1432

The proposed strike-everything amendment to SB 1432, effective on January 1, 2017, establishes a separate classification for and requires county assessors to establish a digital registry of taxable properties burdened by conservation easements.

### PROVISIONS

1. Establishes a separate tax classification for properties burdened by conservation easements and establishes an assessment ratio of 15%.
2. Requires all county assessors to establish and maintain a digital registry of properties burdened by a conservation easement and classified as class two C property. The registry must include the following:
  - a. Property owner's name;
  - b. Date the easement was created or recorded;
  - c. Duration of the easement; and
  - d. Date or conditions for the easement to terminate, if established as a limited easement.
3. Requires all county assessors to:
  - a. Review and revise the information in the registry to verify that the properties should remain as class two C; and
  - b. Compile an initial registry of properties burdened by a conservation easement by June 30, 2020.
4. Contains an effective date of January 1, 2017.
5. Makes technical and conforming changes.

### AMENDMENTS IN AGRICULTURE, WATER AND LANDS

1. The strike-everything amendment was adopted.

### CURRENT LAW

A.R.S. § 42-12002 and § 42-15002 establishes classifications of and the assessment ratio for class 2 property, which includes agricultural property, properties of non-profit organizations and vacant land. Class two contains two subclassifications established as class two P (personal property) and class two R (real property). The strike-everything amendment to SB 1432 will establish a third subclassification specifically for real property and improvements to real property burdened by a conservation easement with an assessment ratio of 15%. The assessment ratio for Class 2 P and R is 15%, which was effective on January 1, 2016.

### ADDITIONAL INFORMATION

A conservation easement is a voluntary agreement between a landowner and an organization or government that limits the use of the land that is burdened by the easement. Conservation easements may be permanent or temporary; the ownership of the land is maintained by the landowner but the development rights belong to the easement holder and vary depending on the terms of the easement.



# HOUSE OF REPRESENTATIVES

## SB 1345

state judgment liens; effect; information

Prime Sponsor: Senator Farnsworth D, LD 16

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**DP** Committee on Banking and Financial Services

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1345 makes state-obtained civil judgments filed with the county recorder permanent, and excludes certain information contained in an information statement

### PROVISIONS

1. Specifies a civil judgment lien obtained by the state becomes a permanent lien on real property until satisfied or lifted.
2. Exempts a civil judgment obtained by the state from requiring an information statement to contain certain information regarding the judgment debtor.
  - a. Applies retroactively to January 1, 1997.
3. Makes clarifying changes.

### CURRENT LAW

Pursuant to [A.R.S. § 33-964](#) a judgement shall become a lien on real property for a period of five years from the date ordered, except for a judgment lien for support which remains in effect until satisfied or lifted. A judgment cannot become a lien on a homestead property.

Pursuant to [A.R.S. § 33-967](#) any judgement recorded on or after January 1, 1997, must include an information statement containing the following:

- a. The correct name and last known address of each judgement debtor;
- b. The name and address of the judgement creditor;
- c. The most current amount of the judgement;
- d. The judgement debtor's social security number, date of birth, driver license number; and
- e. Indicate whether a stay of enforcement has been ordered and the date the stay expires.



# HOUSE OF REPRESENTATIVES

## SB 1356

business entities; shareholders; officers; directors  
Prime Sponsor: Senator Worsley, LD 25

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**DP** Committee on Banking and Financial Services

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1356 makes revisions to statute relating to corporate actions, liabilities, remote communications, proxies, and shareholder agreements.

### PROVISIONS

#### *Corporation Liabilities*

1. Specifies any person acting as or on behalf of a corporation that knew or should have known that the corporation has not been formed is liable for all debts and liabilities incurred by the act.
2. States any person who acts as an officer or a director and who knew or should have known that the person did not have the authority to act is liable for all debts and liabilities incurred by the act.
  - a. Exempts a person who acts on behalf of a corporation that has been administratively dissolved without the person's knowledge of dissolution.
3. Limits the persons who may bring action or assert a claim against a corporation, its directors or officer to the corporation, a shareholder, or a persons specified in the bylaws of a corporation with respect to the following actions or claims:
  - a. The decision or failure of the corporation to pursue or create a nonmonetary purpose, or
  - b. A director's or officer's violation of an obligation, duty or standard of conduct to consider the effect of an act or omission by a corporation on a nonmonetary purpose.
4. Exempts a corporation, its directors and officers from liability relating to monetary damages resulting from any decision or failure of the corporation to pursue or create any nonmonetary purpose.
5. Specifies any person that authorizes or signs a report, certificate, notice or other document with respect to a corporation, or a limited liability company, and has knowledge at the time of delivery to the Arizona Corporation Commission (ACC) that the information is materially false or misleading is liable to the corporation and its creditors for all damages resulting.
  - a. An action for liability must be commenced within two years after discovery of a false statement, but not later than six years after the document was filed by the ACC.
  - b. Provides an exemption for certain filings.
6. Adds that statute relating to corporation, or limited liability company, civil liability for false filings does not prevent the award of equitable remedies.

#### *Corporation Actions*

7. Adds a corporation has the power to take any lawful action to pursue any purpose, including a nonmonetary purpose or to create any private or public benefit.
8. Clarifies an action may be taken without a meeting provided there is written consent of shareholders of at least the minimum number of votes necessary to authorize the action at a meeting.
9. States the action taken by the written consent of the shareholders must be signed by at least the minimum number of votes necessary to authorize the action and be delivered to the corporation for inclusion in corporate records.
10. Requires an action taken without a shareholder's meeting to be taken by all shareholders and evidenced by written consent of all shareholders if any of the following applies:
  - a. The action involves the election or removal of a director,
  - b. The bylaws require an action taken without a meeting be taken by all shareholders of a corporation,

- c. The corporation is an issuing public corporation,
  - d. The corporation was formed prior to the effective date of this act, unless the corporation amends its bylaws to allow for such action.
11. Authorizes written consents to include electronic transmission and requires consents to be appropriately maintained by the corporation.
  12. Requires a notice be given within 30 days of a corporate action taken without a meeting to:
    - a. Each shareholder who did not consent to the action in writing,
    - b. Each shareholder who would have been entitled to notice of the meeting.
  13. Requires consents describing an action taken by directors without a meeting to be signed by each director in the aggregate.
  14. Authorizes written or electronic transmission of consents and signatures, of which must be appropriately maintained in corporate records.
  15. Instructs a director, in determining a corporation's best interest, to consider the effect of a proposed action or inaction on the shareholders.
    - a. States a director may consider the effects of any action or inaction on the long-term and short-term interests of the corporation, shareholders, and any other group and other pertinent factors that the director deems appropriate.
  16. Specifies the best interest of a corporation do not require that any particular interests be given priority over other interests, unless states in the corporations rules or bylaws.

#### *Remote Communication*

17. Permits shareholders to participate in meetings conducted through the use of any means of remote communication.
18. Allows shareholders not physically present at a meeting, but by means of remote communication to:
  - a. Participate in a meeting of shareholders, and
  - b. Be deemed present in person and vote, provided the corporation:
    - i. Implements reasonable measures that verify a shareholder and provide an opportunity to participate and vote,
    - ii. Maintains a record of the vote for shareholders taking action by remote communication.
19. Requires all votes to be in writing.
  - a. Votes may be submitted by electronic means if authorization for the vote can be verified and allowed under the bylaws of the corporation.

#### *Proxies*

20. Allows a shareholder, the shareholder's agent or an attorney-in-fact to appoint a proxy to vote or otherwise act for the shareholder by signing an appointment form or by an electronic transmission.
  - a. Electronic transmission must contain information on the date of the transmission and that the transmission was authorized by the sender.
21. Clarifies an appointment of a proxy is effective when the inspector of election receives a signed appointment form or an electronic transmission of the appointment.
  - a. An appointment is valid for a period stated in the appointment form or 1 year, unless expressly provided in bylaws.
22. Authorizes an inspector of election to receive a written notice of the death or incapacity of a shareholder appointing a proxy.

#### *Shareholder Agreements*

23. Extends the validity of a shareholder agreement authorized in statute from a period of 10 years to the duration of the corporation's existence.
24. Limits the enforceability of a shareholder agreement to persons with standing.

#### *Foreign Corporation*

25. Modifies the information contained in the application for a foreign corporation to transact business in this state.
26. Clarifies a foreign corporation must amend its application for authority under specified occurrences.

#### *Miscellaneous*

27. Asserts the enumeration of powers and interests of a benefit corporation does not imply that they do not exist in or may not be considered by any other type of corporation. Additionally, any corporation formed under Title 10 has the powers of a benefit

corporation and a director may consider any interests that may be considered by a director of a benefit corporation in determining what is in the best interests of the corporation.

28. Applies the standards of conduct and associated statutory presumptions to directors and officers of benefit corporations.
29. Reduces the period of time that an applicable felony or court action must be reported on a certificate of disclosure for incorporation of a corporation or benefit corporation from seven years to five years.
30. Adds that the notice for claims against a dissolved corporation must state that that a claim is barred unless a proceeding is commenced within five years after publication or before the expiration of any other applicable limitations period, whichever is earlier.
31. Specifies statute relating to claims against a dissolved corporation does not extend or lengthen any otherwise applicable time period during which claims may be brought against the corporation.
32. Defines *electronic transmission*, *enforcement proceeding*, and *nonmonetary purpose*.
33. Makes clarifying changes.



# HOUSE OF REPRESENTATIVES

SB 1297

paternity; preliminary injunction

Prime Sponsor: Senator Driggs, LD 28

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**DP** Committee on Children and Family Affairs

**X** Caucus and COW

House Engrossed

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## OVERVIEW

SB 1297 requires the clerk of the court, in an action to establish legal decision-making and parenting time for a child born out of wedlock, to issue a preliminary injunction when a petitioner has filed specified documents.

## PROVISIONS

1. Requires, in an action to establish legal decision-making and parenting time for a child born out of wedlock, the clerk of the court to issue, pursuant to an order of the court, a preliminary injunction that is directed to each party to the action if the petitioner has filed one of the following:
  - a. A copy of the birth certificate that lists the father as parent;
  - b. An affidavit or acknowledgement signed by the father admitting paternity;
  - c. An adoption order listing both parties as parents; or
  - d. A court order establishing paternity.
2. Provides the preliminary injunction must contain the following orders:
  - a. That both parties are enjoined from all of the following:
    - i. Molesting, harassing, disturbing the peace or committing an assault or battery on the person of the other party or any natural or adopted child of the parties;
    - ii. Removing any natural or adopted child of the parties then residing in this state from the jurisdiction of the court without the prior written consent of the parties or the permission of the court; and
    - iii. Removing or causing to be removed any child of the parties from any existing insurance coverage, including medical, hospital, dental, automobile or disability insurance.
  - b. That both parties maintain all insurance coverage in full force and effect.
3. Outlines the language prescribed in the preliminary injunction.
4. States the preliminary injunction is effective against the petitioner when the petition is filed and against the respondent on service of a copy of the order or on actual notice of the order, whichever is sooner. If service is by registered mail under the Arizona Rules of Family Law Procedure, the order is effective on receipt of the order. The order remains effective until further order of the court or the entry of paternity, legal-decision making or parenting time.
5. Stipulates at the time of filing the petition for paternity, legal decision-making or parenting time, copies of the preliminary injunction must be issued to the petitioner or the agent, servant or employee filing the petition for paternity, legal decision-making or parenting time. The petitioner is deemed to have accepted service of the petitioner's copy of the preliminary injunction and to have actual notice of its contents by filing a petition for paternity, legal decision-making or parenting time. The petitioner must cause a copy of the preliminary injunction to be served on the respondent with a copy of the summons and petition for paternity, legal-decision making or parenting time.
6. Specifies the preliminary injunction has the force and effect of an order of the Superior Court signed by a judge and is enforceable by all remedies available, including contempt of court.
7. Allows the court to issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury will result to the moving party if no order is issued until the time for responding has elapsed. A bond is not required unless the court deems it appropriate.
8. States a temporary order or preliminary injunction:
  - a. Does not prejudice the rights of the parties or any child that are to be adjudicated at the subsequent hearing in the proceeding;

- b. May be revoked or modified before the final decree on a showing by affidavit of the facts necessary for revocation or modification of a final decree; and
  - c. Terminates when the final order is entered or when the petition is dismissed.
9. Subjects a person who disobeys or resists a preliminary injunction to arrest and prosecution for interference with judicial proceedings and stipulates the following:
- a. Any party may cause a certified copy of the injunction and return of service on the other party to be registered with the sheriff having jurisdiction of the area in which the party resides. The party originally registering with the injunction must register any changes or modifications of the injunction with the sheriff. For enforcement by arrest and prosecution for interference with judicial proceedings, a certified copy of the injunction, whether or not registered with the sheriff, is presumed to be a valid existing order of the court until a final order is entered or the action is dismissed;
  - b. A peace officer, with or without a warrant, may arrest a person if the peace officer has probable cause to believe that an offense has been committed and has probable cause to believe that the person to be arrested has committed the offense, whether the offense is a felony or misdemeanor and whether the offense was committed within or without the presence of the peace officer. The release procedures for misdemeanor or petty offenses are not applicable to arrests made pursuant to this paragraph.
  - c. A peace officer making an arrest is not civilly or criminally liable for the arrest if the officer acts on probable cause and without malice.
  - d. A person arrested may be released from custody in accordance with the Arizona Rules of Criminal Procedure or other applicable statute. An order for release, with or without an appearance bond, must include pretrial release conditions necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide additional conditions that the court deems appropriate, including participation in any counseling programs available to the defendant.
  - e. The remedies for enforcement of the preliminary injunction are in addition to any other civil or criminal remedies available, including civil contempt of court. The use of one remedy does not prevent the simultaneous or subsequent use of any other remedy.

### **CURRENT LAW**

[A.R.S. 25-803](#) outlines the proceedings to establish maternity or paternity of a child or children to compel support which must be accompanied by a verified petition. Any party to a proceeding may request that legal decision-making and specific parenting time be determined and once paternity is established the court may award legal decision-making and parenting time. Proceedings to establish the paternity of a child may be instituted during the pregnancy of the mother or after the birth of a child [A.R.S. 24-804](#). Proceedings to establish maternity or paternity have precedence over other civil proceedings. The court, on its own motion or on motion of any party to the proceedings, must order the mother, her child or children and the alleged father to submit to genetic testing. If the results of the genetic test indicate a 95% or higher likelihood, the alleged father is the presumed parent of the child [A.R.S. 25-807](#).

[A.R.S. 25-315](#) provides similar procedures for temporary orders or preliminary injunctions for actions related to dissolution of marriage, legal separation or annulment.



# HOUSE OF REPRESENTATIVES

SB 1299

child support action; affirmative defense  
Prime Sponsor: Senator Driggs, LD 28

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**DP** Committee on Children and Family Affairs

**X** Caucus and COW

House Engrossed

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## **OVERVIEW**

SB 1299 provides that voluntary relinquishment of physical custody of a child to the obligor from the obligee is an affirmative defense to a petition for enforcement of child support arrears.

## **PROVISIONS**

1. Stipulates that voluntary relinquishment of physical custody of a child to the obligor from the obligee is an affirmative defense in whole or in part to a petition for enforcement of child support arrears. In determining whether the relinquishment was voluntary, the court must consider whether there is any evidence or history of any of the following:
  - a. Domestic violence;
  - b. Parental kidnapping; and
  - c. Custodial interference.
2. States the relinquishment must have been for a time period in excess of any court-ordered period of parenting time and the obligor must have supplied actual support for the child.

## **CURRENT LAW**

[A.R.S. 25-503](#) provides that in any proceeding in which there is at issue the support of a child, the court may order either or both parents to pay an amount necessary for the support of a child. On a showing that an income withholding order has been ineffective to secure timely payment and that an amount of six months of current support has accrued, the court must require the obligor to give security, post bond or give some other guarantee to secure overdue support. The obligation for current support must be fully met before any payment may be applied to arrearages. Any order for child support may be modified or terminated on a showing of changed circumstance that is substantial and continuing, except as to any amount that may have accrued as an arrearage before the date of notice of the motion or order to show cause to modify or terminate. Every three years, a party may request that an order for child support be reviewed and if appropriate, adjusted. If party requests a review and adjustment sooner than three years, the party must demonstrate a changed circumstance that is substantial and continuing.



# HOUSE OF REPRESENTATIVES

## SB 1235

consideration of property rights; zoning

Prime Sponsor: Senator Farnsworth D, LD 16

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**DPA** Committee on County and Municipal Affairs

**X** Caucus and COW

House Engrossed

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### **OVERVIEW**

SB 1235 requires the legislative body of a municipality or a county board of supervisors (board) to consider the residents' individual property rights and personal liberties before adopting any zoning ordinance.

### **PROVISIONS**

1. Mandates the legislative body of a municipality to consider the individual property rights and personal liberties (in accordance with Article II, Sections 1 and 2, Constitution of Arizona) of the residents within the municipality before adopting any zoning ordinance.
2. Mandates the board to consider the individual property right and personal liberties (in accordance with Article II, Sections 1 and 2, Constitution of Arizona) of the residents within the county before adopting any zoning ordinance.
3. Makes conforming changes.

### **AMENDMENTS BY THE COUNTY AND MUNICIPAL AFFAIRS COMMITTEE**

1. Provides a technical correction.

### **CURRENT LAW**

The [Arizona State Constitution, Article II, Section 1](#) states that *the recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government*. [Section 2](#) states that *all political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights*.

[A.R.S. § 9-426.01](#) allows the legislative body of any municipality to adopt an ordinance to conserve and promote the public health, safety and general welfare. The legislative body may divide a municipality into zones of the number, shape and area it deems best suited to carry out municipal planning, zoning and subdivision regulations.

[A.R.S. § 11-811](#) allows the board to adopt a zoning ordinance for the county in order to conserve and promote public health, safety, convenience and general welfare. The zoning ordinance and all rezoning and zoning regulations amendments must be consistent with and conform to the adopted comprehensive plan. The board may adopt overlay zoning districts and regulations pertinent to other particular buildings, structures, and land within the individual zones. This section does not authorize (1) the imposition of dedications, exactions, fees or other requirements which are not otherwise established by law; or (2) the regulation or restriction of the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract is five or more contiguous commercial acres, and not including the cultivation of cannabis.



# HOUSE OF REPRESENTATIVES

## SB 1306

county development fees

Prime Sponsor: Senator Griffin, LD 14

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**DP** Committee on Commerce

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1306 modifies the development fees that counties can charge to offset capital costs.

### PROVISIONS

1. Authorizes a county to assess development fees for providing necessary public services to a development including the costs to prepare or revise a development fee.
2. Requires the county to calculate the development fee based on the infrastructure improvements plan (Plan).
3. States that based on service units, development fees must reflect a proportionate share of the cost to provide necessary public services to the development.
4. Stipulates that the costs for new developments must be based on the same level of service for existing developments in the service area at the time of the adopted infrastructure improvement plan.
5. Prohibits the use of development fees for:
  - a. Funding a level of service higher than the existing development when the Plan is adopted.
  - b. Construction, acquisition or expansion of facilities or assets except as listed in the Plan.
  - c. Repair, operation or maintenance of new or existing services or facilities.
  - d. Updating, expanding, replacing or correcting existing public services that serve or create a higher standard to existing development or to meet stricter safety, regulatory or environmental standards.
  - e. Paying county administrative or maintenance and operations costs.
6. Outlines the entitlements when development fees are paid, including the immediate service from an existing facility that has the available capacity to serve the new homes, if not already reserved for new construction or financing the facility.
7. Permits counties to collect development fees as follows:
  - a. To pay for necessary public service or facility expansion identified in the Plan and when the county completes construction and the service is available within the stated time period.
  - b. To reserve capacity for future development or according to the adopted Plan.
  - c. The owner of a development constructs or finances the necessary public service or facility expansion and any of the following applies:
    1. The costs or monies advanced are credited against or reimbursed from the development fees otherwise due and the credits must equal the costs associated with the construction of the services.
    2. The county reimburses the owner for the development fees paid from all developments that will use the public service or facility expansions.
    3. In both cases, requires the county to allow the owner to assign reimbursement rights to other developments for the same category of public services in the same service area.
8. Permits finance charges to be included in the formula for determining the development fees only if the monies are used for paying principal and interest on bonds issued to finance construction of public services or facility expansion in the Plan.
9. Provides clarifying language regarding the development fees and the actual assessed costs.
10. Outlines the process for reimbursing the developer, rather than providing a credit toward the payment of development fees.

11. Specifies the timeliness for paying the development fees later than at the time the construction permits are issued. Outlines requirements for deferred development fees, which must be paid no later than 15 days after a certificate of occupancy is issued. Requires the development agreement to include appropriate security for deferment, including a surety bond, letter of credit or cash bond.
12. Requires the county to amend the Plan to include any facilities that were not previously adopted, but were a condition of development approval for the construction, improvement, contribution to or dedication of any facilities. Credits any development fees for such construction or improvement to the extent that the facilities will either reduce the need or substitute for facilities for which development fees were already assessed.
13. Directs the county to issue a credit toward any development fees identified in a Plan that requires a set-aside for open space for public park facilities or their expansion and permits reimbursement as outlined.
14. Requires the county to forecast the future contribution in cash, taxes, fees, assessments and all other sources of revenue derived from the property owner towards capital costs of the necessary public services covered by development fees.
15. States that if county development fees are assessed for residential development, they must also be assessed for commercial and industrial development. Permits the county to distinguish between the various developments, but prohibits any assessment made on the basis of home size or number of bedrooms.
16. Requires reimbursement to the development fees account for any fees the county agrees to waive.
17. Stipulates that any development fee waivers must be reported to the Advisory Committee.
18. Requires the written report of the Plan to be posted on the county's website.
19. Decreases the time in which to hold the public hearing, from 120 days after the notice of intention to assess development fees and at least 14 days before the scheduled date of adoption, to 30 days for each timeframe. The county must approve or disapprove imposing the development fees within 60 days after the public hearing.
20. Prohibits a county from adopting an ordinance, order or resolution to approve development fees as an emergency measure.
21. Prescribes the duty of the board of supervisors to adopt or update the Plan and the land use assumptions for the designated area before the county can adopt or amend its development fees or change the service area. Outlines the requirements for the public hearing, notice and posting of pertinent information on the county's website. Specifies timeframes for the county to approve or disapprove the Plan and land use assumptions. Prohibits adopting an emergency measure to approve the Plan or land use assumptions.
22. Requires the Plan to be developed by qualified professionals using generally accepted engineering and planning practices.
23. Mandates a five-year update for each Plan and county land use assumptions, and states that the initial period begins on the day the Plan is adopted. The county must review and evaluate its current land use assumptions and update their Plan accordingly.
24. Outlines the requirements for the county with regard to updating the Plan and land use assumptions, specifies timeframes and public notice and specifies alternatives to updating the Plan.
25. Details the requirements to amend a Plan without a public hearing, if the amendments only address necessary public services in the existing Plan. The changes will not increase the level of service in the area or cause an increase in development fees that is more than 5% when new or modified fees are assessed. The county must post notice of the amendment on the county's website at least 30 days before adoption and provide notice to the Advisory Committee.
26. States that for each necessary public service, the Plan must include all detailed items.
27. Stipulates that a county's Plan may identify expanded services that the county will construct beyond the noted time period and may not include those costs in the calculation of development fees.
28. Requires the county's development fees ordinance to provide:
  - a. New development fees or increased fees cannot be assessed against a development for 24 months after the date the county issues the final approval for a commercial, industrial or multifamily development or the date that the first residential building permit is issued for a residential development as outlined. Requires the county to issue a written statement of the fee schedule for the development, upon request. If the county reduces the development fees after its final approval, the reduction applies to the entire development.
  - b. A process for requesting an alternative development fee calculation as outlined.
29. Requires a county to do one of the following before adopting proposed or updated land use assumptions, development fees or Plan:

- a. Appoint an *Infrastructure Improvements Advisory Committee*, consisting of five members appointed by the board of supervisors, with a minimum 50% representative of the real estate, development or home building industry. Members may not be county employees or officials, and at least one member must represent the home builders. Outlines duties and responsibilities while serving in an advisory capacity.
  - b. Provide for a biennial certified audit of the land use assumptions, development fees and Plan, conducted by qualified disinterested professionals who are not county employees or officials. Outlines the audit review and evaluation. The county must post the audit on its website and conduct a public hearing within 60 days after its release to the public.
30. States that on written request, a real property owner for which development fees were paid after January 1, 2021, is entitled to a refund if:
    - a. Existing facilities are available and service is not provided.
    - b. The county, after collecting the fees to construct a facility when service is not available has failed to complete construction within the time period identified in the Plan, but in no event later than the 10-year period.
    - c. Any part of the development fee is not spent as authorized by statute within 10 years, or for water and wastewater facilities, any part of the development fee is not spent as authorized within 15 years after the development fees have been paid.
  31. Authorizes a refund of the development fees to the current owner, for the difference between the forecast cost and the actual cost of the construction of infrastructure, if greater than 10%
  32. States that a refund includes any interest earned by the county from the date of the development fee collection to the date of the refund.
  33. Allows development fees adopted before January 1, 2017, to continue to be collected for the purpose of providing a public service. Replaces the requirements for development fees with provisions outlined in this bill by January 1, 2021.
  34. Outlines the uses of the development fees remaining in an account after January 1, 2017.
  35. Prohibits a moratorium from being placed on development solely to adopt, update or develop the requirements for development fees.
  36. Directs the courts to narrowly construe the powers of the county while interpreting the provisions of this legislation to ensure that new residents do not bear the burden that all county taxpayers should bear.
  37. Requires the county's annual report on development fees to include the repayment amount for any debt service obligations on each facility, including any expansion to projects, the total amount advanced by the county, the source of monies and terms of repayment. The report must be posted on the county's website.
  38. Changes the term *capital improvement project* to *necessary public service*.
  39. Specifies a two year time period for any action to collect development fees.
  40. Grandfathers existing development fee assessments that were adopted for facilities financed before June 1, 2016, as outlined.
  41. States that through January 1, 2018, development fees adopted before January 1, 2017 may be used to finance construction of a facility and may be used to repay debt service obligations of *necessary public service* as noted.
  42. Defines pertinent terms.
  43. Makes technical and conforming changes.

### **CURRENT LAW**

A.R.S. § 11-1102 stipulates that a county with a capital improvements plan can charge development fees to offset capital costs for water, sewer, streets, parks and public facilities determined by the Plan to be necessary for public services provided by the county to the development in the planning area. Statute subjects the development fees to the following:

1. Must be of beneficial use to the development and assessed in a nondiscriminatory way.
2. Fund monies must be placed in a separate account and used only for the stated purposes authorized by development fees.
3. The county provides a credit toward the fee for public sites and improvements provided by the developer for the fee that is assessed. The developer of residential dwelling units (Homes) is required to pay the fees when construction permits for the Homes are issued.

4. The development fees must correlate to the burden of capital costs for additional necessary public services to the development. The county must consider the current and future contributions for taxes, fees or assessments by the property owner when determining the extent of the burden.
5. In determining a development fee for land in a *community facilities district* the county must consider all public infrastructure and capital costs paid by the district for necessary public services and cannot assess a portion of the development fee based on the infrastructure or costs. Also, the county cannot collect development fees from a school district or charter school, other than fees assessed for streets, water and sewer utility functions.
6. The county must do all of the following before assessing or increasing a development fee:
  - a. Give at least 120 days' advance notice of intention to assess a new or increased development fee.
  - b. Provide a public report with documentation to support the new or increased fee.
  - c. Hold a public hearing on the issue after the expiration of the 120 days.

Statute permits a development fee to be effective 90 days after formal adoption by the board of supervisors and requires counties to submit an annual report of the collection and use of the fees. Furthermore, counties must make the reports available to the public, submit a copy to the board of supervisors and cannot continue to collect development fees until the report is filed.



# HOUSE OF REPRESENTATIVES

## SB 1411

industries for blind; repeal; successor  
Prime Sponsor: Senator Driggs, LD 28

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**DP** Committee on Commerce

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1411 repeals the Arizona Industries for the Blind (AIB) and establishes a successor private nonprofit corporation to accept the transfer of responsibilities and liabilities.

### PROVISIONS

1. Repeals the AIB beginning on July 1, 2017.
2. Mandates that the AIB establish a successor private nonprofit corporation to establish, sustain and improve employment opportunities for people who are blind or visually impaired before July 1, 2017.
3. Allows the established nonprofit corporation to use the name "Arizona Industries for the Blind" in or as its name.
4. Transfers liability for contractual obligations to the successor private nonprofit corporation instead of the AIB of the State of Arizona.
5. Transfers all assets, unencumbered monies from the industries for the blind fund and liabilities from the Department of Economic Security's (DES) AIB to the nonprofit successor, except for the real property which will be leased to the successor.
6. Stipulates that the nonprofit successor is not an agency or public entity of this state.
7. Prohibits the State of Arizona from acting in a manner that may have any adverse material impact or effect on the business, assets or financial condition of the program during the transition period of AIB from DES to the nonprofit and delegates all necessary authority to complete the transition to the successor nonprofit corporation.
8. Repeals A.R.S. § 41-2501 as amended by Laws 2015, chapter 195, section 82 (version 2) beginning July 1, 2017.
9. Exempts Arizona Health Care Cost Containment System (AHCCCS) administration from the Arizona Procurement Code (Title 41, chapter 23 of the Arizona Revised Statutes) for provider contracts with regional behavioral health authorities pursuant to Title 36, chapter 34 of the Arizona Revised Statutes.
10. Prohibits the Department of Health Services (DHS) from requiring that persons, with whom it contracts, adhere to the Arizona Procurement Code for the purpose of subcontracts to provide domestic violence services.
11. Prohibits AHCCCS from requiring providers, with whom it contracts, to adhere to the Arizona Procurement Code for the purpose of subcontracts to provide mental health services or drug and alcohol services (currently the entire DHS is prohibited).
12. Contains an effective beginning July 1, 2017.
13. Contains technical and conforming changes.

### CURRENT LAW

[Title 41, Chapter 14, Article 1.1](#) establishes the AIB under DES and authorizes DES to equip and operate training centers, workshops, a business enterprise program and a home industries program for training and employment of adaptable blind people. DES can also facilitate the sale, distribution and marketing of the products of the training centers, workshops and home industries and help an individual or group of blind people to become self-supporting by supplying materials, equipment or machinery to them. DES may also help blind people in the sale and distribution of their products. The article also defines the term legally blind, outlines labor and fund requirement pertaining to the AIB and prohibits the labeling, marketing, and selling of products made by blind people without a permit from DES.

## **ADDITIONAL INFORMATION**

According to the [AIB's website](#):

“AIB provides employment and training opportunities for Arizonans who are blind. Most individuals of working age who are blind can compete successfully for jobs if they are given the opportunity to develop skills and increase their self-confidence. AIB was established in 1952 with a mission to inspire individuals who are blind to pursue their maximum potential through creating, sustaining and improving employment while providing the highest quality products and services.”

The AIB Fund is non-appropriated and the [FY 2016](#) estimate of the fund is \$19,400,800.



# HOUSE OF REPRESENTATIVES

## SB 1501

Arizona commerce authority; continuation; report  
Prime Sponsor: Senator Yee, LD 20

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**DP** Committee on Commerce

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1501 continues the Arizona Commerce Authority (ACA) and implements the recommendations of the Office of the Auditor General resulting from the Performance Audit and Sunset Review process.

### PROVISIONS

1. Continues the ACA for two years, until July 1, 2018.
2. Requires the ACA to annually report all of the following information on its website:
  - a. The progress made toward its goals for job creation, capital investment and higher average wages.
  - b. Information regarding each approved application, including the amount of the incentive either approved or awarded and the projected or awarded activity to qualify for the incentive.
3. Directs the ACA to develop and implement written procedures for grants from the Arizona Competes Fund that manage the following:
  - a. Document grantee selection.
  - b. The verification of information that is submitted by the grantees.
  - c. The evaluation of requests to amend grant terms and document decisions relating to the requests.
4. Makes technical and conforming changes.

### CURRENT LAW

The [ACA](#) is the state's economic development organization, with a mission to grow and strengthen the economy. The ACA uses various monetary incentives to attract, expand and retain businesses. The ACA is exempt from rulemaking, the state procurement process, the personnel system, and general accounting practices. A board of directors consisting of public and private sector business, professional and elected policy leaders provides direction to the ACA. The Governor serves as chairman, and the board includes the ACA Chief Executive Officer and 17 private sector members. There are also 12 ex officio, non-voting members and 8 agency directors/commissioners serving as advisory members.

The financial entity through which the ACA administers grants is the [Arizona Competes Fund](#) (ACF). [A.R.S. § 41-1545.02](#) permits the ACF to award grants to attract, expand or retain businesses in Arizona. Preference must be given to job training and infrastructure activities that create private sector jobs. Furthermore, the statutes authorize projects that support and advance rural and small businesses and economic development. Applicants must be in good standing on all necessary licenses and taxes, qualify as an Arizona basic industry, pay compensation that exceeds the median county wage and pay at least 65% of the employees' premium for health insurance. Additionally, applicants prove through third party verification that estimated income, property and TPT plus government fee revenues will exceed the state incentives. Before awarding grants, the ACA details the benefits, including the direct economic impact of the grants. [A.R.S. § 41-1545.04](#) requires an annual report outlining the ACF's activities, including a summary of the direct jobs and economic impact of the awards.

### ADDITIONAL INFORMATION

The ACA's mission is to grow and strengthen the state's economy and to attract, expand and retain businesses, with a focus on aerospace and defense, semiconductors and renewable energy. The ACA's five-year plan, through 2017 is:

- 1) to create 75,000 higher-wage jobs;
- 2) to increase the average wages of jobs created; and
- 3) to increase capital investment by \$6 billion.

The [Committee of Reference](#) consisting of the Senate Commerce and Workforce Development and the House of Representatives Commerce Committee recommended that the Legislature continue the ACA for two years, and the ACA implement reforms that increase transparency, place an emphasis on identifying and eliminating regulatory burdens and provide annual data on job creation and revenue growth to the state.



# HOUSE OF REPRESENTATIVES

## SB 1502

CTE instructors; specialized teaching certificates  
Prime Sponsor: Senator Yee, LD 20

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**DP** Committee on Education

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1502 requires the Arizona State Board of Education (SBE) to issue specialized standard teaching certificates in Career and Technical Education (CTE).

### PROVISIONS

1. Requires SBE to issue specialized CTE standard teaching certificates to individuals who provide instruction in CTE courses or programs offered by a school district or Joint Technical Education District and who:
  - a. Demonstrate expertise in the area of instruction;
  - b. Demonstrate at least five years of work experience in the area of instruction; and
  - c. Comply with fingerprinting and background check requirements.
2. Requires SBE to adopt rules to carry out this Act.
3. Exempts individuals who have been issued a CTE certificate from:
  - a. Completing required classes or passing a satisfactory exam regarding the United States and Arizona Constitutions.
  - b. Passing each component of the proficiency exam.
  - c. Obtaining a Structured English Immersion (SEI) endorsement.

### CURRENT LAW

Governing boards of schools that offer CTE programs are required to employ trained instructors with qualifications fixed by SBE, along with suitable classrooms and facilities for instruction. ([A.R.S. § 15-782](#)).

In addition, SBE is required to adopt rules for standard or basic teaching certificates. To qualify for a basic or standard teaching certificate, an applicant must pass each component of the proficiency exam developed by SBE, which consists of professional knowledge and subject knowledge ([A.R.S. § 15-533](#)). Any person applying for a standard teaching certificate is required to complete classes or pass a satisfactory exam on the provisions and principles of the United States and Arizona Constitutions. Qualified vocational education instructors of special adult and evening classes are exempt from completing these requirements ([A.R.S. § 15-532](#)). An applicant is also required to obtain a SEI endorsement for a standard or basic teaching certificate ([A.R.S. § 15-756.09](#)).

### ADDITIONAL INFORMATION

Pursuant to Arizona Administrative Code [R7-2-612](#), SBE offers CTE certificates in various areas of study, including agriculture, business and marketing, family and consumer sciences and health careers.



# HOUSE OF REPRESENTATIVES

## SB 1516

campaign finance amendments

Prime Sponsor: Senator Driggs, LD 28

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**DP** Committee on Elections

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1516 rewrites, repeals and modifies campaign finance statutes. Becomes effective January 1, 2017.

### PROVISIONS

1. Repeals and reorganizes campaign finance statutes.
2. Consolidates the different types of political committees into three types of committees:
  - a. candidate committees;
  - b. political action committees (PACs); and
  - c. political parties.

#### *Committee Registration*

3. Increases the contribution or expenditure threshold for requiring a candidate to register as a candidate committee from \$500 to \$1,000 in connection with that candidacy.
4. Increases the contribution or expenditure threshold for requiring an entity to register as a PAC from \$500 to \$1,000 in connection with any election during a calendar year.
5. Eliminates the requirement for a committee that intends to receive contributions or make expenditures below the threshold amount to file an exemption statement before making expenditures, accepting contributions, distributing campaign literature or circulating petitions.
6. Includes, as a criteria to register as a PAC, an entity organized for the primary purpose of influencing the result of an election.
7. Specifies entity is not organized for the primary purpose of influencing an election if all of the following apply:
  - a. the entity has tax exempt status under 501(a) of the Internal Revenue Code;
  - b. the entity has properly filed Internal Revenue Service (IRS) Form 1023 or 1024;
  - c. the entity's tax exempt status has not been denied or revoked by the IRS;
  - d. the entity remains in good standing with the Arizona Corporation Commission (ACC); and
  - e. the entity has properly filed IRS Form 990.
8. Creates a rebuttable presumption by the filing or enforcement officer that an entity is organized for the primary purpose of influencing the results of an election if the entity:
  - a. claims tax exempt status but had not filed IRS Forms 1023 or 1024 before making the contribution or expenditure, excluding a religious organization, assembly or institution.
  - b. made a contribution or expenditure and at that time:
    - i. had its tax exempt status revoked by the IRS;
    - ii. failed to file IRS Form 990, if required; or
    - iii. was not registered with the ACC, if required.
  - c. at the time of making a contribution or expenditure was registered with the ACC but was not in good standing.
9. Asserts that committees are not subject to state income tax and are not required to file a state income tax return.
10. Requires the Secretary of State (SOS) to increase threshold amounts by \$100 in each January of odd-numbered years.

### ***Statement of Organization***

11. Requires a committee to file a statement of organization within 10 days after qualification. Currently, if a committee that has filed an exemption statement receives contributions or makes expenditures of more than \$500, the committee must file a statement of organization within five business days.
12. Modifies the statement of organization as follows:
  - a. requires the email address of the committee, chairperson, treasurer and sponsor;
  - b. requires the telephone number and website, if any, of a sponsor;
  - c. removes the requirement for the sponsor to list the relationship;
  - d. a statement that the chairperson and treasurer have read the filing officer's campaign finance and reporting guide, agree to comply with applicable laws, and agree to accept all notifications and service of process via the email addressed provided by the committee.
13. Requires a committee to file an amended statement of organization within 10 days after any change, rather than within 5 business days.
14. Declares that on filing a statement of organization, a PAC or political party may perform any lawful activity without establishing a separate committee for each activity or specifying each activity in its statement of organization.
15. Eliminates the requirement for standing committee to include a notarized signature of the chairman or treasurer declaring its status in the statement of organization and the ability of the SOS to charge an annual \$250 fee.

### ***Recordkeeping***

16. Requires segregation of committee bank accounts as follows:
  - a. committee monies must be segregated from personal monies;
  - b. individual and committee contributions must be segregated from corporations, limited liability companies and labor organization contributions; and
  - c. contributions to a political party to defray operating expenses or support party-building activities must be segregated from contributions used to support candidates;
  - d. contributions intended to influence a recall election must be segregated from contributions intended influence any other election.
17. Prohibits recall contributions from being used to influence any other election.
18. Permits comingling of monies for a political party committee if the account is maintained in accordance with federal law.
19. Requires a committee to exercise its best effort to obtain required information for any incomplete contribution received. Includes attempt by email, text message or private message through social media as *best effort*.
20. Exempts from recordkeeping the identity of any contributor that contributes, in the aggregate, less than \$50 during the election cycle.
21. Permits a committee to accept a cash contribution.
22. Requires a committee to preserve all records for two years following the end of the election cycle, rather than three years after the filing of the finance report.
23. Directs a person that qualifies as a committee to report all contributions, expenditures and disbursements that occurred before qualifying as a committee and to maintain and produced records as prescribed.
24. Removes the requirement that the banks used by committees must be insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

### ***Mega PACs***

25. Renames committees commonly referred to as super PACs as *Mega PACs*.
26. Extends the period for a Mega PAC to receive at least 500 individual contributions of \$10 from two years to four year immediately preceding application to the SOS.

### ***Contributions***

27. Permits a person to make any contribution not otherwise prohibited by law.

28. Modifies the definition of *contribution* and specifies the following are not contributions:
- a. the value of an individual's volunteer services or expenses provided without compensation or reimbursement, including travel expenses; use of real or personal property; cost of invitations, food or beverages; use of email, internet activity or social media;
  - b. the costs incurred for covering or carrying a news story, commentary or editorial by a broadcasting station or cable television operator, an internet website, a newspaper or another periodical publication if the cost is not paid for by and the medium is not owned or under the control of a candidate or committee;
  - c. any payment to defray the expense of an elected official meeting with constituents or attending an information tour, conference, seminar or presentation if the payor or the elected official does not attempt to influence the result of an election and the payment is reported if required in accordance with financial disclosure for public officers or regulation of lobbyists, or both;
  - d. the payment by a political party to support its nominee, including the printing or distribution of, or postage expenses for, voter guides, samples ballots, pins, bumper stickers, handbills, brochures, posters, yard signs and other similar material distributed through the party; or coordinated political party expenditures;
  - e. the payment by any person to defray a political party's operating expenses or party-building, including party staff and personnel; studies and reports; voter registration, recruitment polling and turnout effects; party conventions and meetings; and construction, purchase or lease of party buildings or facilities;
  - f. the value of any interest earned on the committee's deposits or investments;
  - g. the value of transfers between committees to reimburse expenses and distribute monies raised through a joint fundraising effort, except that contributions must be allocated as described in fundraising solicitation and expenses must be allocated in the same proportion as contributions;
  - h. the value of payment of a committee's legal or accounting expenses by an person;
  - i. the value of an extension of credit for goods and services on a committee's behalf by a creditor if the terms are substantially similar to extensions of credit to nonpolitical debtors of similar risk and size of obligation. The creditor must make a commercially reasonable attempt to collect the debt, except that if an extension of credit remains unsatisfied after six months the committee is deemed to have received a contribution but the creditor is not deemed to have made a contribution;
  - j. the value of nonpartisan communications intended to engage voter registration and turnout effects;
  - k. any payment to a filing officer for arguments in a publicity pamphlet;
  - l. the payment by any sponsor or its affiliate for the cost of establishing, administering and soliciting contribution from its employees, members, executives, stockholders and retirees and their families to the sponsor's separate segregated fund;
  - m. any payment by an entity for the costs of communicating with its employees, members, executives, stockholders and retirees and their families about any subject, without regard to whether those communications are made in coordination with any candidate or candidate's agent;
  - n. the value of allowing a candidate or committee's representative to appear at any private residence or at the facilities of any entity to speak about the candidate's campaign or about a ballot measure if the venue is furnished by the venue's owner, is not paid for by a third-party and is not a stadium, coliseum, convention center, hotel ballroom, concert hall or similar area generally open to the public;
  - o. the costs of hosting a debate or candidates' forum if at least two opposing candidates, with respect to any given office sought, or representatives of at least two opposing ballot measure campaigns, with respect to any measure on the ballot, are invited with the same of similar advance notice and method of invitation;
  - p. monies loaned by a financial institution in the ordinary course of business and are not for the purpose of influencing the results of an election, except that the loan is deemed a pro rata contribution by any endorser or guarantor other than the candidate's spouse;
  - q. the costs of publishing a book or producing a documentary if it is for distribution to the general public through traditional distribution mechanism or a fee is obtained for the purchase of publication or viewing of the documentary; and
  - r. the preparation and distribution of voter guides subject to the following prohibitions:
    - i. granting a candidate or ballot measure greater prominence or substantially more space than any other candidate or ballot measure; and
    - ii. include any message that constitutes express advocacy.
29. Asserts that the exemptions do not imply that any transaction not specifically listed are contributions unless those transactions otherwise meet the definition of *contribution*.
30. Maintains the current contributions limits.
31. Requires the SOS to increase contribution limits by \$100 in each January of odd-numbered years, rather than biennially adjusting by the change in the consumer price index.

32. Requires a candidate committee to refund or reattribute any excess contributions within 60 days after receipt of the contribution.
33. Allows an individual to only make contributions using *personal monies*.
34. Permits a candidate committee to transfer unlimited contributions to any candidate committee for the same candidate without regard to the office sought if both candidate committees are registered with a filing officer as prescribed.
35. Deems contributions originally made to the transferring committee as contributions to the receiving candidate committee.
36. Prohibits an individual's aggregate contributions to both candidate committees during the election cycle from exceeding the individual's contribution limit for that candidate.
37. Permits unlimited contributions to a person other than a candidate's committee from:
  - a. a candidate committee;
  - b. a PAC;
  - c. a political party;
  - d. a corporation, limited liability company (LLC) or labor organization; and
  - e. a partnership.
38. Allows a political party to make unlimited contributions to nominees.
39. Prohibits the contribution of monies by a corporation, LLC or labor organization to:
  - a. a candidate committee from a PAC; and
  - b. nominees from a political party.
40. Permits a sponsor or its segregated fund to solicit contributions from the sponsor's or subsidiaries' employees, members, executives, stockholders, retirees and their families.
41. Allows a trade association to solicit contributions from its members' employees, subsidiaries and retirees.
42. Removes the limitation of no more than two written solicitations per year from a non-stockholder or non-executive.
43. Requires the partnership to provide the recipient committee written notice identifying the contributing partners and the amount attributed to each.
44. Prohibits a partnership from attributing any contribution to a partner that is a corporation, LLC or labor organization.
45. Specifies that partnership contributions need not be accompanied by the signature of each contributing partner.
46. Permits a partnership to establish a segregated fund.

#### *Expenditures*

47. Permits a person to make any expenditure not otherwise prohibited by law.
48. Modifies the definition of *expenditure* and specifies the following are not expenditures:
  - a. the value of an individual's volunteer services or expenses provided without compensation or reimbursement, including travel expenses; use of real or personal property; cost of invitations, food or beverages; use of email, internet activity or social media;
  - b. the value of any news story, commentary or editorial by any broadcasting station or cable television operator, programmer or producer, newspaper, magazine, website or other periodical not owned or operated by a candidate, candidate's spouse or any committee;
  - c. the payment by any person to defray a political party's operating expenses or party-building activities, including party staff and personnel; studies and reports; voter registration, recruitment polling and turnout efforts; party conventions and meetings; and construction, purchase or lease of party buildings or facilities;
  - d. the value of any interest earned on the committee's deposits or investments;
  - e. the value of transfers between committees to reimburse expenses and distribute monies raised through a joint fundraising effort, except that contributions must be allocated as described in fundraising solicitation and expenses must be allocated in the same proportion as contributions;
  - f. the payment of a committee's legal or accounting expenses;
  - g. an extension of credit for goods and services on a committee's behalf by a creditor if the terms are substantially similar to extensions of credit to nonpolitical debtors of similar risk and size of obligation. The creditor must make a commercially reasonable attempt to collect the debt, except that if an extension of credit remains unsatisfied after six months the committee is deemed to have received a contribution but the creditor is not deemed to have made a contribution;

- h. the value of nonpartisan communications intended to engage voter registration and turnout effects;
  - i. any payment by a person that is not a committee to a filing officer for arguments in a publicity pamphlet;
  - j. any payment for legal or accounting services provided to a committee; and
  - k. the payment of costs of publishing a book or producing a documentary if it is for distribution to the general public through traditional distribution mechanism or a fee is obtained for the purchase of publication or viewing of the documentary.
49. Asserts that the exemptions do not imply that any transaction not specifically listed are expenditures unless those transactions otherwise meet the definition of *expenditure*.
50. Stipulates that any person may make an independent expenditure (IE).
51. Specifies an expenditure is not an IE if there is *actual* coordination. Currently, it is not independent if “there is any arrangement, coordination or direction” with respect to the candidate and the person making the expenditure.
52. Allows, instead of requires, a filing or enforcement officer to consider evidence of coordination, which is rebuttable.
53. Removes consideration of whether the person making the expenditure has received any form of compensation or reimbursement in the same election cycle from the candidate and instead requires consideration of whether the candidate is or has been authorized to raise money or solicit contributions on behalf of the person making the expenditure in the same election cycle.
54. Deems an expenditure coordinated with a candidate, other than a coordinated party expenditure, an in-kind contribution to the candidate.
55. Eliminates the requirement for a corporation, LLC or labor organization that makes certain IEs over specified thresholds to register and notify the appropriate filing officer within one day.

#### ***Disclosure Statements***

56. Requires an advertisement or fundraising solicitation to include the words “paid for by” followed by the name of the person making the expenditure, rather than the name of the committee that appear of its statement of organization or \$500 exemption statement.
57. Maintains the requirement for a PAC to include the names of the three political committees making the largest contribution to the PAC making the expenditure but specifies it is the three largest aggregate contributions that exceed \$20,000 during the election cycle, rather than calendar year.
- a. Removes the requirement to include phone numbers.
58. Removes the separate disclosure requirements for political committee that make expenditures in conjunction with any literature or advertisement to support or oppose a ballot proposition. Currently, disclosure is required for the four largest major funding sources, or if fewer than four, all major funding sources.
59. Allows radio disclosure statements to be spoken at the beginning or end of the broadcast.
60. Specifies billboard disclosure statements must be displayed in a height of at least 4% of the vertical height of the sign or billboard.
61. Exempts TV, video or film advertisements from spoken disclosure if the written disclosure statement is displayed for the greater of one-sixth of the broadcast duration or 4 seconds, rather than the current requirement that the disclaimer be displayed for 5 seconds on a 30-second ad or 10 seconds on a 60-second ad.
62. Exempts the following from the disclosure statements:
- a. social media messages, text message or message sent by a short message service;
  - b. advertisements placed as a link on a website if the message is not more than 200 characters and the link directs the user to another website that complies with the disclosure requirements;
  - c. advertisements placed as a graphic or picture link if the required statements cannot be conveniently printed and the link directs the user to another website that complies with the disclosure requirements;
  - d. a solicitation of contributions by a separate segregated fund;
  - e. communication by a tax-exempt organization solely to its members; and
  - f. a published book or documentary film or video.

#### ***Campaign Finance Reports***

63. Requires the SOS’s instructions and procedures manual to prescribe the format for all reports and statements.
64. Stipulates a campaign finance report must contain:
- a. an itemized list of all disbursements in excess of \$250;

- b. expenditures to advocate for or against the passage or defeat of a ballot measure, including identification of the ballot measure, serial number, election date, mode of advertising and distribution or publication date; and
  - c. expenditures to advocate for or against the issuance of a recall election order or the election or defeat of a candidate in a recall election, including identification of the officer to be recalled or candidate supported or opposed, mode of advertising and distribution or publication date.
65. Requires PACs and political parties to report contributions from and disbursements to corporations, LLCs, and labor organizations and include identification of their file number issued by the ACC.
66. Requires certification by the committee treasurer, issued under penalty of perjury, that the contents of the report are true and accurate.
67. Specifies a committee must report the identify to whom a receipt or disbursement is earmarked.
68. Modifies the IE report as follows:
- a. requires an entity that makes IEs or ballot measure expenditures in excess of \$1,000 during a reporting period to file a report with the filing officer for the applicable reporting period;
  - b. requires the report to identify the candidate or ballot measure supported or opposed, office sought by the candidate, election date, mode of advertising and first date of publication, display, delivery or broadcast;
  - c. removes the requirement to identify the names, occupations, employers and amount contributed by each of the three contributors that contributed the most money within the preceding six months;
  - d. eliminates the certification under penalty of perjury stating whether or not the claimed IE is made in cooperation, consultation or concert with or at the request or suggestion of any candidate, candidate’s campaign committee or candidate’s agent.
69. Eliminates the requirement for campaign and ballot measure committees to report contributions from a single source less than 20 days before the election if the contribution meets specified thresholds.
70. Deletes the requirement to file *no activity* reports.

***Reporting Periods***

71. Modifies the reporting periods as follows:

- a. for PACs and political parties

<b>Time Period Covered</b>	<b>Report Due</b>
January 1 through March 31	April 15
April 1 through June 31	July 15
July 1 through September 30	October 15
October 1 through December 31	January 15
July 1 through 17 days before the election	10 days before the election
16 days before the election through September 30	October 15
October 1 through 17 days before the election	10 days before the election
16 days before the election through December 31	January 15

- b. for a candidate committee:

<b>Time Period Covered</b>	<b>Report Due</b>
January 1 through March 31	April 15
April 1 through June 31	July 15
July 1 through September 30	October 15
July 1 through 17 days before the election	10 days before the election
October 1 through 17 days before the election	10 days before the election
October 1 through December 31	January 15

72. Requires a committee to file reports until terminated.
73. Requires filing officers to provide the option for electronic filing and make all statement and reports publicly available on the internet. Compliance may be met by opting into the SOS electronic filing system and paying a fee as determined by the SOS.

***Enforcement***

74. Requires a filing officer, if a committee fails to file a timely report, to send a written notice by email within 5 days after the deadline, instead of by certified mail within 15 days.

75. Stipulates the notice must identify the late report, describe how fines accrue and methods of payment, rather than provide with reasonable particularity the nature of the failure and the penalties.
76. Eliminates the maximum \$450 late fee.
77. Suspends temporarily the committee's authority to operate on receipt of the notice of the failure to file three consecutive complete reports, rather than within 30 days.
78. Requires the notice to state that the failure to comply with all filing and payment requirements within 30 days will result in permanent suspension.
79. Declares the filing officer is the sole public officer authorized to initiate an investigation into alleged violations, including the alleged failure to register as a committee.
80. Limits investigations by a filing officer to violations within their jurisdiction.
81. Allows the filing officer to refer an investigation to another other filing officer in the state who agrees to accept the referral upon declaration of a conflict of interest.
82. Directs the SOS to establish guidelines in the instructions and procedures manual outlining the procedures, timelines and other processes that apply to investigations by filing officers.
83. Specifies a filing officer, enforcement officer or other public officer or employee:
  - a. may not order a person to register as a committee;
  - b. do not have audit or subpoena powers to compel the production of evidence or attendance of witnesses concerning a potential campaign finance violation; and
  - c. may request the voluntary production of evidence or attendance of witnesses in making a reasonable cause determination.
84. Allows an enforcement officer to do the following after receiving a referral from the filing officer:
  - a. conduct an investigation using subpoena powers, but prohibits the officer from compelling a person to file campaign finance reports unless it is determined the person is a committee;
  - b. serve the alleged violator with a notice of violation; and
  - c. keep any nonpublic information gathered in the course of the committee status investigation confidential until the final disposition of any appeal of the enforcement order.
85. Adds that the notice must specify the fine or penalty imposed.
86. Requires the enforcement officer to impose a presumptive civil penalty equal to the value or amount of money received, spend or promised in violation.
87. Permits, after a finding of special circumstance, the enforcement officer to impose a penalty up to three times the amount of the presumptive civil penalty, based on the severity, extent or willful nature of the alleged violation.
88. Removes the \$1,000 civil penalty cap.
89. Stipulates a person is not required to file campaign finance reports until the enforcement officer's notice of violation has been upheld after any timely appeal.
90. Requires the enforcement officer to:
  - a. impose the penalty set forth in the notice; and
  - b. provide formal notice that the imposition of the penalty is an appealable agency action.
91. Provides that the alleged violator is not subject to any penalty if corrective action is taken within 20 days of the issuance of the notice of violation.
92. Declares that the enforcement officer has the sole and exclusive authority to initiate any appealable administrative or judicial proceedings to enforce an alleged violation referred by the filing officer.

*Miscellaneous*

93. Moves the deadline to file nomination papers up from 90 to 180 days before the primary election.
94. Asserts that a person is not eligible to be a candidate for nomination or election to and is not eligible to serve simultaneously:
  - a. in more than one statewide office;
  - b. in more than one legislative office; and

c. in both a legislative office and a statewide office.

95. Eliminates statutes:

- a. enumerating unlawful actions by corporations and labor organizations;
- b. stating religious assemblies or institutions are not required to register as committees;
- c. declaring it is illegal for a person to volunteer services for expected compensation;
- d. establishing a civil penalty for deceptive mailings;
- e. requiring a committee, corporation, LLC or labor organization that makes an IE for literature or advertisement relating to any candidate within 60 days of an election to mail a copy to the named candidate within 24 hours.

96. Requires the SOS to publish and make available to election officials, candidates, committees and the public the revised amounts of committee registration thresholds and contribution limits.

97. Changes the candidate nomination affidavit to a declaration.

98. Eliminates the ability for a committee to transfer its debts and obligations to a subsequent committee for that candidate.

99. Permits a committee to terminate if it has outstanding debts or obligations that are more than five years old and the creditors have agreed to discharge them.

100. Allows a filing officer to reject the termination statement if it appears the required conditions have not been met.

101. Declares petition signatures ineligible if the date signed is before the date that the serial number was assigned, rather than the date the statement of organization was filed.

102. Removes the declaration that signatures obtained on recall petitions before the filing of the committee's statement of organization as void.

103. Makes technical and conforming changes.

104. Becomes effective January 1, 2017.

### **CURRENT LAW**

Generally, political committees fall into three broad categories: candidate committees, political parties and political action committees (PACs). Within each of these categories, political committees are dedicated for specific functions, such as making contributions to candidates, supporting or opposing ballot measures or making IEs. Certain committees may qualify for special status. For example, super PACs registered with the SOS may give contributions to candidates at a higher contribution limit. To qualify, the committee must have received \$10 contributions from 500 contributors in the two-year period before applying for the status. A committee with standing committee status has consolidated reporting requirements; the committee must file campaign finance reports with the SOS but is exempt from the filing requirements of other Arizona jurisdictions. To qualify, the committee must be active in more than one reporting jurisdiction for more than one year and pay an annual \$250 fee.

Generally, a contribution is any gift, loan, advance, deposit of money or anything of value made for the purpose of influencing an election. However, statute outlines exemptions to contributions, meaning some of the money, loans or in-kind goods and services do not have to be reported. A *contribution* does not include: 1) the value of services provided without compensation by a volunteer on behalf of a committee; 2) money or the value of anything directly or indirectly provided to defray the expense of an elected official meeting with constituents, or provided by the state or political subdivision to an elected official for communication with constituents, if the official is engaged in the duties of his office; 3) the use of real or personal property used on a regular basis by members of a community for noncommercial purposes, and the cost of invitations, food and beverages voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises or other property, to the extent that the cumulative value does not exceed \$100 in any single election; 4) any unreimbursed payment for travel expenses for a volunteer; 5) the payment by a political party for party operating expenses as outlined; 6) IEs; 7) monies loaned by a bank made in accordance with applicable law in the ordinary course of business, as specified; 8) a gift, loan or deposit of anything of value to a national or state committee of a political party specifically designated to defray any cost for the construction or purchase of an office facility not acquired for the purpose of influencing the election of a candidate in any particular election; 9) legal or accounting services if the only person paying is the regular employer of the individual and if the services are solely for the purpose of complying with campaign finance law; 10) the payment by a political party of the costs of campaign materials used by the party in connection with volunteer activities on behalf of any nominee or the payment of the costs of voter registration and get-out-the-vote activities as outlined; 11) transfers between political committees to distribute monies raised through a joint fundraising effort as specified; 12) an extension of credit for goods and services if the terms are substantially similar to extensions of credit to nonpolitical debtors and if the creditor makes a reasonable attempt to collect the debt, except debts that remain unsatisfied by the candidate after six months; and 13) interest or dividends earned on any bank accounts, deposits or other investments.

Similarly, there are exemptions from the definition of expenditures. An expenditure is any purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made by a person for the purpose of influencing an election in Arizona. However, an *expenditure* does not include: 1) a news story, commentary or editorial distributed through the facilities of any telecommunications system or periodical publication, unless the facilities are owned or controlled by a political committee, political party or candidate; 2) nonpartisan activity designed to encourage individuals to vote or register to vote; 3) the payment by a political party of the costs of preparation, display, mailing or other distribution incurred by the party with respect to any printed slate card, sample ballot or other printed listing of three or more candidates for any public office for which an election is held, except that this exception does not apply to costs with respect to a display of any listing of candidates made on any telecommunications system or in newspapers, magazines or similar types of general public political advertising; 4) the payment by a political party of the costs of campaign materials as specified used by the party in connection with volunteer activities on behalf of any nominee of the party or payment as outlined of the costs of get-out-the-vote activities; and 5) any deposit or other payment filed with the SOS or any similar officer to pay any portion of the cost of printing an argument in a publicity pamphlet advocating or opposing a ballot measure.



# HOUSE OF REPRESENTATIVES

HM 2002

urging Congress; ninth circuit reform

Prime Sponsor: Representative Montenegro, LD 13

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**DP** Committee on Government and Higher Education

**X** Caucus and COW

House Engrossed

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## OVERVIEW

HM 2002 urges the U.S. Congress to enact reform measures for the U.S. Court of Appeals for the Ninth Circuit.

## PROVISIONS

1. Implores the U.S. Congress to enact reform measures for the U.S. Court of Appeals for the Ninth Circuit.
2. Directs the Secretary of State to transmit copies of this memorial to each member of the U.S. Congress.

## CURRENT LAW

Not currently addressed in statute.

## ADDITIONAL INFORMATION

In 2009, 29 judgeships were authorized for the [U.S. Ninth Circuit Court of Appeals](#). The mission of the U.S. Ninth Circuit Court of Appeals is to provide an impartial forum for the just and prompt resolution of cases through the uniform and coherent application of the U.S. Constitution and laws.



# HOUSE OF REPRESENTATIVES

## SB 1418

state museum; fees; rulemaking

Prime Sponsor: Senator Griffin, LD 14

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**DPA/SE** Committee on Government and Higher Education

**X** Caucus and COW

House Engrossed

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### **STRIKE-EVERYTHING SUMMARY**

The proposed strike-everything amendment to SB 1418 establishes a process to adopt fees for services performed by the Arizona State Museum (Museum).

### **PROVISIONS**

1. Requires the Arizona Board of Regents (ABOR) to adopt any fees for services performed by the Museum.
2. Stipulates the Museum Director, before submitting a proposal to ABOR to increase fees, must do the following:
  - a. provide a notice of intent to increase fees on the Museum's website before January 1 that includes a justification, identifies any entity impacted and the instances in which the fees will be assessed;
  - b. submit the proposal to the Secretary of State (SOS);
  - c. post the draft proposal on the Museum's website by the second Monday in January;
  - d. provide an opportunity for public comment for at least 30 days;
  - e. post a revised draft proposal on the Museum's website at the end of the comment period, if applicable;
  - f. provide an opportunity for public comment regarding the revised draft proposal for at least 20 days; and
  - g. post on the museum's website a final draft of the proposal and the expected date ABOR will consider the proposed increase within five business days after the end of the public comment period.

### **AMENDMENTS IN GOVERNMENT AND HIGHER EDUCATION**

1. Adopted the strike-everything amendment.
2. Removes the requirement to submit the proposal to the SOS.

### **CURRENT LAW**

The Museum was established in 1893 by the Arizona Territorial Legislature for the collection and preservation of the archeological resources, specimens of the mineral wealth and the flora and fauna of this state. The Museum is the state's official permitting agency for archeological and paleontological projects across the state and is under the direction and management of ABOR ([A.R.S. § 15-1631](#)). ABOR and the institutions under its jurisdiction are exempt from the [rulemaking](#) requirements, except that ABOR is required to make policies or rules that provide for notice of and opportunity for comment on the policies or proposed rules, as appropriate under the circumstances ([A.R.S 41-1005](#)).



# HOUSE OF REPRESENTATIVES

SB 1496

homeowners' associations; director removal

Prime Sponsor: Senator Farnsworth D, LD 16

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**DP** Committee on Government and Higher Education

**X** Caucus and COW

House Engrossed

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## OVERVIEW

SB 1496 establishes procedures for the removal of a member of the board of directors (board) for [unit owners associations](#) or [planned community associations](#) (associations).

## PROVISIONS

1. Stipulates board vacancies must be filled as provided in the [condominium documents](#) or [community documents](#) (documents) if less than a majority of the board is removed.
2. Requires the association to hold an election for the replacement of the removed directors, at a separate meeting, within 30 days of the removal meeting if:
  - a. a majority of the board is removed; or
  - b. the documents do not provide a method for filling the vacancies.
3. Prohibits a removed board member from being eligible to serve on the board again until after the expiration of the removed member's term of office, unless the documents specifically provide a longer ineligibility period.
4. Stipulates retention of all documents and records of any election or other action taken for replacement of a board member.
5. Makes conforming changes.

## CURRENT LAW

A board member, other than a member appointed by the declarant, may be removed by a majority vote of a quorum of members entitled to vote at a meeting with or without cause. In order to call for the removal of a board member, a petition must be circulated and signed by at least 25% of those entitled to cast a vote or 100 votes, whichever is less. Upon receipt of a petition, the board is required to call and provide written notice of a special meeting held within 30 days. At any special meeting called for the removal of a board member, a quorum is present if enough members are in attendance to cast 20% of the total votes or 1,000 votes, whichever is less. For an association in which board members are elected from separately designated voting districts, a member of the board may be removed only by a vote of the members from that voting district, and only the members from that voting district are eligible to vote on the matter or be counted for purposes of determining a quorum (A.R.S. §§ [33-1813](#) and [33-1243](#)).



# HOUSE OF REPRESENTATIVES

## SB 1498

homeowners' associations; fees; hearings; elections  
Prime Sponsor: Senator Farnsworth D, LD 16

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**DPA** Committee on Government and Higher Education

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1498 modifies requirements relating to elections, late assessment and violation notifications for unit owners' associations and homeowners' associations (associations).

### PROVISIONS

1. Specifies any charge for late payments of assessment may only be imposed by an association after providing actual notification of overdue assessments or notice the assessment is overdue after a certain date.
2. Requires associations to provide written notice of the member's option to petition for an administrative hearing with the [Arizona Department of Fire, Building and Life Safety](#).
3. Stipulates a completed election ballot, envelope or related materials must contain the name, address and either the actual or electronic signature of the person voting, except that a secret ballot's envelope or nonballot-related materials must contain the specified information instead.
4. Prescribes retention of all ballots, envelopes and related materials for one year and specifies the materials must be available for inspection.
5. Makes technical changes.

### AMENDMENTS IN GOVERNMENT AND HIGHER EDUCATION

Clarifies that the voting materials may be retained in either electronic or paper format.

### CURRENT LAW

Unless reserved to the members of a homeowners' association, the board of directors may impose reasonable charges for the late payment of assessments. A payment is deemed late if it is unpaid 15 or more days after its due date, unless the community documents provide for a longer period. Charges for the late payment of assessments are limited to the greater of \$15 or 10% of the amount of the unpaid assessment ([A.R.S. § 33-1803](#)).

A member who receives written notice that the property condition is in violation of a condominium or community document requirement without regard to whether a monetary penalty is imposed by the notice may provide the HOA with a written response by certified mail within 10 business days. Unless the process to contest the notice is provided in the violation, an HOA is prohibited from proceeding with any action to enforce the documents, including the collection of attorney fees, before or during the exchange of information between the member and the HOA ([A.R.S. §§ 33-1242](#) and [33-1803](#)).



# HOUSE OF REPRESENTATIVES

## SB 1096

medical radiologic technology

Prime Sponsor: Senator Barto, LD 15

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**DPA** Committee on Health

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1096 updates the statutes related to the Arizona Radiation Regulatory Authority (ARRA) and the Medical Radiologic Technology Board (Board) and continues the ARRA and the Board for two years.

### PROVISIONS

1. Allows the director of the Board to adopt rules related to the provisions identifying the types of applications of ionizing radiation for a practical technologist in bone densitometry, radiation therapy technologist, mammographic technologist, nuclear medicine technologist, bone densitometry technologist, computed tomography technologist, radiologic assistant, physician assistant and any new radiologic modality technologist.
2. Removes the requirement that the Board consider standards of the American Medical Association and the American Osteopathic Association, when approving a school of radiologic technology.
3. Includes an out-of-state school of radiologic technology that is approved by the Joint Review Committee on Education in Radiologic Technology, the American Registry of Radiologic Technologists or the Nuclear Medicine Technology Certification Board as acceptable courses of study for a radiologic technologist, radiation therapy technologist or nuclear medicine technologist.
4. Includes a practical technologist in bone density certification.
5. Increases the continuing education requirements for a practical technologist in bone density from *one hour* every two years to *two hours* every two years.
6. Requires the following continuing education requirements:
  - a. Radiologist assistant, 50 hours every two years;
  - b. Radiologic technologist, 24 hours every two years; and
  - c. Radiation therapy technologist, 24 hours every two years.
7. Outlines the titles that a certificate holder may utilize, as applicable.
8. Allows the Board on its own motion or the executive director if delegated by the Board, to investigate any evidence that appears to show the existence of any of the causes or grounds for disciplinary action. The Board may investigate any complaint that alleges the existence of any of the causes or grounds for disciplinary action.
9. Requires a person who wishes to perform computed tomography to obtain a computed technologist certificate from the Board.
10. Clarifies that the Board must issue a certificate when the applicant pays a *prorated* application fee.
11. Requires an applicant for mammographic certification to complete training and education requirements and pass an examination.
12. States that an applicant for computed tomography technologist certification provide documentation for the past two years of experience in computed tomography and completion of 12 hours of computed tomography specific education or pass an examination.
13. Rewrites the education requirements for a mammographic technologist and a computed tomography technologist by deleting the current requirements and including the following:
  - a. The applicant must meet the initial training and education requirements for the Mammographic Quality Standards Act Regulations for Quality Standards of Mammographic Technologists (21 CFR § 900.12);

- b. The Board must issue a student mammography permit to a person who is in training and meets the requirements, if the applicant also provides the Board with verification of employment and the name of the radiologist who agrees to be responsible for the applicants supervision and training; and
  - c. A student mammography permit is valid for one year from the date it is issued and may be renewed one time for an additional six months. If the holder completes all of the requirements within the permitted period, the Board must issue a mammographic technologist certificate. The mammographic technologist certificate must be renewed as prescribed.
14. Requires a computed tomography applicant to have passed an examination in mammography administered by the Board or, in lieu of its own examination, the Board may accept a certification issued on the basis of an examination certificate-granting body recognized by the Board.
  15. Mandates that an applicant for renewal of a mammographic technologist certificate must meet the continuing education requirements of the Mammography Quality Standards Act Regulations for Quality Standards of Mammographic Technologists (21 CFR § 900.12).
  16. Continues the ARRA for two years, retroactive to July 1, 2016.
  17. Continues the Board for two years, retroactive to July 1, 2016.
  18. Contains purpose sections.
  19. Defines *bone densitometry technologist*, *computed tomography technologist*, *mammographic technologist*, *nuclear medicine technologist*, *radiation therapy technologist* and modifies the definition of *radiologist assistant*.

#### **Amendments**

##### **Committee on Health**

1. Clarifies that the ARRA must not require a licensed physician assistant to obtain any other license for the use of a diagnostic x-ray machine, physician assistants are governed by their own licensing act.
2. Requires the Board and the ARRA to issue a joint report to the House Health and the Senate Health and Human Services Committee of Reference regarding progress on the implementation of the Auditor General's recommendations. Repeals this section from and after December 31, 2016.

#### **CURRENT LAW**

[A.R.S. 32-2803](#) permits the director of the ARRA, after consultation with and approval of the Board and after notice and public hearing to adopt rules as needed, to carry out the purposes of the chapter. The rules must include but are not limited to; minimum standards of training and experience for persons to be certified and procedures for examining applicants for certification; and provisions identifying the types of applications of ionizing radiation for practical technologist in podiatry, practical technologist in radiology and radiologic technologist and those minimum standards of education and training to be met by each type of applicant.

Further statutes within the chapter outline processes for Board approval of schools, application requirements, additional duties of the Board, terms and renewals for certificates and inspection processes for verifying that certified individuals are practicing within their scope of practice.



# HOUSE OF REPRESENTATIVES

## SB 1112

pharmacists; scope of practice

Prime Sponsor: Senator Barto, LD 15

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**DPA** Committee on Health

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1112 expands the immunizations or vaccines that a licensed pharmacist may administer.

### PROVISIONS

1. Allows a pharmacist to initiate or modify drug therapy pursuant to a protocol-based drug therapy agreement with a registered nurse practitioner.
2. Allows a licensed pharmacist to administer to minors, without a prescription order, influenza immunizations or vaccines to a person who is at least three years of age, booster doses for the primary adolescent series as recommended by the United States Centers for Disease Control and Prevention (CDC) and immunizations or vaccines recommended by the CDC to a person who is at least 13 years of age.
3. Permits a pharmacist to administer the first dose of the primary adolescent series to a person at least six years of age but under 13 years of age only with a prescription order.
4. States the failure of a pharmacist to report the administration of an immunization, vaccine or emergency medication is violation of law. The pharmacist must make a reasonable effort to identify the person's primary care provider or physician by one or more of the following methods:
  - a. Checking any adult immunization information system or vaccine registry established by the Arizona Department of Health Services;
  - b. Checking pharmacy records; and
  - c. Requesting the information from the person or, in the case of a minor, the person's parent or guardian.
5. Provides that a pharmacist report to the person's identified primary care provider or physician, within 24 hours of occurrence, any adverse reaction listed by the vaccine manufacturer as a contraindication to further doses or the vaccine.
6. Redefines *emergency medication* and defines *primary adolescent series*.
7. Makes technical and conforming changes.

### Amendments

#### **Committee on Health**

1. Requires a pharmacist who is certified to administer immunizations and vaccines to report to the person's identified primary care provider or physician, within 24 hours of occurrence, any adverse reaction listed by the vaccine manufacturer as a contraindication to further doses of the vaccine that is reported to or witnessed by the pharmacist.

### CURRENT LAW

[A.R.S. 32-1974](#) outlines immunizations and vaccines that a licensed pharmacist may administer. For adults this includes immunizations or vaccines listed in the CDC and Prevention's recommended adult immunization schedule or recommended by the CDC and Prevention's health information for international travel.

Currently a pharmacist may administer the following to a person who is at least six years of age but under 18 years of age without a prescription order; immunizations or vaccines for influenza and immunizations or vaccines in response to a public health emergency. Pursuant to a prescription order a pharmacist may administer immunizations and vaccines to a person who is at least six years of age but under 18 years of age. A pharmacist who is certified to administer immunizations and vaccines may administer emergency medication to manage an acute allergic reaction to an immunization or vaccine.



# HOUSE OF REPRESENTATIVES

SB 1238

advisory council; Indian health care

Prime Sponsor: Senator Begay, LD 7

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**DP** Committee on Health

**X** Caucus and COW

House Engrossed

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## OVERVIEW

SB 1238 updates the Arizona Advisory Council on Indian Health Care's (Council) membership and duties.

## PROVISIONS

1. Includes a purpose statement for the Council.
2. Outlines Council membership as follows:
  - a. Twenty-two representatives of the federally recognized American Indian tribes in Arizona who are appointed by the Governor. Each federally recognized American Indian tribe in Arizona may recommend to the Governor the names of persons to represent the tribe on and for appointment to the Council. Representatives must be appointed from those names submitted by the tribes. Recommended representatives may have experience serving the elderly, youth, children or families or persons with disabilities.
  - b. One representative from the Inter-tribal Council of Arizona who is recommended by the President of the Inter-tribal Council of Arizona and who is appointed by the Governor.
  - c. One representative from an urban Indian health organization in Arizona that receives Indian health services funding who is recommended jointly by the urban Indian health organizations and who is appointed by the Governor.
  - d. One representative from the Arizona Health Care Cost Containment System (AHCCCS) who is appointed by the Director of AHCCCS (existing member).
  - e. One representative from the Arizona Department of Health Services (ADHS) who is appointed by the Director of ADHS (existing member).
  - f. One representative from the Arizona Department of Economic Security (ADES) who is appointed by the Director of ADES (existing member).
  - g. One representative from the Arizona Early Childhood Development and Health Board (Board) who is appointed by the Executive Director of the Board.
3. Requires a majority of the Council members to be members of federally recognized American Indian tribes in Arizona. The council must contact each tribe to solicit names of persons to recommend for expired terms.
4. Requires the Council to invite federal representatives of the Centers for Medicare and Medicaid Services, the Indian Health Service, the United States Social Security Administration and the United States Department of Veterans Affairs to serve as technical advisors to the Council. These representatives must be ex-officio members and may serve a three year term on the Council.
5. Prohibits a member of the Council from being an employee of the state, except the representatives from AHCCCS, ADHS, ADES and the Board.
6. Clarifies that members are not eligible to receive compensation, but are eligible for reimbursement of expenses.
7. Changes the term of appointed members from two years to three years.
8. Requires the Council to elect a Chairperson and Vice Chairperson from the persons appointed from:
  - a. The federally recognized American Indian tribe in Arizona;
  - b. The Inter-tribal Council of Arizona; and
  - c. An urban Indian health organization.
9. Changes the election from the first Monday in October every year to the second Monday in July every other year.
10. Modifies the term of office from one year to two years.

11. Requires the Council to:

- a. Assist tribes and urban Indian health organizations to develop comprehensive medical and public health care delivery and financing systems to meet the needs of American Indian tribes in Arizona. In doing so the Council must:
  - i. Recommend new Title XIX and XXI programs, services, funding options, policies and demonstration projects to meet the needs of American Indian tribes and urban Indian health organizations;
  - ii. Facilitate communications, planning, advocacy and discussion among tribes and urban Indian health organizations in Arizona and with state and federal agencies regarding operations, financing, policy and legislation relating to Indian medical and public health care;
  - iii. Recommend and advocate tribal, state and federal policy and legislation that support the design and implementation of medical and public health care delivery and financing systems for tribes and urban Indian health organizations in Arizona;
  - iv. Conduct and commission studies and research to further the purpose of the Council and to address identified Indian health care disparities in Arizona;
  - v. Conduct periodic public hearings to gather input and recommendations from tribal populations on their health care issues and concerns;
  - vi. Apply for and seek grants, contracts and funding to further the purpose of the Council. Funding must supplement and not diminish annual appropriations for the council; and
  - vii. States that in conjunction with AHCCCS and a tribe that operates a Temporary Assistance for Needy Families (TANF) program, request a federal waiver from the United States Department of Health and Human Services that allows tribal governments that perform eligibility determinations for TANF programs to perform the Medicaid eligibility determinations.

12. States that all members currently serving on the Council may continue to do so until the expiration of their normal terms.

13. Makes technical and conforming changes.

**CURRENT LAW**

A.R.S. §§ 36-2902.01 and 36-2902.02 outline the current membership and duties of the Council.



# HOUSE OF REPRESENTATIVES

## SB 1283

controlled substances prescription monitoring program  
Prime Sponsor: Senator Kavanagh, LD 23

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**DP** Committee on Health

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1283 requires a medical practitioner to obtain a patient utilization report from the Controlled Substances Prescription Monitoring Program's (CSPMP) central database tracking system before prescribing an opioid analgesic or benzodiazepine controlled substance listed in schedule, II, III or IV.

### PROVISIONS

1. Provides, beginning the later of October 1, 2017 or sixty days after the statewide Health Information Exchange (Exchange) has integrated the CSPMP data into the Exchange, a medical practitioner, before prescribing an opioid analgesic or benzodiazepine controlled substance listed in schedule II, III or IV for a patient, must obtain a patient utilization report regarding the patient for the preceding 12 months from the CSPMP central database tracking system at the beginning of each new course of treatment and at least quarterly while that prescription remains a part of the treatment.
2. States each medical practitioner regulatory board must notify the medical practitioners licensed by that board of the applicable date.
3. Permits a medical practitioner a one-year waiver from the requirement due to technological limitations that are reasonably within the control of the practitioner or other exceptional circumstances demonstrated by the practitioner, pursuant to a process established by the Arizona State Board of Pharmacy (Board) by rule.
4. Stipulates that a medical practitioner is not required to obtain a patient utilization report from the central database tracking system if any of the following apply:
  - a. The patient is receiving hospice care or palliative care for a serious or chronic illness.
  - b. The patient is receiving care for cancer, a cancer-related illness or condition or dialysis treatment.
  - c. A medical practitioner will administer the controlled substance.
  - d. The patient is receiving the controlled substance during the course of inpatient or residential treatment in a hospital, nursing care facility, assisted living facility, correctional facility or mental health facility.
  - e. The medical practitioner is prescribing the controlled substance to the patient for no more than a ten-day period for an invasive medical or dental procedure or a medical or dental procedure that results in acute pain to the patient.
  - f. The medical practitioner is prescribing no more than a five-day prescription and has reviewed the program's central database tracking system for that patient within the last 30 days, and the system shows that no other prescriber has prescribed a controlled substance in the preceding 30 day period.
5. Stipulates that if the medical practitioner uses electronic medical records that integrate data from the CSPMP, a review of the electronic medical records with the integrated data must be deemed compliant with the review of the program's central database tracking system.
6. Requires the Board to promote and enter into data sharing agreements for the purpose of integrating the CSPMP into electronic medical records.
7. States by complying with this, a medical practitioner acting in good faith, or the medical practitioner's employer, is not subject to liability or disciplinary action arising solely from either:
  - a. Requesting or receiving, or failing to request or receive, prescription monitoring data from the program's central database tracking system.
  - b. Acting or failing to act on the basis of the prescription monitoring data provided by the program's central database tracking system.

8. Provides that medical practitioners and their delegates are not in violation during any time period in which the CSPMP tracking system is suspended or is not operational or available in a timely manner. If the CSPMP is not accessible, the medical practitioner or their delegate must document the date and time the practitioner or delegate attempted to use the CSPMP.
9. Requires the Board to conduct an annual voluntary survey of program users to assess user satisfaction with the program's central database tracking system. The survey may be conducted electronically.
10. Requires the Board, on or before December 1 of each year to provide a report of the survey results to the President of the Senate, the Speaker of the House of Representatives and the Governor along with a copy to the Secretary of the State.
11. Permits a medical practitioner regulatory board to obtain and use information from the program's central database tracking system.
12. Stipulates that the Board contract with a third party to conduct an analysis of the CSPMP and report on at least the following:
  - a. The usability and length of time to query data on the CSPMP's central database tracking system and recommendations to improve system properties for more efficient and effective clinical use by medical practitioners.
  - b. Strategies to increase and promote use by medical practitioners.
  - c. The quality of the data and recommendations to improve accuracy and validity.
  - d. Strategies to make it easier to integrate the CSPMP's central database into electronic health records.
  - e. An analysis of available and necessary resources for the Board to implement CSPMP provisions.
  - f. Best practices in this state and other states that have a CSPMP or database.
13. Specifies the report must be completed on or before January 1, 2017. On or before January 15, 2017 the Board must deliver the report to the President of the Senate, the Speaker of the House of Representatives and the Governor and must provide a copy to the Secretary of State.
14. Repeals the CSPMP analysis and report section from and after September 30, 2017.
15. States on or before October 1, 2016 and every quarter for the following four years, the Board must complete a quarterly report on the number and names of electronic health records companies that have integrated the CSPMP's central database or are in the process of integrating the database for use by medical practitioners. The report must include the number of medical practitioners who will have access to the integrated data through an electronic health records system. The Board must post each report on its public website. Repeals this from and after September 20, 2021.
16. Exempts the Board for purposes related to this act, from the rule making requirements for one year after the effective date of this act.

### **CURRENT LAW**

[A.R.S. 36-2606](#) provides that each medical practitioner who is issued a license and who possesses an Arizona registration under the Controlled Substances Act (Act) must have a current CSPMP registration issued by the Board and be granted access to the program's central database tracking system. The Board, on receipt of licensure and license renewal confirmation from a medical practitioner regulatory board must register each medical practitioner who possesses an Arizona registration under the Act and provide the medical practitioner access to the program's central database tracking system. The Board must notify each practitioner of the person's registration and access to the database tracking system and how to use the system. The Board must notify each medical practitioner receiving an initial license who intends to apply for registration under the Act of the person's responsibility and the process to register with the Board and be granted access to the program's central database tracking system.



# HOUSE OF REPRESENTATIVES

## SB 1327

hospitals; dieticians; prescriptions; diet orders  
Prime Sponsor: Senator Barto, LD 15

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**DPA**      Committee on Health

**X**            Caucus and COW

House Engrossed

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### OVERVIEW

SB 1327 permits a licensed hospital to allow a registered dietician or other qualified nutrition professional to issue diet or prescription orders.

### PROVISIONS

1. Permits a licensed hospital to allow a registered dietitian or other qualified nutrition professional to issue diet orders or prescription orders if both:
  - a. The hospital's written policies and procedures allow registered dietitians or other qualified nutrition professionals to issue such orders; and
  - b. The hospital has written policies and procedures that address the hospital's response to adverse events, if any, that arise as a result of diet or prescription orders issued by a registered dietitian or other qualified nutrition professional.
2. States that, for the purposes of this section:
  - a. A *qualified nutrition professional* means a nutrition professional who is deemed qualified by a hospital for which the person works; and
  - b. A *registered dietitian* means a person who meets the qualifications of the credentialing agency for the American Academy of Nutrition and Dietetics.
3. Adds that a prescription order may be for enteral feeding or parenteral nutrition that is initiated by a registered dietitian or other qualified nutrition professional in a hospital.
4. Defines *enteral feeding* and *parenteral nutrition*.
5. Makes technical and conforming changes.

### AMENDMENTS

#### **COMMITTEE ON HEALTH**

1. Adds the definition of *nutritional supplementation*.
2. Modifies the definition of *parenteral nutrition*.
3. Clarifies the definition of *prescription order* to include a diet order, enteral feeding, nutritional supplementation and parenteral nutrition that is initiated by a registered dietician or other qualified nutrition professional in a hospital.
4. States a licensed hospital may allow a registered dietitian or other qualified nutrition professional to order diets, enteral feeding, nutritional supplementation or parenteral nutrition if authorized by medical staff.
5. Makes technical and conforming changes.

### CURRENT LAW

Not currently addressed in statute.

### ADDITIONAL INFORMATION

42 Code of Federal Regulations Section 482.28(b) states that hospitals must have organized dietary services that are directed and staffed by adequate qualified personnel. The hospital menus must meet the needs of the patients. Therapeutic diets must be prescribed by the practitioner or practitioners responsible for the care of the patients. Nutritional needs must be met in accordance with recognized dietary practices and in accordance with orders of the practitioner or practitioners responsible for the care of the patients. A current therapeutic diet manual approved by the dietitian and medical staff must be readily available to all medical, nursing and food service personnel.



# HOUSE OF REPRESENTATIVES

SB 1442

mental health services; information disclosure  
Prime Sponsor: Senator Barto, LD 15

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**DP** Committee on Health

**X** Caucus and COW

House Engrossed

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## OVERVIEW

SB 1442 rewrites the provisions related to the release of information or records relating to a patient examination, evaluation or behavioral or mental health treatment that may be released to specified persons.

## PROVISIONS

1. Provides that records or information contained in records may only be released to persons, including family members, other relatives, close personal friends or any other person identified by the patient, as otherwise authorized or required by state or federal law, including the Health Insurance Portability and Accountability Act (HIPAA) of 1996 or pursuant to one of the following:
  - a. If the patient is present or otherwise available and has the capacity to make health care decisions, the health care entity may disclose the information if one of the following applies:
    - i. The patient agrees verbally or agrees in writing by signing a consent form that permits disclosure;
    - ii. The patient is given an opportunity to object and does not express an objection; or
    - iii. The health care entity reasonably infers from the circumstances, based on the exercise of professional judgment that the patient does not object to the disclosure.
  - b. If the patient is not present or the opportunity to agree or object to the disclosure of information cannot practicably be provided because of the patient's incapacity or an emergency circumstance, the health care entity may disclose the information if the entity determines that the disclosure of the information is in the best interests of the patient, in addition to all other relevant factors, the health care entity must consider all of the following:
    - i. The patient's medical and treatment history, including the patient's history of compliance or noncompliance with an established treatment plan based on information in the patient's medical record and on reliable and relevant information received from the patient's family members, friends or other involved in the patient's care, treatment or supervision;
    - ii. Whether the information is necessary or, based on professional judgment, would be useful in assisting the patient in complying with the care, treatment or supervision prescribed in the patient's treatment plan; and
    - iii. Whether the health care entity has reasonable grounds to believe that the release of the information may subject the patient to domestic violence, abuse or endangerment by family members, friends or other persons involved in the patient's care, treatment or supervision.
  - c. The health care entity believes the patient presents a serious and imminent threat to the health or safety of the patient or others, and the health care entity believes that family members, friends or others involved in the patient's care, treatment or supervision can help to prevent the threat; and
  - d. In order for the health care entity to notify a family member, friend or other person involved in the patient's care, treatment or supervision of the patient's location, general condition or death.
2. States that information disclosed may include only information that is directly relevant to the person's involvement with the patient's health care or payment related to the patient's health care.
3. Provides that a health care entity is not prevented from obtaining or receiving information about the patient from a family member, friend or other person involved in the patient's care, treatment or supervision.
4. Stipulates that a health care entity must keep record of the name and contact information of any person to whom any patient information is released. A decision to release or withhold is subject to review pursuant to § 36-517.01 (review of decisions regarding release of treatment information; notice; appeal; immunity).

**CURRENT LAW**

[A.R.S. 36-509](#) states that a health care entity must keep records and information contained in records confidential, except as provided in this section. Records and information contained in records may only be disclosed to specified individuals or entities.

Information and records obtained in the course of evaluation, examination or treatment and submitted in any court proceeding are confidential and are not public records unless the hearing requirements require a different procedure. Information and records that are obtained and submitted in a court proceeding and that are not clearly identified by the parties as confidential and segregated from non-confidential information and records are considered public records. The legal representative of a patient who is the subject of a proceeding has access to the patient's information and records in the possession of a health care entity or filed with the court.

A health care entity that acts in good faith under this article is not liable for damages in any civil action for the disclosure of records or payment records that is made pursuant to this article or as otherwise provided by law. The health care entity is presumed to have acted in good faith. This presumption may be rebutted by clear and convincing evidence.



# HOUSE OF REPRESENTATIVES

## SB 1443

health profession regulatory boards

Prime Sponsor: Senator Barto, LD 15

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**DPA** Committee on Health

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1443 requires certain information to be made available on a health profession regulatory board's (Boards) website, outlines information regarding Boards and states that each Board may establish a non-disciplinary confidential monitoring program.

### PROVISIONS

1. States that if a Board issues a non-disciplinary order or action against a licensee or certificate holder, the record must be available on the Board's website for five years.
2. Removes non-disciplinary actions and orders from the statement on the Board's website relating to contacting the Board directly for obtaining public records.
3. Changes the date that a Board must comply with the two requirements noted above from January 1, 2012 to January 1, 2017.
4. States that a member of a Board is not eligible for reappointment to that Board once the person had been appointed for two full terms, in addition to any time served on the Board to fill a vacancy. A person may be reappointed to a Board once the person has not been on the Board for a time period of at least two full terms.
5. Requires each Board to audio or video record all open meetings of the Board and states they must maintain these recordings for three years after the date of the recording. Within five business days after the meeting the Board must either:
  - a. Post the audio or video recording on the Board's website; or
  - b. Post notice on the Board's website of the availability of the audio or video recording.
6. Mandates each Board to provide on the Board's website a list of all Board-specific contract employment opportunities and a link to the State Procurement Office to apply for those positions.
7. States that each Board may establish a non-disciplinary confidential program, including enrollment criteria for participation in the program, for the monitoring of a licensee who has been reported to or who voluntarily reports to the licensee's regulatory board and who may be chemically dependent or who may have a medical, psychiatric, psychological or behavioral health disorder that may impact the licensee's ability to safely practice or perform health care tasks.
8. States that a program may include education, intervention, therapeutic treatment and posttreatment monitoring and support. The Board and the licensee may agree to enter into a non-disciplinary confidential stipulated agreement for participation in a program.
9. States that the Board may take further action if the licensee refuses to enter into a non-disciplinary confidential stipulated agreement with the Board or fails to comply with the agreement's terms. The confidentiality requirements of this section do not apply if the licensee does not comply with the stipulated agreement.
10. Contains an effective date of December 31, 2016.

### Amendments

#### **Committee on Health**

1. Allows a person to be reappointed to a Board once the person has not been on the Board for a time period of at least *one* term rather than *two* terms.
2. Specifies that a licensee or certificate holder to be responsible for the costs associated with any treatment, rehabilitation or monitoring under a non-disciplinary confidential program.

**CURRENT LAW**

A.R.S § 32-3214 states if a Board issues a non-disciplinary order or action against a licensee or certificate holder, the record of the non-disciplinary order or action is available to that Board and the public but may not appear on the Board's website, except that a practice limitation or restriction, and documentation relating to that action, may appear on the Board's website. Additionally, if a Board maintains a website, the Board must display on its website a statement that a person may obtain additional public records related to any licensee or certificate holder, including dismissed complaints and non-disciplinary actions and order, by contacting the Board directly. It also states that a Board must comply with the requirements on or before January 1, 2012.



# HOUSE OF REPRESENTATIVES

## SB 1444

board of nursing; licensure; complaints  
Prime Sponsor: Senator Barto, LD 15

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**DPA**      Committee on Health

**X**            Caucus and COW

House Engrossed

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### OVERVIEW

SB 1444 revises the Arizona Board of Nursing (Board) statutes relating to licensees and applicants who have one or more felony convictions.

### PROVISIONS

1. States that, except for a licensee who has been convicted of a Class 6 felony, the Board must revoke a license of a person, revoke the multistate licensure privilege of a person or not issue a license or renewal to an applicant, who has one or more felony convictions and who has not received an absolute discharge from the sentences for all felony convictions.
2. Reduces the time a licensee or applicant who has been convicted of one or more felonies must wait in order to file an application for licensure from *5 or more years* to *3 or more years*.
3. Mandates an applicant, who files a verified written application with the Board to practice as a registered nurse and provides the accompanied fee, to submit satisfactory proof that if the applicant has been convicted of a Class 6 felony, the Court has entered a judgment of conviction for a Class 1 misdemeanor.
4. Requires that at least 10 business days before a meeting of a health profession regulatory board to review the status of an investigation, the Board must provide notice of the meeting to the health professional including notice of the opportunity for the health professional to request a copy of the report concerning the investigation.
5. Specifies that the Board must provide an investigative report.
6. Contains an effective date from and after June 30, 2016.
7. Makes technical and conforming changes.

### AMENDMENTS

#### **COMMITTEE ON HEALTH**

Clarifies if a licensee has been convicted of a felony the licensee may not continue practicing unless the felony is designated as a misdemeanor.

### CURRENT LAW

A.R.S. § 32-1606 states the Board must revoke a license of a person, revoke the multistate licensure privilege of a person pursuant to section 32-1669 or not issue a license or renewal to an applicant who has one or more felony convictions and who has not received an absolute discharge from the sentences for all felony convictions five or more years before the date of filing an application pursuant to this chapter.

A.R.S. § 13-604 contains the Class 6 felony statute. If a person is convicted of any Class 6 felony not involving a dangerous offense and if the court, having regard to the nature and circumstances of the crime and to the history and character of the defendant, is of the opinion that it would be unduly harsh to sentence the defendant for a felony, the court may enter judgment of conviction for a Class 1 misdemeanor and make disposition accordingly or may place the defendant on probation and refrain from designating the offense as a felony or misdemeanor until the probation is terminated.



# HOUSE OF REPRESENTATIVES

## SB 1445

health care services; patient education  
Prime Sponsor: Senator Barto, LD 15

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**DPA** Committee on Health

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1445 prohibits punishment for making a patient aware of or providing lawful health care services including the off-label use of health care services or health care-related research or data allowed under state law.

### PROVISIONS

1. Prohibits Arizona, any political subdivision of Arizona or any department or agency of Arizona, including a health profession regulatory board, or a private entity contracted with a health profession regulatory board to carry out functions of the board from punishing a health professional directly or indirectly through a subcontractor for:
  - a. Making a patient aware of or educating or advising a patient about lawful health care services, including off-label use of health care services or health care-related research or data; or
  - b. Offering, providing or making available lawful health care services, including the off-label use of health care services that is allowed under state law.
2. Stipulates that unless an entity has a sincerely held religious or moral belief the entity may not restrict a health professional who is an employee of or affiliated or contracted with the entity for making a patient aware of or educating or advising a patient about lawful health care services, including the off-label use of health care services, or health care-related research or data.
3. States that making a patient aware or educating or advising a patient about lawful health care services, including the off-label use of health care services, does not require:
  - a. The health care service to be covered under the health care plan or the health care system through which the patient receives care; or
  - b. A health professional, an entity that employs the health professional or a health care system to offer, provide or make the lawful health care service, including the off-label use of health care services, available to the patient.
4. Specifies that this does not:
  - a. Impair the rights established in Article II, Constitution of Arizona, or impair any right or limitation on medical liability.
  - b. Prevent any reporting to a health profession regulatory board regarding medical liability cases, settlements or decisions.
  - c. Impair or contradict any other state law regarding lawful health care services.
  - d. Prohibit a health profession regulatory board from taking action if a health professional commits unprofessional conduct arising out of the conduct specified.
5. Establishes what is not included in a sincerely held religious or moral belief and unprofessional conduct.
6. Defines *lawful health care service*, *off-label use*, and *punish*.

### AMENDMENTS

#### **Committee on Health**

1. Clarifies that punishment is prohibited for making a patient aware of or educating or advising a patient about lawful health care services for which there is a reasonable basis, including the off-label use of health care services or health care-related research or data, or for offering, providing or making available lawful health care services, including the off-label use of health care services for which there is a reasonable basis that is allowed under state law.

### CURRENT LAW

Not currently addressed in statute.



# HOUSE OF REPRESENTATIVES

## SB 1018

aid; execution of process; injury  
Prime Sponsor: Senator Kavanagh, LD 23

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**DP** Committee on Judiciary

**X** Caucus and COW

House Engrossed

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### **OVERVIEW**

SB 1018 allows a person to refuse to assist a sheriff or other public officer in the execution of process if the person would be exposed to injury.

### **PROVISIONS**

1. States that a person to may refuse to assist a sheriff or other public officer in the execution of process if the commanded assistance would expose that person to physical injury.
2. Makes technical changes.

### **CURRENT LAW**

[A.R.S. § 13-3802](#) states that a sheriff or other public officer authorized to execute process who believes that there will be resistance may command as many inhabitants deemed necessary to assist in overcoming the resistance. The officer must provide the court with the names of those resisting process, and they may be subject to contempt of court.



# HOUSE OF REPRESENTATIVES

## SB 1039

grand jury; excuse; jury service

Prime Sponsor: Senator Kavanagh, LD 23

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**DPA** Committee on Judiciary

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1039 provides a temporary excuse from jury service for a prospective juror (juror) who has served on a grand jury within the last four years.

### PROVISIONS

1. Allows a person who is summoned within four years of serving on a grand jury to apply to the court and receive a temporary excuse from jury service.
2. Makes technical changes.

### JUDICIARY COMMITTEE AMENDMENTS

1. Excludes alternate grand jurors from receiving a temporary excuse for jury service if summoned within four years of serving as an alternate grand juror.

### CURRENT LAW

[A.R.S. § 21-202](#) states that persons are entitled to be temporarily excused from jury service if:

- The juror is incapable of performing jury services due to a mental or physical condition;
- Performing the jury service would substantially and materially affect the public interest or welfare in an adverse manner;
- The juror does not understand English;
- Performing jury service would cause an undue or extreme physical or financial hardship to the juror or a person in their care or supervision;
- The juror is a peace officer; or
- A judge or jury commissioner excuses the juror for good cause based on a showing of undue or extreme hardship.

A person who is at least 75-years-old may submit a written statement to the court requesting to be permanently or temporarily excused from jury service if summoned.

[A.R.S. § 21-335](#) states that a person who has served on a jury is exempt from serving on another jury for two years.

[A.R.S. § 21-401](#) defines grand jury as a body who is duly convened and impaneled by the presiding judge of the superior court and who are sworn to inquire into public offense that may be tried within the county, including corrupt or willful misconduct in office of public officials within the county. [A.R.S. § 21-421](#) provides that the regular term of state grand juries must be six months. This term may be increased or decreased upon request of the Attorney General.



# HOUSE OF REPRESENTATIVES

## SB 1266

firearms; state preemption; penalties

Prime Sponsor: Senator Smith, LD 11

**DP** Committee on Judiciary

**X** Caucus and COW

House Engrossed

### OVERVIEW

SB 1206 declares invalid any rule, ordinance, tax or regulation enacted by a political subdivision in violation of the firearms preemption statute and establishes penalties for violations.

### PROVISIONS

1. States that any tax, ordinance, rule or regulation enacted by a political subdivision in violation of the firearms state preemption statute is invalid and subject to a permanent injunction.
2. States that it is not a defense that the political subdivision was acting in good faith or on the advice of counsel.
3. Allows the court to assess a civil penalty of up to \$50,000 against a political subdivision if the violation was knowing and willful.
4. Subjects a person to termination from employment if a court determines that the person knowingly and willfully violated the preemption statute while acting in the person's official capacity. Termination is to the extent allowable under law.
5. Allows a person or organization whose membership is adversely affected by an ordinance, regulation, tax, measure, directive, rule, enactment, order or policy in violation of the preemption statute to file a civil action in any court with jurisdiction over the defendant for:
  - a. Declaratory and injunctive relief; and
  - b. Actual damages against the political subdivision.
6. Requires the court to award the following if the plaintiff prevails in the action:
  - a. Reasonable attorney fees and costs; and
  - b. Actual damages incurred, up to \$100,000.
7. Makes technical and conforming changes.

### CURRENT LAW

[A.R.S. § 13-3108](#) is the state firearms preemption statute that prohibits a political subdivision from enacting any ordinance, rule or tax relating to the transportation, possession, carrying, sale, transfer, purchase, acquisition, gift, devise, storage, licensing, registration, discharge or use of firearms, ammunition, components or accessories in this state. Political subdivisions are prohibited from:

- Requiring licensing or registration of firearms, ammunition, components or accessories;
- Prohibiting the ownership, purchase, sale or transfer of firearms, ammunition, components or accessories;
- Requiring or maintaining a record of the identifying information of either:
  - A person who leaves a weapon in temporary storage;
  - A person who owns, possesses, purchases, sells or transfers a firearm; or
  - The description (including a serial number) of a weapon left in temporary storage.
- Enacting any rule or ordinance related to firearms that is more prohibitive than or that has a greater penalty than any state law;
- Enacting any ordinance, rule or regulation limiting the lawful taking of wildlife during open season, unless the rule, ordinance or regulation is consistent with state law or agency rule;
- Facilitating the destruction of a firearm or purchasing or acquiring a firearm for the purpose of destroying it, unless authorized under law.

Several exceptions are also provided in this section. Under A.R.S. 13-3108, a *political subdivision* is defined as including a political subdivision acting in any capacity, including under police power, in a proprietary capacity or otherwise.



# HOUSE OF REPRESENTATIVES

## SB 1293

mediation; confidential communications; exception  
Prime Sponsor: Senator Driggs, LD 28

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**DPA** Committee on Judiciary

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1293 permits court-appointed mediators to disclose specific information if they reasonably believe that a minor or vulnerable adult is the victim of abuse, physical injury, neglect or a reportable offense.

### PROVISIONS

1. Allows mediators to disclose specific information if they believe a child or vulnerable adult (as defined in [A.R.S. § 13-3623](#)) is a victim of the following:
  - a. Abuse (as defined in [A.R.S. § 8-201](#));
  - b. Child abuse (as defined in [A.R.S. § 13-3623](#));
  - c. Neglect (as defined in [A.R.S. § 8-201](#));
  - d. Physical injury (as defined in [A.R.S. § 13-105](#));
  - e. A reportable offense (as defined in [A.R.S. § 13-3620](#)).
2. Stipulates that the information a mediator discloses must be made in a report to any of the following:
  - a. A law enforcement officer;
  - b. The Department of Child Safety;
  - c. Adult Protective Services.
3. Defines terms using existing statutory references.
4. Makes conforming changes.

### JUDICIARY COMMITTEE AMENDMENT

1. Includes exploitation in the list of offenses that may be disclosed by mediators.
2. Defines *exploitation* using existing statutory references.
3. Makes technical changes.

### CURRENT LAW

[A.R.S. § 12-2238](#) outlines limitations of privileged communications made or used in mediation. Communications made during mediation proceedings are confidential unless any of the following exceptions are met:

- All of the parties to the mediation agree to the disclosure;
- The communication, material or act is relevant to a claim or defense made by a party to the mediation against the mediator or the mediation program arising out of a breach or a legal obligation owed by the mediator to the party;
- The disclosure is required by statute;
- The disclosure is necessary to enforce an agreement to mediate.



# HOUSE OF REPRESENTATIVES

## SB 1294

scanning devices; burglary; trespass; penalty  
Prime Sponsor: Senator Driggs, LD 28

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**DP** Committee on Judiciary

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1294 expands the definition of *structure* for purposes of criminal trespassing and burglary and increases the penalty for the unlawful use or possession of a scanning device or re-encoder.

### PROVISIONS

1. Expands the definition of *structure* in the chapter outlining burglary and criminal trespassing offenses to include any device that accepts electronic or physical currency and is used to conduct commercial transactions.
2. Increases the penalty for unlawfully possessing or using a scanning device or re-encoder from a Class 6 felony (presumptive 1 year of incarceration, fine up to \$150,000 plus surcharges) to a Class 4 felony (presumptive 2½ years of incarceration, fine up to \$150,000 plus surcharges).

### CURRENT LAW

A.R.S. Title 13.15 outlines the offenses of criminal trespassing and burglary. [A.R.S. § 13-1501](#) defines *structure* as any vending machine or any building, object, vehicle, railroad car or place with sides and a floor that is separately securable from any other structure attached to it and that is used for lodging, business, transportation, recreation or storage.

[A.R.S. § 13-1503](#) defines criminal trespassing in the 2<sup>nd</sup> degree as knowingly entering or remaining unlawfully in or on any nonresidential *structure* and makes it a Class 2 misdemeanor (up to 4 months in jail, fine up to \$750 plus surcharges).

[A.R.S. § 13-1506](#) defines burglary in the 3<sup>rd</sup> degree as entering or remaining unlawfully in or on a nonresidential *structure* or in a fenced commercial or residential yard with the intent to commit any theft or any felony and makes it a Class 4 felony.

[A.R.S. § 13-2110](#) outlines unlawful possession or use of scanning devices or re-encoders and makes it a Class 6 felony (presumptive 1 year of incarceration, fine up to \$150,000 plus surcharges) to:

- Use a scanning device or re-encoder without the permission of the cardholder of the credit card when the information is being scanned with the intent to defraud the cardholder, issuer, or merchant; or
- Intentionally or knowingly make or possess with the intent to commit fraud any device that is specifically designed to be used as a scanning device or re-encoder.

[A.R.S. § 13-2101](#) defines *re-encoder* as an electronic device that places encoded information from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card. This section also defines a *scanning device* as a scanner, reader or other electronic device that is used to access, read, scan, obtain, memorize, transmit or store, temporarily or permanently, information that is encoded on a magnetic strip or stripe of a credit card.



# HOUSE OF REPRESENTATIVES

## SB 1298

probation; juvenile; adult

Prime Sponsor: Senator Driggs, LD 28

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**DPA** Committee on Judiciary

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1298 modifies requirements for persons placed on probation.

### PROVISIONS

#### *Juvenile Intensive Probation*

1. Removes the requirement that a juvenile be placed on intensive probation permissive if the juvenile is adjudicated as a repeat felony offender, making intensive probation an option for the juvenile court.
2. Expands conditions that a juvenile placed on intensive probation may be subject to by including participation in:
  - a. A treatment program; or
  - b. An activity that improves the juvenile's pro-social skill development. This includes an activity that enhances the juvenile's relationship with his or her family.
3. Requires participation in specific activities that are approved by the court or probation officer as a condition of intensive probation.
4. Requires the intensive probation team to ensure that juveniles on intensive probation participate in the specific activities required as conditions of probation.

#### *Adult Intensive Probation*

5. Modifies conditions of adult intensive probation by:
  - a. Requiring the offender to maintain employment or full-time student status, or a combination of employment and student status;
  - b. Allowing an exemption from the requirement to perform 40 hours of community restitution each month for offenders who are:
    - i. Full-time students;
    - ii. Employed; or
    - iii. In a treatment program approved by the court or probation department.
6. Requires adult probation teams to verify the probationer's employment weekly, instead of requiring weekly contact with the employer.

#### *Global Position System & Electronic Monitoring for Specific Adult Probationers*

7. Permits the court to determine that a person required to be on a global positioning system (GPS) or electronic monitoring (EM) as a result of being convicted of a Dangerous Crime Against Children (DCAC) and being classified as a level-three sex offender is in a secure facility or is physically incapacitated to the extent that GPS or EM is not necessary.
  - a. Applies to all persons required to have GPS or EM, including those who are required to before the effective date.
  - b. Defines *secure facility*.
8. Exempts from the GPS or EM requirements a person who:
  - a. Is on GPS or EM on the effective date;
  - b. Was convicted or found guilty except insane (GEI) prior to July 13, 2009; and
  - c. Was not required to register or classified as a level-three sex offender.

*Miscellaneous*

9. Requires the court to provide a juvenile's ten-print fingerprints to the Department of Public Safety (DPS) Arizona Automated Fingerprint Identification System if the juvenile is adjudicated delinquent for any of the following:
  - a. Felony offenses;
  - b. Offenses involving domestic violence;
  - c. Sexual offenses; or
  - d. Driving under the influence offenses.
10. Makes technical and conforming changes.

**JUDICIARY COMMITTEE AMENDMENT**

1. Reinserts the requirement for specific juvenile offenders to be placed on intensive probation.
2. Removes language that permits the court to determine that GPS or EM is not necessary for an offender who is incapacitated or in a secure facility.
3. Permits an offender who was placed on GPS or EM prior to July 13, 2009 to petition the court to have the requirement for GPS or EM removed, if the offender was not required to register as a sex offender or designated as a level-3 offender at the time of conviction or GEI finding.
4. Requires the court to consider the safety of the public and the conduct of the defendant while on probation in making the determination.
5. Makes technical and conforming changes.

**CURRENT LAW**

[A.R.S. § 8-341](#) requires a juvenile who is at least 14 years old to be placed on juvenile intensive probation if adjudicated as a repeat juvenile offender. Intensive probation may include home arrest, electronic monitoring or incarceration in a juvenile detention center. The offender may also be committed to the Department of Juvenile Corrections. Juveniles placed on intensive probation must comply with specific conditions of probation, including:

- Participating in one or more of the following at least 32 hours per week:
  - School;
  - A court-ordered treatment program;
  - Employment; or
  - Supervised community restitution work.
- Paying restitution and probation fees;
- Remaining in the juvenile's home except to attend specific activities;
- Submitting to drug and alcohol tests at the direction of the probation officer; and
- Any other requirements imposed by the court.

Juveniles on intensive probation are supervised by a team consisting of a probation officer and a surveillance officer. The team is required to ensure that each juvenile is either employed, attending school, participating in a community restitution program or attending a court-ordered treatment program or any combination as ordered by the court for at least 32 hours each week.

[A.R.S. § 13-902\(G\)](#) requires a person who meets the following criteria to be placed on GPS or EM for the duration of the person's term of probation:

- Convicted after 11/1/06 of a DCAC offense ([A.R.S. § 13-705](#));
- Placed on a term of probation; and
- A level three sex offender to be placed on GPS or EM for the duration of the person's term of probation.

Prior to the enactment of [Laws 2009, Chapter 125](#), A.R.S. 13-902(G) required any person convicted of a DCAC to be placed on GPS monitoring for the duration of the person's term of probation.

[A.R.S. § 13-914](#) requires adult intensive probation offenders to:

- Maintain employment or full-time student status making progress deemed satisfactory to the probation officer, or both;
- Be involved in supervised job searches and community restitution work at least six days per week.
- Pay restitution and probation fees;
- Establish a residence at a place approved by the intensive probation team;
- Remain at the offenders home except to engage in specific activities;
- Submit to drug and alcohol tests at the request of the intensive probation team; and
- Perform at least 40 hours of community restitution each month, unless exempted. For good cause, the court may reduce the number of community restitution hours to at least 20 hours per month.

Supervision requirements for the adult intensive probation team are outlined in [A.R.S. § 13-916](#).

[A.R.S. § 41-1750](#) charges DPS with the effective operation of the Central State Repository of criminal records in order to collect, store and disseminate complete and accurate Arizona criminal history records. DPS must collect, and Arizona criminal justice agencies are required to provide, specific information for all persons who have been charged with, arrested for, convicted of or summoned to court for a:

- Felony offense,
- Offense involving domestic violence ([A.R.S. § 13-3601](#)),
- Sexual offense under [A.R.S. Title 13, Ch. 14](#), or
- Driving under the influence offenses under [A.R.S. Title 28, Ch. 4](#).

[A.R.S. § 8-341](#) requires the court to provide a juvenile's fingerprints to DPS if the juvenile is adjudicated delinquent for an offense that would be a felony if committed by an adult.



# HOUSE OF REPRESENTATIVES

## SB 1307

community property; life sentence; spouse  
Prime Sponsor: Senator Griffin, LD 14

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**DP** Committee on Judiciary

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1307 restricts the distribution of community property to a *convicted spouse*.

### PROVISIONS

1. Prohibits the court from awarding community property to a *convicted spouse* in a divorce or legal separation proceeding.
2. Allows a spouse who is required to make installment payments to a *convicted spouse* to petition the court to modify the ongoing payment, if the conviction occurred after the order to make payments.
3. Defines *convicted spouse* as a person who is convicted of an offense and sentenced to at least 80 years in prison or life in prison, with or without the possibility of parole.
4. Makes technical and conforming changes.

### CURRENT LAW

[A.R.S. Title 25, Chapter 3](#) governs the dissolution of marriage (divorce). [A.R.S. § 25-312](#) outlines the conditions that must be met for the court to grant a petition to dissolve the marriage, which either party may file. [A.R.S. § 25-318](#) outlines the process for dividing the couple's property and allows the court to also consider debts. Sole property of either spouse is assigned to the spouse and remains separate. Community, joint tenancy and other property held in common must be divided without regard for marital misconduct. Child support spousal maintenance are separate determinations that are outlined in A.R.S. Title 25, Chapter 5.

### ADDITIONAL INFORMATION

According to the Arizona Administrative Office of the Courts, in [FY 2014](#) there were 27,982 dissolution of marriage filings in superior court (43,816 total cases on file).



# HOUSE OF REPRESENTATIVES

## SB 1308

juvenile charged as adult; detention

Prime Sponsor: Senator Griffin, et al., LD 14

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**DPA** Committee on Judiciary

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1308 stipulates that a juvenile who has been charged as an adult may be detained in a juvenile detention center if ordered by the court.

### PROVISIONS

1. Allows a juvenile who is arrested with an offense and charged as an adult to be detained in a juvenile detention center if ordered by the court.
2. Requires the court to consider the following in making the determination:
  - a. The best interests of the juvenile charged;
  - b. The best interests of the other juveniles detained in the juvenile center;
  - c. The severity of the charges against the juvenile;
  - d. The existing programs and facilities for juveniles at the juvenile detention center and the adult facility; and
  - e. Any other relevant factors.
3. Contains a delayed effective date of January 1, 2017.
4. Makes technical and conforming changes.

### JUDICIARY COMMITTEE AMENDMENTS

1. Excludes juveniles charged with dangerous offenses.
2. Defines *dangerous offense* using existing statutory references.
3. Makes technical changes.

### CURRENT LAW

[A.R.S. § 8-305](#) governs juvenile detention centers and states that the county board of supervisors (board) must maintain a juvenile detention center separate from an adult jail or lock-up. The board may also maintain a juvenile detention center in an adult jail or lock-up if they are kept in a physically separate section from any adult charged or convicted with a criminal offense and there is no sight or sound contact between the juvenile and any charged or convicted adult. A.R.S. § 8-305 provides that a juvenile cannot be confined with a charged or convicted adult except that:

- The juvenile may be securely detained in the adult lock-up or jail for up to six hours until transportation to a juvenile center is arranged;
- The juvenile is kept in a physically separate section from any charged or convicted adult and no sight or sound contact is permitted;
- A juvenile who was arrested for an offense under A.R.S. § 13-501 and has been formally charged as an adult may securely be detained in an adult facility and detained separately from any charged or convicted adult.

[A.R.S. § 13-501](#) requires juveniles who are 15, 16 or 17 years of age to be tried as adults if charged with any of the following offenses:

- 1<sup>st</sup> degree murder ([A.R.S. § 13-1105](#));
- 2<sup>nd</sup> degree murder ([A.R.S. § 13-1104](#));
- Forcible sexual assault ([A.R.S. § 13-1406](#));
- Armed robbery ([A.R.S. § 13-1904](#));
- Any other violent felony offense;
- Any felony offense committed by a chronic felony offender; or

Any offense that is properly joined to an offense listed above.

The county attorney may prosecute a juvenile as an adult if the juvenile is at least 14 years old and has been charged with:

A Class 1 felony;

A Class 2 felony;

A Class 3 felony in violation of any offense in A.R.S. Title 13, Chapters 10 through 17, Chapter 19 or Chapter 29;

A Class 3, 4, 5 or 6 felony involving a dangerous offense;

Any felony offense committed by a chronic felony offender; or

Any offense that is properly joined to an offense listed above.



# HOUSE OF REPRESENTATIVES

SB 1449

~~prohibited operations; unmanned aircraft~~

NOW: prohibited operations; unmanned aircraft

Prime Sponsor: Senator Kavanagh, LD 23

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**DPA** Committee on Judiciary

**X** Caucus and COW

House Engrossed

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## OVERVIEW

SB 1449 prescribes restrictions for the operation of *civil unmanned aircrafts*, *model aircrafts*, *unmanned aircrafts* and *unmanned aircraft systems*.

## PROVISIONS

1. Makes it illegal to operate a *model aircraft* or a *civil unmanned aircraft* if operation:
  - a. Is prohibited by a federal or state law, aeronautic regulations or specified Federal Aviation Administration (FAA) regulations;
  - b. Interferes with first responder operation;
  - c. Causes the intentional killing of a bird or animal; or
  - d. Is in violation of the FAA Modernization and Reform Act of 2012, or any successor statutes.A violation is a Class 1 misdemeanor (up to 6 months in jail, fine up to \$2,500 plus surcharges)
2. Prohibits a person from operating or using an *unmanned aircraft* or *unmanned aircraft system* to intentionally photograph, record or collect information for the purpose of surveillance, gathering evidence or loitering over or near any of the following:
  - a. A *critical facility* without proper authorization; or
  - b. A person or person's real property without written consent.
3. Prohibits a city, town or county from enacting an ordinance, rule or policy relating to the ownership or operation of an *unmanned aircraft* or *unmanned aircraft system*. Voids any ordinance, rule or policy in violation.
4. Exempts:
  - a. An entity or person who is authorized by the FAA to operate an *unmanned aircraft* or *unmanned aircraft system*, if operation complies with the authorization granted by the FAA;
  - b. A person taking a photograph that includes an image of private property if the person did not intend to capture private property in the picture;
  - c. Ordinances or rules regulating the takeoff or landing of a *model aircraft* in a park or preserve owned by a local governing body, if other parks are available for *model aircraft* operation within the jurisdiction;
  - d. Ordinances or rules that govern the operation of an *unmanned aircraft* or *unmanned aircraft system* that is owned by a city, town or county; or
  - e. Operation by a first responder acting within the scope of the person's official capacity or an emergency worker supporting emergency management activities or performing [emergency functions](#).
5. Makes the operation of an *unmanned aircraft* or *unmanned aircraft system* over or near a critical facility without authorization a Class 6 felony (presumptive term of incarceration is one year, fine up to \$150,000 plus surcharges). Subsequent violations are a Class 5 Felony (presumptive term of incarceration is 1 ½ years, fine up to \$150,000 plus surcharges).
6. Makes the operation of an *unmanned aircraft* or *unmanned aircraft system* over a person or person's real property without consent a Class 1 misdemeanor.
7. Requires the Director of the Department of Transportation (ADOT) to provide on the ADOT website:
  - a. Information on resources relating to the operation of a *model aircraft*; and
  - b. Pictures that show examples of *critical facilities*.

8. Prohibits ADOT from identifying the owner or operator or location of a *critical facility*.
9. Expands definition of a *device* in the [voyeurism statute](#) to include the use of a *civil unmanned aircraft* or a *model aircraft*.
10. Expands statute relating to [criminal trespass in the first degree](#) to include knowingly entering a residential yard through the use of a *model aircraft*.
11. Expands statute relating to [disorderly conduct](#) to include an individual that operates a *model aircraft* or *civil unmanned aircraft* that endangers a person or person's real property.
12. Expands statute relating to [careless or reckless aircraft operation](#) to include a *model aircraft* or a *civil unmanned aircraft*.
13. Requires ADOT's aeronautics division (Division) to monitor FAA regulations pertaining to a *model aircraft* or a *civil unmanned aircraft* and *public unmanned aircraft* for 3 years.
14. Requires the Division to consult with *model aircraft*, *civil unmanned aircraft* and *public unmanned aircraft* operators, law enforcement and local governing bodies to determine if changes need to be made to statute in order to reflect changes in FAA regulations.
15. Specifies that the Division must submit an annual report regarding FAA regulations, including recommendations for statutory changes, to the Senate President, Speaker of the House and the Secretary of State.
16. Repeals the reporting requirement on January 1, 2020.
17. Defines *civil unmanned aircraft*, *commercial purposes*, *critical facility*, *model aircraft*, *person*, *public unmanned aircraft*, *unmanned aircraft* and *unmanned aircraft system*.
18. Makes technical and conforming changes.

#### **JUDICIARY COMMITTEE AMENDMENT**

1. Makes it illegal to operate a *model aircraft* or a *civil unmanned aircraft* if operation:
  - a. Is prohibited by a federal law, aeronautic regulations or Federal Aviation Administration (FAA) regulations; or
  - b. Is prohibited by state law, including specific criminal offenses.
2. Prohibits a person from operating or using an *unmanned aircraft* or *unmanned aircraft system* to intentionally photograph or loiter over or near a *critical facility* in the furtherance of a criminal offense.
3. Removes the offense related to photographing, recording or collecting information for the purpose of surveillance or loitering over or near a person or person's real property without written consent.
4. Strikes changes to the following existing offenses:
  - a. Voyeurism;
  - b. Criminal trespass in the first degree; and
  - c. Disorderly conduct.
5. Removes the requirement for ADOT to monitor and report on FAA regulations.
6. Makes technical and conforming changes.

#### **ADDITIONAL INFORMATION**

The FAA published [proposed rules](#) on February 15, 2015 to address the regulation of unmanned aircraft systems. On Dec. 14, 2015, the FAA unveiled an interim final rule for [registration](#) that requires owners of small unmanned aircraft between 0.55 pounds and 55 pounds to register their aircrafts by Feb. 19, 2016. Drones purchased after Dec. 21, 2015 must be registered prior to flying outdoors. Registrants must provide their name, home address and e-mail address. Upon completion of the online registration process, a Certificate of Aircraft Registration/Proof of Ownership is generated that includes a unique identification number for the owner. The number must be included on the aircraft. Registrations are valid for three years and the registration fee is \$5 per individual owner. The FAA also issued a [fact sheet](#) on December 17, 2015 outlining the federal regulatory framework for use by states and localities when considering laws affecting unmanned aircraft systems.

According to the National Conference of State Legislatures, 26 states have enacted laws addressing unmanned aircraft issues and an additional six states have adopted resolutions. Additional information regarding state legislation on unmanned aircraft systems can be found [here](#).



# HOUSE OF REPRESENTATIVES

SB 1212

national guard; peace officers; appointment  
Prime Sponsor: Senator Smith, LD 11

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

**X** Caucus and COW

House Engrossed

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## **OVERVIEW**

SB 1212 expands Arizona National Guard (AZNG) member eligibility for appointment to Peace Officer status.

## **PROVISIONS**

1. Requires, as deemed necessary, the Adjutant General to appoint members of the AZNG to Peace Officer status if they have served as a:
  - a. Law enforcement officer in any branch of the U.S. Armed Forces; or
  - b. Special agent of a military criminal investigative organization within the U.S. Department of Defense.
2. Makes technical changes.

## **CURRENT LAW**

[A.R.S. § 26-102](#) requires the Adjutant General, as deemed necessary, to appoint to Peace Officer status members of the AZNG who have been awarded a U.S. Army Military Occupational Specialty as military policeman or a U.S. Air Force Specialty Code as security policeman.

Eligible AZNG members must successfully complete a course of study to be prescribed by the Arizona Peace Officer Standards and Training Board before appointment as Peace Officers. These AZNG members have all the powers, privileges and immunities of Peace Officers provided by law.



# HOUSE OF REPRESENTATIVES

SB 1240

peace officers; appointment; training

Prime Sponsor: Senator Kavanagh, LD 23

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

**X** Caucus and COW

House Engrossed

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## OVERVIEW

SB 1240 allows a private postsecondary institution (Institution) to appoint peace officers to aid and supplement law enforcement agencies of this state in the protection of private postsecondary institution property, employees, students and faculty.

## PROVISIONS

1. Expands the definition of *peace officer* to include peace officers appointed by an Institution pursuant to statute and who are Arizona Peace Officer Standards and Training Board (AZPOST) certified.
2. Allows an Institution which offers bachelor degrees and has on-campus dormitories to appoint one or more persons as peace officers for the institution.
3. Stipulates that while on Institution property and engaged in conduct of their employment, a designated peace officer possesses and is required to exercise all of the powers of a peace officer in this state.
4. Specifies that an Institution peace officer is permitted to enforce the law only on property that is under the control of the Institution.
5. Asserts that a law enforcement agency in this state is not preempted by an Institution peace officer.
6. Requires an Institution peace officer to notify the appropriate law enforcement agency if either of the following occur:
  - a. A felony arrest is made; or
  - b. A felony investigation is initiated within a law enforcement agencies jurisdiction.
7. Requires an Institution peace officer to have at least the minimum statutory qualifications and comply with all AZPOST rules.
8. Requires an Institution to reimburse AZPOST for all incurred training and audit expenses relating to Institution peace officers.
9. States that an Institution must file the name of each Institution peace officer with AZPOST on the date of their appointment.
10. Mandates that AZPOST issue a certificate of authority to act as a peace officer, if a proposed Institution peace officer meets all statutory requirements and allows AZPOST to revoke a certificate for good cause.
11. Prohibits:
  - a. An Institution peace officer from participating in the Public Safety Personnel Retirement Plan if their service is provided solely to an Institution; and
  - b. An Institution from receiving fund monies from the Peace Officers Training Fund.
12. Exempts Institution peace officers from statute relating to Law Enforcement Officers and Adult and Juvenile Probation Officers.
13. Provides that an Institution is liable for an Institution peace officer's acts that are within the scope of their employment.
14. Exempts the state and any political subdivision from liability for any act or failure to act by any Institution peace officer.
15. States that all Institution police department documentation, records and reports are public records and are therefore subject to applicable statute.
16. Requires an airport and railroad company to file the name of each police officer, on the date of their appointment, with AZPOST, rather than the Director of the Department of Public Safety (DPS).

**CURRENT LAW**

[A.R.S. § 1-215](#) defines a peace officer as a county sheriff, marshal, constable, local policeman, commissioned personnel for DPS, AZPOST certified corrections and juvenile corrections officers, water conservation district peace officers, peace officers appointed by the Board of Regents, airport police and special agents from either the Attorney General's Office or the office of a count attorney.

[A.R.S. § 41-1822](#) prescribes minimum qualifications that must be met in order for an individual to become a peace officer in Arizona. These qualifications include United States citizenship and physical, mental and moral fitness. Statute also outlines what subject matter must be covered during the course of a cadet's training.



# HOUSE OF REPRESENTATIVES

## SB 1410

sexual assault victim advocates; privilege

Prime Sponsor: Senator Hobbs, et al., LD 24

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

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1410 adds sexual assault victim advocates to the list of mandatory reporters of child abuse, injury, neglect or denial or deprivation of medical or surgical care and prohibits sexual assault victim advocates from being examined in a civil action as to a communication made by the sexual assault victim to the sexual assault victim advocate.

### PROVISIONS

1. Prohibits a sexual assault victim advocate from being examined as to any communication made by the sexual assault victim to the sexual assault victim advocate in a civil action.
2. Stipulates that the prescribed communication privilege does not apply to:
  - a. A civil action brought relating to the civil commitment of sexually violent persons; or
  - b. The duty of a sexual assault victim advocate to report abuse, physical injury, neglect and denial or deprivation of medical or surgical care or nourishment of minors.
3. Stipulates that the communication is not privileged if the victim advocate knows or should have known that the victim will or has given perjurious statements or statements that would tend to disprove the existence of sexual assault, unless the sexual assault program or service provider has immunity under law.
4. Permits a party to an action to make a motion for disclosure of privileged information and requires the court, if reasonable cause is found, to hold a hearing in camera as to whether the privilege should apply.
5. Requires a sexual assault victim advocate to have at least 30 hours of training in assisting victims of sexual assault in order to qualify for this privilege, and:
  - a. Requires a portion of this training to include an explanation of privileged communication and reporting requirements;
  - b. Permits this training to be provided by the sexual assault program or service provider or by an outside agency that issues a certificate of completion; and
  - c. Requires the records custodian of the sexual assault program or service provider to maintain the training documents.
6. Requires a volunteer sexual assault victim advocate to perform all activities under qualified supervision.
7. Adds sexual assault victim advocates to the list of mandatory reporters who must report to a peace officer, the Department of Child Safety (DCS) or a tribal law enforcement or social services agency if a minor has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect or denial or deprivation of necessary medical treatment or surgical care or nourishment.
8. Defines *sexual assault victim advocate*.
9. Makes technical changes.

### CURRENT LAW

[A.R.S. § 13-3620](#) lists certain persons as mandatory reporters, who must report if a minor has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect or denial or deprivation of necessary medical treatment or surgical care or nourishment. The list of mandatory reporters includes:

- Any physician, physician's assistant, optometrist, dentist, osteopath,, chiropractor, podiatrist, behavioral health professional, nurse psychologist, counselor or social worker;
- Any peace officer, child welfare investigator, child safety worker, member of the clergy, priest or Christian Science practitioner;

- The parent, stepparent or guardian of the minor;
- School personnel or domestic violence victim advocates; and
- Any other person who is responsible for the care or treatment of the minor.

Statute exempts a member of the clergy, a Christian Science practitioner or a priest who has received a confidential communication or a confession in that person's role with and discipline enjoined by the church from this communication requirement and stipulates that this exemption applies only to the communication or confession and not personal observations by these persons.

A.R.S., Title 12, Chapter 13, Article 4 prohibits certain persons from being examined in a civil proceeding relating to any communication made between them. This list of privileged communications includes, but is not limited to, those made between an attorney and their client, a clergyman or priest and a penitent or a doctor and their patient.