

STATE OF ARIZONA HOUSE OF REPRESENTATIVES

SUMMARY OF LEGISLATION
2009



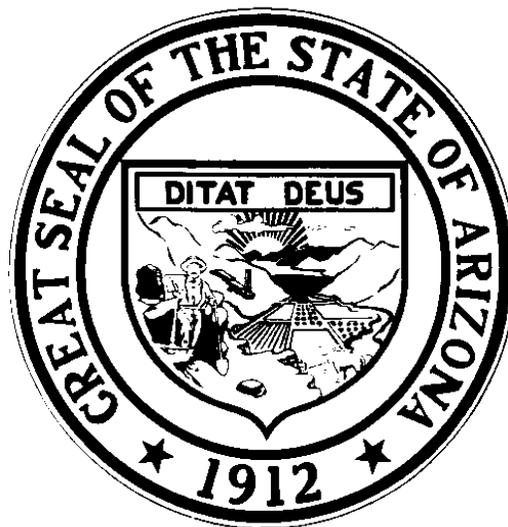
Forty-Ninth Legislature

First Regular Session
First Special Session
Second Special Session
Third Special Session

Prepared by
Majority Research Staff

PREPARED UNDER THE DIRECTION OF
THE HONORABLE KIRK ADAMS
SPEAKER OF THE HOUSE

SUMMARY OF LEGISLATION
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Majority Research Staff

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GENERAL EFFECTIVE DATES

Forty-Ninth Legislature

FIRST REGULAR SESSION

Session Convened: *January 12, 2009*

Adjourned Sine Die: *July 1, 2009*

General Effective Date: *September 30, 2009*

FIRST SPECIAL SESSION

Session Convened: *January 28, 2009*

Adjourned Sine Die: *January 31, 2009*

General Effective Date: *May 2, 2009*

SECOND SPECIAL SESSION

Session Convened: *May 21, 2009*

Adjourned Sine Die: *May 27, 2009*

General Effective Date: *August 26, 2009*

THIRD SPECIAL SESSION

Session Convened: *July 6, 2009*

Adjourned Sine Die: *August 25, 2009*

General Effective Date: *November 24, 2009*

BILL INTRODUCTIONS

Forty-Ninth Legislature First Regular Session 2009

	<u>House</u>	<u>Senate</u>	<u>Total</u>
Bills Introduced	653	480	1133
Memorials and Resolutions Introduced.....	47	54	101
<hr/>			
Total.....	700	534	1234
Bills Transmitted to Governor	108	105	213
Bills Signed by Governor	96	94	190
(includes line-item veto of HB 2643, SB 1188)			
Became Law Without Governor's Signature.....	1	0	1
(HB 2324)			
Bills Vetoed by Governor	11	11	22
(HBs 2258, 2369, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651)			
(SBs 1017, 1022, 1028, 1029, 1031, 1036, 1145, 1187, 1258, 1464)			
Chapters (Session Laws).....	97	94	191
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Secretary of State			

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SECTION I

STATE GENERAL FUND AND OTHER FUND APPROPRIATIONS SUMMARY TABLES OF BILLS

State of Arizona
Forty-Ninth Legislature
First Regular Session

[Insert Appropriations Tables]

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SECTION II

SUMMARY OF LEGISLATION First Regular Session

Session Convened: *January 12, 2009*

Adjourned Sine Die: *July 1, 2009*

General Effective Date: *September 30, 2009*

State of Arizona
Forty-Ninth Legislature
First Regular Session

COMMITTEE ON APPROPRIATIONS

Representative John Kavanagh, Chairman
 Representative Andy Biggs, Vice-Chairman
 Mike Huckins, Legislative Research Analyst
 Dan Plumhoff, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

Bill	Chapter	Short Title	Page
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HB 2281	79	appropriations for named claimants.....	5
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HB 2495	91	in-state tuition; veterans..... (See Committee on Education)	19
HB 2643	12 [LIV]	*general appropriations; 2009-2010; trailer	5
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SB 1316	73 [E]	nuclear emergency management; appropriations; assessments	6

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HB 2028 – Chapter 5 – *supplemental reductions; appropriations; FY 2008-2009

Makes additional appropriation reductions in FY 2008-09 and makes appropriations for FY 2009-10.

ABOR

- Reduces the state GF appropriation made to ABOR in FY 2008-09 for the support and maintenance of institutions under its jurisdiction by \$100 million and mandates that ABOR reduce funding to the institutions proportionally based on their respective appropriations.
- Appropriates an additional \$100 million to ABOR in FY 2009-10 and mandates the funding be allocated in two equal payments by August 1, 2009 and September 1, 2009. Requires ABOR to distribute the funding in an amount equal to the additional reduction in FY 2008-09.

ADE

- Reduces the state GF appropriation made to ADE in FY 2008-09 for Basic State Aid and Additional State Aid by \$300 million, but excludes charter schools and small school districts that qualify for budget limit exemptions from any reductions.
- States that if Arizona receives ARRA monies, then \$250 million will be reduced from the ADE's FY 2008-09 state General Fund appropriation and will be restored with funds from the ARRA.

HB 2029 – Chapter 6 – *school district balances; allocations

Makes session law changes related to the implementation of the supplemental reductions and appropriations for FY 2008-09.

- Requires ADE, by October 15, 2009, to apportion to each school district the difference between the school district's May 15, 2009 Basic State Aid and Additional State Aid entitlement and the district's FY 2008-09 excess ending cash balance.
- Provides a formula for ADE to calculate districts' FY 2008-09 excess ending cash balances.
- Exempts accommodation school districts from the calculation of excess ending cash balances and requires ADE to apportion, by October 15, 2009, an accommodation school district's May 15, 2009 Basic State Aid and Additional State Aid entitlement.
- Directs ADE, by October 15, 2009, to apportion monies to each affected school district for interest expenses at an assumed interest rate of 2% over an assumed five month interest accumulation period.
- Allows school districts that incur interest expenses in FY 2008-09 or expect to incur interest expenses in FY 2009-10 to budget an estimated amount for those expenses, which are specifically exempt from the RCL in FY 2009-10.
- Prohibits districts from expending more than the amount received from ADE for interest expenses.
- Instructs school districts to include the monies they will receive from ADE for the FY 2008-09 funding deferral in their revenue estimates for the purpose of computing their tax rates for FY 2009-10.

HB 2051 – Chapter 1 – *2008-2009; appropriations; budget revisions

Restores FY 2008-09 budget reductions to various agencies, repeals fund transfers and makes supplemental appropriations as follows:

Fund Transfer Restorations

- Restores the following FY 2008-09 fund transfers:

Agency / Fund	Amount
DEQ – Clean Water Revolving Fund	\$10,700,000
DEQ – Drinking Water Fund	5,000,000
AGR – Arizona Federal-State Inspection Fund	516,100
DHS – Nursing Care Institution Protection Fund	353,700
Arizona Power Authority – General Operating Fund	1,000,000
Arizona Power Authority – General Deposits Fund	1,000,000

Fund Reduction and Transfer Restorations

- Restores the following FY 2008-09 fund expenditure reductions and transfers:

Agency / Fund	Amount
AGR – Egg Inspection Fund	\$44,900
AGR – Arizona Federal-State Inspection Fund	171,400

Personnel Reductions Restorations

- Reduces the amount reverted to the state GF from other funds for personnel expense reductions in FY 2008-09 from \$10,854,200 to \$9,369,900.

Supplemental Appropriations

- Appropriates \$5,559,200 in FY 2008-09 from the state GF and provides an additional \$20,433,800 in federal expenditure authority to AHCCCS to restore funding for Graduate Medical Education services.
- Appropriates \$2,500,800 in FY 2008-09 from the state GF and provides \$9,657,300 additional federal expenditure authority to AHCCCS to restore funding for Rural Hospital Reimbursement.
- Appropriates \$18,200,000 in FY 2008-09 from the Child Care and Development Fund Block Grant (CCDF) to DES to maintain existing child care services with the following provisions:
 - Restricts DES from using the monies to expand program eligibility or to increase provider payments beyond the levels in effect as of January 30, 2009.
 - Specifies that the appropriation to DES is contingent upon receiving at least the same amount in CCDF monies from the ARRA.
- Appropriates the following amounts in FY 2011-12 through FY 2013-14 from the state GF and states the Legislature’s acknowledgment that the exclusive purpose of the funds is to pay claims of policy holders and claimants of insolvent insurers:
 - \$4,659,666 to the Arizona Property and Casualty Insurance Fund.
 - \$5,204,466 to the Life and Disability Insurance Guaranty Fund.

Miscellaneous

- Restores \$4,202,300 of federal DSH payments to Maricopa County Special Health Care District.
- Restores \$8,922,200 to AHCCCS for DSH payments to private hospitals.

HB 2222 – Chapter 44 – *special license plates

Creates the *Arizona Professional Football Club* and the *Emergency Medical Services* special license plates, and redirects monies from the *Gold Star Family* special license plate subaccount within the VDF for the construction and maintenance of the Enduring Freedom Memorial.

HB 2281 – Chapter 79 – appropriations for named claimants

Appropriates \$255,778.25 to ADOA for the payment of outstanding claims made against state agencies from July 1, 2004 to June 30, 2007 and transfers \$46,617.90 of originating funds to the state GF.

HB 2482 – Chapter 107 – civil air patrol; federal monies

Permits the ACAP to receive monies from the U.S. Department of Homeland Security.

HB 2643 – Chapter 12 [LIV] – *general appropriations; 2009-2010; trailer

Modifies state GF and OF appropriations for FY 2009-10 for the operation of state government and makes changes to budget revisions, transfers and supplemental appropriations contained in SB 1188. For complete FY 2009-2010 budget details, refer to <http://www.azleg.gov/jlbc.htm>.

SB 1027 – Chapter 10 – *capital outlay; FY 2009-2010

Makes appropriations for maintenance and repair of state buildings and capital projects and makes revisions to previously approved capital projects.

- Reduces the appropriation from the state GF to the Historical Advisory Commission to \$50,000.

Building Renewal

- Appropriates the following amounts for major maintenance and repair activities for state buildings in FY 2009-10:
 - **ADOA**
 - \$1,000,000 from the Capital Outlay Stabilization Fund.
 - **ADOT**
 - \$1,000,000 from the SHF.
 - \$50,000 from the State Aviation Fund.
 - **Arizona Exposition and State Fair Board**
 - \$1,832,900 from Arizona Exposition and State Fair Fund.
 - **G&F**
 - \$473,200 from the G&F Fund.

Capital Projects

Department	Project	Fund Sources	Amount
G&F	Pinetop Office Canopies	G&F Fund	\$30,000
	Radio Tower	Watercraft Licensing Fund	250,000
	Shooting Range Access Improvements	G&F Fund	150,000
	Statewide Preventative Maintenance	G&F Fund	30,000
	Ben Avery Improvements	G&F Capital Improvement Fund	950,000

G&F	Kingman Office Remodel/Expansion	G&F Capital Improvement Fund	\$889,500
	Pinetop Office Paving Project	G&F Fund	75,000
	Silver Creek Hatchery Remodel/Expansion	G&F Capital Improvement Fund	1,900,000
Total (G&F)			\$4,274,500
ADOT	State Highway Construction	SHF	\$187,850,000
	Airport Planning and Development	State Aviation Fund	27,128,000
Total (ADOT)			\$214,978,000

General Provisions

- Appropriates \$400,000 from the state GF in FY 2009-10 to the Arizona Exposition and State Fair Fund to offset losses in pari-mutuel revenues.
- Requires ADOA to report on the status of project-specific FTE positions for capital projects in its annual capital budget request.
- Allows ADOA to allocate FTE positions authorized for specific projects to other projects provided that the funding is cost allocated.
- Stipulates that the monies appropriated shall not be used for personal services or employee-related expenditures of state employees, excluding services provided as part of the inmate construction program for correctional facilities.
- States that, unless otherwise specified, the appropriations do not lapse until the purpose for which the appropriation was made has been accomplished or abandoned, or the appropriation stands for a full fiscal year without an expenditure or an encumbrance.

SB 1168 – Chapter 177 – *storage; firearms; motor vehicles

Prevents property owners, tenants, employers and businesses from prohibiting the storage or transport of lawfully possessed firearms in locked and privately-owned vehicles parked in a parking lot, parking garage, or other designated parking area.

SB 1188 – Chapter 11 [LIV] – *general appropriations; FY 2009-2010

Makes state GF and OF appropriations for FY 2009-10 for the operation of state government and makes various budget reductions, transfers and supplemental appropriations. For complete FY 2009-2010 budget details, refer to <http://www.azleg.gov/jlbc.htm>.

SB 1316 – Chapter 73 [E] – nuclear emergency management; appropriations; assessments

Appropriates the sum of \$1,523,108 in FY 2009-10 and \$1,569,091 in FY 2010-11 from the state GF to the Nuclear Emergency Management Fund (NEMF). Levies an assessment against each consortium of public service corporations and municipal corporations operating a commercial nuclear generation station in an amount equal to that appropriated to the NEMF, plus any interest.

COMMITTEE ON BANKING AND INSURANCE

Representative Nancy McLain, Chairman
 Representative Doug Quelland, Vice-Chairman
 Stacy Weltsch, Legislative Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

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HB 2143 – Chapter 163 – loan originators; mortgage recovery fund

Establishes the Mortgage Recovery Fund for liabilities resulting from loan originator wrongdoing. It also establishes the Financial Services Fund, consisting of funds collected from the licensing of loan originators.

HB 2144 – Chapter 164 – insurance; actuarial opinions; financial audits

Establishes actuarial opinion and memorandum requirements for insurers.

HB 2145 – Chapter 39 – insurance; network plan; definition

Redefines *network plan* under the disability insurance statutes to include a health care plan provided by a health care insurer under which the financing and delivery of health care services are provided, in whole or in part, through a defined set of providers under contract with a hospital, medical, dental or optometric service corporation. It also changes the acceptable standard medical reference compendia that list FDA-approved drugs for cancer treatment.

HB 2156 – Chapter 135 – *fire insurance premium tax; report

Allows insurers to rely on reports from the state fire marshal when determining the amount of insurance premium tax allocated for fire districts.

HB 2224 – Chapter 165 – *mandatory vehicle insurance; financial responsibility

States that failure to provide proof of financial responsibility while operating a motor vehicle will result in a civil penalty and revocation of license, registration, and license plates depending on whether it is a first, second or third citation. It also requires ADOT to confirm proof of financial responsibility in order to reinstate a violator's driver license, registration, and license plates.

HB 2318 – Chapter 139 – *mortgage bankers; loan originators; fees

Allows mortgage bankers who fund 150 or less loans in a year to apply for a conversion to mortgage broker licensure at the time of license renewal.

HB 2323 – Chapter 84 – health insurance; small business coverage

Reduces the go bare period to be considered an uninsured small business from six consecutive months to 90 days, and allows health insurers to issue policies to uninsured individuals that are exempt of certain mandated benefits.

HB 2324 – Chapter 9 – health insurance; individuals; coverage exemptions

Allows health insurers to issue policies to uninsured individuals that are exempt of certain mandated benefits.

HB 2333 – Chapter 85 – Arizona trust code

Makes revisions and clarifications to the group of statutes known as the Arizona Trust Code.

HB 2334 – Chapter 102 – uniform principal and income act

Makes various changes to the Uniform Principal and Income Act to comply with IRS rulings and court decisions.

HB 2425 – Chapter 89 – state treasurer; management fees

Decreases management fees and changes the manner in which the State Treasurer receives its appropriated operating budget.

HB 2486 – Chapter 108 – *commercial mortgage broker license

Adds commercial mortgage brokers to statute, requiring various license application fees and renewal fees to be paid to ADFI.

SB 1262 – Chapter 184 – *workers' compensation omnibus

Makes changes to certain DOI filing schedules, changes the penalty and specifies the terms for a civil action in cases of employer misrepresentation to a workers' compensation insurer, allows the Industrial Commission to consider an employee's earning capacity based on wages from previously terminated employment and requires physicians to provide information about off-label drug prescriptions upon request.

SB 1265 – Chapter 66 – UCC; lost cashier's checks

Provides means to address issues associated with lost, destroyed or stolen cashier's, teller's or certified checks and establishes a means of getting a refund for the check amount.

SB 1271 – Chapter 68 – *deficiency judgment; foreclosed properties

Prohibits a deficiency judgment against a trustor pursuant to a trustee's sale of a trust property that is 2.5 acres or less and is used as a single one-family or single two-family dwelling if the trustor has lived in the trust property for at least six consecutive months and if a certificate of occupancy has been issued for the property. It also places the burden of proof on the trustor to demonstrate that the statutory requirements to prohibit a deficiency judgment are met.

COMMITTEE ON COMMERCE

Representative Michele Reagan, Chairman
 Representative Laurin Hendrix, Vice-Chairman
 Diana Clay O'Dell, Legislative Research Analyst
 Brooke Olguin, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
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		<i>(See Committee on Health and Human Services)</i>	
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HB 2091 – Chapter 76 – charitable organizations; solicitations; disclosures

Effective January 1, 2010, requires an item donation location to post the name of the charity or company who owns the collection site as well as who will benefit from the donations received at the location.

HB 2173 – Chapter 99 – notification; complaint; registrar of contractors

Conforms Title 12 (Courts and Civil Proceedings) of the Arizona Revised Statutes to Title 32, Chapter 10, relating to new-home construction and the permissible timeframe to file a complaint with the ROC.

- Stipulates the contractor's license number be placed on advertising that includes broadcast, published, internet or billboard advertising.
- Specifies contract information be at least 10-point type, thus allowing larger type.
- Eliminates the term *wrongful* act as it relates to a construction citation, but maintains the citation for a *fraudulent* act.

HB 2199 – Chapter 42 – *corporations and LLC omnibus

Makes changes to statutes to conform the regulations for corporations, nonprofits and LLCs. Clarifies publication, notification and filing duties.

- Requires a report be filed annually for every electric cooperative nonprofit membership corporation and nonprofit electric generation and transmission cooperative corporation.
- Stipulates the 120 day reservation for an LLC name is nonrenewable.
- Clarifies an LLC can only conduct business as a statutorily defined *insurer* if the LLC is a title insurance agent or pure captive insurer.

HB 2301 – Chapter 81 – domestic microbreweries; production cap

Doubles, from 620,000 to 1,240,000, the amount of gallons of beer a domestic microbrewery is allowed to produce in one calendar year.

HB 2306 – Chapter 137 – *authorized presence; licensees

Clarifies when an individual must provide documentation of citizenship or work authorization to obtain a business license.

- Exempts an individual who has affirmatively established citizenship or non-expiring work authorization from providing subsequent documentation of that status upon renewal or reinstatement of a license.
- Requires only an individual who has a limited form of authorization that has expired to provide documentation of citizenship or alien status upon seeking license renewal or reinstatement.

HB 2435 – Chapter 48 – amendments; self-storage units

Makes changes to statute relating to the proper procedures for dealing with unpaid rent on self storage units.

- Redefines *leased space* to include an individual storage space or multiple spaces.
- Defines *verified mail* as any method of mailing that is offered by USPS and that provides evidence of mailing, and stipulates notices are required to be delivered by verified rather than by certified mail.
- Requires a second notice of default be sent to the occupant by first class mail.

- Eliminates the publication requirement for notices indicating the specifics relating to the sale of property in a delinquent leased space.
- Confirms a sale as commercially reasonable if there are five or more bidders who are unrelated to the operator.

HB 2441 – Chapter 50 – liquor licenses; public recreation area

Clarifies that consuming beer or wine in a public recreation area at a group event is not unlawful when a special permit has been obtained.

HB 2572 – Chapter 122 – *sports authority districts

Allows the county BOS in any county with a population of more than 500,000 but less than 2 million to form a Sports Authority District and seek voter approval for taxing and bonding authority for the purpose of financing stadiums, a multipurpose facility and youth sports facilities.

Formation of District

- Permits the Pima County BOS to form a sports authority (Authority) district that encompasses the entire county and serve as the BOD for the Authority. The BOD will serve without compensation.
- Requires the BOD to call an election for the establishment of the Authority and appoint some of the members to a Governing Board. The District is a separate corporate and political body independent of the state and county with all rights and powers of a municipal corporation except to acquire property by eminent domain.
- Prohibits members of the BOD from having any financial interest in property owned by the District or contracts entered into by the District.

Establishment of the Authority

- Requires the BOD to call an election to establish the Authority on receipt of the plan from the Authority Board. The election must be called within 90 days at a November general election within the next five years.
- Requires approval of three ballot questions for authorization: 1) to form a new Authority; 2) to levy and collect excise taxes on retail activities, vehicle rentals, lodging, restaurants and bars and professional sporting events; and, 3) to issue bonds to finance the construction, renovation, expansion or repair of Cactus League baseball stadiums, youth sports and multipurpose facilities.

Excise Tax

- Mandates DOR to collect an excise tax 90 days after voter approval, which is in addition to any state or local transaction privilege or excise tax. The excise tax rate will be imposed on taxable activities as follows: car rentals at .35 percent; hotels/motels at .45 percent; restaurants and bars at .25 percent; amusements and sporting events at .35 percent; retail activities at .15 percent. Directs the State Treasurer to transmit the revenues collected to the Authority.
- Contains a conditional enactment that requires at least two Major League Baseball franchises to enter into 10-year binding contracts within six years after the District is established. If this does not occur, then the tax rates are reduced by 50 percent and the revenues must be used exclusively for youth and amateur sports. If this happens and subsequently two franchises do enter into 10-year contracts, then the tax is reinstated to the full amount.

Bonding

- Allows the Authority to issue tax-free bonds for the purpose of financing capital costs or improvements. The bonds do not constitute a debt of state or local governments.
- Establishes procedures for the issuance and sale of bonds, including authorized investments and accountability.

Authority Board (Board)

- Prescribes the process for appointment of Members to the Board within 30 days after the Authority is formed. All members must reside in the Authority.
- Prohibits Board members from holding or running for any elected office, whether elected or appointed and further prescribes limitations regarding acceptance of gifts and stipulates members are subject to existing conflict of interest statutes.
- Requires the Board to submit a plan for the operation of a sports authority and outlines specifics. Prescribes additional mandatory administrative and other duties to promote Major League Baseball spring training within the District.
- Directs any facility to comply with local zoning requirements.
- Specifies powers and duties of the executive director of the Authority and authorizes hiring outside consultants.

Authority Funding

- Outlines permissible use of funding to acquire and retain or attract Major League Baseball spring training and associated purposes and operations as outlined.
- Prohibits monies from being used to facilitate the relocation of a spring training team from one in-state location to another, unless a team from out-of-state will take over the vacated facility.
- Permits the Authority to require financial participation from other public or private entities as outlined and requires the Authority to consider renovations of existing facilities before planning any new construction.

Youth Sports and Recreation

- Directs the Authority to spend at least 10 percent of its general fund revenues for the purpose of promoting youth sports and recreation and prescribes requirements.
- The amount spent will be measured at the end of every 10th fiscal year.

Audits and Reports

- Requires an annual audit of the Authority's funds each year and a certified copy to be filed with the OAG and further authorizes the OAG to conduct further audits and examinations as necessary. Mandates quarterly reports to the Governor, Legislature and JLBC.
- Beginning in 2011, and at least every five years thereafter, the OAG is required to conduct a performance audit of the Authority, paid for by the Authority.

Miscellaneous

- Defines pertinent terms and provides session law requiring the new Authority to assume all of the contracts and legally binding obligations of the existing Authority.
- Contains a conditional repeal of the act if the election to establish the district, levy taxes and issue bonds fails.

SB 1266 – Chapter 67 – workers’ compensation; drugs and alcohol

Removes statutory language ruled unconstitutional by the Arizona Supreme Court relating to workers’ compensation and the related workplace injury or death that results from drug or alcohol use.

- Strikes language that prohibits an employee from receiving workers’ compensation benefits if the employee’s injury or death is due to the use of alcohol or any controlled substance and is a substantial contributing cause of the injury or death.
- Removes language prohibiting payment of workers’ compensation benefits to an employee who fails to pass or refuses to take a drug test or alcohol impairment test within 24 hours of the employer receiving notice of the injury, unless the employee proves one of the outlined statutory factors.
- Deletes language that specifies if the employer was aware of and permitted the employee’s use of alcohol or any controlled substance, the stated provisions relating to the workplace injury or death are void.
- Eliminates language requiring the employer to file a written certification with the Industrial Commission if the employer establishes a testing policy.

SB 1407– Chapter 30 – health spa contracts; military members

Allows active duty military members deployed out of state to cancel health spa memberships at any point during the contract term.

COMMITTEE ON EDUCATION

Representative Rich Crandall, Chairman
 Representative Doris Goodale, Vice-Chairman
 Jennifer Anderson, Legislative Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

Bill	Chapter	Short Title	Page
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HB 2006 – Chapter 14 – schools; juvenile probation officers

Enables school districts and charter schools to enter into an IGA to hire JPOs for law-related education programs. The school district or charter school is responsible for paying the costs associated with hiring a JPO.

HB 2031 – Chapter 75 – schools; contractors; fingerprint clearance cards

Requires contractors, subcontractors, or vendors, or any of their employees, to have a valid FPCC if they provide services to an individual school on a regular basis and directs schools districts to adopt policies for this purpose by December 31, 2009. Exempts persons who participate in field experience or student teaching in another state from the requirement to obtain an Arizona FPCC. Denies due process hearings to school personnel who are dismissed for failure to immediately report when they are arrested for or charged with one of the non-appealable offenses that would preclude them from obtaining a valid FPCC.

HB 2099 – Chapter 98 – charter schools; zoning

Specifies that charter schools are classified as public schools for the purposes of municipal and county zoning. Requires municipalities and counties to allow charter schools to operate at a location or in a facility where a school in a school district would be allowed to operate. Authorizes municipalities and counties to adopt zoning regulations to prohibit charter schools from operating in an existing single family residence on a property of less than one acre.

HB 2357 – Chapter 88 – public education; students’ religious liberties

Prohibits a public educational institution from discriminating against students or parents on the basis of a religious viewpoint or expression, and establishes an administrative process for the remedy of alleged violations of a student’s religious rights, which must be exercised before a student or parent can pursue legal action.

HB 2432 – Chapter 90 – school board membership; family members

Prohibits persons related as immediate family and who shared the same household of residence within the previous four years from simultaneously serving on or being candidates for nomination or election to the same five-member school district governing board. Allows a qualified elector of the school district to bring action in Superior Court to enforce these eligibility restrictions. Defines *immediate family* and *household of residence*.

HB 2495 – Chapter 91 – in-state tuition; veterans

Classifies a person who was honorably discharged from an Arizona military installation, regardless of the length of time the person was domiciled in Arizona, as an in-state student for tuition purposes at any public university or community college in Arizona.

SB 1134 – Chapter 58 – commission for postsecondary education; continuation

Continues the ACPE until July 1, 2019.

SB 1196 – Chapter 95 – *education omnibus

Parental Requests for Information

- Provides a process for parents to submit a written request for information from their child’s school that requires the school to respond within 10 days of receiving the request and allows the parent to appeal to the school district governing board if the parent is not satisfied with the result of the request.

AIMS Test

- Allows a pupil to substitute a college entrance exam score for a passing score on the AIMS test if 1) SBE establishes a minimum score on the college entrance exam that may be substituted for the AIMS test, 2) the pupil is in grade 12, and 3) the pupil has taken the AIMS test each time it was offered.

Academic Receivership / Alternative Operation Plans (AOPs)

- Establishes a new academic receivership process that allows SBE to determine whether a school district should be subject to an AOP if at least half of the district's schools are labeled underperforming or failing and at least one school is labeled failing.

FPCCs and Teacher Certification

- Requires tutors and students in teacher preparation programs to obtain identity-verified FPCCs.
- Directs SBE to adopt rules that provide alternative certification for nontraditional foreign language teachers by substituting a passing score on a nationally-accredited test for the education coursework credit hours required for certification.

Enrollment Policies

- Permits a charter school to give enrollment preference to children of school employees, governing board members, or employees, directors, officers, partners, or board members of the charter holder.
- Allows a charter school, with the permission of the school's sponsor, to provide instruction to pupils of a single gender.

Special Education

- Renames the disability category of preschool moderate delay to developmental delay (DD), includes children ages three through nine, clarifies that the Group A weight may be used for DD programs, and establishes a Group B weight for DD, but prohibits Group B funding for preschool children in the DD category.
- Incorporates the disability category of preschool speech/language delay into speech language impairment (SLI) and prohibits Group B funding for preschool children in the SLI category.

Charter School Governing Bodies and School District Governing Boards

- Specifies that in the case of vacancies, a majority of the remaining members on a charter school governing body or a school district governing board constitutes a quorum for the transaction of business, except in the case of a charter school such a quorum is prohibited if prohibited by the charter school's operating agreement, and in the case of a school district a quorum of one is prohibited.
- Allows a school district governing board to submit three names to the county school superintendent for consideration to fill a vacancy on the board. The county school superintendent is not required to appoint one of these persons to fill the vacancy.

Employment Benefits

- Allows a school district governing board that currently offers other postemployment benefits (OPEBs) to school district employees to deposit monies used for these benefits into an OPEB fund or trust account and establishes requirements for the management of the OPEB fund or trust account.

- Instructs each school district to submit their most recent actuarial study of existing and prospective OPEBs to JLBC by September 1, 2009. Thereafter, a school district is required to submit a copy of any new actuarial study conducted by the district to JLBC within 30 days of the study being completed.
- Authorizes ASRS to establish a supplemental employee deferral plan to provide public employees, other than state employees, an opportunity to save tax-deferred monies for retirement in addition to the state-defined benefit retirement plan.
- Allows a school district governing board to contract with an insurance pool operated solely for charter schools, and requires a trustee, board of trustees, or insurance pool that contracts with a school district governing board or charter school for the purposes of providing a common self-insurance program to:
 - Comply with all open meeting and public records laws.
 - Be subject to all accounting, auditing, and reporting requirements that insurance pools operated by two or more public agencies are subject to.

Arizona Online Instruction (AOI)

- Renames TAPBI to AOI, removes the cap on the number of school districts and charter schools allowed to participate in AOI, and requires SBE and SBCS to jointly develop standards for the approval of *online course providers* and *online schools*.
- Directs SBE and SBCS to jointly develop annual reporting mechanisms for AOI and transfers responsibility for collecting and compiling the AOI annual report to ADE.
- Asserts that AOI pupils do not incur absences and may generate ADA at any time between July 1 and June 30 of each fiscal year.
- Determines the ADM of an AOI pupil by dividing the number of instructional hours reported in the pupil's daily log by the applicable hourly requirements.
- Provides funding for AOI pupils as follows:
 - For AOI pupils enrolled part-time, 85% of the BSL those pupils would receive if they were enrolled in a traditional public school.
 - For AOI pupils enrolled full-time, 95% of the BSL those pupils would receive if they were enrolled in a traditional public school, except a high school pupil enrolled in AOI only qualifies as a full-time student if he or she is enrolled for the equivalent of five hours each day for 180 school days.

SFB

- Allows a school district that has been approved for new school facilities by SFB for FY 2009-10, but that will not receive SFB funding because of the new school construction moratorium, to lease a parcel of state trust land for use as a school site and be reimbursed for the cost of the lease.
- Permits SFB to contract for private services, construction project management services, school building assessments, and land acquisition and school site development services.
- Requires a school district to notify and receive written approval from SFB before taking any action that would reduce pupil square footage.
- Changes the annual submission date, from September 1 to October 15, for school districts to submit their Renovations Report to SFB and directs SFB to withhold building renewal monies from a district that fails to submit their Renovations Report by October 15.

- Allows SFB to access a school district's public utility company records, if the school district does not object within 30 days of written notification from SFB, in order to assemble data on utility consumption at school facilities and determine the effectiveness of facility design, operation, and maintenance measures intended to reduce energy and water consumption and costs.

Miscellaneous

- Exempts school districts and charter schools from municipal tax on the storage, use, or consumption of personal property.
- Retroactive to June 30, 2009, stipulates that school districts and charter schools must report new data elements beginning July 1 following the effective date of the law requiring the collection of the data.
- Authorizes a school district, with the permission of ADE, to adjust their ADM for school closures due to situations affecting the safety of persons or property resulting from fire, flooding or floodwater, an earthquake, a hazardous material event, or other causes.
- Permits the SPI to establish a system to evaluate the performance of ADE employees that is intended to boost productivity and instill a sense of shared responsibility. The system would be separate from the performance measures established by ADOA for state employees.
- Requires ADE to evaluate and assess existing studies on national ranking and overall quality of schools in Arizona.
- Establishes the Task Force for Measuring Academic Gains of K-3 Pupils.
- Continues the ACPE until July 1, 2019.
- Permits the Santa Cruz Valley Union and the Red Mesa Unified school districts to repay overexpenditures over a five-year period beginning in FY 2009-10.
- Retroactive to September 21, 2006, allows the Blue Ridge Unified and Snowflake Unified school districts to petition SBE for a three-year extension on the repayment of monies owed as a result of ADM audits conducted on the districts.

SB 1197 – Chapter 62 [E] – *task force; special education

An emergency measure that establishes the nine-member Task Force on Best Practices in Special Education and Behavior Management to examine, evaluate, and make recommendations concerning best practices for managing the behavior and discipline of pupils with disabilities. Directs the Task Force to submit a written report of its finding by August 20, 2009. Requires each school district and charter school to hold a public meeting by June 30, 2010 to review and consider the adoption of the best practices recommended by the Task Force. The school district or charter school is not required to adopt the recommendations and may choose to modify the recommendations to accommodate the needs of the school district or charter school.

SB 1386 – Chapter 117 – charter schools; charter renewal period

Allows a charter school to apply to its sponsor for an early renewal of its charter. Directs the sponsor of a charter school to review fiscal audits, academic performance data, and the current contract between the sponsor and the charter school when considering a charter school's renewal application. Increases the charter renewal period from 15 to 20 years.

COMMITTEE ON ENVIRONMENT

Representative Ray Barnes, Chairman
Representative Frank Pratt, Vice-Chairman
Justin Riches, Legislative Research Analyst



* Strike-Everything Amendment
[E] Emergency Clause
[P 105] Proposition 105 Clause
[P 108] Proposition 108 Clause
[LIV] Line Item Veto

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HB 2202 – Chapter 43 – county stormwater management; reference correction

Corrects a reference to the AAC relating to exclusions for discharges under the Arizona Pollutant Discharge Elimination System permit program.

SB 1157 – Chapter 23 – department of environmental quality; continuation

Continues DEQ for five years, until July 1, 2014.

- Contains a purpose provision which recognizes that DEQ consolidate and focus responsibility for environmental management and administration of water quality, air quality, solid waste and hazardous waste regulation with the goal of increasing effectiveness, efficiency and public acceptance of environmental regulation.
- Requires the Senate Committee on Natural Resources, Infrastructure and Public Debt, or other successor committee with jurisdiction over issues relating to DEQ and the House of Representatives Environment Committee to hold a hearing to review the status of ADEQ in 2011.
- Contains a retroactivity provision to July 1, 2009.

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COMMITTEE ON GOVERNMENT

Representative Sam Crump, Chairman
 Representative Steve Montenegro, Vice-Chairman
 Michelle Hindman, Legislative Research Analyst
 Zach Tretton, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
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HB 2001 – Chapter 13 – state monuments; repair fund; purpose.

Requires monies deposited in the State Monument and Memorial Repair Fund be designated for specific monuments or memorials, prescribes how ADOA is to account for those monies, and requires the Bill of Rights Commemorative Monument to be completed by December 31, 2013.

HB 2014 – Chapter 15 – municipalities; exchange of real property

Permits cities and towns to exchange real property outside their boundaries.

HB 2101 – Chapter 134 – *county supervisors; membership

Decreases the population threshold for when a county is required to have a five-member BOS from 200,000 to 175,000 persons and contains an applicability clause.

HB 2103 – Chapter 162 – state treasurer; independent legal counsel

Adds the State Treasurer to a list of agencies exempted from employing the AG as legal counsel.

HB 2105 – Chapter 34 – reviser’s technical corrections; 2009

Makes non-substantive technical changes to conflicting statutes.

HB 2236 – Chapter 45 [E] – *county operation; management

Makes multiple changes to the statutes governing Arizona counties, including:

- Deletes the ban against a BOS in a county with 300,000 persons or less from expending public funds on group health and accident insurance premiums for retired county employees.
- Allows the County Employee Merit System Commission to appoint officers to conduct hearings and take evidence on their behalf, prescribing the duties of appointed officers.
- Permits counties to operate under a flexible work week by requiring county officers (except the county sheriff) to keep their offices open for not less than 40 hours each week.

HB 2271 – Chapter 166 – state treasurer; investment pools

Enables the State Treasurer to include Trust and Treasury monies in long-term local government investment pools and requires that management fees be deposited pursuant with statute.

HB 2310 – Chapter 17 – subdivision public reports

Modifies DRE’s procedures for subdividers’ notices and reports for the sale of improved lots.

HB 2401 – Chapter 171 – administrative rules oversight committee

Establishes the Administrative Rules Oversight Committee (AROC) and clarifies that a party contesting the legality of a rule, agency practice, or substantive policy statement does not have to file a complaint with AROC in order to exhaust its administrative remedies.

HB 2458 – Chapter 106 – dogs; cats; release from pound

Prescribes conditions that must be met before a dog or cat held at pound or animal shelter can be released to its owner and eliminates the use of nitrogen gas to destroy impounded animals.

HB 2581 – Chapter 53 – library districts; county reimbursement

Allows a county’s BOS to require a county free library district to reimburse the county for the cost of services provided to the special district.

SB 1020 – Chapter 111 [E] – enduring freedom memorial; public monies

Allows VDF monies to be used for the construction of the Enduring Freedom Memorial and requires the Bill of Rights Commemorative Monument to be completed by December 31, 2013.

SB 1073 – Chapter 113 – population thresholds; counties

Adjusts Arizona county population threshold requirements.

SB 1146 – Chapter 59 – expenditure limitation; penalty waiver; Pima

Allows the Town of Pima five years to pay the penalty for exceeding their constitutional expenditure limitation and exempts a community college district that exceeds its constitutional expenditure limitation because of bookstore revenues from the state aid withholding penalty.

SB 1148 – Chapter 60 – deed restrictions; for sale signs

Prohibits various real estate instruments from preventing the display of a for sale sign or rider.

SB 1151 – Chapter 93 – convenience fee; definition

Allows a state agency to charge a convenience fee for voice response portal transactions.

SB 1235 – Chapter 181 – cooperative purchasing agreements

Clarifies that any public procurement unit administering a cooperative purchasing agreement to procure construction or professional services must comply with relevant procurement statutes.

SB 1303 – Chapter 27 – open meeting law; minutes; notice

Clarifies public meeting laws related to local government electronic posting requirements and public meeting notices as follows:

- Requires electronic postings to remain on the local government's applicable Internet website for at least one year after the date of the posting.
- Clarifies that charter schools must file their public meeting location notice with the SOS.
- Specifies the 24-hour meeting notice requirement includes Saturdays if the public has access to physical posting locations, but excludes Sundays and other statutory holidays.

SB 1313 – Chapter 28 – *project financing review; extension; repeal

Extends the exemption of nonprofit nursing homes, rest homes, skilled nursing facilities or life care facilities from the review requirements of an IDA project through December 31, 2014.

SB 1314 – Chapter 191 – *custodial and janitorial services; transfer

Transfers all monies ADOA receives during FY 2009-10 to provide custodial and janitorial services to each state budget unit occupying state owned or leased properties to hire current or former state employees to provide those services.

SB 1323 – Chapter 29 – emergency mutual aid agreements

Allows a county, city, town, private water or wastewater utility, or special taxing district to enter into mutual aid agreements during an emergency with other entities that provide water or wastewater services.

SB 1330 – Chapter 115 – special health care districts; terms

Requires directors of special health care districts to serve staggered four-year terms in counties with two million or more persons and revises the elections schedule to be consistent with current statewide consolidated election dates.

COMMITTEE ON HEALTH AND HUMAN SERVICES

Representative Nancy Barto, Chairman
Representative Steve Court, Vice-Chairman
Dan Brown, Legislative Research Analyst



* Strike-Everything Amendment
[E] Emergency Clause
[P 105] Proposition 105 Clause
[P 108] Proposition 108 Clause
[LIV] Line Item Veto

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HB 2078 – Chapter 133 [E] - *outdoor behavioral health; definition; requirements

Defines and establishes inspection and licensure criteria for outdoor behavioral health care programs.

HB 2159 – Chapter 40 – board of podiatry examiners; continuation

Continues the Arizona State Board of Podiatry Examiners until July 1, 2011.

HB 2164 – Chapter 41 - *administration of immunizations; pharmacists

Allows pharmacists who are certified by the Board of Pharmacy to administer certain immunizations to adults without a prescription. It also requires the Board to appoint an advisory committee to assist in the development of protocols related to the certification.

HB 2206 – Chapter 160 – psychologist examiners board; omnibus

Makes a variety of changes to the Board of Psychologist Examiners' statutes related to training requirements, licensure, disciplinary actions, and substance-abuse rehabilitation.

HB 2207 – Chapter 161 – behavior analysts

Makes changes and includes additions to the statutes enacted last year regarding the licensure and regulation of behavior analysts.

HB 2265 – Chapter 78 – *exemptions; licensure; child care facilities

Modifies an existing exemption to the child care facility licensure statutes.

HB 2283 – Chapter 136 – certified nursing assistants; pilot program

Delays the repeal date of the Medication Technician Pilot Program which allows certified nursing assistants to administer certain medications.

HB 2375 – Chapter 104 – foster parents; participation

Decreases the required number of days in which a child must have been living in a foster home for that foster parent or a representative of that foster home to be included in the child's periodic review hearing.

HB 2399 – Chapter 47 – automated external defibrillators

Removes a number of requirements related to physician oversight of automated external defibrillators.

HB 2400 – Chapter 170 – partial birth abortions; definition

Makes several clarifying and substantive changes to the partial-birth abortion section of statute, including specifying that a term of imprisonment for a physician shall not exceed two years for a violation, allowing defendants to appear before the Arizona Medical Board or Osteopathic Board for an assessment of the medical necessity of the procedure, and changing the definition of *partial-birth abortion*.

HB 2461 – Chapter 51 – developmental disabilities; program plans; burial

Requires the inclusion of burial arrangements in the individual program plan for developmentally disabled persons, and allows monies to be set aside for the purpose of funding the burial arrangements, but not excluded from eligibility requirements.

HB 2564 – Chapter 172 – abortion

Makes a variety of changes to statutes related to abortion including changing the existing parental notification and judicial bypass requirements that apply when a minor is seeking an abortion. It also includes new requirements that physicians must follow when obtaining the written informed consent of patients seeking abortions. And finally, it allows certain health professionals to abstain from having to facilitate or participate in the provision of an abortion, abortion medication, or emergency contraception.

HB 2616 – Chapter 147 – *health care directives; guardian decision

Establishes a rebuttable presumption that a patient, who does not have a valid living will, power of attorney, or health care directive, has directed the patient's health care providers to provide the patient with food or fluid sufficient to sustain life, when a guardian's decision to permanently remove a ward's food or fluid is challenged.

HB 2622 – Chapter 148 – *relatives; disclosure; dependent children

Makes additions to the required contents of a temporary custody notice and notice related to a dependency petition and to the requirements of the court at preliminary protective hearings and dependency adjudication hearings.

SB 1010 – Chapter 22 – family law rules; conforming statutes

Conforms domestic relations statutes to properly reference the rules of procedure used in family law cases.

SB 1016 – Chapter 109 – adoption; consent

Allows the court to waive the requirement that the consent of DES be obtained in certain adoption proceedings, if after conducting a hearing, the court determines it is in the best interest of a child to waive this requirement.

SB 1018 – Chapter 110 – burden of proof; emergency treatment

Raises the burden of proof in medical malpractice civil actions against health care providers and hospitals to clear and convincing evidence in connection with certain emergency medical services.

SB 1047 – Chapter 126 – child safety

Adds to the definitions of *child abuse* and *neglect*. It also modifies how and what information shall be entered into the CPS central registry.

SB 1049 – Chapter 8 [E] – fingerprint clearance cards

Establishes a Level 1 FPCC and specifies who must obtain it.

SB 1097 – Chapter 54 – *records; emergency medical services; confidentiality

Allows emergency medical personnel under investigation by DHS to request certain information related to a complaint with certain restrictions.

SB 1100 – Chapter 55 – biomedical research commission; continuation

Continues the Biomedical Research Commission for ten years.

SB 1102 – Chapter 4 [E] – eligibility determinations; AHCCCS

Changes the frequency of required eligibility redeterminations for certain members of the Arizona Health Care Cost Containment System (AHCCCS) from six months to one year.

SB 1103 – Chapter 92 – partnership for nursing education

Delays the repeal of the Nursing Education Demonstration Project for five years.

SB 1104 – Chapter 56 – *assisted living managers; nursing administrators

Allows the Board of Nursing Care Institution Administrators and Assisted Living Facility Managers to set fees by rule.

SB 1105 – Chapter 150 – nursing board; omnibus

Makes a variety of changes to the Board of Nursing statutes.

SB 1152 – Chapter 153 – mental health services; court-ordered treatment

Includes provisions related to the hearings preceding a decision by the court to order mental health treatment.

SB 1155 – Chapter 7 [E] – *elections; hospital districts

Grants a hospital district a one time election to reauthorize the existing secondary property tax funding the hospital's operations.

SB 1175 – Chapter 178 – *performance of abortion; non-physician; prohibition

Prohibits persons who are not physicians from performing surgical abortions.

SB 1209 – Chapter 159 – children; foster care; rights

Establishes a list of rights granted to all children in foster care, and additional rights for foster children over the age of sixteen.

SB 1246 – Chapter 154 – CPS information

Stipulates that court proceedings relating to child abuse, abandonment, or neglect that have resulted in a fatality or near fatality are open to the public, unless closed for good cause shown by the court.

SB 1285 – Chapter 69 – CPS information; redactions; challenges

Stipulates that a legislator has standing to bring or join a special action regarding the release of CPS information or to challenge the redaction of released CPS information.

SB 1322 – Chapter 3 [E] – unemployment insurance; benefits

Establishes additional methodologies to trigger extensions of unemployment benefits. Includes a sunset provision and a requirement that the Governor suspend the extended benefits under certain conditions.

SB 1326 – Chapter 156 – safe haven providers; placement protocols

Establishes procedures for private adoption agencies to take custody of newborn infants who are left with safe haven providers, and makes other changes and additions to the safe haven provider statutes.

SB 1400 – Chapter 188 – dental assistants; community oral health

Makes changes to the statutes that govern affiliated dental practice settings.

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COMMITTEE ON JUDICIARY

Representative Adam Driggs, Chairman
 Representative Cecil Ash, Vice-Chairman
 Kristine Stoddard, Legislative Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

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HB 2048 – Chapter 16 – local elections; signature requirements

Allows cities that choose to hold nonpartisan elections to provide by ordinance that the minimum number of signatures required for a candidate for mayor be 1,000 signatures or 5% of the vote in the city, whichever is less, but not more than 10% of the vote in the city.

HB 2315 – Chapter 82 – criminal sentencing

Clarifies that the sentences for second degree murder and certain drug offenses are in *calendar* years and makes technical and conforming changes to Arizona's criminal sentencing statutes.

HB 2344 – Chapter 119 – vulnerable adults; financial exploitation

Changes the definition of *position of trust and confidence* as applied to incapacitated or vulnerable adults to include a person who is in a confidential relationship with the adult and specifies that the existence of such a relationship is an issue of fact.

HB 2532 – Chapter 145 – prohibited possessors; persistently, acutely disabled

Extends certain restrictions which apply to persons that are a *danger to self or others* to additionally apply to persons that are *persistently or acutely disabled*, and establishes a process by which such persons may request to have their right to possess a firearm restored.

HB 2569 – Chapter 146 – smuggling; use of weapon; classification

Specifies a Class 2 felony for human smuggling which involves the use of a deadly weapon or dangerous instrument.

SB 1011 – Chapter 125 – *sex offenders; probation; monitoring

Requires registered level three sex offenders be placed on GPS or electronic monitoring if serving a term of probation and clarifies that probation fees are not subject to any surcharge. Establishes in session law a study committee to review the effectiveness of Arizona's current sex offender registration laws and the standards set forth in Title 1 of the Adam Walsh Child Protection and Safety Act of 2006.

SB 1015 – Chapter 174 – dispersing unlawful assembly; peace officers

Adds peace officers to the list of law enforcement members who may assist in dispersing unlawfully assembled persons.

SB 1059 – Chapter 127 – organized retail theft

Establishes the crime of organized retail theft and classifies it as a Class 4 felony.

SB 1074 – Chapter 149 – *amendments; election law

Makes various changes to the elections statutes, including:

- Changes the primary election date to the 10th Tuesday before the general election, rather than the 9th Tuesday before the general election.
- Establishes that early ballot distribution must not begin more than 26 days before the election.
- Allows the county school superintendent to cancel an election for a community college board no earlier than 75 days before the election if one person or no persons files a nominating petition or nomination paper for a write-in candidate.
- Specifies that the hand count is not subject to live video requirements but allows the party representatives who are observing the hand count to bring their own video cameras in order to record the hand count.

- Prohibits the recording to interfere with the conduct of the hand count and allows the election officer to prohibit recording and allows the election officer to remove from the facility persons who are taking actions to disrupt the count.

SB 1088 – Chapter 129 – domestic violence; dating relationships

Expands the definition of domestic violence to include relationships that are currently or were previously, a romantic or sexual relationship.

SB 1091 – Chapter 114 [P 105]– *secretary of state; elections; filing

Makes various changes to elections statutes, including:

- Stipulates that a person commits petition signature fraud if the person does either of the following with the intent to defraud:
 - Intentionally submits petition signature sheets with the knowledge that the person whose name appears on the signature sheet did not actually sign the petition; or
 - Uses any fraudulent means, method, trick and device or artifice to obtain signatures on a petition.
- Establishes petition signature fraud as a Class 1 misdemeanor, except that a person who engages or participates in a pattern of petition signature fraud is guilty of a Class 4 felony and must be prohibited from participating for five years in any election, initiative, referendum or recall campaign.
- Allows a nomination petition for the office of presidential elector to be circulated by a person who is not a resident of this state but who is otherwise eligible to register to vote in this state.
- Removes the ability of persons circulating petitions to print the first and last name, address and the date for the elector signing the petition at the time of signing.
- Removes contribution limit exemptions for an opponent of a candidate who contributes or promises personal monies to the candidate’s campaign.
- Removes the notice requirement and civil penalty for failure to notify if a candidate contributes or promises personal monies to the candidate’s campaign.
- Specifies the use of a candidate’s personal monies, or the use of personal monies by an individual who designates an exploratory committee, is not subject to contribution limitations.

SB 1106 – Chapter 57 – domestic violence; child custody

Modifies considerations for determining child custody when a parent is acting in good faith to protect a child from domestic violence and establishes the burden of proof necessary to overcome the presumption that domestic violence is contrary to the best interests of the child.

SB 1113 – Chapter 175 – *restaurants; handguns; posting

Allows a person with a CCW permit to carry a concealed handgun on the premises of an on-sale liquor licensee.

SB 1115 – Chapter 151 – animals; fighting

Expands current statutes prohibiting dog fighting to include all animals, with the exception of animals trained to protect livestock from predators.

SB 1123 – Chapter 176 – city elections; nonpartisan primaries; districts

Prohibits cities and towns from holding partisan elections and specifies voter eligibility for candidates in districts, wards, precincts, or other geographic designations.

SB 1243 – Chapter 183 – justification; defensive display of firearm

Defines and creates statutory justification for the *defensive display of a firearm*.

SB 1253 – Chapter 130 – felony murder; drive by shooting

Adds drive by shooting to the list of specified felonies that are subject to the felony murder classification.

SB 1254 – Chapter 155 [E] – anti-marital fact privilege; exception

Allows a spouse to be examined as a witness against his or her spouse in certain circumstances.

SB 1281 – Chapter 185 – *violation; human trafficking

Expands the crime of sex trafficking to apply to any prostitution or sexually-explicit performances.

SB 1282 – Chapter 186 – *smuggling; classification; defenses

Classifies human smuggling as a Class 3 felony if the offense involves the use or threatened use of deadly physical force.

SB 1449 – Chapter 190 – applicability; self-defense

SB 1449 retroactively applies specified statutory changes relating to justification defenses to all cases in which the defendant did not plead guilty or no contest that were submitted to the fact finder as of April 24, 2006. The bill also states that its purpose is to clarify that the Legislature intended to apply Laws 2006, Chapter 199, retroactively to all cases in which the defendant did not plead guilty or no contest and that were pending at the time it was signed into law by the Governor on April 24, 2006, regardless of when the conduct underlying the charges occurred.

SB 1459 – Chapter 132 – *cold case register; victim report

Mandates law enforcement agencies to establish and maintain a cold case register.

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COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

Representative Jerry Weiers, Chairman
Representative David Gowan, Vice-Chairman
Thomas Adkins, Legislative Research Analyst



* Strike-Everything Amendment
[E] Emergency Clause
[P 105] Proposition 105 Clause
[P 108] Proposition 108 Clause
[LIV] Line Item Veto

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HB 2133 – Chapter 38 – motorcycle safety council

Extends the Arizona Motorcycle Safety Advisory Council to July 1, 2016.

HB 2449 – Chapter 120 – *fingerprinting; arrest; procedures

Requires persons arrested for specified offenses to be fingerprinted prior to being released and requires the arresting authority to forward a report indicating that the person was fingerprinted to all courts involved. Arresting agencies must provide the arrested person with a mandatory fingerprint compliance form and instructions for reporting for ten-print fingerprinting.

HB 2450 – Chapter 19 – honorary diplomas; war veterans

Modifies the requirements for veterans seeking an honorary high school diploma from SBE.

HB 2465 – Chapter 144 – scrap metal; theft; dealers

Makes numerous changes to scrap metal laws including prohibiting the sale or purchase of certain used catalytic converters, prohibiting scrap metal dealers from purchasing certain types of scrap metal in its original manufactured form and requiring scrap metal dealers to submit their receipt records electronically to DPS in a DPS-approved format.

HB 2610 – Chapter 123 – civil liability; affirmative defenses

Includes decedents in current affirmative defense statutes related to civil actions and provides liability protection for police tool product manufacturers in civil actions for any injury or death caused by the police tool product.

HB 2627 – Chapter 173 [E/P 105] – *voter identification; valid forms

Allows a qualified elector to obtain a ballot using United States military identification and one other form of identification bearing the elector's name and address.

SB 1008 – Chapter 20 – adjutant general retirement

Changes the mandatory retirement age of the Adjutant General from 64 to the age provided by federal law (currently age 66).

SB 1009 – Chapter 21 – board of fingerprinting; hearings

Allows the Board of Fingerprinting (Board) to require certain evidence from applicants for a good cause exception and allows the Board to deny good cause exceptions if the applicant fails to appear for the hearing.

SB 1048 – Chapter 112 – emergency telecommunication services; administrative costs

Increases, from 3% to 5%, the amount from the monies deposited annually in the Emergency Telecommunication Services Revolving Fund that may be used for necessary or appropriate administrative costs or fees for consultants' services.

SB 1062 – Chapter 128 – law enforcement officers; discipline procedures

Establishes additional rights of law enforcement officers and probation officers regarding interviews the employer reasonably believes could result in dismissal, demotion or suspension.

SB 1139 – Chapter 152 – global position systems; committee extension

Extends the Joint Legislative Study Committee on GPS Monitoring to October 1, 2011.

SB 1176 – Chapter 24 [E] – military family relief fund

Modifies the eligibility requirements of the Military Family Relief Fund and allows the Military Family Relief Advisory Committee to establish a subcommittee, consisting of no more than five members of the Committee, to recommend approval of a grant to an applicant of \$3,000 or less.

SB 1178 – Chapter 25 – homeland security councils; coordinating; advisory

Replaces the Arizona Department of Homeland Security Coordinating Council with the Senior Advisory Committee.

SB 1242 – Chapter 182 [E] – weapons; peace officers; posse; reserves

Allows a sheriff to authorize members of his volunteer posse who meet certain criteria to carry a deadly weapon without a CCW, allows retired law enforcement officers meeting specified criteria to carry concealed without a CCW and increases the penalty for using a deadly weapon in furtherance of an act of terrorism.

SB 1336 – Chapter 157 – afflicted persons; orders for transportation

Exempts sheriffs or law enforcement officers from the responsibility of transporting individuals afflicted or thought to be afflicted with tuberculosis.

SB 1420 – Chapter 189 – *juvenile ; adjudication; diversion

Modifies juvenile DUI statutes and makes changes to statutes relating to juveniles who are adjudicated delinquent and are alleged to have committed an offense involving alcohol or drugs.

- Specifies, for a juvenile who commits an offense involving the purchase, possession or consumption of spirituous liquor or a drug violation, the juvenile's ineligibility to participate in diversion programs if certain criteria are met.
- Removes authorization from the presiding judge of the juvenile court for approving matters heard by a juvenile hearing officer.
- Adds, to the list of conditions for probation not to exceed one year, that the juvenile's parents have not requested the court to continue the juvenile's probation for more than one year.

SB 1429 – Chapter 31 – Arizona medal of honor

Allows the Department of Veterans' Services to award the Arizona Gold Star Military Medal for servicemen and women killed in action since September 11, 2001.

SB 1437 – Chapter 97 – schools; gun safety instructors; certification

Allows instructors of the Arizona Gun Safety Program Course to be certified by a national association of firearms owners.

COMMITTEE ON NATURAL RESOURCES AND RURAL AFFAIRS

Representative Bill Konopnicki, Chairman
Representative Russell Jones, Vice-Chairman
Ralene Whitmer, Legislative Research Analyst



* Strike-Everything Amendment
[E] Emergency Clause
[P 105] Proposition 105 Clause
[P 108] Proposition 108 Clause
[LIV] Line Item Veto

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HB 2157 – Chapter 77 – wildlife; aquatic invasive species

Allows the G&F Director (Director) to create a list of aquatic invasive species and to list locations where they are found. The Director is authorized to eradicate and manage the species to prevent their spread. The bill also requires persons to decontaminate watercraft and related equipment when moving the watercraft between waters. Prohibitions and violations are also outlined and exemptions are made.

HB 2419 – Chapter 142 – *mass appraisal guidelines; state lands

Provides the State Land Department with procedures for conducting mass appraisals. The bill requires notification and a review period of the completed appraisal. It also requires the State Land Commissioner to take into consideration specified information when the appraisals are made.

SB 1183 – Chapter 179 – recreational corridor districts; termination date

Extends the deadline that bans the formation of a new recreational corridor channelization district from July 1, 2010 to July 1, 2015.

SB 1225 – Chapter 180 – *dust control; best management practices

Includes dairies, beef cattle feed lots and poultry and swine facilities as regulated agricultural activities that must follow best management practices to help reduce PM-10 emissions. The bill also expands the regulated area to any other PM-10 nonattainment area that is established after the effective date.

SB 1256 – Chapter 63 – *mining omnibus

Allows DMMR to apply and accept grant monies for research and creates an account in the Mines and Minerals Resources Fund for monies received for contracts. The bill also allows the SMI to collect fees for the education and training of miners and for substantial changes to approved aggregate mine reclamation plans.

SB 1259 – Chapter 64 – aggregate mine reclamation; initiation; extension

Allows the SMI to extend the period given to initiate reclamation of an aggregate mining unit under the additional factor of changing market conditions and demand for the commodity being mined.

SB 1260 – Chapter 65 – aggregate mine reclamation law; exemption

Exempts aggregate mining units which meet certain conditions and which are intermittently used for specific governmental projects from aggregate mine regulatory and reclamation mandates.

SB 1290 – Chapter 26 – wildfire suppression; payment of claims

Makes changes in the length of time the State Forester has to process and pay claims for wildland firefighting services.

SB 1294 – Chapter 71 – state land sales; default

Amends provisions relating to the payment of delinquent penalties and interest on both the sale of state trust land and the lease of state trust land. It allows the State Treasurer to set the rate for delinquent interest on sales and leases. The bill allows the State Land Commissioner to list in the notice of sale if the entire balance from the sale will be due in 30 days.

SB 1297 – Chapter 72 – flood control districts; remainder parcels

Allows a flood control district to acquire a whole parcel of land, when only a portion is to be used for flood control purposes, through purchase, donation, dedication, exchange, condemnation or other lawful means. Certain conditions must be met before the whole parcel of land may be acquired.

SB 1318 – Chapter 74 – geospatial data; geographic information council

Establishes the Arizona Geographic Information Council in statute and prescribes its duties. The bill also updates technological terminology in statute relating to geographic information systems and provides specifications for data sharing among public agencies.

COMMITTEE ON PUBLIC EMPLOYEES, RETIREMENT AND ENTITLEMENT REFORM

Representative Tom Boone, Chairman
Representative Judy Burges, Vice-Chairman
Stacy Weltsch, Legislative Research Analyst



* Strike-Everything Amendment
[E] Emergency Clause
[P 105] Proposition 105 Clause
[P 108] Proposition 108 Clause
[LIV] Line Item Veto

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HB 2110 – Chapter 35 – public retirement plans; federal changes

Makes various technical changes to EORP, CORP, and PSPRS to conform the plans to federal law.

- Mandates that the plan make payments under the regulations of the IRC.
- Instructs that payments of benefits shall not begin any later than April 1, following the year which the member reaches 70.5 years of age or the date the member terminates employment.
- Caps member compensation at \$150,000 from January 1, 1996 through December 31, 2001.
- Caps member compensation at \$200,000 beginning January 1, 2002.
- States that if the compensation is established for a time less than 12 months, the compensation limit for that period of time will equal the dollar limit for the calendar year during which the period of time begins multiplied by time served.
- Authorizes the fund manager to adjust annual compensation limits under IRC regulation.
- Sets forth a maximum annual pension of the lesser of \$90,000 or 100% percent of the member's annual salary for years beginning before 1995.
- Sets forth a maximum annual pension of \$90,000 for years beginning in 1995 and ending before 2002.
- Sets forth a maximum annual pension of \$160,000 for years ending in and after 2002.

HB 2118 – Chapter 36 – ASRS; LTD amendments

Makes omnibus changes to the statutes governing ASRS.

- Requires, in order to be eligible for a Retiree Accumulated Sick Leave (RASL) payment, that an employee or officer:
 - Establish an effective retirement date that is within 31 days after termination of employment.
 - Elect defined retirement benefits within 31 days after termination of employment.
 - Have nonforfeited sick leave time available for use at the time of termination.
- Enables an employee or officer to receive a RASL payment in a lump sum.
- Exempts the Director and all staff employed by the Director from the State Personnel Administration and Personnel Board provisions and the state compensation limitations.
- Stipulates that when an employee of a charter city who later becomes an ASRS member elects to have the employee's service transferred, the service is not credited in the new retirement system until full payment is made for the service credit.
- States that once a transfer is completed a member's rights in the former retirement system are terminated.
- Precludes, beginning January 1, 2010, any salary or wages received from a second employer to be counted toward a member's calculated compensation unless the member works at least 20 weeks per fiscal year and at least 20 hours per week in that second employment.
- Prohibits, beginning January 1, 2010, salary or wages earned by a member for which employer contributions have not been paid from counting towards a member's compensation.

- Permits contributions from a second employer if membership criteria is not met for that employer if the employee has been employed by the second employer between January 2, 2005, and December 31, 2009, and the employee continues or resumes employment for the same employer before January 1, 2012, and the employee does not leave the second employment.

HB 2326 – Chapter 83 – CORP; omnibus amendments

Provides omnibus revisions and clarifications to the CORP.

- Explains that a pension does not include a deferred annuity. Clarifies that CORP is a legal entity that can sue and be sued.
- Requires employers who reemploy retired members to notify CORP within 10 days of re-employment if that member has been re-employed in a designated position.
- Specifies that members who retire with a disability pension may not concurrently participate in a reverse DROP program.
- Limits the payment of a survivor pension to a surviving spouse who was married to a retired member for at least two years. Any surviving spouse of a deceased active or inactive member shall be paid a surviving spouse's pension if married on the date of the member's death.
- Compels a surviving spouse or guardian or conservator to file a written application with the plan to receive a survivor benefit.
- Mandates that local boards be full constituted within 60 days after the employer's effective date of participation in the system. If this deadline is not met, the fund manager may appoint all vacancies and designate the terms of the appointive position.
- Permits the fund manager to refuse to grant relief to a claimant to a benefit or invalidate a decision by the local board if the fund manager believes granting the relief or adhering to the decision will violate the internal revenue code or threaten to impair the system's status as a qualified plan under the internal revenue code.
- Makes the fund manager's refusal to grant relief subject to judicial review.
- Permits the local board to:
 - Prescribe procedures to be followed by claimants in filing applications for benefits.
 - Receive and review the actuarial valuation of the plan for its group of members.
 - Receive and review reports of the financial condition and of the receipts and disbursements of the fund from the fund manager.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Representative Andy Biggs, Chairman
Representative Frank Antenori, Vice-Chairman
Ingrid Garvey, Legislative Research Analyst
Zach Tretton, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
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 [LIV] Line Item Veto

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HB 2123 – Chapter 37 – license plate commission repeal

Repeals the License Plate Commission and allows for special organization license plates to be combined with personalized special plates if the organization makes the request and pays ADOT the monies necessary to cover the costs to implement the combination.

HB 2388 – Chapter 105 – *STAN; repayment

Requires a city or town to repay monies received from the STAN Account within 15 years after receiving the monies.

HB 2396 – Chapter 141 – *transportation; public-private partnerships

Establishes parameters for ADOT to enter into public-private partnerships for the construction, financing, operation and maintenance of transportation projects, including toll roads.

HB 2426 – Chapter 143 – enhanced driver licenses; prohibition

Prohibits Arizona from participating in the implementation of an Enhanced Driver License program in order to comply with the Western Hemisphere Travel Initiative or the REAL ID Act of 2005.

HB 2480 – Chapter 52 – regional transportation authorities; qualifying counties.

Allows counties with a population of greater than 200,000 but less than 400,000 to create a regional transportation authority (RTA) and permits counties with a population exceeding 200,000 but less than 1.2 million to collect a transportation excise tax for an RTA.

HB 2530 – Chapter 121 – reckless driving; prior convictions

Clarifies that the dates of the commission of multiple offenses of reckless driving, irrespective of when the offenses were committed, must be the determining factor when considering if they were committed within a 24 month period for the purposes of sentencing.

SB 1003 – Chapter 124 – driving under the influence; methadone

Specifies that persons who drive or are in actual physical control of a vehicle while using a drug as prescribed are not guilty of driving under the influence as long as they are not otherwise impaired.

SB 1169 – Chapter 158 – vehicle impoundment; administrative towing fund

Establishes the Capitol Police Administrative Towing Fund (Fund) and specifies that administrative charges collected must be deposited into the Fund. Further stipulates that a person may not operate a tow truck for the purpose of towing vehicles without first registering with the Director of DPS and obtaining a bond.

SB 1180 – Chapter 61 – towing companies; release of vehicles

Makes the following changes relating to tows resulting from motor vehicle accidents:

- Requires a towing company to release a towed vehicle to a person designated in writing by an insurance company on the day the request is given to the towing company.
- Prohibits a towing company from requiring payment for the removal of personal property inside a vehicle during normal business hours.
- Prohibits a towing company from towing or transporting a vehicle from its lot without prior permission from the vehicle owner or his or her insurance company.

- Specifies that a vehicle repair facility or an employee of a vehicle repair facility must not pay or agree to pay, and a towing company or a towing company employee must not accept or agree to accept monies, fees, commissions, credits, gifts, gratuities or items of value as an attempt to intimidate or persuade a person requesting a tow or transport to choose a vehicle repair facility recommended by the tow company.

SB 1289 – Chapter 131 [E] – vehicle accident reports

Permits the release of personal identifying information contained in vehicle accident reports on request by a person involved in an accident, a licensed insurer of a person or vehicle involved in an accident, or an attorney representing a person involved in an accident.

SB 1293 – Chapter 70 – *certificates of title; electronic system

Requires the Director of ADOT (Director) to mandate the recording of certificates of title for newly issued, transferred and corrected certificates through electronic media.

SB 1320 – Chapter 187 – *transportation omnibus

Makes various changes to statutes regulating ADOT along with numerous changes to transportation and transportation-related statutes, including:

- Updates and reorganizes current HOV lane statutes, codifies LEEV standards in statute and states that upon federal approval, persons with LEEVs who apply for the LEEV license plate can drive in HOV lanes any time of day regardless of occupancy and without penalty.
- Allows the Director of ADOT (Director) to assess a fee for each insufficient monies, payments stopped, or closed accounts and stipulates that the fee be determined by the Director.
- Makes changes to CDLs to conform with federal laws and requires that a court transmit abstracts of records of photo radar violations to ADOT for CDL holders.
- Clarifies bonding requirements and allows the State to accept cash bonds in lieu of surety bonds, holds them to the same statutory requirements and specifies that the bond cannot exceed \$100,000.
- Permits ADOT to establish a State Certified Rest Area Program that meets the Federal Highway Administration's requirements and allows ADOT to create a Rest Area Sponsorship Program.
- Creates the *Arizona Professional Football Club* and the *Emergency Medical Services* special license plates, and redirects monies from the *Gold Star Family* special license plate subaccount within the VDF for the construction and maintenance of the Enduring Freedom Memorial.
- Extends the one-time VLT and the permanent vehicle registration fee to noncommercial trailers between 6,000 and 10,000 pounds gross vehicle weight.
- Clarifies that the dates of the commission of multiple offenses of reckless driving, irrespective of when the offenses were committed, must be the determining factor when considering if they were committed within a 24-month period for the purposes of sentencing.
- Allows, rather than requires, the Transportation Board to prescribe rules for the effective administration of its powers, duties and responsibilities and removes the requirement for the Director to adopt rules for the application and expenditure of all public transit monies.

- Allows drivers of implements of husbandry to drive slower than is reasonable if the speed exceeds the maximum safe operating speed of the vehicle, allows the driver to drive slower than the reasonable flow of traffic if the speed exceeds the maximum safe operating speed and modifies the definition of *implements of husbandry* and defines *farm*.
- Establishes and outlines the Joint Legislative Review Committee on Transportation between Sonora, Mexico and Arizona.
- Creates a new chapter in statute for Arizona International Development Authority (AIDA) and allows AIDA to receive appropriated funds from the Legislature, as well as from other public and private sources. Further transfers administrative and support responsibilities from ADOC to ADOT.
- Requires escort vehicle operators to receive training and certification before being employed into service.
- Provides guidance for the wording to be used on portable signs at school crossings.
- Allows heavy duty vehicles equipped with idle reduction technology to exceed the gross per-axle or axle group weight limit by no more than 400 pounds.
- Requires a city or town to repay monies received from the Roads of Regional Significance Congestion Mitigation subaccount of the STAN Account within 15 years after receiving the loan.
- Allows a city or town to construct, operate and finance the construction of toll roads within the corporate limits.
- Permits local authorities to create public transportation stops on state highways or routes if the speed limit does not exceed 55 miles per hour.
- Allows ADOT to include price competition as part of the selection criteria in a request for qualifications (RFQ) selection process for a construction-manager-at-risk contract. Federal stimulus monies must be the source of funding for a construction project and price competition. These provisions apply if the RFQ is issued by ADOT before January 1, 2015, and are repealed on October 1, 2015.
- Allows Arizona to use its existing procurement methods to apply for ARRA funding under these methods and repeals on December 31, 2014.

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COMMITTEE ON WATER AND ENERGY

Representative Lucy Mason, Chairman
Representative David Stevens, Vice-Chairman
René Guillen, Legislative Research Analyst



* Strike-Everything Amendment
[E] Emergency Clause
[P 105] Proposition 105 Clause
[P 108] Proposition 108 Clause
[LIV] Line Item Veto

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HB 2330 – Chapter 46 – biodiesel fuel dispensers; labeling

Requires biodiesel to be labeled in conformance with federal law, but allows a person to label a biodiesel dispenser that contains less than five percent biodiesel and requires that product transfer documents indicate the per cent, by volume, in biodiesel blends.

HB 2332 – Chapter 101 – schools; energy contracts

Expands the ability of school districts to enter into energy performance contracts in order to install energy efficiency and renewable energy measures. The savings realized from the contracts may be used to pay for project implementation.

- Requires a school district to report the name, qualified provider, total cost and expected energy savings of all projects carried out to the ADOC Energy Office.
- Eliminates the requirement for an energy audit to be performed on a facility one year after the energy savings measure was installed and every three years thereafter, for the length of the contract. The qualified provider of the energy savings measure is required to conduct, pay for and send a copy to SFB.
- Requires the qualified provider of an energy cost savings measure to submit an annual report that measures and verifies savings for the first three years that the measures are in effect.
- Requires school districts to report information regarding all guaranteed energy cost savings contracts to the ADOC Energy Office.
- Authorizes the use of a simplified energy performance contract for projects under \$500,000.
- Expands the definition of *energy cost savings measure*.
- Exempts property that is procured through an energy performance contract, simplified energy performance contract or renewable energy power purchase contract from requiring approval by an election.

School District and Charter Schools Energy and Water Savings Accounts

- Authorizes school districts to establish an energy and water savings account (account) consisting of a designated pool of capital investment monies to fund energy or water savings projects in school facilities. Monies may be deposited in the account from companies that provide utility, energy or water services to the school pursuant to a contract, as well as energy related rebate or grant monies and other sources, including clean renewable energy bonds and funding from the ARRA.
- Requires any contract entered into to contain an agreement between the qualified provider and the school district that each party has performed a reasonable investigation to determine that the measures in the contract will result in stated energy or water savings.
- Outlines the expenditures that are authorized to be funded through an account.
- Requires school districts to procure and contract for energy or water savings measures or services with monies distributed from the accounts after the qualified provider has computed and the school district has reviewed the estimated amount of energy savings to be achieved monthly and annually over the life of the measure, as well as a monthly repayment schedule, which must result in lower energy or water costs, including installation, for the school district.

Miscellaneous

- Adds reporting requirements from school districts to SFB and requires SFB to submit an annual report by December 31 of each year regarding the projects entered into by schools.
- Repeals the provisions relating to school districts and reporting after June 30, 2013.
- Modifies the existing guidelines for the standard appraisal of solar energy devices on property to specify that it applies grid-tied photovoltaic systems, applies to devices designed primarily for on-site consumption and the device adds no value to property on which the device is installed.
- Adds that energy efficient buildings components, renewable energy equipment, and combined heat and power systems add no value to property.
- Creates energy efficiency standards for pool pumps and portable electric spas.

HB 2336 – Chapter 86 – *county renewable energy incentive districts

Authorizes the governing bodies of counties and municipalities to create a renewable energy incentive district (district), provided the area meets certain criteria and the governing bodies follows certain steps before establishing a district, including holding public hearings. The district may contain:

- Expedited zoning or rezoning procedures.
- Expedited processing of plans, proposals, and permits.
- Waivers or abatement of zoning fees, processing fees, and improvement district fees and assessments for development activities.
- Waiver or abatement of development standards and procedural requirements.

HB 2440 – Chapter 49 – drought emergency groundwater transfers

Allows groundwater to be transported away from a groundwater basin that is outside an active management area under specific emergency circumstances and on a temporary basis. Contains a retroactive effective date of April 30, 2009 and a repeal date of April 30, 2010.

COMMITTEE ON WAYS AND MEANS

Representative Rick Murphy, Chairman
 Representative Debbie Lesko, Vice-Chairman
 Kitty Decker, Legislative Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
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HB 2081 – Chapter 32 – income tax credit review schedule

Provides the following changes to the Income Tax Credit Review Schedule:

- Repeals the current Schedule and establishes a new Schedule so income tax credits will automatically be reviewed in five-year intervals. The income tax credits will be reviewed in years ending in 0 and 5; 1 and 6; 2 and 7; 3 and 8; and 4 and 9, instead of a specific year.
- Retains the credits on the Schedule that were reviewed the previous year; these include the individual and corporate income tax credits for R&D and pollution control equipment and the corporate income tax credit for taxes paid for coal consumed in generating electrical power.

HB 2083 – Chapter 33 – 2009 tax corrections act

The annual tax correction act that corrects errors and obsolete language in the tax statutes.

HB 2285 – Chapter 100 - *merger; fire district assistance tax

Modifies, retroactive to January 1, 2008, the amount of fire district assistance tax revenues a consolidated fire district can receive. Instead of receiving the total of the amounts that each district received in the year prior to the merger, the consolidated district will receive the sum of the average of the last three years of fire district assistance tax received by each fire district.

HB 2286 – Chapter 80 – tax credit; charitable organizations

Modifies the eligibility for the individual income tax credit for donations to charitable organizations for the working poor, beginning January 1, 2009. Specifically:

- Expands the income tax credit to charitable organizations that provide services to chronically ill or disabled children. Defines *chronically ill or physically disabled children* to mean children under 21 whose primary diagnosis is a severe physical condition which may require ongoing, medical or surgical intervention.
- Restricts the credit to only those taxpayers that itemize deductions.
- Removes requirement for taxpayers to establish a baseline year before they can get credit.
- Requires the organization's written certification to be signed by an officer of the organization under penalty of perjury and include verification of nonprofit status and financial data.
- Establishes a recertification process for DOR to review each written certification and make a determination based on the required criteria. If an organization is removed from the list, DOR may reinstate the organization at a later date if proper certification is resubmitted.

HB 2287 – Chapter 167 – tax credits; withholding tax reduction

Beginning January 1, 2010, allows employers the option to reduce withholding tax amounts for employees who plan to make contributions for individual income tax credits for public schools, STOs or charitable organizations. Specifically:

- Expands the definition of *confidential information* to include information supplied by an employee to an employer regarding the amount to be withheld for contributions.
- Requires the employee to request, in writing, the employer to reduce their withholding amount and submit the name and address of the donation recipient.
- Stipulates that the withholding amount may not go below zero and will be prorated for the number of pay periods remaining in the taxable year. The employee is responsible for the accuracy of the amount of reduction.

- Provides that the employer is responsible for making the payments to the charitable organization, STO, or public school each calendar quarter and requires the employer, within 30 days of the end of each calendar year or within 15 days of termination, to give the employee and DOR a statement of the amount withheld and paid on behalf of the employee.

HB 2288 – Chapter 168 - premium tax credit; STO contribution

Allows insurers to take a credit against their insurance premium tax liability for donations to a STO and repeals the sunset date for the corporate credit for donations to STOs.

- Stipulates the same guidelines for insurers that are required for STO contributions made by corporate taxpayers and restricts the credit from being claimed if the contribution is designated to a specific student.
- Permits the Department of Insurance to adopt rules and procedures in conjunction with DOR to administer the credit.
- Eliminates the sunset date of June 30, 2011 for the corporate income tax credit for contributions to STOs.

HB 2312 – Chapter 18 - small special districts; financial review

Removes the requirement of a biennial financial review for a special taxing district with a budget of less than \$50,000.

- Stipulates that a financial review will only be conducted by request of the county BOS or 10 or more residents.
- Directs each district with a budget of \$50,000 or less, to submit a financial review to the county Treasurer and BOS within 180 days after the request.

HB 2314 – Chapter 169 – property valuation; telecommunications companies

Retroactive to valuation years beginning in 2009, eliminates the requirement for DOR to use 1993 depreciation schedules for telecommunications property and requires this property to be depreciated using a straight line basis. The bill specifically:

- Provides that the depreciation computation for telecommunications property to have a minimum value of:
 - 20 percent of original cost for buildings with a 25-year life.
 - 10 percent of original cost for cable with a 15-year life; equipment with a 5-year life and other telecommunications property with a 7-year life.
- Replaces *historical cost* with *cost*, defined as the original cost reported by the company.

HB 2346 – Chapter 87 – charter schools; leased property

Allows property leased to any non-profit charter school to be classified for property tax purposes as class nine, with an assessment ratio of one percent of assessed value. The bill also:

- Requires owners of property who lease to a non-profit charter school to file an affidavit with the county assessor stating that the charter school will be the sole beneficiary of the change in property classification and that the lease rate is comparable to other tenants.
- Clarifies that property owned by a non-profit charter school used for educational purposes is exempt from property tax.

HB 2360 – Chapter 140 – general obligation bond requirements

Updates information that must be provided in the publicity pamphlet and on the ballot related to government general obligation bonds and modifies the refinancing requirements.

- If a political subdivision is asking for voter approval of a bond issue and it will exceed the political subdivision's constitutional debt limit, then a statement in bold faced type must be placed in the publicity pamphlet to that effect.
- Requires the examples in the publicity pamphlet that show the estimated impact of the bonds on the average residential and commercial properties use a valuation growth factor that is fifty percent of the rate used for the growth of aggregate secondary assessed value instead of a constant value.
- The political subdivision must state the maximum number of years the bond issue may run and the *minimum* number of years the bond issue may run from their issuance date.
- Requires the ballot for any authorization for government obligation bonds to contain a statement that the bonds will result in an increase of property taxes in an amount sufficient to pay the annual debt service of the bonds.
- Current statute does not require an election for refinancing bonds that have already been approved by the voters. This bill will modify the requirement that no election is required if the weighted average maturity of the refunding bonds are at least 75 percent of the weighted average maturity of the all the bonds being refinanced.

HB 2371 – Chapter 103 - *utilities; confidential information

Allows DOR to provide utility companies the names and addresses of qualifying hospitals and healthcare organizations exempt from paying the transaction privilege tax on their utility bills.

SB 1182 – Chapter 94 –state treasurer; warrant notes

Modifies the statutes relating to the issuance of warrant notes by:

- Stipulating that before issuing warrant notes, the State Treasurer is not required to divest from funding obligations issued relating to the Highway Expansion and Extension Loan Program, monies in the Budget Stabilization Fund or operating monies invested in securities that are earning a rate of interest greater than the cost of issuing warrant notes.
- Allows the Director of ADOA to have a designated agent as a person to countersign the State Treasurer's warrant notes.
- Updates statutes by allowing State Treasurer warrant notes to be issued or canceled electronically.

SB 1185 – Chapter 2 [E] - *conformity; internal revenue code

Conforms Arizona tax statutes to the IRC, makes temporary adjustments to the state withholding tax rates and decouples the state withholding rates from the federal withholding rates beginning in FY 2010-11 as follows:

- Updates the definition of IRC to include all provisions that were in effect as of January 1, 2009.
- Adjusts the state withholding percentages for the current year (see chart below) to offset the effects of federal withholding changes and for FY 2010-11 and beyond, decouples the state withholding from the federal withholding rates and requires new withholding tables to be developed by DOR, reported to JLBC and adopted by the Legislature.

Current Rates: % of federal withholding	May – December 2009	January – June 2010	July 1, 2010 and beyond
0	0	0	To Be Determined -
10	11.5	10.7	Decouple from Federal
19	21.9	20.3	Withholding
23	26.5	24.5	
25	28.8	26.7	
31	35.7	33.1	
37	42.6	39.5	

Note: 0% can only be applied if the filer has no state income tax liability in the previous year and expects no state tax liability in the current year. The current 10% rate is only for employees that earn \$15,000 or less annually.

SB 1373 – Chapter 114 – income tax returns; penalties

Provides that a taxpayer who is subject to penalties for filing an extension with less than 90 percent of the taxes paid is not also subject to the penalties for failing to pay 100 percent of the amount of tax that is due.

SB 1403 – Chapter 96 – renewable, high-wage industries incentives

Beginning January 1, 2010, establishes a renewable energy business tax incentive program within the ADOC for expanding or locating qualified renewable energy manufacturing or headquarters in Arizona. The program terminates on January 1, 2016.

Criteria/Application

- Requires a renewable energy business to submit an application to ADOC to be certified as a qualifying business to participate in the tax incentive program. The application requirements are set forth in the bill and include information related to the business, facility, estimates of the capital investments and employment positions.
- The application must also include letters of good standing from DOR and the county assessor of the county where the project is located stating that the applicant is not delinquent in the payment of taxes.
- Requires the applicant to provide records of expenditures for qualifying investments and to provide information regarding the amount of tax benefits claimed each year to ADOC.
- Requires the applicant to allow site visits by ADOC and audits to verify the applicant's continuing compliance with tax incentive requirements and authorizes the DOR to furnish tax information to ADOC for verification purposes.
- Requires DOR to notify ADOC if the applicant fails to qualify for the incentive program.
- Allow ADOC to disclose general tax benefit information without identifying the taxpayer(s).
- Allows tax credit incentives for separate facilities or expansions in separate facilities.
- Establishes that ADOC has 30 days to review a completed application and either certify the applicant as qualifying for the tax incentive program or give reasons for its denial.

Income Tax Credits

- To qualify for the individual and corporate income tax credit, the renewable energy business is required to make a new capital investment in manufacturing or in regional, national or global business headquarters as follows:
 - 51 percent or more of new FTEs at the qualifying facility are paid a wage that equals or exceeds 125 percent of the median annual wage in this state.

- The employer pays 80 percent or more of the premium for all FTE's health insurance coverage (or an equivalent percentage of the cost for alternative models that offer standard comprehensive coverage).
- The amount of the income tax credit is up to 10 percent of the taxpayer's total capital investment if the following employment to capital investment ratio is met:
 - A manufacturing facility creates at least 1.5 FTE positions for each \$500,000 increment.
 - A headquarters creates at least 1 FTE position for each \$200,000 increment.
- If the qualifying project does not meet the employment to capital investment ratio, then the credit is 10 percent of:
 - \$500,000 per 1.5 new FTE positions in manufacturing facilities.
 - \$200,000 per 1 new FTE positions in headquarters.
- The tax credits are refundable and the taxpayer is required to claim the credit in five equal installments over five consecutive taxable years.
- The aggregate amount of income tax credits that can be approved is \$70 million per taxable year and unclaimed tax credit amounts are allowed to carry over to the next tax year.
- Prohibits taxpayers who utilize these credits from claiming credit under enterprise zones, military reuse zones or qualified defense contractors for the same employment positions.
- Allows the state to claim the position of a secured creditor in the amount of the income tax credits the renewable energy business received for any action involving the liquidation of the business' assets or facility relocation out of state for five years after qualification.

Property Tax Incentives

- Requires a capital investment of \$25 million or more in facilities, equipment, land and infrastructure to qualify for property tax incentives.
- The renewable energy operation must be certified by ADOC as a qualifying manufacturing facility or headquarters to obtain a class 6 property designation (5 percent assessment ratio instead of 22 percent, declining to 20 percent over the next two years). A qualifying headquarters or manufacturing facility is classified as class 6 property for:
 - 10 years if 51 percent or more of the FTEs are paid 125 percent to 199 percent of the annual median wage of this state.
 - 15 years if 51 percent or more of FTEs are paid 200 percent or more of the annual median wage of this state.
- Renewable energy businesses must provide annual documentation to the county assessor that the facility is engaged in renewable energy manufacturing or is a regional, national or global headquarters.
- Allows for up to 10 percent of the aggregate full cash value of the property to be used for ancillary uses associated with the manufacturing process or headquarters operation.

ADOC / DOR

- Requires the qualifying renewable energy business to provide ADOC with an annual report containing information regarding the amount of tax benefits received each year and authorizes DOR to furnish tax information to ADOC for verification purposes.
- ADOC will annually monitor participating renewable energy businesses for compliance. If a business is deemed noncompliant, DOR must recapture income tax credits already taken.

- Allows ADOC to revoke the certification if the terms and conditions required for the tax incentive program are no longer met. If ADOC revokes or terminates a certificate of qualification for noncompliance, a business is disqualified from using any future tax credits. ADOC must notify DOR and the appropriate county assessor of the revoked certification.
- If a qualifying renewable energy business moves the facility out of state within a five-year period, tax credits taken during that time are subject to recapture by DOR.
- If the jobs and/or wage levels at the facility become noncompliant, future tax benefits cease.

Miscellaneous

- Defines *capital investment, headquarters, manufacturing, qualifying investment and renewable energy operations*
- Contains a purpose clause for income tax credits and puts the credits on the Income Tax Credit Review Schedule for 2014.

SB 1421 – Chapter 118 – special districts: secondary levy limits

- Imposes a statutory secondary property tax levy limit for fire districts that is the lesser of:
 - 8 percent greater than the amount of the levy in the preceding tax year.
 - \$3.25 per \$100 of assessed value.
- Sets forth requirements for determining a fire district's levy limit if the district annexes additional territory or if districts merge or consolidate.
- Requires a fire district to hold any property tax revenues in excess of the maximum allowable levy in a separate fund to reduce the property tax levy in the following year.
- Allows the levy limit for county fire districts to increase to the maximum limit each year regardless of whether the district actually levies taxes up to the maximum limit.
- Allows the qualified electors of the fire district to authorize property tax levies in excess of the limit. The voters may approve one, but not both, of the following options:
 - A permanent override allowing annual levies without reference to the previous year's levy but still subject to the \$3.25 maximum rate cap.
 - If the net assessed valuation declines by 20 percent or more over two consecutive valuation years, a five-year override that allows annual levies to increase by 5 percent and are exempt from the \$3.25 maximum rate cap. After the fifth year, the district returns to the 8 percent levy limit, computed from the year preceding the override.
- Requires any override election to be held at a regularly scheduled November General Election. The call of the override election must state:
 - The purpose for requesting additional secondary property tax revenue for the district.
 - The maximum dollar amount of additional secondary property tax that would be collected in the first year compared to the existing maximum secondary property tax levy and the estimated secondary property tax rate that will fund the proposed levy in the first tax year compared to the secondary property tax rate levied in the previous year.
- Requires the PTOC to review the secondary levies of fire districts to determine compliance. Fire districts may appeal PTOC decisions.
- Requires a fire district to report the total assessed value of all property annexed in the previous year to the PTOC by February 10 of each year.
- For Tax Year 2010, allows a fire district to levy secondary property taxes that are 16 percent greater than the amount levied in Tax Year 2008.

VETOED BILLS



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

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HB 2258 – VETOED – *consumer fireworks

Mandated the State Fire Marshal adopt certain rules for the sale of permissible consumer fireworks by a retail establishment. Restricted the sale of fireworks to persons at least 16 years old.

HB 2341 – VETOED – renewable energy production tax credit

Allowed a 10-year income tax credit for individuals and corporations for the production of electricity using renewable energy resources if the taxpayer holds title on a qualified energy generator that produces power in 2010 but before January 1, 2021. The taxpayer would have been able to carry the excess credit forward for up to five consecutive taxable years. Defined *biomass, qualified energy generator, and qualified energy resource*.

HB 2369 – VETOED – *noncustodial federal monies; legislative appropriation

Provided the Legislature with the authority to appropriate non-custodial federal monies.

HB 2644 – VETOED – *budget reconciliation; general revenues; trailer

Modified the General Revenues Budget Reconciliation Bill (SB 1036), which made statutory and session law changes related to state revenues in order to implement the FY 2009-10 state budget.

HB 2645 – VETOED – *budget reconciliation; general government; trailer

Modified the General Government Budget Reconciliation Bill (SB 1035), which made statutory and session law changes related to general government in order to implement the FY 2009-10 state budget.

HB 2646 – VETOED – *state properties; trailer

Modified the Assets Budget Reconciliation Bill (SB 1031), which authorized the sale of certain state properties and aircraft in order to implement the FY 2009-10 state budget.

HB 2647 – VETOED – *budget reconciliation; criminal justice; trailer

Modified the Criminal Justice Budget Reconciliation Bill (SB 1028), which made changes related to criminal justice in order to implement the FY 2009-10 state budget.

HB 2648 – VETOED – *budget reconciliation; K-12 education; trailer

Modified the K-12 Budget Reconciliation Bill (SB 1187), which made statutory and session law changes related to K-12 education in order to implement the FY 2009-10 state budget.

HB 2649 – VETOED – *budget reconciliation; higher education; trailer

Modified the Higher Education Budget Reconciliation Bill (SB 1029), which made statutory and session law changes related to higher education in order to implement the FY 2009-10 state budget.

HB 2650 – VETOED – *budget reconciliation; health; welfare; trailer

Modified the Health and Welfare Budget Reconciliation Bill (SB 1145), which made statutory and session law changes related to health and welfare programs in order to implement the FY 2009-10 state budget.

HB 2651 – VETOED – *budget reconciliation; environment; trailer

Modified the Environment Budget Reconciliation Bill (SB 1258), which made statutory and session law changes related to the environment in order to implement the FY 2009-10 state budget.

SB 1017 – VETOED – multiple sclerosis awareness special plates

Created the Multiple Sclerosis Awareness special license plate and Fund, the Arizona Masonic Fraternity special license plate and Fund, the Hunger Relief special license plate and Fund, and the Childhood Cancer Research special license plate and Childhood Cancer and Rare Childhood Disease Research Fund.

SB 1022 – VETOED – *political signs; tampering

Prohibited the removal of political signs that support or oppose candidates for public office or ballot measures from public rights-of-way if certain placement conditions are met.

SB 1028 – VETOED – *budget reconciliation; criminal justice

Made changes related to criminal justice in order to implement the FY 2009-10 state budget.

SB 1029 – VETOED – *budget reconciliation; higher education

Made statutory and session law changes related to higher education in order to implement the FY 2009-10 state budget. Affected agencies and other parties included ABOR, public universities, and community college districts.

SB 1031 – VETOED – *budget reconciliation; assets

Authorized the sale of certain state properties and aircraft in order to implement the FY 2009-10 state budget.

SB 1035 – VETOED – *budget reconciliation; general government

Made statutory and session law changes related to general government in order to implement the FY 2009-10 state budget.

SB 1036 – VETOED – *budget reconciliation; general revenues

Made statutory and session law changes related to state revenues in order to implement the FY 2009-10 state budget.

SB 1145 – VETOED – *budget reconciliation; health and welfare

Made statutory and session law changes related to health and welfare programs in order to implement the FY 2009-10 state budget. Affected state agencies included AHCCCS, DHS, DES, and ADOA.

SB 1187 – VETOED – *budget reconciliation; K-12

Made statutory and session law changes related to K-12 education in order to implement the FY 2009-10 state budget. Affected agencies and other parties included ADE, SBE, SFB, JTEDs, TAPBI, charter schools, and school districts.

SB 1258 – VETOED – *budget reconciliation; environment

Made statutory and session law changes related to the environment in order to implement the FY 2009-10 budget.

SB 1464 – VETOED – *state budget reports; financial condition

Required the State Treasurer to submit an annual financial condition statement to the Governor, President of the Senate, and Speaker of the House of Representatives, and required the Governor and allowed the state Legislature to annually publish a statement indicating whether or not the total amount of state revenues appropriated for expenditure in the next fiscal year would or would not exceed the amount of state revenues appropriated for the current fiscal year, adjusted for changes in population and cost of living.

MEMORIALS AND RESOLUTIONS



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

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HCM 2006 – state land; natural resources

Requests Congress to oppose legislation withdrawing Arizona lands from mining opportunities or enacting wilderness designations in Arizona, unless there is unanimous support by Arizona's Congressional Delegation. Requests the Bureau of Land Management and the U.S. Forest Service to not limit public access to public lands for mining, grazing, recreation, or other uses.

HCM 2009 – opposing federal firearms legislation

Encourages Congress to oppose legislation impinging on the individual right of every American to keep and bear arms in any manner.

HCR 2014 – *health care services; direct purchase

Subject to voter approval, amends the Arizona Constitution related to what types of health care systems can lawfully exist in Arizona.

HCR 2019 – *discrimination; preferential treatment; prohibition

Subject to voter approval, constitutionally prohibits the discrimination against or preferential treatment of any group or individual on the basis of race, sex, color, ethnicity or national origin.

HCR 2030 – *Arizona's water protection

Opposes the proposed expansion of the Federal Point Source Discharge Program and asserts it is not in Arizona's best interest to make changes to the Federal Clean Water Act that would force states to surrender their current authority.

HCR 2034 – *state veterans' cemetery; Tucson

Expresses the Legislature's full support for establishing a state veterans' cemetery in Tucson.

HR 2001 – David Hurt; death resolution

Expresses the sincere regrets of the passing of Master Sergeant. David L. Hurt and extends sympathies to his surviving family members.

SCM 1002 – statewide strategy; restoring Arizona's forests

Urges the U.S. Forest Service and the Governor of Arizona to support forest restoration, community protection and fire management activities.

SCR 1004 – *American Sovereignty Restoration Act

Encourages Congress to pass the American Sovereignty Restoration Act and advises the U.S. to withdraw from the UN if the U.S. ceases to use its veto authority in the UN's Security Council.

SCR 1026 – secret ballot; fundamental right

Subject to voter approval, amends the Constitution to preserve and protect the fundamental right of individuals to vote by secret ballot for elections for local, state, and federal officers, elections for ballot measures, and designations or authorizations for employee representation.

SCR 1045 – death resolution; Jake Flake

Expresses sincere gratitude for the Honorable Jake Flake's years of dedicated service and extends sympathies to his family and friends.

SR 1003 – national day of the cowboy

Supports the designation of July 25, 2009 as National Day of the Cowboy and encourages Arizona's citizens to observe the holiday.

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SECTION III

SUMMARY OF LEGISLATION First Special Session

Session Convened: *January 28, 2009*
Adjourned Sine Die: *January 31, 2009*

General Effective Date: *May 2, 2009*

State of Arizona
Forty-Ninth Legislature
First Special Session

FIRST SPECIAL SESSION



* Strike-Everything Amendment
[E] Emergency Clause
[P 105] Proposition 105 Clause
[P 108] Proposition 108 Clause
[LIV] Line Item Veto

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SB 1001 – Chapter 1 – budget reductions and transfers; FY 2008-2009

Makes various budget revisions, transfers, and supplemental appropriations in order to balance the FY 2008-09 state budget. For complete FY 2008-2009 budget details, refer to <http://www.azleg.gov/jlbc.htm>.

SB 1002 – Chapter 2 – capital outlays; reductions; transfers; FY 2008-2009

Makes various capital outlay reductions and transfers to balance the FY 2008-09 state budget.

- Reduces the state GF appropriation in FY 2008-09 to DPS for the microwave communications system by \$250,000.
- Delays the \$10 million FY 2008-09 state GF appropriation for the Southern Arizona Veterans' Home until FY 2009-10.
- Reverts the following appropriations to the state GF:
 - \$1,207,000 appropriated for the renovation of the health laboratory.
 - \$600,000 appropriated for the Arizona Welcome Center.
 - \$393,200 appropriated to the Prescott Historical Society.
 - \$3.2 million appropriated for prison cell locks and cell door replacements.
- Reverts the following ADOT FY 2008-09 non-highway capital funds to the SHF:
 - \$600,000 for border security and infrastructure planning.
 - \$2,350,000 for a far southeast valley maintenance yard.
 - \$1,825,000 for de-icer buildings.
 - \$1,389,000 for oil and asphalt storage tanks.
 - \$2,075,000 for vehicle wash systems.
- Reverts the following ADOT FY 2007-08 non-highway capital funds to the SHF:
 - \$5,190,000 for a far southeast valley multiuse facility.
 - \$1,850,000 for de-icer buildings.
 - \$1,365,000 for oil and asphalt storage tanks.
 - \$2,021,300 for vehicle wash systems.
 - \$3,215,000 for a Safford vehicle maintenance shop.
- Reverts the following ADOT FY 2007-08 non-highway capital funds to the Arizona Highway User Revenue Fund:
 - \$1,511,900 for a far southeast valley multiuse facility.
 - \$3,956,300 for a Surprise MVD service center.
 - \$1,229,400 for a Payson MVD service center.
- Reverts \$635,000 appropriated for Grand Canyon Airport water tank renovations to the State Aviation Fund and then transfers that amount to the state GF.
- Reverts \$915,900 appropriated for a Payson MVD service center to the SHF.
- Reverts \$2,000,000 appropriated for a state safety inspection station at San Luis II port of entry to the Safety Enforcement and Transportation Infrastructure Fund and then transfers that amount to the SHF.
- Reverts \$2,974,200 appropriated for the major maintenance and repair of ADOT state buildings to the SHF.
- Deposits \$34,468,000 in VLT revenues that are to be distributed to the SHF into the GF.

SB 1003 – Chapter 3 – revenues; budget reconciliation; FY 2008-2009

Makes the following changes to state revenues to reconcile the FY 2008-09 state budget:

- Modifies the existing system of staggered motor vehicle registration and registration renewals to provide owners of eligible vehicles with the option of registering their individual vehicle for a five year registration period.
- Establishes a tax amnesty program and authorizes the Director of DOR (Director) to grant amnesty to taxpayers for qualifying taxable periods.
- Prescribes program conditions and outlines qualifying and disqualifying criteria.
- Details requirements for the amnesty application and specifies the duties of the Director.
- Requires DOR to submit a monthly report to the Governor, the Speaker of the House of Representatives, and the President of the Senate.
- Specifies the content of the amnesty program reports to be submitted.
- Authorizes state agency directors to implement reductions in covered employee work hours to comply with mandated fiscal year 2008-09 state GF appropriation reductions.
- Specifies that procedures for implementing reductions will be prescribed by the ADOA.
- Requires the ASP Board to reimburse contractors for any costs incurred from agreements in which monies from the State Land Improvement Fund were used prior to February 1, 2009.
- Transfers \$3,000,000 from the ASP Board Heritage Fund to the Fire Suppression Revolving Fund.
- Supplants fiscal year 2008-09 state GF monies made available to the State Forester for fire suppression.
- Requires the State Forester to reimburse the state GF any amounts transferred from the state General to the Fire Suppression Revolving Fund in fiscal year 2008-09.
- Appropriates unobligated Land Conservation Fund administration account monies in excess of \$500,000 to the ASP Board for the operation of state parks.
- Transfers monies from state lottery distribution deposits and payments from the County Assistance Fund and Local Transportation Assistance Fund to the state GF in the following amounts:
 - \$382,000 deposit to County Assistance Fund.
 - \$1,150,000 deposit to Local Transportation Assistance Fund.
 - \$475,000 payment to Local Transportation Assistance Fund.
- Repeals the tax amnesty program from and after December 31, 2009.

SB 1004 – Chapter 4 – budget reconciliation; health; welfare; FY 2008-2009

Makes changes and additions to the FY 2008-09 state budget related to AHCCCS, DHS, and DES.

AHCCCS

- Requires the Director of the AHCCCS to charge premiums up to the maximum amount allowed under federal law to all populations of eligible persons who may be charged, subject to federal waiver authority and to the extent that any changes would permit Arizona to receive an enhanced federal matching rate.

- Requires the AHCCCS to establish a benchmark benefit package consistent with federal law, and mandates the enrollment of the following AHCCCS members in the benchmark plan, subject to federal waiver authority and to the extent that any changes would permit Arizona to receive an enhanced federal matching rate:
 - Proposition 204 (2000) expansion population.
 - Transitional Medical Assistance population.
- Exempts the AHCCCS from rule making requirements for one year after the effective date for the purpose of establishing a benchmark benefit plan and premiums.
- Allows all persons eligible for the AHCCCS to have the option of enrolling in the benchmark benefit plan.
- Transfers county funds deposited in the AHCCCS Budget Neutrality Compliance Fund to the state GF.
- Stipulates that DSH funds shall be deposited by the AHCCCS in the GF, and eliminates the Maricopa County Special Health Care District DSH distribution methodology.
- Reverts \$8,922,200 of DSH funds to the GF.

DHS

- Repeals the Health Crisis Fund, and reverts any remaining balance to the GF.
- Requires the counties to reimburse the DHS for defendants' inpatient competency restoration treatment at the following levels, and allows them to use any source of revenue to meet this requirement:
 - In counties with populations of fewer than 800,000 persons, the counties shall pay 50% of the costs in FY 2008-09.
 - In counties with populations of more than 800,000 persons, the counties shall pay 86% of the costs in FY 2008-09.

DES

- Eliminates the General Assistance program.
- Allows DES to reduce maximum income eligibility levels for child care assistance in order to manage within available monies in FY 2008-09, and requires DES to report to JLBC within fifteen days after implementing any change.

SB 1005 – Chapter 5 – criminal justice; budget reconciliation; FY 2008-2009

Makes changes to the FY 2008-09 state budget related to criminal justice.

- Increases the monthly adult probation services fee from \$50 to \$65 and specifies that all of these monies must be deposited into each county's Adult Probation Services Fund, rather than any amount over \$40.
- Requires the Administrative Office of the Courts (AOC) to charge each county's Adult Probation Services Fund an amount that is established by the AOC annually. This amount must reflect each county's annual share of the superior court's risk management premium that is allocated to the judiciary.

SB 1006 – Chapter 6 – education; budget reconciliation; FY 2008-2009

Makes the following changes to the FY 2008-09 state budget related to K-12 and higher education:

K-12 Education

- Reduces BSL funding on a proportional basis for school districts, TAPBI programs, and JTEDs that receive state aid by \$98,198,000 for FY 2008-09.
- Reduces the Soft Capital allocation to school districts that receive basic state aid by \$21,000,000 for FY 2008-09. All school districts are permitted to use remaining Soft Capital monies for any operating or capital expenditures in FY 2008-09.
- Reduces BSL funding and Soft Capital allocation for school districts that do not qualify for state aid for FY 2008-09 by the amount that would otherwise be reduced if the district did receive state aid. To the extent possible, BSL funding reductions must be taken against administrative costs rather than classroom instruction.
- Requires ADE to adjust the budget limits for school districts for FY 2008-09 to reflect the BSL funding and Soft Capital allocation reductions. The school district budget limit adjustments do not apply to voter-approved overrides.
- Provides an exemption from BSL funding and Soft Capital allocation reductions for school districts with less than 600 students in grades K-8 and school districts with less than 600 students in grades 9-12.
- Exempts SBE from notifying each school district of expenditure reductions required by the Constitutional aggregate expenditure limitation (AEL) and exempts school districts from adopting a revised budget to reflect reductions required by the AEL for FY 2008-09.
- Reduces Additional Assistance to charter schools on a proportional basis by \$4,000,000 for FY 2008-09.

Community Colleges

- Specifies operating state aid and equalization state aid for community colleges for FY 2008-09 as the amount provided in the general appropriation act or other acts enacted by the 49th Legislature and allows community colleges to use operating funding for capital outlay purposes and capital outlay funding for operating purposes for FY 2008-09.

Universities

- Modifies full-time student enrollment from the count on the 21st day of the fall semester to the average of the count on the 45th day of both the fall and spring semesters and specifies that changes in student count and the reductions to FY 2008-09 appropriations for ABOR and the universities are intended to result in a total overall reduction of \$141,500,000.
- Lowers the maximum amount of lease-to-own and bond transactions ABOR can authorize through the University Fund from \$1,000,000,000 to \$800,000,000 and makes the following changes to the distribution of bond proceeds from the University Fund:
 - Caps the amount of lease-to-own and bond transactions allowed for FY 2008-09 at \$167,671,200.
 - Caps the amount of lease-to-own and bond transactions allowed for FY 2009-10 at \$400,000,000.
 - Requires ABOR to distribute \$376,000,000 of the total \$800,000,000 in bond proceeds to the University of Arizona Phoenix Biomedical Campus.
- Prohibits ABOR from approving the remaining \$632,328,800 of the \$800,000,000 in bonding authority that was not submitted to JCCR by October 2, 2008.
- Deposits at least \$57,000,000 from the State Lottery Fund to the state GF for FY 2009-10 after certain distributions have been made.



SECTION IV

SUMMARY OF LEGISLATION Second Special Session

Session Convened: *May 21, 2009*
Adjourned Sine Die: *May 27, 2009*

General Effective Date: *August 26, 2009*

State of Arizona
Forty-Ninth Legislature
Second Special Session

SECOND SPECIAL SESSION



* Strike-Everything Amendment
[E] Emergency Clause
[P 105] Proposition 105 Clause
[P 108] Proposition 108 Clause
[LIV] Line Item Veto

Bill	Chapter	Short Title	Page
HB 2001	1 [E]	scholarships; disabled or displaced students	89-90

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HB 2001 – Chapter 1 [E] – scholarships; disabled or displaced students

Beginning July 1, 2009, establishes “Lexie’s Law” as a new corporate income tax credit and insurance premium tax credit for voluntary contributions to a STO that provides educational scholarships or tuition grants to disabled students and displaced students in a foster care program. In the first fiscal year, the STO will give priority for scholarships and grants from these contributions to disabled students or displaced students in foster care programs currently receiving scholarships or grants under the state Programs.

Credits

- The amount of the corporate income and insurance premium tax credit is the amount of the voluntary contribution to the STO.
- The credit is in lieu of any deduction and if the contribution is more than the tax liability, the credit amount may be carried forward for five years. Co-owners or partnerships may each claim only their pro-rata share of the credit.
- The taxpayer can not designate the contribution for the direct benefit of any specific student.
- Insurance premium tax credits are not subject to any retaliatory tax.

DOR

- The aggregate amount of tax credits that is allowed in any fiscal year is \$5 million.
- DOR must pre-approve all corporate income and insurance premium tax credits, on a first come, first serve basis.
- Prohibits a taxpayer from claiming a dual credit for a single contribution under the tax credit for contributions to an STO for scholarships to students of low-income families and under the tax credit for contributions to an STO for scholarships to displaced or disabled students.
- Establishes an approval process within DOR that mirrors the process currently required for the corporate income tax credit for contributions to a STO for scholarships to students of low-income families.

STOs

- Requires STOs to use at least 90 percent of the contributions for education scholarships or tuition grants for qualified students who either:
 - Previously received a grant or scholarship from state programs for disabled students or displaced students in a foster care home to attend a private school. Priority will be given to these students in FY 2009-10.
 - Previously attended a public school for at least the first 100 days of the prior year and transferred to a qualifying school.
 - Received a scholarship or grant under one of the above provisions and continues to attend a qualified school.
- Limits the amount of the scholarship provided by the STO to the cost of tuition or 90 percent of the BSL, whichever is less.
- Requires the STO to provide scholarships or grants only to full time students. If a student leaves before completing the school year, the school must return the scholarship or grant (prorated for the amount of use) and the STO will use those refunds for scholarships or grants in the following year.
- Requires STOs that receive contributions under this program to allow DOR to verify that the scholarships or tuition grants are awarded to qualified students.

- Requires the STO to report pertinent information to DOR by June 30 each year regarding the program.
- Requires the STO to provide verification of their financial statements from an independent certified public accountant.
- Provides session law that allows a STO that receives voluntary contributions under the current corporate income tax credit program to provide scholarships or grants to students who previously received scholarships or grants in the 2008-2009 academic year under the state Programs for disabled students or displaced students under foster care.

ADE

- Requires ADE, upon request by a STO, to provide the amount computed that represents 90 percent of the BSL for a qualified student.
- Requires ADE to notify, in writing, any parent, authorized care provider or legal guardian of a qualifying student who had previously received a scholarship or grant during the 2008-2009 academic year that a new corporate income tax credit program is available for scholarships or grants these students. The notice will also be required to be posted on the ADE's website.

Miscellaneous

- Allows students who receive the scholarship or grant to attend any qualified school of their custodians' choice.
- Defines *custodian*, *qualified student*, and *qualified school*.
- Contains a purpose clause and adds the new corporate income tax credit to the Income Tax Credit Review Schedule to be reviewed in 2014.
- Contains a severability clause.



SECTION V

SUMMARY OF LEGISLATION Third Special Session

Session Convened: *July 6, 2009*

Adjourned Sine Die: *August 25, 2009*

General Effective Date: *November 24, 2009*

State of Arizona
Forty-Ninth Legislature
Third Special Session

THIRD SPECIAL SESSION



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

Bill	Chapter	Short Title	Page
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HB 2014	5	environment; budget reconciliation	107-108

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HB 2001 – Chapter 1 – education appropriations; 2009-2010

Makes appropriations necessary to support K-12 Education in FY 2009-10.

- Appropriates \$3,677,068,200 from the state GF and \$46,475,500 from the Permanent State School Fund to the Arizona Department of Education for basic state support of K-12 Education in FY 2009-10 as follows:
 - Basic State Aid – \$3,283,073,800.
 - Additional State Aid – \$404,880,500.
 - Other State Aid to Districts – \$983,900.
 - Arizona English Immersion Fund – \$32,508,700.
 - Operating Lump Sum – \$2,096,800.
- Contains appropriations footnotes.

HB 2002 – Chapter 2 [E] – K-12 education; budget reconciliation

Makes statutory and session law changes related to K-12 education and the implementation of the FY 2009-10 budget.

- Increases the charter school Additional Assistance for FY 2009-10 as follows:
 - For pupils in grades K-8, from \$1,474.16 to \$1,588.44.
 - For pupils in grades 9-12, from \$1,718.10 to \$1,851.30.
- Prohibits Basic State Aid for the second year of kindergarten if a school district or charter school admits a child to kindergarten, after the effective date of this act, who has not reached the required age and readmits the child to kindergarten the following school year. Allows the school district or charter school to charge tuition for students who repeat.
- Specifies the Base Level (per-pupil funding) for FY 2009-10 at \$3,267.72.
- Increases, by 2%, the Transportation Support Level per route mile formula for FY 2009-10.
- Prohibits a school district, until October 1, 2009, from adjusting its RCL in FY 2009-10 for Actual Utility costs.
- Specifies that school districts do not have to submit an Excess Utilities Funding Plan for FY 2009-10.
- States that until October 1, 2009, for FY 2009-10, a school district that is eligible to budget for Career Ladder Programs shall not exceed the amount budgeted in FY 2008-09.
- Caps, until October 1, 2009, school district Desegregation budgets at the FY 2008-09 level.
- Reduces, until October 1, 2009, Basic State Aid Soft Capital budget capacity and budget limits for all school districts by \$175,000,000 in FY 2009-10.
 - For districts not eligible to receive Basic State Aid, the Soft Capital allocation is reduced by the amount that would be otherwise reduced if the districts were eligible.
- Contains a retroactivity clause to from and after June 30, 2009.
- Contains an emergency clause.

HB 2003 – Chapter 3 [E] – health and welfare; budget reconciliation

Makes statutory and session law changes related to health and welfare programs and the implementation of the FY 2009-10 budget.

- Specifies the amounts counties shall contribute for the Arizona Long-term Care System (ALTCS) for FY 2009-10 totaling \$190,467,500.

- States that if the ARRA had not been passed, the amounts would have totaled \$262,889,400.
- Modifies for FYs 2008-09 and 2009-10, the 50/50 split for reversions of excess appropriations in ALTCS to 62.2% counties and 37.8 state to comply with ARRA.
- Requires AHCCCS to transfer Acute Care county savings due to ARRA provisions in FY 2009-09 to counties by December 31, 2009.
- Allows AHCCCS to spend federal monies drawn down by local or tribal spending to the extent that it would not reduce enhanced matching funds available pursuant to ARRA.
- Mandates that AHCCCS transfer savings from the Proposition 204 – DES Eligibility line item FYs 2008-09 and 2009-10 to counties to comply with ARRA.
- Contains a retroactivity clause to from and after June 30, 2009.
- Contains an emergency clause.

HB 2004 – Chapter 4 [E] – legislative subsistence payments; exception

Outlines per-diem subsistence for state legislators during the Forty-ninth Legislature, Third Special Session.

- States that during the Forty-ninth Legislature, Third Special Session, legislators shall only receive per-diem payments for days that both houses of the Legislature convene and record attendance.
- Allows members to continue to receive interim per-diem when the member acts on a legislative matter.
- Contains an emergency clause.

HB 2006 – Chapter 11 [LIV]– general appropriations; fiscal year 2009-2010

Makes state GF and OF appropriations for FY 2009-10 for the operation of state government and makes various budget reductions, transfers and supplemental appropriations. For complete FY 2009-2010 budget details, refer to the Joint Legislative Budget Committee website at <http://www.azleg.gov/jlbc.htm>.

HB 2008 – Chapter 7 – general government; budget reconciliation

Makes statutory and session law changes related to general government budget reconciliation in order to implement the FY 2009-10 state budget.

- Requires proof of citizenship or legal presence for the receipt of federal, state and local benefits administered by the state or a political subdivision of the state.
- Establishes the Liquor Licenses Fund (Fund) consisting of liquor license application fees, annual license renewals, and proceeds from liquor lottery revenues, reverts any year-end balance in the Fund over \$700,000 to the state General Fund, and allows for an additional \$700,000 to be deposited into the Fund in FY 2009-10.
- Places a two-year cap on existing development fees, retroactive to June 29, 2009, and exempts any development that received its final approval prior to January 1, 2009.
- Exempts new or commercial buildings approved by a municipality prior to June 1, 2009 from new or modified building codes except if necessary for the receipt of federal stimulus funding, effective retroactively to June 29, 2009.
- Prohibits counties from assessing or collecting development fees from a school district or

charter school, except for fees assessed or collected for street, water and sewer functions.

- Stipulates that construction sales tax rates may not be increased for two years, retroactive to June 29, 2009, and exempts any transaction privilege tax rate adopted before June 1, 2009.
- Authorizes county governments to implement reductions in classified civil servant employee work hours in order to address budget shortfalls or structural imbalances and exempts mandatory county furloughs for civil service employees from the appeals process.
- Authorizes the Director of DOI to require private mortgage insurers that fail to meet the minimum collateral to insured mortgage liability ratio to cease business transactions.
- Allows DOI to use up to \$100,000 from the Captive Insurance Regulatory and Supervision Fund to administer programs in accordance with DOI's statutory obligations.
- Extends the time period for aestheticians and laser technicians to apply for and receive certification for a laser or IPL device from the Radiation Regulatory Agency.
- Allows members of the Arizona State Board of Accountancy to be eligible to receive compensation and reimbursement for time spent and expenses incurred.
- Enables a certified public accountant or public accountant who qualifies for limited reciprocity to cancel their certificates in lieu of renewal or placing the certification on inactive status.
- Eliminates state GF funding for nursing assistant applicant fingerprinting.
- Mandates that a copy of a foreclosure notice be sent to the tenants of rental properties.
- Allows the SOS to publish the Landlord and Tenant Act electronically.
- Eliminates the prohibition on using state monies for the health care directives registry.
- Increases the personnel pro rate charge within the Personnel Board from 1.07% to 1.10% of payroll and directs the increase to be deposited in a separate subaccount and used for the operations of the Personnel Board, retroactive to June 30, 2009.
- Modifies the composition of the BOD for a special taxing district.
- Eliminates the \$25,000,000 advance appropriation to the 21st Century Fund for FY 2009-10.
- Repeals ADOA's authority to enter into a lease-purchase agreement for the design and construction of a state emergency operations center.
- Suspends the appropriations format for biennial state budget units.
- Reduces the state GF appropriation for the Military Installation Fund by \$2,800,000 in FY 2009-10.
- Reduces the aggregate amount of liabilities that may be incurred under any emergency declared by the Governor to \$2,900,000 in FY 2009-10.
- Suspends the Tourism Fund formula for FY 2009-10.
- Prohibits state agencies from adopting rules that result in monetary or regulatory cost increases to other agencies, political subdivisions, or Arizona citizens in FY 2009-10 with exceptions.
- Requires state agencies to report on use of ARRA funds and allows for the electronic submission of those reports, retroactive to September 30, 2009.
- Reverts non-lapsing state GF appropriated monies that remain unexpended and unencumbered at the close of FY 2009-10 to the state GF.

- Requires all non-ARRA unrestricted federal monies received from July 1, 2009 through June 30, 2010 be deposited into the state GF for the payment of essential government services, retroactive to June 30, 2009.
- Authorizes state agency directors to implement reductions in covered employee work hours to comply with mandated fiscal year 2009-10 state GF appropriation reductions.
- Specifies that procedures for implementing reductions will be prescribed by the Director of ADOA and exempts the Director from rule making requirements.
- Modifies the timing of mutual fund notice filing fee deposits to the state GF from continuously deposited to February and June.
- Requires state agencies to submit reports on wireless equipment usage and cost, including the usage by health and safety positions to the JCCR.
- Allows the Transportation Board to sell \$200,000,000 of Board Funding Obligations to a financial institution if they are not purchased by the State Treasurer, subject to JCCR review.
- Requires ADOA to allow vendors to demonstrate the availability and savings associated with Business Intelligence software and directs ADOA to enter into contracts with those vendors only if the vendors agree to receive payment through savings realized from the software.
- Requires ADOA to quantify all savings from state agency use of Business Intelligence software and report those savings annually to JLBC and JLAC.
- Suspends requirement for the OAH to hear appealed actions and contested cases within 60 days of the filing.
- Allows ADOC to utilize the Lottery Fund, Bond Fund and Commerce and Economic Development Fund to administer programs and for associated costs.
- Allows ADOT to transfer \$10,000,000 from subaccounts of the STAN account to restore funding for a project that was previously approved by the State Transportation Board.
- Removes the requirement that a trustor have lived in a trust property for at least six consecutive months and for which a certificate of occupancy has been issued in order for a deficiency judgment against that trustor to be prohibited.

HB 2009 – Chapter 8 – assets; budget reconciliation

Authorizes the sale of certain state property in order to implement the FY 2009-10 state budget.

- Requires ADOA to sell the state property located at 2422 W. Holly in Phoenix, AZ after two independent appraisals and an independent title search are conducted, excludes the two trailers located on the property from the sale, and directs all proceeds into the state GF.
- Mandates the sale of the state property be completed prior to July 1, 2010, and stipulates that the sale is subject to review by the JCCR.

HB 2010 – Chapter 6 – criminal justice; budget reconciliation

Made statutory and session law changes related to criminal justice in order to implement the FY 2009-10 state budget.

- Increases the probation surcharge from \$10 to \$20.
- Increases the average number of adults supervised by each deputy adult probation officer from 60 to 65.

- Increases the adult intensive probation fee from \$50 to \$75 and specifies that all of these monies must be deposited into each county's Adult Probation Services Fund, rather than any amount over \$40.
- Expands the definition of *adult intensive probation team* to include two adult probation officers.
- Establishes the following minimum monthly supervision fees:
 - \$50 for persons on parole;
 - \$65 for persons on probation; and
 - \$75 for persons on intensive probation.
- Suspends the county non-supplanting requirements associated with the following:
 - Criminal case processing (A.R.S. §§12-102.02, 12-102.03);
 - Alternative dispute resolution programs (A.R.S. § 12-135);
 - Probation services for adults and juveniles (A.R.S. §§ 12-267, 12-268, 12-299.01); and
 - Community based sentencing (A.R.S. §12-299.01).
- Suspends the requirements for the following reports in FY 2009-10 and further requires the following annual reports to be submitted electronically beginning in FY 2011-12:
 - Juvenile Intensive Probation;
 - Community Punishment Program;
 - Drug Treatment and Education Fund;
 - Annual Lengthy Trial Fund;
 - Domestic Relations Committee;
 - Child Support Committee; and
 - Emancipation of Minors.
- Mandates the state to pay 19.25% of compensation and employee-related expenditures of a justice of the peace, and requires the county to pay the other 80.75%. Further requires the county to pay the full amount of the employer contribution of the state retirement system or plan or any county health plan.
- Continues to exempt the photo radar citations issued from being included in the judicial productivity credit calculations in FY 2010, retroactive to June 30, 2009.
- Stipulates that if a prisoner in a secure care facility requires health care services that DOC, the facility or a private prison provider contracted by DOC cannot provide, DOC must pay approved claims from a facility or provider that provides the following:
 - For inpatient and outpatient hospital services, DOC must reimburse at a level that does not exceed the hospital reimbursement methodology outlined in A.R.S. § 36-2903.01.
 - For health and medical services, DOC must reimburse at a level that does not exceed the capped fee-for-service schedule that is adopted by AHCCCS and that is in effect at the time the services are delivered.
- Requires that the 11.70% of the Criminal Justice Enhancement monies designated for county sheriffs be allocated through the State Treasurer rather than DOC.
- Requires DOC to report actual FY 2008-09, estimated FY 2009-10 and requested FY 2010-11 expenditures for each line item delineated in FY 2009-10 General Appropriations Act when DOC submits its FY 2010-11 budget request.
- Effective from and after September 30, 2009, requires DOC to issue a request for proposal to privatize correctional health services, including medical and dental services. The request for proposal must be submitted to JLBC before it is issued. This contract must:
 - Cost less than these services did in FY 2007-08; and
 - Be awarded by May 1, 2010.

- Allows monies deposited in the Transition Office Fund to be used for any costs of operating transition programs.
- Requires ADOA to enter into a lease purchase agreement for the state's prisons or other state owned facilities and specifies that the agreement must be awarded by June 30, 2010 and must:
 - Result in net available proceeds of \$735,419,300 million in the GF;
 - Be for a fixed term of up to 20 years; and
 - Require the initial payment due in FY 2010-11.
- Clarifies that net available proceeds of the lease-purchase agreements need not be more than \$250 million by December 31, 2009.
- Allows the ADOA to use any state owned facility as collateral and to transfer interest in any other state owned facility in the lease purchase finance agreements.
- Requires ADOA to issue a request for information before October 1, 2009 to identify the feasibility of a concession agreement that would allow a private vendor to operate a prison facility. The request for proposal must be submitted to JCCR for review.
- Requires ADOA to issue a request for proposals for a concession agreement that would allow private vendors to operate one or more prison facilities other than the prison complex at Yuma. The request for proposal must be submitted to JCCR by April 1, 2010 for review. The terms must include the cost efficiency savings be equally divided between the state and the private vendor and an annual cost efficiency savings to the state.
- Clarifies that the intent of the Legislature is that the privatization of prison operations generate at least \$100 million from private vendors at the beginning of the term.
- Permits DOC to use any non-appropriated monies for the payment of inmate health care expenditures incurred during FY 2007-08.
- Requires DOC to issue request for proposals and contract for 5000 private prison beds for either an expansion of current private prisons in this state or new locations in this state.

Allows:

 - The private vendor to bid for all or a portion of the 5000 beds;
 - DOC to award the contract to one or more private vendors;
 - DOC to use any non-appropriated monies for any start up and operating costs that are associated with the 4000 new state beds authorized in 2007.

Requires:

 - The request for proposals to specify the length of the contract period, which must not exceed 20 years;
 - The request for proposal be submitted for review to JLBC by November 1, 2009;
 - All contracts to be awarded by June 30, 2010; and
 - DOC, each calendar quarter until all new beds are occupied, to submit a report to the JLBC on the status of the beds.
- Establishes the Crime Laboratory Operations Fund (CLOF) and, retroactively from and after June 30, 2009, requires the State Treasurer to deposit the first \$10.4 million in annual revenue generated from defensive driving school surcharges in the CLOF and the remaining revenue in the state GF.
- Specifies that monies in the CLOF are to be used for crime laboratory operations.
- Reduces the amount appropriated to the DNA Identification System Fund in Laws 2007, Chapter 261, from \$3,484,000 to \$980,000 for FY 2009-10.

- Suspends the statutory caps limiting the level of the HURF and the SHF monies available to fund DPS highway patrol costs for FY 2009-10.
- Requires any monies distributed from the Criminal Justice Enhancement Fund to be deposited in the Crime Laboratory Assessment Fund for use by the DPS.
- Allows the AG to use the monies in the Consumer Protection-Consumer Fraud Revolving Fund for any operating expenses, including any cost or expense associated with the Tobacco Master Settlement Agreement arbitration
- Allows the AG to use monies in the Collection Enforcement Revolving Fund for operating expenses incurred by the Department of Law.
- Changes the definition of *compensation* in relation to DPS salaries to specify that for the purposes of computing retirement benefits, *compensation* does not include payments for work performed by DPS employees for a third party on a contracted basis or where a third party pays or reimburses DPS for the work performed, but does include, for the purpose of calculating retirement benefits, third party contracts performed with another public safety agency for primary police enforcement activities
- Requires new dispatchers to participate in ASRS, rather than CORP.
- Requires the Chairman of the Board of Executive Clemency to also act as the Executive Director of the Board in FY 2009-10.
- Requires all the members of the Board of Executive Clemency, except for the Chairman, to serve on a part-time basis. The members are not permitted to work more than 30 hours per week and are not eligible for paid leave or benefits.
- As permanent law, requires the Drug and Gang Prevention Resource Center to enter into an agreement with the Arizona Criminal Justice Commission (ACJC) to provide \$235,200 to the ACJC for the Arizona Youth Survey.

HB 2011 – Chapter 12 [LIV] – K-12: budget reconciliation

Makes statutory and session law changes related to K-12 education in order to implement the FY 2009-10 state budget.

State Aid and School Funding

- Allows school districts to revise their FY 2009-10 budgets before November 1, 2009 to conform with the provisions of this act.
- Authorizes school districts to expend Soft Capital monies in FY 2009-10 for any operating or capital expense.
- Modifies the State Aid apportionment schedule for charter schools to move the payment date from the 15th of every month to the first business day of every month, except that July's payment is on the last business day of June.
- Changes the State Aid apportionment schedule for school districts as follows:
 - Increases the number of payments from 10 to 12.
 - Stipulates each payment is equal to 1/12 of the total apportionment.
 - Moves the payment date from the 15th of each month to the first business day of each month, except that July's payment is on the last business day of June.
 - Specifies a payment schedule for FY 2009-10 if the effective date of this act prevents the payments from being made pursuant to the new apportionment schedule.

- Caps the ADM per-pupil amount at 1.0, unless otherwise specified by law, for a full-time high school pupil concurrently enrolled in two school districts, two charter schools, a school district and a charter school, or AOI and another school district or charter school.
- Repeals Rapid Decline funding and the Local Education Accountability Program.
- Prohibits a school district from adjusting its RCL in FY 2009-10 for Actual Utility costs and specifies that school districts do not have to submit Excess Utilities Funding Plans for 2009.
- Retroactive to June 30, 2009, makes technical changes necessary to implement the May 2009 apportionment funding deferral and calculate school districts' ending excess cash balances, and delays the apportionment date from October 15, 2010 to November 2, 2010.

K-12 Rollover

- Defers \$602,627,700 in Basic State Aid and Additional State Aid payments that would otherwise be apportioned in June, 2010 until July 1, 2010 but no later than August 29, 2010.
- Appropriates \$886,200 in FY 2010-11 from the GF to SBE for costs to school districts associated with the FY 2009-10 funding deferral.
- Allows school districts that incur interest expenses in FY 2009-10 or expect to incur interest expenses in FY 2010-11 to budget an estimated amount for those expenses, which are specifically exempt from the RCL in FY 2010-11.
- Requires school districts to include the monies they will receive in FY 2010-11 for the FY 2009-10 funding deferral in their FY 2009-10 revenue estimates for the purpose of computing their FY 2009-10 tax rates.

Property Tax

- Prohibits a school district from fixing, levying, or assessing a primary property tax rate that is higher than the current year's rate if the district meets the following criteria:
 - The total primary property taxes levied for all taxing jurisdictions results in at least 50% of the homeowners exceeding the 1% constitutional cap.
 - The primary property tax rate exceeds 150% of the qualifying tax rate.
- Requires the PTOC to notify a school district that meets the criteria prohibiting a primary property tax rate that is higher than the current year's and notify the county school superintendent and BOS in the county where the district is located.
- Caps future school district Desegregation budgets at their FY 2008-09 levels.
- Directs the county assessor to determine the value of government property lease excise tax (GPLET) properties and report those values to ADE. Instructs ADE to include the assessed valuation of all GPLET properties for the purpose of calculating the local share of funding under the Basic State Aid formula.

Full-Day Kindergarten (FDK)

- Requires a school district that offers FDK to provide meaningful half-day kindergarten instruction in every school with enough pupils to fill a half-day class with approximately the same number of pupils as the average kindergarten class size for the district as a whole.
- Authorizes a school district or charter school to charge tuition for FDK in FY 2009-10 if the district or charter school decides not to provide free FDK due to the funding reductions proposed by the FY 2009-10 state budget.

Career Ladder Programs

- Sets the maximum Base Level increase for Career Ladder Programs at 5% for FY 2009-10 and limits participation to teachers who participated during the prior fiscal year.

Charter School Tuition

- Allows a charter school to admit pupils who are not residents of Arizona, but requires the charter school to charge tuition for those pupils in the same manner a school district would charge tuition for nonresident pupils.

Early Graduation Scholarship Program (EGSP)

- Retroactive to September 26, 2008, removes pupils who graduate a semester early from the EGSP, but allows a pupil who qualified for the EGSP by graduating one semester early prior to effective date of this act to continue participating for the duration of that pupil's eligibility.
- Prohibits the student count and per-pupil funding of a school district or charter school from being adjusted under the EGSP in FY 2009-10 for pupils who graduate high school early.
- Stipulates that ADE will not transfer any monies to ACPE in FY 2009-10 for the EGSP.
- Prohibits pupils not admitted to the EGSP before July 1, 2009 from participating and continues to fund pupils admitted before July 1, 2009 if sufficient monies are available.
- Allows the ACPE to solicit, receive, and administer private and corporate donations, federal grants, and other federal monies in support of the EGSP for FY 2009-10.

Budget Overrides and Bonding

- Raises the maximum amount a school district may request to increase their budget under M&O budget override from 10% of the district's RCL to 15% of the district's RCL.
- Establishes a special program budget override by expanding the scope of the K-3 budget override for programs targeted for kindergarten through grade 3 to allow a budget override request for programs designed for kindergarten through grade 12.
- Specifies that if a school district requests a special program override, the maximum amount a school district may request for an M&O override is 10% of the district's RCL.
- States that any K-3 override in effect on the effective date of this bill will continue for the duration previously authorized by the voters or until the voters subsequently approve an M&O override equal to 15% of the RCL.
- Authorizes a school district to conduct an override election on the second Tuesday in March, 2010 and submit one of the following proposals to the voters of the district:
 - A 15% M&O override that, if approved, replaces any previously authorized M&O and K-3 overrides.
 - A 5% M&O or special program override that, if approved, is in addition to a 10% M&O override authorized by the voters at the November 2009 election.
 - A 17% M&O override for a common school district, if an M&O and K-3 override are still in effect on the effective date of this act. The 17% override, if approved, replaces any previously approved M&O and K-3 overrides and continues for the number of years of the previously approved K-3 override.
- Permits a school district governing board to cancel any override election previously scheduled for November 2009 by August 15, 2009.
- Specifies ballot language related to elections for the continuation of a currently-authorized budget override.
- Limits the amount a school district may request for a capital budget override to 10% of the district's RCL.
- Specifies the Base Level at \$3,291.42 for calculating a district's RCL to determine the budget increase that can be requested in an override election conducted in FY 2009-10.

- Authorizes school districts to issue Class B bonds for furniture, equipment, and technology, provided the bonds mature within five fiscal years after they are issued.
- Prospectively extends the timeframe during which a school district may issue a bond from six years after obtaining voter approval to ten years after obtaining voter approval.
- Exempts a person who contacts a school district employee or governing board member about the procurement of bonding services from registering with the SOS as a lobbyist.
- Allows the Cave Creek Unified School District to expend remaining proceeds from a bond election conducted in November of 2000 to make modifications to an existing school rather than build a new school facility.

JTEDs

- Funds JTEDs at 91% of State Aid that would otherwise be provided by law for FY 2009-10.
- Specifies that no JTED will receive less equalization formula funding for FY 2009-10 than it received in FY 2008-09 except for reductions due to changes in student counts, net assessed property values or other technical factors, or due to prior year adjustments.

SFB

- Removes the requirement for SFB to count kindergarten pupils as full-time students for the purpose of calculating new school construction needs.
- Restricts SFB from providing inflationary funding above the formula amount for new school construction projects.
- Suspends the Building Renewal Formula for FY 2009-10.
- Authorizes SFB, by December 31, 2010, to enter into lease-to-own transactions up to \$100,000,000 for qualified school construction bonds as authorized by ARRA for new construction projects and directs SFB to give priority in awarding new school construction funding to school districts whose projected FY 2009-10 ADM exceeds their capacity.
- Prohibits SFB from authorizing or awarding funding, other than funding through the qualified school construction bonds, for the design or construction of any new school facility or for school site acquisitions for FY 2009-10.
- Requires school districts to submit capital plans to SFB during FY 2009-10 and allows SFB to review and award new school facilities, subject to future appropriations.

AIMS Test

- Prohibits standards measured by the AIMS test in content areas other than reading, writing, and mathematics from being required for high school graduation and requires any additional assessments adopted for high school pupils to measure college and career readiness.
- Lifts the one-year contract limit on SBE for new AIMS test contracts.
- Establishes the nine-member Task Force on Assessments to Measure College and Career Readiness (Task Force) to examine and evaluate existing tests that measure college and career readiness, are used for admission to postsecondary institutions, or are used by postsecondary institutions to award academic credit or placement.
- Directs the Task Force to recommend a process for the selection of one or more tests to be administered in grade 9 beginning in 2011 and in grade 11 beginning in 2012.

Audits

- Permanently authorizes ADE to conduct financial, compliance, or ADM audits of school districts and charter schools.

- Specifies that the OAG may conduct financial, program, compliance, or ADM audits of school districts and charter schools.
- Allows a school district, if permitted by federal law, to convert to a biennial audit schedule for its financial and compliance audits if its previous annual audit did not contain a *significant negative finding*.
- Requires a school district on a biennial audit schedule to convert back to an annual audit schedule if a biennial audit contains a significant negative finding. The district may convert back to the biennial schedule after two annual audits without significant negative findings.

School Districts and School District Governing Boards

- Specifies that a school district is not required to engage in competitive bidding to place a pupil in an ADE-approved private school that provides special education services as required by that pupil's Individualized Education Program.
- Eliminates the requirement for a school district to annually submit a report to SBE if it uses construction-manager-at-risk, design-build, qualified select bidders list, or job-order-contracting to procure construction services.
- Removes requirements for a school district governing board to employ a real estate attorney to negotiate a lease longer than five years and annually assign an employee to participate in multi-hazard crisis training.
- Authorizes a school district to confidentially maintain all documentation regarding incidents of bullying, harassment, or intimidation of pupils, but stipulates that documentation cannot be used to impose disciplinary action unless the reported incidents have been investigated and determined to have occurred.
- Exempts IGAs between two school districts or between a school district and another public governing body from the competitive bidding requirements established by SBE.
- Lifts restrictions on the use of monies obtained by a school district from the sale of advertising space on school buses and allows a school district to sell advertising space on its athletic facilities and on its websites.
- Permits a school district governing board to adopt a policy or decide by vote to have all pupil expulsion hearings conducted by an independent hearing officer.
- Provides that a school district must conduct a public hearing before revising its budget only if the budget exceeds the general budget limit by 1% or \$100,000, whichever is less.
- Permits any school district to apply to the SBE for accounting responsibility independent of the county school superintendent.

School Personnel

- Removes all statutorily mandated deadlines for notifying teachers of the school district governing board's decision to not renew a teaching contract.
- Removes the statutorily mandated deadline for notifying tenured teachers of a general salary reduction.
- Eliminates the current prohibition against the salary reduction of a tenured teacher except under a general salary reduction applied equitably to all tenured teachers.
- Prohibits school districts and charter schools from adopting policies that give employment retention priority to teachers based on tenure or seniority.

- Deletes the requirement for a school district to give a preferred right of reappointment to teachers in the order of original employment.
- Prohibits school district employment contracts from including compensated days for *professional association activities*, but specifies that employees may use compensated leave time for any personal, professional, or other lawful purpose.
- States that SBE cannot require a school district superintendent or business manager to obtain state certification.
- Allows a school district to hire a business manager with *expertise in finance*.
- Permits a school district governing board to set the qualifications for the superintendent of the district at a public meeting and requires a superintendent to have a valid FPCC.
- Changes the effective date for dismissal or suspension without pay of a teacher from 30 days to 10 days after giving notice of the intent to dismiss or suspend, and reduces the amount of time given for a teacher to file a written request for a hearing from 30 days to 10 days after receiving notice of the intent to dismiss or suspend.
- Reduces the amount of time a school district must allow a teacher to correct inadequate classroom performance from 85 days to 60 days after giving notice of inadequacy.
- Extends the timeframe by which a school district governing board must conduct a hearing requested by a teacher who has been dismissed or suspended without pay from at least 10 but no more than 25 days to at least 15 but no more than 30 days after the request is filed.

Transportation School Districts

- Allows a county school superintendent, until July 1, 2010, to suspend a *transportation school district* and report the suspension to the county BOS if the transportation school district:
 - Is located in a county with a population between 120,000 and 150,000 persons.
 - Has an average daily membership of less than 50 pupils between the ages of 6 and 21 for three months during the school year.
- Authorizes the county BOS to declare the transportation school district lapsed and annex the territory to one or more adjoining school districts.

Miscellaneous

- Removes the requirement for IGAs to be filed with the SOS or appropriate county recorder.
- Instructs JLBC to factor in prior year shortfalls or surpluses when estimating the per-pupil Classroom Site Fund amounts for each budget year.
- Allows the oath of office to be taken at the commencement of the term of office.
- Suspends the annual performance audit of the AIMS Intervention and Dropout Prevention Program for FY 2009-10.
- Suspends the ADE biennial cost study of special education programs in FYs 2009-10 and 2010-11.

HB 2012 – Chapter 9 – higher education; budget reconciliation

Makes statutory and session law changes related to higher education in order to implement the FY 2009-10 state budget.

Community College Districts

- Eliminates the “hold harmless” provision that prevents a community college district from receiving less operating state aid than the previous year even if enrollment declined.

- Changes the eligibility threshold for growth funding from growth above the district's FY 2003-04 enrollment to any growth that exceeds the district's prior year enrollment level.
- Suspends capital outlay funding for community college districts in FY 2009-10.
- Stipulates that operating state aid for community college districts in FY 2009-10 is the amount provided in the general appropriations act.
- Allows a community college district to use any portion of its capital outlay funding for operating aid purposes in FY 2009-10.
- Authorizes a community college district that provides services to a provisional community college district to include the students from the provisional district in its student count for the purpose of computing its constitutional expenditure limitation in FYs 2009-10 and 2010-11.
- Beginning in FY 2010-11, funds community college district dual enrollment at 50% of the state aid the community college district would otherwise receive for those students.
- Consolidates reporting on students, faculty, and dual enrollment into the annual report required to be submitted by each community college district by November 1.
- Instructs a community college district governing board to publish their proposed budget on the district's website.

Universities and ABOR

- Reduces the appropriation made from the state GF to ABOR in FY 2009-10 by \$100,000,000 and requires ABOR to proportionally reduce funding to the universities.
- Appropriates \$100,000,000 from the GF to ABOR in FY 2010-11 for the deferral of payments in FY 2009-10 which is to be distributed by ABOR to the universities no later than October 1, 2010.
- Stipulates that state lottery distributions made to the University Capital Improvement Lease-to-Own and Bond Fund (Fund) for FY 2009-10 and FY 2010-11 cannot exceed 80% of the annual payments for the \$167,671,200 lease-to-own and bond agreements that were previously favorably reviewed by JCCR.
- Prohibits ABOR from obligating state lottery revenues above the amounts previously authorized or obligating any GF monies for lease-to-own and bond transactions.
- Allows, beginning in FY 2011-12, up to \$800,000,000 of state lottery revenues to be distributed to the Fund for the remaining new lease-to-own and bond agreements.
- Suspends the requirement for the Legislature to appropriate \$2 for every \$1 raised by student fees deposited into the Arizona Financial Aid Trust for FY 2009-10.
- Identifies the Arizona State University (ASU) West campus and the ASU East campus as individual budget units separate from ASU Main.
- Requires ASU Main to provide administrative support for the ASU West and East campuses.
- Directs ABOR and the OAG to develop a uniform accounting and reporting system for universities. The system must be reviewed by the JLBC before final adoption by ABOR.
- Requires ABOR to separately report the basic actual full-time equivalent student enrollment for resident students, which must be annually audited by the OAG.
- Directs ABOR, by March 31, 2010, to electronically submit a report to JLBC that includes a list of invited paid speakers and their associated costs for FY 2009-10.

Miscellaneous

- Specifies that a student is not eligible to participate in the Leveraging Educational Assistance Program (Program) unless the student meets all of the following requirements:
 - Is an Arizona resident.
 - Demonstrates financial need under the criteria established for the Program.
 - Attends an approved Arizona university program at least half-time.
- Changes the date, from August 1 to November 1, by which each state agency and community college district must submit information to the Governor's Council on Workforce Policy (Council) for the Council's annual report. Also changes the date, from September 1 to December 1, by which the Council must submit its annual report to the JLBC.
- Retroactive to June 30, 2009, allows the Board of Medical Student Loans to apportion less than 50% of the monies in the Medical Student Loan Fund in FY 2009-10 to students attending private medical schools.

HB 2013 – Chapter 10 – health and welfare; budget reconciliation

Makes statutory and session law changes related to health and welfare programs in order to implement the FY 2009-10 state budget.

- States that DHS shall give priority to services such as assessment, crisis intervention, case management, and screenings when allocating monies for behavioral health services, and stipulates that providers shall not be held liable for refusing to provide uncompensated, non-emergency behavioral health services to persons who are not seriously mentally ill.
- Eliminates health care institution, child care facility, and child care group home licensure fees and allows the Director of the DHS to establish and collect fees for those entities.
- Creates the Health Services Licensing Fund (HSL Fund) to be administered by the DHS, the monies of which are to be subject to legislative appropriation and exempt from lapsing.
- Requires counties to pay 100% of the costs of restoration-to-competency in FY 2009-10, and exempts counties from expenditure limitations for this purpose.
- Requires the DHS when allocating resources to behavior health services to establish a list of priority services to be posted on their Website for the non-title XIX population.
- Requires cities and counties to reimburse the DHS for 25% of the costs of commitment for sexually violent persons in FY 2009-10.
- Eliminates dentures as an AHCCCS covered service retroactive to June 30, 2009.
- Repeals the Temporary Medical Coverage Program.
- Eliminates the KidsCare Parents program.
- Specifies the DSH funding formula for FY 2009-10 to include payments for the Maricopa County Special Health Care District, the Arizona State Hospital, and qualifying private hospitals.
- Specifies the amounts the counties shall contribute for acute care in FY 2009-10 totaling \$51,711,900.
- Stipulates that county contributions for the administrative costs of implementing Proposition 204 of 2000 are excluded from the county expenditure limitations.
- Requires the AHCCCS system administrator to analyze a variety of methods for provider assessments for federally matched programs retroactive to September 30, 2009.

- Stipulates that ambulance reimbursement by the AHCCCS is not subject to the rates established for those services by the DHS for FY 2009-10.
- Permits AHCCCS, for contract year 2010, to reduce by one level the thresholds beyond which patient costs are paid by reinsurance retroactive to September 30, 2009.
- Allows AHCCCS to reduce the risk contingency rate setting for all managed care organizations by 50% and impose a 5.88% reduction on funding for all managed care organizations administrative funding levels for contract year 2010 retroactive to September 30, 2009.
- States the intent of the Legislature for AHCCCS comply with the federal False Claims Act to maximize savings, and continue to consider best available technologies for detecting fraud.
- Eliminates the allowance for AHCCCS to reduce institutional provider rates by up to 5%, but maintains that allowance for non-institutional providers retroactive to September 30, 2009.
- Stipulates that AHCCCS one-month rollover payment will bear interest of 0.5% a year.
- Requires ADOA, for the purposes of state employee health insurance to define *dependent* as a spouse, a child under the age of 19, or a child under the age of 23 who is a full-time student retroactive to September 30, 2009.
- Stipulates that ADOA shall not implement a differentiated health insurance premium based on the integrated or nonintegrated status of a health insurance plan available to state employees.
- Requires DES to test recipients of Temporary Assistance for Needy Families (TANF) when there is reasonable cause to believe they are engaging in the illegal use of controlled substances for which they do not have a prescription, and further stipulates that recipients who test positive are to be ineligible for TANF benefits for one year.
- Allows DES to reduce maximum income eligibility levels for child care assistance in order to manage within available monies in FY 2009-10, and requires the DES to report to JLBC within fifteen days after implementing any change.
- Eliminates the public regenerative tissue repository funding enacted in FY 2007-08 of \$1 million a year for five years to the Arizona Biomedical Research Commission.
- Makes a variety of conforming changes to account for the previous elimination of the General Assistance program.

HB 2014 – Chapter 5 – environment; budget reconciliation

Makes statutory and session law changes related to the environment in order to implement the FY 2009-10 state budget.

- Increases the time livestock officers and inspectors have to inspect livestock from 12 hours to 48 hours.
- Eliminates requirement for monies in the Land Conservation Fund Administration Account unobligated at the end of the fiscal year be credited to the Public Conservation Account.
- Appropriates investment earnings exceeding \$500,000 from the Land Conservation Fund to the Arizona State Parks Board for operating state parks.
- As session law, authorizes the Arizona State Parks Board to spend up to \$692,100 of its portion of the Off-Highway Vehicle Recreation Fund in FY 2009-10 for operating expenses.

- As session law, specifies that all monies in the State Parks Enhancement Fund are available in FY 2009-10 for either:
 - The operation of state parks, as appropriated by the Legislature.
 - Capital needs as determined by the Arizona State Parks Board with JCCR approval.
- As session law, makes two transfers of \$1,500,000 from the Arizona State Parks Board Heritage Fund to the Fire Suppression Revolving Fund in FY 2009-10.
- As session law, stipulates that any remaining monies transferred from the Heritage Fund to the Fire Suppression Revolving Fund exceeding \$2,000,000 at the end of calendar years 2009 and 2010 revert to the Heritage Fund.
- Requires the Department, by October 1, 2009, to transfer \$3,819,700 to the state GF.
- Requires the Department, on or before June 30, 2010, to transfer \$3,257,800 to the GF.
- Establishes the TLMF, consisting of up to 10% of the annual proceeds of:
 - Each beneficiary's trust lands.
 - The sales of natural products or property from each beneficiary's trust lands.
- Authorizes the State Land Commissioner (Commissioner) to determine the percentage of proceeds to be deposited in the TLMF each year, requires the percentage to be the same for all beneficiaries, and directs the Commissioner to notify JLBC and the Governor's Office of Strategic Planning and Budgeting (OSPB) of the percentage by September 1 of the preceding fiscal year.
- Stipulates that monies in the TLMF are subject to legislative appropriation and must be used exclusively to manage trust lands.
- Authorizes the State Treasurer, on notice from the Commissioner, to invest and divest monies in the TLMF with returns on investments credited to the TLMF.
- Exempts monies in the TLMF from lapsing. However, if the fiscal year end-balance is more than twice the Department's budget for the next fiscal year, the excess amount is credited to the permanent funds proportionately.
- Deposits \$600,000 from the fees collected by the Department into the TLMF in FY 2009-10.
- Appropriates \$9,773,500 in FY 2009-10 from the Trust Land Management Fund (TLMF) to the Department for the management of state trust lands.
- Specifies that within 30 days of the effective date of this act, the Commissioner must notify JLBC and OSPB of the percentage to be deposited in the TLMF.
- Applies the provisions relating to the TLMF retroactively to June 30, 2009.
- As session law, stipulates that the annual appropriation to the Arizona Water Protection Fund from the GF is specified in the General Appropriations Act.
- Requires the Arizona Department of Water Resources to include separate accounting for the Nevada water banking subaccount in its budget request.
- As session law, suspends the administrative cap on the Assurance Account of the Underground Storage Tank Revolving Fund for FY 2009-10 and authorizes DEQ to transfer \$6,531,000 from the Assurance Account for administrative costs of the Underground Storage Tank Leak Prevention Program and for the Used Oil Program.
- As session law, authorizes sanitation districts of less than 50,000 persons, cities, towns and counties to accept WIFA without an election during FY 2009-10 and FY 2010-11, provided the funding was made available by ARRA.

VETOED BILLS



* Strike-Everything Amendment
[E] Emergency Clause
[P 105] Proposition 105 Clause
[P 108] Proposition 108 Clause
[LIV] Line Item Veto

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SB 1025	*general revenues; budget reconciliation.....	111

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SB 1025 – VETOED – *general revenues; budget reconciliation

Made statutory and session law changes to state revenues to implement the FY 2009-2010 state budget:

- Accelerated the presumption of abandonment schedule for unclaimed property and redistributed the proceeds from the sale of abandoned property to the state General Fund.
- Required that Vehicle License Tax revenues collected as a result of the five year vehicle registration period option which exceeded the amount that would have been collected had the vehicles been registered for two years be deposited into the state General Fund.
- Required municipalities to contribute \$22,000,000 of local Vehicle License Tax (VLT) collections to county treasurers for distribution to local school districts in FY 2009-10.
- Permanently set the assessment ratio for secondary property tax purposes on Class One property at 16% beginning in tax year 2012.
- Required Maricopa County to transfer \$19,014,600 into the state General Fund.
- Required Pima County to transfer \$2,985,400 into the state General Fund.
- Required nonresident taxpayers to prorate their standard deduction based on Arizona income as a percent of total income.
- Permanently repealed the state equalization rate for property tax purposes.

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SECTION VI

ACRONYMS
INDEXES

ACRONYMS

(used in summaries)

AAC	Arizona Administrative Code
ABOR	Arizona Board of Regents
ACAP	Arizona Civil Air Patrol
ACPE	Arizona Commission for Postsecondary Education
ADA	Average Daily Attendance
ADE	Arizona Department of Education
ADFI	Arizona Department of Financial Institutions
ADM	Average Daily Membership
ADOA	Arizona Department of Administration
ADOC	Arizona Department of Commerce
ADOT	Arizona Department of Transportation
AG	Attorney General
AGR	Arizona Department of Agriculture
AHCCCS	Arizona Healthcare Cost Containment System
AIMS	Arizona Instrument to Measure Standards
AOI	Arizona Online Instruction
ARRA	American Recovery and Reinvestment Act
ASP	Arizona State Parks
ASRS	Arizona State Retirement System
BOD	Board of Directors
BOS	Board of Supervisors
BSL	Base Support Level
CCDF	Child Care and Development Fund Block Grant
CCW	Concealed Carry Weapons
CDL	Commercial Driver License
CORP	Corrections Officers Retirement Plan
CPS	Child Protective Services
DEQ	Arizona Department of Environmental Quality
DES	Arizona Department of Economic Security
DHS	Arizona Department of Health Services
DMMR	Arizona Department of Mines and Mineral Resources
DOC	Arizona Department of Corrections
DOI	Department of Insurance
DOR	Arizona Department of Revenue
DPS	Department of Public Safety
DRE	Arizona Department of Real Estate
DSH	Disproportionate Share Hospital
DUI	Driving Under the Influence
EORP	Elected Officials Retirement Plan
FDA	United States Food and Drug Administration
FPCC	Fingerprint Clearance Card
FTE	Full-time Employee

ACRONYMS

(continued)

G&F	Game and Fish
GF	General Fund
GPS	Global Positioning System
HOV	High Occupancy Vehicle
HURF	Highway User Revenue Fund
IDA	Industrial Development Authority
IGA	Intergovernmental Agreement
IRC	Internal Revenue Code
IRS	United States Internal Revenue Service
JCCR	Joint Committee on Capital Review
JLAC	Joint Legislative Audit Committee
JLBC	Joint Legislative Budget Committee
JPO	Juvenile Probation Officer
JTED	Joint Technological Education District
LEEV	Low Emission Energy Efficient Vehicle
LLC	Limited Liability Company
M&O	Maintenance and Operations
MVD	Motor Vehicle Division
OAG	Auditor General
OAH	Office of Administrative Hearings
OF	Other Fund
PSPRS	Public Safety Personnel Retirement System
PTOC	Property Tax Oversight Commission
R&D	Research and Development
RCL	Revenue Control Limit
ROC	Registrar of Contractors
SBCS	State Board for Charter Schools
SBE	State Board of Education
SFB	School Facilities Board
SHF	State Highway Fund
SMI	State Mine Inspector
SOS	Secretary of State
SPI	Superintendent of Public Instruction
STAN	Statewide Transportation Acceleration Needs
STO	School Tuition Organization
TAPBI	Technology Assisted Project Based Instruction
USPS	United States Postal Service
VDF	Veteran's Donation Fund
VLT	Vehicle License Tax

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