

2011 Legislative Summary

ARIZONA STATE SENATE
Fiftieth Legislature, First Regular Session
(Includes Special Sessions 1, 2 and 3)
Russell Pearce, President



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Arizona State Senate

June 29, 2011

Dear Reader:

The 2011 Legislative Summary, commonly referred to as the Spiel, was prepared by the Senate Research Staff under the direction of Russell Pearce, Arizona Senate President.

The Senate Research Staff is a nonpartisan staff that provides professional analysis services to the Arizona Senate. It is comprised of full-time legislative committee research analysts and support staff, as well as session-only interns from the state's universities. The Senate Research Staff has existed as a professional staff at the Arizona Senate for almost 40 years.

The Summary presents an overview of all legislation approved by the Legislature during the Fiftieth Legislature, First Regular Session (2011), as well as the Fiftieth Legislature, First and Second Special Sessions (2011). No legislation was enacted in the Third Special Session. Additional bill information can be obtained from the Arizona Legislature's website: www.azleg.gov.

To prepare this document, the Senate Research Staff relies on many individuals whose assistance is integral to the process and is deeply appreciated. On behalf of Senate Research Staff, I sincerely thank everyone who participated in producing this year's Spiel.

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* Editors Note: No legislation was enacted in the Third Special Session.

ACTION KEY

E - Emergency

W/O - Without Emergency

V/O - Veto Override

RFEIR – Requirements for Enactment; Initiative or Referendum

W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

Appropriations Committee

Senator Andy Biggs, Chairman



Katy Yanez, Research Analyst

Andrew Larsen, Intern

APPROPRIATIONS COMMITTEE

LEGISLATION ENACTED

displaced pupils choice grants; continuation (NOW: universities; taxpayer funded programs; restrictions) (S.B. 1116) – Chapter 158

SEE THE EDUCATION COMMITTEE.

nuclear emergency appropriation and assessment (S.B. 1135) – Chapter 132 E

An emergency measure, effective April 15, 2011, appropriating \$1,812,420 in FY 2012 and \$1,782,028 in FY 2013 from the state General Fund to the Nuclear Emergency Management Fund, and assessing the same amounts, plus interest, against consortiums of public service and municipal corporations engaged in constructing or operating a commercial nuclear generating station.

technical correction; escape; secure facility (NOW: schools; residency requirements) (S.B. 1141) – Chapter 205

Requires parents or persons who have custody of a child who will attend a school district or charter school to provide verifiable documentation of Arizona residency in accordance with guidelines adopted by the Arizona Department of Education. School districts and charter schools maintain the documentation.

shared revenues; provisional community colleges (S.B. 1217) – Chapter 249

Effective October 1, 2011, includes a provisional community college district in the distribution of Proposition 301 Workforce Development Monies (Monies). The bill specifies that for the purpose of the distribution of the Monies, the full-time student equivalent (FTSE) of a provisional district is added to the FTSE of the community college district with which the provisional district contracts. It is further stipulated that the portion of the Monies distributed to a community college district for the provisional district are to be used to provide services to students enrolled in the provisional district as approved by the provisional district's governing board.

schools; administrative tasks; reduction (S.B. 1263) – Chapter 344

SEE THE EDUCATION COMMITTEE.

AHCCCS; missed appointments; provider remedy (S.B. 1357) – Chapter 234

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

photo enforcement; DPS equipment fund (NOW: moving violations; assessment; equipment; enforcement) (S.B. 1398) – Chapter 308

Gang and Immigration Intelligence Task Force Mission (GIITEM) – Administered by the Department of Public Safety (DPS), establishes the GIITEM Subaccount within the GIITEM Fund for purposes related to border security. Monies in the GIITEM Subaccount are directly distributed to

APPROPRIATIONS COMMITTEE (Cont'd.)

county sheriffs and are subject to legislative appropriation.

Requires that any monies appropriated in FY 2012 to the State Aid to Indigent Defense Fund be deposited into the GIITEM Subaccount. The first \$1,000,000 received by the Subaccount, pursuant to the assessment outlined below, is deposited into the state General Fund (GF).

Amends Laws 2011, Chapter 33 (S.B. 1622), by eliminating the exclusion of a county official in a county with a population of more than 500,000 persons but less than 2,000,000 persons from receiving any monies from the GIITEM Fund.

Assessment – Establishes a \$13 assessment for all criminal and civil traffic offenses with the monies distributed as follows:

- a) \$8 to the State Treasurer, with \$4 dollars transferred to the Public Safety Equipment Fund (PSEF) and \$4 dollars to the GIITEM Subaccount;
- b) \$4 to the agency that investigated the offense or issued the citation, to be used to supplement, not supplant, monies available for officer safety equipment; and
- c) \$1 to the county treasurer, to be used to improve, maintain and enhance the ability of courts to collect and manage assessed monies, improve court automation and to improve case processing.

Notice of Violation (Notice) – States that if the citation issued by a law enforcement agency as a result of a photo enforcement system is served in a manner other than prescribed by rules of civil procedure, the agency must inform the person that there is no obligation to identify the driver or respond to the citation. The bill outlines similar provisions for Notices received via mail from a city or town.

Miscellaneous – In FY 2012, transfers 40 percent of remaining monies in the Photo Enforcement Fund, after paying all expenses and court costs that cover the processing of photo enforcement violations and citations, not exceeding \$7,000,000, to the PSEF.

Appropriates \$1,000,000 from the state GF in FY 2012 to DPS to enter into a memorandum of understanding with a county with a population between 300,000 and 500,000 persons to purchase equipment and supplies for deputies in the county for border security.

political flyers; petitions; homeowners' associations (S.B. 1540) – Chapter 154

Establishes knowingly removing, altering or defacing political mailers, handouts and flyers as a class 2 misdemeanor. Requires condominiums and planned communities (associations) to allow door to door political activity, but allows associations to impose certain restrictions on such activity.

nursing board; membership (S.B. 1583) – Chapter 242 E

An emergency measure, effective April 25, 2011, that allows a certified registered nurse anesthetist to be appointed by the Governor to the State Board of Nursing.

authorized third parties; ADOT (S.B. 1589) – Chapter 275

Requires the Arizona Department of Transportation (ADOT) Director to submit a report to the Governor, the President of the Senate and the Speaker of the House of Representatives on or

APPROPRIATIONS COMMITTEE (Cont'd.)

before December 31, 2011 on the provision of services by authorized third parties and any additional recommendations for future privatization of currently offered or other ADOT services.

state firearm (S.B. 1610) – Chapter 313

Establishes the Colt Single Action Army Revolver as the state firearm.

~~general appropriations 2011-2012 (NOW: 2011-2012; general appropriations) (S.B. 1612) – Chapter 24~~

Effective April 6, 2011, makes FY 2012 state General Fund (GF) and Other Fund (OF) appropriations for the operation of state government and adjusts FY 2011 state GF and OF appropriations in order to reconcile a budget shortfall.

FY 2012 Appropriations – Makes the following state GF and OF appropriations in FY 2012 over the FY 2011 appropriations.

Summary of Changes	Fund Source	Comments	FY 2012 Changes
State Board of Accountancy			
Restore Furlough Reduction	OF		16,100
Acupuncture Board of Examiners			
Restore Furlough Reduction	OF		2,000
Arizona Department of Administration (ADOA)			
Telecommunications Lease Payment	GF		(\$425,900)
Move Capitol Police to the Department of Public Safety (DPS)	GF		(1,889,200)
Move the Government Information Technology Administration (GITA) Functions to ADOA	GF		542,000
Shift of Economic Research from Commerce	GF		233,100
Risk Management/Workers Comp Losses	OF		(1,383,200)
Transfer Capitol Police to DPS	OF		(521,600)
Personnel Division Funding for Human Resource Information System Payment	OF		800,900
GITA Consolidations	OF		3,422,300
Department of Agriculture			
Technical Fee Adjustment (Revenue Offset)	GF		218,000
Technical Fee Adjustment	OF		139,000
Livestock Investigations	OF		40,600
Citrus, Fruit & Veg. Fewer Inspections	OF		(530,600)
Native Plant Fund Less Revenue	OF		(104,700)

APPROPRIATIONS COMMITTEE (Cont'd.)

Arizona Health Care Cost Containment System (AHCCCS)			
Formula Changes	GF		499,465,600
Annualize 4/1 5% Rate Reduction	GF		(62,172,600)
Transfer CRS from Dept. of Health Services	GF		36,410,600
No Proposition 204 General Fund	GF		(478,902,900)
Eligibility Verification	GF		(6,000,000)
Budget Neutrality Statutory Adjustment	OF		43,800
KidsCare Formula Adjustments	OF		(10,778,100)
Healthcare Group Administration	OF		(1,646,100)
New Prescription Drug Rebate Staff	OF		20,114,500
Arizona Commission on the Arts			
Eliminate GF Support	GF		(665,600)
State Board of Appraisal			
Compliance Officer	OF		148,900
Restore Furlough Reduction	OF		5,500
Board of Athletic Training			
Shift from Board of Occupational Therapy	OF		101,700
Attorney General			
Increase Collection Enforcement Revolving Fund	OF		2,000,000
Automobile Theft Authority			
Appropriation Alignment	OF		(849,800)
Restore Furlough Reduction	OF		6,200
Board of Barbers			
Eliminate One-time Expenditures	OF		(21,000)
Restore Furlough Reduction	OF		4,200
Board of Behavioral Health Examiners			
Meeting Security	OF		11,200
Postage	OF		7,500
Restore Furlough Reduction	OF		15,500
Biomedical Research Commission			
Shift to DHS	OF		(500,000)
State Capital Postconviction Public Defender Office			
AG Pro Rata Exemption	GF		(2,500)

APPROPRIATIONS COMMITTEE (Cont'd.)

Funding Shift	GF		40,000
Restore Furlough Reduction	GF		8,700
Ongoing Staff/County Staff	OF		162,400

State Board for Charter Schools			
Restore Furlough Reduction	GF		10,900

State Board of Chiropractic Examiners			
Computer Equipment	OF		3,000
ADOA IT Contract	OF		2,400
Restore Furlough Reduction	OF		6,700

Department of Commerce			
Shift to Arizona Commerce Authority (ACA)	GF		(1,466,500)
ACA (\$31.5 M in Diverted Revenue)	GF		31,500,000
Elimination of Department of Commerce	OF		(4,357,400)

Arizona Community Colleges			
Formula Changes	GF		9,015,200
Tribal College Funding	GF		(255,100)
Operating Aid Reduction	GF		(72,864,200)
Eliminate Santa Cruz Rural Out of County Reimbursement Subsidy	GF		(151,200)

Arizona Department of Corrections (ADC)			
Net New State/Private Beds Costs	GF		(7,283,600)
Marginal Cost - Public Beds	GF		9,199,900
Leap Year Costs	GF		800,100
Private Beds Lower Costs	OF		(1,500,000)
Narrowband Radio Conversion	OF		5,750,000
Additional Operating Authority	OF		2,750,000

Board of Cosmetology			
Restore Furlough Reduction	OF		17,700

Arizona Criminal Justice Commission (ACJC)			
Restore Furlough Reduction	OF		11,100

Arizona State Schools for the Deaf and the Blind (ASDB)			
ASDB Fund Less Revenue	OF		(2,000,000)

APPROPRIATIONS COMMITTEE (Cont'd.)

Commission for the Deaf and Hard of Hearing			
Fund Reduction and Transfer (FRAT)	OF		(200,000)
Restore Furlough Reduction	OF		18,000

Board of Dental Examiners			
Eliminate One-time Equipment	OF		(7,000)
Investigations	OF		39,500
Restore Furlough Reduction	OF		10,700

Drug and Gang Prevention Resource Center			
Elimination of Agency	OF		(344,400)

Department of Economic Security (DES)			
Developmental Disabilities Caseloads Growth	GF		92,626,700
Temporary Aid to Needy Families (TANF) Caseload Decline	GF		(28,385,600)
Additional TANF Drawdown	GF		(15,000,000)
Reduce TANF Cash Benefit Limit to 24 Months	GF		(8,600,000)
Eliminate State GF Child Care Subsidy	GF		(13,771,300)
Maintain Child Care Wait List	GF		(10,000,000)
Other Federal Funds Backfill	GF		4,500,000
Shift Adult Services to Social Services Block Grant	GF		(6,000,000)
Waiver Plan Savings	GF		(1,566,300)
TANF Contingency Fund Increase	OF		15,000,000
Reed Act Fund – Less Revenue	OF		(3,561,000)

Arizona Department of Education (ADE)			
Formula Changes/Backfill of Federal Funds	GF		143,162,200
Soft Capital Suspension	GF		(23,000,000)
Capital Outlay Revenue Limit /Additional Assistance Reduction	GF		(71,520,800)
Career Ladder Phase Down	GF		(14,500,000)
Joint Technological Education (JTED) District Qualifying Tax Rate Offset	GF		4,485,700
Student Accountability Information System (SAIS) Replacement	GF		5,000,000
9 th Grade JTED	GF		(29,780,100)
Federal Funds Cut/Backfill – EDUJobs	GF		(35,000,000)
(SAIS) Replacement	OF		1,200,000

Department of Emergency and Military Affairs (DEMA)			
Eliminate Project Challenge	GF		(1,564,500)

APPROPRIATIONS COMMITTEE (Cont'd.)

Nuclear Emergency Management	GF	See S.B. 1135	(929,500)
Military Installation Fund Reduction	GF		(2,025,000)

Arizona Department of Environmental Quality (ADEQ)

Emissions Inspection FRAT	OF		(7,520,100)
Solid Waste Fee Fund FRAT	OF		(369,500)
Clean Water Transfer to Water Quality	OF		(5,000,000)
Water Quality Increase Revenue	OF		4,263,700

Governor's Office of Equal Opportunity

Restore Furlough Reduction	GF		2,500
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State Board of Equalization

Restore Furlough Reduction	GF		6,900
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Board of Executive Clemency

Annual Leave Payout	GF		13,200
Restore Furlough Reduction	GF		7,600

Department of Financial Institutions

Eliminate One-time Equipment	OF		(53,700)
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Board of Funeral Directors and Embalmers

Restore Furlough Reduction	OF		4,400
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Arizona Game and Fish Department

Eliminate One-time Funding	OF		(1,721,500)
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Arizona Department of Gaming

Revenue Realignment	OF		(339,000)
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Arizona Geological Survey

One-time Digitization of Documents	GF	Relates to Mines and Minerals Consolidation	100,000
Restore Furlough Reduction	GF		6,500

GITA

Move Functions to ADOA	GF		(742,000)
Transfer to ADOA	OF		(3,422,300)
State Web Portal Reduction	OF		(3,650,000)

Governor's Energy Office

Transfer Energy Programs from Commerce	OF		186,700
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APPROPRIATIONS COMMITTEE (Cont'd.)

Department of Health Services (DHS)			
Formula Changes	GF		154,590,900
Annualize April 1 5% Rate Cut	GF		(13,594,400)
Counties Pay 50% of Sexually Violent Prisoners (SVP) Cost	GF		(2,670,300)
Prop 204 Elimination	GF		(43,530,800)
Move CRS program to AHCCCS	GF		(36,410,600)
Fund Vital Records Through New Fees	GF		(1,205,600)
Vital Records Self-Funding (new fees)	OF		3,188,900
Alzheimer's Research	OF		1,000,000
50% County SVP Cost Sharing (new fees)	OF		2,670,300
Transfer Biomedical Research to DHS	OF		500,000
Nursing Care Survey	OF		400,000
Prescott Historical Society			
Restore Furlough Reduction	GF		9,300
Board of Homeopathic & Integrated Medical Examiners			
Eliminate One-time Expenditures	OF		(10,300)
Restore Furlough Reduction	OF		1,100
Independent Redistricting Commission			
New Redistricting Cycle	GF		2,500,000
Arizona Commission of Indian Affairs			
Restore Furlough Reduction	GF		400
Department of Insurance			
End of Phone Payments	GF		(19,300)
Judiciary – Supreme Court			
Court Appointed Special Advocate (CASA) Revenue Alignment	OF		(500,000)
Photo Radar Enforcement Program	OF		(5,326,100)
Department of Liquor Licenses and Control			
Investigator	OF		225,000
Department of Juvenile Corrections			
Population Decline	GF		(7,215,600)
State Land Department			
CAP Water Payment	GF		96,200
Funding Shift Due to Existing Fees	GF		(2,060,000)
Funding Shift Due to Existing Fees	OF		2,660,000

APPROPRIATIONS COMMITTEE (Cont'd.)

Law Enforcement Merit System Council			
Restore Furlough Reduction	GF		1,600
Arizona State Lottery Commission			
Enacted Charitable Commissions Legislation	OF		2,400,000
Instant Ticket Sales Increase	OF		998,600
Online Vendor Fees Increase	OF		26,900
Retailer Commissions Increase	OF		1,572,200
Board of Medical Student Loans			
Fund Continuing Students Only	GF		(335,900)
Medical Student Loan Fund Reduction	OF		(8,800)
State Mine Inspector			
One Time Named Claimants Funds	GF		(1,700)
Restore Furlough Reduction	GF		18,600
Restore Furlough Reduction	OF		1,300
Department of Mines & Mineral Resources			
Move Functions to Geological Survey & AZ Historical Society	GF		(226,100)
Naturopathic Physicians Medical Board			
Restore Furlough Reduction	OF		5,200
Nursing Care Inst. Admin. Board			
Restore Furlough Reduction	OF		4,500
Arizona Navigable Stream Adjudication Commission			
Restore Furlough Reduction	GF		1,500
Occupational Safety & Health Review Board			
Operating Costs	GF		15,000
Board of Occupational Therapy Examiners			
Shift to Board of Athletic Training	OF		(101,700)
Restore Furlough Reduction	OF		3,700
State Board of Dispensing Opticians			
Equipment	OF		4,500
Restore Furlough Reduction	OF		1,300

APPROPRIATIONS COMMITTEE (Cont'd.)

Arizona Board of Osteopathic Examiners			
OAH Hearings – One-Time	OF		7,500
Restore Furlough Reduction	OF		8,700
State Board of Optometry			
Restore Furlough Reduction	OF		3,000
Arizona State Parks Board (Parks)			
Statutory End of Land Conservation Funds	GF		(20,000,000)
Enhancement Fund (Foregone GF)	OF		1,134,600
Personnel Board			
Restore Furlough Reduction	OF		2,800
Arizona Pioneers' Home			
Restore Furlough Reduction	GF		13,800
Office of Pest Management			
Ongoing Service Fee Adjustment	OF		525,000
Arizona State Board of Pharmacy			
Restore Furlough Reduction	OF		23,500
Board of Physical Therapy Examiners			
Investigation	OF		8,000
Restore Furlough Reduction	OF		4,300
Technology	OF		500
State Board of Podiatry Examiners			
Restore Furlough Reduction	OF		1,700
Commission for Postsecondary Education			
Shift of Math/Science from Arizona Board of Regents (ABOR)	GF		176,000
Restore Furlough Reduction	OF		10,200
Board for Private Postsecondary Education			
Restore Furlough Reduction	OF		5,000
State Board of Psychologist Examiners			
Restore Furlough Reduction	OF		4,300
Department of Public Safety (DPS)			
Move Capitol Police From ADOA	GF		1,889,200

APPROPRIATIONS COMMITTEE (Cont'd.)

Photo Radar Enforcement Program	OF		(11,064,800)
Transfer of Capitol Police to DPS	OF		1,161,600

Arizona Department of Racing			
New Fee Shift to Self-Funding	GF		(1,042,000)
Restore Furlough Reduction	GF		21,800
Create Racing Regulation Fund	OF		1,042,000

Radiation Regulatory Agency			
Nuclear Emergency Management	GF	See S.B. 1135	(639,500)
Restore Furlough Reduction	GF		16,800
Fee Authority	OF		500,000
Restore Furlough Reduction	OF		3,400

Arizona Rangers' Pensions			
End of Program	GF		(14,200)

Residential Utility Consumer Office			
Restore Furlough Reduction	OF		15,400

Board of Respiratory Care Examiners			
Firewall	OF		5,000
Database	OF		44,000
Restore Furlough Reduction	OF		4,400

Arizona State Retirement System			
Investment Management Program	OF		302,700
Risk Management Strategies	OF		12,000
Design Plan Change	OF		(1,341,700)
Contribution Rate Administration	OF		600,000

School Facilities Board (SFB)			
New School Debt Service Change	GF		36,585,600
Restore One-time Debt Service Savings	GF		60,000,000
Restore Furlough Reduction	GF		18,400

Secretary of State (SOS)			
Litigation Costs (Chavez v. Brewer)	GF		85,000
Record Service Less Revenue	OF		(95,000)
Election Systems Improvement Less Revenue	OF		(6,000,000)

APPROPRIATIONS COMMITTEE (Cont'd.)

State Boards' Office			
Restore Furlough Reduction	OF		3,500
State Board of Tax Appeals			
Restore Furlough Reduction	GF		3,800
State Board of Technical Registration			
Computer System	OF		100,000
Restore Furlough Reduction	OF		21,200
State Treasurer			
Restore Furlough Reduction	OF		9,300
Universities - ABOR			
Shift of Math/Science Program to CPSE	GF		(176,000)
Universities – Arizona State University – Tempe			
Lump Sum Reduction	GF		(73,868,000)
Enrollment Growth	OF		18,217,800
Universities – Arizona State University – East Campus			
Lump Sum Reduction	GF		(5,711,700)
Enrollment Growth	OF		305,600
Universities – Arizona State University – West Campus			
Lump Sum Reduction	GF		(10,375,200)
Enrollment Growth	OF		(3,138,100)
Universities – Northern Arizona University			
Lump Sum Reduction	GF		(30,043,600)
Enrollment Growth	OF		5,103,000
Universities – University of Arizona –Main			
Lump Sum Reduction	GF		(60,706,800)
Enrollment Growth	OF		6,935,600
Universities – University of Arizona – Health Sciences Center			
Lump Sum Reduction	GF		(17,294,800)
Enrollment Growth	OF		123,600
Department of Veterans' Services			
One-time Veterans' Home Start-up	GF		1,853,400
New Tucson Veterans' Home	OF		2,746,100
Conservatorship Program	OF		125,000

APPROPRIATIONS COMMITTEE (Cont'd.)

Veterinary Medical Examining Board			
Restore Furlough Reduction	OF		5,800
Department of Water Resources			
Shift to New City Fees	GF		(795,600)
New City Fees of \$7M	OF		795,600
Department of Weights and Measures			
Restore Furlough Reduction	GF		9,700
Restore Furlough Reduction	OF		16,800

Transfers the following amounts to the state GF in FY 2011 and FY 2012 as indicated:

Fund	FY 2011	FY 2012
State Board of Accountancy		
Board of Accountancy Fund	0	15,500
Acupuncture Board of Examiners		
Acupuncture Board of Examiners Fund	0	1,900
ADOA		
AFIS II Collections Fund	0	442,200
Air Quality Fund	0	136,000
Automation Operations Fund	0	837,300
Capital Outlay Stabilization Fund (COSF)	0	97,600
Capitol Police Administrative Towing Fund	0	600
Construction Insurance Fund		201,600
Co-op State Purchasing Agreement Fund	0	7,900
Emergency Telecommunications Revolving Fund	0	2,212,100
IGA and ISA Fund	0	57,400
Information Technology Fund	0	78,600
Motor Vehicle Pool Revolving Fund	0	26,800
Personnel Division Fund	0	477,600
Risk Management Revolving Fund	5,000,000	16,081,900
Special Employee Health Insurance Trust Fund	0	40,335,800
Special Events Fund	0	2,100
State Employee Travel Reduction Fund	0	45,900
State Surplus Materials Revolving Fund	0	18,700
State Web Portal Fund	0	6,500,000
Statewide Payroll Fund	300,000	150,000
Telecommunications Fund	0	4,700,000
Traffic and Parking Control Fund	0	400

APPROPRIATIONS COMMITTEE (Cont'd.)

Office of Administrative Hearings		
IGA and ISA Fund	0	31,400
Department of Agriculture		
Administrative Support Fund	0	1,300
Commercial Feed Fund	0	5,800
Designated Fund	0	9,000
Fertilizer Materials Fund	0	8,100
Pesticide Fund	0	7,700
Seed Law Fund	0	1,100
AHCCCS		
Healthcare Group Fund	0	443,400
Intergovernmental Service Fund	0	635,500
Third Party Collections Fund	0	608,200
Board of Appraisal		
Board of Appraisal Fund	0	5,300
Arizona Commission on the Arts		
Arts Trust Fund	0	115,400
Attorney General		
Antitrust Enforcement Revolving Fund	0	3,900
Attorney General Legal Services Cost Allocation Fund	0	220,600
Criminal Justice Enhancement Fund (CJEF) Distribution Fund	0	334,500
Collection Enforcement Enhancement Fund	0	40,000
Consumer Protection-Consumer Fraud Revolving Fund	0	517,400
Criminal Case Processing Fund	0	2,700
Interagency Service Agreements Fund	0	384,100
Intergovernmental Agreements Fund	0	49,900
Risk Management Revolving Fund	0	1,046,900
Victims' Rights Fund	0	44,400
Victims' Witness Fund	0	1,800
Automobile Theft Authority		
Automobile Theft Authority Fund	0	887,600
Board of Barbers		
Board of Barbers Fund	0	3,900
Board of Behavioral Health Examiners		
Board of Behavioral Health Examiners Fund	0	14,900

APPROPRIATIONS COMMITTEE (Cont'd.)

State Board of Chiropractic Examiners		
Board of Chiropractic Examiners Fund	0	6,400
Arizona Commerce Authority (ACA)		
Arizona Job Training Fund	0	5,000
Commerce Workshop Fund	0	2,900
Nursing Education Demonstration Project Fund	0	1,993,800
Constable Ethics Standards and Training Board		
Constable Ethics Standards and Training Fund	100,000	60,000
Arizona Corporation Commission		
Arizona Arts Trust Fund	0	1,500
Investment Management Regulatory and Enforcement Fund	0	248,200
Public Access Fund	0	148,700
Securities Regulatory and Enforcement Fund	0	135,500
Utility Regulation Revolving Fund	0	1,551,700
ADC		
Arizona Correctional Industries Revolving Fund	0	293,500
Community Corrections Enhancement Fund	0	500,000
Indirect Cost Recovery Fund	0	800
Interagency Service Agreement Fund	0	2,500
State Department of Corrections Revolving Fund	0	2,000,000
State Education Fund for Correctional Education	0	754,400
Cosmetology Board		
Board of Cosmetology Fund	0	17,100
ACJC		
CJEF	0	170,300
Driving Under the Influence Abatement Fund	0	761,700
Drug and Gang Enforcement Account	0	489,500
Drug and Gang Prevention Resource Center Fund	0	267,200
State Aid to Indigent Defense Fund	0	400,000
Victim Compensation and Assistance Fund	0	307,500
ASDB		
Enterprise Fund	0	600
Regional Cooperatives Fund	0	253,500
ASDB Fund	0	220,600

APPROPRIATIONS COMMITTEE (Cont'd.)

Commission for the Deaf and the Hard of Hearing		
Telecommunication Fund for the Deaf	200,000	1,587,300

State Board of Dental Examiners		
Dental Board Fund	0	10,300

DES		
Child Abuse Protection Fund	0	118,300
Children and Family Services Training Program Fund	0	2,500
Industries for the Blind Fund	0	244,100
Long-Term Care System Fund	30,000,000	30,000,000
Public Assistance Collection Fund	0	92,200
Special Administration Fund	0	439,100
Spinal and Head Injuries Trust Fund	0	452,400

ADE		
Education Commodity Fund	0	2,900
Education Production Revolving Fund	0	371,200
Indirect Cost Recovery Fund	0	193,000
Internal Services Fund	0	795,400
Special Education Fund	2,700,000	0

DEMA		
Emergency Response Fund	0	132,700
Nuclear Emergency Management Fund	0	16,600

ADEQ		
Air Permits Administration Fund	0	894,500
Air Quality Fund	0	619,500
Emissions Inspection Fund	0	8,023,900
Hazardous Waste Management Fund	0	62,300
Indirect Cost Recovery Fund	0	2,589,900
Institutional and Engineering Control Fund	0	300
Monitoring Assistance Fund	0	134,300
Recycling Fund	0	1,517,900
Solid Waste Fee Fund	0	369,500
Specific Site Judgment Fund	0	80,000
Underground Storage Tank Revolving Fund	0	6,154,400
Voluntary Remediation Fund	0	25,500
Voluntary Vehicle Repair and Retrofit Program Fund	0	747,200
Water Quality Assurance Revolving Fund	0	510,600
Water Quality Fee Fund	0	783,600

APPROPRIATIONS COMMITTEE (Cont'd.)

Arizona Exposition and State Fair Board		
Arizona Exposition and State Fair Fund	0	106,200

Department of Financial Institutions		
Financial Services Fund	0	1,018,500
Revolving Fund	0	5,500

Department of Fire, Building and Life Safety		
Building and Fire Safety Fund	0	8,200

Office of the State Forester		
Cooperative Forestry Fund	0	45,400
Fire Suppression Fund	0	280,100

State Board of Funeral Directors and Embalmers		
Board of Funeral Directors and Embalmers Fund	0	4,200

Arizona Game and Fish Department		
Heritage Fund	0	125,500
Watercraft Licensing Fund	0	549,200

Arizona Geological Survey		
Geological Survey Fund	0	12,900

Office of the Governor		
IGA and ISA Fund	0	15,800
Indirect Cost Recovery Fund	0	11,600

DHS		
Child Fatality Review Fund	0	3,700
Emergency Medical Services Operating Fund	0	1,086,500
Environmental Laboratory Licensure Revolving Fund	0	60,200
Health Services Licensing Fund	0	304,000
Hearing and Speech Professionals Fund	0	30,500
IGA and ISA Fund	0	642,000
Indirect Cost Fund	0	1,426,500
Newborn Screening Program Fund	0	72,300
Risk Assessment Fund	0	500
Substance Abuse Services Fund	0	800,000
Vital Records Electronic Systems Fund	0	7,300

Arizona Historical Society		
Permanent Arizona Historical Society Revolving Fund	0	2,100

APPROPRIATIONS COMMITTEE (Cont'd.)

Board of Homeopathic and Integrated Medicine Examiners		
Board of Homeopathic and Integrated Medicine Examiners' Fund	0	1,100
Department of Housing		
Housing Program Fund	0	2,257,500
IGA and ISA Fund	0	258,900
Industrial Commission		
Industrial Commission Administrative Fund	0	426,700
Department of Insurance		
Assessment Fund for Voluntary Plans	30,000	36,600
Captive Insurance Regulatory and Supervision Fund	0	70,600
Financial Surveillance Fund	0	45,700
Health Care Appeals Fund	25,000	35,400
Judiciary – Supreme Court		
Alternative Dispute Resolution Fund	0	77,900
Arizona Lengthy Trial Fund	0	400
Certified Reporters Fund	0	3,900
Confidential Intermediary and Fiduciary Fund	0	11,000
CASA Fund	0	21,100
CJEF	0	85,500
Defensive Driving School Fund	0	143,400
Photo Enforcement Fund	1,400,000	0
Public Defender Training Fund	0	71,400
Judiciary – Superior Court		
CJEF	0	85,100
Drug Treatment and Education Fund	0	43,600
Judicial Collection Enhancement Fund	0	210,100
Juvenile Delinquent Reduction Fund	0	528,300
Arizona Department of Juvenile Corrections (ADJC)		
CJEF	0	152,000
Department of Juvenile Corrections Fund	0	1,800
State Education Fund for Committed Youth	0	38,100
Legislature - House of Representatives		
Nonlapsing Fund	0	2,000,000

APPROPRIATIONS COMMITTEE (Cont'd.)

Department of Liquor Licenses and Control		
Enforcement Surcharge Enforcement Unit Fund	0	26,000
Liquor Licenses Fund	0	286,600
Arizona State Lottery Commission		
State Lottery Fund	0	1,779,300
Arizona Medical Board		
Arizona Medical Board Fund	0	122,100
State Mine Inspector		
Aggregate Mining Reclamation Fund	0	1,200
Naturopathic Physicians Medical Board		
Naturopathic Physicians Medical Board Fund	0	5,100
Arizona State Board of Nursing		
Board of Nursing Fund	0	104,000
Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers		
Nursing Care Institution Administrators' Licensing and Assisted Living Facility Managers' Certification Fund	0	4,300
Board of Occupational Therapy Examiners		
Occupational Therapy Fund	0	3,500
State Board of Dispensing Opticians		
Board of Dispensing Opticians Fund	0	1,200
State Board of Optometry		
Board of Optometry Fund	0	2,800
Arizona Board of Osteopathic Examiners in Medicine and Surgery		
Board of Osteopathic Examiners Fund	0	8,400
Parents Commission on Drug Education and Prevention		
Drug Treatment and Education Fund	0	640,700
Arizona State Parks Board		
Off-Highway Vehicle Recreation Fund	0	133,000
Publications and Souvenir Revolving Fund	0	67,700
Reservation Surcharge Revolving Fund	0	102,400
State Lake Improvement Fund	1,491,100	0
State Parks Enhancement Fund	0	2,090,000

APPROPRIATIONS COMMITTEE (Cont'd.)

Personnel Board		
Personnel Division Fund – Personnel Board Account	0	2,600
Office of Pest Management		
Pest Management Fund	0	62,600
Arizona State Board of Pharmacy		
Arizona State Board of Pharmacy Fund	0	22,500
Board of Physical Therapy Examiners		
Board of Physical Therapy Fund	0	4,100
State Board of Podiatry Examiners		
Podiatry Fund	0	1,500
Commission for Postsecondary Education		
Early Graduation Scholarship Fund	291,800	0
Postsecondary Education Fund	0	9,800
Postsecondary Education Grant	0	28,300
State Board for Private Postsecondary Education		
Board for Private Postsecondary Education Fund	0	4,800
State Board of Psychologist Examiners		
Board of Psychologist Examiners Fund	0	4,100
DPS		
Anti-Racketeering Fund	0	3,617,100
Automated Fingerprint Identification System Fund	0	11,000
Board of Fingerprinting Fund	100,000	103,200
Crime Laboratory Assessment Fund	250,000	200,000
Crime Laboratory Operations Fund	0	3,554,700
CJEF	450,000	450,000
Department of Public Safety Administration Fund	0	252,300
Department of Public Safety Joint Fund - Control Fund	0	3,850,400
Department of Public Safety Licensing Fund	0	191,200
DNA Identification System Fund	0	2,589,100
Fingerprint Clearance Card Fund	1,500,000	1,175,800
Highway Patrol Fund	0	1,897,000
IGA and ISA Fund	0	143,100
Indirect Cost Recovery Fund	0	183,500
Motorcycle Safety Fund	50,000	31,900
Parity Compensation Fund	1,000,000	600,000

APPROPRIATIONS COMMITTEE (Cont'd.)

Peace Officers' Training Fund	0	863,800
Records Processing Fund	75,000	102,500

Department of Racing		
Arizona Breeders' Award Fund	0	1,500
County Fairs Racing Betterment Fund	0	56,300
Stallion Award Fund	0	6,600

Radiation Regulatory Agency		
Nuclear Emergency Management Fund	0	5,600
Service Fees Increase Fund	0	291,100
State Radiologic Technologist Certification Fund	0	24,400

State Real Estate Department		
Education Revolving Fund	0	4,000

Residential Utility Consumer Office		
Residential Utility Consumer Office Revolving Fund	0	14,900

Board of Respiratory Care Examiners		
Board of Respiratory Care Examiners Fund	0	4,200

Arizona Department of Revenue		
Department of Revenue Administrative Fund	2,000,000	1,837,500
Liability Set-Off Fund	0	38,000

SFB		
School Facilities Revenue Bond Debt Service Fund	0	850,000
State School Trust Revenue Bond Debt Service Fund	0	110,000

SOS		
Data Processing Acquisition Fund	0	4,500
Gift Shop Revolving Fund	0	1,900
Notary Bond Fund	0	3,500
Records Services Fund	0	13,900

Board of Technical Registration		
Technical Registration Fund	0	20,400

Department of Transportation		
Air Quality Fund	0	1,100
Economic Strength Project Fund	0	100,000
State Aviation Fund	3,200,000	717,700
Transportation Department Equipment Fund	0	2,552,600

APPROPRIATIONS COMMITTEE (Cont'd.)

State Treasurer		
State Treasurer's Operating Fund	0	8,900
ABOR		
Regents Local Fund	0	265,400
Arizona State Veterinary Medical Examining Board		
Veterinary Medical Examining Board Fund	0	5,600
Department of Water Resources		
Arizona Water Banking Fund	0	312,000
Arizona Water Protection Fund	0	53,300
Arizona Water Quality Fund	0	92,500
Assured and Adequate Water Supply Administration Fund	0	12,300
Augmentation and Conservation Assistance Fund	0	52,400
Indirect Cost Recovery Fund	0	376,500
Well Administration and Enforcement Fund	0	123,000
Department of Weights and Measures		
Air Quality Fund	0	121,200

Deposits in FY 2012 \$105,373,700 of Vehicle License Tax to the state GF instead of the State Highway Fund.

Payment Deferrals – Continues the payment deferrals established in the FY 2011 state budget through FY 2012 by requiring:

- a) ABOR to defer until after July 1, 2012 \$200,000,000 which is allocated to the universities in the individual campus appropriations;
- b) ADE to defer in FY 2012 \$952,627,700 in Basic State Aid and Additional State Aid;
- c) DES to defer \$35,000,000 in payments for services provided in May and June 2012 until after July 1, 2012; and
- d) AHCCCS to suspend Acute Care capitation payments in 2012 in the amount of \$344,201,700 for up to two months.

Appropriates the above amounts to the specified agencies in FY 2013 to satisfy the deferrals.

Miscellaneous – S.B. 1612 also makes supplemental appropriations and reductions to the enacted FY 2011 budget. Forecasts state GF revenue for FY 2011, excluding the beginning balance and excluding one-time revenues at \$8,005,995,900, and \$8,648,294,200 for FY 2012. Finally, the bill requires Joint Legislative Budget Committee staff to determine, and ADOA to allocate to each agency a reduction of the \$10,000,000 made pursuant to benefit eligibility requirements and waiting periods and determined by the budget procedures reconciliation bill (S.B. 1614).

APPROPRIATIONS COMMITTEE (Cont'd.)

2011-2012; capital outlay (NOW: capital outlay; 2011-2012) (S.B. 1613) – Chapter 25

Makes appropriations and session law changes related to Capital Outlay necessary to implement the FY 2012 state budget.

Building Renewal – Appropriates the following amounts in FY 2012 to the following agencies from the specified funds for major maintenance, repair and renewal of state buildings:

Agency	Fund Source	Amount
Arizona Department of Administration (ADOA)	Capital Outlay Stabilization Fund (COSF)	\$ 6,500,000
	Department of Corrections Building Renewal Fund	\$ 4,630,500
Arizona Department of Transportation (ADOT)	State Highway Fund	\$ 1,000,000
	State Aviation Fund	\$ 50,000
Arizona Lottery Commission	Arizona State Lottery Fund	\$ 79,200
Arizona Game and Fish Department (G&F)	Game and Fish Fund	\$ 522,100

Allows the ADOA to allocate \$275,000 of its appropriated amounts to personal services and employee-related expenditures for up to 5 FTE positions each fiscal year until the building renewal projects are completed. Requires all other monies appropriated to be reviewed by the Joint Committee on Capital Review (JCCR) in order to be spent for personal services or employee-related expenditures or for maintenance contracts on building components and equipment.

Requires the appropriation to the ADOA to be reduced by the difference between the amount appropriated to the ADOA from COSF and the balance in COSF if monies in the fund are insufficient to fund the appropriation to the ADOA for building renewal.

Major Capital Projects – Appropriates the following amounts in FY 2012 to the following agencies from the specified funds for major capital projects:

Agency	Purpose	Fund	Amount
G&F	Statewide Preventative Maintenance	Game and Fish Fund	\$ 30,000
G&F	Property Maintenance	Game and Fish Capital Improvement Fund	\$ 500,000
G&F	Dam Maintenance	Game and Fish Capital Improvement Fund	\$ 500,000
ADOT	Statewide Highway Construction	State Highway Fund	\$ 209,978,000
ADOT	Airport Planning and Development	State Aviation Fund	\$ 22,300,400

ADOA – Requires ADOA to report on the status of project-specific FTE positions for capital projects in its annual capital budget request, and allows ADOA to allocate FTE positions authorized for specific projects to other projects provided that specific conditions are met. Requires ADOA to report any FTE position reallocations to the JCCR by December 15, 2011.

APPROPRIATIONS COMMITTEE (Cont'd.)

Miscellaneous – Prohibits appropriations from being spent for personal services or employee-related expenditures of state employees, excluding any services provided as part of the inmate construction program for correctional facilities.

Exempts appropriations from lapsing until the purpose the appropriation was made for is accomplished, abandoned or inactive for a full fiscal year.

Requires the JCCR to review the scope, purpose and estimated cost before the release of monies for construction of a new capital project that has an estimated cost of more than \$250,000.

~~2011-2012; state budget procedures~~ (NOW: state budget procedures; 2011-2012) (S.B. 1614) – Chapter 26

Makes statutory and session law changes relating to budget procedures in order to implement the FY 2012 state budget.

State Employment – The bill requires that state employees work regularly for at least 90 days in order to be eligible for state employee benefits. It further stipulates that a state employee must work regularly for at least six months in order to be a member of the Arizona State Retirement System (ASRS). Effective July 1, 2011, changes the employee/employer contribution split for the ASRS from 50/50 to 53/47, and transfers the savings to the state General Fund (GF).*

S.B. 1614 also allows an agency director to require agency covered employees to work reduced hours in order to comply with any reduction in appropriations. Retroactive to April 1, 2011, the bill eliminates any remaining mandatory furlough days as specified by Laws 2010, Seventh Special Session, Chapter 3.

Miscellaneous – Contains reporting requirements concerning the allocation of the government services portion of the Fiscal Stabilization Fund from the American Recovery and Reinvestment Act of 2009. Finally, the bill makes several technical adjustments including the suspension of the requirement for biennial budgets and outlines the disposition of ending fund balances.

**Please see the summary for H.B. 2024 for amendments to this section of S.B. 1614.*

~~consolidation; state agencies~~ (NOW: state agencies; consolidation) (S.B. 1615) – Chapter 27

Retroactive to July 1, 2011, makes numerous consolidatory changes to state agencies necessary to implement the FY 2012 budget. Specifically, the bill consolidates:

- a) the Government Information Technology Agency into the Arizona Department of Administration (ADOA);
- b) the Biomedical Research Commission into the Department of Health Services;
- c) the Department of Mining and Mineral Resources responsibilities not relating to the Centennial Museum into the Arizona Geological Survey; and
- d) Capitol Police from ADOA to the Department of Public Safety.

APPROPRIATIONS COMMITTEE (Cont'd.)

~~revenues; 2011-2012; budget reconciliation~~ (NOW: budget reconciliation; revenue; 2011-2012) (S.B. 1616) – Chapter 28

Makes necessary statutory and session law changes relating to general revenues to reconcile the FY 2012 state budget, including:

- a) Establishes the Seriously Mentally Ill Housing Trust Fund consisting of the first \$2.5 million of unclaimed property monies. These monies are spent on approval of the Department of Health Services (DHS) solely for housing projects for the seriously mentally ill. Requires DHS to notify a city, town, county or tribal government if a project is planned in its jurisdiction, and, before proceeding, seek comment from the governing body.
- b) Requires the Director of the Department of Revenue (DOR) to establish a tax recovery program in the period of September 1 through October 1, 2011. Taxes included for recovery are any tax administered or collected by DOR except estate tax and ad valorem property taxes. Requires the Director to abate or waive all or part of the civil penalties and impose interest at a reduced rate for taxpayers filing annually in TY 2004 through 2009. Each taxpayer is required to submit a complete and correct application and pay the tax, plus interest due, before October 1, 2011.
- c) Reduces the deposit from unclaimed property to the Housing Trust Fund, from \$10.5 million to \$2.5 million.
- d) Requires counties to transfer specified amounts to the state General Fund in FY 2012.
- e) Holds small counties harmless from the Highway User Revenue Fund shift contained in S.B. 1612.
- f) Allows the Legislature to forego appropriations to or transfers from the budget stabilization fund in FY 2012.

~~K-12 education; 2011-2012; budget reconciliation~~ (NOW: budget reconciliation; K-12 education; 2011-2012) (S.B. 1617) – Chapter 29

Makes statutory and session law changes relating to K-12 education in order to reconcile the FY 2012 state budget.

Basic State Aid – Continues the FY 2011 base level amount of \$3,267.72 and increases the transportation support level per route mile formula amount by 0.9% for FY 2012. Increases charter school additional assistance amounts for FY 2012 from \$1,607.50 to \$1,621.97 for students in grades K-8; and from \$1,873.52 to \$1,890.38 for students in grades 9-12. Directs the Arizona Department of Education (ADE) to proportionally reduce the FY 2012 additional assistance amounts apportioned to charter schools by an amount specified in the General Appropriations Act, S.B. 1612.

Directs ADE to reduce school districts' soft capital allocation (SCA) and budget limits by \$188,120,700 for FY 2012. Also directs ADE for FY 2012 to reduce the amount of basic state aid that would be otherwise allocated for Capital Outlay Revenue Limit (CORL) by \$63,864,800. However, for FY 2012, the sum of SCA and CORL reductions for school districts with fewer than 1,100 average daily membership (ADM) shall not exceed \$5,000,000.

Permanently repeals statute allowing school districts to adjust their Revenue Control Limit for actual utility costs.

APPROPRIATIONS COMMITTEE (Cont'd.)

Joint Technological Education District (JTED) – Funds state aid for JTEDs in FY 2012 at 91 percent of the amount that otherwise would be provided by law. Additionally, the bill prohibits ninth grade students from being included in a JTEDs student count or ADM.

Career Ladder – Specifies the maximum increase in the base level amount participating school districts may budget for Career Ladder or the Optional Teacher Performance Pay Program for FY 2012 through FY 2015. Outlines a new method for FY 2012 through FY 2015 for calculating equalization assistance for districts choosing to increase their base support level for Career Ladder or Optional Teacher Performance Pay Programs. Repeals the Career Ladder Program and the Optional Teacher Performance Pay Program July 1, 2015 and prohibits new teachers from participating in either program in FY 2012 through FY 2015.

School Facilities Board (SFB) – Suspends the building renewal formula for FY 2012. The SFB may not authorize or award funding for the design, construction or school site acquisition for any new school facility in FY 2012. School districts must submit capital plans and the SFB may review and award new school facilities in FY 2012, subject to future appropriations.

ADE Education Learning and Accountability Fund/System – Establishes the ADE Education Learning and Accountability Fund. The fund consists of legislative appropriations and fees collected from universities and community college districts (\$6 per full-time equivalent student). The system is required to collect, maintain and report student-level data for preschool through postsecondary students.

Early Graduation Scholarship Program (EGSP) – Limits the EGSP to students admitted before July 1, 2009 and continues funding for these existing students, subject to sufficient available funds. In FY 2012, a school district or charter school may not adjust its student count and per-pupil funding for pupils who graduate high school early and the ADE may not transfer any monies to the Commission for Post Secondary Education for the EGSP.

Miscellaneous – Suspends annual performance audit requirements for the AIMS Intervention and Dropout Prevention programs for FY 2012 and permanently repeals the special education program cost study.

higher education; 2011-2012; budget reconciliation (NOW: budget reconciliation; higher education; 2011-2012) (S.B. 1618) – Chapter 30

Makes statutory and session law changes relating to higher education in order to reconcile the FY 2012 state budget.

Community Colleges – In FY 2012, suspends the capital outlay funding formula. Allows each community college district to use any portion of its capital outlay funding for operating aid expenses for FY 2012. Specifies that the FY 2012 appropriations for operating state aid are equal to an amount provided in the General Appropriation Act, S.B. 1612. Allows a district board to delegate the authority to execute a lease that exceeds \$100,000 per year. Removes requirements specifying that a workforce development plan report be submitted to the Department of Commerce by April 1 of each year and that community college governing boards submit information to the center for vocational education regarding vocational students.

APPROPRIATIONS COMMITTEE (Cont'd.)

Universities – Suspends the statutory requirement that a 2:1 ratio of state funding to student fees be deposited into the Arizona Financial Aid Trust for FY 2012. Requires the Arizona Board of Regents (ABOR) to submit to the Joint Legislative Budget Committee by August 1 of each year a report on the graduation rates of each university campus from the previous fiscal year and retention rates ordered by each campus and class.

Board of Medical Student Loans – Effective July 1, 2012, suspends the statutory requirement that a minimum of 50 percent of loan monies be apportioned for students attending private medical schools.

Miscellaneous – Specifies that it is the intent of the Legislature that ABOR and Arizona State University, University of Arizona and Northern Arizona University work together to recommend a performance and outcome based funding structure, a financial aid model that is student structured and a method that addresses the issue of per student funding disparities for FY 2013 budget submittals.

health; 2011-2012; budget reconciliation (NOW: budget reconciliation; health; 2011-2012) (S.B. 1619) – Chapter 31

Makes the following statutory and session law changes relating to health to reconcile the FY 2012 state budget:

Arizona Health Care Cost Containment System (AHCCCS)

Eligibility – Retroactive to April 1, 2011, authorizes the AHCCCS Administration to adopt rules necessary to implement a program within available appropriations. Exempts the AHCCCS Administration from rulemaking requirements through June 30, 2013, to adopt rules that: a) make changes to the amount, duration or scope of services provided in the acute care program; b) establish and maintain rules regarding standards, methods and procedures for determining eligibility; c) make changes to reimbursement rates and methodologies, including rules relating to cost sharing responsibilities; and d) implement legislative requirements. Asserts the Legislature's intent for the AHCCCS Administration to implement a program within available appropriations if the Centers for Medicare and Medicaid Services (CMS) does not approve the Section 1115 Waiver. Finally, allows the AHCCCS Administration to re-determine the eligibility of persons who are enrolled in the AHCCCS program under Proposition 204 more often than once a year.

Cost Sharing – Subject to approval by CMS, requires AHCCCS members in acute care, Arizona Long Term Care System (ALTC) or KidsCare programs to pay the following cost-sharing amounts, beginning July 1, 2011: a) \$15 monthly premium, limited to \$60 per household per month; b) \$5 copayment for physician office visits; c) \$10 copayment for urgent care visits; and d) \$30 copayment for emergency department visits. Applies the cost-sharing amounts notwithstanding any other law and in addition to current cost-sharing requirements.

Non-emergency Transportation and Ambulance Rates – Prohibits non-emergency medical transportation for AHCCCS acute care members, except in stretcher vans and ambulances with prior authorization and initiated by a physician's direction. Establishes the rate of payment for AHCCCS ambulance services through CY 2012 at 72.2 percent, authorizes rate reductions of up to an additional five percent in CY 2012 and prohibits the AHCCCS Administration from including any approved rate increases for the remainder of CY 2011.

APPROPRIATIONS COMMITTEE (Cont'd.)

Provider Rates and Hospital Reimbursement – Authorizes the AHCCCS Administration to reduce provider rate payments by up to five percent in contract year 2012. Eliminates the payment methodology used to calculate payment for outlier claims. Effective July 1, 2011, bases the prospective tiered per diem payment rates for inpatient hospital services that are rendered after October 1, 2011, on the amounts payable for those services as of September 30, 2011. Prohibits the AHCCCS Administration from adjusting hospital tiered per diem rates for inflation in contract year 2012. Exempts the AHCCCS Administration from rulemaking requirements for one year after the effective date to implement changes to the tiered per diem rates for inpatient and outlier services.

Disproportionate Share Hospital (DSH) Payments – Continues to require the Maricopa County Special Health Care District (District) and the Arizona State Hospital (State Hospital) to provide a certified public expense (CPE) form for qualifying DSH expenditures. Prescribes procedures that apply if the CPE amount is less than estimated. Establishes DSH payments in FY 2012 and specifies payment distribution. Limits the allocation of private hospital DSH payments to hospitals that meet the federal definition of *disproportionate share qualifying hospital*, and hospitals that have over 300 beds and that are located in Yuma County. Permits political subdivisions, tribal governments and public state universities to provide matching monies for DSH payments and to designate hospitals to receive those funds in FY 2011 and FY 2012, subject to the limitations of federal law and contingent upon the approval of the AHCCCS Administration and CMS.

County Contributions – Modifies the distribution and payment of county contributions in FY 2011 and FY 2012, as follows:

- a) Increases total county contributions for ALTCS in FY 2011, from \$187,507,000 to \$192,878,000.
- b) Establishes total county contributions for ALTCS in FY 2012 at \$251,732,900.
- c) If the total cost of the ALTCS program exceeds the amounts specified in the general appropriations act in FY 2011 or in FY 2012, requires counties to pay a proportional percentage of the total cost.
- d) Requires, in FY 2012, the AHCCCS Administration to transfer to the counties a portion of enhanced FMAP monies by December 31, 2012, to comply with the Affordable Care Act.
- e) Establishes total county contributions for acute care in FY 2012 at \$48,605,300. Decreases Maricopa County's FY 2012 acute care contribution to \$20,575,000. Continues acute care contributions and related requirements in FY 2012 for all other counties at FY 2011 levels.
- f) Continues county contributions in FY 2012 for hospitalization and medical care at FY 2011 levels, for a total amount of \$2,646,200. Continues to exempt Maricopa County and continues to exclude these payments from county expenditure limitations.
- g) Continues to exclude county contributions for Proposition 204 administrative costs from county expenditure limitations.

Medical Liability Waiver – Authorizes the AHCCCS Administration to participate in any special disability workload 1115 Demonstration Waiver offered by CMS. Requires any credits provided through the Waiver to be used in the fiscal year in which they are made available. Specifies credits are used to fund the state share of medical assistance expenditures to draw down federal matching funds for Medicaid. Requires the AHCCCS Administration to report the receipt of any credits to the Joint Legislative Budget Committee (JLBC) by December 31, 2011, and June 30, 2012.

Prescription Drug Rebates – Retroactive to March 1, 2011, establishes the Prescription Drug Rebate Fund (Fund), consisting of prescription drug rebate collections, interest from late rebate

APPROPRIATIONS COMMITTEE (Cont'd.)

payments and federal monies made available for the operation of the prescription drug rebate program. Directs the AHCCCS Administration to administer the Fund. Specifies that Fund monies are used for the following purposes: a) to return the federal share of rebate collections and interest to CMS by offsetting future federal draws; b) to pay for the administrative costs of the program, including payments to the prescription drug rebate vendor; and c) to contribute to the non-federal share of payments to AHCCCS acute care contractors or providers.

Fraud Reduction – Requires the AHCCCS Administration to issue a request for information (RFI) by August 1, 2011, for mechanisms to reduce erroneous and fraudulent payments in the AHCCCS system. RFI responses may address reducing incorrect payments due to the actions of either the individual recipient or the provider of services. Requires the AHCCCS Administration to issue a request for proposal (RFP), subject to JLBC review, by October 1, 2011, and to award a contract by January 1, 2012.

Transplant Services – States the Legislature's intent that funding for transplant services that were eliminated in the FY 2011 state budget (Laws 2010, 7th Special Session, Chapter 10) be restored.

Miscellaneous – Continues the risk contingency rate setting reduction of 50 percent for all managed care organizations.

Department of Health Services (DHS)

Children's Rehabilitative Services (CRS) – Effective July 1, 2011, permanently transfers the administrative powers and duties of the CRS Program from DHS to the AHCCCS Administration.

Vital Records – Requires the Director of DHS, rather than the state registrar, to establish fees for vital records, and eliminates the requirement for the fees to be established by rule. Authorizes the Director to establish a surcharge for local registrars to access the state vital records automation system. Modifies the distribution of vital record fees between the state General Fund and the Vital Records Electronic Systems Fund. States the Legislature's intent that the total amount of fees collected in FY 2012 not exceed \$4,539,000. Exempts DHS from rulemaking requirements for two years after the effective date for the purpose of establishing the fees.

Arizona State Hospital – Requires counties to reimburse DHS for 50 percent of the costs of commitment to the State Hospital of sexually violent persons (SVP) in FY 2012. Continues to require cities and counties to pay 100 percent of the restoration to competency (RTC) treatment costs in FY 2012. Directs reimbursements for SVP and RTC costs to be deposited in the Arizona State Hospital Fund. Specifies procedures for making reimbursement payments, and excludes the reimbursement payments from county expenditure limitations.

Arizona Department of Administration (ADOA)

Permanently eliminates ADOA's authority to: a) require state agencies to make employer health insurance contributions at the beginning of the fiscal year; and b) transfer monies appropriated for that purpose to the Special Employee Health Insurance Trust Fund.

Prohibits ADOA from implementing a differentiated health insurance premium based on the integrated or non-integrated status of a state employee health insurance provider in FY 2012.

APPROPRIATIONS COMMITTEE (Cont'd.)

welfare; 2011-2012; budget reconciliation (NOW: budget reconciliation; welfare; 2011-2012) (S.B. 1620) – Chapter 32

Makes statutory and session law changes relating to welfare in order to reconcile the FY 2012 state budget. Decreases the time limit for receiving cash assistance from three years to two years. Continues, as session law: a) the ability of the Department of Economic Security (DES) to reduce income eligibility levels for child care assistance; and b) the requirement for DES to drug test cash assistance recipients who DES has reasonable cause to believe engage in the illegal use of controlled substances. Specifies that a positive drug test renders the recipient ineligible for benefits for one year.

criminal justice; 2011-2012; budget reconciliation (NOW: budget reconciliation; criminal justice; 2011-2012) (S.B. 1621) – Chapter 33

Makes necessary statutory and session law changes relating to the criminal justice system to reconcile the FY 2011 and FY 2012 state budget.

Arizona Department of Corrections (ADC) /County Jail – Establishes the Building Renewal Fund (Fund) for projects that repair or rework buildings and supporting infrastructure under ADC control. Permits the Director of ADC to use up to eight percent of the annual expenditures for routine preventative maintenance and specifies prohibitions on Fund monies use.

Permits the Director to establish a fee for deposits made to a prisoner spendable account and a one-time fee for conducting background checks on any person 18 years old or older who visits a prisoner and requires monies to be deposited into the Fund. Transfers the following amounts annually to the Fund: a) \$500,000 from the Inmate Store Proceeds Fund; b) \$500,000 from the Special Services Fund; and c) \$1,000,000 from the Correctional Industries Revolving Fund.

Requires, effective July 1, 2012, that persons sentenced to one year or less in ADC be placed in the custody of a county jail, unless the sentencing county sheriff has entered into an agreement to reimburse ADC for the incarceration costs. Details reimbursement agreement terms and penalties for noncompliance. Requires, as session law, on or before December 31, 2011, ADC to submit to the Joint Legislative Budget Committee (JLBC) a proposed schedule of charges to counties for incarceration costs in reimbursement agreements. Requires, as session law, ADC to present its FY 2013 budget plan on state-operated prison bed reductions and marginal cost savings associated with county incarceration of prisoners to JLBC by March 1, 2012. Continues, as session law, certain expenditure reporting requirements when ADC submits its FY 2013 budget request. Permits, as session law, ADC to use monies from any of the following funds for operating expenses: a) the Transition Program Fund; b) the Transition Services Fund; and c) the ADC Interagency Service Agreement Fund.

Attorney General – Raises, as session law, the non-lapsing, excess distribution cap from \$100,000 to \$500,000 for monies remaining in the Collection Enforcement Revolving Fund and specifies distribution basis.

Department of Public Safety (DPS)* – Requires monies distributed from the Gang and Immigration Intelligence Team Enforcement Mission Fund (GIITEM Fund) to go directly to a county sheriff and exempts the monies from county board of supervisors approval. GIITEM Fund monies

APPROPRIATIONS COMMITTEE (Cont'd.)

are to be used for purposes related to the following: a) employer sanctions and human and drug smuggling law enforcement; b) gang and strict immigration law enforcement, including border security and border personnel; c) county jail reimbursement costs relating to illegal immigration; and d) other previously authorized uses. Allocates GIITEM Fund monies as follows: a) the first \$1.6 million to a county sheriff of a county with a population of more than 3 million; b) \$500,000 to a county sheriff of a county with a population of less than 500,000 but more than 300,000; and c) remaining monies for GIITEM related agreements or contracts with a city, town, county or other entity. Details matching funds requirements regarding GIITEM related service agreements or contracts. Exempts certain counties based on population thresholds from the matching funds requirement and excludes a county official based on specified population from receiving GIITEM Funds. Specifies annual compliance requirements for law enforcement agencies to receive GIITEM Fund monies and details DPS reporting requirements regarding GIITEM Fund expenditures.

Expands the Public Safety Equipment Fund distribution list to include vehicles. Reduces, as session law, DNA Identification System Fund appropriations from \$3,520,00 to \$980,000. Suspends, as session law, the statutory caps and transfers that govern the level of Highway User Revenue Fund monies and State Highway Fund monies available to fund DPS Highway Patrol costs.

Courts – Specifies that the designated post of duty for a justice of the Arizona Supreme Court who resides outside of Maricopa County is the justice's place of physical residence at the time of appointment. Repeals A.R.S. § 12-270, relating to probation revocation and crime reduction performance funding.

Suspends, as session law, the following: a) various court reporting requirements; b) county non-supplanting requirements related to funding for probation services, criminal case processing and alternative dispute resolution programs and specifies reporting requirements for identifying decreases in county funding; and c) certain reimbursement requirements to counties for state funded representation of indigent defendants in capital postconviction relief proceedings and for grand jury expenses.

Miscellaneous – Continues, as session law, the requirement that Board of Executive Clemency members serve on a part-time basis and work no more than 30 hours per week without paid leave or state employee benefits. Exempts the State Capital Post Conviction Public Defender Office from the Attorney General Legal Services Cost Allocation Fund pro rata charge. Requires, in a county with a population of less than 1.5 million, the state to pay 19.25 percent of justice of the peace compensation and employee related expenditures.

**See S.B. 1398 for amendments to this section.*

general government; 2011-2012; budget reconciliation (NOW: budget reconciliation; general government; 2011-2012) (S.B. 1622) – Chapter 34

Makes necessary statutory and session law changes relating to general government to reconcile the FY 2012 state budget.

Appropriates \$90,000 and 1 FTE from the state General Fund (GF) to the Department of Emergency Affairs and \$85,000 to the Attorney General's Office. Continues the Department of Housing until July 1, 2012. Establishes the Office of Employment and Population Statistics within

APPROPRIATIONS COMMITTEE (Cont'd.)

the Department of Administration and limits, in FY 2012, the aggregate amount of all liabilities incurred during a declaration of emergency to \$2,900,000.

~~regulation; 2011-2012; budget reconciliation~~ (NOW: budget reconciliation; regulation; 2011-2012) (S.B. 1623) – Chapter 35

Arizona Department of Racing (ADR)* – As permanent law, requires the ADR and the Arizona Boxing and Mixed Martial Arts Commission to establish fees for their respective licenses, as well as specific regulatory assessments. Contains a legislative intent clause that limits the revenues brought in by these fees and assessments to \$1,042,000 in FY 2012 and \$2,062,000 in FY 2013. As permanent law, creates the Racing Regulation Fund (Fund). Directs revenues derived from permittees, permits, licenses and assessments to be deposited into the Fund. Monies in the Fund are subject to legislative appropriation.

Arizona Department of Insurance (DOI) – As session law, conditions appropriations from the state General Fund to the Arizona Property and Casualty Insurance Guaranty Fund and the Life and Disability Insurance Guaranty Fund on transfers that were directed in prior law. Suspends the requirement that DOI recover a specific amount of their appropriated budget.

Miscellaneous – As session law, allows 14 percent of the Residential Contractors' Recovery Fund's prior fiscal year revenues to be used for operational and administrative purposes. Requires the Office of Administrative Hearings to hold hearings for appealable agency actions and contested cases as soon as reasonably possible, instead of within the statutory 60 day time limit.

*See H.B. 2314 for amendments to this section.

~~environment; 2011-2012; budget reconciliation~~ (NOW: budget reconciliation; environment; 2011-2012) (S.B. 1624) – Chapter 36

Arizona Department of Agriculture (ADA) – Allows the ADA Director to continue charging existing fee amounts so long as the fees do not generate more than the following amounts: a) \$218,000 to the state General Fund; b) \$113,000 to the Pesticide Fund; and c) \$26,000 to the Dangerous Plants, Pests and Diseases Fund. Exempts ADA from rulemaking requirements for the purpose of establishing fees until July 1, 2012.

Arizona Department of Environmental Quality (ADEQ) – Caps the annual transfer to the Water Quality Assurance Fund at \$7,000,000 in FY 2012 and authorizes ADEQ to transfer \$6,531,000 from the State Assurance Fund for administrative costs associated with specified programs.

Arizona Department of Water Resources (ADWR) – Authorizes ADWR to assess and collect a municipality water fee that is proportionately based on population and deposited into the Water Resources Fund. Continues the ADWR Director's authority to increase fees in FY 2012 and exempts ADWR from rulemaking requirements until July 1, 2012 in order to establish those fees. Contains a legislative intent clause that limits additional revenues generated by fees to \$7,000,000. Suspends funding of the Arizona Water Protection Fund in FY 2012.

APPROPRIATIONS COMMITTEE (Cont'd.)

Arizona State Land Department – Allows \$9,888,400 from the Arizona Department of Administration's (ADOA) Risk Management Revolving Fund to be used by the Land Department in FY 2012 for operating expenses in the event a court order prohibits a portion of land sales from being used to fund the department.

Arizona State Parks Board (Board) – Authorizes the use of State Parks Enhancement Fund monies for park operations or authorized capital needs in FY 2012. Allows the Board to use appropriated monies in excess of \$750,000 in the Law Enforcement and Boating Safety Fund (LEBSF) for park operations, but specifies the first \$750,000 in LEBSF monies must be granted to La Paz, Mohave and Yuma counties. The Board may also spend up to \$692,100 from its portion of the Off-Highway Vehicle Recreation Fund in FY 2012 for operating expenses.

Miscellaneous – Allows \$80,000 from ADOA's Risk Management Revolving Fund to be used by the Arizona Navigable Stream Adjudication Commission in FY 2012 to pay one-time, unpaid obligations relating to legal fees.

JLBC; JCCR; reports. (H.B. 2016) – Chapter 83

Eliminates out-of-date statutory references and obsolete reporting requirements and consolidates reporting dates to the Joint Legislative Budget Committee and the Joint Committee on Capital Review.

~~privatization; correctional health services~~ (NOW: ~~privatization; correctional health services~~) (H.B. 2154) – Chapter 278 E

An emergency measure, effective April 27, 2011, requiring the Arizona Department of Corrections (ADC) to issue a Request for Information (RFI) for the privatization of all correctional health services that are provided in a state owned and operated facility within 30 days of the effective date of this act. ADC is to inform the Joint Legislative Budget Committee in executive session of any information submitted pursuant to the RFI, and issue a Request for Proposal to privatize within 90 days after JLBC review. A contract is to be awarded to the best qualified bidder and shall include the following terms:

- a) ADC or its contractor is not to reimburse or pay for services at a rate that exceeds reimbursement methodologies adopted by the Arizona Health Care Cost Containment System, and that are in effect at the time of service delivery; and
- b) the initial contract is for three years with an option to renew for two additional one-year terms.

This law replaces the requirement that ADC award a contract for correctional health services as outlined under Laws 2009, Third Special Session, Chapter 6.

tobacco revenues; tracking commission (H.B. 2158) – Chapter 255

Establishes guidelines and appointment requirements for the Tobacco Revenue Use Spending and Tracking Commission.

APPROPRIATIONS COMMITTEE (Cont'd.)

separate funds; donations; transfer prohibited (H.B. 2227) – Chapter 194

Establishes that any monies received by a state agency or institution as a gift, devise or donation are not considered a part of the state General Fund (GF) and are not transferred to the state GF unless the gift, devise or donation specifically authorizes a general state use for the monies.

~~lake improvement; boating safety; funds. (NOW: boating safety; fees; fund) (H.B. 2314) – Chapter 333~~

Law Enforcement Boating Safety Fund (LEBSF) – Effective July 1, 2012, transfers administrative responsibilities of the LEBSF from the State Parks to the State Treasurer (Treasurer), and replaces the Arizona Outdoor Recreation Coordinating Commission as the granting agency for the fund with the Game and Fish Commission (G&F Commission).

The G&F Commission annually develops a funding formula and the Treasurer distributes the LEBSF monies based on that formula to qualifying counties. The bill stipulates that only a Board of Supervisors of a county that has a law enforcement and boating program that was established prior to July 1, 1990 is eligible to receive LEBSF monies.

Arizona Department of Racing (Department) – Increases the amounts that the Department is able to generate on any fee increases, as authorized by the FY 2012 state budget (S.B. 1624) by \$400,000 in FY 2012 and \$500,000 in FY 2013. Appropriates \$400,000 in FY 2012 from the Racing Regulation Fund to the Department to meet general operating expenditures.

State Agency Fee Commission (Fee Commission) – Establishes the Fee Commission in permanent statute to review the process by which state agencies establish fees. The Fee Commission is to submit its first annual report to the Governor, the President of the Senate and the Speaker of the House of Representatives by December 31, 2011.

Indian affairs commission; fund (H.B. 2316) – Chapter 110

Makes changes to the membership of the Arizona Commission of Indian Affairs (ACIA) and removes the limit on the number of names a tribe or tribal council may submit to be considered for ACIA appointments. Allows an ACIA member to be removed at the request of a tribe or tribal council if the member was previously nominated by that tribe or tribal council. Finally, it removes the \$15,000 limit on allowable ACIA expenditures from the Indian Town Hall Fund per fiscal year to defer associated expenses.

~~residential contractors' recovery fund (NOW: taxes; aircraft; personal property) (H.B. 2341) – Chapter 300~~

Exempts aircraft, navigational and communication instruments and other accessories and related equipment sold to foreign governments and used within Arizona from the state's TPT and use tax.

APPROPRIATIONS COMMITTEE (Cont'd.)

probate; wards; rights (H.B. 2424) – Chapter 285

Establishes the Probate Advisory Panel (Panel), consisting of family members of wards, fiduciaries, an attorney, a judicial officer and a clerk of the superior court. The Panel must meet at least once a year and submit a report regarding improvements that may be made to guardianship and conservatorship statutes. The Panel is repealed July 1, 2016.

JLBC; annual report; debt (H.B. 2462) – Chapter 130

Requires the Joint Legislative Budget Committee (JLBC) staff to present an annual report on state debt and obligations to the Appropriations Committees of the Senate and House of Representatives and provide the report to the public. Outlines the types of debt on which the JLBC is to report and how that data is presented, including the requirement that the report be posted on the JLBC website with a link to the searchable database provided by the Arizona Department of Revenue (ADOR). Requires state government to report on statewide debt to ADOR for its inclusion in ADOR's searchable database.

JTEDs; adult students (H.B. 2646) – Chapter 203

Permits Joint Technical Education Districts (JTEDs) to enroll adults over the age of 22 as students on central campuses during school hours if vacant seats that have not been filled by traditional students are available. Stipulates that adult students cannot enroll in massage therapy classes or gain college credit for their participation in vocational courses. Requires JTEDs to notify parents of students under the age of 18 of the presence of adult students in their children's class. Requires adult students to obtain fingerprint clearance cards at their own cost prior to enrollment.

appropriations; named claimants (H.B. 2652) – Chapter 120

Effective April 14, 2011, H.B. 2652 is the annual general relief bill for named claimants. It appropriates \$68,687.30 to the Arizona Department of Administration for payment of various claims made against state agencies. Of that amount, \$47,278.86 is from the state General Fund and \$21,408.44 comes from other appropriated funds.

LEGISLATION VETOED

WICHE student loans; repayment (S.B. 1386) – VETOED

Requires a student entering into a contract with the Western Interstate Commission for Higher Education board to repay all sums of monies, instead of 50 percent, expended by the state, with interest at a board-established rate, if they fail to meet their contract requirements. Extends the time of the payment period from 15 years to 25 years.

In her veto letter the Governor states that while she supports the requirement that graduates who fail to meet their contract obligations repay the full amount of state support, she does not support the extension of the repayment to 25 years. She indicates that other states have much shorter repayment periods and may even include fiscal penalties for non-payment.

APPROPRIATIONS COMMITTEE (Cont'd.)

joint powers exercise; separate entities (S.B. 1497) – VETOED

Confers the Arizona constitutional and statutory rights of public agencies to the legal entities created through intergovernmental agreements and specifies that special legal entities have common governmental and proprietary powers of the contracting parties specified in the agreement establishing the entity.

In her veto message the Governor indicates that she supports creative and innovative efforts to expand the reach of higher education to rural areas but that it is unclear how S.B. 1497 accomplishes this.

legislative appropriations; federal monies. (S.B. 1561) – VETOED

Authorizes the Arizona State Legislature to appropriate non-custodial federal monies and outlines provisions for the disbursement of the monies under certain conditions.

The Governor indicates in her veto message that the disposition of federal funds is traditionally and constitutionally held by the Executive Branch. Any limitation or changes in that authority should be considered within the overall balance of power between the three branches of government.

~~municipal tax exemption; commercial lease~~ (NOW: 911 monument modification) (H.B. 2230) – VETOED

Requires the Arizona Department of Administration (ADOA) to remove existing panels from the Arizona 9/11 Commemorative Monument (Monument) that contain specified phrases and reconstruct the Monument with any additional panels necessary to contain the remaining phrases. ADOA is to sell the panels containing the specified phrases to a scrap metal dealer or other person in the business of recycling scrap metal, and deposit the monies into the newly established State Monument and Memorial Repair Fund (Fund). Requires that any private grants, gifts or contributions accepted by ADOA for the purpose of modifying the Monument be deposited into the Fund and allocated for the benefit of the Monument.

The Governor indicates in her veto message that the removal of Balbir Singh Sodhi's name from the 9/11 Memorial would have been a mistake with ramifications for the Sodhi family and the entire Sikh community in Arizona. The Governor also indicates that any further alterations to the 9/11 Memorial or any other state monument should be vetted through the Legislative Governmental Mall Commission.

legislative appropriations; federal monies (H.B. 2577) – VETOED

Authorizes the Arizona State Legislature to appropriate non-custodial federal monies and outlines provisions for the disbursement of the monies under certain conditions.

The Governor indicates in her veto message that the disposition of federal funds is traditionally and constitutionally held by the Executive Branch. Any limitation or changes in that authority should be considered within the overall balance of power between the three branches of government.

APPROPRIATIONS COMMITTEE (Cont'd.)

general fund revenue limit (H.B. 2707) – VETOED

Establishes a state General Fund (GF) revenue limit and outlines spending guidelines for the growth and reductions in revenues. Stipulates that for FY 2013 and each year after, the maximum amount of budgeted GF revenues is not to exceed the maximum amount of budgeted or actual state GF revenues, in the second preceding fiscal year, whichever is less. These limits are adjusted for population and inflation. Outlines the disposition of any excess revenues under the established limit.

In her veto message, the Governor states that the spending limit as defined in H.B. 2707 is too restrictive. The Governor maintains that unreasonable limits will be suspended or repealed and become irrelevant. She elaborates that she is in support of an effective spending limit that eliminates the state's ability to spend one-time revenues, but allows future Legislatures and Governors to manage normal revenue growth.

FIRST SPECIAL SESSION

LEGISLATION ENACTED

AHCCCS; waiver request (S.B. 1001) – Chapter 1 E (First Special Session)

An emergency measure, effective January 21, 2011, that requires the Arizona Health Care Cost Containment System (AHCCCS) Administration to apply to the Secretary of the United States Department of Health and Human Services (Secretary) for a waiver from the maintenance of eligibility requirements of the Social Security Act, as amended by the Patient Protection and Affordable Care Act (ACA). Directs the waiver to seek approval to reduce eligibility requirements for certain populations, including expansion populations and the Transitional Medical Assistance Program, that were considered optional under Title XIX of the Social Security Act before passage of the ACA. Specifies the waiver shall be effective through January 1, 2014.

On approval of the waiver request, requires the AHCCCS Administration to adopt rules regarding standards, methods and procedures for determining eligibility necessary to implement a program within the monies available from the following funding sources: a) the Arizona Tobacco Litigation Settlement Fund; b) the Proposition 204 Protection Account; and c) any other legislative appropriation and federal monies made available for the support of the program. To the extent that monies from these funding sources are insufficient to fund all existing programs, authorizes the AHCCCS Administration, subject to approval by the Secretary, to suspend any programs or eligibility.

Exempts the AHCCCS Administration from rulemaking requirements for two years after the effective date for the purposes of this legislation.

Banking and Insurance Committee

Senator John McComish, Chairman



Bill Ritz, Research Analyst

Zach Porter, Intern

BANKING AND INSURANCE COMMITTEE

LEGISLATION ENACTED

state compensation fund; conforming changes (S.B. 1102) – Chapter 157

Conforms state statutes to reflect the termination of the State Compensation Fund.

insurance; health care sharing ministries (S.B. 1122) – Chapter 184

Describes the structure and function of a health care sharing ministry (HCSM). Stipulates that a HCSM's practices do not constitute the transaction of insurance business in Arizona and are not subject to regulation by the Department of Insurance. Codifies HCSMs as non-profit organizations that are a form of faith-based medical cost sharing.

rate service organizations; examinations (S.B. 1184) – Chapter 45

Allows the Director of the Department of Insurance to examine rate service organizations as often as is deemed necessary.

service companies; exemption (S.B. 1195) – Chapter 247

Exempts a retail or maintenance service company from having to obtain a permit only if the service contract covers the following items the service company sells: a) appliances or electronic equipment, or both; b) residential heating, cooling or air conditioning systems; or c) mechanical equipment, other than motor vehicles or their components. Exempts a service company from having to obtain a permit only to the extent that the company is in the business of selling or servicing directly, or through other retailers, cell phones and other electronic personal communications devices and accessories.

auto glass repair (S.B. 1238) – Chapter 161

Modifies the unfair practices and fraud statutes regarding third party auto glass administrators. Requires a third party administrator to inform a person of his or her right to choose any glass repair facility at the time they recommend or provide information about a glass repair facility. Prohibits an independent adjuster or a third party administrator's automotive physical damage appraiser or claims inspector from recommending any particular glass repair facility. Stipulates that a first offense is a petty offense; imposes fines of \$1,500 for a second violation and \$3,000 for any subsequent violation within 18 months after a prior violation. Specifies that a person acted knowingly if the person engaged in a regular consistent pattern of the prohibited activity.

~~foreclosures; proof of ownership~~ (NOW: noncontiguous county islands; fire services) (S.B. 1259) – Chapter 269

Allows a noncontiguous county island fire district to contract with a private fire protection service provider for fire protection services and redefines a *noncontiguous county island fire district*

BANKING AND INSURANCE COMMITTEE (Cont'd.)

(district) as a district that is formed in a county that has a population of at least 1,500,000 persons and for which specific conditions apply.

Allows a district that is formed within a municipal planning area to enter into an intergovernmental agreement (IGA) with a municipal provider for fire protection services and allows a district that is not contained within a municipal planning area to enter into an IGA with a private fire protection service provider for fire protection services.

Requires a private fire protection service provider (provider) to make a formal expression of intent to enter into a contract with a district within 21 days of the formation of the district and states that the provider has the right of first refusal.

workers' compensation; reasonable accommodations (S.B. 1264) – Chapter 345 W/O

Requires wages payable for a modified job position, notwithstanding that the job is not available in the open competitive labor market, to be included in the determination of any temporary partial or permanent partial earning capacity if an employer has made reasonable accommodations pursuant to the Americans with Disabilities Act or other applicable federal or state law. Requires a person who advocates for a legislative proposal to submit a report to the Joint Legislative Audit Committee (JLAC) if the proposal as enacted either: a) mandates an insurer or self-insured employer deem that a disease or condition has arisen out of employment, including establishing a presumption of compensability; or b) substantially modifies a statute that establishes a presumption of compensability for a disease or condition. Specifies the information that must be included in the report to JLAC and requires the report to be submitted to JLAC on or before September 1 before the start of the legislative session for which the legislation is proposed. Requires JLAC to assign the report to the appropriate legislative committee of reference (COR) and for the COR to hold at least one hearing and take public testimony after receipt of the report. Requires the COR to study the report and deliver a report of its recommendations to JLAC, the Speaker of the House of Representatives, the President of the Senate, the Governor and the ICA on or before December 1 of the year in which the report is submitted.

insurance adjusters; licensure; examination (S.B. 1400) – Chapter 237

Further defines an insurance adjuster as an individual who collects claim information from or furnishes claim information to insureds or claimants and who conduct data entry, including entering data into an automated claims adjudication system, if no more than 25 persons are under the supervision of a single licensed adjuster or licensed producer. Grants reciprocity to: a) Canadian residents who have obtained a resident adjuster license in another state and designated that state as their home state; and b) nonresident license applicants who hold a license in good standing from their home state if that state issues nonresident licenses to residents of Arizona on the same basis. Allows the Director of the Department of Insurance to: a) require fingerprints of applicants in order to determine license eligibility and to submit the fingerprints and fees as prescribed by statute; and b) contract with nongovernmental entities to perform any ministerial functions, including collections of fees and data related to licensing, that the Director deems appropriate. Removes: a) the requirement for a licensed adjuster to have and maintain an office accessible to the public and keep the usual and customary records pertaining to transactions under the license; and b) the provision permitting a firm or corporation to be licensed as an adjuster if each individual who is to exercise the license powers is qualified for an individual license as an adjuster.

BANKING AND INSURANCE COMMITTEE (Cont'd.)

life settlements (S.B. 1461) – Chapter 297

Adds numerous provisions to statute regulating life settlements under the Department of Insurance. Provisions include: a) licensure requirements for providers and brokers; b) life settlement contract requirements; c) information that providers and brokers must disclose to policy owners; d) the authorization for the Director Department of Insurance (Director) to adopt rules to regulate life settlement transactions; e) the establishment of privacy protections for insureds; f) the authorization for the Director to investigate suspected fraudulent life settlement acts and persons engaged in the business of life settlements lists and provisions for examining those persons; and g) the requirement for licensed providers to file an annual statement with the Director on or before March 1 of each year and stipulates the information to be included in the statements.

~~workers' compensation deductible coverage; report (NOW: notices; commercial insurance) (S.B. 1567) – Chapter 327~~

Modifies the time frame, from 60 days to 45 days before the effective date, for written notice of cancellation or nonrenewal of a commercial insurance policy to be sent to an insured, and stipulates that if the written notice of nonrenewal is mailed less than 45 days before expiration of the policy, the coverage must remain in effect until 45 days after the written notice is mailed. Modifies the timeframe, from 60 days to 30 days before the expiration date, for written notice of premium increase, change in deductible, reduction in limits or substantial reduction in coverage to be mailed or delivered to an insured, and stipulates that notice is considered given 30 days following the date of mailing or delivery of the notice. Requires that notice of premium or coverage changes be considered given if an insurer delivers new policy terms and conditions 30 days before the expiration date of the policy.

commercial mortgage brokers; license conversion (H.B. 2004) – Chapter 11

Permits the holder of a mortgage broker license to convert the license to a commercial mortgage broker license, and exempts the Department of Financial Institutions from rulemaking procedures for one year after the effective date.

bail bond agents; civil; licensing (H.B. 2109) – Chapter 171

Prohibits a licensed bail bond agent from transacting civil bonds for a surety insurer unless the agent is also licensed as a property and casualty producer. Requires an applicant for a bail bond agent license to submit an affidavit attesting to residency in Arizona for at least one year immediately preceding the date of application and to submit a full set of fingerprints to the Arizona Department of Insurance for the purpose of obtaining a state and federal criminal records check.

insurance; risk retention groups (H.B. 2110) – Chapter 135

Classifies risk retention groups as licensed insurers. Stipulates that every insurer is subject to the requirements of the National Association of Insurance Commissioners' annual financial reporting model regulations for that calendar year except for those insurers with direct premiums written of less than \$1 million nationwide in any calendar year and less than 1,000 policyholders or certificate holders of direct written policies nationwide at the end of the calendar year, unless the Director of the

BANKING AND INSURANCE COMMITTEE (Cont'd.)

Department of Insurance makes a specific finding that compliance is necessary. Specifies that statutes relating to insurance holding company systems apply to risk retention groups.

insurance; surplus lines (H.B. 2112) – Chapter 136

Allows the Director of the Department of Insurance to enter into a compact or multistate agreement to provide for the reporting, payment, collection and allocation of taxes imposed on unauthorized surplus lines insurance covering multistate risks if, after a hearing, it is determined it is in the best interest of Arizona.

qualified financial contracts; receivership (H.B. 2113) – Chapter 46

Adds provisions, based on National Association of Insurance Commissioners model language, relating to qualified financial contracts (QFC) entered into between Arizona domiciled insurance companies that are in receivership and an outside counterparty. Stipulates that a person is not enjoined or prohibited from exercising: a) a contractual right to cause the termination, liquidation, acceleration or closeout of obligation; b) any right under a pledge, security, collateral, reimbursement or guarantee agreement; or c) any right to offset transfer obligations relating to a netting agreement or QFC. Defines a counterparty's damages in the termination of a QFC and prohibits a nondefaulting party from walking away from any settlement amount owed to an insurer. Outlines provisions for the receiver's transfer of QFCs and disaffirmance or repudiation of QFCs. Prohibits a receiver from avoiding a transfer of money or property in connection with a netting agreement or QFC or any pledge, security, collateral or guarantee agreement unless it was made with the intent to hinder, delay or defraud the insurer, receiver or existing future creditors. Stipulates that an injunction ordered by a judge of the superior court does not operate to enjoin or prohibit any right to cause the netting, liquidation, setoff, termination, acceleration or closeout of obligations or enforcement of any security agreement in connection with any netting agreement or QFC.

national banks; mortgage loan originators (H.B. 2296) – Chapter 172

Allows a federally registered bank that is exempt from state licensure as a mortgage broker to file for a certificate of exemption with the Department of Financial Institutions in order to reasonably supervise the activities of a mortgage loan originator who is employed by the bank.

escrow agents; recovery fund; repeal (H.B. 2297) – Chapter 51

Repeals the Escrow Recovery Fund and directs any remaining monies on the effective date to be transferred to the state General Fund. Requires a real property escrow agent to disclose to the buyer and seller of a residential dwelling that the title insurer must offer, on request, a closing protection letter. Removes the requirement for the Superintendent of the Department of Financial Institutions to conduct semiannual surveys of each regulated escrow agent and to make the results available to the public.

credit card agreements. (H.B. 2412) – Chapter 57

Requires an action for debt to be commenced and prosecuted within six years after the cause of action accrues if the indebtedness is evidenced by or found on a credit card or other revolving debt agreement. Stipulates that in the case of a conflict between Arizona and another jurisdiction relating to the statute of limitations for a debt action, the six year requirement applies.

BANKING AND INSURANCE COMMITTEE (Cont'd.)

workers' compensation; certain diseases; exposure (H.B. 2476) – Chapter 317

Increases the time period that an employee has to report, in writing, to an employer the details of possible significant exposure to methicillin-resistant staphylococcus aureus (MRSA), spinal meningitis or tuberculosis from 10 calendar days to 30 calendar days. Modifies the time period that an employee must be diagnosed with MRSA from 2 to 10 days to 15 days after reporting the possible exposure.

workers' compensation; directed care (H.B. 2584) – Chapter 93

Establishes a pilot program to allow a city with a population of more than 150,000 persons and a self-insured county insurance pool to direct care to specific medical, surgical and hospital providers.

workers' compensation; controlled substances (H.B. 2616) – Chapter 338

Stipulates that, upon written request of an interested party, physicians are required to include the following information in their workers' compensation reports: a) the use of a narcotic or opium based controlled substance or the prescription of a combination of narcotics or opium based controlled substances greater or equal to 120mg morphine equivalent dose per day; and b) the prescription of a long-acting or controlled release opioid for acute pain. Requires that the workers' compensation reports include justification for the controlled substance and a treatment plan. Allows an interested party to request that a physician submit an inquiry to the state Board of Pharmacy requesting information on a prescription compiled under the Controlled Substance Prescription Monitoring Program. Specifies that failure of a physician to comply with the requirements constitutes grounds for the employer, carrier or the Industrial Commission (ICA) to request a change of physician. Permits an employer, carrier or the ICA to request information and require the compliance of a physician notwithstanding the existence of a prior award addressing medical maintenance benefits for medication. Stipulates that an employer or carrier is not liable for bad faith or unfair claims processing for any act taken consistent with the requirements.

workers' compensation; settlement of claims (H.B. 2617) – Chapter 139

Permits parties to a workers' compensation claim to enter into a final settlement and release of a claim for undisputed entitlement to supportive medical maintenance benefits after the period of temporary disability is terminated by a final notice of claim status or award of the Industrial Commission.

LEGISLATION VETOED

health insurance; interstate purchase (S.B. 1593) – VETOED

Allows foreign insurers that hold a certificate of authority in another state to transact health or sickness insurance in Arizona, if the insurer provides evidence to the Director of the Department of Insurance that while providing insurance in Arizona he or she is subject to the jurisdiction of another state's Department of Insurance and that his or her certificate of authority requires financial reserves of not less than the amount required in Arizona.

BANKING AND INSURANCE COMMITTEE (Cont'd.)

In her veto message, the Governor states that she has been a strong advocate for injecting more choice and competition into the health insurance market. However, she believes that since the provision that would change Arizona's benefit requirements was added on the floor it was not subject to the typical public input that major policy decisions should receive. The Governor also states that she is concerned about the risks to citizens who may be subject to other states' regulatory procedures that could leave them with little recourse in the event of mistreatment.

Border Security, Federalism and States' Sovereignty Committee

Senator Sylvia Allen, Chairman



Bill Boyd, Research Analyst

Elora Diaz, Intern

BORDER SECURITY, FEDERALISM AND STATES' SOVEREIGNTY COMMITTEE

LEGISLATION ENACTED

juvenile corrections; discharge; ICE detainees (S.B. 1046) – Chapter 293

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

~~technical correction; game and fish~~ (NOW: municipalities; expenditure limits) (S.B. 1087) – Chapter 180

Retroactive to June 3, 2009, waives excess expenditures of local revenues by the town of Pima in FY 2007 and by the city of Safford in FYs 2002 and 2007. Requires Safford to pay a penalty of \$20,000 in FY 2011.

~~intrastate commerce act~~ (NOW: county judgment bonds) (S.B. 1178) – Chapter 321

Permits a county, by resolution dated on or before December 1, 2011, that is approved by a unanimous vote of the board of supervisors (BOS), to levy taxes and allows the BOS to issue negotiable bonds at a principal amount that the BOS deems necessary for specified purposes.

fire districts; accounts; finances (S.B. 1218) – Chapter 322

Requires the secretary or other officer of a special district's governing board to submit the annual report to the board of supervisors (BOS) within 240 days, instead of 180 days, of the close of the special district's fiscal year.

Changes the date the BOS submits its annual report on compliance of special district reporting to the Legislature and Governor, from January 31 to March 31.

The date that each special district submits a copy of the completed audit or financial review to the county treasurer and the BOS is changed from within 180 days to 240 days after the closure of the special district's fiscal year.

forgery; human smuggling; classification (S.B. 1225) – Chapter 229

Establishes forgery in connection with the purchase, lease or renting of a dwelling that is used as a drop house as a class 3 felony. Defines drop house as property that is used to facilitate the smuggling of a human being.

interstate compact; border fence (S.B. 1406) – Chapter 309

Allows the Governor to enter into an interstate compact to create a border fence along the Arizona-Mexico border located on private, state or federal property. Allows the state to receive public donations for fence construction and maintenance and establishes the Joint Border

BORDER SECURITY, FEDERALISM AND STATES' SOVEREIGNTY COMMITTEE (Cont'd.)

Security Advisory Committee, which includes dispensing fence construction and maintenance monies within its purview.

Arizona state guard; establishment (S.B. 1495) – Chapter 311

Allows the Governor to establish the Arizona State Guard for any reason the Governor considers necessary.

Arizona centennial medallions (S.B. 1498) – Chapter 125

Allows the Arizona Historical Advisory Commission to adjust the sale price and production of the Arizona centennial medallions based on the cost of gold, silver or copper. Requires that proceeds from the sale of the medallions fund centennial legacy projects and activities, with the remaining monies deposited into the state General Fund.

fire districts; merger; consolidation (S.B. 1502) – Chapter 274

Requires that a property located in an incorporated city or town requesting to amend a district boundary obtain approval through the governing body of the affected city or town by ordinance or resolution, prior to fire or sanitary district governing body approval.

Prohibits qualified electors who are related as immediate family members and who have had the same household of residence within the four-year period immediately preceding a candidacy for, or service in, an elected fire district office in the same fire district from certain candidacies and elected offices.

Permits the governing board of a fire district to place a question on the general election ballot as to whether the fire district should change its name.

Stipulates that if each governing body of an affected district of a proposed merger adopts a resolution by a majority vote, the body is required to submit the resolutions that call for an election to the board of supervisors. If a governing body receives the proper written consent from taxpayers and obtains the required votes as prescribed by statute, the governing body of each district is permitted to choose to merge by unanimous resolution without an election and choose to hold an election on the question of merger.

Permits two or more fire districts, upon the receipt of a resolution requesting consolidation and approval by majority vote of the governing body receiving the request to consolidate, if the governing body of each affected fire district, by a majority vote of the members of each governing body, adopts a resolution declaring a consolidation to be considered at a public hearing to determine if a consolidation would be in the best interest of the districts.

eminent domain on federal property. (S.B. 1546) – Chapter 356

Allows the state to take land possessed by the United States government for the purposes of public use but prohibits the state from using the right of eminent domain on federal Indian lands.

BORDER SECURITY, FEDERALISM AND STATES' SOVEREIGNTY COMMITTEE (Cont'd.)

state nickname; grand canyon state (H.B. 2549/S.B. 1015) – Chapter 5 E

An emergency measure, effective February 14, 2011, that establishes the official nickname of Arizona as *The Grand Canyon State*.

LEGISLATION VETOED

technical correction; trapping license (NOW: health care system; violation) (S.B. 1088) – VETOED

Establishes health care criminal laws and authorizes and directs the Governor to enter into an Interstate Health Care Freedom Compact with other states.

In her veto message, the Governor indicates that by directing the Governor to sign a compact, the separation of powers established by the Arizona Constitution is violated.

Commerce and Energy Committee

Senator Al Melvin, Chairman



Jennifer Thomsen, Research Analyst

Fareed Bailey, Assistant Analyst

Samantha Macchiaroli, Intern

COMMERCE AND ENERGY COMMITTEE

LEGISLATION ENACTED

child welfare agency; technical correction (NOW: peace officers; licensure; registration; prohibited) (S.B. 1020) – Chapter 222

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

tobacco products; prohibition (S.B. 1086) – Chapter 340

Prohibits minors from using false identification to obtain tobacco products and stipulates that a violation is a petty offense with a fine up to \$500.

civil appeal bonds; limits (S.B. 1212) – Chapter 99

Limits the amount of a bond that is necessary to stay execution during an appeal or discretionary review of a judgment in a civil action by an appellate court (a *supersedeas* bond). Limits the bond amount to whichever is less: a) the total amount of damages awarded, excluding punitive damages; b) 50 percent of the appellant's net worth; or c) \$25 million. If the appellee proves that the appellant is intentionally dissipating assets outside the ordinary course of business in order to avoid paying the judgment, then the court may require the appellant to post a bond in an amount up to the full judgment. The bond amount may be lowered if the appellant proves that he or she is likely to suffer substantial economic harm if required to post the bond. Specifies that the provisions related to *supersedeas* bonds apply to all actions that are pending or filed on or after the general effective date.

Limits all interest on judgments to whichever amount is less: a) 10 percent per year; or b) an amount that is equal to 3 percent plus the prime rate as published by the Board of Governors of the Federal Reserve System. Prohibits a court from awarding any prejudgment interest or any unliquidated, future, punitive or exemplary damages that are found by the trier of fact. Also prohibits a court from awarding interest for any future, punitive or exemplary damages that are found by the trier of fact.

Lowers the medical malpractice interest rate from three to one percentage point above the federal post-judgment interest rate. Specifies that the collection of interest on enforcement of a juvenile restitution order or a criminal restitution order accrues at a rate of 10 percent per year.

business services; secretary of state (S.B. 1230) – Chapter 343

Makes various changes to different services and programs within the office of the Secretary of State (SOS).

Specifies that notaries perform notarial acts only if certain requirements are met. Provides a training requirement for suspended notaries and outlines standards for notarial certificates that are attached to documents. Prohibits notaries from advertising a fee that is more than what is currently charged. These provisions also apply to electronic notaries. Authorizes the SOS to require electronic notaries to attend a training course and assess a fee for administering the training course.

COMMERCE AND ENERGY (Cont'd.)

Allows a trade name to be released six months after the trade name's corporate owner has been administratively dissolved and allows a single application for a trademark for multiple classes. Repeals statute that regulated performing rights societies, removes a filing requirement for certain health spas and delays the time Professional Employer Organization rules must be implemented.

Beginning July 1, 2012, increases the percent of total annual revenues from the sale of special instant games that are deposited into the State Lottery Fund from 15 to 35 percent.

boxing commission; continuation (S.B. 1276) – Chapter 70

Retroactive to July 1, 2011, the Arizona State Boxing and Mixed Martial Arts Commission is continued until July 1, 2016.

disclosure; collect call rates (S.B. 1337) – Chapter 164

Requires operator service providers accessed from an Arizona jail, prison or correctional facility to disclose the collect call rate to the party responsible for payment.

employer protections; labor relations (S.B. 1363) – Chapter 153

Establishes that it is unlawful for a labor organization to engage in picketing if the purpose is to coerce or induce an employer or self-employed person to join or contribute to a labor organization. Prohibits a labor organization from engaging in trespassory assembly and a person from preventing lawful work through mass assembly.

Stipulates that a person commits defamation of an employer by: a) maliciously making a false statement about the employer to a third party without privilege; b) knowingly, recklessly or negligently disregarding the falsity of the statement; and c) causing damage to the employer by the false statement. Establishes penalties for committing defamation of an employer.

Creates a no trespass public notice list (list), which identifies employers who have established private property rights to their establishment and any related real property in the state. Requires the Secretary of State (SOS) to maintain a copy of the documents for public inspection and requires the list to be published in a newspaper, on the SOS's website and to be provided to every law enforcement agency in the state. Requires law enforcement agencies to maintain the most recent list and allows peace officers to respond to complaints of unlawful picketing, trespassory assembly or unlawful mass assembly at those addresses.

Establishes that unlawful picketing, trespassory assembly, unlawful mass assembly, and concerted interference with lawful exercise of business activity are illegal. Entitles a person against whom any of the activities is directed or who is injured by the activities to injunctive relief. Stipulates that persons calling or conducting the acts are liable for damages. Establishes that a person who unlawfully pickets, trespasses or participates in an unlawful mass assembly is guilty of a class 2 misdemeanor and is required to pay a fine of at least \$200. If the person does those activities on a property listed on the no trespass public notice list, he or she is guilty of a class 1 misdemeanor and is also required to pay a fine of at least \$200.

COMMERCE AND ENERGY (Cont'd.)

Permits a court to issue a temporary restraining order or injunction for actions involving labor disputes and prohibits an employer from withholding wages past the date specified by an employee in a written revocation of authorization, unless a court so orders.

~~certificates; line siting committee.~~ (NOW: mandatory project labor agreements; prohibitions) (S.B. 1403) – Chapter 23

Prohibits agencies, political subdivisions and the Arizona Corporation Commission from requiring a contractor to become a party to any project labor agreement as a condition to be considered for a public works project.

professional licensure; out-of-state applicants (S.B. 1458) – Chapter 240

Requires professional licenses or certificates (licenses) be issued to a spouse (applicant) of an active duty member of the U.S. Armed Forces if the applicant meets certain criteria. The criteria includes but is not limited to: a) the applicant must be currently licensed in another state and have held the license for at least a year, b) the other state must have equal or greater licensure standards, c) the applicant must have previously passed an examination and d) the applicant must not have had a license revoked, surrendered or had disciplinary action or a complaint against him or her. Requires the applicant to pay all applicable fees for the Arizona license.

landlord; tenant; fit and habitable (S.B. 1474) – Chapter 241

Specifies that a tenant may not make repairs to a premises at a landlord's expense if the condition repaired does not constitute a breach of the fit and habitable condition of that premises. A tenant must promptly notify a landlord in writing of any instance in which the landlord has maintenance responsibility.

store display shelf pricing (S.B. 1535) – Chapter 252

Removes language that specified price tag typeface and size regulations and the physical price tag and shelving orientation requirements for retail displays.

~~regulation; 2011-2012; budget reconciliation~~ (NOW: budget reconciliation; regulation; 2011-2012) (S.B. 1623) – Chapter 35

SEE THE APPROPRIATIONS COMMITTEE.

office of tourism; continuation (H.B. 2078) – Chapter 212

Retroactive to July 1, 2011, continues the Arizona Office of Tourism until July 1, 2016.

dogs; cats; sterilization (H.B. 2137) – Chapter 213

Broadens surgical spaying or neutering standards for the release of cats or dogs from a pound or shelter to include other sterilization procedures. Outlines responsibilities and penalties for the owner of an aggressive dog.

COMMERCE AND ENERGY (Cont'd.)

prearranged funeral agreements (H.B. 2160) – Chapter 256

Requires fixed price prearranged funeral trust funds to be deposited within 21 calendar or 15 business days, whichever is shorter.

bulk merchandise containers; records (H.B. 2168) – Chapter 109

Provides regulations for a person in the business of recycling, shredding, reselling or destroying bulk merchandise containers (purchaser). Prohibits a purchaser from: a) purchasing five or more plastic containers at a time containing a company name or logo; and b) purchasing 10 or more wood containers at a time without obtaining a record and verifying the identification of the person selling the containers. Establishes penalties for the unlawful purchase of bulk merchandise containers.

state lottery; transfer (H.B. 2192) – Chapter 14

Conforms statute relating to the reauthorization of the Arizona State Lottery and the Arizona State Lottery Commission (Commission) as directed by Laws 2010, Sixth Special Session, Chapter 2. Repeals the rulemaking and procurement code exemption for the Commission as provided by the 2010 Special Session law.

transportation contracts; indemnity agreements; void (H.B. 2359) – Chapter 54

Prohibits shippers and motor carriers who transport shipper property in vehicles weighing more than 10,000 pounds from agreeing to transportation services contract provisions that indemnify, defend or hold either party harmless from liability claims for self-committed negligence, intentional acts and omissions.

~~technical correction; mobile home parks~~ (NOW: mobile home parks; designation; change) (H.B. 2395) – Chapter 283

Requires the landlord of an age restricted community to notify the Director of the Arizona Department of Fire, Building and Life Safety and all tenants of a change in use to an all age community at least 60 days before such a change occurs. Requires the landlord, in the event of such a change, to provide written notice of applicable tenant relocation laws to all affected tenants. Allows eligible age restricted mobile home community tenants to apply for and receive payment for relocation expenses from the Mobile Home Relocation Fund, and outlines the eligibility criteria and application procedures for doing so.

county infill; renewable energy districts (H.B. 2458) – Chapter 335

Eliminates the following requirements for a county board of supervisors (BOS) regarding the formation of infill incentive districts and renewable energy incentive districts in unincorporated areas of a county: a) that a weekly notice of the proposed district be published in a newspaper of general circulation within the county for two weeks; b) that at least one public hearing be held in a county supervisorial district in which the proposed district is located; and c) that the proposed district be established by BOS resolution after a public hearing.

COMMERCE AND ENERGY (Cont'd.)

cosmetologist licenses; board powers; duties (H.B. 2468) – Chapter 199

Modifies duties of the Arizona Board of Cosmetology (Board). Eliminates two year term limits for Board members and allows the Board to delegate authority to its Executive Director to issue licenses to applicants. Modifies reciprocity license requirements by requiring the applicant to take and complete a class relating to infection protection and a class relating to law review, as well as requiring the applicant to pay fees for the classes. Eliminates certain notification requirements and provides clarifying language relating to salons or schools that change the name of a licensee, location or trade name. Prohibits an unlicensed person from using the title *aesthetician*, *cosmetologist* or *nail technician* in any advertisement, statement or publication.

professional boards; actions; public access (H.B. 2520) – Chapter 118

Clarifies that dismissed complaint records and board-issued nondisciplinary order or action records of health and nonhealth regulatory boards are to be available to a board and the public at all times during board office hours. Authorizes board-issued practice limitations, restrictions and related documentation to be posted on a board's website. Eliminates the requirement that advisory letters, letters of concern and practice limitations be available to a board and the public at all times and be posted on a board's website.

~~technical correction; wage board; powers~~ (NOW: employee drug testing; medical marijuana) (H.B. 2541) – Chapter 336 RFEIR

Retroactive to April 13, 2011, allows an employer to take action against an employee based on the good faith belief that: a) the employee used or possessed any drug while on the employer's premises or during the hours of employment; or b) the employee had an impairment while working on the employer's premises or during the hours of employment. Allows an employer to exclude an employee from performing a safety-sensitive position based on the good faith belief that an employee is engaged in the current use of a drug, whether legal, prescribed by a physician or otherwise, if the drug could cause an impairment or decrease the employee's job performance or duties.

Outlines the following as actions that are allowed by an employer and protected from litigation: a) implementing, monitoring or measures to assess, supervise or control the job performance of the employee; b) reassignment of an employee to a different position or job duties; or c) suspension or termination of employment.

Allows an employer to use the medical marijuana registry verification system in order to verify a registry identification card that is provided to the employer by a current employee or by an applicant who has received a conditional offer of employment.

~~fund transfer; Arizona historical society~~ (NOW: unemployment; special assessment) (H.B. 2619) – Chapter 218

SEE THE FINANCE COMMITTEE.

COMMERCE AND ENERGY (Cont'd.)

LEGISLATION VETOED

~~technical correction; conservation easements; applicability~~ (NOW: Arizona quality jobs incentives) (S.B. 1041) – VETOED

Assesses business-owned property and real property improvements that are constructed or undergo a major renovation as class 6 property for 10 years. Stipulates that the construction or renovation must take place between January 1, 2012 and June 30, 2017. The business must be certified by the Arizona Commerce Authority.

The Governor indicates in her veto message that the tax policy contained in S.B. 1041 lacks clarity and creates several points of concern. The Governor states that these concerns include its potential to negatively impact local government revenue streams and property taxpayers, favor new businesses and create a new bureaucracy.

~~TNT; rate computation; constant rate~~ (NOW: Arizona centennial statehood day) (H.B. 2700) – VETOED

Declares February 14, 2012, and each sequential centenary, Arizona Centennial Statehood Day as a holiday.

The Governor indicates in her veto message that, as an eleventh paid holiday for state employees, shutting down a large portion of state government for celebrations while the rest of the state is open sends the wrong message to Arizona taxpayers. The Governor states that Arizona Centennial Statehood Day should be celebrated while simultaneously serving the public with open offices.

SECOND SPECIAL SESSION

LEGISLATION ENACTED

Arizona commerce authority; business incentives. (H.B. 2001/S.B. 1001) – Chapter 1 (Second Special Session)

Establishes the Arizona Commerce Authority (ACA) and modifies provisions related to individual, corporate and property taxes.

Arizona Commerce Authority

Replaces the Arizona Department of Commerce (ADOC) with the ACA. Outlines powers and duties of the ACA, as well as specifies the ACA Board of Directors (Board) membership. Prescribes that the mission of the ACA is to provide private sector leadership in growing and diversifying the economy of Arizona, creating high quality employment through expansion, attraction and retention of business and marketing Arizona for those purposes. Requires the Board to employ a chief executive officer (CEO), who is responsible for managing, administering and supervising the activities of the ACA.

COMMERCE AND ENERGY (Cont'd.)

Transfers various programs from ADOC and the Commerce and Economic Development Commission (CEDC) to the ACA or the Governor's Energy Office. Establishes the Rural Business Development Advisory Council.

Terminates the ACA on July 1, 2016.

Arizona Quality Jobs Incentives

Specifies that to qualify in the first taxable year, the owner shall either: a) invest at least \$5 million of capital investment and create at least 25 new qualified employment positions within the exterior boundaries of a city or town that has a population of 50,000 or more in a county that has a population of 800,000 or more; or b) invest at least \$1 million of capital investment and create at least five qualified employment positions in any other location.

Defines *qualified employment position* as a position consisting of at least 1,750 hours per year of full-time permanent employment, job duties are performed primarily at the location of the business, employment provides health insurance for the employee for which the employer pays at least 65 percent of the premium or membership, and the employer pays compensation at least equal to the median wage by county as computed annually by the authority.

Limits qualification for the first year tax credit to no more than 400 new jobs per employer, and no more than 10,000 new jobs for all employers.

Arizona Competes

Replaces the Commerce and Economic Development Commission Fund with the Arizona Competes Fund (ACF).

Defines an *Arizona basic enterprise* as one that is located or principally based in this state and is primarily engaged in one or more of the Arizona basic industries, or alternatively, the national or regional corporate headquarters of an Arizona basic industry. Defines the industries included and excluded in *Arizona basic industry*.

Defines *new job* as full-time employment in a new or expanding Arizona basic enterprise that pays an average annual wage equal to at least 100 percent of the median wage by county as determined annually by the ACA, and includes health insurance for employees for which the employer pays at least 65 percent of the premium or membership cost.

Allows the CEO to negotiate the award of monies, by grant, from the ACF to Arizona basic enterprises, for the following purposes: a) attracting, expanding or retaining Arizona basic enterprises that achieve performance and qualification targets and that enter into an agreement with the CEO; b) supporting and advancing programs and projects for rural businesses, small businesses and business innovations that enhance economic development.

Funding

State Lottery Fund (effective July 1, 2012) – Requires that \$3.5 million be annually deposited in the ACF from the State Lottery Fund. Replaces the distribution to the CEDC Fund. These monies are used for grants from Arizona Competes.

COMMERCE AND ENERGY (Cont'd.)

Job Creation Withholding Clearing Account – Receives \$31.5 million of withholding tax revenue for distribution to other funds.

Arizona Commerce Authority Fund (ACAF) – Establishes the ACAF consisting of withholding taxes in the amount of \$10 million annually allocated to the ACAF from the Job Creation Withholdings Clearing Account.

ACF – Consists of withholding tax revenue allocated to the ACF from the job creation withholdings clearing account (\$21.5 million) and other amounts dedicated by law (\$3.5 million from Lottery).

Capital Investment Incentives

Extends tax credits for capital investment incentives to June 30, 2016, rather than June 30, 2011, and requires the ACA to provide a list of excluded businesses to any person on request.

Expands eligibility for capital investment incentives evaluated by the ACA, but limits qualification for capital investment incentives to a business with \$10 million in total assets beginning in 2012, rather than \$2 million before that date, and to counties with a population of 750,000, rather than 400,000 persons.

Tax Provisions

Replaces the gross domestic product (GDP) price deflator with the employment cost index for purposes of calculating the maximum amount of the annual increase for exempt personal property. Defines *employment cost index*.

Specifies that only a homeowner's primary residence can be classified as class 3 property and therefore eligible for the homeowner's rebate.

Requires a county assessor, in each even numbered year beginning in 2012, to include with each notice of full cash value sent to owners of class 3 property an affidavit on which the owner must declare, on penalty of perjury, whether the property is the owner's primary residence in the current valuation year.

Requires the county assessor to reclassify the property as class 4 property and notify the owner within 15 days if the owner indicates the property is not the owner's primary residence or the owner indicates on more than one affidavit that more than one parcel is the owner's primary residence.

Requires the Legislature to reimburse by appropriation the costs incurred in 2012 by county assessors in reclassifying residential property.

Adjusts the depreciation schedule for class 1 and 2 personal property over a six-year period.

Reduces the assessed valuation rate of class 1 property to 18 percent by 2016 (currently 20 percent), and reduces the assessed valuation rate for class 2 (agricultural) real and personal property from 16 percent to 15 percent beginning in TY 2016.

COMMERCE AND ENERGY (Cont'd.)

Allows a corporation to subtract from Arizona gross income the amount of any net capital gain included in federal adjusted gross income derived from investment in a qualified small business.

Limits the individual and corporate credit for new employment to \$3,000 for each full-time employee hired for the full taxable year in a qualified employment position in each of the first three years of employment, but not more than 400 employees in any taxable year.

Limits a taxpayer to claim either the credit for employment by a qualified defense contractor, credit for employment in a military reuse zone, credit for a renewable energy industry or the credit for new employment.

Allows carry forward of the tax credit for a period not exceeding five taxable years

Allows an additional credit amount for increased research activities for individuals and corporations equal to 10 percent of basic research payments to a university under the jurisdiction of the Arizona Board of Regents.

Reduces the corporate income tax rate to the greater of \$50 or 6.5 percent of net income for TY 2014 decreasing to 4.9 percent of net income for TY 2017 and thereafter.

Increases the electable sales factor for multi-state corporations currently at 80 percent to 85 percent for TY 2014, increasing to 100 percent for TY 2017 and thereafter.

Provides an effective date of July 1, 2011, except as otherwise noted.

Economic Development and Jobs Creation Committee

Senator Michele Reagan, Chairman



Jennifer Thomsen, Research Analyst

Fareed Bailey, Assistant Analyst

Samantha Macchiaroli, Intern

ECONOMIC DEVELOPMENT AND JOBS CREATION COMMITTEE

LEGISLATION ENACTED

contractors; internal references; technical correction (S.B. 1085) – Chapter 62 E

An emergency measure, effective April 12, 2011, that corrects internal references contained in Arizona's Prompt Pay Act.

board of appraisal; disciplinary proceedings (S.B. 1180) – Chapter 67

Permits the Arizona State Board of Appraisal to proceed with investigative action against a licensee regardless of license lapsing or suspension. Limits the timeframe for investigative action to no more than 24 months after the expiration of the license or certificate. Requires applicants to provide evidence of continued education for reinstatement of a suspended license or certificate.

registrar of contractors; arbitration (S.B. 1284) – Chapter 250

Allows, after the Registrar of Contractors (ROC) issues a corrective work order, a complaint to be referred to arbitration if the cost of repairs is \$5,000 or less or if requested by the contesting parties. Outlines the arbitration process, including certain timelines. Allows a licensed contractor to post a bond in the amount of the estimated cost of repairs. If a contractor refuses or is unable to comply with the determination, the ROC may order the cash bond to be discharged. The complainant then is ineligible for any additional award from the Residential Contractors' Recovery Fund (Recovery Fund) or through civil court. Allows the ROC to suspend or revoke the contractor's license if no bond was posted by the contractor. Repeals language that allowed additional payment assessments to the Recovery Fund.

landlords; tenants; bedbug control (S.B. 1306) – Chapter 191

Establishes requirements for landlord and tenant bedbug infestation control. Regarding landlords: a) requires a landlord to provide educational information regarding bedbugs to a tenant and b) prohibits a landlord from knowingly leasing a bedbug infested dwelling. Regarding tenants: a) requires a tenant to notify the landlord in writing of bedbug infestation and b) prohibits a tenant from knowingly moving infested materials into a dwelling.

manufactured housing; escrow account (S.B. 1423) – Chapter 239

Beginning July 1, 2012, requires licensed dealers or brokers to create independent escrow accounts for certain manufactured housing sales and outlines account requirements, funding and disciplinary actions. Allows a purchaser to request a dealer or broker to establish an independent escrow account for all other manufactured housing sales. Modifies deposit requirements to the Consumer Recovery Fund.

ECONOMIC DEVELOPMENT AND JOBS CREATION COMMITTEE (Cont'd.)

liquor licenses; records (NOW: liquor omnibus) (S.B. 1460) – Chapter 165

Makes various changes related to liquor licenses and the Arizona Department of Liquor Licenses and Control (DLLC). The provisions include, but are not limited to, the following:

Revises regulations for proposed liquor licenses, which includes increasing the time a natural person has to file a protest for a proposed liquor license and outlining written protest and argument requirements for corporations and neighborhood associations.

Creates the rebuttable presumption that the public convenience and best interest of the community is met by a new license if there is already a liquor license issued for that location. Increases, from 15 to 30, the number of days a person must notify the Director of the DLLC (Director) after acquiring or transferring a license.

Permits the Director to dispose of seized spirituous liquor by providing it to law enforcement, for training purposes only. Allows a licensed wholesaler to donate spirituous liquor directly to an organization that has a special event license. Increases, from \$100 to \$500, the dollar amount of liquor a distiller, brewer or wholesaler may donate to a nonprofit organization.

Prohibits a bar license or a beer and wine bar license from being issued or used if the associated off-sale use, by total retail liquor sales, exceeds 40 percent of the sales price of on-sale liquor by the licensee.

Retroactive to January 1, 2011, allows the Director to issue a beer and wine store license to the holder of a bar license simultaneously at the same premises. Also retroactive to January 1, 2011, allows an applicant or licensee of a beer and wine store license to apply for sampling privileges.

Allows, to the extent permitted by federal law, military members to import more than one liter of liquor for their personal use into Arizona.

Removes a population threshold, thereby prohibiting all cities and towns, regardless of the population, from discriminating against hospitality industry businesses.

Until January 1, 2015, provides the Director the ability to charge a fee for: a) site inspections before issuing a restaurant license, b) processing applications for sampling privileges, c) reviewing floor plans submitted by a licensee and d) inspecting unlicensed premises. As session law, allocates monies received from these newly created fees to the DLLC.

Education Committee

Senator Rich Crandall, Chairman



Liisa Laikko, Research Analyst
Sharon Langford, Assistant Analyst
Aiden Fleming, Intern

EDUCATION COMMITTEE

LEGISLATION ENACTED

medical student loans; board; continuation (S.B. 1042) – Chapter 16

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

character education special plate fund (S.B. 1053) – Chapter 320

Allows the Arizona Department of Education to use up to 10 percent of monies in the Character Education Special Plate Fund for administrative costs, and modifies the plate proceeds distribution for the *In God We Trust* special plates. Creates the following special license plates: Arizona Professional Hockey Club; Arizona Public Broadcast Television; Childhood Cancer Research; Global Graduate Management School; Hunger Relief; Law Enforcement; Litter Prevention and Cleanup; Multiple Sclerosis Awareness; and Youth Development Organization.

character education grants; administrative costs (S.B. 1055) – Chapter 223

Allows, retroactive to July 1, 2010, the Arizona Department of Education to retain up to seven percent of Character Education Matching Grants money for program administration. Continues the Character Education Matching Grants program permanently.

~~displaced pupils choice grants; continuation (NOW: universities; taxpayer funded programs; restrictions) (S.B. 1116)~~ – Chapter 158

Prohibits a person acting on behalf of a university from using university resources to advocate support for or opposition to pending or proposed legislation. Prohibits universities under ABOR's jurisdiction from providing publicly funded programs, or allowing publicly funded organizations on campus, if the purpose is to advocate for a specified public policy. Outlines exceptions including a registered lobbyist advocating on behalf of the university or ABOR, any university employee who expresses a personal opinion, student produced media, recognized student government clubs or organizations and activities of university employees that involve the study of information that recommends public policy.

~~technical correction; escape; secure facility (NOW: schools; residency requirements) (S.B. 1141)~~ – Chapter 205

SEE THE APPROPRIATIONS COMMITTEE.

homeschools; designation (S.B. 1152) – Chapter 19

Modifies the definition of *homeschool* by clarifying that homeschooling is a form of private education.

EDUCATION COMMITTEE (Cont'd.)

small transportation school districts; dissolution (S.B. 1205) – Chapter 21

Establishes a process for a small transportation school district that transports fewer than 10 pupils annually to another school district to revert to an unorganized territory. Allows the school district's governing board to request the county school superintendent call an election to dissolve the district and specifies requirements for the election.

community college districts; alternative formation (S.B. 1213) – Chapter 248

Effective October 1, 2011, allows a county that does not meet the requirements to form a community college district to establish a district if specified requirements are met. Adds that a provisional community college that converts to a community college district pursuant to this act is required to maintain a regional accreditation and oversight relationship with another district until the new district has achieved initial candidacy status from an accreditation agency.

Permits the governing board of a provisional community college district that converts to a community college district pursuant to this act to call an election to increase the property tax levy for the district. The election must be held on a general election date and the tax levy may not be increased again once it is passed by the voters.

Prohibits community college districts formed pursuant to this act from receiving state equalization aid. For a community college district that is formed under the provisions of this act and that contracts with another district for accreditation purposes, the full-time equivalent student (FTSE) enrollment of the new district shall be added to the FTSE enrollment of the other district for the purposes of distribution of Workforce Development monies until the new district achieves initial candidacy status for accreditation.

shared revenues; provisional community colleges (S.B. 1217) – Chapter 249

SEE THE APPROPRIATIONS COMMITTEE.

education; omnibus (S.B. 1256) – Chapter 306

Suspends the July 1, 2011 implementation of Laws 2010, Chapter 318, which modified the method for calculating Average Daily Membership (ADM), until July 1, 2012. Under the new method, ADM is defined as the average of the total enrollment of fractional and full-time students who are enrolled on four specific days: September 15, November 15, January 15 and March 15. Clarifies language relating to early kindergarten students (students who are not five years old before September 1) who enroll in kindergarten but withdraw and re-enroll the following year to allow state aid to be apportioned between the two years. Continues to limit funding to one year of kindergarten. Makes numerous additional technical and conforming changes to statutes relating to education.

schools; administrative tasks; reduction (S.B. 1263) – Chapter 344

School District Governing Boards – Reduces the timeframe from 30 days to 10 days for a governing board to provide notice of a public meeting to discuss the closure of a school, and schedule a meeting to discuss a school closure prior to a public meeting to vote on the closure. Allows a school district that qualifies as a small district under statute, if permitted by federal law, to opt out of federal grant opportunities if the school's governing body determines that the federal

EDUCATION COMMITTEE (Cont'd.)

requirements impose *unduly burdensome* reporting requirements. Prohibits State Board of Education rules from requiring school districts to obtain bid security for construction-manager-at-risk services. Allows school districts to enter into contracts for materials, services and job-order contracting construction services if the provisions pertaining to renewal or extension are included in the request for proposal.

Charter Schools – Allows a charter school, if permitted by federal law, to opt out of federal grant opportunities if the charter holder or school's governing body determines that the federal requirements impose unduly burdensome reporting requirements. Allows the State Board for Charter Schools to accept gifts or grants of monies or real or personal property from public or private sources. Requires charter schools to change auditors at least every six years.

School District and Charter School Budgets – Sets the Classroom Site Fund (CSF) per pupil amount at \$120 for FY 2012. Exempts those school districts and charter schools that used non-CSF monies for teacher compensation in FY 2012, due to adjustments for prior year CSF shortfalls, from maintaining the higher level of spending in FY 2013. Allows school districts to calculate their Revenue Control Limit for purposes of determining their authorized budget override capacity for FY 2012 and FY 2013 using: a) the greater of the actual base level funding plus the statutory inflation factor or the FY 2011 base level of \$3,267.72; and b) the weighted student count for kindergarten students using a group B kindergarten weight of 1.352.

Bonding – Increases the Class B bonding capacity for school districts from five to ten percent and for unified school districts from ten to twenty percent. The increased limitations only apply to bonds approved by voters before April 15, 2011 and the revenue from these bonds may only be spent for capital purposes and cannot be used for maintenance and operations expenses. Permits a school district governing board to hold an election to change the list of capital projects or purposes authorized by prior voter approval to issue bonds, or extend from six years to ten years the time period to issue Class B bonds authorized in 2009 or earlier.

Personnel Policies – Specifies that employment contracts for school superintendents shall be structured so that up to 20 percent of the superintendent's annual salary is classified as performance pay.

Miscellaneous – Exempts academic competitions conducted by school districts and charter schools that award cash, prizes and scholarships from gambling regulations. Changes the CSF report required by school districts and charter schools to a district-wide report instead of a per school report. Changes the date on which county school superintendents must file an estimate of the amount of school monies required by each school district for the ensuing year with the Property Tax Oversight Commission from August 1 to the date the board of supervisors adopts the tax rate for the year. Allows a school district governing board to consult with the School Facilities Board for technical assistance and information on the impact of closing a school. Requires the State Board of Education to allow automatic certification reciprocity for teachers who provide Arizona Online Instruction if they are certified in a state that provides similar instruction.

provisional community colleges; levy limit (S.B. 1295) – Chapter 233

SEE THE WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE.

EDUCATION COMMITTEE (Cont'd.)

schools; dropout recovery programs (S.B. 1303) – Chapter 270

Effective July 1, 2012, allows charter schools and school districts at the high school level to offer a specialized program for students who have dropped out of school and then return. Requires the State Board of Education to prescribe standards and requirements for the dropout recovery program. States that program attendance and funding is based on Average Daily Attendance. Funding received by schools for program students shall not exceed 1.0 average daily membership. Allows a school district or charter school to contract with an educational management organization to provide the program.

high school; board examination systems (S.B. 1451) – Chapter 310

Makes numerous changes to the Grand Canyon Diploma (GCD) program and the statutes controlling the private organization that operates and administers the Board Examination Systems (BES) for the GCD program.

Private BES Provider – Requires the private BES provider to collaborate instead of contract with a national organization that provides technical assistance to develop an interstate system of BES. Requires school district governing boards and charter schools to collaborate with the designated private organization that provides BES. Updates the criteria for the approved BES that are included in the interstate compact on BES.

Students Earning a GCD – Allows community colleges to require students who earned a GCD and are admitted to the community college to take remedial courses after admission. Permits the school district or charter school where a student earned a GCD to count that student in its average daily membership (ADM) and receive funding for that student through the time that the student would have finished twelfth grade if that student is enrolled as a full-time community college student. Requires a school district or charter school to reimburse a community college 20 percent of the ADM amount that is received for a student who earned a GCD and left the school before the end of the twelfth grade to enroll full-time at a community college. A student who earns a GCD is responsible for tuition at the community college. Requires, for GCD students who earn a GCD and receive instruction at a community college, the funding and implementation issues between the school district or a charter school and the community college be determined by an agreement between the parties involved. Outlines how districts may spend the remaining 80 percent of the ADM from a GCD student.

Students who are eligible for a GCD shall not be prevented from enrolling in high school after becoming eligible in order to take advanced preparation board examinations. If a student who earns a GCD enrolls in a full-time career and technical education program provided by a Joint Technical Education District (JTED), the total ADM for that student shall not exceed 1.25. A student who earns a GCD cannot be prevented from enrolling in high school after earning a GCD.

schools; parents' rights (NOW: parents' rights; schools) (SB 1453) – Chapter 134

Grants a parent of a student in a public educational institution the right to remove his or her child from an educational setting where the parent finds the instructional material to be harmful or objectionable. States that a parent of a student in a public educational institution has the right to review learning material and activities in advance and requires a public educational institution to obtain signed, written consent from a parent or guardian before using video, audio or electronic

EDUCATION COMMITTEE (Cont'd.)

materials that may be inappropriate for the age of the student. Permits a charter school to require parents to waive their right to object to learning material if the school provides a complete list of materials for review each year before enrollment. A parent has the right to object to learning material if it was not disclosed prior to enrollment.

schools; head injury policies; athletics (S.B. 1521) – Chapter 167

Directs school district governing boards, in consultation with a statewide private entity, to develop and provide guidelines, forms and information to educate involved parties of the risks of continued participation in athletics following concussions. Additionally, requires parents of students who participate in school athletics to sign an annual information form stating their awareness of the dangers of concussions. Mandates that a student be removed from an athletic event, practice or other interscholastic athletic activity if the student is suspected of having sustained a concussion and stipulates that a student athlete may return to play if a licensed health care provider clears that athlete for return.

education; Arizona empowerment accounts. (S.B. 1553) – Chapter 75

Prescribes rules and requirements for the Arizona Empowerment Scholarship Accounts (Account) Program pertaining to special education students. The Accounts require the State of Arizona to deposit monies to each Account equal to 90 percent of base support levels that otherwise be allocated for that student. Additionally, requires a parent of a qualified student to sign a written agreement in order for his or her child to receive an Account. Defines a *qualified student* as: a) a resident of Arizona with a disability who is a full-time student attending a governmental primary or secondary school for at least 100 days of the prior fiscal year; b) a student who receives a scholarship from an School Tuition Organization intended for a student with a disability and continues to attend a qualified school; or c) a student who has previously participated in the Empowerment Scholarship Account program.

~~K-12 education; 2011-2012; budget reconciliation~~ (NOW: budget reconciliation; K-12 education; 2011-2012) (S.B. 1617) – Chapter 29

SEE THE APPROPRIATIONS COMMITTEE.

~~higher education; 2011-2012; budget reconciliation~~ (NOW: budget reconciliation; higher education; 2011-2012) (S.B. 1618) – Chapter 30

SEE THE APPROPRIATIONS COMMITTEE.

charter schools; age restricted communities (H.B. 2197) – Chapter 15 E

An emergency measure, effective April 6, 2011, stating that charter schools shall not be established or operated on commercial or residential property located in an age restricted community in unincorporated territory.

EDUCATION COMMITTEE (Cont'd.)

school districts; consolidation; textbooks (NOW: study committee; unification; consolidation) (H.B. 2219) – Chapter 215

Establishes a 16-member study committee on school district unification and consolidation. Requires the committee to develop legislation for consideration in the next legislative session designed to encourage the unification and consolidation of existing school districts. Repeals the Committee on October 1, 2012.

persistently lowest achieving schools (HB 2234) – Chapter 49

Permits the State Board of Education to give a persistently lowest achieving school a grade of “F” to conform with AZLEARNS.

JTEDs; ADM; student count (H.B. 2237) – Chapter 258

Replaces average daily attendance (ADA) with average daily membership (ADM) for Joint Technical Education Districts (JTEDs). Specifies that each approved JTED course equals 0.25 ADM unless the class is taught for 150 minutes on a JTED main campus, in which case the class equals 0.75 ADM. Permits JTEDs to use property tax monies to fund ninth grade students who attend JTEDs. Allows students to attend a JTED that falls outside of the student’s district if the school district pays tuition to a member district of JTED. Specifies that a JTED’s student count is equal to its ADM beginning in FY 2012.

schools; instructional salaries; soft capital (NOW: soft capital; uses) (H.B. 2301) – Chapter 195

Removes the statutory restrictions on schools’ use of soft capital allocation monies. For FYs 2012 and 2013, allows 50 percent of unencumbered extracurricular activities (ECA) tax credits to be used for short term capital items. Specifies that ECA contributions that are not used for two consecutive fiscal years become undesignated monies in the following fiscal year. Schools may only use unencumbered ECA credits received before TY 2011 for these purposes. Expands reporting requirements for school that use ECA tax credits.

schools; bullying policies (H.B. 2415) – Chapter 196

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

school districts; budgets; financial reports (H.B. 2421) – Chapter 197

Requires school districts to submit specific financial reports to the Arizona Department of Education (ADE) for posting on ADE’s official website. Reports that will be posted are the school district’s annual financial report for the previous fiscal year including any fund expenditures from the most recent override election, the school district’s proposed budget and the finalized budget. ADE is required to begin posting these documents within six months of the effective date of this act. Requires that school districts update voters on the use of monies spent as authorized by a maintenance and override election as part of the annual meeting currently required to update voters on the monies spent as authorized by a capital outlay override.

EDUCATION COMMITTEE (Cont'd.)

postsecondary education; students' rights (H.B. 2565) – Chapter 337

States that a university or community college shall not discriminate or adopt policy that penalizes or punishes a student on the basis of the student's religious viewpoint, expression or belief. Also requires that a student who engages in religious expression through a classroom assignment in which the student's viewpoint is requested to be graded based on ordinary academic standards for that assignment. Additionally, enables a religious or political student organization to determine its own internal affairs. Requires a university or community college to give equal access and recognition to all student organizations and to not discriminate on the basis of religion, politics, philosophical ideology, worship practices or other content of the group's speech. Prohibits a community college or university from discriminating against or disciplining a student in a counseling, social work or psychology program because of the student's refusal to counsel a client about goals that conflict with the student's religious belief or moral objection. Prohibits a community college or university from restricting in a public forum a student's right to speak, hold a sign or distribute flyers. Allows a community college or university to restrict speech in a public forum if it furthers a compelling governmental interest and it is the least restrictive means of furthering the governmental interest.

high schools; military recruiting; form (H.B. 2587) – Chapter 302

If a charter school or school district permits the release of student directory information to individuals and entities providing information relating to postsecondary opportunities, the information must be provided by October 31 of each year. Requires the Arizona Department of Education (ADE) to design and provide a form allowing pupils to consent to the release of directory information to postsecondary institutions and the military. Instructs school districts and charter schools to annually distribute the form provided by ADE to students separately from any other form. School districts or charter schools that distribute forms electronically or on a website may deliver this form in the same manner.

JTEDs; adult students (H.B. 2646) – Chapter 203

SEE THE APPROPRIATIONS COMMITTEE.

~~education; Arizona empowerment accounts (NOW: supplementary reading instruction; teachers)~~ (H.B. 2706) – Chapter 221

Directs the State Board of Education to implement guidelines for supplementary training in reading instruction for teachers in schools that receive a label of "underperforming" or "D" who teach kindergarten or grades one, two or three as part of an improvement plan.

study committee; outcome-based funding (H.B. 2710) – Chapter 80 E

An emergency measure, effective April 12, 2011, establishing a 13-member study committee on outcome-based funding for schools. Requires the committee to develop legislation for consideration in the next legislative session that is designed to transition public school funding from a system based on instructional hours to a system based on student achievement.

EDUCATION COMMITTEE (Cont'd.)

LEGISLATION VETOED

WICHE student loans; repayment (S.B. 1386) – VETOED

SEE THE APPROPRIATIONS COMMITTEE.

board of supervisors; powers (H.B. 2067) – VETOED

SEE THE JUDICIARY COMMITTEE.

STOs; credits; administration (H.B. 2581/S.B. 1312) – VETOED

SEE THE FINANCE COMMITTEE.

Finance Committee

Senator Steve Yarbrough, Chairman



Carolyn Speroni, Research Analyst

Katherine Cullinane, Intern

FINANCE COMMITTEE

LEGISLATION ENACTED

unclaimed property; exempt child support (S.B. 1103) – Chapter 63

Exempts child support payments from the definition of *property* under the Revised Arizona Unclaimed Property Act.

real estate transfer affidavit; transmission (S.B. 1105) – Chapter 98

Requires that a county recorder scan all real estate transfer affidavits and transmit an electronic copy to the Department of Revenue and the Arizona State Library, Archives and Public Records (ASLAPR), and transmit the original transfer affidavit to ASLAPR when no longer in active use. Clarifies that either the original transfer affidavit or an electronic copy of the original is acceptable for transmission to the county assessor.

city sales tax; residential retail (S.B. 1160) – Chapter 40

Retroactive to TY 2011, prohibits a city or town that levies a transaction privilege, sales, gross receipts, use, franchise or other similar tax or fee from imposing or increasing the rate of tax on renting or leasing real property for residential purposes unless approved by voters of that city or town at a regular municipal election. Excludes health care facilities, long-term care facilities or hotel, motel or other transient lodging businesses. Stipulates that the provisions apply whether or not the municipality has adopted the Model City Tax Code.

municipal taxes; auditors and collectors (S.B. 1165) – Chapter 66

Prohibits a municipality from employing auditors on a contingent fee basis or entering into a contract with a third party to collect, administer or process transaction privilege tax (TPT), but allows contracting for collection, administration or processing if both of the following apply: a) the municipality does not contract with the Department of Revenue for the collection, administration or processing of TPT or affiliated taxes; and b) the municipality enters into that contract solely for the collection of delinquent city or town TPT or affiliated taxes for which a liability has been established.

Specifies that the prohibition does not apply to any contract entered into before, or existing on, January 1, 2011, but does apply to any renewal of that contract.

municipal tax exemption; commercial lease (S.B. 1166) – Chapter 144

Arizona statutes prohibit cities, towns and special taxing districts from levying transaction privilege tax on certain items. S.B. 1166 prohibits these entities from levying that tax on gross proceeds of sales or gross income from a commercial lease where a corporation leases real property to another corporation in which eighty percent of shareholders are the same.

optional retirement plans; community colleges (S.B. 1196) – Chapter 207

Requires a community college district board participating in an optional retirement plan to make contributions from public monies on behalf of each participant to at least mirror the current Arizona State Retirement System rate.

FINANCE COMMITTEE (Cont'd.)

revitalization districts; revisions (S.B. 1203) – Chapter 294

Includes water systems and multipurpose event centers in the facilities and infrastructure eligible for revitalization district funding. Requires that persons appointed to the revitalization district's board of directors (Board) each own real property in the district and that subsequent Board members be elected by real property owners in the district. Prohibits the district from using annual tax levies to finance public infrastructure projects and to pay off any debt on outstanding bonds. Requires an election by both the property owners and the qualified electors to levy an ad valorem tax on all real and personal property, if desired by the Board, to pay the operation and maintenance expenses of the district. Removes the restriction limiting the formation of a revitalization district to counties with a population of at least two million people. Specifies that a qualified elector must be an owner of real property in the district to vote in an election of dissolution of that district and requires both a majority of the qualified electors voting and a majority of acreage by the votes cast at the election to be in favor of imposing the tax in order to impose an ad valorem tax on the district.

county treasurers; investments; warrants; notice (NOW: levy limit override; city; town) (S.B. 1226) – Chapter 342

Allows municipalities with a population between 25,000 and 40,000 persons to levy an additional secondary property tax, that is not within the limitations on primary property taxation, to fund specific purposes called for and voted on by the public. Requires the governing body to adopt a resolution stating the number of years, between two and seven, the resolution will be in effect, the purpose of the levy, the maximum dollar amount of secondary property taxes allowed to be collected each year the levy is in effect, and the estimated secondary property tax that will be levied in the first year if the levy is approved.

Repeals this taxing authority January 1, 2013, but the authority to levy remains in effect for the full term approved by the voters.

ASRS; return to work; contributions (NOW: county treasurers; investments) (S.B. 1239) – Chapter 187

Allows county treasurers to invest in open-end or close-end management type investment companies or investment trusts, including exchange traded funds, whose underlying investments are invested in securities allowed by state law. Removes language requiring a duplicate warrant issued by a county treasurer to be stamped or marked so that its character may be readily ascertained, and removes *successors* as qualified agencies to rate commercial paper, bonds, debentures and notes that are issued by corporations organized and doing business in the United States for the purpose of determining eligible investments.

dams; affidavit; recording (NOW: property tax classification; lodging) (S.B. 1293) – Chapter 232

SEE THE WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE.

public health districts; voter approval (S.B. 1313) – Chapter 295

Retroactive to January 1, 2011, requires an election to be held for a board of supervisors to establish a public health services district, and eliminates the provision for a unanimous vote of the board.

SPSR; CORP; EORP; administration (S.B. 1317) – Chapter 347

FINANCE COMMITTEE (Cont'd.)

Modifies Public Safety Personnel Retirement System (PSPRS) statutes relating to purchase of credited service, compensatory time, eligibility for accidental disability, and employer contributions, as follows: a) includes compensatory time used by an employee in lieu of overtime not otherwise paid by an employer in the definition of *compensation* and excludes unused compensatory time; b) prohibits the PSPRS Board from making a retroactive payment of a pension more than 90 days after the date of the person's application for benefits; and c) allows recovery in a court of competent jurisdiction for any delinquent payment together with interest charges, or alternatively, allows the PSPRS Board to deduct these amounts from any other monies, including excise revenue taxes.

~~technical correction; light pollution~~ (NOW: bond election; informational pamphlet) (S.B. 1512) – Chapter 72

SEE THE WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE.

CORP; designated position; waiver (S.B. 1539) – Chapter 298

Retroactive to October 1, 2009, removes the definition of *temporarily filled*, allowing a corrections employee with at least five years of credited service under the Corrections Officer Retirement Plan (CORP) who is promoted or transferred to an Arizona State Retirement System designated position to request a waiver so that the employee may remain within CORP.

church bonds; exempt securities (S.B. 1543) – Chapter 106

Exempts first mortgage bonds from the registration requirement of the Arizona Securities Act under the following circumstances:

- a) they are issued by individual churches or affiliated religious schools;
- b) the amount does not exceed \$25 million; and
- c) they are issued by a single issuer, provided that no commission or remuneration is paid to any person other than a registered dealer as salesman in connection with the sale.

retirement systems; plans; plan design (S.B. 1609) – Chapter 357 W/O

S.B. 1609 is an omnibus pension reform bill that affects all four Arizona state retirement systems: the Arizona State Retirement System (ASRS), the Public Safety Personnel Retirement System (PSPRS), the Elected Officials' Retirement Plan (EORP) and the Corrections Officer Retirement Plan (CORP).

Return to Work – Establishes an alternative contribution rate for employers of retired members of all four plans who return to work. The contribution level is based on the contribution required to amortize the unfunded liability of the plan and begins on the retired employee's first day of employment.

Contribution Rates – Are increased as follows:

- a) PSPRS – A total increase of four percent over five years.
- b) EORP – A total increase of six percent over three years.
- c) CORP – No increases.
- d) ASRS – No increases other than those contained in Laws 2011, Chapter 26 (S.B. 1614).

FINANCE COMMITTEE (Cont'd.)

Permanent Benefit Increase (PBI) – Revises the structure of PBIs for EORP, PSPRS and CORP:

- a) Requires a total return of more than 10.5 percent for the prior fiscal year to allow for a PBI.
- b) Limits that increase to two percent if funded status is 60 to 65 percent increasing to four percent if funded status is at least 80 percent.
- c) If the amount of funds that exceed that 10.5 percent is not enough to fund the appropriate percentage increase, the increase is limited to that percentage that can be funded.
- d) Increases will only be available to members who are 55 years of age or older.
- e) Allows the Legislature to enact permanent one-time increases after an analysis of the effect of the increase by the Joint Legislative Budget Committee.

Deferred Retirement Option Plans (DROP) – Limits eligibility for DROP in PSPRS to those who become a member of the system before January 1, 2012. Limits the amount credited monthly for those DROP participants who have fewer than 20 years of credited service on January 1, 2012. Requires a member who has less than 20 years of credited service on January 1, 2012 and who elects to participate in DROP on or after January 1, 2012, to make employee contributions equal to a regular employee who participates in PSPRS.

PSPRS and CORP – For those members who become a member on or after January 1, 2012:

- a) Final benefits will be calculated by averaging the highest five years of service over the last ten years, instead of the highest three years.
- b) Normal retirement will require 25 years of service, instead of 20 years and a minimum age of 52.5.
- c) PSPRS members who quit their positions and choose to “cash out” benefits will only be entitled to their own contributions plus interest.

EORP – For those members who become a member on or after January 1, 2012:

- a) Final benefits will be calculated by averaging the highest five years of service over the last ten years.
- b) Early retirement is eliminated. Normal retirement will require ten years of service at age 62, or five years of service at age 65.
- c) The multiplier used to calculate the pension is reduced to three percent per year. Maximum pension is capped at 75 percent of the member’s average annual salary.
- d) Survivor benefits are reduced with an option to pay more for an increased benefit.
- e) Members who quit their positions and choose to “cash out” benefits will only be entitled to their contributions plus interest.

ASRS – Removes the 85 point system and instead stipulates that *normal retirement* is either a member’s 65th birthday, 62nd birthday and at least 10 years of service, 60th birthday and at least 25 years of service, or 55th birthday and at least 30 years of service.

Felony Forfeiture – Requires a judge to order the forfeiture of retirement benefits if a member is convicted or pleads no contest to a job-related class 1 through 5 felony. That member would receive a return of the member’s contribution, plus interest, in a lump sum upon the ordered forfeiture. Upon a successful appeal, no rights are forfeited and benefits are reinstated. Allows a judge to award some or all of the member’s forfeited benefits to a spouse, dependent or former spouse.

FINANCE COMMITTEE (Cont'd.)

Purchase of Service Credit – Limits purchase of credited service for public service, leave without pay, leave of absence and active military service to 60 months, and requires a member to have 10, rather than 5, years of credited service in the state system to elect to receive those credits.

Study Committee – Creates the Defined Contribution Study Committee (Study Committee) to study the feasibility and cost of transferring existing members and/or new members to a defined contribution plan.

Appropriations – Appropriates \$250,000 from the ASRS administration account in FY 2012 to ASRS for the administrative implementation of this act. Appropriates \$50,000 from the ASRS administration account and \$50,000 from PSPRS in FY 2012 to the State Treasurer for duties of the Study Committee.

revenues; 2011-2012; budget reconciliation (NOW: budget reconciliation; revenue; 2011-2012) (S.B. 1616) – Chapter 28

SEE THE APPROPRIATIONS COMMITTEE.

internal revenue code conformity (H.B. 2008/S.B. 1104) – Chapter 4 E

An emergency measure that conforms Arizona tax statutes to the Internal Revenue Code (IRC) as of January 1, 2011. This reflects changes adopted by Congress during 2010.

- a) Conforms retroactively the Arizona income tax statute with 2010 United States income tax policy and includes the:
 1. Temporary Extension Act of 2010;
 2. Hiring Incentives to Restore Employment Act;
 3. Patient Protection and Affordable Care Act;
 4. Health Care and Education Reconciliation Act of 2010;
 5. Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010;
 6. Dodd-Frank Wall Street Reform and Consumer Protection Act;
 7. Education Jobs and Medical Assistance Act;
 8. Small Business Jobs Act of 2010; and
 9. Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.
- b) Modifies the definition of the IRC for TY 2009 to include the Patient Protection and Affordable Care Act.
- c) Removes the definition of IRC for TY 2000.

ASRS; amendments (H.B. 2024) – Chapter 277

Provides clean-up language relating to retirement provisions adopted in the FY 2012 budget (Laws 2011, Chapter 26). Also provides various administrative changes to retirement statutes regarding distributions, transfers, qualified domestic relations orders (QDRO) and long-term disability, including:

- a) prohibits a member who previously was a member of another retirement system and who receives or is eligible to receive a retirement benefit from that system from receiving retirement benefits from the Arizona State Retirement System (ASRS) for the same period;
- b) limits the enhanced survivor benefit calculation to a member's natural or adopted child under the age of 21 or a member's natural or adopted child of any age who is disabled;

FINANCE COMMITTEE (Cont'd.)

- c) allows the Board to award a lump sum benefit if the monthly benefit is less than an amount determined by the Board, rather than the current stipulated amount of \$20;
- d) stipulates that amounts payable to an alternate payee under a QDRO cease on the death of the alternative payee, if that alternate payee predeceases the member;
- e) allows ASRS to suspend or terminate disability benefits if a member fails to provide requested information; and
- f) requires ASRS coverage for a state employee on the 27th week of employment if membership criteria is met.

investing public monies; notes (H.B. 2163) – Chapter 108

Expands the meaning of eligible investments available to treasurers of a local government to include notes of this state, or any of its counties, incorporated cities or towns or school districts.

~~private taxpayer rulings; unclaimed property~~ (NOW: unclaimed property; holder information rulings) (H.B. 2201) – Chapter 315

The Department of Revenue (DOR) is required to assist in the compliance of taxpayers and unclaimed property holders by providing them with information and advice. Private taxpayer rulings and taxpayer information rulings are written documents responding to a written inquiry by an individual or organization that is identified in the request. The difference between a taxpayer information ruling and a private taxpayer ruling is that a taxpayer may request the advice from DOR through a taxpayer representative without disclosing any identifying information. DOR is currently allowed to issue private holder rulings to unclaimed property holders, and H.B. 2201 allows them to similarly issue holder information rulings.

department of revenue closing agreements (H.B. 2202) – Chapter 316

Modifies the definition of *affected class* to bring entire classes of taxpayers into compliance with Arizona tax laws on a prospective basis in situations where widespread noncompliance was due to a pervasive misunderstanding or misapplication of the law.

sharing revenue information; political subdivisions (H.B. 2236) – Chapter 329

Allows counties or incorporated cities or towns in this state to use the liability setoff program established by the Department of Revenue to intercept Arizona state income tax refunds if an outstanding debt in excess of \$50 is owed.

~~internal revenue code; conformity policy~~ (NOW: conformity policy; internal revenue code) (H.B. 2332) – Chapter 128

Prohibits the Department of Revenue (DOR) from assessing penalty or interest on a nonconformity issue if all of the following occur:

- a) the taxpayer filed a return and paid taxes due, relying on DOR's published forms and instructions;
- b) conformity does not occur;
- c) DOR supplements its published forms and instructions relating to nonconformity and requires the taxpayer to file an amended return; and
- d) the taxpayer amends its return to report the nonconformity deficiency and pays the additional tax by the extended due date of the next taxable year.

FINANCE COMMITTEE (Cont'd.)

Also, requires a person who stores, uses or consumes tangible personal property that is subject to use tax for a nonbusiness purpose to declare the annual amount of tax due on that person's income tax return, if that article was used for a non-business purpose and the tax was not collected by a registered retailer.

city tax code; official copy (H.B. 2336) – Chapter 129

Requires that the official and up-to-date copy of the Model City Tax Code be maintained by the Department of Revenue (DOR) and all changes in the rates of tax be reflected in the official copy on file with DOR within 10 days of the Municipal Tax Code Commission's approval.

~~sale of trust lands; taxes~~ (NOW: taxes; sale of trust lands) (H.B. 2397) – Chapter 284

Exempts purchasers of state trust lands from paying taxes on that land for seven years from the time a certificate of purchase is issued, or until a patent for the land is issued, whichever occurs first, and stipulates that if a patent has not been issued within seven years after the State Land Department has issued a certificate of purchase, the taxes will begin to accrue. This act is retroactive to TY 2008 and to certificates of purchase issued from and after January 1, 2006.

~~residential contractors' recovery fund~~ (NOW: taxes; aircraft; personal property) (H.B. 2341) – Chapter 300

SEE THE APPROPRIATIONS COMMITTEE.

agricultural property tax classification; equine. (H.B. 2552/S.B. 1183) – Chapter 8

Provides that all land and improvements devoted to commercial breeding, raising, boarding or training of equine be valued as agricultural property and assessed under Class 2. Expands the definition of agricultural property to include equine rescue facilities registered with the Arizona Department of Agriculture.

health savings accounts; tax incentives (H.B. 2556) – Chapter 287

Provides qualified employers an income tax credit, beginning in TY 2011, for providing qualifying health insurance plans to each enrolled employee. The bill provides an income tax credit of \$360 for every employee that enrolls in a health insurance plan offered by the business. To qualify, the business must offer high deductible health insurance plans with catastrophic coverage under a health savings account. In order to receive the credit, businesses must have between two and fifty employees, must not have provided health insurance within 90 days of offering the plan, must offer the plan to every employee, and provide the plan to each employee for at least one year. The credits can be carried forward three years and new credits can only be claimed for three years. Repeals the tax credit on January 1, 2014.

~~fund transfer; Arizona historical society~~ (NOW: unemployment; special assessment) (H.B. 2619) – Chapter 218

Requires employers to pay a special assessment in both calendar years 2011 and 2012, at a rate determined by the Arizona Department of Economic Security (DES), which would be used to pay outstanding loan balances related to Arizona's Unemployment Insurance Program. Requires the

FINANCE COMMITTEE (Cont'd.)

assessments to be deposited into the Unemployment Special Assessment Fund (Fund). Requires Fund monies to be used: a) first, to pay interest charges incurred on the loan; then b) to retire the loan principal on or before November 10, 2012.

Contains a legislative intent clause that limits the rate of the assessment to:

- a) 0.4 percent of the taxable wages paid for the tax year in 2011;
- b) 0.6 percent of the taxable wages paid for the tax year in 2012;
- c) 0.2 percent of the taxable wages paid for any *increase* in the assessment for 2012.

Reduces the assessment by 0.1 percent if the state is granted a waiver of interest charges. Permits DES to increase the assessment for 2012 if DES determines that the Fund monies will not be sufficient to pay interest charges and restore the principal by November 10, 2012.

Transfers any remaining monies in the Fund to the Unemployment Compensation Fund after payment of all principal and interest on the loan. Repeals the assessment and Fund on January 1, 2013.

LEGISLATION VETOED

2011 tax corrections act (S.B. 1186) – VETOED

Corrects errors, obsolete language and blending issues within the Arizona Revised Statutes that govern state tax laws. This year several substantive changes were added to the tax corrections act including:

- a) establishing the income tax credit for contributions to certified school tuition organizations and allowing an individual taxpayer to contribute to a school tuition organization that is organized to receive corporate donations;
- b) exempting aircraft, navigational and communication instruments, and other accessories and related equipment sold to foreign governments and used within Arizona from transaction privilege and use taxes (which was signed by the Governor this session in H.B. 2341); and
- c) expanding the existing property tax exemption for grounds and buildings owned by agricultural societies to include property owned by a nonprofit organization and used for specific purposes.

The Governor in her veto letter states that the bill undoubtedly stretches the limits of what is appropriate for a tax corrections bill. She hopes her veto will inspire a return to the traditional and customary understanding that certain bills are intended for specific purposes and should be held by leadership as off-limits from substantive policy changes.

PSPRS; trustees; employment agreements (S.B. 1316) – VETOED

Specifies that loans, guarantees, investment management agreements and contracts entered into by the Public Safety Personnel Retirement System Board do not involve the procurement, supply or provision of goods, equipment, labor, materials or services but are instead contracts memorializing obligations.

The Governor vetoed S.B. 1316 because she felt it would weaken statutory prohibitions against the State of Arizona doing business with companies with scrutinized business operations in Sudan or Iran.

FINANCE COMMITTEE (Cont'd.)

corporate tax allocation; sales factor (S.B. 1552) – VETOED

Allows a multistate service provider to elect to treat sales from services as being in this state if the purchaser of the service received the benefit of the service in this state and the election is made on the taxpayer's income tax return. Defines *multistate service provider* as a taxpayer that derives more than 85 percent of its sales from services to purchasers who receive the benefit of the service outside this state in the taxable year of election. Excludes sales to students receiving educational services at campuses physically located in this state from the 85 percent calculation. Becomes effective in TY 2012.

In her veto message, the Governor indicated that one of her chief concerns with S.B. 1552 is the quick timetable for implementing the bill's goal. The bill's estimated fiscal impact is \$33 million annually and given our current fiscal condition, the Governor states we cannot afford the accelerated implementation date of December 31, 2011.

~~technical correction; cosmetology schools; contracts (NOW: low income housing; property tax) (H.B. 2166) – VETOED~~

The low income housing tax credit program was enacted by Congress in 1986 to provide the private market with an incentive to invest in affordable rental housing. Federal housing tax credits are awarded to developers of qualified projects. Developers then sell these credits to investors to raise capital for their projects, which reduces the debt that the developer would otherwise have to borrow. H.B. 2166 requires county assessors to value these qualifying low income multifamily residential rental properties using an income-based approach, and establishes a capitalization rate of 12.5 percent.

The Governor, in her veto message, stated her belief that this bill creates a bad precedent by creating inequities in our property tax system. County assessors have committed to her that they will continue to reach out to legislators and others interested in achieving a solution that is workable for all involved.

special districts; secondary levy limits (H.B. 2338) – VETOED

Primary property taxes, which fund the maintenance and operations budgets of counties, cities and community colleges, are currently limited to two percent plus growth. Secondary taxes levied for bonds and budget overrides are limited in the respect that they require voter approval. H.B. 2338 limits levy increases for county free library districts, county jail districts, juvenile detention facilities and public health services districts to two percent plus growth. It also increases the annual limit to the maximum permissible limit regardless of whether the district actually levies that amount.

The Governor vetoed H.B. 2338 stating that mandating restrictions will affect counties inequitably in their efforts to respond to community needs. The Governor believes a system of limits could be put in place, while also taking into account the varying circumstances around the state.

STOs; credits; administration (H.B. 2581/S.B. 1312) – VETOED

Allows entities that pay state severance tax or state luxury tax on liquor products to receive a state tax credit against those taxes for contributions made to a School Tuition Organization (STO)

FINANCE COMMITTEE (Cont'd.)

that awards scholarships to low-income, displaced or disabled pupils. It also increases the maximum allowable tax credit that individuals can receive for STO contributions to \$750 (versus \$500 currently) for a single individual or head of household and to \$1,500 (versus \$1,000 currently) for a married couple filing jointly. The bill also eliminates caps on the total amount of tax credits that corporations and insurers may claim annually for STO contributions.

The Governor explains her rationale for vetoing H.B. 2581 by addressing four principle concerns:

- a) any tax reduction, including tax credits, must be part of an overall plan to keep the budget balanced, and H.B. 2581 would unbalance the budget by expanding the pool of students who may qualify for scholarships funded by corporate tax credits.
- b) aggregate caps on tax credits are critical to the state's ability to budget – corporate tax credits should have aggregate caps.
- c) tax credits should not overly burden budgets and, as much as possible, impact local governments in a uniform manner – H.B. 2581 unfairly impacts certain local counties where severance tax is a major source of revenue relative to the rest of the state.
- d) H.B. 2581 potentially creates a system that would provide wholesalers a tax benefit with no requirement to pass that benefit through to consumers.

SECOND SPECIAL SESSION

LEGISLATION ENACTED

Arizona commerce authority; business incentives. (H.B. 2001/S.B. 1001) – Chapter 1 (Second Special Session)

SEE THE COMMERCE AND ENERGY COMMITTEE.

Government Reform Committee

Senator Frank Antenori, Chairman



Bill Boyd, Research Analyst

Elora Diaz, Intern

GOVERNMENT REFORM COMMITTEE

LEGISLATION ENACTED

state library and archives amendments (S.B. 1123) – Chapter 18

Makes technical and conforming changes necessitated by Laws 2009, Chapter 114, which transferred the Arizona State Library, Archives and Public Records from the purview of the Legislature to the Secretary of State.

homeowners' associations; disputes; administrative hearings (S.B. 1148) – Chapter 185

SEE THE JUDICIARY COMMITTEE.

planned communities; condominiums; document fees (S.B. 1149) – Chapter 65

Effective January 1, 2012, limits the fee that a planned community and condominium association (HOA) can charge a unit owner for the preparation of required documents associated with the resale of a unit to an aggregate of \$400. Permits fees to increase at a rate of no more than 20 percent per year, with limitations. States that an HOA that violates laws regarding the placement of a *for sale* sign forfeits and extinguishes lien rights against the unit for six months.

city auditors; confidential information (S.B. 1153) – Chapter 74

Allows a city or town that has established the office of city auditor to require that the auditor review the minutes of executive sessions of the city or town council or any other public body established by the city or town. States that files maintained by the auditor are not public records. States that any audit report prepared for or presented to a city or town is a public record subject to public record requirements.

dilapidated building; definition (S.B. 1207) – Chapter 41

Limits the definition of *dilapidated building* to any real property structure that is likely to burn or collapse and its condition endangers the life, health, safety or property of the public.

political committee registration; religious entity (S.B. 1282) – Chapter 149

Prohibits this state from requiring a religious institution to register as a political committee if the amount of time or assets the institution spent in influencing legislation, referendums, initiatives or constitutional amendments is not substantial according to Section 501(c)(3) of the Internal Revenue Code.

county election workers; political campaigns (S.B. 1290) – Chapter 71

Prohibits an employee of the County Elections Department, including an employee of the County Merit System, from being an officer of any political campaign or any candidate campaign committee. Exempts a person currently holding elected office.

GOVERNMENT REFORM COMMITTEE (Cont'd.)

county island fire districts; meetings (S.B. 1314) – Chapter 162

Decreases the number of public meetings required to be held by a county island fire district board of directors from once a month to at least once every ninety days. Requires the county island fire district's budget to be posted on an official website and specifies the deadlines for posting the budget.

city council; vacancy; appointment; election (S.B. 1318) – Chapter 271

For non-charter cities and towns, states that if a vacancy does not occur more than 30 days before the nomination petition deadline, the appointment to fill a vacancy in a city council is for the unexpired term.

~~homeowners' associations; flagpoles~~ (NOW: flag display; homeowners' associations) (S.B. 1326) – Chapter 152

Allows a condominium association or planned community to create limitations on the number of flags that may be displayed and on the height of the flagpole, but prevents the association and community from prohibiting the front yard or backyard outdoor display of specific flags on a member's property.

cities; towns; deannexation; incorporation (S.B. 1333) – Chapter 348

Through December 31, 2020, limits the time territory within a prescribed distance of an incorporated city or town with a specific population is declared an urbanized area and establishes incorporation and deannexation procedures for a specified population.

county planning; zoning; conforming legislation (S.B. 1341) – Chapter 124

Effective October 1, 2011, implements technical and conforming changes to county planning and zoning statutes necessitated by Laws 2010, Chapter 244.

fire districts; joint powers authority (S.B. 1361) – Chapter 350

Allows cities, towns, counties and fire districts to form separate legal entities to provide fire protection and related services.

county ordinances; utility vehicle parking (S.B. 1364) – Chapter 22

Permits a resident employed by a public service corporation or a public or private safety agency to park a motor vehicle on a street or driveway in a county if the person's employment requires that the vehicle be available at the person's residence during designated periods and if the motor vehicle is owned or operated by the corporation or agency.

paycheck deductions; political purposes (S.B. 1365) – Chapter 251 W/O

Prohibits, beginning after October 1, 2011, any employer from deducting any payment from an employee's paycheck for political purposes without annual written or electronic authorization from the employee.

GOVERNMENT REFORM COMMITTEE (Cont'd.)

Alos requires that if a deduction is made from an employee's paycheck for multiple purposes, employers are to obtain a statement from each entity indicating that the payment is not used for political purposes or indicating the maximum percentage of the payment that is used for political purposes.

Subjects an employer that improperly deducts payments from an employee's paycheck for political purposes and an entity that provides an inaccurate statement to a civil penalty of at least \$10,000 per violation.

~~governmental mall commission; public terms (NOW: military affairs; families; funds; omnibus)~~
(S.B. 1373) – Chapter 307 E

An emergency measure, effective April 28, 2011, that makes various changes to statute relating to military affairs, military families and veterans. The major provisions include:

Arizona Supportive Campus – Permits a postsecondary institution to request to be certified by the Director of the Department of Veterans Services (DVS) as an Arizona Veterans Supportive Campus (AVSC) and allows DVS to maintain a list of certified AVSCs on their website. Permits DVS to make a reasonable effort to notify postsecondary institutions and any other appropriate entities of the opportunity to be certified as an AVSC. Requires each AVSC to forward a report to DVS on the number of veterans enrolled in its institution, on or before December 31 and June 30 of each year.

Military Family Relief Fund – Extends the Military Family Relief Fund from December 31, 2013 to December 31, 2018. Modifies session law to require a two-thirds majority, rather than a unanimous, vote of the Military Family Relief Advisory Committee (Committee) to approve an award of up to \$20,000 for an applying family. Extends the authority of the Committee to award grants until December 31, 2012.

Veteran-Owned Business – Requires the Director of the Department of Administration to examine the awarding of state contracts involving the procurement of materials, services or construction to veteran-owned businesses for FY 2012 and to submit a report to the Speaker of the House of Representatives and the President of the Senate on or before October 1, 2012.

Exemption From Disqualification of Unemployment Benefits – Exempts spouses and unemancipated minors from being disqualified from unemployment benefits if they are changing locations with a member of the Armed Services under orders.

Miscellaneous – Allows a disabled veteran who is 100 percent disabled to submit a copy of the person's certificate of 100 percent disability to the Arizona Department of Transportation in order to receive international symbol of access special plates. Deletes language referring to the Montgomery GI Bill and replaces it with language that specifies all education benefits available to veterans of the U.S. Armed Forces can be used for deferment of tuition payments, fees and required books, upon registration at a state supported community college, college or university.

GOVERNMENT REFORM COMMITTEE (Cont'd.)

~~forfeiture of office; technical correction~~ (NOW: livery vehicles; taxis; limousines; regulation) (S.B. 1375) – Chapter 104

Prohibits the regulation of livery vehicles, taxis and limousines by a county, city, town or other political subdivision of this state.

reviser's technical corrections; 2011 (S.B. 1419) – Chapter 238

Makes necessary technical changes to the Arizona Revised Statutes.

~~technical correction; light pollution~~ (NOW: bond election; informational pamphlet) (S.B. 1512) – Chapter 72

SEE THE WATER, LAND USE AND DEVELOPMENT COMMITTEE.

sanitary districts; standards for moratoriums (S.B. 1523) – Chapter 73

Establishes standards and procedures for a sanitary district to adopt a moratorium on construction or land development.

city; town; development fees (S.B. 1525) – Chapter 243

States that a municipality may assess development fees to offset the costs to a municipality associated with providing necessary public services to a development, including the costs of infrastructure, improvements, real property, engineering and architectural services, financing and professional services required for the preparation or revision of the portion of the infrastructure improvements necessary for the imposition of a development fee.

Requires a municipality to calculate development fees based on a land use assumptions and infrastructure improvements plan (IIP). Limits development fees to a proportionate share of the cost of infrastructure improvements, based on service units, needed to provide infrastructure improvements to a new development.

Allows projected interest charges and other finance costs to be included in development fees only if the monies are used for the payment of principal and interest on the portion of the bonds, notes or other obligations issued to finance construction identified in the IIP.

A municipality is required to forecast the future revenue contribution to be made from the property owner towards the capital costs of the infrastructure improvements and credit that amount against any development fees assessed on a development.

Includes procedures for the updating and approval of land use assumptions, IIPs and the adoption of development fees. Before the adoption of land use assumptions, IIPs and development fees, a city must appoint an Infrastructure Improvements Advisory Committee composed of at least five members, 50 percent of whom must be representatives of the real estate, development or building industries and one of whom must be from the home building industry.

political flyers; petitions; homeowners' associations (S.B. 1540) – Chapter 154

SEE THE APPROPRIATIONS COMMITTEE.

GOVERNMENT REFORM COMMITTEE (Cont'd.)

cities; counties; regulatory review (S.B. 1598) – Chapter 312

Regulatory Bill of Rights – Establishes and enumerates the Regulatory Bill of Rights for individuals who are regulated by cities, towns, counties and flood control districts.

City and County General Plans and Petitions for Special Action – Requires, effective October 1, 2011, a city or county governing body (governing body) to include in a general plan a land use element that includes sources of currently identified aggregates from maps available from state agencies, measures to preserve currently identified aggregates for future development and policies to avoid incompatible land uses.

Also effective October 1, 2011, allows a person who is aggrieved by a decision of a governing body regarding general plan nondiscretionary requirements, after participating in a public hearing to adopt or readopt a general plan, to file a petition for special action in superior court to review the decision within 30 days after a governing body rendered its decision.

Inspections – Effective July 1, 2012, requires an inspector who enters any premises of a regulated person to present photo identification and disclose certain information.

Allows a municipality or county to allow a regulated person to correct deficiencies, with exceptions. If a municipality or county does so, the municipality or county must, within 30 days of receiving notice of the corrections, determine and provide notification if the regulated person is in substantial compliance.

Enforcement action is allowed if a municipality or county determines that a regulated person has not corrected deficiencies within a reasonable period of time and a municipality's decision regarding deficiencies is not an appealable action.

Prohibited Acts by a Municipality or County – Prohibits a municipality or county from basing a licensing decision on a requirement or condition that is not specifically authorized by statute, rule, ordinance or code and states that a general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless specifically authorized by the authority.

Licensing Timeframes – Requires a municipality or county, for any new ordinance or code, and by January 1, 2012, for any existing ordinance or code, to have an administrative completeness, substantive review and overall timeframe in place during which a license will be granted or denied.

The bill also requires a municipality or county to prioritize licensing timeframes based on impact to the public to base licensing timeframes on factors including the possible increased use of general licenses for similar types of business, the possible increased cooperation between the municipality or county and the regulated community and increased municipal or county flexibility in structuring the licensing process and personnel.

GOVERNMENT REFORM COMMITTEE (Cont'd.)

Denial of a License – A municipality or county is required to include justification for the denial and an explanation of an applicant's right to appeal. A municipality or county that fails to issue an applicant notice granting or denying a license within the overall or mutually agreed on timeframe is required to refund, within 30 days, all fees charged for reviewing and acting on an application and excuse the payment of fees not yet paid, and to continue to process the application.

state firearm (S.B. 1610) – Chapter 313

SEE THE APPROPRIATIONS COMMITTEE.

2011-2012; capital outlay (NOW: capital outlay; 2011-2012) (S.B. 1613) – Chapter 25

SEE THE APPROPRIATIONS COMMITTEE.

general government; 2011-2012; budget reconciliation (NOW: budget reconciliation; general government; 2011-2012) (S.B. 1622) – Chapter 34

SEE THE APPROPRIATIONS COMMITTEE.

school district monies; associations; elections (H.B. 2002) – Chapter 169

Prohibits a school district from spending monies for membership in an association that attempts to influence the outcome of an election.

subdivisions; acting in concert (H.B. 2005) – Chapter 328

Effective October 1, 2011, allows, for any subdivision that consists of 10 or fewer lots, tracts, or parcels, a legislative body to expedite the processing or waive the requirement to prepare, submit and receive approval of a preliminary plat as a condition precedent to submitting a final plat.

Allows a legislative body to waive or reduce infrastructure standards proportional to the impact of a subdivision and prohibits a legislative body from waiving requirements for dust-controlled access and drainage improvements.

Clarifies that the sale or lease of a lot, parcel or fractional interest is not considered subdividing if the sale occurs 10 or more years after the sale or lease of another lot, parcel or fractional interest that was not a subdivision unless there is evidence of intent to subdivide.

state employees; wage payments (H.B. 2151) – Chapter 193

Allows an employer to deposit an employee's wages in a payroll card account if: a) the employer has offered deposit to the employee's credit at a financial institution of the employee's choice; b) the employee does not provide consent; and c) the employee does not designate a financial institution. Requires that an employee be provided with a written or electronic statement of his or her earnings and withholdings when the employee's wages are directly deposited to a financial institution or to a payroll card account.

GOVERNMENT REFORM COMMITTEE (Cont'd.)

municipalities; counties; fire sprinklers; code (H.B. 2153/S.B. 1374) – Chapter 7

Prohibits a municipality or a county from adopting a code or ordinance that prohibits a person or entity from choosing to install or equip or not install or equip fire sprinklers in a single family detached residence. The bill also prohibits a municipality or a county from imposing any fine or penalty related to the decision on whether or not to install the equipment. Exempts any code or ordinance that requires fire sprinklers in a residence and that was adopted before December 31, 2009.

counties; powers; technical correction (NOW: homeowners' associations; open meetings; recordings) (H.B. 2245) – Chapter 50

Allows attendees of homeowners' associations meetings to tape record or videotape the open portion of the meeting and allows a board of directors to adopt reasonable related rules.

intergovernmental agreements; separate legal entity (H.B. 2274) – Chapter 330

Adds Indian tribes to the list of cities, towns, counties and special taxing districts that may form a separate legal entity for the purposes of issuing revenue bonds and engaging in electric generation and transmission activities.

protected address; secretary of state (H.B. 2302) – Chapter 173

Beginning January 1, 2012, establishes the Address Confidentiality Program (Program) to allow persons who have been subject to domestic violence, stalking or sexual offenses to keep their residence addresses confidential and not accessible to the general public. The Secretary of State may disclose the address under certain conditions. Establishes the Address Confidentiality Program Fund (Fund) to defray the cost of the administration of the Program. Requires, if able, persons convicted of stalking or domestic violence pay a \$50 assessment from which 95 percent of the monies are deposited into the Fund. Adds border patrol agent to the statutory list of eligible persons.

lake improvement; boating safety; funds. (NOW: boating safety; fees; fund) (H.B. 2314) – Chapter 333

SEE THE APPROPRIATIONS COMMITTEE.

Indian affairs commission; continuation (H.B. 2315) – Chapter 52

Continues, retroactive to July 1, 2011, the Arizona Commission of Indian Affairs until July 1, 2016.

presidential ballot; president; vice-president (H.B. 2335) – Chapter 299

Requires the heading of the column on a ballot containing the names of the candidates for the office of president to read *President and Vice-President*. Requires an indicator for the selection of a candidate to be next to the name of the candidate for president with the name of the vice-presidential candidate immediately below that of the presidential candidate.

Also requires that when presidential electors are voted for, the candidates of each party are represented by the surname of the presidential and vice-presidential candidates of that party.

GOVERNMENT REFORM COMMITTEE (Cont'd.)

local government budgeting; posting; publication (H.B. 2422) – Chapter 155

Requires a city or town to post estimates of revenues and expenses and final budgets in a prominent place on an official website.

alternative work hours; DPS employees (H.B. 2474) – Chapter 200 E

An emergency measure, effective April 19, 2011, that allows the Director of the Department of Public Safety (DPS), through January 1, 2014, to establish alternative work periods for all employees of DPS for the purpose of determining overtime compensation.

counties; health care services; payments (H.B. 2478) – Chapter 266

Requires a county with a population of more than one million persons to pay claims for medical or surgical care for a child that is a county charge, an inmate in a county jail or a person in the county infected with tuberculosis, unless otherwise provided by an intergovernmental agreement, as follows:

- a) for inpatient and outpatient medical services, a level that does not exceed the Arizona Health Care Cost Containment System (AHCCCS) methodology for determining reimbursement; and
- b) for health and medical services, at a level that does not exceed the capped fee-for-service schedule that is adopted by AHCCCS.

officeholder expense accounts; late fees (H.B. 2480) – Chapter 117

Establishes a penalty fee of \$5.00 per day for failure of an officeholder to file or make a campaign finance report. Prohibits the late penalty fee from accruing on days during which the Office of the Secretary of State is not open.

burial duties; prisoners; DOC (H.B. 2487) – Chapter 79 E

An emergency measure, effective April 12, 2011, that states that the Arizona Department of Corrections (ADC) is responsible for the burial of a prisoner or for providing other funeral and disposition arrangements if the prisoner is in the custody of ADC at the time of death and no other person is willing or available to fulfill these responsibilities.

~~technical correction; critical infrastructure information~~ (NOW: consumer incentives; food) (H.B. 2490) – Chapter 92

States that the regulation and use of consumer incentive items, including in retail food establishment marketing, are not subject to further regulation by a county, city, town or other political subdivision of this state.

~~technical correction; unclaimed property; transition~~ (NOW: political signs; public right-of-way) (H.B. 2500) – Chapter 318

Modifies rules for the placing, removal, alteration, defacing or covering of any political sign during the period commencing 60 days before a primary election and ending 15 days after the general election.

GOVERNMENT REFORM COMMITTEE (Cont'd.)

Allows the jurisdiction to relocate a political sign if the sign constitutes an emergency and requires the jurisdiction to notify the candidate or campaign committee that placed the sign within 24 hours after the relocation.

The jurisdiction may remove a sign if the candidate or campaign committee does not remove the sign within at least 24 hours of the notification. The jurisdiction must provide notice to the party if the sign is removed and the jurisdiction must retain the sign for at least 10 business days after removing the sign to allow the party to retrieve the sign without penalty.

States that a state, city, town or county employee is not liable for an injury caused by the failure to remove a sign that constitutes an emergency, unless the employee intended to cause injury or was grossly negligent.

city or town annexation (H.B. 2534/S.B. 1136) – Chapter 2 W/O

Permits a city or town located in a county with a population of more than 350,000 to annex territory within a specified area. States that the annexation is valid and becomes immediately operative if approved by a specified number of votes by the city or town governing body.

state nickname; grand canyon state (H.B. 2549/S.B. 1015) – Chapter 5 E

SEE THE BORDER SECURITY, FEDERALISM AND STATES' SOVEREIGNTY COMMITTEE.

government expenditure database; transparency; CAFR (H.B. 2572) – Chapter 119

Requires the Arizona Department of Administration and local governments to include comprehensive annual financial reports on their official internet websites that are electronically searchable by the public at no cost and that contain a comprehensive database of receipts and expenditures of public monies.

homeowners' associations; signs; political; leasing (H.B. 2609) – Chapter 156

Expands homeowners' and condominium associations' open meeting requirements. Prohibits the associations from charging a fee for the use or placement of a commercially produced *for rent* or *for lease* sign.

sunset review; factors (H.B. 2627) – Chapter 176

Expands the number of factors that the committee of reference is required to consider in determining the need for continuation or termination of an agency.

federal monies; union preference; prohibition (H.B. 2644) – Chapter 319

Prohibits a city, town, board of supervisors, department, institution, board or commission from accepting federal monies for a construction project if accepting the monies requires the governmental agency to give preference to union labor.

GOVERNMENT REFORM COMMITTEE (Cont'd.)

technical correction; deceptive mailings (NOW: secretary of state; database) (H.B. 2701) – Chapter 339

Requires the Secretary of State (SOS) to establish a single format that prescribes the manner and template in which all county recorders provide voter registration data to the SOS. Also requires all submissions to be identical in format, including the level of detail for voting history, and allows information to be readily combined from two or more counties.

Voter Registration Form – The two largest political parties must be listed on the voter registration form according to the number of voters registered as members of those parties. The bill also requires the voter registration form to allow for a registrant to circle, check or otherwise mark their party preference and include a blank line for other party preference options.

Early Ballot Requests – Requires that if an early ballot request form was created by a political committee or other organization, the request must include the name of the organization that creates or distributes the request. Requires, subject to a \$25 per day late fee, early ballot request forms to be submitted within six business days to the political subdivision conducting the election. Establishes the failure to submit a completed early ballot request as a class 6 felony.

homeowners' associations; penalties; attorney fees (H.B. 2717) – Chapter 292

Prohibits a homeowners' association (HOA) from charging a fee for the use or placement of a commercially produced *for sale* or *for lease* sign and states that an HOA that prohibits or charges a fee for a commercially produced *for sale* or *for lease* sign forfeits and extinguishes lien rights against the unit or property for six months.

LEGISLATION VETOED

religion; free exercise; professionals; appointments (S.B. 1288) – VETOED

Prohibits a government from denying, suspending or revoking a professional or occupational license, certificate or registration based on a person's exercise of religion. Prohibits a government from denying a person a position on a board, commission or public body based on the person's religious beliefs or exercise of religion.

The Governor states in her veto message that because S.B. 1288 prohibits the government from denying, suspending or revoking a professional or occupational license based on religious exercise and beliefs and because the bill states that a person's exercise of religion is not unprofessional, the bill may lead to unanticipated and unintended consequences, as a person can claim that their conduct, harmful or not, is based on religious beliefs.

cities; services; managed competition (NOW: managed competition; city services) (S.B. 1322) – VETOED

Requires a city with a population of over 500,000 persons to furnish all municipal services with an anticipated cost of \$500,000 or more via a service contract that has been entered into through open and competitive bidding.

GOVERNMENT REFORM COMMITTEE (Cont'd.)

In her veto letter, the Governor expresses concerns with the omission of definitions and parameters by which anticipated cost is to be determined. She also states that the language may also place the tax exempt bond status of public buildings at risk. Finally, she indicates that this bill limits the cities' ability to govern at the local level and will result in unintended consequences to the taxpayer.

public employees; lobbying; political activities (S.B. 1329) – VETOED

Prohibits a public employee from lobbying a governmental entity during the employee's hours of employment with exceptions.

In her letter, the Governor indicates that state law already addresses issues relating to prohibiting public employees from using public resources for political purposes; therefore, this bill is not necessary. She also states that terms such as *public employee* and *political activity* are not clearly defined, which may lead to confusion when implementing the law.

technical correction; notaries public; conduct (NOW: consumer fireworks; regulation) (S.B. 1379) – VETOED

Modifies a governing body's authority to regulate the use and sale of permissible consumer fireworks (fireworks) by municipalities and counties. Prohibits the further regulation of fireworks between June 15 through July 5, December 12 through December 31 and January 1 through January 2 of each year. The bill also establishes the State Fire Marshal Fund.

In her veto letter, the Governor indicates that she supports each city and county having the ability to govern itself at the local level. She mentions signing legislation last session that allows for the sale and use of consumer fireworks because it grants cities and counties the power to regulate consumer fireworks.

joint powers exercise; separate entities (S.B. 1497) – VETOED

SEE THE APPROPRIATIONS COMMITTEE.

schools; 180 days; conforming changes (NOW: presidential candidates; qualifications; affidavit) (H.B. 2177) – VETOED

Requires that a presidential candidate prove his or her eligibility to run and hold office by providing documentation that proves citizenship, age and residency requirements.

The Governor indicates in her veto letter that she does not support a bill that designates one individual to determine the qualifications of a candidate in order to be placed on the ballot. She states that doing so would allow for arbitrary or politically motivated decisions. In addition, she is not in favor of requiring that candidates submit their early baptismal or circumcision certificates.

municipal tax exemption; commercial lease (NOW: 911 monument modification) (H.B. 2230) – VETOED

SEE APPROPRIATIONS COMMITTEE.

GOVERNMENT REFORM COMMITTEE (Cont'd.)

public programs; advertisements; funding source (H.B. 2502) – VETOED

Requires a public agency (agency) that advertises using a media announcement or communication for a public program offered or administered by the agency, to include a disclosure statement stating the source of monies that paid for the advertisement, unless the media announcement or communication already includes a disclosure statement. Exempts an agency from this section when soliciting for donations of monies or goods.

In her veto letter, the Governor indicates that H.B. 2502 is not necessary as the public is aware that public program advertisements are paid for with government monies. The Governor also indicates that she believes the public will view this as a nuisance.

county employees; merit system exemption (H.B. 2650) – VETOED

Permits, with the permission of a board of supervisors, an elected officer of a county with a population of less than two million persons to remove administrative positions from the county employee merit system. Expands the number of employees that are at will uncovered employees.

In her veto letter, the Governor indicates that H.B. 2650 fails to address the employment challenges faced by full authority law enforcement officers, it contains an overly broad salary increase trigger for uncovering an employee and it excludes Maricopa County from the bill.

Healthcare and Medical Liability Reform Committee

Senator Nancy Barto, Chairman



Eden Rolland, Research Analyst

Shannon Lidberg, Intern

HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE

LEGISLATION ENACTED

Arizona state hospital; fingerprinting requirements (S.B. 1025) – Chapter 177

Requires Arizona State Hospital (State Hospital) employees or volunteers, including employees or volunteers at the Arizona Community Protection and Treatment Center, to have a valid Level I fingerprint clearance card (card) issued by the Department of Public Safety or to apply for a card within seven working days after beginning employment or volunteer services. Requires the employee or volunteer to certify that he or she is not awaiting trial on, has never been convicted of, or has never admitted in open court or pursuant to a plea agreement to committing a precluding offense. Specifies the certification is made on forms provided by the Department of Health Services and the forms must be notarized. Prohibits the State Hospital from allowing a person to be employed or volunteer at the State Hospital if the person has been denied a card or has not received an interim approval from the Board of Fingerprinting.

dental hygienists; supervision (NOW: physician assistants; prescribing authority) (S.B. 1030) – Chapter 178

Requires the Arizona Regulatory Board of Physician Assistants (Board) to certify qualified physician assistants (PAs) for 30-day, rather than 14-day, prescription privileges for Schedule II and Schedule III controlled substances. Requires the Board to consider all records of delegated 14-day prescription authority that are in effect before the effective date to reflect the new 30-day prescription authority, unless the PA's supervising physician withdraws the delegation. Prohibits a PA from prescribing medication that is intended to perform or induce an abortion.

mammographic images; physician requirements (S.B. 1032) – Chapter 97

Aligns the education and training requirements of licensed physicians who interpret mammographic images with the federal requirements established by the Mammography Quality Standards Act (MQSA). Requires interpreting physicians to meet the MQSA standards and eliminates requirements that do not meet the standards of the MQSA regulations. Eliminates the authority of the Arizona Medical Board and the Arizona Board of Osteopathic Examiners in Medicine and Surgery to approve the qualifications of interpreting physicians.

optometry board; omnibus (S.B. 1033) – Chapter 179

Allows a licensed optometrist to prescribe, dispense and administer oral nonsteroidal anti-inflammatory agents (NSAIDs) in dosages of prescription strength. Limits an optometrist's NSAID prescribing authority to 14 days for any one patient for each occurrence. Prohibits an optometrist from prescribing NSAIDs to a person who is under six years of age.

Increases the number of optometrist members of the state Board of Optometry (Board) from four to five, thereby increasing the total number of Board members from six to seven. Permits current Board members to continue to serve until the expiration of their normal terms.

HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE (Cont'd.)

Allows an applicant for licensure to submit an application and fee to the Board within 30 days preceding the licensure examination. If the applicant does not pay a license issuance fee within 60 days after taking the examination, the applicant is required to submit a new application and all applicable fees to the Board. Clarifies the Board may issue licensure by endorsement to a qualified applicant who has been actively engaged in the practice of optometry in a branch of the United States military.

chiropractic board; omnibus (S.B. 1037) – Chapter 59

Requires the state Board of Chiropractic Examiners (Board) to adopt rules, beginning July 1, 2012, to prescribe continuing education requirements. Defines an *advisory letter* as a nondisciplinary letter relating to activity or a violation by the licensee that does not require disciplinary action, and specifies the information the letter may contain. Extends the period in which an inactive licensee may apply to the Board for reinstatement to active licensure, from one year to two years after the date the Board issues a notice of inactive status. Eliminates the Board's capacity to determine if the credentials of an applicant's chiropractic college are equivalent to recognized national accreditation standards. Eliminates the Board's use of restricted permits.

assisted living caregivers; regulation (S.B. 1038) – Chapter 141

Transfers the requirements and authority to regulate training programs for assisted living facility managers and caregivers from the Department of Health Services (DHS) and the state Board for Private Postsecondary Education to the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers. Specifies an *assisted living facility training program* includes training required for certification as an assisted living facility manager or training required by DHS for an assisted living facility caregiver.

Requires an applicant for assisted living facility manager certification to complete an approved training program and pass an examination in specified subject areas.

medical student loans; board; continuation (S.B. 1042) – Chapter 16

Retroactive to July 1, 2011, the Board of Medical Student Loans is continued until July 1, 2017.

nursing care administrators; continuation (S.B. 1043) – Chapter 17

Retroactive to July 1, 2011, the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers is continued until July 1, 2021.

podiatry board; continuation (S.B. 1044) – Chapter 60

Retroactive to July 1, 2011, the state Board of Podiatry Examiners is continued until July 1, 2021.

county medical examiner; identification protocol (S.B. 1118) – Chapter 181

Requires a county medical examiner to conduct an identification meeting within 48 hours, excluding weekends and legal holidays, after receiving a written or electronic notification request for

HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE (Cont'd.)

the meeting from an immediate family member of a decedent whose remains are in the county medical examiner's possession. Defines *identification meeting* as an examination of photographs or videos of the decedent, any distinguishing marks of the dead body, or any information that may assist the immediate family in making identification.

Allows the county medical examiner to limit or delay the identification meeting if, in the examiner's professional opinion, there would be a loss of forensic evidence or the decedent's body cannot be reasonably recognized. Specifies the legislation does not limit, otherwise restrict or affect the medical examiner's professional judgment or discretion to determine the nature and extent of any death investigation or positive identification. Requires the county medical examiner to provide information on the county website addressing how to make a notification request for an identification meeting.

Provides immunity from civil liability to the county medical examiner, the medical examiner's employees, agents, contractors and other representatives and the county for any injuries or damages allegedly suffered as a result of the identification meeting by immediate family members or another third party.

naturopathic medicine; nutrients (S.B. 1119) – Chapter 182

Expands the scope of practice of licensed naturopathic physicians by allowing them to administer nutrients intravenously. Defines *nutrient*. Requires the Board of Pharmacy to adopt rules for the safe administration of intravenous nutrients. Requires the rules to identify and exclude substances that are not suitable for intravenous administration.

chiropractic services; business entities (S.B. 1120) – Chapter 183

Requires business entities that offer chiropractic services to register with the state Board of Chiropractic Examiners (Board). Establishes requirements for initial registration, registration renewal and payment of registration fees. Requires a business entity to notify the Board within 30 days of any change to the entity's name or contact information, its officers, or the name of any authorized chiropractor who provides or supervises services in any facility. Requires the Board to impose a civil penalty on a business entity that fails to notify the Board of these changes. Specifies civil penalties are deposited in the state General Fund.

Requires a business entity to comply with applicable statutory requirements and Board rules, and permits the Board to administer discipline to registered business entities that commit violations. Requires a business entity to notify the Board within 30 days after the entity dissolves or a facility closes or relocates. The business entity must also report the procedure by which patients may obtain their records. Specifies the legislation does not apply to a health professional who is not a licensed chiropractor but who acts within their scope of practice.

~~maternal mortality; review team~~ (NOW: review team; maternal mortality) (S.B. 1121) – Chapter 143

Requires the Department of Health Services (DHS) Child Fatality Review state team to evaluate the incidence and causes of maternal fatalities associated with pregnancy in Arizona. Requires DHS to provide the state or local child fatality review teams with access to information and records of maternal fatalities. Further requires the DHS Director to apply to the superior court for a subpoena, as necessary, to gather evidence for an investigation related to a maternal fatality

HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE (Cont'd.)

associated with pregnancy. Specifies child fatality review team meetings are closed to the public if a team is reviewing maternal fatality cases.

insurance; health care sharing ministries (S.B. 1122) – Chapter 184

SEE THE BANKING AND INSURANCE COMMITTEE.

technical correction; child care; licensing (NOW: scope of practice; nursing; abortion) (S.B. 1169) – Chapter 145

Establishes that the Arizona Board of Nursing (Board) does not have authority to decide scope of practice relating to abortion. In session law, asserts that the Board's authority to make scope of practice determinations is limited to the authority delegated by the Legislature, and where the Board's determination is inconsistent with the Legislature's authority to set policy, the Board's determination is void. States that any Board rule, advisory opinion or other action relating to abortion and the scope of practice of licensed nurses is rescinded and invalid.

homeopaths; categories of licensure (NOW: categories of licensure; homeopaths) (S.B. 1175) – Chapter 186

Establishes a new licensure category in the homeopathic medical profession of *doctor of homeopathy (DH)*. Requires applicants for DH licensure to graduate from an approved school of medicine and meet other specified application criteria. Requires the Board of Homeopathic and Integrated Medicine Examiners (Board) to regulate doctors of homeopathy (DHs) and applies the Board's current powers and duties to the regulation of DHs. Beginning January 1, 2015, modifies the composition of the Board by adding one membership position for a licensed DH.

Defines the *practice of homeopathic medicine* by a person who is licensed as a DH as the practice of medicine in which a person purports to diagnose, treat or correct human diseases, injuries, ailments, infirmities and deformities of a physical or mental origin by means of homeopathy or nutrition. In addition, the bill establishes acts of unprofessional conduct if committed specifically by a DH licensee.

Permits DH licensees to practice only within their authorized scope of practice. Deems acting outside of the authorized scope of practice as unprofessional conduct and authorizes the Board to seek injunctive relief. Specifies criminal penalties for practicing homeopathic medicine or using certain professional titles without a DH license. Conforms the professional titles a homeopathic licensee may use according to license type, and specifically allows a DH licensee to only use the title *doctor of homeopathy* or *homeopathic doctor*. Allows a person to practice traditional homeopathy without a license and use the title *homeopath*.

Applies current standards of practice regarding confidentiality of patient records to DH licensees. Permits homeopathic medical assistants to assist DH licensees. Allows a DH licensee to dispense drugs and devices, but limits the authority to dispensing homeopathic medications and nonprescription drugs, including nutritional supplements. Requires the DH licensee to include specified information on a medication's label or instruction sheet. Also requires a DH licensee to enter information about the dispensed substance and the therapeutic reason into the patient's medical record. Prohibits a DH licensee from dispensing controlled or prescription-only substances.

HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE (Cont'd.)

Exempts the Board from rulemaking requirements for one year after the effective date for the purposes of this legislation.

medical board; omnibus (S.B. 1176) – Chapter 227

Allows an allopathic physician to write prescriptions or issue prescription medications to a household member of a patient for an immunization that is listed in the Center for Disease Control and Prevention's recommended immunization schedule without first conducting a physical examination or establishing a doctor-patient relationship with the household member.

Modifies the information contained in a physician licensee's public profile, which appears on the Arizona Medical Board's website. Specifies that nondisciplinary orders or actions are available to the public but may not appear on the Board's website, unless the action is a practice limitation or restriction. Requires the Board to make corrections to the profile at any time upon request by the licensee.

Eliminates the requirement for organizations that operate confidential substance abuse treatment and rehabilitation programs or mental, behavioral and physical health evaluation and treatment programs to submit quarterly reports to the Board regarding each licensee's diagnosis, prognosis and recommendations for continuing care. Clarifies the protocols and procedures of confidential treatment programs apply to licensed physician assistants as well as to physicians.

behavior analysts; practice recognition; DHS (S.B. 1240) – Chapter 231

Allows applicants for behavior analyst licensure to earn supervised experience hours concurrently with coursework requirements, and specifies the total number of hours that require supervision. Permits university practicum or intensive university practicum hours to count toward an applicant's supervised experience hours. Requires supervision to occur once every two weeks, for five percent of the total number of supervised experience hours. Limits supervised experience to 30 hours per week, and allows an applicant to earn the total number of supervised experience hours in less than 12 months.

Stipulates a supervisor must be a licensed behavior analyst for only supervised experience hours that are obtained after January 1, 2011. Also allows the Board to continue to grant supervisor exemption requests after July 1, 2011, only if the applicant obtained the supervised hours in a state that did not license behavior analysts during the period in which the supervision was obtained.

Requires the Department of Health Services (DHS) to recognize a licensed behavior analyst as a behavioral health professional who is eligible for reimbursement of services. Requires DHS to adopt rules to include behavior analysts in the list of recognized behavioral health professionals. Exempts DHS from rulemaking requirements for one year after the effective date.

sexually violent persons; hearings (S.B. 1247) – Chapter 189

Requires the court to order an evaluation of a respondent who is petitioned to be a sexually violent person if the respondent has not requested a probable cause hearing within 10 days after service of the petition. Requires the court to select the person to conduct the evaluation from a list of competent professionals. Requires the county to pay the cost of the evaluation ordered by the court.

HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE (Cont'd.)

hospitals; dual licensure; elimination (S.B. 1248) – Chapter 43

Requires the Department of Health Services (DHS), by July 1, 2012, to revise agency rules to eliminate dual licensing requirements for hospitals that provide organized psychiatric services. Exempts DHS from rulemaking requirements for two years after the effective date for this purpose.

pharmacists; drug therapy protocols (S.B. 1298) – Chapter 103

Expands the scope of practice of licensed pharmacists. Allows a licensed pharmacist who is certified in immunization to: a) administer immunizations for influenza or in response to a declared public health emergency to children age six and older without a prescription order; b) administer other types of immunizations to children age six and older with a prescription order. A minor's parent or legal guardian must give consent before a pharmacist may administer an immunization. Specifies a patient's primary care provider is not liable in the event of an adverse reaction to the administration of an immunization by a pharmacist without a prescription. States the expansion of scope is intended to allow greater access to immunizations and to enhance collaboration between pharmacists and primary care providers.

Eliminates the limitations on practice settings for pharmacists who are working under a drug therapy protocol agreement with a primary care provider and specifies requirements for protocol implementation. Allows a pharmacist to enter a drug therapy protocol agreement with a nurse practitioner. Permits a pharmacy intern who is certified by the Arizona State Board of Pharmacy to administer immunizations under the direct supervision of a licensed pharmacist.

public health districts; voter approval (S.B. 1313) – Chapter 295

SEE THE FINANCE COMMITTEE.

podiatry board; omnibus (S.B. 1315) – Chapter 151

Requires health care institutions to report occurrences of the following to the state Board of Podiatry Examiners (Board): a) the denial, revocation, suspension or limitation of a podiatrist's practice privileges at the institution; and b) a podiatrist under investigation at the health care institution resigns or resigns in lieu of disciplinary action. The health care institution must also provide a general statement of the reasons for its actions or for the podiatrist's resignation. Requires the health care institution to additionally report changes to a podiatrist's practice privileges to other appropriate health care institutions in the state and to the Arizona Health Care Cost Containment System Administration.

Establishes the act of obtaining a fee by fraud, deceit or misrepresentation, or charging a fee for services not rendered as unprofessional conduct. Changes the term *informal interview* to *informal hearing*. Eliminates the Board's use of provisional licenses.

AHCCCS; missed appointments; provider remedy (S.B. 1357) – Chapter 234

Authorizes a physician or primary care practitioner (PCP) who provides acute care services to AHCCCS members to charge a \$25 fee to an AHCCCS member who misses an appointment without cancelling the appointment in advance, and permits the physician or PCP to prohibit the AHCCCS member from rescheduling the appointment until the fee is paid.

HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE (Cont'd.)

Allows the AHCCCS Administration to authorize political subdivisions, subject to approval by the Centers for Medicare and Medicaid Services (CMS), to provide funds to qualify for federal matching monies in order to provide health care coverage for persons who would be eligible for AHCCCS coverage under Proposition 204. Allows a political subdivision to limit the health care coverage provided. Stipulates health care coverage may only be offered through providers or health plans that are designated by the political subdivision. Repeals authority for political subdivisions to provide matching monies on October 1, 2013.

homeopathic physicians; use of title (S.B. 1382) – Chapter 235

Permits a person who is not licensed by the Arizona Board of Homeopathic and Integrated Medicine Examiners to use the designation of *homeopath*. Eliminates the class 2 misdemeanor penalty for using the designation of *homeopath* without a license.

health care actions; liability; students (S.B. 1429) – Chapter 192

States that a student who is enrolled in a health professional education or training program is not liable in a medical malpractice action for injury that occurs during or as a result of health care that is provided while the student is in the program and under the supervision of a licensed health care provider, unless gross negligence is established by clear and convincing evidence. Also establishes the student does not owe an independent duty of care to a patient while participating in patient care under the supervision of a licensed provider. Specifies the student's education or training program must be of a certified, accredited or state approved postsecondary institution that prepares students for licensing as a health care provider. Affirms that the legislation does not eliminate any responsibility of the supervising licensed health care provider for the student's actions.

dependent children; hearings; notice (S.B. 1560) – Chapter 253

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

nursing board; membership (S.B. 1583) – Chapter 242 E

SEE THE APPROPRIATIONS COMMITTEE.

health; 2011-2012; budget reconciliation (NOW: budget reconciliation; health; 2011-2012) (S.B. 1619) – Chapter 31

SEE THE APPROPRIATIONS COMMITTEE.

mandated health coverage report; legislators (NOW: hospice care; restoration) (H.B. 2099) – Chapter 13

Requires AHCCCS health plans and program contractors to provide coverage of hospice care for AHCCCS members who are enrolled in acute care or long term care programs.

homemade food products; regulation; exception (H.B. 2103) – Chapter 84

Exempts baked and confectionary goods that are prepared in a private home for commercial purposes from the rules established by the Arizona Department of Health Services (DHS) relating to

HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE (Cont'd.)

food safety. Specifies the baked and confectionary products may not be potentially hazardous, as described in the Food Code published by the United States Food and Drug Administration and modified and incorporated by DHS rule. Requires the product to be packaged with a label that states the name and contact information of the maker, lists the product's ingredients and discloses that the product was prepared in a home. In addition, if the product is made in a facility for developmentally disabled individuals, the label must disclose that fact. Requires the label to be given to the final consumer of the product.

Requires DHS to establish an online registry of persons who are authorized to prepare the exempt baked and confectionary products. If a person wishes to prepare or supervise the preparation of exempt baked and confectionary products, the person must obtain a food handler's card or certificate if one is issued by the local county and register with the DHS online registry.

dental board; omnibus (H.B. 2155) – Chapter 86

Authorizes the Executive Director (Director) of the state Board of Dental Examiners (Board) to perform the following functions: a) issue and renew licenses, certificates and permits to qualified applicants; b) initiate an investigation based on evidence appearing to show unprofessional conduct, unsafe practice or unethical conduct; c) enter into a consent agreement, subject to Board approval, with a licensee, permit holder or business entity if there is evidence of unprofessional or unethical conduct; and d) enter into a stipulation agreement, subject to Board approval, with any person under the Board's jurisdiction for the treatment, rehabilitation and monitoring of chemical substance abuse or misuse. Treatment and rehabilitation programs that contract with the Board may report to the Board periodically, rather than quarterly.

Requires a licensee to include a written affidavit in a license renewal application that affirms the licensee complies with continuing education requirements. If the licensee has not completed continuing education requirements, the Board may grant an extension to the licensee upon timely request, based on criteria prescribed by Board rule. Stipulates that if an extension request is not granted, the license expires on August 30th. Continues to allow a person to apply to the Board for reinstatement of an expired license within the 24 month period after the license expires, but requires the person to pay only one penalty of \$100 for reinstatement of an expired license, rather than a penalty of \$100 per year for each year after the license's expiration. Also, permits a dentist licensee to fulfill continuing education requirements by attending a seminar, symposium or lecture through the use of audio-visual technology under certain circumstances.

Authorizes the Board to deny a dentist's application for license renewal, and requires the Board to suspend the renewal application if the dentist is under investigation by a dental board in another jurisdiction. Eliminates the requirement for a licensed dentist to submit a passport-sized photo in a license renewal application. Also allows the Board to deny a denturist's application for certification or certification renewal.

Requires every complete upper or lower denture that is fabricated by a licensed dentist or pursuant to the dentist's work order to be marked with the patient's name, unless the patient objects. Specifies requirements about the appearance, location and application of the marking on the denture. Requires the dentist to inform the patient the marking is used only to identify the patient. Requires the dentist to retain records of marked dentures, and prohibits the disclosure of the records except to law enforcement officers in an emergency that requires personal identification by means of dental records or to a person authorized by the patient.

HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE (Cont'd.)

DHS; stroke care protocols (NOW: stroke care; DHS) (H.B. 2157) – Chapter 47

Requires the Department of Health Services (DHS) to adopt rules by January 1, 2014, that coordinate stroke care protocols between hospitals and emergency medical service providers in Arizona. The rules must: a) direct the Arizona Emergency Medical Services Council to establish protocols in the state's four local emergency medical services coordinating regions relating to assessment, treatment and transport of stroke patients to the most appropriate facility; b) use national standards that are developed with stakeholder input for hospital-based and rehabilitative stroke care; and c) use statewide stroke quality improvement databases that compile information consistent with stroke consensus metrics. Requires the protocols and standards to be consistent with those that are established by national organizations that focus on heart disease and stroke care and prevention. Exempts DHS from rulemaking requirements for two years after the effective date for the purpose of developing the rules.

dental board; fees (H.B. 2169) – Chapter 87

Requires the state Board of Dental Examiners (Board) to review and establish, at least once every three years, the amount of the licensure renewal fee for dentists, dental hygienists and denturists. Specifies the review must occur in a public meeting and directs the Board to establish the licensure renewal fee by a formal vote. Rather than requiring licensees to pay exact license renewal fee amounts, prohibits the renewal fees from exceeding the amounts that are currently prescribed in statute. Specifies any change in the renewal fee amount applies prospectively to a licensee at the time of licensure renewal for the subsequent three fiscal years.

physical therapy; licenses; certificates; status (H.B. 2194) – Chapter 138

Requires the Board of Physical Therapy (Board) to place a physical therapist license or a physical therapist assistant certificate on retired or inactive status when certain requirements are met. Specifies requirements for license or certificate renewal or reinstatement to active status. Prohibits a licensee or certificate holder from engaging in active practice during the period of retired or inactive status. Requires a retired physical therapist or physical therapist assistant to use the professional titles *PT (Retired)*, *PT (Ret.)*, *PTA (Retired)* or *PTA (Ret.)* to denote the retired status.

technical correction; early voting (NOW: inpatient evaluation or treatment) (H.B. 2211) – Chapter 257

Authorizes a guardian or agent to apply for admission of a ward or principal at any Level I behavioral health facility (facility) for evaluation or treatment based on reasonable cause. Specifies the guardian or agent must already hold, pursuant to court order, the authority to admit or consent to inpatient mental health care or treatment on the ward or principal's behalf.

The guardian or agent must present the facility with a certified copy, or photocopy of a certified copy, of the guardian's letters of guardianship or the agent's mental health power of attorney. The guardian or agent must also present or execute a sworn statement under penalty of perjury that the documents have been presented and they are currently effective and valid.

Authorizes a facility to admit the ward or principal if a licensed physician conducts a thorough pre-admission screening consisting of specified factors. Eliminates the requirement for the physician to be a specialist in psychiatry, and eliminates the ability for a licensed psychologist to conduct the pre-admission screening. Authorizes the facility to rely on the consent of the guardian or

HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE (Cont'd.)

agent for treatment, release and discharge decisions if, after admission, the ward or principal refuses treatment or requests discharge and the treating physician believes further inpatient treatment is necessary. Reduces the time in which a guardian must transfer a ward from inpatient treatment to a less restrictive treatment alternative, from ten days to five days, when the facility's medical director determines inpatient care is no longer needed.

mobile dental facilities (H.B. 2233) – Chapter 48

Requires, beginning January 1, 2012, persons or entities that operate mobile dental facilities (facilities) or portable dental units (units) to obtain a permit from the state Board of Dental Examiners (Board), with certain exceptions. Establishes permitting requirements and outlines standards of operation and practice for facilities and units. Requires a provider who treats a patient in a facility or unit to obtain informed consent from the patient or the patient's parent or legal guardian. Requires the provider to maintain patient records and to communicate options for follow-up care and treatment. Authorizes the Board to administer disciplinary action against a permittee that does not comply with Board rules or statutes. Requires a permittee to notify the Board within 30 days before a facility or unit ceases to operate and to notify patients of the disposition of patient records.

abortion; public funding prohibition; taxes (H.B. 2384/S.B. 1265) – Chapter 55

Notwithstanding any other law, prohibits the expenditure or allocation of the following public funds for training to perform abortions: a) public or tax monies of the state or a political subdivision of the state; b) federal funds passing through the state treasury or the treasury of a political subdivision of the state; or c) monies paid by students for tuition or fees to a state university or community college.

Effective January 1, 2012, excludes any entity from the definition of *qualifying charitable organization* that: a) provides, pays for, promotes, provides coverage of or referrals for abortions; or b) financially supports any other entity that does any of these things. An entity must submit a statement to the Department of Revenue and certify the entity meets the requirement.

abortion (H.B. 2416/S.B. 1246) – Chapter 10

Requires, rather than allows, the court to appoint a guardian ad litem for a pregnant minor in a judicial bypass hearing. Prohibits a health care provider from using telemedicine to provide an abortion. Specifies a health care provider who knowingly uses telemedicine to provide an abortion commits an act of unprofessional conduct and is subject to license suspension or revocation.

Establishes additional requirements for obtaining the voluntary and informed consent of a woman who is seeking an abortion, except in the case of a medical emergency. Specifically, requires the physician who is to perform the abortion, the referring physician or a qualified person who works in conjunction with either physician to perform and complete specified actions at least one hour before any part of an abortion is performed or induced and before the administration on the woman of any anesthesia or medication in preparation for the abortion. Additionally specifies that voluntary and informed consent includes a requirement for a woman to certify in writing before the abortion that she has been given the opportunity to view the active ultrasound image and hear the heartbeat, and she opted to view or not view the active ultrasound image and hear or not hear the unborn child's heartbeat.

HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE (Cont'd.)

Establishes that a physician who knowingly violates the voluntary and informed consent requirements commits an act of unprofessional conduct and is subject to license suspension or revocation. Permits certain persons to file a civil action in superior court to obtain appropriate relief for a violation within six years after the violation occurred. Specifies the basis for a civil action. Specifies the types of damages and fees that relief may include.

Establishes the definition of *abortion clinic* as a facility, other than a hospital regardless of the hospital's accreditation status, in which five or more first trimester abortions in any month or any second or third trimester abortions are performed. Broadens the definition of *abortion* in reference to an abortion clinic as the use of any means, rather than the use of a surgical instrument or machine, with the intent to terminate a woman's pregnancy. Specifies that performance of abortion includes the initial administration of any medication, drug or other substance intended to cause or induce an abortion.

abortion; sex; race selection; prohibition (H.B. 2443) – Chapter 9

Establishes as a class 3 felony the act of knowingly performing, coercing or financing a sex-selection or race-selection abortion. Authorizes the Attorney General or a county attorney to bring an action in superior court to enjoin the activity of performing, coercing or financing a sex-selection or race-selection abortion. Permits specified parties to bring a civil action to obtain appropriate relief for performing, coercing or financing a sex-selection or race-selection abortion. Establishes a civil penalty of up to \$10,000 for certain healthcare professionals who fail to report known violations. Exempts a woman on whom a sex-selection or race-selection abortion is performed from criminal prosecution or civil liability. Requires a physician who performs an abortion to sign an affidavit stating: a) the physician is not aborting the child because of the child's sex or race; and b) the physician has no knowledge the child is being aborted because of the child's sex or race. Contains a severability clause.

professional boards; actions; public access (H.B. 2520) – Chapter 118

SEE THE COMMERCE AND ENERGY COMMITTEE.

board of dental examiners (H.B. 2530) – Chapter 267

Specifies the *practice of dentistry* is for any disease, pain, deformity, deficiency, injury or physical condition of the human tooth or teeth, alveolar process, gums, lips, cheek, jaws, oral cavity and associated tissues, and includes the removal of stains, discolorations and concretions.

Establishes as unprofessional conduct the act of dividing a professional fee or receiving consideration ("kickbacks") for patient referrals among or between dental providers who are not engaged in a bona fide employment, partnership, corporate or contractual relationship for the delivery of professional services.

Prohibits a person from owning a majority interest in a dental business entity in this state if the person has surrendered or had revoked a dentistry or dental hygiene license in another state or jurisdiction in the United States. Requires a person to divest themselves of any applicable majority ownership interest within one year after the surrender or revocation of the license.

HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE (Cont'd.)

technical correction; wage board; powers (NOW: employee drug testing; medical marijuana) (H.B. 2541) – Chapter 336 RFEIR

SEE THE COMMERCE AND ENERGY COMMITTEE.

medical helicopters; nontrauma patients; guidelines (H.B. 2548) – Chapter 174

Requires the Director of the Department of Health Services (DHS), in consultation with the Medical Direction Commission and the Emergency Medical Services Council, to develop guidelines by January 1, 2013, on the appropriate use of medical helicopters for non-trauma patients. Requires DHS to distribute the guidelines to all emergency receiving facilities in the state.

dental board; investigations; disciplinary action (H.B. 2554) – Chapter 175

Modifies statutes pertaining to the investigations processes of the state Board of Dental Examiners (Board). Eliminates the informal interview, and rather allows a complaint to be referred directly to a Board-appointed investigator. Authorizes the Board's Executive Director, if delegated by the Board, to initiate an investigation based on evidence that appears to show cause for disciplinary action. If the results of an investigation do not warrant disciplinary action, authorizes the Board to take nondisciplinary actions.

Authorizes the Board to charge the cost of a formal administrative hearing to a licensee, if the licensee is found to be in violation of Board statutes. Allows the Board to accept the surrender of an active license by a licensee for specified reasons. Authorizes the Board to consider previous disciplinary and nondisciplinary action when determining disciplinary action. Removes the Board's ability to use mediation in certain types of cases.

controlled substances; marijuana; monitoring (H.B. 2585) – Chapter 94 RFEIR

SEE THE JUDICIARY COMMITTEE.

medical records; disclosure; release (H.B. 2620) – Chapter 268

Health Information Organizations – Defines a *health information organization (HIO)* as an organization that oversees and governs the exchange of individually identifiable health information among organizations according to nationally recognized standards. Requires an HIO to provide certain rights to individuals, including the right to opt out of participating in the HIO. Specifies the necessary procedures for opting out, and allows an individual to change the decision to opt out at any time. If a patient opts out of the HIO, requires the patient's personal health information to be inaccessible through the HIO within 30 days.

Requires an HIO to maintain a written notice of health information practices that includes descriptions of specified information. Requires the HIO to post the notice on its website and provide a copy of the notice to an individual upon request. Requires health care providers who participate in the HIO to provide the notice to patients before or at the first patient encounter, and to redistribute the notice if there is a material change.

Allows an HIO to disclose an individual's individually identifiable health information only if:
a) the individual has not opted out; b) the type of disclosure is explained in the HIO's notice; and c) the disclosure complies with the Health Insurance Portability and Accountability Act (HIPAA).

HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE (Cont'd.)

Prohibits an HIO from selling or making commercial use of individually identifiable health information without the individual's written consent. Also prohibits an HIO from transferring individually identifiable health information or deidentified health information for the purpose of research or including the information in applications for research funding, unless the health care provider obtains the individual's consent for the transfer. Requires the provider to document the consent in the form of a signature by the patient.

Requires an HIO to implement and enforce certain policies, including required employee training, that govern the privacy and security of individually identifiable health information and compliance with applicable statutes. Requires an HIO to have the technology capability to implement individual preferences for sharing or segregating individually identifiable health information within three years after the effective date. Once the technology capability is achieved, the health care provider must notify patients of the change.

Specifies individually identifiable health information maintained by an HIO is not subject to a subpoena that is directed to the HIO unless certain requirements are met. Asserts a health care provider who participates in an HIO is responsible for maintaining the provider's own medical records. States that participation in an HIO does not impact the content, use or disclosure of medical records that are held in locations other than the HIO. Specifies the legislation does not limit, change or otherwise affect a health care provider's right or duty to lawfully exchange medical records.

Clinical Laboratories – Allows a clinical laboratory to disclose laboratory results to designated persons or entities, or as otherwise permitted by state or federal law, without the written authorization of the patient or the patient's health care decision maker. Permits the disclosure of clinical laboratory results to the certain persons or entities. Provides immunity to a clinical laboratory that discloses laboratory results, or the information contained in laboratory results, in good faith. Establishes a rebuttable presumption the clinical laboratory acted in good faith.

Disclosure of Confidential Records – Permits the disclosure of mental health records or communicable disease related information to a person or entity that provides services to the patient's health care provider and that has a business associate agreement to protect the confidentiality of patient information.

Specifies mental health records may only be disclosed to a third party payor or the payor's contractor as permitted by HIPAA. Specifies a health care provider that discloses mental health records as permitted by law is not liable for civil damages and is presumed to have acted in good faith. Establishes a rebuttable presumption the provider acted in good faith.

Computer Tampering – Establishes *computer tampering* as the act of knowingly obtaining confidential information by accessing a computer system or network that is operated by any of the following: a) a health care provider; b) a clinical laboratory; or c) a person or entity that provides services on behalf of a health care provider or a clinical laboratory. Classifies a violation of computer tampering of this type as a Class 6 felony.

Arizona State Immunization Information System – Expands the authority of the Department of Health Services (DHS) to disclose identifying information from the Arizona State Immunization Information System (ASIIS) by allowing DHS to release identifying information to certain persons or entities. Specifies a *health care provider* may be a licensed health care professional who maintains medical records, a health care institution, an ambulance service or a health care services organization

HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE (Cont'd.)

licensed in Arizona. Allows persons or entities to further disclose confidential ASIIS identifying information only as permitted by law or DHS rules.

DHS; health care institutions; rules (H.B. 2634) – Chapter 96

Requires the Department of Health Services (DHS) to adopt rules by July 1, 2013, for health care institutions that: a) reduce monetary or regulatory costs and streamline the regulation process; b) promote the use of deemed status for behavioral health organizations that are nationally accredited; and c) facilitate licensure of integrated health programs that provide both behavioral and physical health services and accommodate advances in behavioral health clinical treatments. Exempts DHS from rulemaking requirements until July 1, 2013, for this purpose. Stipulates DHS shall provide public notice and an opportunity for public comment on proposed rules at least 30 days before a rule is adopted or amended.

court-ordered evaluation (H.B. 2635) – Chapter 219 E

An emergency measure, effective April 25, 2011, that modifies the requirements relating to a physical examination that is conducted pursuant to a court-ordered evaluation. Eliminates the requirement for two evaluating physicians to personally conduct the physical examination, and allows another licensed physician (or person under that physician's supervision) or a licensed nurse practitioner to perform the complete physical examination in a location that may be different than the location where the overall psychiatric evaluation is conducted. Requires the evaluating physician to review or augment the results of the physical examination. Describes the examination as *professional* and *multidisciplinary* and requires the examination to be consistent with existing standards of care. Permits the examination to include observations that are made firsthand or remotely by interactive audiovisual media.

Requires the affidavits that accompany a petition for court-ordered treatment to include the results of the physical examination, if relevant to the evaluation. The affidavits may describe the evaluating physician's assessments based on observations, rather than examination, of the patient. If the examination is conducted remotely by another practitioner, the two evaluating physicians may testify in court about their observations of the patient based on the examination results. Eliminates the requirement to conduct a physical examination in conjunction with the annual review of a patient who is found to be gravely disabled or persistently or acutely disabled.

LEGISLATION VETOED

health care compact; funding (S.B. 1592) – VETOED

Authorizes and directs the Governor to enter into a health care compact (Compact) on behalf of Arizona with any other state that is lawfully joined in the Compact. Makes findings, declares policies and establishes definitions pertaining to the Compact. Pledges member states shall take action to secure the consent of the United States Congress to the Compact in order to return regulatory authority of health care to the member states, and asserts the legislatures of the member states have primary responsibility for regulating health care in their respective states. Authorizes the member states to suspend the operation of all federal laws, rules, regulations and orders regarding health care that are inconsistent with laws and rules adopted by the member state. Specifies member states are responsible for funding obligations associated with any federal law, rule, regulation or order that remains in effect in the member state after the Compact's effective date. Asserts member

HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE (Cont'd.)

states have a right to a certain amount of federal monies each fiscal year, based on the member state's current year funding level established by Congress. Establishes the Interstate Advisory Health Care Commission (Commission) and outlines the Commission's membership, requirements for voting and taking action, and jurisdiction. For the Compact to become effective, requires adoption by at least two member states and Congressional consent. Specifies procedures for amending, withdrawing from and dissolving the Compact.

The Governor's veto message states S.B. 1592 violates the separation of powers requirement of the Arizona Constitution by directing the Governor to enter a health care compact. The message also expresses concern over the structure of the Compact, stating it would result in additional fiscal challenges for the health care system. The Governor cites her work with Secretary Sebelius to allow Arizona greater flexibility and control over the state-federal Medicaid partnership, and indicates she wants to ensure citizens, especially seniors, are not penalized as a result of the state assuming control.

health insurance; interstate purchase (S.B. 1593) – VETOED

SEE THE BANKING AND INSURANCE COMMITTEE.

board of supervisors; powers (H.B. 2067) – VETOED

SEE THE JUDICIARY COMMITTEE.

FIRST SPECIAL SESSION

LEGISLATION ENACTED

AHCCCS; waiver request (S.B. 1001) – Chapter 1 E (First Special Session)

SEE THE APPROPRIATIONS COMMITTEE.

Judiciary Committee

Senator Ron Gould, Chairman



Garth Kamp, Research Analyst
Sharon Langford, Assistant Analyst
Amy Povinelli, Intern

JUDICIARY COMMITTEE

LEGISLATION ENACTED

waiver; intensive probation standards (S.B. 1054) – Chapter 204

Permits counties with populations greater than 300,000 to apply for a waiver of caseload and supervision requirements for juvenile and adult intensive probation programs if the caseload of supervising officers does not exceed 15 persons and visual contact with each probationer occurs at least once a week.

minors; protective proceedings (S.B. 1081) – Chapter 225

Modifies statute related to guardians of incapacitated persons as follows: a) permits a parent to appoint a guardian for an unmarried child, and permits an individual to appoint a guardian for the individual's spouse, by a will or other signed writing; b) states that the appointment of a guardian is effective at either the death or adjudication of incapacity of the appointing parent or spouse, or upon a written determination by an examining physician that the appointing parent or spouse is no longer able to care for the incapacitated person; c) permits a person to object to the appointment of a guardian and details procedural aspects related to the effectiveness, acceptance and confirmation of appointment and specifies notice requirements regarding appointment; d) allows for the initiation of guardianship, conservatorship or protective proceedings when an incapacitated minor is within six months of adulthood so that an award regarding those proceedings may take effect on the day the minor turns 18 years old; e) permits the court to continue a conservatorship or other protective order beyond the date a minor turns 18 years old if certain petition, notice and filing requirements are met; and f) requires that the court and case number from any previous custodial orders in a child custody action be included as part of the petition process for a court appointed guardian.

protest activity; prohibition. (S.B. 1101/H.B. 2101) – Chapter 1 E

An emergency measure, effective January 11, 2011, that classifies, as a class 1 misdemeanor, picketing or engaging in other protest activities within 300 feet of any residence, cemetery, funeral home, church, synagogue or other establishment during, or within one hour before or after a funeral or burial service.

immigration legislation challenges (S.B. 1117/H.B. 2537) – Chapter 3 E

An emergency measure, retroactive to January 1, 2010, that removes the time limitation related to the Governor directing the Attorney General or outside counsel to defend legal challenges to the Support Our Law Enforcement and Safe Neighborhoods Act (Act). Permits the Speaker of the House of Representatives and the President of the Senate to direct counsel to initiate a legal proceeding or appear on behalf of their respective chambers or on behalf of the Legislature in any challenge in state or federal court to the Act or its amendments.

homeowners' associations; disputes; administrative hearings (S.B. 1148) – Chapter 185

States that the Arizona Department of Fire, Building and Life Safety (DFBLS) has an additional purpose of protecting the public interest in maintaining the responsibility for interpreting and enforcing the terms of mobile home park rental agreements through its hearing officer functions

JUDICIARY COMMITTEE (Cont'd.)

as it has exercised that responsibility for many years. States that the DBFS, through its hearing officer functions, applies and enforces the statutes regulating condominiums and planned communities and the interpretation and enforcement of the otherwise private contracts and rules that govern those communities. Further, it expands the purpose of the DBFS to establish a procedure to protect the owners in condominiums and planned communities as well as the renters in the mobile home park communities.

Removes a prohibition preventing a person aggrieved by a decision of an administrative law judge from applying for a rehearing.

ASRS; comprehensive amendments (NOW: legislation; referenda challenges) (S.B. 1167) – Chapter 159 E

An emergency measure, effective April 18, 2011, that specifies court jurisdiction and filing and hearing timeframes regarding challenges to the legal sufficiency of a referendum or a proposed constitutional amendment ordered by the Legislature. Entitles the Senate President or the Speaker of the House of Representatives, at their discretion, to be heard and intervene as a party, file briefs in the matter, or choose not to participate in a filed action.

civil appeal bonds; limits (S.B. 1212) – Chapter 99

SEE THE COMMERCE AND ENERGY COMMITTEE.

bad checks; county attorney fees (S.B. 1243) – Chapter 188

Increases the fees a county attorney may collect for the collection and processing of bad checks.

parents' rights; law enforcement investigation (S.B. 1244) – Chapter 69 E

An emergency measure, effective April 12, 2011, that specifies a law enforcement officer may make a video or voice recording of a minor, without prior written parental consent under the Parents' Bill of Rights, if the recording is made during, or as part of, a law enforcement investigation.

capital postconviction public defender; continuation. (S.B. 1245) – Chapter 42

Retroactive to July 1, 2011, the State Capital Postconviction Public Defender Office is continued until July 1, 2016.

hunting within city limits (S.B. 1334) – Chapter 349

SEE THE NATURAL RESOURCES AND TRANSPORTATION COMMITTEE.

employer protections; labor relations (S.B. 1363) – Chapter 153

SEE THE COMMERCE AND ENERGY COMMITTEE.

JUDICIARY COMMITTEE (Cont'd.)

court ordered outpatient treatment; notification (NOW: juveniles; DNA testing) (S.B. 1367) – Chapter 351

Requires juveniles charged with, rather than arrested for, certain offenses and summoned to appear at an advisory hearing to submit a DNA sample. Directs the investigating law enforcement agency to transmit the DNA sample to the Department of Public Safety and specifies the applicable procedures for the collection, analysis, use, maintenance and expungement of submitted DNA samples.

human smuggling organization; offense; penalty. (NOW: probation officers; disciplinary actions) (S.B. 1368) – Chapter 352

Prohibits a probation officer from being subject to disciplinary action unless there is just cause, which includes: the probation officer being informed by an employer of possible disciplinary action or the conduct was such that the officer should have reasonably known disciplinary action could occur; the discipline is reasonably related to the standards of conduct for a probation officer, the mission or operation of the department or the probation officer's fitness for duty; the discipline is not excessive; a preponderance of the evidence supports that the conduct occurred; and the discipline is related to the seriousness of the offense and the probation officer's record. The requirement does not apply to a probationary officer or a dismissal that is for administrative purposes, including a reduction in force.

early voting; revisions (S.B. 1412) – Chapter 105

Requires an election officer charged with the duty of preparing ballots to ensure that the early ballot return envelopes are of a type that are tamper evident when properly sealed. States in the instructions supplied to early ballot voters that it is a felony to offer or receive compensation for a ballot. Specifies felony classifications for unlawful acquisition, sale, solicitation or collection of voted or unvoted ballots, and participation in a pattern of ballot fraud.

Requires a person who delivers more than 10 early ballots to an election official for tallying to provide a copy of his/her photo identification. Requires the elections officer to submit the photocopies or other submitted information by the person delivering early ballots to the Secretary of State (SOS). Directs the SOS to compile a statewide report on the submittals and requires that the information be made available on the SOS's website. Permits the SOS to make referrals to the appropriate prosecuting agency for enforcement purposes.

valid identification; consular cards; prohibition (S.B. 1465) – Chapter 325

Prohibits this state or any of its political subdivisions from accepting a foreign consular identification card as a valid form of identification.

justification; use of force (S.B. 1469) – Chapter 353

Makes changes to certain justification in the use of force statutes as follows: a) specifies that a person is presumed to be acting reasonably in preventing what the person reasonably believes is the imminent or actual commission of a criminal offense, which includes the use of physical or deadly force in certain locations; b) modifies the reasonableness standard regarding justification in defense of a third person and modifies the reasonableness standard and elements as they relate to reasonable presumptions in defense of a home or occupied vehicle; and c) adds the defensive display of a

JUDICIARY COMMITTEE (Cont'd.)

firearm to the presumptions and *threat* as an element to the presumptions and exceptions. States that a person who is unlawfully or forcefully entering, or who has unlawfully or forcefully entered, and is present in a residential structure or occupied vehicle is presumed to pose an imminent threat of unlawful deadly harm to any person in the structure or vehicle.

county election law amendments (S.B. 1471) – Chapter 166

Changes voter registration trigger numbers for election functions related to conducting presidential preference elections by mail, the appointment of inspectors and judges to precinct election boards and notice requirements to certain county chairman. Permits the county election board to appoint as many election clerks as deemed necessary before an election.

Modifies early ballot affidavit form language to require a voter to declare that they have not voted or will not vote in this election in any other county or state and that they voted the enclosed ballot and personally signed the affidavit, unless they are physically unable to do so solely due to illness, injury or physical limitation. Specifies affidavit requirements if a person assists a voter with marking the ballot. Expands the prohibitions for voter assistance to include employees or volunteers of candidates or campaigns, including precinct committeemen.

Requires new party representation petition signatures to come from at least five different counties, with 10 percent of the signatures coming from counties with a population less than 500,000. Details petition filing and signature verification requirements, and expands new party representation recognition from two years to four years.

publicity pamphlets; judicial performance; comment. (S.B. 1472) – Chapter 272

Requires the following judicial information relating to Arizona Supreme Court justices and Court of Appeals judges subject to retention election to be published electronically at least 60 days before a regular primary election: a) certain biographical information, and b) a listing of published decisions in which the justice or judge issued a ruling on the constitutionality of a statute and the provision of the constitution relied upon. Contains a legislative intent clause.

early voting sites; electioneering (S.B. 1473) – Chapter 273

Permits a person to electioneer and engage in other political activity outside the 75 foot limit in a public area or parking lot at a facility used as an early voting site during the period of early voting, except in the case of an emergency.

appellate judges; judicial performance reviews (S.B. 1482) – Chapter 210

Requires, not later than 60 days before the regular primary election for the retention of an appellate court judge, the Commission on Judicial Performance Review to prepare and publish on its website a list of that judge's decisions, including an official citation and an electronic copy of the text of the decision.

terrorism; radiological agent; infectious substances (S.B. 1484) – Chapter 326

Broadens the terrorism statute to include certain unlawful acts involving infectious biological substances or radiological agents. States that the possession of any infectious biological substance or radiological agent, unless satisfactorily explained, may give rise to an inference that the person who

JUDICIARY COMMITTEE (Cont'd.)

is in possession of the substance or agent is aware of the risk that the material may be used to commit an act of terrorism. Excludes certain persons who meet licensing and compliance requirements related to the materials from statute.

~~probate; omnibus~~ (NOW: probate proceedings; omnibus) (S.B. 1499) – Chapter 354

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

arbitration; waiver; restriction (S.B. 1504) – Chapter 355

Specifies that before a controversy arises that is subject to an agreement to arbitrate, a party may not waive or agree to vary the effect of the requirements for the following: a) an application for judicial relief, which must be made by motion to the court and heard in the manner provided by law or court rule for making or hearing motions; or b) an agreement contained in a record to submit to arbitration any existing or subsequent controversy arising between the parties to the agreement.

nuclear security guards; weapons ranges (S.B. 1505) – Chapter 211

Exempts nuclear generating station armed security guards from certain misconduct involving weapons offenses. Exempts specified outdoor shooting ranges used for nuclear security exercises and nuclear security guard training from certain noise and hours of operation restrictions.

~~criminal justice; 2011-2012; budget reconciliation~~ (NOW: budget reconciliation; criminal justice; 2011-2012) (S.B. 1621) – Chapter 33

SEE THE APPROPRIATIONS COMMITTEE.

firearms within game refuges (H.B. 2006) – Chapter 276

Permits a person to carry or possess a firearm within a game refuge. Allows the Arizona Game and Fish Commission (Commission) to adopt certain specified rules relating to public shooting ranges operated by and under the Commission's jurisdiction. Authorizes range officers to enforce the rules, remove violators from the premises and refuse entry for repeat violations.

~~justice court jurisdiction; county parks~~ (NOW: county parks; justice court jurisdiction) (H.B. 2015) – Chapter 170

Specifies justice of the peace court jurisdiction to include criminal offenses that occur within a county park that includes a body of water located in two counties, subject to certain population threshold requirements, and the precinct includes some part of the county park.

~~technical correction; disincorporation~~ (NOW: foreign law; conflict of laws) (H.B. 2064) – Chapter 76

Prohibits a court, arbitrator, administrative agency or other adjudicative, mediation or enforcement authority from enforcing a foreign law if doing so would violate a person's federal or state constitutional rights or conflict with U.S. or Arizona law, with certain exemptions.

JUDICIARY COMMITTEE (Cont'd.)

constables; salaries (H.B. 2068) – Chapter 107

Entitles a constable, in precincts with an average of 100 or fewer total documents served per year over the previous four years, to receive an annual salary of not more than \$15,000. Applies current statutory salary ranges to constables in precincts with an average of more than 100 total documents served per year over the past four years.

license eligibility; authorized presence (H.B. 2102) – Chapter 314

Requires an individual to present a government issued document that contains the individual's photograph in order to obtain a license to operate a business or perform a service if the license is necessary to perform that service, with certain exceptions.

dogs; cats; sterilization (H.B. 2137) – Chapter 213

SEE THE COMMERCE AND ENERGY COMMITTEE.

concealed weapons permit; training (H.B. 2146) – Chapter 85

Permits concealed carry weapon (CCW) applicants to demonstrate competence with a firearm by completing a firearms safety or training course that uses National Rifle Association certified instructors. Eliminates the requirement that CCW firearms safety training instructors submit fingerprints and a fee to the Department of Public Service (DPS) and eliminates the requirement that DPS check an instructor's criminal history record.

definition of dangerous drugs; synthetic (H.B. 2167/S.B. 1202) – Chapter 6 E

An emergency measure, effective February 18, 2011, that adds certain substances related to synthetic cannabinoids to the definition of dangerous drugs.

~~cosmetologists; applications; qualifications~~ (NOW: punitive damages; unlawful entry) (H.B. 2191) – Chapter 137 E

An emergency measure, retroactive to January 1, 2004, that prohibits a person who is present in Arizona in violation of federal immigration law related to improper entry by an alien from being awarded punitive damages in any action in any court in this state.

voting centers; polling places (H.B. 2303) – Chapter 331

Authorizes a county board of supervisors to use voting centers in place of, or in addition to, specifically designated precinct polling places. Requires a voting center to allow any voter in that county to receive and cast a ballot on election day. Requires a voter to sign the signature roster before receiving a ballot when an electronic poll book system is used. Requires a separate affidavit to be supplied for the inspector's signature that is in substantially the same format as a paper signature roster if electronic media poll book systems are used for signature rosters.

Allows the county recorder to use at least two electronic media poll lists as official precinct registers and permits the recorder to retain the required copy of the precinct register in either print or electronic media for verification purposes on election day. Requires that an electronic media voter list be in substantially the same format as the paper poll list and requires, upon request, that the list be

JUDICIARY COMMITTEE (Cont'd.)

provided to a designated representative of each major political party. Permits the information contained in the list to also be provided electronically to a designated representative of each major political party by way of a secure electronic file transmittal format as prescribed by the Secretary of State (SOS).

Requires that hand counts be conducted as prescribed by law and in accordance with hand count procedures established by the SOS's Instructions and Procedures Manual.

state elections; omnibus (H.B. 2304) – Chapter 332 RFEIR

Modifies election law as follows: a) requires persons who are not Arizona residents to register as circulators with the Secretary of State (SOS) before circulating nomination or initiative or referendum petitions, permits circulators to print the name and address of a person under certain circumstances and specifies that knowingly filling out the name and address portion of the petition with the intent to commit fraud is a criminal violation; b) specifies that a vacancy that occurs due to the death or incapacity of a candidate following the printing of official ballots will not be filled and details notice and posting requirements regarding votes cast for the candidate; c) modifies language related to prohibitions on electioneering within the 75 foot limit of a polling place and permits electioneering outside the 75 foot limit at polling places used for early voting, except in the case of an emergency; d) permits a voter on the permanent early voting list to use a mailing address in this state, rather than an address in the voter's county of residence; e) applies the same voter intent standard for write-in candidates to federal and state races; f) entitles a new political party to representation on the ballot through the next two regularly scheduled general elections for federal office immediately following recognition of the political party; g) permits a candidate to lawfully collect signatures on nomination petitions and receive contributions after designating an exploratory committee and requires designation before circulating any petitions; h) modifies certain disclosure requirements related to telecommunications broadcasts; i) authorizes a political candidate committee to contribute surplus campaign monies to the individual's officeholder expense account; j) permits a corporation, limited liability company or labor organization to contribute to an independent expenditure committee; k) modifies financial disclosure timelines for public officers in their final terms; l) consolidates logic and accuracy testing of voting equipment and electronic ballot tabulating systems to a single test date; m) adds special elections to the elections that require a hand count; and n) expands the investigative authority of elections filing officers regarding suspected election law violations to all of the election law code, with a certain exception, rather than the article related to campaign contributions and expenses.

Establishes, as session law, the following: a) permits the SOS, in cooperation with one or more county boards of supervisors or other political subdivisions, to establish a Scanned Ballot Election Auditing Pilot Program and specifies reporting requirements and program repeal date; b) permits the SOS to enter into one or more agreements with other states for the purpose of establishing and maintaining a multijurisdictional database of voter registrants, details database purpose, security requirements and information restrictions and specifies repeal date; c) details requirements for legislative candidates and the SOS regarding nomination papers, petitions and signatures for the 2012 election; and d) permits the SOS, under the Secure Petition Process Pilot Program, to establish a method for registered voters to sign a nomination petition and a Citizens Clean Elections \$5 donation qualification form for a candidate by way of a secure internet portal for petitions for statewide and legislative offices, states that the methods established meet certain voter eligibility and identification verification requirements and specifies program repeal date.

JUDICIARY COMMITTEE (Cont'd.)

Portions of the bill concerning the Secure Petition Process Pilot Program are subject to the requirements for enactment for initiatives and referendums (Proposition 105), which requires the affirmative vote of at least three-fourths of the members of each house of the Legislature.

failure; return rented vehicle; classification (H.B. 2351) – Chapter 38

Classifies, as a class 5 felony, unlawful failure to return a rented or leased motor vehicle.

court commissioner; qualifications (H.B. 2352) – Chapter 217

Requires an appointed court commissioner to be admitted to the practice of law in, and a resident of, Arizona for five years prior to taking office.

sentencing; dangerous offenses; probation (H.B. 2353) – Chapter 90

Standardizes the definition of dangerous offense as it relates to historical prior felony convictions, exemptions regarding setting aside judgments of convicted persons, earned release credits and home arrest eligibility. Repeals the special sentencing statutes related to assault, drug offenses, family offenses and sexual offenses and inserts the repealed special sentencing language into the existing statutes related to those offenses. Removes special sentencing statutory language regarding offenses committed with the intent to promote, further or assist a criminal street gang to the referenced existing statutes, which are the terrorism and illegal enterprise statutes. Repeals the outdated Interstate Compact for the Supervision of Parolees and Probationers.

Corrects a conflicting enactment in the aggravated assault classifications statute. Specifies that a person commits aggravated assault if the person is 18 years old or older and commits the assault on a minor under 15 years old, rather than a minor 15 years old or younger. Adds a public defender to the list of professions where an assault rises to an aggravated assault under the aggravated assault statute.

court surcharges (H.B. 2355) – Chapter 260

Specifies that court surcharges imposed for traffic violations are applied to the base fine, civil penalty or forfeiture and do not apply to any other imposed surcharge.

conservatorships; guardianships; county reimbursement (H.B. 2372) – Chapter 112

Permits a county to charge an estate for reasonable compensation if a county pays for court appointed services of a personal representative, guardian or conservator from county general fund appropriations.

department of juvenile corrections; continuation (H.B. 2376) – Chapter 261

Retroactive to July 1, 2011, the Arizona Department of Juvenile Corrections is continued until July 1, 2012.

guardians of incapacitated persons (H.B. 2402) – Chapter 262

Effect of Appointment of Guardian on Privilege to Operate a Motor Vehicle – Upon appointment of a guardian, permits a court to determine whether a ward's privilege to obtain or retain

JUDICIARY COMMITTEE (Cont'd.)

a driver license should be suspended. Allows the ward to file a reinstatement request to terminate a court ordered suspension or revocation of driver license privileges. Requires the court to consider medical evidence that the ward's incapacity does not prevent the safe operation of a vehicle and specifies other evidence the court may consider in reaching a decision. States that an order terminating a temporary or permanent guardianship also terminates any previously adjudicated incapacity and vacates previous orders suspending or revoking a person's driver license privileges.

Inpatient Treatment; Rights & Duties of Ward & Guardian – Permits a court to authorize a guardian to consent to a ward receiving inpatient mental health care and treatment if the ward is likely to be in need of care and treatment within the period of guardian granted authority. Specifies evaluation reporting requirements.

Court Options; Involuntary Treatment – Authorizes a court to order an investigation if there is reasonable cause to believe that a patient is incapacitated or is in need of protection on a finding that the patient, as result of a mental disorder, is a danger to self or others, or is persistently, acutely or gravely disabled and needs treatment. Permits the court to appoint an emergency temporary guardian or conservator in any proceeding for court ordered treatment in which a petition alleges that the patient is in need of a guardian or conservator and certain procedural requirements are met. Requires the court to appoint an attorney to represent the patient in further proceedings regarding the appointment of a guardian or conservator unless the patient is represented by independent counsel. Directs the court to schedule a further hearing within 14 days to consider the continued appropriateness and need for an emergency temporary guardian or conservator and specifies notice requirements. Requires the court, if a temporary emergency conservator other than a public fiduciary is appointed, to order that the use of the patient's money or property by the conservator is restricted and not to be sold, used, transferred or encumbered, except as needed to pay an expense to provide for the patient's care, treatment or welfare, pending a further hearing.

Specifies that if the court imposes additional duties on an existing guardian, the court may determine the patient's need to continue treatment under a court order and may issue the order, or determine that the patient's needs can be adequately met by the guardian and decline to issue an order for treatment. Permits the court to terminate an order for treatment if the court finds that the patient's needs can be adequately met by the guardian and the order for treatment is no longer necessary to assure compliance with treatment.

trusts and estates (H.B. 2403) – Chapter 334

Modifies certain provisions in the Arizona Trust Code, including the following: a) specifies the conditions in which a trust is subject to Arizona court jurisdiction; b) details certain rights, prohibitions and claims regarding the relationships between trust beneficiaries, trust settlors and their creditors; c) permits a trustee to exercise the discretion to appoint all of a trust estate to a trustee of another trust by restating the trust; d) expands certain allowable contributions to an irrevocable trust regarding separate spousal property if a spouse is the primary beneficiary; and e) eliminates certain notice requirements related to transfer on death provisions regarding motor vehicle titles.

~~criminal restitution order; absconders~~ (NOW: criminal restitution; victim notification) (H.B. 2404) – Chapter 263

Requires the court to enter a criminal restitution order if the defendant absconds from probation or the defendant's sentence. Modifies certain notice requirements related to a criminal defendant's initial appearance in court or release from confinement.

JUDICIARY COMMITTEE (Cont'd.)

human smuggling organization; offense; penalty (H.B. 2405) – Chapter 114

Specifies sentencing provisions for persons convicted of felony offenses regarding the intent to promote, further or assist a human smuggling organization and stipulates the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis, with exceptions, until the sentence imposed by the court has been served, the person is eligible for release or the sentence is commuted.

Details elements and specifies felony classifications for participating in, or assisting, a human smuggling organization.

crimes; forensic interviews; mandatory fine (H.B. 2406) – Chapter 115

Requires the court to order a person to pay an assessment of \$500 in addition to any other assessment or restitution if a person is convicted of, or adjudicated delinquent for, a dangerous crime against children or sexual assault. Prohibits the assessment from being waived and specifies the assessment is not subject to a surcharge. Requires the court to transmit the assessed monies collected to the county treasurer for the purpose of defraying the cost of medical or forensic interview expenses.

outpatient treatment; agency notification (H.B. 2408) – Chapter 264

Requires a medical director, if criminal charges against a patient involving death, serious physical injury or a sexual offense are dismissed, to notify the prosecuting agency if a civil commitment order expires, is terminated, or if the person is discharged to outpatient treatment. Requires the medical director to provide the notice by mail at least five days before the anticipated date of expiration, termination or discharge.

child prostitution; consecutive sentences (H.B. 2411) – Chapter 78

Requires that a sentence imposed for a child prostitution conviction involving a minor who is 15, 16 or 17 years old be served consecutively with any other sentence imposed on the person at any time.

~~state institutions; technical correction~~ (NOW: attorney general's office; contracts) (H.B. 2423) – Chapter 116

Requires the Attorney General (AG) to determine whether a contingency fee contract in which a private attorney represents the state on a contingency fee basis is cost effective and in the public interest, and details certain findings and factors to guide the AG in making a determination. Directs the AG to request proposals from private attorneys if representation on a contingency fee basis is deemed appropriate and exempts contracts from the Arizona Procurement Code.

Specifies requirements to be met throughout the contingency fee contract period and any contract extension, and requires the AG to develop a standard contract addendum describing what is expected of the state and the private attorney. Contractually requires a government attorney to retain complete control over the course and conduct of the case, including veto power over any decisions made by a private attorney, and reserves case settlement decisions to the discretion of the government attorney and the state.

JUDICIARY COMMITTEE (Cont'd.)

Requires the following to be posted on the AG's website: a) copies of executed contingency fee contracts, including extensions or amendments to the contract, and the AG's written determination to enter into the contract with a private attorney; and b) any payment of contingency fees to a private attorney. Details contingency fee payment limits and caps. Specifies certain reporting, recordkeeping and documentation requirements.

sexual conduct; minor (H.B. 2438) – Chapter 58

Broadens the class 2 felony classification for sexual conduct with a minor who is at least 15 years old to include a person who was the minor's parent, stepparent, adoptive parent, legal guardian or foster parent, or the minor's teacher, clergyman or priest. Expands the definition of teacher to include any person who provides instruction in a school.

~~technical correction; wage board; powers~~ (NOW: employee drug testing; medical marijuana) (H.B. 2541) – Chapter 336 RFEIR

SEE THE COMMERCE AND ENERGY COMMITTEE.

vehicle; sale; disclosure of lien (H.B. 2575) – Chapter 288

Classifies, as a class 1 misdemeanor, knowingly selling or transferring ownership in a vehicle without disclosing to the purchaser or transferee that the vehicle is subject to a restitution lien.

controlled substances; marijuana; monitoring (H.B. 2585) – Chapter 94 RFEIR

Requires the controlled substances prescription monitoring program to include data from the Arizona Department of Health Services identifying Arizona residents who possess a valid registry identification card issued pursuant to the Arizona Medical Marijuana Act.

landowner prohibition of hunting; posting (H.B. 2623) – Chapter 202

SEE THE NATURAL RESOURCES AND TRANSPORTATION COMMITTEE.

~~forfeited weapons; disposition~~ (NOW: firearms; rights restoration; peace officers) (H.B. 2645) – Chapter 304

Restoration of Right to Possess a Firearm; Mentally Ill Persons; Petition – Permits a prohibited possessor to petition the court to restore his or her right to possess a firearm. Specifies filing, procedural and evidentiary requirements, including a requirement that the petitioner prove by clear and convincing evidence that the petitioner is not likely to act in a manner that is dangerous to public safety and that the requested relief is not contrary to the public interest. Grants a victim the right to be present and heard at any proceeding filed to restore the petitioner's right to possess a firearm and permits a person to appeal the court's order granting or denying the restoration of a right to possess a firearm petition.

States that a court-ordered grant of relief only restores the person's right to possess a firearm and does not apply to, or have affect on, any other rights or benefits the petitioner receives. Directs the Department of Public Safety (DPS) to update, correct, modify or remove the person's record from a maintained database and made available to the National Instant Criminal Database Background

JUDICIARY COMMITTEE (Cont'd.)

Check System and requires DPS, within a specified timeframe, to notify the U.S. Attorney General that the person no longer falls within the provisions of a prohibited possessor.

Carrying of Firearms by Peace Officers – Prevents a retired peace officer from being prohibited from carrying a firearm, except in certain circumstances.

LEGISLATION VETOED

firearms omnibus (S.B. 1201) – VETOED

Weapons: Misconduct, Forfeiture & Unlawful Discharge – Permits possession of a loaded firearm on school grounds if it is carried in a vehicle under the control of an adult, and specifies firearm storage requirements in the event the adult leaves the vehicle. Removes local law from the forfeiture of weapons statute regarding the sale of forfeited weapons so that only federal and state law is applicable. Removes the chief of police from statute regarding the approval and posting of notices relating to the unlawful discharge of weapons in hunting areas, and solely authorizes the Director of the Arizona Game and Fish Department to determine whether a hunting area may be closed when deemed unsafe.

Firearms Regulated by State – Specifies certain prohibitions for this state and its agencies related to the firearms regulated by state statute and exempts the Legislature from the prohibitions. Allows the state, its agencies or political subdivisions to enforce a state law or enact and enforce an ordinance or rule pursuant to state law related to the following: a) the imposition of a privilege or use tax, b) possession by a minor of firearms on public property, c) regulation of land use and structures, and d) possession and discharge of firearms in parks and preserves.

Permits this state or its agencies to limit or prohibit the possession of firearms in a public establishment if certain conditions are met. Permits a state, county or municipal judicial department, law enforcement agency or prosecutorial agency to limit or prohibit firearms if the specific statutory signage requirements are met and secure firearm lockers are provided. Classifies, as a class 3 misdemeanor, unlawfully limiting or prohibiting the possession of firearms in a public establishment.

Permits a person to file suit for declarative and injunctive relief and damages if any ordinance, regulation, measure, directive, rule, enactment, order or policy is enacted or enforced in violation of the firearms regulated by state statute. Requires the court to award the prevailing party costs and fees.

Miscellaneous – Expands the definition of *political subdivision* to include community college districts and universities under Arizona Board of Regents' jurisdiction, and exempts entities that operate a federal reclamation project from the definition.

The Governor indicates in her veto message that S.B. 1201 establishes a double standard for the regulation of guns; one for the Legislature and one for most other public bodies. The Governor also notes that although the storage of loaded firearms in locked vehicles on K-12 school grounds is permitted under the federal Gun Free School Zone Act for Concealed Carry Weapons (CCW) permit holders due to a separate exemption, non-CCW permit holders would be violating federal law under S.B. 1201. The Governor states that the bill fails to make this distinction and gun owners and K-12 school officials need clarity.

JUDICIARY COMMITTEE (Cont'd.)

polling places; political parties; organization (S.B. 1331) – VETOED

Polling Places – Requires the county recorder to post on its website a list of polling places in which emergency conditions prevent electioneering outside the 75 foot limit, including the reason the emergency exemption was granted, at least two weeks before election day. Specifies requirements if an emergency condition arises after the initial website posting.

Political Parties – Prohibits the board of supervisors from filling a vacant precinct committeeman position during a specified timeframe. Details term of office beginning and end dates for precinct committeemen. Allows a precinct committeeman who is deemed elected as a result of a canceled election to be a member of a legislative district party committee. Limits persons who are eligible to vote for or serve in an elected office of a county or state committee to elected precinct committeemen or precinct committeemen deemed elected. Establishes a formula or formulae regarding legislative district committee membership election to the state party committee.

Miscellaneous – Limits mail ballot elections conducted by a city, town or school district to nonpartisan elections held by that city, town or school district.

The Governor indicates in her veto message that S.B. 1331 places numerous restrictions on the role of precinct committeemen which inappropriately interferes with internal party operations.

educational institution; concealed weapons (S.B. 1467) – VETOED

Prohibits the governing board of an educational institution from adopting or enforcing any policy or rule prohibiting the lawful possession or carrying of a weapon on a public right-of-way.

The Governor's veto message states that legislative language that impacts Second Amendment rights should be clear and S.B. 1467 lacks clarity in specified instances.

board of supervisors; powers (H.B. 2067) – VETOED

Permits a county board of supervisors to contract with a government agency to provide constable services at fees less than those established by statute, with certain exceptions. Makes changes to the oversight of a hospital affiliated with the University of Arizona and establishes a new Board of Directors to oversee the hospital.

The Governor indicates in her veto message that while she shares the Legislature's concern over the process by which the Arizona Board of Regents (ABOR) exerted its authority over the University of Arizona (UA) Healthcare Board, she is additionally concerned with the legal and contractual ramifications of the legislation. In order to provide additional oversight of any future discussions on the relationship between UA Healthcare, the UA College of Medicine and ABOR, the Governor established the Arizona Medical Education Oversight Task Force by Executive Order.

legislative vacancies; precinct committeemen (H.B. 2484) – VETOED

Specifies that elected precinct committeemen from the legislative district in which a vacancy occurred fill the vacancy, rather than precinct committeemen from the county in the legislative district in which vacancy occurred. Increases, from five days to seven days, the timeframe precinct committeemen have to elect a person to fill a legislative vacancy if the Legislature is in regular session. Directs the precinct committeemen to elect, within statutory timeframes, one person who

JUDICIARY COMMITTEE (Cont'd.)

meets the qualification and residency requirements and outlines the procedures if a majority of votes for one person to fill the vacancy cannot be met. Removes the county board of supervisors from the nomination process unless the precinct committeemen fail to fill the vacancy within specified timeframes. Establishes meeting requirements for legislative districts containing a portion of more than one county and prohibits vote by proxy or the use of proxies for purposes of determining a quorum.

The Governor indicates in her veto message that it is inappropriate for the state to interfere with the internal operations of recognized political parties, including directions on how votes should be cast and when and where meetings to fill a legislative vacancy should take place.

Natural Resources and Transportation Committee

Senator John Nelson, Chairman



Tony DeMarco, Research Analyst

Fareed Bailey, Assistant Analyst

Helen Santilli, Intern

NATURAL RESOURCES AND TRANSPORTATION COMMITTEE

LEGISLATION ENACTED

technical correction; technical registration board (NOW: lakes; non-motorized watercraft; rulemaking; exemption) (S.B. 1012) – Chapter 122 E

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

character education special plate fund (S.B. 1053) – Chapter 320

SEE THE EDUCATION COMMITTEE.

approaching stationary vehicles; yield right-of-way (S.B. 1133) – Chapter 131

Requires a driver to implement the same driving procedures that exist for approaching authorized emergency vehicles when approaching any stationary vehicle that displays flashing lights or warning lights. The driver must proceed with due caution and make a lane change if safe.

motor vehicle safety monitoring equipment (S.B. 1147) – Chapter 64

Exempts safety monitoring and driver feedback equipment that is mounted on the windshield around the rearview mirror area of a motor vehicle from existing window and windshield equipment restrictions.

cotton council; employee benefits (S.B. 1154) – Chapter 44

Modifies statutory requirements relating to Arizona Cotton Research and Protection Council (Council) staff, administrative services and employee benefits. The Council will determine all rates and forms of compensation for its employees, and Council employees are no longer exempt from participation in the Arizona State Retirement System and the state's healthcare benefits program.

structural pest management; regulation (S.B. 1194) – Chapter 20

Transfers the administrative supervision of the Office of Pest Management (OPM) to the Director of the Arizona Department of Agriculture (ADA) through December 31, 2013, and causes the relocation of OPM offices to those facilities provided by the ADA. Establishes a nine-member task force to study the Arizona structural pest management industry and report findings and recommendations by December 15, 2012.

trust lands; long-term leases; default (S.B. 1228) – Chapter 68

Establishes a new cancellation procedure for long-term lease defaults of state trust lands that is modeled after the Arizona State Land Department's cancellation procedures for defaults of land sales. Allows the Land Commissioner to extend the time for delinquent payments up to five years before cancellation of the long-term lease occurs.

NATURAL RESOURCES AND TRANSPORTATION COMMITTEE (Cont'd.)

recreational users; landowner liability (S.B. 1229) – Chapter 123

Modifies the educational and recreational immunity statute to specify that a landowner is not liable to a recreational user who engages in off-highway vehicle, off-road recreational motor vehicle, all terrain vehicle, aircraft operation and other outdoor recreational activities on their premises. Specifies that purchase of a Land Department recreational permit or an off-highway vehicle decal does not constitute an admission fee for recreational immunity purposes.

motor vehicle dealers; franchises (S.B. 1241) – Chapter 100

Makes various changes to Arizona's motor vehicle franchise laws. For new vehicles only, the bill includes the following provisions: a) requires a franchisor (vehicle manufacturer) to compensate a franchisee (vehicle dealer) when the franchisor terminates an agreement under specified conditions; b) codifies the right of a designated family member to succeed ownership of a franchise and prescribes the franchisor's procedure for refusal; c) with exceptions, prohibits a franchisor or a franchisor's representative from coercing the franchisee to construct or make substantial alterations to facilities or enter into property use, site control or exclusivity agreements; d) reduces timeframes that a manufacturer can audit a dealer for paid claims or charge-backs for warranty parts or service and for consumer or dealer incentives; and e) prohibits a manufacturer from taking certain actions on the dealer if the vehicle is exported to a foreign country unknowingly. For used vehicles, the bill exempts a dealer from any duty to inspect the vehicle for defects or damage prior to sale so long as the vehicle is either sold to another dealer or sold solely for the purpose of having it dismantled or destroyed.

vehicle liens; titles (S.B. 1261) – Chapter 101 E

An emergency measure, effective April 13, 2011, that specifies 30 business days as the timeframe for the Arizona Department of Transportation's Motor Vehicle Division to process a lien record on a vehicle's title. Retroactive to January 1, 2011, provides that the failure to perfect the lien within 30 business days will not result in the loss of the vehicle for either the lienholder or the person who purchased the vehicle.

Arizona centennial special plates (S.B. 1262) – Chapter 323 W/O

Creates the Arizona Centennial special license plate and its respective fund. In FY 2012, the Director of the Arizona Department of Transportation (ADOT Director) will allocate fund monies to the Office of Tourism to pay for Arizona centennial projects and events. In FY 2013 and thereafter, the ADOT Director will allocate fund monies to the Arizona Historical Society to pay for Centennial Museum maintenance and operational costs. The bill also modifies the proceeds distribution for the *In God We Trust* special plate.

veterinarian board (S.B. 1269) – Chapter 209

Modifies the membership of the Arizona State Veterinary Medical Examining Board (Board) and its investigative committees. Among those changes, requires one of the public members serving on the Board to be a Certified Veterinary Technician and reduces, from five years to four years, the term of service for all Board members. Adds a definition for *veterinarian client patient relationship* and designates performing certain veterinary practices without a valid *veterinarian client patient relationship* as unprofessional or dishonorable conduct.

NATURAL RESOURCES AND TRANSPORTATION COMMITTEE (Cont'd.)

technical correction; publication of notice (NOW: Arizona department of transportation; omnibus) (S.B. 1270) – Chapter 190

Makes various changes to state transportation statutes. Among its provisions, the bill: a) allows the Director of the Arizona Department of Transportation (ADOT Director) to obtain criminal record and credit checks for prospective employees and transfers within ADOT; b) coordinates motor vehicle dealer licensing between ADOT and the Arizona Department of Financial Institutions (DFI) by conforming DFI dealer dates with ADOT's staggered licensing schedule; c) eliminates obsolete statutes from Title 28 relating to vehicle safety equipment and conforms other equipment statutes with federal safety standards; d) effective January 1, 2012, allows ADOT to contract with third party electronic service partners for information technology and other electronic services; e) broadens the scope of ADOT's logo sign program to include state highways and urban areas; and f) makes changes to public-private partnership statutes.

vehicle emissions testing; older vehicles (S.B. 1324) – Chapter 163

Subject to U.S. Environmental Protection Agency approval, exempts 1974 model year and older vehicles from applicable emissions testing requirements in Area A and Area B.

hunting within city limits (S.B. 1334) – Chapter 349

Prohibits a political subdivision from enacting an ordinance, rule or regulation that limits the lawful take of wildlife during an open season unless it is consistent with the state's hunting laws and regulations. A political subdivision may adopt an ordinance or rule that prohibits or otherwise restricts the discharge of firearms within one-quarter mile of an occupied structure.

special license plates (S.B. 1402) – Chapter 324

Creates the following special license plates: Arizona Professional Hockey Club; Arizona Public Broadcast Television; Childhood Cancer Research; Global Graduate Management School; Hunger Relief; Law Enforcement; Litter Prevention and Cleanup; Multiple Sclerosis Awareness; and Youth Development Organization. The bill also creates the Don't Tread on Me special plate and establishes a 13-member Arizona Tea Party Committee to distribute plate proceeds in the form of grants.

authorized third parties; ADOT (S.B. 1589) – Chapter 275

SEE THE APPROPRIATIONS COMMITTEE.

cities; counties; regulatory review (S.B. 1598) – Chapter 312

SEE THE GOVERNMENT REFORM COMMITTEE.

environment; 2011-2012; budget reconciliation (NOW: budget reconciliation; environment; 2011-2012) (S.B. 1624) – Chapter 36

SEE THE APPROPRIATIONS COMMITTEE.

NATURAL RESOURCES AND TRANSPORTATION COMMITTEE (Cont'd.)

department of agriculture; continuation (H.B. 2076) – Chapter 12

Retroactive to July 1, 2011, the Arizona Department of Agriculture is continued until July 1, 2021.

~~technical correction; air pollution; orders~~ (NOW: agriculture best management practices; rules) (H.B. 2208) – Chapter 214

Authorizes the Arizona Department of Environmental Quality (ADEQ) to issue a dust action general permit that outlines best management practices designed to control dust in the PM-10 nonattainment area of Maricopa County on days that are forecasted to be high risk for dust generation. Requires ADEQ to develop and disseminate five-day dust forecasts to alert dust-generating sources of high risk days. Exempts sources that are currently permitted by the county from requirements of obtaining a general permit. The bill also modifies the statutory authority of the Agricultural Best Management Practices Committee to include additional requirements in rules that control dust in areas of PM-10 nonattainment and exempts those rules from the state's rulemaking requirements.

safety standards; light rail systems (H.B. 2209) – Chapter 88

Reduces the county population requirement, from more than 1,500,000 to more than 500,000, for which the Arizona Department of Transportation is required to adopt and enforce minimum light rail and street car system safety standards. The provisions enable counties that meet the population threshold to establish light rail transit systems.

state parks board; membership (H.B. 2239) – Chapter 216

Specifies that one member of the Arizona State Parks Board (Board) must be professionally engaged in the tourism industry. Reduces, from at least two to at least one, the number of livestock industry representatives on the Board.

~~education; meetings; technical correction~~ (NOW: ADOT; emergency vehicle access plan) (H.B. 2246) – Chapter 280

Requires the Director of the Arizona Department of Transportation to adopt safety and mobility standards and specifications for state highway work zones.

fertilizers; labeling; inspections; fund (H.B. 2276) – Chapter 37

Requires the Arizona Department of Agriculture to forward the results of noncompliant fertilizer samples to applicable parties within 30 days after the sample is taken.

commodity marketing orders and agreements (H.B. 2310) – Chapter 77

Updates statutes pertaining to marketing orders and marketing agreements of citrus, fruit and vegetable products in the state. Among its provisions, the bill: a) adds audit and inspection records of an affected person (producers and shippers) to the list of items that are not public record, with exceptions; b) transfers a marketing commission's or committee's property to the Arizona Department of Agriculture (ADA) upon termination of an agreement or order; and c) permanently exempts the rules adopted by a marketing commission or committee from the state's administrative

NATURAL RESOURCES AND TRANSPORTATION COMMITTEE (Cont'd.)

procedures on rulemaking. For marketing agreements only, allows an agreement to extend beyond three terms but requires the ADA to conduct a public meeting.

structural pest management; regulation. (NOW: agricultural trust funds) (H.B. 2312) – Chapter 281

Through December 31, 2012, converts existing agriculture-related funds to trust funds, and creates the Iceberg Lettuce Trust Fund and the Arizona Citrus Trust Fund. Effective January 1, 2013, removes the trust language for these funds in statute and restores statutory provisions that existed prior to enactment.

lake improvement; boating safety; funds. (NOW: boating safety; fees; fund) (H.B. 2314) – Chapter 333

SEE THE APPROPRIATIONS COMMITTEE.

regional and public transportation authorities (H.B. 2318) – Chapter 259

Allows a regional transportation authority to be established in any county with a population of 400,000 or less. Permits community college districts and Indian nations to join an intergovernmental public transportation authority through an intergovernmental agreement.

primitive roads; county maintenance (H.B. 2319) – Chapter 127

Effective October 1, 2011, allows a county board of supervisors to spend public monies on the maintenance of primitive roads that were opened after June 13, 1975 and meet other specified criteria.

wildlife; guides; wasted meat (H.B. 2358) – Chapter 282

Expands the definition of *guide* in the Game and Fish statutes to mean a person who does any of the following: a) advertises for guiding services; b) holds himself or herself out to the public for hire as a guide; c) is employed by a commercial enterprise as a guide; or d) accepts market value compensation for guiding services in exchange for assisting someone in hunting activities. Adds acting as a guide without a license and wasting edible portions of meat to the current list of prohibited acts that may result in the revocation or suspension of a hunting or fishing license. Specifies what constitutes edible portions of game meat.

transportation contracts; indemnity agreements; void (H.B. 2359) – Chapter 54

SEE THE COMMERCE AND ENERGY COMMITTEE.

game and fish appointment board (H.B. 2360) – Chapter 111

Modifies the statutory qualifications of one member serving on the Arizona Game and Fish Commission Appointment Recommendation Board to clarify that the member must represent a nonprofit organization that conserves at least one, and not all, of a specified statutory list of game mammals, birds and fish.

NATURAL RESOURCES AND TRANSPORTATION COMMITTEE (Cont'd.)

game and fish; trophies; enforcement (H.B. 2396) – Chapter 113 E

An emergency measure, effective April 14, 2011, that prohibits a person who has been assessed civil damages for a poaching violation from applying for or obtaining a new hunting or fishing license at specified times relating to the civil action and collection of damages. Requires Arizona Game and Fish Department employees and volunteers who work with children or vulnerable adults to have a fingerprint clearance card, and exempts the Arizona Game and Fish Commission from the state's rulemaking requirements for one year for specified purposes.

~~state highways; technical correction~~ (NOW: escort vehicle operation; exemption (H.B. 2450)) – Chapter 265

Allows the Arizona Department of Transportation to prescribe rules for escort vehicle operators who are licensed in other states so that they may perform traffic control in Arizona.

~~motor vehicle accidents; violations~~ (NOW: violations; motor vehicles; license suspensions (H.B. 2523)) – Chapter 286

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

public consignment auction dealers; definition (H.B. 2608) – Chapter 289

Effective October 1, 2011, provides for a licensing classification for entities that conduct live public auctions for the sale of vehicles by consignment. Public consignment auction dealers are neither required to sell vehicles with an implied warranty of merchantability, nor have the vehicles undergo emissions testing. Defines *public consignment auction dealer* and prescribes related requirements.

recreational off-highway vehicles (H.B. 2622) – Chapter 95

Modifies the definition of an *all-terrain vehicle* in the transportation statutes to include specifications for recreational off-highway vehicles (ROV). Specifies that an ROV weighs less than 1,800 lbs., is 64 or fewer inches in width and is equipped with a nonstraddle seat, steering wheel and nonhighway tires.

landowner prohibition of hunting; posting (H.B. 2623) – Chapter 202

Prescribes the criteria to establish criminal trespassing on private property, which a landowner does not wish to make available to hunting, trapping or fishing.

rental motor vehicles; surcharge (H.B. 2659) – Chapter 290

Specifies that a rental car company can use the five percent rental vehicle surcharge it collects to offset the vehicle license taxes for all Arizona-registered vehicles in its fleet, regardless of the jurisdiction in which those vehicles are located or rented.

environment; regulatory changes (H.B. 2665) – Chapter 291

Makes changes to existing regulatory inspection procedures for state permitting agencies and county air quality inspectors. Among its provisions, the bill: a) requires inspecting agencies to

NATURAL RESOURCES AND TRANSPORTATION COMMITTEE (Cont'd.)

provide the entity being inspected with all documents used to determine regulatory compliance; b) modifies the regulatory bill of rights in county air quality statutes to require reimbursement of fees and other expenses to a regulated entity that substantially prevails against a county in a court proceeding or administrative appeal; and c) requires county control officers to comply with existing state regulatory inspection procedures and to follow certain criteria when determining the frequency of emissions monitoring, sampling or quantification.

waste programs; general permits; fees (H.B. 2705) – Chapter 220

Authorizes the Arizona Department of Environmental Quality (ADEQ), through September 30, 2013, to establish new and existing fees for solid and hazardous waste management by rule. Prohibits ADEQ from raising fees after that date unless express statutory authority is given; fees must also be reviewed by the Joint Legislative Budget Committee. Retroactive to July 1, 2011, continues ADEQ's authority to charge current waste fee amounts through FY 2012.

Public Safety and Human Services Committee

Senator Linda Gray, Chairman



Amber O'Dell, Research Analyst
Yalda Godusi, Intern

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE

LEGISLATION ENACTED

technical correction; technical registration board (NOW: lakes; non-motorized watercraft; rulemaking; exemption) (S.B. 1012) – Chapter 122 E

An emergency measure that exempts the Arizona Game and Fish Department from the state's rulemaking requirements for one year in order to revise its rules relating to watercraft motor and engine restrictions.

child welfare agency; technical correction (NOW: peace officers; licensure; registration; prohibited) (S.B. 1020) – Chapter 222

Prohibits the Department of Public Safety from issuing a private investigator license or registration certificate to a peace officer. Exempts retired officers and accident reconstructionists from the ban.

enforcement of pretrial release conditions (S.B. 1023) – Chapter 140

Allows Maricopa County adult probation officers to serve warrants, make arrests and bring people before the court who are supervised under pretrial release and are alleged to have violated a condition of that release.

Arizona state hospital; fingerprinting requirements (S.B. 1025) – Chapter 177

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

DES; notices; electronic communications (S.B. 1045) – Chapter 61

Allows the Department of Economic Security and its divisions to provide certain orders, notices, decisions and letters by electronic means if the person being served consents. Establishes processes for obtaining and revoking consent, and outlines the services and programs to which electronic service applies.

juvenile corrections; discharge; ICE detainers (S.B. 1046) – Chapter 293

Requires the Arizona Department of Juvenile Corrections (ADJC) to conditionally discharge a youth from its jurisdiction if both of the following circumstances are met: a) the youth completes the minimum length of stay assigned by the court, and b) the U.S. Immigration and Customs Enforcement (ICE) enforces a detainer demanding custody of the youth for immigration proceedings. However, if ADJC receives notice that the juvenile has returned to the U.S. illegally, ADJC must vacate the discharge, take custody of the youth and notify ICE.

waiver; intensive probation standards (S.B. 1054) – Chapter 204

SEE THE JUDICIARY COMMITTEE.

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE (Cont'd.)

law enforcement officers; disciplinary action (NOW: disciplinary action; law enforcement officers) (S.B. 1057) – Chapter 244

Permits a law enforcement officer who believes he or she was terminated without just cause to bring an action in superior court for a new hearing on the termination if the chief of the law enforcement agency or the chief executive officer of a city or town reversed the decision or recommendation of a civil service board or merit commission. Outlines a similar process for situations in which there is no civil service board or merit commission to review the termination. Establishes remedies if the court finds that just cause for the termination did not exist, including reinstatement or monetary damages.

custodial interference; classification (S.B. 1080) – Chapter 224

Modifies the offense of custodial interference. Specifies the crime is only a class 1 misdemeanor if the parent or the parent's agent is the person who returns the child without physical injury, and prescribes a 48 hour time limit for receiving the lower classification. Exempts a parent from custodial interference if he or she has filed an emergency custody petition and has a good faith and reasonable belief the child will be in immediate danger if the child is left with the other parent. Establishes an offense related to false reporting of vulnerable adult abuse or neglect.

DES; fingerprinting; finger imaging (S.B. 1082) – Chapter 142

Modifies finger imaging for Temporary Assistance for Needy Families (TANF) Cash Assistance and the Supplemental Nutrition Assistance Program (SNAP) by requiring the Department of Economic Security (DES) to purge the images 36 months after it denies or terminates TANF or SNAP benefits, whichever occurs later, instead of purging images that are not accessed within 12 months. Beginning December 31, 2012, requires employees of DES licensees and contractors who provide services directly to vulnerable adults to obtain fingerprint clearance cards.

unlawful sexual conduct; probation employees (S.B. 1130) – Chapter 226

Creates the felony offense of unlawful sexual conduct by an adult probation department or juvenile court employee as knowingly coercing the victim to engage in sexual conduct by threatening to influence the victim's supervision or release status. Establishes a misdemeanor offense related to false reporting of that crime.

dissolution of marriage; legal separation (S.B. 1187) – Chapter 305

Requires a party to a divorce case who wishes to extend the stay in conciliation court to file a petition with the court that states the basis for extension, including a plan for reconciliation or a counseling schedule. Allows the court to grant an extension of up to 120 days if the moving party establishes good cause for the extension. However, if the other party objects with good cause, the court cannot grant the extension. Beginning January 1, 2013, revises the educational program on divorce and specifies criteria that must be included in the program.

adoption; marital preference (NOW: marital preferences; adoption) (S.B. 1188) – Chapter 147

Requires the Department of Economic Security (DES) and private adoption agencies to place a child in an adoptive home that best meets specific needs of the child. Outlines factors adoption entities must consider when placing a child in an adoptive setting. If all relevant factors are equal

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE (Cont'd.)

between a single adult and a married man and woman, placement preference must be given to the married couple. Requires the court to make findings on the record in each adoption proceeding and expands a DES reporting requirement.

developmental disabilities; intermediate care facilities (NOW: developmental disabilities; residential placement) (S.B. 1190) – Chapter 246

Requires the Department of Economic Security (DES) to conduct meetings with developmentally disabled individuals who are served by state intermediate care facilities for persons with an intellectual disability, skilled nursing facilities or intermediate care facilities and their parents or guardians to present placement options. DES may adjust its service delivery options based on the meeting results, including exploring additional options for placement with private service providers. Requires DES to submit a report regarding the meetings by December 1, 2011.

juveniles; discretionary transfer; adult court (S.B. 1191) – Chapter 206

Expands the list of offenses for which a juvenile defendant may request a reverse remand hearing. Allows the request to be made in any case in which a juvenile is charged as an adult at the discretion of the county attorney. If such a request is made, the court must hold a hearing to determine if jurisdiction of the criminal prosecution should be transferred to the juvenile court.

child support model; review; report (S.B. 1192) – Chapter 228

Prohibits the Arizona Supreme Court from adopting the Child Outcome Based Support (COBS) model of child support unless the Supreme Court selects a nationally recognized independent research organization to review specific factors about COBS. Expresses the Legislature's concerns regarding COBS.

ignition interlock device; time requirements (NOW: driving under the influence; interlock) (S.B. 1200) – Chapter 341

Beginning January 1, 2012, makes omnibus changes to driving under the influence (DUI) statutes.

Driver Licenses – Requires law enforcement officers to serve an order of license suspension on a person arrested for driving with a drug or its metabolite in the person's body unless the person has a valid prescription. Allows additional offenders to apply for Special Ignition Interlock Restricted Driver Licenses. Decreases the license revocation for aggravated DUI from three years to one year, but allows the court to order a certified ignition interlock device (IID) for 24 months, instead of 12 months.

Sentences – Requires first time, non-extreme DUI offenders to serve one day, instead of 24 consecutive hours, in jail. Permits the court to suspend all but nine days or all but fourteen days of an extreme DUI sentence, depending on the person's blood alcohol concentration (BAC), if the person installs an IID for 12 months. Authorizes county sheriffs, cities, towns, counties and the Arizona Department of Corrections to establish continuous alcohol monitoring programs for DUI offenders, which will allow offenders to serve a portion of their sentences in the community with an ankle bracelet that monitors and reports alcohol intake. Establishes related requirements and procedures.

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE (Cont'd.)

Ignition Interlock Device – Requires the Arizona Department of Transportation (ADOT) Motor Vehicle Division (MVD) to extend an IID for six additional months if the person violates statutory IID requirements, and modifies those requirements related to a person attempting to operate a vehicle with a BAC above 0.08. Also requires MVD to do the following: a) refuse to renew the registration of a vehicle owned by a person who fails to comply with IID requirements; b) remove the IID requirement for a person only convicted of DUI while there is a drug in the person's body if the person completes alcohol or drug screening and the court determines no alcohol education or treatment is required; and c) defer six months of the twelve month IID period for a first time, non-extreme DUI offender if the person completes certain requirements, including alcohol education and maintaining a functioning IID. The deferment is revoked, however, if the person is arrested for a DUI offense during the period of deferment. Allows the Director of ADOT to impose a civil penalty against an IID installer or manufacturer who fails to report IID data and requires those monies to be deposited in the DUI Abatement Fund. Permits MVD to allow a person who shows sufficient medical evidence or an employment requirement to be placed in a continuous alcohol monitoring program instead of installing an IID. Establishes related requirements.

Miscellaneous – Removes the statutory requirement for someone charged with a first time, non-extreme DUI to be entitled to a jury trial. Establishes a \$125 assessment, rather than a 10 percent surcharge on the amount of the fine, if a warrant is issued as a result of a failure to pay a fine for a civil traffic offense.

developmental disabilities advisory council; continuation (S.B. 1232) – Chapter 160

Retroactive to July 1, 2011, the Developmental Disabilities Advisory Council (Council) is continued until July 1, 2021. Modifies the duties and membership of the Council.

peace officers; at will employment (S.B. 1233) – Chapter 208

Specifies that protection from disciplinary action for law enforcement officers does not apply to at will police chiefs or assistant police chiefs.

law enforcement officers; disciplinary procedures (S.B. 1235) – Chapter 230

Modifies procedures related to law enforcement and probation officer disciplinary action and appeals. Specifically, requires the employer, after completing a misconduct investigation, to provide a basic summary or file copies of any discipline ordered against other officers of similar rank and experience within the previous two years for a similar violation, at the request of the disciplined officer. The employer cannot take final action or schedule a hearing until the summary or copies are provided to the officer. Removes the population restrictions related to an automatic change of hearing officer in disciplinary appeals, and requires small cities, towns and counties to provide an alternate hearing officer by means of an interagency agreement. If the officer is the party that requested the alternate hearing officer, the officer must reimburse the city, town or county for half of the additional expenses incurred in procuring the alternate hearing officer.

Prohibits a critical incident stress management team member (member) from being compelled or allowed to disclose information in a trial, investigation or legal proceeding that the member acquired secretly and in confidence in the course of the member's response to a critical incident. This confidentiality requirement applies to information acquired from emergency medical providers, firefighters, law enforcement officers or probation officers. Establishes exemptions from the confidentiality requirement.

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE (Cont'd.)

Prohibits an employer from retaliating against a city or town law enforcement officer for disclosing information that the officer believes evidences mismanagement, a violation of any law, a gross waste of monies or an abuse of authority. This is commonly referred to as the *whistle blower* statute.

parents' rights; law enforcement investigation (S.B. 1244) – Chapter 69 E

SEE THE JUDICIARY COMMITTEE.

child custody; military families (S.B. 1283) – Chapter 346

SEE THE VETERANS AND MILITARY AFFAIRS COMMITTEE.

inmate credit for imprisonment (NOW: prisoners; credits for fines) (S.B. 1291) – Chapter 102

SEE THE WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE.

court ordered outpatient treatment; notification (NOW: juveniles; DNA testing) (S.B. 1367) – Chapter 351

SEE THE JUDICIARY COMMITTEE.

human smuggling organization; offense; penalty. (NOW: probation officers; disciplinary actions) (S.B. 1368) – Chapter 352

SEE THE JUDICIARY COMMITTEE.

domestic relations; support; community restitution (NOW: domestic relations; notification requirements) (S.B. 1396) – Chapter 236

Requires the court to provide written notification to all parties to domestic relations proceedings informing them that they may request conclusions of fact and law on the contested issues of child custody, relocation requests, spousal maintenance, child support and community property and debt. Requires the notification to contain procedures for making such a request.

photo enforcement; DPS equipment fund (NOW: moving violations; assessment; equipment; enforcement) (S.B. 1398) – Chapter 308

SEE THE APPROPRIATIONS COMMITTEE.

national guard; state active duty (NOW: assessment for family offenses; stalking) (S.B. 1424) – Chapter 296

SEE THE VETERANS AND MILITARY AFFAIRS COMMITTEE.

probate; omnibus (NOW: probate proceedings; omnibus) (S.B. 1499) – Chapter 354

Beginning January 1, 2012, makes omnibus changes to guardianship and conservatorship requirements.

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE (Cont'd.)

Court Duties – Requires judicial officers presiding over probate proceedings to participate in training as prescribed by the Supreme Court. Requires the court to make specific findings on the record regarding the basis for appointing a conservator. Allows the court to appoint a medical professional who has an established relationship with the ward to examine the ward and to appoint a guardian or conservator nominated by the ward. Modifies the priority list to be a guardian or conservator, and establishes the definition of *good cause*, for which a person who has priority may be passed over for someone with a lower priority. If a person who was passed over by the court makes a request, the court must make a specific finding regarding the determination of good cause and why the person was not appointed.

Remedies – Establishes remedies for persons who engage in unreasonable conduct by requiring the person, the person's attorney or both to pay for some or all fees or expenses incurred as a result of the person's conduct. Permits the court to require arbitration or to order alternative dispute resolution after the initial appointment of a fiduciary. Outlines circumstances in which the court may summarily deny a repetitive motion or petition without an objection being filed or a hearing being set.

Substitutions – Allows the court to substitute a guardian or conservator without finding that the person acted inappropriately, if the substitution is in the ward's or protected person's best interest. Limits the ability of guardians, conservators or their attorneys to be compensated from wards' estates for defending against substitutions. Requires the court to substitute a trustee and appoint a successor under certain circumstances. Imposes requirements related to modifying a protective order.

Costs and Compensation – Prescribes responsibilities for fiduciaries related to costs, including preserving the assets of the ward or protected person and protecting against costs that exceed benefits. Specifies that market rates for goods and services are a proper and ongoing consideration for the fiduciary and the court. Creates duties related to compensation, as follows: a) requires certain parties who intend to seek compensation from the estate to give written notice of the basis of the compensation when the person first appears in the proceeding and to provide notice if the basis for compensation changes during the pendency of the action; and b) requires their compensation to be reasonable and necessary, as determined by the court. Prescribes deadlines for compensation.

Transparency – Prohibits an investigator or someone related to the investigator from being appointed as a fiduciary, attorney or professional for the person who was the subject of a prior investigation, except if ordered by the court for good cause. Permits an interested party to request to view or receive copies of a protected person's financial records and billing statements related to the conservatorship. Also requires the conservator to provide a report of receipts and disbursements on request. Modifies the conservator's requirement to prepare and file an inventory.

~~juveniles; restitution; adoptive parents; exception~~ (NOW: juveniles; fees; adoptive parents; exception) (S.B. 1559) – Chapter 168

Requires the court, juvenile probation officer or county attorney, as appropriate, if the juvenile was adopted or placed in permanent guardianship after he or she was determined to be a dependent child, to consider: a) the totality of the child's circumstances, and b) the nature of the dependency. Allows the court to waive all or part of the fees related to the juvenile being adjudicated delinquent for an offense if extenuating circumstances exist.

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE (Cont'd.)

dependent children; hearings; notice (S.B. 1560) – Chapter 253

Requires a motion for removal or to change the case plan to be provided to a foster child's prospective permanent placement at least 15 days prior to a hearing on the motion. Specifies that refusing to take a paternity test is evidence of abandonment. Allows actions inconsistent with the case plan of severance and adoption to be taken only: a) by court order; b) if the prospective permanent placement requests the child to be removed; or c) if it is required by federal law, state law or regulation. Requires the Department of Health Services to ensure that services, such as non-school related appointments and activities, are provided to foster children outside of regular school hours.

welfare; 2011-2012; budget reconciliation (NOW: budget reconciliation; welfare; 2011-2012) (S.B. 1620) – Chapter 32

SEE THE APPROPRIATIONS COMMITTEE.

emergency response services fees; prohibition (H.B. 2003) – Chapter 82

Prohibits any county or municipality from directly or indirectly charging a fee or seeking reimbursement for emergency services related to motor vehicle accidents, with exceptions related to property damage, the driver's negligence, emergency response in flood areas or for DUI offenses, environmental cleanup or any other costs required or permitted by law, services provided outside of city boundaries in certain counties and intergovernmental agreements between political subdivisions.

privatization; correctional health services (NOW: privatization; correctional health services) (H.B. 2154) – Chapter 278 E

SEE THE APPROPRIATIONS COMMITTEE.

child custody; technical correction (NOW: intellectually disabled; terminology) (H.B. 2213) – Chapter 89

Effective October 1, 2011, updates terminology throughout statute, replacing the terms *mental retardation* and *crippled* with *intellectually disabled* and *physically disabled*. This act does not affect current coverage, eligibility, rights or responsibilities as prescribed by law.

DUI; work release (H.B. 2369) – Chapter 91

Requires, instead of allows, the court to provide for work release for DUI and extreme DUI offenders, unless the court finds good cause not to allow the release and places the findings on the record. Increases the number of days per week an offender may be released.

department of juvenile corrections; continuation (H.B. 2376) – Chapter 261

SEE THE JUDICIARY COMMITTEE.

crimes; forensic interviews; mandatory fine (H.B. 2406) – Chapter 115

SEE THE JUDICIARY COMMITTEE.

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE (Cont'd.)

outpatient treatment; agency notification (H.B. 2408) – Chapter 264

SEE THE JUDICIARY COMMITTEE.

child prostitution; consecutive sentences (H.B. 2411) – Chapter 78

SEE THE JUDICIARY COMMITTEE.

schools; bullying policies (H.B. 2415) – Chapter 196

Adds that current school district policies and procedures on harassment, intimidation and bullying must address offenses occurring through electronic technology or communication on school computers, networks, forums and mailing lists. Additionally restructures the policies and procedures for all types of harassment, intimidation and bullying by requiring them to: supply written forms designed to provide a full and detailed account of an incident; prescribe appropriate disciplinary procedures for employees who fail to report suspected incidents; annually provide all pupils with a written copy of the rights, protections and support services that are available; maintain records of reported incidents for at least six years; prescribe procedures designed to protect the health and safety of victims who are physically harmed; and establish definitions for harassment, intimidation and bullying.

abortion (H.B. 2416/S.B. 1246) – Chapter 10

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

probate; wards; rights (H.B. 2424) – Chapter 285

SEE THE APPROPRIATIONS COMMITTEE.

law enforcement officer discipline (H.B. 2444) – Chapter 198

Modifies requirements related to officer misconduct investigations. Specifically, prohibits the results of a polygraph examination from being the basis for disciplinary action unless other evidence exists. Requires the employer to make a good faith effort to complete an investigation of a law enforcement officer within 120 business days. If a hearing officer, administrative law judge or appeals board determines the employer did not make a good faith effort to meet the deadline, he or she may dismiss the discipline. However, the dismissed discipline may be considered in future disciplinary actions. Prescribes requirements related to exceeding the time limit and giving the officer notice of discipline. Outlines exceptions to the time limit.

~~law enforcement officers; witness; representation~~ (NOW: witness; representation; law enforcement officers) (H.B. 2477) – Chapter 301

Allows a law enforcement officer designated by an employer as a witness in another officer's misconduct investigation to have a representative present during the interview, subject to specified restrictions. Designates the information learned from the interview as proprietary and confidential, and specifies circumstances under which the information is no longer confidential. The witness may discuss the interview with the representative and the representative's legal counsel, but the employer may discipline the witness or the representative for releasing the information to anyone else without authorization.

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE (Cont'd.)

motor vehicle accidents; violations (NOW: violations; motor vehicles; license suspensions) (H.B. 2523) – Chapter 286

Expands the types of license suspensions that will result in a felony offense if the person drives, commits one of ten traffic violations and seriously injures or kills someone. Includes, among other reasons, a license suspended because the person: a) was involved as a driver in an accident resulting in the death or injury of another person; b) was convicted of reckless driving; c) was convicted of failing to install an ignition interlock device after a DUI offense; or d) failed to appear in court for a traffic violation if the person has had at least one other suspension for failing to appear.

peace officer misconduct; reporting (NOW: board; complaints; peace officer misconduct) (H.B. 2613) – Chapter 303

Outlines actions the Arizona Peace Officer Standards and Training Board (AzPOST) may take regarding law enforcement officer misconduct, including from whom AzPOST may take complaints. Allows the president or chief executive officer of an AzPOST-recognized law enforcement association to bring a complaint of officer misconduct to AzPOST if the association believes that a law enforcement agency: a) refused to investigate, or b) made findings that are contradictory to prima facie evidence that an officer violated AzPOST qualifications. Prescribes related requirements for AzPOST.

domestic violence review teams (H.B. 2658) – Chapter 254

Allows Domestic Violence Fatality Review Teams (Teams) to examine near fatal incidents of domestic violence, in addition to those that result in the victim's death. Requires Team reports to be distributed to additional entities.

food stamps; benefit cards; penalty (H.B. 2675) – Chapter 121

Adds, as a class 5 felony, using another person's Food Stamps after an unlawful transfer to the crime of unlawful use of Food Stamps. Removes impersonation as a means of unlawfully using Food Stamps.

Veterans and Military Affairs Committee

Senator Adam Driggs, Chairman



Bill Ritz, Research Analyst

Zach Porter, Intern

VETERANS AND MILITARY AFFAIRS COMMITTEE

LEGISLATION ENACTED

adjutant general; annual report (S.B. 1134) – Chapter 245

Modifies reporting procedures for the Adjutant General. Stipulates that, that notwithstanding any other law, officers and enlisted personnel of the Arizona National Guard, while on state active duty exceeding 30 consecutive days, are to be considered employees of the State and eligible for health and accident insurance, including dependents. Specifies that upon completion of state active duty orders, members of the National Guard and their dependents are prohibited from continuing to receive health and accident insurance. Requires reimbursement for members of the National Guard, traveling at any time under official orders, for the cost of travel, expenses for lodging and meals.

child custody; military families (S.B. 1283) – Chapter 346

Makes various changes to the child custody statutes to provide for a parent who has been called into active military service. Prohibits a court from entering into a final order that modifies parental rights in an existing order until 90 days after the deployment has ended. Allows a court to temporarily modify parental rights and responsibilities or parent-child contact during the period of deployment under specified conditions.

~~governmental mall commission; public terms (NOW: military affairs; families; funds; omnibus) (S.B. 1373)~~ – Chapter 307 E

SEE THE GOVERNMENT REFORM COMMITTEE.

~~national guard; state active duty (NOW: assessment for family offenses; stalking) (S.B. 1424)~~ – Chapter 296

Requires any person convicted of harassment, aggravated harassment, stalking or a family offense, such as domestic violence or abandonment, to pay an additional assessment of \$50 to be deposited in the Domestic Violence Shelter Fund.

professional licensure; out-of-state applicants (S.B. 1458) – Chapter 240

SEE THE COMMERCE AND ENERGY COMMITTEE.

~~board of appraisal; disciplinary proceedings. (NOW: military family relief fund; extension) (H.B. 2284)~~ – Chapter 126 E

SEE THE WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE.

liquor importation; amount; military personnel (HB 2357) – Chapter 53

Allows a member of the armed services to import more than one liter of spirituous liquor for personal use into Arizona if the individual is returning from a tour of duty in a foreign country.

VETERANS AND MILITARY AFFAIRS COMMITTEE (Cont'd.)

honorably discharged veterans; in-state tuition (H.B. 2410) – Chapter 56 E

An emergency measure, effective April, 12, 2011 that grants honorably discharged members of the United States Armed Forces classification as in-state students for tuition purposes at any Arizona public university or community college as long as certain criteria have been met.

women veteran special plate (HB 2656) – Chapter 81

Directs the Arizona Department of Transportation to create the women veteran special plate and to establish a fund with a portion of the proceeds to help women veterans through the Department of Veterans' Services.

Water, Land Use and Rural Development Committee

Senator Gail Griffin, Chairman



Kathi Knox, Research Analyst

Devika Persaud, Intern

WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE

LEGISLATION ENACTED

navigable stream adjudication commission; extension (S.B. 1110) – Chapter 39

Continues the Arizona Navigable Stream Adjudication Commission (ANSAC) through June 30, 2016. Requires Legislative Council to prepare legislation to terminate ANSAC when notified the work of the ANSAC is complete.

cities; acquisition of wastewater utility (S.B. 1171) – Chapter 146

Outlines a procedure for a municipality to acquire all or a portion of a wastewater treatment facility that is currently owned by a county. The city or town must have obtained prior approval to operate a wastewater treatment facility and it must be located within the city or town boundary or serve its residents. The county must transfer title of the facility to the municipality upon request. The bill establishes specific conditions and timeframes related to the transfer of infrastructure (including pipes and pumps) and treatment capacity.

Requires the city or town to assume any outstanding debt, costs of ongoing maintenance and operations, billing and invoicing of customers. Allows an entity to request assistance from the Auditor General in order to resolve a dispute regarding these costs. The Auditor General's independent audit will establish the final payment amount. The cost of the audit will be charged to one or both of the entities involved in the dispute.

Provides for shared use of the wastewater facility by the county and city or town in order to accommodate residents in the area. Addresses treatment capacity, connections for new customers and associated costs.

tax deed land sales (S.B. 1242) – Chapter 148

Allows a county board of supervisors to sell, without auction, land held by the state under tax deed to a county, city, town or special taxing district in the county if the land will be used for a public purpose related to transportation or flood control. Requires the board of supervisors to issue a deed conveying the title to the purchaser and apportion the monies received in the transaction to the county treasurer.

~~inmate credit for imprisonment~~ (NOW: prisoners; credits for fines) (S.B. 1291) – Chapter 102

Increases the rate at which debt may be reduced in exchange for hard labor or imprisonment, from a maximum of \$10 to a maximum of \$50 per day. Applies to a prisoner who is sentenced to pay a fine, and to a person who is committed for nonpayment of a fine.

real estate; education; broker requirements (S.B. 1292) – Chapter 150

Requires an applicant for a real estate license to demonstrate a thorough understanding of the obligations and principles of real estate practices and an appropriate knowledge of all other real estate practices and principles, as determined by the Real Estate Commissioner.

WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE (Cont'd.)

Allows the Commissioner to withdraw or deny certification of real estate schools, educational courses or real estate instructors who teach content that is not current or differs from the course as approved. Effective January 1, 2012, requires a real estate course instructor to attend at least a three-hour professional seminar or workshop on instruction methods and techniques approved by the Real Estate Department. An instructor must attend a seminar or workshop before applying for an original or renewal license. Provides exemptions from this requirement.

Extends the deadline, from five business days to ten, for a designated broker to review each listing agreement, purchase, nonresidential lease agreement or similar instrument.

~~dams; affidavit; recording~~ (NOW: property tax classification; lodging) (S.B. 1293) – Chapter 232

Effective in TY 2011, modifies the criteria for a bed and breakfast establishment to be classified as class four property for taxation purposes. The number of rooms that may be rented is increased from six to eight and the owner is required to reside on the property, rather than in the physical building being rented. The bill also removes the restriction limiting the average annual occupancy rate to 50 percent and below.

provisional community colleges; levy limit (S.B. 1295) – Chapter 233

Retroactive to May 17, 2010, provides that if an area forms a provisional community college district, the levy limit for the provisional district is no less than that which applies to the last community college established in the state. In this case, no other statutory requirement to establish a levy limit applies. The bill also prohibits the Property Tax Oversight Commission from setting a property tax levy limit for a provisional community college district that is less than the levy limit of the most recently formed community college district in the state.

~~flood control structures~~ (NOW: structures; flood control districts) (S.B. 1362) – Chapter 133

Allows a bridge to be built over a watercourse as part of a flood control enhancement solution if it is not possible for an emergency vehicle to cross the watercourse for at least 14 days per year.

~~technical correction; light pollution~~ (NOW: bond election; informational pamphlet) (S.B. 1512) – Chapter 72

Requires the informational pamphlet for a bond election, held by the governing body or board of a political subdivision, to include the estimated tax impact for agricultural and other vacant property. The estimated tax impact for agricultural and other vacant property will be based on a value of \$100,000. For commercial property, specifies the estimated tax impact will be based on a value of \$1 million, rather than \$2.5 million.

municipal water charges; responsibility. (H.B. 2193) – Chapter 279

Specifies, for a residential property of four or fewer units, that a municipality may require payment only from the person who has contracted for water and wastewater services. Prohibits a municipality from refusing service, due to unpaid service charges, to anyone other than the person who resided and received service at the property.

WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE (Cont'd.)

Allows other entities who do not reside at the property to voluntarily contract for water and wastewater service and pay for those services.

~~board of appraisal; disciplinary proceedings.~~ (NOW: military family relief fund; extension) (H.B. 2284) – Chapter 126 E

An emergency measure, effective April 15, 2011, that extends the Military Family Relief Fund to December 31, 2018. Requires a two-thirds majority, rather than a unanimous vote of the Military Family Relief Fund Advisory Committee (Committee), to approve an award of up to \$20,000. Extends the authority of the Committee to award grants through December 31, 2012.

water salinity study committee (H.B. 2593) – Chapter 201

Establishes the 26-member Joint Water Salinity Study Committee (Committee) to consider issues related to water softener usage in the U.S. and other countries, including the impacts of water salinity on water supplies in the state and fiscal issues related to water and wastewater treatment. The bill allows the Committee to divide into subcommittees as designated by the chairperson of the Committee, and requires a report of findings and any recommendations to be submitted to the Governor, President of the Senate, Speaker of the House of Representatives and Secretary of State by December 31, 2011. The Committee is repealed on October 1, 2012.

Resolutions and Memorials



RESOLUTIONS & MEMORIALS

depleted uranium; veterans (S.C.M. 1003)

Urges the United States Department of Veterans Affairs and Department of Defense to assist any member or veteran of the armed forces who has been exposed to depleted uranium munitions or equipment, and their dependents, to obtain a best practices health screening test that is capable of detecting low levels of depleted uranium.

technical correction; urging the president (NOW: balanced budget; federal) (S.C.M. 1005)

Urges the United States Congress to pass an amendment to the U.S. Constitution on October 1, 2011 requiring a balanced federal budget and to send the amendment to the states for ratification.

state lands; mining; exploration (S.C.M. 1007)

Urges the United States Secretary of the Interior to refrain from withdrawing Arizona lands from new mining claims and exploration and from taking these lands from state jurisdiction, preventing the state from pursuing its plans for their use. Urges the Bureau of Land Management and the U.S. Forest Service to refrain from limiting the public's access to public lands under their jurisdiction for the purposes of mining, grazing, recreation or other uses.

lower Santa Cruz River watershed. (S.C.M. 1008)

Urges the United States Congress and the appropriate federal agencies to fully support and fund a federal flood control project for the Lower Santa Cruz River watershed in Pinal County, Arizona.

technical correction; state school fund (NOW: judicial selection; procedure) (S.C.R. 1001)

Subject to voter approval, constitutionally modifies the Appellate and Trial Court Commissions by making the following changes: a) removes the requirement that attorney members be nominated by the Arizona State Bar; b) establishes that four attorney members be appointed by the Governor and one member be appointed by the President of the State Bar; c) requires, upon an attorney member vacancy, the Arizona bar to solicit, review and forward to the Governor all applications and recommendations for appointment; d) increases the time period attorney members must be admitted to practice from 5 to 10 years; and e) specifies that attorney members must be in good standing with the state bar, have no formal disciplinary complaints and have never been formally sanctioned as a result of disciplinary action.

Increases, beginning on or after January 1, 2013, the term of office for Supreme Court justices and Appellate and superior court judges to eight years and increases the judicial retirement age from 70 to 75 years old. Outlines procedures for submitting nominees and filling vacancies in the office of a justice or judge of the Supreme Court, Appellate Court or superior court. Permits a joint legislative committee consisting of the Senate and House Judiciary committees to meet and take testimony on the justices and judges who are up for retention at least 60 days prior to the general election.

RESOLUTIONS AND MEMORIALS (Cont'd.)

Requires the Supreme Court to: a) provide, written judicial opinions or orders that resolve a contested matter of law, with exceptions; and b) transmit a copy of the judicial performance review of each justice and judge up for retention to the Senate President and the Speaker of the House of Representatives at least 60 days before the regular primary election. Requires the Secretary of State to submit the proposition to the voters at the next general election.

aircraft license tax; technical correction (NOW: private sector colleges; support) (S.C.R. 1005)

Expresses the Legislature's support of the goal to increase the number of college graduates among American students, of laws and regulations that promote fair and equal access to all sectors of higher education and encourages career aspirations that are a matter of choice for those pursuing a higher education.

border security plan (S.C.R. 1006)

Expresses the Legislature's support for the Arizona Cattle Growers' Association's plan to secure the United States-Mexico border and to restore order and safety for residents and ranchers of Arizona's border region.

honoring Hopi code talkers (S.C.R. 1009)

Expresses the Legislature's recognition and honors the contributions of the Hopi Code Talkers to American history and military success, and supports the preservation of their legacy. Encourages schools and civic groups to teach and commemorate the historical contributions of the Hopi and other Native American Code Talkers.

crime victims; protection from liability (S.C.R. 1020)

Subject to voter approval, constitutionally excludes crime victims from civil damages claims by a person harmed while attempting to engage in, engaging in or fleeing after having engaged in or attempted to engage in conduct classified as a felony offense. Requires the Secretary of State to submit the proposition to the voters at the next general election.

intrastate water resources; state sovereignty (S.C.R. 1024)

Expresses the Legislature's support for the continued sovereignty and jurisdiction of the states to regulate intrastate water resources and oppose any attempt by the federal government to diminish this jurisdiction unnecessarily.

public funds; political candidates; ban (S.C.R. 1025)

Subject to voter approval, constitutionally prohibits public funds from being used to provide campaign support for candidates for public office. Requires the Secretary of State to submit the proposition to the voters at the next general election.

best available control technology; generation (S.C.R. 1033)

Urges the Arizona Department of Environmental Quality to consider Arizona's needs for new electric power generation using best available control technologies when issuing federal air quality permits.

RESOLUTIONS AND MEMORIALS (Cont'd.)

Arizona spaying and neutering fund (S.C.R. 1057)

Expresses the Legislature's support for the promotion of the Arizona Spaying and Neutering of Animals Fund.

Dan Schottel; death resolution (S.C.R. 1060)

Expresses the Legislature's regret at the passing of the Honorable Dan H. Schottel and extends their deepest sympathies to his surviving family members.

Mitch Menlove; death resolution (S.C.R. 1061)

Expresses the Legislature's regret at the passing of Mitchell Kent Menlove and extends their deepest sympathies to his surviving family members.

opposition; gaming; new Indian reservation (S.R. 1001)

Expresses the Senate's intent to protect its sovereignty by preserving the rights not specifically enumerated and granted to the federal government in accordance with the Tenth Amendment of the United States Constitution. Opposes the creation of a Tohono O'odham reservation within the exterior boundaries of the City of Glendale, Arizona. Declares that the term *within a city or town* would include any territory that is surrounded on three sides by a city or town. Asserts that the federal government must deny, in accordance with the constitutional limitation on federal authority, the Tohono O'odham Nation's application for the creation of a new reservation within the state without prior legislative approval.

Native American legislators; recognition (S.R. 1002)

Expresses the Senate's recognition of the current and former Native American members of the Arizona Legislature for their service and commitment to their tribes, communities and state.

Dorwan Stoddard; death resolution (S.R. 1003)

Expresses the Senate's regret at the passing of Dorwan Stoddard and extends their deepest sympathies to his family and many friends.

Gabe Zimmerman; death resolution (S.R. 1004)

Expresses the Senate's regret at the passing of Gabe Zimmerman and extends their deepest sympathies to his family, fiancée and many friends.

Phyllis Schneck; death resolution (S.R. 1005)

Expresses the Senates' regret at the passing of Phyllis Schneck and extends their deepest sympathies to her family and many friends.

Christina Taylor Green; death resolution (S.R. 1006)

Expresses the Senate's regret at the passing of Christina Taylor Green and extends their deepest sympathies to her family and many friends.

RESOLUTIONS AND MEMORIALS (Cont'd.)

Dorothy Morris; death resolution (S.R. 1007)

Expresses the Senate's regret at the passing of Dorothy Morris and extends their deepest sympathies to her family and many friends.

Honorable John Roll; death resolution (S.R. 1008)

Expresses the Senate's regret at the passing of Judge John Roll and extends their deepest sympathies to his family, colleagues and many friends.

friendship; Turkey-Arizona Senate (S.R. 1010)

Recognizes the many contributions made by the citizens of the Republic of Turkey and that an Arizona-Turkish friendship continues to build on time-honored friendships between our two nations and to promote the cultural, educational, academic, political and economic relations between Arizonans and Turkish People.

national day of the cowboy (S.R. 1011)

Expresses the Senate's support for the designation of July 23, 2011 as a National Day of the Cowboy and encourages the people of Arizona to observe the day with appropriate ceremonies and activities.

Roosevelt Dam; centennial. (S.R. 1012)

Expresses the Senate's recognition of the Theodore Roosevelt Dam on the occasion of its one hundredth anniversary and recognizes the positive role it has played in the development and prosperity of Arizona. Recognizes the Salt River Project as a valued partner in developing and sustaining a healthy economy for Arizona and encourages all Arizona citizens to join in recognizing the dedication of those who have contributed to the support, construction, maintenance and operation of the Roosevelt Dam.

Lloyd Oliver; death resolution (S.R. 1013)

Expresses the Senate's regret at the passing of Lloyd Oliver and extends their deepest condolences to his surviving family members.

remove gray wolf; endangered species (H.C.M. 2002)

Urges Congress to immediately remove the gray wolf from the Endangered Species Act.

daily commuter program (H.C.M. 2003)

Urges the President of the United States and the Secretary of the United States Department of Labor (DOL) to recognize the authority of DOL to establish an H-2A worker daily commuter program without any legislative or regulatory changes and to recognize that requiring farmers to provide housing to H-2A daily commuters who do not wish to use it raises cost without benefits.

RESOLUTIONS AND MEMORIALS (Cont'd.)

F-35 program; support funding (H.M. 2001)

Urges the United States Congress to recognize the importance of the F-35 Joint Strike Fighter to Arizona, the United States and our allies around the world by supporting full funding for the F-35 program.

opposition; gaming; new Indian reservation (H.R. 2001)

Expresses the House of Representatives' intent to protect its sovereignty by preserving the rights not specifically enumerated and granted to the federal government in accordance with the Tenth Amendment of the United States Constitution. Opposes the creation of a Tohono O'odham reservation within the exterior boundaries of the City of Glendale, Arizona. Declares that the term *within a city or town* would include any territory that is surrounded on three sides by a city or town. Asserts that the federal government must deny, in accordance with the constitutional limitation on federal authority, the Tohono O'odham Nation's application for the creation of a new reservation within the state without prior legislative approval.

Mexico-U.S. commission; eradicate foot-and-mouth disease (H.R. 2002)

Expresses the House of Representatives' recognition and honors the contributions of the Arizona Members of the Mexico-United States Commission to Eradicate Foot-and-Mouth Disease that resulted in the preservation of the Arizona and American livestock industry. Encourages schools and civic groups to teach and commemorate the important historical contributions of the Mexico-United States Commission to Eradicate Foot-and-Mouth Disease to save the livestock industry from possible devastation.

honoring John Waddell (H.R. 2004)

Expresses the House of Representatives' recognition of John Waddell, on the auspicious occasion of his ninetieth birthday, for his outstanding accomplishments as an artist and for his many contributions to the Arizona arts community.

Roosevelt Dam; centennial (H.R. 2005)

Expresses the House of Representatives' recognition of the Theodore Roosevelt Dam on the occasion of its one hundredth anniversary and recognizes the positive role it has played in the development and prosperity of Arizona. Recognizes the Salt River Project as a valued partner in developing and sustaining a healthy economy for Arizona and encourages all Arizona citizens to join in recognizing the dedication of those who have contributed to the support, construction, maintenance and operation of the Roosevelt Dam.

death resolution; Hilda Mae Stutzman (H.R. 2006)

Expresses the House of Representatives' regret at the passing of Hilda Mae Stutzman and extends their condolences to her family and friends.

Warrene Ware; service (H.R. 2007)

Expresses the House of Representatives' gratitude towards Warrene Ware for 50 years of exceptional service and for her continuing service to the Legislature in the years to come.

Bill Index



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W/O - Without Emergency

V/O - Veto Override

RFEIR – Requirements for Enactment; Initiative or Referendum

W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

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Keyword Index



KEYWORD INDEX

E - Emergency

W/O - Without Emergency

V/O - Veto Override

RFEIR – Requirements for Enactment; Initiative or Referendum

W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

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