

STATE OF ARIZONA HOUSE OF REPRESENTATIVES

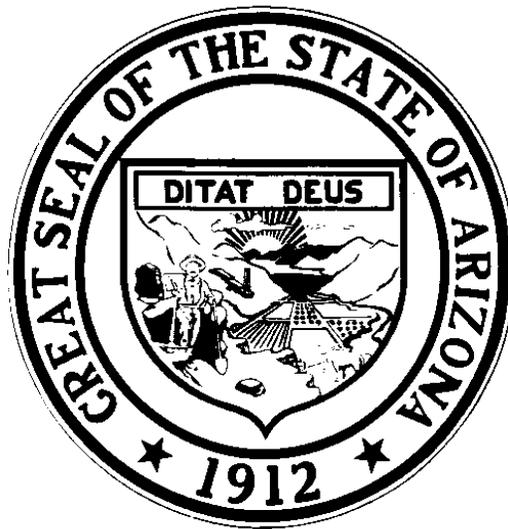
SUMMARY OF LEGISLATION 2012



Fiftieth Legislature
Second Regular Session
Fourth Special Session

Prepared by
House Research Staff

PREPARED UNDER THE DIRECTION OF
THE HONORABLE ANDREW M. TOBIN
SPEAKER OF THE HOUSE
SUMMARY OF LEGISLATION
2012



Fiftieth Legislature
Second Regular Session
Fourth Special Session

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GENERAL EFFECTIVE DATES



Fiftieth Legislature

SECOND REGULAR SESSION

Session Convened: January 9, 2012

Adjourned Sine Die: May 3, 2012

General Effective Date: August 2, 2012

FOURTH SPECIAL SESSION

Session Convened: November 1, 2011

Adjourned Sine Die: November 1, 2011

BILL INTRODUCTIONS

Fiftieth Legislature Second Regular Session 2012

	<u>House</u>	<u>Senate</u>	<u>Total</u>
Bills Introduced	862	533	1395
Memorials and Resolutions Introduced	85	64	149
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Total	947	597	1544
Bills Transmitted to Governor..... (2 HJR's)	235	154	389
Bills Signed by Governor..... (1 HJR)	219	144	363
Bills Vetoed by Governor..... (HB's 2062, 2088, 2362, 2433, 2434, 2469, 2495, 2513, 2557, 2626, 2647, 2696, 2729, 2757, 2764 and HJR 2001) (SB's 1066, 1176, 1182, 1200, 1256, 1259, 1275, 1310, 1323, and 1332)	16	10	26
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SECTION I

STATE GENERAL FUND AND OTHER FUND APPROPRIATIONS SUMMARY TABLES OF BILLS

**State of Arizona
Fiftieth Legislature
*FY 2012-13***



SECTION II

SUMMARY OF LEGISLATION *Second Regular Session*

Session Convened: January 9, 2012
Adjourned Sine Die: May 3, 2012

General Effective Date: August 2, 2012

State of Arizona
Fiftieth Legislature
Second Regular Session

COMMITTEE ON APPROPRIATIONS

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 Representative Justin Olson, Vice-Chairman
 Mike Huckins, Legislative Research Analyst
 Paul Benny, Assistant Research Analyst



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

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HB 2340 – Chapter 238 – legislative consideration; trust funds; requirements

Requires that for a statutory fund to be turned into a trust fund it must be affirmed by the standing committee considering the reclassification that the fund meets certain criteria.

HB 2567 – Chapter 244 – budget planning; revenue; expenditure estimates

Requires the General Appropriations Act to include a three year estimate of revenues and expenses based on existing statutory funding requirements.

HB 2862 – Chapter 108 – supplemental appropriation; independent redistricting commission

Appropriates \$700,000 from the GF in FY 2011-12 to the AIRC for operating expenses. Directs the OAG and ADOA to report on specified AIRC expenditures.

SB 1154 – Chapter 139 [E] – *condominium recovery fund; repeal

Repeals the Condominium Recovery Fund.

SB 1233 – Chapter 248 – agricultural trust funds

Repeals session law that would revert various funds to non-trust fund status on January 1, 2013, thereby permanently retaining all trust language, non-appropriated and non-lapsing status.

SB 1274 – Chapter 291 – appropriations; named claimants

Appropriates \$198,343.16 from the GF to ADOA for the payment of outstanding claims made against certain state agencies.

SB 1523 – Chapter 294 – general appropriations; 2012-2013.

Makes GF and OF appropriations and transfers for FY 2012-13 for the operation of state government as well as various budget revisions and supplemental appropriations for FY 2011-12.

SB 1524 – Chapter 295 – capital outlay; 2012-2013.

Appropriates funds for FY 2012-13 to applicable agencies for the maintenance, repair, building renewal, and preventative maintenance of state buildings.

Building Renewal

- Appropriates the following amounts for major maintenance and repair activities for state buildings in FY 2012-13:
 - **ADOA:** \$10,372,600 from the COSF
 - **ADOT:** \$1,000,000 from the SHF and \$50,000 from the State Aviation Fund
 - **ASLC:** \$85,200 from the Arizona State Lottery Fund
 - **G&F:** \$523,300 from the G&F Fund
- Appropriates the following amount for building renewal projects for state buildings in FY 2011-12:
 - **ADC:** \$4,630,500 from the ADC Building Renewal Fund

Capital Projects

Department	Project	Fund Sources	Amount
ADOA	Lottery commission fire alarm replacement	Arizona State Lottery Fund	\$156,300
Total (ADOA)			\$156,300
G&F	Statewide Preventative Maintenance	G&F Fund	\$30,000
	Property Maintenance	G&F Capital Improvement Fund	\$500,000
	Dam Maintenance	G&F Capital Improvement Fund	\$500,000
Total (G&F)			\$1,030,000
ADOT	Statewide Highway Construction	SHF	\$224,807,000
	Airport Planning and Development	State Aviation Fund	\$21,924,900
Total (ADOT)			\$246,731,900

- Appropriates \$20 million in FY 2012-13 and \$30 million in FY 2013-14 to ADOA from the GF for 500 maximum security beds.

SB 1525 – Chapter 296 – state budget procedures; 2012-2013.

Makes statutory and session law changes related to the budget procedures in order to implement the FY 2012-13 state budget.

- Modifies COSF rental rates per square foot for state-owned buildings for FY 2012-13.
- States that the rental rate charged for occupying state-owned buildings shall be the same as the amount included in a state agency's FY 2012-13 annual operating budget.
- Stipulates that the rental rates be converted to rentable square feet from usable square feet provided that there is no GF impact.
- States that JLBC is responsible for the allocation of space, operation, alteration, renovation, and control of its building.
- Repeals the FY 2011-12 session law requiring that any unexpended non-lapsing GF monies at the close of FY 2011-12 be counted as part of the GF balance. Applies retroactively to June 29, 2012.
- Requires all state agencies, unless exempted, to submit a five-year strategic plan to the Governor for FY 2013-14. The Governor's Office may determine the plan's contents.
- Adds specific buildings to ADOA's authority, thereby exempting ASDB and the Arizona Historical Society's Papago Park Museum from paying COSF rent.

SB 1526 – Chapter 297 – revenue; budget reconciliation; 2012-2013.

Makes statutory and session law changes related to state revenues in order to implement the FY 2012-13 state budget.

- Requires an equivalent transfer of State Lottery Fund monies be made to the GF prior to the annual \$3,500,000 transfer of Fund monies to the Arizona Competes Fund.

- Allows the ROC to expend 14% of the monies deposited in the Residential Contractor's Recovery Fund in the prior FY for specific purposes.
- Prohibits the director of DOI from revising fees or assessments in FY 2012-13 in order to meet the statutory requirement that DOI recover between 95% and 110% of its appropriated budget.
- Authorizes the following agencies to increase fees in FY 2012-13 for services provided and specifies legislative intent that those fees not exceed the corresponding amounts listed:
 - Office of Pest Management - \$525,000
 - Radiation Regulatory Agency - \$561,000
- Allows ADR to deposit grants or donations received in the Racing Regulation Fund and provides an exemption from rule making requirements in FY 2012-13.
- Repeals the AOT's funding formula (indefinitely suspended since FY 2010-11) and provides for legislatively appropriated GF support to the Tourism Fund.
- Exempts DRE from rule making requirements and allows the Real Estate Commissioner to set by rule and charge certain non-refundable fees.
- Specifies that the Legislature is not required to appropriate to, nor transfer monies from, the Budget Stabilization Fund between FYs 2012-13 and 2014-15.

SB 1527 – Chapter 298 – government budget reconciliation; 2012-2013.

Makes statutory and session law changes related to general government in order to implement the FY 2012-13 state budget.

Automation Projects Fund (AP Fund); Establishment; Purpose

- Establishes the AP Fund and states that monies in the AP Fund must be used for the implementation, upgrading, or maintenance of automation and information technology projects for any state agency. Requires JLBC to review the expenditure plan presented by ADOA for the FY in which the monies are to be spent, before the expenditure of any monies from the AP Fund.

Governor's Emergency Fund

- States that the aggregate amount of all liabilities incurred during a declaration of an emergency shall not exceed \$2,900,000 in FY 2012-13. The current statutory limit is \$4,000,000, resulting in a decrease of \$1,100,000.

OAH

- Requires OAH to hold hearings for appealable agency actions and contested cases as soon as reasonably possible after a notice of appeal is filed or a request for a hearing is made.

SB 1528 – Chapter 299 – health; welfare; budget reconciliation; 2012-2013.

Makes statutory and session law changes related to health and welfare in order to implement the FY 2012-13 state budget.

ADOA

- Stipulates for FY 2012-13, prior to self-insuring a dental plan, ADOA must submit a plan for dental self-insurance to JLBC that includes an analysis of the costs and benefits associated with switching to self-insurance compared to other insurance options.

DES

- Provides that for FY 2012-13, DES may reduce income eligibility levels for child care assistance, to manage within appropriated and available monies, and DES must notify JLBC of any changes in income eligibility levels within 15 days after implementing the change.

- States for FY 2012-13, DES must screen and test each adult recipient eligible for temporary assistance for needy family's cash benefits that DES has reasonable cause to believe engages in the use of controlled substances. Any recipient who tests positive for a controlled substance that is not prescribed by a health care provider is not eligible to receive benefits for a period of one year.
- Permits DES to use monies in the long-term care system fund for any operational or programmatic expenses in FY 2012-13.

AHCCCS

- Allows the director of AHCCCS to set the fee for the second newborn screening specimen and hearing test.
- Sets the AHCCCS reimbursement rate for ambulance service providers at 68.59% of the amounts prescribed by DHS beginning October 1, 2012 through September 30, 2013.
- Eliminates the requirements that AHCCCS reimburse ambulance providers in proportion to DHS set rates.
- Provides that any rules adopted by AHCCCS to implement changes pursuant to statute must remain in effect through December 31, 2013 and after December 31, 2012, AHCCCS must obtain specific statutory authority to continue any changes made pursuant to statute.
- Provides that, for the contract year beginning October 1, 2012, AHCCCS may elect not to adjust the outpatient hospital fee schedule rates by any inflation index.
- Allows AHCCCS, for rates effective October 1, 2012 through September 30, 2013, to continue the 5% reduction in payments for institutional and non-institutional services that was in effect on October 1, 2011.
- Permits AHCCCS to apply for and receive from CMS additional federal participation monies for trauma centers, emergency departments, and rural hospitals until January 1, 2014 and exempts AHCCCS from the rule making requirement for this purpose until October 1, 2012.
- Requires AHCCCS to monitor contractor compliance and performance requirements in the provision of covered dental services.
- States it is the intent of the Legislature that AHCCCS revise its rules to eliminate automatic adjustments to outpatient hospital fee schedule rates by any inflation index and that the capitation rate increase not exceed 3% in FYs 2012-13 and 2014-15.
- Allows AHCCCS to continue the risk contingency rate setting, at funding levels that were imposed for the contract year beginning October 1, 2010, for all managed care organizations for the contract year beginning October 1, 2012 and ending September 30, 2013.

Counties

- Specifies that if the overall cost for the ALTCS line item exceeds the amount in the General Appropriations Act for FY 2012-13, the AST must collect from the counties the difference of the amount specified and the counties' share of the state's actual contribution.
- Requires AHCCCS to transfer to the counties such portion as may be necessary to comply with the Patient Protection and Affordable Care Act regarding the counties' proportional share of the state's contribution on or before December 31, 2013 for FY 2012-13.
- Sets the County Acute Care Contributions for FY 2012-13 at \$48,225,500 and states it is the intent of the Legislature that the Maricopa County contribution be reduced to reflect changes in the GDP price deflator.

- Sets the amount of \$2,646,200 to be collected from the counties, other than Maricopa, for the County Acute Care Contribution for hospitalization and medical care services administered by AHCCCS. Specifies that the county contributions are excluded from the county expenditure limitations.

Erroneous Payments

- Allows AHCCCS to participate in any Special Disability Workload 1115 Demonstration Waiver offered by CMS and any credits are to be used in the FY when the credits are made available to fund the state share of any medical assistance expenditures that qualify for federal financial participation under the Medicaid program. AHCCCS must report the receipt of any credits to the director of JLBC by December 31, 2012 and June 30, 2013.
- States it is the intent of the Legislature that AHCCCS comply with the Federal False Claims Act and maximize savings in AHCCCS's programs.

Hospitals

- Establishes disproportionate share payments (DSH) for FY 2012-13.
- States for FY 2011-12, the DSH payment attributed to the Maricopa County Special Health Care District must not exceed \$89,877,700 and provides that the section relating to the FY 2011-12 DSH payments is retroactive from and after May 31, 2012.
- States that the DSH payments for FY 2012-13 attributed to the Maricopa County Special Health Care District must not exceed \$89,877,700.

Reconciliation Payments

- Specifies that when monies are appropriated to AHCCCS and the program or purpose is subject to reimbursement for reconciliation payments from or penalties against program contractors or health plans, AHCCCS must deposit the monies in the GF or the fund from which the appropriation was originally made, such a payment or penalty may not be credited against future payments to the program contractor or health plan.

DHS

- States that on or before August 1, 2012, the directors of JLBC and OSPB must agree to the content of the report on Medicaid and non-Medicaid behavioral health expenditures. Beginning October 1, 2013, DHS must report annually to JLBC on each FY's Medicaid and non-Medicaid behavioral health expenditures.
- Requires a city or county to reimburse DHS for 100% of the costs of inpatient competency restoration treatment for FY 2012-13 and county contributions are excluded from the county expenditure limitations.
- Requires a county to reimburse DHS 50% of the costs related to treatment for an individual deemed to be sexually violent and county contributions are excluded from the county expenditure limitation.
- Specifies that when monies are appropriated to DHS and the program or purpose is subject to reimbursement for reconciliation payments from or penalties against program contractors or health plans, DHS must deposit the monies in the GF or the fund from which the appropriation was originally made, such a payment or penalty may not be credited against future payments to the program contractor or health plan.
- Allows DHS to use monies in the health research account for preventing and treating tobacco-related diseases and addiction, in an amount specified in the General Appropriations Act, for Alzheimer's disease research.

- Specifies, in relation to the Well Woman HealthCheck Program, that an eligible person includes an individual who has been screened for breast and cervical cancer by a provider or entity recognized by the program administered by DHS and has an income that is at or below 250% of the FPL.

SB 1529 – Chapter 300 – K-12 education; budget reconciliation; 2012-2013.

Makes statutory and session law changes related to K-12 education in order to implement the FY 2012-13 state budget.

School Funding Formulas

- As permanent law, specifies the per-pupil base level amount for school districts and charter schools for FY 2012-13 is \$3,267.72. *This amount remains unchanged since FY 2009-10.*
- As permanent law, increases the school district Transportation Support Level per route mile formula for FY 2012-13 by 2%.
- Reduces the school district Soft Capital Allocation funding formula and corresponding budget limits for FY 2012-13 by \$158.1 million.
- Requires a proportionate reduction in Soft Capital Allocation and budget limits for school districts not eligible to receive Basic State Aid.
- Reduces the school district CORL funding formula and corresponding budget limits for FY 2012-13 by \$80.9 million.
- Requires a proportionate reduction in CORL funding and budget limits for school districts not eligible to receive Basic State Aid.
- Caps the sum of Soft Capital and CORL reductions for school districts with a student count of less than 1,100 students at \$5 million.

Charter School Additional Assistance

- As permanent law, increases the charter school Additional Assistance per-pupil amount for FY 2012-13 by 2% as follows:
 - For students in grades K-8, from \$1,621.97 to \$1,654.41.
 - For students in grades 9-12, from \$1,890.38 to \$1,928.19.
- Directs ADE to reduce the charter school Additional Assistance for FY 2012-13 by the amount identified in the General Appropriations Act. *The General Appropriations Act reduces charter school Additional Assistance by a total of \$17.7 M, which remains unchanged since FY 2011-12.*

K-3 Reading Program

- Requires SBE, in collaboration with ADE, to establish a K-3 reading program to improve students' reading proficiency.
- Directs each school district and charter school to submit to SBE a plan for improving students' reading proficiency by October 1, 2012, and include baseline data on the proficiency of its K-3 students and a budget for spending monies from both the K-3 support level weight and the K-3 reading support level weight.
- Specifies that monies generated by the K-3 reading support level weight can only be used on reading programs for K-3 students, with particular emphasis on K-2 students.
- Stipulates that each "C", "D", or "F" school or each school with 10% of its students in 3rd grade falling far below the 3rd grade reading level on AIMS shall receive monies generated by the K-3 reading support level weight after its K-3 reading program plan has been approved by SBE.

- Directs ADE to solicit gifts, grants, and donations in order to provide additional funding for the K-3 reading program.

JTEDs

- Funds JTEDs at 91% of state aid that would otherwise be provided by law for FY 2012-13. *This provision is a continuation of current policy.*
- As permanent law, allows JTEDs to fund 8th grade students with monies generated by the five cent property tax.

SFB

- As permanent law, includes district-owned space that is leased to another entity, including a district-sponsored charter school, in the total square footage used when calculating whether a school district has a space deficiency and if it qualifies for New School Facilities Fund monies.
- As permanent law, prohibits a school district from using Building Renewal Grant Fund monies on any project in a building, or part of a building, that is being leased to another entity, including a district-sponsored charter school.

The following provisions are a continuation of current policies enacted since FY 2008-09:

- Prohibits SFB from authorizing or awarding funding for the design or construction of any new school facility or for school site acquisitions for FY 2012-13.
- Contains legislative intent to evaluate long-term funding for new school facilities on review of additional demographic data and other information submitted by school districts during the capital review process.

Early Graduation Scholarship Program (EGSP)

The following provisions are a continuation of current policies enacted since FY 2009-10:

- Prohibits the student count and per-pupil funding of a school district or charter school from being adjusted under the EGSP in FY 2012-13 for students who graduate high school early.
- Prohibits ADE from transferring any monies to the Commission for Postsecondary Education for EGSP in FY 2012-13.
- Prohibits new participants in EGSP and, if sufficient monies are available, continues to fund students admitted to EGSP before July 1, 2009.

Education Learning and Accountability (ELA) Fund

- Continues to require community colleges and universities to transfer \$6 per student to ADE by December 1, 2012 for deposit in the ELA Fund.
- Makes the ELA Fund subject to appropriation for non-state GF monies only.
- Creates two subaccounts within the ELA Fund for the deposit of fees collected from universities and community colleges and for appropriations from the GF.

SB 1530 – Chapter 301 – higher education; budget reconciliation; 2012-2013.

Makes statutory and session law changes related to postsecondary education in order to implement the FY 2012-13 state budget.

Community Colleges

- Suspends the community college capital outlay aid formula for FY 2012-13. *This provision is a continuation of current policies enacted since FY 2008-09.*
- Eliminates the requirement that community college districts request one-fourth of their annual appropriation each quarter.

- Allows a provisional community college district to receive Proposition 301 Workforce Development monies directly.
- Limits the distribution of TPT revenues to tribal community colleges that enter into an initial compact with the state by September 1, 2012.

Universities

- Requires ABOR, in collaboration with the universities, to adopt a performance funding model by July 1, 2012 that must use performance metrics that include the increase in degrees awarded, the increase in completed student credit hours, and the increase in externally generated research and public service funding.
- Permits the funding formula to give added weight to science, technology, engineering, and mathematics degrees and other high-value degrees that are in short supply or that are essential to Arizona's long-term economic development strategy.
- Directs ABOR to use the performance funding model in developing and submitting budget requests for the universities.

Board of Medical Student Loans

- Transfers administration of the Medical Student Loan Fund to DHS and specifies that monies in the Fund are for use by the Primary Care Provider Loan Repayment Program.

SB 1531 – Chapter 302 – criminal justice; budget reconciliation; 2012-2013.

Makes statutory and session law changes related to the criminal justice in order to implement the FY 2012-13 state budget.

AG's Office

- Redesignates the AG's pro rata share percentage payment as the legal services cost allocation payment and makes modifications in how payments are allocated.
- Continues to raise the non-lapsing cap for the Collections Enforcement Fund from \$100,000 to \$500,000.

Capital Postconviction Public Defender Office (SCPPD)

- Eliminates the SCPPD and removes it from the recipients of funds from the Public Defender Training Fund. Additionally removes the mandate that the court appoint counsel from the SCPPD for a defendant whose conviction and sentence in a capital case has been affirmed.

ADC

- Eliminates the requirement for a quality and cost review of private prison contracts.
- Repeals the requirement scheduled to begin in July 2012 that counties pay for the incarceration of prisoners sentenced to less than one year at ADC or incarcerate them in county facilities.
- Merges the Transition Services Fund into the Transition Program Fund.
- Specifies that the director of ADC administers the ADC Building Renewal Fund.
- Requires ADC to award a contract by September 1, 2012, for 500 new beds at male medium security private prisons on January 1, 2014 and up to 500 additional beds on January 1, 2015 pursuant to the RFP dated February 2, 2012 for up to 2,000 beds.
- Conditions ADC's ability to enter into a contract for the remaining beds on specific legislative authorization.
- Requires ADC to report the specified expenditures as delineated in the prior year when ADC submits its FY 2013-14 budget request pursuant to statute.

BEC

- Specifies that members of the BEC, excluding the chairman, are paid on an hourly basis and restricts them from being eligible for paid leave or any other benefits provided to state employees.

Judiciary

- Continues to suspend county non-supplanting requirements related to funding for probation services, criminal case processing, and alternative dispute resolution programs and requires counties to report on reductions in county funding as a result of the elimination of non-supplanting provisions.
- Continues to suspend the requirement of 50% reimbursement to counties for grand jury expenses and for state-funded representation of indigent defendants in first-time capital conviction relief proceedings and reimburse only the amount provided in the General Appropriations Act.
- Continues to suspend specified judiciary reporting requirements.

DPS

- Allows monies in the Public Safety Equipment Fund from any source to be used to purchase vehicles.
- Suspends the schedule established by statute governing the level of HURF monies available to fund DPS's highway patrol costs.
- Requires that all appropriated monies in the GIITEM subaccount be distributed each FY to local entities and prohibits DPS from retaining any monies for its own use.
- Allows monies in the Crime Laboratory Operations Fund to be used for crime laboratory or other department operations.
- After July 1, 2012, deposits any monies remaining in the Photo Enforcement Fund and any new revenues in the GF.

SB 1532 – Chapter 303 – environment; budget reconciliation; 2012-2013.

Makes statutory and session law changes related to the environment in order to implement the FY 2012-13 state budget.

DEQ

- Requires the SAFC to review DEQ's vehicle emissions inspection fees and include in its annual report a recommended reduction of emissions inspection fees and any changes to the authorized uses of the Emissions Inspection Fund.
- Allows DEQ to use \$1,800,000 of Emissions Inspection Fund monies for the Safe Drinking Water Program in FY 2012-13.
- Requires DEQ to transfer all permits relating to the ownership and operation of a wastewater utility to the applicable city or town that has acquired the wastewater utility pursuant to statute.
- Suspends the Underground Storage Tank Revolving Fund Assurance Account (Account) administrative cap for FY 2012-13 in order to allow DEQ to transfer \$6,531,000 from the Account and Regulated Substance Fund for DEQ operating expenses.
- Decreases, from \$15 million to \$7 million, the GF appropriation to the Water Quality Assurance Revolving Fund.

ADAG

- Authorizes the director of ADAG, with the assistance of the Agricultural Advisory Council, to continue existing fee amounts for FY 2012-13.
- Limits the revenues generated from the fees to the following amounts:
 - \$218,000 to the GF
 - \$113,000 to the Pesticide Fund
 - \$26,000 to the Dangerous Plants, Pests, and Diseases Fund
- Exempts ADAG from rulemaking for the purpose of establishing fees until July 1, 2013.

DWR

- Allows DWR to collect up to \$100,200 from non-municipality special fee authority.
- Allows the DWR Water Protection Fund Commission to spend up to \$336,000 on administrative costs of the department in FY 2012-13.
- Repeals statute allowing the director of DWR to assess and collect a fee from municipalities.

ASPB

- Authorizes ASPB to spend up to \$692,100 from its portion of the Off-Highway Vehicle Recreation Fund in FY 2012-13 for operating expenses.
- Eliminates the State Parks Enhancement Fund, the Reservation Surcharge Revolving Fund and the Publications and Souvenir Revolving Fund, and consolidates their revenue sources into a newly appropriated State Parks Revenue Fund.

Arizona Navigable Stream Adjudication Commission (ANSAC)

- Authorizes \$80,000 from the Risk Management Revolving Fund to be used in FY 2012-13 to allow ANSAC to pay one-time unpaid legal fees.

ASLD

- Allows the State Land Commissioner, before June 30, 2013, to grant an additional extension of up to five years for certificates of purchase auctioned between January 1, 2004 and December 31, 2007 if the certificate is delinquent but not cancelled by June 1, 2012.

COMMITTEE ON AGRICULTURE AND WATER

Representative Russ Jones, Chairman
 Representative Chester Crandell, Vice-Chairman
 Gina Kash, Legislative Research Analyst



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

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HB 2226 – Chapter 220 – property tax; algaculture

Modifies the definition of *agricultural real property* in Arizona’s property tax statutes to include lands of at least five acres and improvements that are designated for algaculture.

HB 2322 – Chapter 237 – watercraft; registration; fees

Aligns state law with federal regulations regarding nonresident boating registration fees by requiring residents and nonresidents to pay the same boating registration fee. Establishes a new fee for nonresidents who use Arizona waterways.

HB 2332 – Chapter 331 – healthy forest enterprise incentives; extension

Extends healthy forest enterprise incentives by providing sales, use, and income tax incentives for qualified businesses through December 31, 2024.

HB 2360 – Chapter 222 – flood control districts; immunity

Provides a flood control district and its employee’s immunity from damages that arise out of a plan for construction, maintenance, or improvement of certain structures if a reasonably adequate warning is given. Allows nonresident landowners to run for district board positions.

HB 2363 – Chapter 95 [E] – harvested water; committee

Establishes a Joint Legislative Study Committee on Macro-Harvested Water to analyze and evaluate issues arising from the collection and recovery of large scale harvested water.

HB 2372 – Chapter 118 – agricultural improvement districts; voting

Makes clarifying changes to the requirements for land held by estate trusts to vote in agricultural improvement district elections.

HB 2520 – Chapter 101 – pesticide buffer zones; health care

Requires health care institutions to be licensed in order to be subject to current buffer zone law, and expands notification of nearby pesticide application to child care group homes.

HB 2658 – Chapter 228 – flood control authority; relinquishment; districts

Makes clarifying changes to statute concerning liabilities of flood control authority transfers from cities or towns to county districts, and transfers from county districts to cities or towns.

HB 2780 – Chapter 258 – animal cruelty; ranching dogs

Prohibits adoption of a city, town, or county ordinance that prohibits or restricts an activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog, or livestock, or is permitted by the agriculture code.

SB 1231 – Chapter 346 – appropriation; attorney general; habitat destruction

Mandates that funds appropriated to ADOA for distribution to the Apache County Attorney’s Office shall be used to represent the interests of the people of Arizona and Apache County for legal action against the US Forest Service.

SB 1236 – Chapter 282 – *surface water management; pilot project

Creates an instream flow application process and a harvested water pilot project program.

SB 1297 – Chapter 292 – agricultural best management committee; continuation

Continues the Agricultural Best Management Practices Advisory Committee for 10 years until July 1, 2022.

SB 1342 – Chapter 181 – veterinarians; substance abuse treatment

Establishes a treatment and rehabilitation plan for veterinarians and veterinary technicians who are impaired by alcohol or drug abuse.

SB 1417 – Chapter 312 – mining operations; long-term storage credits

Instructs the director of DWR to exclude the amount of groundwater that was withdrawn during the year for mining activities if the storer was engaged in mineral extraction and metallurgical processing within an initial AMA on or before January 1, 2011.

COMMITTEE ON BANKING AND INSURANCE

Representative Nancy McLain, Chairman
 Representative Jeff Dial, Vice-Chairman
 Sarah Wharton, Legislative Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
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HB 2023 – Chapter 217 – unclaimed property; certificates of deposit

Adds a Certificate of Deposit as well as any earned interest to the presumptions for abandoned property and stipulates that Certificates of Deposit and interest are presumed abandoned three years after maturity if unclaimed by the apparent owner.

HB 2079 – Chapter 174 – mortgage brokers; mortgage bankers; licensing

Eliminates the requirement that a mortgage banker spend three years as a mortgage broker before making a transition to a mortgage banker. Requires a mortgage banker to maintain a net worth of no less than \$100,000.

HB 2153 – Chapter 69 – insurance; financial provisions

Makes numerous changes to the insurance statutes specific to confidential documents, extraordinary dividends, investment regulation, and derivative transactions. Permits insurers to invest up to 20% of their assets in foreign securities and allows insurers to enter into income generation, hedging, and replication transactions if they meet certain guidelines.

HB 2155 – Chapter 156 – controlled substances; workers' compensation

Allows Independent Medical Examiners to access the Arizona State Board of Pharmacy's Controlled Substances Database and permits them to disclose any data found to the employee, employer, insurance carrier, and the ICA.

HB 2156 – Chapter 70 – *conversion to associations; credit unions

Permits a state credit union to convert to an association if the credit union complies with the provisions established by the National Credit Union Administration as well as any rules adopted by DFI.

HB 2253 – Chapter 39 – money transmitters; limited liability companies

Adds LLC's to the list of permissible applicants to which DFI can issue a money transmission license.

HB 2323 – Chapter 175 – home equity credit line; release

Requires the lender of a Home Equity Line of Credit to suspend the line for 45 days upon receipt of a request for payoff demand statement from a licensed escrow agent.

HB 2368 – Chapter 240 – workers' compensation; omnibus

Establishes guidelines and regulations in relation to subrogation as applied to workers' compensation cases and changes the current calculation from no later than January 1, 2010 to August 1 of each calendar year based on the Bureau of Labor Statistics. Requires the ICA to develop and implement a process for the use of evidence based medical treatment guidelines, where appropriate, to treat injured workers no later than December 31, 2014.

HB 2393 – Chapter 32 – false claims; notice of penalty

Clarifies that claims forms presented to an insured, or any other person filing a claim, shall contain a notice of penalty for presenting a false or fraudulent claim for payment of a loss. Specifies that claims forms are the only types of forms required to contain the notice.

HB 2394 – Chapter 98 – *separate segregated funds; solicitations

Eliminates the limitation on written solicitations for campaign contributions and expenses during the calendar year for insurance-related political action committees and allows licensed insurance producers to solicit to persons with whom they have a contract to produce insurance business, and their families.

HB 2519 – Chapter 162 – unemployment insurance; omnibus

Makes changes to the UI regulations regarding payment of wages for discharged employees, the job training employer tax, and work search requirements for UI recipients. Adds the option for employers to pay the wages of a discharged employee by the end of the next regular pay period and clarifies that charter school employees are not qualified to receive UI benefits for any holiday or vacation period.

HB 2601 – Chapter 227 – *filing; wage claims

Increases the maximum amount of unpaid wages for which an employee can file a written claim with the ICA from \$2,500 to \$5,000.

HB 2628 – Chapter 246 [E] – unemployment insurance; educational service agencies

Prohibits an individual from qualifying for UI benefits based on service for a contract educational provider for any week of vacation or holiday recess between two successive academic terms.

HB 2664 – Chapter 318 – credit card agreements

States that a credit card holder is personally liable for charges and interest on the credit card account and allows a creditor to establish a presumption of the amount of debt owed on a credit card through a copy of the issuer's final billing statement or by electronic data. Outlines guidelines pertaining to interest rates and other charges and contains provisions protecting consumer rights.

HB 2778 – Chapter 342 – state board of appraisal

Makes changes to the Arizona State Board of Appraisal's membership and licensure requirements with regard to standards of practice, appraisal license renewal, inactive license status, and rules on indemnification.

SB 1014 – Chapter 36 – financial institutions department; licensing

Makes various changes to the laws governing mortgage loan originators and application fees charged by DFI. Allows DFI to charge no more than \$250 for a mortgage loan originator to change the name on a financial institution or enterprise license and clarifies that a person is not considered a mortgage loan originator if that person originates five or fewer loans per calendar year.

SB 1015 – Chapter 133 – financial institutions department; revolving fund

Increases the cap for the amount of money allowed to remain in DFI's Revolving Fund at the end of each FY from \$50,000 to \$200,000.

SB 1016 – Chapter 12 – workers' compensation; methods of compensation

Permits employees receiving workers' compensation benefits to request electronic transfers and removes existing language regarding the licensing of marketing representatives for the SCF.

SB 1036 – Chapter 344 – *eye care services; health insurance

Modifies the requirements by which eye care services are offered under group disability and blanket disability insurance contracts. States that if an insurance contract provides for or offers eye care services, the subscriber has the choice between either an optometrist or ophthalmologist for treatment.

SB 1123 – Chapter 55 – surplus lines insurance; brokers

Modifies the reporting procedures for surplus lines brokers, permitting brokers to submit a facsimile of the original notarized statements of all surplus lines insurance business in lieu of the original notarized statement, and requires the original statement to be placed on file for a minimum of six years.

SB 1124 – Chapter 137 – surplus lines; ADOT contracts

Clarifies that companies with surplus lines insurance coverage are eligible to bid on ADOT contracts.

SB 1134 – Chapter 56 – automobile insurance; notice to insured

Outlines the time frame and guidelines for insurers to mail notices of cancellation, refunds, and non-renewal documentation to policy holders. An insurer is required to mail a notice and refund of unearned premium together or separately at least 10 days before the effective date.

SB 1135 – Chapter 64 – government deposits

Authorizes the investment of government monies into federally insured savings deposit accounts through the use of the Insured Cash Sweep. Requires the eligible depositor to arrange for the deposit of the monies in one or more federally insured banks or savings and loan associations and mandates that the full amount of principal and any accrued interest of each deposit be insured by the FDIC.

SB 1141 – Chapter 172 – public fiduciaries; investigatory power

Permits Public Fiduciaries to conduct an investigation if the persons responsible for the duty to bury or provide funeral and disposition arrangements for a decedent are not willing, financially able, or cannot be located.

SB 1153 – Chapter 345 – *rental cars; liability insurance; subrogation

Requires a rental car company to maintain primary liability up to the financial limits specified in current law unless the rental car company shifts its liability through an appropriate contractual disclosure, as outlined in the bill, or the renter has purchased supplemental liability insurance.

SB 1251 – Chapter 57 – portable electronics insurance

Establishes a limited lines insurance license for vendors to sell portable electronics insurance. States that the license permits an employee or authorized representative of the vendor to sell or offer the insurance policy at each location where the vendor engages in portable electronics transactions. Establishes disclosure requirements for customers and requires the vendor to provide a training program for employees.

COMMITTEE ON COMMERCE

Representative J.D. Mesnard, Chairman
 Representative Rick Gray, Vice-Chairman
 Diana Clay, Legislative Research Analyst



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

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HB 2026 – Chapter 48 – real estate licenses; renewal

Permits a real estate broker to renew a license as a salesperson without completing the required education and passing the licensing exam. Stipulates that the broker must pay the designated salesperson's renewal fee.

HB 2076 – Chapter 68 – home inspector liability; time limit

Restricts the time period for a homeowner to commence a cause of action for damages against a home inspector to four years after the cause of action accrues.

HB 2087 – Chapter 196 – *batteries; catalytic converters; reporting; dealers

Requires a used automotive components dealer to keep a book or record of each transaction involving lead acid batteries on the business premises for one year, except when the batteries are part of a vehicle purchase. Outlines data collection requirements and prescribes penalties for failure to comply. The record of all transactions must be submitted electronically to DPS, which must establish rules, make the information available to local law enforcement, and provide training and applicable procedures for accessing the information.

HB 2091 – Chapter 219 – residential roofing repair contracts

Outlines the requirements for a construction contract for residential repairs or replacement when damage results from catastrophic storm damage. Prescribes the necessary elements for disclosing information to the insured owner when anticipating filing an insurance claim. Permits the insured homeowner to rescind the contract under specified conditions.

HB 2126 – Chapter 329 – handyman exemptions; applicability

Modifies the handyman exemption to require that performing fire safety installation, maintenance, and repair work to be licensed by the ROC. Requires ROC licensure to install, maintain, or repair devices, appliances, or equipment if a connection is made to any supply of natural gas, propane, petroleum, or gaseous fuel. Excludes routine work by an employee of an apartment or condominium complex if the work is incidental to the fire safety equipment.

HB 2150 – Chapter 115 – unemployment insurance; independent contractor; appeals

Redefines the term *employee* for purposes of UI to indicate control by the employer of the person's hours and location of work, right to perform services for others, tools, equipment, materials, expenses, and use of other workers. Increases several timeframes for filings and appeals.

HB 2157 – Chapter 183 – salon managers; requirements

Permits a person to manage a cosmetology salon without having a license.

HB 2195 – Chapter 92 – *timeshares; amended public reports

Specifies that a developer may elect to prepare an amended public report for use in the sale of the timeshare plan. Requires a developer to provide the application, a copy of the amended public report, and the filing fee to the Real Estate Commissioner. Allows the developer to begin sales or leasing activities when the Commissioner issues a certification of administrative completeness in hard copy or electronic format.

HB 2248 – Chapter 49 – employer reporting requirements; new employees

Requires employers to report to DES the date an employee first performed services for pay.

HB 2262 – Chapter 30 – threading exemption; cosmetology

Exempts from licensure by ABOC persons who remove hair from the eyebrow or other parts of the face by twisting thread around the hair to remove the hair from its follicle, if the service does not include the use of chemicals, tools, or wax.

HB 2263 – Chapter 330 – methamphetamine precursor logging system

Regulates the sale and purchase of ephedrine and pseudoephedrine based products. Requires the retailer to record and electronically submit purchaser information to a national database.

HB 2265 – Chapter 266 – commission on the arts; continuation.

Continues the Arizona Commission on the Arts for 10 years until July 1, 2022. Prohibits using any related monies to desecrate, burn, or dishonor religious objects or the US flag. Requires the Commission to establish procedures for grant making that include guidelines for decency and clearly state that obscenity is without artistic merit.

HB 2357 – Chapter 239 – real estate brokers; education

Effective January 1, 2013, requires instruction at broker management clinics to include statutory and administrative rule instruction, broker policy development, employee supervision, broker responsibilities, and other related topics. Increases the number of continuing education hours for license renewal for designated brokers and associate brokers working for designated brokers. Increases, from \$500 to \$3,000, the maximum dollar amount a real estate broker may deposit into a trust fund account.

HB 2396 – Chapter 53 – theft of metal; sentencing.

Omits the term *scrap metal* from the definition of *value*; thus, redefining the value of *metal* (ferrous or nonferrous) as the average fair market value of the metal in the local area together with the repair or replacement value of any property.

HB 2440 – Chapter 99 – board of cosmetology

Modifies the statutes governing ABOC to allow it to hire consultants and persons to provide investigative, professional, and clerical assistance. Exempts from licensure persons who provide certain tanning services. Specifies that attorney fees associated with disciplinary actions may be collected from the licensee and outlines their permissible use. Permits a licensee to practice in a health care facility or residence of a person requiring home care.

HB 2606 – Chapter 336 – *liquor omnibus

An omnibus bill that makes numerous changes to the DLLC and the related industry. Modifies the requirements to obtain a social or private club license, adds *community college* and the *National Guard* to the list of government licensees authorized to sell and serve liquor at specified places. Revises the guidelines for posting notice and conducting a hearing. Increases the permissible amount of beer served by an on-sale retailer. Specifies requirements for delivering distilled spirits by the retailer and directs DLLC to issue a report to the Governor, Legislature, and the SOS by July 1, 2015. Allows a peace officer, while undercover, to consume small amounts of liquor while still possessing a firearm. Authorizes a licensee to dispense beer for off-premises consumption as outlined. Specifies training, record-keeping, and license transfer requirements. Permits the director to implement a two-year license renewal plan. Simplifies and describes the process for obtaining an interim permit. Increases the limits for wine sampling. Includes public and private schools in the exemptions from the distance restriction for entertainment districts. Includes walk-up service windows in the statutes that regulate drive-through service windows.

HB 2611 – Chapter 245 – *real estate; public reports

Specifies disclosure requirements for subdivision public reports and clarifies their distribution. Permits subdivision inspections by private entities.

HB 2689 – Chapter 229 – real estate transfer affidavit; exemptions

Eliminates the required affidavit and fee for documents executed for nominal or no monetary consideration, including a quitclaim deed and transfer of title for residential property. Modifies the list for when an affidavit and fee for transfer of title are required for certain parties.

HB 2748 – Chapter 341 – *alarm business; alarm agent; certification

Beginning May 1, 2013, places regulation of alarm businesses and alarm agents under BTR. Permits alarm installations if the business submits the necessary application for certification to BTR or is already licensed by ROC or the alarm agent submits an application and fingerprints to BTR. Appropriates \$180,000 from the Technical Registration Fund for start-up and operating costs.

HB 2815 – Chapter 343 – employment; incentives; regulatory tax credit

Establishes individual and corporate income tax credits for capital investments and employment in new or expanded commercial headquarters and manufacturing and research facilities. Extends the Renewable Energy Credit by five years and eliminates the cap on the number of net new employees for which a company may annually claim the New Employment Tax Credit. Reduces taxation on individual long-term net capital gains, provides an income tax subtraction equal to 10% of the federal bonus depreciation allowance, and extends the net operating loss carryover timeframe. Amends the calculation for determining the business personal property exemption amount and establishes the Employer-Funded Job Training Program Study Committee.

HB 2825 – Chapter 186 – telephone solicitations; business opportunities

Regulates business opportunity companies, places restrictions on sellers, and requires registration with the SOS. Defines *business opportunity*.

HB 2835 – Chapter 170 [P 105] – Arizona commerce authority; statutory conformity

Amends A.R.S. to conform to the law that created ACA.

SB 1085 – Chapter 171 – state real estate department; continuation.

Continues DRE for 10 years until July 1, 2022.

SB 1132 – Chapter 138 [E] – *private attorney retention; contingency fees

Modifies statutes related to a contingency fee contract between the AG and a private attorney and clarifies the formula for determining the amount of the contingency fee.

SB 1273 – Chapter 310 [E] – dog tracks; live racing exception

Reduces the number of live dog races a Pima County racetrack is required to conduct for purposes of simulcast wagering. Through September 30, 2013, allows a horse track in Maricopa County to conduct additional dark day simulcasts as outlined.

SB 1280 – Chapter 311 – tobacco; internet; mail sales; e-cigarettes

Prohibits certain persons from purchasing tobacco products through a delivery sale and outlines purchase restrictions. Prescribes taxpayer bond amounts for licensees to sell tobacco products, authorizes investigations by the AG, and outlines specific violations and corresponding penalties.

SB 1339 – Chapter 20 – department of housing; continuation

Continues the Arizona Department of Housing for five years until July 1, 2017.

SB 1442 – Chapter 328 – prime contracting; manufacturing facilities; infrastructure

Authorizes the AST to pay prime contracting TPT revenues to a municipality or county to fund up to 80% of the cost of public infrastructure and associated improvements necessary to support the activities of a manufacturing facility that agrees to meet the following capital investment thresholds:

- \$500 million if located in a county with a population exceeding 800,000 persons.
- \$50 million if located in a county with a population of less than 800,000 persons.

Requires the manufacturing facility to file a sworn statement of certification with the ACA related to the capital investment and provide the applicable municipality or county with a copy of the certification prior to any construction. Directs the municipality or county to enter into a written agreement with DOR upon receipt of certification and agree to the stated requirements.

Prescribes a 10 year limit for the payment of TPT revenues, from September 30, 2013 to September 30, 2023, and limits the aggregate amount of payments to \$50 million. Limits FY 2014-15 payments to \$5 million.

Prohibits the AST from making payments prior to June 30, 2014 and until 25% of the certified capital investment that constitutes the construction phase services has been made. Defines *pertinent terms*.

COMMITTEE ON EDUCATION

Representative Doris Goodale, Chairman
 Representative Kimberly Yee, Vice-Chairman
 Brooke White, Legislative Research Analyst
 Stephanie Jaffa, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
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HB 2161 – Chapter 26 – teachers; specialized certification

Creates a specialized teaching certificate, to be administered by SBE, for 7th through 12th grade classroom teachers with expertise in science, technology, engineering, or mathematics. Exempts a teacher who receives the specialized certificate from the requirement to demonstrate proficiency in professional and subject knowledge and the US and Arizona Constitutions.

HB 2171 – Chapter 27 – school; hot line; clearinghouse; repeal

Repeals the Public School Information Hot Line Program, the School Safety Clearinghouse Program, the AIMS Intervention and Dropout Prevention Program, and the Instructional Technology Systems Pilot Program, all of which are expired.

HB 2270 – Chapter 51 – school districts; fiscal crisis teams

Allows SBE to appoint a fiscal crisis team for a school district that SBE determines is insolvent or financially mismanaged.

HB 2500 – Chapter 211 – poorly performing schools; intervention strategy

Requires schools that received a letter grade of “D” or “F” for two consecutive years to implement a science, technology, engineering, and mathematics intervention strategy under the supervision of SBE.

HB 2501 – Chapter 212 – charter schools; previously certificated teachers

Prohibits charter schools from employing a teacher whose certificate has been surrendered or revoked, unless SBE has reinstated the certificate.

HB 2563 – Chapter 270 – *biblical influence; schools; electives

Requires SBE to include concepts of the history and literature of the Old and New Testament in History or English Arts standards, or both, and allows school districts and charter schools to offer a high school elective course pertaining to how the Bible has influenced Western culture.

HB 2578 – Chapter 306 – school facilities board; revisions

Makes various changes to the statutes related to SFB and requires proceeds from the sale of buildings funded by SFB to be returned to the state. Expands the scope and use of energy and water savings accounts and guaranteed cost energy savings contracts.

HB 2598 – Chapter 286 – *school improvement plan; parental involvement

Adds a parent involvement strategy to the list of corrective procedures a school district that has been assigned a grade of “D” or “F” for two consecutive years must implement and requires the strategy to be included in the improvement plan of each applicable school in the district.

HB 2599 – Chapter 335 – *regulatory exemptions; “A” school district

Exempts school districts that received a letter grade of “A” for three consecutive years and do not have any schools within the district that received a letter grade of “F” during the same three-year period from certain statutes and rules. Allows a qualifying school district to identify and submit exemptions to statutes and rules relating to schools, governing boards, and school districts to SBE for approval and stipulates that exemptions issued by SBE will be immediately discontinued if a school district falls below a letter grade of “A” for three consecutive years or becomes a “C”, “D”, or “F” school district at any time.

HB 2622 – Chapter 360 – school rankings; display; time period

Prohibits a school from displaying a classification or ranking that is no longer current unless the date the classification or ranking was received is prominently shown. Expands eligibility for the

Arizona Empowerment Scholarship Accounts (ESA) program by broadening the definition of *qualified students*.

- Adds educational therapy or services provided by licensed or accredited paraprofessionals and educational aides and services provided by public schools, including individual classes and extracurricular activities, to the list of qualifying expenses for ESA expenditures and prohibits the expenditure of ESA monies on computers, transportation expenses, and consumable educational supplies.
- Specifies that a signed ESA agreement does not relieve the previously attended school district or charter school from the obligation to evaluate children for placement in special education programs.
- Establishes the ADE Fund consisting and the AST Empowerment Scholarship Account Fund (AST Fund).
- Allows ADE to retain up to 5% of the base level support for each student for the purpose of covering administrative costs while 1% of the retained monies must be transferred to the AST Fund and the remainder deposited into the ADE Fund. ADE and AST may annually request commensurate increases in appropriated Fund monies if the number of ESAs significantly increases after FY 2012-13.
- Requires ADE to provide a copy of the ESA contract to the county school superintendent.
- Removes the deposit of Special Education Fund monies to ESAs after June 30, 2013. Monies that would otherwise have been allocated to a recipient's previous school district may be transferred.
- Subjects ESA participants to existing school instruction and enrollment requirements that govern the minimum subjects to be taught, as well as the misdemeanor penalty associated with failing to provide instruction or enroll the student.
- Stipulates that previously qualified students are eligible to apply for ESA renewal for the duration of high school, regardless of any changes to their multidisciplinary evaluation team plan.
- Requires ADE to provide JLBC with annual ESA funding estimates.

HB 2663 – Chapter 76 – underperforming school districts; reclassification

Enables a school that is assigned a letter grade of “D” for less than three consecutive years to also be assigned a letter grade of “F” if SBE determines that it is not reasonably likely that the school will achieve an average level of performance within the next two years.

HB 2697 – Chapter 165 – teachers; certification; subject knowledge

Allows SBE to exempt applicants for a secondary education certificate who have work experience in science, technology, engineering, or mathematics and can demonstrate adequate subject knowledge through a postsecondary degree or 24-credit hours of relevant coursework from the subject knowledge portion of the proficiency examination.

HB 2707 – Chapter 340 [E] – schools; ADM overstatement; repayment

Modifies statute as follows:

- Instructs the Ajo Unified School District (Ajo), which overstated its ADM between FYs 2006-07 and 2008-09, to repay the balance in equal installments each FY between FYs 2013-14 and 2015-16. Requires Ajo to pay any accrued interest at a rate determined by the SPI.

Directs the governing board of Ajo to adopt a formal resolution to comply with the requirements and, if requested by ADE, submit to annual ADM audits.

- Instructs Clifton Unified School District (Clifton), which overexpended its budget during FYs 2009-10 and 2010-11, to correct the overexpenditure by repaying the amount in equal installments each FY between FYs 2011-12 and 2015-16. Requires Clifton to pay any accrued interest at a rate determined by the SPI.
- Instructs Cedar Unified School District (Cedar), which overexpended its budget during FY 2003-04, to correct the overexpenditure plus any overexpenditures in FYs 2004-05 through 2011-12 by reducing its budget capacity between FYs 2011-12 and 2019-20. Requires the annual installments to be \$100,000 for FY 2011-12 and 12.5% of the remaining total required reduction for FYs 2012-13 through 2019-20. Directs ADE to reduce the state aid for Cedar by \$100,000 for FY 2011-12 and 25% of the remaining total each FY between FYs 2012-13 and 2015-16. Requires Cedar to pay any accrued interest at a rate determined by the SPI.

HB 2732 – Chapter 106 – charter school enrollment; siblings

Allows a charter school to give enrollment preference to the siblings of a student that previously attended a charter school that has the identical charter holder, board, and governing board membership as the enrolling school.

HB 2810 – Chapter 78 – school districts; charter school funding

Establishes the Joint Legislative Study Committee on Charter School Funding Options for School Districts (Committee). Directs the Committee to evaluate methods to give school districts the option to transfer to a funding model that is similar to the funding currently provided to charter schools and to recommend statutory changes that will be necessary to allow school districts to transfer to that funding model. Requires the Committee to submit a report of its activities and recommendations for legislative action to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and to provide a copy to the SOS, by December 31, 2013. Repeals the Committee on September 30, 2014.

HB 2823 – Chapter 259 – schools; teachers; principals; evaluation systems

Makes the following changes to principal and teacher evaluations:

SBE/ADE

- Requires SBE to adopt four state performance classifications, designated as *highly effective*, *effective*, *developing* and *ineffective*, and guidelines for school districts and charter schools for the teacher and principal evaluation instrument by December 1, 2012.
- Requires school districts and charter schools to adopt definitions for the performance classifications in a public meeting and apply the performance classifications to their evaluation instruments by the 2013-14 school year. Full implementation of the required teacher and principal evaluation may be postponed until the 2013-14 school year if certain requirements are met.
- Applies the principal evaluation instrument to each charter school's instructional leader whose primary responsibility is to oversee the academic performance of the charter school.
- Directs school boards to annually discuss their aggregate performance classifications at a public meeting.
- Requires ADE to post best practices that include specific information for the implementation and assessment of principal and teacher evaluation systems on its website by September 15, 2012.

- Allows ADE to develop an evaluation instrument to be pilot tested in school districts and charter schools that choose to participate in the 2012-13 school year.

Principals/Teachers

- Directs school boards to provide opportunities for public discussion on specific proposed policies regarding principals and teachers before the policies are adopted. Policies in school year 2015-16 must also include aspects relating to the support, intervention and dismissal of teachers in the lowest performance classification.
- Specifies that the term of employment of principals may be for a period of up to three years, except that if the principal's contract with the school district is for multiple years, the school district cannot offer to extend or negotiate the contract until May of the year preceding the final year of the contract.
- Directs the school boards to make each principal's evaluation and performance classification available to school districts and charter schools that are inquiring about the principal for hiring purposes. A teacher's performance classification is confidential unless a school district or charter school inquires about performance for employment purposes.
- Instructs every teacher to make student learning the primary focus of their professional time.
- Requires a contract to be offered to a teacher who is beginning their fourth year of teaching and has been designated in one of the two lowest performance classifications.
- Requires a contract renewal for the next school year to be offered to a teacher who is not designated in the lowest performance classification and was offered a contract in the prior year, unless the teacher receives notice of the school board's intent not to offer a contract and to be dismissed.
- Specifies that a teacher who has not been employed for more than the major portion of four consecutive years, is under contract, and has been designated in one of the two lowest performance classifications, is not provided with the right to a hearing.
- Requires the teacher performance evaluation system to include at least two actual classroom observations with at least 60 calendar days between the first and last observation. Written feedback must be provided by the observer to the teacher within 10 business days after the evaluation.
- Requires school district policies pertaining to the transfer of teachers from one school to another to take into consideration the current distribution of teachers across all performance classifications and the needs of the students in the school district. Teachers are limited to one transfer.
- States that teachers who have been employed for the major portion of three or more consecutive years and are designated in the lowest performance classification for two consecutive years may only be transferred in limited circumstances.
- Instructs school boards to develop a definition of *inadequacy of classroom performance* that aligns with the performance classifications.

Classroom Site Fund

- Requires individual teacher performance, as measured by the teacher's performance classification, to be a component of the school district's portion of the 40% allocation for teacher compensation based on performance and employment related expenses beginning in school year 2014-15.
- Adds that a school board must vote on a performance based compensation system that includes individual teacher performance as measured by the teacher's performance

classification. Beginning in school year 2014-15, the individual teacher performance component must account for 33% of the 40% allocation for teacher compensation.

SB 1009 – Chapter 260 – *schools; preference; childbirth; adoption

Prohibits school districts and charter schools from endorsing, funding, or supporting programs that promote elective abortion over childbirth and adoption. Restricts schools from giving presentations or instructional materials to students during school hours that promote elective abortion over childbirth and adoption.

SB 1059 – Chapter 14 – school property; community use; liability

Gives schools immunity from liability for injuries sustained by recreational users of outdoor school grounds, excluding swimming pools and other aquatic features, after school hours.

SB 1060 – Chapter 279 – school districts; procurement practices

Makes the following changes to the construction procurement rules for school districts:

- Allows multi-term contracts for materials or services and for job-order-contracting construction services under certain conditions.
- Requires the duration of contracts for materials or services and contracts for job-order-contracting construction services to be less than five years unless certain requirements are met.
- Limits the maximum dollar amount of an individual job order for job-order-contracting construction services to \$1 million, unless the governing board prescribes a different amount that is adopted in a public meeting. Job orders must not be artificially divided in order to satisfy the maximum dollar amount requirements.

SB 1168 – Chapter 42 – *dropout recovery program; changes

Retroactive to June 30, 2011, makes the following changes to statutes related to dropout recovery programs (program):

- Removes the authority of an AOI provider to offer a program.
- Requires monthly participation in a program to be reported to ADE along with other required student data.
- Clarifies that the sum of the ADM and ADA for a student enrolled in a school district or charter school other than the school district or charter school that participates in the program cannot exceed 1.0.
- Specifies that the ADM generated by a student enrolled in both a program and a JTED cannot exceed 1.25.
- Removes the exemption for inclusion of attendance, graduation and test score data for program students in annual achievement profiles and school report cards.
- Classifies programs as *alternative schools* that are subject to the accountability provisions for alternative schools.
- Allows program providers to conduct outreach to encourage students to return to school.
- Prohibits program providers from directing advertising or marketing campaigns at currently enrolled students to encourage them to stop attending school in order to qualify for a program.

SB 1185 – Chapter 140 – *school safety program; requirement

Requires the School Safety Program Oversight Committee to add a requirement to the School Safety Program guidance manual that a dispute resolution process be included in the service agreement between a school district or charter school that received a School Safety Program grant and the law enforcement agency that provides services to the school district or charter school.

SB 1199 – Chapter 146 – charter schools; audit frequency

Removes the requirement that a charter school contract with a different auditor at least every six years.

SB 1252 – Chapter 45 – *high school graduation requirement; alternate

Removes the requirement for a 12th grade student to have taken AIMS at each administration in order to substitute a minimum score, determined by SBE, on a national college entrance exam for a passing score on AIMS for the purpose of high school graduation.

SB 1253 – Chapter 85 [E] – elementary school districts; JTEDs; withdrawal

Authorizes an elementary school district that is not within the boundaries of a union high school district to withdraw from a JTED with a majority vote of its school board. If the school board approves the withdrawal, the question for withdrawal must be sent to the ballot at the next general election for the voters of the elementary school district. The school board must notify the JTED within 10 days of approving the withdrawal.

SB 1254 – Chapter 47 – schools; board examination system; universities

Allows Grand Canyon Diploma recipients who have been accepted into an Arizona public university to enroll in the university after completing additional high school coursework designed to prepare the student for admission to a selective postsecondary institution that offers baccalaureate degrees. The school district or charter school that granted the diploma will continue to receive per-pupil funding until that student would otherwise have graduated at the end of 12th grade as long as the student is enrolled full-time in the university. Outlines the distribution of the ADM amount for the student.

SB 1255 – Chapter 149 – school courses; mastery of competency

Requires SBE to adopt rules to define competency-based educational pathways for college and career readiness that will be available to eligible students. Allows eligible students to enroll the following fall semester in a community college, remain in high school and participate in the programs of study available through the school district or charter school, enroll in a full-time career and technical education program or, if accepted for admission to a public Arizona university, enroll in the university after completion of additional high school coursework designed to prepare students for admission to selective postsecondary institutions that offer baccalaureate degrees.

SB 1258 – Chapter 150 – third grade promotions; requirements; exceptions

Revises Move on When Reading to allow the promotion of a 3rd grade student whose reading score on AIMS falls far below the 3rd grade reading level only if the student is: 1) an English learner or a limited English proficient student or 2) a child with a disability and their individualized education program team and parent/guardian agree that promotion is appropriate. Requires SBE to develop intervention and remedial strategies for students in Kindergarten through 3rd grade with reading deficiencies.

SB 1424 – Chapter 155 – charter schools; charters; renewals; revocations

- Requires a charter school sponsor to adopt a performance framework containing specific elements and use the framework when reviewing a charter every five years.
- Authorizes the charter school sponsor to deny the request for renewal if the sponsor believes that the charter holder has failed to complete the obligations of the contract or make sufficient progress toward the expectations set forth in the performance framework.
- States that the data used in renewal decision making must be available to the charter school and the public and a public report that summarizes the basis for each decision must be provided.
- Establishes the New Charter Application Processing Fund under the administration of SBCS.
- Requires a charter holder seeking to transfer sponsors to comply with the current charter terms regarding assignment of the charter. The charter holder transferring sponsors must notify the student's parents or guardians of the intent to transfer the charter.
- Requires the new sponsor to enforce the improvement plan, but allows modification of the plan based on performance.

SB 1456 – Chapter 357 – school finance revisions

Retroactive to June 30, 2012, makes the following changes to statutes related to school finance:

- Limits the window during which ADE can conduct audits to three years from the time the monitoring or audit activity begins.
- Allows ADE to adjust funding for a school district or charter school that was overpaid or underpaid during the audit window if ADE issues those findings within two years of the beginning of monitoring or audit activity.
- Replaces the method for calculating ADM that relies on counting the total enrollment of students on four dates each year and dividing that number by four with the total enrollment of each school day through the first 100 or 200 days in session, as applicable.
- Specifies that high school students are classified as either full-time or fractional students based on the number of classes they take, each of which, if taught each school day for the minimum number of days required in a school year, would meet for a minimum of 123 hours per year, or the equivalent.
- Requires the correction of errors in the calculation of state aid or budget limits for a school district or charter school that are discovered within the previous three years, rather than the previous year.
- Allows the generation of 1.75 ADM by students who attend JTED programs at leased facilities if they are not enrolled in the district in which the leased facility is located for FY 2012-13.
- Adjusts the transportation support level to provide additional support to school districts that elect to offer 200 days of instruction, rather than 180.

SB 1458 – Chapter 67 – schools; achievement profiles

Requires ADE to make a complete transition to the letter grade system for school achievement profiles in the 2012-13 school year. Requires a school, school district, or charter school that is assigned a letter grade of "D" for two prior consecutive years and is required to participate in a mandatory school improvement process to be assigned a letter grade of "F".

COMMITTEE ON EMPLOYMENT AND REGULATORY AFFAIRS

Representative Bob Robson, Chairman
Representative John Fillmore, Vice-Chairman
Sarah Wharton, Legislative Research Analyst



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

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HB 2264 – Chapter 304 [E] – ASRS; employee; employer contributions; rate

Reverses the current 53% to 47% employee and employer contribution rate for ASRS and reinstates the original 50/50 split. Instructs ASRS to return employee contributions that were paid in excess of the employer contributions from the effective date of the original change by September 30, 2013. Provides the necessary appropriations for administering the change.

HB 2283 – Chapter 40 – state employee benefits; definition

Clarifies the definition of *state employee* with regard to the judicial branch to include only those members whose salary is paid for by the state for the purposes of determining retirement benefit eligibility.

HB 2409 – Chapter 348 – PSPRS; pension buyback payments

Provides members of PSPRS, CORP, and EORP the ability to use lump sum and installment payments when purchasing pension buybacks. Permits members of the DROP program who leave prior to the commencement of their contract to receive 2% interest upon retirement if the fund realizes a rate of return greater than 2%. Any interest earned above 2% must stay with the system. If the system earns less than 2%, the officer will only receive their contribution back.

HB 2464 – Chapter 358 – state employee suggestion program; awards

Redefines the limitations on awards presented to state employees for cost saving suggestions. Modifies the award cap to no more than 10% of the amount saved as a result of the suggestion. Establishes a mechanism for the State Employee Suggestion Program Awards Fund to receive money, and permits the director of ADOA to adopt rules pertaining to awards for state employees.

HB 2571 – Chapter 321 – *state personnel system

Consolidates the current state personnel systems, establishes the transition of a majority of the state workforce to uncovered and at-will status, consolidates management of the workforce, restructures the grievance and appeal process, and updates human resources practices.

Consolidation of Personnel Systems

- The personnel systems within the Executive Branch listed below will be consolidated into one system called the State Personnel System.
 - ADOA Personnel System including 91 state agencies, boards, and commissions
 - Department of Gaming
 - AOT
 - ASRS and PSPRS
 - Governor's Office
 - SOS
- DPS will maintain a separate personnel system.

Transition to At-Will Workforce

- Beginning on September 29, 2012, the following individuals will become uncovered, at-will employees:
 - New hires.
 - Supervisors.
 - Employees employed as attorneys.
 - Employees employed in technology positions.
 - Employees in grade 19 or higher positions.
 - A covered employee who voluntarily elects to become uncovered.
 - A covered employee who voluntarily accepts a new assignment.

Law Enforcement Merit System Council (LEMSC)

- Increases LEMSC membership from three to five members with staggered terms and compensation from \$30 per day to \$100 per day.
- Modifies LEMSC's authority. Requires LEMSC to affirm the agency's decision unless the decision is determined to be arbitrary and capricious. If it finds the decision arbitrary and capricious or the agency has not proven by a preponderance of the evidence the facts, LEMSC may recommend the agency modify the disciplinary action. The agency head shall make the final decision, but must state the reasons for rejecting the recommendation of LEMSC if the decision is not accepted.

State Personnel Board (Board)

- Increases the threshold for appealing suspensions from greater than 40 to greater than 80 hours.
- Modifies the Board's authority. Requires the Board to affirm the agency's decision unless the decision was arbitrary and capricious. If it finds the decision arbitrary and capricious or the agency has not proven by a preponderance of the evidence the facts, the Board may recommend the agency modify the disciplinary action. The agency head shall make the final decision.
- Modifies the compensation of the Board members from \$30 per day to \$100 per day.

Reduction in Force

- States that retention will be based on employees' performance and not on seniority. Prohibits an agency from adopting policies that provide retention based on tenure or seniority.

Administrative Leave

- Requires agencies to report to ADOA if an employee is placed on administrative leave with pay during any investigation if the leave totals 80 hours or more. ADOA must approve administrative leaves exceeding 30 days.

Overtime/Compensatory Leave

- Except for state employees engaged in law enforcement, probation officer, and firefighting activities, eliminates the requirement for employees exempt from the Fair Labor Standards Act to receive leave for each hour worked over 40 hours per week.
- Defines the *state work week* with specific provisions for ADC.

Hiring Practices

- Requires ADOA to develop procedures and standard forms for all agencies to use to verify education and work history of applicants.

Director Term and For Cause Provisions

- Eliminates agency director terms and removal for cause provisions, with the exception of the director of DPS. Current directors with term provisions may continue to serve until the expiration of their term.
- Modifies the term of the director of DPS to serve concurrently with the appointing Governor.
- Excludes the ICA from these provisions.
- Eliminates the requirement for search committees for cabinet agency directors.

Employee Complaints

- Requires a formal process to be established by ADOA to govern harassment and discrimination complaints filed by employees.

- Increases the penalty for an employee who is found by the Board to have knowingly committed a prohibited personnel practice. The penalty includes paying a civil penalty of \$10,000, immediate dismissal, and removal from future consideration for state employment.
- Modifies the level of superior court review for whistleblower complaints from a trial de novo to a review of the administrative hearing record.

Miscellaneous

- Subject to ADOA approval and reporting requirements, allows agencies to spend monies for travel expenses associated with interviewing out-of-state candidates and relocation expenses if an out-of-state candidate is appointed.
- Requires agencies to treat employees in accordance with prescribed guiding principles unless specifically exempted.
- Permits ASRS and PSPRS, in consultation with the director of ADOA, to administer an inventive compensation plan for investment related personnel and certain other employees.
- Authorizes the reduction in state office hours to implement furloughs if necessary.

HB 2643 – Chapter 287 – *duty related injury; police officer

Requires this state, or a subdivision of this state, that employs public safety employees on a full-time basis to establish a Supplemental Benefit Plan for employees who are injured while on duty to the extent that they cannot perform the function of their position.

HB 2662 – Chapter 273 – ASRS; employees; election; enrollment

Permits state employees over the age of 60, who are not active, inactive, or retired members of ASRS to opt-out of participation. Stipulates that employees must make the election not to participate in writing within 30 days of employment, the decision to opt-out is irrevocable. Requires ASRS to provide a report to specified parties on or before December 31, 2014, outlining the actuarial and administrative impact of the change, as well as any recommendations from ASRS and employers regarding feasibility.

HB 2742 – Chapter 277 – murder; domestic violence; inheritance

Permits a decedent's estate to establish a constructive trust on the property or the estate of a person who murders the decedent in order to secure the payment of certain damages.

HB 2745 – Chapter 362 – *PSPRS; employer contributions

States that employers of a return to work employee who is required to pay into another state retirement system are not required to pay an alternate contribution rate into PSPRS. Makes changes to the ASRS statutes relating to administration, distribution, service purchases, and investments. Permits the ASRS Board to hire an investment manager who may use generally accepted and current investment tools and strategies, specific directions are provided for the management of those activities. Changes the service purchase requirement from 10 years to five years in ASRS to conform to the other retirement systems.

SB 1115 – Chapter 63 – PSPRS; investment contracts

Stipulates that loans, guarantees, investment management agreements, and investment contracts made by PSPRS must receive due diligence regarding the Arizona Sudan Act, the Arizona Iran Act, federal immigration law, and state e-verify requirements prior to their approval.

SB 1116 – Chapter 136 – PSPRS; CORP; EORP amendments

Modifies PSPRS statutes relating to qualified domestic relations orders, death benefits, local boards, credited service, and payment of pension.

- Permits the Board to enter into swap agreements to implement investment policy.
- Requires an employer to immediately notify the local board if the employer reemploys a retired member of the system.
- Outlines requirements for locating the beneficiary of a deceased member.
 - Clarifies that it is the responsibility of the medical board to determine the proximate cause of death for a member killed in the line of duty if the death occurs more than one year after the date of injury.
- Requires the local boards to submit all documents that are submitted to them for action to the Board of Trustees.
- Waives the two-year requirement for transfer credit if the employee accepts a position with another employer in the plan.

SB 1117 – Chapter 87 – ASRS; administration

Enhances ASRS's accounts receivables collection authority. States that a debtor who fails to pay any monies owed to ASRS is liable for all costs and expenses incurred by ASRS to collect the monies owed. Provides the director of ASRS with subpoena power for the production of evidence to a financial institution for the purpose of identifying an account owner, co-owner, signatory, or other person who had access to the account after ASRS determines a debt is owed to the system, and permits ASRS to collect the debt by other means after all other avenues have been pursued.

SB 1119 – Chapter 88 – ASRS; spousal consent

Modifies ASRS's spousal consent provisions and addresses areas such as beneficiary designation, spousal waiver and consent, applicability, and appropriation. States that the new spousal consent statutes apply to members who retire, name, or change their beneficiary after July 1, 2013.

SB 1194 – Chapter 79 – ASRS; nonparticipatory employer; liabilities

Directs ASRS to allocate an employer liability that is no longer participating in ASRS if the employer changes from a public to a private entity or if an employer other than this state files for bankruptcy or otherwise dissolves, or is no longer participating in the system. Includes boards or commissions that change from public to private entities.

SB 1365 – Chapter 326 – free exercise of religion; contracts

Prohibits a government from denying, revoking, or suspending a professional or occupational license based on a person's exercise of religion and specifies a religious organization's rights when contracting for goods and services. Allows a religious organization to recover attorneys' fees and costs when its rights have been violated when contracting for goods and services.

SB 1441 – Chapter 86 [E] – residential construction; fall protection

Establishes a state standard for construction fall protection for residential construction employees. Requires each residential construction employee who is engaged in activities that are 15 or more feet above ground to be protected by guardrail systems, safety net systems, or personal fall systems except when an employer can demonstrate that it is impractical or creates a greater hazard. Employers engaged in residential construction activities six feet or more above low levels are required to prepare a written fall protection plan.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Representative Frank Pratt, Chairman
Representative Kate Brophy McGee, Vice-Chairman
Diana Clay, Legislative Research Analyst



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

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HB 2225 – Chapter 202 – trust land; agricultural classification; algaculture

Defines *algaculture* to mean the controlled propagation, growth, and harvest of algae.

HB 2438 – Chapter 176 – government land; private land; study

- Creates the Joint Legislative Study Committee on Government and Private Lands to assess the effects of transferring private property to government entities. Requires a final report of the findings and recommendations to be submitted to the Governor, Legislature, and SOS by January 1, 2013. Provides a repeal date of from and after January 1, 2014.
- Requires DOR to contract with each county assessor to conduct a *property status study*. Directs DOR to report its results to the Governor, Legislature, and SOS by January 1, 2014.
- Reverts remaining monies from the FY 2007-08 appropriation to DWR for the upper San Pedro water district technical assistance to the GF. Appropriates \$132,213 from the GF in FY 2012-13 to DOR for the study. Unexpended funds revert to the GF on June 30, 2013.

HB 2457 – Chapter 225 – *hunting; possession of unauthorized weapons

Enables a person to possess legal weapons or related paraphernalia as long as it is not used to take wildlife. Assesses a Class 1 misdemeanor for violations.

HB 2494 – Chapter 256 – interstate compact; forests

Allows the forestry agency of two or more party states to assume any delegated agency role in performing any forestry management function on federal lands in that state and to coordinate and unify the management of the forests that traverse the common boundary.

HB 2640 – Chapter 75 – hunting; firearm magazine capacity

Removes limits on the magazine capacity of authorized firearms used for taking wildlife.

HB 2743 – Chapter 167 – school districts; renewable energy development

Permits a school board to take action regarding the sale, lease, or purchase of school sites without a vote of the electors if the property is obtained through a renewable energy development agreement. Conforms the language to existing statute to make the related provision effective July 1, 2013.

HB 2830 – Chapter 230 – energy and water savings account

Allows a governing body of a city, town, or county to establish an energy and water savings account consisting of capital investment monies to fund energy or water savings projects. Monies deposited in the account are used to pay incremental costs of energy or water savings measures in facilities owned by the city, town, or county. Before implementation, requires the qualified provider or paying agent and the appropriate city, town, or county to review and approve the estimated amount of savings and the impact on associated costs. Both parties must jointly develop a repayment schedule, which must result in lower energy or water costs. The repayment schedule must be included in the contract, and cannot exceed a 15 year term.

**Note: The timeframe for the repayment schedule was later amended by Laws 2012, Chapter 306, to the term of the financial agreement or 25 years, whichever is shorter.*

SB 1001 – Chapter 278 – military preservation; land exchanges

Modifies the process for review, evaluation, and approval of proposed land exchanges of state trust lands for other public lands. Contains a conditional enactment clause, which requires an amendment to the Arizona Constitution at the next general election, held in November 2012, in order for the provisions of the bill to become effective.

SB 1054 – Chapter 62 – underground mines; work hours

Increases the maximum number of hours, from 8 to 12, any person employed in underground mining activities can work within a 24 hour period.

SB 1075 – Chapter 135 – state forester; wildfire resource deployment

Requires the State Forester to annually develop and implement a comprehensive plan for the development of state and local, public and private fire service provider contract resources for wildfire suppression activities. Requires the State Forester to consult with various firefighting agencies to develop a comprehensive wildfire development plan. Directs the State Forester to provide oversight to ensure standardized training and certification for all classifications of wildfire firefighters to be deployed, through a cooperator agreement, to any federal or state wildfire incident.

SB 1171 – Chapter 17 – Arizona geological survey; powers; duties

Revises the duties of the AZGS to prepare data files showing earth fissures, produce maps of the overlays with the affected areas, and transmit the information to DRE. Eliminates the requirement for ASLD to produce the maps.

SB 1299 – Chapter 19 – Arizona geological survey; sunset continuation

Continues the AZGS for 10 years until July 1, 2022.

SB 1300 – Chapter 283 – game and fish department; continuation

Continues G&F and the G&F Commission for 10 years until July 1, 2022. By January 1, 2014, requires the OAG to conduct a performance audit of the G&F, G&F Commission, and director and report its findings and recommendations to the Governor, Legislature, and SOS.

COMMITTEE ON ENVIRONMENT

Representative Amanda A. Reeve, Chairman
 Representative Frank Pratt, Vice-Chairman
 Justin Riches, Legislative Research Analyst



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

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HB 2073 – Chapter 235 [E] – emissions testing; motorcycles; extension

Modifies the conditional enactment date for motorcycle emission inspection exemptions in Area A from July 1, 2012 to July 1, 2014.

HB 2199 – Chapter 251 – *environmental audit privilege

Outlines requirements for environmental audit reports, privileges, and exceptions. Specifies that an audit report cannot be used as evidence or subject to discovery in a civil action or an administrative hearing, except in limited circumstances.

HB 2798 – Chapter 308 – air quality; dust plan; reports

Establishes regulations for cities, towns, counties, and departments to submit annual reports regarding particulate measures.

HB 2799 – Chapter 169 – voluntary environmental stewardship program

Requires the director of DEQ to develop, implement, and administer a Voluntary Environmental Stewardship Program to provide recognition for organizations with a history of preventing environmental law violations and incentives for organizations that go above and beyond environmental law requirements.

SB 1237 – Chapter 249 – wildfire; notice of violation; pollutants

Allows DEQ to issue a Notice of Violation to a federal agency as a potentially responsible party for the discharge of pollutants relating to wildfire zones if a federal agency designates an area of this state as under threat of catastrophic wildfire, a wildfire occurs that releases pollutants, and DEQ reasonably determines that the discharge was due to the wildfire.

SB 1287 – Chapter 233 – aquifer protection permits; waste

Changes the definition of *complex modification* pursuant to Aquifer Protection Permits and modifies the definition of *solid waste*.

SB 1289 – Chapter 262 – storm water discharges; construction sites

Allows an Arizona Pollutant Discharge Elimination System Permit to be used to qualify for a Storm Water General (SWG) Permit and the SWG Permit to be issued to construction sites, under specified conditions.

SB 1298 – Chapter 46 – water quality appeals board; continuation

Continues the Water Quality Appeals Board for 10 years until July 1, 2022.

COMMITTEE ON GOVERNMENT

Representative Michelle Ugenti, Chairman
 Representative Justin Pierce, Vice-Chairman
 Michelle Hindman, Legislative Research Analyst
 Stephanie Johnson, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
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HB 2048 – Chapter 37 – county officers

Removes the existing requirement for county officers to file their appointments of deputies, stenographers, clerks, and assistants with the Office of the County Recorder and repeals the statute requiring county recorders to keep a blotter and make it available for public inspection.

HB 2070 – Chapter 234 – license eligibility; authorized presence

States that any license issued by the federal government, any other state government, an agency of this state, or a political subdivision of this state requiring proof of citizenship or lawful alien status before it was issued is an acceptable form of identification for receiving an Arizona license.

HB 2122 – Chapter 199 – powers; board of supervisors

Allows a county BOS to contract with a government agency to provide constable services at fees less than those authorized by statute, except for services specifically performed by the sheriff. Permits the county to conduct an interior inspection on individual residential rental properties if an exterior inspection of the property reveals certain conditions. Prescribes additional authorities to the counties.

HB 2129 – Chapter 91 – landlord tenant; maintenance request; access

Modifies the Arizona Landlord and Tenant Act asserting that when the tenant notifies the landlord pursuant to statute regarding a service or maintenance request, in addition to serving as notice for the landlord to enter the property for the sole purpose of acting on the service or maintenance request, the tenant waives the right to receive notice of any separate or additional access.

HB 2350 – Chapter 205 – *cities; counties; regulations

Requires a county, city, or town to annually post a capital improvement plan containing all public works projects scheduled to be constructed on its website or the website of an association of cities and towns for municipalities without a website. Allows a utility to request that the city or town annually provide a copy of the municipality's capital improvement plan and provide notice of any new projects not included in the plan or changes that advance the start date of any projects already in the plan. Directs the utility to designate the utility representative to receive the municipal or county plan and any notice of changes that would add new projects or advance the start date of any projects already in the plan.

HB 2389 – Chapter 254 – lease of county property; requirements

States that the appointment of an appraiser is not required for the lease of any land or building valued at less than \$5,000 if the valuation has been estimated and justified by a market analysis based on comparable sales and makes other technical and conforming changes.

HB 2390 – Chapter 97 – home detention programs

Removes the requirement of being employed for prisoners selected for the home detention program and further eliminates requirements relating to employment of the prisoner. The bill allows, rather than requires, a municipality to appoint a community restitution work committee and gives the court discretion when terminating a prisoner's participation in the home detention or continuous alcohol monitoring program while allowing a court to order a prisoner placed on electronic monitoring to pay the electronic monitoring fee.

HB 2399 – Chapter 72 – state agency fee commission

Clarifies that any state agency whose executive is an elected official, the Arizona Supreme Court, and the Arizona Court of Appeals are exempted from the requirement for review by the SAFC. Specifies what is to be included in the annual comprehensive report submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives in addition to requiring the posting of this report and SAFC's recommendations on the websites of the Governor's OSPB and the Legislature.

HB 2408 – Chapter 120 – *special audit; Pima county

Requires the OAG to complete a special audit of the 1997, 2004, and 2006 Pima county general obligation bond programs within six months after the effective date of this Act. Prescribes what the audit must include.

HB 2446 – Chapter 121 – liquefied petroleum gas; emergency aid

Removes liability from a person with knowledge of liquefied petroleum gas who is providing assistance in an accident or other emergency situation that involves the use, handling, transportation, transmission, or storage of liquefied petroleum gas. Excludes a person who causes the accident or emergency situation or whose willful, wanton, or grossly negligent act or omission in response to the accident or emergency situation causes damage.

HB 2449 – Chapter 209 – supreme court; audit; hearing

Requires the Senate and House of Representatives Judiciary Committees to meet jointly and hold a hearing on the audit of the Administrative Office of the Courts.

HB 2471 – Chapter 242 – homeowners' associations; conflicting enactments

Makes clarifying and conforming changes to the condominium and planned community statutes regarding for-rent signs, for-lease signs, and political signs.

HB 2561 – Chapter 123 – building code; exception

Exempts a school district-owned building from local building codes in a county with a population of more than 750,000 persons but less than two million persons and clarifies that the building must still comply with the local fire codes. Further requires the public schools to adopt policies to provide requirements to be followed by licensed or registered contractors or employees in order to ensure construction projects are in compliance with the applicable codes.

HB 2621 – Chapter 126 – local government budgets; posting; contents

Beginning in FY 2013-14, provides requirements for the posting of the finally adopted budgets of community college districts, counties, cities, towns, and fire districts. Specifies that the finally adopted budget must be posted within seven days after final adoption and must be retained on the specified website for at least 60 months.

HB 2744 – Chapter 352 – regulatory rules; amendments

Modifies the statutes governing regulatory rule making, specifically eliminating the summary rule process and creating an *expedited rule making* process for rules that do not increase the cost of regulatory compliance or reduce the procedural rights of regular persons and further complies with statutory criteria.

HB 2851 – Chapter 107 [E] – appointment; ombudsman-citizens aide

Appoints Dennis Wells as the Ombudsman-Citizens Aide for a term ending from and after June 30, 2017.

SB 1348 – Chapter 325 – state poet laureate; establishment

Establishes the official State Poet Laureate under the Arizona Commission on the Arts and prescribes the appointment of such person and the requirements for each nominee. Describes the duties and term of the State Poet Laureate. Establishes the State Poet Laureate Fund consisting of gifts, grants, and donations.

SB 1366 – Chapter 21 – state treasurer; investment

Eliminates the restriction that the AST may invest only in bonds, debentures, and notes issued by companies organized and doing business in the US and establishes bonds, debentures, notes, or other evidences of indebtedness that are denominated in US dollars as an option of the items the AST is allowed to invest and reinvest trust and treasury monies in.

SB 1423 – Chapter 66 – reviser’s technical corrections; 2012

Makes non-substantive technical changes to conflicting statutes and provides numerous retroactive effective dates.

SB 1476 – Chapter 313 – homeowners’ associations; review; construction

Prescribes guidelines for plan design approval and security deposit monies related to new residential construction in a planned community HOA and clarifies that an HOA is not permitted to charge a transfer fee to an escrow agent.

SB 1480 – Chapter 263 – *maintenance records; taxis and limousines

Requires, at a minimum, a routine brake and tire inspection performed by a qualified or professional motor vehicle mechanic to be included on a vehicle maintenance record of a taxi, livery vehicle, or limousine.

COMMITTEE ON HEALTH AND HUMAN SERVICES

Representative Cecil Ash, Chairman
Representative Heather Carter, Vice-Chairman
Ingrid Garvey, Legislative Research Analyst
Joe DeMenna, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
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HB 2029 – Chapter 218 – child care; day camps; exemption

Exempts day camps that are nationally accredited from state licensure requirements.

HB 2035 – Chapter 112 [P 105] – medical marijuana

Makes it an act of unprofessional conduct for a health care provider to recommend medical marijuana for any reason other than a debilitating medical condition.

HB 2036 – Chapter 250 – *abortion; procedures; informed consent; requirements

Adds a variety of provisions to the abortion statutes, which include the following:

- Specifies that, except in a medical emergency, a person must not knowingly perform or induce, or attempt to perform or induce, an abortion when it has been determined that the probable gestational age of the fetus is at least 20 weeks. A person who knowingly violates this section commits a Class 1 misdemeanor and a physician who violates this section is guilty of an act of unprofessional conduct.
- Requires any medication, drug, or substance used to induce an abortion to be administered in compliance and with the protocol authorized by the US Food and Drug Administration.
- Requires a physician who will perform an abortion, or a healthcare provider designated by the physician, to inform the patient 24 hours before the procedure about the DHS website that describes the unborn fetus and lists agencies that provide alternatives to abortion. The patient has the right to review the website and be provided a free printed copy of the materials from the website.
- States that 24 hours, rather than one hour, prior to having any part of an abortion performed or induced, the physician, the referring physician, or a qualified person working with the physician must perform an ultrasound, offer an opportunity for the patient to view the ultrasound, provide an explanation of what the ultrasound is depicting, and provide the patient with a physical picture of the ultrasound image of the unborn child.
- Requires an abortion clinic that provides abortions to conspicuously post signs in the waiting rooms, consultation rooms, and procedure rooms of the facility or office that are clearly readable and state it is unlawful for any person to force a woman to have an abortion.

HB 2059 – Chapter 24 [E] – physical therapy board; examination requirements

Allows physical therapists and physical therapist assistants to take the national examination for licensure or certification up to 120 days prior to their scheduled graduation date.

HB 2063 – Chapter 90 – *community health centers; walk-in patients

Specifies that the contract between DHS and qualifying community health centers allows urgent care services for walk-in patients.

HB 2162 – Chapter 58 – nursing care board; membership

Decreases the number of members on the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers from 11 to 9 and allows the Governor to stagger the terms of the new appointees.

HB 2247 – Chapter 93 – midwifery; regulation; DHS rules

Requires DHS to consider adopting rules that will streamline the regulation process and reduce the regulatory burden on licensed midwives on or before July 1, 2013.

HB 2249 – Chapter 50 – child protective services oversight committee

Establishes the CPS Oversight Committee, outlining membership and duties.

HB 2252 – Chapter 203 – *parental access; prescription medication

States a parent with joint legal custody must not designate one pharmacy in a single location as the only source of the child's prescription medication unless the other parent agrees.

HB 2259 – Chapter 59 – dental board; omnibus

Modifies the dental statutes by streamlining the process for referring cases to the Board of Dental Examiners.

HB 2261 – Chapter 94 – emergency medical services

Provides additional options for Emergency Medical Technicians for recertification and updates obsolete terminology in the emergency medical services statutes.

HB 2359 – Chapter 117 – psychiatric hospitals; physical plant standards

Specifies that a health care institution that was licensed as an acute behavioral health facility inpatient facility as of January 1, 2012 and is not certified under Title XIX of the SSA must be licensed as a hospital and is not required to comply with physical plant standards for a general hospital, rural general hospital, or special hospital.

HB 2369 – Chapter 184 – electronic medical records

Makes a variety of clarifying changes to Health Information Organizations statutes and allows for the electronic submission of prescription orders for schedule II, III, IV, and V controlled substances.

HB 2370 – Chapter 60 – death certificates

Expands the types of health care providers that can sign a medical certificate of death.

HB 2526 – Chapter 213 [P 108] – skilled nursing home provider assessments

Adds a new article regarding nursing facility provider assessments and the necessary corresponding language.

HB 2532 – Chapter 334 – court-ordered treatment

Updates and clarifies the statutes governing the evaluation of individuals ordered to undergo involuntary inpatient mental health treatment.

HB 2534 – Chapter 122 – AHCCCS; payment methodology

Allows AHCCCS to utilize a hospital reimbursement methodology consistent with Title XIX of the SSA, effective October 1, 2013.

HB 2655 – Chapter 127 – developmental disability services; providers; monitoring

Modifies the frequency of the mandatory monitoring visits by DES to residential developmental disability service providers.

HB 2713 – Chapter 351 – *long-term care insurance premiums; deduction

Allows for a subtraction of long-term care insurance premiums if an individual is not claiming itemized deductions and amounts deposited into a long-term care savings account, as long as the amounts are included in the individual's federal adjusted gross income, from Arizona gross income.

HB 2754 – Chapter 168 – *disciplinary action; Arizona medical board

Allows the Arizona Medical Board to consider a direct or indirect competitive relationship between the complainant and the respondent in determining disciplinary action.

HB 2794 – Chapter 320 – CPS; review teams

Removes the review team process from CPS statutes.

HB 2800 – Chapter 288 – public funding; family planning; prohibition

Outlines the priority for distribution of public funds for family planning services and specifies that this state or any of its political subdivisions may not contract with any person or facility that performs nonfederally qualified abortions.

SB 1002 – Chapter 33 – nursing board; continuation

Continues the Arizona State Board of Nursing for 10 years until July 1, 2022.

SB 1003 – Chapter 7 – homeopathic board; qualifications of applicants

Requires an applicant for a doctor of homeopathy license to have a professional record free from any license revocations, refusals, suspensions, or restrictions for reasons related to the applicant's ability to safely practice medicine.

SB 1004 – Chapter 8 – dental hygienists; local anesthetics

Allows a dental hygienist to administer local anesthetics under general supervision if certain requirements are met.

SB 1005 – Chapter 9 – dispensing opticians board; continuation

Continues the State Board of Dispensing Opticians for 10 years until July 1, 2022.

SB 1006 – Chapter 10 – medical board; continuation

Continues the Arizona Medical Board for 10 years until July 1, 2022.

SB 1007 – Chapter 11 – board of chiropractic examiners; continuation

Continues the State Board of Chiropractic Examiners for 10 years until July 1, 2022.

SB 1008 – Chapter 187 – child fatality review team

Revises the Child Fatality Review Team statutes and expands the duties of the team to include those previously performed by the Unexplained Infant Death Advisory Council.

SB 1010 – Chapter 132 – *nursing board; executive director; authority

Allows the Arizona State Board of Nursing to delegate authority to the executive director to require a licensee, certificate holder, or applicant to undergo any combination of mental, physical, or psychological examinations, assessments, or skills evaluations to determine the person's competence or ability to practice safely.

SB 1127 – Chapter 309 – *parenting time; domestic relations; decision-making

Modifies and rewrites the statutory language relating to child custody and visitation.

SB 1128 – Chapter 15 [E] – family adoptions; social studies; requirements

Requires, rather than allows, for a social study to include state and federal criminal records checks and central registry checks if the child's prospective adoptive parent is a relative.

SB 1136 – Chapter 188 – fingerprinting; central registry; background checks

Requires DES to conduct central registry background checks on individuals who provide direct services to children or vulnerable adults.

SB 1184 – Chapter 43 – prohibited restraints; pregnant prisoners

Stipulates that a correctional institution must not use restraints on a prisoner or detainee being transported for delivery or during labor, delivery, and postpartum recovery unless certain conditions are met.

SB 1188 – Chapter 141 – *medical board; duties; meetings; procedures

Modifies the meeting and disciplinary procedures of, and adds personnel training requirements to, the Arizona Medical Board.

SB 1220 – Chapter 147 – child care facilities

Exempts a facility that provides only educational instruction for children who are between the ages of three and six from child care facility licensing requirements when certain criteria are met.

SB 1362 – Chapter 152 – certified registered nurse anesthetists

Codifies Arizona State Board of Nursing rules pertaining to certified registered nurse anesthetists.

COMMITTEE ON HIGHER EDUCATION, INNOVATION AND REFORM

Representative Tom Forese, Chairman
Representative Brenda Barton, Vice-Chairman
Brooke White, Legislative Research Analyst
Stephanie Jaffa, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
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HB 2272 – Chapter 116 [E] – *clinical trial; public information requests

Expands the list of items that are not subject to public records laws to include information or intellectual property that is composed of unpublished research data, manuscripts, preliminary analyses, drafts of scientific papers, plans for future research, and prepublication peer reviews. Adds that information not available to the general public in addition to intellectual property is included in the exemptions related to public records. Specifies that this statute does not affect the issues to be decided between a university and a contracting party including publication of data and discoveries. Clarifies when a contract is confidential information.

HB 2333 – Chapter 253 – *bonds; community colleges

Removes the cap on the amount of revenue bonds community colleges can use for classroom construction and limits total bonded indebtedness to 8% of current expenditures, less any expenditure for retirement of general obligation bonds.

HB 2347 – Chapter 221 – public transportation authorities; board membership

Adds one member from a community college district and one member from an Indian Nation to the board of directors of an intergovernmental public transportation authority if the community college district or Indian Nation is a member of the authority.

HB 2349 – Chapter 159 [P 105] – medical marijuana; cardholder; campuses; prohibition

Prohibits any person, including a medical marijuana cardholder, from using or possessing marijuana on a school campus or in a child care facility.

HB 2397 – Chapter 119 – ABOR; continuation

Continues ABOR for 10 years until July 1, 2022.

HB 2602 – Chapter 80 – veteran supportive campuses

Requires, rather than allows, DVS to maintain a list of certified Arizona veteran supportive campuses on its website and make a reasonable effort to notify postsecondary institutions and other appropriate entities of the opportunity to be certified as an Arizona veteran supportive campus. Requires each Arizona veteran supportive campus to report to DVS on the number of veterans graduating from its campus.

HB 2641 – Chapter 103 – community colleges; administrative requirements; reductions

Makes the following changes to administrative procedures for community colleges:

- Deletes the provision prohibiting a community college district governing board from authorizing the expenditure of funds from any source for capital outlay costs if the voters disapprove the issuance of bonds for any purpose.
- Directs community college districts to submit information about planned, bond-funded projects to JCCR before issuing bonds that do not require voter approval.
- Removes the requirement for community colleges to report to the state on students under 18 who have not completed high school and are enrolled in community college programs.
- Removes the requirement for community colleges to conduct tracking studies of subsequent academic or occupational achievement of former students who took a dual enrollment course.
- Exempts community college buildings from solar design regulations.

HB 2646 – Chapter 317 – pharmacy board; transfer of monies

Allows the director of the Arizona State Board of Pharmacy to transfer up to \$1 million annually from the Arizona State Board of Pharmacy Fund to the Arizona Poison and Drug Information Center.

HB 2770 – Chapter 177 – faculty; political and religious beliefs

Prohibits a public university or community college from making employment decisions based on a faculty member's political or religious beliefs.

SB 1196 – Chapter 143 – college savings; report; income subtraction

Makes the Arizona Family College Savings Program permanent.

COMMITTEE ON JUDICIARY

Representative Eddie Farnsworth, Chairman
 Representative David Smith, Vice-Chairman
 Magdalena Jorquez, Legislative Research Analyst
 MJ Bildner, Assistant Research Analyst



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

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HB 2019 – Chapter 23 – sex offender registration; multiple residences

Requires a sex offender who has more than one address to provide the location of any temporary residence and register as a transient at least every 90 days in the jurisdiction where they are physically present.

HB 2033 – Chapter 361 – *public electronic posting; government bodies

Makes numerous changes to the laws governing elections and electors, including the following:

- Modifies timeframes in which various petition and nomination forms must be filed with the required elections entities.
- Provides a website address at which prompt updates to information regarding write-in and withdrawn candidates is available.
- Allows voters to be assisted by someone who has worked for a candidate, campaign, political organization, or political party in that election, including precinct committeemen.
- Delineates the course of action that the SOS must take after receiving a petition for statewide recognition.
- Defines *political committee*, in the case of a candidate for public office, to include those that receive contributions or makes expenditures of more than \$250.
- Broadens the committees that must report contributions by committees acting on ballot measures to include those in support of or in opposition to a recall election. Specifies that a corporation, LLC, or labor organization that makes an independent expenditure for literature or an advertisement must notify the candidate within 24 hours. An expenditure made by a corporation, LLC, or labor organization that does not meet the definition of an independent expenditure is an in-kind contribution to the candidate.
- Removes statute pertaining to a person who delivers more than 10 early ballots to an election official.
- Specifies that the person who is appointed to fill the vacancy of specified federal and state offices must be of the same political party that the vacating officeholder was at the time of their election or appointment.
- Establishes criteria by which candidates are included in the PPE and modifies the rate at which the state must reimburse the counties for expenses relating to the PPE.
- Permits the court to award the county recorder reasonable expenses incurred in signature verification in any challenge where the county recorder or officer in charge of elections is required to conduct signature verification and is a party.
- Requires county and municipal campaign finance reporting information that is currently posted online to include the names of candidates who have filed an exemption statement pursuant to statute.
- Requires the SOS to develop electronic database systems for financial disclosures and lobbyist reporting required by statute.
- As session law, allows the SOS's Office to hire independent counsel until December 31, 2014.

HB 2034 – Chapter 89 – hookah use; minor; prohibition

Expands the list of items that are prohibited from being sold or given to a minor, knowingly possessed by a minor, or bought by a minor to include any instrument or paraphernalia that is solely designed for smoking or ingesting tobacco or *shisha*. Classifies the violation as a petty offense with a fine of \$100 or 30 hours of community restitution.

HB 2218 – Chapter 28 – department of juvenile corrections; continuation

Continues the ADJC for 10 years until July 1, 2022.

HB 2241 – Chapter 29 – statute of limitations; moving violation

Increases the statute of limitation for a criminal offense arising from a serious physical injury caused by a moving violation from one to two years.

HB 2282 – Chapter 204 – campaign finance; reporting; contributions

Raises the monetary threshold necessary to report a contribution in a campaign finance report by an individual from \$25 to \$50.

HB 2284 – Chapter 236 [E] – DUI; jury trial

Requires the court to inform the defendant that they may request a trial by jury. If the request is made, it must be granted by the court. Excludes certain DUI offenders from requesting a jury trial if a trial has commenced, or the defendant pled guilty or no contest, between January 1, 2012 and the legislation's effective date. Applies retroactively from and after December 31, 2011.

HB 2319 – Chapter 110 – notice; claim; private property rights

Exempts claims made for just compensation pursuant to the Private Property Protection Act from the pre-suit requirements relating to actions against public entities.

HB 2356 – Chapter 1 [E] – drugs; definition

Expands the definition of *dangerous drugs* to include chemical compounds that compose bath salts and adds these compounds to Schedule IV of the Arizona Uniform Controlled Substances Act.

HB 2371 – Chapter 160 – disposal of unclaimed property

Reduces from 90 to 30 days the period within which reasonable efforts must be made to locate and notify the owner of unclaimed property that is available for release. Changes the custody of unclaimed property from a state, county, city, or town officer to an agency. Removes provisions that allow for the disposal of unclaimed properties to appropriate charities or museums as well as the provision that allows selling coins to a dealer or for fair market value. A record of all transactions must be maintained for at least 24 months. If the owner of found property is not known, the agency holding the property must publish or post a notice before the final disposal of the property.

HB 2373 – Chapter 207 – sentencing; first, second degree murder

Makes numerous changes to sentencing statutes related to the death penalty and life sentences. Increases the maximum sentence for persons convicted of second degree murder. Clarifies that a defendant sentenced to natural life is not eligible for commutation, parole, work furlough, work release, or release. Requires a sentence for death or imprisonment for natural life if the state is seeking the death penalty and the defendant is convicted of first degree murder for premeditated murder or the murder of a law enforcement officer. Requires a sentence for imprisonment for life or natural life if the state is seeking the death penalty and the defendant is convicted of first degree murder and was a minor at the time of the offense. Requires a sentence for death or imprisonment for life or natural life if the state is seeking the death penalty and a defendant is convicted of first degree murder for committing murder during the commission of specified felonies.

HB 2374 – Chapter 52 – deferred prosecution program; conditions

Allows a county attorney to divert or defer a prosecution for the following individuals: 1) a person who has a previous felony charge as long as they have not been convicted of a serious or dangerous offense, sexual offense, or a dangerous crime against children or 2) a person who has previously completed a special supervision program. Prohibits a county attorney from diverting or deferring a prosecution of a person who has been convicted three or more times of either personal possession of a controlled substance or drug paraphernalia.

HB 2376 – Chapter 185 – court fees; payment method

Allows fees to be paid by alternative methods and permits the court to impose a convenience fee.

HB 2377 – Chapter 223 – *incapacitated persons; definition; voting

Amends the definition of *incapacitated person* to specify that a person under limited guardianship is not deemed incapacitated for voting purposes if the person files a petition and a judge determines by clear and convincing evidence that the person retains a sufficient understanding of the right to vote.

HB 2382 – Chapter 96 – criminal offenses; sentencing

Raises the monetary threshold in which the superior court has original and concurrent jurisdiction to fines that do not exceed \$2,500. Modifies the mitigated sentencing range for category one repetitive offenders who have committed Class 3 and 4 felonies.

HB 2384 – Chapter 31 – burglary; trespass; commercial yard; definition

Expands the definition of *fenced commercial yard* to include yards that are zoned for business.

HB 2386 – Chapter 109 – asbestos related liability; successor corporations

Limits the cumulative successor asbestos-related liability of a successor corporation to the fair market value of the total gross assets of the transferor at the time of merger or consolidation. Caps a successor corporation's responsibility for successor asbestos-related liabilities at this limitation.

HB 2432 – Chapter 264 – *special district petitions; multiple ownership

Prescribes how the number of persons owning property inside the boundaries of a special district is determined for the purposes of validating petitions. Specifies that petition signers must be current on taxes and assessments at the time of petition review for the signature to be valid and states that in a community park maintenance district, a leaseholder of real property is not authorized to sign a formation or boundary change petition.

HB 2503 – Chapter 333 – *exemptions from punitive damages

Exempts a manufacturer from exemplary and punitive damages if it complies with state, federal, or agency issued product standards. Nullifies the exemption if the manufacturer sold the product, activity, or service after the effective date of a final order of a government agency to remove the product from the market at any time before the activity or event at issue occurred.

HB 2544 – Chapter 305 – recovery of attorney fees

Deletes statute requiring the court to award reasonable attorney fees in any action that, by clear and convincing evidence, demonstrates the claim or defense constitutes harassment, is groundless and is not made in good faith. Removes *harassment* from the definition of *without substantial justification* and contains a delayed effective date of December 31, 2012.

HB 2549 – Chapter 359 – electronic; digital devices; stalking; threatening

Updates current statute to make unlawful any misuse of electronic or digital devices to terrify, intimidate, threaten, or harass in the course of the conduct of stalking.

HB 2550 – Chapter 268 – victims’ rights; criminal offense; interviews

Allows peace officers to refuse to give an interview as a victim if the act that would have made the officer a victim occurs while the peace officer is acting in the scope of the officer’s official duties. Expands the definition of *criminal offense* to include petty offenses, all misdemeanors, or violations of a local criminal ordinance.

HB 2555 – Chapter 214 – sexually violent person; escape; sentence

Increases the penalty of escape for escapees from the Arizona State Hospital to a Class 5 felony for commitments arising from sexually violent offenses.

HB 2556 – Chapter 269 – criminal restitution order

Effective March 31, 2013, requires the trial court to retain jurisdiction of cases for the purpose of ordering and enforcing the method in which court ordered payments are made. Allows the superior court to enter a criminal restitution order in favor of each person who is entitled to restitution for the unpaid balance of any restitution order. States that monies received as a result of a criminal restitution order must be distributed in the following priority: 1) restitution ordered that is reduced to a criminal restitution order 2) associated interest.

HB 2558 – Chapter 102 – victim restitution; civil actions

Allows a person to bring a civil action for damages in excess of the restitution order paid by the defendant.

HB 2559 – Chapter 243 – victims’ rights; courtroom posting

Requires the victims’ rights statement to be posted in each justice of the peace and municipal court and read out loud by the judge at the daily commencement of the regular criminal docket.

HB 2560 – Chapter 163 – adult protective services; attorney fees

Removes the ability for the court to order the payment of attorney fees that do not exceed the total amount of compensatory damages and any additional attorney fees in connection with the vulnerable abuse claims of action. Permits reasonable costs and attorney fees to be awarded in a civil action related to the financial exploitation of a vulnerable adult.

HB 2612 – Chapter 125 [E] – *political action committee; solicitation; clarification

Expands the scope of individuals that a corporation may solicit political contributions from to include employees of the corporation’s subsidiaries, branches, divisions, and affiliates.

HB 2625 – Chapter 337 – *insurers; healthcare coverage; religious beliefs

Allows a religiously affiliated employer to deny coverage for specified items or services related to contraception if doing so is contrary to its religious beliefs, with specified provisos. Specifies that employers are not authorized to obtain an employee’s protected health information and the provisions do not limit any protections against employment discrimination. Adds alternate criteria for meeting the definition of *religiously affiliated employer* to include any entity whose articles of incorporation clearly state that it is a religiously motivated organization and whose religious beliefs are central to the organization’s operating principles.

HB 2676 – Chapter 339 – government entities; attorney fees

Requires the court to award reasonable attorney fees to the successful party in any action filed against the state and other governmental entities, by a governmental entity, agency, or political subdivision.

HB 2721 – Chapter 319 – office; child welfare investigations; DES

Requires DES to create the Office of Child Welfare Investigations and gives the director responsibility for its direction, operation and control. Outlines the training requirements and duties of a child welfare investigator. Prohibits a child welfare investigator from interviewing a child without the written consent of the parent, guardian or custodian, unless the child initiates the contact with the investigator or the child is the subject of, the sibling of, or living with a child who is subject of abuse or abandonment. Asserts that, unless a dependency petition is filed, a child must not remain in temporary custody for more than 72 hours and requires the investigator to file a report of the removal within 72 hours. Specifies that during an investigation, if the investigator is made aware of another allegation of abuse or neglect that has been made in another state, the investigator must contact the appropriate agency to determine the outcome of that allegation. Requires an annual report on joint investigations and contains a delayed effective date of December 31, 2012.

HB 2722 – Chapter 275 – elections; polling places; electioneering

Permits electioneering materials to be displayed within the 75-foot limit. Prohibits an election official, a representative of a political party, or a challenger from electioneering and wearing, carrying, or displaying materials that identify or express support for or opposition to a candidate, a political party or organization, a ballot question, or any other political issue within the 75-foot limit.

HB 2753 – Chapter 215 – notice; claim; public entity; employee

Requires that genuine issues of material fact as to whether someone complied with the pre-suit requirements for claims against public agencies must be resolved before a trial on the merits.

HB 2779 – Chapter 257 [P 105] – clean elections; trigger reports; repeal.

Eliminates the requirement for nonparticipating candidates to file financial reports whenever their spending or contribution amounts are triggered by specified dollar amounts. Modifies the timeframe in which a preelection report must be filed and completed. Permits electronic signatures for \$5 qualifying contribution slips. Prohibits the Clean Elections Commission (Commission) from certifying a candidate as eligible for funding if the candidate has been removed from office by the Commission or is delinquent on a debt plan with the Commission unless the debt is paid in full or the candidate is current on a payment plan. Specifies that tax reductions and tax credits issued under law do not constitute costs under the Commission's costs caps. Permits, rather than requires, the Commission to spend up to 10% of the cost cap on public education and defines certain public education topics, with a certain exception. Prohibits the Commission from using monies to promote the benefits of the Act.

HB 2807 – Chapter 131 – redistricting commission; open meeting law

Expands the definition of *public body* as it relates to open meeting laws.

HB 2826 – Chapter 353 – consolidated election dates; political subdivisions

Establishes, beginning with elections held in 2014, that an election held for or on behalf of any political subdivision of this state, other than a special election to fill a vacancy or a recall election, may only be held on specified dates and only in even numbered years. Specifies that, beginning with elections held in 2014, non-candidate elections, elections held for or on behalf of

any political subdivision of this state, including a special election to fill a vacancy or a recall election, must be held on specified consolidated election dates. Defines *political subdivision* as any governmental entity operating under the authority of this state and governed by an elected body, but not a special tax district.

SB 1048 – Chapter 61 [E] – *elections; candidates

Requires the SOS to accept as a valid filing, the petition and paper of a person that designates a legislative or congressional district for candidacy 1) as used in the 2010 elections; 2) as adopted by the 2011 AIRC; or 3) as designated in a redistricting plan that is precleared for use by DOJ or that is ordered by a court of competent jurisdiction. Requires the SOS to accept as valid nominating petitions the signatures signed by registered voters who are residents of any or all of the aforementioned districts.

SB 1100 – Chapter 280 – adoption; visitation pending final decree

Provides prospective adoptive parents, during the probationary period or any extension, the right to refuse visitation between the child and a birth parent if that parent's rights have been terminated, pending appeal, unless the juvenile court orders visitation; the right, on request, to be notified of and to participate in all meetings in which the division is making decisions relating to the child in the prospective adoptive home; and the right, on request, to notification of an appeal of the termination of the birth parent's parental rights.

SB 1137 – Chapter 289 [E] – *candidate; eligibility; fines; penalties

Prohibits a filing officer, except in cases where the liability is being appealed, from accepting nomination papers from someone who is liable for an aggregation of \$1,000 or more in fines, penalties, late fees, or administrative or civil judgments arising from a violation of campaign finance laws.

SB 1138 – Chapter 290 [E/P 105] – clean elections; trigger reports; repeal

Eliminates the requirement that nonparticipating candidates report expenditures and contributions and file supplemental reports whenever their spending or contribution amounts are triggered by specified dollar amounts.

SB 1142 – Chapter 179 – jurors; Arizona lengthy trial fund

Modifies the days in which a juror who serves more than five days begins to be compensated from the Arizona Lengthy Trial Fund from the fourth to the first day.

SB 1146 – Chapter 189 – indecent exposure; classification

Classifies, as a Class 6 felony, indecent exposure violations by repeat offenders that have two or more prior convictions for indecent exposure or have one or more prior convictions for sexual assault. Adds a Class 3 felony, along with the term of imprisonment currently outlined in statute, for an indecent exposure violation where the person has two or more violations for indecent exposure or public sexual indecency involving a minor less than 15 years of age.

SB 1147 – Chapter 16 – sexually violent persons; definition

Expands the definition of *sexually violent offense* to include an attempt, solicitation, facilitation, or conspiracy to commit a sexually violent offense in another jurisdiction.

SB 1149 – Chapter 231 – trafficking; weapons or explosives; offense

Classifies trafficking weapons or explosives for financial gain in order to assist, promote, or further the interests of a criminal street gang, a criminal syndicate, or a racketeering enterprise as a Class 3 felony.

SB 1150 – Chapter 83 – *offense; theft by extortion

Adds the threat to cause death or serious physical injury to anyone to the theft by extortion statutory classification and designates it as a Class 2 felony.

SB 1151 – Chapter 190 – sentencing; out-of-state convictions

Expands the definition of *historical prior felony conviction* regarding out of state felony convictions to include: 1) any offense committed outside the jurisdiction of this state that was punishable as a felony in that jurisdiction and was committed within five years of the present offense and 2) any offense committed outside the jurisdiction of this state that was punishable as a felony in that jurisdiction that involved the use of a deadly weapon or dangerous instrument, or resulted in death or serious bodily injury, related to felony weapons possession outside the jurisdiction of this state. Excludes any time spent on absconder status while on probation, on escape status, or incarcerated from calculating the look back time frame. Exempts a person who was convicted of a felony weapons possession violation in another jurisdiction outside of this state that would not be punishable as a felony under the laws of this state.

SB 1152 – Chapter 180 – homeless court; establishment; jurisdiction.

Permits the presiding judge of the superior court in each county to establish a homeless court to adjudicate cases filed in a justice of the peace court or a municipal court in the county as well as the eligibility criteria for a referral.

SB 1193 – Chapter 322 – proposed rules; acceptable data

Requires that in order to commence a review of a final administrative decision, a party must file a notice of appeal rather than a complaint, and requires that it identify the final administrative decision sought to be reviewed and include a statement of issues presented for review. Modifies the court fee schedule to reflect the new filing requirements. Expands the regulatory bill of rights to include specified rights. Allows a person, before submitting an application for a license, to request from the issuing agency a clarification of a statute, rule, delegation agreement, or substantive policy statement affecting the person's preparation of the license application, and, with the exception of AZPOST, delineates what the agency must do upon receipt of a request for clarification. Defines *acceptable data* and provides a delayed effective date of June 30, 2013 for specified sections of the bill.

SB 1198 – Chapter 145 – town elections; signature requirements

Modifies the number of signatures required on a nomination petition for an office of representative in Congress, except for a candidate for a special election to fill a vacancy, to at least 1% of the total voter registration of the party designated in the district. Permits a town that chooses to hold nonpartisan elections to require that the minimum number of signatures be 1,000 or 5% of the vote in the town, whichever is less, but not more than 10% of the vote in the town. Allows a city that holds nonpartisan elections to require 250 signatures, or 5% of the vote, for candidate nomination petition.

SB 1210 – Chapter 84 – right of intervention; initiative; referendum

Confers specified individuals an unconditional right to intervene in any proceeding in which the constitutionality, legality, or application of a law which was enacted is at issue. Asserts that the only objection that may be raised to a motion to intervene as of right is that the proposed intervenor does not have a good faith intention to defend to the law. A party who intervenes to defend a law is not liable for attorney fees or costs.

SB 1225 – Chapter 44 – superior court clerk; arbitration; records

Modifies the manner in which an appellant's deposit for appeal is disposed of or refunded. Prohibits law enforcement agencies and courts from providing access to specific records relating to the arrest or indictment of a person who has been cleared, except on court order.

SB 1230 – Chapter 148 – ballot appearance; general election; write-ins

Requires a candidate who appeared on the primary election ballot as a write-in candidate to comply with the provisions contained in the section of law governing the filing of nomination papers for write-in candidates.

SB 1246 – Chapter 193 – *child support; factors; supreme court

Modifies the standard of living factor to require the Supreme Court to consider the standard of living the child would have enjoyed if the child lived in an intact home with both parents to the extent it is economically feasible considering the resources of each parent and each parent's need to maintain a home and to provide support for the child when the child is with them.

SB 1359 – Chapter 284 – civil liability; wrongful life; birth

Establishes that, except for an intentional or grossly negligent act or omission, a person is not liable for damages in any civil action on a claim that, but for an act or omission of the defendant, a child or claimant would not or should not have been born.

SB 1410 – Chapter 154 – limited liability; trespassers

Codifies the common law with respect to a landowner's duty of care to trespassers by abolishing a landowner's duty of care to trespassers except in cases of intentional, willful, or wanton injury, with specified exceptions.

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

Representative David Gowan, Chairman
Representative Terri Proud, Vice-Chairman
Elizabeth Dunfee, Legislative Research Analyst
Paul Benny, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
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HB 2020 – Chapter 111 – honor and remember flag; half-staff

Requires the Honor and Remember flag to be displayed below the POW/MIA flag at the state capitol, the county superior court, and a city or town hall on days when the US flag is flown at half-staff due to the death of a member of the armed forces.

HB 2071 – Chapter 265 – *resisting arrest; classification

Establishes engaging in passive resistance to prevent an arrest as a Class 1 misdemeanor. *Passive resistance* is a nonviolent physical act or failure to act that is intended to impede, hinder, or delay the effecting of an arrest.

HB 2130 – Chapter 25 – disease testing; public safety employees

Authorizes a public safety employee, volunteer, or an employing agency to petition the court to have a person tested for specified diseases if there is probable cause to believe that the person bit, scratched, spat, or transferred blood or other bodily fluid to the employee or volunteer performing an official duty.

HB 2165 – Chapter 157 – *veterans; employment preference

States that a veteran who qualifies, or would qualify but for age, for federal retirement pay for non-regular military service is eligible to apply for and receive employment regardless of age under a state or political subdivision merit based employment system. Such a veteran who takes an exam for employment by a political subdivision of Arizona under a merit based employment system, and who earns a passing grade, must be given five points of preference over persons who are not veterans.

HB 2184 – Chapter 158 – *fire district; alternative tax rate

Allows a fire district to adopt a budget and the county BOS to levy a tax not to exceed \$3.75 per \$100 of assessed valuation in specific circumstances through December 31, 2014. Provides formulas for calculating the amount of the tax levy raised and the maximum tax rate. Requires the fire district to certify certain employee salary and expenditure information to the county BOS and the Property Tax Oversight Commission. Prohibits a fire district that utilizes the alternative tax rate from calling for an override election.

HB 2215 – Chapter 201 – probation officers; witness; representation

Provides witness probation officers with the right to representation during an investigative interview that could lead to the disciplinary action of another probation officer and subjects the probation officer and the representative to specific requirements.

HB 2428 – Chapter 241 – veteran benefits; reservists

- Requires ADOT to issue non-operating identification cards and driver licenses with a veteran designation upon the request of an applicant who submits proof of veteran status.
- Excludes government employees serving in the auxiliary forces of the US Military from receiving a leave of absence without loss of time or pay for certain federal training.
- Modifies the eligibility criteria for the Military Family Relief Fund.

HB 2429 – Chapter 315 – department of public safety; continuation

Continues DPS for 10 years until July 1, 2022.

HB 2430 – Chapter 267 – private investigators; security guards; licensing

Prohibits registered sex offenders from qualifying for a private investigator or security guard agency license or registration certificate. Persons who have completed the terms of their sentence for a misdemeanor offense may be granted a good cause exception by the Private Investigator and Security Guard Hearing Board.

HB 2442 – Chapter 208 – prisoners; payment for drug testing

Authorizes the supervising agency to order persons on parole, community supervision, or home arrest to pay for the reasonable costs associated with participation in a drug testing program. Drug testing fees must be used to offset the drug testing program costs and must not exceed the costs of the drug testing program.

HB 2462 – Chapter 73 – animals; seizure; hearing; forfeiture

Establishes procedures relating to the seizure of animals that are cruelly mistreated or cruelly neglected. A peace officer, county enforcement agent, or animal control officer who lawfully seizes an animal for animal cruelty must follow specific notification requirements. A hearing process is provided for owners who submit a declaration of ownership and request a post seizure hearing. Provides exemptions for agricultural activities, equine seizures, and cities, towns, or counties with equal or more stringent requirements. An animal determined not to be vicious may be returned to the owner, or if forfeited by the owner, transferred to a county animal shelter or approved rescue agency.

HB 2476 – Chapter 54 – fire, building; life safety; continuation

Continues DFBLS for two years until July 1, 2014.

HB 2498 – Chapter 6 [E] – girl scouts; state holiday

Designates March 12 of every year as Girl Scouts of the United States of America Day.

HB 2605 – Chapter 74 – law enforcement dogs; biting

Exempts law enforcement dogs from statutory protocols regarding dog bites as long as the bite occurred while the dog was under proper law enforcement supervision and the care of a licensed veterinarian. A law enforcement agency must notify a county enforcement agent after a bite if the dog behaves abnormally and make the dog available for examination.

HB 2639 – Chapter 272 – game and fish omnibus act.

- Allows the G&F Commission to sell certain goods and services to the public. Monies from the sale of goods and services at G&F Commission owned shooting ranges go into the Firearms Safety and Ranges Fund (Fund); the purposes for which monies in this Fund may be used are also expanded. Monies from the sale of goods and services at other G&F Commission owned locations go into the G&F Fund.
- The G&F Commission may solicit and accept grants, gifts, or donations for any game and fish purpose.
- Exempts certain G&F Department geospatial data and wildlife species location information from state disclosure and inspection requirements.
- Classifies the actions of purchasing, accepting, or using a license, permit, tag, or stamp by fraud or misrepresentation as a Class 2 misdemeanor.
- Permits the sale of heads, horns, hides, feet, or skin of lawfully taken bighorn sheep.
- Authorizes vehicles driven by G&F Department enforcement officers to operate without light equipment if conducting a night poaching investigation.

HB 2674 – Chapter 338 – central state repository; nonprofit organizations

Allows the director of DPS to exchange information from the central state repository or the Arizona criminal justice information system with nonprofit organizations that interact with children or vulnerable adults to evaluate employees, contractors, and volunteers. Requires the nonprofit organization to provide a fingerprint card and pay a fee.

HB 2723 – Chapter 276 – law enforcement officer; discipline; information

Modifies disclosure requirements for law enforcement officer disciplinary action appeal hearings by requiring all parties to provide certain information no later than 10 business days before the hearing. States that failure to comply with the specified requirements will result in the exclusion of the witness, evidence, or testimony, unless it is a result of excusable neglect.

HB 2728 – Chapter 128 – firearms; sound suppressors; hunting

Allows a person to lawfully possess any firearm silencing, muffling, or minimizing device while hunting. The G&F Commission is prohibited from adopting or enforcing any rule that prevents the lawful possession or use of a firearm silencer or muffler, including for the taking or hunting of wildlife. A *firearm silencer* or *muffler* means any device that is designed, made, or adapted to muffle the report of a firearm.

SB 1037 – Chapter 354 – juvenile corrections; education

Requires ADJC to assign each committed youth to an appropriate educational program in a secure care facility or other placement based on their individual treatment plan. The director of ADJC must designate and assign each youth on conditional liberty to an educational program; the assignment may be to a specific public or private educational program if it is in the best interests of the youth and the community.

SB 1038 – Chapter 81 – juvenile corrections department; fingerprinting exception

Authorizes the director of ADJC to allow paid or unpaid employees of a licensee or contract provider to have direct contact with committed youth upon a determination that the person has been successfully rehabilitated after a conviction of certain drug or DUI offenses. Allows the director of ADJC to consider listed factors and require disclosure of certain evidence when making the determination.

SB 1039 – Chapter 134 – department of corrections; continuation

Continues ADC for 10 years until July 1, 2022.

SB 1058 – Chapter 13 – department of veterans' services; continuation

Continues DVS for 10 years until July 1, 2022. The COR must hold a public hearing on or before December 31, 2013 to review DVS's implementation of the sunset review recommendations.

SB 1104 – Chapter 247 – appropriation; border security advisory committee

Appropriates monies from the Border Security Trust Fund to the Joint Border Security Advisory Committee (JBSAC) in FYs 2011-12 and 2012-13 for administering and managing the construction and maintenance of the border fence. Clarifies that Arizona may develop its own funding mechanism and use correctional inmates as well as private contractors to construct and maintain the border fence without entering into a compact with other states. JBSAC members are also prohibited from receiving reimbursement of expenses for JBSAC activities.

SB 1126 – Chapter 5 [E] – World War II memorial.

Authorizes ADOA to provide for the placement of a memorial in Wesley Bolin Plaza that is dedicated to the memory of the commencement of WWII at Pearl Harbor on December 7, 1941 and the signing of the surrender by Japan on September 2, 1945. The SOS is allowed to solicit and accept contributions to pay for the memorial and is required to enter into an interagency service agreement with ADOA for the maintenance, repair, recondition, or relocation of the memorial instead of depositing monies into the State Monument and Memorial Repair Fund.

SB 1186 – Chapter 355 – law enforcement officers; omnibus

- Allows an employer to order a law enforcement officer to submit to a physical fitness for duty examination under certain circumstances. Provides requirements for the order and for the final report of the examination. Preexamination materials are not prohibited from being used in disciplinary action proceedings.
- Authorizes a public safety employee, volunteer, or employing agency to petition the court to have a person tested for specified diseases if the person is arrested, charged, or in custody and the employee or volunteer provides an affidavit that the person interfered with their official duties by biting, scratching, spitting, or transferring blood or other bodily fluids on or through their skin or membranes.
- Allows reserve peace officers who are accident deconstructionists or fire origin and cause investigators to be licensed as private investigators.
- Specifies when certain cities, towns, and counties must enter into interagency agreements to provide an alternate hearing officer for disciplinary action appeals.
- Allows an officer to bring action in superior court for a hearing *de novo* regarding their termination if the civil service board or merit commission finding states there was no just cause for the termination.
- Defines *independent medical examination*, *law enforcement officer*, and *preexamination materials* and modifies the definition of *peace officers* to include AZPOST certified special agents from the AG's office or a county attorney's office.

SB 1197 – Chapter 144 – law enforcement; overtime compensation

Authorizes a person engaged in law enforcement activities to work more than 40 hours per work week without overtime compensation if in agreement with the employer. If a person with an alternate work period agreement takes a new position with the employer, the person may terminate the existing agreement.

SB 1212 – Chapter 356 – law enforcement officers; just cause

Applies the just cause appeals process for law enforcement officer terminations to demotions. Procedures allowing an officer to bring certain actions in superior court are provided for officers demoted due to the employer reversing a decision stating there was not just cause for the demotion or who are demoted without any review. Remedies are provided if the court finds that just cause did not exist for the demotion.

SB 1213 – Chapter 65 [E] – transition program; qualifications

Excludes an inmate convicted of a domestic violence offense from participating in the ADC transition program.

SB 1241 – Chapter 173 – forfeiture of weapons and explosives

Requires the court to order the sale of a firearm to a business authorized to receive and dispose of firearms under federal and state law for public resale. Law enforcement agencies may trade a retained firearm to a federal firearms licensed business for certain materials to be used for law enforcement purposes. The court must order the sale to an authorized business within one year after forfeiture. Local jurisdictions are prohibited from establishing laws pertaining to the sale of forfeited deadly weapons, dangerous instruments, or explosives.

SB 1291 – Chapter 151 – veterans' donations fund; grants

Removes the ability for the director of DVS to use discretion in determining how Veterans' Donations Fund monies are used. Donations may be used as grants to benefit Arizona veterans subject to statutory grant solicitation and award requirements or, for grants less than \$5,000, rules or policies adopted by DVS that encourage competition.

SB 1293 – Chapter 22 – veterans' organizations; solicitations

Removes DVS's approval authority of veterans' organizations that solicit money or other support in Arizona in the name of American veterans; such organizations must register with the SOS.

SB 1296 – Chapter 194 – emergency management; relief; rules exemption

Exempts the administration of Public Assistance Program monies authorized for liabilities incurred from declared disasters from the APA.

SB 1369 – Chapter 153 – crime victim advocates; privileged communications

Prohibits a crime victim advocate from disclosing any communication or documentation made by or with the victim, including when others are present, unless the victim provides written consent. A victim may provide written or verbal consent to allow disclosure of any communication to a prosecutor or law enforcement agency. If the communication contains exculpatory information, the prosecutor or law enforcement agent must disclose it to the accused's attorney.

SB 1405 – Chapter 293 – students; residency; military service

Clarifies that honorably discharged veterans of the US Armed Forces who served on or retired from active duty or reserve or National Guard status are immediately classified as in-state students for tuition purposes, if other requirements are met.

SB 1438 – Chapter 327 – drug lab remediation; investigators

Establishes notification guidelines relating to the remediation of property used for clandestine drug laboratories. Certain felony classifications are provided for violating notification guidelines as well as improperly occupying or entering contaminated property. Guidelines are also provided for BTR relating to the remediation of contaminated property and a \$15 assessment is added to drug offenses for deposit into the Technical Registration Fund for use by BTR for investigation and enforcement action expenses or by a county, city, or town for remediation purposes.

COMMITTEE ON TECHNOLOGY AND INFRASTRUCTURE

Representative David Stevens, Chairman
Representative Carl Seel, Vice-Chairman
Michelle Hindman, Legislative Research Analyst
Stephanie Johnson, Assistant Research Analyst



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

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HB 2094 – Chapter 198 – prepaid wireless E911 excise tax

Establishes a prepaid wireless telecommunications E911 excise tax in an amount of eight tenths of 1% of the gross proceeds of sales or gross income derived from the retail sale of prepaid wireless telecommunications services. Prescribes instances of retail sales of prepaid wireless telecommunications service and requires DOR to separately account for the E911 monies collected. Provides multiple definitions and establishes an effective date of from and after December 31, 2013.

HB 2412 – Chapter 161 – large-scale computing systems

Requires ADOA to perform a study of large-scale computing systems and the number of public documents available on the Internet. States that ADOA must report its findings, recommendations, and priorities to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate and the House of Representatives Appropriations Committees, and the SOS on or before October 1, 2014. Allows ADOA to withhold any confidential or otherwise sensitive information from public record and defines *large scale computing systems* and *overall value*. Contains a repeal date of from and after December 31, 2014.

HB 2417 – Chapter 224 – *written communication; electronic delivery; definition

Allows the use of a secure electronic delivery service to satisfy laws requiring government communication in writing or by mail and defines *secure electronic delivery service*.

HB 2592 – Chapter 307 [E] – state emergency council; report; posting

Requires DEMA to post the annual report of the State Emergency Council on its official website. Directs DEMA to post the amount of monies awarded by the Governor for certain emergencies, who received the monies, and how the monies were spent in a prominent location on its official website. States that monies that were previously obligated but not used for a declared emergency or disaster may be reallocated to an outstanding obligation for another declared emergency or disaster but does not apply toward the \$4 million liability limit of the FY to which the monies were reallocated or in which the monies are spent.

HB 2712 – Chapter 166 – computer access by minors

Modifies the definitions and rules governing the access of minors to harmful material on public access computers by requiring these computers (in school districts and public libraries) to deploy a technology protection measure preventing minors from gaining access to visual depictions that are child pornography, harmful to minors, or obscene. Requires school districts and public libraries to make their policies, standards, and rules available to the public and allows public library representatives to disable the technology protection measure under certain circumstances.

SB 1062 – Chapter 82 – landlord tenant handbook; housing department

Directs the Arizona Residential Landlord and Tenant Act and the Arizona Mobile Home Parks Residential Landlord and Tenant Act to be available on the Department of Housing's website, rather than the SOS's website. Contains an effective date of from and after December 31, 2012.

COMMITTEE ON TRANSPORTATION

Representative Vic Williams, Chairman
 Representative Karen Fann, Vice-Chairman
 Justin Riches, Legislative Research Analyst



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

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SB 1402	195	broadband conduit installation; right-of-way; ADOT	94

HB 2061 – Chapter 113 – HELP advisory committee; repeal

Repeals the Highway Expansion and Extension Program Advisory Committee.

HB 2154 – Chapter 314 – child restraint systems

Requires the operator of a motor vehicle to require each passenger who is at least five years of age but less than eight years of age and who is not more than four feet nine inches tall to be restrained in a child restraint system. A law enforcement officer who stops a vehicle in apparent violation of this section determines from the driver the age and height of the child in the vehicle and is required to assess whether the child in the vehicle should be in a child restraint system.

HB 2286 – Chapter 252 – driver license violations; suspensions

Allows a court to dismiss a charge of driving with a suspended license if the suspension is a result of a failure to pay a civil traffic violation and the person's privilege to drive has been reinstated. Prohibits a peace officer from removing and immobilizing or impounding a vehicle for a suspended driver license if the person has a valid Arizona driver license or permit.

HB 2398 – Chapter 255 – *transportation omnibus

Allows a motorcycle dealer to sue a manufacturer for civil damages when the dealer suffers monetary loss or other harm as a result of an unlawful act by a manufacturer or distributor, removes language in the gas tax collection statutes in order to clarify that suppliers are still responsible for the collection of gas taxes in this state, and modifies the definition of *sales finance company* to include a person in the business of creating or holding retail installment contracts that exceed a total aggregate outstanding indebtedness of \$50,000 from \$25,000 in the Motor Vehicle Time Sales Disclosure Act.

HB 2477 – Chapter 100 – *farm implements; vehicle equipment; inspections

Makes clarifying changes to statute concerning vehicle equipment requirements and vehicle inspection as they pertain to farm and animal husbandry implements.

HB 2491 – Chapter 210 – *module mover vehicles

Allows ADOT to establish regulations for toll collection and enforcement under the authority of ADOT as Public Private Partnerships and extends the time of year that qualified module mover vehicles are allowed to operate on roads.

HB 2543 – Chapter 316 [E] – *state highway; signage; nonprofit museum

Allows the director of ADOT to establish temporary criteria for making state highway signs for nonprofit museums and permits electronic billboards to be displayed along an interstate under certain conditions. Establishes an authorized area for electronic advertising and requires ADOT to post a map of this area online. Prohibits the conversion of outdoor advertising to electronic advertising outside the boundaries of the authorized area and prohibits a city, town, or county from enacting an ordinance that is less restrictive than the provisions of this Act.

HB 2673 – Chapter 164 – *overdimensional loads

Makes various changes to the statutes governing overdimensional and overweight loads and escort vehicles. Allows operators of vehicles that are transporting houseboats and meet other specified criteria to operate under an envelope permit, rather than a single-trip overdimensional permit.

HB 2677 – Chapter 105 – vehicle insurance; proof shown electronically

Allows vehicle insurance and identification to be displayed on a wireless communication device as evidence of financial responsibility.

SB 1040 – Chapter 285 – *county highways; county engineer recommendations

Modifies the process for a county to establish, alter, or abandon a public road by allowing a county engineer to recommend changes with certain procedures.

SB 1042 – Chapter 34 – auto theft authority; continuation

Continues the Arizona Automobile Theft Authority for 10 years until July 1, 2022.

SB 1163 – Chapter 191 – *accidents; failure to stop; penalties

Modifies the requirements for the revocation of driver licenses, permits, and any nonresident operating privileges for accidents involving serious physical injury or death.

SB 1216 – Chapter 261 – emergency vehicle access plan; ADOT

Requires the director of ADOT to establish an Emergency Vehicle Access Plan with specific standards and specifications for the use of traffic control devices, work zone safety, and mobility highway work zones in this state.

SB 1232 – Chapter 192 – vehicle permit fees; excess weight

Modifies the distribution of special single trip excess weight permit fees for commercial vehicles traveling through an international port of entry.

SB 1281 – Chapter 18 – public roads; county maintenance

Allows a county BOS to spend public monies for maintenance of public roads and streets that were laid out, constructed, and opened before June 13, 1990.

SB 1402 – Chapter 195 – broadband conduit installation; right-of-way; ADOT

Allows the director of ADOT to install broadband conduit as part of a covered rural highway construction project if funding is received by ADOT to cover the cost with certain criteria.

COMMITTEE ON WAYS AND MEANS

Representative Jack Harper, Chairman
 Representative Ted Vogt, Vice-Chairman
 Daniel Gonzalez-Plumhoff, Legislative Research Analyst



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

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HB 2092 – Chapter 197 – property tax appeals; valuation; classification

Expands eligibility for utilizing Tax Court's simplified, small claims procedure, modifies the decision making authority granted to SBOE with regard to appeals of property valuation or classification, and allows new homeowners to judicially appeal the valuation of their property if the former owner did not receive final judgment or dismissal.

HB 2120 – Chapter 38 – internal revenue code conformity.

Updates the statutory definition of *internal revenue code* to conform to changes made at the federal level, including those adopted by the US Congress in the Trade Adjustment Assistance Extension Act of 2011.

HB 2123 – Chapter 114 [E] – transaction privilege tax reform committee

Establishes the TPT Reform Committee for the purpose of studying and proffering recommendations related to the collection of GF revenues, including individual and corporate income taxes and TPT.

HB 2178 – Chapter 200 – *property taxes; refund; forgiveness

Session law measure that directs the county treasurer to refund taxes paid, and forgive any property taxes and accrued penalties due from TYs 1987 through 2009, for landowners whose property was the subject of a federal lawsuit brought by the US for the benefit of the Fort Mohave Indian Tribe.

HB 2212 – Chapter 71 – tax exempt organizations; returns; exception

Increases the threshold at which tax exempt organizations are required to file a state income tax return, from \$25,000 in gross income to \$50,000 in gross receipts, in alignment with IRS prescribed guidelines.

HB 2358 – Chapter 206 – *theme park districts

Removes the *vehicle support facilities* component from Theme Park and Vehicle Support Facility Districts, expands the allowable locations for theme park sites, and allows for their segregation for financing purposes and revenue bond issuance.

- Lowers the private financial contribution threshold to 20% of the principal amount of the bond issue, and allows the district to issue taxable bonds and sell federally issued New Markets Tax Credits in exchange for private investment.

HB 2460 – Chapter 226 – special taxing districts; boundaries

Allows Maricopa County based non-contiguous parcels of land located in an unincorporated area or county island within a half-mile of an adjacent fire or sanitary district to be amended into those districts, through August 1, 2014.

HB 2466 – Chapter 332 – *payments; local sales tax

Creates an ADOA procured and privately maintained online portal through which taxpayers residing in non-program cities may elect to pay their municipal TPT and affiliated use taxes.

HB 2478 – Chapter 349 – *property tax; facilities

Limits the application of the Class 9 property tax assessment to improvements and property used either exclusively for athletic, recreational, entertainment, artistic, and cultural facilities or primarily for convention activities.

HB 2486 – Chapter 350 – homeowners’ rebate affidavit

Modifies the definition of Class 3 property and the criteria for distinguishing primary, secondary, and rental property, eliminates the current statutory affidavit requirement related to additional state aid, referred to as the Homeowners’ Rebate program, and halves the corresponding civil penalty assessed against an owner whose property is reclassified from Class 3 to Class 4.

HB 2608 – Chapter 124 – assessed valuations; audit

Allows DOR to audit the valuation of locally assessed new construction, and bases the determination of local primary and secondary property tax rates on the county assessed, February 10 valuations.

HB 2627 – Chapter 271 – tax credit; charitable organizations

Removes the requirement that organizations declare whether they promote or provide referrals for abortions from the DOR certification criteria required to receive tax deductible contributions.

HB 2651 – Chapter 104 – road enhancement improvement districts

Allows for the conversion of a county improvement district to a road enhancement improvement district and allows the county BOS to grant governing authority of the converted district to an elected board.

HB 2702 – Chapter 274 [E] – sanitary districts; projects; revenues

Eliminates the requirement that a sanitary district receive voter approval in order to enter into and perform financial assistance loan repayment agreements with WIFA for the purchase or improvement of wastewater treatment systems, and prescribes the purposes for which a district may obligate wastewater treatment facility revenues.

HB 2727 – Chapter 77 – public school tax refund checkoff

Allows taxpayers to elect to contribute any amount of their individual income tax refund to the Assistance for Education Fund.

HB 2760 – Chapter 129 – publicity pamphlets; bond elections

Requires school districts and political subdivisions to, respectively, declare or set a deadline for submitting arguments related to bond propositions, and that DOR provide the current secondary assessed valuation, rather than an estimate of it, to the school district governing board and county school superintendent for determining the appropriate tax rate.

HB 2801 – Chapter 130 – property tax bills; payment; interest

Prohibits interest from being collected on property taxes paid in full by December 31, regardless of whether the statutory timeframe for doing so has elapsed.

HB 2803 – Chapter 216 – personal property tax appeal deadline

Provides a 10 day extension to the timeframe in which property owners may administratively appeal their personal property valuation or classification to the county assessor, from 20 to 30 days after the delivery of the notice of valuation.

SB 1045 – Chapter 3 – tax correction act; 2012

Corrects errors, obsolete language, and blending problems within A.R.S. that govern state tax laws.

SB 1046 – Chapter 2 – corporate tax allocation; sales factor

Allows multi-state service providers to elect to treat sales as in-state, based on a combination of income-producing activity sales and market sales, with the allowance for market sales to comprise 100% of in-state sales from TY 2017 forward.

SB 1047 – Chapter 4 – *school tuition organizations; credits; administration

Establishes an additional, and equivalent, individual income tax credit for contributions to an STO that exceed the amount for which the existing individual STO tax credit can be claimed, beginning in TY 2012. Expands eligibility for corporate donations for low-income and displaced students or students with disabilities scholarships, and makes administrative and qualifying changes to the individual and corporate STO income tax credit programs.

SB 1121 – Chapter 178 – tax subtraction; charitable crop contributions

Broadens eligibility criteria for the charitable crop donation income tax subtraction allowance and increases the cap on the subtraction amount to the greater of either the wholesale market price or the most recent sales price of the contributed crop.

SB 1122 – Chapter 35 [P 105] – tax refund checkoff boxes

Removes the requirement that DOR provide space on the first page of the Arizona individual income tax return form for taxpayers to voluntarily elect to donate amounts of their income tax refunds to various funds or political parties.

SB 1131 – Chapter 41 – transportation project advancement notes

Allows counties, municipalities, and regional public transportation authorities to accelerate transportation projects by advancing monies to ADOT, regional planning agencies, metropolitan planning organizations or councils of government, and designated grant recipients, and authorizes political subdivisions to pledge excise tax revenues for the repayment of principal, premium, and interest.

SB 1190 – Chapter 281 – tax credit; military family relief

Extends the expiration of the individual income tax credit for donations made to the Military Family Relief Fund through December 31, 2018.

SB 1195 – Chapter 142 – *exemption; motor vehicle dealer licensing

Removes the requirement that qualifying tax exempt organizations exist for a minimum of five years in order to sell a donated used motor vehicle and that the vehicles be sold by consignment.

SB 1214 – Chapter 323 – use tax declaration; repeal

Retroactively eliminates the individual use tax declaration requirement from the Arizona individual income tax return.

SB 1229 – Chapter 232 – tax exemption; residential solar electricity

Provides TPT and use tax exemptions related to the transfer of solar photovoltaic electricity to an electric utility distribution system.

- Excludes the transfer of solar photovoltaic electricity to an electric utility distribution system from the definition of *business*, as it relates to TPT and use taxes.
- Deducts the portion of gross proceeds of sales or gross income attributable to the transfer of solar photovoltaic electricity to an electric utility distribution system from the tax base of the utilities classification (TPT).

- Excludes sales or transfers of *renewable energy credits* from the retail and utilities classification (TPT).
- Exempts the sale or transfer of *renewable energy credits* from use tax.

SB 1279 – Chapter 324 – personal property tax; computer software

Requires that personal and general purpose computers, to include any corresponding operating system software, used in a trade or business be valued as personal property and prohibits the personal property valuation of all non-operating system software.

SB 1407 – Chapter 347 – *fire districts; boundaries

Makes procedural changes related to the creation or adjustment of fire, sanitary, or community park maintenance district boundaries, allows non-contiguous parcels of land located in an unincorporated area or county island within a half-mile of an adjacent fire or sanitary district to be amended into those districts and expands the ability to form a non-contiguous county island fire district to all Arizona counties.

SB 1416 – Chapter 182 – property tax; agriculture classification; affidavit

Reduces the qualifying timeframe in which land must be in active agricultural production to receive the Class 2 property tax assessment, and requires that an affidavit of agricultural use be filed to satisfy classification criteria related to the reasonable expectation of operating profit.

VETOED BILLS



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

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HB 2062 – VETOED – *DUI; incarceration; assessment

Allowed a city or town council to impose an assessment on a DUI offender, not to exceed \$300, if the person was convicted in municipal court and the court did not order the person to reimburse the political subdivision for incarceration costs.

HB 2088 – VETOED – ASRS; amendments

Made numerous changes to the ASRS statutes relating to administration, member distributions, health benefits, investments, receivables, and service purchase. Granted the director of ASRS the authority to administer oaths or affirmations, issue subpoenas, and bring legal actions for the collection of monies due to ASRS. Stated that a member must be an active employee or disabled at the time of the absence for a leave of absence purchase. Repealed existing investment statutes and replaced them with a single statute, enhancing ASRS's authority to manage investment activities and staff. Capped disability earnings at 100% of the member's pre-disability salary. Appropriated \$47,000 from the ASRS administration account to ASRS.

HB 2362 – VETOED – state parks revenue fund

Established the State Parks Revenue Fund consisting of retail sales, appropriations, gifts, donations, user fees, concession fees, and other revenue generating activities.

HB 2433 – VETOED – bail bond agent lists; solicitation

Permitted a bail bond agent to employ, pending a decision by the director of DOI, a person whose felony conviction had been set aside or whose civil rights had been restored for a conviction of theft or of any crime involving carrying or possessing a deadly weapon or dangerous instrument. Required the court to relieve a surety from liability on an appearance bond if certain requirements were met, and allowed the court to order the forfeiture of up to 10% of the appearance bond.

HB 2434 – VETOED – *notification; federal law enforcement officers

Required federal law enforcement officers to notify the county sheriff before taking any official law enforcement action, unless notification would impede the officer's duties.

HB 2469 – VETOED – revenue allocation districts

Authorized the creation of new special taxing districts that would have financed economic development related projects through incremental increases of real and personal property taxes and TPT revenues over fixed base amounts.

HB 2495 – VETOED – counties; purchases; local dealers

Allowed the county purchasing agent, where the estimated purchase cost was in excess of \$50,000, to award a contract to a local dealer in preference to any competing bidder who was not a local dealer if the bid of the competing bidder, quality and suitability considered, was less than 5% lower, subject to the county BOS's approval.

HB 2513 – VETOED – condominiums; planned communities; rental properties

Allowed a condominium owner or community member to use their unit or property as a rental property, unless prohibited in the HOA community declaration. Prescribed what must be included in the documentation given to an HOA and provided various restrictions on fees assessed.

HB 2557 – VETOED – *intersection; definition

Modified the definition of *intersection* when at a location controlled by a traffic control signal.

HB 2626 – VETOED – empowerment scholarship accounts; expansion

Expanded eligibility for the Arizona Empowerment Scholarship Accounts program, increased the types of expenses that account monies may be expended on, and broadened the definition of *qualified student*.

HB 2647 – VETOED – county stadium districts; Rio Nuevo

Provided a municipal prime contracting TPT exemption allowance for certain construction projects within multipurpose facilities districts and expanded the types of projects for which district TPT revenues could be used.

HB 2696 – VETOED – vulnerable adults; financial exploitation

Specified that a vulnerable adult is not exploited if the person's assets are transferred for the primary purpose of obtaining or maintaining eligibility for benefits under AHCCCS, Supplemental Security Income, Medicaid, Medicare, or Veterans' Administration Programs.

HB 2729 – VETOED – state regulation of firearms

Permitted a state agency or political subdivision to enact ordinances or rules that limited or prohibited the possession of firearms on public property if it was a secured facility, signs were posted, and gun lockers were available. The penalty for violating such an ordinance or rule was a Class 1 misdemeanor. Exempted emergency medical care technicians and multipurpose facilities under certain circumstances.

Allowed a person to file suit if any ordinance or rule was enacted or enforced in violation of the statute, awarded prevailing parties attorney fees and costs, and required entities that knowingly violated the statute to pay a civil penalty. The state, a state agency, or a political subdivision of the state may have been reimbursed for public monies spent to defend a person found to have violated the statute.

Defined *controlled access*, *governmental purpose*, *multipurpose facility*, *public property*, and *secured facility* and modified the definition of *political subdivision*.

HB 2757 – VETOED – billboards; changing message; authorization

Permitted billboards that are capable of changing messages mechanically or electronically to be displayed along an interstate. Prohibited billboards with changing messages from containing any form of animation and clarified that billboards with an electronic message must have a transition time of no more than two seconds. Stated that the Act would not prevent a city or county from enforcing or enacting an ordinance regulating billboards, including the lighting of billboards.

HB 2764 – VETOED – homeowners' associations; registry; nonprofit corporation

Established an HOA registry and required an HOA, beginning January 1, 2014, to register through the SOS. Directed the SOS to solicit proposals from nonprofit corporations to provide the registry service under the authority of their office. Stated that the initial registry contract would be for a term of three years with an option for renewal and required the SOS to provide space for the registry on their website.

HJR 2001 – VETOED – international forces; American soil; opposition

Affirmed Arizona's opposition to international forces in the US seeking to enforce unratified United Nations treaties and authorized resistance against any international force that infringed on the US Constitution.

SB 1066 – VETOED – schools; governor’s community service citation

Established a community service commendation from the Governor awarded to high school students who performed 200 hours of community service.

SB 1176 – VETOED – parenting time; court-ordered supervisors

Required persons who supervise parenting time for compensation to have a valid FPCC. Specified that school personnel were not required to report a non-accidental physical injury to a minor that was caused by another minor if certain conditions are met.

SB 1182 – VETOED – *2012 NDAA act; governmental compliance

Cited as the *Liberty Preservation Act*, prohibited this state and any state agency from implementing sections 1021 and 1022 of the 2012 National Defense Authorization Act; any attempts by the federal government to implement these sections must have been reported to the Governor and the Legislature. Any public officer, employee, or agent of Arizona who enforced or attempted to enforce these sections would have been guilty of a Class 1 misdemeanor.

SB 1200 – VETOED – political signs; hazardous locations

Prohibited a city, town, or county from taking adverse action on a political sign on private property and required the public entity to notify a candidate or committee in writing and refer to the particular conditions of a specific sign and location if they determine a sign is hazardous. Allowed a candidate to attach a sign to a state highway or route right-of-way fence within a specified timeframe. Allowed an owner of a property to remove any political sign from a public right-of-way that is adjacent to their property.

SB 1256 – VETOED – *preschool programs; charter schools

Allowed charter schools to offer educational programs for preschool children with disabilities and applied the associated regulations currently applicable only to school districts to charter schools.

SB 1259 – VETOED – *digital learning; course choice

Established a process for students in grades 7 through 12 to enroll in online courses as part of their regular course load beginning July 1, 2013. Outlined the process and funding mechanisms.

SB 1275 – VETOED – state budget; appropriation limitation; hearing

Would have required JLBC to compute truth in spending estimates, allowed the Legislature to hold a joint public hearing if the proposed appropriations were to exceed the estimates, and outlined public notice requirements.

SB 1310 – VETOED – small claims division; jurisdiction; limits

Increased the jurisdictional limit for cases within the small claims division of the justice courts from \$2,500 to \$5,000.

SB 1323 – VETOED – *Arizona ranger vehicles; lights

Enabled a vehicle operated by an Arizona ranger for official purposes to be equipped with red and blue lights. The lights could flash, oscillate, rotate, and be visible to the rear of the vehicle if it was stationary and being used for official Arizona ranger purposes, traffic control, emergency operations, or by request of a police agency.

SB 1332 – VETOED – federal lands; conveyance and taxation

Demanded that the US extinguish title and transfer title of all public lands to the state on or before December 31, 2014. Defined, for the purposes of the section, national monuments, national forests, and wildlife refuges as *public lands*.

MEMORIALS AND RESOLUTIONS



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

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HCM 2004 – transportation funding; restore to states

Urges the US Congress to enact legislation that allows states to manage gas tax dollars without intervention from the federal government.

HCM 2006 – schools; traditional American holidays; recognition

States that traditional American holidays are an inherent part of the country's culture and are recognized by most families with children in public schools and encourages school districts and charter schools to recognize and celebrate traditional American holidays.

HCM 2007 – federal balanced budget amendment

Urges the US Congress to pass a constitutional amendment requiring a balanced budget.

HCR 2004 – state sovereignty

Asserts the rights of sovereignty over the land and resources of the state of Arizona by amending the Arizona Constitution to reflect such sentiments.

HCR 2007 – vulture mine day

Proclaims the first Saturday of each January as Vulture Mine Day.

HCR 2019 – supporting Taiwan's international participation

Expresses the Legislature's support of the participation of Taiwan in the international community, the World Health Organization, the International Civil Aviation Organization, and the United Nations Framework Convention on Climate Change.

HCR 2024 – unmanned aircraft systems

Calls upon Arizona to compete for testing sites of unmanned aircraft systems under the 2012 National Defense Authorization Act.

HCR 2034 – FEMA; flood map review

Requests the Federal Emergency Management Agency to review Arizona's flood plain maps and supports the determination of flood insurance premiums based on actuarial data from the state in which a person resides rather than on a national basis.

HCR 2041 – girl scouts; centennial

Congratulates Girl Scouts of the USA on its 100th anniversary.

HCR 2045 – Arizona school choice week

Proclaims the week of January 22, 2012 as School Choice Week in Arizona.

HCR 2046 – wear red day; Arizona

Proclaims February 3, 2012 to be National Wear Red Day in Arizona.

HCR 2056 – *permanent state land fund; distribution

States that, for FYs 2012-13 through 2020-21, the annual distribution from the State Land Trust Permanent Endowment Fund (Fund) is 2.5% of the average monthly market values of the Fund for the immediately preceding five calendar years.

HCR 2061 – F-35 training; Luke AFB; support

Expresses the Legislature's support of the F-35 training missions at Luke Air Force Base.

HCR 2062 – F-35 training; Arizona facilities

Expresses the Legislature's support of the F-35 training missions at Luke Air Force Base, the Marine Corps Air Station Yuma, and the Arizona Air National Guard's 162nd Fighter Wing.

HJR 2002 – *forbearance agreements; surplus water

Allows the director of DWR to enter into an agreement to forbear a portion of Arizona's entitlement to intentionally created surplus water in the Colorado River.

HM 2001 – future interstate; U.S. highway 93

Urges the Members of Congress from Arizona to propose the designation of US Highway 93 from just outside Phoenix, Arizona, to Las Vegas, Nevada, as a future Interstate System route and as part of the proposed Interstate 11.

HM 2002 – victims' rights; constitutional amendment

Urges the US Congress to pass House Joint Resolution 106 proposing an amendment to the US Constitution that provides rights, embodying specific principles, to crime victims and that such an amendment would grant standing to crime victims to assert all established rights.

HR 2001 – Bill Timmons; outstanding service

Extends congratulations to Bill Timmons and Hacienda HealthCare on achieving a remarkable record of service to the long-term care industry.

HR 2002 – Gustav Mohr Jr; military service

Honors Gustav Charles Mohr, Jr., a military veteran, for his outstanding service to the USA.

HR 2004 – resolution; George Rockwell.

Honors and congratulates George "Rocky" Rockwell for 50 years of service to education.

HR 2006 – F-35 fighter squadrons; Yuma

Supports the designation of Marine Corp Air Station Yuma as the primary site for basing and training the Marine Corps F-35 Joint Strike Fighter squadrons.

HR 2007 – death resolution; Justice Michael Ryan

Expresses the gratitude of the House of Representatives for Michael Ryan's service to the US and the State of Arizona, and their regret at his untimely passing.

HR 2008 – supporting Israel

Expresses the support of the Arizona House of Representatives for the Israeli government's call for peace and direct talks to lead to that peace and the support of Israel as a beacon of democracy, rejects any attempts to "delegitimize" the Nation of Israel, and proclaims that all countries should recognize Israel's right to exist and its right to defend itself and its people.

HR 2009 – honoring professional social workers

Recognizes the social work profession for more than a century of contributions to American society and honors the many dedicated men and women in this profession for their commitment to bettering the world around them.

HR 2011 – Chandler chamber of commerce; centennial

Extends special recognition to the Chandler Chamber of Commerce on the occasion of its centennial, April 27, 2012.

HR 2012 – City of Chandler; centennial

Honors the City of Chandler on its 100th Anniversary.

SCM 1001 – supporting SAFE plan

Urges the US Congress to adopt the measures and policies contained in the Save Arizona's Forest Environment Plan and to temporarily suspend National Environment Policy Act requirements for Arizona's forest lands that have suffered from, or are threatened by, catastrophic wildfires.

SCM 1003 – USFS; adequate funding

Urges the US Congress to adequately fund the US Forest Service and urges Congress to prohibit them from acquiring and managing additional lands until it demonstrates the ability to properly manage and protect forests.

SCM 1004 – recycling spent nuclear fuel; management

Urges the US Congress to allow access to funds from the Nuclear Waste Fund to be used for the establishment of a new management enterprise with responsibility for the management of spent nuclear fuel.

SCM 1005 – Rio Nuevo; multipurpose facilities district

Requests that the City of Tucson work with the Rio Nuevo governing board to reach an accord on the cash and property assets due to the district, and to effectuate actual development and progress while refraining from the use of negative rhetoric. Further requests that the AG and FBI continue their investigation and review of criminal and civil violations and that the district continue its pursuit to secure accurate accounting of the taxpayers' assets.

SCM 1007 – urging adoption; veterans remembered flag

Urges the US Congress to adopt the Veterans Remembered Flag.

SCM 1008 – military bases; exemption from ESA

Urges the US Congress to enact legislation exempting US military bases and training facilities from the regulations and restrictions of the Endangered Species Act.

SCR 1001 – military preservation; land exchanges

Proposes a constitutional amendment that would authorize the Legislature to enact a process to exchange trust land if the exchange is related to either protecting military installations or managing lands and prescribes the procedures for the exchange.

SCR 1010 – honoring Anthem veterans' memorial

Recognizes the Anthem Veterans' Memorial and proclaims legislative support.

SCR 1011 – *national defense authorization act

States that the members of the Arizona Legislature denounce Sections 1021 and 1022 of the 2012 National Defense Authorization Act because they are in violation of the limits of federal power in the US Constitution.

SCR 1012 – personal property tax exemption amount

Proposes a constitutional amendment to increase the full cash value amount of tax exempt business personal property acquired after TY 2012 to an amount equal to the earnings of 50 Arizona workers.

SCR 1014 – border security

Supports an increase of Border Patrol personnel in the Tucson sector along the US-Mexico border and an increase of Customs Field Office personnel at specified ports of entry in Arizona.

SCR 1025 – property tax assessed valuation; limitation

Proposes a constitutional amendment to limit the annual growth in the limited property value of locally assessed properties to the lesser of full cash value or an amount 5% greater than the property's prior year value, beginning in TY 2015.

SCR 1026 – Mountain View black officers club

Expresses the Legislature's joint support with Cochise County and the City of Sierra Vista of the efforts of the Southwest Association of Buffalo Soldiers to preserve the Mountain View Black Officers Club.

SCR 1027 – Earl Moser; death resolution

Expresses the Legislature's regret at the passing of Earl H. Moser.

SCR 1028 – skin cancer awareness month

Proclaims May 2012 to be Skin Cancer Awareness Month in Arizona.

SCR 1033 – United States Merchant Marine

Recognizes the US Merchant Marine and encourages Arizona's citizens to honor and observe National Maritime Day on May 22 of each year.

SCR 1044 – Red Rock Project; support

Shows support for the Red Rock Project near Picacho Peak.

SR 1001 – Alberta Tippeconnic; remembrance resolution

Expresses the Arizona Senate's regret at the passing of Alberta C. Tippeconnic.

SR 1003 – Hugh Holub; death resolution

Expresses the Arizona Senate's regret at the death of Hugh A. Holub.

SR 1005 – Michael Elm; death resolution

Expresses the Arizona Senate's regret at the passing of Army Specialist Michael Davis Elm.

SR 1006 – national day of the cowboy

Expresses the Arizona Senate's support for the designation of July 28, 2012 as the National Day of the Cowboy and encourages the people of Arizona to observe the day.

SR 1007 – F-35 fighter squadrons; Yuma.

Expresses the Arizona Senate's support for the designation of the Marine Corps Air Station Yuma as the primary site for basing and training Marine Corps F-35 Joint Strike Fighter squadrons.

SR 1008 – Brian Terry; death resolution

Expresses the Arizona Senate's regret at the death of Brian A. Terry.



SECTION III

SUMMARY OF LEGISLATION *Fourth Special Session*

Session Convened: November 1, 2011
Adjourned Sine Die: November 1, 2011

State of Arizona
Fiftieth Legislature
Fourth Special Session

SPECIAL SESSION



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

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HCM 2001 – independent redistricting commission; recommendations

Outlines several objections to various aspects of the AIRC's draft congressional and legislative maps as raised by the Arizona Joint Legislative Redistricting Committee, and relating to the following constitutional criteria:

- Compliance with the US Constitution and the Voting Rights Act
- Equal population
- Geographical compactness and contiguity
- Respect for communities of interest
- Use of visible geographic features, city, town, and county boundaries, and undivided census tracts
- Competitiveness
- Party registration and voter history
- Improper consideration of places of residence of incumbents and candidates

Recommends that the AIRC commence a new mapping process for the congressional and legislative districts in comport with the Arizona Constitution.



SECTION IV

ACRONYMS

INDEXES

ACRONYMS

	F			R
FDIC	Federal Deposit Insurance Corporation	R&D	Research and Development	
FPCC	Fingerprint Clearance Card	RCL	Revenue Control Limit	
FPL	Federal Poverty Level	RFI	Request for Information	
FTE	Full-time Employee / Full-time Equivalent	RFP	Request for Proposals	
FTSE	Full-time Equivalent Student Enrollment	RMRF	Risk Management Revolving Fund	
FY	Fiscal Year	ROC	Registrar of Contractors	
		RUCO	Residential Utility Consumers Office	
	G		S	
GDP	Gross Domestic Product	SAFC	State Agency Fee Commission	
G&F	Game and Fish	SBCS	State Board for Charter Schools	
GF	General Fund	SBDE	State Board of Dental Examiners	
GIITEM	Gang and Immigration Intelligence Team Enforcement Mission	SBE	State Board of Education	
GITA	Government Information Technology Agency	SBI	State Board of Investment	
GPLET	Government Property Lease Excise Tax	SBOE	State Board of Equalization	
GRRC	Governor's Regulatory Review Council	SCB	State Certification Board	
		SCF	State Compensation Fund	
	H	SFB	School Facilities Board	
HOA	Homeowners Association	SHF	State Highway Fund	
HURF	Highway User Revenue Fund	SLE	Separate Legal Entity	
		SLF	State Lottery Fund	
	I	SMI	State Mine Inspector	
ICA	Industrial Commission of Arizona	SOS	Secretary of State	
IGA	Intergovernmental Agreement	SPCC	Structural Pest Control Commission	
IRC	Internal Revenue Code	SPI	Superintendent of Public Instruction	
IRS	United States Internal Revenue Service	SSA	Social Security Administration	
		STA	Sports and Tourism Authority	
		STAN	Statewide Transportation Acceleration Needs	
		STO	School Tuition Organization	
	J		T	
JCCR	Joint Committee on Capital Review	TANF	Temporary Assistance for Needy Families	
JLAC	Joint Legislative Audit Committee	TPT	Transaction Privilege Tax	
JLBC	Joint Legislative Budget Committee	TY	Tax Year	
JPO	Juvenile Probation Officer			
JTED	Joint Technical Education District			
			U	
	L	UI	Unemployment Insurance	
LLC	Limited Liability Company	US	United States	
LTAF	Local Transportation Assistance Fund	U.S.C.	United States Code	
			V	
	M	VLT	Vehicle License Tax	
M&O	Maintenance and Operations			
MCTC	Model City Tax Code		W	
MVD	Motor Vehicle Division	WIFA	Water Infrastructure Finance Authority of Arizona	
	O			
OAG	(Office of the) Auditor General			
OAH	Office of Administrative Hearings			
OF	Other Fund			
OSPB	Office of Strategic Planning and Budgeting			
	P			
PSPRS	Public Safety Personnel Retirement System			
PPE	Presidential Preference Election			
PTOC	Property Tax Oversight Commission			

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