

2012 Legislative Summary

ARIZONA STATE SENATE
Fiftieth Legislature, Second Regular Session
Steve Pierce, President



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Arizona State Senate

June 14, 2012

Dear Reader:

The 2012 Legislative Summary, commonly referred to as the Spiel, was prepared by the Senate Research Staff under the direction of Steve Pierce, Arizona Senate President.

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

The Summary presents an overview of all legislation approved by the Legislature during the Fiftieth Legislature, Second Regular Session (2012). The Economic Development and Jobs Creation Committee heard several bills, but heard none that were sent to the Governor. Additional bill information can be obtained from the Arizona Legislature's website: www.azleg.gov.

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

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* Editors Note: No Governor action was taken in the Economic Development and Jobs Creation Committee.

ACTION KEY

E - Emergency

W/O - Without Emergency

V/O - Veto Override

RFEIR – Requirements for Enactment; Initiative or Referendum

W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

Appropriations Committee

Senator Don Shooter, Chairman



Katy Yanez, Research Analyst

Paulino Valerio, Intern

APPROPRIATIONS COMMITTEE

LEGISLATION ENACTED

appropriation; border security advisory committee (S.B. 1104) – Chapter 247

An emergency measure, effective April 11, 2012, appropriating the monies in the Border Security Trust Fund to the Joint Border Security Advisory Committee for FYs 2012 and 2013 for the purpose of administering and managing construction and maintenance of the border fence. The bill also prohibits committee members from receiving compensation or reimbursement of expenses for committee activities.

~~capital outlay stabilization fund; report~~ (NOW: rental cars; liability insurance; subrogation (S.B. 1153) – Chapter 345

Effective November 1, 2012, modifies public liability insurance obligations for rental car company owners (owner) and renters as follows: 1) clarifies that an owner must maintain primary liability up to the financial limits specified in current law unless an owner shifts its liability through an appropriate contractual disclosure or the renter has purchased supplemental liability insurance from the car rental company; 2) Maintains that an owner must respond to third party claims, provide financial responsibility, and provide a defense when the renter does not have other liability insurance available and applicable to the loss, within 20 days of being notified, the owner is not able to provide the name and address of the renter and the name and policy or claim number of the applicable insurance company to the third party claimant; 3) prevents an owner from tendering a claim to the excess insurer without a written agreement with the excess insurer and specifies that the excess insurer is not responsible for any costs incurred by the owner before the tender is accepted; 4) clarifies that if the renter does not have any other liability coverage, the rental car company has no obligation to provide a defense after they have paid the coverage limits; and 5) stipulates that the public liability insurance or obligation of a self-insured owner must provide excess coverage up to the financial limits specified in current law in a situation where the owner does not provide primary coverage.

Stipulates that the bill does not apply to claims arising out of rental or lease agreements entered into before November 1, 2012.

~~water banking authority; report~~ (NOW: condominium recovery fund; repeal) (S.B. 1154) – Chapter 139 E

SEE THE WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE.

~~technical correction; child hearing programs~~ (NOW accidents; failure to stop; penalties) (S.B. 1163) – Chapter 191

Excludes incarceration time in the revocation of driving privileges for a person who fails to stop at the scene of an accident involving serious physical injury or death. The bill allows a person to apply to have their driving privileges reinstated five or more years after the revocation period, excluding any time the person is incarcerated, and providing they meet the requirements designated

APPROPRIATIONS COMMITTEE (Cont'd.)

by the Arizona Department of Transportation. Finally the bill allows this act to be cited as “Joey’s Law.”

appropriation; attorney general; habitat destruction (S.B. 1231) – Chapter 346

Requires that monies appropriated to the Arizona Department of Administration for the Apache County Attorney’s Office are to be used to represent the people of Arizona and Apache County for legal action against the United States Forest Service for the destruction of endangered species habitat due to the lack of forest thinning and forage fuel removal activities.

agricultural trust funds (S.B. 1233) – Chapter 248

Grants permanent trust fund status to the following funds:

- a) Agricultural Consulting and Training Fund,
- b) Aquaculture Fund,
- c) Arizona Grain Research Fund,
- d) Arizona Protected Native Plant Fund,
- e) Citrus, Fruit and Vegetable Revolving Fund,
- f) Commercial Feed Fund,
- g) Dangerous Plants, Pests and Diseases Fund,
- h) Fertilizer Materials Fund,
- i) Livestock Custody Fund,
- j) Pesticide Fund,
- k) Seed Law Fund, and the
- l) State Egg Inspection Fund.

The bill also deletes statute that exempts the Agricultural Marketing Commission and its staff from participation in the Arizona State Retirement System.

appropriations; named claimants (S.B. 1274) – Chapter 291

Effective May 7, 2012, S.B. 1274 is the annual general relief bill for named claimants. It appropriates \$198,343.16 to the Arizona Department of Administration for payment of various claims made against state agencies. Of that amount \$176,619.10 is from the state General Fund, \$16,724.06 is from the Risk Management Fund and \$5,000 is from the Emergency Medical Services Operating Fund.

general appropriations; 2012-2013. (S.B. 1523/H.B. 2852) – Chapter 294

Effective May 7, 2012, S.B. 1523 is the General Appropriations Act for FY 2013. The bill makes state General Fund (GF) and Other Fund (OF) appropriations for the operation of state government. The state budget, as represented by S.B. 1523, largely continues FY 2012 baseline spending with a few exceptions. It spends approximately \$8.57 billion in state GF monies in FY 2013 and contains several supplemental appropriations for FY 2012. S.B. 1523 deposits \$450 million into the Budget Stabilization Fund (Rainy Day Fund) over FYs 2012 and 2013.

APPROPRIATIONS COMMITTEE (Cont'd.)

FY 2012 Appropriations – The bill provides the following appropriations for the indicated purposes in FY 2012:

Summary of Changes	Fund Source	Comments	FY 2012 Supplementals
Arizona Health Care Cost Containment System (AHCCCS)			
Elimination of the Rollover	GF		112,600,700
Department of Health Services (DHS)			
Arizona State Hospital	GF		2,500,000
School Facilities Board			
Building Renewal	GF		12,000,000
Secretary of State			
Eighth Congressional District Special Election	GF		1,900,000
Other			
Reverse Arizona State Retirement System 47/53 Employer/Employee Split	GF	Separate Bill (H.B. 2264)	41,266,900

S.B. 1523 added \$199.7 million in state GF monies to FY 2012 spending. As a result total spending for FY 2012 is \$8.53 billion.

FY 2013 Appropriations – The following represents the major categories of FY2013 spending over FY 2012. Please refer to the Joint Legislative Budget Committee’s *FY 2013 Appropriations Report* for a full description of the state budget. (<http://www.azleg.gov/jlbc.htm>).

Summary of Changes	Fund Source	Comments	FY 2013 above FY 2012
Arizona Department of Education (ADOA)			
White Mountain Apache Water Rights	GF	For settlement	2,000,000
AHCCCS			
Breast Cancer Treatment	GF		2,000,000
Eliminate Rollover	GF	Continues from FY2012	5,672,400
Department of Corrections			
500 maximum Security Beds	GF	Separate Bill (S.B. 1524) - \$30,000,0000 is also appropriated in FY 2014	20,000,000
Correctional Officers	GF		3,766,100

APPROPRIATIONS COMMITTEE (Cont'd.)

Department of Economic Security			
Child Protective Services	GF		3,710,000
Developmentally Disabled (DD) Provider Rates	OF	Long Term Care (LTC) Services Fund (Beginning 4/1/13)	1,733,800
TANF Backfill/Child Support/Permanent Guardianship	OF	LTC Fund	24,456,100
Adoption Services - Caseload	OF	LTC Fund	17,027,400

Arizona Department of Education (ADE)			
Competitive Grants	GF	State Board of Education (SBE)	3,000,000
K-3 Reading Grants	GF	SBE - Up to \$1,500,000 may be used for program administration	40,000,000
CORL/Additional Assistance Increase	GF		15,000,000
Teacher Certification	GF	Investigations/FTEs	686,600
Data System	GF	Continuation of FY 2012 Funding	5,000,000
Data System	OF	Continuation of FY 2012 Funding	1,200,000

State Forester			
Additional Fire Suppression	GF		1,000,000

DHS			
Non-Medicaid SMI Services	GF	Arnold v. Sarn	38,692,000
State Hospital Funding	GF		2,600,000
Increase Newborn Screening Fees	OF		1,320,200
Behavioral Health Services Provider Rate Increase	OF	LTC Fund (Beginning 4/1/13)	1,379,600

Independent Redistricting Commission			
Operating Expenses	GF	May be used for FY 2012 expenses	1,450,000

Office of Tourism			
Tourism Funding	GF	S.B. 1526 repeals the funding formula	7,000,000

Universities – Arizona Board of Regents (ABOR)			
Performance Funding	GF		5,000,000
Parity Funding/Course Redesign and Capital Improvement	GF		15,273,700

Universities – Arizona State University (ASU) – Main			
ASU Main – Enrollment Growth	OF		14,116,000
Shift to ABOR Performance Funding	GF		(2,030,000)

APPROPRIATIONS COMMITTEE (Cont'd.)

Universities – ASU – East Campus			
ASU East – Enrollment Growth	OF		352,100
Shift to ABOR Performance Funding	GF		(156,300)

Universities – ASU– West Campus			
ASU West – Enrollment Growth	OF		(947,900)
Shift to ABOR Performance Funding	GF		(271,700)

Universities – Northern Arizona University (NAU)			
NAU – Enrollment Growth	OF		1,921,800
Shift to ABOR Performance Funding	GF		(834,600)

Universities – University of Arizona (UA) – Main			
UA Main – Enrollment Growth	OF		8,901,000
Shift to ABOR Performance Funding	GF		(1,707,400)

Universities – UA – Health Sciences Center (HSC)			
UA – HSC – Enrollment Growth	OF		632,200
Medical Center Funding	GF		6,000,000

Department of Water Resources			
Reverse Shift to New City Fees	GF		6,300,000
Eliminate City Fee	OF	Separate Bill (S.B. 1532)	(6,300,000)

Other			
Reverse Arizona State Retirement System 47/53 Employer/Employee Split	GF	Separate Bill (H.B. 2264) – ongoing cost	39,317,700
Statewide Retirement Adjustments	GF		9,202,800

Fund Transfers – Transfers the following amounts from the corresponding sources in the indicated years for the purposes of providing adequate support and maintenance for agencies of this state:

Agency	Source	FY 2013	FY 2014
ADOA	State Employee Health Insurance Trust Fund	30,000,000	-
Arizona Department of Environmental Quality	Emissions Inspection Fund	10,000,000	-
Judiciary – Supreme Court	State Aid to Courts Fund	50,000	50,000
	Alternative Dispute Resolution Fund	200,000	200,000
	Arizona Lengthy Trial Fund	100,000	100,000
	Public Defender Training Fund	25,000	25,000
Judiciary – Superior Court	Judicial Collection Enhancement Fund	400,000	400,000
	Criminal Justice Enhancement Fund	75,000	75,000
	Drug Treatment and Education Fund	150,000	150,000
	Juvenile Probation Services Fund	5,000,000	5,000,000

APPROPRIATIONS COMMITTEE (Cont'd.)

S.B. 1523 also requires the Attorney General, by June 30, 2013, to direct \$50,000,000 received pursuant to the consent judgments in the National Mortgage Settlement to the state GF to compensate the state for costs resulting from alleged unlawful conduct of the defendants.

Automation Projects – The state budget provides the following amounts from the indicated sources and in the indicated years for implementing, upgrading or maintaining automation and information technology projects for any state agency:

Purpose	Fund Source	FY 2013	FY 2014	FY 2015	FY 2016
Executive Agencies	State GF	16,800,00	20,000,000	20,000,000	23,000,000
	Information Technology Fund	1,500,000	-	-	-
	State Web Portal Fund	5,600,000	-	-	-
	Automation Operations Fund	4,200,000	-	-	-
Legislature	State GF	3,000,000	-	-	-

Payment Deferrals (Rollovers) – The state budget continues the following payment deferrals through FY 2013:

- 1) ABOR - \$200 million;
- 2) ADE - \$952,627,700 in Basic State Aid and Additional State Aid payments; and
- 3) DES - \$35,000,000.

Miscellaneous – The General Appropriations Act further requires ADOA to not collect health insurance premiums for two pay periods in FY 2013 for purposes of instituting a one-time insurance premium holiday and generate \$25,000,000 in state GF savings. The premium holiday applies to all premiums, including employer, employee and retiree contributions.

S.B. 1523 also provides \$16,633,400 in FY 2013 from the state GF and \$11,695,200 from OFs, after September 29, 2012, to state agencies for one-time critical retention payments to uncovered employees.

Finally, the legislation provides funding for the Arizona Department of Transportation’s Motor Vehicle Division from the State Highway Fund rather than the Highway User Revenue Fund.

capital outlay; 2012-2013. (S.B. 1524/H.B. 2853) – Chapter 295

Effective May 7, 2012, S.B. 1524 makes appropriations related to capital outlay necessary to implement the FY 2013 state budget.

Building Renewal – Appropriates the following amounts in FY 2013 from the specified funds to the listed agencies for major maintenance, repair and renewal of state buildings:

Agency	Fund Source	Amount
Arizona Department of Administration (ADOA)	Capital Outlay Stabilization Fund (COSF)	\$10,372,600
Arizona Department of Corrections (DOC)	DOC Building Renewal Fund	\$4,630,500
Arizona Department of Transportation (ADOT)	State Highway Fund (SHF)	\$1,000,000
	State Aviation Fund	\$50,000
Arizona Lottery Commission	Arizona State Lottery Fund (ASLF)	\$85,200

APPROPRIATIONS COMMITTEE (Cont'd.)

Arizona Game and Fish Department (G&F)	G&F Fund	\$523,300
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Allows ADOA to allocate \$275,000 of its appropriated amounts to personal services and employee-related expenditures for up to five FTE positions each fiscal year until the building renewal projects are completed. Requires ADOA to allocate \$1,700,000 from the COSF appropriation to purchase a generator for the Arizona State Hospital.

Major Capital Projects – Appropriates the following amounts in FY 2013 from the specified funds to the listed agencies for major capital projects:

Agency	Purpose	Fund	Amount
Arizona Lottery Commission	Fire Alarm Replacement	ASLF	\$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
ADOT	Statewide Highway Construction	State Highway Fund (SHF)	\$224,807,000
	Airport Planning and Development	State Aviation Fund (SAF)	\$21,924,900

S.B. 1524 also appropriates \$20,000,000 from the state GF in FY 2013 and \$30,000,000 in FY 2014 to ADOA for the construction of 500 maximum security prison beds.

state budget procedures; 2012-2013. (S.B. 1525/H.B. 2854) – Chapter 296

S.B. 1525 makes statutory and session law changes relating to state budget procedures in order to reconcile the FY 2013 state budget.

State Buildings/Rent – Effective January 1, 2013, the bill exempts the Arizona State Schools for the Deaf and the Blind and the Arizona Historical Society’s Papago Park Museum from paying Capital Outlay Stabilization Fund (COSF) rent to the Arizona Department of Administration (ADOA).

The legislation also makes the annual adjustments to COSF rental rates for qualifying buildings and clarifies which buildings are subject to paying rent. S.B. 1525 clarifies that buildings leased through the sale and lease-back deficit financing mechanism are considered state-owned buildings.

Also effective January 1, 2013, S.B. 1525 establishes the Joint Legislative Budget Committee’s building as legislative property.

Miscellaneous – Repeals session law that authorized non-lapsing monies appropriated from the state GF that remain unexpended and unencumbered at the close of FY 2012 to be included in the closing balance (midnight reversions). Finally, the bill requires all executive agencies to submit five-year strategic plans to the Governor along with the agency budget estimates required for FY 2014.

APPROPRIATIONS COMMITTEE (Cont'd.)

revenue; budget reconciliation; 2012-2013. (S.B. 1526/H.B. 2855) – Chapter 297

Makes necessary statutory and session law changes relating to general revenues to reconcile the FY 2013 state budget.

Reorganizes the annual distribution of \$3.5 million made from the Lottery Fund to the Arizona Competes Fund, so that the distribution occurs after the state General Fund (GF) has received its statutory limit. Deposits pari-mutuel taxes from wagering at horse and dog racing facilities into the Racing Regulation Fund instead of the state GF, and continues the FY 2012 rulemaking exemption relating to establishing fees for the Arizona Department of Racing. The bill allows the Department of Real Estate (ADRE) to set fees for licensing real estate school and instructors by rule and exempts ADRE from rulemaking related to these fees in FY 2013. Continues the fee raising authority in FY 2013 for the Radiation Regulatory Agency, but limits additional revenue to \$561,000. Eliminates the statutory tourism funding formula. S.B. 1526 also notwithstanding the requirements for any deposit to or withdrawals from the Budget Stabilization Fund through FY 2015.

government budget reconciliation; 2012-2013. (S.B. 1527/H.B. 2866) – Chapter 298

Makes necessary statutory and session law changes relating to general government to reconcile the FY 2013 state budget.

S.B. 1527 establishes the Automation Projects Fund, which is administered by the Arizona Department of Administration and consists of legislative appropriations for the purpose of implementing information technology improvements subject to review by the Joint Legislative Budget Committee (JLBC).

The bill continues to limit the aggregate amount of all liabilities incurred during a declaration of emergency to \$2,900,000, and requires the Office of Administrative Hearings to conduct 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.

JLBC is now required to report annually, by December 1st, a listing of funds that were deleted, created, or that changed appropriated status from the prior fiscal year.

health; welfare; budget reconciliation; 2012-2013. (S.B. 1528/H.B. 2857) – Chapter 299

Makes statutory and session law changes relating to health and welfare in order to reconcile the FY 2013 state budget.

Arizona Health Care Cost Containment System (AHCCCS)

Fund Reimbursement – Stipulates that when monies are appropriated to the AHCCCS Administration (Administration) or the Department of Health Services (DHS) for a specific purpose that is subject to reimbursement for reconciliation from program contractors or health plans, such reimbursements are deposited into the fund of origin. Prohibits reimbursements from being credited against future payments to the contractor or plan.

APPROPRIATIONS COMMITTEE (Cont'd.)

Ambulance Rates – Removes the requirement for the Administration to reimburse ambulance providers proportional to the rates set by DHS and instead, directs the Administration to set the rates. For contract year (CY) 2013, sets the reimbursement rate for ambulance providers at 68.59 percent of the DHS rate.

Provider Rates – Continues within AHCCCS the five percent reduction in payments for institutional and noninstitutional services that was in effect October 1, 2011, for CY 2013.

Rulemaking – Repeals the exemption from rulemaking requirements granted to the Administration last year, and stipulates that any rules adopted implementing program changes pursuant to the exemption are in effect through December 31, 2013.

County Contributions – Modifies the distribution and payment of county contributions (contributions) in FY 2013 as follows: 1) establishes total contributions for Arizona Long-Term Care System (ALTCS) at \$243,220,500; 2) requires the Administration to transfer the excess state match monies, if any, to the counties proportional to the counties' share by December 31, 2013; 3) establishes total contributions for acute care at \$48,255,500, which includes a decrease in Maricopa County's contribution to \$20,225,200; continues acute care contributions and related requirements for all other counties at the FY 2012 levels; 4) continues contributions for hospitalization and medical care at FY 2012 levels, for a total amount of \$2,646,200; continues to exempt Maricopa County and continues to exclude these payments from county expenditure limitations; and 5) continues to exclude contributions for Proposition 204 administrative costs from county expenditure limitations.

Disproportionate Share Hospital (DSH) Payments – Requires the Maricopa County Special Health Care District (District) and the Arizona State Hospital to provide a certified public expense form for qualifying DSH expenditures, with assistance from the Administration. Establishes DSH payments in FY 2013 and specifies payment distribution. Continues to allow political subdivisions, tribal governments and public state universities to provide matching monies for DSH payments and designate hospitals to receive those funds, subject to federal law. Limits the DSH payment attributed to the District in FY 2012 and FY 2013 and retroactive to May 31, 2012, requires the Administration to deposit \$8,541,500 in DSH revenues into the Department of Economic Security Long-Term Care System Fund for FY 2012.

Medicare Liability Waiver – Continues the Administration's ability to participate in any special disability workload 1115 Demonstration Waiver offered by the Centers for Medicare and Medicaid Services (CMS) and requires any credits received to be reported and used as outlined.

Miscellaneous – Continues the risk contingency rate setting and funding for all managed care organizations. Authorizes the Administration to apply and receive from CMS additional federal monies as outlined. Requires the Administration to monitor contractor compliance of dental services for eligible members and allows the Administration to elect not to adjust outpatient fee schedule rates by any inflation index for contracts beginning October 1, 2012. Contains legislative intent clauses.

Department of Health Services (DHS)

Arizona State Hospital (ASH) – Requires counties to reimburse DHS for 50 percent of the costs of commitment to ASH of sexually violent persons (SVP) in FY 2013. Continues to require cities and counties to pay 100 percent of the restoration to competency treatment costs in FY 2013.

APPROPRIATIONS COMMITTEE (Cont'd.)

Specifies procedures for making reimbursement payments, and excludes these payments from county expenditure limitations.

Miscellaneous – Eliminates the capped fee for the second test within the Newborn Screening Program. Expands the health providers that can screen for breast and cervical cancer, and clarifies that an eligible person must have an income at or below 250 percent of the federal poverty guidelines. Allows DHS to use monies in the Health Research Account for Alzheimer's disease research. Requires DHS to annually report to the Joint Legislative Budget Committee (JLBC) on behavioral health expenditures.

Department of Economic Security (DES)

Allows DES to use monies in the Long-Term Care System Fund for any operational or programmatic expenses in FY 2013. Continues, as session law: 1) the ability of DES to reduce the maximum income eligibility levels for child care assistance; and 2) the requirement for DES to drug test cash assistance recipients whom DES has reasonable cause to believe engage in illegal use of controlled substances. Specifies that a positive drug test renders the recipient ineligible for benefits for one year.

Arizona Department of Administration (ADOA)

Requires ADOA to submit to JLBC a plan for dental self-insurance, including a cost and benefits analysis associated with switching to self-insurance compared to other options. Prohibits ADOA from implementing a differentiated health insurance premium based on the integrated or nonintegrated status of a state employee health insurance provider in FY 2013.

K-12 education; budget reconciliation; 2012-2013. (S.B. 1529/H.B. 2858) – Chapter 300

S.B. 1529 makes statutory and session law changes relating to K-12 education in order to reconcile the FY 2013 state budget.

Basic State Aid – Continues the FY 2012 base level amount of \$3,267.72 and increases the transportation support level per route mile formula amount by two percent for FY 2013. Increases charter school additional assistance amounts for FY 2013 from \$1,621.97 to \$1,654.41 for students in grades K-8; and from \$1,890.38 to \$1,928.19 for students in grades 9-12. Directs the Arizona Department of Education (ADE) to proportionally reduce the FY 2013 additional assistance amounts apportioned to charter schools by an amount specified in the General Appropriations Act, S.B. 1523.

Directs ADE to reduce school districts' soft capital allocation (SCA) and budget limits by \$158,120,700 for FY 2013. Also directs ADE for FY 2013 to reduce the amount of basic state aid that would be otherwise allocated for Capital Outlay Revenue Limit (CORL) by \$80,864,800. However, for FY 2013, the sum of SCA and CORL reductions for school districts with fewer than 1,100 average daily membership (ADM) shall not exceed \$5,000,000.

Joint Technological Education District (JTED) – Funds state aid for JTEDs in FY 2013 at 91 percent of the amount that otherwise would be provided by law. Additionally, the bill allows JTEDs to use property tax monies to fund eighth grade students who attend JTEDs.

APPROPRIATIONS COMMITTEE (Cont'd.)

ADE Education Learning and Accountability Fund (ELAF) – Establishes the state General Fund (GF) subaccount within the ELAF consisting of appropriations from the state GF. The monies in the subaccount are continuously appropriated. S.B. 1529 also establishes the University and Community College Fee subaccount within the ELAF consisting of fees collected from universities and community college districts. The monies in the Fee subaccount are subject to legislative appropriation. By December 31, 2012, each community college district and each university under the jurisdiction of ABOR is required to transmit \$6 per full-time student equivalent to the ELAF.

K-3 Reading Program – Requires the State Board of Education (SBE), in collaboration with ADE, to establish a K-3 Reading Program to improve the reading proficiency of public school pupils in kindergarten through third grade. On or before October 1, 2012, requires each school district and charter school to submit to SBE a plan for improving the reading proficiency of its pupils in kindergarten through third grade. S.B. 1529 also specifies what the plan shall include. The K-3 Reading Program is repealed on July 1, 2022.

School Facilities Board (SFB) – Suspends the building renewal formula for FY 2013. The SFB may not authorize or award funding for the design, construction or school site acquisition for any new school facility in FY 2013. School districts must submit capital plans and the SFB may review and award new school facilities in FY 2013, subject to future appropriations. S.B. 1529 also specifies that it is the intent of the Legislature to evaluate long-term funding for new school facilities on review of additional demographic data and other information, as submitted by school districts during the capital review process.

Early Graduation Scholarship Program (EGSP) – Limits the EGSP to students admitted before July 1, 2009 and continues funding for these existing students, subject to sufficient available funds. In FY 2013, a school district or charter school may not adjust its student count and per-pupil funding for pupils who graduate high school early and the ADE may not transfer any monies to the Commission for Post Secondary Education for the EGSP.

higher education; budget reconciliation; 2012-2013. (S.B. 1530) – Chapter 301

Makes statutory and session law changes relating to higher education to reconcile the FY 2013 state budget.

Community Colleges – Continues to suspend capital outlay funding and allow a community college district to use any portion of its capital outlay funding for operating aid expenses for FY 2013. Allows direct distribution of workforce development funding to provisional community college districts and prohibits community college districts from counting provisional students in calculating workforce development funding.

Universities – Continues to allow the Legislature to appropriate state matching funds on a less than 2:1 ratio for surcharges on student registration fees deposited into the Arizona Financial Aid Trust for FY 2013.

Arizona Board of Regents (ABOR) – Requires ABOR to adopt a performance funding model and requires the model to use certain performance metrics. Allows the funding model to give added weight to certain degrees and requires ABOR to use the funding model in developing and submitting budget requests.

APPROPRIATIONS COMMITTEE (Cont'd.)

Indian Tribal Postsecondary Educational Institutions – Requires a qualifying Indian tribe to enter into an initial compact with Arizona by September 1, 2012 in order to receive certain revenues for community colleges that are owned, operated or chartered by each qualifying Indian tribe on its own Indian reservation.

criminal justice; budget reconciliation; 2012-2013. (S.B. 1531/H.B. 2860) – Chapter 302

Makes necessary statutory and session law changes relating to the criminal justice system to reconcile the FY 2013 state budget.

Department of Corrections (ADC) – Repeals, retroactive to July 1, 2012, the requirement that counties reimburse ADC for incarcerating persons sentenced to one year or less in ADC facilities or, alternatively, house those persons in a county jail. Repeals the FY 2010 requirement that ADC issue and award a request for proposal (RFP) for 5,000 private prison beds. Requires ADC to award contracts by September 1, 2012, to open up to 500 medium-security beds on January 1, 2014, and up to 500 additional beds on January 1, 2015, from the February 2, 2012, RFP. Details legislative authorization requirements for certain contracts. Eliminates the cost and quality review requirement regarding correctional services contracts.

Repeals the Transition Services Fund and moves Fund deposits to the Transition Programs Fund (TPF). Permits ADC to use monies from the TPF and the ADC Interagency Service Agreement Fund for operating expenses. Moves the administration of the ADC Building Renewal Fund from the Director of the Department of Administration to the Director of ADC. Continues certain expenditure reporting requirements when ADC submits its FY 2014 budget request.

Attorney General (AG) – Increases the non-lapsing, excess distribution cap from \$100,000 to \$500,000 for monies remaining in the Collection Enforcement Revolving Fund and specifies distribution basis. Eliminates the pro rata charge, permits the AG to charge certain agencies for general counsel and requires the amount to be detailed in the General Appropriations Act (S.B. 1523).

Department of Public Safety (DPS) – Permits Public Safety Equipment Fund monies to be used to purchase vehicles. Specifies that Gang and Immigration Intelligence Team Enforcement Mission Border Security and Law Enforcement Subaccount monies are distributed each fiscal year to local entities and clarifies that DPS administers the Subaccount. Permits monies in the Crime Laboratory Operations Fund to be used for other DPS operations. Suspends the statutory caps and transfers that govern the level of Highway User Revenue Fund monies and State Highway Fund monies available to fund DPS Highway Patrol costs. Transfers, effective July 1, 2012, monies remaining in the Photo Enforcement Fund to the state General Fund (GF) and deposits, effective July 1, 2012, monies collected from the photo enforcement system in the state GF.

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

APPROPRIATIONS COMMITTEE (Cont'd.)

Miscellaneous – Compensates Board of Executive Clemency members, except the Chairman, on an hourly basis and restricts members from eligibility regarding paid leave or any state employee benefits. Eliminates the State Capital Postconviction Public Defender Office (PPD). Transfers, effective July 1, 2012, monies remaining in the PPD Fund to the state GF.

environment; budget reconciliation; 2012-2013. (S.B. 1532/H.B. 2861) – Chapter 303

S.B. 1532 makes statutory and session law changes relating to the environment in order to reconcile the FY 2013 state budget.

Arizona Department of Environmental Quality (ADEQ) – Authorizes ADEQ to use up to \$1,800,000 of Emissions Inspection Fund monies to fund its Safe Drinking Water Act programs in FY 2013. Requires the State Agency Fee Commission to review the fees ADEQ charges for the state's vehicle emissions inspection program and to make recommendations by December 31, 2012. Caps the annual transfer to the Water Quality Assurance Fund at \$7,000,000. Authorizes ADEQ to transfer a combined total of \$6,531,000 from two underground storage tank funds for department administrative costs. The bill also requires ADEQ to immediately transfer all water quality permits to a city or town that operates a wastewater treatment plant and meets other criteria.

Arizona Department of Water Resources (ADWR) – As permanent law, repeals ADWR's municipality water fees and the Director's authority to assess and collect them. Continues the ADWR Director's authority to increase fees in FY 2013 and exempts ADWR from rulemaking requirements until July 1, 2013 for that purpose. Authorizes the Arizona Water Protection Fund Commission to grant up to \$336,000 from the Water Protection Fund for ADWR administrative costs in FY 2013.

Arizona State Parks Board (Board) – As permanent law, establishes the legislatively-appropriated State Parks Revenue Fund (Revenue Fund) for park operations, maintenance, acquisition and development. Appropriates \$12,557,000 to the Revenue Fund in FY 2013. Repeals the State Parks Enhancement Fund. Continues to allow the Board to spend up to \$692,100 from its portion of the Off-Highway Vehicle Recreation Fund for operating expenses.

Miscellaneous – Allows the State Land Commissioner, before June 30, 2013, to extend delinquent payments on certain certificates of purchase for an additional five years. Continues to allow \$80,000 from the state's Risk Management Revolving Fund to be used by the Arizona Navigable Stream Adjudication Commission in FY 2013 to pay legal fees. Allows the Director of the Arizona Department of Agriculture to continue charging existing fee amounts up to specified levels.

appropriation; secretary of state (NOW: public electronic posting; government bodies) (H.B. 2033) – Chapter 361

Modifies election law as follows: a) requires certain counties, cities or towns that operate a website to post the names of candidates who have filed a threshold exemption statement and specifies posting requirements for cities or towns that do not operate a website; b) requires the Secretary of State (SOS) to develop an electronic database for financial disclosures; c) authorizes an entity designated by the SOS as a voter registration agency to utilize the voter registration database; d) eliminates certain registered voter counting requirements; e) requires certain office vacancies to be filled by a person who is of the same political party as the vacating office holder was initially at the time of election or appointment; f) specifies candidate notice of withdrawal posting requirements for early voting purposes; g) modifies certain presidential preference election (PPE) statutes related to proclamations, candidate nomination paper filing deadlines and petition signature requirements, and

APPROPRIATIONS COMMITTEE (Cont'd.)

filing deadlines for new political party recognition petitions; h) permits a candidate to qualify to appear on the PPE primary ballot by meeting certain filing and notice requirements; i) reimburses counties 100 percent of the costs incurred to conduct the PPE; j) details SOS requirements regarding new political party recognition related to statewide petitions and timeframes for valid signature determination, and decreases the determining timeframe by one month in which a political organization is entitled to continued representation as a new political party on the ballot on the basis of votes cast; k) modifies the size of nomination petition forms; l) permits a court to award reasonable expenses to an elections officer incurred in a nomination petition signature verification challenge; m) permits, rather than requires, copies of poll lists in precincts that do not use electronic poll books to be provided; n) requires political committees that intend to accept contributions or make expenditures between more than \$250 and up to \$500 to file a signed exemption statement; o) includes corporations, limited liability companies and labor organizations in statute regarding independent expenditures for literature or advertisement relating to a candidate or office and specifies that certain expenditures that do not meet the independent expenditure definition are in-kind contributions, unless otherwise exempted; p) adds recall elections to the additional campaign finance reporting requirements related to special elections and includes a committee acting in support of, or in opposition to, a recall election; q) details candidate name rotation requirements in certain all mail ballot elections; r) permits precinct committeemen to assist voters in the voting booth; and s) permits the SOS to hire independent counsel in place of the Attorney General through December 31, 2014.

state parks; reservation surcharge fund (NOW: resisting arrest; classification) (H.B. 2071) – Chapter 265

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

technical correction; prepaid legal insurance (NOW: property taxes; refund; forgiveness) (H.B. 2178) – Chapter 200

As session law, directs a county treasurer to issue a refund to owners of property in the 225-acre region referred to as the “Disputed Triangle” for tax years 1987 through 2009 and forgives unpaid property taxes and associated penalties for the same period.

ASRS; employee; employer contributions; rate (H.B. 2264) – Chapter 304

SEE THE FINANCE COMMITTEE.

community colleges; bonds; lease purchase (NOW: bonds; community colleges) (H.B. 2333) – Chapter 253

H.B. 2333 prohibits revenue bonds for any community college district from exceeding more than eight percent of the institution’s maximum annual expenditures, with the exception of any expense related to the retirement of general obligations bonds.

legislative consideration; trust funds; requirements (H.B. 2340) – Chapter 238

H.B. 2340 establishes criteria for the reclassification of funds into trust funds. In order to be reclassified a fund must protect the public’s health or safety, provide consumer protection by ensuring quality standards of an industry or provide research grants for projects designed to further

APPROPRIATIONS COMMITTEE (Cont'd.)

the program's purpose. The fund must also be primarily funded by industry fees assessed on a specified group and designated for a particular purpose and be subject to independent industry council review. The standing legislative committee(s) considering the reclassification of the fund must affirm that the above criteria is met.

~~judicial actions; children; names; redaction~~ (NOW: transportation omnibus) (H.B. 2398) – Chapter 255

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. Modifies the definition of *sales finance company* in the motor vehicle financing statutes. Removes language in the gas tax collection statute to clarify that suppliers are still responsible for gas tax collection in Arizona.

~~secured appearance bond exoneration; remission~~ (NOW: special district petitions; multiple ownership) (H.B. 2432) – Chapter 264

H.B. 2432 delineates the number of persons owning property for purposes of determining the validity of petitions, when property is held in multiple ownership, for creation or change in boundary of a special district. Petition signatures are invalidated for elections for creation of a fire district, community park maintenance district, sanitary district or hospital district, if taxes and assessments on the parcel are not current at the time of petition review. The bill also prevents a leaseholder in a community park maintenance district from signing a formation petition or a boundary change petition.

~~state employee suggestion program; awards~~ (H.B. 2464) – Chapter 358

Changes the amount of the award that a state employee may receive for adopting procedures that result in the elimination or reduction of state expenditures to no more than 10 percent of the amount saved rather than \$1,000. The legislation outlines the payment process and prohibits state General Fund monies from being used as award monies.

~~budget planning; revenue; expenditure estimates~~ (H.B. 2567) – Chapter 244

Requires the General Appropriations Act (Act) to include revenue and expenditure estimates, based on existing statutory requirements, for the following three fiscal years. The Legislature is required to discuss the estimates in a public hearing before the final adoption of the Act.

~~public employees; unlawful acts; termination~~ (NOW: state personnel system) (H.B. 2571) – Chapter 321

State Personnel System – Effective September 29, 2012, establishes a new State Personnel System (SPS) and outlines rules and procedures relating to personnel and personnel administration for both covered and uncovered employees.

H.B. 2571 states that beginning September 29, 2012, unless specifically exempted, all new hires are *at will uncovered employees* and defines an *at will uncovered employee* as an employee who meets any of the following criteria: 1) is employed as an attorney; 2) is a supervisor; 3) is at a pay grade of 19 or above; 4) is in a position assigned to the information technology salary schedule; or 5)

APPROPRIATIONS COMMITTEE (Cont'd.)

is a covered employee who voluntarily accepts a change in assignment to a position in the uncovered service.

A *covered employee* is defined as an employee who meets the following criteria: 1) before September 29, 2012, is in state service and has been in covered status without a break in service; 2) a correctional officer I, II, III or a community corrections officer; or 3) is a certified full authority peace officer. A covered employee may voluntarily elect to become an at will uncovered employee; however, the change from covered employee to at will uncovered employee is irrevocable. An employee in covered service is entitled to remain so as long as the employee remains in covered status without a break in service.

Uncovered service consists of all employees in the state agencies not included in the covered service; employees in uncovered service are *at will* and not entitled to rights of appeal.

ADOA Director – The Director of ADOA (Director) is responsible for the direction and control of personnel administration and must employ staff necessary to administer the SPS.

The Director must also establish reduction in force (RIF) procedures to be used by all state agencies if RIFs are required. RIF procedures are required to use a person's performance record as the sole basis for determining retention.

The legislation requires the Director to develop procedures and standard forms for all state agencies to verify a candidate's education and work history including a requirement that an agency head make documented, good faith efforts to contact current and previous employers of a candidate.

State Personnel Board (SPB) and Law Enforcement Merit Council (LEMSC) – Increases the membership of both the SPB and LEMSC from three to five persons and allows members to receive \$100 for each meeting attended, prorated for partial days.

Requires the SPB to hear and review appeals relating to the dismissal, suspension for more than 80 hours or involuntary demotion of a covered employee. Requires the LEMSC to hear and review appeals relating to the dismissal from service, suspension for more than 40 working hours or involuntary demotion of a covered employee who is a full authority peace officer.

Both the SPB and LEMSC may recommend modification of a disciplinary action if the agency does not prove by a preponderance of the evidence the material facts on which the discipline was based or if the disciplinary decision is found to be arbitrary and capricious. They must reverse a disciplinary decision if they find that cause did not exist for any discipline to be imposed and, in the case of dismissal or demotion, return the covered employee to the same position the employee held before the dismissal or demotion with or without back pay. An agency director must accept, modify or reverse the SPB or LEMSC decision within 14 days of receipt of the findings or recommendation. An agency director's decision is final and binding.

Any party may appeal a final determination of the SPB, LEMSC or the final decision of the agency to the superior court on one or more of the following grounds that the order was: 1) founded on or contained an error of law, 2) unsupported by any evidence as disclosed by the entire record, 3) materially affected by unlawful procedure, or 4) based on a violation of any constitutional provision, or arbitrary and capricious.

APPROPRIATIONS COMMITTEE (Cont'd.)

Miscellaneous – Allows the Arizona State Retirement System (ASRS) and the Public Safety Personnel Retirement System (PSPRS) to administer an incentive compensation plan for investment related personnel and prohibits ASRS and PSPRS from establishing any other compensation plans without the approval of the Director of ADOA.

Requires the Industrial Commission to employ a Director, subject to Senate confirmation, and states that the Director of the Industrial Commission serves at the pleasure of the Governor.

Repeals the requirement that the Governor appoint a selection committee for filling a vacancy on the Board of Executive Clemency.

Establishes, for state agencies of the state personnel system, the state work week as the period of seven consecutive days starting Saturday at 12:00 A.M. and ending Friday at 11:59 P.M.

Allows a budget unit to spend monies for the following: 1) transportation or other travel expenses necessary to bring any person to Arizona for a job interview; 2) transportation or moving expenses for any person newly employed or retained; and 3) reasonable relocation expenses for employees subject to management initiated geographical reassignment of more than 50 miles from an employee's current work site.

H.B. 2571 establishes a civil penalty of up to \$10,000 for an employee who knowingly commits a prohibited personnel practice against an employee who disclosed information that the employee reasonably evidenced a violation of the law. The amount of attorney fees that a court may award an employee who prevails in an action concerning prohibited personnel practices is limited to \$10,000.

state emergency council; report; posting (H.B. 2592) – Chapter 307 E

SEE THE VETERANS, MILITARY AND GOVERNMENT AFFAIRS COMMITTEE.

local government budgets; posting; contents (H.B. 2621) – Chapter 126

Beginning in FY 2014, H.B. 2621 requires the budget proposals of community college districts, cities and towns to include: 1) the total estimated personnel compensation, which separately includes employee salaries and employee related expenses for retirement and health care costs; and 2) all unencumbered cash, restricted and unrestricted.

The bill also directs the community college districts, fire districts, counties, cities and towns to post a copy of their final adopted budget in a prominent location on their official websites for 60 months.

Arizona long term care trust (NOW: long-term care insurance premiums; deduction) (H.B. 2713) – Chapter 351

H.B. 2713 provides a subtraction from Arizona adjusted gross income for those individuals who do not itemize for the payment of long-term care insurance premium costs, beginning in TY 2013. It also provides a subtraction for individuals for an amount deposited by a taxpayer in a long-term health care savings account, to the extent that the contributions are included in the individual's federal adjusted gross income.

APPROPRIATIONS COMMITTEE (Cont'd.)

supplemental appropriation; independent redistricting commission (H.B. 2862/S.B. 1533) – Chapter 108

Effective March 27, 2012, H.B. 2862 makes a supplemental appropriation of \$700,000 from the state General Fund to the Arizona Independent Redistricting Commission (AIRC) in FY 2012 for operating expenses. Requires the Arizona Department of Administration to report at least monthly to the Legislature on AIRC expenditures, and requires the Auditor General to audit FY 2011 and FY 2012 AIRC revenues and expenditures.

federal balanced budget amendment (H.C.M. 2007)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

minimum wage; younger workers (NOW: permanent state land fund; distribution) (H.C.R. 2056)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

LEGISLATION VETOED

state budget; appropriation limit; hearing (S.B. 1275) – VETOED

S.B. 1275 establishes Truth in Spending estimates (estimates) consisting of current fiscal year state General Fund appropriations, and all appropriations from all sources, adjusted for population and inflation. The Joint Legislative Budget Committee is required to calculate and transmit those estimates to the Legislature by February 15th of each year. If proposed appropriations exceed the estimates in any fiscal year, the bill also allows the Legislature to hold a joint hearing of the Appropriations Committees.

In her veto letter, the Governor states that the provisions of the bill are already within the Legislature's authority. She also states that an appropriation limit based on population and inflation is not effective, too restrictive and has been tried and rejected by other states.

state parks revenue fund (H.B. 2362) – VETOED

SEE THE NATURAL RESOURCES AND TRANSPORTATION COMMITTEE.

wireless telecommunications carrier; records access (NOW: intersection; definition) (H.B. 2557) – VETOED

Modifies the definition of *intersection* to provide for those intersections that are managed by traffic control signals.

The Governor indicates in her veto message that H.B. 2557 modifies the definition of intersection in a dangerous way that will increase the possibility of traffic collisions.

Banking and Insurance Committee

Senator John McComish, Chairman



Bill Ritz, Research Analyst

Andrew Russell, Intern

BANKING AND INSURANCE COMMITTEE

LEGISLATION ENACTED

financial institutions department; licensing (S.B. 1014) – Chapter 36

Makes various changes to the laws governing mortgage loan originators (MLO). Specifically, the bill: 1) allows the Superintendent of the Department of Financial Institutions (Superintendent) to charge not more than \$250 for a MLO to change the name on a financial institution or enterprise license; 2) clarifies that a person is not considered a MLO if that person originates five or fewer mortgage loans per calendar year and if the source of the prospective financing also makes five or fewer mortgage loans per calendar year; 3) requires the Superintendent to deny, suspend or revoke a license in certain situations; and 4) allows the Superintendent to deny, suspend or revoke a license if an applicant or licensee is found to have been convicted of or pled guilty or no contest to a misdemeanor if it involved an act of fraud, dishonesty or breach of trust or money laundering at any time preceding the date of application.

financial institutions department; revolving fund (S.B. 1015) – Chapter 133

Increases the cap for the amount that is to remain in the Department of Financial Institutions Revolving Fund at the end of each fiscal year from \$50,000 to \$200,000.

workers' compensation; methods of compensation (S.B. 1016) – Chapter 12

Allows, at the election of an employee and if offered by the employer or carrier, for compensation to be made by commonly accepted methods for transferring money by banking institutions, and removes language prohibiting marketing representatives of the State Compensation Fund from being licensed to sell any type of insurance other than workers' compensation insurance.

~~release of records; medical; payment~~ (NOW: eye care services; health insurance) (S.B. 1036) – Chapter 344

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

surplus lines insurance; brokers (S.B. 1123) – Chapter 55

Modifies the reporting procedures for surplus lines brokers by allowing brokers to submit a facsimile of the required quarterly notarized statements of all surplus lines insurance business in lieu of the original notarized statement, and requires brokers to maintain the original notarized statement for six years after it was filed. Also clarifies that if the identity of specific surplus lines coverage provided in the broker's semiannual report to the Director of the Department of Insurance is not recognized as surplus lines, a broker must maintain evidence of compliance with surplus lines requirements for the duration of the policy and six years after the policy's expiration.

BANKING AND INSURANCE COMMITTEE (Cont'd.)

surplus lines; ADOT contracts (S.B. 1124) – Chapter 137

Specifies that if contractor insurance is required for the construction or reconstruction of Arizona Department of Transportation facilities or for procured services, the insurance must be placed with an insurer authorized to transact insurance within this state or a surplus lines insurer approved and identified by the Director of the Department of Insurance.

automobile insurance; notice to insured (S.B. 1134) – Chapter 56

Modifies the mailing requirements for refunds of unearned automobile premiums by requiring the insurer to mail the notice and refund of unearned premium together at least 10 days before the effective date or mail the notice before the refund of unearned premium if both the notice and the refund of unearned premium are mailed separately to the insured at least 10 days before the effective date.

government deposits (S.B. 1135) – Chapter 64

Authorizes school districts, the State Treasurer, municipalities and political subdivisions to invest surplus funds and other monies not used for operating costs into federally insured savings deposit accounts.

~~capital outlay stabilization fund; report~~ (NOW: rental cars; liability insurance; subrogation) (S.B. 1153) – Chapter 345

SEE THE APPROPRIATIONS COMMITTEE.

portable electronics insurance (S.B. 1251) – Chapter 57

Allows the Director of the Department of Insurance to issue, and requires a vendor to obtain, a limited lines insurance license for the purpose of offering or selling coverage under a portable electronics insurance policy.

unclaimed property; certificates of deposit (H.B. 2023) – Chapter 217

Specifies that certificates of deposit (CD) and any interest are presumed abandoned three years after maturity if unclaimed by the apparent owner. Also, the bill clarifies that: 1) the abandonment period on a CD does not start at the renewal date if the owner elected auto-renewal at the time the account was opened; and 2) the original account agreement can serve as evidence of consent to auto-renewal of the CD.

mortgage brokers; mortgage bankers; licensing (H.B. 2079) – Chapter 174

Modifies the licensing requirements for mortgage brokers and mortgage bankers as follows: 1) allows at least three years of loan originator experience as a qualifying license requirement for a mortgage broker's license; 2) eliminates the requirement for an applicant for an original mortgage broker's license to have passed the mortgage broker's test not more than one year before the issuance of a mortgage broker's license; and 3) requires mortgage bankers to maintain a net worth of not less than \$100,000 at all times.

BANKING AND INSURANCE COMMITTEE (Cont'd.)

residential roofing repair contracts (H.B. 2091) – Chapter 219

SEE THE COMMERCE AND ENERGY COMMITTEE.

insurance; financial provisions (H.B. 2153) – Chapter 69

Makes various changes to the insurance statutes regarding confidential documents, extraordinary dividends, eligible investments, foreign securities and derivative transactions.

Confidentiality of Documents – Specifies that documents, materials or other information obtained by the Department of Insurance (Department) during the course of an examination of an insurer are confidential and privileged and not admissible in a civil action; however, the Director of the Department (Director) is allowed to use confidential documents in the furtherance of any regulatory or legal action brought as part of the Director's official duties.

Specifies circumstances when documents in the possession or control of the National Association of Insurance Commissioners (NAIC) are confidential and privileged, not subject to public records searches, subpoena or discovery and are not admissible in evidence in a private civil action. Prohibits the Director, Deputy Directors, assistants or examiners and representatives of the NAIC from testifying in any private civil action concerning confidential and privileged documents.

Miscellaneous – Modifies the definition of an extraordinary dividend from the lesser of either ten percent of an insurer's surplus or net gain from the preceding year's operations to the greater of ten percent or the net gain from operations, and specifies that a notice of declaration of payment of an extraordinary dividend must be provided to the Director no more than five business days after the declaration. Clarifies that any investment limitation must be based on the insurer's most recently required statutory balance sheet filed with the Director. Permits an insurer to invest up to 20 percent of its assets in foreign securities and specifies that foreign securities do not include Canadian investments. Adopts standards for derivative transactions for insurers and permits an insurer to directly or indirectly use instruments to engage in hedging transactions if certain conditions are met. Specifies the types of income generation transactions an insurer can enter into and permits an insurer to enter into replication transaction prior to written approval by the Director.

controlled substances; workers' compensation (H.B. 2155) – Chapter 156

Effective January 1, 2013, permits the Arizona State Board of Pharmacy to release data collected from the controlled substances computerized central database tracking system to a physician authorized to perform an independent medical exam on an employee entitled to workers' compensation.

~~credit union conversions to associations~~ (NOW: conversion to associations; credit unions) (H.B. 2156) – Chapter 70

Permits an incorporated credit union to convert into an association that is incorporated under both the laws of the United States and this state, provided the credit union is in compliance with the provisions established by the National Credit Union Administration and any rules adopted by the Arizona Department of Financial Institutions.

BANKING AND INSURANCE COMMITTEE (Cont'd.)

money transmitters; limited liability companies (H.B. 2253) – Chapter 39

Allows limited liability companies to apply for and be issued a money transmitter license by the Department of Financial Institutions.

home equity credit line; release (H.B. 2323) – Chapter 175

Requires a secured lender to suspend a borrower's revolving credit line account for a minimum of 45 days upon receipt of a request for a payoff demand statement from a licensed escrow agent.

workers' compensation; omnibus (H.B. 2368) – Chapter 240

Modifies various workers' compensation statutes as follows: 1) stipulates that when an employee is injured, killed or further aggravated from a previously accepted industrial injury by the negligence of another person not in the same employ, the injured can pursue a remedy against the other person; 2) specifies that in any action arising out of an aggravation of a previously accepted industrial injury, the lien by the insurer or other person liable to pay the claim must only apply to the amounts expended for compensation and treatment of the aggravation; 3) requires compensation to be calculated based on the cost index from the Bureau of Labor; 4) eliminates the Arizona mean wage as a resource for calculating compensation that reflects the prior year's annual percentage; 5) requires the Industrial Commission of Arizona (ICA) to develop a process, no later than December 31, 2014, for the use of evidence based medical treatment guidelines, where appropriate, to treat injured workers; 6) requires the ICA to provide a progress report to the Governor, President of the Senate and the Speaker of the House of Representatives updating the status of the development and implementation of the process no later than the end of each calendar year beginning on December 31, 2012, and ending on December 31, 2014; and 7) requires the ICA to include a projected timetable for completion of the process in its 2014 report if additional time is required beyond December 14, 2014.

false claims; notice of penalty (H.B. 2393) – Chapter 32

Clarifies the definition of a claims form as any document supplied by an insurer to an insured, the claimant or other person that the insured, claimant or other person is required to complete and submit in support of a claim for benefits.

credit card agreements (H.B. 2664) – Chapter 318

Establishes the following guidelines pertaining to credit card agreements: 1) specifies that a cardholder's acceptance of the terms and conditions of a credit card account can be established as binding and enforceable in accordance with the terms and conditions of the agreement by either the cardholder's written or electronic signature or by the use of the credit card account by any cardholder or authorized user; 2) stipulates that a cardholder is personally liable for all charges and interest incurred on the cardholder's account by the cardholder or an authorized user; 3) states that in no case is a cardholder liable for any charges or interest that result from the unauthorized use of a credit card; 4) allows a creditor to establish the amount of debt that is owed in an uncontested court action through a copy of the issuer's final billing statement or by an electronic record maintained by the issuer that represents the amount owed; 5) requires the court, in contested actions, to weigh the evidence of the parties as required by law; and 6) allows a creditor, if applicable, to establish the contracted interest rate for a credit card account through either the terms and conditions that contain a

BANKING AND INSURANCE COMMITTEE (Cont'd.)

stated or variable interest rate, or a billing statement generated by the issuer that contains a stated or variable interest rate.

States that a party's consumer protection rights prescribed by any federal or state law relating to consumers are not diminished.

vehicle insurance; proof shown electronically (H.B. 2677) – Chapter 105

SEE THE NATURAL RESOURCES AND TRANSPORTATION COMMITTEE.

Border Security, Federalism and States' Sovereignty Committee

Senator Sylvia Allen, Chairman



Bill Boyd, Research Analyst

Courtney Pigaga, Intern

BORDER SECURITY, FEDERALISM AND STATES' SOVEREIGNTY COMMITTEE

LEGISLATION ENACTED

appropriation; border security advisory committee (S.B. 1104) – Chapter 247

SEE THE APPROPRIATIONS COMMITTEE.

I didn't pay enough fund (NOW: environmental audit privilege) (H.B. 2199) – Chapter 251

Establishes an administrative and civil evidentiary privilege for environmental audits that are conducted by a regulated organization or its independent contractor. Stipulates that any audit report or portion of a report is considered privileged and cannot be admitted as evidence or be subject to discovery in a civil or administrative proceeding unless any of the following apply: 1) the privilege is expressly waived by the regulated entity; 2) disclosure is required by a court or administrative hearing official; or 3) to the extent that any portion of the audit report contains nonprivileged materials, as defined by the legislation. Allows a court or administrative hearing official to require disclosure of a portion of the audit report in a proceeding if the action is deemed to be consistent with the rules of procedure through an in camera review. The disclosure decision must also be tied to any of the following purposes: 1) the privilege has been asserted for a fraudulent reason; 2) the portion of the audit report is not privileged; or 3) there is evidence of noncompliance with an environmental law, and measures to comply with the law were not promptly initiated and pursued with reasonable diligence.

public-private partnerships; toll facilities (NOW: theme park districts) (H.B. 2358) – Chapter 206

Allows the Board of Directors (Board) of a Theme Park District (District) to segregate any theme park purpose for separate financing and to issue revenue bonds separately or together. Lowers the amount of required private financial commitments from 50 to 20 percent of the principal amount of bond issue, and allows the Board to elect to issue taxable bonds. Modifies allowable theme park site locations and removes the vehicle support facility component of a District.

Requires the Auditor General to conduct a performance audit of a District and its operations within 300 months after the date of the initial issuance of bonds. Outlines Board requirements that must occur within 60 months after the performance audit is delivered to the Joint Legislative Audit Committee. The legislation also extends the conditional delayed repeal of District statutes, from January 1, 2013 to January 1, 2020 if the Board fails to issue bonds by that date.

interstate compact; forests (H.B. 2494) – Chapter 256

Establishes a Compact for Interstate Cooperation on Forests, that allows two or more party states to coordinate and unify the management of the forests that traverse the states' common boundary.

technical correction; illegal aliens (NOW: national defense authorization act) (S.C.R. 1011)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

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

border security (S.C.R. 1014)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

state sovereignty (H.C.R. 2004)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

LEGISLATION VETOED

technical correction; underground storage; closure (NOW: 2012 NDAA act; governmental compliance) (S.B. 1182) – VETOED

Prohibits this state and any of its agencies from providing material support or participating in the implementation of Sections 1021 and 1022 of the National Defense Authorization Act of 2012 (NDAA). State law enforcement officials are required to report to the Governor and the Legislature any attempt by the federal government to implement those sections.

S.B. 1182 establishes, for any public officer, employee or agent of this state, the enforcement of an act, law, order, statute, rule or regulation pertaining to Sections 1021 and 1022 as a class 1 misdemeanor.

The Governor indicates in her veto message that while she unequivocally supports due process rights, she cannot support legislation that forces law enforcement to choose between upholding the Constitution and laws of the United States and abiding by the laws of Arizona.

municipalities; powers; technical correction (NOW: Arizona ranger vehicles; lights) (S.B. 1323) – VETOED

S.B. 1323 allows a vehicle being used for official Arizona Ranger purposes to be equipped with a red and blue light.

The Governor indicates in her veto message that it is dangerous to confuse the public by using red and blue lights on civilian vehicles.

federal lands; conveyance and taxation (S.B. 1332) – VETOED

S.B. 1332 requires, before December 31, 2014, the United States to extinguish title to and transfer title to all public lands in Arizona to the state. If Arizona sells former public lands, the legislation requires the state to retain five percent of the net proceeds of the sale for deposit in the Permanent State School Fund and pay 95 percent of the net proceeds of the sale to the United States.

The Governor indicates in her veto letter that S.B. 1332 fails to identify an enforceable cause of action to force federal lands to be transferred to the state. The Governor further states that while she is an advocate for state sovereignty, the legislation appears to be in conflict with the United States Constitution Article IV, Section 3, Clause 2 and Article VI, Clause 2 as well as the Enabling Act.

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

bail bond requirements; cash; secured (NOW: notification; federal law enforcement officers) (H.B. 2434) – VETOED

Requires a federal law enforcement officer to notify the sheriff of the county before taking any official law enforcement action.

The Governor indicates in her veto message that H.B. 2434 has the potential to interfere with law enforcement investigations and adds unneeded reporting requirements for law enforcement.

international forces; American soil; opposition (H.J.R. 2001) – VETOED

Resolves that the State of Arizona opposes the use of an international force on American soil and authorizes using organized resistance to thwart any such force that infringes on the United States Constitution.

The Governor indicates in her veto message that, while she unequivocally supports protecting Arizona, the United States and its Constitution, she disapproves of H.J.R 2001 because she is concerned with the vagueness of its language and terminology. The Governor also indicates that it is unclear what endorsement, legal protections or financial liability the state would incur by authorizing a citizens group to use organized resistance.

Commerce and Energy Committee

Senator Al Melvin, Chairman



Jennifer Thomsen, Research Analyst

Bryan Durham, Assistant Analyst

Nick Jauhal, Intern

COMMERCE AND ENERGY COMMITTEE

LEGISLATION ENACTED

underground mines; work hours (S.B. 1054) – Chapter 62

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

landlord tenant handbook; housing department (S.B. 1062) – Chapter 82

Beginning January 1, 2013, relocates the online copy of the Arizona Residential Landlord and Tenant Act and the Arizona Mobile Home Parks Residential Landlord and Tenant Act from the Secretary of State's website to the Arizona Department of Housing's website.

state real estate department; continuation. (S.B. 1085) – Chapter 171

Retroactive to July 1, 2012, the Arizona Department of Real Estate is continued until July 1, 2022.

entertainment districts; liquor; location restrictions (NOW: private attorney retention; contingency fees) (S.B. 1132) – Chapter 138 E

An emergency measure, effective March 29, 2012, that modifies statute related to private attorney retention by the Attorney General (AG) through a contingency fee contract as follows: a) specifies the contingent fee limitation formula includes fees from the state's portion of the recovery; b) states that decisions regarding settlement of a case may not be delegated to the state's private attorney; c) requires posting of any executed contingency fee contract on the AG's website no later than when a lawsuit is filed, with a certain exception; and d) exempts a contingency fee contract related to the pursuit of debt collection or restitution.

water banking authority; report (NOW: condominium recovery fund; repeal) (S.B. 1154) – Chapter 139 E

SEE THE WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE.

tobacco; internet; mail sales; e-cigarettes (S.B. 1280) – Chapter 311

Prohibits a person from causing the order or purchase of tobacco products from anyone other than a licensed person or a retailer who orders or purchases from a licensed person, and prescribes penalties for violation. Stipulates the amount of a taxpayer bond related to licenses to sell tobacco products. Requires a nonparticipating manufacturer of tobacco products to make required escrow deposits in quarterly installments. Prohibits the Arizona Department of Revenue (DOR) from refunding tax stamps that are affixed to articles or substances that are deemed contraband. Repeals conditionally enacted sections of statute relating to the requirement of DOR to produce adhesive tax stamps for unstamped packages of cigarettes.

COMMERCE AND ENERGY (Cont'd.)

department of housing; continuation (S.B. 1339) – Chapter 20

Retroactive to July 1, 2012, the Arizona Department of Housing is continued until July 1, 2017.

real estate licenses; renewal (H.B. 2026) – Chapter 48 E

An emergency measure, effective March 20, 2012, that allows a real estate broker licensee to renew as a real estate salesperson licensee without having to complete certain educational requirements.

home inspector liability; time limit (H.B. 2076) – Chapter 68

Limits the time a homeowner may file against a home inspector for damages to within four years after the cause of action accrues.

residential roofing repair contracts (H.B. 2091) – Chapter 219

Establishes requirements for residential repair contracts for repairs or replacement resulting directly from a catastrophic storm in an insurer-designated specific area. Prescribes the contract content, including the right of the residential owner to cancel the contract: 1) within 72 hours if the insurer denied the claim, or 2) for any reason within four business days after signing the contract. The contract must also contain a copy of a repair estimate. Limits the down payment for the repair to no more than 50 percent of the total contract and, if the contract is cancelled, requires the contractor to tender any payments to the insured owner within 10 days. Prohibits a contractor from acting on behalf of an insured owner in negotiating for the settlement claim and making any assurance that the contracting services will be covered by an insurance policy.

handyman exemptions; applicability (H.B. 2126) – Chapter 329

Excludes the following from Arizona Registrar of Contractors licensing exemptions: 1) all fire safety and mechanical, electrical and plumbing work done in connection with fire safety installation, maintenance and repair, with some exceptions; and 2) all work done that involves connecting to any supply of natural gas, propane or other petroleum or gaseous fuel.

landlord tenant; maintenance request; access (H.B. 2129) – Chapter 91

Stipulates that by notifying a landlord of a service or maintenance request, a tenant waives the right to receive any separate or additional access notice, as it related to that request.

unemployment insurance; independent contractor; appeals (H.B. 2150) – Chapter 115

Modifies the definition of *employee* in the unemployment insurance statutes to stipulate that indications of control by the employing unit include controlling the individual's hours of work, location of work, right to perform services for others, tools, equipment, materials, expenses and use of other workers and other indicia of employment. Extends certain deadlines for unemployment insurance benefit appeals.

COMMERCE AND ENERGY (Cont'd.)

salon managers; requirements (H.B. 2157) – Chapter 183

Removes the requirement that salon managers be licensed by the Arizona State Board of Cosmetology.

~~timeshares; public reports~~ (NOW: timeshares; amended public reports) (H.B. 2195) – Chapter 92

Allows a developer to prepare an amended public report for use in the sale of timeshare interests. Requires the Arizona Department of Real Estate (ADRE) to either certify the application and amended public report or issue a denial letter if the application is not administratively complete. The certifications or denials are required to be issued within 15 business days if the amendment adds less than six new component sites or within 30 calendar days if the amendment adds six or more new sites to the timeshare plan. The developer can use the amended public report for sales and leasing once the ADRE Commissioner certifies the application and amended report or they are deemed administratively complete.

trust land; agricultural classification; algaculture (H.B. 2225) – Chapter 202

Allows the Arizona State Land Department to issue agricultural leases for algaculture operations.

property tax; algaculture (H.B. 2226) – Chapter 220

Classifies lands and improvements dedicated to algaculture operations as agricultural real property for purposes of property taxation.

employer reporting requirements; new employees (H.B. 2248) – Chapter 49

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

threading exemption; cosmetology (H.B. 2262) – Chapter 30

Exempts persons who remove hair from its follicle from around the eyebrows and from other parts of the face with the use of a single strand of cotton thread and an over-the-counter astringent (i.e., threading) from regulation by the Arizona State Board of Cosmetology.

commission on the arts; continuation. (H.B. 2265) – Chapter 266

Retroactive to July 1, 2012, the Arizona Commission on the Arts (Commission) is continued until July 1, 2022. Prohibits Commission monies from being spent to pay a person or entity that dishonors religious objects, the flag of the United States or the flag of Arizona or for any projects that are determined to be obscene. Requires the Commission to establish grant making guidelines for general standards of decency and respect for diverse beliefs and values.

~~technical correction; overtaking bicycles~~ (NOW: clinical trial; public information requests) (H.B. 2272) – Chapter 116 E

An emergency measure, effective March 29, 2012, that expands the list of items that are exempt from public records laws relating to universities to include information or intellectual

COMMERCE AND ENERGY (Cont'd.)

property that is composed of unpublished research data, manuscripts, preliminary analyses, drafts of scientific papers, plans for future research and prepublication peer reviews. Specifies that information not available to the general public is also exempted. This law 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.

real estate brokers; education (H.B. 2357) – Chapter 239

Beginning January 2, 2013, increases the amount of required continuing education credit hours for designated or associate real estate brokers (broker) from 24 to 30. Modifies the required content of a broker management clinic (clinic) and requires a broker to attend a clinic once during each 24 months of licensure. Attendance at a clinic constitutes three courses of three hours each, for a total of nine credit hours of real estate oriented education. Increases the maximum amount of money that may be deposited by a broker into a trust fund account from \$500 to \$3,000.

public-private partnerships; toll facilities (NOW: theme park districts) (H.B. 2358) – Chapter 206

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

theft of metal; sentencing. (H.B. 2396) – Chapter 53

Modifies the value of ferrous and nonferrous metal, when determining the value following a theft, to include the fair market price of the metal, rather than the fair market price of the scrap metal.

private investigators; security guards; licensing (H.B. 2430) – Chapter 267

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

board of cosmetology (H.B. 2440) – Chapter 99

Makes the following changes to regulations associated with the Arizona State Board of Cosmetology (Board): 1) allows the Board to employ consultants and investigative, professional and clerical assistance personnel; 2) exempts persons who provide tanning services from Board regulation; 3) allows the Board to collect attorney fees from licensees to pay for costs associated with investigative and administrative hearings; and 4) allows a licensed person to practice cosmetology in health care facilities and other specified institutions without the consent of a licensed salon.

unemployment insurance; omnibus (H.B. 2519) – Chapter 162

Makes the following changes relating to unemployment insurance: 1) Extends the period of time after an employee is discharged that an employer must pay wages. 2) Decreases the Federal Unemployment Tax percentage threshold, as it relates to certain employers paying the Job Training Employer Tax, from six percent or less to less than six percent. 3) Adds and modifies criteria that an individual must meet in order to be eligible to receive benefits. 4) Disqualifies an individual from continuing to receive benefits if the individual fails to actively engage in seeking work. 5) Specifies that an individual is considered to have refused an offer of suitable work if the offer of work is withdrawn by the employer under specified conditions relating to drug testing. 6) Prohibits benefits

COMMERCE AND ENERGY (Cont'd.)

based on service for a charter school from being paid to an individual for any week of unemployment that begins during specified periods.

school facilities board; revisions (H.B. 2578) – Chapter 306

SEE THE EDUCATION COMMITTEE.

veteran supportive campuses; report (NOW: filing; wage claims) (H.B. 2601) – Chapter 227

Increases the maximum amount of unpaid wages, from \$2,500 to \$5,000, that enables an employee to file a written wage claim with the Industrial Commission of Arizona.

state liquor board members; compensation (NOW: liquor omnibus) (H.B. 2606) – Chapter 336

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

Limits the required posting to prospective licensed premises to a copy of the license application and prohibits the posting from containing any attachments filed with the application.

Stipulates that attendance at licensed private clubs is limited to enrolled members of the club and their spouses, families and bona fide guests. Limits nonmember guests from exceeding 50 percent of attendance during any month, with exceptions for specified events.

Allows the Director of the DLLC (Director) to issue a temporary permit to dispose of spirituous liquor at public auction that has been seized by any financial institution with a security interest in a license.

Allows the DLLC to issue a government license to a community college or the National Guard.

Authorizes the Director to issue two-year licenses. Stipulates that biennial renewal license fees are twice the amount of an annual renewal.

Prohibits a city or town from increasing the fees on hospitality businesses in any year by an amount that exceeds any increase in the Consumer Price Index compared to the average of the last five years.

Increases, from 32 to 40 ounces, the amount of beer allowed to be served by an on-sale retailer or employee. Permits an on-sale retailer to sell an opened, original container of distilled spirits under specified circumstances.

Allows a peace officer, while undercover on assignment, to consume small amounts of spirituous liquor while still possessing a firearm.

Allows certain licensees to dispense beer in clean glass containers with a maximum capacity of one gallon for off-premises consumption if certain standards are met. Prohibits, except as noted, reusing a liquor bottle or adding any substance in order to increase the content in the bottle.

COMMERCE AND ENERGY (Cont'd.)

Authorizes the Director to waive, for one year, the requirement to issue a series of new licenses if no request has been made to DLLC to issue new licenses.

Includes public and private schools in the exemptions from the distance restriction for entertainment districts.

Increases, from 90 to 120 days, the amount of time a licensed business is delinquent in an amount greater than \$250 paying taxes, penalties or interest before the Director may suspend, revoke or refuse to renew a license.

unemployment insurance; educational service agencies (H.B. 2628) – Chapter 246 E

An emergency measure, effective April 11, 2012, that prohibits benefits based on service for a contract educational provider from being paid to an individual for any week of unemployment that begins either during: a) the period between two successive academic terms, if there is a reasonable assurance the individual will return in the second term; or b) an established and customary vacation period or holiday recess, if there is reasonable assurance that the individual will return immediately following the vacation or holiday. If not offered employment in the subsequent term, the individual can receive retroactive unemployment benefit payments for each week the individual filed a timely claim. Exempts the Arizona Department of Economic Security from rulemaking requirements for one year to implement the legislation's provisions.

real estate transfer affidavit; exemptions (H.B. 2689) – Chapter 229

Modifies and adds instances when an affidavit and fee are not required for a real estate transfer of title.

state board of appraisal (H.B. 2778) – Chapter 342

Designates the Uniform Standards of Professional Appraisal Practice as the appraisal practice of Arizona. Extends the amount of time a license or certificate holder returning from military duty is required to file an application for reactivation and submit proof of completion of any continuing education requirements. Prohibits any person from requiring an appraiser to sign an indemnification agreement that would hold the person harmless from any liability arising from services performed by the person. Requires an appraiser to disclose the fee paid for an appraisal report ordered by an appraisal management company.

telephone solicitations; business opportunities (H.B. 2825) – Chapter 186

Requires persons or solicitors selling business opportunities through the telephone to register with the Secretary of State. Defines a *business opportunity* as the sale or lease of any goods or services to a consumer for an initial payment of \$500 or more in order to enable the consumer to start or operate a business and prescribes exclusions to the definition. Outlines registration, disclosure and contract requirements for these sales.

energy and water savings account (H.B. 2830) – Chapter 230

Allows counties, cities, towns and state agencies to enter into energy savings contracts and establish energy and water savings accounts (accounts). The accounts consist of a pool of capital

COMMERCE AND ENERGY (Cont'd.)

investment monies and may be used to pay for the incremental cost of the energy saving measures implemented in the public facility and additional energy and water savings projects. Revises school district statutes relating to the accounts.

Arizona commerce authority; statutory conformity (H.B. 2835) – Chapter 170 RFEIR

Adopts numerous technical and conforming changes to the Arizona Revised Statutes pursuant to Laws 2011, Second Special Session, Chapter 1, which established the Arizona Commerce Authority (ACA). Portions of the bill concerning the Arizona State Lottery and the ACA Local Communities Fund are subject to the requirements for enactment for initiatives and referendums (Proposition 105), which requires the affirmative vote of at least three-fourths of the members of each house of the Legislature.

recycling spent nuclear fuel; management (S.C.M. 1004)

SEE THE MEMORIALS AND RESOLUTIONS COMMITTEE.

Red Rock Project; support (S.C.R. 1044)

SEE THE MEMORIALS AND RESOLUTIONS COMMITTEE.

Education Committee

Senator Rich Crandall, Chairman



Liisa Laikko, Research Analyst
Kody Kelleher, Assistant Analyst
Natalie Fleming, Intern

EDUCATION COMMITTEE

LEGISLATION ENACTED

~~technical correction; AHCCCS; application process (NOW: schools; preference; childbirth; adoption)~~
(S.B. 1009) – Chapter 260

Prohibits school districts and charter schools from endorsing or providing financial or instructional support to any program that prefers elective abortion over childbirth and adoption. The bill further prevents school districts and charter schools from giving presentations or instructional materials to students during instructional time that give preference, encouragement and support to elective abortion over childbirth and adoption.

tax credit; school tuition organizations (S.B. 1047) – Chapter 4

SEE THE FINANCE COMMITTEE.

school property; community use; liability (S.B. 1059) – Chapter 14

Grants schools immunity from liability for use of school grounds, excluding swimming pools and other aquatic features, by recreational users. *Recreational user* excludes those registered at a school that are in transit to or from school and those on school grounds during a school sanctioned activity.

school districts; procurement practices (S.B. 1060) – Chapter 279

S.B. 1060 establishes, the maximum dollar amount of a single job order for job-order-contracting construction services issued by a school district to be \$1 million or a higher or lower amount prescribed by a school district governing board policy adopted in a public meeting. Current statute requires the duration of contracts for job-order contracting construction services to be limited to no more than five years unless the governing board determines in writing before the procurement solicitation is issued that a longer contract would be beneficial. S.B. 1060 requires this determination before the procurement solicitation is issued.

~~education; federal funds; technical correction~~ (NOW: dropout recovery program; changes) (S.B. 1168) – Chapter 42

Effective July 1, 2012 statute allowed charter schools and school districts at the high school level to offer a specialized program for students who have dropped out of school and then returned. Retroactive to July 1, 2011, S.B. 1168 makes further changes to clarify program funding, the counting of students, achievement of students and the recruiting of students.

~~school resource officer; duty; obstruction~~ (NOW: school safety program; requirement) (S.B. 1185) – Chapter 140

Beginning in the 2012-2013 school year, S.B. 1185 requires the School Safety Program Oversight Committee to include in the School Safety Program Guidance Manual that a dispute resolution process shall be included in the service agreement between a school district or charter

EDUCATION COMMITTEE (Cont'd.)

school that received a grant from the School Safety Program and the law enforcement agency providing services to the school district or charter school.

charter schools; audit frequency (S.B. 1199) – Chapter 146

Removes the requirement that a charter school change auditors at least every six years for its annual audit.

child care facilities (S.B. 1220) – Chapter 147

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

alternative high school graduation requirement (NOW: high school graduation requirement; alternate) (S.B. 1252) – Chapter 45

Allows a twelfth grade pupil to meet graduation requirements by substituting a passing score on a nationally recognized college entrance examination for the Arizona Instrument to Measure Standards.

elementary school districts; JTEDs; withdrawal (S.B. 1253) – Chapter 85 E

An emergency measure that, effective March 27, 2012, allows an elementary school district to withdraw from a Joint Technical Education District (JTED) by a majority vote of its governing board. The governing board of an elementary district that votes to withdraw from a JTED is required to send the question to ballot at the next general election, and if passed, notify the governing board of the joint district within ten days of the approval. A common school district within the boundaries of a union high school district that is a member of the JTED is ineligible for withdrawal.

schools; board examination system; universities (S.B. 1254) – Chapter 47

In addition to current options available for students receiving a Grand Canyon Diploma (GCD), S.B. 1254 allows a student who is accepted for admission to a university under the jurisdiction of the Arizona Board of Regents to enroll in the university after completing additional high school coursework designed to prepare students for admission to high quality postsecondary institutions offering baccalaureate degrees. The bill requires the school district or charter school from which the student earned the GCD to include that student in the school district's or charter school's student count. The school district or charter school will continue to receive per pupil funding for a student who earns a GCD until that student would otherwise have graduated at the end of grade twelve provided that student is enrolled as a full-time student in the university. Specifies how funding for that student is divided between and used by the school district or charter school and the university the student attends.

school courses; mastery of competency (S.B. 1255) – Chapter 149

Requires the State Board of Education (SBE) to adopt rules that establish competency-based educational pathways that may be used by schools. The rules adopted must include the following: the establishment of learning outcomes that will be expected for students in a particular subject matter, a process and criteria for assessments to be identified or established to determine if students have reached the desired competencies in a subject, and a mechanism to allow students in grades

EDUCATION COMMITTEE (Cont'd.)

seven through twelve who have demonstrated competency in a subject matter to immediately obtain credit for the mastery of that subject. S.B. 1255 specifies that the rules adopted by SBE include a list of applicable subjects and a level of competency required for each subject.

The legislation establishes the options for students pursuing a competency-based diploma and how funding is allocated under those options.

third grade promotions; requirements; exceptions (S.B. 1258) – Chapter 150

Pursuant to Laws 2010, Chapter 296, beginning in the 2013-2014 school year, a pupil may not be promoted from the third grade if the pupil falls far below a passing score on the reading portion of the Arizona Instrument to Measure Standards or its successor. Chapter 296 provided for several good cause exemptions from this requirement. S.B. 1258 removes the following good cause exemptions: a pupil with a reading deficiency who has been previously retained twice in a grade, a pupil that demonstrates reading proficiency on an alternative assessment approved by the State Board of Education (SBE), and the parental exemption.

Additionally, S.B. 1258 requires the Arizona Department of Education to post best practices for reading intervention and remedial strategies for school districts and charter schools on their website. The bill also requires the SBE to develop intervention and remedial strategies for qualifying pupils in kindergarten and grades one through three.

charter schools; charters; renewals; revocations (S.B. 1424) – Chapter 155

Charter Requirements – S.B. 1424 requires the sponsor of a charter school to evaluate a charter at five-year intervals using an adopted performance framework that includes: 1) academic performance expectations and measurement of progress toward expectations, 2) operational expectations, and 3) intervention and improvement strategies.

Renewal and Revocation – The legislation allows a sponsor to deny a request for renewal of a charter at any time if the charter holder has failed to: 1) meet or make sufficient progress toward the academic performance expectations, 2) meet operational performance expectations or have improvement plans, 3) complete the contractual obligations, and 4) comply with any law from which the charter school is not exempt. The sponsor may revoke a charter for a breach of one or more provisions of the charter. Requires charter renewal data, including a summary report with validation of decisions, to be available to the school and public. The bill specifies that the sponsoring entity of a charter school is required to make renewal decisions based on evidence and the adopted performance framework.

Charter Application Processing Fund – Allows a charter sponsor to charge a new charter application processing fee to cover the cost of application review and any needed technical assistance. Establishes the New Charter Application Processing Fund consisting of fees collected by the State Board for Charter Schools.

school finance revisions (S.B. 1456) – Chapter 357

Retroactive to July 1, 2012, S.B. 1456, repeals the four-day method of counting Average Daily Membership. Allows a student to generate 1.75 ADM if they attend a Joint Technical Education District (JTED) program at a facility leased and operated by the JTED for FY 2013.

EDUCATION COMMITTEE (Cont'd.)

Modifies the transportation support level for a district providing 200 days of instruction. Modifies the length of the Arizona Department of Education's (ADE) audit windows and allows ADE to adjust funding under certain circumstances if audit or monitoring activities result in overpayment or underpayment of state aid.

schools; achievement profiles (S.B. 1458) – Chapter 67

Laws 2010, Chapter 247 required both a letter grade and an achievement profile be assigned to a school district and charter school. S.B. 1458 requires only that a letter grade be assigned. The bill specifies that a school, school district or charter school will be assigned a letter grade of "F" if the school was required to participate in a mandatory school improvement plan for the previous two academic years. Outlines how a school, school district, or charter school may be assigned a letter grade of "F" in the next two academic years.

K-12 education; budget reconciliation; 2012-2013. (S.B. 1529/H.B. 2858) – Chapter 300

SEE THE APPROPRIATIONS COMMITTEE.

higher education; budget reconciliation; 2012-2013. (S.B. 1530) – Chapter 301

SEE THE APPROPRIATIONS COMMITTEE.

teachers; specialized certification (H.B. 2161) – Chapter 26

Establishes a special teaching certificate for classroom teachers with expertise in science, technology, engineering, or mathematics (STEM) fields to provide instruction for grades seven through twelve at any public school in Arizona. To obtain this certification, teachers must: 1) complete Structured English Immersion (SEI) training; 2) have a bachelor's, masters, or doctoral degree in a subject matter that is specific to STEM or have obtained a passing score on a statewide educator assessment; and 3) obtain a valid fingerprint clearance card. Exempts a teacher who obtains this special certificate from the professional knowledge and subject knowledge proficiency requirements and from the proficiency requirements in the Constitutions of the United States and Arizona Constitutions.

school; hot line; clearinghouse; repeal (H.B. 2171) – Chapter 27

Repeals statutes related to the following expired educational programs: the Public School Information Hotline, the School Safety Clearing House, the Arizona Instrument to Measure Standards Intervention and Dropout Prevention Program, and the Instructional Technology Systems Pilot Program.

school districts; fiscal crisis teams (H.B. 2270) – Chapter 51

Allows the State Board of Education (SBE) to appoint a fiscal crisis team if the SBE determines the school district is insolvent or has grossly mismanaged its finances.

EDUCATION COMMITTEE (Cont'd.)

technical correction; overtaking bicycles (NOW: clinical trial; public information requests) (H.B. 2272) – Chapter 116 E

SEE THE COMMERCE AND ENERGY COMMITTEE.

community colleges; bonds; lease purchase (NOW: bonds; community colleges) (H.B. 2333) – Chapter 253

SEE THE APPROPRIATIONS COMMITTEE.

medical marijuana; cardholder; campuses; prohibition (H.B. 2349) – Chapter 159 RFEIR

Subject to the requirements for enactment for initiatives and referendums (Proposition 105), which requires the affirmative vote of at least three-fourths of the members of each house of the Legislature, H.B. 2349 prohibits medical marijuana possession and use on the campus of any public university, college, community college, postsecondary educational institution, high school, junior high school, middle school, common school, preschool premises or child care facility by any person.

ABOR; continuation (H.B. 2397) – Chapter 119

Retroactive to July 1, 2012, continues the Arizona Board of Regents until July 1, 2022.

poorly performing schools; intervention strategy (H.B. 2500) – Chapter 211

Requires a school that is assigned a below average or a failing score for two consecutive years to implement a science, technology, engineering and mathematics intervention strategy under the supervision of the State Board of Education.

charter schools; previously certificated teachers (H.B. 2501) – Chapter 212

Prohibits a charter school from employing a teacher whose certificate has been surrendered, unless the certificate has been reinstated by the State Board of Education.

schools; elective; biblical influence (NOW: biblical influence; schools; electives) (H.B. 2563) – Chapter 270

Allows a school district or charter school to offer an elective course for pupils in grades nine through twelve on how the Bible has influenced Western culture. The course must be designed to familiarize pupils with the contents, characters, poetry and narratives that are prerequisites to understanding society and culture, including literature, art, music, mores, oratory and public policy. The course shall also familiarize pupils with the following: the contents of the Old and New Testaments; the history recorded by the Old and New Testaments; the literary style and structure of the Old and New Testaments; and the influence of the Old and New Testaments on laws, history, government, literature, art, music, customs, morals, values and culture.

H.B. 2563 requires the State Board of Education to include concepts about the history and literature of the Old Testament era and the New Testament era in the history or English arts curriculum standards, and specifies that a biblical course must follow applicable law and all federal

EDUCATION COMMITTEE (Cont'd.)

and state guidelines in maintaining religious neutrality and accommodating the diverse religious or nonreligious views, traditions and perspectives of pupils.

school facilities board; revisions (H.B. 2578) – Chapter 306

H.B. 2578 makes numerous changes to School Facilities Board (SFB) statutes in order to conform statute to SFB practice. H.B. 2578 additionally requires that the proceeds derived through the sale of any land purchased or partially purchased, or the sale of buildings funded or partially funded, with monies provided by SFB be returned to the state fund from which it was appropriated.

H.B. 2578 also allows a school district to enter into a guaranteed energy cost savings contract with a qualified provider if it determines that the energy savings project pays for itself. The term of the contract is limited to the shortest of the following: 25 years, the expected life of the item or the term of the financial agreement. The bill also permits an agent to enter into a contract with a qualified provider if the agent determines that the amount the agent would spend on the recommended measures in the proposal would not exceed the amount to be saved in energy costs over the term of the contract after the date that the installation or implementation is complete.

~~schools; classification labels; parental involvement~~ (NOW: school improvement plan; parental involvement) (H.B. 2598) – Chapter 286

Requires a school district that has been assigned a letter grade of “D” or “F” for two consecutive years to implement a parent involvement strategy, which must be included in a school improvement plan for each applicable school within the district.

~~school instruction; personal finance~~ (NOW: regulatory exemptions; "A" school district) (H.B. 2599) – Chapter 335

Allows certain school districts assigned an “A” letter grade for three consecutive years to request exemptions from the State Board of Education (SBE) from certain statutes and rules regarding schools, governing boards and school districts. The bill also requires exemptions approved by SBE to be discontinued if the school district falls below an “A” letter grade for three consecutive years or is assigned a letter grade of “C” or below at any time.

school rankings; display; time period (H.B. 2622) – Chapter 360

H.B. 2622 prohibits a school, charter school or school district from displaying any achievement classification or ranking that was awarded by a public or private entity after the classification or ranking is no longer current unless the year of issuance is prominently displayed.

Additionally, the bill expands the Arizona Empowerment Scholarship Accounts (ESA) Program as passed by Laws 2011, Chapter 75. H.B. 2622 modifies the definition of a *qualified student* to include a student who: attends a school or school district that has been assigned a letter grade of “D” or “F” by the Arizona Department of Education, previously received an Arizona Scholarship for Pupils with Disabilities, is the child or legal ward of an active duty member of the United States Armed Forces, continues to attend a qualified school and was eligible for or received an Arizona Scholarship for Pupils with Disabilities regardless of whether or not they received monies from a School Tuition Organization, is a ward of the Arizona juvenile court and

EDUCATION COMMITTEE (Cont'd.)

who is residing with a prospective permanent placement and whose case plan is adoption or permanent guardianship, or is a child who was a ward of the Arizona juvenile court and who achieved permanency through adoption or permanent guardianship. The bill also makes numerous changes to the ESA Program statutes relating to Program administrative expenses, implementation and the use of ESA Program monies.

unemployment insurance; educational service agencies (H.B. 2628) – Chapter 246 E

SEE THE COMMERCE AND ENERGY COMMITTEE.

community colleges; administrative requirements; reductions (H.B. 2641) – Chapter 103

Modifies several community college district administrative requirements including: 1) eliminating the requirement prohibiting a community college district governing board from authorizing the expenditure of funds for capital outlay costs if the district disapproves the issuance of bonds by a majority vote; 2) repealing the requirement that a community college district submit information regarding a bond's proceeds to the Joint Committee on Capital Review (JCCR) before seeking voter approval regarding the issuance of the bond; 3) requiring a community college district to submit information regarding bonds that do not require voter approval to the JCCR; 4) eliminating tracking studies and a report regarding certain dual enrollment students; and 5) exempting community college districts from solar design standards for state buildings.

underperforming school districts; reclassification (H.B. 2663) – Chapter 76

Allows the State Board of Education (SBE) to assign a school a letter grade of "F" before the school has been assigned a letter grade of "D" for less than three consecutive years if SBE determines that there is no reasonable likelihood that the school will achieve an average level of performance within the next two years.

teachers; certification; subject knowledge (H.B. 2697) – Chapter 165

H.B. 2697 exempts secondary education certificate applicants from the subject knowledge portion of the proficiency examination if the State Board of Education determines that the applicant has work experiences in science, technology, engineering, or mathematics and can demonstrate adequate knowledge through a postsecondary education degree or 24 credit hours of relevant coursework.

schools; ADM overstatement; repayment (H.B. 2707) – Chapter 340 E

An emergency measure, effective May 11, 2012, requiring qualifying school districts to repay certain budget overexpenditures, certain accrued interest and Average Daily Membership (ADM) overstatements.

District A – Requires a school district that overexpended its budget from FY 2010 to FY 2011 to repay the overexpenditures during FY 2012 through FY 2016 if all the following apply: the district is unified with a total net assessed value between \$13,531,600 and \$13,531,700 on a full cash value basis for tax year 2011, the district's ADM for the 2010-2011 school year was less than 100 pupils, and the total amount of the correction is between \$190,000 and \$250,000.

EDUCATION COMMITTEE (Cont'd.)

District B – Requires a school district that overexpended its budget from FY 2004 to FY 2012 to correct the overexpenditures by reducing its budget capacity from FY 2012 to FY 2020 if all the following apply: the district is unified on an Indian reservation, the district is currently in receivership, the district's ADM for the 2010-2011 school year was between 270 and 280 pupils, and the total amount of the correction is between \$500,000 and \$1,100,000. Requires the Arizona Department of Education to reduce state aid for District B by \$100,000 for FY 2012 and 25 percent of the remaining total each fiscal year from FY 2013 to FY 2016.

District C – Requires a school district that overstated its ADM from FY 2007 to FY 2009 to repay the overstatements during FY 2014 through FY 2016 if all the following apply: the district is in a county sharing a border with Mexico, the district's ADM for the 2010-2011 school year was less than 450 pupils, the overstatement was the result of the district counting students in its ADM that were ineligible, and the total amount of the overstatement is between \$500,000 and \$700,000.

computer access by minors (H.B. 2712) – Chapter 166

Requires a public school or public library that provides a public access computer to deploy and enforce a technology prevention measure (TPM) that prevents minors from gaining access to visual depictions that are child pornography, harmful to minors or obscene. Requires the Director of the Arizona State Library, Archives and Public Records to adopt and make public rules for the enforcement of a TPM. Prescribes that a governing body of a library must develop a policy to implement the technology protection measure rules. The policy, reviewed at least every three years, must meet certain requirements and be adopted at an open meeting. Includes a noncompliance penalty for both the public library and public school.

charter school enrollment; siblings (H.B. 2732) – Chapter 106

Allows a charter school to give enrollment preference to the siblings of a pupil who has previously attended a charter school with the same charter holder, board and governing board membership.

school districts; renewable energy development (H.B. 2743) – Chapter 167

Permits a school district governing board to sell, lease or purchase school sites without a vote of the school district electors if the property is obtained through a renewable energy development agreement.

faculty; political and religious beliefs (H.B. 2770) – Chapter 177

Prohibits a university or community college from making employment decisions based on a faculty member's political or religious beliefs. Requires a university or community college, in making employment decisions, to take into account a faculty member's competence and appropriate knowledge in that faculty member's field of expertise in order to foster a learning environment that respects a plurality of methodologies and perspectives, and prohibits a university or community college from excluding faculty members from certain promotions based on political or religious beliefs.

EDUCATION COMMITTEE (Cont'd.)

school districts; charter school funding (H.B. 2810) – Chapter 78

Establishes an 11-member Joint Legislative Study Committee (Committee) on Charter School Funding Options for School Districts to evaluate methods and recommend statutory changes that allow school districts to adopt a funding model similar to that of a charter school. Repeals the Committee on October 1, 2014.

schools; teachers; principals; evaluation systems (H.B. 2823) – Chapter 259

State Board of Education (SBE) – On or before December 1, 2012, H.B. 2823 requires the model teacher and principal evaluation framework adopted by SBE to include four performance classifications - highly effective, effective, developing and ineffective. The SBE is to also develop guidelines for school districts and charter schools on how to use these classifications in their evaluation instruments.

Arizona Department of Education (ADE) – Requires ADE to identify and prominently post on its website the best practices for the implementation and assessment of principal and teacher evaluation systems by September 15, 2012. Allows ADE to develop an evaluation instrument that complies with the evaluation framework adopted by SBE for school districts and charter schools, to be pilot tested in schools that choose to participate in a pilot program in school year 2012-2013.

School District Governing Boards – Requires a school district governing board to adopt a teacher evaluation policy by school year 2013-2014 that includes certain provisions. In school year 2015-2016, the policy must be expanded to add other specified measures.

Allows a school district governing board or a charter school governing body to choose to postpone the full implementation of the required teacher and principal evaluation until the 2013-2014 school year if the governing board or governing body does so at a public meeting before September 30, 2012.

Principals – H.B. 2823 requires school district governing boards to adopt and implement, by school year 2013-2014, policies for principal evaluations and outlines what those policies are to include.

Classroom Site Fund (CSF) – Requires that, beginning in school year 2014-2015, individual teacher performance shall account for 33 percent of the 40 percent of CSF monies used for performance pay by a district.

energy and water savings account (H.B. 2830) – Chapter 230

SEE THE COMMERCE AND ENERGY COMMITTEE.

EDUCATION COMMITTEE (Cont'd.)

LEGISLATION VETOED

schools; governor's community service citation (S.B. 1066) – VETOED

Retroactive to January 1, 2012, S.B. 1066 directs the State Board of Education, in cooperation with the Governor's Office, to establish a community service commendation for high school students who perform 200 hours of community service.

The Governor indicates in her veto message that because this bill is obligating one branch of government to do something it can already do, it is unnecessary. She also noted that because the bill requires the Governor to issue the commendations, it infringes on the separation of powers requirements of the Arizona Constitution.

parenting time; court-ordered supervisors (S.B. 1176) – VETOED

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

collective bargaining agreements; teachers; transfers (NOW: preschool programs; charter schools) (S.B. 1256) – VETOED

Current law requires each school district to make available an educational program for preschool children with disabilities (Program) who reside in the school district and who are not already receiving services. Only those preschool children are counted who meet the statutory definitions for the disabilities for the purposes of calculating average daily membership and state funding. S.B. 1256 allows charter schools to provide these Programs.

The Governor indicated in her veto message that she could not sign any bill with a possible fiscal impact while budget negotiations are ongoing.

schools; online courses; requirements; funding (NOW: digital learning; course choice) (S.B. 1259) – VETOED

S.B. 1259 requires school districts, beginning July 1, 2013, to allow each pupil in grades seven through twelve to enroll in up to two online courses in each academic year as part of the pupil's regular course load. The bill also requires the State Board of Education (SBE), by December 15, 2012, to adopt a master rubric that the Arizona Department of Education (ADE) will use when approving online courses. ADE must assemble a master list of approved online courses and ADE may select another organization to maintain the master list. S.B. 1259 specifies that the funding for each online course is equal to the total state and local funding that would be allocated to a school district if the pupil had taken the same course in person. The bill outlines how the course providers are paid by ADE.

The Governor indicated in her veto message that she had concerns with the creation of a master list of online courses and the appropriateness of the State, or an entity on behalf of the State, approving online courses or curriculum. She also expressed concerns over ADE being able to implement the funding mechanisms in the bill at this time.

empowerment scholarship accounts; expansion (H.B. 2626) – VETOED

SEE THE FINANCE COMMITTEE.

Finance Committee

Senator Steve Yarbrough, Chairman



Carolyn Speroni, Research Analyst

David Fernandez, Intern

FINANCE COMMITTEE

LEGISLATION ENACTED

tax corrections act; 2012 (S.B. 1045) – Chapter 3

S.B. 1045 corrects errors, obsolete language and blending problems and provides clarifying changes to tax statutes. It modifies statutes relating to premium tax credits and corporate and individual income tax credits for new employment, including legislative intent that these changes are intended to be clarifying and are consistent with the Legislature's intent when those sections were enacted. The bill also modifies statute relating to individual and corporate income tax credits for increased research activities.

corporate tax allocation; sales factor (S.B.1046) – Chapter 2

Allows a multistate service provider, defined as a taxpayer deriving 85 percent of its revenue from sales of services outside the state, to make an election regarding how revenues are categorized for the purposes of state income tax. Sales to students receiving educational services at physical campuses in this state will be excluded from the 85 percent calculation.

Under this election a scaled combination of income producing sales and market based sales is used. Income producing sales locate the sale where the activity is performed while market based sales source the sale to the location of the customer receiving services. In FY 2014, the election weights sales as 85 percent market based sales and 15 percent income producing sales; FY 2015, 90 percent market based and 10 percent income producing; FY 2016, 95 percent market based and 5 percent income producing; 100 percent market based sales in FY 2017 and thereafter.

tax credit; school tuition organizations (NOW: school tuition organizations; credits; administration) (S.B. 1047) – Chapter 4

Excess Credit – S.B. 1047 establishes a credit for excess contributions to certified school tuition organizations (STO's). This excess credit can only be claimed if a taxpayer's contribution exceeds the amount allowed under the existing STO credit. The award of scholarships is limited to a student who attended a governmental school or a preschool program that offers services to students with disabilities, a dependent of a member of the Armed Forces, a student who enrolls in a kindergarten program or a student who received an STO scholarship in the previous year. The excess credit is also limited to \$500 for a single individual or \$1,000 for a married couple in any taxable year. The excess credit is prohibited if the taxpayer designates it for the direct benefit of any dependent or agrees with one or more other taxpayers to designate each taxpayer's contribution for the direct benefit of the other taxpayer's dependent.

Administration of Existing Credit – S.B. 1047 also requires an STO to allocate at least 90 percent of its annual revenue from contributions from tax credits for educational scholarships or tuition grants, rather than 90 percent of its total annual revenue. The bill changes the definition of *qualified school* by removing the requirement that a school annually administer and make available to the public aggregate test scores of its students on a nationally standardized norm-referenced test. It also identifies additional students who may qualify for a corporate donation for low-income scholarships.

FINANCE COMMITTEE (Cont'd.)

~~school tuition organizations; credits; administration~~ (NOW: elections; candidates) (S.B. 1048) – Chapter 61 E

An emergency measure, effective March 21, 2012, that modifies the ballot regarding the presentation of presidential and vice-presidential candidates and presidential electors. Requires, retroactive to July 20, 2011, the Secretary of State to accept candidate nomination papers and petitions that designate a certain legislative or congressional district, with a specified exemption.

PSPRS; investment contracts (S.B.1115) – Chapter 63

Specifies that loans, guarantees, investment management agreements and investment contracts made by the Public Safety Personnel Retirement System are contracts memorializing obligations and not goods or services. This specification determines the manner in which loans, guarantees, investment management agreements and investment contracts are evaluated for compliance with the Arizona Sudan and Iran acts as well as federal immigration law.

PSPRS; CORP; EORP; amendments (S.B. 1116) – Chapter 136

S.B. 1116 provides authority to enter into swap agreements. The bill also provides clarifying changes for the Public Safety Personnel Retirement System (PSPRS), the Elected Officials' Retirement Plan (EORP) and the Corrections Officer Retirement Plan (CORP), in order to conform the systems' statutes to one another.

PSPRS – S.B. 1116 provides conditions on the right of a member who previously terminated membership and received a refund of contributions to restore forfeited service credit if the member returns to the same employer within two years after termination. It prohibits PSPRS from making pension payments to the retired member during a period of reemployment if a retired member becomes employed in any capacity by the employer from which the member retired within one year, rather than 60 consecutive days. Certain members are exempted from the one-year reemployment provision.

CORP – Requires a local board to commence a hearing on a claimant's rights within 90 days after the date the matter is presented, unless otherwise required by law or on agreement of the parties. Prohibits the board from making a retroactive payment of a pension more than 90 days before the date of the person's application benefits. Provides for payment of death benefits to a successor beneficiary that was not designated by the member.

EORP – Specifies required discount rates used in calculating the increase in the actuarial present value of projected benefits. Stipulates that the discount rate is effective beginning in the next fiscal year and the board shall recalculate the rate each year.

ASRS; administration (S.B. 1117) – Chapter 87

S.B. 1117 enhances the Arizona State Retirement System's (ASRS) accounts receivables collection authority, including permitting ASRS to levy cash and cash equivalent property at financial institutions or salary or wages of the debtor. The bill requires any person having custody or control of books, records or statements containing evidence relating to the levy to exhibit the material on request of ASRS, if a levy has been or is about to be made.

FINANCE COMMITTEE (Cont'd.)

The bill also permits ASRS to enter into agreements with financial institutions to develop a data match system to assist with debt collection and specifies what data shall be included in the match. It limits ASRS to disclosure necessary in order to enforce the collection of the debt and permits ASRS to pay a reasonable fee to financial institutions for the data match.

S.B. 1117 also allows the ASRS board to furnish a member's account status electronically or online, and deletes the requirement that the account status statement be furnished annually.

ASRS; spousal consent (S.B. 1119) – Chapter 88

S.B. 1119 modifies provisions in the Arizona State Retirement System (ASRS) regarding spousal consent. The bill requires a married member to name and maintain the member's current spouse as a beneficiary to receive at least 50 percent of the member's account. The member's current spouse may consent to a waiver of this requirement. It also requires a member, before naming a new contingent annuitant or rescinding an election of a contingent annuitant, to obtain the consent of the current contingent annuitant if that person is a current spouse. A member may affirm in writing under penalty of perjury that spousal consent is not required if certain stated exceptions apply. S.B. 1119 also appropriates \$200,000 from the ASRS administration account in FY 2013 for implementation.

tax subtraction; charitable crop contributions (S.B. 1121) – Chapter 178

Retroactive to December 31, 2011, the legislation repeals requirements that a crop donated to a charitable organization must be harvested by or on behalf of the donee, its harvesting be economically unfeasible in the normal course of business and that the crop would otherwise go to waste in order to qualify for a subtraction from taxable income. Restrictions on the crop's transfer out of state by the donee and the limitation of the taxable income subtraction to 80 percent of the determined crop value are also removed. Finally, the legislation prohibits the Arizona income subtraction from including the amount of a subtraction for crop donation taken through Internal Revenue Code 170 that is in excess of the cost of the crop's production cost.

tax refund checkoff boxes (S.B. 1122) – Chapter 35 RFE

Removes the requirement that tax refund checkoff boxes for the Child Abuse Prevention Fund, Special Olympics Fund, Arizona Game and Fish Department Fund, Neighbors Helping Neighbors Fund, Domestic Violence Shelter Fund and Arizona Clean Elections Fund appear on page one of state tax return documents beginning tax year 2012. Portions of the bill concerning Arizona Clean Elections Fund are subject to the requirement for enactment for initiatives and referendums (Proposition 105), which requires the affirmative vote of at least three-fourths of the members of each house of the Legislature.

tax credit; military family relief (S.B. 1190) – Chapter 281

Extends the sunset date of the individual tax credit for donation to the Military Family Relief Fund (Fund) from December 31, 2012 to December 31, 2018. Delays the automatic repeal of statute pertaining to the Fund, its advisory committee, a tax credit for donations to the Fund and the repeal of session law allowing the Fund to provide financial assistance and grants to the families of service members until December 31, 2018.

FINANCE COMMITTEE (Cont'd.)

ASRS; nonparticipatory employer; liabilities (S.B. 1194) – Chapter 79

Effective January 2, 2013, S.B. 1194 requires the Arizona State Retirement System (ASRS) to allocate a liability to an employer that is no longer participating in ASRS, if: 1) the character of the employer changes from a public entity to a private entity; 2) an employer, other than this state or a charter school, files for bankruptcy or otherwise dissolves; 3) an employer is no longer participating; or 4) for this state, the character of a state agency, board or commission changes from public to private.

Liability to an employer is allocated as follows:

Plan employer actuarial accrued liability X Plan total deficit percentage	plus	LTD program employer actuarial accrued liability X LTD program total deficit percentage
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college savings plans; report; date (NOW: exemption; motor vehicle dealer licensing) (S.B. 1195) – Chapter 142

Removes the requirement that a nonprofit organization be in existence for five years in order to sell a donated motor vehicle without obtaining a motor vehicle dealer license.

college savings; report; income subtraction (S.B. 1196) – Chapter 143

Eliminates the sunset date of the subtraction from taxable income for donations made to an eligible 529 college savings plan. The legislation also extends the deadline for the Arizona Commission for Postsecondary Education to submit its annual report of Arizona's 529 plan from February 1 to March 1.

use tax declaration; repeal (S.B. 1214) – Chapter 323

Retroactive to TY 2012, S.B. 1214 repeals the requirement that a person who stores, uses or consumes tangible personal property for a nonbusiness purpose, and the tax was not collected by a registered retailer, declare the annual amount of tax due on that person's income tax form.

tax exemption; residential solar electricity (S.B. 1229) – Chapter 232

Retroactive to January 1, 2007, this legislation exempts the transfer of electricity generated by solar photovoltaic systems to utility distributors from transaction privilege tax (TPT) and deducts the gross income or gross proceeds of sales attributable to that transfer from the utility distributor's tax base.

Additionally, S.B. 1229 exempts the transfer or sale of renewable energy credits (RECs) from TPT and exempts the storage, use or consumption of RECs from use tax. This legislation also specifies that the transfer of RECs does not fall under the utilities classification for TPT.

FINANCE COMMITTEE (Cont'd.)

personal property tax; computer software (S.B. 1279) – Chapter 324

S.B. 1279 requires personal computers and general purpose computers used in a trade or business to be valued as personal property. The operating system software is required to be valued as a part of the computer on which it is installed. All other software is to be valued as personal property.

tobacco; internet; mail sales; e-cigarettes (S.B. 1280) – Chapter 311

SEE THE COMMERCE AND ENERGY COMMITTEE.

state treasurer; investment (S.B. 1366) – Chapter 21

Allows the State Treasurer to invest in any bonds, debentures, notes or other evidences of indebtedness so long as they are denominated in United States dollars and meet minimum investment standards.

property tax; agriculture classification; affidavit (S.B. 1416) – Chapter 182

SEE THE WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE.

prime contracting; manufacturing facilities; infrastructure (S.B. 1442) – Chapter 328

S.B. 1442 requires the State Treasurer to pay a city, town or county, from the distribution base, the amount determined for the purpose of funding up to 80 percent of the cost of public infrastructure improvements for the benefit of a manufacturing facility, from and after September 30, 2013, through September 30, 2023. *Manufacturing facility* is defined as a facility where raw or prepared materials are fabricated, that agrees to make \$500 million in capital investment for an urban county, or \$50 million in capital investment for a rural county and *public infrastructure* is defined as water facilities, wastewater facilities and necessary roads.

The bill specifies the amount to be paid as the total amount of transaction privilege tax revenues collected from prime contractors derived from contracts to construct buildings and associated improvements for the benefit of a manufacturing facility, but total program payments are capped at \$50 million.

The bill requires the city, town or county to enter into a written agreement with the Department of Revenue that states the cost of the public infrastructure improvements and the actual amount of the construction funding that will be derived from sources other than the state.

revenue; budget reconciliation; 2012-2013. (S.B. 1526/H.B. 2855) – Chapter 297

SEE THE APPROPRIATIONS COMMITTEE.

~~PSPRS; trustees; employment agreements~~ (NOW: batteries; catalytic converters; reporting; dealers) (H.B. 2087) – Chapter 196

Requires used automotive components dealers to maintain a printed record of transactions involving two or more lead acid batteries for two years: one year on premises and one year in a retrievable location. H.B. 2087 specifies the type of information the record must contain. This record

FINANCE COMMITTEE (Cont'd.)

as well as current inventory and the used automotive component's dealer's business premises are required to be open to reasonable requests for inspection by a peace officer during normal business hours and violations are categorized as a class 1 misdemeanor.

Directs the Department of Public Safety (DPS) to establish software compatible with record keeping software of used automotive components dealers and requires those dealers to submit electronic records of lead acid battery transactions to DPS. The legislation further directs DPS to make information in these records available to local law enforcement. Failure to file the required electronic transaction report to DPS within 24 hours is categorized as a class 1 misdemeanor.

Prohibits on site payment for lead acid batteries in excess of \$300, requiring instead that payment be made by check or money order to the address provided by the seller. The address provided must also match identification reported in the physical record of receipt. Individual lead acid battery sellers must be at least 16 years old and may not engage in more than one cash transaction for lead acid batteries per day.

This legislation also prohibits scrap metal dealers from purchasing or selling used catalytic converters.

H.B. 2087 does not apply to automotive recyclers licensed by the Arizona Department of Environmental Quality, or sellers required to accept used lead acid batteries for fee recovery in accordance with statute.

property tax appeals; valuation; classification (H.B. 2092) – Chapter 197

Increases the maximum limitation for small claims procedures on property classification and valuation to \$2 million in real or personal property. Taxpayers using the small claims procedure based on the income approach to valuation must file the petition and sworn affidavit required by statute at least ten business days before a hearing.

If an appeal is filed on a property that has not received final judgment or dismissal in Tax Court and that property is sold, the new owner may file their own appeal for revaluation or take action based on a previous owner's pending petition or tax appeal. New owners must take any action before December 15th of the valuation year.

In settling an appeal, the State Board of Equalization (Board) may only grant or deny the taxpayer's petition for change in valuation or classification. The Board is permitted to increase the value of individual parcels within an economic unit in a multi-parcel appeal if the amount of the increase does not exceed the total aggregate valuation of the multiple appeal and both parties involved agree to the increase.

prepaid wireless E911 excise tax (H.B. 2094) – Chapter 198

Effective tax year 2014, exempts prepaid wireless telecommunications providers from the existing E911 excise tax, and establishes a new E911 excise tax of 0.8 percent of sales proceeds or gross income from retail sales of prepaid wireless services. Taxes collected are paid to the Emergency Telecommunications Services Revolving Fund.

FINANCE COMMITTEE (Cont'd.)

internal revenue code conformity. (H.B. 2120) – Chapter 38

Federal adjusted gross income is the starting point for calculation of Arizona tax liability. H.B. 2120 is the annual conformity bill that aligns statute with federal law. The bill updates Internal Revenue Code definitions to include all provisions that were in effect as of January 1, 2012.

transaction privilege tax reform committee (H.B. 2123) – Chapter 114 E

An emergency measure, effective March 29, 2012, that establishes the Transaction Privilege Tax Reform Committee (Committee). The charge of the Committee is to study and make recommendations regarding the collection of revenues to the state General Fund, including individual and corporate income tax and transaction privilege tax. The legislation also requires the Committee to make recommendations to minimize the fiscal impact to cities, towns and counties. The bill designates membership and requires the Committee to submit a report of its findings and recommendations to the Governor and Legislature before October 31, 2012.

~~technical correction; prepaid legal insurance~~ (NOW: property taxes; refund; forgiveness) (H.B. 2178) – Chapter 200

SEE THE APPROPRIATIONS COMMITTEE.

~~technical correction; occupational safety; exemption~~ (NOW: fire district; alternative tax rate) (H.B. 2184) – Chapter 158

Allows a fire district, through December 31, 2014, to levy a tax rate not to exceed \$3.75, rather than \$3.25, per \$100 of assessed valuation, if the net assessed valuation of all property has declined by a combined total of 25 percent or more beginning with the 2008 valuation year, and if all of the following apply: 1) The amount of levy to be raised in excess of \$3.25 per \$100 of assessed valuation does not exceed the amount of the tax levy raised in the fiscal year before the tax rate exceeding \$3.25. 2) The maximum tax rate is determined by adding to the base year tax rate an amount up to 50 percent of the difference between the tax rate required to maintain the base year tax levy in the current tax year and the base year tax rate. 3) A fire district that has increased its rate above \$3.25 uses as the base year the amount of tax levied in 2011-2012 for purposes of calculating the increased tax rate permitted. 4) The fire district certifies to the board of supervisors that no portion of the tax levy shall be used to pay salary increases or to increase the number of full-time positions in the fire district. 5) The fire district certifies to the board of supervisors that no portion of the tax levy shall be allocated to future year expenditures, retained or encumbered as reserve monies of any type, and that no more than five percent of the tax levy raised is planned for carryforward monies.

tax exempt organizations; returns; exception (H.B. 2212) – Chapter 71

Allows a tax exempt organization otherwise required to file informational tax forms to decline to file when gross receipts total less than \$50,000 rather than when gross income is below \$25,000. Specifies that nonprofit medical marijuana dispensaries are not considered exempt from filing informational tax documents, but may decline to file if gross receipts are less than \$50,000.

FINANCE COMMITTEE (Cont'd.)

ASRS; employee; employer contributions; rate (H.B. 2264) – Chapter 304 E

In the 2011 budget the employer/employee split for the Arizona State Retirement System (ASRS) was amended from 50/50 to 47/53. H.B. 2264 is an emergency measure, effective May 7, 2012, that returns that split to 50/50. Each employer is required to return employee contributions in excess of this 50/50 split to employees on or before September 30, 2012. These returned contributions shall be treated as taxable wages in calendar year 2012 and treated as a payment by the employer of previously taxed wages. The employer is also instructed to adjust transactions reported to ASRS on or before June 30, 2012.

The bill appropriates:

- \$6.6 million from the state General Fund (GF) and \$1.5 million from other appropriated funds to state agency units for a retirement contribution rate increase due to changes in the proportion, and to reimburse employees for contributions in excess of the 50/50 split.
- \$32.7 million to the Arizona Department of Education for basic state aid associated with the contribution rate increase.
- \$1.9 million is transferred from the state GF to other state funds. The Joint Legislative Budget Committee shall determine and the Arizona Department of Administration shall allocate to each fund an amount of the transfer.

healthy forest enterprise incentives; extension (H.B. 2332) – Chapter 331

Extends certain sales, use and income tax incentives for qualified healthy forest enterprises in the state through December 31, 2024. Reinstates the following incentives: 1) a use fuel tax discount for vehicles transporting forest products, effective September 1, 2012; 2) a prime contracting transaction privilege tax exemption for gross income earned on construction contracts with healthy forest enterprises; and 3) a reduced property tax classification for forest businesses. The bill also modifies the statutory qualifications of healthy forest enterprises, and creates new individual and corporate income tax credits for training new workers in ecological restoration, retroactive to taxable years beginning January 1, 2012.

PSPRS; pension buyback payments (H.B. 2409) – Chapter 348

H.B. 2409 allows members of the Public Safety Personnel Retirement System, Corrections Officer Retirement Plan and the Elected Officials' Retirement Plan to purchase credit for prior service through installment payments and reduces the vesting period required for members to purchase pension buybacks from ten to five years. It also entitles members of PSPRS with less than 20 years of credited service participating in Deferred Retirement Option Plan on or after January 1, 2012, to two percent interest on contributions made to the system.

~~secured appearance bond exoneration; remission~~ (NOW: special district petitions; multiple ownership) (H.B. 2432) – Chapter 264

SEE THE APPROPRIATIONS COMMITTEE.

FINANCE COMMITTEE (Cont'd.)

special taxing districts; boundaries (H.B. 2460) – Chapter 226

Effective until August 1, 2014, H.B. 2460 allows a property owner, in a county with a population greater than two million persons, whose land is within 2,640 feet of an adjacent sanitary or fire district, not contiguous to the boundaries of the district and within an unincorporated area or county island, to request that the governing body of the district amend its boundaries to include that property owner's land.

~~secured appearance bond exoneration; remission~~ (NOW: special district petitions; multiple ownership (H.B. 2432) – Chapter 264)

SEE THE APPROPRIATIONS COMMITTEE.

~~local sales tax; payments; DOR~~ (NOW: payments; local sales tax (H.B. 2466) – Chapter 332)

H.B. 2466 requires the Arizona Department of Administration, in consultation with the Department of Revenue, to issue a request for proposals for implementation of an online portal to allow taxpayers to remit transaction privilege and affiliated excise taxes. The initial costs of implementing the online portal shall be paid by the vendor. The bill allows the vendor to charge the taxpayer a fee to use the online portal.

~~schools; budget increases; bonds; ballots~~ (NOW: property tax; facilities (H.B. 2478) – Chapter 349)

Limits the classification of athletic, recreational, entertainment, artistic or cultural facilities as class 9 properties, to those that are: 1) used exclusively, rather than primarily, for the above stated purposes; and 2) required to become the property of the federal, state, county or municipal property on termination of the lease.

homeowners' rebate affidavit (H.B. 2486) – Chapter 350

Legislation passed in 2011 required that, beginning in 2012, each county assessor send all residential property owners an affidavit with their notice of value, and the owner must declare under penalty of perjury whether the residence is owner-occupied or is being used as the primary residence of the owner's relative. H.B. 2486 removes that 2011 affidavit language and instead requires a county assessor, beginning in 2013 and during each elective term of office, to send notices to owners of class 3 property where the owner either: a) has a mailing address outside the county in which the property is located; b) has a mailing address, other than a post office, different than the situs address; c) has the same mailing address listed for more than one parcel; or d) appears to be a business entity. It also reduces the civil penalty to the amount of additional state aid paid in the preceding tax year, rather than twice the amount.

assessed valuations; audit (H.B. 2608) – Chapter 124

Allows the Department of Revenue to audit the county assessor's valuation of new construction and directs the governing body of each county, city, town, community college district and school district to fix property taxes in accordance with the values determined by the county assessor.

FINANCE COMMITTEE (Cont'd.)

tax credit; charitable organizations (H.B. 2627) – Chapter 271

H.B. 2627 modifies certification criteria required by the Department of Revenue to qualify as a charitable organization by removing the requirement that organizations declare if they promote or provide referrals for abortions. Contains a severability clause.

ASRS; employees; election; enrollment (H.B. 2662) – Chapter 273

Allows new employees who are aged 65 or older to opt-out of enrollment in the Arizona State Retirement System (ASRS) before July 1, 2015. Individuals who are active, inactive or retired members of ASRS, are receiving long term disability benefits through ASRS, or have prior service under ASRS are not eligible to opt-out.

This legislation also requires ASRS to generate a report detailing the number and impact of opt-outs under this statute as well as recommendations regarding continuation of opt-out legislation beyond July 1, 2015.

sanitary districts; projects; revenues (H.B. 2702) – Chapter 274 E

An emergency measure, effective April 17, 2012, that exempts a sanitary district from voter approval requirements for repayment programs on loans taken through the Water Infrastructure Authority of Arizona for planning and design of a sewage system or sewage system improvements. This legislation also stipulates the financial obligations that the board of directors of a sanitary district may obligate revenues to and makes such obligations binding until they are fulfilled.

~~Arizona long term care trust~~ (NOW: long-term care insurance premiums; deduction) (H.B. 2713) – Chapter 351

SEE THE APPROPRIATIONS COMMITTEE.

public school tax refund checkoff (H.B. 2727) – Chapter 77

Modifies the Assistance for Education Fund tax refund checkoff box to allow individual taxpayers to contribute any amount of their refund.

~~defined contribution retirement systems~~ (NOW: PSPRS; employer contributions) (H.B. 2745) – Chapter 362

An alternate contribution rate is prohibited for a retired Public Service Personnel Retirement System member who is required to participate in another state retirement system and the retired member returned to work before July 20, 2011. The bill also reduces the credited service requirement that a member must have before initiating a service purchase from ten years to five years for purchase of other public service, leave of absence service and military service.

H.B. 2745 also provides technical changes to the Arizona State Retirement System (ASRS) statutes regarding distribution, service purchase and investments, including providing modernization of the investment statutes. For new retirees the double subsidy for retirees who are enrolled in an active public employer health insurance plan is eliminated. The bill ceases payment of the health benefit supplement to retirees and disabled members who are covered under an ASRS employer's active employee insurance plan, either as the insured or as a dependent, if the premium paid by the

FINANCE COMMITTEE (Cont'd.)

retiree or disabled member is subsidized by the ASRS employer. H.B. 2745 also caps long-term disability (LTD) income at 100 percent of the pre-disability salary. These amounts include social security disability, social security retirement, workers' compensation and veteran's disability payments. It allows ASRS to offset the member's monthly LTD program benefit by the amount necessary to reduce the member's total monthly income to meet the limit.

The bill contains an appropriation of \$47,000 from the ASRS Administration Account in FY 2013 to ASRS for the implementation of the act.

publicity pamphlets; bond elections (H.B. 2760) – Chapter 129

H.B. 2760 requires the governing board of a school district, at the same time as the order of the election, to publicly declare the deadline for submitting arguments, and immediately post the deadline in a prominent location on the district's website. It also requires the names of persons and entities submitting written arguments for proposed budget increases to be included in the report. The report shall contain the current full cash value and the assessed valuation provided by the Department of Revenue. The bill also requires the governing body to publish the deadline for submitting arguments for and against authorization of bond propositions in a newspaper of general circulation in the jurisdiction of the political subdivision.

property tax bills; payment; interest (H.B. 2801) – Chapter 130

Real and property tax liability in excess of \$100 may be divided in half, with the first half due October 1 and the second half due March 1 of the next year. If the taxpayer pays the tax liability in total before December 31 of the tax year, interest of 16 percent is forgiven. This legislation clarifies that statutory exemption from interest for payment before December 31 applies to tax liabilities less than \$100, which cannot be split.

personal property tax appeal deadline (H.B. 2803) – Chapter 216

Extends the deadline to file an administrative appeal of personal property valuation from 20 to 30 days from the receipt of a notice of valuation.

employment; incentives; regulatory tax credit (H.B. 2815) – Chapter 343

H.B. 2815 provides several changes to tax statutes in the areas of capital gains, depreciation, net operating loss, exempt personal property and tax credits for new employment, renewable energy and qualified facilities. Also establishes an employer-funded job training program study committee.

The bill establishes a new corporate and individual income tax credit for expanding or locating a qualified facility in this state. A *qualified facility* is defined as a facility in this state that devotes at least 80 percent of the property and payroll at the facility to either qualified manufacturing, qualified headquarters or qualified research. The qualified facility credit is limited to ten percent of the lesser of the amount the applicant has projected in total qualifying investment in the qualified facility or \$200,000 for each net new full-time employment position projected by the applicant at a qualified facility. Any claims for this credit are combined with the existing tax credit for renewable energy to reach the existing \$70 million cap. The renewable energy tax credit and the tax credit for new employment are also extended through TY 2019.

FINANCE COMMITTEE (Cont'd.)

H.B. 2815 also reduces the tax rate for capital gains paid by individuals by 25 percent over three years, and it extends the net operating loss carry forward period from five succeeding taxable years to 20 succeeding taxable years, beginning in TY 2012. The Department of Revenue is also required to recalculate the exempt amount of personal property as if legislative changes made in 2011 had been continuously in effect since 1997. An individual taxpayer is also allowed to claim a subtraction for property placed in service in 2013 or after for depreciation as if the federal bonus depreciation allowed was ten percent of the amount allowed federally.

The bill also establishes an employer-funded job training program study committee to evaluate existing job training programs established by the Arizona Commerce Authority and explore mechanisms for other job training programs.

Rio Nuevo; multipurpose facilities district (S.C.M. 1005)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

personal property tax exemption amount (S.C.R. 1012)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

property tax assessed valuation; limitation (S.C.R. 1025)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

LEGISLATION VETOED

ASRS; amendments (H.B. 2088) – VETOED

H.B. 2088 provides many technical changes to the Arizona State Retirement System (ASRS) statutes regarding administration, distribution, service purchase and investments, including providing modernization of the investment statutes. For new retirees, after the general effective date, the double subsidy for retirees who are enrolled in an active public employer health insurance plan is eliminated. The bill ceases payment of the health benefit supplement to retirees and disabled members who are covered under an ASRS employer's active employee insurance plan, either as the insured or as a dependent, if the premium paid by the retiree or disabled member is subsidized by the ASRS employer. H.B. 2088 also caps long-term disability (LTD) income at 100 percent of the pre-disability salary. These amounts include social security disability, social security retirement, workers' compensation and veteran's disability payments. It allows ASRS to offset the member's monthly LTD program benefit by the amount necessary to reduce the member's total monthly income to meet the limit.

The bill contains an appropriation of \$47,000 from the ASRS administration account in FY 2013 to ASRS for the implementation of the act.

In her veto message the Governor mentions two other provisions as reasons for her veto:

- This legislation exempts ASRS from all procurement oversight and rules including audit and termination protections, an exemption that could impact approximately billions of dollars in contracts. While following State procurement rules can be burdensome at times, the

FINANCE COMMITTEE (Cont'd.)

protections they provide, especially in contractual disputes, are critical to every one of our retirees.

- H.B. 2088 also makes changes to the governance of ASRS by transferring general oversight of the system away from the ASRS Board to ASRS, presumably to staff. This change, while intended to clarify ASRS governance, instead clouds it and potentially weakens the authority of the ASRS Board.

revenue allocation districts (H.B. 2469) – VETOED

H.B. 2469 establishes revenue allocation districts and allows capture of incremental local property tax revenues and local sales tax revenues to fund development projects. To qualify to establish a district a city or town shall first adopt a resolution that provides a general description of the operation and financing of the district and hold a public hearing on the plan. The governing body of the town may either appoint a board of five persons, or elect to serve themselves as the board of directors. Any owner of taxable property may file a written objection and the governing body is required to hear those written objections.

The district must be located entirely within the exterior boundaries of the forming city. Powers of the district include: 1) establishing user fees, rates or charges for the use of projects; 2) entering into agreements with the city for allocation of the property tax increments; and 3) by resolution, pledging an allocation of the increment value or bond proceeds supported by general obligation property tax.

District projects can be financed with proceeds from sale of revenue bonds, tax revenues from increment value of taxable real and personal property, incremental increases in municipal transaction privilege tax (TPT), proceeds from the sale of general obligation bonds, and grants and contributions. The question of authorizing ad valorem tax revenues, allocation of the increment of municipal TPT revenues, and issuance of general obligation and revenue bonds shall be submitted to qualified electors of the district and the owners of taxable real and personal property. The municipality may waive the election if all owners of taxable real and personal property in the district have signed a petition approving formation of the district.

The Governor vetoed H.B. 2469 for the following reasons: 1) legislative deliberations revealed very little detail regarding projects that may be undertaken with this new governmental entity; 2) a municipality may use this simply to avoid constitutional debt limits; 3) a taxpayer may have a significant amount of personal property, but no land, and that taxpayer would be denied a vote; 4) it seems likely that the application has the potential to be more utilized than suggested; and 5) it is unclear what administrative burdens this may involve, both for taxpayers and for the Department of Revenue.

empowerment scholarship accounts; expansion (H.B. 2626) – VETOED

Laws 2011, Chapter 75 prescribed rules and requirements for the Arizona Empowerment Scholarship Accounts Program (Program) pertaining to special education students. The Program requires the State of Arizona to deposit monies to each account equal to 90 percent of base support levels that would otherwise be allocated for a qualified student.

H.B. 2626 expands the definition of a *qualified student*, to include a student who attends a school or school district that has been assigned a letter grade of “D” or “F” by the Arizona

FINANCE COMMITTEE (Cont'd.)

Department of Education, previously received an Arizona Scholarship for Pupils with Disabilities, is the child or legal ward of a member of the United States Armed Forces, has been identified as a gifted pupil, or has previously attended a public school and was determined to be eligible to receive a scholarship from a School Tuition Organization.

In her veto message, the Governor states that she has been a strong advocate for school choice in the past. However, she believes that since the expansion of the Arizona Empowerment Accounts program would cost the State General Fund additional money, she could not sign the bill at a time the state budget for education as a whole remains unclear.

county stadium districts; Rio Nuevo (H.B. 2647) – VETOED

H.B. 2647 allows components of Rio Nuevo to include privately-owned projects under certain conditions, and allows components to include a commercial real estate development project, if the project will benefit the district and will increase employment and tax revenue within the district. The bill prohibits a municipality from levying or assessing an impact or development fee within the boundaries of the district, and requires a municipality to employ its best efforts for issuing or denying municipal building permits for a project within a district within 30 days after submission of an application. Transaction privilege tax revenue distributed to the district may exceed the amount required to service the debts and obligations of the district, and these monies may be used for a hotel and convention center that may not necessarily be located on the multipurpose facility site. The bill also clarifies that districts are exempt from the gift clause in the Arizona Constitution.

H.B. 2647 also prohibits a county from levying or assessing an impact or development fee, connection or hookup fee or any other assessment within the exterior boundaries of the district.

In her veto message the Governor states that it is unwise to enact legislation that has a fiscal impact or changes tax policy until we have reached an agreement on projected revenues and appropriated expenditures as part of a state budget for FY 2013.

Government Reform Committee

Senator Rick Murphy, Chairman



Bill Boyd, Research Analyst

Courtney Pigaga, Intern

GOVERNMENT REFORM COMMITTEE

LEGISLATION ENACTED

proposed rules; acceptable data (S.B. 1193) – Chapter 322

S.B. 1193 requires an economic, small business and consumer impact statement to include a description of any data on which a rule was based with a detailed explanation of how the data was obtained and why the data is acceptable.

The legislation also requires the following, effective July 1, 2013: 1) an action to review a final administrative decision to be commenced by filing a notice of appeal rather than a complaint; and 2) a notice of appeal to identify the final administrative decision sought to be reviewed and include a statement of the issues presented for review.

state poet laureate; establishment (S.B. 1348) – Chapter 325

S.B. 1348 establishes the office of the State Poet Laureate, the State Poet Laureate Fund (Fund) and the State Poet Laureate Nomination Committee (Committee) under the Arizona Commission of the Arts (Commission). The Governor is to appoint one person to serve as the State Poet Laureate, within sixty days of receiving a ranked list of three nominees from the Committee.

The legislation specifies the requirements of each nominee, prescribes the duties of the State Poet Laureate, and requires the Commission to pay the costs and expenses of the State Poet Laureate from the Fund.

free exercise of religion; contracts (S.B. 1365) – Chapter 326

S.B. 1365 defines exercise of religion as the ability to act or refusal to act in a manner substantially motivated by a religious belief, whether or not the exercise is compulsory or central to a larger system of religious belief. The legislation prohibits the government, which is defined to include all courts and administrative bodies or entities under the jurisdiction of the Arizona Supreme Court, from denying, revoking or suspending a person's professional or occupational license for certain reasons and specifies that those actions are not considered unprofessional conduct. The legislation also prohibits the government from denying a person an appointment to public office or to a board, commission or committee based on a person's exercise of religion.

S.B. 1326 asserts that having sincerely held religious beliefs is not a defense to and does not authorize any person to engage in sexual misconduct, criminal conduct, conduct that is prohibited under the United States Constitution or this state and does not authorize any teacher to engage in sectarian instruction or authorize any person to engage in conduct that violates the Emergency Medical Treatment and Active Labor Act.

reviser's technical corrections; 2012 (S.B. 1423) – Chapter 66

Makes necessary technical changes to the 2012 version of the Arizona Revised Statutes.

GOVERNMENT REFORM COMMITTEE (Cont'd.)

drug lab remediation; investigators (S.B. 1438) – Chapter 327

S.B. 1438 requires a person convicted of a violation regarding clandestine drug laboratories (drug labs) to pay a \$15 assessment for deposit in the Technical Registration Fund (Fund) and establishes guidelines and penalties for the remediation of property that has been used as a drug lab. The bill expands the requirements for the content of a notice of removal (notice) to include a statement that indicates that an owner of real property who knowingly allows a posted notice to be removed is subject to a civil penalty for the first offense and a class 5 felony for a subsequent offense, and that a person other than the owner who disturbs the notice is subject to a class 5 felony. Upon determining that a posted notice of removal is missing, the Board of Technical Registration (Board) may repost the site, impose a civil penalty on the real property owner, or criminally prosecute the real property owner for second or subsequent violations.

The legislation allows a county, city or town to apply for funds from the Technical Registration Fund (Fund) after remediating real property, and directs the State Board of Technical Registration to place a lien on remediated real property to replenish monies in the Fund.

S.B. 1438 also establishes several offenses such as knowingly occupying an un-remediated property and selling items from the contaminated portions of a property as a class 5 felony.

residential construction; fall protection (S.B. 1441) – Chapter 86 E

An emergency measure, effective March 27, 2012, that establishes construction employee fall protection standards and requirements.

homeowners' associations; review; construction (S.B. 1476) – Chapter 313

Prohibits homeowners' associations (HOA) from being authorized to charge a transfer fee to an escrow agent, and requires the chairperson of a design review committee, an architectural committee, or a similar committee for a planned community to be a member of the board of directors.

S.B. 1476 requires an HOA that has enacted specific guidelines for construction on main residential structures, when expecting a member to pay a security deposit to secure completion of a construction project or compliance of approved plans, to place the deposit in a fiduciary trust account (account). The cost of the account must be shared equally between the member and the HOA and if the project is abandoned, the HOA board of directors may determine the use of any deposit monies.

The legislation requires the HOA or design review committee to hold a final design approval meeting with the member or member's agent and, upon plan approval, to provide written acknowledgment that the approved plans, including amendments, are in compliance with all of the rules and guidelines and that the refund of the deposit requires that construction is completed according to the approved plans.

Requires the HOA to provide at least two on-site formal reviews with the member or member's agent in attendance and to provide a written report specifying deficiencies, violations or unapproved variations within 30 business days after the formal reviews. The HOA may either hold the deposit monies for 180 days or until a receipt of construction compliance is received, whichever is less, before releasing the monies to the member. If the construction is in compliance, the HOA must provide a written report within five days after the second formal review and release the deposit monies to the member.

GOVERNMENT REFORM COMMITTEE (Cont'd.)

road enhancement improvement districts (NOW: maintenance records; taxis and limousines (S.B. 1480) – Chapter 263

Requires owners of livery vehicles, taxis or limousines to include, at a minimum, information regarding routine brake and tire inspections performed by a qualified or professional motor vehicle mechanic in all maintenance records.

government budget reconciliation; 2012-2013. (S.B. 1527/H.B. 2866) – Chapter 298

SEE THE APPROPRIATIONS COMMITTEE.

county officers (H.B. 2048) – Chapter 37

Exempts county officers from requirements regarding the filing of appointments with the office of the county recorder and repeals legislation that requires a county recorder to keep a blotter. Prohibits a nonconsensual lien from being recorded unless it is accompanied by a court order.

license eligibility; authorized presence (H.B. 2070) – Chapter 234

Expands the list of acceptable documentation for verifying a person's authorized legal presence for licensing purposes to include any other license that is issued by the federal government, any other state, a state agency or a political subdivision of Arizona that requires proof of citizenship or authorized legal presence for issuance.

powers; board of supervisors (H.B. 2122) – Chapter 199

Permits a county board of supervisors to contract with a government agency to provide constable services at fees less than those authorized by statute. Establishes guidelines and procedures for a county regarding interior inspections of individual residential rental properties.

probation officers; witness; representation (H.B. 2215) – Chapter 201

Allows a probation officer designated by an employer as a witness in another officer's misconduct investigation to have a representative present during the interview, subject to specified restrictions. Designates the information learned from the interview as proprietary and confidential, and specifies circumstances under which the information is no longer confidential. The witness may discuss the interview with the representative and the representative's legal counsel, but the employer may discipline the witness or the representative for releasing the information to anyone else without authorization.

marijuana; transfer for value; presumption (NOW: cities; counties; regulations) (H.B. 2350) – Chapter 205

Requires a city, town or county to post a capital improvement plan on its website annually, containing all scheduled public works projects. Allows a utility to request that a city, town or county annually provide a copy of its plan and provide notice of any updates to the plan.

GOVERNMENT REFORM COMMITTEE (Cont'd.)

state agency fee commission (H.B. 2399) – Chapter 72

Requires the Governor to appoint a legislative member as the chairperson of the State Agency Fee Commission (Commission) and another Commission member as the vice-chairperson. Adds to the purview of the Commission by including the review of any state agency whose executive is an elected official, the Arizona Supreme Court and the Arizona Court of Appeals. Modifies the requirements of the Commission's annual report and allows the Commission to analyze and discuss the current process for increasing fees and make recommendations to improve that process.

~~CORP; pension buyback payments~~ (NOW: special audit; Pima county) (H.B. 2408) – Chapter 120

Directs the Auditor General to complete a special audit of the 1997, 2004, and 2006 Pima County general obligation bond programs within six months of the general effective date.

large-scale computing systems (H.B. 2412) – Chapter 161

Requires the Arizona Department of Administration (ADOA) to implement a study of the state's current use and reliance on large scale computing systems (Systems) and the potential cost savings of employing other Systems and making more public documents available on the internet. Directs the ADOA to report its findings, recommendations and priorities but allows the ADOA to withhold certain sensitive or confidential information.

~~concessionaire loans; restrictions~~ (NOW: written communication; electronic delivery; definition) (H.B. 2417) – Chapter 224

Permits governmental agencies, when required by law to communicate with a person in writing or by mail the ability to use a secure electronic delivery service. Communications associated with elections are exempt from this legislation.

state employee suggestion program; awards (H.B. 2464) – Chapter 358

SEE THE APPROPRIATIONS COMMITTEE.

homeowners' associations; conflicting enactments (H.B. 2471) – Chapter 242

Corrects conflicting enactments relating to for rent, for lease, and political signs for planned community or condominium associations.

~~campaign finance; threshold amount; report~~ (NOW: exemptions from punitive damages) (H.B. 2503) – Chapter 333

H.B. 2503 exempts a manufacturer, service provider or seller (manufacturer) from liability for exemplary or punitive damages alleged to be caused by a product if the product was produced, sold or represented according to terms established by a government agency and the product, activity or service (product) complied with laws in effect at the time the product left the control of the manufacturer.

GOVERNMENT REFORM COMMITTEE (Cont'd.)

building code; exception (H.B. 2561) – Chapter 123

Exempts a public school district-owned building in a county with a population of more than 750,000 but less than 2,000,000 persons from fees related to the building permit process. A school district-owned building is required to be built according to code and the district is responsible for any fee associated with a fire code in effect where the public school district-owned building is to be located.

~~technical correction; valuation; personal property~~ (NOW: real estate; public reports) (H.B. 2611) – Chapter 245

Exempts a subdivider from disclosing specific items to the Real Estate Commissioner (Commissioner), except those required by law. Permits the Commissioner to allow the developer to outsource and pay for the cost of physical inspections with the approval of the Department of Real Estate.

local government budgets; posting; contents (H.B. 2621) – Chapter 126

SEE THE APPROPRIATIONS COMMITTEE.

road enhancement improvement districts (H.B. 2651) – Chapter 104

Allows a county board of supervisors to establish a road enhancement improvement district governed by an elected board of directors. Includes guidelines for the process of conversion from a county improvement district to a road enhancement improvement district.

~~cities; alarm licenses; reciprocity~~ (NOW: alarm business; alarm agent; certification) (H.B. 2748) – Chapter 341

Preempts the licensure, certification or registration of alarm businesses and alarm agents and authorizes the Arizona State Board of Technical Registration (Board) to regulate alarm businesses and alarm agents beginning May 1, 2013. Appropriates \$180,000 from the Technical Registration Fund, for start up and operating costs incurred by the Board for the certification of alarm businesses and alarm agents.

The legislation requires the Board to issue certificates, valid for two years, to alarm companies and alarm agents beginning May 1, 2013, and prohibits a person from operating an alarm business, beginning October 1, 2013, unless the person obtains an alarm business certificate.

Alarm businesses must obtain a separate certificate for each business name used for business or advertising except that one certificate may be used for two businesses with the same ownership.

Each controlling person of an alarm business must submit a completed fingerprint card and a fingerprint background check fee to the Board, and the Board is required to keep and maintain the fingerprint card for as long as the person is the controlling person of the alarm business. The Board must conduct a criminal background check for each controlling person of the alarm business before certification and again each subsequent year.

H.B. 2748 requires each alarm agent to apply for an alarm agent certification or renewal certification card from the Board, and requires the Board to issue or deny an alarm agent certification or renewal certification card within ten business days after receiving the application. An applicant is

GOVERNMENT REFORM COMMITTEE (Cont'd.)

required to pay a fee determined by the Board, and submit a completed fingerprint card and a fingerprint background check fee to the Board in order to obtain an alarm agent certificate. A person is prohibited from working as an alarm agent until the application is processed and approved unless under the direct supervision of a certified alarm agent.

The Board is required to deny an application for certification if a controlling person or alarm agent has been convicted of offenses specified in the legislation and allows a applicant who is denied to request a hearing.

redistricting commission; open meeting law (H.B. 2807) – Chapter 131

Expands the definition of *public body* to include all commissions and other public entities established by the Arizona Constitution or by way of ballot initiative.

LEGISLATION VETOED

political signs; hazardous locations (S.B. 1200) – VETOED

Stipulates that a city, town or county must notify a candidate or committee in writing and refer to the particular conditions of a specific sign and location if the city, town or county determines that a sign is hazardous. Allows a candidate to attach a sign no more than thirty-two square feet in area to a state highway or route right of way fence.

The Governor indicates in her veto message that S.B. 1200 does not restrict political sign placement on Arizona's busiest highways, which could lead to public safety dangers, and that this was a provision that was expressly removed from previous bills. The Governor also indicates that the allowance given to remove political signs on a public right-of-way is broadly written and contrary to the First Amendment rights this bill attempts to protect.

counties; purchases; local dealers (H.B. 2495) – VETOED

Allows a county purchasing agent to award a contract to a local dealer in preference to any competing, non-local dealer if the estimated cost of the contract is over \$50,000 and the competing bid, quality and suitability considered, is less than five percent lower.

The Governor indicates in her veto message that H.B. 2495 could result in unintended consequences if signed into law. The bill does not address that application of local preference through an emergency or sole source procurement and is silent on contracts that are shared by other jurisdictions or through cooperative procurements. Further, the definition of *local dealer* could cause unfair treatment to those businesses headquartered outside the county line, but with offices and employees located within the county boundaries.

condominiums; planned communities; rental properties (H.B. 2513) – VETOED

Permits an owner within a homeowners' association (HOA) to use their property as a rental property, and allows an owner to designate a third party to act as the owner's agent on all matters relating to the HOA. The bill specifies information regarding a tenant that must be disclosed to the HOA and allows an HOA to charge a condominium owner no more than \$25 for each new tenancy.

GOVERNMENT REFORM COMMITTEE (Cont'd.)

The Governor indicates in her veto message that H.B. 2513 would result in confusion for association boards and property management companies because it is unclear what is permitted or prohibited in terms of renting and the information that must be provided to an association regarding an owner's renter. The Governor also indicates that the \$25 fee that the condominium owner must pay to the association for each new tenant unfairly singles out condominium owners.

homeowners' associations; registry; nonprofit corporation (H.B. 2764) – VETOED

Requires, beginning January 1, 2014, condominium and homeowners' associations (HOA) to register with the Secretary of State (SOS) and provide the name, the address and the telephone number of the association or its designated agent or management company.

H.B. 2764 requires the SOS to provide for the establishment of an HOA registry and solicit proposals from nonprofit corporations in this state to provide registry service.

The Governor states in her veto message that HOAs are already required to disclose information to the county recorder and that the bill is unnecessary and would place an undue burden on the SOS's resources.

Healthcare and Medical Liability Reform Committee

Senator Nancy Barto, Chairman



Marianne Yamnik, Research Analyst

Joy Davies, Intern

HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE

LEGISLATION ENACTED

nursing board; continuation (S.B. 1002) – Chapter 33

Retroactive to July 1, 2012, the Arizona State Board of Nursing is continued until July 1, 2022.

homeopathic board; qualifications of applicants (S.B. 1003) – Chapter 7

Requires applicants for a doctor of homeopathy license to have a professional record free from license revocations, refusals, suspensions or restrictions for reasons related to their ability to safely and competently practice medicine.

dental hygienists; local anesthetics (S.B. 1004) – Chapter 8

Expands the scope of practice of dental hygienists by allowing them to administer local anesthetics under general supervision, rather than direct supervision, if the patient of record is at least 18 years of age, has been examined by a dentist in the previous 12 months, and if there has been no change in the patient's medical history since the last examination. If a change in medical history has occurred since the previous examination, the hygienist must consult with the dentist prior to administering local anesthetics. Finally, before a hygienist may administer local anesthetics under general supervision, the examining dentist must document in the patient's record the dentist's approval of the administration.

dispensing opticians board; continuation (S.B. 1005) – Chapter 9

Retroactive to July 1, 2012, the State Board of Dispensing Opticians is continued until July 1, 2022.

medical board; continuation (S.B. 1006) – Chapter 10

Retroactive to July 1, 2012, the Arizona Medical Board is continued until July 1, 2022.

board of chiropractic examiners; continuation (S.B. 1007) – Chapter 11

Retroactive to July 1, 2012, the State Board of Chiropractic Examiners is continued until July 1, 2022.

child fatality review team (S.B. 1008) – Chapter 187

Adds duties to the Child Fatality Review Team (Team) that are currently performed by the Unexplained Infant Death Advisory Council (Council), as the Council sunsets July 1, 2012. Requires the Team to inform the Governor and Legislature of recommendations on unexplained infant death and to periodically review the infant death investigation checklist developed by the Department of Health Services using guidelines endorsed by national infant death organizations.

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

technical correction; AHCCCS; capitation rates (NOW: nursing board; executive director; authority) (S.B. 1010) – Chapter 132

Allows the Board of Nursing (Board) to delegate to the Executive Director (Director) the authority to order licensees, certificate holders or applicants to undergo substance abuse, psychological or other evaluations at their own expense on determination of reasonable cause. Requires the Director to report orders and refer all those who refuse to comply to the Board.

fingerprinting; central registry; background checks (S.B. 1136) – Chapter 188

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

hospital internships; residencies; clinical fellowships (NOW: medical board; duties; meetings; procedures) (S.B. 1188) – Chapter 141

Requires Arizona Medical Board (Board) meetings to be audio recorded and allows medical records to be in electronic format. Prohibits the Board from acting on complaints for violations that occurred more than seven years prior to the complaint or if the complainant is unidentified. The seven-year limitation does not apply to medical malpractice settlements or judgments. Adds a training requirement for investigative personnel and requires the Board to use the standard of clear and convincing evidence, instead of preponderance of the evidence, for all disciplinary matters except those relating to sexual misconduct.

child care facilities (S.B. 1220) – Chapter 147

Exempts facilities providing educational instruction to three to six year olds from child care facility licensing requirements if all the following are true: 1) the facility instructs only in math, reading and science; 2) the facility does not accept state-subsidized tuition; 3) a child is present for no more than two and a quarter hours a day and no more than three days a week; 4) the instruction is not provided in place of care ordinarily provided by a parent or guardian; 5) the facility posts a notice stating it is not licensed to be a child care facility; and 6) the facility requires fingerprint cards of all personnel.

civil liability; wrongful life; birth (S.B. 1359) – Chapter 284

Stipulates a person is not liable for damages in a civil action for wrongful birth or wrongful life based on the claim a child should not or would not have been born, but for the defendant's action or omission. These provisions apply to any claim regardless of whether the child is born healthy or with a birth defect or other adverse medical condition. These provisions do not apply to any civil action for damages for an intentional or grossly negligent act or omission, including one that violates criminal law.

certified registered nurse anesthetists (S.B. 1362) – Chapter 152

Codifies the Board of Nursing (Board) rules relating to the scope of practice for certified registered nurse anesthetists (CRNAs), specifies when CRNAs may administer anesthetics, and authorizes CRNAs to issue medication orders in outlined settings. Clarifies that a CRNA's authority to administer anesthetics or issue a medication order does not constitute prescribing authority. Stipulates the initial application fee for CRNA certification shall not exceed \$150 and allows the

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

Board to issue and renew temporary certificates. Contains a grandfather clause providing certification for current CRNAs.

health; welfare; budget reconciliation; 2012-2013. (S.B. 1528/H.B. 2857) – Chapter 299

SEE THE APPROPRIATIONS COMMITTEE.

child care; day camps; exemption (H.B. 2029) – Chapter 218

Exempts facilities operating a day camp that provides recreational programs from child care facility licensure if the camp: 1) is accredited by an approved national organization, 2) operates less than 24 hours a day and less than 10 weeks each year, 3) posts notice at the facility and on its website that the camp is not licensed as a child care facility, 4) provides programs only to children who are at least five years of age, and 5) requires fingerprint cards of all personnel.

medical marijuana (H.B. 2035) – Chapter 112 RFEIR

Makes it an act of unprofessional conduct for a prescribed health professional to recommend medical marijuana for something other than an outlined debilitating medical condition. Requires the Arizona Medical Board, the Arizona Board of Osteopathic Examiners in Medicine and Surgery, the Naturopathic Physicians Medical Board, and the Board of Homeopathic and Integrated Medicine Examiners (Boards) to each submit an annual report on unprofessional conduct notifications and investigations relating to medical marijuana recommendations to the Governor, Legislature and the Department of Health Services (DHS). Allows DHS to notify the Boards if DHS believes a physician has committed an act of unprofessional conduct because of the licensee's failure to comply with the Arizona Medical Marijuana Act and adopted rules. This provision is subject to the requirements for enactment for initiatives and referendums (Proposition 105), which requires the affirmative vote of at least three-fourths of the members of each house of the Legislature.

physical therapy board; examination requirements (H.B. 2059) – Chapter 24 E

An emergency measure, effective March 15, 2012, that allows physical therapist and physical therapist assistant applicants to take examinations required for licensure up to 120 days prior to graduation, if all other existing criteria are met and a prescribed letter from the applicant's educational institution is submitted with the application.

~~home health agencies; technical correction~~ (NOW: community health centers; walk-in patients) (H.B. 2063) – Chapter 90

Allows contracts between the Department of Health Services and qualifying community health centers to include urgent care services for walk-in patients.

disease testing; public safety employees (H.B. 2130) – Chapter 25

Allows a public safety employee or volunteer to petition the court for disease testing of a person if there are reasonable grounds to believe an exposure occurred and there is probable cause to believe the person bit, scratched, spat or transferred blood or bodily fluid to the employee or volunteer who was performing an official duty.

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

nursing care board; membership (H.B. 2162) – Chapter 58

Modifies the membership of the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers (Board) by reducing the number of Board members from 11 to 9 and adjusting the composition of the Board. Contains instructions for Board appointments and term limits.

midwifery; regulation; DHS rules (H.B. 2247) – Chapter 93

Requires the Department of Health Services (DHS) by July 1, 2013, to consider adopting rules regarding midwifery that concern the following: 1) reducing the regulatory burden on licensed midwives and streamlining the regulation process; 2) revising the scope of practice; and 3) adopting national licensure testing standards. Stipulates that any party interested in increasing the midwifery scope of practice must submit a report as outlined to the Director of DHS; once a report is received, the Director is required to appoint an eight-member advisory committee to aid in adopting and amending midwifery rules.

dental board; omnibus (H.B. 2259) – Chapter 59

Allows the Executive Director of the Board of Dental Examiners (Board) or the Director's designee to refer cases to the Board for formal interview and, if delegated by the Board, enter into agreements with licensees for treatment of substance abuse.

emergency medical services (H.B. 2261) – Chapter 94

Reclassifies and updates emergency medical technician (EMT) levels and governing statutes. Requires the Department of Health Services (DHS) Director (Director) to consider recommendations by the outlined commission and council before approving emergency medical care technician (EMCT) training or certification tests, and removes requirements for the Director to certify sudden infant death syndrome training for firefighters and EMTs. Stipulates an EMT may recertify through the state by successfully completing a DHS approved course or for EMCTs who are currently certified at the EMT level, by attesting to certain training, education and experience. Clarifies DHS administrative decisions, the validity of electronic records, and accounting standards for ambulance services. Removes the requirement for an EMCT to provide a list of health care alternatives when responding to certain calls. Changes the timeframe in which an ambulance service must notify DHS of suboperation station changes. Deems current intermediate EMTs as meeting EMT I-99 requirements and provides that when certificates expire, they shall be recertified as EMT I-99s, if outlined requirements are met.

psychiatric hospitals; physical plant standards (H.B. 2359) – Chapter 117

Stipulates that a health care institution shall be licensed as a hospital and is exempt from compliance with physical plant standards for outlined hospitals if the institution was licensed as a Level 1 psychiatric acute behavioral health facility-inpatient facility as of January 1, 2012 and is not certified under Title XIX of the Social Security Act.

electronic medical records (H.B. 2369) – Chapter 184

Allows controlled substances contained in Schedules II, III, IV and V to be dispensed as electronically transmitted prescriptions if the prescribing medical practitioner is registered by the

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

U.S. Drug Enforcement Administration, licensed in good standing in the U.S. jurisdiction in which the practitioner practices, and authorized to issue such prescriptions in that jurisdiction.

Specifies that a health information organization (HIO) does not include health care providers exchanging identifiable health information with each other without a separate organization governing the exchange. Eliminates certain rights for inmates related to their health information. Defines *de-identified information* and prohibits a person who receives such information from an HIO from using the information, either alone or in combination with other information, to identify an individual. Clarifies information to be contained in HIO and opt-out option, and modifies notification requirements.

Permits clinical laboratory test results to be reported to the patient or patient's health care decision maker. Clarifies that a clinical laboratory may share results with a person or entity that provides services to the laboratory if there is an agreement requiring the person or entity to protect the confidentiality of patient information as required by federal law.

death certificates (H.B. 2370) – Chapter 60

Specifies that if a person under the current care of a provider for an acute or chronic medical condition dies of that condition, the provider or designee shall complete the medical certification of death (certification) within 72 hours. If a person dies of natural causes in a hospital, nursing care institution or facility (facility), the facility must designate a provider to complete the certification within 72 hours. A provider who completes a certification in good faith is protected from related civil liability and professional disciplinary action.

If current care has not been provided, the medical examiner (examiner) shall complete the certification within 72 hours after the examination. The examiner or alternate examiner is entitled to all medical records and related records of a person for whom the examiner is required to certify cause of death.

pesticide buffer zones; health care (H.B. 2520) – Chapter 101

SEE THE NATURAL RESOURCES AND TRANSPORTATION COMMITTEE.

skilled nursing home provider assessments (H.B. 2526) – Chapter 213 RFE

Nursing Facility Quality Assessment – Subject to the requirements for enactment (Proposition 108), which requires the affirmative vote of at least two-thirds of the members of each house of the Legislature, requires the Arizona Health Care Cost Containment System Administration (Administration) beginning October 1, 2012 to charge a quality assessment (assessment) on health care items and services provided by nursing facilities (facilities) in order to obtain federal monies for supplemental payments to facilities. Requires the Administration to adopt rules and request a federal waiver and state plan amendment to exclude certain facilities from the assessment and allow others to pay a lower assessment. Permits the Administration to modify the categories of exempted facilities if necessary to obtain approval by the Centers for Medicare and Medicaid Services (CMS) and if the modification is consistent with this act.

Nursing Facility Assessment Fund (Fund) – Establishes the Fund consisting of monies received from assessments, outlined federal monies, collected penalties and interest, legislative appropriations, private contributions and any other source as outlined and prescribes Fund uses.

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

Assessment and Adjustments – Provides deadlines and requirements for assessment and adjustment payments. Allows a facility to increase its charges to other payors to incorporate the assessment; however, the facility is prohibited from establishing a separate line-item bill charge.

Penalties – Stipulates that if a facility does not pay the full assessment when due, the Department of Revenue (DOR) shall impose a civil penalty, which may be waived for good cause. When subsequent payments are received, the payments are to be credited first to unpaid assessments as outlined. Additionally, the Administration may seek any of the following remedies for failure to pay an assessment: 1) withhold medical assistance reimbursement payments; 2) suspend or revoke a facility's license; or 3) require the facility to pay delinquent assessments in installments.

Discontinuance of Assessments – Requires DOR to discontinue collection of assessments if: 1) CMS does not approve the quarterly adjustment payments; 2) the Administration reduces funding for facility services as outlined; 3) any state agency attempts to use Fund monies for any non-prescribed purpose; or 4) federal matching funds become unavailable, in which case the Administration must terminate the assessments and return monies to the facilities. Repeals the assessments on September 30, 2015.

court-ordered treatment (H.B. 2532) – Chapter 334

Expands and clarifies protocol relating to continued court-ordered treatment (COT) for patients who continue to be gravely, persistently or acutely disabled as a result of a mental disorder. Prescribes requirements and timeframes for the annual review of a patient to determine whether continued COT is appropriate and to assess the patient's need for guardianship. Specifies that if the medical director believes continued COT is appropriate, the director shall appoint at least one psychiatrist to carry out an outlined examination. Establishes timeframes and protocols for when an application for COT is filed, including directions for the courts and attorneys. Expands the definition of *evaluation* to include physical examinations and specifies that telemedicine may be used for mental evaluations instead of physical evaluations.

AHCCCS; payment methodology (H.B. 2534) – Chapter 122

Stipulates that the current Arizona Health Care Cost Containment System (AHCCCS) methodology for reimbursing hospitals for inpatient services shall continue in effect through September 30, 2013, at the rate effective on September 30, 2011. Requires the AHCCCS Administration (Administration) to obtain legislative approval before adopting a hospital reimbursement methodology as outlined for inpatient services effective October 1, 2013. Requires the Administration to establish workgroups to provide input on a new methodology. States that before the effective date of a new or amended rule on a new methodology, the Director of AHCCCS shall provide for public hearings in both rural and critical access hospital communities on the proposed rule.

pharmacy board; transfer of monies (H.B. 2646) – Chapter 317

Allows the Board of Pharmacy Executive Director to transfer up to \$1 million annually from the Board's Fund to the Arizona Poison and Drug Information Center and specifies the monies are to supplement, not supplant, state General Fund appropriations.

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

Arizona medical board; disciplinary action (NOW: disciplinary action; Arizona medical board) (H.B. 2754) – Chapter 168

Allows the Arizona Medical Board to consider a competitive relationship between the complainant and the respondent as a mitigating factor in determining disciplinary action.

public funding; family planning; prohibition (H.B. 2800) – Chapter 288

Prohibits political subdivisions and the state from contracting with or making grants to any person that performs or oversees a facility that performs nonfederally qualified abortions. Prioritizes the use of public monies for family planning services. Allows the Attorney General, county attorney or specified entity to bring action related to the disbursement of public monies and provides direction for awards and recouped funds. Monies that have been appropriated in conflict with this law shall revert to the fund from which they were appropriated. Contains a severability clause.

skin cancer awareness month (S.C.R. 1028)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

Judiciary Committee

Senator Ron Gould, Chairman



Garth Kamp, Research Analyst

Cherie Stone, Assistant Analyst

Hannah Meyer, Intern

JUDICIARY COMMITTEE

LEGISLATION ENACTED

school tuition organizations; credits; administration (NOW: elections; candidates) (S.B. 1048) – Chapter 61 E

SEE THE FINANCE COMMITTEE.

entertainment districts; liquor; location restrictions (NOW: private attorney retention; contingency fees) (S.B. 1132) – Chapter 138 E

SEE THE COMMERCE AND ENERGY COMMITTEE.

committed youths; technical correction (NOW: candidate; eligibility; fines; penalties) (S.B. 1137) – Chapter 289 E

An emergency measure, effective May 7, 2012, that prohibits a filing officer from accepting the nomination paper of a candidate who has failed to fully pay certain fines, penalties or judgments related to violations of the campaign contributions and expenses statutes, except in cases where the liability is being appealed.

clean elections; trigger reports; repeal (S.B. 1138) – Chapter 290 E RFEIR

An emergency measure, effective May 7, 2012, that eliminates matching fund reporting requirements for nonparticipating candidates under the Clean Elections Act and modifies certain pre-election report filing timeframes. Portions of the bill concerning limits on spending and contributions for political campaigns, limits on early contributions and the manner of filing reports are subject to the requirements for enactment for initiative and referendums (Proposition 105), which requires the affirmative vote of at least three-fourths of the members of each house of the Legislature.

indecent exposure; classification (S.B. 1146) – Chapter 189

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. Classifies, as a class 3 felony, an indecent exposure violation where the person has two or more convictions for indecent exposure or public sexual indecency involving a minor under 15 years old.

sexually violent persons; definition (S.B. 1147) – Chapter 16

Includes an attempt, solicitation, facilitation or conspiracy to commit a sexually violent offense in another jurisdiction in the statutory definition of a sexually violent offense in this state.

trafficking; weapons or explosives; offense (S.B. 1149) – Chapter 231

Classifies, as a class 3 felony, trafficking in 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.

JUDICIARY COMMITTEE (Cont'd.)

theft by extortion; offense (NOW: offense; theft by extortion) (S.B. 1150) – Chapter 83

Classifies, as a class 2 felony, theft by extortion by knowingly obtaining or seeking to obtain property or services by means of a threat to cause death or serious physical injury to anyone.

sentencing; out-of-state convictions (S.B. 1151) – Chapter 190

Specifies that persons convicted in a court outside of this state of an offense punishable as a felony by that jurisdiction are subject to the provisions of the Arizona repetitive and dangerous offenders sentencing statutes.

homeless court; establishment; jurisdiction. (S.B. 1152) – Chapter 180

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 or municipal court. Requires the presiding judge of the superior court to establish eligibility criteria and specifies notice requirements regarding case referral. Details court jurisdiction and judicial officer authority to adjudicate cases.

town elections; signature requirements (S.B. 1198) – Chapter 145

Increases the number of signatures required on nomination petitions for congressional candidates, unless the candidacy is for a special election to fill a vacancy. Permits a city or town that holds a nonpartisan election to specify by ordinance certain minimum candidate petition signature requirements.

right of intervention; initiative; referendum (S.B. 1210) – Chapter 84

Establishes intervenor standing for certain persons who wish to defend the constitutionality, legality or application of a law enacted through an initiative or referendum. Details objection requirements that may be raised to a motion to intervene, and states that an intervenor is not liable for the fees or costs of a party who is challenging the law.

transition program; qualifications (S.B. 1213) – Chapter 65 E

An emergency measure, effective March 21, 2012, that prohibits an inmate convicted of a domestic violence offense from participating in the Department of Corrections transition program.

superior court clerk; arbitration; records (S.B. 1225) – Chapter 44

Directs the court to refund an arbitration appeal deposit on motion of an appellant within 30 days after a trial *de novo* judgment if certain requirements are met. Requires the court, on its own motion or on motion of the appellee, within 30 days after the trial *de novo* judgment to order the arbitration appeal deposit be used to pay certain costs and fees in specified circumstances. Requires the court clerk to transfer an arbitration appeal deposit to the county General Fund if the court does not provide an order for the disposition of the deposit within 90 days after the trial, and requires the court clerk to refund any deposit balance to the appellant.

Limits access to court, police and other agency records relating to a person who is wrongfully arrested, indicted or charged with a crime and subsequently cleared.

JUDICIARY COMMITTEE (Cont'd.)

ballot appearance; general election; write-ins (S.B. 1230) – Chapter 148

SEE THE WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE.

forfeiture of weapons and explosives (S.B. 1241) – Chapter 173

Requires the court to order the sale of a forfeited deadly weapon, dangerous instrument or explosive within one year after its forfeiture, and specifies that only federal and state law is applicable to the sale of forfeited weapons. Includes in the sale of property statute a requirement that a court order a firearm sold to an authorized business for public resale, unless the sale is prohibited under federal and state law.

Permits a law enforcement agency to trade a retained firearm to a federal firearm licensed business for ammunition, weapons, equipment or other materials used for law enforcement purposes.

civil liability; wrongful life; birth (S.B. 1359) – Chapter 284

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

limited liability; trespassers (S.B. 1410) – Chapter 154

Declares that a real property possessor does not owe a duty of care to a trespasser, except to refrain from causing intentional, willful or wanton injury. States that the legislation does not establish or increase real property possessor liability and does not affect any immunities from, or defenses to, liability established by statute or available at common law.

criminal justice; budget reconciliation; 2012-2013. (S.B. 1531/H.B. 2860) – Chapter 302

SEE THE APPROPRIATIONS COMMITTEE.

sex offender registration; multiple residences (H.B. 2019) – Chapter 23

Specifies sex offender registration requirements for a sex offender who has more than one residence.

~~appropriation; secretary of state (NOW: public electronic posting; government bodies) (H.B. 2033) – Chapter 361~~

SEE THE APPROPRIATIONS COMMITTEE.

hookah use; minors; prohibition (H.B. 2034) – Chapter 89

Prohibits hookah use by minors and establishes penalties and fines related to the prohibitions, with certain exemptions for religious use and gift or souvenir possession.

~~private attorney retention; contingency fees (NOW: abortion; procedures; informed consent; requirements) (H.B. 2036) – Chapter 250~~

Adds and modifies certain statutes regarding the regulation of abortion and abortion clinics.

JUDICIARY COMMITTEE (Cont'd.)

Abortion Clinics – Requires the Director (Director) of the Department of Health Services (DHS) to adopt rules related to abortion clinics that require the following: a) for a surgical abortion or medication abortion, an available physician who has certain hospital admitting privileges; b) ultrasound equipment in all clinics and an ultrasound evaluation for all patients; and c) any medication, drug or substance used to induce an abortion be administered in compliance with the protocol authorized by the U.S. Food and Drug Administration. Instructs the Director to adopt certain rules prescribing required minimum standards for clinics relating to recovery rooms, follow up visits, incident reporting and enforcement.

Parental Consent – Requires parental consent to be obtained on a form prescribed by DHS and details form requirements. Subjects a person who performs an abortion on an un-emancipated minor or a person who causes, aids or assists a minor to obtain an abortion without obtaining parental or judicial consent to a civil action.

Informed Consent: Website; Ultrasound Requirements; Fetal Condition – Provides a timeframe for DHS to establish a website that includes specified materials and requires annual updates. Details informed consent requirements related to the website. Specifies certain clinic sign posting requirements and content, and prohibits a person from requiring a woman to obtain an abortion as a provision in a contract or condition of employment.

Requires the performing physician, the referring physician or a qualified person working in conjunction with either physician, to perform and meet certain specified ultrasound imaging requirements at least 24 hours before any part of an abortion is performed or induced, including the administration of any anesthesia or medication.

Details informed consent timeframes and requirements for abortions sought based upon lethal and nonlethal fetal conditions. States that a physician who knowingly fails to obtain informed consent related to fetal condition commits an act of unprofessional conduct and is subject to license suspension or revocation.

Gestational Age – Prohibits a person from knowingly performing, inducing or attempting to perform or induce an abortion if the probable gestational age has been determined to be at least 20 weeks, except in the case of a medical emergency. Requires the physician to make inquiries and perform medical examinations, imaging studies and tests that a reasonably prudent physician in the community would consider necessary in determining gestational age. Classifies, as a class 1 misdemeanor, knowingly violating gestational age related provisions and specifies a physician who knowingly violates gestational age determination requirements commits an act of unprofessional conduct and is subject to license suspension or revocation. States a woman on whom an abortion is performed or induced in violation of gestation age determination requirements may not be subject to prosecution for a violation or for conspiracy to commit a violation.

Miscellaneous – Permits DHS to assess a civil penalty, impose an intermediate sanction, suspend, revoke or deny a license, or bring an action for an injunction if a licensed abortion clinic, facility or organization willfully violates the abortion reporting requirements. Permits certain individuals to file a civil action to obtain specified relief in the instance certain informed consent requirements are not met or an abortion is performed in violation of the gestational age determination requirements and details court venue, statute of limitations and basis of claims.

home inspector liability; time limit (H.B. 2076) – Chapter 68

SEE THE COMMERCE AND ENERGY COMMITTEE.

JUDICIARY COMMITTEE (Cont'd.)

disease testing; public safety employees (H.B. 2130) – Chapter 25

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

statute of limitations; moving violation (H.B. 2241) – Chapter 29

Increases the statute of limitations from one year to two years for prosecutions for certain moving violation offenses that result in an accident that causes serious physical injury or death to another person.

campaign finance; reporting; contributions (H.B. 2282) – Chapter 204

Increases the threshold amount an individual may make as a contribution before being identified in a campaign finance report from \$25 to \$50.

DUI; jury trial (H.B. 2284) – Chapter 236 E

An emergency measure, effective April 11, 2012 and retroactive to January 1, 2012, that permits a defendant to request a jury trial for a first-time, non-extreme DUI offense. Exempts cases where a trial has commenced, or the defendant pled guilty or no contest, between the retroactive date and effective date of the act.

notice; claim; private property rights (H.B. 2319) – Chapter 110

Exempts claims against a public entity for just compensation under the Private Property Rights Protection Act from certain pre-litigation notice of claim requirements.

disposal of unclaimed property (H.B. 2371) – Chapter 160

Decreases the timeframe in which an agency is required to make reasonable efforts to locate and notify an unclaimed property owner before the property may be turned over to the finder of the property. Permits an agency to dispose of unclaimed property after 30 days. Requires an agency holding found property valued at more than \$150 to publish a notice before final property disposal. Eliminates the requirement that the notice be published in a newspaper.

sentencing; first, second degree murder (H.B. 2373) – Chapter 207

Eliminates the possibility of release from confinement for persons convicted of premeditated first degree murder or first degree murder that causes the death of a law enforcement officer. Sentences a person convicted of first degree murder who causes the death of another while committing or attempting to commit, or in furtherance of, or in flight from certain felony offenses to death or imprisonment for life or natural life. Sentences a person convicted of first degree murder who was under 18 years old at the time of the commission of the offense to life or natural life. Details the court's role in certain first degree murder sentencing. Permits the state to present certain evidence related to the defendant at the penalty phase regardless of whether the defendant presents mitigating evidence. Increases certain maximum sentences for second degree murder.

JUDICIARY COMMITTEE (Cont'd.)

deferred prosecution program; conditions (H.B. 2374) – Chapter 52

Prohibits a county attorney from diverting or deferring the prosecution of a person who has been previously convicted of certain dangerous or sexual offenses or a person who has been convicted three or more times of certain drug related offenses.

court fees; payment method (H.B. 2376) – Chapter 185

Permits the payment of court fees by alternative methods, including credit and debit cards and electronic funds transfers. Permits the court to impose a convenience fee when accepting alternative payment methods.

~~garnishment; failure to comply~~ (NOW: incapacitated person; definition; voting) (H.B. 2377) – Chapter 223

Permits an incapacitated person under limited guardianship to exercise the right to vote if specific judicial criteria are met.

criminal offenses; sentencing (H.B. 2382) – Chapter 96

Modifies sentencing ranges for certain repetitive offenders who subsequently commit class 2, 3 or 4 felonies, and permits the court to impose a mitigated or aggravated sentence on certain repetitive offenders.

Renumbers statutes related to offenses involving criminal street gangs and sentencing provisions related to human smuggling organizations. Transfers statute regarding assessments for dangerous crimes against children from the Criminal Code to the Courts and Civil Proceedings code.

Increases the superior court jurisdictional limit for misdemeanor fines.

burglary; trespass; commercial yard; definition (H.B. 2384) – Chapter 31

Redefines a fenced commercial yard regarding criminal trespass and burglary as a unit of real property that is zoned, rather than used primarily, for business operations.

asbestos related liability; successor corporations (H.B. 2386) – Chapter 109

Limits asbestos related liability for certain successor corporations. Specifies that the cumulative asbestos related liabilities are limited to the fair market value of the total gross assets of the transferor determined at the time of the merger or consolidation. Details guidelines for establishing the fair market value of total gross assets and specifies the formula for adjustment of the fair market value of total gross assets regarding determination of liability.

home detention programs (H.B. 2390) – Chapter 97

Eliminates the requirement that prisoners selected for the home detention program be employed. Permits, rather than requires, the following: 1) a city or town implementing a prisoner work, community restitution work or home detention program, to appoint a community restitution work committee; 2) a court to terminate a prisoner's participation in the home detention or

JUDICIARY COMMITTEE (Cont'd.)

continuous alcohol monitoring program under certain circumstances; and 3) a court to order a prisoner placed on electronic monitoring to pay the electronic monitoring fee.

theft of metal; sentencing (H.B. 2396) – Chapter 53

SEE THE COMMERCE AND ENERGY COMMITTEE.

liquefied petroleum gas; emergency aid (H.B. 2446) – Chapter 121

Exempts a person who has knowledge and training related to liquefied petroleum gas from civil liability for damages that occur as a result of rendering emergency aid in a situation that involves liquefied petroleum gas if the person was conscripted at the scene as a volunteer. The exemption does not apply to vicarious liability or to a person who causes the emergency situation or whose willful, wanton or grossly negligent act or omission in response to the situation causes damage.

supreme court; audit; hearing (H.B. 2449) – Chapter 209

Requires the Senate and House of Representatives Judiciary Committees to hold a joint hearing on the performance audit of the Administrative Office of the Courts that is conducted by the Auditor General.

~~possession of weapons while hunting~~ (NOW: hunting; possession of unauthorized weapons) (H.B. 2457) – Chapter 225

Permits the possession of certain legal weapons that are not authorized to take wildlife if the weapon is not used to take wildlife while hunting. Classifies, as a class 1 misdemeanor, taking wildlife with an unauthorized weapon.

recovery of attorney fees (H.B. 2544) – Chapter 305

Beginning January 1, 2013, eliminates the requirement that a court award reasonable attorney fees in a contested action upon clear and convincing evidence that the claim or defense constitutes harassment, is groundless and is not made in good faith.

electronic; digital devices; stalking; threatening (H.B. 2549) – Chapter 359

Classifies the unlawful use of an electronic communication to terrify, intimidate, threaten or harass a specific person or persons, as a class 1 misdemeanor. Exempts constitutionally protected speech or activity, or any other activity authorized by law.

Expands the definition of *course of conduct* to include the use of any electronic, digital or global positioning system device to surveil a specific person or a specific person's internet or wireless activity continuously for twelve hours or more, or on two or more occasions over a period of time, however short, without authorization. Exempts activity authorized by law, the other person or their representative, or if the other person is a minor, the minor's parent or guardian.

JUDICIARY COMMITTEE (Cont'd.)

victims' rights; criminal offense; interviews (H.B. 2550) – Chapter 268

Specifies that a peace officer may not be compelled to submit to an interview on certain matters and, as such, has a victim's right to refuse an interview.

sexually violent person; escape; sentence (H.B. 2555) – Chapter 214

Increases the criminal penalty classification from a class 2 misdemeanor to a class 5 felony for second degree escape when the escapee is a sexually violent person committed to the Arizona State Hospital for treatment.

criminal restitution order (H.B. 2556) – Chapter 269

Beginning April 1, 2013, permits the superior court to enter a criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any order at the time the defendant is ordered to pay restitution. Specifies jurisdictional requirements and details the order of priority for distributions made pursuant to a restitution order, applicable to all unpaid orders in effect on April 1, 2013. Specifies that a restitution order does not affect any other monetary obligation imposed on the defendant pursuant to law.

victim restitution; civil actions (H.B. 2558) – Chapter 102

States that an order of restitution in favor of a person does not preclude that person from bringing a separate civil action that proves damages in excess of the amount of the order that is actually paid.

victims' rights; courtroom posting (H.B. 2559) – Chapter 243

Details courtroom posting requirements regarding a crime victim's constitutional and statutory rights.

adult protective services; attorney fees (H.B. 2560) – Chapter 163

Eliminates the award of certain specified attorney fees in a civil action related to vulnerable adult care. Specifies that reasonable costs and attorney fees may be awarded in an action related to the financial exploitation of a vulnerable adult.

~~technical correction; delinquent property; sale~~ (NOW: political action committee; solicitation; clarification) (H.B. 2612) – Chapter 125 E

An emergency measure, effective March 29, 2012, that specifies that corporate contribution solicitations apply to a corporation's subsidiaries, branches, divisions and affiliates.

~~domestic relations; disposition of property~~ (NOW: insurers; healthcare coverage; religious beliefs) (H.B. 2625) – Chapter 337

Permits a religiously affiliated employer to object to providing or paying for healthcare coverage of certain contraceptive items or services based on the employer's religious beliefs. Allows the employer to require a corporation, health care services organization, insurer or accountable health plan to provide a contract, evidence of coverage, group disability policy, blanket disability policy or

JUDICIARY COMMITTEE (Cont'd.)

health benefits plan that excludes coverage of certain required contraceptive items or services. Requires the employer, if an objection is asserted, to file a written affidavit stating the objection with the corporation, health care services organization, accountable health plan or insurer. Directs the insurance provider, upon receipt of the affidavit, to issue a contract, evidence of coverage, group disability policy, blanket disability policy or health benefits plan that excludes coverage of certain required contraceptive items or services.

Specifies that coverage is not excluded for prescription contraceptive methods ordered by a health care provider with prescriptive authority for medical indications other than for contraceptive, abortifacient, abortion or sterilization purposes. Permits a religiously affiliated employer offering the plan or policy to state religious beliefs in its affidavit that require the insured, enrollee or subscriber to first pay for the prescription and then submit a claim, along with evidence that the prescription is not for a purpose covered by the objection.

Specifies that protections against employment discrimination, as prescribed in federal and state law, are not limited or restricted by the legislation, and states that a religiously affiliated employer is not authorized to obtain an employee's protected health information or to violate the Health Insurance Portability and Accountability Act of 1996 or any related federal regulations.

hunting; firearm magazine capacity (H.B. 2640) – Chapter 75

Prohibits the Arizona Game and Fish Commission from establishing rules that limit or restrict the magazine capacity of an authorized firearm that may be used for taking wildlife.

government entities; attorney fees (H.B. 2676) – Chapter 339

Requires the court to award reasonable attorney fees, in addition to costs awarded by statute, to the prevailing party in an action where certain governmental entities file a lawsuit against this state or other governmental entities.

elections; polling places; electioneering (H.B. 2722) – Chapter 275

Permits certain persons to display electioneering materials within the 75 foot limit of a polling place.

firearms; sound suppressors; hunting (H.B. 2728) – Chapter 128

Prohibits the Arizona Game and Fish Commission from adopting or enforcing rules that preclude the lawful possession or use of a firearm silencer or muffler while hunting.

murder; domestic violence; inheritance (H.B. 2742) – Chapter 277

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

notice; claim; public entity; employee (H.B. 2753) – Chapter 215

Requires a genuine issue of material fact regarding compliance with the pre-litigation requirements of a claim against a public entity or public employee to be resolved before a trial on the merits and at the earliest possible time.

JUDICIARY COMMITTEE (Cont'd.)

clean elections; trigger reports; repeal. (H.B. 2779) – Chapter 257 RFEIR

Portions of the bill concerning the Citizens Clean Elections Act are subject to the requirements for enactment for initiatives and referendums (Proposition 105), which requires the affirmative vote of at least three-fourths of the members of each house of the Legislature, including the following: 1) permits electronic signatures for \$5 qualifying contribution slips; 2) eliminates a reference related to the 16-week period preceding the general election regarding limitations on certain unreported expenditures and contributions; 3) prohibits the Citizens Clean Elections Commission (Commission) from certifying a candidate as eligible for funding under specified circumstances; 4) increases the random sample size from 5 percent to 20 percent of the names submitted for legislative offices; 5) eliminates certain matching fund provisions deemed unconstitutional; 6) eliminates certain tax check-off language and certain matching fund provisions from the Commission's required process for dealing with funding shortfalls; 7) specifies that the voter pamphlet be delivered, rather than mailed, to voters; 8) specifies language on certain inflationary adjustments; 9) modifies the end of the qualifying period for Clean Elections funding; and 10) beginning January 1, 2013, provides guidelines for certain expenditures related to the Clean Elections Fund.

Modifies certain pre-election report filing timeframes and eliminates tax credits and tax reductions for Clean Elections.

animal cruelty; ranching dogs (H.B. 2780) – Chapter 258

States that a city, town or county may not adopt an ordinance that prohibits or restricts certain ranching activities involving dogs.

public funding; family planning; prohibition (H.B. 2800) – Chapter 288

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

consolidated election dates; political subdivisions (H.B. 2826) – Chapter 353

Beginning with elections held in 2014, modifies statute related to consolidated election dates as follows: a) requires a candidate election, other than a special election to fill a vacancy or a recall election, to be held on the primary and general election dates in even-numbered years; and b) provides that non-candidate elections are held on the consolidated election dates in odd and even numbered years, including a special election to fill a vacancy or a recall election. Specifies that certain elections related to bonds or taxes are held on the November consolidated election date, and provides guidelines for political subdivisions regarding candidate elections held on the primary and general election dates in even-numbered years. Permits an election officer to use a unified ballot format in certain all mail ballot elections. Contains a preemption statement, a severability clause, and defines political subdivision.

LEGISLATION VETOED

small claims division; jurisdiction; limits (S.B. 1310) – VETOED

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

JUDICIARY COMMITTEE (Cont'd.)

The Governor states in her veto letter that doubling the jurisdictional limit runs counter to the purpose of the small claims division of the justice courts, which is to “resolve claims with a lower value at a reduced cost.”

bail bond agent lists; solicitation (H.B. 2433) – VETOED

Bail Bond Agent Lists; Acceptance of Bonds; Solicitation – Requires the list of names and telephone numbers of persons authorized to post bail bonds to be updated and rotated monthly and directs the clerk of the court to electronically transmit the list each month to county and city jails. Requires the sheriff or keeper of a county or city jail to directly accept secured appearance bonds, money orders, cashier’s checks or cash in \$50 increments or less for the release of persons in custody and to accept a secured appearance bond from an employee of a bail bond agent if the employee provides proper identification. Permits a county or city to restrict the location immediately outside a court building or county or city jail where a person is permitted to solicit bail bond business and classifies, as a class 3 misdemeanor, unlawful solicitation of bail bond business.

Bail Bond Agent Prohibitions – Prohibits a bail bond agent from employing or assisting in the employment of the following: a) a person who has been convicted of theft, a crime involving a deadly weapon or dangerous instrument, or any felony, with certain exceptions; or b) a person who has not complied with certain statutes related to the licensure of bail bond agents or whose bail agent license or bail recovery agent registration is revoked or suspended. Permits the Director of the Department of Insurance to deny, suspend, revoke, or refuse to renew a bail bond agent’s license for a conviction of theft, a crime involving a deadly weapon or dangerous instrument, or a violation of certain statutes related to the licensure of bail bond agents.

Exoneration of appearance bonds – Permits the court to relieve a surety from liability on an appearance bond and order the forfeiture of up to ten percent of the appearance bond, if certain requirements are met.

The Governor’s veto message states H.B. 2433 removes the discretion currently provided to the courts to relieve sureties of liability when a defendant is returned to a sheriff and creates an incentive to delay the return of a defendant. The message additionally expresses concern over removing the ban on bail bond agents employing individuals convicted of certain theft or weapons violations because bail bond agents have certain fiduciary duties. The Governor indicates that the provisions of the legislation present a risk to public safety and could lead to delays in the justice system.

state regulation of firearms (H.B. 2729) – VETOED

Permits this state, its agencies or political subdivisions to enact ordinances or rules in accordance with state law that limit or prohibit the possession of firearms on public property if certain requirements are met, and provides a misdemeanor penalty classification for certain ordinance violations. Permits a private entity or operator of a multipurpose facility to limit or prohibit the possession of firearms on specified property that is not used by a governmental entity for a governmental purpose. Declares that any rule or ordinance relating to firearms that is inconsistent with or more restrictive than state law is null and void.

Permits a person to file suit for declarative and injunctive relief and damages if an ordinance, regulation, measure, directive, rule, enactment, order or policy is enacted or enforced in violation of

JUDICIARY COMMITTEE (Cont'd.)

the firearms regulated by the state statute. Specifies court requirements regarding costs, fees and civil penalties.

The Governor states in her veto message that emotions can run high in certain public buildings because government officials make decisions that impact all areas of life and can have a profound impact upon an individual's family and livelihood. As such, the decision to permit or prohibit guns in public buildings, should be cooperatively reached and supported by a broad coalition of stakeholders, including citizens, law enforcement officials and local government leaders. The Governor also notes a concern with the fiscal impact of the legislation.

Natural Resources and Transportation Committee

Senator John Nelson, Chairman



Tony DeMarco, Research Analyst

Bryan Durham, Assistant Analyst

Michael Combrink, Intern

NATURAL RESOURCES AND TRANSPORTATION COMMITTEE

LEGISLATION ENACTED

military preservation; land exchanges (S.B. 1001) – Chapter 278 RFEIR

Revises the statutory process to review, evaluate and approve proposed exchanges of state trust land for other public land located in the same county. The exchange must be made either to improve land management for sale or lease or conversion to public use, or to preserve and protect military facilities in the state. The legislation is conditional upon voter approval of a constitutional amendment that authorizes land exchanges (*See S.C.R. 1001*).

~~constables; ethics; training board; members~~ (NOW: county highways; county engineer recommendations) (S.B. 1040) – Chapter 285

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

underground mines; work hours (S.B. 1054) – Chapter 62

SEE THE COMMERCE AND ENERGY COMMITTEE.

state forester; wildfire resource deployment (S.B. 1075) – Chapter 135

Requires the State Forester to implement and develop a comprehensive wildfire deployment plan of statewide resources for wildfire suppression activities in consultation with specified stakeholders.

surplus lines; ADOT contracts (S.B. 1124) – Chapter 137

SEE THE BANKING AND INSURANCE COMMITTEE.

transportation project advancement notes (S.B. 1131) – Chapter 41

Establishes Transportation Project Advancement Notes (TPANs) to accelerate local street and transit transportation projects. Authorizes the governing body of a city, town or county to enter into TPAN agreements with specified parties, including the Arizona Department of Transportation (ADOT) and regional transportation planning agencies, in order to pledge lawfully available excise tax monies against the issuance of notes. Political subdivisions can issue and sell TPANs competitively or by negotiation after entering into an agreement. Eligible projects must be identified in ADOT's Statewide Transportation Improvement Program or Maricopa County's Regional Transportation Plan to already have reasonably available funding over a specified period. The bill also prescribes limitations and requirements for TPAN issuance and sale.

~~technical correction; child hearing programs~~ (NOW accidents; failure to stop; penalties) (S.B. 1163) – Chapter 191

SEE THE APPROPRIATIONS COMMITTEE.

NATURAL RESOURCES AND TRANSPORTATION COMMITTEE (Cont'd.)

Arizona geological survey; powers; duties (S.B. 1171) – Chapter 17

Requires the Arizona Geological Survey (AZGS), rather than the State Land Department, to produce and provide earth fissure maps to the Arizona Department of Real Estate. Eliminates the AZGS's statutory responsibility to promote and advocate for the development of mineral resources and related industry in Arizona. Reorganizes and renumbers AZGS statutes into one article of law.

emergency vehicle access plan; ADOT (S.B. 1216) – Chapter 261

Requires, for projects that require a traffic management plan, the Director of the Arizona Department of Transportation to include an emergency vehicle access plan as part of the adopted standards and specifications for work zone safety and mobility in state highway work zones.

appropriation; attorney general; habitat destruction (S.B. 1231) – Chapter 346

SEE THE APPROPRIATIONS COMMITTEE.

vehicle permit fees; excess weight (S.B. 1232) – Chapter 192

SEE THE WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE.

agricultural trust funds (S.B. 1233) – Chapter 248

SEE THE APPROPRIATIONS COMMITTEE.

wildfire; notice of violation; pollutants (S.B. 1237) – Chapter 249

SEE THE WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE.

dog tracks; live racing exception (S.B. 1273) – Chapter 310 E

An emergency measure, effective May 9, 2012, that reduces the number of live dog races that a racetrack in Pima County 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 simulcasting at its racing facility and off-track locations subject to specified conditions.

public roads; county maintenance (S.B. 1281) – Chapter 18

Authorizes a county board of supervisors to spend public monies for the maintenance of public streets and roads that were constructed prior to June 13, 1990, rather than June 13, 1975.

aquifer protection permits; waste (S.B. 1287) – Chapter 233

SEE THE WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE.

storm water discharges; construction sites (S.B. 1289) – Chapter 262

SEE THE WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE.

NATURAL RESOURCES AND TRANSPORTATION COMMITTEE (Cont'd.)

agricultural best management committee; continuation (S.B. 1297) – Chapter 292

Retroactive to July 1, 2012, the Agricultural Best Management Practices Advisory Committee is continued until July 1, 2022.

water quality appeals board; continuation (S.B. 1298) – Chapter 46

Retroactive to July 1, 2012, the Water Quality Appeals Board is continued until July 1, 2022.

Arizona geological survey; sunset continuation (S.B. 1299) – Chapter 19

Retroactive to July 1, 2012, the Arizona Geological Survey is continued until July 1, 2022.

game and fish department; continuation (S.B. 1300) – Chapter 283

Retroactive to July 1, 2012, the Arizona Game and Fish Department and the Arizona Game and Fish Commission are continued until July 1, 2022. Requires the Auditor General to conduct a performance audit of the Department by December 31, 2013.

veterinarians; substance abuse treatment (S.B. 1342) – Chapter 181

Allows the Arizona Veterinary Medical Examining Board (Board) to establish a substance abuse treatment and rehabilitation plan to assist licensed veterinarians and certified veterinary technicians (CVT) who suffer from drug and alcohol abuse. Authorizes the Board to use up to five percent of veterinarian licensing renewal fees to implement the plan. Allows a CVT or veterinarian to self-refer and remain confidential to the Board if they comply with the terms of their contract with the plan administrator.

environment; budget reconciliation; 2012-2013. (S.B. 1532/H.B. 2861) – Chapter 303

SEE THE APPROPRIATIONS COMMITTEE.

HELP advisory committee; repeal (H.B. 2061) – Chapter 113

Repeals the Highway Expansion and Extension Loan Program Advisory Committee.

emissions testing; motorcycles; extension (H.B. 2073) – Chapter 235 E

An emergency measure, effective April 11, 2012, that extends until July 1, 2014, the period of time the state has to receive U.S. Environmental Protection Agency approval to exempt motorcycles in Area A from vehicle emissions requirements.

~~I didn't pay enough fund~~ (NOW: environmental audit privilege) (H.B. 2199) – Chapter 251

SEE THE BORDER SECURITY, FEDERALISM AND STATE SOVEREIGNTY COMMITTEE.

trust land; agricultural classification; algaculture (H.B. 2225) – Chapter 202

SEE THE COMMERCE AND ENERGY COMMITTEE.

NATURAL RESOURCES AND TRANSPORTATION COMMITTEE (Cont'd.)

property tax; algaculture (H.B. 2226) – Chapter 220

SEE THE COMMERCE AND ENERGY COMMITTEE.

driver license violations; suspensions (H.B. 2286) – Chapter 252

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, under certain conditions, a law enforcement officer from immobilizing or impounding a vehicle if the person's privilege to drive is valid in Arizona.

watercraft; registration; fees (H.B. 2322) – Chapter 237

Makes various changes to Arizona's boating statutes. Restructures boating registration fees to comply with federal regulations so that all watercraft owners pay the same registration fee regardless of residency. Nonresidents who register their watercraft in Arizona as the principal state of operation are required to pay a new infrastructure fee.

healthy forest enterprise incentives; extension (H.B. 2332) – Chapter 331

SEE THE FINANCE COMMITTEE.

public transportation authorities; board membership (H.B. 2347) – Chapter 221

Adds a community college district representative and an Indian nation representative to an intergovernmental public transportation authority's board of directors if either the district or nation are members of the transportation authority, and specifies who will make those appointments.

judicial actions; children; names; redaction (NOW: transportation omnibus) (H.B. 2398) – Chapter 255

SEE THE APPROPRIATIONS COMMITTEE.

possession of weapons while hunting (NOW: hunting; possession of unauthorized weapons) (H.B. 2457) – Chapter 225

SEE THE JUDICIARY COMMITTEE.

vehicle equipment; inspections; farm implements (NOW: farm implements; vehicle equipment; inspections) (H.B. 2477) – Chapter 100

Clarifies that the state's equipment requirements for vehicles on highways do not apply to implements of husbandry when they are incidentally moved or operated on public streets or roads. Similarly, clarifies that the state's inspection requirements relating to vehicle equipment do not apply to implements of husbandry and other specified vehicles unless the equipment is otherwise required.

technical correction; agricultural improvement districts (NOW: module mover vehicles) (H.B. 2491) – Chapter 210

Makes various changes to the statutes relating to public-private partnerships in transportation. Provides for the collection and enforcement of tolls on new highways or roadways in Arizona, as

NATURAL RESOURCES AND TRANSPORTATION COMMITTEE (Cont'd.)

well as on existing high occupancy vehicle lanes that are converted to tolls. Prescribes administrative and civil due process for tollpayers and toll operators. The legislation also allows the Director of the Arizona Department of Transportation to extend the period of time that cotton module haulers are authorized to travel on the state's highways.

pesticide buffer zones; health care (H.B. 2520) – Chapter 101

Clarifies that highly toxic pesticides may be administered on agricultural lands within a one-quarter mile buffer zone of schools, childcare group homes and child care facilities if there are no scheduled activities planned or conducted at those facilities before the pesticide's safe reentry time. Conforms the meaning of *health care institution* as used in the agricultural buffer zone statute with the corresponding health statute.

~~traffic control signs; state highways (NOW: state highway; signage; nonprofit museum) (H.B. 2543)~~ – Chapter 316 E

An emergency measure, effective May 9, 2012, that authorizes the placement of electronic outdoor advertising (i.e., digital message-changing billboards) along state highways and interstates, subject to specified restrictions. The bill defines an authorized area in the state where electronic billboards are permissible including much of metropolitan Phoenix and westward to the Colorado River. The bill also grandfathers existing electronic billboards located outside of the authorized area if the existing billboards were legally permitted and operational by May 9, 2012.

Through October 1, 2014, allows the Arizona Department of Transportation to install and maintain temporary directional signage on state highways for nonprofit museums that meet specified criteria.

game and fish omnibus act. (H.B. 2639) – Chapter 272

Makes the following changes to game and fish statutes: 1) exempts the Arizona Game and Fish Commission (Commission) from the state's restriction on agency competition with private enterprise so that the Commission can sell its goods and services to the public; 2) allows the Commission to solicit and accept grants, gifts and donations or other property for any purpose that is consistent with game and fish laws; 3) exempts geospatial data that is maintained by the Arizona Game and Fish Department (Department) from public records requests (i.e., disclosure and inspection) if the information is otherwise provided to the public through online services; 4) exempts the Department's wildlife species location information from public records requests under specified circumstances; 5) adds the purchase, acceptance or use of a tag or stamp by fraud or misrepresentation to licensing offenses; 6) removes the prohibition on selling nonedible portions of bighorn sheep that have been taken after October 1, 2005; 7) exempts, from the state's laws on vehicle equipment requirements, vehicles that are driven by Department enforcement officers who are conducting night patrols and investigating night poaching; and 8) clarifies the definition of *nonresident* and *resident* for purposes of hunting and fishing licensure.

~~certificate of title; technical correction (NOW: overdimensional loads) (H.B. 2673)~~ – Chapter 164

Makes the following changes to the statutes governing overdimensional and overweight loads and escort vehicles: 1) prohibits the Director of the Arizona Department of Transportation (ADOT) from requiring the operator of a vehicle that has obtained a single-trip permit for an overdimensional and overweight load to apply for a new permit and pay an additional fee if the actual vehicle and load

NATURAL RESOURCES AND TRANSPORTATION COMMITTEE (Cont'd.)

subsequently are of a lesser dimension or weight; 2) 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; 3) requires the ADOT Director to adopt rules, including the establishment of fees, for envelope permits for vehicles hauling houseboats; 4) decreases, from four to three, the minimum number of axles a vehicle must have in order to qualify for an envelope permit; and 5) modifies the training and certification requirements of escort vehicle operators relating to traffic control techniques.

vehicle insurance; proof shown electronically (H.B. 2677) – Chapter 105

Allows proof of motor vehicle insurance that is displayed electronically on a wireless communication device to serve as satisfactory evidence of insurance. The legislation does not authorize law enforcement officers to access other contents in the device.

air quality; dust plan; reports (H.B. 2798) – Chapter 308

SEE THE WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE.

voluntary environmental stewardship program (H.B. 2799) – Chapter 169

Establishes the Voluntary Environmental Stewardship Program administered by the Arizona Department of Environmental Quality (ADEQ) to provide recognition and incentives for organizations that have a good history of environmental compliance. Requires ADEQ to conduct stakeholder meetings with specified parties before developing policies, guidelines or rules for the program.

supporting SAFE plan (S.C.M. 1001)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

USFS; adequate funding (S.C.M. 1003)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

military preservation; land exchanges (S.C.R. 1001)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

transportation funding; restore to states (H.C.M. 2004)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

LEGISLATION VETOED

state parks revenue fund (H.B. 2362) – VETOED

Establishes the State Parks Revenue Fund (Revenue Fund) for the operation, acquisition and capital improvement of state parks. Consolidates various Arizona State Parks Board (Parks Board) funds into the Revenue Fund, which is nonappropriated and nonlapsing.

NATURAL RESOURCES AND TRANSPORTATION COMMITTEE (Cont'd.)

In her veto message, the Governor states the bill does not achieve its intended goal to protect Parks Board funding from legislative fund transfers.

A modified version of H.B. 2362 was included as part of the state budget. Refer to S.B. 1532 for more information.

billboards; changing message; authorization (H.B. 2757) – VETOED

Authorizes the placement of digital message-changing billboards for advertisement purposes along state highways and interstates, if the billboard display does not contain any form of animation and its messages remain static for at least eight seconds.

In her veto message, the Governor states the bill jeopardizes the state's astronomy industry. She expresses confidence in the astronomy and the outdoor advertising industries to continue working together on legislation this year or next that accommodates new technology while preserving astronomy interests in the state. Refer to H.B. 2543 for more information.

Public Safety and Human Services Committee

Senator Linda Gray, Chairman



Amber Witter, Research Analyst

Kody Kelleher, Assistant Analyst

Chris Carpenter, Intern

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE

LEGISLATION ENACTED

child fatality review team (S.B. 1008) – Chapter 187

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

release of records; medical; payment (NOW: eye care services; health insurance) (S.B. 1036) – Chapter 344

Clarifies that an insurance subscriber has the freedom to choose either an optometrist or a physician and surgeon skilled in diseases of the eye to provide the examination, care or treatment for which the subscriber is eligible, if any group disability or blanket disability contract provides eye medical care services, whether by a network of health care providers or by the selection of a health care provider and does not require any specific optometrist or physician, or number or percentage of optometrists or physicians, be included on an insurer's provider network.

juvenile corrections; education (S.B. 1037) – Chapter 354

Requires the Arizona Department of Juvenile Corrections (ADJC) to assign committed youths and youths on conditional liberty to educational programs as part of their individual treatment plans, and allows the Director of ADJC to assign specific public or private educational programs under certain circumstances.

juvenile corrections department; fingerprinting exception (S.B. 1038) – Chapter 81

Allows the Director (Director) of the Arizona Department of Juvenile Corrections (ADJC) to authorize a paid or unpaid employee of an ADJC licensee or contract provider to have direct contact with committed youth, if the Director deems the person successfully rehabilitated after being convicted of either a driving under the influence offense or a felony offense involving marijuana, dangerous drugs or narcotics. Specifies requirements for the Director in determining the extent and success of the person's rehabilitation.

department of corrections; continuation (S.B. 1039) – Chapter 134

Retroactive to July 1, 2012, the Arizona Department of Corrections is continued until July 1, 2022.

constables; ethics; training board; members (NOW: county highways; county engineer recommendations) (S.B. 1040) – Chapter 285

Allows a county engineer to recommend establishing or altering a public road or street to the board of supervisors (BOS). Prohibits the engineer from recommending the abandonment of a road that was granted by an R.S. 2477 right-of-way. Requires the BOS to provide at least 60 days' written notice before filing a resolution to abandon or vacate a public road to the property owners who are affected by the abandonment, and the BOS cannot vacate or abandon the road unless a majority of the affected property owners approve of the action.

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE (Cont'd.)

auto theft authority; continuation (S.B. 1042) – Chapter 34

Retroactive to July 1, 2012, the Arizona Automobile Theft Authority is continued until July 1, 2022.

adoption; visitation pending final decree (S.B. 1100) – Chapter 280

Allows a prospective adoptive parent to refuse visitation between a child and a birth parent under certain circumstances and prescribes notification and participation rights for the prospective adoptive parent during the adoption process.

~~child custody; factors~~ (NOW: parenting time; domestic relations; decision-making) (S.B. 1127) – Chapter 309

Effective January 1, 2013, updates terminology regarding child custody and reorganizes and modifies some of the child custody statutes. Alters certain best interest factors the court must consider when determining child custody by adding the past, present and potential future relationship between the parent and child and whether one parent intentionally misled the court under specified circumstances. Adds a rebuttable presumption that sole or joint legal decision-making is not in the best interest of the child if the court determines a parent has abused drugs or alcohol during the previous year, but adds the results of substance abuse screening as evidence that may rebut the presumption.

Mandates sanctions of costs and attorney fees for a parent who knowingly presents a false claim with regard to a custody case. Sanctions must also apply to a litigant who violates a court order compelling disclosure unless the court finds an award of expenses unjust. If the court makes a finding against a litigant, the court may impose additional financial sanctions in certain circumstances, institute civil contempt proceedings or modify legal decision-making or parenting time if it serves the child's best interests. Specifies that an unsubstantiated claim is not necessarily a false claim.

family adoptions; social studies; requirements (S.B. 1128) – Chapter 15 E

An emergency measure, effective March 13, 2012, that requires, instead of allows, a limited social study that consists of a criminal records and Child Protective Services central registry check if a prospective adoptive parent is related to the child and the child has resided with the relative for at least six months.

fingerprinting; central registry; background checks (S.B. 1136) – Chapter 188

Requires the Department of Economic Security (DES) to use the central registry to conduct background checks to determine qualifications for home and community based services certification for vulnerable adults and employees of contractors and subcontractors who provide direct service to children or vulnerable adults. Beginning August 1, 2013, DES is required to provide information to child care facilities licensed by the Department of Health Services regarding employees who provide direct services to children if the facility does not contract with DES. Allows the Board of Fingerprinting to determine good cause exceptions for persons disqualified following a central registry check.

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE (Cont'd.)

prohibited restraints; pregnant prisoners (S.B. 1184) – Chapter 43

Prohibits a correctional institution from using restraints on pregnant prisoners who are being transported for delivery or during labor, delivery and postpartum recovery, except under specified circumstances. Prohibits the use of leg restraints, waist restraints or restraints that hinder the ability of the physician to move the prisoner, as determined by the physician, during labor or delivery. Allows a security tether chain to be attached to the prisoner's ankle and bed frame during postpartum recovery and outlines security tether chain length specifications. Outlines requirements for corrections officials and facilities if restraints are used on a pregnant prisoner or detainee. Requires correctional facilities to adopt related rules or policies within 30 days after the effective date.

law enforcement officers; omnibus (S.B. 1186) – Chapter 355

Makes omnibus changes related to law enforcement officers. Expands the circumstances in which a public safety employee, volunteer or employing entity may petition the court for disease testing of another person. Exempts certain officers from the private investigator prohibition and limits the requirement for a city, town or county to enter into an interagency agreement to provide an alternate hearing officer in an appeal of disciplinary action. Modifies employees within the Attorney General's and county attorneys' offices who are defined as peace officers. Specifies an officer may bring an appeal of disciplinary action in superior court if the finding states there is no just cause for the termination, and specifies the hearing will be *de novo*.

Outlines requirements for fitness for duty examinations, including the circumstances in which the employer may order the exam and what information the exam order must contain. Allows the officer to have a representative present if the physician agrees and to present the results of an independent medical exam. Specifies the conditions and records the physician may consider and report on related to the exam. Requires the employer to provide the officer with the final exam report containing the physician's findings and prescribes related timeframes. Limits dissemination of the report to others, except in specified circumstances. Prohibits the employer from taking final action until the officer has had at least 20 days to review the final exam report unless the officer waives that right or the employer grants an extension.

law enforcement officers; just cause (S.B. 1212) – Chapter 356

Applies the just cause appeals process currently in place for officer terminations to officer demotions and requires the hearing officer, administrative law judge or appeals board to state in every finding of disciplinary action whether or not just cause existed. Requires an appeal hearing in the superior court to be *de novo*.

child care facilities (S.B. 1220) – Chapter 147

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

~~child support; supreme court; factors~~ (NOW: child support; factors; supreme court) (S.B. 1246) – Chapter 193

Modifies a factor the Supreme Court must consider when establishing the child support guidelines. Requires 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 economically feasible considering the parents' resources and circumstances. States that the factors are direction to the

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE (Cont'd.)

Supreme Court and not to be used by the superior court when making child support orders independent of the guidelines, except under specified circumstances.

civil liability; wrongful life; birth (S.B. 1359) – Chapter 284

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

crime victim advocates; privileged communications (S.B. 1369) – Chapter 153

Prohibits a crime victim advocate from disclosing communication between the victim and advocate in the presence of others and communication made by the victim to another person in the presence of the advocate. Specifies that the victim's consent for the advocate to disclose any communication to the prosecutor or a law enforcement agency may be written or verbal. Removes compensation or restitution information as material a crime victim advocate may disclose. Requires the prosecutor or law enforcement agency to only disclose exculpatory information, instead of discoverable, to the defendant's attorney.

health; welfare; budget reconciliation; 2012-2013. (S.B. 1528/H.B. 2857) – Chapter 299

SEE THE APPROPRIATIONS COMMITTEE.

child care; day camps; exemption (H.B. 2029) – Chapter 218

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

~~state parks; reservation surcharge fund~~ (NOW: resisting arrest; classification) (H.B. 2071) – Chapter 265

SEE THE APPROPRIATIONS COMMITTEE.

disease testing; public safety employees (H.B. 2130) – Chapter 25

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

child restraint systems (H.B. 2154) – Chapter 314

Requires drivers to restrain children who are at least five but under eight years of age, and not more than four feet, nine inches tall, in a child restraint system.

probation officers; witness; representation (H.B. 2215) – Chapter 201

SEE THE GOVERNMENT REFORM COMMITTEE.

department of juvenile corrections; continuation (H.B. 2218) – Chapter 28

Retroactive to July 1, 2012, the Arizona Department of Juvenile Corrections is continued until July 1, 2022.

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE (Cont'd.)

employer reporting requirements; new employees (H.B. 2248) – Chapter 49

Requires an employer doing business in Arizona to report to the Department of Economic Security the date an employee first performed services for pay.

child protective services oversight committee (H.B. 2249) – Chapter 50

Establishes the nine member Child Protective Services (CPS) Oversight Committee (Committee) to identify the following regarding CPS: 1) responsibilities and scope, 2) statutory mandates, 3) related Department of Economic Security policies and procedures, 4) areas for administrative and statutory improvement, and 5) recommendations for administrative and statutory changes. Outlines the responsibilities and requirements of the Committee and establishes a reporting requirement. Repeals the Committee on October 1, 2013.

~~custodial parents; medication; full access~~ (NOW: parental access; prescription medication) (H.B. 2252) – Chapter 203

Specifies that both parents, including a noncustodial parent, are entitled to have access to a child's prescription medication with certain exceptions. Prohibits a parent from designating one pharmacy in a single location as the only source of the child's prescription without consent of the other parent, and requires a person who violates the access requirement to reimburse the requesting parent for costs incurred.

methamphetamine precursor logging system (H.B. 2263) – Chapter 330

Codifies federal law by: 1) limiting the sale and purchase of products containing ephedrine and pseudoephedrine to 3.6 grams per day and 9 grams per month; 2) requiring products containing these substances to be in locked cabinets or behind the counter; 3) requiring people to present photo identification at the time of purchase; and 4) requiring retailers to record information about the sale and purchaser.

Requires retailers, beginning January 1, 2013, to use an electronic sales tracking and blocking system, the National Precursor Log Exchange (NPLEx), if it is available without an access charge. NPLEx prohibits the retailer from completing the sale if completion would result in a violation of the quantity limits, but provides an override function if the retailer has a reasonable fear of imminent bodily harm. Establishes compliance exceptions and requirements for situations of mechanical or electronic failure of the system. The state transaction records will be forwarded to the Board of Pharmacy each week and available to law enforcement in real-time.

Classifies a violation of these requirements as a class 3 misdemeanor, punishable by only a fine, and prohibits further sales regulation by any political subdivision.

drugs; definition (H.B. 2356) – Chapter 1 E

An emergency measure, effective February 17, 2012, that adds chemical compounds related to substituted cathinones, also known as *bath salts*, to the definition of dangerous drugs and the Schedule IV controlled substances list.

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE (Cont'd.)

department of public safety; continuation (H.B. 2429) – Chapter 315

Retroactive to July 1, 2012, the Department of Public Safety is continued until July 1, 2022.

private investigators; security guards; licensing (H.B. 2430) – Chapter 267

Prohibits a registered sex offender from obtaining an agency license, associate registration certificate or employee registration certificate in the private investigator and security guard industries, and expands the qualifications for a good cause exception regarding a private investigator and security guard license.

prisoners; payment for drug testing (H.B. 2442) – Chapter 208

Allows the Board of Executive Clemency (Board) and the Arizona Department of Corrections to require people on parole or community supervision, respectively, to pay reasonable costs associated with the person's participation in a drug testing program. Requires people on home arrest to pay a drug testing fee as determined by the Board. Limits the amount and use of the fee.

girl scouts; state holiday (H.B. 2498) – Chapter 6 E

An emergency measure, effective March 12, 2012, that declares March 12 of each year as Girl Scouts of the United States of America Day. Specifies Girl Scouts Day is not a legal holiday.

tax credit; charitable organizations (H.B. 2627) – Chapter 271

SEE THE FINANCE COMMITTEE.

police officer; duty related injury (NOW: duty related injury; police officer) (H.B. 2643) – Chapter 287

Requires the state and political subdivisions to establish a supplemental benefit plan for full-time public safety employees injured while on duty. To be eligible, the public safety employee must be receiving workers' compensation benefits. The state and political subdivisions must design the plan so employees receive approximately their identical base salary, less taxes, when the supplemental benefits are combined with workers' compensation benefits. Requires employers to continue to pay the employer portion of healthcare benefits and the employer and employee contribution to the injured employee's retirement system or plan. The employee remains responsible for the employee's portion of the healthcare benefit costs and optional deductions related to healthcare and life insurance.

The state and political subdivisions must determine on an individual basis who is entitled to benefits in the program and may establish standards for eligibility into the plan. Requires the supplemental benefit plan to be offered for an initial six-month period, with an optional six-month extension determined by the state or political subdivision on an individual basis. Specifies additional requirements and stipulations related to employees accepted into the supplemental benefit plan. Sunsets the plan requirement on October 1, 2014.

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE (Cont'd.)

developmental disability services; providers; monitoring (H.B. 2655) – Chapter 127

Reduces the monitoring, from twice to once per year, of a developmental disability residential service provider that received a score of at least 95 percent on the most recent monitoring visit.

central state repository; nonprofit organizations (H.B. 2674) – Chapter 338

Requires the Department of Public Safety to exchange certain criminal justice information with nonprofit organizations that interact with children or vulnerable adults for the purpose of evaluating the fitness of employees, contractors and volunteers.

office; child welfare investigations; DES (H.B. 2721) – Chapter 319

Effective January 1, 2013, requires the Director of the Department of Economic Security (DES) to establish the Office of Child Welfare Investigations to conduct criminal conduct investigations. Confers similar authority and requirements on investigators as those related to Child Protective Services workers, including interview conditions, the ability to take a child into temporary custody and related requirements, but prescribes additional training. Specifically, DES, in coordination with the Arizona Peace Officer Standards and Training Board (AzPOST), must provide investigators with training regarding: 1) law enforcement's role in criminal child abuse or neglect, including relevant law enforcement procedures; 2) forensic interviewing; 3) child physical and sexual abuse investigation; 4) joint investigation protocols; 5) a child's rights as a victim; and 6) any other training required by the Director.

law enforcement officer; discipline; information (H.B. 2723) – Chapter 276

Adds the following to information parties must disclose before law enforcement and probation officer disciplinary appeals: 1) the designation of the subject matter on which each witness might be called to testify; and 2) the name and contact information of each person who has given statements regarding matters relevant to the notice of discipline and the custodian of the copies of those statements. Stipulates that failure to comply with certain statutory requirements will result in the exclusion of the witness, evidence or testimony unless the noncompliance is a result of excusable neglect.

CPS; review teams (H.B. 2794) – Chapter 320

Eliminates Removal Review Teams and repeals the Family Advocacy Office, which ended pursuant to statute on July 1, 2005. Modifies the definition of *criminal conduct allegation* regarding a child and a reporting requirement related to joint investigation protocols. Adds requirements for the Department of Economic Security (DES) to follow before it allows contact between a child in DES care and the child's parent and for an officer who responds to a domestic violence call.

public funding; family planning; prohibition (H.B. 2800) – Chapter 288

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

LEGISLATION VETOED

parenting time; court-ordered supervisors (S.B. 1176) – VETOED

Requires a person who supervises parenting time for compensation to have a valid fingerprint clearance card. Specifies that school personnel are not required to report a nonaccidental physical injury of a minor that is caused by another minor on school property under certain circumstances and requires records regarding such injuries to be expunged if the injury did not result in a criminal complaint.

The Governor indicates in her veto message that S.B. 1176 includes ambiguous, undefined terms and that expunging records of previous physical harm against a minor leaves school personnel and law enforcement unable to address cases of bullying or assault.

~~in God we trust plates~~ (NOW: DUI; incarceration; assessment) (H.B. 2062) – VETOED

Allows a city or town council to impose up to \$300 as an assessment on driving under the influence (DUI) offenders if the person is convicted in municipal court and the court does not order the person to reimburse the city or town for incarceration costs.

The Governor indicates in her veto message that statute already requires the court to order a DUI offender to reimburse the city or town for incarceration costs and allows the court discretion in determining the amount. She also expresses concerns related to the due process rights of people who have already been through the judicial process.

vulnerable adults; financial exploitation (H.B. 2696) – VETOED

Specifies that a vulnerable adult is not exploited by a transfer of assets for the primary purpose of obtaining or maintaining eligibility for certain benefits if the transfer of assets is between the person and the person's spouse, disabled child or a trust for the benefit of the spouse or disabled child. Expands situations in which a person in a position of trust and confidence to a vulnerable adult may use the vulnerable adult's assets.

The Governor indicates in her veto message that H.B. 2696 weakens protection for vulnerable adults, does not provide adequate safeguards and the language should be more precise if the intent was to clarify activity that would not be considered exploitation.

Veterans, Military and Government Affairs Committee

Senator Adam Driggs, Chairman



Bill Ritz, Research Analyst

Andrew Russell, Intern

VETERANS, MILITARY AND GOVERNMENT AFFAIRS COMMITTEE

LEGISLATION ENACTED

military preservation; land exchanges (S.B. 1001) – Chapter 278

SEE THE NATURAL RESOURCES AND TRANSPORTATION COMMITTEE.

department of veterans' services; continuation (S.B. 1058) – Chapter 13

Continues the Arizona Department of Veterans' Services and the Arizona Veterans' Service Advisory Commission for ten years until July 1, 2022. The committee of reference is required to hold a public hearing to review the Office of the Auditor General's (OAG) follow-up reports relating to the implementation of OAG's sunset review recommendations on or before December 31, 2013.

World War II memorial. (S.B. 1126) – Chapter 5 E

An emergency measure, effective March 1, 2012, repealed from and after September 30, 2014, that authorizes the Arizona Department of Administration (ADOA) to provide for the placement of a World War II memorial in Wesley Bolin Plaza dedicated to the commencement of World War II at Pearl Harbor on December 7, 1941, and the signing of surrender by Japan on September 2, 1945.

Permits the Secretary of State to solicit and accept contributions, including in-kind contributions, to pay for the costs associated with the memorial. All monies are required to be placed in a separate account. Exempts the requirement to deposit monies into the state monument and memorial repair fund. The Secretary of State is required to enter into an interagency agreement with ADOA for the maintenance, repair, reconditioning or relocation of the memorial.

public fiduciaries; investigatory power (S.B. 1141) – Chapter 172

Grants public fiduciaries investigatory power to locate next of kin if a county is responsible for the burial or placement of a person's remains.

jurors; Arizona lengthy trial fund (S.B. 1142) – Chapter 179

Modifies the time that a juror begins receiving replacement or supplemental earnings from the Arizona Lengthy Trial Fund (Fund) from the fourth day of service to the first day, and requires a juror whose service lasts more than five days, and requests payment from the Fund, to disclose the amount their employer will pay during the term of service starting on the first day and thereafter.

tax credit; military family relief (S.B. 1190) – Chapter 281

SEE THE FINANCE COMMITTEE.

law enforcement; overtime compensation (S.B. 1197) – Chapter 144

Clarifies that any person engaged in law enforcement activities must be compensated for any hours worked in excess of 40 hours in a one-week period unless otherwise agreed to by the employer

VETERANS, MILITARY AND GOVERNMENT AFFAIRS COMMITTEE (Cont'd.)

and the person engaged in law enforcement activities. Specifies that an employee may terminate an existing alternate work period agreement if the employee moves to a new position under the same employ and that preexisting labor agreements are not impacted.

veterans' donations fund; grants (S.B. 1291) – Chapter 151

Modifies the expenditure process for monies in the Veterans' Donation Fund (Fund) by removing the authority of the Director of the Department of Veterans' Services (Department) to use the monies in the Fund and, instead, allowing donations to be used as grants for the benefit of Arizona veterans. Requires the Department to adopt rules or policies for grants of less than \$5,000 that encourage as much competition as practicable, and specifies that grants of less than \$5,000 from the Fund are exempt from the grant solicitation requirements if the Department adopts rules or policies governing those grants.

veterans' organizations; solicitations (S.B. 1293) – Chapter 22

Removes the Arizona Department of Veterans' Services' approval authority for the solicitation of money or other support in the name of American veterans and requires veterans' organizations that solicit money or other support in Arizona for American veterans to register with the Secretary of State.

emergency management; relief; rules exemption (S.B. 1296) – Chapter 194

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

broadband conduit installation; right-of-way; ADOT (S.B. 1402) – Chapter 195

Establishes the Digital Highways Act of 2012 by allowing the Arizona Department of Transportation (ADOT) to install broadband conduit as part of a covered rural highway construction project if funding is received by ADOT to cover costs. The Director of ADOT (Director) may: 1) coordinate with providers regarding the planning and relocation of broadband conduit and any related provider facilities within the right-of-way at the provider's expense, if future highway improvements make the relocations necessary; 2) limit provider access to any broadband facilities within the right-of-way for initial installation and infrequent access for maintenance purposes and take other actions necessary to maintain highway safety; and 3) install broadband conduit without regard to the timing of a related existing road construction project, based on a request and receipt of funding from State entities charged with the responsibility for broadband infrastructure and policy.

students; residency; military service (S.B. 1405) – Chapter 293

Clarifies that honorably discharged service members from the armed forces who are on active duty or reserve or National Guard status or who have retired from active duty or reserve or National Guard status are immediately classified as in-state students for tuition purposes.

fire districts; budget (NOW: fire districts; boundaries) (S.B. 1407) – Chapter 347

Makes the following changes relating to the procedures for creating or adjusting fire, sanitary or community park maintenance district boundaries:

VETERANS, MILITARY AND GOVERNMENT AFFAIRS COMMITTEE (Cont'd.)

Requires a petition to be signed by the owners of more than one-half of the taxed property units in the area of the proposed district and persons owning collectively more than one-half of the assessed valuation of the property in the area of the proposed district. Property exempt from taxation is prohibited from being considered in determining the total assessed valuation of the proposed district. Prohibits owners of property not subject to taxation from signing a petition. An error in the legal description of a proposed district does not invalidate the petition if when considered as a whole the information provided is sufficient to identify the property as illustrated in the required map.

Allows a hearing on a petition to be postponed if a timely request to supplement petition signatures is made so that any supplemental petition signatures may be considered by the county board of supervisors (BOS). Prohibits a BOS from authorizing the circulation of petitions for more than one proposed new district of the same type in which any property owner's land is proposed for inclusion. A new petition cannot be circulated until the one-year period to submit signatures of the original petition circulation has expired or has otherwise been extinguished.

Procedures for Fire District Creation – Requires a person who desires to propose the creation of a fire district (district) to provide a legal description of the area proposed for inclusion in the district to the county assessor. Requires the county assessor to provide a detailed list of all taxed properties in the area proposed for inclusion in the district.

Requires a petition for the formation of a district to include a map and general description of a proposed district's boundaries which includes sufficient detail to permit a property owner to determine whether a particular property is within the proposed district.

Procedures for Fire District, Community Park Maintenance District and Sanitary District Boundary Changes – Requires a person who desires to propose a change in the boundaries of a district to provide a legal description of the area proposed for inclusion in the district to the county assessor. Requires the county assessor to provide a detailed list of the properties.

Requires a petition for the formation of a district to include a map and general description of a proposed districts boundaries that includes sufficient detail to permit a property owner to determine whether a particular property is within the proposed boundary change.

Procedures for Forming Noncontiguous County Island Fire Districts – Requires a person or persons who wish to petition for a noncontiguous county island fire district (district) to request and the county assessor to provide a map and a detailed list of all property parcels, which includes the assessed values of all county island areas that are contained within the municipal planning area of a city or other unincorporated area as required by statute.

Requires, within 60 days of receiving a map from the county assessor, the person proposing formation of a district to prepare and submit a district impact statement, which shall include the following: 1) a general description of the boundaries of the proposed district, a map of the area to be included, and a list of the parcels to be included in the district by assessor parcel number; 2) an estimate of the assessed valuation within the proposed district; 3) an estimate of the change in the property tax liability of a typical resident of the proposed district; 4) a list and explanation of benefits that will result from the proposed district; 5) a list and explanation of the injuries that will result from the proposed district; 6) the names, addresses and occupations of the three proposed members of the district's organizing board of directors; and 7) a description of the scope of services to be provided by the district during its first five years of operation.

VETERANS, MILITARY AND GOVERNMENT AFFAIRS COMMITTEE (Cont'd.)

Requires, on receipt of the map and impact statement, a BOS to set a day for the hearing on the proposed district formation not more than 60 days from the date the map and impact statement are received.

Allows a district to expand its boundaries to include unincorporated parcels within a city or town's municipal planning area with the permission of the city or town.

honor and remember flag; half-staff (H.B. 2020) – Chapter 111

Requires the Honor and Remember flag to be displayed on or in front of the State Capitol building, county superior court buildings and the city or town hall of each incorporated city or town on any day when the United States flag is flown at half-staff due to the death of a member of the armed forces. Specifies that, notwithstanding any other law, the Honor and Remember flag must be displayed below the POW/MIA flag when displayed with the United States flag on a single staff.

~~technical correction; public health~~ (NOW: veterans; employment preference) (H.B. 2165) – Chapter 157

Requires any political subdivision in Arizona to give veterans entitled to federal retired pay for non-regular service, but for age, a five point lead on a passing score of an employment examination and the opportunity to apply for and receive employment.

state employee benefits; definition (H.B. 2283) – Chapter 40

Clarifies that the definition of *state employee*, for the purposes of determining retirement benefit eligibility, applies to judicial branch members who are paid through the Arizona Department of Administration.

lease of county property; requirements (H.B. 2389) – Chapter 254

Specifies that the appointment of an appraiser is not required for the lease of any land or building that is valued at or less than \$5,000 owned by or under the control of a county if the value of the land or building has been estimated and justified by a market analysis based on comparable sales.

~~unlawful practices; motor vehicle repair~~ (NOW: separate segregated funds; solicitations) (H.B. 2394) – Chapter 98

Eliminates the limitation on the number of written solicitations for contributions an insurer or an insurer's separate segregated fund can make during the calendar year, and expands the list of those who may be solicited in writing for contributions to include families of licensed insurance producers.

veteran benefits; reservists (H.B. 2428) – Chapter 241

Modifies various statutory provisions relating to the Military Family Relief Fund (MFRF) and government employees authorized for leave of absence for federal training as follows: 1) excludes public employees serving in a United States military auxiliary force from being granted a leave of absence for federal training purposes; 2) eliminates the eligibility of service members who entered active duty service from the State of Arizona after September 11, 2001, from the MFRF, unless their home of record is claimed as Arizona; 3) specifies that service members must have been deployed from a military base in Arizona to be eligible for the MFRF; 4) adds military reserve unit

VETERANS, MILITARY AND GOVERNMENT AFFAIRS COMMITTEE (Cont'd.)

commanders to the membership of the Military Family Relief Advisory Committee (Committee); 5) clarifies the status of a service member as either on Active Duty, National Guard or Reserves; 6) conforms the repeal date of MFRF and the Committee to December 31, 2018; and 7) requires the Arizona Department of Transportation to issue driver licenses with a veteran designation upon the request of an applicant who has provided satisfactory proof of veteran status.

animals; seizure; hearing; forfeiture (H.B. 2462) – Chapter 73

Requires a peace officer, county enforcement agent or animal control officer who is authorized to lawfully seize an animal to post a notice of seizure in a conspicuous place where the animal was found or personally deliver the notice to the owner. Requires the owner to request a postseizure hearing by signing a declaration of ownership within 10 days after the date of notice to the court and to post a bond of \$25 per animal. Upon receiving the hearing request, a justice of the peace or city magistrate must set a hearing date within 15 business days. If the owner fails to post the bond, request a hearing or attend a hearing, the animal will be deemed abandoned and all rights transferred to the seizing agency.

Clarifies that if an animal is deemed not to be vicious, a justice of the peace or city magistrate can order that animal to be returned to the owner. However, if the owner fails to appear at a disposition hearing, the animal can be forfeited and transferred to a legally incorporated humane society, county animal shelter or approved rescue agency and made available for adoption or humane destruction.

fire, building; life safety; continuation (H.B. 2476) – Chapter 54

Continues, retroactive to July 1, 2012, the Department of Fire, Building and Life Safety for two years until July 1, 2014.

state emergency council; report; posting (H.B. 2592) – Chapter 307 E

An emergency measure, effective May 7, 2012, that requires the State Emergency Council's annual report to the Legislature to be posted in a prominent location on the Department of Emergency and Military Affairs' (DEMA) website. Also, requires DEMA, within 90 days after monies are awarded by the Governor for certain emergencies, to post the amount of monies awarded, who received the monies and how the monies were spent in a prominent location on its official website.

Allows DEMA to use monies that were previously obligated but not used for a declared emergency or disaster to be reallocated towards an outstanding obligation for another declared emergency or disaster and to remain available for expenditure for the outstanding obligation. The reallocation of monies does not apply toward the \$4 million liability limit of the fiscal year in which the monies were reallocated or in which the monies are spent.

veteran supportive campuses (H.B. 2602) – Chapter 80

Requires, rather than allows, the Department of Veterans' Services (Department) to: a) maintain a list of certified Arizona Veteran Supportive Campuses (AVSC) on the Department's website; and b) make a reasonable effort to notify postsecondary institutions and any other appropriate entities of the opportunity to be certified as an AVSC. Also requires each AVSC to include the number of graduating veterans from its campus in its biannual report to the Department.

VETERANS, MILITARY AND GOVERNMENT AFFAIRS COMMITTEE (Cont'd.)

law enforcement dogs; biting (H.B. 2605) – Chapter 74

Exempts law enforcement dogs from statutory requirements regarding the reporting, handling and destruction of biting animals if a bite occurs while the dog is under law enforcement supervision and the care of a licensed veterinarian. Law enforcement agencies are required to notify the county enforcement agent if a dog exhibits abnormal behavior and make the dog available for examination at any reasonable time.

appointment; ombudsman-citizens aide (H.B. 2851) – Chapter 107 E

An emergency measure, effective March 27, 2012, that appoints Dennis Wells as the Ombudsman-Citizens' Aide for a term ending July 1, 2017.

urging adoption; veterans remembered flag (S.C.M. 1007)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

military bases; exemption from ESA (S.C.M. 1008)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

honoring Anthem veterans' memorial (S.C.R. 1010)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

United States Merchant Marine (S.C.R. 1033)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

unmanned aircraft systems (H.C.R. 2024)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

Water, Land Use and Rural Development Committee

Senator Gail Griffin, Chairman



Sharon Langford, Research Analyst

Aaron Wonders, Intern

WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE

LEGISLATION ENACTED

water banking authority; report (NOW: condominium recovery fund; repeal) (S.B. 1154) – Chapter 139 E

An emergency measure, effective March 29, 2012, that repeals the Condominium Recovery Fund and all related statutory provisions.

ballot appearance; general election; write-ins (S.B. 1230) – Chapter 148

Requires a write-in candidate in the primary election to comply with statute relating to the filing of nomination papers for write-in candidates in order to have their name appear on the official general election ballot.

vehicle permit fees; excess weight (S.B. 1232) – Chapter 192

Redistributes single-trip overweight permit (STP) monies that the Motor Vehicle Division receives for nondivisible, oversized truckloads carrying certain agricultural freight through the international port of entry in Santa Cruz County. Fifty percent of the STP monies will go to the State Highway Fund and twenty-five percent each to the county and city or town whose roads are affected by the oversized load.

harvested water; recharge (NOW: surface water management; pilot project) (S.B. 1236) – Chapter 282

Subject to funding and by December 1, 2012, requires the Arizona Department of Water Resources (ADWR) to establish at least two pilot programs that demonstrate water harvesting techniques, practices and technology in specified locations. The bill also prescribes additional requirements for instream flow applications and prohibits the ADWR Director from accepting an instream flow application that is not accompanied by at least five years of continuous streamflow measurement data.

wildfire; notice of violation; pollutants (S.B. 1237) – Chapter 249

Allows the Arizona Department of Environmental Quality to issue a notice of violation to a federal agency as a potentially responsible party for pollutant discharge under specified conditions.

aquifer protection permits; waste (S.B. 1287) – Chapter 233

Modifies the definition of *complex modification* in the aquifer protection permit (APP) statutes to specify whether certain facilities or the expansion of certain facilities would trigger a complex modification permit review by the Arizona Department of Environmental Quality (ADEQ). Modifies the definition of *solid waste* in ADEQ's solid waste regulations to exempt the following: a) substances and materials that have been approved to remain on site in the course of remedial actions undertaken through the Volunteer Remediation Program (VRP), and b) certain mining materials that are located off-site from a mining operation if those materials are consolidated at a

WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE (Cont'd.)

mining operation site that is both located within 50 miles of the off-site materials and regulated by an APP or the VRP. The legislation also exempts storm water runoff that is already regulated under a surface water permitting program from APP permitting requirements.

storm water discharges; construction sites (S.B. 1289) – Chapter 262

Requires the Director of the Arizona Department of Environmental Quality (Director), when developing a general permit for the discharge of storm water from construction activity, to provide for reduced control measures at sites that retain storm water in a manner that eliminates discharge, except during extreme events. Prohibits, upon commencement of proceedings for a general permit renewal, an existing permit from expiring, and allows continuous coverage to be obtained by new dischargers until the proceedings have resulted in a final determination.

As session law and by July 1, 2017 instructs the Director to review and revise the rules, programs and permits developed or issued pursuant to the Arizona Pollutant Discharge Elimination System program and requires the review and revision to be completed by July 1, 2017.

property tax; agriculture classification; affidavit (S.B. 1416) – Chapter 182

Reduces, for property to be classified as agricultural, the time required for the property to have been in agricultural production. S.B. 1416 requires an affidavit of agricultural use to be filed with a county assessor affirming that there is a reasonable expectation of operating profit from the agricultural use of the property.

mining operations; long-term storage credits (S.B. 1417) – Chapter 312

Requires the Director of the Arizona Department of Water Resources (Director) to establish a separate subaccount for long-term storage credits earned during the duration of a mineral extraction and metallurgical processing permit issued after August 2, 2012, under certain conditions and with exemptions. Requires the Director to debit the subaccount by the amount of groundwater pumped in an Active Management Area during a calendar year, not to exceed the amount of long-term storage credits in the subaccount. Instructs the Director to credit the subaccount account for 90 percent of the recoverable amount of eligible water, if certain conditions are met. Modifies the definition of *water that cannot reasonably be used directly*.

flood control districts; immunity (H.B. 2360) – Chapter 222

States that a county flood control district and its employees and officers are immune from any injury or property damage that may arise out of a plan or design for construction, maintenance or improvement of certain structures, if a reasonably adequate warning is given to potentially affected property owners in a manner that allows the owners to take suitable precautions to protect themselves and their property.

Removes the requirement that a director of a flood protection district be a resident or a qualified elector of their division.

harvested water; committee (H.B. 2363) – Chapter 95 E

An emergency measure, effective March 27, 2012, establishing a joint legislative study committee (Committee) on macro-harvested water. Directs the Committee to: a) propose a definition

WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE (Cont'd.)

of macro-harvested water; b) study, analyze and evaluate issues arising from the collection and recovery of macro-harvested water; and c) review relevant administrative rules and guidelines adopted by the Arizona Department of Water Resources for water recharge in active management areas. The Committee is repealed on October 1, 2014.

agricultural improvement districts; voting (H.B. 2372) – Chapter 118

Changes the qualifications required for an elector to vote and seek office in an agricultural improvement district (district). Specifies a qualified district elector is a person who is otherwise qualified to vote for state officers under the general election laws and who is either the owner of qualified real property, or the trust voter for a qualified trust that is the owner of qualified real property. The district may impose reasonable standards and rules for the registration of voters, the determination and verification of voter qualifications, and the definition of a family member. States that a voter is subject to challenge and that a trust voter may be required to produce appropriate documents to prove the voter's qualifications, including a certification of trust.

The bill contains a conditional enactment requiring the shareholders of the Salt River Valley Water Users' Association (Association) to vote to approve amendments to the Association's articles of incorporation by January 1, 2014.

government land; private land; study (H.B. 2438) – Chapter 176

Establishes a joint legislative study committee (Committee) on government and private lands. Directs the Committee to examine the consequences of transferring real property from private parties to government entities and requires the Committee to: a) conduct hearings; b) review historical tax assessments; c) examine the frequency and circumstances of government acquisition of private property; d) consider ways to ensure government acquisition is conducted according to law; and e) identify the appropriate entity to review the recording, tracking and reporting of government acquisitions. The Committee is repealed on October 1, 2013.

H.B. 2436 directs the Arizona Department of Revenue (ADOR) to contract with each county assessor to conduct a property status study (Study) to identify the amount of: a) total private property within each county; b) tax exempt private property within each county; c) private property in conservation status; d) federal lands in wilderness areas, natural conservation areas, national parks, national monuments and other special conservation status areas, if available; and e) municipal and county lands in parks, conservation areas or other special conservation status areas. Reverts \$132,213 left from the FY 2008 appropriation to the Arizona Department of Water Resources for the Upper San Pedro Water District Technical Assistance line item to the state General Fund (GF) for FY 2013. Appropriates \$132,213 from the GF to ADOR for FY 2013 to pay the cost of employees in each county assessor's office for no more than six months. Reverts all unused monies back to the GF on June 30, 2013. The Study is repealed on January 1, 2014.

flood control authority; relinquishment; districts (H.B. 2658) – Chapter 228

Provides for the legal obligations and liability upon passage of a resolution by a city or town to assume or relinquish its assumption of the powers and duties of floodplain management and regulation from a district or county.

WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE (Cont'd.)

regulatory rules; amendments (H.B. 2744) – Chapter 352

Makes numerous changes to the statutes regulating the procedural requirements a state agency must follow to conduct rulemaking.

Clarification of Interpretation – Allows a person to request clarification of an agency's interpretation or application of a statute, rule, delegation agreement or substantive policy statement prior to submitting an application for a license and requires a written clarification from an agency within 30 days. Specifies an agency's written clarification does not constitute an appealable action or an action against the party and exempts the Arizona Peace Officer Standards and Training Board.

Fees; Specific Statutory Authority – Requires an agency to comply with all applicable rulemaking provisions to establish or increase a fee unless the Legislature grants an express exemption. Creates an applicable period and states a fee established or increased by exempt rulemaking effective October 1, 2012, is effective for two years, unless an extension is granted by the Governor's Regulatory Review Council (GRRC).

Expedited Rulemaking – Allows an agency to conduct expedited rulemaking if the rulemaking does not increase the cost of regulatory compliance, increase a fee or reduce the procedural rights of a regulated person and meets certain statutory requirements. An agency must, upon approval by the Governor, file a notice of the proposed expedited rulemaking with the Secretary of State (SOS) for publication in the next Register.

Prohibits an agency from submitting an expedited rule to GRRC that is substantially different from the proposed rule contained in the notice. Allows any person, within a specified time frame, to provide written comments to the agency and requires the agency to respond in writing before it can file a request for GRRC approval. Prohibits GRRC from approving any rule unless it meets specific criteria. The expedited rule becomes effective 30 days after publication of the notice of final expedited rulemaking.

Petition for a Rule or Review of a Practice or Policy – Establishes time frames in the event that GRRC receives information indicating an existing agency practice or substantive policy statement may constitute a rule and at least four GRRC members request the matter be heard in a public hearing.

GRRC Review and Approval – Stipulates, if a person submits an analysis questioning whether a rule is based on valid scientific or reliable principles or methods that are specific and not of a general nature, GRRC is prohibited from approving the rule until a determination is made. Outlines the criteria GRRC must follow to make a determination of reliability or validity. Decreases the amount of time a person has to submit written comments to GRRC from 60 to 30 days immediately following receipt of the rule. Requires GRRC to review and approve or reject a notice of proposed expedited rulemaking.

Economic, Small Business and Consumer Impact Statement (EIS) – Prescribes the elements to be included in the preamble of the economic, small business and consumer impact summary, and requires the EIS to include a description of the methods used to reduce the impact on small businesses in addition to the reasons for the agency's decision to use or not to use each method. Exempts an agency from the EIS and petitioning filing requirements under certain circumstances, and permits an agency to petition GRRC for a determination that the agency is not required to file an EIS before filing a proposed rule with the SOS.

WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE (Cont'd.)

Review by Agency – Stipulates any rule made pursuant to a statutory exemption requires an agency review at least once every five years to determine if the rule should be amended or repealed. GRRC may review rules outside of the five-year review process under certain circumstances. GRRC may require an agency to propose an amendment or repeal of a rule upon determination that the rule is materially flawed. If an agency does not amend or repeal the rule by the specified date the rule automatically expires.

Exemptions – Allows an agency exempt from GRRC to elect to follow GRRC's rulemaking requirements instead of submitting the rule to the Attorney General for review.

air quality; dust plan; reports (H.B. 2798) – Chapter 308

Requires municipalities, counties and other entities responsible for dust control regulations to submit annual reports on those activities to the Arizona Department of Environmental Quality.

supporting SAFE plan (S.C.M. 1001)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

USFS; adequate funding (S.C.M. 1003)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

vulture mine day (H.C.R. 2007)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

FEMA; flood map review (H.C.R. 2034)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

LEGISLATION VETOED

surplus water forbearance agreements (NOW: forbearance agreements; surplus water) (H.J.R. 2002)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

Memorials and Resolutions



MEMORIALS & RESOLUTIONS

supporting SAFE plan (S.C.M. 1001)

Urges the United States Congress to adopt the Save Arizona's Forest Environment Plan and temporarily suspend the National Environmental Policy Act requirements for Arizona's forest lands that have suffered from or are threatened by future catastrophic wildfires.

USFS; adequate funding (S.C.M. 1003)

Urges the U.S. Congress to adequately fund the U.S. Forest Service (USFS) and prohibit the USFS from acquiring additional lands until existing USFS lands are properly managed.

recycling spent nuclear fuel; management (S.C.M. 1004)

Urges the United States Congress to make modifications to the Nuclear Waste Policy Act of 1982, as recommended by the Blue Ribbon Commission, in order to promote economic opportunity and security in Arizona.

Rio Nuevo; multipurpose facilities district (S.C.M. 1005)

S.C.M. 1005 requests that the City of Tucson work with the reorganized Rio Nuevo District Board (Board) to reach an accord on the cash and property assets due to the district. It requests that the Attorney General and the Federal Bureau of Investigation (FBI) continue their investigations and that the new Board continue its pursuit to secure an accurate accounting. It also requests that upon passage of the memorial, it be sent to the city elected officials, county elected officials, the Arizona Attorney General, the Director of the FBI, the United States Department of Justice and each Arizona member of Congress.

urging adoption; veterans remembered flag (S.C.M. 1007)

Urges the United States Congress to adopt the Veterans Remembered Flag for the purpose of honoring past, present and future veterans.

military bases; exemption from ESA (S.C.M. 1008)

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

military preservation; land exchanges (S.C.R. 1001)

Subject to voter approval, constitutionally authorizes the exchange of state trust lands for other public lands. The exchange must be made either to improve land management for sale or lease or conversion to public use, or to preserve and protect military facilities in the state. The measure will require the Legislature to provide a process to exchange trust land, subject to specific conditions and limitations. Becomes effective if approved by the voters at the next general election and on proclamation of the Governor. See the summary for S.B. 1001 for more information.

MEMORIALS AND RESOLUTIONS (Cont'd.)

honoring Anthem veterans' memorial (S.C.R. 1010)

Expresses the Legislature's recognition of the Anthem Veterans Memorial as a tribute to our nation's veterans and their appreciation to those whose efforts resulted in the creation of this memorial. Supports the designation of the Anthem Veterans Memorial as a state historical site in concert with the Arizona Centennial celebration.

~~technical correction; illegal aliens~~ (NOW: national defense authorization act) (S.C.R. 1011)

Condemns Sections 1021 and 1022 of the 2012 National Defense Authorization Act (NDAA) and finds that the enactment into law by the United States Congress of Sections 1021 and 1022 of the NDAA is inimical to the liberty, security and well-being of the people of Arizona.

personal property tax exemption amount (S.C.R. 1012)

In 1996 the voters approved a constitutional exemption for business personal property. The current amount of the exemption is \$68,079 and it is adjusted for inflation each year. Subject to voter approval, S.C.R. 1012 increases the exemption for commercial and agricultural business personal property initially acquired during or after TY 2013, to an amount that is equal to the annual earnings of 50 workers in this state according to a designated national measure of earnings. A fiscal note prepared by the Joint Legislative Budget Committee indicates this new higher exemption amount would be approximately \$2.4 million, if that measure is the Federal Bureau of Economic Analysis' data on average annual earnings per job by state. That fiscal impact would first occur in FY 2015.

border security (S.C.R. 1014)

Supports an increase of Border Patrol personnel in the Tucson Sector along the border between United States and Mexico and an increase of Customs Field Office personnel at the ports of entry in Nogales, Douglas and Yuma, Arizona.

property tax assessed valuation; limitation (S.C.R. 1025)

Subject to voter approval, S.C.R. 1025 limits the annual growth of the limited property value to the lesser of the full cash value or an amount five percent greater than the value of property determined for the prior year, beginning in TY 2015. Requires the Secretary of State to submit the proposition to the voters at the next general election.

Mountain View black officers club (S.C.R. 1026)

Expresses the Legislature's support of the efforts of the Southwest Association of Buffalo Soldiers to preserve the Mountain View Black Officers Club.

Earl Moser; death resolution (S.C.R. 1027)

Expresses the Legislature's regret at the passing of Earl H. Moser and extends its members' deepest condolences to his family and many friends.

MEMORIALS AND RESOLUTIONS (Cont'd.)

skin cancer awareness month (S.C.R. 1028)

Designates May 2012 as Skin Cancer Awareness Month in Arizona and encourages all citizens to participate in appropriate skin cancer education and screening activities.

United States Merchant Marine (S.C.R. 1033)

Expresses the Legislature's recognition of the United States Merchant Marine, its veterans and the maritime industry during and following World War II and encourages the citizens of Arizona to honor and observe National Maritime Day with appropriate activities and tributes.

Red Rock Project; support (S.C.R. 1044)

Expresses the Legislature's support for the Red Rock Project and extends best wishes for its successful development and operation.

Alberta Tippeconnic; remembrance resolution (S.R. 1001)

Expresses the Senate's regret at the passing of Alberta C. Tippeconnic and extends its members' deepest condolences to her surviving family members.

Hugh Holub; death resolution (S.R. 1003)

Expresses the Senate's regret at the death of Hugh A. Holub and extends its members' deepest condolences to his wife, Nancy, his daughters, Annie and Beth, and his sisters, Stella, Maxine and Harriet.

Michael Elm; death resolution (S.R. 1005)

Expresses the Senate's regret at the passing of Army Specialist Michael Davis Elm and extends its members' deepest condolences to his surviving family members.

national day of the cowboy (S.R. 1006)

Expresses the 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 with appropriate ceremonies and activities.

F-35 fighter squadrons; Yuma. (S.R. 1007)

Expresses the Senate's support of 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.

Brian Terry; death resolution (S.R. 1008)

Expresses the Senate's regret at the death of Brian A. Terry and extends its members' deepest condolences to his surviving family members.

MEMORIALS AND RESOLUTIONS (Cont'd.)

transportation funding; restore to states (H.C.M. 2004)

Urges the federal government to enact legislation that does the following: 1) returns collected federal gas taxes back to the states; and 2) allows Arizona to collect and distribute monies derived from the federal gas tax in the state.

schools; traditional American holidays; recognition (H.C.M. 2006)

Urges Arizona school districts and charter schools to recognize and celebrate traditional American holidays, like Vulture Mine Day.

federal balanced budget amendment (H.C.M. 2007)

HCM 2007 urges the United States Congress to pass a constitutional amendment that prohibits, in the absence of a national emergency, total federal appropriations from exceeding total estimated federal revenues in any fiscal year.

state sovereignty (H.C.R. 2004)

Subject to voter approval, H.C.R. 2004 constitutionally asserts Arizona's sovereignty over the air, water, public lands, minerals, wildlife and any other natural resources within its boundaries, excluding Indian reservations and lands of the United States as prescribed by the United States Constitution.

vulture mine day (H.C.R. 2007)

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

supporting Taiwan's international participation (H.C.R. 2019)

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.

unmanned aircraft systems (H.C.R. 2024)

Urges the State of Arizona to compete for one or more of the six national test ranges for unmanned aircraft systems under the 2012 National Defense Authorization Act.

FEMA; flood map review (H.C.R. 2034)

Proclaims the Legislature's support for the implementation of a review process of the current Arizona floodplain maps by the Federal Emergency Management Agency and the determination of flood insurance premiums on actuarial data from the state in which a person resides rather than on a national basis.

girl scouts; centennial (H.C.R. 2041)

Expresses the Legislature's recognition of the Girl Scouts of the USA's 100th anniversary and honors the organization for a century of providing communities with youth leadership skills.

MEMORIALS AND RESOLUTIONS (Cont'd.)

Arizona school choice week (H.C.R. 2045)

Expresses the Legislature's proclamation of the week of January 22, 2012, as School Choice Week in Arizona and honors the teachers and education administrators in this state for their efforts to educate Arizona's children.

wear red day; Arizona (H.C.R. 2046)

Expresses the Legislature's support of increased awareness about heart disease to empower women to reduce their risk for cardiovascular disease and urge all citizens to show their support for women and their fight against heart disease by wearing the color red on National Wear Red Day in Arizona. Proclaims February 3, 2012, to be National Wear Red Day in Arizona.

~~minimum wage; younger workers~~ (NOW: permanent state land fund; distribution) (H.C.R. 2056)

Subject to voter approval, constitutionally requires that for FY 2013 through FY 2021, the annual distribution from the State Land Trust Permanent Endowment Fund is 2.5 percent of the average monthly market values of the fund for the immediately preceding five calendar years. After FY 2021 the distribution from the fund reverts to the current formula.

F-35 training; Luke AFB; support (H.C.R. 2061)

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

F-35 training; Arizona facilities (H.C.R. 2062)

Expresses the Legislature's strong 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.

~~surplus water forbearance agreements~~ (NOW: forbearance agreements; surplus water) (H.J.R. 2002)

Resolves, with the Governor concurring, that it is in the best interest of the state to enter into forbearance agreements to further protect Arizona's interest in Colorado River water in surplus, normal and shortage years. Authorizes the Director of the Arizona Department of Water Resources (Director) to enter into forbearance agreements, subject to certain restrictions. Requires the Director to report to the Legislature on any forbearance agreement entered into and revokes the authority granted to the Director on December 31, 2012.

future interstate; U.S. highway 93 (H.M. 2001)

Urges the Secretary of the United States Department of Transportation to designate United States Highway 93 as a future Interstate System route as part of the proposed Interstate 11.

victims' rights; constitutional amendment (H.M. 2002)

Urges the United States Congress to pass House Joint Resolution 106 proposing to the people an amendment to the United States Constitution that provides rights to crime victims and embodies victims' rights principles.

MEMORIALS AND RESOLUTIONS (Cont'd.)

Bill Timmons; outstanding service (H.R. 2001)

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

Gustav Mohr Jr; military service (H.R. 2002)

Expresses the House of Representatives' recognition of the exceptional service of Gustav Charles Mohr, Jr. to the United States of America and their gratitude to him for his courage and sacrifice in defense of liberty.

resolution; George Rockwell. (H.R. 2004)

Expresses the House of Representatives' recognition of George "Rocky" Rockwell's retirement from Winslow High School and for his 50 years of service in education.

F-35 fighter squadrons; Yuma (H.R. 2006)

Expresses the House of Representatives' 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.

death resolution; Justice Michael Ryan (H.R. 2007)

Expresses the House of Representatives' gratitude for Michael Ryan's service to the United States of America and the State of Arizona and expresses its regret at his passing as well as its deepest condolences to his surviving family members.

supporting Israel (H.R. 2008)

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

honoring professional social workers (H.R. 2009)

Expresses the House of Representatives' recognition of the social work profession for more than a century of contributions to American society. Honors the many dedicated men and women in the social work profession for their commitment to bettering the world around them.

Chandler chamber of commerce; centennial (H.R. 2011)

Expresses the House of Representatives' recognition of the Chandler Chamber of Commerce on the occasion of its centennial, April 27, 2012, and commends the organization for its outstanding record of service to the Chandler community.

MEMORIALS AND RESOLUTIONS (Cont'd.)

City of Chandler; centennial (H.R. 2012)

Expresses the House of Representatives' honor of the City of Chandler on its 100th anniversary.

Bill Index



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E - Emergency

W/O - Without Emergency

V/O - Veto Override

RFEIR – Requirements for Enactment; Initiative or Referendum

W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

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W/O - Without Emergency

V/O - Veto Override

RFEIR – Requirements for Enactment; Initiative or Referendum

W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

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Keyword Index



KEYWORD INDEX

E - Emergency

W/O - Without Emergency

V/O - Veto Override

RFEIR – Requirements for Enactment; Initiative or Referendum

W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

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