

2014 Legislative Summary

ARIZONA STATE SENATE
Fifty-First Legislature, Second Regular Session
Second Special Session
Andy Biggs, President



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Arizona State Senate

June 26, 2014

Dear Reader:

The 2014 Legislative Summary, commonly referred to as the Spiel, was prepared by the Senate Research Staff under the direction of Andy Biggs, 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 Fifty-First Legislature, Second Regular Session (2014). 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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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



Carolyn Speroni, Research Analyst

APPROPRIATIONS COMMITTEE

LEGISLATION ENACTED

technical correction; regents; land funds (NOW: department of agriculture; fees) (S.B. 1108) – Chapter 70

Allows the Director of the Department of Agriculture to increase or decrease the minimum statutory pesticide registration fee of \$100 until June 30, 2016. The fee may not be reduced below \$100. Any additional revenue generated by the fee must be deposited in the Pesticide Trust Fund.

supplemental appropriation; legislators; subpoenas; representation (S.B. 1159) – Chapter 1

Appropriates \$50,000 to the Arizona State Senate and \$50,000 to the Arizona House of Representatives to provide legal representation to current and former members of the Legislature subject to a subpoena or other request in a civil action for production of documents related to the member's status as a current or former member and who would otherwise be required to pay the costs of the representation and related costs and fees.

supplemental appropriation; navigable stream commission (S.B. 1219) – Chapter 2

Appropriates \$150,000 from the state GF in FY 2014 to the Arizona Navigable Stream Adjudication Commission for ongoing legal expenses and also allows the supplemental appropriation to be used in FY 2015.

independent redistricting commission; supplemental appropriation (S.B. 1220) – Chapter 3

Appropriates \$1,462,701 from the state GF in FY 2014 to the Independent Redistricting Commission for operating expenses and also allows the appropriation to be used in FY 2015. This appropriation is in addition to the appropriation made in 2013 (Laws 2013, First Special Session, Chapter 1, section 120).

attorney general representation; nonparty subpoena. (S.B. 1221) – Chapter 234

In *Valle del Sol et al. v. Whiting*, subpoenas for memos and letters were issued to 21 current and former lawmakers. The Attorney General (AG) has opined that because these subpoenaed members are not parties to the action, the AG has no authority, according to statute, to represent those members. S.B. 1221 authorizes the AG to represent a current or former officer or employee of this state who is subject to a civil nonparty subpoena. Allows an agency to employ legal counsel to provide representation to its current or former officers or employees under the above circumstances.

APPROPRIATIONS COMMITTEE (Cont'd.)

supplemental appropriations; child safety positions (S.B. 1224) – Chapter 4

Appropriates \$5,800,000 from the state GF and \$1,100,000 from total expenditure authority in FY 2014 to the Department of Economic Security (DES) for 192 FTE child safety and family services positions.

Requires DES or its successor agency to issue a monthly report on its progress in hiring those staff members. The report must: 1) include the total level of staff positions filled and funded in the prior month and the equivalent number of positions on January 31, 2014; and 2) delineate the increase in staff by caseworkers, hotline staff, those in training and non-caseworkers.

empowerment scholarship accounts; revisions (S.B. 1237) – Chapter 244

SEE THE EDUCATION COMMITTEE.

jury service; lengthy trial fund (S.B. 1248) – Chapter 77 E

Although the Arizona Lengthy Trial Fund is not repealed until July 1, 2014, the authority of the courts to collect that fee expired in January 2014. S.B. 1248 is an emergency measure, effective April 17, 2014, that reauthorizes the Supreme Court to collect that fee until December 31, 2018.

Allows physician assistants, in addition to physicians and registered nurse practitioners, to provide a medical statement showing that a person is unfit for jury service.

Arizona medical board; supplemental appropriation (S.B. 1381) – Chapter 251

The Arizona Ombudsman-Citizens' Aide found during a 2013 investigation that the Arizona Medical Board (Board), among other violations, licensed potentially unqualified doctors from September 2011 to approximately February 2013. S.B. 1381 appropriates \$855,000 from the Board Fund in FY 2014 to the Board to contract with an in-state credentials verification service for health professions to review all initial applications received by the Board.

universities; intellectual property. (S.B. 1392) – Chapter 194

SEE THE EDUCATION COMMITTEE.

revenue; budget reconciliation; 2014-2015 (S.B. 1487) – Chapter 9

Makes appropriations and session law changes related to general revenues necessary to implement the FY 2015 state budget.

Central Arizona Water Conservation District (CAWCD) – Effective January 1, 2015, allows a subdivider to pay half of the activation fee charged by the CAWCD before the issuance of a public report and pay the remaining amount no later than one year after issuance of the report.

APPROPRIATIONS COMMITTEE (Cont'd.)

Department of Financial Institutions (DFI) – Permits the Superintendent of the DFI to use monies in the Department Receivership Revolving Fund through FY 2015 for expenditures on an electronic licensing system and limits the total expenditure for the system to \$850,000. Also permits DFI to use the Financial Services Fund for general operating expenditures.

Department of Racing – Continues the rulemaking exemption relating to establishing fees for the Department of Racing until the end of FY 2015 and limits revenue generated by fees to \$2,600,000.

Radiation Regulatory Agency – Continues the fee raising authority and rulemaking exemption relating to establishing fees for the Radiation Regulatory Agency and limits revenue generated by fees to \$561,000.

Department of Agriculture – Continues the fee raising authority for the Department of Agriculture, with the assistance of the Agriculture Advisory Council, in FY 2015 and limits additional revenues generated from fees to: 1) \$218,000 to the GF; 2) \$113,000 to the Pesticide Trust Fund; and 3) \$26,000 to the Dangerous Plants, Pests and Diseases Trust Fund.

Department of Insurance (DOI) – Continues to prohibit the revision of fees or assessment in FY 2015 for the purpose of meeting the requirement to recover 95 to 110 percent of DOI's appropriated budget.

Counties – Allows counties with a population of fewer than 200,000 persons to use any source of county revenue to meet a county fiscal obligation for FY 2015. Requires counties using this authority to report the intended amount and source of funds to the Director of the Joint Legislative Budget Committee by October 1, 2014.

Arts Fund – Appropriates \$1,000,000 in FY 2015 from interest earned on the Budget Stabilization Fund to the continuously appropriated Arts Fund.

Child Protective Services (CPS) – Requires CPS or its successor agency to establish a mechanism to direct complaints to the Office of Ombudsman-Citizens' Aide (Ombudsman) until July 1, 2016. Requires the Ombudsman to process these complaints and, after investigating a complaint, refer the matter to the presiding judge of the superior court of the appropriate county for further review.

Highway User Revenue Fund (HURF) – Directs \$30,000,000 of HURF revenues in both FY 2015 and FY 2016 and \$60,000,000 in FY 2017 to be allocated directly to counties, cities and towns in percentages reflecting current non-state distribution of HURF revenues. Specifies that those revenues can only be spent on direct construction, repair and right-of-way expenditures.

K-12 education; budget reconciliation; 2014-2015 (S.B. 1488) – Chapter 17 LIVS

Basic State Aid – Increases the Base Level Amount by 1.4 percent for FY 2015 by increasing the per pupil amount from \$3,326.54 to \$3,373.11. Directs the Arizona Department of Education (ADE) for FY 2015 to reduce the amount that would otherwise be allocated for District Additional Assistance (DAA) by \$238,985,500 and requires district budget limitations to

APPROPRIATIONS COMMITTEE (Cont'd.)

be reduced accordingly. Caps the sum of the FY 2015 DAA reductions for school districts with fewer than 1,100 Average Daily Membership (ADM) at \$5,000,000.

Increases Charter Additional Assistance (CAA) amounts by 1.4 percent and directs ADE to proportionally reduce the FY 2015 CAA amounts apportioned to all charter schools by \$15,656,000.

Increases the transportation funding per route mile formula amount by 1.4 percent for FY 2015.

School District Charter Schools – Retroactive to July 1, 2013, prohibits a school district governing board from granting a charter to a new charter school or converting an existing district public school to a charter school if that school began initial operations beginning July 1, 2013. Prohibits other statutory sponsors of charter schools from granting a charter to a school district governing board for a new charter school or for the conversion of an existing district public school to a charter school if that school began initial operations beginning July 1, 2013. Exempts charter schools required to convert back to district public schools or transfer sponsorship from the statutorily required lump sum repayment of CAA. Allows a school district governing board to continue to sponsor and operate, only through FY 2015, a newly opened charter school or any district school that was converted to a charter school if the school began initial operations between June 30, 2013, and July 1, 2014. Sets any one-time FY 2015 incremental funding for school district charter schools that began initial operations during FY 2014 at the amounts specified in the school district charter school line item for school year 2014 in the General Appropriations Act.

Student Success Funding (SSF) – Renames the Performance Incentive Fund the Student Success Fund, allows other monies designated for SSF to be allocated to the Student Success Fund and conforms other Performance Incentive Fund statutes added by Laws 2013, First Special Session, Chapter 3. Requires each eligible school district and charter school to establish a local level Student Success Fund to receive allocations from the state Student Success Fund. Establishes a FY 2015 session law SSF formula, exempts SSF from the Revenue Control Limit and grants eligibility for SSF to school districts and charter schools that meet certain conditions.

K-6 Technology-Based Language Development and Literacy Intervention Pilot Program – Requires the State Board of Education (SBE) to develop a two-year pilot program on K-6 technology-based language development and literacy intervention for volunteer school districts and charter schools. Requires the SBE to select and award a contract to one educational technology provider to deliver software for the pilot program. Transfers \$546,800 from the Commission for Postsecondary Education IGA/ISA Fund to the Technology-Based Language Development and Literacy Intervention Fund (Fund) and subsequently appropriates \$300,000 to the SBE in FYs 2015 and 2016 from the Fund for the purpose of providing payment to the educational technology provider selected by the SBE. Repeals the K-6 Language Pilot Program on January 1, 2018. The Governor line item vetoed a provision requiring ADE to transfer \$53,200 in state GF monies from ADE's Accountability and Achievement Testing Program to the Fund. The Governor indicates in her line item veto message that Arizona's families and teachers deserve a state assessment that accurately measures critical thinking and problem solving abilities rather than rote memorization and that it would be inconsistent to redirect funds out of that program for an unrelated purpose.

APPROPRIATIONS COMMITTEE (Cont'd.)

Joint Committee on Broadband Expansion and Education Technology (Committee) – Establishes the 13-member Committee and charges the Committee with reviewing the extent of available information on internet availability and accessibility as outlined. Repeals the Committee on December 31, 2015.

School Facilities Board (SFB) – Requires school districts to reimburse the SFB if the SFB or a court determines a district received monies from the Building Renewal Grant Fund that must be reimbursed to the SFB due to legal action associated with improper construction by a hired contractor. Requires the SFB to include the amounts necessary for New School Construction funding for the following three fiscal years, rather than the following two fiscal years, in the SFB's annual report to the Joint Committee on Capital Review (report). Directs the SFB to use the most recent ADM data available for the report.

School Emergency Readiness Pilot Program (Pilot Program) – Requires \$100,000 of the \$3,646,400 appropriation to ADE in the General Appropriations Act for the School Safety Program to be used for the Pilot Program. School districts must submit applications to ADE by September 30, 2014, for participation in the Pilot Program. ADE must select three school districts to participate in the Pilot Program by November 30, 2014, and caps the participation in the Pilot Program at no more than 31 individual school sites. Directs school districts selected for participation to be provided with and use a readiness and emergency management program with certain requirements. Repeals the Pilot Program on January 1, 2016.

ADE Education Learning and Accountability Fund (ELAF) – Continues, for FY 2015, to require each community college district and each state university to transmit six dollars per full-time student equivalent to the ELAF by December 1, 2014.

~~information technology; interoperable radio communications~~ (NOW: waste facility; prime contracting deduction) (H.B. 2415) – Chapter 228

Retroactive to January 1, 2013, excludes, from being computed into the tax base for prime contracting, the gross proceeds of sales or gross income derived from a contract entered into for the construction of a mixed-waste processing facility located on a municipal solid-waste landfill and constructed for the purpose of recycling solid waste or producing renewable energy.

~~life sentence; parole eligibility~~ (NOW: virtual border fence) (H.B. 2462) – Chapter 170

Authorizes the Governor to enter into a compact with other states to provide for the construction and maintenance of a *physical* or *virtual* fence within one mile of the Arizona-Mexico border line, rather than a secure fence along the border line. Eliminates the stipulation that correctional inmates and private contractors must construct and maintain the border fence if the state does not enter into a compact with other states. Allows the Joint Border Security Advisory Committee to use technology to the maximum extent practicable with regard to the management and administration of the construction and maintenance of the border fence.

~~projects; water supply development~~ (H.B. 2523) – Chapter 212

Allows use of Water Infrastructure Finance Authority (WIFA) monies for a water provider located outside of an active management area, if the Director of the Department of

APPROPRIATIONS COMMITTEE (Cont'd.)

Water Resources has designated the water provider as having an adequate water supply pursuant to existing statute, or the water provider will use the WIFA financial assistance for a water supply development project where there is an adequate water supply for land that will be served by the project.

Allows a county that enters into an intergovernmental agreement with a city, town or other water provider regarding a water supply development project, to apply for WIFA monies. Extends the repayment period of a loan from the WIFA Fund from 30 to 40 years.

Allows a facility owned by this state, a political subdivision or a municipality to accept for treatment, storage or disposal special waste generated outside Arizona. Establishes the Rural Water Supply Development and Contamination Prevention Study Committee to consider the possible effects of waste treatment, storage and disposal facilities on the development of long-term water supplies for rural areas that are under consideration for funding.

appropriations; named claimants (H.B. 2620) – Chapter 39

Appropriates \$149,953.55 from the state GF and \$44,278.22 from other funds to the Arizona Department of Administration for the payment of various claims made against state agencies.

Yarnell Hill memorial; appropriation (H.B. 2624) – Chapter 273 E

An emergency measure, effective April 30, 2014, that establishes the Yarnell Hill Site Board (Board) and requires the Board to determine whether to establish a Yarnell Hill memorial. Requires the Arizona State Parks Board (ASPB) to establish the Yarnell Hill Memorial State Park if: 1) the Board recommends that the ASPB purchase the land for the site; 2) the ASPB purchases a Yarnell Hill memorial site; 3) the Board approves the design and construction of the memorial; and 4) the Board secures the necessary permissions for individuals to visit the memorial. Laws 2014, Chapter 13 (H.B. 2707/S.B. 1492) includes identical provisions for the Yarnell Hill memorial and a \$500,000 appropriation from the state GF in FY 2014 to the ASPB for purchase of the Yarnell Hill memorial site.

2014-2015; general appropriations. (H.B. 2703) – Chapter 18 LIVS

FY 2015 GF and OF Appropriations and Statutory and Session Law Provisions

Makes the following FY 2015 state GF and OF changes to the FY 2015 baseline:

Summary of Changes	Fund Source	Comments	FY 2015 above FY 2014
Arizona Department of Administration (ADOA)			
Sunset Public Safety Communications Advisory Commission	GF		(549,700)
Southwest Defense Alliance	GF		25,000

APPROPRIATIONS COMMITTEE (Cont'd.)

Adjust Insurance Claims Related Expenditures	OF	Risk Management	(1,090,000)
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Arizona Health Care Cost Containment System (AHCCCS)			
Formula Adjustments	GF		(12,904,100)
Office of the Inspector General	GF	5 FTEs	(351,900)
Higher Federal Administrative Match	GF		(3,200,000)
Skilled Nursing Facility Rates	GF		3,000,000
Critical AHCCCS Hospitals	GF		2,800,000

States that it is the intent of the Legislature that AHCCCS increase skilled nursing facility provider rates by two percent in FY 2015, in addition to rate adjustments that would otherwise be actuarially determined for FY 2015.

Arizona Community Colleges			
STEM Formula Funding	GF	Includes \$2 M for Maricopa/Pima	6,156,100
Apache/Greenlee Out of County Reimbursement	GF		425,000

Corporation Commission			
Database Upgrade	OF		750,000
Service Agreement	OF		100,000
Microfilming Backlog	OF	Public Access Fund	55,000

Department of Corrections (ADC)			
500 Maximum Security Beds	GF		(150,100)
Population Growth/Other	GF		(2,961,400)
Correctional Officers Retirement Plan Contribution Rate Increase	GF		3,546,600
Transition Services Appropriation Shift	OF	Transition Program	(1,185,000)
Transition Services Appropriation Shift	OF	Prison Construction and Operations Fund	1,185,000

Department of Economic Security (DES)			
New Department of Child Safety & Family Services	GF		20,000,000
Developmental Disability Formula Changes	GF		(3,000,000)
Long Term Care System Fund and Temporary Assistance for Needy Families (TANF) Backfill	GF		23,195,900
Child Protective Services Caseworkers	GF	242 FTEs	15,280,400
Office of Child Welfare Investigations	GF	20 FTEs	1,800,000
Records Retention Staff	GF	5 FTEs	500,000
Rural Autism/Parenting Skills	GF		300,000
Long Term Care/Assisted Living	GF		300,000
Children Support Services	GF		5,557,000

APPROPRIATIONS COMMITTEE (Cont'd.)

Adoption Services Caseload Growth	GF		5,964,100
Adult Protective Services Growth	GF	18 FTEs	3,000,000
Intensive Family Services	GF		3,500,000
Long Term Care System Fund and TANF Backfill	OF		(23,195,900)
Homeless Capital Grant	GF		500,000

Adds a footnote stating that the budget includes a two percent provider rate increase for DD home and community based services providers that may not be used for any administrative costs of DES. States that it is legislative intent that DES not reduce any DD provider rates in order to fund increases for other DD providers.

Adds a footnote providing legislative intent for usage of new in-home preventive support services and out-of-home support services line items.

Adds a footnote stating legislative intent to reexamine budget structure and needs for a new department of child safety and family services.

Arizona Department of Education (ADE)			
Student Success Funding	GF		20,000,000
AZELLA Administration	GF		2,500,000
Structured English Immersion Fund Adjustment	GF		(3,831,000)
Charter Conversion Rollback to FY 13	GF	Fund FY 14 conversions at \$24.5 M	(8,800,000)
Joint Technological Education Districts Performance Funding	GF		500,000
Fund Large JTED's at 95.5%	GF		1,500,000
Testing Cost	GF		8,000,000
IT Certifications	GF		1,000,000
Students Success Funding	OF		21,500,000
Technology Based Learning	OF		200,000

Adds a footnote requiring ADE to allocate JTED performance pay based on the number of JTED program completers placed in jobs related to their JTED program.

Adds a footnote requiring incremental monies for schools that converted to charter status in FY 2014 to be expended only from monies appropriated to the School Year 2013-2014 District Sponsored Charter School line item.

State Forester			
Wildland Firefighting Training	GF	1 FTE	147,200
Removing Hazardous Vegetation	GF		1,350,000
Dispatch Center Dispatchers	GF	2 FTEs	135,600
Tucson District Fire Engine	GF		57,000
Operating Expenses for Satellite Offices	GF		73,700
Environmental County Grants	GF		100,000

APPROPRIATIONS COMMITTEE (Cont'd.)

Department of Health Services (DHS)			
LaPaz Shift to critical access hospitals	GF		(300,000)
Formula Changes	GF		(3,338,500)
Alzheimer's Research	GF		1,250,000
Multidisciplinary Mental Health Grants	GF	50% urban/50% rural	300,000
Surveyor & Program Manager Salary Increase	OF	CCDF & HSLF	479,200
TGen Funding	OF		2,000,000

Judiciary – AOC			
Drug Treatment Alternative to Prison	GF		250,000
Court-Ordered Counseling	GF		250,000
Court of Appeals	GF		229,600
Foster Care Review Board (FCRB)		3 FTEs	

Department of Public Safety			
Reduce Shift of Highway Patrol to Highway User Revenue Fund (HURF)	GF		30,000,000
Employer Retirement Contribution Rate Increase	GF		4,460,600
Continue ACTIC Funding	GF		750,000
2 Percent Salary Increase for All Employees	GF		3,300,000
Concealed Carry Weapons Workload	OF	3 FTEs – AHPF	256,400
Public Safety Equipment	OF		500,000
Employer Retirement Contribution Rate Increase	OF		482,300
Auto Fingerprint	OF		(100,000)
ACTIC Funding	OF		700,000

Public Safety Personnel Retirement System (PSPRS)			
Prescott Liabilities	GF	Annually for 5 years	1,000,000

Department of Revenue			
Tobacco Tax/MSA/Audit	GF	8 FTEs	AHCCCS
Capital Gains Analysis	GF		100,000
TPT Simplification/Implementation of HB 2111	GF	19 FTEs	1,000,000
Remove One-time Funding	OF	Liability Setoff Fund	(690,000)

Office of Tourism			
Arizona Promotion	GF		2,000,000

Uniform State Law Commission			
Eliminate Funding	GF		(75,000)

Arizona State University – Tempe and Downtown Phoenix Campuses			
Parity Funding Increase	GF		8,176,500

APPROPRIATIONS COMMITTEE (Cont'd.)

Operating Appropriation	GF		2,000,000
Research Infrastructure Payment Adjustment	GF		(522,600)*

*Also reduces this appropriation by \$3,045,900 in FY 2016 and \$2,329,800 in FY 2017.

Arizona State University – East Campus			
Parity Funding	GF		1,400,300

Northern Arizona University			
Parity Funding	GF		2,642,100
Operating Appropriation	GF		500,000
TGen Funding	GF	\$3M for 5 years	3,000,000
Research Infrastructure Payment Adjustment	GF		(408,500)*

*Also reduces this appropriation by \$406,800 in FY 2016 and \$1,653,200 in FY 2017.

University of Arizona – Main Campus			
Coop Extension Funding	GF	28 FTEs	3,500,000
Operating Appropriation	GF		2,000,000
Research Infrastructure Payment Adjustment	GF		(4,659,800)*

*Also reduces this appropriation by \$4,659,400 in FY 2016 and \$274,600 in FY 2017.

Arizona Board of Regents (ABOR)

Adds a footnote appropriating \$1,250,000 to both ASU-Tempe and Downtown Phoenix Campus and the UofA-Main Campus, and \$250,000 to NAU in both FYs 2016 and 2017.

Adds a footnote prohibiting use of new GF monies from being expended for medical marijuana research.

Department of Water Resources			
Additional Staff	GF	6 FTEs	1,000,000

Other			
Water Supply funding (WIFA)	GF		1,000,000
Revertments	GF		(9,000,000)

FY 2014 GF and OF Appropriations and Statutory and Session Law Provisions

Makes the following FY 2014 state GF and OF changes to the 2015 baseline:

ADE – Fund shortfall in Basic State Aid Funding	GF	47,000,000
DHS – Medicaid Shortfall	GF	17,638,500
State Land Department – CAP User Fee Rate Adjustment	GF	128,300
State Board of Nursing – Certified Nursing Assistant Program Costs	GF	150,000
School Facilities Board – Refinancing	GF	(1,445,200)
Arizona Department of Administration – Federal Claims	OF	10,742,000

APPROPRIATIONS COMMITTEE (Cont'd.)

Board of Athletic Training – Health Insurance	OF	13,000
Attorney General – Backfill – consumer protection consumer fraud revolving fund	OF	600,000
Arizona Exposition and State Fair Board – Power Meter	OF	270,000
Naturopathic Physicians Medical Board – Hearing Expenses	OF	15,800
Department of Veterans’ Services – Tucson Home	OF	2,436,800

Automation Projects Fund

Appropriates the following amounts from the automation projects fund to ADOA in FY 2015:

- a) \$3,125,000 for enhancing statewide data security;
- b) \$500,000 for enhancing enterprise architecture;
- c) \$2,150,000 for project management of statewide automation and information technology projects;
- d) \$325,000 for projects related to e-government;
- e) \$2,900,000 for improving and maintaining the state data center;
- f) \$1,700,000 for the second year of a two-year project to implement, upgrade and maintain the taxpayer accounting system, AZTaxes and data center consolidation for BRITS;
- g) \$8,000,000 for implementing upgrades to the adult information management system operated by ADC;
- h) \$6,800,000 for implementing e-licensing projects by ADEQ;
- i) \$12,000,000 for implementing, upgrading and maintaining the student longitudinal data system and the education learning and accountability system;
- j) \$1,000,000 to implement a tobacco tax processing and revenue accounting system at DOR;
- k) \$5,000,000 to implement upgrades to the children’s information library and data source operated by DES; and
- l) \$4,000,000 for relocation of DES data center.

Appropriates \$17,100,000 from the state GF in FY 2015 for deposit in the Automation Projects Fund.

Transfers the following amounts to the Automation Projects Fund in FY 2015:

- a) \$1,600,000 from the Education Learning and Accountability Fund;
- b) Any remaining balances from fees collected from universities and community college districts in the Education Learning and Accountability Fund;
- c) \$9,057,300 from the Automation Operations Fund;
- d) \$5,500,000 from the Prison Construction and Operations Fund;
- e) \$2,500,000 from the Corrections Fund; and
- f) \$6,800,000 from the Emissions Inspection Fund.

Debt Service Payments

Appropriates \$84,123,700 in FY 2015 from the state GF to ADOA for the purposes of making debt-service payments on the sale and lease-back of state buildings, and appropriates \$20,449,000 of state GF revenue in FY 2015 for the purposes of making debt-service payments for the Phoenix Convention Center.

APPROPRIATIONS COMMITTEE (Cont'd.)

Rollovers

DES – Continues the \$35,000,000 payment deferral to providers from FY 2015 to FY 2016. Appropriates \$35,000,000 in FY 2016 for these deferred payments.

ADE – Continues to defer \$930,727,700 in Basic State Aid payments for FY 2015 until FY 2016. Appropriates \$930,727,700 in FY 2016 for these deferred Basic State Aid payments. Requires the State Board of Education to make the rollover payment no later than July 12 in 2015.

ABOR – Continues the \$200,000,000 universitywide payment deferral to the universities from FY 2015 to FY 2016. Appropriates \$200,000,000 in FY 2016 for these deferred payments.

Line Item Veto

The Governor line item vetoed the following items:

- a) Attorney General – Northern Arizona Law Enforcement (\$500,000) – the Governor stated there is no specific detail provided in this bill that explains the intent of this line item or direction on how the appropriation shall be utilized;
- b) ADE – Alternative Teacher Development (\$500,000) – the Governor stated there are various alternative teacher development programs currently existing in Arizona;
- c) ADE – JTED Soft Capital and Equipment (\$1,000,000) – the Governor stated this appropriation further exacerbates funding disparities between urban and rural JTEDs;
- d) LAN – Northern Arizona Landing Strip (\$10,000) – the Governor stated it is unclear what state purpose is advanced by this appropriation, and that small landing strips create liability exposure and expenses for the state;
- e) Legislature – Ombudsman (\$828,500) – the Governor stated the \$200,000 increase to the office, intended to fund caseload growth as a result of the new child safety and family services agency, is premature when the caseload impact has not yet been determined and overall resources for the new agency are still being analyzed;
- f) ADOA – Small Scale Computing Study (\$500,000) – the Governor stated ADOA has already been directed and is engaging state agencies to collect a detailed inventory of hardware and software assets; and
- g) ADOA – TPT Electricity Exemption County Backfill (\$1,300,000) – the Governor stated that the financial benefit of this unnecessary appropriation would be minimal as the likely distribution of funds represents a small fraction of a percent of each affected county budget. More importantly, this appropriation would have set a policy precedent that would undermine future efforts to improve the competitiveness of Arizona's tax code.

health; welfare; budget reconciliation; 2014-2015. (H.B. 2705) – Chapter 11

Makes statutory and session law changes relating to health and welfare to reconcile the FY 2015 state budget.

Arizona Health Care Cost Containment System (AHCCCS) – Requires AHCCCS to cover insulin pumps for adults. Reverts all monies in the Arizona Long-Term Care System

APPROPRIATIONS COMMITTEE (Cont'd.)

(ALTCS) Fund unencumbered at the end of the fiscal year to the state GF. Allows AHCCCS to participate in waivers to collect erroneous payments as outlined and to continue the risk contingency rate setting and funding for managed care organizations at prescribed levels.

Requires AHCCCS to annually report on: 1) the change in uncompensated hospital costs and profitability; 2) the amount each hospital contributed for the hospital assessment; and 3) the amount of estimated payments each hospital received from the coverage funded by the assessment. Requires AHCCCS to report on the use of emergency departments for nonemergency purposes and requires a joint AHCCCS and Department of Health Services report on hospital charge master transparency.

Disproportionate Share Hospital (DSH) Payments – Establishes DSH payment amounts for FY 2015 and modifies, retroactive to June 30, 2013, the DSH payment amount attributed to the Arizona State Hospital (State Hospital). Continues to allow political subdivisions, tribal governments and public state universities to provide matching monies for DSH payments to designated hospitals, subject to federal law.

County Contributions – Modifies the distribution and payment of county contributions in FY 2015 as follows: 1) \$245,196,200 for ALTCS; 2) \$47,553,700 for acute care; 3) \$2,646,200 for hospitalization and medical care; 4) transfers to counties the excess state match monies proportional to the counties share as outlined; and 5) excludes certain costs from county expenditure limitation.

Department of Health Services (DHS) – Allows DHS to determine the county reimbursement percentage for State Hospital costs for committed sexually violent persons (SVPs). It is the Legislature's intent that DHS not increase the county percentage rate for SVPs from the FY 2014 levels in FY 2015. Requires cities and counties to reimburse DHS 100 percent of defendants inpatient competency restoration treatment. Allows DHS to use monies in the Health Research Account for Alzheimers disease research.

Requires The Joint Legislative Budget Committee (JLBC) and the Office of Strategic Planning and Budgeting to agree on a revenue and expenditure report of the DHS Intergovernmental Agreement/County Contributions Fund and requires DHS to report financial information annually to JLBC. Requires DHS's annual report to JLBC on behavioral health expenditures to include client income.

Department of Economic Security (DES) – Allows DES to reduce the maximum income eligibility levels for child care assistance. Requires DES to screen and test adult Cash Assistance recipients believed to be engaged in the illegal use of controlled substances and renders a recipient who tests positive ineligible for benefits for one year.

Requires the Early Childhood Development and Health Board and DES to jointly report to JLBC on their collaborative efforts to address child welfare issues and requires the Auditor General to report on child safety and family services in DES as outlined.

criminal justice; budget reconciliation; 2014-2015. (H.B. 2706) – Chapter 12

Attorney General (AG) – Allows the AG to use monies in the State Aid to Indigent Defense Fund for activities related to capital postconviction prosecution.

APPROPRIATIONS COMMITTEE (Cont'd.)

Arizona Department of Corrections (ADC) – Requires ADC to report actual FY 2014, estimated FY 2015 and requested FY 2016 expenditures as delineated in the prior year when ADC submits its FY 2016 budget request. Allows ADC to use monies from the Transition Program Fund and the Interagency Service Agreement Fund for operating expenses in FY 2015. Allows ADC to contract for remaining male medium security beds in FY 2016 under its 2012 Request for Proposal if authorized by the Legislature.

Department of Public Safety (DPS) – Establishes the Concealed Weapons Permit Fund (CCW Fund) consisting of the initial and renewal application fees for CCW permits. Requires DPS to administer the CCW Fund and subjects monies deposited in the CCW Fund to legislative appropriation. Monies in the CCW Fund are to be used exclusively for the CCW administrative process and all matters related to CCW issuance.

Requires DPS to submit the entire Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) Border Security and Law Enforcement subaccount expenditure plan to the Joint Legislative Budget Committee (JLBC) for review before it spends any monies appropriated to the subaccount by the General Appropriations Act (GAA) in FY 2015. Suspends the statutory caps and transfers of Highway User Revenue Fund monies available to fund DPS highway patrol costs in FY 2015. Allows DPS to use monies in the State Aid to Indigent Defense Fund for operating expenses.

Judiciary – Requires the state to pay a portion, instead of 50 percent, of the fees incurred by the counties for providing legal representation to capital defendants in state postconviction relief (PCR) proceedings. Suspends county non-supplanting requirements associated with funding for probation services, criminal case processing and alternative dispute resolution programs. Requires the Arizona Supreme Court to submit a report to JLBC identifying any decrease in county funding related to the non-supplanting suspension.

Prohibits the total amount that may be spent in a fiscal year by the state for indigent capital defense in a state PCR proceeding from exceeding the amount appropriated in the GAA for that purpose, together with additional amounts appropriated by any special legislative appropriation for indigent capital defense. Prohibits the total amount that may be spent in a fiscal year by the state for state grand jury costs and expenses from exceeding the appropriated amount in the GAA together with additional amounts appropriated by any special legislative appropriation for state grand jury costs and expenses.

environment; budget reconciliation; 2014-2015. (H.B. 2707) – Chapter 13

Makes statutory and session law changes relating to the environment to reconcile the FY 2015 state budget.

Arizona Department of Environmental Quality (ADEQ) – 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 ADEQ administrative costs. Allows ADEQ to spend \$1,800,000 from the Emissions Inspection Fund on the Safe Drinking Water Program.

APPROPRIATIONS COMMITTEE (Cont'd.)

Arizona Department of Water Resources (ADWR) – Continues the ADWR Director's authority to increase fees in FY 2015. Authorizes the Arizona Water Protection Fund Commission to grant up to \$336,000 from the Water Protection Fund for ADWR administrative costs in FY 2015.

Arizona Navigable Stream Adjudication Commission (ANSAC) – Continues to allow \$80,000 from the Arizona Department of Administration's Risk Management Revolving Fund to be used by ANSAC in FY 2015 to pay legal fees.

Arizona State Parks Board (ASPB) – Continues ASPB's authority to spend up to \$692,100 from its portion of the Off-Highway Vehicle Recreation Fund in FY 2015 for ASPB operating expenses.

State Land Department (Department) – Requires the State Land Commissioner to include in the Department's budget request up to \$40,000 annually, rather than the current amount of up to \$30,000, for each Natural Resource Conservation District.

Yarnell Hill Memorial – See H.B. 2624 (Laws 2014, Chapter 273).

budget procedures; 2014-2015. (H.B. 2708) – Chapter 14

Makes statutory and session law changes related to budget procedures necessary to implement the FY 2015 state budget.

Budget Procedures – Continues to require all unrestricted federal funds to be deposited in the state General Fund for the payment of essential government services.

Continues to allow annual budgets for all departments for FY 2015 and FY 2016; the executive budget must only address the next fiscal year and the head of each budget unit will submit a budget estimate in calendar year 2014 addressing only the next fiscal year.

Arizona Department of Administration – Exempts \$4,132,000 of the \$28,630,000 appropriated to the Arizona Department of Administration (ADOA) for FY 2014 from lapsing through FY 2016 for the purpose of paying contingency costs relating to the replacement of the Arizona Financial Information System.

Permits ADOA to utilize monies appropriated for building renewal in FY 2015 for building demolition.

Continues to set the Capital Outlay Stabilization Fund rental rate for state-owned buildings at \$13.08 per square foot of office space and \$4.74 per square foot of storage space.

Requires all state budget units to contract with an independent third party for review of any information technology projects with a total cost in excess of \$5,000,000.

APPROPRIATIONS COMMITTEE (Cont'd.)

Public Safety Personnel Retirement System – Requires the Public Safety Personnel Retirement System (PSPRS) Board of Directors annual report to include an estimate of the aggregate employer contribution rate for the next 10 fiscal years for PSPRS as well as the Corrections Officer Retirement Plan (CORP). Additionally, the annual report must include contribution rates for the next 10 fiscal years for the following PSPRS employers: 1) Department of Liquor License and Control; 2) Department of Public Safety; 3) Northern Arizona University; 4) University of Arizona; 5) Arizona State University; 6) Arizona Game and Fish Department; 7) Department of Law; 8) Department of Emergency and Military Affairs; and 9) Arizona State Parks Board. Contribution rates for the next 10 fiscal years must be included, as well, for the following CORP employers: 1) Arizona Department of Corrections; 2) Department of Public Safety; 3) the Judiciary; and 4) Arizona Department of Juvenile Corrections.

State Lottery Fund Commission – Directs the State Lottery Commission to pay \$25,836,400 in lottery ticket sales commissions earned between January 1, 2013, and June 30, 2013, only from the State Lottery Fund’s FY 2013 ending balance.

Underground Storage Tank Assurance Account – Suspends the transfer of monies in excess of \$60,000,000 from the Underground Storage Tank (UST) Assurance Account to the State Highway Fund after December 31, 2014, and limits coverage for corrective action through the UST Assurance Account to releases of regulated substances reported before July 1, 2006. The Arizona Department of Environmental Quality (ADEQ) is not required to take action on applications related to the UST Assurance Account until a new, revised UST corrective action program is effective. This legislation includes an intent clause that outlines specific requirements of the new UST corrective action program and states that the monies in the UST Assurance Account are to be used to develop that program. Refer to S.B. 1314 for more information.

UST Stop-Use Order – ADEQ may issue a stop-use order for an underground storage tank if the owner or operator is in violation of financial responsibility requirements and has not demonstrated compliance following a 30-day notice. A stop-use tag is to be affixed conspicuously to the fill pipe of a UST subject to a stop-use order. A product deliverer is prohibited from depositing any regulated substance into a UST with a stop-use tag affixed.

capital outlay; 2014-2015. (H.B. 2709) – Chapter 15

Effective April 11, 2014, H.B. 2709 makes appropriations related to capital outlay necessary to implement the FY 2015 state budget.

Building Renewal - Appropriates the following amounts in FY 2015 to the following agencies from the specified funds for major maintenance, repair and renewal of state buildings:

Agency	Fund Source	Amount	% of Formula
Arizona Department of Administration (non-ADC buildings)	GF	\$9,000,000	26.5
	Capital Outlay Stabilization Fund	\$9,000,000	26.5
Arizona Board of Regents	GF	\$3,000,000	2.8

APPROPRIATIONS COMMITTEE (Cont'd.)

Arizona Department of Corrections (ADC)	GF	\$3,000,000	18.3
	ADC Building Renewal Fund	\$5,464,300	33.3
Arizona State Lottery Commission	State Lottery Fund	\$97,400	100
Arizona Department of Transportation (ADOT)	State Highway Fund	\$3,191,900	28.5
	State Aviation Fund	\$204,900	100

Major Capital Projects – Appropriates the following amounts in FY 2015 to the following agencies from specified funds for major capital projects:

Agency	Purpose	Fund	Amount
Department of Public Safety	Microwave communications system upgrade	Highway Patrol Fund	\$2,000,000
Arizona State Parks Board	Capital improvements	State Parks Revenue Fund	\$1,500,000
Arizona Exposition and State Fair Board	Capital improvements	Arizona Exposition and State Fair Fund	\$1,000,000
Department of Veterans' Services	Veterans' home facility in Yuma	GF	\$9,200,000
ADOT	Highway construction	State Highway Fund	\$208,899,000
	Airport planning and development	State Aviation Fund	\$20,012,300
	De-icer buildings	State Highway Fund	\$2,280,000
	Vehicle wash systems	State Highway Fund	\$3,000,000

ADOT – Requires ADOT and the General Accounting Office to report by November 1, 2014, on its actual prior year, estimated current year and upcoming budget year highway construction expenses from all fund sources and all capital outlay information for FYs 2014, 2015 and 2016. Requires ADOT, by November 1, 2014, to also report its estimated outstanding debt principle balance at the end of FY 2016 and the estimated debt service payment amount for FY 2016.

higher education; budget reconciliation; 2014-2015. (H.B. 2711) – Chapter 16

School District Charter Schools – Requires the Arizona Department of Education for FY 2016 to compute K-12 equalization formula funding for students who in FY 2015 attended school district charter schools that converted to charter school status in FY 2014 as if those students attended district non-charter schools in FY 2015. Caps, beginning in FY 2015, the Average Daily Membership (ADM) of students attending school district charter schools that became operational prior to FY 2014 at no more than 20 percent of the ADM of all students who attended district charter schools in the district in FY 2013.

Joint Technological Education Districts (JTED) – Funds state aid for JTEDs with a student count of more than 2,000 students at 95.5 percent of the amount that would otherwise be provided by law.

APPROPRIATIONS COMMITTEE (Cont'd.)

Higher Education – Continues, for FY 2015, to allow the Legislature to match less than 2:1 to student registration surcharges deposited in the Arizona Financial Aid Trust. Funds community college district Science, Technology, Engineering and Mathematics (STEM) and Workforce Programs for FY 2015 as specified in the General Appropriations Act (Laws 2014, Chapter 18). The total appropriation for STEM and Workforce funding for FY 2015 is \$8,156,100 and is allocated as follows:

Community College District	Fund Source	FY 2015 Appropriation
Cochise	GF	\$1,236,700
Coconino	GF	\$426,900
Gila	GF	\$142,800
Graham	GF	\$640,500
Maricopa	GF	\$1,400,000
Mohave	GF	\$593,700
Navajo	GF	\$375,400
Pima	GF	\$600,000
Pinal	GF	\$1,009,300
Santa Cruz	GF	\$45,400
Yavapai	GF	\$802,900
Yuma/La Paz	GF	\$882,500

LEGISLATION VETOED

~~technical correction; escape; secure facility~~ (NOW: firearm; definition) (S.B. 1366) – VETOED

Modifies the definition of *firearm* to include a weapon that will expel or is designed to expel a solid projectile or projectiles through a barrel or tube by the action of rapidly expanding gases created by a burning propellant or burning powder. Removes, from the definition of *firearm*, a weapon that may readily be converted to expel a solid projectile or projectiles. States that a prohibited possessor commits misconduct involving weapons by knowingly possessing any device that may be readily converted into a *firearm*.

The Governor indicates in her veto message that S.B. 1366 excludes serious weapons that could cause injury or fatality from the definition of *firearm* and that the weapons would be

APPROPRIATIONS COMMITTEE (Cont'd.)

permitted into public buildings, including courts, community correction facilities and polling places. The Governor also expresses concerns that law enforcement officers would be prohibited from temporarily taking such a weapon away from someone during an interaction or an interview. Finally, the Governor states that she is concerned with the removal of the phrase *readily convertible* from the definition.

state agencies; budget submission (NOW: cost accounting; study committee) (H.B. 2385) – VETOED

Establishes the State Agency Cost Accounting Legislative Study Committee (Committee) and charges the Committee with developing legislative recommendations relating to appropriate and efficient mechanisms for collecting information regarding monies that are spent or otherwise pass through each budget unit in relation to projected expenditures. Requires the Committee to look at other matters related to state agency budget estimates and budget reductions that the Committee deems necessary. Contains reporting requirements and repeals the Committee on October 1, 2015.

The Governor indicates in her veto message that the Legislature already has the authority to create a study committee and that this legislation is not necessary.

domestic farm wineries; fruit pomace (H.B. 2661) – VETOED

Modifies regulations pertaining to farm winery licenses and creates a craft distiller license. Conditions the enactment of this legislation on S.B. 1397 becoming law.

The Governor indicates in her veto message that signing H.B. 2661 would be redundant and unnecessary as S.B. 1397 (Laws 2014, Chapter 253), which she did sign, contains identical provisions.

SECOND SPECIAL SESSION

appropriations; department of child safety. (S.B. 1002) – Second Special Session – Chapter 2

S.B. 1002 transfers \$792,000,000 from the Department of Economic Security (DES) to the newly created Department of Child Safety (DCS) and appropriates an additional \$54,700,000 to the new agency in the following amounts:

Category	FY 2015 (in 1,000's)
Backlog – Action Determination	246.5
Backlog – Investigation	4,218.5
Backlog – Out-of-Home Care Placement	6,815.9
Backlog – Out-of-Home Care Services	7,620.3
Backlog – In-Home Care Services	4,173.1
Caseworkers and Support Staff (54 caseworkers and 40 support staff)	6,222.5

APPROPRIATIONS COMMITTEE (Cont'd.)

Caseworker Retention (\$1,000 for 18 months, \$3,000 for 36 months)	1,707.0
ASU – Joint Training	150.0
Child Care	4,000.0
Internet Crimes Against Children	350.0
Office of Child Welfare Investigations (54 investigators and 19 support staff)	5,282.5
Inspections Bureau	2,193.8
Ombudsman	828.5
Auditor General	250.0
Internal Legal Counsel	157.3
Congregate Care Backfill	2,450.0
Transition Fund	5,000.0
Partial Deferral Payoff	3,000.0
TOTAL	\$54,665.9

Enacts a new DES budget minus the DCS dollars and appropriates a \$5,000,000 supplemental from the state General Fund (GF) to DES in FY 2014 for emergency and residential placement.

In addition to the \$20,000,000 already appropriated by Laws 2014, Chapter 18, appropriates \$5,000,000 from the state GF in FY 2015 to Arizona Department of Administration (ADOA) for costs associated with the establishment of DCS and the relocation of the data center operated by DES.

Defines *backlog* and specifies that certain appropriated amounts must be used to address backlog cases. It also requires DCS, before June 16, 2014, to submit a report of proposed quarterly benchmarks for assessing progress in reducing this backlog and additionally requires a quarterly report to further assess that progress. That report refers to a *fixed base* date of June 2, 2014, and requires DCS to delineate disposition of backlog cases as of the close of business on this date. The report must also provide the total number of cases reaching backlog status after this date.

Specifies that retention payments to caseworkers in the amounts of \$1,000 after 18 months of employment and \$3,000 after 36 months of employment are one-time payments. The Office of Child Welfare Investigations (OCWI) is required, at least 30 days before any transfer of monies into or out of OCWI, to report that proposed transfer to the Joint Legislative Budget Committee (JLBC). DCS is required to report on short-term methods to improve the cost accounting for individual child welfare cases prior to full implementation of upgrades to the children’s information and library and data source (CHILDS). Repeals the DES designated monthly report date and instead requires DCS to report monthly delineating its progress on hiring caseworkers, hotline staff, staff in training and all other workers.

Divides the existing DES rollover between DES and DCS, resulting in a \$21,000,000 deferral for DES. The DCS portion of the deferral would be reduced to \$11,000,000, resulting in the elimination of its May rollover.

APPROPRIATIONS COMMITTEE (Cont'd.)

Appropriates \$828,500 in state GF monies in FY 2015 to the Office of Ombudsman-Citizens' Aide for operating expenses of the office, and \$250,000 to the Auditor General to engage an independent consultant with expertise in child welfare systems to examine the current system and consider best practices.

Commerce, Energy & Military Committee

Senator Al Melvin, Chairman



Jennifer Thomsen, Research Analyst

Tyler Lopez, Intern

COMMERCE, ENERGY & MILITARY COMMITTEE

LEGISLATION ENACTED

~~leave of absence; auxiliary members~~ (NOW: auxiliary members; leave of absence) (S.B. 1040) – Chapter 66

Grants state and local public officers and employees a leave of absence from their duties when employed on training under orders from an auxiliary force of the U.S. Military, not to exceed 30 days in any two consecutive years. Allows and encourages a public employer to grant the leave of absence without loss of time, pay or efficiency rating.

mobile homes; relocation expenses (S.B. 1132) – Chapter 183

Specifies that payment of relocation expenses from the Mobile Home Relocation Fund (Fund) for a mobile or manufactured home are due to the installer or contractor when: 1) the installer or contractor has obtained valid permits to move the home to a new location; and 2) the installer or contractor provides documentation to the Department of Fire, Building and Life Safety (DFBLS) that the installation at the new location is complete, has been inspected by DFBLS or its designee and approved for occupancy. Reconciles differences in relocation reimbursement procedure. Increases the maximum reimbursement amount from the Fund for costs of bringing a mobile home into compliance with state safety and quality standards from \$1,000 to \$1,500.

registrar of contractors; discipline grounds (S.B. 1160) – Chapter 185

Stipulates that the Registrar of Contractors must temporarily suspend or permanently revoke a license *upon notice* from the Department of Revenue that a tax debt related to income, withholding, transaction privilege or use tax that was incurred in the operation of the licensed business has become final and the licensee neglects or refuses to pay the tax debt.

~~technical correction; real estate licensing~~ (NOW: real estate advisory board; membership) (S.B. 1213) – Chapter 74

SEE THE GOVERNMENT AND ENVIRONMENT COMMITTEE.

~~licensed investment advisers; reporting requirements~~ (NOW: reporting requirements; licensed investment advisers) (S.B. 1218) – Chapter 75 E

An emergency measure, effective April 17, 2014, that exempts a licensed investment adviser who has custody of client monies or securities from Arizona Corporation Commission audited balance sheet submittal requirements.

racing omnibus (S.B. 1282) – Chapter 277 LIVS

SEE THE NATURAL RESOURCES AND RURAL AFFAIRS COMMITTEE.

COMMERCE, ENERGY & MILITARY COMMITTEE (Cont'd.)

Vietnam veterans day (S.B. 1312) – Chapter 79

Designates March 29 as Vietnam Veterans' Day.

Arizona gold star military medal (S.B. 1313) – Chapter 191

Requires the Arizona Department of Veterans' Services to establish an Arizona Gold Star Military Medal (Medal) application process and verify the eligibility of Medal recipients. Antedates the Medal eligibility time period from September 11, 2001, to February 14, 1912, and modifies military service eligibility requirements. Eliminates the requirement that the President of the Senate and Speaker of the House of Representatives request the Medal to be awarded, and instead awards the Medal on verification of an individual's eligibility based on the application submitted by an individual's family member. The application must include a copy of a military-issued report of casualty, proof of Arizona residency and the applicant's relationship to the individual.

board of barbers; continuation (S.B. 1314) – Chapter 247

Retroactive to July 1, 2014, continues the following: 1) the Archaeology Advisory Commission until July 1, 2017; 2) the Board of Barbers until July 1, 2022; 3) the Arizona State Board of Pharmacy until July 1, 2022; 4) the Water Infrastructure Finance Authority until July 1, 2022; 5) the Arizona Department of Environmental Quality (ADEQ) until July 1, 2022; 6) the Arizona Historical Society until July 1, 2024; 7) the Board of Physical Therapy until July 1, 2024; 8) the Department of Financial Institutions until July 1, 2024; 9) the Registrar of Contractors until July 1, 2024; 10) the Board of Cosmetology until July 1, 2024; and 11) the State Board for Charter Schools until July 1, 2024.

Requires, as an alternative to the baseline assessment or the standard policy, the new Underground Storage Tank Corrective Action Program to allow an owner or operator to demonstrate to ADEQ that the financial responsibility requirements in state and federal law are already being met. Refer to H.B. 2708 (Laws 2014, Chapter 14) for more information.

restructuring; Arizona entities (S.B. 1353) – Chapter 193

SEE THE FINANCE COMMITTEE.

liquor omnibus (S.B. 1397) – Chapter 253

Makes various changes related to liquor licenses and the Department of Liquor Licenses and Control (DLLC).

Special Event License – Eliminates the requirement to receive approval by a county board of supervisors or a city or town governing body for a special event license for physical locations that are fully within licensed premises. Caps special event licenses for an unlicensed physical location at 12 special event licenses in the same calendar year. Permits the Director of the DLLC (Director) to issue a special event license concurrently with a wine festival license and

COMMERCE, ENERGY & MILITARY COMMITTEE (Cont'd.)

a craft distiller license. Allows an organization selling spirituous liquor under a special event license to purchase the spirituous liquor from a licensed wholesaler. Permits a nonprofit organization with a special event license, for the purpose of charitable fundraising activities, to receive a donation of spirituous liquor from a farm winery, microbrewery or producer.

Wine Festival and Fair License – Increases the number of wine festival licenses that may be issued from 25 to 50 licenses for each calendar year per licensed farm winery and increases the total number of allowed days per winery from 75 to 150 calendar days. Modifies the fee for a farm winery festival license and a farm winery fair license by setting the fee at \$15 *per day*, rather than \$15.

Farm Winery License – Renames the *domestic farm winery license* to *farm winery license*. Requires persons holding a farm winery license to report wine amounts annually at the end of each calendar year, rather than fiscal year. Adds the requirement that a licensed farm winery hold a winery permit issued by the U.S. Alcohol and Tobacco Tax and Trade Bureau or have a contract for the production or manufacturing of wine from grapes or other fruit grown on specific lands. Limits the sales of wine produced by another winery that may be sold to 20 percent of the total farm winery's sales by volume, with exceptions. Eliminates the ability of a licensed farm winery to also hold a beer and wine bar and a beer and wine store license, unless the licenses were issued before January 1, 2014. Allows the Director to approve applications for a grouping of two or more licenses at one location under a plan of alternating proprietorships if certain criteria are met. Authorizes a person otherwise qualified to receive a farm winery license to enter into a custom crush arrangement where a licensed winery produces or manufactures wine from grapes or other fruits supplied by the person. Permits the Director, on application, to authorize a farm winery to operate up to two remote tasting and retail premises and outlines requirements. Allows a farm winery licensee to hold a craft distiller license and limits the produced spirituous liquor to 1,000 gallons in a calendar year from fruit processed at the winery for the primary purpose of making wine. Authorizes the Director to charge an additional farm winery license fee for the issuance of licenses or approvals for new licensure abilities. Current holders of domestic farm winery licenses that do not qualify under the new statutory requirements may continue to operate under the previously issued license, without any expansion of operations, until January 1, 2019.

Microbrewery License – Renames the *domestic microbrewery license* to *microbrewery license*. Requires a microbrewery licensee to apply for and receive a producer's license if the total amount of beer produced, rather than delivered, during the year exceeds the annual permitted amount.

Craft Distiller License – Creates a craft distiller license. Each location that engages in producing and bottling distilled spirits must obtain a separate craft distiller license, which is not transferrable, and report annually the amount of distilled spirits produced or manufactured. Limits the amount of yearly distilled spirits that may be produced or manufactured under the license to 20,000 gallons; if a licensee exceeds the permitted amount they must apply for and receive a producer's license. Outlines craft distiller license abilities and requirements and allows the Director to adopt rules to administer the issuance and regulation of the license, which includes charging a fee.

COMMERCE, ENERGY & MILITARY COMMITTEE (Cont'd.)

Craft Distillery Festival and Fair Licenses – Creates a craft distillery festival license and a craft distillery fair license. Allows the Director, if approved by the applicable county board of supervisors or city or town governing body, to issue at most 25 craft distillery festival licenses for each calendar year per licensed craft distiller, for up to a total of 75 calendar days. The Director may establish a per day fee for each event for both the craft distillery festival license and the craft distillery fair license.

Quota Licenses – Allows any bar, beer and wine bar or liquor store licenses that have been revoked or reverted in any county after July 1, 2014, to be reissued by the Director in the county of their issuance. Decreases the number of appraisals needed to determine the fair market value of a quota license from three to two appraisals.

300-Foot Rule – Removes the distinction that a playing area of a golf course issued a license must be fenced to be exempted from the 300-foot rule. Exempts a beer and wine license at a not-for-profit performing arts theatre with a permanent seating capacity of at least 250 persons from the 300-foot rule.

Wholesaler Pricing – Requires a wholesaler to sell its product to a qualified retail cooperative at prices established by the quantity of spirituous liquor being purchased. Modifies the definition of *qualified retail cooperative* to mean a retail cooperative of 2 or more retail licensees, rather than 20. Allows a wholesaler to employ channel pricing to sell its product to on-sale licensees at a different price than it sells its product to off-sale licensees.

Valid Forms of Identification – Identifies an unexpired driver license or nonoperating identification license issued by Washington, D.C. or any territory of the U.S., and a valid unexpired resident alien card that contains a person's photograph and date of birth as acceptable types of identification for purchasing spirituous liquor. Designates a driver license or nonoperating identification license issued to a person who was under 21 years of age as no longer an acceptable type of identification 30 days after the person turns 21. Eliminates a border crossing identification card issued by a government or a voter card issued by Mexico as acceptable types of identification.

Sampling – Specifies that current sampling limitations are for consumption on premises and allows up to 72 ounces of beer and 2 ounces of distilled spirits per person per day for sampling consumption off premises.

Out-of-State Persons – Allows the State Liquor Board (Board) and Director to apply to the superior court for a temporary restraining order and other injunctive relief prohibiting specific acts if the Board or Director has reasonable grounds to believe that a person is violating regulations concerning out-of-state persons engaged in business as a producer, exporter, importer or rectifier. Specifies that any applicable civil penalties are *per violation*.

Miscellaneous – Allows the DLLC to continue to charge a fee for providing certain services. Requires common carriers shipping spirituous liquor to Arizona to maintain records. Allows the DLLC to issue a government license to any state agency, board or commission upon

COMMERCE, ENERGY & MILITARY COMMITTEE (Cont'd.)

authorized application. Allows the Director to issue an interim permit to the applicant for the replacement of a hotel-motel license with a restaurant license. Standardizes the out-of-state winery sale limit to 240 gallons of wine sold in Arizona per year. Specifies that liquor laws and regulations do not apply to beer, produced for personal or family use, that is not for sale; allows the beer to be removed from the premises where it was made and exhibited at organized affairs, exhibitions or competitions such as homebrewer's contests, tasting or judging. Allows a clean container with a maximum capacity of one gallon for consumption off the premises (growlers) to be composed of a material approved by a national sanitation organization. Establishes that it is an unlawful act to allow patrons to use any item for the consumption of vaporized spirituous liquor. Contains a severability clause.

United States submarine memorial (S.B. 1401) – Chapter 227

Authorizes the Arizona Department of Administration to provide for the placement of a memorial commemorating U.S. submarine veterans in Wesley Bolin Plaza. Prohibits the use of any public monies for the costs and stipulates that all fundraising and contracts for the artistic design and construction of the memorial are the sole responsibility of the proponents.

direct care plans; insurance; exemption (S.B. 1404) – Chapter 161

SEE THE HEALTH AND HUMAN SERVICES COMMITTEE.

tax credit; manufacturers; renewable energy (S.B. 1484) – Chapter 8

Creates individual and corporate tax credits for investment in new renewable energy facilities that produce energy for self-consumption if the power will be used primarily for manufacturing. To qualify, a taxpayer must invest at least \$300,000,000 in new renewable energy facilities that produce energy using renewable energy resources, with the power being used primarily for manufacturing and at least 90 percent of the energy produced at each facility used for self-consumption in Arizona. Requires the minimum investment to be completed within a three-year period beginning on the date the application is received or December 31, 2017, whichever is earlier. Caps the credit at \$1,000,000 per year for five years for each renewable energy facility; the maximum credit allowed per taxpayer per year is \$5,000,000. Prohibits a credit from being claimed for any taxable year after 2025, with the exception of allowable carryovers. Requires the taxpayer to apply to the Department of Revenue (DOR) for certification of the credit, which is allocated on a first come, first served basis. Prohibits DOR from authorizing tax credits that exceed in the aggregate a total of \$10,000,000 for any calendar year.

first informer broadcasters (H.B. 2004) – Chapter 20

Allows the Arizona Division for Emergency Management (ADEM) to coordinate with an Arizona broadcasting association or cable television communication association, or both, to develop plans for preparing for and responding to an emergency or disaster. Permits ADEM to designate and authorize a statewide organization to establish and conduct a program to train and certify broadcast engineers and technical personnel who are critical to station operations as first-

COMMERCE, ENERGY & MILITARY COMMITTEE (Cont'd.)

informer broadcasters. Requires state and local government agencies to allow a first-informer broadcaster access to an area affected by an emergency or disaster to restore, repair or resupply any facility or equipment critical to the ability of a broadcaster to acquire, produce and transmit essential emergency or disaster related public information programming.

continuation; funeral board (H.B. 2019) – Chapter 22

Retroactive to July 1, 2014, the State Board of Funeral Directors and Embalmers is continued until July 1, 2022.

technical correction; technical registration board (NOW: sale of dextromethorphan; age requirement) (H.B. 2086) – Chapter 162

SEE THE HEALTH AND HUMAN SERVICES COMMITTEE.

technical correction; Arbor day (NOW: workers' compensation; claim assignment) (H.B. 2094) – Chapter 26

Specifies that a workers' compensation claim against a person who is not in the same employ as the injured employee is *deemed assigned to the insurance carrier or self-insured employer* if, within one year, the injured employee or the employee's dependents do not pursue a remedy against the other person or, after instituting an action, the employee fails to fully prosecute the claim and the action is dismissed.

technical correction; benefits; aliens; athletes (NOW: unemployed; severance pay; definition) (H.B. 2115) – Chapter 237

Defines *severance pay*, as it concerns unemployment insurance, as including all amounts that an employer pays to an employee due to the employee's: 1) resignation, termination or participation in an exit incentive program or inclusion in a reduction in force; or 2) release of actual or potential claims for the termination of employment. Severance pay does not include any amounts that the employer pays for health benefits pursuant to any employee benefit plan.

military affairs commission; continuation (H.B. 2135) – Chapter 30

Retroactive to July 1, 2014, the Military Affairs Commission is continued until July 1, 2022.

limited liability; space flight activities (H.B. 2163) – Chapter 165

Permits a space flight entity to enter into a liability release agreement with a participant to limit the entity's civil liability for a participant's injury that arises out of space flight activities.

sports authority; election (H.B. 2167) – Chapter 203

Allows, instead of requires, the Pima County Board of Supervisors to call an election for the establishment of a sports authority.

COMMERCE, ENERGY & MILITARY COMMITTEE (Cont'd.)

ACC; securities enforcement; spousal joinder (H.B. 2197) – Chapter 87

Prohibits the Arizona Corporation Commission (ACC) from joining an individual who is divorced from the defendant at the time a securities fraud action is filed. Allows the ACC to apply to the Maricopa County Superior Court or a federal court for an order restoring to any person in interest that former spouse's portion of any monies or property that may have been acquired or transferred by the defendant.

workers' compensation; controlled substances (H.B. 2221) – Chapter 52

Requires information pertaining to use and prescription of a narcotic, opium-based or schedule II controlled substance concerning a workers' compensation claimant to be included in a required Industrial Commission of Arizona (ICA) report, rather than on written request of an interested party. Requires a physician to submit an inquiry to the Arizona State Board of Pharmacy requesting an employee's prescription information within two business days of writing or dispensing an initial prescription order for at least a 30-day supply of an opioid medication. The results of the inquiry must be reported to the workers' compensation carrier, the self-insured employer or ICA within 30 days from the date of the inquiry or within 5 business days if the results reveal that the employee is receiving opioids from another undisclosed health provider. Requires the carrier, the self-insured employer or ICA to provide drug rehabilitation and detoxification treatment, if medically necessary, for an employee who becomes dependent on or addicted to opioids that are prescribed for a work-related injury.

Requires any court action against a workers' compensation entity regarding the payment of a billing for medical services to be commenced within 24 months from the date of the rendered services or from the date that the carrier, self-insured employer or claims-processing representative knew or should have known that services were rendered.

~~board of appraisal~~ (NOW: state board of appraisal) (H.B. 2239) – Chapter 135

Makes various changes pertaining to the State Board of Appraisal (Board). Prohibits the Board from considering certain complaints for administrative action if: 1) the complaint relates to an appraisal that was completed more than five years before the complaint was submitted or more than two years after final disposition of any judicial proceeding in which the appraisal was an issue, whichever is greater; or 2) the complaint is filed against a Board member or staff person's license or certificate, but concerns the person's performance of Board duties. Requires the Board to consolidate complaints filed within a six-month time period if the complaints are against the same appraiser and meet certain criteria. Allows the Board to impose a maximum civil penalty of \$3,000 per complaint, with all civil penalties deposited in the state General Fund.

Requires the Board to fix periods and terms of probation pursuant to statutory disciplinary proceedings and specifies that disciplinary action may include being placed on probation. Allows a prevailing party, in a formal hearing before the Board or the Office of Administrative Hearings, to collect fees, costs and expenses. If the Board does so, it must deposit these monies in the Board of Appraisal Fund to be spent without legislative appropriation.

COMMERCE, ENERGY & MILITARY COMMITTEE (Cont'd.)

Removes the Board's authority to conduct a criminal background check on applicants for an initial or renewal certificate or license and instead requires applicants to obtain a valid fingerprint clearance card. Lengthens the amount of time, from two to five years before application, that an applicant for registration, licensure or certification must not have had a license or certificate revoked. Modifies the required surety bond amount for appraisal management companies by specifying the amount be at least \$20,000 and at most \$50,000, instead of \$20,000.

certified public accountants (H.B. 2263) – Chapter 136

Modifies regulations pertaining to certified public accountants (CPAs) and the State Board of Accountancy (Board). Stipulates that a CPA applicant from another jurisdiction cannot have a Board-issued certificate that is expired, relinquished or revoked. Enables the Board to establish and collect a late fee for a retired-status registration of no more than \$100. Removes the requirement that, upon certificate reinstatement, an individual pay the reinstatement fee but retains the requirement to pay the registration fee. Eliminates the ability of a partnership engaged in the practice of accounting by public accountants to register for fewer than two years and removes specifications relating to the registration date. Specifies that when the Board determines that a registrant has paid all past due fees and satisfied all other requirements for renewal, the suspension of a certificate is not a disciplinary order.

scrap metal dealers (H.B. 2268) – Chapter 90

Modifies requirements related to scrap metal dealers (dealers). Allows a dealer to give a check onsite made payable to an industrial account for a sale of air conditioning coils. Exempts certain metal from record-keeping requirements and prohibits dealers from knowingly purchasing municipal storm grates. Clarifies that local governments may issue business licenses to dealers, and that if a dealer's license was current and in good standing before September 13, 2013, that license is in compliance and the local government cannot require the dealer to reapply for licensure.

tax credits; capital investments; employment (H.B. 2272) – Chapter 168

Allows, for qualification for the second and third years of the Quality Jobs tax credit, an employee to be replaced with another new full-time employee in the same employment position if the employee leaves during the taxable year. The new employee will be treated as being in their second or third full year of continuous employment if the position was vacant 90 days or less and the new employee meets all of the same requirements as the original employee. The Quality Jobs tax credit provisions are retroactive to January 1, 2014.

Extends the ability for the Arizona Commerce Authority (ACA) to approve Angel Investment tax credits from July 1, 2016, to July 1, 2021, and also extends the amount of time the credit may be claimed. Increases the maximum investment a qualified investor may make to be eligible from \$250,000 to \$500,000. Lengthens the amount of time the qualified investor may file an application with the ACA for the Angel Investment tax credit from 30 to 90 days after making the investment.

COMMERCE, ENERGY & MILITARY COMMITTEE (Cont'd.)

Beginning January 1, 2015, requires a taxpayer to first obtain ACA certification that basic research payments meet all requirements before the taxpayer may apply to the Department of Revenue for certification of additional Research and Development income tax credits for increased research activities involving basic research payments to a university. Details ACA certification application requirements.

dealer tank wagon prices (H.B. 2274) – Chapter 53

Eliminates the requirement that the Attorney General collect, compile and save data on a weekly basis showing the average dealer tank wagon prices for Phoenix and Tucson that is accessible to the Arizona Commerce Authority or a member of the Legislature.

military justice; courts-martial (H.B. 2311) – Chapter 143

Modifies position requirements for the Adjutant General of the Department of Emergency and Military Affairs by: 1) requiring appointees to establish their domicile in Arizona for residency purposes within 90 days of appointment; 2) extending the amount of time appointees must attain federal recognition in a grade of at least Brigadier General from one to two years after appointment; and 3) eliminating the requirement that appointees must have served at least 5 years in the Arizona National Guard in the last 10 years.

Revises the Arizona Code of Military Justice by updating nonjudicial punishments and procedures that may be imposed on an Arizona National Guardsman and modifying the sentences that may be imposed by general and summary courts-martial. Modifies military judge requirements by stipulating that a military judge must be: 1) a member of good standing of the State Bar of Arizona; 2) a current or former member of the U.S. or Arizona Armed Forces; and 3) appointed as a military judge by the Governor after certification by the State Judge Advocate as having met the qualifications.

unclaimed remains; veterans; burial (H.B. 2332) – Chapter 92

Allows a person that possesses unclaimed cremated remains, after meeting certain criteria, to release information associated with the remains to the U.S. Department of Veterans Affairs or a veterans' service organization (VSO) to verify whether the remains are of a veteran or an eligible dependent to be interred in a veterans' cemetery. If verified, the person may transfer the cremated remains to a VSO to ensure that the remains are interred or transported to a veterans' cemetery for burial. Immunizes the person from civil liability for damages resulting from the release or transfer and the VSO for damages arising from the interment.

~~state parks; disabled veteran's pass.~~ (NOW: property; valuation; renewable energy; equipment) (H.B. 2403) – Chapter 264

Stipulates that depreciated cost for renewable energy equipment must be calculated by subtracting the depreciated value from the taxable original cost. Specifies that the assessed value of a leased portion of qualifying real property is, if the lessee defaults and maintains renewable

COMMERCE, ENERGY & MILITARY COMMITTEE (Cont'd.)

energy equipment on the property, the total lease payments collected by the real property owner during the tax year or the assessed value of the leased property if classified as class 2 property, whichever is greater.

food handler training; courses; certification (H.B. 2436) – Chapter 210

Requires county food handler certificate training courses to meet American Society for Testing and Materials standard E2659-09 if the county requires food handler training and a certificate for employment in the food service industry. Outlines training course subject matter and allows the course to be offered by any means available, including online, as a computer course or in a live classroom. Any person who demonstrates successful completion of an accredited training course must be issued a certificate or identification card.

cosmetology; regulation (H.B. 2439) – Chapter 238

Modifies cosmetologist, aesthetician and nail technician licensure requirements by lowering the minimum age necessary to qualify from 23 to 16 years of age and also requiring completion of two years of high school or its equivalent. For licensure as an instructor, lowers the minimum age necessary to qualify from 23 to 16 years of age and also requires the applicant to hold a high school diploma or its equivalent. Grants the Board of Cosmetology (Board) authority to select a national professional organization to administer license reexaminations. Extends certification to perform cosmetic procedures using lasers and intense pulsed light devices to qualified licensed cosmetologists.

Recognizes cosmetology schools as postsecondary educational institutions if the school: 1) only admits as regular students individuals possessing a high school diploma or its equivalent *or* who are beyond the age of compulsory education; and 2) is licensed by the Board to offer at least one training program beyond the secondary school level.

combat-related special compensation (H.B. 2514) – Chapter 239

Retroactive to July 29, 2010, prohibits a court from considering federal combat-related special compensation awarded to a veteran for service-connected disabilities when making a disposition of property or awarding spousal maintenance in a divorce proceeding.

pawnbrokers; interest; military members (H.B. 2537) – Chapter 98

Raises the maximum interest rate a pawnbroker may charge or receive: 1) from 8 percent to 13 percent per month for the first two months; and 2) from 6 percent to 11 percent per month for each month after.

Requires pawnbrokers, on receipt of a copy of military orders indicating that a pledgor is serving on federal active duty and has been deployed as a member of the Arizona National Guard, the U.S. Armed Forces Reserves or the regular component of the U.S. Armed Forces, to waive any unpaid interest charges and hold the pledged goods until 60 days after the pledgor's return from deployment. Classifies a violation as a class 1 misdemeanor.

COMMERCE, ENERGY & MILITARY COMMITTEE (Cont'd.)

alarm businesses; alarm agents; regulation (H.B. 2546) – Chapter 174 W/O

Removes specific crime convictions as reasons for denial of certification as an alarm business or agent and instead stipulates that an application *may* be denied if the controlling person of the business or agent lacks good moral character or has been convicted of an act involving moral turpitude. Requires the Board of Technical Registration to determine if an applicant lacks good moral character, which may be established by evidence of past criminal activity.

Beginning January 1, 2015, exempts monitoring services relating to an alarm system from municipal taxes.

theme park districts; formation; bonds (H.B. 2694) – Chapter 275

Specifies that a theme park district (district) may include a combination of a county with a population between 125,000 and 150,000 persons and a city located entirely in that county with a population between 3,000 and 5,000 persons. Allows a district to be established with a single theme park site, and permits, after a district is initially established, additional sites and the geographical boundaries to be revised. Removes the requirement that negotiable revenue bonds issued by a district be insured.

LEGISLATION VETOED

corporations; purposes; directors and officers (NOW: transportation network services) (H.B. 2262) – VETOED

Outlines transportation network requirements, which include: 1) allowing a transportation network operator (operator) to operate a motor vehicle that has at least four doors and carries at most eight passengers, including the operator; 2) conducting a safety inspection of each operator's motor vehicle before use to provide a transportation network trip (trip); 3) maintaining a commercial liability insurance policy with uninsured and underinsured motorist coverage that provides minimum coverage of \$1,000,000 per incident for accident claims involving an operator's vehicle during a trip; 4) providing proof of insurance coverage to the Department of Weights and Measures; and 5) conducting a criminal background and driver license check on potential operators. Provides additional requirements pertaining to insurance, operators and fares and establishes civil penalties for violations of transportation network regulations.

The Governor indicates in her veto message that, although Arizona welcomes transportation networks and offers a business friendly regulatory environment, H.B. 2262 places citizens at risk of deficient insurance coverage, higher insurance premiums and higher auto loan costs. The Governor also states that the legislation would subject consumers to drivers who would not have been tested for drugs, unlike what is required for school bus, light rail, taxi and other public transportation drivers.

domestic farm wineries; fruit pomace (H.B. 2661) – VETOED

SEE THE APPROPRIATIONS COMMITTEE.

Education Committee

Senator Kimberly Yee, Chairman



Kody Kelleher, Research Analyst

Bryan Durham, Assistant Analyst

Brandi Peplinski, Intern

EDUCATION COMMITTEE

LEGISLATION ENACTED

school facilities board revisions (S.B. 1102) – Chapter 105

Modifies School Facilities Board statutes as follows: 1) requires school districts to include the nature and cost of certain repairs and renovations in district building reports; 2) establishes a formula for the recalculation of school facility age; and 3) requires school districts to be responsible for any costs associated with the conversion of the space to be used for administrative purposes.

Allows a child care facility that provides services using a documented educational philosophy including least restrictive environment for infants to use floor bedding rather than cribs if certain requirements are met. Authorizes the Department of Health Services to require the installation of cribs if a facility does not comply with those requirements.

property; liability; schools; recreational users (S.B. 1123) – Chapter 71

Removes students who are in transit to or from school during non-instructional hours from consideration when determining liability on school grounds used for recreation.

school district overrides; bonds; information (S.B. 1182) – Chapter 111

Requires the purpose statement contained in any override election informational report or in any political subdivision bond election informational pamphlet to only present factual information in a neutral manner and specifies that advocacy for the override expenditures or bonds is strictly limited to the arguments section of the report or pamphlet. Requires the bond election informational pamphlet to contain information on the projects and expenditures for which the bonds are to be issued.

empowerment scholarship accounts; revisions (S.B. 1237) – Chapter 244

Requires parents of Empowerment Scholarship Account (ESA) students to use a portion of ESA monies each quarter for the student's education unless the ESA is allocated monies according to a non-quarterly transfer schedule. Allows the Arizona Department of Education (ADE) to transfer monies to the State Treasurer according to a transfer schedule other than quarterly transfers if ADE determines that schedule is necessary for the operation of the ESA. Requires ADE to contract with an independent third party to determine if an ESA student qualifies for educational therapies or services and specifies that ESA monies may only be used for educational therapies or services if a student qualifies for certain special needs as determined by the school district or an independent third party. ESA monies may be used for tutoring or teaching services provided by an accredited individual or facility. Rather than provide a copy of each student's ESA contract, requires ADE to provide a list of students participating in ESAs to respective county school superintendents.

EDUCATION COMMITTEE (Cont'd)

critical languages; economic development; pilot (S.B. 1242) – Chapter 114 E

An emergency measure, effective April 22, 2014, that requires the State Board of Education (SBE), if sufficient funding is provided, to establish a six-year Arizona Critical Language and Economic Development Pilot Program (Program). Requires the SBE, in consultation with the Arizona Department of Education (ADE), to develop and implement courses of study in critical languages for the Program. The Program courses may be taught through innovative learning technologies either in a traditional setting or by a visiting foreign guest and may use paraprofessionals in the classroom if the paraprofessionals meet certain conditions.

Requires the SBE to adopt rules relating to the authorized critical language courses as outlined. Requires ADE to track, monitor and expand the Program to include additional course offerings and other critical languages, subject to certain conditions. Limits participation in the Program to no more than 20 school sites and requires the SBE, beginning in school year 2015, to select 7 schools that meet specific criteria to participate in the Program. Requires, if sufficient funding is available, each participating school to receive money and to establish an instructional model as outlined. Requires ADE, if sufficient funding is available, to establish and maintain an Office of Economic Development and Critical Languages and to prorate the amount provided to each participating school in accordance with available funding. Precludes pupils classified as English Language Learners and native speakers of the critical language being taught from Program eligibility. Eliminates the Program on September 30, 2020.

school letter classification; science scores (S.B. 1288) – Chapter 116

Includes academic performance and academic gain on the science portion of the Arizona Instrument to Measure Standards test in the academic performance indicators used to determine school and school district achievement profiles.

school property; leases; immunity (S.B. 1336) – Chapter 248

Provides immunity from civil liability to the following, unless they are guilty of gross negligence or intentional misconduct: 1) school districts and their employees regarding the lease or use of school property; and 2) charter schools and their employees regarding the use of school property. Specifies that a charter school may permit the use of school property by any person, group or organization for any lawful purpose, as outlined, and may charge a reasonable fee for such use.

ADE school finance revisions (S.B. 1350) – Chapter 226

Effective July 1, 2014, modifies various school finance statutes as follows:

Transportation – Prohibits miles driven transporting eligible students from being reported as daily route miles by more than one school district.

Supplemental State Aid – Grants school districts eligibility for supplemental state aid if the district experiences a loss of property tax revenue resulting from a decrease in assessed

EDUCATION COMMITTEE (Cont'd)

valuation due to specified natural disasters. Limits the timeframe during which a school district may receive such supplemental state aid to no more than three fiscal years.

Average Daily Membership (ADM) – Requires the Arizona Department of Education (ADE) to recompute ADM for the previous fiscal year no later than August 30 and requires ADE to inform school districts and charter schools of their final ADM no later than September 15. Requires state aid calculations for all school districts and charter schools for the previous fiscal year to be finalized and district budget limits to be adjusted no later than November 1 of each year.

Charter Schools Sponsored by the State Board for Education, State Board for Charter Schools, a University, a Community College District or a Group of Community College Districts – Requires such charter schools to revise respective student counts after the first 40 days in session and grants such charter schools eligibility to count pupils for the K-3 reading support level weight in the first year of operation.

Fees – Requires all school district governing boards and charter school governing bodies that authorize the assessment of fees to ensure all fees contain a waiver provision in the event of economic hardship.

Teacher Experience Index (TEI) – Requires the Superintendent of Public Instruction, by February 1 rather than March 15, to notify each school district of its preliminary TEI for the budget year and modifies other TEI reporting requirements in accordance with this change.

Grand Canyon Diploma (GCD) – Allows students eligible for a GCD to enroll in a community college the following semester, rather than the following fall semester, after earning a GCD. Allows school districts and charter schools to include a student who earned a GCD in the district's or charter school's ADM, rather than the district's or charter school's student count, if the student subsequently utilizes certain educational pathways after earning a GCD.

Miscellaneous – Specifies that school districts that pay tuition to a Joint Technological Education District member district on behalf of district students must be school districts located within Arizona in order for such students to generate State Aid.

~~schools; noncertificated employees; fingerprinting~~ (NOW: noncertificated employees; schools; fingerprinting) (S.B. 1391) – Chapter 125

Authorizes school districts and charter schools to require noncertificated and other specified personnel to obtain fingerprint clearance cards (cards) and authorizes such personnel to apply for a card regardless of whether obtaining a card is a condition of employment. Allows school districts to communicate whether a person has been issued or denied a card to other school districts for employment purposes or upon request of the applicant.

universities; intellectual property. (S.B. 1392) – Chapter 194

Requires the Arizona Board of Regents (ABOR) to maintain intellectual property policies that allow, on a case-by-case negotiated basis, the licensing, assignment or other transfer of

EDUCATION COMMITTEE (Cont'd)

intellectual property owned by ABOR to third parties if the transfer meets certain conditions. Eliminates the process requiring a university officer or employee to apply to ABOR for permission to transfer technology developed by the individual from the university to commercial and industrial enterprises. Requires ABOR to identify, on a case-by-case basis, individual and institutional conflicts of interest and conflicts of commitment that may arise as a result of a proposed transfer.

K-12 education; budget reconciliation; 2014-2015 (S.B. 1488) – Chapter 17 LIVS

SEE THE APPROPRIATIONS COMMITTEE.

community colleges; nonresidents; reimbursement (H.B. 2005) – Chapter 21

Requires community college districts (districts) to include in annual reports the total number of students residing outside of the district disaggregated by county of residence for nonresident students who reside in Arizona and by state of residence for nonresident students who reside in another state. Eliminates the requirement that the county school superintendent certify a student's residence to the community college district board and the county board of supervisors. Removes the requirement that students residing in the state of Arizona but not in a district must sign a notarized statement pertaining to county residency.

charter schools; higher education sponsors (H.B. 2039) – Chapter 42

Retroactive to July 1, 2011, extends eligibility to participate in the Arizona State Retirement System to charter schools sponsored by a university, community college district or group of community college districts. Expands eligibility to receive exemptions from certain financial and electronic data submission requirements, including the Uniform System of Financial Records, procurement rules and audit requirements to charter schools sponsored by the aforementioned postsecondary institutions.

~~technical correction; petroleum product storage~~ (NOW: increased eligibility; empowerment scholarship accounts) (H.B. 2139) – Chapter 199

Expands Empowerment Scholarship Account (ESA) qualifications to include siblings of current or previous ESA recipients and students who have not previously attended a governmental primary or secondary school but are currently eligible to enroll in a program for preschool children with disabilities.

empowerment scholarships; military families (H.B. 2150) – Chapter 200 W/O

Adds having a parent or guardian who was a member of the U.S. Armed Forces killed in the line of duty to the list of Empowerment Scholarship Account (ESA) qualifications and exempts a child whose parent or guardian is an active member of the U.S. Armed Forces or who was killed in the line of duty from having to meet one of the additional requirements for ESA qualifications.

EDUCATION COMMITTEE (Cont'd)

computer science courses; math credit. (H.B. 2265) – Chapter 137

Allows a rigorous computer science course to fulfill a mathematics course required for high school graduation if the school district governing board or governing body of a charter school determines: 1) the rigorous computer science course includes significant mathematics content; and 2) the high school offering the course has sufficient capacity, infrastructure and qualified staff, including competent teachers of computer science. The rigorous computer science course must not conflict with the State Board of Education-prescribed high school graduation requirements.

STOs; grants; corporate tax credit (H.B. 2328) – Chapter 278

Beginning July 1, 2014, eliminates the requirement that a student, in order to qualify for a displaced or disabled educational scholarship or tuition grant from School Tuition Organization (STO) funded by contributions from corporations and insurers, must meet certain eligibility requirements, including having attended a governmental primary or secondary school for at least 90 days of the prior fiscal year or one full semester before transferring to a qualifying school. Requires the student, if qualifying for an Empowerment Scholarship Account by having received a scholarship from a qualifying STO, to have previously attended a governmental primary or secondary school as a full-time student for at least 90 days of the prior fiscal year or one full semester prior to attending a qualified school.

schools; transporting district conversion (H.B. 2438) – Chapter 61 E

An emergency measure, effective April 16, 2014, that establishes a process for a qualifying small school district to become a transporting school district. To qualify for a transporting district conversion election, the district must be located in a county with a population of fewer than 15,000 persons and have had fewer than 100 students enrolled for the past three years. If the conversion is approved by the voters, the school district must begin operating as a transporting district on the next July 1 after the election results are certified. The newly converted transporting district must continue to operate in the same manner as other school districts except the transporting district must: 1) transport its entire student population to one or more other school districts; and 2) not educate any students in school facilities located within the transporting district. The transporting district is prohibited from adopting a budget in excess of the general budget limit, regardless of student count.

Prohibits a school district from adopting a budget that exceeds the district Revenue Control Limit by more than 10 percent without approval by the district voters if the district: 1) is located in a county with a population of fewer than 15,000 persons; and 2) has had fewer than 100 students enrolled for the past three years. Requires a district board that meets such qualifications to revise the district budget and adjust the district tax rate to comply with the budget limitations. Repeals the provisions of this legislation on December 31, 2016.

promotion; ceremony; 8th grade (H.B. 2501) – Chapter 172

Removes the requirement that a county school superintendent furnish and sign eighth grade promotion certificates at the request of a school district governing board. Specifies that

EDUCATION COMMITTEE (Cont'd)

school districts may conduct a ceremony to honor pupils who have been promoted from the eighth grade.

postsecondary distance education; reciprocity agreements (H.B. 2577) – Chapter 213 E

An emergency measure, effective April 23, 2014, that authorizes the Arizona Board of Regents (ABOR), community college districts and the State Board for Private Postsecondary Education, through an intergovernmental agreement (IGA), to enter into an interstate reciprocity agreement for the purpose of managing postsecondary distance education. Specifies that the IGA must identify the application process to participate in the reciprocity agreement and must be jointly administered by representatives from ABOR, a community college district and the State Board for Private Postsecondary Education. Limits the responsibilities designated through the IGA to the administration of the distance education reciprocity agreement for participating postsecondary institutions that have a principal place of business in Arizona. Defines *postsecondary institution* as: 1) any degree-granting public or private university or college in Arizona; 2) any accredited degree-granting community college in Arizona; and 3) any degree-granting college or university located on and operated by a federally recognized Indian tribe.

teachers; suicide prevention; continuing education (H.B. 2605) – Chapter 272

Retroactive to July 1, 2014, requires the State Board of Education to adopt rules to allow certificated teachers and administrators to count suicide awareness and prevention training programs as continuing education credits.

ADE; program administration (H.B. 2637) – Chapter 214

Effective July 1, 2014, modifies various procedures regarding programs administered by the Arizona Department of Education (ADE) as follows:

ADE Professional Development Revolving Fund (Fund) – Authorizes ADE to make professional development content available to educators at a reasonable cost and establishes the Fund as a separate account for expenses incurred producing and delivering such courses and content. Requires monies obtained from tuition for professional development to be deposited in the Fund and exempts monies in the Fund from lapsing. Monies in the Fund are subject to legislative appropriation.

Move on When Reading – Prohibits a pupil from being retained if data regarding the pupil's performance on the Arizona Instrument to Measure Standards (AIMS) test, or a successor test, is not available before the start of the following academic year. Requires a qualifying pupil to receive designated academic intervention and remedial strategies regardless of whether the student is retained. Allows the State Board of Education (SBE) to establish a measurement equivalent to *falls far below* the third-grade reading level on the AIMS test or a successor test.

School Safety Program – Authorizes charter schools to participate in the School Safety Program.

EDUCATION COMMITTEE (Cont'd)

School and School District Achievement Profiles – Includes in the methodology used to determine school and school district achievement profiles a measure of the perception of educational quality at the school or school district.

higher education; budget reconciliation; 2014-2015. (H.B. 2711) – Chapter 16

SEE THE APPROPRIATIONS COMMITTEE.

LEGISLATION VETOED

schools; local control; student privacy (H.B. 2316) – VETOED

Prohibits the State Board of Education (SBE), the Superintendent of Public Instruction and the Arizona Department of Education (ADE) from adopting any educational standards, curricula or instructional approaches that may be mandated by the federal government. Prohibits ADE from: 1) applying for any federal grant that requires certain application conditions as outlined; and 2) requiring the adoption of specific curricula or instructional approaches. Requires changes to state academic standards to be done through a transparent public process that allows Arizona citizens time and opportunity to provide feedback. Requires the SBE, before any public meeting to vote on the proposed changes, to follow specific procedures. Student data collected by the specified entities must be obtained in a manner consistent with state and federal law designed to protect student privacy. Prohibits specific personally identifiable student information from being reported or shared with the federal government or private vendors for the purpose of marketing or business development.

The Governor indicates in her veto message that the language of H.B. 2316 is redundant and unnecessary. She also states that by prohibiting ADE from requiring school districts and charter schools to use specific instructional approaches, H.B. 2316 could have preempted ADE from stipulating that schools teach early reading with a phonics-based emphasis, and from enforcing requirements of the Structured English Immersion Program.

Elections Committee

Senator Michele Reagan, Chairman



Cherie Stone, Research Analyst

Nicholas Jones, Intern

ELECTIONS COMMITTEE

LEGISLATION ENACTED

contribution limits; clean election authority (S.B. 1344) – Chapter 225

Declares that alleged violations of campaign contribution and expense requirements by candidates for statewide or legislative offices not participating in the Citizen’s Clean Elections Act Funding System (non-participating candidates) are subject to general provisions pertaining to clean election contributions and expenses and the authority of the Secretary of State and Attorney General. Prohibits the Citizens’ Clean Elections Commission from accepting, investigating or acting on any complaint alleging violation of campaign finance statutes by non-participating candidates.

Additionally, this legislation relocates and recasts existing exceptions to the definition of *independent expenditure* and requires that an elections official use exceptions as evidence of coordination when evaluating whether an expenditure is an independent expenditure.

elections; candidate; ballot measure signatures (H.B. 2107) – Chapter 45

Online Signature Collection System (system) – Instructs the Secretary of State (SOS) to provide an online system for voters to sign nomination petitions and Citizens Clean Elections five dollar contribution qualification forms for candidates for statewide and legislative offices. Specifies requirements for the system. Portions of the bill concerning the online collection system for nomination petition signatures and Citizens Clean Elections five dollar contribution qualification forms 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. The bill received the required number of votes.

Petition Circulators (circulators) – Directs the SOS to make circulator training materials available to each person or organization circulating a statewide initiative, referendum or recall petition. Requires a person or organization circulating a statewide petition to provide each circulator with training materials and to submit training material receipts to the SOS before filing petitions. Specifies that failure to provide or submit circulator training materials or receipts is not grounds for removal of signatures or signature sheets.

Requires nonresident and paid circulators for statewide ballot measures to register with the SOS prior to circulating petitions and prescribes circulator registration content requirements. Directs the SOS to establish a procedure for registering circulators and instructs the SOS to disqualify petition signatures collected by a circulator who fails to register as required. Invalidates signatures collected by a registered circulator who is properly served with a subpoena to provide evidence in an action regarding circulation of petitions and who fails to appear or provide documents as required. Details the conditions for proper service of process of a subpoena and permits the party serving the subpoena to request the SOS to remove any signatures collected by the subpoenaed circulator. Permits a person challenging petition signatures to amend the complaint after the SOS has removed signatures. Allows any person to

ELECTIONS COMMITTEE (Cont'd.)

challenge the lawful registration of circulators in superior court, and provides a timeframe in which challenges must be decided by the court. Specifies that the removal of one or more circulators does not render the random sample of signatures by the SOS invalid.

Requires that recall petitions include a space for the circulator to state their paid or volunteer circulator status and directs circulators to so designate prior to circulating the petition for signatures. Requires each initiative, referendum, and recall petition to include a statement that it is unlawful to sign a petition before it has a serial number.

Presidential Preference Election – Requires that the Presidential Preference Election (PPE) be held on the Tuesday immediately following March 15, rather than the fourth Tuesday in February, and permits the Governor to proclaim that the PPE be held on a later date.

election law amendments; repeal... (H.B. 2196) – Chapter 5

Repeals Laws 2013, Chapter 209, which included a series of statutory modifications with regard to requirements related to initiative, referendum, recall and nomination petitions, early voting and the permanent early voting list. Laws 2013, Chapter 209 became the subject of a referendum petition that subsequently obtained a sufficient number of signatures to qualify for placement on the 2014 general election ballot, which if passed would preclude the provisions contained within the legislation from going into effect.

officeholder expense accounts; surplus monies (H.B. 2615) – Chapter 177

Permits statewide or legislative officeholders, who will not continue to hold their current offices or any other elected offices, to donate monies remaining in their officeholder accounts after April 30 of an election year. Specifies that monies may only be donated to either another person's political committee, excluding exploratory committees and campaign committees, or an organization that qualifies under section 501(c)(4) of the Internal Revenue Code.

campaign finance; election; candidate committees (H.B. 2665) – Chapter 241 E

An emergency measure, effective April 25, 2014, and retroactive to September 13, 2013, that provides requirements with regard to the application, transfer and combination of campaign contributions made to a political committee, an individual's exploratory committee or a candidate's campaign committee.

Requires a candidate to designate a single candidate campaign committee that applies to both the primary and general election for a designated office. Requires a political committee, candidate's campaign committee or an individual's exploratory committee to use an acceptable accounting method to distinguish between contributions received for the primary and general elections, if a committee receives contributions designated for the general election prior to the primary election. Permits a candidate's campaign committee to transfer or contribute monies in the aggregate to another campaign committee designated by the same candidate, including a committee for another office or in another jurisdiction, if both committees have been designated for an election in the same year. Directs the Secretary of State to modify the campaign finance

ELECTIONS COMMITTEE (Cont'd.)

reporting system and to combine separate committees created for the 2014 election cycle, by April 30, 2014.

Exempts contributions made to an individual's exploratory or candidate's campaign committee from application to the primary election, if any of the following apply: 1) the contributor has designated otherwise; 2) the application of the contribution would exceed a contribution limit; or 3) the contribution was received after the primary election and was not used to retire primary election debt. Permits a candidate's exploratory or campaign committee to apply the portion of a contribution that exceeds a primary contribution limit to the general election or to refund the excess amount. Specifies that contributions made to a candidate for the general election are solely for influencing the general election. Permits a candidate that prevails in the primary election to combine unexpended or unencumbered primary election contributions with general election contributions. Allows a candidate to combine all contributions for use in a subsequent election, after the general election.

Finance Committee

Senator Steve Yarbrough, Chairman



Bill Ritz, Research Analyst

David Fernandez, Assistant Analyst

Callie Flinn, Intern

FINANCE COMMITTEE

LEGISLATION ENACTED

financial transactions; omnibus (S.B. 1046) – Chapter 103 E

An emergency measure, effective April 22, 2014, that modifies statute relating to financial transactions as follows:

Conforms statute to federal law by requiring the calculation of all loans to a person to include any credit exposure arising from: 1) derivative transactions; 2) repurchase agreements; 3) reverse repurchase agreements; 4) securities lending transactions; or 5) securities borrowing transactions between the bank and a person.

Clarifies that the board of directors of an irrigation district is authorized to invest all money belonging or credited to the district, in accordance with statute.

Updates statute to conform to changes to Article 9 of the Uniform Commercial Code as follows:

Identifying the Debtor – Establishes the following in regards to identifying a debtor: 1) outlines financing statement requirements to sufficiently provide the name of the debtor for collateral held in a trust that is a registered organization; 2) specifies that a financing statement sufficiently provides the name of the debtor on the public organic record most recently filed with, issued or enacted by the registered organization's jurisdiction that purports to state, amend or restate the registered organization's name; 3) specifies that the name of the decedent and an indication that the collateral is being administered by a personal representative must be in separate parts of a financing statement; 4) outlines requirements for a financing statement to sufficiently provide the name of the debtor if the collateral is held in a trust that is not a registered organization; 5) stipulates that a financing statement sufficiently provides the name of the debtor, if the financing statement provides the name indicated on the debtor's unexpired driver license; 6) requires a financing statement to provide the individual name of the debtor or the surname and first personal name of the debtor, if the debtor does not have a current driver license in order to sufficiently provide the name of the debtor; 7) specifies that if the debtor does not have a name, the names of the persons comprising the debtor must be provided in a manner that each name would be sufficient if the person named were the debtor; 8) stipulates that the name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court over the collateral is sufficient as the name of the decedent; 9) specifies that, if this state has issued more than one driver license to an individual, the one that was issued most recently satisfies naming requirements; and 10) includes a main office, home office or other comparable office in the location designation of a registered organization, branch or agency for the purposes of locating the debtor.

Jurisdiction – Applies the following to collateral to which a security interest attaches within four months after the debtor changes its location to another jurisdiction: 1) designates a financing statement filed in its prior jurisdiction before the change is effective if the financing

FINANCE COMMITTEE (Cont'd.)

statement would have been effective to perfect a security interest in collateral had the debtor not changed its location; 2) stipulates that a security interest remains perfected if the security interest is perfected before it becomes ineffective under the prior jurisdiction or the expiration of the four-month period; and 3) designates a security interest unperfected and deemed never to have been perfected against a purchaser of the collateral for value if the security interest does not become perfected under the other jurisdiction before the earlier time or event.

Applies the following if a financing statement naming an original debtor is filed in a jurisdiction other than where the new debtor is located: 1) designates the financing statement is effective to perfect a security interest in collateral acquired by the new debtor if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor; 2) stipulates that a security interest perfected by the financing statement that becomes perfected under the law of another jurisdiction before the earlier of the time the financing statement would have been ineffective; and 3) designates that a security interest perfected by the financing statement but that does not become perfected under law of another jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

Information Statement – Allows a person to file an information statement regarding a filed record, if the person is a secured party of record to the financing statement and believes that the person who filed the record was not entitled to do so under law. Requires the information statement to: 1) identify the record by the file number assigned to the initial financing statement; 2) indicate that it is an information statement; and 3) provide the basis for the person's belief that the person who filed the record was not entitled to do so under law.

Transition – Adds the following to statute governing secured transactions: 1) outlines requirements relating to effectiveness on perfected and unperfected security interest as it relates to the effective date; 2) enumerates requirements relating to the effectiveness of filing a financing statement or a continuation statement before the effective date; 3) stipulates that the filing of an initial financing statement in the filing office continues the effectiveness of a statement filed before the effective date for the specified period with respect to an initial statement, if required conditions are met; 4) outlines standards for a person to add or delete collateral, continue or terminate the effectiveness, or otherwise amend the information in a pre-effective financing statement after the effective date; 5) allows a person to file an initial financing statement or a continuation statement under specified conditions; and 6) stipulates that the former secured transactions chapter (as added in 1999) determines the priority of conflicting claims to collateral, if the relative priorities of the claims were established before the effective date.

Miscellaneous – Specifies that an *initial* financing statement must indicate that the statement is effective until a termination statement is filed, if a debtor is a transmitting utility. Stipulates that a secured party has control of electronic chattel paper, if a system employed for evidencing the transfer of interests in the chattel paper reliably establishes that the chattel paper was assigned to the secured party. Applies certain sales related to a disposition of collateral after default or an acceptance of certain collateral to standards of ineffectiveness. Excludes, from standards of ineffectiveness regarding healthcare insurance, certain sales related to a disposition

FINANCE COMMITTEE (Cont'd.)

of collateral after default or an acceptance of certain collateral. Updates the financing statement forms contained in statute. Modifies and adds definitions.

closing protection letters; escrow agents (S.B. 1047) – Chapter 216

Modifies requirements for the issuance of closing protection letters by title insurers. Permits a title insurer to provide a closing protection letter to any person who is a party to a transaction where a title insurance policy will be issued. Specifies that a closing protection letter can indemnify a person insured under a title insurance policy against a loss that results from the following: 1) theft or misappropriation of settlement monies as outlined; and 2) as to a buyer or lender, failure to comply with the written closing instructions when agreed to by the settlement agent, title insurance agent or employee of the title insurer, as specified. Requires a title insurer to charge a fee not to exceed \$25 to a party receiving a closing protection letter earned on the closing of the transaction and specifies the fee is not subject to any agreement requiring a division of fees or premiums collected on behalf of the title insurer. Prohibits a title insurer from providing any other protection that purports to indemnify against improper acts or omissions of a person with regard to the settlement or closing services.

tax credit; excise; SSN (S.B. 1081) – Chapter 68 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, requires a valid social security number for a claimant and either a social security number or federal tax identification number for a claimant's spouse and any qualifying children to be included on tax returns or forms certifying exemption from income liability for taxable years beginning January 1, 2015.

ASRS; employee background checks (S.B. 1082) – Chapter 218

Allows the Director of the Arizona State Retirement System (ASRS) to: 1) conduct criminal records checks for current or prospective employees; 2) require a current or prospective employee, if requested, to submit a full set of fingerprints to the Department of Public Safety; and 3) conduct credit checks for accounting, investment and other finance-related positions. The Director of ASRS must establish a policy for conducting those credit checks that includes: 1) the method for determining when a credit check may be conducted; 2) retaining records relating to the reason for the credit check; and 3) notifying an employee of the credit check and the result of the credit check.

ASRS; applicable interest rate; definition (S.B. 1083) – Chapter 180

Specifies that the stability period during which the applicable interest rate remains constant is the plan year, and stipulates that the look-back month used to determine the applicable interest rate during the stability period is the third full calendar month preceding the first day of the stability period. Defines *applicable interest rate* as the annual interest rate on 30-year treasury securities as specified by the Commissioner of the Internal Revenue Service.

FINANCE COMMITTEE (Cont'd.)

ASRS; long-term disability compensation (S.B. 1084) – Chapter 69

Redefines *monthly compensation* as the amount determined by taking the six pay periods immediately before the date of the Arizona State Retirement System member's disability, disregarding the highest two and lowest two compensation amounts, and deriving the median of the two remaining pay periods. If the member was employed for fewer than six pay periods, monthly compensation is determined by deriving the median of the number of pay periods the member worked.

insurance holding companies; enterprise risk (S.B. 1089) – Chapter 104

Conforms statute to include the following national accreditation requirements regarding insurance holding companies:

Requirements for Proposed Acquisition or Divestiture of an Insurer – Requires a controlling person of a domestic insurer who seeks to divest its controlling interest in that insurer to file a confidential notice of its proposed divestiture with the Director of the Department of Insurance (Director) at least 30 days before the cessation of control and specifies related requirements for the Director.

A statement regarding the acquisition of control of or merger with a domestic insurer (acquisition statement) is required to be filed with the Department of Insurance (DOI) and must include the following: 1) an agreement that an annual enterprise risk report be filed with the Director; and 2) an acknowledgement that all information requested by the Director is to be provided for the purposes of evaluation of enterprise risk to the insurer.

If a proposed acquisition of control requires the additional approval of other states, on request of the person filing an acquisition statement, the Director may hold a public hearing on a consolidated basis for the purpose of receiving public comment on a proposed agency action. Within five days after making the request for a public hearing, the acquisition statement must be filed with the National Association of Insurance Commissioners (NAIC). The Director is permitted to opt out of a consolidated hearing and must provide notice to the applicant of the opt out within 10 days after receiving the acquisition statement.

Registration Statement Form and Content – Adds information that must be included in the registration statement that every registered insurer must file with the Director, including agreements in force that occurred during the last calendar year between the insurer and its affiliates, financing statements requested by the Director and any other information required by the Director by rule.

Requires the ultimate controlling person of each insurer subject to registration to file an annual enterprise risk report that identifies the material risks within the insurance holding company system that could pose enterprise risk to the insurer. The Director is permitted to require any authorized insurer that is a member of an insurance holding company system that is not subject to registration to furnish a summary outlining all items in the registration statement.

FINANCE COMMITTEE (Cont'd.)

Standards – Stipulates that transactions within an insurance holding company system to which an insurer is subject to registration are subject to agreements for cost sharing or management services, and management must include provisions that are required by rule. Amendments and modifications of affiliate agreements previously filed that are subject to any materiality standards are prohibited from being entered into unless the Director is notified. The amendments and modifications must include the reasons for the change and the fiscal impact on the domestic insurer.

Outlines requirements that must be included among the list of transactions involving a domestic insurer and any person in its insurance holding company system that may not be entered into unless the insurer notifies the Director.

Material Changes to Amendment Forms and Reporting of Dividends – Requires registered insurers to report all material changes or additions on amendment forms within 15 days after the end of each month. Each registered insurer must report all dividends and other distributions to shareholders and to the Director within 5 business days following the declaration and at least 10 business days before payment of the dividend or distribution.

Disclaimer of Affiliation or Control – Clarifies that a disclaimer of affiliation (disclaimer) must be approved unless the Director notifies the filing party that the disclaimer is disallowed. Stipulates that the disclaiming party is not required to register with DOI if the Director approves the disclaimer or if the disclaimer is deemed to have been approved. If the Director disallows the disclaimer the party can request an administrative hearing, which must be granted.

Examination of Registered Insurers – Stipulates that the Director has the power to examine any registered insurer and its affiliates to ascertain the financial condition of the insurer.

Enumerates the information the Director may order a registered insurer to produce in order to determine compliance. If an insurer cannot obtain the requested information, the insurer must provide the Director with a detailed explanation of the reason that the information cannot be obtained and the identity of the information holder, and is subject to specified penalties.

Permits the Director to issue subpoenas, administer oaths and examine under oath any person for the purpose of determining compliance. If a person fails or refuses to obey a subpoena, the Director can petition a court of competent jurisdiction seeking relief from the court and the court can enter an order compelling the witness to appear and testify or produce documentary evidence.

Confidential Materials – Clarifies that confidential information provided to the Director is not subject to discovery or admissible as evidence in a private civil action and stipulates that the Director can share nonpublic documents, materials or other information with specified entities if the recipient has verified in writing the legal authority to maintain confidentiality.

FINANCE COMMITTEE (Cont'd.)

Requires the Director to enter into written agreements with the NAIC that govern the sharing and use of statutorily required information and specifies requirements for such agreements.

Specifies that documents, materials or other information in the possession or control of the NAIC or its affiliates or subsidiaries is: 1) confidential by law and privileged; 2) not subject to subpoena, discovery or statute governing searches and copies; and 3) not admissible as evidence in any private civil action.

Violations – If it appears to the Director that any person has committed a violation regarding the acquisition or divestiture of an insurer and that violation prevents a full understanding by the Director of the enterprise risk to the insurer by affiliates or by the insurance holding company system, the violation may serve as an independent basis for disapproving dividends or distributions and for placing the insurer under an order of supervision.

Supervisory Colleges – Authorizes the Director to enter into agreements providing the basis for cooperation between the Director and other regulatory agencies and the activities of a supervisory college in order to assess the business strategy, financial position, legal and regulatory position, risk exposure, risk management and governance processes as part of the examination of individual insurers.

Permits the Director, in order to determine compliance by an insurer, to participate in a supervisory college for any domestic insurer that is part of an insurance holding company system with international operations and outlines additional related abilities of the Director. Each registered insurer is required to pay the reasonable expenses of the Director's participation in a supervisory college. Permits the Director to establish a regular assessment to the insurer for the payment of expenses.

Management of Domestic Insurers – An insurer must be managed so as to assure its separate operating identity; a domestic insurer is not precluded from having or sharing a common management or the cooperative or joint use of personnel, property or services with one or more other persons under arrangements which meet standards established in statute.

Stipulates that one-third of the directors of a domestic insurer and at least one-third of the members of each committee of the board of directors of any domestic insurer must: 1) be comprised of persons who are not officers or employees of the insurer or of any entity controlling, controlled by or under common control with the insurer; and 2) not be beneficial owners of a controlling interest in the voting stock of the insurer or entity. Requires at least one person to be included in any quorum for the transaction of business at any meeting of the board of directors or any committee. Requires the board of directors to establish one or more committees composed solely of directors with similar requirements as outlined above and outlines the responsibilities of the committee. Stipulates that the makeup of the board of directors does not apply to a domestic insurer if the person controlling the insurer has a board of directors and committees that meet membership requirements.

FINANCE COMMITTEE (Cont'd.)

Permits an insurer to apply to the Director for a waiver from committee requirements under specified circumstances. Allows the Director to consider the following when determining those circumstances: 1) the type of business entity; 2) volume of business writer; 3) availability of qualified board members; and 4) the ownership or organizational structure of the entity.

Miscellaneous – Exempts DOI from rulemaking requirements for two years for the purpose of implementation and modifies terms and definitions.

sanitary district bonds; terms (S.B. 1164) – Chapter 109

SEE THE GOVERNMENT AND ENVIRONMENT COMMITTEE.

luxury privilege tax; cider; definition (S.B. 1180) – Chapter 110

Expands the definition of cider under the luxury privilege tax provisions to include pears and pome fruit as ingredients and exempts the Department of Revenue from rulemaking requirements for one year for the purpose of implementation.

guaranty fund; workers' compensation (S.B. 1181) – Chapter 186

Effective July 1, 2015, establishes the Workers' Compensation Account within the Arizona Property and Casualty Insurance Guaranty Fund (Guaranty Fund) and transfers all rights and obligations related to the payment of workers' compensation claims for insolvent insurers from the Special Fund within the Industrial Commission's Administrative Fund to the Guaranty Fund. Rights and obligations related to the administration of workers' compensation claims for which the Industrial Commission of Arizona (ICA) has contracted a third-party processor are transferred to the Guaranty Fund. The transfer of \$222,848,153 in assets from the Special Fund to the Guaranty Fund for deposit into the Workers' Compensation Account must be completed before June 1, 2015.

In order to accommodate obligations related to workers' compensation claims, makes a series of changes to the Guaranty Fund as follows: 1) obligations arising from worker's compensation claims are exempt from repayment limits; 2) a workers' compensation claim made to the Guaranty Fund may not be reduced based on recoverable amounts of uninsured motorist damages; 3) payments made through the Workers' Compensation Insurance Account may not be prorated; 4) a settlement for a workers' compensation claim that is approved by an ICA award and made final by an administrative law judge cannot be voided by the Guaranty Fund; 5) at least one member of the Guaranty Fund Board must represent a workers' compensation insurer; and 6) the Guaranty Fund may not bar claims that are not filed within four months of a notice to creditors.

Any claim for workers' compensation made against the liquidator or receiver of an insolvent insurer will not be considered covered by the Guaranty Fund if it is made more than 18 months after an order of liquidation or after the filing date set by a court; this limitation does not apply to claims arising from occupational illnesses that manifest after the 18-month period. Initial claims for workers' compensation must be made to the Guaranty Fund, or equivalent, in

FINANCE COMMITTEE (Cont'd.)

the individual claimant's place of residence. An individual who is making a claim to Arizona's Guaranty Fund for workers' compensation retains all rights and obligations conferred under Arizona labor laws and must exhaust those rights and obligations before making the claim.

Institutes a maximum 90-day stay of proceedings for an action brought to the ICA regarding an employee's entitlement to workers' compensation benefits where an insolvent insurer is a party. Further, an insurer with an order of liquidation and a finding of insolvency entered against them is considered an insolvent insurer.

Insurance carriers seeking to transact workers' compensation insurance are no longer required to provide a deposit prior to the issuance of a certificate of authority; deposits made prior to the passage of this legislation may be refunded by the Director of the Department of Insurance. The assessment for the Special Fund is reduced from 1.5 percent to 1 percent of all premiums received by private insurers and the ICA is no longer permitted to increase this assessment. A certificate of contribution may not be used as an offset against premium taxes and assessments that are collected for workers' compensation insurance. Prohibits the expenditure of Guaranty Fund assessments for any purpose other than the purpose of the deposit account.

school district overrides; bonds; information (S.B. 1182) – Chapter 111

SEE THE EDUCATION COMMITTEE.

insurance policies; electronic notices (S.B. 1222) – Chapter 188

Permits any notice or required documents relating to property, casualty and life insurance policies to be delivered, stored and presented by electronic means if the receiving party electronically consents to that method. Stipulates that the electronic delivery of a notice or document is equivalent to any delivery method required in insurance statutes. An insurer is required to inform a party if a change in the hardware or software requirements needed to access or retain a notice or document delivered by electronic means creates a material risk that the party will not be able to access or retain subsequent notices or documents; the party can treat failure to provide this notification as a withdrawal of consent.

An insurer is required to maintain verification for a period of five years if a notice of nonrenewal, cancellation or reduction in the limits of liability or coverage is sent electronically through an electronic mail delivery service that provides electronic postmarks. The verification must contain sufficient information for the Department of Insurance (DOI) to determine if the notice was properly sent. An insurer that provides a notice by electronic means is required to further deliver that notice to the named insured by U.S. Postal Service certified mail, certificate of mailing or first class mailing using intelligent barcode or another similar tracking method if: 1) the notice being electronically delivered is rejected for delivery or returned to the insurer; or 2) the insurer becomes aware that the electronic mail address provided by the party is no longer valid.

Outlines requirements related to withdrawal of consent. If a party's consent to receive certain notices or documents in an electronic format is on file with an insurer before the effective

FINANCE COMMITTEE (Cont'd.)

date and the insurer intends to deliver additional notices or documents to that party in an electronic format, the insurer must notify the party of both of the following before delivery: 1) the notices or documents that can be delivered by electronic means that were not previously delivered electronically; and 2) the party's right to withdraw consent to have notices or documents delivered by electronic means. An insurer is prohibited from charging a fee to a party who does not consent to receiving notices or documents by electronic means.

nonprofit corporations; state monies; audits (S.B. 1272) – Chapter 221

Repeals biennial audit requirements for certain nonprofit corporations receiving state assistance and requires all nonprofit corporations that receive more than \$250,000 in state assistance in a single year to submit financial statements to the grantor agency. The required financial statements must either: 1) be prepared and audited in accordance with federal single audit regulations; or 2) be prepared according to generally accepted accounting principles and audited by an independent certified public accountant. Nonprofit corporations that receive less than \$250,000 in state assistance in a single year must comply with contractual requirements concerning financial and compliance audits.

public safety officers; omnibus (S.B. 1284) – Chapter 190

SEE THE PUBLIC SAFETY COMMITTEE.

internal revenue code conformity (S.B. 1300) – Chapter 223

Conforms the definition of *Internal Revenue Code* in statute to the federal definition as of January 1, 2014, including all retroactive provisions adopted in 2013.

2014 tax corrections (S.B. 1301) – Chapter 245

Corrects errors and obsolete language, addresses blending problems and provides clarifying changes to the tax statutes. Conforms statute to comply with 2013 transaction privilege tax (TPT) changes. Clarifies that the gross proceeds of sales or gross income derived by a qualified destination management company from transactions that are not part of a qualified contract for destination management services are subject to TPT. Conforms statute by classifying the real and personal properties of electric cooperatives that are valued at full-cash value as class one property. Requires the account administrator of a long-term health care savings account to make an annual report to the Department of Revenue (DOR) and the taxpayer by January 31 of the year following the calendar year to which the report relates and outlines required report information. Removes language prohibiting a taxpayer from claiming any amount that was deducted pursuant to Section 164 (b) (6) of the Internal Revenue Code (IRC) for qualified motor vehicle taxes. Outlines information required to be added and subtracted from Arizona gross income in computing Arizona taxable income for a corporation. Clarifies that in 2006, a school tuition organization was prohibited from issuing an educational scholarship or tuition grant in an amount that exceeded \$4,200 for students enrolled in a disabled preschool or kindergarten. Clarifies that the repeal of statute regarding the individual credit for water conservation systems and the corporate credit for water conservation system plumbing stub outs

FINANCE COMMITTEE (Cont'd.)

installed in houses constructed by a taxpayer does not affect the use of any carryovers from unused credits earned before the repeal.

fire; building; life safety; continuation (NOW: model city tax code; changes) (S.B. 1331) – Chapter 121

Retroactive to July 2, 1988, stipulates that any changes to the Model City Tax Code (MCTC) that are not reflected in the official copy on file with the Arizona Department of Revenue (DOR) are void. Any claim for refund of transaction privilege tax (TPT) paid based on the retroactivity application must be submitted to DOR or the appropriate city by December 31, 2014, and failure to file a claim before the date constitutes a waiver of the claim.

Stipulates that the burden is on the taxpayer to establish the amount of refund claims and requires DOR to review all timely filed claims, determine the correct amount of each claim and notify the taxpayer of its determination. DOR or the appropriate city is prohibited from making a refund until after determining the amount of all filed claims. If a taxpayer appeals a determination, DOR is permitted to notify other taxpayers that have filed claims as to the nature of the delay.

Caps the total amount of refunds at \$10,000 and requires DOR to reduce each claim proportionately to comply with the cap. Interest is prohibited from being allowed or compounded on a refund paid before July 1, 2015, and unpaid amounts after July 1, 2015 must accrue interest.

Specifies that beginning July 1, 2012, the failure of a city or town to notify the Municipal Tax Code Commission of a new or different tax rate renders that rate void. Defines *new or different tax rate* as the adoption or repeal of a model or local option or any change that increases the amount of tax a taxpayer must pay to a city or town.

ADE school finance revisions (S.B. 1350) – Chapter 226

SEE THE EDUCATION COMMITTEE.

multipurpose facilities districts; Rio Nuevo (S.B. 1351) – Chapter 80

Modifies statute regarding the Rio Nuevo Multipurpose Facilities District. Alters the membership of the board of directors (Board) of a county stadium district (District) to include residents of the county in which the District is located. Requires the Board to submit a report regarding the activities, operations, revenues and expenditures of the District for the preceding fiscal year to the Legislature and the Secretary of State by October 1 of each year. Allows the Senate Finance Committee and the House of Representatives Ways and Means Committee, or their successor committees, to hold separate joint hearings to consider the annual report at the discretion of the chairpersons. Removes the requirement that a notice to proceed be issued for a hotel and convention center to be located on the multipurpose facility site. Requires certain provisions to be followed when public funds are distributed and expenditures reach \$500,000 or more.

FINANCE COMMITTEE (Cont'd.)

property tax roll; corrections (S.B. 1352) – Chapter 249

Makes various technical and conforming changes to the tax roll correction statutes as follows:

Annual Notice of Full Cash Value – Allows a county assessor (assessor) to amend a notice of valuation within 60 days after mailing of the notice if the classification resulted in an incorrect opinion of value and outlines requirements for notification and certification.

Notice of Proposed Correction – Authorizes a taxpayer to appeal any valuation or legal classification issue that arises from proposed corrections and requires a tax officer to meet with the taxpayer to discuss the basis for the dispute. The tax roll must be corrected promptly if the parties reach an agreement on the proposed correction; otherwise, the taxpayer can file a petition with the State Board of Equalization (Board) within 30 days after the date of the meeting. Enumerates related procedures and requirements, including those related to evidence and limitations.

Notice of Claim – Allows the taxpayer that has filed a notice of claim regarding improperly assessed property to file a petition regarding a notice of claim with the Board within 90 days after the date of meeting. Overpaid taxes must be refunded with interest at a rate determined by the Internal Revenue Code.

Valuation of Property – Clarifies that in valuing any property, the assessor, the Department of Revenue or the review body must use the valuation and legal classification criteria that were in effect on the valuation date for the tax year of correction.

Correcting Tax Roll by County Treasurer – Requires a property owner to be notified of the roll correction if an error or omission is determined and allows the owner to appeal the correction. Specifies when a county treasurer must mail a corrected billing to the taxpayer.

Miscellaneous – Adds and modifies related definitions.

restructuring; Arizona entities (S.B. 1353) – Chapter 193

Beginning January 1, 2015, revises, modifies and adds stipulations allowing corporations and partnerships to participate in mergers, interest exchanges, conversions, domestications and divisions (transactions). Outlines procedures necessary to participate in any transaction, which includes approval of a plan and the signing of a statement, and details the process to amend or abandon the transaction. Describes the effects of a completed transaction and provides procedures for transactions that are ineffective. Revises transaction document filing fees for the Arizona Corporation Commission and the Secretary of State.

money transmitters; money laundering; definitions (S.B. 1408) – Chapter 254

Conforms the criminal code to reflect federal code changes regarding *money laundering*, *money transmitters* and *financial institutions*.

FINANCE COMMITTEE (Cont'd.)

taxes; manufacturers' electricity sales; exemption (S.B. 1413) – Chapter 7

Beginning August 1, 2014, exempts the gross proceeds from sales of electricity or natural gas to businesses principally engaged in manufacturing or smelting operations from transaction privilege tax (TPT) and use tax. In order to qualify for the exemption, a business must use at least 51 percent of the electricity or natural gas in manufacturing or smelting operations. Municipalities are required to either tax or exempt the gross proceeds from sales of electricity or natural gas to such businesses.

tax credit; manufacturers; renewable energy (S.B. 1484) – Chapter 8

SEE THE COMMERCE, ENERGY AND MILITARY COMMITTEE.

revenue; budget reconciliation; 2014-2015 (S.B. 1487) – Chapter 9

SEE THE APPROPRIATIONS COMMITTEE.

insurance; continuing education; definition (H.B. 2001) – Chapter 19

Retroactive to September 12, 2013, redefines *continuously licensed* to include insurance producer licenses that have expired if: 1) the late fee is paid and the license is renewed; or 2) the license is placed on inactive status.

~~ASRS; in-service distributions~~ (NOW: mortgages; trust deeds; deficiency actions) (H.B. 2018) – Chapter 129

Specifies that anti-deficiency protection does not apply to mortgages and deeds of trust originated after December 31, 2014, for the following: 1) property owned by a person who is engaged in the business of constructing and selling dwellings, that was acquired by such person in the course of such business, and that is subject to a mortgage or deed of trust given to secure payment of a loan for construction of a dwelling on the property for sale to another person; 2) property that contains a dwelling that was never substantially completed; and 3) property that contains a dwelling that is intended to be utilized as a dwelling but that is never actually utilized as a dwelling.

Clarifies that a dwelling is completed if either of the following occurs: 1) final inspection is completed, if required by the governmental body that issued the building permit for the dwelling; or 2) if a final inspection is not required by the governmental body that issued the building permit, the dwelling has been completed in all material respects as prescribed in the applicable ordinances and regulations of the governmental body that issued the building permit for the dwelling.

disaster recovery; businesses; tax; regulation (H.B. 2046) – Chapter 43

Temporary Tax Relief – Exempts out-of-state businesses in Arizona on a temporary basis solely for the purpose of performing disaster recovery during a disaster period from filing,

FINANCE COMMITTEE (Cont'd.)

remitting, withholding or paying state or local tax as follows: 1) income tax for or during the disaster period; 2) use tax on any infrastructure brought temporarily into this state for or during the disaster period; and 3) property tax on any property brought temporarily into this state for or during the disaster period. Any out-of-state business or a business registered in Arizona with affiliates in the state to perform disaster recovery must provide the Department of Revenue, on request, proper notice that it is in the state for the purpose of providing disaster recovery.

Income of a Nonresident – Exempts out-of-state employees in Arizona on a temporary basis solely for the purpose of performing disaster recovery during a disaster period from filing, remitting, withholding or paying state or local income taxes for or during the disaster period. Prohibits employers from withholding tax on the wages or salary of nonresident employees during that period.

Partnership and Corporate Returns – Exempts an out-of-state partnership or corporation temporarily in Arizona and whose only income in this state is from performing disaster recovery during a disaster period from filing an Arizona partnership or corporate return.

Licensing and Certification Exemption – Exempts out-of-state businesses and employees in Arizona on a temporary basis solely for performing disaster recovery during a disaster period from any state or local registration, licensing or certification requirements related to the performance of the disaster recovery. In order to qualify for the exemption, businesses must be in compliance with all applicable regulatory and licensing requirements in their state of domicile; employees must be in compliance with all applicable regulatory and licensing requirements in their state of residence. Any out-of-state business or business registered in Arizona with affiliates in the state to perform disaster recovery must provide proper notice to the Division of Emergency Management, within the Department of Emergency and Military Affairs, upon request.

travel insurance producer licensing (H.B. 2047) – Chapter 24

Permits a travel retailer to offer and issue travel insurance under a limited lines travel insurance (LLTI) producer business entity license under the following conditions: 1) the LLTI producer or travel retailer provides a purchaser of travel insurance with certain materials; 2) the LLTI producer establishes and maintains a register, on a form prescribed by the Director of the Department of Insurance, of each travel retailer that offers travel insurance on the LLTI producer's behalf; 3) the LLTI producer designates one of the producer's employees, who is a licensed individual producer, as the person responsible for the LLTI producer's compliance with Arizona travel insurance laws and rules; 4) the licensed individual producer complies with the fingerprinting requirements applicable to insurance producers in the resident state of the LLTI producer; 5) the LLTI producer pays all applicable insurance producer license fees; 6) the LLTI producer requires each employee or authorized representative to receive a minimum specified training or instruction program; and 7) the travel retailer offering or disseminating travel insurance provides prospective purchasers brochures or other written materials.

Stipulates that a travel retailer's employee or authorized representative who is not licensed as an insurance producer is prohibited from: 1) evaluating or interpreting the technical terms, benefits and conditions of the offered travel insurance coverage; 2) evaluating or

FINANCE COMMITTEE (Cont'd.)

providing advice concerning a prospective purchaser's existing insurance coverage; or 3) holding oneself out as a license insurer, licensed producer or insurance expert.

Specifies that LLTI producers and those registered under the producer's license are exempt from licensing examination requirements and that as the insurer designee, the LLTI producer is responsible for the acts of the travel retailer and must use reasonable means to ensure compliance by the travel retailer.

insurance adjusters; portable electronics (H.B. 2048) – Chapter 25

Allows residents of a state that does not issue licenses to adjusters for portable electronic device (PED) insurance to apply for a limited line license to adjust PED insurance claims in Arizona without an examination. Residents of Canada may also apply for a license granting the authority to adjust PED insurance claims in Arizona if they have such a license in another state.

Makes changes to statute related to PED sales. Continues to require that written materials be made available to customers notifying them of their option to cancel enrollment for coverage under a PED insurance policy; however, notice that a refund of unearned premium must be made within 60 days is no longer required to be printed as part of this disclosure. Repeals a requirement that PED insurance sales be made in conjunction with and incidental to a PED transaction in order to be exempt from insurance producer licensing and continuing education requirements.

Exempts registered third-party administrators of accident, health and life insurance claims from statutory requirements applied to an insurance adjuster.

ASRS membership; section 218 requirements (H.B. 2050) – Chapter 44

Eliminates the requirement that Arizona State Retirement System (ASRS) members be covered by an employer's 218 (Social Security) agreement. Repeals ASRS's defined contribution (DC) plan established by Laws 2013, Chapter 216 as all individuals who would have been eligible for that DC plan would now be required to contribute to the existing defined benefit plan.

Allows newly covered employees to purchase eligible service for cost plus interest within 180 days of membership. Outside of this 180 days, an employee could purchase eligible service in an amount equal to the present value of the additional benefit.

loan originators (H.B. 2098) – Chapter 196

Modifies requirements for obtaining a loan originator license. Extends the period an applicant must complete a course of study from two to three years immediately preceding the time of application. Removes the requirement to have passed the examination less than one year before granting the license and requires an applicant to retake the examination if the license was not maintained valid for five years or longer, not including time during which the applicant was a registered loan originator. Requires late continuing education to be completed in the last year of

FINANCE COMMITTEE (Cont'd.)

the loan originator's renewable status. Allows a licensee to be on inactive status for more than two consecutive renewal periods in any 10-year period.

collection agencies; license renewal (H.B. 2099) – Chapter 84

Clarifies that applicants for renewal of a collection agency license must file a financial statement no later than March 1 if an extension is granted and states that licenses not renewed on or before January 1 are suspended. A licensee may renew a suspended license by submitting prescribed fees, a renewal application and any applicable late fees to the Department of Revenue before January 31.

insurers; licensure; director examination (H.B. 2121) – Chapter 29

Modifies the licensure of insurance producers. Permits the business transactions and affairs of each domestic life and disability insurer, service company and mechanical reimbursement reinsurer to be examined on a discretionary basis rather than at least once every five years. Requires an applicant who moves to another state to apply for licensure from the new resident state within 30 days in order to remain continuously licensed in Arizona. Requires a person who fails an examination for a limited lines of authority license four times within a 12 month period to wait one year to be eligible to retake the exam. Removes the requirement that a bail bond agent be a licensed property producer in order to transact specific civil bonds. Requires surplus lines brokers to file statements as follows: 1) all surplus lines business covering Arizona risks on a semiannual basis; 2) all multistate transactions on a quarterly basis; 3) all surplus lines insurance business covering multistate risks with the responsible clearinghouse on a quarterly basis, if a clearinghouse is established and the Director of the Department of Insurance enters into a multistate agreement or compact. Permits the Department of Insurance to require non-licensee applicants to submit fingerprints for the purpose of conducting a criminal background check.

ASRS; election; EORP defined contribution (H.B. 2122) – Chapter 131 E

Current law allows an Arizona State Retirement System (ASRS) member who was subsequently elected to office to choose ASRS or the Elected Officials' Retirement Plan (EORP) defined contribution plan. H.B. 2122 is an emergency measure, retroactive to January 1, 2014, that removes the election option and requires the elected official to remain in ASRS.

Requires an elected official who no longer holds office to apply within one year of terminating office to qualify for any EORP disability program benefit. Payment of that disability benefit would be made retroactive only to the date the Public Safety Personnel Retirement System Board receives application for the disability.

~~technical correction; tax refund account~~ (NOW: county assessor; common area consolidation (H.B. 2141) – Chapter 133

Requires a county assessor to automatically consolidate common area parcel combinations within the same taxing district. If, upon further review, the parcel does not meet

FINANCE COMMITTEE (Cont'd.)

requirements of a common area, the parcel must be valued according to standard appraisal techniques. Clarifies that the revocation of a common area parcel valuation does not waive a community or homeowners associations' right to request the common area valuation.

state board of equalization; continuation (H.B. 2161) – Chapter 201

Retroactive to July 1, 2014, the State Board of Equalization is continued until July 1, 2024.

PSPRS contributions; county employers (H.B. 2166) – Chapter 202

Allows a county employer that elected to pay a higher level percentage contribution rate to the Public Safety Personnel Retirement System to eliminate that higher level percentage rate amount for members hired beginning January 1, 2015.

Provides retroactive dates for certain sections of law to allow health subsidies to be excluded from retirees' income for income tax purposes.

tax credits; capital investments; employment (H.B. 2272) – Chapter 168

SEE THE COMMERCE, ENERGY AND MILITARY COMMITTEE.

TPT; postmark; filing by mail (H.B. 2283) – Chapter 139

Effective January 1, 2015, allows a tax filing to be considered timely without a postmark if performed by the taxpayer within five business days after the due date of filing. Clarifies that the delinquent date for filing and payments are: 1) on or before the last business day of the month for electronic filing and payment; and 2) on or before the business day preceding the last business day of the month for all other filings and payments.

~~technical correction; mining classification~~ (NOW: refined coal transfer; tax exemptions) (H.B. 2285) – Chapter 54

Retroactive to January 1, 2014, for refining facilities constructed in Arizona, exempts the transfer of title or possession of coal from an owner or operator of a power plant to a person in the business of refining coal from state and municipal transaction privilege tax (TPT). Additionally exempts coal acquired from an owner or operator of a power plant by a person who is responsible for refining coal from use tax if: 1) the transfer of title or possession of the coal is for the purpose of refining coal; and 2) the title or possession of the coal is transferred back to the owner or operator of the power plant after completion of the coal refining process.

Specifies that the transfer of title or possession of coal may not be deemed as being engaged in business classified under the TPT retail classification.

FINANCE COMMITTEE (Cont'd.)

senior facilities; bond approval (H.B. 2286) – Chapter 140

Removes the requirement for the Department of Housing to review and approve bonds issued to finance non-profit 501(c)(3) senior facilities. Authorizes reviewing entities to collaborate in the review process including: 1) sharing information; 2) jointly conducting reviews; 3) adopting, in whole or in part, similar review work; and 4) coordinating review schedules. A reviewing entity that adopts review work completed by another reviewing entity is considered to have complied with its review responsibilities.

county treasurer; lien; sale (H.B. 2287) – Chapter 205

Repeals requirements for seized property to be sold to the county if no bid large enough to satisfy the property's outstanding tax lien is received at a public sale, permitting the county sheriff to convey property and title seized for nonpayment of taxes to the highest bidder even if the highest bid is lower than the amount of outstanding taxes. Any action sought to foreclose the right to redeem a tax lien on real property must name the treasurer of the county where the property is located as a party. If ownership of a property has changed after a notice of reclassification is issued by the county assessor, the civil penalty assessed for reclassification of property may not be charged to the new owner.

sales tax; reduced reporting requirements. (H.B. 2288) – Chapter 141

Effective January 1, 2015, requires the Department of Revenue to authorize taxpayers with an estimated annual tax liability between \$2,000 and \$8,000 to pay taxes on a quarterly basis and taxpayers with estimated annual tax liability of \$2,000 or less to pay on an annual basis.

insurance; notification; cancellation; nonrenewal (H.B. 2329) – Chapter 58

Allows an insurer to send notice of cancellation, nonrenewal or reduction of limits in automobile insurance by first class mail using intelligent mail barcode or another similar tracking method for any reason other than nonpayment of premium. Notice of cancellation or nonrenewal of commercial insurance policies may also be mailed by first class mail or delivered electronically to the agent of the insured party.

~~tax credit; just compensation~~ (NOW: life care contracts; in-home care) (H.B. 2331) – Chapter 91

Allows life-care contracts to include services provided in a person's private residence with the right of future access to services, board and lodging at a care facility. The individual receiving such care in the person's home is referred to as a *contract holder*.

All life-care contracts must include a period of seven days during which the contract holder may rescind the contract. If a court finds a life-care contract provider to be financially unsound or unsafe contract holders must be notified in the same manner as residents of a care facility. An entrance fee may be charged to a contract holder and held in escrow in the same

FINANCE COMMITTEE (Cont'd.)

manner as it would be if that individual were entering a care facility, to be released from escrow on the day care begins.

Applicants seeking to qualify for a permit to enter into a life-care contract to provide services in a person's private residence must include the following, in addition to what is required on the permit application: 1) services that will be provided to contract holders; 2) terms and conditions of the contract; 3) an estimate of the number of contract holders who will be receiving such services; 4) frequency and average dollar amount of periodic rate increases charged to contract holders in the last five years; 5) a statement of the terms and conditions under which the life-care contract may be cancelled; and 6) an actuarial study, including estimated expenses for providing care in individuals' homes. Entities operating under a provisional permit may solicit reservations and collect deposits for the provision of services in private residences. Upon issuance of a permit the Director of the Department of Insurance must record a lien against the care facility in favor of all residents; this legislation includes contract holders in the favor of such liens.

income tax brackets; inflation index (H.B. 2377) – Chapter 10

Requires the Department of Revenue to adjust the income tax bracket for tax year 2015 values using the average annual change in the Metropolitan Phoenix Consumer Price Index. Brackets may not be revised below their value in a previous year.

municipal taxes and fees; prohibition (H.B. 2378) – Chapter 169

Retroactive to January 1, 2014, prohibits the municipal levy of a tax or fee for public services based on the size or value of property, unless that tax or fee is provided in statute. Grandfathers any municipal ordinance adopted prior to December 31, 2013, that requires owners to obtain fire prevention and control services.

technical correction; TPT (NOW: transaction privilege tax changes) (H.B. 2389) – Chapter 263

Makes the following adjustments to statute regarding the implementation of the transaction privilege tax (TPT) changes of 2013:

Licensing – Makes changes regarding TPT licensing. Requires a person who desires to engage or continue in business to annually apply for a state and municipal TPT license valid only for the calendar year in which it is issued. Establishes licensing and renewal fees of up to \$50, as established by city or town ordinance for a municipal TPT license and a due date for renewal fees of January 1. Requires the Department of Revenue (DOR) to collect, hold, pay and manage the fees in trust for the municipality and prohibits DOR from using the monies for other purposes. Prohibits a person from engaging or continuing to engage in business until a municipal TPT license has been obtained. Requires, beginning January 1, 2015, a civil penalty of up to \$25 to be added to the renewal fee for each jurisdiction if a taxpayer continues in business without timely renewing a municipal TPT license. Requires a person who is engaged in business in two or more locations or under two or more business names to procure state and municipal TPT licenses for each location or business name, regardless of whether all locations or

FINANCE COMMITTEE (Cont'd.)

business names are reported on a consolidated return under a single TPT license number and stipulates that such a person is required to pay only a single municipal TPT license renewal fee for each local jurisdiction. Requires such a person who does not file a consolidated return under a single license number to pay a renewal fee for each location or license in a local jurisdiction.

Contracting – Revises language pertaining to TPT exemption certificates required for certain contractors and the contractor exemption under the prime contracting classification. Also, removes *addition* and *subtraction* from the definition of *modification*.

Administration – Allows the Department of Revenue (DOR) to accept credit cards for all payments. Allows for e-signatures on all returns, statements and other filed tax documents regardless of whether the document complies with current electronic and digital signature statutory requirements. Requires any person conducting business in two or more locations or under two or more business names to file TPT returns by electronic means. Specifies that municipal TPT levied by a city or town is governed by TPT-specific administration statutes and that a city or town is not precluded from levying TPT, sales use or other similar tax as a result of a person's business activities as provided in statute. Prohibits a trained and authorized auditor from representing any taxpayer in any tax matter and requires appeals of audit assessments to be administered pursuant to tax appeals statute. Repeals statute regarding municipal TPT refunds and outlines the process for claims for credit or refunds of municipal TPT for tax periods ending before January 1, 2015. Requires the municipal tax hearing office to hear all reviews of petitions for hearing or redetermination under the model city tax code for cities and towns not in the state collection system as of January 1, 2013. Requires the municipal tax hearing office to hear appeals related to audits initiated by a municipality prior to January 1, 2015, and review all matters initiated by a municipality beginning January 1, 2015. Stipulates that beginning October 1, 2014, DOR must mail a single notice for annual TPT license renewal to existing license holders and must include renewal for state and municipal TPT and affiliated taxes. Allows DOR, retroactive to April 12, 2013, to share confidential information relating to taxes collected on behalf of a county if the information relates to a taxpayer who is taxable by a county, city or town. Repeals the municipal tax hearing office upon issuance of the final decision promulgated by the municipal tax hearing office and requires DOR to notify the Director of the Arizona Legislative Council of this date in writing.

workers' compensation; deviation rate (NOW: self-insured employers; deviation; continuation) (H.B. 2394) – Chapter 35

Continues the 10 percent deviation rate for the purposes of calculating taxes and assessments to be paid by self-insured employers, including authorized workers' compensation pools, through calendar year 2020.

property tax calculations; school districts (H.B. 2395) – Chapter 209

Modifies the time that a county school superintendent (superintendent) must certify the amount of equalization assistance for education and the additional amount required to be levied from the primary property tax to the Property Tax Oversight Commission (PTOC), from on or before three days before the county board of supervisors (BOS) levies school district taxes, to

FINANCE COMMITTEE (Cont'd.)

July 25 of each year. Requires the superintendent to file a written estimate of the amount of monies required by each school district for the ensuing school year based on proposed budgets adopted by district boards with the PTOC by July 25 of each year. Requires the PTOC to review primary property tax calculations, including the tax levy and rate. Requires the superintendent to file, in writing, an amount required to be levied for each school district from both the primary tax rate and the secondary tax rate to the PTOC and BOS by the third Monday in August. Modifies the date that the superintendent must file estimates of the amount of school monies required by each district for the ensuing year, based on budgets adopted by district boards from not later than August 1 each year to July 25 each year. Eliminates certain requirements that the superintendent must fulfill by notifying the BOS as outlined.

state parks; disabled veteran's pass. (NOW: property; valuation; renewable energy; equipment) (H.B. 2403) – Chapter 264

SEE THE COMMERCE, ENERGY AND MILITARY COMMITTEE.

information technology; interoperable radio communications (NOW: waste facility; prime contracting deduction) (H.B. 2415) – Chapter 228

SEE THE APPROPRIATIONS COMMITTEE.

interstate insurance product regulation compact (H.B. 2482) – Chapter 95

Establishes Arizona as a member of the multistate Interstate Insurance Product Regulation Commission for the purpose of filing, reviewing and approving asset-based insurance products.

consumer lender loans (H.B. 2526) – Chapter 96

Increases the amount of original principle of a consumer lender loan to which the maximum statutory interest rate (equivalent to 36 percent annually) may be applied from \$1,000 to \$3,000; any amount in excess of \$3,000 may be charged an interest rate up to the equivalent of 24 percent annually. Increases the maximum permissible origination fee for a consumer lender loan from \$75 to \$150. Increases the maximum credit limit of a consumer revolving loan or home equity revolving loan that may be charged a periodic rate equivalent to 36 percent annually from \$1,000 to \$3,000, with any amount extended in excess of \$3,000 subject to a maximum periodic rate equivalent to 24 percent annually. Consumer loans, consumer revolving loans and home equity revolving loans in existence before July 24, 2014, and with total new cash advances of less than \$100 are exempt from rate adjustments.

Prohibits consumer lenders from holding a person responsible for a loan incurred as a result of fraud or identity theft. Derogatory information reported to a consumer reporting agency as a result of fraudulent activity or identity theft must be corrected by the consumer lender. Consumer lenders are also permitted to give consumers prizes, goods, wares, merchandise or other items of tangible property up to \$25 in aggregate value.

FINANCE COMMITTEE (Cont'd.)

insurance; selfevaluative privilege (H.B. 2560) – Chapter 154

Allows an insurance compliance audit (audit) to be conducted by or on behalf of an insurance company licensed, regulated or involved in an activity regulated under state insurance statutes and enumerates what is included in audit documents.

Requires a company to notify the Director of the Department of Insurance (Director) of an audit before it begins, and to notify and make all audit documents available to the Director at the audit's conclusion. The Director is permitted to obtain audit documents at any time and use them in the furtherance of any regulatory or legal action brought as part of the Director's duties. Insurance companies are required to comply with all compliance dates set by the Director with respect to the audit.

Stipulates that audit documents are privileged information and not discoverable or admissible as evidence in any legal action in any civil or administrative proceeding other than a regulatory or legal action brought as part of the Director's duties. Outlines circumstances in which the confidentiality privilege does not apply. A court of record, after an in camera review, can require disclosure of material for which the confidentiality privilege is asserted if the court determines: 1) the confidentiality privilege is asserted for a fraudulent purpose; 2) the material is not subject to the confidentiality privilege; or 3) the privileged material shows evidence of noncompliance with applicable state or federal laws, rules, regulations or orders of the Department of Insurance (DOI) and the company, person or entity fails to undertake corrective action or eliminate the noncompliance within the compliance date set by the Director.

Permits parties to stipulate in civil or administrative proceedings to entry of an order directing that specific information contained in an audit document is or is not subject to confidentiality. The stipulation is limited to the instant proceeding and, absent specific language, is not applicable to any other proceeding. If an audit report is obtained, reviewed or used in a criminal proceeding, confidentiality privileges are not waived or eliminated for any other purpose.

Specifies that, except for the Director's authority, within 30 days after an insurer is served a written request for disclosure of an audit document, an insurer can file a petition requesting an in camera hearing on whether the audit document is privileged or subject to disclosure and outlines requirements related to filing a petition. A company's failure to file a petition waives the confidentiality privilege for only the request for an in camera hearing.

blanket disability insurance; special groups (H.B. 2598) – Chapter 100

Expands eligibility for blanket disability insurance policies to include 1) the owner, operator or lessee of a means of transportation; 2) a civil defense entity; 3) a religious, charitable, recreational, educational or civic organization; 4) a publisher; 5) a restaurant, hotel, motel, resort, or innkeeper; 6) a health care provider; 7) a bank, financial vendor or similar financial institution; 8) an association of persons with a common interest or calling; and 9) a travel agent or other agency providing travel related services. The Director of the Department of Insurance may exercise discretion based on individual risk, class of risks or both when evaluating the

FINANCE COMMITTEE (Cont'd.)

issuance of a blanket disability insurance policy to a group substantially similar to those specified in statute.

tobacco settlement agreement (H.B. 2674) – Chapter 160

Conforms statute to comply with the tobacco Master Settlement Agreement (MSA) as follows:

Taxation – Establishes a penalty of \$100 per month for any person who fails to file a required tax return or report, with a maximum of \$500 for each return or report. Beginning July 1, 2015, requires a distributor of tobacco products, other than cigarettes, to electronically file any tax report or return by the payment date from monies immediately available for transfer, and establishes civil penalties for the failure to make a payment and file electronically. Requires the Department of Revenue (DOR) to consider tobacco taxes paid at the time of the sale, distribution or transfer of tobacco products, other than cigarettes, if a licensed distributor reports and remits the taxes on the products in accordance with statute. Specifies that sworn returns prepared and remitted by a licensed distributor constitute official indicia that tobacco taxes have been paid on such tobacco products at issue. Outlines the process for a distributor to request any refund or rebate of taxes paid on tobacco products. Establishes a deadline for a cigarette distributor to file a return for each place of business and requires any retailer of tobacco products to retain all invoices or equivalent documentation.

Disclosure of Confidential Information – Requires DOR to release confidential information to the Attorney General (AG) for purposes of determining compliance with certain laws. Additionally, DOR and the AG are required to share information regarding specified laws and disputes with certain entities. Removes the ability of DOR to disclose confidential information to the AG to determine compliance with statute regarding unauthorized providers of tobacco products.

Business Inspection – Requires any DOR inspection to begin during normal business hours of the place of inspection and stipulates that any inspection does not require a judicial warrant or the prior written consent of the wholesaler, distributor or retailer. Prohibits a business from maintaining any books, papers, invoices, records and inventories of luxuries subject to DOR inspection in a place and manner that requires a judicial warrant and requires a business that maintains such records electronically to provide access to the data for DOR inspection at its business location during normal business hours.

Licensure – Requires license applications to be accompanied by a \$25 fee for each place of business listed on the application and include all businesses where the applicant's business is conducted for the purpose of making the initial sale or distribution of tobacco products in Arizona, including any location that maintains an inventory of tobacco products. Requires a \$25 fee for each location change not currently listed on a licensee's application. Specifies that an applicant with a controlling interest in more than one business engaged in activities as a distributor must apply for a single license encompassing all such businesses and list each place of business on its application. Prohibits a licensee from transferring its license to a new owner and any court-appointed trustee or other person to obtain a license in its own name in cases of

FINANCE COMMITTEE (Cont'd.)

liquidation, insolvency or bankruptcy, if the business remains in operation as a distributor of tobacco products. Requires a licensee to apply for a new license if there is a change in legal entity status or legal structure of the business. Requires an applicant to display a copy of its license in a conspicuous place at each licensed location and outlines the conditions an applicant must agree to as a condition of licensure. Enumerates situations in which DOR cannot issue or renew a distributor's license, or may revoke such a license. Stipulates that any suspension, revocation or nonrenewal of a distributor's license must: 1) apply only to the place of business where the activity occurred; and 2) comply with the uniform administrative hearings statutes.

Unstamped Cigarettes – Prohibits a person from holding, storing or transporting unstamped cigarettes for sale or distribution in Arizona in any vehicle except under specified circumstances. Permits only a licensed cigarette manufacturer or importer to hold unstamped cigarettes. Retroactive to April 1, 2012, permits a licensed distributor to submit a written request to sell, distribute or transfer unstamped cigarettes to another licensed distributor and requires DOR to approve or deny the request within 10 days.

Payment for Cigarette Stamps – Clarifies that official cigarette stamps can be purchased at the current discount rates until October 1, 2014, and establishes the discount rate for cigarette stamps purchased after that date. Stipulates that any refund of or rebates on cigarette stamps requested by a licensed distributor must be issued in a specified amount. Permits a distributor to request that DOR waive the bonding requirement regarding the payment for official stamps under certain circumstances. Requires DOR to redeem unused or spoiled Arizona tax stamps if those stamps are unaffixed and purchased within two years of the date of the request for redemption and prohibits a person from selling or offering cigarettes in Arizona unless the tax has been paid as evidenced by an Arizona tax stamp.

Cigarettes Purchased on Indian Reservations – Beginning January 1, 2015, specifies that a cigarette distributor must affix tax or tax-exempt stamps, as applicable, distinguishable from any other required stamp. Specifies that this requirement applies to cigarettes purchased on an Indian reservation by an enrolled member of the governing tribe. Permits DOR to collect and administer any tribal excise tax on tobacco products imposed by an Indian tribe upon entering into an intergovernmental agreement (IGA) or contract with the tribe, and specifies that such an IGA or contract must contain provisions for a uniform or coordinated audit procedure for the taxes imposed by the state and tribe.

Trade and Commerce – Prohibits a tobacco manufacturer from submitting supplemental documentation upon rejection of a tobacco product manufacturers certification (certification). Removes the Director of DOR (Director) from the certification process and outlines information that a nonparticipating manufacturer (NPM) must include in its certification. Specifies that an NPM's certification must certify all shipments made to a licensed tobacco distributor in Arizona, unless the NPM or its affiliate is licensed as an Arizona tobacco distributor. Requires a tobacco product manufacturer not currently listed in the state directory to submit an initial certification subject to the same requirements for annual certifications. Requires bond certifications, materials and importer declarations to be submitted as part of the initial, annual and supplemental certifications. Clarifies that each distributor must submit information to DOR in order to facilitate compliance as specifies and requires certain tobacco product manufacturers to

FINANCE COMMITTEE (Cont'd.)

make required escrow deposits in quarterly installments following each sales quarter in accordance with the outlined deposit schedule.

Miscellaneous – Exempts the AG and DOR from rulemaking requirements for one year and prohibits a retailer from using a vehicle as a place of business for selling tobacco products; however, the lawful delivery of tobacco products by a person who holds a valid distributor license using a vehicle that is owned, operated or contracted by that person is not prohibited. Modifies terms and definitions.

PSPRS; employer liability; death benefits (H.B. 2693) – Chapter 274

Requires the actuarial present value of the amount computed for a surviving spouse of a deceased Public Safety Personnel Retirement System member who is killed in the line of duty to be directly deposited into the employer account and charged against investment earnings of the fund before those earnings are distributed to employers.

theme park districts; formation; bonds (H.B. 2694) – Chapter 275

SEE THE COMMERCE, ENERGY AND MILITARY COMMITTEE.

TPT; health sciences institutions; exemption (H.B. 2701) – Chapter 276

Defines a *qualifying health sciences educational institution* as a 501(c) nonprofit that solely provides graduate and postgraduate instruction in health sciences. Exempts a qualifying health sciences educational institution from 1) use tax; 2) transaction privilege tax (TPT) in the retail, publication and job printing classifications; and 3) municipal TPT, use, sales or similar taxation.

LEGISLATION VETOED

tax credits; STOs; preapproval; entities (S.B. 1048) – VETOED

Extends corporate tax credits for contributions made to a school tuition organization (STO) to S-Corporations and permits stockholders of S-Corporations to claim a pro rata share of the tax credit based on ownership interest, effective tax year 2014. Credit for contributions to STOs may not be claimed if any of the following apply: 1) the contribution is made for the benefit of the taxpayer's dependent; 2) a business designates a student beneficiary as a condition of the contribution; or 3) two or more taxpayers agree to designate the contribution for the benefit of each other's dependents. STOs are prohibited from awarding grants or scholarships to students who are simultaneously enrolled in a district or charter school and a qualifying school.

The Governor indicates in her veto message that the aggregate cap on the tax credits addressed by S.B. 1048 will continue to increase by 20 percent per year in perpetuity and that such growth should occur only after careful consideration by the Legislature rather than by formula. She also indicates that S.B. 1048 would allow the owner of an S-Corporation to circumvent caps for individual contributions to STOs. Finally, the Governor indicates that S.B. 1048 would be unnecessarily burdensome for the Department of Revenue to administer.

FINANCE COMMITTEE (Cont'd.)

leased religious property; class nine (H.B. 2281) – VETOED

Expands the classification of class 9 properties to include property leased to nonprofit religious institutions and used primarily for religious worship. Property owned by a 501(c)(3) organization and leased to a nonprofit primarily for religious worship can be exempted from property tax by filing an affidavit and evidence of the tax exempt status of the property owner with the appropriate county assessor.

In her veto message, the Governor indicates that there is no guarantee that property owners will pass the benefit on to their tenants despite the provision in the bill that attempts to accomplish this. The Governor also states that this legislation would create significant administrative challenges for assessors by requiring the tracking of commercial property usage and leasing categories for the anticipated religious purposes. Finally, the Governor indicates that there is insufficient data to determine the size of the tax shift to homeowners and businesses that would have occurred as a result of this legislation.

income tax revisions (H.B. 2664) – VETOED

Allows a taxpayer, beginning in tax year (TY) 2014, to take an expense deduction to the amount allowed under federal law if the maximum deduction were \$500,000, reduced by the amount exceeding \$2,000,000, and outlines necessary calculations regarding additions to Arizona gross income for taxpayers using the business expensing provisions for and after TY 2014. Also, repeals obsolete statute regarding calculating additions and subtractions to Arizona gross income.

In her veto message, the Governor states that by enacting only one provision of the Internal Revenue Code (IRC) into Arizona law, this legislation creates an inconsistency with the state's longstanding policy to consider each year whether to conform the IRC in the context of other tax policy and budget considerations. The Governor also indicates that the \$25,000,000 needed to enact this legislation would be better utilized to fund critical child safety functions, services and reforms.

Government & Environment Committee

Senator Gail Griffin, Chairman



Sharon Langford, Research Analyst

Bryan Durham, Assistant Analyst

Catcher Baden, Intern

GOVERNMENT & ENVIRONMENT COMMITTEE

LEGISLATION ENACTED

leave of absence; auxiliary members (NOW: auxiliary members; leave of absence) (S.B. 1040) – Chapter 66

SEE THE COMMERCE, ENERGY AND MILITARY COMMITTEE.

sunrise; committees of reference; referral (S.B. 1091) – Chapter 231

Requires health profession and non-health profession applicant groups to submit written sunrise reports to the President of the Senate (President) and Speaker of the House of Representatives (Speaker) instead of the Joint Legislative Audit Committee (JLAC). Requires the President or Speaker, instead of JLAC, to assign written reports to the appropriate legislative Committees of Reference (COR). Eliminates the requirement that legislative CORs deliver reports of recommendations to JLAC.

silver alert notification system (S.B. 1097) – Chapter 232

Requires the Department of Public Safety (DPS) to establish a Silver Alert Notification System meant to quickly issue and coordinate alerts of missing persons aged 65 and older. Outlines circumstances in which DPS must issue a Silver Alert at the request of the investigating law enforcement agency and distribute relevant information to appropriate entities.

Navajo code talkers' day. (S.B. 1099) – Chapter 181

Designates August 14 as Navajo Code Talkers' Day.

sewer connection; county islands; prohibition (S.B. 1150) – Chapter 72

Prohibits a municipality from requiring property owners to connect to the city or town's sewer system if the property is located in a county island unless the Arizona Department of Environmental Quality has determined that connection is necessary to abate an environmental nuisance or to eliminate a threat to water quality standards.

sanitary district bonds; terms (S.B. 1164) – Chapter 109

Increases the maximum maturity period for voter-approved sanitary district bonds from 20 years to 30 years, and from 40 years and 3 months to 41 years if the initial purchaser is the U.S. government or any department, division or agency thereof. Increases the maximum maturity period for sanitary district improvement bonds from 25 years and 3 months to 30 years and 3 months, and from 40 years and 3 months to 41 years if the initial purchaser is the U.S. government or any department, division or agency thereof. Allows a sanitary district to issue bonds that refinance existing debt and mature over a period of 41 years, under certain circumstances. Conforms the maximum number of installments in which the assessment is payable to the number of years in which the bonds are paid.

GOVERNMENT & ENVIRONMENT COMMITTEE (Cont'd.)

fire access roads; limitation; sprinklers. (S.B. 1183/H.B. 2489) – Chapter 73

Prohibits municipalities and counties from requiring the adoption of any fire code, ordinance, or other legal requirement for an approved fire apparatus access road, extension, or both, that directly or indirectly requires the installation of fire sprinklers. A fire code official may increase or extend an approved fire apparatus access road, extension, or both, but compliance is not grounds to deny or suspend a license or permit.

planned communities; definition; property easements (S.B. 1184) – Chapter 112

Expands the definition of a *planned community* to include real estate on which an easement or covenant to maintain roadways is held by a nonprofit corporation or unincorporated association of owners, thereby subjecting such communities to homeowners' association requirements. Clarifies that planned communities do not include condominiums.

~~technical correction; real estate licensing~~ (NOW: real estate advisory board; membership) (S.B. 1213) – Chapter 74

Adds a member to the Real Estate Advisory Board who has been engaged in multifamily residential rental property management with a real estate broker license for five years immediately preceding appointment.

~~technical correction; real estate regulation~~ (NOW: natural resource conservation district; expertise) (S.B. 1214) – Chapter 243

Recognizes the special expertise of the Natural Resource Conservation Districts in the fields of land, soil, water and natural resources management within their boundaries.

~~technical correction; real estate department~~ (NOW: unsubdivided land; definition) (S.B. 1215) – Chapter 187

Modifies the definition of *unsubdivided lands* to include any land sold that would otherwise constitute the sixth lot from a parcel if the sale occurs 10 or more years after the earliest of the previous five sales and if all the sales consist of property that was originally contained within the same parcel that is between 36 acres and 160 acres.

precinct officers; salaries (S.B. 1217) – Chapter 113

SEE THE JUDICIARY COMMITTEE.

aquifer protection permits; post-closure procedure (S.B. 1274) – Chapter 115

Requires the cost estimate for evaluation of financial competence for closure of a discharge facility to be based on the cost to hire a third party to conduct the closure strategy plan, with exceptions, and requires periodic updates no more frequently than once every five years or as specified. The applicant or permittee must also maintain financial responsibility to cover closure costs and postclosure monitoring maintenance for the duration of an Aquifer Protection Permit (APP) and demonstrate such compliance no more frequently than once every two years.

GOVERNMENT & ENVIRONMENT COMMITTEE (Cont'd.)

State and federal agencies, municipalities and other local governmental entities are exempt from the closure cost estimates, periodic updating and financial responsibility reporting requirements.

Allows the Arizona Department of Environmental Quality Director, with the applicant's consent, to include the following as a condition of an APP: 1) mitigation measures for non-hazardous releases instead of issuing a mitigation order; and 2) remedial action requirements. Furthermore, as it relates to point of compliance, if an aquifer water quality standard is exceeded at the time an APP is issued, the requirement that there be no further aquifer degradation applies.

Arizona resource advisory council (S.B. 1292) – Chapter 117

Establishes the Arizona Resource Advisory Council (Council) to act as an advisory body to the U.S. Bureau of Land Management and other federal land management agencies on the planning and management of federal land resources in Arizona, except for rangeland resources. Outlines Council membership, specific duties and annual report requirements. Sunsets the Council on July 1, 2024.

semipublic swimming pool barrier gates (S.B. 1305) – Chapter 78

Specifies that municipal or county codes, regarding locking devices for semipublic swimming pool barrier gates used as means of exiting and entering the pool, apply beginning January 1, 2015. Grandfathers certain locking mechanisms of semipublic pools if: 1) they were installed before January 1, 2015; and 2) the locking device meets the statutory requirements for pool gates.

governmental entities; credit card payments (S.B. 1306) – Chapter 118

Enables governmental entities to require vendors to accept a specific method of payment exclusively for any goods or services provided by the vendor to those entities. The governmental entities must: 1) disclose the required method of payment during the bid process; or 2) amend the contract under mutual agreement with the vendor.

Requires governmental entities that pay vendors by credit card to disclose in annual financial reports the amount of any reward, discount, incentive or other financial consideration received as a result of paying by credit card.

~~fee consultant; indemnity agreement~~ (NOW: residential construction; fall protection) (S.B. 1307) – Chapter 119

Requires employers to provide fall protection for every employee who engages in residential construction activities six feet or more above lower levels. Redirects responsibility for certain fall protection standards from employees to employers and eliminates the ability to temporarily suspend the fall protection provisions for certain types of work. Exempts an employee making an inspection, investigation or assessment of workplace conditions before the start of actual construction work or after all construction work has been completed from fall protection requirements. Considers an employee protected from falls between joists, rafters and roof trusses if the center spacing does not exceed 24 inches when that employee is walking or working on securely braced joists, rafters or roof trusses more than 6 feet from an unprotected

GOVERNMENT & ENVIRONMENT COMMITTEE (Cont'd.)

side or edge and less than 15 feet above the surrounding grade or lower level below. Removes exemptions relating to specific roof grades or slopes and stipulates compliance with the general roofing operations and equipment statutes. Eliminates a roof jack system as a method of compliance with personal fall protection statutes. Requires a qualified person to develop a supplement to a written fall protection plan (plan) to cover the fall hazard if a worksite has a fall hazard not covered in the written plan. Includes an arrested fall as a circumstance requiring employers to investigate and determine if the plan needs to be amended.

Contains a conditional repeal contingent upon the U.S. Occupational Safety and Health Administration publishing a final decision to reject specified changes in this legislation to Arizona's Occupational Safety and Health Plan.

fire districts; board size; formation (NOW: special districts) (S.B. 1387) – Chapter 252 E

An emergency measure, effective April 30, 2014, that makes the following changes to fire district statutes, excluding noncontiguous county island fire districts: 1) requires fire district financial audits and financial reviews to be based on total revenue rather than the budget, modifies the dollar amount that triggers either an audit or review and grants the county attorney authority to investigate and take action on noncompliance; 2) requires a fire district administered by a three-member board that levies taxes greater than \$500,000 in any fiscal year to be administered by a five-member board; 3) outlines the process to fill fire district board vacancies; 4) requires, beginning with the 2014 general election, at least six hours of professional development training for all fire district board members and fire chiefs; 5) prohibits nepotism among fire district board members and employees; and 6) outlines procedures for a fire district to amend an adopted budget.

As it relates to noncontiguous county island fire districts, makes the following changes: 1) eliminates the ability of the organizing board to enter into written agreements with a third party for the reimbursement of certain services related to the successful formation of the district; and 2) narrows the definition of *noncontiguous county island fire district* by removing the ability for a district to form consisting of one or more noncontiguous county islands not contained in a municipal planning area surrounded by any combination of federal, state, county, municipal or fire district jurisdictional boundaries that is served by a private fire protection service provider.

Modifies special taxing district creation and boundary change procedures as follows: 1) allows original and additional petition signatures to be submitted during the one-year period rather than requiring the person to request an extension; and 2) removes the specified timeframe for the county board of supervisors to set a hearing date and instead requires the date to be set upon receipt of the petitions, including any supplemental signatures and the county assessor's report.

United States submarine memorial (S.B. 1401) – Chapter 227

SEE THE COMMERCE, ENERGY AND MILITARY COMMITTEE.

GOVERNMENT & ENVIRONMENT COMMITTEE (Cont'd.)

water protection fund; mesquite; tamarisk (S.B. 1478) – Chapter 126

Allows the Arizona Water Banking Authority (AWBA) to purchase long-term storage credits (LTSC), including LTSC for the purpose of Indian firming using legislative appropriations or specified withdrawal fees, only after AWBA has stored or scheduled for storage all available excess Central Arizona Project (CAP) water or when CAP water is otherwise unavailable or undeliverable. Requires AWBA to confer with the Central Arizona Water Conservation District (CAWCD) concerning the purchase of LTSC for which CAWCD is the recovery agent. Requires additional projections relating to LTSC in AWBA's adopted plan of operation and the development of an accounting system for the LTSC purchased.

Prohibits any project that includes the planting of mesquite, tamarisk or other nonnative high water use trees from receiving Water Protection Fund (Fund) monies but allows Fund monies to be used for removal of those trees.

Establishes the Watershed Improvement Program (Program) under the authority of the Arizona Department of Water Resources (ADWR) Director for the purpose of selective control, reduction, or removal of noxious brush and other vegetation and for the revegetation of the land. Requires the Program to be funded from any monies made available for that purpose from the Fund, ADWR and other monies received by the Program. Funding for projects consistent with the purposes of the Program may be provided to any eligible person, organization or political subdivision and requires ADWR to implement rules to establish priorities for project funding. Sunsets the Program on July 1, 2024.

federal milk ordinance; rulemaking exemption (S.B. 1481) – Chapter 82

Exempts the Arizona Department of Agriculture from the rulemaking process for the purpose of adopting and implementing the federal milk ordinance.

homeowners' associations amendments; omnibus (S.B. 1482/H.B. 2695) – Chapter 83

Repeals and reinserts homeowners' association (HOA) provisions adopted in 2013 that were nullified by the court, with some modifications.

Planned Communities and Local Governments – Prohibits a planning or zoning entity of a local government from requiring a developer to establish an HOA as part of a subdivision regulation or zoning ordinance. Similarly, prevents a developer from being penalized because a development does not include a planned community. However, a local government may require a developer to enact an HOA to maintain private improvements.

Management Companies – Outlines actions employees of HOAs or employees and officers of lawfully contracted management companies may take on behalf of the HOA.

Rental Properties – Enumerates rights and responsibilities related to rental properties in planned community and condominium HOAs. Clarifies that owners may rent their unit or property unless doing so is prohibited in the HOA declaration and limits the tenant information the HOA may require. Allows the HOA to charge a \$25 fee for each new tenancy and prevents an HOA from assessing fees differently on a rental property than on an owner-occupied property.

GOVERNMENT & ENVIRONMENT COMMITTEE (Cont'd.)

Political Signs – Prohibits condominium HOAs from restricting political signs unless the regulation is no more restrictive than the applicable local government ordinance regarding the size and number of signs on residential property.

Miscellaneous – Requires filing fees related to disputes between an owner and an HOA to be refunded before a hearing is scheduled under certain circumstances.

address confidentiality program (H.B. 2100) – Chapter 130

Allows Address Confidentiality Program (ACP) participants to request additional personal information maintained by the county recorder, assessor and treasurer be prohibited from public access, and establishes related requirements. Extends the participant renewal period from four to five years and removes the requirement that renewal applications be dated and signed by the application assistant who assisted in the application's preparation. Requires individuals who cease to be ACP participants to notify government entities that the substitute address is no longer valid.

weights; measures; false statement; penalty (H.B. 2112) – Chapter 47

Establishes, as a class 2 misdemeanor, the crime of knowingly filing any falsified or misstatement of fact with the Arizona Department of Weights and Measures for the licensure of commercial devices.

air quality forecasting; nonattainment areas (H.B. 2125) – Chapter 86

Requires the Arizona Department of Environmental Quality to develop and disseminate air quality dust forecasts for the Maricopa County PM-10 maintenance area and any other PM-10 nonattainment or maintenance areas designated as of January 1, 2012.

municipal annexation; size; exception (H.B. 2126) – Chapter 256

Satisfies the *contiguous* width requirement for the purpose of annexation if 95 percent of the territory is at least 200 feet in width, excluding rights-of-way and roadways. Repeals the modified definition of *contiguous* on January 1, 2015.

Provides a formula for determining whether a candidate for mayor or city council receives the majority of votes cast at a primary election held in 2014 or 2015. Stipulates that if more candidates receive a majority of votes than there are seats to be filled for an office, the candidates who receive the highest number of votes equal to the number of seats to be filled must be declared elected to that office. Provides requirements for determining which candidates must advance to the general or runoff election. Requires candidates equal in number to the seats to be filled who receive the highest number of votes at the general or runoff election to be declared elected to office.

weights; measures; vapor recovery systems (H.B. 2128) – Chapter 132 E

An emergency measure, effective April 22, 2014, that requires the Arizona Department of Weights and Measures, in consultation with the Arizona Department of Environmental

GOVERNMENT & ENVIRONMENT COMMITTEE (Cont'd.)

Quality and the State Fire Marshal, to establish standards by rule to decommission Stage II vapor recovery systems beginning October 1, 2016. All Stage II vapor recovery systems and testing must remain in place until decommissioning; however, retail stations that begin construction after April 22, 2014, are exempt from these requirements. Applies all regulations and requirements of Stage II vapor recovery systems to Stage I vapor recovery systems.

municipalities; counties; transfer; right-of-way (H.B. 2148) – Chapter 134

Requires a transfer of property to be treated by the receiving municipality as if the transferred property was newly annexed territory. Establishes requirements for the conversion of a Street Light Improvement District (SLID) from a county to a municipality. Prescribes conversion procedures and outlines governance guidelines for the converted SLID.

city or town council; vacancy (H.B. 2162) – Chapter 31

Deems a city or town council seat vacant if the member ceases to be a qualified elector or resident of that city or town during his or her term of office. Authorizes the county attorney, on request, to investigate and determine whether a vacancy exists.

fire district reorganization elections (H.B. 2218) – Chapter 260

Requires candidates seeking election to a reorganized fire district board to comply with the prescribed nomination requirements that includes a nomination paper and petition. Modifies the timeframe in which a county board of supervisors must meet and canvass the returns of an election to reorganize or merge a fire district from within 14 days to between 6 and 20 days after the election.

small business bill of rights (H.B. 2260) – Chapter 204

Requires each state agency that conducts audits, inspections or other regulatory enforcement actions to create and post a small business bill of rights on their website, and provide a written copy on request. The small business bill of rights must contain applicable and agency-specific statutes and rules and include: 1) the process for a small business to file a complaint; 2) the agency's designated employee's contact information; and 3) a statement that the regulated person may contact the Office of the Ombudsman-Citizen's Aide if a reasonable effort has been made with the agency to resolve the problem without success. Expands the scope of the regulatory bill of rights to include audits conducted by an auditor.

county seals; approval of use (H.B. 2320) – Chapter 57

Requires approval from the county board of supervisors (BOS) to use, display or otherwise employ the county seal. The adopted seal and text regulating its use must be displayed on the county's website. Requires the BOS to issue a cease and desist order to any person in violation and classifies the failure to comply as a class 3 misdemeanor.

GOVERNMENT & ENVIRONMENT COMMITTEE (Cont'd.)

procurement code omnibus (H.B. 2321) – Chapter 145

Makes changes to the Arizona Procurement Code. Distinguishes between a successful and unsuccessful vendor as it relates to employment restrictions for a procurement officer or employee with a significant procurement role. Beginning October 1, 2014, establishes a one-year employment restriction prohibiting a procurement officer or employee with a significant procurement role assigned to develop, evaluate or approve an agency's qualified vendor list from accepting any position or having employment discussions with certain vendors. Allows, following signature of a nondisclosure agreement, the waiting period in excess of 24 months to be waived and outlines waiver request procedures. Excludes decisions based on the application of commonly accepted industry standards or known published agency standards from the definition of *significant procurement role*. Requires lobbyists to disclose certain information to public officials and employees. Exempts problem gambling treatment services and credit reporting services contracts from procurement code requirements.

municipalities; deannexation; public right-of-way (H.B. 2330) – Chapter 146

Enables the return of a public right-of-way to the county if it is partially located within a municipality and an unincorporated area of a county. Requires each governing body to adopt an ordinance stating the legal description and intent to return or receive the territory or public right-of-way. The receiving county board of supervisors must notify each owner of taxable property adjacent to the territory or public right-of-way by certified mail at least 20 days in advance of a public hearing to determine if the public interest is served in the deannexation.

agencies; thirdparty electronic service providers (H.B. 2404) – Chapter 148

Allows a state agency to authorize a person to be a *third-party electronic service provider* (provider) if the provider meets certain specified requirements established by the agency and is selected through a competitive bid process. The provider must submit all fees and taxes collected to the agency for deposit with the State Treasurer but may collect and retain a reasonable and commensurate fee for its services.

financial disclosures; electronic filing (NOW: public officer; financial disclosure; filing) (H.B. 2408) – Chapter 149

Beginning January 1, 2017, allows public officers to file financial disclosure statements in a form prescribed by the Secretary of State that includes authorization for future filings to be submitted in an electronic format.

information technology authorization committee; membership (H.B. 2410) – Chapter 150

Allows certain members of the Information Technology Authorization Committee to appoint designees.

GOVERNMENT & ENVIRONMENT COMMITTEE (Cont'd.)

technical correction; rebate set aside (PREV NOW: governmental websites; open meetings; materials) (NOW: membership; county supervisors; population threshold) (H.B. 2420) – Chapter 265

Requires counties with populations between 150,000 and 175,000 persons that consist of a three-member board of supervisors (BOS) to vote on the question of whether or not to increase to a five-member BOS. Stipulates that counties with populations between 100,000 and 150,000 persons, rather than between 100,000 and 175,000 persons, must submit the question to change the number of BOS members at a special election upon receipt of a petition signed by the specified number of qualified electors and outlines ballot language and election requirements. Specifies certain term and residency requirements for BOS members dependent upon the year in which they are elected. Instructs the BOS to redistrict, as outlined, if a majority of voters affirm the question of increasing BOS members. Requires counties holding the election to include in the publicity pamphlet an estimated cost of each additional BOS member.

public committees; repeal; sunset (H.B. 2437) – Chapter 229

Requires any newly established statutory committee to contain a specific expiration date of no more than eight years, and repeals and makes various changes, which includes providing staggered sunset dates, to other statutory committees.

air quality; begin actual construction (H.B. 2442) – Chapter 267

States that, with respect to a change in method of operation, *begin actual construction* refers to those on-site activities, other than preparatory activities, which mark the initiation of the change. Retroactive to October 1, 2013, repeals the conditional enactment provision of Laws 2010, Chapter 315, which modified the definition of *begin actual construction* by including certain types of activities in the definition and exempting others.

homeowners' associations; transfer fees; exemption (H.B. 2477) – Chapter 94

Exempts home and condominium owners and homeowners' associations (HOAs) from certain disclosure requirements and owners from related fees if the sale of a unit is a transfer between family members, companies or entities with common ties. Requires the owner to provide the HOA, for no additional charge, the change in ownership including the owner's name, billing address and phone number on recordation of the deed.

reviser's technical corrections; 2014 (H.B. 2522) – Chapter 211

Each year Legislative Council prepares a reviser's technical corrections bill for consideration of the Legislature, which corrects defective or conflicting statutory text from previous legislative enactments. H.B. 2522 makes non-substantive technical changes to conflicting statutes.

GOVERNMENT & ENVIRONMENT COMMITTEE (Cont'd.)

municipalities; regulation; sign walkers (H.B. 2528) – Chapter 97

Prohibits a municipality that adopts reasonable time, place and manner restrictions relating to sign walkers from restricting a sign walker's use of public sidewalks, walkways or pedestrian thoroughfares.

government reporting; financial information.. (H.B. 2654) – Chapter 178

Modifies the required Arizona Department of Administration (ADOA) local government web portal listing information to add the following: 1) as part of the currently required information on taxes or fees controlled by a local government, the total taxes per capita for the population within its jurisdiction, along with a statewide average of all similar local governments as calculated by ADOA; and 2) the total value of all outstanding debt obligations, including the actuarial value of unfunded pension liabilities and the equivalent amount on a per capita basis for the population within the local government's jurisdiction.

LEGISLATION VETOED

exercise of religion; state action. (S.B. 1062/H.B. 2153) – VETOED

Allows a person to assert a free exercise of religion claim or defense in a judicial proceeding regardless of whether the government is a party to the proceeding. Requires a person who asserts a violation of his or her religious exercise to demonstrate all of the following: 1) that the person's action or refusal to act is motivated by a religious belief; 2) that the religious belief is sincerely held; and 3) that the state action substantially burdens the exercise of the person's religious belief. Specifies that the definition of *exercise of religion* includes both the practice and observance of a religion and expands the definition of *person* to include any individual, association, partnership, corporation, church, religious assembly or institution, or other business organization.

The Governor indicates in her veto message that S.B. 1062 does not seek to address a specific and present concern related to Arizona businesses. Furthermore, she indicates that the bill is broadly worded and could result in unintended and negative consequences.

Mexican wolf; taking; reporting (S.B. 1211) – VETOED

Permits an Arizona Department of Agriculture (ADA) employee to take any wolf that has been documented or caught in the act of killing livestock pursuant to an agreement between ADA and the U.S. Fish and Wildlife Service (USFWS). Allows a landowner or lessee, who is a livestock operator or agent thereof, to take a wolf if certain outlined conditions are met. Requires the Arizona Game and Fish Department (AGFD) to request specific information from USFWS and to notify certain landholders where wolves are released or head for release at the time of placement in the area.

The Governor indicates in her veto message that S.B. 1211 is unnecessary and conflicts with federal law. Additionally, she indicates that a state does not have the power to allow a take on federal lands and the requirement for AGFD to request information from USFWS is something AGFD can already do.

GOVERNMENT & ENVIRONMENT COMMITTEE (Cont'd.)

county supervisors; population threshold; membership (S.B. 1483) – VETOED

Requires counties with populations between 150,000 and 175,000 persons that consist of a three-member board of supervisors (BOS) to vote on the question of whether or not to increase to a five-member BOS. Stipulates that counties with populations between 100,000 and 150,000 persons, rather than between 100,000 and 175,000 persons, must submit the question to change the number of BOS members at a special election upon receipt of a petition signed by the specified number of qualified electors and outlines ballot language and election requirements. Specifies certain term and residency requirements for BOS members dependent upon the year in which they are elected. Instructs the BOS to redistrict, as outlined, if a majority of voters affirm the question of increasing BOS members.

The Governor indicates in her veto message that because she signed H.B. 2420 (Laws 2014, Chapter 265), which contains identical provisions to those in S.B. 1483, and also requires a cost estimate of each additional member to be added to the BOS to be included in the publicity pamphlet, signing S.B. 1483 would be redundant and unnecessary.

~~conspiracy; homicide; statute of limitation. (PREV NOW: firearm; definition)~~ (NOW: state agency rulemaking; restrictions) (H.B. 2459) – VETOED

Prohibits an agency from adopting any new rule that increases existing regulatory restraints or burdens the free exercise of property rights or the freedom to engage in an otherwise lawful business or occupation, unless: 1) it is a component of a comprehensive effort to reduce regulatory restraints or burdens; and 2) it is strictly ministerial in implementing legislative standards that manifest a clear legislative determination of all relevant public policies. Provides a defense for any person subject to a civil or criminal proceeding arising from the enforcement of a rule adopted in violation of the aforementioned stipulations. Permits the prevailing party, other than an agency, to be awarded attorney fees and costs.

The Governor indicates in her veto message that H.B. 2459 would have unintended consequences negatively impacting state agencies' ability to implement state law.

endangered species programs; rescission; reimbursement (H.B. 2699) – VETOED

Permits a landowner or lessee who is a livestock operator or agent to take a wolf in self-defense or the defense of others if the taking is reported within 24 hours as specified. Establishes the Federal Reimbursement Fund (Fund) consisting of monies obtained from the federal government for the purpose of reimbursing losses associated with the Mexican Wolf Recovery Program (Program). Requires the Attorney General to take all steps necessary to obtain these monies from the federal government.

Requires the State Land Department to work with private landowners to establish land-use agreements with the federal government to compensate the state and private landowners for the use and diminution in value of their lands as a result of the Program. Requires the Legislature to consider enacting legislation to rescind Arizona's participation in the Program and restrict the Mexican wolf to federally controlled land if the federal government does not: 1) enter into land-use agreements and continue those agreements; or 2) make the prescribed reimbursements as specified and continue the reimbursements in the following years.

GOVERNMENT & ENVIRONMENT COMMITTEE (Cont'd.)

The Governor states in her veto message that H.B. 2699 does not have an appropriation and because there is no direct benefit to the Arizona State Land Trust Beneficiaries, State Trust Land resources cannot be used to implement this legislation. Additionally, she indicates that a state cannot compel the U.S. Fish and Wildlife Service to compensate the state or private landowners for losses, or enter into land-use agreements with private landowners.

Health & Human Services Committee

Senator Nancy Barto, Chairman



Marianne Yamnik, Research Analyst

Nicole Rivera, Intern

HEALTH & HUMAN SERVICES COMMITTEE

LEGISLATION ENACTED

dogs; licensing; vaccinations (NOW: special health care districts; reimbursement) (S.B. 1035) – Chapter 65

Requires Maricopa County to reimburse the Maricopa Integrated Health System, a special health care district, for any services provided, rather than purchase services in an amount of at least \$5,000,000 per year.

board of chiropractic examiners; membership (S.B. 1039) – Chapter 101

Allows chiropractic members of the State Board of Chiropractic Examiners to have graduated from the same chiropractic school.

naturopaths; prescription authority; pharmacy board (S.B. 1043) – Chapter 102

Allows naturopathic physicians to continue to prescribe drugs reclassified from Schedule III to Schedule II after January 1, 2014.

Requires Board of Pharmacy (Board) initial applicants to submit fingerprints for criminal records checks. Establishes a separate permit application for out-of-state businesses that sell or dispense drugs in Arizona, and eliminates requirements for the Board to adopt certain rules related to drug substitutions and identification and modifies the definition of *practice of pharmacy*.

telemedicine; naturopaths (S.B. 1050) – Chapter 67

Adds naturopathic physicians to the definition of *health care provider*, which allows a naturopathic physician to deliver health care through telemedicine.

technical correction; military affairs (NOW: medical board; pro bono registration) (S.B. 1051) – Chapter 217 E

An emergency measure, effective April 24, 2014, that requires a doctor applying for a pro bono registration from the Arizona Medical Board (AMB) to supply the name of each state in which the person is licensed or has held a license. The AMB must then verify with each state's regulatory board that certain qualifications are met and removes the requirement for the doctor to provide proof of meeting outlined licensure requirements. Applies provisions of this measure retroactively to January 1, 2013, for any pro bono applications submitted to the AMB for calendar year 2014.

paternity. (S.B. 1061) – Chapter 230

Requires a potential father filing a paternity petition in response to a potential fathers notice to serve the mother within 30 days, as outlined, and requires the court to dismiss a

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

paternity proceeding that is barred due to the potential father's failure to file and serve the mother within that timeframe.

Permits a mother to replace her address with the address of her attorney or adoption agency on the affidavit and potential fathers notice, and allows the attorney or agency to accept service on behalf of a mother related to a paternity action. Stipulates the service does not make the attorney or agency the representative of record for the mother in the paternity action.

behavioral health professionals; reciprocal licenses (NOW: reciprocal licenses; behavioral health professionals) (S.B. 1077) – Chapter 179 E

An emergency measure, effective April 23, 2014, that: 1) requires the Board of Behavioral Health Examiners (Board) to reclassify reciprocal licenses for persons who meet certain requirements; 2) clarifies the expiration of those reclassified licenses; and 3) repeals the provisions pertaining to the reclassifications on January 2, 2017. Also, specifies which deficiencies prompt the Board to notify the applicant and relay certain information.

school facilities board revisions (S.B. 1102) – Chapter 105

SEE THE EDUCATION COMMITTEE.

controlled substances prescription monitoring program (S.B. 1124) – Chapter 106

Allows the Board of Pharmacy (Board) to release data contained in the Controlled Substances Prescription Monitoring Program (PMP) to a prescriber's or dispenser's delegate, requires updated software for reporters of PMP data, and allows the Board to require daily, rather than weekly, reports to the PMP.

qualified immunity; nonprofit clinics (S.B. 1135) – Chapter 219

Stipulates a health professional who provides medical, optometric or dental treatment, care or screening within the professional's scope of practice at a nonprofit clinic is not liable in a medical malpractice action, unless the professional was grossly negligent. Defines *nonprofit clinic*.

acupuncture board of examiners (S.B. 1136) – Chapter 107

Modifies statutes relating to the Acupuncture Board of Examiners (Board) by requiring each applicant for licensure to submit fingerprints to the Board for a criminal records check and disclose all other active or past health care licenses. Provides an additional mechanism for applicants to fulfill one of the licensure requirements and outlines protocols for posting a license in a licensee's facility. Allows all Board members, rather than only consumer members, to receive compensation, updates terms and removes all references to preceptorships.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

electronic do not resuscitate orders (NOW: physical therapists; dry needling) (S.B. 1154) – Chapter 220

Defines *dry needling* and requires the Board of Physical Therapy (Board) to establish rules for the performance of dry needling for therapeutic purposes by July 1, 2015. Specifies the rules must include professional standards of care, training and education qualifications, and exempts the Board from rulemaking requirements for this purpose for one year. Grandfathers physical therapists who were performing dry needling before January 1, 2014, until the Board establishes the rules. Finally, beginning July 1, 2015, stipulates that failing to demonstrate the standards and requirements adopted by the Board in the practice of dry needling are grounds for disciplinary action.

licensure; behavioral health services (S.B. 1216) – Chapter 233

Allows the Department of Health Services (DHS) Director to adopt rules on the colocation and integration of outpatient treatment centers that provide certain services, along with behavioral health services. Excludes community education, advocacy or recovery support groups from health care institution (institution) regulation and outlines institution licensure application requirements for partnerships and limited liability companies. Exempts DHS from rulemaking requirements until April 30, 2015, to implement this legislation.

mammography results; report to patient (S.B. 1225) – Chapter 76

Beginning October 1, 2014, requires a health care institution or facility that performs mammography examinations to include information that provides notice of risks associated with the patient's breast tissue density classification in the summary report provided to certain patients. The notice requirement does not: 1) create or impose liability on an institution or facility for failing to comply with this requirement before October 1, 2014; 2) create a duty of care or legal obligation beyond this law; or 3) require a notice that is inconsistent with federal law as outlined.

HIV-related testing; consent; confidentiality; exceptions (S.B. 1276) – Chapter 222

Permits HIV-related testing (testing) to be performed in cases of an occupational significant exposure risk (exposure risk) under general consent, rather than informed consent, and upon receipt of a written request from a health care provider (provider) or first responder (responder) who documents the risk as outlined. Allows the provider or responder to obtain communicable disease information if certain conditions are met and requires the person releasing the information to provide education and counseling to the exposed person. Prior to testing or releasing disease information, the exposure risk must be reviewed by a health professional as specified. Prohibits a patient from being forced to provide a blood sample and outlines information a provider must supply a patient who has undergone testing. Allows a medical examiner to provide a blood sample from a deceased person for testing and states the examiner is not required to perform testing for an exposure risk.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

court-ordered services; dependent children (S.B. 1309) – Chapter 246

Allows the superior court to enter into an agreement for the use of appropriate facilities for juvenile shelter or treatment services. Permits the court to order services supplemental to those provided by the Department of Economic Security if available at no cost to the state and allows the court to employ individuals to facilitate the delivery of court-ordered services. Such an employee has access to all information necessary to ensure service delivery without obtaining prior approval and may disclose the information only as outlined.

foreign prescription orders (S.B. 1337) – Chapter 192

Allows a pharmacist or intern under a pharmacist's supervision to fill a new written prescription order for a non-controlled substance or device issued by a medical practitioner licensed in any foreign country, rather than only in Canada or Mexico.

physicians; prescriptions; required patient examinations (S.B. 1339) – Chapter 122

Designates that it is not considered *unprofessional conduct* for a medical doctor (MD) or osteopathic physician (DO) to prescribe medications or devices following a mental health status examination. Allows the physical or mental health examination performed by a DO or MD and the physical examination performed by a doctor of naturopathic medicine to be conducted through telemedicine, as outlined, and authorizes pharmacists to dispense medications prescribed in such a manner, if the prescription meets certain requirements. Outlines additional instances that a DO or MD may prescribe medications or prescription-only devices.

dentists; business entities (S.B. 1343) – Chapter 235

Requires business entities providing dental services that are not owned exclusively by dentists to register with the Board of Dental Examiners in order to lawfully practice dentistry. Outlines posting requirements for business entities and for dentist-owned corporations and limited liability companies.

board of physician assistants (S.B. 1345) – Chapter 123

Makes numerous changes to statutes governing the Arizona Regulatory Board of Physician Assistants (Board). Increases the number of physician assistants on the Board, modifies the procedure for calling special meetings and allows Board members to participate in meetings remotely. Requires the officers of the Arizona Medical Board (AMB) and Board to meet biannually on matters of mutual interest.

Requires applicants for licensure to have all hospital affiliations and employment for the five years preceding application submitted and requires all credentials to be submitted from the primary source where the document originated. Establishes auditing requirements for continuing education and for written agreements between supervising physicians and their physician assistants.

Establishes the Committee on Executive Director (Director) Selection and Retention (Committee) consisting of the AMB members and the chair and vice-chair of the Board to

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

appoint the AMB Director, who also serves as the Board Director. Stipulates the Committee is subject to open meeting laws and that the Director serves at the pleasure of the Committee. Establishes Committee parameters related to: 1) electing leadership; 2) obtaining a quorum; and 3) disclosing information discussed in executive session with the Board. Exempts the Board from rulemaking requirements for one year.

health professionals; state regulation; exemption (NOW: volunteer health services; registration) (S.B. 1379) – Chapter 250

Allows each Arizona health profession regulatory board (board) to issue a voluntary health services registration (registration), for a health professional not licensed in Arizona, for a total of 14 days in a calendar year if the professional meets certain requirements. Requires the board to verify that the applicant is licensed or has held a license in good standing and prohibits the board from charging a fee for the registration. Allows a board to immediately suspend or revoke a registration on receipt of proof that the professional has engaged in prohibited acts and allows a professional to request a hearing to challenge a suspension or revocation through the Office of Administrative Hearings. Adds a registered health professional to those professionals who, when providing care at nonprofit clinics, are not liable in medical malpractice actions unless the professional was grossly negligent.

Arizona medical board; licensees; fingerprinting (S.B. 1380) – Chapter 124 E

An emergency measure, effective April 22, 2014, with delayed effective dates as noted, that makes omnibus changes to statutes governing the Arizona Medical Board (AMB). Beginning September 2, 2014, requires each applicant for initial license, or on the first renewal after that date, to submit fingerprints to the AMB for a criminal records check.

Outlines AMB's responsibilities, procedures and modifications related to: 1) disseminating the annual report and nondisciplinary orders or actions against licensees and posting policies and renewal forms online; 2) accepting primary-sourced documents and establishing rules for waiving documentation requirements; 3) auditing continuing medical education; 4) beginning September 2, 2014, video recording and posting meetings; 5) adding to the annual AMB report; and 6) beginning September 2, 2014, withholding identifying information of certain complainants from physicians against whom allegations of unprofessional conduct are made.

Requires the AMB Executive Director to submit all medical complaints as outlined to a medical consultant for review and to disseminate information received from the Office of the Ombudsman-Citizens Aide to the AMB members.

Modifies timeframes for serving on the AMB, terminates the AMB on July 1, 2019, rather than July 1, 2022, and exempts the AMB from rulemaking requirements as outlined.

direct care plans; insurance; exemption (S.B. 1404) – Chapter 161

States that a direct primary care provider plan (plan) is not insurance. Allows a plan to arrange for primary health care for Arizona enrollees, outlines plan requirements and allows an enrollee to cancel a plan for any reason. Prohibits a plan from submitting a claim for payment to

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

a health insurer and from charging different fees for comparable services based on an enrollee's health status or sex. Defines terms and includes plans in consumer fraud statutes enforced by the Attorney General.

~~technical correction; DES~~ (NOW: developmental disability services; service providers) (H.B. 2007) – Chapter 128

Requires contracts for developmental disability day program or employment services to provide for monitoring by the Department of Economic Security (DES) at least every six months or, if a provider has been granted deemed status, once each year. Allows DES or its designee to enter the provider's premises at any reasonable time to determine compliance with outlined requirements.

~~technical correction; public health~~ (NOW: cancer treatment medications; cost-sharing) (H.B. 2078) – Chapter 255

Beginning January 1, 2016, prohibits an insurance policy that covers cancer medications injected or intravenously administered by a health care provider, and that also covers patient-administered cancer medications, from requiring a higher copayment, deductible or coinsurance (fee) for the patient-administered medications than is required for the provider-administered medications. Allows for an increase in fees if applied generally to other medical or pharmaceutical benefits and is not done to circumvent law. Forbids an insurer from reclassifying cancer medication benefits as outlined and allows this act to be cited as the *Fair Access to Cancer Treatment Act*.

~~technical correction; technical registration board~~ (NOW: sale of dextromethorphan; age requirement) (H.B. 2086) – Chapter 162

Prohibits the following: 1) the sale or trade of a finished drug product containing any quantity of dextromethorphan (DXM) to a person under 18 years of age; 2) a person under 18 years of age from purchasing DXM; and 3) a person from possessing, receiving or distributing DXM unless certain qualifications are met. These unlawful acts do not apply to common carriers that possess, receive or distribute unfinished DXM between specified persons.

Requires a retailer to manually obtain and verify proof of age before selling DXM, unless the retailer reasonably presumes the purchaser is at least 25 years of age. The retailer's responsibility does not include requirements related to the product placement, the maintenance of transaction records or other restrictions on a consumer's access to finished drug products.

Prescribes a warning for a first offense and a \$50 civil penalty for a second offense for a person who sells or trades DXM to a person who is under 18 years of age, unless the person provides documentation that there is an employee training program in place.

health regulatory boards; training requirements (H.B. 2087) – Chapter 163

Beginning January 1, 2015, requires each member of certain health regulatory boards (boards) to complete a 12-hour training program, within one year of the member's initial appointment or as outlined, if appointed before this date. Subjects to be included in the training

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

are governance and management, disciplinary and administrative procedures, conducting quasi-judicial proceedings, licensure and rule adoption. Grandfathers certain training received by current members and stipulates that any action taken by a board is not subject to challenge or invalidation because a member has not completed the training. Permits the board staff, the Attorney General, Arizona Department of Administration, Office of the Auditor General or any approved outside educational institution or provider to train board members.

board of psychologist examiners; psychologists (H.B. 2172) – Chapter 258

Modifies statutes governing the Board of Psychologist Examiners (Board) in relation to psychologists. Requires a supervisor to ensure that supervision conducted through electronic means meets certain requirements and rules, and allows, beginning July 1, 2016, up to 50 percent of the in-person supervision to be completed using telepractice supervision. Outlines timeframes associated with supervised professional experience (supervised experience) and requires an applicant to provide a plan from the training organization that describes the experience and expectations that existed for the applicant's supervised experience.

Beginning January 1, 2015, allows the Board to issue 36-month temporary licenses to individuals who meet certain requirements and stipulates the license is not renewable and is subject to the initial license fee. Effective May 1, 2017, restructures the renewal process to coincide with the licensee's birth month.

Stipulates a licensee is responsible for the costs associated with the treatment, rehabilitation and monitoring within a confidential program. Clarifies the use of the title *psychologist*, and exempts certain university employees from licensure.

psychology board; behavior analysts (H.B. 2173) – Chapter 166

The Board of Psychologist Examiners (Board) is required to adopt education and training standards consistent with national standards for licensing behavior analysts. Allows the Board to adopt an alternative standard if the Board does not agree with a national standard. Replaces the current enumerated licensure requirements with a requirement for an applicant to meet standards adopted by the Board as outlined.

Allows renewal notices to be sent electronically or by mail and, beginning May 1, 2017, restructures the timeframes for license renewals. Modifies the individuals exempt from licensure and the use of the title *behavior analyst*. Finally, repeals provisions related to examinations.

ACC; securities enforcement; spousal joinder (H.B. 2197) – Chapter 87

SEE THE COMMERCE, ENERGY AND MILITARY COMMITTEE.

developmental disabilities; client income; retention (H.B. 2240) – Chapter 167

Increases the minimum amount of income an individual with a developmental disability who receives residential services through the Department of Economic Security is permitted to retain, rather than contribute for support and maintenance costs, from 12 percent to 30 percent of the person's income or benefits.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

abortion clinics; inspection; minors; reporting (H.B. 2284) – Chapter 33

Allows the Department of Health Services (DHS) Director (Director) and designated agents to inspect an abortion clinic if there is reasonable cause to believe the clinic is not adhering to licensing requirements, laws or rules concerning abortion and authorizes the Director to take action for noncompliance. An abortion clinic grants permission to an inspection of its premises during the pendency of a license application and, if licensed, during the term of the license.

Grants the Attorney General or local attorney defending the law standing to intervene and states the only objection that may be raised to a motion to intervene is that the proposed intervenor lacks a good faith intention to defend the law. Allows DHS to employ legal counsel and fund legal services to defend this statute.

Prescribes a class 1 misdemeanor for intentionally causing, aiding or assisting a minor to obtain an abortion in violation of statute. Requires hospitals and facilities to report to DHS on each infant born alive during or immediately after an attempted abortion and the efforts made to preserve the infant's life.

Exempts DHS from rulemaking requirements to implement this legislation, and includes legislative findings and a severability clause.

tax liens; priority (NOW: optometrists; pharmaceutical agents) (H.B. 2380) – Chapter 262

Expands the prescriptive authority of licensed optometrists, including allowing them to prescribe controlled substances that are reclassified from Schedule III to Schedule II as outlined, and removes requirements for licensees to maintain certain equipment if using epinephrine auto-injectors. Removes specific requirements for an optometrist to: 1) consult with or refer a patient to a physician in certain situations; and 2) limit dosages of certain prescriptions. Finally, prohibits an optometrist from prescribing oral pharmaceuticals or controlled substances to a person under six years of age.

food handler training; courses; certification (H.B. 2436) – Chapter 210

SEE THE COMMERCE, ENERGY AND MILITARY COMMITTEE.

newborn screening program (H.B. 2491) – Chapter 171

Newborn Screening – Adds hearing disorders to the panel of newborn tests that are performed and requires, by July 1, 2015, the Department of Health Services (DHS) Director (Director) to adopt rules adding critical congenital heart defect screening using pulse oximetry to the Newborn Screening Program (NSP). Allows DHS to adopt rules to add severe combined immunodeficiency and Krabbe disease tests to the NSP and requires DHS to: 1) perform and consider a cost-benefit analysis; and 2) seek stakeholder input in developing these rules. Finally, permits the Director to designate laboratories to test conditions added to the NSP after the effective date of this measure.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

Vaccine Advisory Committee – Requires DHS to establish an advisory committee to study and report on the financing and availability of vaccines for newborns, children and adolescents. The DHS Director serves as the committee chair and appoints the membership, which includes the Directors of the Arizona Health Care Cost Containment System and the Department of Insurance, or their designees, as nonvoting members. Allows the committee to request information from any state agency, political subdivision or other persons or businesses involved in the financing or administration of vaccines and outlines confidentiality requirements. Repeals the committee on January 1, 2016.

insurance; navigator; application counselor; licensure (H.B. 2508) – Chapter 153

Beginning October 1, 2014, requires health insurance navigators (navigators) and certified application counselors (counselors) to be licensed by the Department of Insurance (DOI) in order to act as or claim to be a navigator or counselor, excluding certain insurance producers and persons working on tribal land. Establishes requirements for licensure, including submission of fingerprints for a criminal records check, with exceptions, and synchronizes license expiration dates with other insurance licenses individuals may possess. Authorizes the DOI Director (Director) to investigate the business affairs of any navigator or counselor and adopt rules.

Requires a business entity that acts as a navigator, supervises navigator activities or receives funding to perform such activities to obtain a navigator entity license (entity license). Outlines the Director's responsibilities and authority for granting the entity license and requires an entity's application to include the names of all its members, officers and directors.

Applies certain insurance laws to navigators and counselors. Repeals this legislation if, by January 1, 2024, the federal law relating to exchanges is declared unconstitutional by the U.S. Supreme Court or is repealed by Congress, and requires the Director to notify Legislative Council if the condition is met or not met.

combat-related special compensation (H.B. 2514) – Chapter 239

SEE THE COMMERCE, ENERGY AND MILITARY COMMITTEE.

cosmetic laser procedures; supervision; dentists (H.B. 2529) – Chapter 63

Adds a licensed dentist who specializes in oral and maxillofacial surgery to the definition of *health professional* in statutes governing cosmetology, which allows such a dentist to supervise an aesthetician or a laser technician in the use of a laser or an intense pulse light (IPL) device for cosmetic purposes.

nursing care institutions; therapeutic drugs (H.B. 2549) – Chapter 175

Allows a nursing care institution (nursing institution) to establish written guidelines or procedures for making therapeutic substitutions through a Quality Assessment and Assurance Committee (Committee), if the Committee membership includes an Arizona pharmacist. Permits a nursing institution that does not have a Committee to establish one for the purpose of writing guidelines or procedures for making therapeutic substitutions as outlined. A pharmacy used by a

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

nursing institution may make therapeutic substitutions consistent with its guidelines, if the substitution has been approved by the patient's health care provider as outlined.

TANF recipients; drug convictions; notification (H.B. 2603) – Chapter 157

Requires the court, if the court has knowledge that a person convicted of a drug offense receives Temporary Assistance for Needy Families (TANF) cash benefits, to send a copy of the judgment, sentence and opinion, if filed, to the Department of Economic Security.

CPS information; law enforcement; prosecutors (H.B. 2638) – Chapter 64

Requires the Department of Economic Security, or a person who receives Child Protective Services information, to provide the information to outlined individuals or agencies to help investigate and prosecute certain violations involving domestic violence or violent sexual assault.

persons with disabilities (H.B. 2667) – Chapter 215

Updates terminology throughout statute relating to *persons with disabilities* and requires use of such terminology in all laws, rules, publications, orders, actions, programs, policies and signage and to revise these materials when updates are otherwise necessary. Contains a legislative intent clause and a delayed effective date of January 1, 2015, for certain sections relating to transaction privilege taxes.

health; welfare; budget reconciliation; 2014-2015. (H.B. 2705) – Chapter 11

SEE THE APPROPRIATIONS COMMITTEE.

LEGISLATION VETOED

supplemental appropriation; external CPS review (S.B. 1386) – VETOED

Appropriates \$250,000 from the state General Fund in FY 2014 to the Arizona Department of Administration (ADOA) to contract with an independent consultant with expertise in child welfare system planning and operations to examine the current child protective services (CPS) system, consider best practices and provide consultation in establishing a new agency. Outlines minimum membership for the proposal evaluation team and the factors ADOA must consider when selecting a consultant. Requires the consultant to meet the terms of the contract and provide technical assistance and consultation in the development of a new agency, and to report findings and recommendations to the Governor and Legislature by March 31, 2015. Exempts ADOA from procurement code requirements and exempts the appropriation from lapsing.

The Governor indicates in her veto message that while she appreciates the premise of S.B. 1386, the substance should be part of a broader discussion and considered in the upcoming special session on child safety reform. The Governor also notes that she has engaged external experts by establishing the Child Advocate Response Examination (CARE) Team to investigate

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

the *not investigated* (NI) cases, as well as the Arizona Department of Public Safety to conduct an administrative review of the process that resulted in the NI cases.

AHCCCS; annual waiver submittals (H.B. 2367) – VETOED

Requires the Arizona Health Care Cost Containment System (AHCCCS) Director, by March 30 of each year, to apply to the Centers for Medicare and Medicaid Services for permission to institute: 1) copayments to deter nonemergency use of emergency departments and ambulances; 2) work requirements for able-bodied adults on AHCCCS as outlined; and 3) a five-year lifetime limit of AHCCCS benefits, unless the person meets certain conditions. Requires, by April 1 of each year, the AHCCCS Director to submit a letter to the Governor and Legislature confirming the submission of the waiver requests.

The Governor indicates in her veto message that the five-year lifetime enrollment limit contained in H.B. 2367 could have meant disenrolling nearly half of the AHCCCS adult membership (212,664), with an additional 253,571 children losing coverage when they reached 18 years of age due to the bill lacking an exception for the time enrolled during childhood. Additionally, the Governor notes that because individuals under 100 percent of the Federal Poverty Level are ineligible for tax credits on the Federal Marketplace (Exchange), the measure would have effectively eliminated the ability of those citizens to obtain health care coverage. Finally, the Governor states that this bill's implementation would result in a high level of uncompensated care and destabilize the health care industry.

SECOND SPECIAL SESSION

department of child safety. (S.B. 1001) – Chapter 1 E (Second Special Session)

An emergency measure, effective May 29, 2014, that establishes the Department of Child Safety (DCS) and transfers the Office of Child Welfare Investigations and the responsibilities and authority of Child Protective Services to DCS. Outlines the purpose of DCS to protect children, and the abilities and requirements of the DCS Director (Director).

Allows DCS to employ legal counsel to provide legal advice to the Director, but requires the Attorney General to continue to represent DCS in child safety proceedings. Also permits the Director to contract with a private entity to provide DCS functions or services. Prescribes organization requirements in regard to receiving reports, investigating such reports and providing oversight.

Hotline – DCS must operate and maintain a centralized intake hotline to receive communications, at all times, on suspected abuse or neglect. Provides additional requirements for the hotline, including notification requirements related to criminal offenses. A hotline worker must prepare a report for investigation if: 1) the suspected conduct would constitute abuse or neglect; 2) the suspected victim is a child and a resident of or present in this state, or any act occurred in this state; and 3) the suspect is the parent, guardian or custodian of the victim or an adult member of the victim's household. A report for investigation must be prepared in those circumstances, even if the identity or location of the suspect or victim is unknown. Outlines related risk assessment tools and information requirements.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

Investigations – Enumerates requirements for training and investigations, but allows an investigator to close the investigation if he or she has sufficient information to determine that the child is not a victim of abuse or neglect. Requires DCS to examine the necessity of and requirements for protocols for not conducting a full investigation, but taking measures to prevent future risk of harm in cases not involving criminal conduct allegations in which there is a reasonable belief that the child is currently safe. DCS must hold public meetings and obtain comment on any recommended family assessment protocols, and report its recommendations to the Governor and Legislature.

Services – Allows DCS to provide and coordinate programs and services that protect children, and also achieve permanency, strengthen families and provide prevention, intervention and treatment. Based on the investigation and risk assessment, DCS may close the case, offer voluntary services or open a case for ongoing services. Additionally, modifies factors the court must consider in determining whether reunification services are required.

Oversight – The Director must establish an Inspections Bureau for internal compliance and recommendations. It must ensure that policies and procedures are being followed in accordance with state and federal law and continuously improve DCS practices. The Inspections Bureau must also promptly notify the Director of actions constituting a significant violation of law or policy.

Additionally, requires the Office of the Auditor General to engage an independent consultant to examine the current system and consider best practices to improve service delivery, including developing the new agency with a strategic direction, accountability mechanisms, strategies for community engagement, and the need for and frequency of performance evaluations. Establishes the Community Advisory Committee as a community forum and outlines the Committee's membership and charge. Adds members to the Child Safety Oversight Committee, and extends its report date.

Miscellaneous – Requires the Department of Economic Security (DES) and DCS to exchange information and cooperate for the administration of their programs. Outlines administrative procedures for the transfer of authority and property from DES to DCS, and exempts the Departments from rulemaking requirements for specified lengths of time, but provides related guidelines. Those guidelines require posting of proposed rules on Department websites, notice to the Governor and Legislature, and public notice and an opportunity for public comment in writing and at two or more public hearings. Relocates and renumbers numerous sections of statute.

Judiciary Committee

Senator Rick Murphy, Chairman



Jake Agron, Research Analyst

Alexandra Evans, Intern

JUDICIARY COMMITTEE

LEGISLATION ENACTED

paternity. (S.B. 1061) – Chapter 230

SEE THE HEALTH AND HUMAN SERVICES COMMITTEE.

constables; prohibited acts (S.B. 1179) – Chapter 242

Prohibits constables from acting as private process servers or owning an interest in any entity that operates a private process serving business. Excludes constables currently in office from the prohibition until their current terms are over.

precinct officers; salaries (S.B. 1217) – Chapter 113

Increases, based on precinct size, the cap for salaries of constables that county boards of supervisors authorize at the regular June meeting preceding a general election.

misconduct involving weapons; judicial officers (S.B. 1266) – Chapter 189

Exempts an elected or appointed judicial officer from *misconduct involving weapons* if the officer carries a deadly weapon in the court facility where the judicial officer works and the officer demonstrates the competence requirements needed to receive a concealed carry permit. The judicial officer must still comply with rules and policies of the presiding judge of the superior court while in the court facility. Hearing officers and part-time judicial officer pro-tempores are excluded from the definition of *judicial officer*.

unlawful mutilation; female genitalia (S.B. 1342) – Chapter 224

Establishes the criminal offense of *unlawful mutilation* and classifies the offense as a class 2 felony. Under the offense, it is unlawful to do any of the following: 1) mutilate a minor female; 2) knowingly transport a minor female to another jurisdiction for the purpose of mutilation; or 3) recklessly transport a minor female to another jurisdiction where mutilation is likely to occur. Consent of the minor, or the parents of the minor, on whom the mutilation is performed, is not a defense to an *unlawful mutilation* prosecution. Defines *mutilate* and *mutilation* and specifies that those terms do not include procedures performed by a licensed physician that are proven to be medically necessary due to a medically recognized condition. Establishes permissible fines, civil penalties and sentencing guidelines for the offense. Stipulates that unlawful mutilation is punishable as a dangerous crime against children if the victim is under the age of 15.

used catalytic converter; purchase; sale (S.B. 1460) – Chapter 195

Resolves a statutory conflict by allowing scrap metal dealers to purchase and sell used catalytic converters as long as they are acquired: 1) through a transaction with an industrial

JUDICIARY COMMITTEE (Cont'd.)

account; 2) through another scrap metal dealer; or 3) after authorized for release by a peace officer.

watercraft; civil and criminal penalties (H.B. 2003) – Chapter 127

Establishes an assessment and civil penalties for a person who refuses to submit to an alcohol or drug test related to an alleged offense of operating a watercraft under the influence (OUI). Removes specified elements of an aggravated OUI offense, thereby classifying any OUI violation as aggravated if a child under 15 years of age is aboard the watercraft. Additionally, classifies failing to stop a watercraft after a collision as a class 3 misdemeanor if there is any property damage. This classification applies regardless of whether the other damaged watercraft is operated or attended by another person. Requires OUI related assessments to be deposited in the Law Enforcement and Boating Safety Fund instead of the Public Safety Equipment Fund.

~~vexatious litigants; designation~~ (NOW: litigants designation; vexatious) (H.B. 2021) – Chapter 41

Beginning January 1, 2015, allows, in a noncriminal case, the presiding judge of a superior court or its designee to designate a pro se litigant as a vexatious litigant. Designates a pro se litigant as a vexatious litigant if the court finds the pro se litigant engaged in vexatious conduct, which is defined. Prohibits a vexatious litigant from filing any new pleading, motion or other document without prior leave of the court.

concealed carry permit; qualifications (H.B. 2103) – Chapter 85

Requires the Department of Public Safety to issue a permit to carry a concealed weapon to a person who is at least 19 years old if that person provides evidence of current military service or proof of honorable discharge or general discharge under honorable conditions from the U.S. Armed Forces, U.S. Armed Forces Reserve or a state national guard.

~~certification; family-oriented gaming~~ (NOW: amusement gambling) (H.B. 2151) – Chapter 49

Increases, from \$35 to \$550, the maximum value of a merchandise prize that may be redeemed as part of amusement gambling.

limited liability; space flight activities (H.B. 2163) – Chapter 165

SEE THE COMMERCE, ENERGY AND MILITARY COMMITTEE.

laser pointer; aircraft; violation (H.B. 2164) – Chapter 257

Establishes the offense of *aiming a laser pointer at an occupied aircraft* as intentionally or knowingly directing the beam of light from a laser pointer or laser emitting device at an aircraft if the person knows or reasonably should know that the aircraft is occupied. Classifies the offense as a class 1 misdemeanor and designates the act as an assault if it renders the pilot unable to safely operate the aircraft or causes serious physical injury to any person on board the aircraft.

JUDICIARY COMMITTEE (Cont'd.)

county medical examiner; autopsies; images (H.B. 2225) – Chapter 88

Prohibits the disclosure of specified visual depictions of human remains that are created by a medical examiner, alternate medical examiner or their employees or agents during a death investigation unless a superior court judge first grants disclosure of all or part of the materials following an in camera review. Requires the judge to balance the interests under the public records laws to determine whether to order disclosure of all or part of the materials. Allows a person seeking disclosure to file a petition in the superior court where the death investigation occurred for an in camera review of the materials. Permits specified individuals to examine and obtain such visual depictions created during a death investigation. Immunizes a county medical examiner, alternate medical examiner and their employees or agents and the county from liability for lawfully disclosing a death investigation photograph, digital image, x-ray or video recording.

civil liability; damages; metal theft (H.B. 2269) – Chapter 138

Provides an affirmative defense in a civil action if the defendant did not act intentionally and the claimant, or the decedent if applicable, was attempting to commit, committing or immediately fleeing from an act in violation of metal theft laws, and as a result, the claimant or decedent was in any way responsible for the accident or event that caused the claimant's or decedent's harm.

~~sentencing; probation~~ (NOW: deferred prosecution fund) (H.B. 2307) – Chapter 206

Allows a county to establish a County Attorney Deferred Prosecution Fund (Fund) consisting of: 1) county general fund appropriations; 2) federal monies that are appropriated for deferred prosecution programs; and 3) grants, gifts, devises and donations from any public or private source. Requires Fund monies to be used for administering deferred prosecution programs at the discretion of the county attorney. Requires the Arizona Prosecuting Attorney's Advisory Committee to modify guidelines, as necessary, in order to conform to changes made to deferred prosecution program authorization statutes. Requires the county attorney of a county that has established a deferred prosecution program to maintain specified records as outlined and to submit the annual evaluation of the deferred prosecution program to the Joint Legislative Budget Committee.

criminal justice information; court reporting (H.B. 2310) – Chapter 142

Requires the Director of the Department of Public Safety to authorize the exchange of criminal justice information between the Central State Repository or through the Arizona Criminal Justice Information System with the superior court for the purpose of determining an individual's eligibility for substance abuse and treatment courts in a family or juvenile case.

military justice; courts-martial (H.B. 2311) – Chapter 143

SEE THE COMMERCE, ENERGY AND MILITARY COMMITTEE.

tampering with a witness (H.B. 2312) – Chapter 144

SEE THE PUBLIC SAFETY COMMITTEE.

JUDICIARY COMMITTEE (Cont'd.)

national instant criminal background checks (H.B. 2322) – Chapter 261

SEE THE PUBLIC SAFETY COMMITTEE.

firearms; law enforcement officers (H.B. 2336) – Chapter 147

SEE THE PUBLIC SAFETY COMMITTEE.

conspiracy; homicide; statute of limitation (H.B. 2382) – Chapter 208

Removes the statute of limitations for a prosecution of conspiracy to commit homicide if the homicide resulted in the death of a person.

synthetic drugs; reporting (H.B. 2453) – Chapter 36 E

An emergency measure, effective April 15, 2014, that expands the definitions of *dangerous drug* and *narcotic drugs* by adding additional synthetic substances. Eliminates duplicate reporting requirements to the Department of Public Safety for manufacturers, wholesalers, retailers or other persons who sell, transfer or furnish precursor chemicals or regulated chemicals.

human trafficking; prostitution (H.B. 2454) – Chapter 151

Prostitution – Increases, from a class 6 to a class 2 felony, engaging in prostitution with a minor who the person should have known is 15, 16 or 17 years old. Increases the presumptive, minimum and maximum sentences for a person convicted of *child prostitution* if the minor is 15, 16 or 17 years old. Establishes an affirmative defense for knowingly engaging in prostitution if the defendant committed the acts as a direct result of being a victim of sex trafficking. Classifies knowingly using an advertisement for prostitution that contains a visual depiction of a minor, with exceptions as outlined, as *commercial sexual exploitation of a minor*.

Human Trafficking – Adds, as a possible aggravating circumstance when a defendant is convicted for a violation of sex trafficking or forced labor trafficking, the consideration that the defendant recruited, enticed or obtained the victim from a shelter that is designed to serve runaway youth, foster children, homeless persons or victims of human trafficking, domestic violence or sexual assault. Establishes the Human Trafficking Victim Assistance Fund (Fund) consisting of monies received from civil penalties for unlawful advertising by escort services and massage therapists. Fund monies are to be spent to provide assistance to victims of sex trafficking and trafficking of persons for forced labor or services. Includes child prostitution, sex trafficking and forced labor trafficking within the offenses included in the definition of *racketeering* and allows monies in the Anti-Racketeering Revolving Fund and county anti-racketeering revolving funds to be used for programs that provide assistance to victims of criminal offenses that are subject to racketeering.

Escort and Massage Therapy Advertising – Prohibits advertising for services unless appropriate license numbers of the escort, massage therapist or related business are provided in the advertisement. Establishes an affirmative defense in a civil action brought against an escort, massage therapist or related business for the first failure to display a license number in an

JUDICIARY COMMITTEE (Cont'd.)

advertisement if a valid license was possessed at the time the advertisement was published. Requires an escort, massage therapist or related business to retain proof of the age of any escort or massage therapist whose services are offered in any advertisement for at least one year. Establishes an affirmative defense in a civil action for failure to retain proof of age if the person whose services were offered in an advertisement was at least 18 years old at the time the advertisement was published. Subjects an escort, massage therapist or related business to a civil penalty for violating advertising requirements. Prohibits a person from advertising massage therapy services unless that person is properly licensed.

mental health; veterans courts; establishment (H.B. 2457) – Chapter 37

Allows the superior court presiding judge in each county to establish a veterans court and a mental health court to adjudicate cases filed in justice or municipal courts within the county. Requires the presiding judge to establish eligibility criteria for referral to a veterans or mental health court and outlines procedures for referral from justice and municipal courts.

firearms; private land; lawful discharge (H.B. 2483) – Chapter 62

SEE THE PUBLIC SAFETY COMMITTEE.

certification of firearm transfers (H.B. 2535) – Chapter 173

Requires a chief law enforcement officer (CLEO) to either certify or deny the transfer of a firearm, if certification is required by federal law, within 60 days of receipt of a request for certification. If the request is denied, the CLEO is required to notify the applicant, in writing, of the reason for the denial. A CLEO of a law enforcement agency with 15 or fewer peace officers may refer a request for certification to the county sheriff. Stipulates that a county attorney or a tribal agency is not subject to these guidelines but that a county attorney or a tribal agency is not prohibited from providing an applicant with a certification. A CLEO may not refuse to provide certification based on a generalized objection to private persons or entities making, possessing or receiving firearms or any certain type of firearm not prohibited by law.

juvenile crime victims' rights (H.B. 2563) – Chapter 269

Conforms victims' rights statutes for victims of juvenile offenders to current statutes relating generally to victims' rights in the Criminal Code.

manslaughter; assisting suicide (H.B. 2565) – Chapter 270

Modifies the assisted suicide provision within the definition of *manslaughter*. A person now commits the offense, rather than by intentionally aiding another to commit suicide, by intentionally offering or providing the physical means that another person uses to commit suicide with the knowledge that the person intends to commit suicide.

theft of trade secrets; offense (H.B. 2567) – Chapter 155

Establishes the offense of *theft of trade secrets* and stipulates that a person commits the offense if, with the intent to deprive or withhold the exclusive control of a trade secret from its

JUDICIARY COMMITTEE (Cont'd.)

owner or with the intent to make any use of a trade secret, the person does any of the following: 1) takes, transmits, exhibits, conveys, alters, destroys, conceals or uses a trade secret without the permission of the owner; 2) makes or causes to be made a copy of a trade secret without the permission of the owner; or 3) receives, purchases or possesses a trade secret, knowing that the trade secret has been obtained unlawfully. Stipulates that it is not a defense to a prosecution if the person charged with the offense returned or intended to return the trade secret. Defines *trade secrets* and classifies the offense as a class 5 felony.

death; postconviction; appellate proceedings; dismissal (H.B. 2593) – Chapter 156

Deems a person sentenced to life imprisonment, with the possibility of release after serving a minimum number of calendar years, eligible for parole for an offense that was committed before the person turned 18 years old, upon completion of service of the minimum sentence. Applies the parole eligibility to persons regardless of whether the offense was committed on or after January 1, 1994.

Requires the court to dismiss a pending appeal or postconviction proceeding if the convicted defendant dies, and prohibits the death of a convicted defendant from abating the defendant's criminal conviction or sentence or any restitution, fine or assessment imposed by the sentencing court.

penalty assessment; victims' rights enforcement (H.B. 2625) – Chapter 158

Beginning January 1, 2015, establishes the Victims' Rights Enforcement Fund (Fund) and prescribes an additional two dollar assessment collected by the courts for criminal offenses and certain civil penalties to be deposited in the Fund. Monies in the Fund are continuously appropriated. Requires the Department of Public Safety (DPS) to administer the Fund and distribute the monies to qualifying organizations and entities; DPS may use up to five percent of the monies deposited in the Fund for administrative costs.

Requires DPS, on application, to annually distribute monies from the Fund to nonprofit organizations and entities that demonstrate a five-year history of providing, without cost to the crime victim, each of the following services to crime victims: 1) legal representation to enforce the rights of crime victims as counsel of record in criminal cases; and 2) social services to assist the crime victim during the course of the legal representation. An organization or entity that applies for monies from the Fund may establish the required qualifications through an attorney.

CPS information; law enforcement; prosecutors (H.B. 2638) – Chapter 64

SEE THE HEALTH AND HUMAN SERVICES COMMITTEE.

identity theft; violation; penalties (H.B. 2639) – Chapter 159

Increases, from a class 4 to a class 3 felony, the offense of knowingly accepting the identity of another person. Decreases, from \$3,000 to \$1,000, the minimum economic loss a victim of identity theft must suffer to constitute aggravated taking the identity of another person or entity.

JUDICIARY COMMITTEE (Cont'd.)

criminal justice; budget reconciliation; 2014-2015. (H.B. 2706) – Chapter 12

SEE THE APPROPRIATIONS COMMITTEE.

LEGISLATION VETOED

technical correction; escape; secure facility (NOW: firearm; definition) (S.B. 1366) – VETOED

SEE THE APPROPRIATIONS COMMITTEE.

aggressive solicitation; offense (H.B. 2024) – VETOED

Establishes the offense of *aggressive solicitation* and classifies the offense as a class 1 misdemeanor. Prohibits a person from soliciting any money or other thing of value or soliciting the sale of goods or services in public areas as outlined. Removes, from the definition of *loitering*, intentionally being in a public place to beg.

The Governor indicates in her veto message that it is unclear what statewide concern the legislation intends to address. The Governor indicates that political subdivisions are in a better position to address the issue of aggressive solicitation as it applies to their local communities.

capital sentencing; aggravators; serious offenses (H.B. 2313) – VETOED

Includes, as an aggravating circumstance that may be considered during a capital case, whether there is a substantial likelihood that the defendant would commit criminal acts of violence that constitute a continuing threat to society. Adds, to the definition of *serious offense*, smuggling and participating in or assisting a human smuggling organization.

The Governor indicates in her veto message that the aggravating circumstance language in H.B. 2313 is overly broad and vague and the expansion of serious offenses contemplated in the bill does not appear necessary in light of existing offenses. She also states the proposed additional language in the legislation broadens the scope of those eligible for the death penalty to the point where the constitutionality of Arizona's death penalty statute would likely be challenged and potentially declared unconstitutional.

settlement of claims of minor (NOW: motor vehicle; definition; exclusion; insurance) (H.B. 2327) – VETOED

Excludes from the definition of *motor vehicle*, for purposes of cancellation or non-renewal of automobile insurance, any motor vehicle principally garaged out-of-state.

The Governor indicates in her veto message that H.B. 2327 does not define *principally garaged outside out-of-state* and therefore enables an insurance company to determine if a vehicle is principally garaged outside of Arizona. The Governor states that the legislation may have the unintended consequence of removing important consumer protections, such as receiving proper notice of the cancellation and the right to protest a cancellation, from customers.

JUDICIARY COMMITTEE (Cont'd.)

aggravated assault; firearm (H.B. 2338) – VETOED

Stipulates that a person commits aggravated assault if the person knowingly takes or attempts to exercise control over a person's lawfully possessed firearm with the intent to cause harm with that firearm. Exempts the following from aggravated assault for taking or attempting to exercise control over a person's firearm: 1) a peace officer while engaged in the execution of any official duties; and 2) a person who is justified in using physical force or deadly physical force. Taking or attempting to exercise control over a person's firearm with the intent to cause harm with that firearm is a class 4 felony.

The Governor indicates in her veto message that H.B. 2338 is not necessary because current law already provides appropriate penalties for the described conduct.

firearms; permit holders; public places (H.B. 2339) – VETOED

Exempts, from *misconduct involving weapons*, a person who carries a deadly weapon in a public establishment other than a vehicle or craft or at a public event if that person possesses a valid permit to carry a concealed weapon (CCW). Stipulates that the exemption for persons with a CCW permit does not: 1) relieve or limit an operator of a public establishment or a sponsor of a public event from current requirements for providing storage for firearms; or 2) limit, restrict or prohibit the existing rights of a private property owner, private tenant, private employer or private business entity.

Excludes the following locations from the exemption for persons with a CCW permit: 1) any public establishment or public event that has security personnel and electronic weapons screening devices at each entrance or that has security personnel electronically screen each person who enters the public establishment or public event to determine if the person is carrying a deadly weapon, and the security personnel require each person carrying a deadly weapon to leave the weapon in possession of security personnel while in the establishment or at the event; 2) any community college district in the state or any university under the jurisdiction of the Arizona Board of Regents; 3) any licensed premises of a public establishment or public event with a liquor license; and 4) any educational institution.

The Governor indicates in her veto message that H.B. 2339 does not address her concerns from similar legislation passed in 2011 and 2012. The Governor states H.B. 2339 would establish an unfunded mandate on state and local governments and that it is an unnecessary diversion of limited resources.

firearms; state preemption; penalties (H.B. 2517) – VETOED

Requires a court to declare invalid any act, ordinance, regulation, tax or rule enacted by a political subdivision in violation of state firearm preemption laws. A permanent injunction must be issued against a political subdivision from continuing the act or enforcing the ordinance, regulation, tax or rule. It is not a defense that the political subdivision was acting in good faith or on the advice of counsel.

Requires the court to assess a civil penalty of up to \$5,000 against the elected or appointed government official or administrative agency head under whose jurisdiction the

JUDICIARY COMMITTEE (Cont'd.)

violation occurred if the violation is knowing and wilful. Subjects, to termination from employment, a person who knowingly and wilfully violates a provision of state firearm preemption laws while acting in the person's official capacity.

Any person or organization adversely affected by an ordinance, rule, regulation, tax, measure, directive, order or policy that violates firearm preemption laws may file a civil action for declaratory relief and actual damages against the political subdivision. A prevailing plaintiff is entitled to reasonable attorney fees, costs and actual damages incurred of up to \$100,000.

The Governor indicates in her veto message that H.B. 2517 broadly mandates that a court make findings and take prescribed action without regard to the consideration of facts. She also states she is troubled by the vague and punitive provision that a person in violation of the statute is subject to termination from employment. The Governor states that a person or an organization that perceives an ordinance is illegal may already seek remedies through the legal system.

rescue operation personnel; limited liability (H.B. 2611) – VETOED

Exempts a person who is a member of an organized search and rescue team, unit or organization and who is involved in a search and rescue operation from liability for an injury to, or death of, a person subject to the search and rescue unless the person is grossly negligent.

The Governor indicates in her veto message that H.B. 2611 is overly broad and does not define an organized search and rescue team.

Natural Resources & Rural Affairs Committee

Senator Steve Pierce, Chairman



Liisa Laikko, Research Analyst

Michael Guillian, Intern

NATURAL RESOURCES & RURAL AFFAIRS COMMITTEE

LEGISLATION ENACTED

hunting on private land; trespassing (S.B. 1118) – Chapter 182

Allows law enforcement officers to enforce prohibitions against hunting, fishing or trapping upon request of private landowners.

technical correction; real estate regulation (NOW: natural resource conservation district; expertise) (S.B. 1214) – Chapter 243

SEE THE GOVERNMENT AND ENVIRONMENT COMMITTEE.

racing omnibus (S.B. 1282) – Chapter 277 LIVS

Makes various changes to the state's racing and pari-mutuel statutes. Authorizes commercial racetracks in Arizona to contract with a third-party account wagering provider to conduct advanced deposit wagering (ADW or account wagering), with Arizona Racing Commission (Commission) approval, allowing bettors in Arizona to place bets on races via telephone. Prescribes parameters for the conduct of account wagering, including approval from racetracks and applicable associations. A percentage of gross revenues generated by account wagers, as determined by the Arizona Department of Racing (ADR), must be transmitted daily to ADR for deposit into the Racing Regulation Fund. Classifies operating as an account wagering provider without Commission approval as a class 6 felony. Requires the account wagering provider to pay source market fees to racetracks. Five percent of source market fees on horse racing allocated for purses must be paid to ADR for deposit in the Arizona Breeders' Award Fund for distribution for Arizona-bred horses.

Reduces the regulatory wagering assessment over a time period determined by ADR and by an amount that offsets the monies received through account wagering revenues. Allows live daytime dog racing on the same day as live daytime horse racing and live nighttime horse racing on the same day that there is live nighttime dog racing if all permittees in the same county agree to allow the races by a written contract submitted to ADR. Requires ADR to make the list of all animal racing-related injuries and deaths available to the public and also obtain and maintain records regarding injuries incurred by dogs that were used for or in connection with dog racing. Declares that this legislation does not authorize Arizona to opt in to any federal law, rule or regulation that allows legalized online gaming or to approve or enter into any framework that allows legalized online gaming.

The Governor line item vetoed provisions in the bill relating to the distribution of \$1,200,000 of unclaimed property revenues to the Arizona Breeders' Award Fund and the County Fair Racing Fund. The Governor indicates that she line item vetoed the appropriation as the state is instead marshaling resources to fund child safety reform.

NATURAL RESOURCES & RURAL AFFAIRS COMMITTEE (Cont'd.)

federal milk ordinance; rulemaking exemption (S.B. 1481) – Chapter 82

SEE THE GOVERNMENT AND ENVIRONMENT COMMITTEE.

veterinary faculty member licenses (H.B. 2205) – Chapter 51

Establishes a veterinary faculty member license for veterinarians to allow the licensee to practice veterinary medicine as a part of the person's academic responsibilities as a faculty member of the veterinary college where the licensee is employed. Exempts veterinary faculty member licensees from the state veterinarian examination and continuing education requirements. Additionally, establishes an emergency temporary permit for out-of-state veterinarians who provide volunteer services during a declared state of emergency.

cotton research council; continuation (H.B. 2222) – Chapter 32

Retroactive to July 1, 2014, the Cotton Research and Protection Council is continued until July 1, 2024.

permits or tags; transfer; veterans (H.B. 2303) – Chapter 55

Allows a person to transfer a big game permit or hunting tag to a non-profit organization for use by a U.S. Armed Forces disabled veteran.

~~supplemental appropriation; state forester (PREV NOW: forest health management)~~ (NOW: wildfire prevention; state trust land (H.B. 2343) – Chapter 207)

Requires the State Land Department to establish a program for the removal of vegetative natural products for the purpose of fire suppression and forest management on state lands. Requires the State Land Commissioner and State Forester to identify and prioritize the state lands that would benefit the most from implementation of the program. Outlines how the State Land Commissioner and State Forester may implement the program. Sunsets the program on July 1, 2024.

hunting and fishing licenses; military (H.B. 2443) – Chapter 93

Authorizes military personnel stationed in Arizona to immediately purchase a resident license for the taking of wildlife.

environment; budget reconciliation; 2014-2015. (H.B. 2707) – Chapter 13

SEE THE APPROPRIATIONS COMMITTEE.

Public Safety Committee

Senator Chester Crandell, Chairman



Amber Witter, Research Analyst

Robert Celaya, Intern

PUBLIC SAFETY COMMITTEE

LEGISLATION ENACTED

silver alert notification system (S.B. 1097) – Chapter 232

SEE THE GOVERNMENT AND ENVIRONMENT COMMITTEE.

textbook purchase; technical correction (NOW: fireworks; permissible use) (S.B. 1158) – Chapter 108 E

An emergency measure, effective April 22, 2014, that creates requirements for sellers of fireworks that are shipped out-of-state or sold to farmers and ranchers, including requiring sellers to maintain certain records for five years and make them available upon request to a fire marshal.

Establishes civil penalties for: 1) violations of records requirements; and 2) violations of terms of agreement. Allows a fire marshal to prohibit a seller from selling permissible consumer fireworks, if the seller attempts to sell or aid a purchaser in buying fireworks for unauthorized purposes. Subjects violators of fireworks statutes to a \$1,000 civil penalty, instead of a class 3 misdemeanor. Establishes a penalty for the use of fireworks on preservation lands.

Grants cities, towns and counties the ability to regulate the sale of permissible consumer fireworks in certain circumstances, and modifies counties' ability to regulate their use. Requires local governments to allow the use and sale of permissible consumer fireworks during certain time periods, in counties of more than 500,000 persons.

Expands the list of firework items that are non-permissible consumer fireworks because of the ability to fly or detonate in the air.

planned communities; definition; property easements (S.B. 1184) – Chapter 112

SEE THE GOVERNMENT AND ENVIRONMENT COMMITTEE.

public safety officers; omnibus (S.B. 1284) – Chapter 190

Makes omnibus changes to statutes regarding public safety officers. Specifically, extends for three years the supplemental benefit plan for public safety employees injured while on duty. The Arizona Department of Administration (ADOA) may specify the scope of the program and establish an appeal hearing process for someone who is denied benefits. Additionally, ADOA must annually report information on claims, appeals and payments.

Allows peace officers, beginning January 1, 2015, to request the superior court to restrict access to their personal identifying information in cases in which such access may endanger a person's life or safety.

Allows the Arizona Department of Corrections, the Arizona Department of Juvenile Corrections, counties, cities and towns to establish a voluntary cancer insurance policy program

PUBLIC SAFETY COMMITTEE (Cont'd.)

for corrections and detention officers, but requires the officer to pay the premiums. Allows Public Safety Personnel Retirements System members to buy back up to 60 months of prior service as full-time paid corrections officers under certain circumstances. Allows an Arizona State Retirement System (ASRS) member who accepts a position as a detention officer to stay under ASRS under specified conditions.

electromagnetic pulse preparedness; recommendations (S.B. 1476) – Chapter 236

Requires the Division of Emergency Management, within the Department of Emergency and Military Affairs, to develop, post and update preparedness recommendations regarding the supplies each person should possess in preparation for an electromagnetic pulse that might occur over the U.S.

homeowners' associations amendments; omnibus (S.B. 1482/H.B. 2695) – Chapter 83

SEE THE GOVERNMENT AND ENVIRONMENT COMMITTEE.

correctional officers; arrest; unlawful imprisonment (H.B. 2002) – Chapter 40

Grants arrest authority to a detention officer who has a warrant and is acting in official capacity at a jail where the officer is employed. Defines *detention officer* and specifies who a detention officer may arrest.

watercraft; civil and criminal penalties (H.B. 2003) – Chapter 127

SEE THE JUDICIARY COMMITTEE.

court-ordered evaluations; peace officers (H.B. 2105) – Chapter 197 E

An emergency measure, effective April 23, 2014, that allows a peace officer to take a person into custody for transportation to a mental health screening or evaluation agency if the officer has probable cause to believe the person is a danger to self or others. Removes the requirement that the probable cause be based on the officer's own observations.

fire; building; life safety; continuation. (H.B. 2134) – Chapter 198

Retroactive to July 1, 2014, the Department of Fire, Building and Life Safety is continued until July 1, 2022.

identifying information; peace officer spouses (H.B. 2145) – Chapter 164 E

An emergency measure, effective April 23, 2014, that adds spouses of peace officers to the current list of people who may request certain personal information to be restricted from public access.

PUBLIC SAFETY COMMITTEE (Cont'd.)

trampoline courts; safety (NOW: trampoline court safety) (H.B. 2179) – Chapter 259

Requires trampoline courts to register with the Department of Fire, Building and Life Safety (DFBLS) at least 30 days before operation and annually renew their registration. Allots 90 days for existing trampoline courts to comply with these requirements. Outlines the information trampoline courts must provide DFBLS, which must maintain a trampoline court registry with related public records, and allows DFBLS to charge a fee.

Requires trampoline courts to substantially meet the American Society for Testing and Materials standards and specifies requirements for owners or operators. They must have the trampoline court inspected by an insurer at least once a year; include specified rules for patrons; procure liability insurance of at least \$1,000,000 for bodily injury; and maintain accurate records of governmental action and emergency responder service calls.

scrap metal dealers (H.B. 2268) – Chapter 90

SEE THE COMMERCE, ENERGY AND MILITARY COMMITTEE.

fingerprint clearance cards; periodic checks (H.B. 2306) – Chapter 56

Requires, instead of allows, the Department of Public Safety (DPS) to conduct periodic state criminal history records checks on fingerprint clearance cardholders. Permits DPS to conduct federal criminal history records checks on fingerprint clearance cardholders when authorized under federal law. Expands the list of unappealable offenses for which DPS must deny a fingerprint clearance card to include human trafficking.

tampering with a witness (H.B. 2312) – Chapter 144

Prohibits the defendant, the defendant's attorney or an agent of the defendant, in both juvenile and adult criminal cases, from interviewing a minor child who has agreed to an interview, even if the minor child's parent or legal guardian initiates contact, unless: 1) the prosecutor is actually notified at least five days in advance; and 2) the minor is informed that the prosecutor may be present at the interview. Redefines tampering with a witness to mean communicating, directly or indirectly, with a witness or potential witness to commit enumerated acts, including evading a summons or subpoena.

national instant criminal background checks (H.B. 2322) – Chapter 261

Effective January 1, 2015, requires the Supreme Court to transmit to the Department of Public Safety (DPS), and DPS to subsequently transmit to the National Instant Criminal Background Check System, the following information: 1) case information related to incompetent and guilty except insane defendants; 2) orders of incapacitation; 3) orders terminating incapacity; and 4) mental health treatment orders. Outlines additional related information that must be included.

Prohibits defendants found incompetent to stand trial or guilty except insane from obtaining security guard agency licenses, and classifies them as prohibited possessors.

PUBLIC SAFETY COMMITTEE (Cont'd.)

Enumerates various other requirements for courts and court clerks related to transmitting and granting access to information of incapacitated persons.

blue alert notification system (H.B. 2323) – Chapter 34

Requires the Department of Public Safety (DPS) to establish a Blue Alert Notification System meant to quickly issue and coordinate alerts following an attack on a law enforcement officer. Outlines circumstances in which DPS must issue a Blue Alert at the request of the investigating law enforcement agency and distribute relevant information to appropriate entities.

firearms; law enforcement officers (H.B. 2336) – Chapter 147

Allows peace officers or retired peace officers to be prohibited from carrying a firearm when consuming alcohol at *any* licensed liquor establishment, rather than establishments operated by the state or political subdivision of the state.

probation officers; authority (H.B. 2461) – Chapter 152

Authorizes a probation officer in any county, rather than only Maricopa County, to serve warrants, make arrests and bring before the court persons who are subject to pretrial services supervision and who are alleged to have violated a condition of release.

homeowners' associations; transfer fees; exemption (H.B. 2477) – Chapter 94

SEE THE GOVERNMENT AND ENVIRONMENT COMMITTEE.

firearms; private land; lawful discharge (H.B. 2483) – Chapter 62

Prohibits local government zoning ordinances from regulating the otherwise lawful discharge or use of a firearm, air gun or archery equipment on private land not open to the public on a commercial or membership basis. Exempts such private land from the definition of *outdoor shooting range*, which exempts it from noise standards. Allows such discharge or use to be enjoined only by the Attorney General in abating a public nuisance or a person who occupies a permanent residence within a quarter mile of the discharge or use who files a private nuisance or negligence-based action. Specifies the burden of proof for related actions and requires the prevailing party to recover reasonable attorney fees and costs. Continues to permit political subdivisions to adopt ordinances restricting firearm discharge within a quarter mile of an occupied structure, but without the consent of the owner or occupant of the structure.

leaving accident scene; alcohol; penalty (H.B. 2505) – Chapter 38

SEE THE TRANSPORTATION COMMITTEE.

unlawful distribution of private images (H.B. 2515) – Chapter 268

Criminalizes disclosure of photographs or videos of another person in a state of nudity or engaged in specific sexual activities if the person knows or should have known that the depicted person did not consent to the disclosure. Classifies the offense as a class 4 or 5 felony, depending

PUBLIC SAFETY COMMITTEE (Cont'd.)

on whether the person is recognizable. Includes the offense in the definition of *domestic violence*. Outlines exemptions to the offense.

probation; peace officers; rights; investigations (H.B. 2562) – Chapter 240

Effective January 1, 2015, repeals, reorganizes and reinserts rights and obligations for law enforcement and probation officers and their employers regarding: 1) due process in misconduct investigations, fitness for duty examinations and disciplinary action; and 2) family health insurance and confidentiality. Modifies certain requirements related to performance-based actions and related appeals.

Applies statutory rights, including the right to appeal, to additional suspensions and establishes or modifies certain deadlines regarding misconduct investigations and appeals of disciplinary action. Excludes juvenile detention officers from employer deadlines for misconduct investigations, but adds them to statutes regarding: 1) limitations on disciplinary action unless there is *just cause*; 2) witness protections in misconduct investigations; and 3) employee rights and responsibilities when employers order fitness for duty examinations.

Modifies requirements related to law enforcement officer discipline and appeals. Requires employers to provide certain summaries or file copies in additional circumstances and parties to an appeal to act in good faith. Opens appeal hearings to the public. Finally, requires a hearing officer to document in the record a determination that a party has clearly violated a statutory obligation, and to determine the amount of retroactive compensation when the hearing officer overturns a termination.

criminal damage; economic costs (H.B. 2571) – Chapter 176

Specifies that in determining the amount of property damage caused by aggravated criminal damage or graffiti, damages include reasonable labor, material and equipment costs.

joint powers public safety committee (H.B. 2591) – Chapter 271

Allows the chief law enforcement officer (CLEO) or designee from two or more local jurisdictions to establish a Joint Powers Public Safety Committee to facilitate criminal justice information sharing. Such a committee may accept and spend public monies and private gifts and contributions. Also requires the CLEO or designee to create a governing board to: 1) establish rules related to the committee and security, privacy, confidentiality and dissemination of the criminal justice information; 2) annually adopt a budget for the following fiscal year; and 3) elect a budget officer.

LEGISLATION VETOED

federal land; emergency access (H.B. 2541) – VETOED

Allows the state or a locality to access federal land during a state of emergency or a local emergency to address the situation.

PUBLIC SAFETY COMMITTEE (Cont'd.)

The Governor indicates in her veto message that there are constitutional issues with the state granting access to federal land, and that a memorandum of understanding would be a better approach for state and local governments to gain such access in an emergency.

peace officer standards; training board (H.B. 2564) – VETOED

Increases the population thresholds for appointment of two city police chiefs to the Arizona Peace Officer Standards and Training Board (AzPOST) from 60,000 to: 1) one city with a population of fewer than 200,000 persons; and 2) one city with a population of 225,000 persons or greater.

The Governor indicates in her veto message that this legislation creates an unexplained population gap in the categories of cities related to AzPOST. Additionally, it specifies that the thresholds are determined exclusively by 2010 decennial census data.

Transportation Committee

Senator Judy Burges, Chairman



Liisa Laikko, Research Analyst

Michael Guillian, Intern

TRANSPORTATION COMMITTEE

LEGISLATION ENACTED

transportation safety zones; passenger areas (NOW: passenger areas; transportation safety zones)
(S.B. 1152) – Chapter 184

Allows a city or town governing body to establish a transportation safety zone if necessary for preservation of public safety, health or general welfare. Permits the establishment, demarcation and designation of passenger convenience areas and vehicle-for-hire lanes within a transportation safety zone. Provides the limitations for the creation of a transportation safety zone and enumerates the regulatory right of a city, town or county that establishes the zone.

state parks; donations; fund; transportation. (S.B. 1326) – Chapter 120

Establishes the Sustainable State Parks and Roads Fund (Fund), the monies of which are to be used to operate, maintain and make capital improvements to buildings, roads, parking lots, highway entrances and any related structure used to operate State Parks. Establishes a process for a person to make a donation to the Fund on the person's individual income tax return.

used motor vehicle dealer; definition (S.B. 1474) – Chapter 81

Increases from three to six the number of used motor vehicles that a person may buy, sell, auction, exchange, offer or attempt to negotiate a sale or exchange of an interest in, or engage in the business of selling in a continuous twelve month period without a used motor vehicle dealer license.

golf carts; NEVs; passing; driving (H.B. 2027) – Chapter 23

Expands traffic regulations to allow a person to drive a golf cart or neighborhood electric vehicle (NEV) on a paved shoulder or as close as practicable to the edge of the roadway in an age-restricted community located in an unincorporated area of a county with a population greater than 3,000,000 people. Grants right-of-way to other motorists as well as the right to overtake a golf cart or NEV as permitted by law.

certificates of title; vehicles; transfer (H.B. 2109) – Chapter 27

Allows a licensed motor vehicle dealer 30 days to submit an application for a certificate of title after obtaining a vehicle through purchase or transfer.

commercial driver licenses (H.B. 2111) – Chapter 46

Allows a commercial driver instruction permit holder to be accompanied by a same class or higher class license holder from another state when driving a commercial vehicle on public highways.

TRANSPORTATION COMMITTEE (Cont'd.)

Arizona motorsports commemorative special plates (H.B. 2113) – Chapter 6

Requires the Arizona Department of Transportation (ADOT) to issue an Arizona Motorsports Commemorative Special Plate if an entity pays \$32,000 for its implementation by December 31, 2016. Stipulates that the entity that pays the implementation fee must design the plate. Monies collected from the plate will be deposited in the Arizona Motorsports Commemorative Special Plate Fund (Fund) also created by this legislation, with a portion of each license plate fee being dispersed back to the organization that pays for the plate's implementation. Requires ADOT to annually distribute all monies, excluding administrative fees, to a qualifying foundation that is a national leader in providing resources and charitable support for children through education, medical treatment, dream experiences and volunteerism.

ADOT; land acquisition; conveyances; relocation (H.B. 2114) – Chapter 28

Revises Arizona's standards for relocation assistance for displaced persons to match the federal standards set forth by Moving Ahead for Progress in the 21st Century Act (MAP-21).

motor vehicle sales (H.B. 2120) – Chapter 48

Prohibits a motor vehicle dealer or person acting as a motor vehicle dealer from parking a motor vehicle for sale or for transfer of ownership on any of the following: 1) a public street or highway; 2) a public parking lot; 3) any other public property; or 4) any private property if the public may lawfully drive a motor vehicle on the property. Permits the Arizona Department of Transportation Director, after conducting an investigation and having reasonable cause to believe that a licensed motor vehicle dealer has conducted a private sale of a vehicle, to immediately issue and serve on the licensee a cease and desist order. Requires a peace officer to have the vehicle towed and immobilized or impounded if the vehicle is displayed for sale or for transfer of ownership with a vehicle identification number that has been destroyed, removed, covered, altered or defaced.

military applicants; commercial driver licenses (H.B. 2204) – Chapter 50

Changes the period of time after serving in a military position that required operation of a commercial motor vehicle that a person may apply for a commercial driver license with a waived driving test from 90 days to the time period prescribed in the U.S. Department of Transportation Commercial Driver's License Standards, Requirements and Penalties.

vehicle emissions inspection program (H.B. 2226) – Chapter 89

Restructures statutory vehicle emissions testing requirements for vehicles registering in area A and area B. Mandates a diesel powered vehicle in area A or area B equipped with an Onboard Diagnostic (OBD) system to take and pass an OBD test. Exempts these vehicles from the requirement to undergo a gas cap test. Requires the Director of the Arizona Department of Environmental Quality (Director) to issue a certificate of waiver if all recommended maintenance and repairs to a vehicle have been completed and the vehicle has failed a required reinspection, but prohibits the Director from issuing a certificate of waiver for any vehicle that has failed inspection in area A or area B due to catalytic-converter system issues. Allows the Director to adopt rules to implement the changes in this legislation and conditions the enactment

TRANSPORTATION COMMITTEE (Cont'd.)

of the proposed modifications to the testing protocols of the Vehicle Emissions Inspection Program on the Environment Protection Agency (EPA) approving the modifications as part of the state implementation plan for air quality by July 1, 2017.

DPS; school bus rules oversight (H.B. 2362) – Chapter 59

Removes the Arizona Department of Administration from the statutory regulation and oversight of school busses.

technical correction; abandoned vehicles; monies (NOW: towed vehicles; impounded notification) (H.B. 2429) – Chapter 266

Requires that the towing of a vehicle caused by a private entity or peace officer be reported to the local law enforcement agency for entry to the Arizona Crime Information Center within three business days. Limits a towing company to a single contract per geographic towing area with the Arizona Department of Public Safety or a county, city or town for towing or storage services, or both. Prohibits a towing company from participating in any other application for a contractual agreement within the same geographic towing area of a towing firm if it has a common ownership interest in or owns the assets of that towing firm.

combination vehicles; size; weight; load (H.B. 2430) – Chapter 60

Revises the allowances for excess size and weight permit holders by allowing the holder to drive on a highway that is located: 1) within four miles of and extends to the border of Arizona and an adjacent state that holds the same vehicle combination standards; 2) or within 20 miles of and extends to the border of Arizona and an adjacent state that holds the same vehicle combination standards, if it extends at least 10 miles through an Indian reservation and does not cross the Colorado River. Makes additional clarifying and updating changes to excess size and weight permit statutes.

leaving accident scene; alcohol; penalty (H.B. 2505) – Chapter 38

Increases the penalty for a driver who fails to render reasonable assistance to a person injured in an accident from a class 3 misdemeanor to a class 6 felony. Requires the court to order a driver to complete alcohol or drug screening if: 1) the driver was involved in a hit and run accident; and 2) the court finds, by a preponderance of the evidence, that the driver's use of intoxicating substances was a contributing factor to the accident. Also permits the Arizona Department of Transportation to require a person to complete alcohol or drug screening as a condition of license reinstatement under similar circumstances.

alternative fuel vehicles; registration; inspection (H.B. 2580) – Chapter 99

Revises the emissions testing requirements for alternative fuel vehicles (AFV) to require emissions testing in the sixth registration year instead of the fourth, and removes the option to pay a fee in lieu of emissions testing on a new original equipment manufactured AFV before the fourth registration year. Removes the requirement for fleet vehicles to receive an emissions test at least once in every 12 month period and allows the Director of the Arizona Department of Environmental Quality to adopt rules for the inspection of fleet vehicles.

LEGISLATION VETOED

technical correction; unordered merchandise (NOW: autocycles; class M license; exemption)
(S.B. 1201) – VETOED

Adds a definition of *autocycle* and provides a class M driver license exemption for autocycle riders. Adds a definition of *motorized quadricycle* and provides requirements and regulations for the vehicle.

The Governor indicates in her veto message that because of the open air nature of a motorized quadricycle, allowing such vehicles to be licensed as limousines and, in turn, allowing passengers to consume alcohol on those vehicles, makes the bill inconsistent with Arizona's open container and public consumption laws.

Memorials & Resolutions



MEMORIALS & RESOLUTIONS

Yuma desalting plant (S.C.M. 1001)

Urges the Secretary of the U.S. Department of the Interior to immediately take all necessary measures to operate the Yuma Desalting Plant.

urging Congress; PILT program; funding (S.C.M. 1006)

Urges the U.S. Congress to provide full, sustainable funding of the Payment in Lieu of Taxes Program for FY 2015 and beyond, and to work with state and county governments to identify and implement policies to promote economic development on, or associated with, public lands.

medicare enrollment requirement; physicians; repeal (S.C.M. 1009)

Urges the U.S. Congress to repeal the requirement that physicians who have a National Provider Identifier enroll in or opt out of Medicare as a condition of payment of claims for ordered or provided covered services under federal health care programs.

Mexican wolf; population rule (S.C.R. 1006)

Expresses the Legislature's support for focusing future Mexican wolf introduction efforts on remote areas within the northern Sierra Madre Occidental mountain range as well as for shifting the primary responsibility for administration of the Mexican wolf introduction program to the states (in this state to the Arizona Game and Fish Department and shifting administration of the program in New Mexico to the New Mexico Department of Game and Fish). Declares the Legislature's opposition to additional introduction of Mexican wolves in Arizona and New Mexico unless and until it is proven that: 1) wolves cannot be successfully introduced in northern Mexico; and 2) natural expansion of the wolf population is not capable of achieving the 100-wolf population goal of the 1982 Mexican Wolf Recovery Plan.

Asserts the belief of the Legislature that the 10(j) rule governing management of Mexican wolves in Arizona and New Mexico should authorize private landowners and their agents to take (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect) Mexican wolves that: 1) enter private land where the landowner has not entered into a management agreement with the U.S. Fish and Wildlife Service allowing wolves to enter; or 2) are killing, wounding, biting, chasing, threatening or harassing humans, pets or livestock on private land.

wildfires; forest management (S.C.R. 1007)

Declares that the Legislature: 1) places the highest importance on the issues of forest management; 2) supports the use of appropriately scaled industry to preserve the safety of Arizona's communities, the health of Arizona's forests and the strength of Arizona's economy; and 3) looks to the U.S. Forest Service to take meaningful steps to collaboratively move forward

MEMORIALS AND RESOLUTIONS (Cont'd.)

with forest stakeholders on major forest thinning projects and to provide increased financial support to Arizona's local forests to keep existing industry supplied with enough tractable acres.

commendation; Davis Monthan air force base (NOW: support; military installations) (S.C.R. 1008)

Expresses the Legislature's recognition of the unique assets that Arizona provides in order to test and train the U.S. military and the importance of those assets to national defense. Also, expresses the Legislature's recognition of the beneficial economic impact that Arizona enjoys due to the federal military installations and missions in the state. Declares that the members of the Legislature fully support the varied missions of the military within Arizona as well as the men, women and families of the military.

rulemaking; electric generating units; opposition (S.C.R. 1022)

Expresses the Legislature's opposition to the implementation of rules for new electric generating units that require technology not commercially available or technologically feasible and to the implementation of rules for new and existing electric generating units that do not recognize the state's primary role in establishing and implementing plans to achieve emissions reductions.

Expresses the Legislature's support for the Environmental Protection Agency (EPA) 1) issuing guidelines for practical state-established performance standards based on reduction of carbon dioxide emissions that can be achieved by measures undertaken at fossil-fuel electric generating units and do not require New Source Review; and 2) giving Arizona the maximum amount of flexibility allowed under the Clean Air Act (CAA) in setting performance standards and compliance schedules for electric generating units.

Expresses the Legislature's support for Congressional oversight of the EPA to ensure the respect of the state's primary role in establishing and implementing rules related to the CAA.

Phoenix Rotary 100; centennial; recognition (S.C.R. 1023)

Recognizes the Phoenix Rotary 100 on its centennial and proclaims March 1, 2014, Arizona Rotary Day.

support; Taiwan; United States; trade (S.C.R. 1024)

Expresses the Legislature's support of: 1) the negotiation of a U.S.-Taiwan bilateral investment agreement or free trade agreement; and 2) Taiwan's participation in international organizations including the Trans-Pacific Partnership.

Valerie Scanlan; death resolution (S.R. 1001)

Expresses the Senate's regret at the passing of Valerie Scanlan and expresses its members' deepest sympathies to her husband, family members and many friends.

MEMORIALS AND RESOLUTIONS (Cont'd.)

death resolution; John Greene (S.R. 1002)

Expresses the Senate's regret at the passing of John Greene and extends its members' deepest sympathies to his family members and friends.

EPA; nullification of rules (S.R. 1003)

Expresses the Senate's support of the following: 1) nullification of all rules imposed by the U.S. Environmental Protection Agency (EPA); and 2) consultation between the EPA and tribal governments prior to the implementation of rules that impact tribal governments.

Cecil Miller; death resolution (S.R. 1004)

Expresses the Senate's regret at the passing of Cecil H. Miller, Jr. and extends its member's deepest sympathies to his surviving family members and friends.

PANDAS; PITAND; PANS; awareness day (S.R. 1007)

Proclaims October 9 as pediatric acute-onset neuropsychiatric syndrome (PANS), pediatric autoimmune neuropsychiatric disorder associated with streptococcal infection (PANDAS) and pediatric infection-triggered autoimmune neuropsychiatric disorder (PITAND) Awareness Day in Arizona.

Republic of Azerbaijan; strategic partnership. (S.R. 1008)

Expresses the Senate's support of: 1) a strategic partnership between the United States and the Republic of Azerbaijan; and 2) the reinvigoration of United States efforts aimed at a swift and just political settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict.

John Decker; death resolution (S.R. 1009)

Expresses the Senate's regret at the passing of John Decker and extends its members' deepest sympathies to his family members, friends and the people of Clifton, Arizona.

national eating disorders awareness week (S.R. 1010)

Proclaims the week of February 23, 2014, as National Eating Disorders Awareness Week.

Lorena Williams; death resolution (S.R. 1012)

Expresses the Senate's regret at the passing of Lorena Morgan Williams and extends its members' deepest sympathies to her family members and friends.

MEMORIALS AND RESOLUTIONS (Cont'd.)

Fire Chief Randy Redmond; recognition (S.R. 1013)

Expresses the Senate's recognition and honor of Fire Chief Randy Redmond on his designation as Arizona's 2014 Fire Chief of the Year and thanks him for his years of exemplary service.

POWs; MIAs; congressional committee (H.C.M. 2001)

Urges the U.S. Congress to establish a Select Committee on Prisoner of War and Missing in Action Affairs in the U.S. House of Representatives.

death resolution; Ben Miranda (H.C.R. 2002)

Expresses the Legislature's regret at the passing of former Representative Benjamin (Ben) R. Miranda and extends its members' deepest sympathies to his family and friends.

investigational drugs; biological products; devices (H.C.R. 2005)

Subject to voter approval, allows manufacturers to make investigational drugs, biological products and devices (products) that have completed phase one of a clinical trial but have not been approved for general use by the U.S. Food and Drug Administration available to eligible patients (patients). Permits such manufacturers, with regard to patients, to: 1) provide these products without receiving compensation; 2) require patients to pay the costs of or associated with the products; and 3) require patients to participate in data collection related to the products.

Stipulates that health insurers may provide coverage for products but that they, along with state agencies, are not required to do so. Prohibits a state regulatory board or agency from taking action against a: 1) physician's license based solely on the physician's recommendation to a patient to use a product; or 2) health care institution's license based solely on the institution's participation in the use of a product. Prescribes a legal penalty to an Arizona employee that blocks or attempts to block a patient's access of a patient to a product. Includes a findings and intent section and a severability clause. Requires the Secretary of State to submit the proposition to the voters at the next general election and titles the act as the *Terminal Patients' Right to Try Act*. Becomes effective if approved by the voters and on proclamation of the Governor.

Hopi and USPHS; smoke-free workplaces (H.C.R. 2006)

Expresses the Legislature's acknowledgement of the leadership of the Hopi tribe and the U.S. Public Health Service in initiating the smoke-free movement in hospitals and workplaces.

national wear red day (H.C.R. 2028)

Proclaims February 7, 2014, as National Wear Red Day in Arizona in recognition of the importance of the ongoing fight against heart disease and stroke and encourages citizens to show their support by wearing the color red.

MEMORIALS AND RESOLUTIONS (Cont'd.)

Arthur Hubbard, Sr.; death resolution (H.C.R. 2038)

Expresses the Legislature's regret at the passing of former Senator Arthur J Hubbard, Sr. and expresses its members' deepest sympathies to his family, friends and the people of the Navajo Nation.

Joe Lane; death resolution (H.C.R. 2040)

Expresses the Legislature's sincere regret at the passing of former Speaker of the House of Representatives Joseph James Lane III and extends its members' deepest sympathies to his family and friends.

agent orange exposure; Vietnam veterans (H.M. 2001)

Urges the U.S. Congress to restore the presumption of a service connection between Agent Orange exposure and subsequent illnesses to U.S. Vietnam War veterans who served in certain combat zones.

burn pits; health risks; veterans (H.M. 2002)

Urges the U.S. Congress to: 1) recognize that open-air burn pits impose significant health risks; and 2) enact a presumption of a service connection between open-air burn pit exposure and subsequent illnesses that is similar to the presumption in place for exposure to Agent Orange.

Ash Fork; flagstone capital (H.R. 2001)

Expresses the House of Representatives' support of the designation of Ash Fork, Arizona as the *Flagstone Capital*.

Republic of Azerbaijan; strategic partnership (H.R. 2006)

Expresses the support of the members of the House of Representatives for the strategic partnership between the United States and the Republic of Azerbaijan and for the reinvigoration of efforts aimed at a swift and just political settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict.

consular corps of Arizona; support (H.R. 2007)

Expresses the House of Representative's support of the Consular Corps of Arizona's mission and its continued communication with domestic and international governments to foster business, educational and cultural endeavors. Recognizes the Consular Corps of Arizona's service to and engagement in the community.

Ovarian cancer awareness day (H.R. 2008)

Proclaims the first Friday of September of each year Ovarian Cancer Awareness Day in the State of Arizona.

MEMORIALS AND RESOLUTIONS (Cont'd.)

commending Israel (H.R. 2009)

Expresses the House of Representatives' support for Israel as a Jewish state in its legal, historical, moral and God-given right of self-governance and self-defense on the entirety of its own lands, recognizing that Israel is neither an attacking force nor an occupier of the lands of others and that peace can be afforded in the region only through a whole and united Israel. Commends Israel for its cordial and mutually beneficial relationship with the U.S. and Arizona.

Bill Index



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W/O - Without Emergency

V/O - Veto Override

RFEIR – Requirements for Enactment; Initiative or Referendum

W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

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W/O - Without Emergency

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W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

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Keyword 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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