State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HOUSE BILL 2437

AN ACT

REPEALING SECTION 12-1001, ARIZONA REVISED STATUTES; AMENDING SECTIONS 13-902, 13-3727 AND 13-3825, ARIZONA REVISED STATUTES; REPEALING SECTION 13-3826, ARIZONA REVISED STATUTES; AMENDING SECTION 13-3827, ARIZONA REVISED STATUTES; REPEALING SECTION 14-1110, ARIZONA REVISED STATUTES; AMENDING SECTION 15-249.01, ARIZONA REVISED STATUTES; REPEALING SECTION 15-1650.01, ARIZONA REVISED STATUTES; AMENDING SECTION 15-1901, ARIZONA REVISED STATUTES; REPEALING SECTIONS 25-323.01 AND 25-323.02, ARIZONA REVISED STATUTES; AMENDING SECTIONS 25-406, 26-304, 28-1303, 28-1821, 28-3053 AND 28-6308, ARIZONA REVISED STATUTES; AMENDING TITLE 31, CHAPTER 3, ARTICLE 4.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 31-467.07; AMENDING SECTIONS 35-504, 36-779 AND 38-618, ARIZONA REVISED STATUTES; REPEALING SECTION 38-619, ARIZONA REVISED STATUTES; AMENDING SECTION 41-108, ARIZONA REVISED STATUTES; REPEALING SECTION 41-1008.01, ARIZONA REVISED STATUTES; AMENDING SECTIONS 41-1251 AND 41-1279, ARIZONA REVISED STATUTES; REPEALING TITLE 41, CHAPTER 7, ARTICLES 12 AND 13, ARIZONA REVISED STATUTES; AMENDING SECTIONS 41-1361, 41-1502 AND 41-1505, ARIZONA REVISED STATUTES; REPEALING TITLE 41, CHAPTER 10, ARTICLE 6, ARIZONA REVISED STATUTES; AMENDING SECTIONS 41-1719 AND 41-1829, ARIZONA REVISED STATUTES; REPEALING SECTIONS 41-2754, 41-2999.12, 41-3000.27, 41-3016.24, 41-3017.13 AND 41-3020.01, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 41, CHAPTER 27, ARTICLE 3, ARIZONA REVISED STATUTES, TO "LEGISLATIVE EXPIRATION OF NEW PROGRAMS AND COMMITTEES"; AMENDING SECTION 41-3101, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3103; AMENDING SECTION 41-3953, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3954, ARIZONA REVISED STATUTES; AMENDING SECTIONS 41-4255, 41-4256 AND 41-4257, ARIZONA REVISED STATUTES; REPEALING TITLE 41, CHAPTER 43, ARIZONA REVISED STATUTES; AMENDING SECTIONS 43-221, 45-264 AND 49-456, ARIZONA REVISED STATUTES; REPEALING LAWS 2002, CHAPTER 332, SECTION 10, AS AMENDED BY

LAWS 2006, CHAPTER 364, SECTION 2 AND LAWS 2007, CHAPTER 73, SECTION 3; REPEALING LAWS 2007, CHAPTER 234, SECTION 4; REPEALING LAWS 2008, CHAPTER 128, SECTION 2; REPEALING LAWS 2011, CHAPTER 285, SECTION 3; REPEALING LAWS 2012, CHAPTER 66, SECTION 12; RELATING TO PUBLIC COMMITTEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Repeal

Section 12-1001, Arizona Revised Statutes, is repealed.

Sec. 2. Section 13-902, Arizona Revised Statutes, is amended to read:

13-902. Periods of probation; monitoring; fees

A. Unless terminated sooner, probation may continue for the following periods:

1. For a class 2 felony, seven years.

2. For a class 3 felony, five years.

3. For a class 4 felony, four years.

4. For a class 5 or 6 felony, three years.

5. For a class 1 misdemeanor, three years.

6. For a class 2 misdemeanor, two years.

7. For a class 3 misdemeanor, one year.

B. Notwithstanding subsection A of this section, unless terminated sooner, probation may continue for the following periods:

1. For a violation of section 28-1381 or 28-1382, five years.

2. For a violation of section 28-1383, ten years.

C. When the court has required, as a condition of probation, that the defendant make restitution for any economic loss related to the defendant's offense and that condition has not been satisfied, the court at any time before the termination or expiration of probation may extend the period within the following limits:

1. For a felony, not more than five years.

2. For a misdemeanor, not more than two years.

D. Notwithstanding any other provision of law, justice courts and municipal courts may impose the probation periods specified in subsection A, paragraphs 5, 6 and 7 and subsection B, paragraph 1 of this section.

E. After conviction of a felony offense or an attempt to commit any offense that is included in chapter 14 or 35.1 of this title or section 13-2308.01, 13-2923 or 13-3623, if probation is available, probation may continue for a term of not less than the term that is specified in subsection A of this section up to and including life and that the court believes is appropriate for the ends of justice.

F. After conviction of a violation of section 13-3824, subsection A, if a term of probation is imposed and the offense for which the person was required to register was a felony, probation may continue for a term of not less than the term that is specified in subsection A of this section up to and including life and that the court believes is appropriate for the ends of justice.

G. If a person is convicted on or after November 1, 2006 of a dangerous crime against children as defined in section 13-705, a term of probation is imposed, the person is required to register pursuant to section 13-3821 and the person is classified as a level three offender pursuant to ~~sections~~ SECTION 13-3825 ~~and 13-3826~~, the court shall require global position

system or electronic monitoring for the duration of the term of probation. The court may impose a fee on the probationer to offset the cost of the monitoring device required by this subsection. The fee shall be deposited in the adult probation services fund pursuant to section 12-267, subsection A, paragraph 3. This subsection does not preclude global position system or electronic monitoring of any other person who is serving a term of probation.

Sec. 3. Section 13-3727, Arizona Revised Statutes, is amended to read:

13-3727. Unlawful residency; persons convicted of criminal offenses; exceptions; preemption; classification

A. It is unlawful for a person who has been convicted of a dangerous crime against children as defined in section 13-705 or who has been convicted of an offense committed in another jurisdiction that if committed in this state would be a dangerous crime against children as defined in section 13-705, who is required to register pursuant to section 13-3821 and who is classified as a level three offender pursuant to ~~sections~~ SECTION 13-3825 ~~and 13-3826~~ to reside within one thousand feet of the real property comprising any of the following:

1. A private school, as defined in section 15-101, or a public school that provides instruction in kindergarten programs and any combination of kindergarten programs and grades one through eight.

2. A private school, as defined in section 15-101, or a public school that provides instruction in any combination of grades nine through twelve.

3. A child care facility as defined in section 36-881.

B. This section does not apply to any of the following:

1. A person who establishes the person's residence before September 19, 2007 or before a new school or child care facility is located.

2. A person who is a minor.

3. A person who is currently serving a term of probation.

4. A person who has had the person's civil rights restored pursuant to chapter 9 of this title.

5. A person who has not been convicted of a subsequent offense in the previous ten years, excluding any time the person was incarcerated in any federal, state, county or local jail or prison facility.

C. Notwithstanding any other law and as a matter of statewide concern, a county, city or town shall not enact an ordinance that provides for distance restrictions greater than those found in this section.

D. For the purposes of subsection A of this section, measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing the person's residence to the nearest point on the property line of a parcel containing a child care facility or a school.

E. A person who violates this section is guilty of a class 1 misdemeanor.

Sec. 4. Section 13-3825, Arizona Revised Statutes, is amended to read:

13-3825. Community notification

A. Within seventy-two hours after a person who was convicted or adjudicated guilty except insane is released from confinement or who was accepted under the interstate compact for the supervision of parolees and probationers and has arrived in this state, the agency that had custody or responsibility for supervision of the person who was convicted of or adjudicated guilty except insane for committing an offense for which the person was required or ordered by the court to register pursuant to section 13-3821 or that has accepted supervision under the interstate compact for the supervision of parolees and probationers shall provide all of the following information to the department of public safety by entering all of the following information into the sex offender profile and notification database:

1. The offender's identifying information.

2. A risk assessment of the offender.

3. The offender's date of release from confinement or, if the offender is sentenced to probation without jail time, the date the sentence is imposed.

B. Following the tenth day after the person is released from confinement or, if the offender is sentenced to probation without jail time, the date the sentence is imposed, the department of public safety shall cross-reference the information the department receives pursuant to subsection A of this section with the sex offender registry to determine if the person is registered as required or ordered by the court pursuant to section 13-3821. If the person is not registered, the local law enforcement agency or the department of public safety shall request that the county attorney in the county in which the person was convicted or adjudicated guilty except insane petition the court for an arrest warrant to be issued and, if appropriate, notify the interstate compact administrator for this state. If the person is registered, the department of public safety shall forward the information the department received pursuant to subsection A of this section to the sheriff in the county where the person is registered.

C. THE COMMUNITY NOTIFICATION REQUIREMENTS ARE AS FOLLOWS:

1. FOR LEVEL TWO AND LEVEL THREE OFFENDERS, THE NOTIFICATION MUST BE MADE TO THE SURROUNDING NEIGHBORHOOD, AREA SCHOOLS, APPROPRIATE COMMUNITY GROUPS AND PROSPECTIVE EMPLOYERS. THE NOTIFICATION MUST INCLUDE A FLYER WITH THE OFFENDER'S PHOTOGRAPH AND EXACT ADDRESS AND A SUMMARY OF THE OFFENDER'S STATUS AND CRIMINAL BACKGROUND. A PRESS RELEASE AND A LEVEL TWO OR LEVEL THREE FLYER MUST BE GIVEN TO THE LOCAL ELECTRONIC AND PRINT MEDIA TO ENABLE INFORMATION TO BE PLACED IN A LOCAL PUBLICATION.

2. FOR LEVEL ONE OFFENDERS, THE LOCAL LAW ENFORCEMENT AGENCY THAT IS RESPONSIBLE FOR NOTIFICATION SHALL MAINTAIN INFORMATION ABOUT THE OFFENDER. THE LOCAL LAW ENFORCEMENT AGENCY MAY DISSEMINATE THIS INFORMATION TO OTHER

LAW ENFORCEMENT AGENCIES AND MAY GIVE NOTIFICATION TO THE PEOPLE WITH WHOM THE OFFENDER RESIDES.

~~C.~~ D. After receiving the information pursuant to subsection B of this section, the sheriff shall forward the information to the chief law enforcement officer of the community in which the person resides. After reviewing the information received and any other information available to the local law enforcement agency, the local law enforcement agency shall categorize each offender and place each offender into a notification level. Within forty-five days, the local law enforcement agency shall notify the community of the offender's presence in the community pursuant to the guidelines ~~established by the community notification guidelines committee~~ PRESCRIBED BY SUBSECTION C OF THIS SECTION. If the community does not have a chief law enforcement officer, the sheriff shall perform the duties of the local law enforcement agency.

~~D.~~ E. If a person who has been convicted of or adjudicated guilty except insane or not guilty by reason of insanity for an offense in another state registers pursuant to section 13-3821, subsection A, the sheriff in the county in which the person registers shall forward the information to the chief law enforcement officer of the community in which the person resides. The chief law enforcement officer shall contact the state in which the person was convicted or adjudicated guilty except insane or not guilty by reason of insanity and shall obtain information regarding the person. After reviewing the information received and any other information available, the local law enforcement agency shall complete the risk assessment, shall categorize the person, shall place the person into a notification level and shall enter the information into the computer system. If the law enforcement agency is unable to obtain sufficient information to complete the sex offender community notification risk assessment, the agency shall categorize the offender as a level two offender. Within forty-five days, the local law enforcement agency shall notify the community of the person's presence in the community pursuant to the guidelines ~~established by the community notification guidelines committee~~ PRESCRIBED BY SUBSECTION C OF THIS SECTION. If the community does not have a chief law enforcement officer, the sheriff shall perform the duties of the local law enforcement agency.

~~E.~~ F. On receiving notice pursuant to section 13-3822 that a person who is required to register has moved from the person's address, the chief law enforcement officer of the community to which the person has relocated may notify that community of the person's relocation to the community, pursuant to subsection ~~C~~ D of this section. If the community does not have a local law enforcement agency, the sheriff of the county to which the person has relocated shall notify the community of the person's relocation.

~~F.~~ G. In cooperation with the county probation department or the state department of corrections, a law enforcement agency may delegate all or part of the notification process for offenders on community supervision to

the county probation department or to the state department of corrections, as appropriate.

~~G.~~ H. Information concerning a person who is required to register pursuant to section 13-3821, who is subject to the provisions of community notification and who is a student at a public or private institution of postsecondary education or who is employed or carries on a vocation, with or without compensation, at a public or private institution of postsecondary education shall be promptly made available by the county sheriff to the law enforcement agency having jurisdiction for performing community notification pursuant to guidelines ~~adopted under section 13-3826~~ PRESCRIBED BY SUBSECTION C OF THIS SECTION. The law enforcement agency shall notify the institution's administration and shall complete appropriate campus notification pursuant to guidelines ~~adopted under section 13-3826~~ PRESCRIBED BY SUBSECTION C OF THIS SECTION.

~~H.~~ I. This section does not prohibit law enforcement officers from giving a community notice of any circumstances or persons that pose a danger to the community under circumstances that are not provided for under this section.

~~I.~~ J. Except as provided in subsection ~~J~~ K of this section, this section applies to all persons who are subject to the registration requirements in section 13-3821 whether or not the person was convicted or adjudicated guilty except insane before or after June 1, 1996.

~~J.~~ K. This section does not apply to persons who are subject to the registration requirements in section 13-3821 as a result of offenses adjudicated by a juvenile court unless ordered by the court.

~~K.~~ L. Notwithstanding subsections B and ~~C~~ D of this section, the agency that had custody or responsibility for supervision of an offender or the court that sentenced the offender who was convicted of or adjudicated guilty except insane for committing an offense that subjects the offender to the registration requirements of section 13-3821 and who committed the offense before June 1, 1996 may conduct a risk assessment for the offender as existing resources are available pursuant to guidelines ~~adopted by the community notification guidelines committee pursuant to section 13-3826~~ PRESCRIBED BY SUBSECTION C OF THIS SECTION. Community notification pursuant to this section and sex offender ~~web site~~ WEBSITE notification pursuant to section 13-3827 shall only be conducted after the risk assessment is complete.

~~L.~~ M. The court may continue, defer or terminate community notification after a hearing held pursuant to section 13-923.

Sec. 5. Repeal

Section 13-3826, Arizona Revised Statutes, is repealed.

Sec. 6. Section 13-3827, Arizona Revised Statutes, is amended to read:

13-3827. Internet sex offender website; investigation of records; immunity; definition

A. The department of public safety shall establish and maintain an internet sex offender website for offenders whose risk assessment has been determined to be a level two or level three. The purpose of the internet sex offender website is to provide sex offender information to the public.

B. The internet sex offender website shall include the following information for each convicted or adjudicated guilty except insane sex offender in this state who is required to register pursuant to section 13-3821:

1. The offender's name, address and age.

2. A current photograph.

3. The offense committed and notification level pursuant to ~~section 13-3826, subsection E~~ SECTION 13-3825, SUBSECTION C, if a risk assessment has been completed pursuant to section 13-3825.

C. The department of public safety shall annually update on the website the name, address and photograph of each sex offender.

D. The department of public safety shall maintain a separate database and search function on the website that contains any required online identifier of sex offenders whose risk assessments have been determined to be a level two or level three and the name of any website or internet communication service where the required online identifier is being used. This information shall not be publicly connected to the name, address and photograph of a registered sex offender on the website.

E. The department of public safety may disseminate a registered sex offender's required online identifier and the name of any corresponding website or internet communication service to a business or organization that offers electronic communication services for comparison with information that is held by the requesting business or organization. The requesting business or organization shall notify the department of public safety when a comparison of the information indicates that a registered sex offender's required online identifier is being used on the business's or organization's system. The requesting business or organization shall not further disseminate that the person is a registered sex offender.

F. The motor vehicle division of the department of transportation shall send copies of each sex offender's nonoperating identification license or driver license photograph to the department of public safety for inclusion on the sex offender website.

G. The department of public safety shall annually verify the addresses of all sex offender registration records contained within the Arizona criminal justice information system. Before including the address of a sex offender on the website, the department of public safety shall confirm that the address is correct. To confirm a sex offender's address, the department shall conduct a search of the Arizona criminal justice information system.

If this search does not provide the necessary confirmation, the department shall use alternative public and private sector resources that are currently used for criminal investigation purposes to confirm the address. The department of public safety is prohibited from using or releasing the information from the alternative public and private sector resources except pursuant to this section. A custodian or public or private sector resource that releases information pursuant to this subsection is not civilly or criminally liable in any action alleging a violation of confidentiality.

H. The department of public safety may petition the superior court for enforcement of subsection G of this section if a public or private sector resource refuses to comply. The court shall grant enforcement if the department has reasonable grounds to believe the records sought to be inspected are relevant to confirming the identity and address of a sex offender.

I. A person who provides or fails to provide information required by this section is not civilly or criminally liable unless the act or omission is wanton or wilful.

J. For the purpose of this section, "required online identifier" means any electronic e-mail address information or instant message, chat, social networking or other similar internet communication name, but does not include a social security number, date of birth or pin number.

Sec. 7. Repeal

Section 14-1110, Arizona Revised Statutes, is repealed.

Sec. 8. Section 15-249.01, Arizona Revised Statutes, is amended to read:

15-249.01. Data governance commission; membership; terms; duties; commission termination

A. The data governance commission is established in the department of education consisting of:

1. The chief technology managers, or the managers' designees, of each of the universities under the jurisdiction of the Arizona board of regents.

2. The chief technology manager, or the manager's designee, of a community college district located in a county with a population of eight hundred thousand persons or more who has expertise in technology and who is appointed by the governor.

3. The chief technology manager, or the manager's designee, of a community college district located in a county with a population of less than eight hundred thousand persons who has expertise in technology and who is appointed by the governor.

4. The chief executive officer of the Arizona early childhood development and health board or the chief executive officer's designee.

5. An officer or employee of a school district located in a county with a population of eight hundred thousand persons or more who has expertise in technology and who is appointed by the governor.

6. An officer or employee of a school district located in a county with a population of less than eight hundred thousand persons who has expertise in technology and who is appointed by the governor.

7. An officer or employee of a charter school located in a county with a population of eight hundred thousand persons or more who has expertise in technology and who is appointed by the president of the senate.

8. An officer or employee of a charter school located in a county with a population of less than eight hundred thousand persons who has expertise in technology and who is appointed by the speaker of the house of representatives.

9. Two representatives of the business community, one of whom is appointed by the president of the senate and one of whom is appointed by the speaker of the house of representatives.

10. The director of the department of administration or the director's designee.

11. The superintendent of public instruction or the superintendent's designee.

B. The initial appointed members shall assign themselves by lot to terms of two, three and four years in office. All subsequent appointed members of the commission shall serve four-year terms. The chairperson shall notify the governor, the speaker of the house of representatives and the president of the senate on appointments of these terms. Members of the commission shall elect a chairperson from among the members of the commission. Members of the commission shall not receive compensation. The department of education shall provide adequate staff support for the commission.

C. The commission shall identify, examine and evaluate the needs of public institutions that provide instruction to pupils in preschool programs, kindergarten programs, grades one through twelve and postsecondary programs in Arizona and shall:

1. Establish guidelines related to the following:

(a) Managed data access.

(b) Technology.

(c) Privacy and security.

(d) Adequacy of training.

(e) Adequacy of data model implementation.

(f) Prioritization of funding opportunities.

(g) Resolution of data conflicts.

(h) The form and format of data elements that are required for state and federal reporting and interagency data sharing.

2. Provide recommendations on technology spending.

3. Provide analyses and recommendations of the following:

(a) The control of data confidentiality and data security for stored data and data in transmission.

(b) Access privileges and access management.

(c) Data audit management, including data quality metrics, sanctions and incentives for data quality improvement.

(d) Data standards for stored data and data in transmission, including rules for definition, format, source, provenance, element level and contextual integrity.

(e) Documentation standards for data elements and systems components.

(f) Data archival and retrieval management systems, including change control and change tracking.

(g) Publication of standard and ad hoc reports for state and local level use on student achievement.

(h) Publication of implementation timelines and progress.

4. Ensure that the guidelines and recommendations adopted pursuant to this subsection reduce duplication and administrative requirements for public schools, postsecondary institutions and public agencies.

5. Submit an annual report on or before December 1 regarding the commission's activities to the governor, the speaker of the house of representatives and the president of the senate. The data governance commission shall provide copies of this report to the secretary of state.

D. THE COMMISSION ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2020 PURSUANT TO SECTION 41-3103.

Sec. 9. Repeal

Section 15-1650.01, Arizona Revised Statutes, is repealed.

Sec. 10. Section 15-1901, Arizona Revised Statutes, is amended to read:

15-1901. Authority of governor to enter compact; terms of compact for education; termination of state's participation

The governor is authorized in the name of this state to join with other states legally joining in the compact for education, which compact shall be in the following form:

COMPACT FOR EDUCATION

ARTICLE I-PURPOSE AND POLICY

Section A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearinghouse of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country and so that both lay and professional groups in the field of education may have additional avenues for

the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that they will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

Section B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

Section C. The party states recognize that each has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

ARTICLE II-STATE DEFINED

As used in this compact, "state" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

ARTICLE III-THE COMMISSION

Section A. The education commission of the states, hereinafter called "the commission", is hereby established. The commission shall consist of seven members representing each party state. Four shall be members of the state legislature, two selected by the president of the senate and two selected by the speaker of the house of representatives and serving in such manner as the legislature may determine and three shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing the state shall, by virtue of their training, experience, knowledge or affiliations, be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education and lay and professional public and nonpublic educational leadership. Of the gubernatorial appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be, not to exceed ten, nonvoting commissioners selected by the steering committee for terms of one year. The nonvoting commissioners shall represent leading

national organizations of professional educators or persons concerned with educational administration.

Section B. The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to article IV and adoption of the annual report pursuant to section J of this article.

Section C. The commission shall have a seal.

Section D. The commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice-chairman and a treasurer. The commission shall provide for the appointment of an executive director. The executive director shall serve at the pleasure of the commission and, together with the treasurer and such other personnel as the commission may deem appropriate, shall be bonded in such amount as the commission shall determine. The executive director shall be the secretary.

Section E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director, subject to the approval of the steering committee, shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

Section F. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States or any subdivision or agency of such governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

Section G. The commission may accept for any of its purposes and functions under this compact any and all donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States or any other governmental agency or from any person, firm, association, foundation or corporation and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this section or services borrowed pursuant to section F of this article shall be reported in the annual report of the commission. The report shall include the nature, amount and conditions of the donation, grant or services borrowed and the identity of the donor or lender.

Section H. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real and personal property and any interest therein.

Section I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind such bylaws. The commission shall publish its bylaws in convenient form and shall file a copy of the bylaws and a copy of any amendment to the bylaws with the appropriate agency or officer in each of the party states.

Section J. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

SECTION K. ARIZONA'S PARTICIPATION IN THE COMMISSION ESTABLISHED BY THIS ARTICLE ENDS ON JULY 1, 2020 PURSUANT TO SECTION 41-3103.

ARTICLE IV-POWERS

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment of public education, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

ARTICLE V-COOPERATION WITH FEDERAL GOVERNMENT

Section A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed ten representatives. Any representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law and may be drawn from any one or more branches

of the federal government, but no such representative shall have a vote on the commission.

Section B. The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states and may advise with any such agencies or officers concerning any matter of mutual interest.

ARTICLE VI-COMMITTEES

Section A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of thirty-two members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-fourth of the voting membership of the steering committee shall consist of governors, one-fourth shall consist of legislators and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the commission shall be elected as follows: sixteen for one year and sixteen for two years. The chairman, vice-chairman and treasurer of the commission shall be members of the steering committee and, anything in this section to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee, provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

Section B. The commission may establish advisory and technical committees composed of state, local and federal officials and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.

Section C. The commission may establish such additional committees as its bylaws may provide.

ARTICLE VII-FINANCE

Section A. The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commissioner's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

Section B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making the apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

Section C. The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to article III, section G of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to article III, section G, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

Section D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

Section E. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

Section F. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

ARTICLE VIII-ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL

Section A. This compact shall have as eligible parties all states, territories and possessions of the United States, the District of Columbia and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor", as used in this compact, shall mean the closest equivalent official of such jurisdiction.

Section B. Any state or other eligible jurisdiction may enter into this compact, and it shall become binding when it has adopted the compact.

Section C. Any party state may withdraw from this compact by enacting a statute repealing the compact. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE IX-CONSTRUCTION AND SEVERABILITY

The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or if the application thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability of the compact to any government, agency, person or circumstance shall not be

affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

Sec. 11. Repeal

Sections 25-323.01 and 25-323.02, Arizona Revised Statutes, are repealed.

Sec. 12. Section 25-406, Arizona Revised Statutes, is amended to read:

25-406. Investigations and reports

A. In contested legal decision-making and parenting time proceedings, and in other custody proceedings if a parent or the child's custodian so requests, the court may order an investigation and report concerning legal decision-making or parenting time arrangements for the child. The investigation and report may be made by the court social service agency, the staff of the juvenile court, the local probation or welfare department or a private person. The report must include a written affirmation by the person completing the report that the person has met the training requirements prescribed in subsection C OF THIS SECTION.

B. If an investigation and report are ordered pursuant to this section or if the court appoints a family court advisor, the court shall allocate cost based on the financial circumstances of both parties.

C. The court shall require a court appointed attorney for a child, a court appointed advisor or any person who conducts an investigation or prepares a report pursuant to this section to receive training that meets the FOLLOWING minimum standards ~~prescribed by the domestic relations committee established pursuant to section 25-323.02 as follows~~:

1. Six initial hours of training on domestic violence.

2. Six initial hours of child abuse training.

3. Four subsequent hours of training every two years on domestic violence and child abuse.

D. A person who has completed professional training to become licensed or certified may use that training to completely or partially fulfill the requirements in subsection C OF THIS SECTION if the training included at least six hours each on domestic violence and child abuse and meets the minimum standards ~~prescribed by the domestic relations committee~~. Subsequent professional training in these subject matters may be used to partially or completely fulfill the training requirements prescribed in subsection C OF THIS SECTION if the training meets the minimum standards ~~prescribed by the domestic relations committee~~.

E. A physician who is licensed pursuant to title 32, chapter 13 or 17 is exempt from the training requirements prescribed in subsection C OF THIS SECTION.

F. In preparing a report concerning a child, the investigator may consult any person who may have information about the child or the child's potential legal decision-making and parenting time arrangements.

G. The court shall mail the investigator's report to counsel at least ten days before the hearing. The investigator shall make available to counsel the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call for examination of the investigator and any person consulted by the investigator.

Sec. 13. Section 26-304, Arizona Revised Statutes, is amended to read:

26-304. State emergency council; membership; powers and duties; council termination; definition

A. There is established a state emergency council consisting of the following persons or their designee:

1. Governor.
2. Secretary of state.
3. Attorney general.
4. Adjutant general.
5. Director of the division of emergency management.
6. Director of the department of transportation.
7. Director of the department of health services.
8. Director of the department of environmental quality.
9. Director of the department of public safety.
10. Director of the ARIZONA department of agriculture.
11. Director of the department of administration.
12. Director of the department of water resources.
13. President of the senate as an advisory member.
14. Speaker of the house of representatives as an advisory member.

B. The powers and duties of the council include:

1. Making recommendations for orders, rules, policies and procedures to the governor.

2. Recommending to the governor the assignment of any responsibility, service or activity to a state agency relative to emergencies or planning for emergencies.

3. Issuing, in the event of inaccessibility of the governor, a state of emergency proclamation under the same conditions by which the governor could issue such a proclamation, if the action is taken at a meeting of the council called by the director and if not less than three council members, one of whom is an elected official, approve the action.

C. The council shall monitor each emergency declared by the governor and the activities and response of the division to the emergency. The council shall recommend to the governor or the legislature based on the reports submitted to it by the auditor that the emergency conditions have stabilized and that the emergency is substantially contained.

D. THE COUNCIL ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2021 PURSUANT TO SECTION 41-3103.

~~D.~~ E. For the purposes of this section, "advisory member" means a member who gives advice to the other members of the state emergency council at meetings of the council but who is not eligible to vote, is not a member

for purposes of determining whether a quorum is present and is not eligible to receive any compensation or reimbursement of expenses by the council.

Sec. 14. Section 28-1303, Arizona Revised Statutes, is amended to read:

28-1303. Oversight council on driving or operating under the influence abatement; council termination

A. The oversight council on driving or operating under the influence abatement is established consisting of the following ten members:

1. The director of the department of public safety or the director's designee.

2. The assistant director for the motor vehicle division of the department of transportation or the assistant director's designee.

3. The director of the governor's office of highway safety.

4. One member of the public who is appointed by the governor.

5. One member of the public who is appointed by the speaker of the house of representatives.

6. One member of the public who is appointed by the president of the senate.

7. One municipal law enforcement member who is appointed by the governor on the recommendation of an Arizona association of chiefs of police.

8. One county law enforcement member who is appointed by the governor on the recommendation of an Arizona county sheriff's association.

9. One city prosecutor who is appointed by the governor on the recommendation of the Arizona prosecuting attorney's advisory council.

10. One county attorney who is appointed by the governor on the recommendation of the Arizona prosecuting attorney's advisory council.

B. Members appointed pursuant to subsection A, paragraphs 4, 5, 6, 7, 8, 9 and 10 of this section serve three-year staggered terms.

C. Members appointed pursuant to subsection A, paragraphs 1, 2 and 3 of this section shall serve as advisory nonvoting members of the council.

D. The voting members of the council shall annually elect a chairperson from among the members.

E. Members of the council are not eligible to receive compensation, but members who are appointed pursuant to subsection A, paragraphs 4, 5, 6, 7, 8, 9 and 10 of this section are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

F. The oversight council on driving or operating under the influence abatement may use the facilities for meeting and the staff of the Arizona criminal justice commission.

G. The oversight council on driving or operating under the influence abatement may enter into interagency agreements with the Arizona criminal justice commission and other agencies for agency business.

H. The council shall:

1. Make grants from the driving under the influence abatement fund established by section 28-1304 to political subdivisions and tribal

governments that apply for monies for enforcement purposes, prosecutorial and judicial activities and alcohol abuse treatment services related to preventing and abating driving or operating under the influence occurrences in a motor vehicle or a motorized watercraft as defined in section 5-301.

2. Make grants from the driving under the influence abatement fund established by section 28-1304 to innovative programs that use emerging technologies to educate, prevent or deter occurrences of driving or operating under the influence in a motor vehicle or a motorized watercraft.

3. Receive quarterly reports from the entities receiving grants and evaluate their effectiveness. The council may make additional grants to the recipients and oversee the progress of those programs.

4. On or before December 1 of each year, submit a written report on the effectiveness of the grants provided in reducing the incidence of driving or operating under the influence to the governor, the speaker of the house of representatives and the president of the senate and shall provide a copy of this report to the secretary of state ~~and the director of the Arizona state library, archives and public records~~.

I. THE COUNCIL ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2024 PURSUANT TO SECTION 41-3103.

Sec. 15. Section 28-1821, Arizona Revised Statutes, is amended to read:

28-1821. Adoption of agreement; termination of state's participation

The multistate highway transportation agreement is entered into and enacted into law as follows:

Multistate Highway Transportation Agreement

Pursuant to and in conformity with the laws of their respective jurisdictions, the participating jurisdictions, acting by and through their officials lawfully authorized to execute this agreement, mutually agree as follows:

Article I

Findings and Purposes

Section 1. Findings.

The participating jurisdictions find that:

(a) The expanding regional economy depends on expanding transportation capacity.

(b) Highway transportation is the major mode for movement of people and goods in the western states.

(c) Uniform application in the west of more adequate vehicle size and weight standards will result in a reduction of pollution, congestion, fuel consumption and related transportation costs which are necessary to permit increased productivity.

(d) A number of western states, already having adopted substantially the 1964 bureau of public roads recommended vehicle size and weight standards, still find current federal limits more restrictive.

(e) The participating jurisdictions are most capable of developing vehicle size and weight standards most appropriate for the regional economy and transportation requirements, consistent with and in recognition of principles of highway safety.

Section 2. Purposes.

The purposes of this agreement are to:

(a) Adhere to the principle that each participating jurisdiction should have the freedom to develop vehicle size and weight standards that it determines most appropriate to its economy and highway system.

(b) Establish a system authorizing the operation of vehicles traveling between two or more participating jurisdictions at more adequate size and weight standards.

(c) Promote uniformity among participating jurisdictions in vehicle size and weight standards on the basis of the objectives set forth in this agreement.

(d) Secure uniformity as far as possible of administrative procedures in the enforcement of recommended vehicle size and weight standards.

(e) Provide means for the encouragement and utilization of research which will facilitate the achievement of the purposes of this section, with due regard for the findings set forth in section 1 of this article.

(f) Facilitate communication between legislators, state transportation administrators and commercial industry representatives in addressing the emerging highway transportation issues in participating jurisdictions.

Article II
Definitions

Section 1. As used in this agreement:

(a) "Cooperating committee" means a body composed of the designated representatives from the participating jurisdictions.

(b) "Designated representative" means a person authorized pursuant to section 28-1822 to represent the jurisdiction.

(c) "Jurisdiction" means a state of the United States or the District of Columbia.

(d) "Vehicle" means any vehicle as defined by statute to be subject to size and weight standards which operates in two or more participating jurisdictions.

Article III
General Provisions

Section 1. Qualifications for membership.

Participation in this agreement is open to jurisdictions which subscribe to the findings, purposes and objectives of this agreement and will seek legislation necessary to accomplish these objectives.

Section 2. Cooperation.

The participating jurisdictions, working through their designated representatives, shall cooperate and assist each other in achieving the desired goals of this agreement pursuant to appropriate statutory authority.

Section 3. Effect of headings.

Article and section headings contained in this agreement are not deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section of this agreement.

Section 4. Vehicle laws and regulations.

This agreement does not authorize the operation of a vehicle in any participating jurisdiction contrary to the laws or regulations of the jurisdiction.

Section 5. Interpretation.

The final decision regarding interpretation of questions at issue relating to this agreement shall be reached by unanimous joint action of the participating jurisdictions, acting through the designated representatives. Results of all such actions shall be placed in writing.

Section 6. Amendment.

The participating jurisdictions may amend this agreement by unanimous joint action, acting through the officials of the jurisdictions authorized to enter into this agreement, subject to the requirements of article III, section 4. Any amendment shall be placed in writing and become a part of this agreement but shall not become effective as part of this agreement until adopted by the legislature.

Section 7. Restrictions, conditions or limitations.

Any jurisdiction entering this agreement shall provide each other participating jurisdiction with a list of any restriction, condition or limitation on the general terms of this agreement, if any.

Section 8. Additional jurisdictions.

Additional jurisdictions may become members of this agreement by signing and accepting the terms of the agreement.

Article IV
Cooperating Committee

Section 1. Each participating jurisdiction shall have two designated representatives. Pursuant to article III, section 2, the designated representatives of the participating jurisdictions constitute the cooperating committee which may:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in relation to vehicle size and weight related matters.

(b) Recommend and encourage the undertaking of research and testing in any aspect of vehicle size and weight or related matter if, in their collective judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Recommend changes in law or policy with emphasis on compatibility of laws and uniformity of administrative rules or regulations which would promote effective governmental action or coordination in the field of vehicle size and weight related matters.

(d) Recommend improvements in highway operations, in vehicular safety and in state administration of highway transportation laws.

(e) Perform functions necessary to facilitate the purposes of this agreement.

Section 2. Each designated representative of a participating jurisdiction is entitled to one vote only. No action of the committee is approved unless a majority of the total number of votes cast by the designated representatives of the participating jurisdictions is in favor of the action.

Section 3. The committee shall meet at least once annually and shall elect, from among its members, a chairman, a vice-chairman and a secretary.

Section 4. The committee shall submit annually to the legislature of each participating jurisdiction a report setting forth the work of the committee during the preceding year and including recommendations developed by the committee. The committee may submit such additional reports as it deems appropriate or desirable.

SECTION 5. ARIZONA'S PARTICIPATION IN THE COMMITTEE ESTABLISHED BY THIS ARTICLE ENDS ON JULY 1, 2019 PURSUANT TO SECTION 41-3103.

Article V

Objectives of the Participating Jurisdictions

Section 1. Objectives.

The participating jurisdictions declare that:

(a) It is the objective of the participating jurisdictions to obtain more efficient and more economical transportation by motor vehicles between and among the participating jurisdictions by encouraging the adoption of standards that will, as minimums, allow the operation on all state highways, except those determined through engineering evaluation to be inadequate, with a single axle weight of twenty thousand pounds, a tandem axle weight of thirty-four thousand pounds, and a gross vehicle or combination weight of that resulting from application of the formula:

$$W = 500\ ((LN/N - 1) + 12N + 36)$$

Where W = maximum weight in pounds carried on any group of two or more axles computed to the nearest five hundred pounds.

L = distance in feet between the extremes of any group of two or more consecutive axles.

N = number of axles in the group under consideration.

(b) It is the objective of the participating jurisdictions that the operation of a vehicle or combination of vehicles in interstate commerce according to the provisions of subsection (a) of this section be authorized under special permit authority by each participating jurisdiction for vehicle combinations in excess of a statutory weight of eighty thousand pounds or statutory lengths, or both.

(c) It is the objective of the participating jurisdictions to facilitate and expedite the operation of any vehicle or combination of vehicles between and among the participating jurisdictions under the

provisions of subsection (a) or (b) of this section and to that end the participating jurisdictions agree, through their designated representatives, to meet and cooperate in the consideration of vehicle size and weight related matters including the development of: uniform enforcement procedures; additional vehicle size and weight standards; operational standards; agreements or compacts to facilitate regional application and administration of vehicle size and weight standards; uniform permit procedures; uniform application forms; rules and regulations for the operation of vehicles, including equipment requirements, driver qualifications and operating practices and such other matters as may be pertinent.

(d) The cooperating committee may recommend that the participating jurisdictions jointly secure congressional approval of this agreement, specifically of the vehicle size and weight standards set forth in subsection (a) of this section.

(e) It is the further objective of the participating jurisdictions to:

(i) Establish transportation laws and regulations to meet regional needs and to promote an efficient, safe and compatible transportation network.

(ii) Develop standards that facilitate the most efficient and environmentally sound operation of vehicles on highways and that are consistent with and in recognition of principles of highway safety.

(iii) Establish programs to increase productivity and reduce congestion, fuel consumption and related transportation costs and enhance air quality through the uniform application of state vehicle laws and regulations.

Article VI
Entry Into Force and Withdrawal

Section 1. This agreement enters into force when enacted into law by any two or more jurisdictions. Thereafter, this agreement becomes effective as to any other jurisdiction upon its enactment, except as otherwise provided in article III, section 8.

Section 2. Any participating jurisdiction may withdraw from this agreement by cancelling the agreement, but no such withdrawal takes effect until thirty days after the designated representative of the withdrawing jurisdiction gives notice in writing of the withdrawal to all other participating jurisdictions.

Article VII
Construction and Severability

Section 1. This agreement shall be liberally construed so as to effectuate its purposes.

Section 2. The provisions of this agreement are severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any participating jurisdiction or the applicability to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement is not affected. If

this agreement is held contrary to the constitution of any participating jurisdiction, the agreement remains in full force as to the jurisdictions affected as to all severable matters.

Article VIII

Filing of Documents

Section 1. A copy of this agreement, its amendments, and rules or regulations promulgated under the agreement and interpretations of the agreement shall be filed in the highway department in each participating jurisdiction and made available for review by interested parties.

Article IX

Existing Statutes Not Repealed

Section 1. All existing statutes prescribing weight and size standards and all existing statutes relating to special permits continue to be effective until amended or repealed by law.

Article X

State Government Departments

Authorized to Cooperate With Cooperating Committee

Section 1. If appropriations are made available the departments, agencies and officers of the government of this state may cooperate with and assist the cooperating committee within the scope contemplated by article IV, section 1, subsections (a) and (b). The departments, agencies and officers of the government of this state are authorized to cooperate with the cooperating committee.

Sec. 16. Section 28-3053, Arizona Revised Statutes, is amended to read:

28-3053. School bus advisory council; council termination

A. The school bus advisory council is established consisting of nine members appointed by the governor. The governor shall appoint the members as follows:

1. One member representing the department of public safety.

2. One member representing the state board of education.

3. One member from a school district with a student count of less than six hundred.

4. One member from a school district with a student count of six hundred or more but less than three thousand.

5. One member from a school district with a student count of three thousand or more but less than ten thousand.

6. One member from a school district with a student count of ten thousand or more.

7. One member representing transportation administrators.

8. One member who is a certified school bus driver or school bus driver instructor.

9. One member representing a private sector school bus service provider.

B. The members shall serve staggered three-year terms unless a member vacates the position. Appointment to fill a vacancy resulting other than from expiration of a term is for the unexpired portion of the term only.

C. The school bus advisory council shall:

1. Meet at least annually.

2. Select a chairman from its members.

3. Advise and assist the department of administration in developing the rules required by sections 28-900 and 28-3228.

4. Recommend curricula for school bus driver safety and training courses required by section 28-3228.

5. Advise and consult with the department of public safety concerning matters related to the certification of school bus drivers and the safety of school buses.

6. Establish a mailing list that includes any party expressing an interest in the council's activities. The council shall provide the list to the department of administration, and the department of administration shall send notice by first class mail to each person on the list at least fifteen days before the date on which the meeting is to be held.

D. Members of the school bus advisory council are not eligible to receive compensation or reimbursement for expenses.

E. THE COUNCIL ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2024 PURSUANT TO SECTION 41-3103.

Sec. 17. Section 28-6308, Arizona Revised Statutes, is amended to read:

28-6308. Regional planning agency transportation policy committee; regional transportation plan; plan review process; committee termination

A. The regional planning agency in the county shall establish a transportation policy committee consisting of twenty-three members as follows:

1. Seventeen members of the regional planning agency, including the chairperson of the citizens transportation oversight committee, one member of the state transportation board who represents the county, one member of the county board of supervisors and one member representing Indian communities in the county.

2. Six members who represent regionwide business interests, one of whom must represent transit interests, one of whom must represent freight interests and one of whom must represent construction interests. The president of the senate and the speaker of the house of representatives shall each appoint three members to the committee pursuant to this paragraph. Members who are appointed pursuant to this paragraph serve six-year terms. The chairman of the regional planning agency may submit names to the president of the senate and the speaker of the house of representatives for consideration for appointment to the transportation policy committee.

B. Through the regional planning agency, the transportation policy committee shall:

1. By a majority vote of the members, recommend approval of a twenty year comprehensive, performance based, multimodal and coordinated regional transportation plan in the county, including transportation corridors by priority and a schedule indicating the dates that construction will commence for projects contained in the plan.

2. Develop the plan in cooperation with the regional public transportation authority in the county and the department of transportation and in consultation with the county board of supervisors, Indian communities and cities and towns in the county.

3. Submit the plan for review by the regional public transportation authority in the county, the state board of transportation, the county board of supervisors, Indian communities and cities and towns in the county at the alternatives stage of the plan and the final draft stage of the plan. After reviewing the plan, the regional public transportation authority in the county, the county board of supervisors and the state board of transportation, by majority vote of the members of each entity within thirty days after receiving the plan, shall submit a written recommendation to the transportation policy committee that the plan be approved, modified or disapproved. Within thirty days after receiving the plan, Indian communities and cities and towns in the county may submit a written recommendation to the transportation policy committee that the plan be approved, modified or disapproved.

4. Consider plan modifications proposed by any of the entities as prescribed in paragraph 3 of this subsection.

5. By majority vote, approve, disapprove or further modify each proposed plan modification.

6. Provide a written response to the regional public transportation authority, the state board of transportation, the county board of supervisors and the entity that submitted the proposed modification within thirty days after the vote on the proposed modification explaining the affirmation, rejection or further modification of each proposed modification.

7. Recommend the plan to the regional planning agency for approval for an air quality conformity analysis.

C. The regional transportation plan:

1. Shall include the following transportation mode classifications with a revenue allocation to each classification consistent with section 42-6105, subsection D:

(a) Freeways and other routes in the state highway system.

(b) Major arterial streets and intersection improvements.

(c) Public transportation systems.

2. Shall provide a suggested construction schedule for the transportation projects contained in the plan.

3. May be annually updated to introduce new controlled access highways, related grade separations and transportation projects or to modify the existing plan.

4. Shall be developed to meet federal air quality requirements established for the region in which it is located.

D. Transportation excise tax revenues that are distributed pursuant to section 42-6105, subsection D shall not be redistributed or used for other transportation modes. Except as provided by section 28-6353, subsections D, E and F, transportation excise tax revenues that are dedicated in the plan to a specific project or transportation system may only be redistributed to or otherwise used for another project within the same transportation mode if approved by a majority vote of the transportation policy committee.

E. THE COMMITTEE ESTABLISHED PURSUANT TO THIS SECTION ENDS ON JULY 1, 2024 PURSUANT TO SECTION 41-3103.

Sec. 18. Title 31, chapter 3, article 4.1, Arizona Revised Statutes, is amended by adding section 31-467.07, to read:

31-467.07. Interstate compact for the supervision of adult offenders; eight-year review

BEGINNING IN 2022 AND EVERY EIGHT YEARS THEREAFTER, THE LEGISLATURE SHALL REVIEW THIS STATE'S PARTICIPATION IN THE INTERSTATE COMPACT FOR SUPERVISION OF ADULT OFFENDERS IN ORDER TO DETERMINE WHETHER TO REMAIN A COMPACTING STATE. IF THE LEGISLATURE DETERMINES THAT THIS STATE SHOULD WITHDRAW FROM THE COMPACT, THIS STATE SHALL WITHDRAW FROM THE COMPACT PURSUANT TO SECTION 31-467, ARTICLE XII.

Sec. 19. Section 35-504, Arizona Revised Statutes, is amended to read:

35-504. Debt oversight commission; membership; compensation; duties; commission termination

A. In order to provide more accurate and meaningful information to the public regarding bond issues, the debt oversight commission is established in the department of revenue.

B. The commission consists of the director of the department of revenue, who serves as chairman, and four private citizens knowledgeable in the area of finance or bond financing, one appointed by the governor and three appointed jointly by the president of the senate and the speaker of the house of representatives. The terms of appointive members are three years.

C. An appointment to fill a vacancy on the commission resulting from other than expiration of term is for the unexpired portion of the term.

D. The department of revenue shall provide secretarial and staff support services to the commission.

E. The private citizen members of the commission are eligible to receive fifty dollars per day for time spent in the performance of their duties. These monies shall be paid from monies appropriated to the department of revenue.

F. The commission shall meet at least annually and, in addition, at the call of the chairman. The commission shall meet at such times and places

as convenient or necessary to conduct its affairs and shall render its findings, reports and recommendations in writing to the governor, to the director of the department of revenue and to the legislature.

G. The commission shall:

1. Review the information provided to the department as prescribed in section 35-501.

2. Ascertain the bonded indebtedness of all taxing jurisdictions and the relationship to the appropriate debt limitation.

H. THE COMMISSION ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2026 PURSUANT TO SECTION 41-3103.

Sec. 20. Section 36-779, Arizona Revised Statutes, is amended to read:

36-779. Tobacco revenue use spending and tracking commission; commission termination

A. ~~On or before January 1, 2012,~~ The president of the senate and the speaker of the house of representatives shall establish a tobacco revenue use spending and tracking commission.

B. The president of the senate and the speaker of the house of representatives shall each appoint six members to the commission who have expertise in any of the following:

1. Public health services.

2. Programs relating to tobacco use cessation or tobacco addiction.

3. School-based tobacco education programs.

4. Marketing or public relations.

5. Research and evaluation of public health programs.

C. The speaker of the house of representatives and the president of the senate shall each appoint one member of the house of representatives and the senate respectively to serve as nonvoting advisory members of the commission whose presence is not counted for purposes of determining the presence of a quorum.

D. Commission members serve at the pleasure of their respective appointing officer.

E. Commission members are not eligible to receive compensation or reimbursement of expenses.

F. The commission shall advise and consult with the department of health services on the goals, objectives and activities of programs that receive monies pursuant to section 36-772.

G. The commission shall meet at least four times each calendar year.

H. At its first meeting the commission shall elect a chairperson and vice-chairperson from among its members and shall adopt bylaws to govern issues related to the conduct of commission business and conflicts of interest.

I. THE COMMISSION ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2021 PURSUANT TO SECTION 41-3103.

Sec. 21. Section 38-618, Arizona Revised Statutes, is amended to read:

38-618. Performance based incentives program

A. The director of the department of administration and the ~~executive director~~ PRESIDENT of the Arizona board of regents may establish a performance based incentives program to promote efficiency and effectiveness in state government. The director of the department of administration shall identify state agencies and the ~~executive director~~ PRESIDENT of the Arizona board of regents shall identify state universities in which to implement the program.

B. The director of the department of administration and the ~~executive director~~ PRESIDENT of the Arizona board of regents shall cooperate with the directors of agencies and the presidents of the identified universities, respectively, to:

1. Develop a performance based appraisal system of state employee performance that is based on agency or university goals and objectives, as identified and approved by the agency's or university's employees, supervisors, director or president.

2. Authorize all agency directors and university presidents participating in the program to recognize the performance of state employees, who are under their authority, based on the outcome of the appraisal conducted pursuant to paragraph 1 of this subsection.

C. The director of the department of administration shall cooperate with the director of the department of public safety, the superintendent of public instruction and the superintendent of the state schools for the deaf and the blind to implement the performance based incentives program. The ~~executive director~~ PRESIDENT of the Arizona board of regents shall cooperate with the president of each university under the jurisdiction of the Arizona board of regents to implement the performance based incentives program.

D. Notwithstanding section 35-174, subsection B, the director of the department of administration, the director of the department of public safety, the ~~executive director~~ PRESIDENT of the Arizona board of regents, the superintendent of public instruction and the superintendent of the state schools for the deaf and the blind may authorize the expenditure of up to eighty per cent of excess vacancy savings to recognize employees of state agencies and state universities who are under their respective authority and who are participating in the performance based incentives program. In addition to excess vacancy savings, the participating agency or university may use monies appropriated from the state general fund or other sources, including federal enhanced funding an agency or university receives for quality initiatives. Federal enhanced monies do not revert to the state general fund but remain in a separate agency or university account at the end of the fiscal year for use by the agency or university in accordance with the terms and conditions imposed by the federal funding source. For the purposes of this subsection, "excess vacancy savings" means the same as "vacancy saving" as defined in section 35-174, subsection A, except that excess

vacancy savings are any vacancy savings that are over and above the amount eliminated from an agency's budget as the result of the applied vacancy factor reported in the annual appropriations report prepared by the joint legislative budget committee.

E. As provided for in subsection D of this section, any incentive or performance compensation using monies from excess vacancy savings or other fund sources including state general fund appropriations shall not be added to an agency's salary base.

F. Recognition of state employees may be in the form of increase in compensation for future services, but the increase may not exceed two hundred seventy-five dollars per month per employee.

~~G. On or before December 1 of each even-numbered year:~~

~~1. The director of the department of administration, in cooperation with the director of the department of public safety, the superintendent of public instruction and the superintendent of the state schools for the deaf and the blind, shall provide the performance-based incentives program oversight committee with a report on the implementation or progress of an approved program and the expenditures of each participating agency related to the program.~~

~~2. The executive director of the Arizona board of regents, in cooperation with the president of each university under the jurisdiction of the Arizona board of regents, shall provide the performance-based incentives program oversight committee with a report on the implementation or progress of an approved program and the expenditures of each participating university related to the program.~~

~~H.~~ G. An approved program shall notify ~~the performance-based incentives program oversight committee and, as applicable,~~ the director of the department of administration or the ~~executive director~~ PRESIDENT of the Arizona board of regents when it makes any substantive changes to the approved program.

Sec. 22. Repeal

Section 38-619, Arizona Revised Statutes, is repealed.

Sec. 23. Section 41-108, Arizona Revised Statutes, is amended to read:

41-108. Interstate compact to build border fence; requirements; joint border security advisory committee; trust fund; committee termination

A. The governor may enter into a compact with other states to provide for the construction and maintenance of a secure fence along the Arizona-Mexico border line that is located on private, state or federal property if permitted. The governor may enter into such a compact as part of any broader compact relating to the same or similar issue. A compact entered into pursuant to this section shall contain at least the following:

1. A provision making it available for joinder by all states.

2. A provision for withdrawal from the compact on written notice to the parties no sooner than one year after the date of the notice.

3. A provision for the establishment of an organization:

(a) To administer and manage the construction and maintenance of the border fence.

(b) To administer any monies obtained for the construction and maintenance of the border fence.

4. A provision that provides for a state to develop the state's own funding mechanism to construct and maintain the border fence through private or public donations from whatever source and that is administered by the organization established pursuant to paragraph 3 of this subsection.

5. A requirement that a state use correctional inmates as well as private contractors to construct and maintain the border fence.

6. The option to construct and maintain the secure fence on state or federal land.

7. Other provisions necessary to implement the compact.

B. If this state does not enter into the compact authorized by subsection A of this section, this state may still construct and maintain a secure fence along the Arizona-Mexico border line that is located on private, state or federal property if permitted. Subsection A, paragraph 4, regarding developing the state's own funding mechanism, and paragraphs 5 and 6 of this section apply to the border fence.

C. The joint border security advisory committee is established consisting of the following members:

1. The president of the senate or the president's designee as a nonvoting member.

2. The speaker of the house of representatives or the speaker's designee as a nonvoting member.

3. Two members of the house of representatives who are appointed by the speaker of the house of representatives as nonvoting members.

4. Two members of the senate who are appointed by the president of the senate as nonvoting members.

5. Six members who are appointed by the governor.

6. A county sheriff from a county that has a population of more than three million persons.

7. A county sheriff from a county that has a population of more than three hundred thousand persons but less than six hundred thousand persons.

8. A county sheriff from a county that is located along the Arizona-Mexico border and that has a population of more than one hundred thousand persons but less than one hundred fifty thousand persons.

9. A county sheriff from a county that is located along the Arizona-Mexico border and that has a population of at least one hundred fifty thousand persons but less than six hundred thousand persons.

D. Committee members are not eligible to receive compensation or reimbursement of expenses for committee activities.

E. The president and the speaker of the house of representatives shall each appoint a cochairperson of the committee.

F. The committee shall meet on the call of the two cochairpersons, but no more frequently than monthly.

G. The committee may:

1. Take testimony and other evidence regarding the international border with Mexico.

2. Analyze border crossing statistics.

3. Analyze related crime statistics.

4. Make recommendations designed to increase border security.

5. Administer and manage the construction and maintenance of the border fence.

6. Make other recommendations deemed essential by the committee.

H. The committee may use the services of legislative staff as required.

I. ~~Beginning November 30, 2011 and~~ Each month ~~thereafter~~, the committee shall submit a written report of its findings and recommendations to the speaker of the house of representatives, the president of the senate and the governor. The committee shall provide a copy of the report to the secretary of state.

J. Notwithstanding any law to the contrary, the committee may vote to go into executive session to take testimony or evidence it considers sensitive or confidential in nature, which if released could compromise the security or safety of law enforcement or military personnel or a law enforcement or national guard law enforcement support operation.

K. The border security trust fund is established consisting of monies collected pursuant to this section. The state treasurer shall administer the trust fund as trustee for the purposes of the compact entered into pursuant to subsection A of this section or for the purposes of subsection B of this section. The compact entered into pursuant to subsection A of this section or the border fence pursuant to subsection B of this section is the beneficiary of the trust fund. All monies in the trust fund shall be used exclusively to carry out the purposes of this section. The state treasurer shall accept, separately account for and hold in trust any monies deposited in the state treasury, which are considered to be trust monies as defined in section 35-310 and which shall not be commingled with any other monies in the state treasury except for investment purposes. The state treasurer shall invest and divest any trust fund monies deposited in the state treasury as provided by sections 35-313 and 35-314.03, and monies earned from investment shall be credited to the trust fund. Monies in the trust fund are subject to legislative appropriation and are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

L. THE COMMITTEE ESTABLISHED BY SUBSECTION C OF THIS SECTION ENDS ON JULY 1, 2020 PURSUANT TO SECTION 41-3103.

Sec. 24. Repeal

Section 41-1008.01, Arizona Revised Statutes, is repealed.

Sec. 25. Section 41-1251, Arizona Revised Statutes, is amended to read:

41-1251. Joint committee on capital review; members; chairman; meetings; committee termination

A. A joint committee on capital review is established which consists of fourteen members, including the chairmen of the senate and house of representatives appropriations committees, the majority and minority leaders of the senate and the house of representatives, four members of the senate appropriations committee appointed by the president of the senate and four members of the house of representatives appropriations committee appointed by the speaker of the house of representatives.

B. The chairman of the senate appropriations committee has a term as chairman of the joint committee on capital review from the first day of the first regular session to the first day of the second regular session of each legislature, and the chairman of the house of representatives appropriations committee has a term from the first day of the second regular session to the first day of the next legislature's first regular session.

C. The joint committee on capital review shall meet as often as the members deem necessary, and a majority of the members constitutes a quorum for the transaction of business.

D. THE COMMITTEE ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2026 PURSUANT TO SECTION 41-3103.

Sec. 26. Section 41-1279, Arizona Revised Statutes, is amended to read:

41-1279. Joint legislative audit committee; composition; meetings; powers and duties; committee termination

A. The joint legislative audit committee is established consisting of five members of the senate appointed by the president of the senate, one of whom shall be a member of the senate appropriations committee, and five members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the house of representatives appropriations committee. Selection of members shall be based on their understanding and interest in legislative audit oversight functions. Not more than three appointees of each house shall be of the same political party. The president and the speaker shall designate one of their appointed members as chairman of their respective delegation. The chairman of the audit committee shall serve for the term of each legislature. The chairmanship of the audit committee shall alternate between the chairman of the senate delegation and the chairman of the house of representatives delegation beginning with the chairman of the senate delegation. The president of the senate and the speaker of the house of representatives shall also serve as ex officio members of the committee.

B. The committee shall meet at least quarterly and on call of the chairman. Members of the committee are eligible for reimbursement by their

respective houses in the same manner as a member of the legislature who attends a meeting of a standing committee.

C. The committee shall:

1. Oversee all audit functions of the legislature and state agencies including sunset, performance, special and financial audits, special research requests and the preparation and introduction of legislation resulting from audit report findings.

2. Appoint an auditor general subject to approval by a concurrent resolution of the legislature and direct the auditor general to perform all sunset, performance, special and financial audits and investigations.

3. Have the power of legislative subpoena in accordance with article 4 of this chapter.

4. Require state agencies to comply with findings and directions of the committee regarding sunset, performance, special and financial audits.

5. Perform all functions required by chapter 27 of this title relating to the sunset review of state agencies.

D. THE COMMITTEE ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2018 PURSUANT TO SECTION 41-3103.

Sec. 27. Repeal

Title 41, chapter 7, articles 12 and 13, Arizona Revised Statutes, are repealed.

Sec. 28. Section 41-1361, Arizona Revised Statutes, is amended to read:

41-1361. Governmental mall commission; members; terms; compensation; commission termination; definition

A. A legislative governmental mall commission is established consisting of:

1. Two members appointed by the governor one of whom shall have experience in land planning or architecture.

2. The president of the senate or the president's designee as an advisory member.

3. The speaker of the house of representatives or the speaker's designee as an advisory member.

4. One member of the public appointed by the president of the senate.

5. One member of the public appointed by the speaker of the house of representatives.

6. The director of the department of administration or the director's designee.

7. The chairman of the historical advisory commission established by section 41-151.20 or the chairman's designee.

8. Two members appointed by the chairman of the Maricopa county board of supervisors. One of these members shall have experience in county planning.

9. Two members appointed by the mayor of the city of Phoenix. One of these members shall have experience in urban planning.

B. The term of office of the public members is three years.

C. Members of the commission are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

D. A member of the commission who is more than one hundred years of age may vote by proxy as determined by the person who appointed the member, or by any other method that is agreeable to both the member and the person who appointed the member. If a member of the commission is more than one hundred years of age, five other members of the commission constitute a quorum.

E. THE COMMISSION ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2025 PURSUANT TO SECTION 41-3103.

~~E.~~ F. For the purposes of this section, "advisory member" means a member who gives advice to the other members of the legislative governmental mall commission at meetings of the commission but who is not eligible to vote, is not a member for purposes of determining whether a quorum is present, and is not eligible to receive any compensation or reimbursement of expenses by the commission.

Sec. 29. Section 41-1502, Arizona Revised Statutes, is amended to read:

41-1502. Arizona commerce authority; board of directors; conduct of office; audit

A. The Arizona commerce authority is established. The mission of the authority is to provide private sector leadership in growing and diversifying the economy of this state, creating high quality employment in this state through expansion, attraction and retention of businesses and marketing this state for the purpose of expansion, attraction and retention of businesses.

B. The authority shall be governed by a board of directors consisting of:

1. The governor, who serves as chairperson.

2. The chief executive officer.

3. Seventeen private sector business leaders who are chief executive officers of private, for-profit enterprises. None of these members may be an elected official of any government entity. These members must be appointed from geographically diverse areas of this state and not all from the same county. These members shall serve staggered three-year terms of office beginning and ending on the third Monday in January. These members shall be appointed as follows:

(a) Nine members who are appointed by the governor.

(b) Four members who are appointed by the president of the senate.

(c) Four members who are appointed by the speaker of the house of representatives.

4. The following as ex officio members without the power to vote:

(a) The president of the senate.

(b) The speaker of the house of representatives.

(c) The president of the Arizona board of regents.

(d) The president of each state university under the jurisdiction of the Arizona board of regents.

(e) One president of a community college who is appointed by a statewide organization of community college presidents.

~~(f) The chairperson of the Arizona aerospace and defense commission established by article 6 of this chapter.~~

~~(g)~~ (f) The chairperson of the governor's council on small business, or its successor.

~~(h)~~ (g) The chairperson of the governor's council on workforce policy, if established by executive order pursuant to section 41-1542.

~~(i)~~ (h) One member of the rural business development advisory council established by section 41-1505 who is appointed by the governor.

~~(j)~~ (i) The president of a statewide organization of incorporated cities and towns who is appointed by the governor.

~~(k)~~ (j) The president of a statewide organization of county boards of supervisors who is appointed by the governor.

C. The following shall serve as technical advisors to the board to enhance collaboration among state agencies to meet infrastructure needs and facilitate growth opportunities throughout this state:

1. The director of environmental quality.
2. The state land commissioner.
3. The director of the department of revenue.
4. The director of the office of tourism.
5. The director of the department of transportation.
6. The director of water resources.
7. The director of the department of financial institutions.
8. The director of the Arizona-Mexico commission in the governor's office.

D. The governor shall appoint a cochairperson of the board of directors from among the voting members. The board may establish an executive committee consisting of the chairperson, THE cochairperson, the chief executive officer, and additional voting members of the board elected by the board. The chairperson may appoint subcommittees as necessary.

E. The board may request assistance from representatives of other state agencies to maximize economic development opportunities by leveraging their access to strategic assets and planning processes.

F. Board members serve without compensation but are eligible for reimbursement of expenses pursuant to section 41-1504, subsection E, paragraph 1.

G. A majority of the voting members, which must include the chairperson and the chief executive officer, constitute a quorum for the purpose of an official meeting for conducting business. An affirmative vote of a majority of the members present at an official meeting is sufficient for any action to be taken.

H. The board of directors shall keep and maintain a complete and accurate record of all of its proceedings. Public access to the board's records is subject to section 41-1504, subsection L.

I. The board of directors, executive committee, subcommittees and advisory councils are subject to title 38, chapter 3, article 3.1, relating to public meetings, except as follows:

1. In addition to ~~the provisions of~~ section 38-431.03, the board of directors, executive committee and subcommittees may meet in executive session for discussion about potential business development opportunities and strategies, which, if made public, could potentially harm the applicant's, THE potential applicant's or this state's competitive position.

2. Social and travel events related to the expansion, attraction and retention of businesses are not public meetings if no legal action involving a final vote or decision is taken.

3. Activities and events held in public for the purpose of announcing the expansion, attraction and retention of projects are not public meetings.

J. The board of directors and the officers and employees of the authority are subject to title 38, chapter 3, article 8, relating to conflicts of interest.

K. The board of directors shall adopt written policies, procedures and guidelines for standards of conduct, including a gift policy, for members of the board and for officers and employees of the authority.

L. The authority shall operate on the state fiscal year. The board of directors shall cause an annual audit to be conducted on or before October 31 of each of the authority's public funds established by this chapter by an independent certified public accountant. The board shall immediately file a certified copy of the audit with the auditor general. The auditor general may make such further audits and examinations as necessary and may take appropriate action relating to the audit or examination pursuant to chapter 7, article 10.1 of this title. If the auditor general takes no further action within thirty days after the audit is filed, the audit is considered to be sufficient.

M. All state agencies shall cooperate with the authority and make available data pertaining to the functions of the authority as requested by the authority.

Sec. 30. Section 41-1505, Arizona Revised Statutes, is amended to read:

41-1505. Rural business development advisory council; council termination

A. The rural business development advisory council is established. The mission of the council is to advise the board of directors regarding rural business development strategies, including creating jobs, diversifying economies and attracting new investment.

B. The council consists of the following members:

1. One representative from each county, seven of whom are appointed by the governor and four each of whom are appointed by the president of the senate and the speaker of the house of representatives.

2. One representative of a rural development organization that represents statewide interests who is appointed by the governor.

3. One member representing all Indian tribes, nations, bands and communities in this state who is appointed by the governor.

4. The chief executive officer or the chief executive officer's designee.

C. Each year the governor shall appoint a member to serve as chairperson. The chairperson may be reappointed. Council members shall serve staggered three-year terms beginning and ending on the third Monday in January. The members of the council serve without compensation and are subject to title 38, chapter 3, article 8, relating to conflicts of interest.

D. The council shall:

1. Recommend to the board of directors policy development and funding allocations to complement regional and local economic development strategies that focus on and assist rural communities.

2. Leverage local, state and federal resources to advance business in rural areas of this state.

3. Develop selection criteria and an application format for rural communities or areas to use in applying for matching monies.

4. Make recommendations for coordinating personnel activities of the authority to ensure that communities receive appropriate technical assistance to implement economic development efforts.

5. Assist local rural economic development professionals, main street project managers and others involved in economic development.

6. Make recommendations regarding:

(a) State responsibilities under any necessary contracts with consultants, including the national main street center of the national trust for historic preservation.

(b) Coordination of the activities of other state agency personnel assisting with rural economic development programs.

7. Monitor the progress of main street communities and other aspects of the program.

8. Coordinate the expenditure of available federal monies to support rural business and economic development programs.

E. Each year the council shall develop a priority list of economic strength projects that meet the criteria established by section 28-7281 and submit the list to the chief executive officer. The council shall confer with regional planning agencies and local authorities that would be affected by a specific economic strength project and shall submit their comments to the chief executive officer. After review by the board, the chief executive officer shall transmit the priority list and comments to the state

transportation board. The council shall set priorities for individual projects based on the following:

1. The cost of the project.

2. The number of jobs that the project will cause to be created, retained or increased.

3. The nature and amount of capital investment or other contribution to the economy of this state or a local authority as a result of the project.

4. The likelihood that benefits resulting from the project will exceed the costs of the project.

5. WHETHER the amount of contributions to the project provided from other than the economic strength project fund is at least ten per cent of the cost of the project.

6. The amount and percentage of funding for the project that will come from a source other than the economic strength project fund as compared to other proposed projects.

7. The amount of expenditures required for local infrastructure relating to the project.

8. The magnitude of the project and its relative value to this state or a local authority as compared to other proposed projects.

9. The extent to which the project would contribute to achieving an equitable distribution of monies and projects among the various regions of this state and throughout this state as a whole.

10. The specific time schedule for completion of the project.

F. THE COUNCIL ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2021 PURSUANT TO SECTION 41-3103.

Sec. 31. Repeal

Title 41, chapter 10, article 6, Arizona Revised Statutes, is repealed.

Sec. 32. Section 41-1719, Arizona Revised Statutes, is amended to read:

41-1719. Sex offender community notification coordinator; duties

A. The sex offender community notification coordinator is established in the department of public safety.

B. The sex offender community notification coordinator shall:

1. Oversee reimbursement of monies to agencies that perform sex offender community notification.

2. Oversee the Arizona sex offender community notification process.

~~3. Provide the following information to the community notification guidelines committee on a quarterly basis:~~

~~(a) The number of sex offender entries in the Arizona criminal justice information system sex offender profile and notification system by type of offense, county and agency.~~

~~(b) The number and level of community notifications that each county and agency makes.~~

~~(c) A report on law enforcement agency compliance with the community notification guidelines.~~

Sec. 33. Section 41-1829, Arizona Revised Statutes, is amended to read:

41-1829. Arizona peace officers memorial board; board termination

A. An Arizona peace officers memorial board is established consisting of the attorney general, who shall serve as permanent chairman, the director of the department of public safety, the director of the state department of corrections, the executive director of the Arizona criminal justice commission, eleven members appointed pursuant to subsection B and as advisory members the chairmen of the appropriations and judiciary committees of the house of representatives and the senate. For the purposes of this subsection, "advisory member" means a member who gives advice to the other members of the peace officers memorial board at meetings of the board but who is not eligible to vote and is not a member for purposes of determining whether a quorum is present.

B. The permanent chairman shall appoint one private citizen who is knowledgeable in the history of law enforcement in this state, one county sheriff, one local police chief, two members selected from a recognized fraternal organization for law enforcement personnel, two representatives from the business community, two family members of peace officers who have lost their lives in the line of duty and two members from a statewide organization representing law enforcement personnel.

C. The board shall meet at the call of the permanent chairman.

D. Members of the board are not eligible to receive compensation, but members appointed pursuant to subsection B are entitled to reimbursement from the Arizona peace officers memorial fund for reasonable expenses in traveling on and attending to official board business.

E. THE BOARD ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2019 PURSUANT TO SECTION 41-3103.

Sec. 34. Repeal

Sections 41-2754, 41-2999.12, 41-3000.27, 41-3016.24, 41-3017.13 and 41-3020.01, Arizona Revised Statutes, are repealed.

Sec. 35. Heading change

The article heading of title 41, chapter 27, article 3, Arizona Revised Statutes, is changed from "LEGISLATIVE EXPIRATION OF NEW PROGRAMS" to "LEGISLATIVE EXPIRATION OF NEW PROGRAMS AND COMMITTEES".

Sec. 36. Section 41-3101, Arizona Revised Statutes, is amended to read:

41-3101. Definitions

In this article, unless the context otherwise requires:

1. "COMMITTEE" MEANS ANY STATUTORY BOARD, COMMISSION, COMMITTEE, COUNCIL OR PANEL THAT IS NOT OTHERWISE SUBJECT TO ARTICLE 1 OF THIS CHAPTER.

~~1.~~ 2. "Program" means functions and activities of a state agency or within a state agency that are preplanned to fulfill a distinct mission.

~~2.~~ 3. "State agency" means any department, office, agency, commission, board or other instrumentality of this state that receives, spends or disburses state monies or incurs obligations against this state.

Sec. 37. Title 41, chapter 27, article 3, Arizona Revised Statutes, is amended by adding section 41-3103, to read:

41-3103. Requirements for new committee established by the legislature

THE LEGISLATURE SHALL INCLUDE IN THE ENABLING LEGISLATION FOR ANY NEW COMMITTEE IT ESTABLISHES A SPECIFIC EXPIRATION DATE FOR THE COMMITTEE THAT IS NOT MORE THAN EIGHT YEARS AFTER THE EFFECTIVE DATE OF THE COMMITTEE'S ENABLING LEGISLATION.

Sec. 38. Section 41-3953, Arizona Revised Statutes, is amended to read:

41-3953. Department powers and duties

A. The department is responsible for establishing policies, procedures and programs that the department is authorized to conduct to address the affordable housing issues confronting this state, including housing issues of low income families, moderate income families, housing affordability, special needs populations and decaying housing stock. Among other things, the department shall provide to qualified housing participants and political subdivisions of this state financial, advisory, consultative, planning, training and educational assistance for the development of safe, decent and affordable housing, including housing for low and moderate income households.

B. Under the direction of the director, the department shall:

1. Establish guidelines applicable to the programs and activities of the department for the construction and financing of affordable housing and housing for low and moderate income households in this state. These guidelines shall meet or exceed all applicable state or local building and health and safety code requirements and, if applicable, the national manufactured home construction and safety standards act of 1974 and title VI of the housing and community development act of 1974 (P.L. 93-383, as amended by P.L. 95-128, 96-153 and 96-339). Guidelines established pursuant to this paragraph do not apply to the department's activities prescribed in section 35-726, subsection E.

~~2. Provide staff support to the Arizona housing commission and coordinate its activities.~~

~~3.~~ 2. Accept and allocate any monies as from time to time may be appropriated by the legislature for the purposes set forth in this article.

~~4.~~ 3. Perform other duties necessary to administer this chapter.

~~5.~~ 4. Perform the duties prescribed in sections 35-726, 35-728 and 35-913 ~~and chapter 4.3 of this title~~.

~~6.~~ 5. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have

similar and related objectives and purposes, cooperate with the agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.

~~7.~~ 6. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.

~~8.~~ 7. Provide information and advice on request of any local, state or federal agencies, private persons and business enterprises on matters within the scope of department activities.

~~9.~~ 8. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.

~~10.~~ 9. Make annual reports to the governor and the legislature on its activities, including the geographic location of its activities, its finances and the scope of its operations.

C. Under the direction of the director, the department may:

1. Assist in securing construction and mortgage financing from public and private sector sources.

2. Assist mortgage financing programs established by industrial development authorities and political subdivisions of this state.

3. Assist in the acquisition and use of federal housing assistance programs pertinent to enhance the economic feasibility of a proposed residential development.

4. Assist in the compliance of a proposed residential development with applicable federal, state and local codes and ordinances.

5. Prepare and publish planning and development guidelines for the establishment and delivery of housing assistance programs.

6. Contract with a federal agency to carry out financial work on the federal agency's behalf and accept payment for the work.

7. Subcontract for the financial work prescribed in paragraph 6 of this subsection and make payments for that subcontracted work based on the expectation that the federal agency will pay for that work.

8. Accept payment from a federal agency for work prescribed in paragraph 6 of this subsection and deposit those payments in the Arizona department of housing program fund established by section 41-3957.

9. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the department to adequately perform its duties.

10. Contract FOR and incur obligations reasonably necessary or desirable within the general scope of department activities and operations to enable the department to adequately perform its duties.

11. Use any media of communication, publication and exhibition in the dissemination of information, advertising and publicity in any field of its purposes, objectives or duties.

12. Adopt rules deemed necessary or desirable to govern its procedures and business.

13. Contract with other agencies in furtherance of any department program.

14. Use monies, facilities or services to provide contributions under federal or other programs that further the objectives and programs of the department.

15. Accept gifts, grants, matching monies or direct payments from public or private agencies or private persons and enterprises for the conduct of programs that are consistent with the general purposes and objectives of this article and deposit these monies in the Arizona department of housing program fund established by section 41-3957.

16. Establish and collect fees and receive reimbursement of costs in connection with any programs or duties performed by the department and deposit the fees and cost reimbursements in the Arizona department of housing program fund established by section 41-3957.

17. Provide staff support to the Arizona housing finance authority and coordinate its activities.

D. For the purposes of this section, the department is exempt from chapter 23 of this title.

E. The department is the designated state public housing agency as defined in the United States housing act of 1937 (42 United States Code sections 1401 through 1440) for the purpose of accepting federal housing assistance monies and may participate in the housing assistance payments program. Federal monies may be secured for all areas of this state subject only to the limitations prescribed in subsection F of this section.

F. For areas of this state where an existing public housing authority has not been established pursuant to section 36-1404, subsection A, the department acting as a public housing agency may undertake all activities under the section 8 tenant-based rental housing assistance payment program, except that the department shall not undertake a section 8 tenant-based rental housing assistance payment program within the boundaries of a city, town or county unless authorized by resolution of the governing body of the city, town or county. If the department accepts monies for a section 8 tenant-based rental housing assistance payment program for areas of this state where an existing public housing authority has been established pursuant to section 36-1404, subsection A, the department shall only accept and secure federal monies to provide housing for the seriously mentally ill or other disabled populations. The department may accept and secure federal monies for undertaking all contract administrator activities authorized under a section 8 project-based rental housing assistance payment program in all areas of this state, and this participation does not require the authorization of any local governing body.

G. The department shall not itself directly own, construct, operate or rehabilitate any housing units, except as may be necessary to protect the department's collateral or security interest arising out of any department programs.

H. Notwithstanding any other provision of this section, the department may obligate monies as loans or grants applicable to programs and activities of the department for the purpose of providing housing opportunities for low or moderate income households or for housing affordability or to prevent or combat decaying housing stock. Unless otherwise required by federal or state law, any loan repayments shall be deposited in the Arizona department of housing program fund established by section 41-3957.

I. For any construction project financed by the department pursuant to subsection C OF THIS SECTION, except for contract administration activities in connection with the project-based section 8 program, the department shall notify a city, town, county or tribal government that a project is planned for its jurisdiction and, before proceeding, shall seek comment from the governing body of the city, town, county or tribal government or an official authorized by the governing body of the city, town, county or tribal government. The department shall not interfere with or attempt to override the local jurisdiction's planning, zoning or land use regulations.

Sec. 39. Repeal

Section 41-3954, Arizona Revised Statutes, is repealed.

Sec. 40. Section 41-4255, Arizona Revised Statutes, is amended to read:

41-4255. Report

A. On or before September 1 of each year, the department of homeland security and the department of health services shall submit a homeland security allocation and expenditure report to the governor, the president of the senate, the speaker of the house of representatives, the chairperson of the senate appropriations committee, the chairperson of the house appropriations committee, the staff and cochairpersons of the joint legislative budget committee and the members of the joint legislative committee on BORDER AND homeland security.

B. The director shall provide a copy of the report to the secretary of state ~~and the director of the Arizona state library, archives and public records~~. The department may redact sensitive information contained in the report if necessary.

C. The report shall include:

1. Each local and state project that was awarded funding for the current year.

2. Expenditures for each local and state project that was awarded funding for the current year.

3. Expenditures from federal appropriations and grants that were used by the department for administrative and state agency purposes.

4. A narrative description detailing each state project awarded funding, including the goals and objectives of each state project.

5. The progress made on each project since the last report.

6. Project awards and expenditures from prior years beginning with fiscal year 2001-2002.

7. A detailed plan on how homeland security efforts will be continued in the event of decreased federal funding.

Sec. 41. Section 41-4256, Arizona Revised Statutes, is amended to read:

41-4256. Senior advisory committee; membership; duties; committee termination

A. The senior advisory committee is established to enhance integration of disciplines involved in homeland security. In addition to membership required or permitted by federal homeland security grant program guidance, the committee consists of the following members:

1. Two members of the house of representatives who are appointed by the speaker of the house of representatives and who are members of different political parties or the members' proxies.

2. Two members of the senate who are appointed by the president of the senate and who are members of different political parties or the members' proxies.

B. The committee shall operate in accordance with federal homeland security grant program guidance.

C. Members are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

D. THE COMMITTEE ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2019 PURSUANT TO SECTION 41-3103.

Sec. 42. Section 41-4257, Arizona Revised Statutes, is amended to read:

41-4257. Joint legislative committee on border and homeland security; membership; powers and duties; executive sessions; committee termination

A. The joint legislative committee on BORDER AND homeland security is established consisting of the following members who have an interest in and familiarity with issues and programs concerning BORDER AND homeland security:

1. Five members of the senate appointed by the president of the senate, not more than three of whom are members of the same political party. The president of the senate shall designate one member as cochairperson.

2. Five members of the house of representatives appointed by the speaker of the house of representatives, not more than three of whom are members of the same political party. The speaker of the house of representatives shall designate one member as cochairperson.

B. THE PRESIDENT AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL EACH APPOINT A COCHAIRPERSON OF THE COMMITTEE.

~~B.~~ C. The committee shall meet ~~whenever committee members consider it necessary~~ ON THE CALL OF THE COCHAIRPERSONS, except that the committee shall not meet more than ten times each year unless the president of the senate and the speaker of the house of representatives agree to additional meetings. The committee shall meet at least annually to review grant allocations and expenditures as reported by the governor's office of homeland security.

~~C.~~ D. The committee shall:

1. Have access to all homeland security grant information on request of a chairperson of the committee or a majority vote of the committee.

2. Provide a forum for persons to express their concerns about state programs that relate to BORDER AND homeland security.

3. Make administrative and legislative recommendations concerning BORDER AND homeland security issues.

4. PREPARE AN ANNUAL WRITTEN REPORT ON ITS WORK, FINDINGS AND RECOMMENDATIONS. THE COMMITTEE SHALL SUBMIT THE REPORT ELECTRONICALLY TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES ON OR BEFORE DECEMBER 31 OF EACH YEAR AND SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE.

~~D.~~ E. The committee has the authority conferred by law on legislative committees.

~~E.~~ F. Members of the committee shall be reimbursed by their respective houses in the same manner provided by law for a member of the legislature who attends a duly called meeting of a standing committee.

~~F.~~ G. The committee may use the services of legislative staff.

H. NOTWITHSTANDING ANY OTHER LAW, THE COMMITTEE MAY VOTE TO GO INTO EXECUTIVE SESSION TO TAKE TESTIMONY OR EVIDENCE THAT IT CONSIDERS TO BE SENSITIVE OR CONFIDENTIAL IN NATURE AND THAT, IF RELEASED, COULD COMPROMISE THE SECURITY OR SAFETY OF LAW ENFORCEMENT OR MILITARY PERSONNEL OR A LAW ENFORCEMENT OR NATIONAL GUARD LAW ENFORCEMENT SUPPORT OPERATION.

I. THE COMMITTEE ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2024 PURSUANT TO SECTION 41-3103.

Sec. 43. Repeal

Title 41, chapter 43, Arizona Revised Statutes, is repealed.

Sec. 44. Section 43-221, Arizona Revised Statutes, is amended to read:

43-221. Joint legislative income tax credit review committee; committee termination

A. The joint legislative income tax credit review committee is established consisting of the following members:

1. Five members of the house of representatives ways and means committee appointed by the speaker of the house of representatives. Not more than three appointees shall be of the same political party.

2. Five members of the senate finance committee appointed by the president of the senate. Not more than three appointees shall be of the same political party.

B. The committee shall determine the original purpose of existing tax credits and establish a standard for evaluating and measuring the success or failure of the tax credits. The standard for evaluating tax credits may include:

1. The history, rationale and estimated revenue impact of the credit.

2. Whether the credit has provided a benefit to this state including, for corporate tax credits, measurable economic development, new investments, creation of new jobs or retention of existing jobs in this state.

3. Whether the credit is unnecessarily complex in the application, administration and approval process.

C. The committee shall review the individual and corporate income tax credits pursuant to the schedule prescribed in section 43-222. The committee shall use the joint legislative budget committee staff and may use the staff of the department of revenue and legislative council for assistance.

D. After completing the review process, the committee shall determine whether the credit should be amended, repealed or retained. If the credit is recommended to be retained or amended, the committee shall recommend that the credit be returned to the income tax credit review schedule prescribed in section 43-222. The next review year shall be the fifth full calendar year following the date the credit was reviewed. The committee shall report its findings and recommendations to the president of the senate, the speaker of the house of representatives and the governor by December 15 of the year that the committee reviews the credit. The committee shall provide a copy of the report to the director of the Arizona state library, archives and public records.

E. THE COMMITTEE ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2022 PURSUANT TO SECTION 41-3103.

Sec. 45. Section 45-264, Arizona Revised Statutes, is amended to read:

45-264. Joint legislative adjudication monitoring committee

A. A joint legislative committee shall be appointed to monitor the progress of general adjudications and the status of their funding. The committee shall consist of ~~five~~ THREE members of the senate appointed by the president of the senate, not more than ~~three~~ TWO of whom shall be members of the same political party, and of ~~five~~ THREE members of the house of representatives appointed by the speaker of the house of representatives, not more than ~~three~~ TWO of whom shall be members of the same political party.

B. The committee shall meet ~~at least annually~~ PERIODICALLY and shall conduct hearings and request information from the director ~~of the department of water resources~~ as it deems necessary to be apprised of the status of the adjudications. The committee shall report to the president of the senate and the speaker of the house of representatives at least annually on its findings, and include in that report any recommendations for legislative action it considers necessary to the efficient, prompt and just conclusion of the adjudications.

Sec. 46. Section 49-456, Arizona Revised Statutes, is amended to read:

49-456. Technical assistance for small business; compliance advisory panel; panel termination

A. Not later than November 15, 1992, after reasonable notice and a public hearing, the director shall submit to the administrator a plan establishing a small business stationary source technical and compliance

assistance program consistent with and equivalent to the plan required under section 507 of the clean air act.

B. A compliance advisory panel is established consisting of seven members who are appointed for staggered five-year terms as follows:

1. Two members who are appointed by the governor to represent the general public and who are not owners or representatives of owners of small business stationary sources.

2. Two members who are appointed by the speaker of the house of representatives and who are owners or who represent owners of small business stationary sources.

3. Two members who are appointed by the president of the senate and who are owners or who represent owners of small business stationary sources.

4. One member who is appointed by the director of the department of environmental quality to represent the department.

C. The panel shall:

1. Advise the director on the effectiveness of the small business stationary source technical and environmental compliance assistance program operated pursuant to this section and any such program operated by a county, including the identification of difficulties encountered and the degree and severity of enforcement.

2. Make periodic reports to the director and administrator concerning the compliance of the small business stationary source technical and environmental compliance assistance program operated pursuant to this section and any such program operated by a county with the requirements of the paperwork reduction act (P.L. 96-511; 20 United States Code section 1221), the regulatory flexibility act (P.L. 96-354; 5 United States Code section 601) and the equal access to justice act (P.L. 96-481; 5 United States Code section 504).

3. Review information developed by the department and any county for small business stationary sources to assure that the information is understandable by the general public and advise the director of its findings.

4. Have staff from the small business stationary source technical and environmental compliance assistance program to develop and disseminate reports and advisory opinions.

D. THE PANEL ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2017 PURSUANT TO SECTION 41-3103.

Sec. 47. Repeal

A. Laws 2002, chapter 332, section 10, as amended by Laws 2006, chapter 364, section 2 and Laws 2007, chapter 73, section 3, is repealed.

B. Laws 2007, chapter 234, section 4 is repealed.

C. Laws 2008, chapter 128, section 2 is repealed.

D. Laws 2011, chapter 285, section 3 is repealed.

E. Laws 2012, chapter 66, section 12 is repealed.