

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-seventh Legislature - Second Regular Session

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ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-seventh Legislature - Second Regular Session

## CAUCUS AGENDA

March 03, 2026

Bill Number	Short Title	Committee	Date	Action
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**Committee on Appropriations**

**Chairman:** David Livingston, LD 28

**Vice Chairman:** Matt Gress, LD 4

**Analyst:** Duncan Spilsbury

**Intern:** Jaiden Arleo

[HB 2229](#)<sup>(BSI)</sup> appropriation; DHS; pregnancy resource centers

SPONSOR: BLACKMAN, LD 7 HOUSE

APPROP                      2/23/2026                      DPA                      (11-6-1-0)

(No: BLATTMAN, GUTIERREZ, STAHL HAMILTON, TRAVERS,

AUSTIN, VOLK Present: SANDOVAL)

[HB 2344](#)<sup>(BSI)</sup> local government investment pool; treasurer

SPONSOR: LIVINGSTON, LD 28 HOUSE

APPROP                      1/28/2026                      DP                      (12-2-3-1)

(No: SANDOVAL, TRAVERS Abs: BLATTMAN Present: GUTIERREZ,

STAHL HAMILTON, AUSTIN)

[HB 2389](#)<sup>(BSI)</sup> replacement units; certificates; environmental compatibility

SPONSOR: MARTINEZ, LD 16 HOUSE

APPROP                      2/23/2026                      DP                      (11-5-0-2)

(No: BLATTMAN, SANDOVAL, STAHL HAMILTON, AUSTIN, VOLK Abs:

GUTIERREZ, TRAVERS)

[HB 2403](#)<sup>(BSI)</sup> appropriation; AHCCCS; provider increase

SPONSOR: WILLOUGHBY, LD 13 HOUSE

APPROP                      2/23/2026                      DPA                      (15-1-1-1)

(No: OLSON Abs: RIVERO Present: KUPPER)

[HB 2445](#)<sup>(BSI)</sup> task order contracts; website; posting

SPONSOR: LOPEZ, LD 16 HOUSE

APPROP                      2/23/2026                      DP                      (11-4-2-1)

(No: GUTIERREZ, SANDOVAL, STAHL HAMILTON, AUSTIN Abs:

TRAVERS Present: BLATTMAN, VOLK)

[HB 2502](#)<sup>(BSI)</sup> ASRS; retirement; elected officials

SPONSOR: LIVINGSTON, LD 28 HOUSE

APPROP                      2/23/2026                      DP                      (15-1-0-2)

(No: OLSON Abs: TRAVERS, BLACKMAN)

[HB 2960](#)<sup>(BSI)</sup> veterans' court fund; grant program

SPONSOR: TRAVERS, LD 12 HOUSE

APPROP                      2/23/2026                      DPA                      (18-0-0-0)

[HCR 2007](#)<sub>(BSI)</sub> reporting; teacher salary increases; schools  
(APPROP S/E: school districts; instructional expenses; requirements)  
SPONSOR: GRESS, LD 4 HOUSE  
APPROP 2/23/2026 DPA/SE (11-7-0-0)  
(No: BLATTMAN, GUTIERREZ, SANDOVAL, STAHL HAMILTON,  
TRAVERS, AUSTIN, VOLK)

### Committee on Commerce

**Chairman:** Jeff Weninger, LD 13 **Vice Chairman:** Michael Way, LD 15  
**Analyst:** Paul Benny **Intern:** Zane Ellwood

[HB 2199](#)<sub>(BSI)</sub> RV parks; mobile homes; education  
SPONSOR: BLISS, LD 1 HOUSE  
COM 1/27/2026 DPA (7-0-3-1)  
(Abs: CAVERO Present: CARTER N, HENDRIX, WAY)

[HB 2402](#)<sub>(BSI)</sub> ambulance services; certificates of necessity  
SPONSOR: WILLOUGHBY, LD 13 HOUSE  
COM 2/3/2026 DP (10-1-0-0)  
(No: HENDRIX)

[HB 2429](#)<sub>(BSI)</sub> vacation rentals; short-term rentals; occupancy  
(COM S/E: short-term rentals; vacation rentals; occupancy)  
SPONSOR: BLISS, LD 1 HOUSE  
COM 2/17/2026 DPA/SE (8-2-1-0)  
(No: HENDRIX, WAY Present: CARTER N)

### Committee on Education

**Chairman:** Matt Gress, LD 4 **Vice Chairman:** Michele Peña, LD 23  
**Analyst:** Chase Houser **Intern:** Jasmine Dominguez

[HB 2240](#)<sub>(BSI)</sub> tuition waiver; children; veterans; disabilities  
SPONSOR: BLACKMAN, LD 7 HOUSE  
ED 2/10/2026 DP (7-3-2-0)  
(No: GUTIERREZ, STAHL HAMILTON, GARCIA Present: HERNANDEZ  
L, SIMACEK)

### Committee on Government

**Chairman:** Walt Blackman, LD 7 **Vice Chairman:** Lisa Fink, LD 27  
**Analyst:** Montse Lavender **Intern:** Madeleine Nseir

[HB 2079](#)<sub>(BSI)</sub> memorial; Don Bolles  
SPONSOR: BLISS, LD 1 HOUSE  
GOV 2/18/2026 DP (7-0-0-0)

[HB 2239](#)<sub>(BSI)</sub> child care; grant program; fund  
SPONSOR: BLACKMAN, LD 7 HOUSE  
GOV 2/18/2026 DP (5-0-1-1)  
(Abs: FINK Present: KESHEL)

[HB 2620](#)<sub>(BSI)</sub> appropriation; homeless veterans; shelter services  
SPONSOR: BLACKMAN, LD 7 HOUSE  
GOV 2/18/2026 DPA (7-0-0-0)  
APPROP 2/23/2026 DPA (17-0-0-1)  
(Abs: BLATTMAN)

[HB 4064](#)<sub>(BSI)</sub> municipal improvement districts; petitions  
SPONSOR: BLISS, LD 1 HOUSE GOV 2/18/2026 DP (5-2-0-0)  
(No: GILLETTE, KESHEL)

**Committee on Health & Human Services**

**Chairman:** Selina Bliss, LD 1 **Vice Chairman:** Ralph Heap, LD 10  
**Analyst:** Ahjahna Graham **Intern:** Logan Kilbey

[HB 2188](#)<sub>(BSI)</sub> language acquisition grant program  
(HHS S/E: program; language acquisition grant)  
SPONSOR: WILLOUGHBY, LD 13 HOUSE DPA/SE (12-0-0-0)  
HHS 2/2/2026

[HB 2251](#)<sub>(BSI)</sub> midwives; medication administration; advisory committee  
SPONSOR: BLISS, LD 1 HOUSE DPA (11-1-0-0)  
HHS 2/16/2026  
(No: PINGERELLI)

[HB 2404](#)<sub>(BSI)</sub> authorized transporters  
(HHS S/E: transportation ; mental health; patients)  
SPONSOR: WILLOUGHBY, LD 13 HOUSE DPA/SE (10-1-1-0)  
HHS 2/16/2026  
(No: PINGERELLI Present: CONTRERAS P)

[HB 2434](#)<sub>(BSI)</sub> controlled substances prescription monitoring program  
SPONSOR: BLISS, LD 1 HOUSE DPA (12-0-0-0)  
HHS 2/19/2026

[HB 2437](#)<sub>(BSI)</sub> EMS reciprocity; compact  
SPONSOR: BLISS, LD 1 HOUSE DP (11-1-0-0)  
HHS 2/16/2026  
(No: PINGERELLI)

[HB 2726](#)<sub>(BSI)</sub> AHCCCS; mild obstructive sleep apnea  
SPONSOR: BLISS, LD 1 HOUSE DPA (8-4-0-0)  
HHS 2/9/2026  
(No: CONTRERAS P, MATHIS, PINGERELLI, LIGUORI)

[HB 2914](#)<sub>(BSI)</sub> electronic monitoring; health care facilities  
SPONSOR: NGUYEN, LD 1 HOUSE DPA (7-3-1-1)  
HHS 2/16/2026  
(No: HERNANDEZ A, LUNA-NÁJERA, HEAP Abs: WENINGER Present:  
LIGUORI)

**Committee on Judiciary**

**Chairman:** Quang H. Nguyen, LD 1 **Vice Chairman:** Khyll Powell, LD 14  
**Analyst:** Nathan McRae **Intern:** Nicholas Putrow

[HB 2047](#)<sub>(BSI)</sub> writ of restitution; criminal trespass  
SPONSOR: BLISS, LD 1 HOUSE DP (6-2-0-1)  
JUD 2/11/2026  
(No: CONTRERAS L, GARCIA Abs: HERNANDEZ A)

[HB 2861](#)<sub>(BSI)</sub> firearm destruction  
SPONSOR: NGUYEN, LD 1 HOUSE  
JUD 2/18/2026 DPA/SE (9-0-0-0)

**Committee on Rural Economic Development**

**Chairman:** Teresa Martinez, LD 16 **Vice Chairman:** Chris Lopez, LD 16  
**Analyst:** Paul Benny **Intern:** Zane Ellwood

[HB 2950](#)<sub>(BSI)</sub> tourism improvement areas; municipalities; counties  
SPONSOR: WILMETH, LD 2 HOUSE  
RED 2/19/2026 DP (7-0-0-0)

**Committee on Ways & Means**

**Chairman:** Justin Olson, LD 10 **Vice Chairman:** Nick Kupper, LD 25  
**Analyst:** Vince Perez **Intern:** Conor Sakata

[HB 2780](#)<sub>(BSI)</sub> judicial foreclosure; excess proceeds sale  
SPONSOR: LIGUORI, LD 5 HOUSE  
WM 2/11/2026 DP (9-0-0-0)



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: APPROP DPA 11-6-1-0

## **HB 2229: appropriation; DHS; pregnancy resource centers**

**Sponsor: Representative Blackman, LD 7**

**Caucus & COW**

### **Overview**

Appropriates \$3,000,000 from the state General Fund (GF) in FY 2027 to the Arizona Department of Health Services for the support of pregnancy resource centers and stipulates that monies may not be distributed to clinics and doctors that provide abortions.

### **History**

DHS operates programs in the following areas: 1) disease prevention and control; 2) health education and training; 3) community public health; 4) environmental health; 5) maternal and child health; 6) emergency preparedness; and 7) regulation of childcare centers, assisted living centers, nursing homes, hospitals, other health care providers and emergency services ([A.R.S. § 36-104](#)).

Statute defines an abortion clinic as a facility, other than a hospital, in which five or more first trimester abortions in any month or any second or third trimester abortions are performed ([A.R.S. § 36-499.01](#))

### **Provisions**

1. Appropriates \$3,000,000 from the state GF in FY 2027 to DHS for the support of pregnancy resource centers. (Sec. 1)
2. Prohibits monies from being distributed to an abortion clinic or a pregnancy resource center that refers patients to clinics or doctors who provide abortions. (Sec. 1)

### **Amendments**

#### *Committee on Appropriations*

1. Requires monies be distributed to organizations that:
  - a. are non-profit organizations operating in Arizona for the previous three years;
  - b. employ at least five full-time employees;
  - c. provide pregnancy, post-abortion, post-miscarriage, or post-birth care; and
  - d. provide specified pregnancy-related services to at least five patients per month.
2. Prohibits monies from being distributed to a hospital or any entity affiliated, partnered, or working with an abortion clinic or organization that performs, induces, provides, or refers for abortion services.
3. Requires monies be distributed to be used only in Arizona.
4. Prohibits monies from being used to compensate any officer or director of the participating organization.
5. Requires, by December 31, 2027, each participating organization that receives monies to submit a report to DHS including all of the following:
  - a. number of patients served;
  - b. number of services performed each month;
  - c. number of services performed per service;
  - d. number of women who received a service and gave birth;
  - e. number of women who received a service, gave birth and placed the child for adoption; and
  - f. number of client satisfaction surveys completed.

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: APPROP DP 12-2-3-1

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## **HB 2344: local government investment pool; treasurer**

**Sponsor: Representative Livingston, LD 28**

**Caucus & COW**

### **Overview**

Directs the State Treasurer to manage the local government investment pool (Pool) and allows the Treasurer to enter into a contract with a third party to conduct its fiduciary duties.

### **History**

The Treasurer is permitted to establish and maintain investment pools for the collective investment of trust monies. The State Treasurer can deposit operating monies in the investment pools and receive monies of a state agency, county, city or town into the pools ([A.R.S. § 35-316](#)).

Securities owned by the trust funds and operating monies deposited into the investment pools may be loaned by the Treasurer to the financial or dealer community if the borrow transfers collateral to the Treasurer or acting agent in the form of cash or securities in which the Treasurer is permitted to invest or reinvest monies ([A.R.S. § 35-313](#)).

The Treasurer manages the Pool, which allows any city, town, county, school district or community college district or any other entity organized under state law, to deposit monies in a pooled investment fund. The governing body of a political subdivision or public entity may authorize and request the Treasurer to invest monies on their behalf by adopting a resolution of continuing effect. The assets of the fund are invested by the Treasurer for periods as will facilitate the return of the monies to the depositing entities in accordance with the instructions received at the time of deposit ([A.R.S. § 35-326](#)).

### **Provisions**

1. Directs the Treasurer to manage the Pool and allows the Treasurer to enter into a contract with a third party as a contingency if the Treasurer is unable to conduct its fiduciary duties. (Sec. 1)
2. Makes conforming changes. (Sec. 1)



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: APPROP DP 11-5-0-2

## **HB 2389: replacement units; certificates; environmental compatibility**

**Sponsor: Representative Martinez, LD 16**

**Caucus & COW**

### **Overview**

Authorizes a utility to replace an existing electrical generating plant or construct a new plant without a new certificate of environmental compatibility under certain conditions.

### **History**

*Plant* means each separate thermal electric, nuclear or hydroelectric generating unit with a nameplate rating of one hundred megawatts or more for which expenditures or financial commitments for land acquisition, materials, construction or engineering exceeding \$50,000 have not been made before August 13, 1971.

*Utility* means any person engaged in the generation or transmission of electric energy ([A.R.S. § 40-360](#)).

The Arizona Corporation Commission (ACC)'s Power Plant and Transmission Line Siting Committee has jurisdiction over proposed electrical generating plants and above ground transmission lines that meet certain criteria. When a utility plans to build one of these facilities it must apply for a Certificate of Environmental Compatibility (CEC) and after review, public hearings and a vote by the Committee the utility may be granted the CEC for their proposed facility ([A.R.S. Title 40, Chapter 2, article 6.2](#)).

### **Provisions**

1. Allows a utility to replace an existing plant or construct a new plant immediately adjacent to an existing plant without a new CEC for the new or replacement plant if:
  - a. the utility provides the ACC 30 days' written notice;
  - b. holds at least one public comment session in the county where the existing plant is located;
  - c. the new or replacement plant is located on or immediately adjacent to the site of a plant that:
    - i. previously received a CEC; or
    - ii. was in use or authorized before August 13, 1971;
  - d. the aggregate nameplate rating of all plants that will be located on or adjacent to the site, after construction, will be equal to or greater than the aggregate nameplate rating of all existing plants located on or adjacent to the site before construction. (Sec. 1)
2. Makes conforming change. (Sec. 1)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: APPROP DPA 15-1-1-1

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## **HB 2403: appropriation; AHCCCS; provider increase**

**Sponsor: Representative Willoughby, LD 13**

**Caucus & COW**

### **Overview**

Appropriates \$7,500,000 from the state General Fund (GF) in FYs 2027 through 2030 to the Arizona Health Care Cost Containment System (AHCCCS) for provider increases for home and community-based services for the elderly and persons with physical disabilities.

### **History**

Founded in 1982, AHCCCS is Arizona's Medicaid program, a federal health care program jointly funded by the federal and state governments for individuals and families who qualify based on income level.

AHCCCS contracts with several program contractors to provide long term care services. The Arizona Long Term Care System (ALTCS) program provides care for elderly and physically disabled individuals in both institutional and home and community based settings ([AHCCCS](#)).

### **Provisions**

1. Appropriates \$7,500,000 from the state GF in each of FYs 2027 through 2030 to AHCCCS for provider increases for home and community-based services for the elderly and persons with physical disabilities.

### **Amendments**

*Committee on Appropriations*

1. Reduces the appropriation to \$2,500,000.
2. Makes the appropriation only in FY 2027.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: APPROP DP 11-4-2-1

## **HB 2445: task order contracts; website; posting**

**Sponsor: Representative Lopez, LD 16**

**Caucus & COW**

### **Overview**

Establishes an online posting requirement for municipalities, counties, school districts and state governmental units entering task order contracts.

### **History**

All state contracts are required to be awarded through competitive sealed bidding unless otherwise specified by law ([A.R.S. § 41-2532](#)).

An invitation to bid must include a purchase description and all contractual terms and conditions applicable to procurement. Adequate public notice of an invitation to bid must be given at a reasonable time before the date for open bidding. Amount and bidder name must be recorded and be open to public inspection after the contract has been awarded. The contract must be awarded to the lowest responsible and responsive bidder whose bid conforms to the requirements prescribed by the bid invitation ([A.R.S. § 41-2533](#)).

### **Provisions**

1. Requires a city, county, town, school district or state governmental unit that enters into a task order contract with a contractor in Arizona to conspicuously post the contract on their website. (Sec. 1, 2, 3, 4)
2. Allows a contractor that enters into a task order with a city, town, county, school district or state governmental unit to redact any personal or proprietary information from the contract before the contract is posted on the city or town's website. (Sec. 1,2,3,4)
3. Prohibits the following from being redacted:
  - a. the total dollar amount of the contract;
  - b. the identity of the contractor; and
  - c. a description of the services that will be performed under the contract; and
  - d. the length of the contract. (Sec. 1, 2, 3, 4)
4. Defines *task order contract* as an indefinite delivery or indefinite quantity contract for supplies or services that provides for the issuance of a task order for services or supplies during the contractual period. (Sec. 1, 2, 3, 4)
5. Designates this act as the *Government Transparency Act*. (Sec. 5)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: APPROP DP 15-1-0-2

## **HB 2502: ASRS; retirement; elected officials** **Sponsor: Representative Livingston, LD 28** **Caucus & COW**

### **Overview**

Allows an Arizona State Retirement System (ASRS) member who is an elected official and who attains a normal retirement date to retire at any time without terminating the member's position as an elected official.

### **History**

An elected official who is an active, an inactive or a retired member of ASRS or a member of ASRS with a disability is eligible for ASRS service credit for the elected official's service, if the elected official's employer is a participating ASRS employer ([A.R.S. § 38-727](#)).

An ASRS member's retirement is deemed to commence on a date elected by the member, which may not be earlier than: 1) the day after the termination of employment; 2) the date ASRS receives the member's completed retirement application; or 3) the date specified by a member who is employed for less than 20 hours per week and attains a normal retirement date and retires without terminating employment. All retirement benefits are normally payable in monthly installments beginning on the commencement of retirement. An ASRS member may elect to cancel the effective date of retirement within 30 days of retirement or before the member's receipt of retirement benefits, whichever is later. Statute requires ASRS employers to pay an alternate contribution rate on behalf of a retired member who returns to work with an ASRS employer in any capacity in a position ordinarily filled by an employee of the employer ([A.R.S. §§ 38-766.02](#), [38-727](#), [38-764](#)).

### **Provisions**

1. Directs an ASRS employer to pay the alternate contribution rate on behalf of a retired member who attains a normal retirement date and elects to retire without terminating employment in which the member is engaged in less than twenty hours each week and twenty weeks in each fiscal year. (Sec. 1)
2. Requires a member who retires from the system while maintaining employment less than twenty hours each week and twenty weeks in each fiscal year to notify ASRS in writing of the member's retirement without terminating employment. (Sec. 1)
3. Allows an ASRS member who is an elected official and who attains a normal retirement date to retire at any time without terminating the member's position as an elected official. (Sec. 1)
4. Stipulates that a member is deemed a retired member as of the date of retirement. (Sec. 1)
5. Stipulates that the period of employment after retirement is not eligible for purchase of prior public service credit or leave, thus prohibiting the period after retirement from being converted into credited service. (Sec. 1)
6. Prohibits an elected official who retires but maintains their elected position from being eligible for long-term disability and earning service credit. (Sec. 1)
7. Requires a retired member who is employed by a nonelected position in which they are required to make ASRS contributions, to terminate employment in all nonelected positions or reduce the retired member's hours worked to less than twenty hours each week and twenty weeks each fiscal year. (Sec. 1)
8. Requires an ASRS employer to pay the alternate contribution rate on behalf of retired member who is a state elected official. (Sec. 1)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note

9. Requires an elected official member who retires from the system while maintaining their elected official, and their employer, to notify ASRS in writing of the member's retirement without terminating employment. (Sec. 1)
10. Allows a retired member who attains a normal retirement age to return to work as an elected official and be eligible to receive benefits, regardless of whether the position is subject to term limits. (Sec. 2)
11. Makes technical and conforming changes. (Sec. 1-3)



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: COM DP 7-4-0-0

## **HB 2690: unemployment benefits; requirements; disqualifications; determinations.**

**Sponsor: Representative Heap, LD 10**

**Caucus & COW**

### **Overview**

Modifies the eligible criteria for Unemployment Insurance (UI) benefits. Requires the Department of Economic Security (DES) to cross-check the validity of UI benefit claims against prescribed data sets.

### **History**

DES administers the UI benefit program, which provides temporary financial relief to eligible unemployed individuals who separate from their previous employers at no fault of their own. To be eligible for [UI benefits](#), an individual must be able to work, available for work and actively seeking work. Furthermore, the individual must engage in a systematic and sustained effort to obtain work during at least four days of the week and make at least one job contact per day on four different days of the week.

DES examines any claim for benefits and determines whether the claim is valid. DES must promptly notify the claimant of the determination. The claimant has 15 days from the date the notification was mailed to appeal the determination. Individuals who fail to apply for available and suitable work, actively engage in seeking work, accept suitable work when offered or return to customary self-employment as directed by DES are disqualified from UI benefits ([Title 23, Chapter 4, A.R.S.](#)).

### **Provisions**

#### ***UI Benefit Eligibility***

1. Modifies eligibility requirements by adding that an individual must actively seek and apply for suitable work and:
  - a. conduct at least five specified work search actions each week to qualify as actively seeking and applying for suitable work; and
  - b. provide a weekly report that details the individual's work search actions for every week a benefit is sought. (Sec. 4)
2. Removes the requirement of an individual to engage in a systematic and sustained effort to obtain work during at least four days of the week and make at least one job contact per day on four different days of the week to be eligible for UI benefits. (Sec. 4)

#### ***UI Claim Validity***

3. Prohibits DES from paying benefits until the initial claim, or an ongoing claim on a weekly basis, is cross-checked for validity against specified data sets. (Sec. 5)
4. Requires DES to prioritize cross-checking the most current data sets before crosschecking older data sets. (Sec. 5)
5. Stipulates that a claim will not be paid, and the claimant is disqualified from receiving benefits and referred for prosecution if a cross-check results in information indicating that a claim is ineligible or fraudulent. (Sec. 5)
6. Directs DES, prior to paying benefits, to examine any initial claim and confirm the claim's validity if the initial claim:
  - a. was submitted electronically through an internet address located outside of Arizona or the U.S.;
  - b. references an address for which another current claim was submitted; or
  - c. is associated with a direct deposit for a bank account already used for another current claim. (Sec. 5)
7. Allows DES to refer the matter for prosecution if a fraudulent claim was filed. (Sec. 5)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

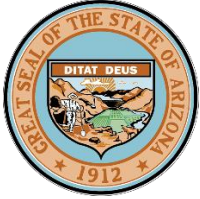
Fiscal Note

***Disqualification from UI Benefits***

8. Restates that an individual is disqualified for UI benefits if the individual has failed without cause to:
  - a. actively seek and apply for suitable work;
  - b. accept an offer of suitable work; or
  - c. accept reemployment at the same employer for suitable work, if offered. (Sec. 6)
9. Directs an employer to report to DES when an individual who was a previous employee:
  - a. refuses to return to work or accept an offer of suitable work; or
  - b. fails to appear for a scheduled interview or respond to an offer of employment. (Sec. 6)
10. Allows employers to submit the required report to DES either digitally or through email. (Sec. 6)
11. Requires DES to conduct an independent review of each submitted report to determine whether an individual should be disqualified from receiving benefits. (Sec. 6)

***Miscellaneous***

12. Makes conforming and technical changes. (Sec. 1-6)



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: APPROP DPA/SE 11-7-0-0

**HCR2007: reporting; teacher salary increases; schools**  
**S/E: school districts; instructional expenses; requirements**  
**Sponsor: Representative Gress, LD 4**  
**Caucus & COW**

**Summary of the Strike-Everything Amendment to HCR 2007**

**Overview**

Subject to voter approval, requires each school district with a student count of at least 200 to spend at least 60% of its operational spending on direct instructional expenses. Establishes requirements relating to direct instructional expenses for school districts, the Office of the Auditor General (OAG) and the Arizona Department of Education (ADE).

**History**

Statute requires the OAG to establish a schoolwide audit team to: 1) conduct performance audits of school districts; and 2) monitor school districts to determine the percentage of every dollar spent in the classroom. Accordingly, the OAG annually publishes the School District Spending Analysis Report, which details school district spending at both the state and school district level to monitor school districts and to determine the percentage of every dollar spent in the classroom by a school district ([A.R.S. § 41-1279.03](#)) ([OAG](#)).

The School District Spending Analysis Report analyzes total spending, which is combined operational and nonoperational spending. Operational spending includes costs to school districts incurred for day-to-day operations in seven categories, including instruction. The OAG monitors the state's and each school district's instructional spending percentage. This percentage represents how much of the state's or a school district's total operational spending was for instruction versus other operational areas. Instructional spending includes costs for teachers, teachers' aides, substitute teachers, graders, guest lectures, general instructional supplies, instructional aids, field trips, athletics, cocurricular activities and tuition. The FY 2024 School District Spending Analysis Report calculated the statewide instructional spending percentage at 52.6% ([FY 2024 School District Spending Analysis Report](#)).

**Provisions**

1. Mandates each school district with a student count of at least 200 spend at least 60% of its operational spending as defined by the OAG on direct instructional expenses.
2. Requires, beginning in FY 2028 and until the school district is in compliance, any school district that spends less than 60% of its operational spending on direct instructional expenses to increase the portion of operational spending that is spent on direct instructional expenses each year by at least 0.5% of the portion of operational spending that is spent on direct instructional expenses in the 2024-2025 school year.
3. Allows a school district, if the school district increases the portion of its operational spending on direct instructional expenses by more than 0.5% in any year, to count the portion of the increase that exceeds 0.5% toward any increase that is required in a subsequent year.
4. Instructs ADE, if the OAG determines a school district did not comply with the direct instructional expenses requirement, to withhold from the school district's state aid an amount equal to the difference between the amount the school district was required to spend on direct instructional expenses and the amount the school district spent on direct instructional expenses for the school year that is the subject of the OAG's determination.
5. Stipulates that if the OAG determines a school district did not comply with the direct instructional expenses requirement, the school district:
  - a. must establish a Direct Instruction Fund;

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note

- b. may use Direct Instruction Fund monies only for direct instructional expenses; and
  - c. may not supplant existing funding with revenues from the Direct Instruction Fund.
6. Requires, if the OAG determines a school district did not comply with the direct instructional expenses requirement, the following to occur:
    - a. ADE must return to the school district the withheld state aid monies; and
    - b. the school district must deposit the monies in its Direct Instruction Fund.
  7. Requires the OAG, if the OAG determines a school district did not comply with the direct instructional expenses requirement, to include in the annual school district spending analysis report a statement indicating whether the school district spent all of its Direct Instruction Fund monies.
  8. Instructs the OAG to annually:
    - a. determine whether each school district is in compliance with the direct instructional expenses requirement; and
    - b. report the determinations to ADE.
  9. Authorizes the Superintendent of Public Instruction (SPI) to waive the state aid withholding requirement for a school district, except that:
    - a. the duration of a waiver may not exceed one year; and
    - b. the SPI may not issue a waiver for a school district for more than two consecutive years.
  10. Directs the Secretary of State to submit this proposition to the voters at the next general election.

**Amendments**

*Committee on Appropriations*

1. Mandates a school district spend at least 50% of its operational spending on teacher pay.
2. Applies the direct instructional expenses and teacher pay requirements to school districts with a student count of at least 500, rather than 200.
3. Requires a school district that spends less than 50% of its operational spending on teacher pay to annually increase its operational spending by 0.5% as prescribed until the school district is in compliance.
4. Requires a school district to use unrestricted operational spending to comply with the direct instructional expenses and teacher pay requirements.
5. Prohibits a school district from using expenditures from the Direct Instruction Fund in the 0.5% direct instructional expenses and teacher pay increase requirements.
6. Withholds state aid from a school district that is not in compliance with the direct instructional expenses or teacher pay requirements in an amount equal to the greater of:
  - a. the difference between the amount the school district was required to spend on direct instructional expenses and the amount the school district actually spent on direct instructional expenses for the school year that is the subject of the OAG's determination; or
  - b. the difference between the amount the school district was required to spend on teacher pay and the amount the school district actually spent on teacher pay for the school year that is subject to the OAG's determination.
7. Instructs ADE to reduce the school district's general budget limit by the total amount of state aid withheld by ADE.
8. Removes the requirement for the OAG to include in the annual school district spending analysis report a statement indicating whether the school district spent all Direct Instruction Fund monies for the operational spending requirements.
9. Requires the OAG to define *operational spending*.
10. Defines *teacher pay*.



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: COM DPA 7-0-3-1

## **HB 2199: RV parks; mobile homes; education**

**Sponsor: Representative Bliss, LD 1**

**Caucus & COW**

### **Overview**

Establishes education requirement for park managers of a recreational vehicle park.

### **History**

The [Arizona Department of Housing](#) (ADOH) is responsible for overseeing affordable housing programs and regulating the manufactured housing industry. ADOH administers programs like the Mobile Home Parks Residential Landlord and Tenant Act (MHRLTA), the Mobile Home Relocation Fund, and the Recreational Vehicle Long-Term Rental Space Act (RVLTRSA).

The MHRLTA simplifies, clarifies, and establishes the law governing the rental of mobile home spaces and rights and obligations of landlords and tenants ([Title 33, Chapter 11, A.R.S.](#)). Under the act park managers must meet education requirements by completing at least six hours of educational programs within the first six months of employment and six hours every two years following ([A.R.S § 33-1402](#)).

The educational program established by the MHRLTA is a class, workshop, or educational convention that instructs attendees on issues dealing with the operation of a mobile home park and that is sponsored by a nonprofit organization whose sole or primary purpose is the advocacy and promotion of the rental mobile home parks industry ([A.R.S. § 33-1409](#)).

### **Provisions**

#### ***Mobile Home Parks Residential Landlord and Tenant Act***

1. Updates the required educational program to include information regarding the Arizona Mobile Home Parks Residential Landlord and Tenant Act. (Sec. 1)
2. Adds that *manager* means the same as *park manager*. (Sec. 1)
3. Deletes the definition of *compatible*. (Sec. 1)

#### ***Recreational Vehicle Long-Term Rental Space Act***

4. Prescribes education requirements for park managers and operators including completing at least four hours of educational programs and at least four additional hours every two years. (Sec. 4)
5. Requires proof of educational program completion be posted in a conspicuous place at the park. (Sec. 4)
6. Allows tenants to file a complaint with ADOH if the park manager cannot produce proof of educational program completion. (Sec. 4)
7. Requires ADOH to issue a show cause order to the landlord directing them to provide proof that the education requirements are satisfied. (Sec. 4)
8. Instructs ADOH to impose a \$500 civil penalty, with an additional per month penalty, if the landlord fails to:
  - a. produce satisfactory evidence of compliance; or
  - b. respond within 30 days after service by certified mail of the show cause order. (Sec. 4)
9. Exonerates all civil penalties if the landlord produces evidence of compliance within six months after service of the civil penalty notice. (Sec. 4)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note

10. Adds that failure to provide evidence of compliance within the six-month period the matter must be referred to the Attorney General (AG) for enforcement and collection of civil penalties. (Sec. 4)
11. Applies a 10% surcharge on the total amount of the civil penalties collected by the AG. (Sec. 4)
12. Directs all civil penalties be deposited in the General Fund (GF) and the 10% surcharge be deposited in the Mobile Home Relocation Fund. (Sec. 2, 4)
13. Defines *director, educational program, park manager, manger and operator*. (Sec. 3)

***Miscellaneous***

14. Clarifies abandonment provisions applies only to recreational vehicles that are park models or park trailers. (Sec. 6)
15. Makes technical and conforming changes. (Sec. 1-3,5,6)

**Amendments**

*Committee on Commerce*

1. Removes the AG's enforcement requirement.
2. Changes the responsibility of collecting certain civil penalties from the AG to the Department of Housing.
3. Adds that a recreational vehicle park manager who has completed the educational requirements relating to mobile home parks is considered to have completed the educational requirements relating to recreational vehicle park managers.
4. Makes further clarifying changes.



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: COM DP 10-1-0-0

## **HB 2402: ambulance services; certificates of necessity**

**Sponsor: Representative Willoughby, LD 13**

**Caucus & COW**

### **Overview**

Makes various revisions to statute relating to the regulation of ambulances and ambulance services.

### **History**

DHS regulates the operation of ambulances and ambulance services, including regulating the response times of ambulances to meet the needs of the public and to ensure adequate service. Individuals wishing to operate an ambulance service in this state must apply for a certificate of necessity. Upon determining that the public necessity requires the service, or any part of the service proposed by the applicant, DHS issues the certificate provided the applicant is found to be fit and proper to provide the service and has paid and filed the appropriate fees and bonds ([A.R.S. § 36-2232](#)).

### **Provisions**

#### ***Ambulance Services; Reporting Requirements***

1. Requires each ambulance services to provide outlined information on a quarterly basis to DHS relating to dispatched ambulances. (Sec. 3)
2. Instructs DHS to make the information regarding dispatched ambulances available to the public on request and on the department's website, with appropriate redacted personally identifying information. (Sec. 3)
3. Stipulates, for ambulance services who fail to provide the quarterly report, DHS must issue a notice to comply within 30 calendar days after the end of the quarter. (Sec. 3)
4. Authorizes DHS to impose a civil penalty of up to \$500 to ambulance services for failure to comply within 15 calendar days after receiving the notice to comply with the quarterly reporting requirement. (Sec. 3)
5. Defines *emergency medical dispatch classification*. (Sec. 3)

#### ***Ambulance Services Regulations***

6. Allows, rather than requires, DHS to provide a waiver to the requirement to install an electronic global positioning system monitoring device on each vehicle to an ambulance service that can reasonably demonstrate its inability to meet the requirement *because at least 30% of the service area does not have global position system coverage*. (Sec. 4)
7. Specifies the waiver expires on April 1 of each year and may be annually renewed. (Sec. 4)
8. Directs DHS to:
  - a. establish an online certificate of necessity application portal allowing applicants to track application status and applicable deadlines; and
  - b. make available to the public on their website a dashboard of ambulance service response times viewable by call type and the percentage of calls that required advanced life support services. (Sec. 4)
9. Prohibits DHS from requiring an applicant to purchase equipment, ambulances or other vehicles prior to approving the certificate of necessity provide the applicant can demonstrate the ability to provide all services required in accordance with the certificate of necessity. (Sec. 5)
10. Provides for allowing DHS to issue a certificate of necessity to the city, town or fire district or a private ambulance service to provide ambulance services to a geographic area. (Sec. 5)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note

11. Stipulates, for certificate of necessity appeals, an ambulance service in the affected region and each interested party have seven days after receiving the hearing notice to intervene. (Sec. 6)
12. Requires DHS to assess a civil penalty of \$1,500 on an ambulance service for noncompliance with certificate of necessity's requirements. (Sec. 6)
13. Allows the certificate of necessity holder to appeal by requesting a hearing through the Office of Administrative Hearings. (Sec. 6)
14. Requires DHS to base all decisions relating to the renewal of a certificate of necessity on current data. (Sec. 7)

***Miscellaneous***

15. Instructs each local emergency medical services coordinating system to additionally submit their regional emergency medical services plan to the Legislature. (Sec. 1)
16. Exempts, from statutory regulations relating to emergency medical services, Arizona registered ambulances that are responding to a major catastrophe, emergency or wildland fire event in Arizona because there are insufficient registered ambulances in the area affected by the major catastrophe, emergency or wildland fire event. (Sec. 2)
17. makes technical changes. (sec. 1, 4, 7, 8)



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: COM DPA/SE 8-2-1-0

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## **HB 2429: vacation rentals; short-term rentals; occupancy**

**S/E: same subject**

**Sponsor: Representative Bliss, LD 1**

**Caucus & COW**

### **Summary of the Strike-Everything Amendment to HB 2429**

#### **Overview**

Includes additional regulations that cities, towns and counties (local governments) may enforce regarding vacation and short-term rentals.

#### **History**

Local governments are statutorily prohibited from preventing vacation rentals or short-term rentals as well as restricting the use of or regulate vacation rentals or short-term rentals based on their classification, use or occupancy. Local governments may regulate vacation rentals or short-term rentals only to the extent as permitted by statute ([A.R.S. §§ 9-500.39, 11-269.17](#)).

#### **Provisions**

1. Allows a local government to limit the maximum occupancy for an overnight stay in vacation rentals or short-term rentals to two adults per sleeping area plus up to two additional persons, not including minors. (Sec.1, 2)
2. Specifies the occupancy limits only apply to guests staying overnight. (Sec. 1, 2)
3. Increases the period, from 12 to 24 months, in which three verified violations must occur for a local government to suspend a local regulatory license or permit. (Sec. 1, 2)
4. Allows the local government to suspend a local regulatory license or permit after one verified violation of a building code that presents a serious threat to public health or safety, that is related to constructing, modifying or altering the rental without a required building permit or failing to remedy an unsafe or unsanitary condition. (Sec. 1, 2)
5. Clarifies a local government that requires *a local regulatory permit or license to adopt an ordinance requiring sex offender background checks on a vacation rental or short-term rental booking guest*. (Sec. 1, 2)
6. Adds that a city or town may deny issuance of a local regulatory permit or license if the applicant has unpaid fines or civil penalties for violations of the city's or town's vacation rental or short-term rental ordinance associated with that property. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: ED DP 7-3-2-0

## **HB 2240: tuition waiver; children; veterans; disabilities**

**Sponsor: Representative Blackman, LD 7**

**Caucus & COW**

### **Overview**

Requires the Arizona Board of Regents (ABOR) and a community college district (CCD) to provide a tuition waiver scholarship to the eligible child or dependent of a member or former member of the U.S. Armed Forces who has a disability rating of 30% or more.

### **History**

A person is eligible for a tuition waiver scholarship at an Arizona public university or community college if they are the child or spouse of:

- 1) a peace officer, correctional officer, firefighter, emergency paramedic, National Guard member or U.S. Armed Forces member who was an Arizona resident or stationed in Arizona and who was killed in the line of duty or who died from injuries suffered in the line of duty; or
- 2) an Arizona resident who was a U.S. Armed Forces veteran or who served as a peace officer, firefighter or U.S. Armed Forces member at the time of their death, who suffered a post-traumatic stress injury in the line of duty and who died by suicide.

To be eligible, a child must be 30 years old or younger and a spouse may not be remarried. Tuition waiver scholarships are limited for a spouse or any one child to: 1) 64 credit hours at Arizona community colleges; and 2) a total number of credits equal to the number of credits required for a baccalaureate degree at Arizona public universities for the student's initially declared course of study ([A.R.S. § 15-1808](#)).

The Spouses of Military Veterans Tuition Scholarship Fund is administered by ABOR to award tuition scholarships to the spouses of honorably discharged U.S. Armed Forces veterans. The spouse must be a resident of Arizona while receiving the scholarship, amongst other prescribed requirements ([A.R.S. § 15-1809](#)).

### **Provisions**

1. Requires ABOR or a CCD, after verification by the Arizona Department of Veterans' Services, to provide a tuition waiver scholarship at any Arizona public university or community college to the child or dependent of a member or former member of the U.S. Armed Forces who:
  - a. has a disability rating determined by the U.S. Department of Veteran Affairs of 30% or more; and
  - b. is an Arizona resident or was stationed in Arizona at the time of injury that resulted in the disability rating.
2. Specifies a child or dependent is eligible for a tuition waiver scholarship only if they:
  - a. are 30 years old or younger;
  - b. have not been convicted of a felony;
  - c. meet the public university's or community college's admissions qualifications;
  - d. do not have more than 64 credit hours at an Arizona community college; and
  - e. do not have a total number of postsecondary education credits equal to the number of credits required for a baccalaureate degree at a public university for their initially declared course of study.
3. Makes a conforming change.

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: GOV DP 7-0-0-0

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**HB 2079: memorial; Don Bolles**  
**Sponsor: Representative Bliss, LD 1**  
**Caucus & COW**

## **Overview**

Dedicates a memorial in Wesley Bolin Plaza to Don Bolles.

## **History**

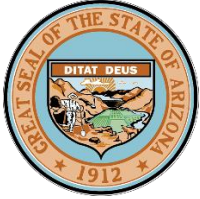
[Don Bolles](#) was an investigative journalist for The Arizona Republic throughout the early 1970s. Bolles, an Arizona Press Club award-winner, discovered information pertaining to organized crime and fraud in Arizona. During an investigation in 1976, Don Bolles was fatally injured by an explosion.

Procedures for establishing a memorial, after legislative authorization, include a review and approval by the Legislative Council. After taking recommendations from the Historical Advisory Commission, the Legislative Council must approve of the design, dimensions, location, maintenance, minimum cost of any deposit into the state monument and memorial repair fund and any inscription for the memorial with a correlating contract of conditions. An approved memorial must be constructed within two years of the authorized legislation ([A.R.S. § 41-1363](#)).

## **Provisions**

1. Authorizes a memorial, provided by the Legislative Council, in the Wesley Bolin Plaza dedicated to Don Bolles. (Sec. 1)
2. Specifies that procedures currently in statute apply to the placement of the monument. (Sec. 1)
3. Prohibits public monies from being used for the cost of the monument and prohibits the state from facilitating fund-raising or establishing a state fund for deposit of the monies. (Sec. 1)
4. Mandates that all fundraising and contracts for artistic design and construction are the sole responsibility of the proponents. (Sec. 1)
5. Repeals this legislation on September 30, 2029. (Sec. 1)
6. Contains a legislative findings clause. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: GOV DP 5-0-1-1

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**HB 2239: child care; grant program; fund**  
**Sponsor: Representative Blackman, LD 7**  
**Caucus & COW**

## Overview

Creates and outlines services and procedures for the Child Care Grant Program (Grant Program) and the Child Care Infrastructure Fund (Fund).

## History

The Arizona Department of Economic Security (DES) administers individual and family services, including services for children and grants for aid and services to needy families with children. Further, DES maintains a statewide child care resource and referral system (System), including databases and a registry, providing families with: 1) information on all types of child care; 2) referrals to child care providers and programs; 3) information about child care resources and services; 4) information about choosing child care; and 5) information about registered child care home providers. The System works through community-based organizations to: 1) provide families with information and referrals on child care resources, providers and programs; 2) assist child care providers and programs with parent referrals, child care issues training and assistance in initiating or providing child care services; and 3) coordinate with the community to maintain relationships with local groups interested in child care and develop statistics for the supply and demand of child care (A.R.S. §§ [41-1954](#), [41-1967](#)).

## Provisions

1. Establishes the Grant Program under DES to allocate monies to eligible applicants to provide any of the following services to Arizona families with child care needs:
  - a. early learning and child care in low-income communities, moderate-income communities and underserved communities that have historically experienced a lack of accessible and affordable child care, including rural areas;
  - b. child care during nonstandard working hours, such as evenings and weekends; and
  - c. child care for infants, toddlers and children who have disabilities. (Sec. 1)
2. Allows DES to adopt rules, policies and procedures to carry out the purposes of this legislation. (Sec. 1)
3. Requires an eligible applicant to apply for a grant on a form prescribed by DES. (Sec. 1)
4. Directs DES to aid grantees relating to:
  - a. child care facility and capacity expansion;
  - b. business strategy and operations support and training; and
  - c. increasing or enhancing early learning and child care capacity for federally recognized Indian tribes, nations or communities. (Sec. 1)
5. Permits DES to contract with a *qualified community partner organization* in Arizona to assist in administering the Grant Program. (Sec. 1)
6. Establishes the Fund, under DES, consisting of legislative appropriations, grants, gifts, contributions and devises. (Sec. 1)
7. Authorizes the state Treasurer, on notice from DES, to invest and divest Fund monies and credit monies earned from the investment back to the Fund. (Sec. 1)
8. Permits Fund monies be used for:
  - a. paying administrative costs of implementing this legislation and establishing the Grant Program;

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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- b. planning, designing and acquiring property for high-quality early learning and child care infrastructure;
- c. acquiring property for child care development projects;
- d. repairing, improving and renovating early learning and child care infrastructure that would expand the capacity of the infrastructure;
- e. child care infrastructure development projects, including direct project management costs;
- f. contracting with third parties, including nonprofit organizations and community development financial institutions, to assist in the administration of child care infrastructure activities;
- g. child care infrastructure construction costs and expenses;
- h. child care start-up expenses, including workforce development, licensing, insurance and accreditation;
- i. early child care infrastructure adaptations required by a licensing agency in Arizona;
- j. providing support to establish or expand child care provider operations and infrastructure, including training and technical assistance; and
- k. any other costs that DES determines to be necessary to carry out early child care infrastructure activities in Arizona. (Sec. 1)

9. Makes monies in the Fund continuously appropriated. (Sec. 1)

10. Defines pertinent terms. (Sec. 1)

11. Contains legislative findings. (Sec. 2)



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: GOV DPA 7-0-0-0 | APPROP DPA 17-0-0-1

## **HB 2620: appropriation; homeless veterans; shelter services**

**Sponsor: Representative Blackman, LD 7**

**Caucus & COW**

### **Overview**

Appropriates \$300,000 from the state general fund for the next five fiscal years to the Arizona Department of Veterans' Services (ADVS).

### **History**

ADVS provides direct services to veterans, service members and their families through state and federally funded programs and initiatives. ADVS offers education and tuition assistance, veteran benefit counselors and financial assistance programs ([ADVS](#)).

### **Provisions**

1. Appropriates \$300,000 from the state general fund in FY 27, FY 28, FY 29, FY 30 and FY 31 to ADVS to distribute as grants to emergency shelters. (Sec. 1)
2. Specifies monies must be distributed to emergency shelters that do not require a pre-scheduled intake appointment and provide the following:
  - a. low-barrier, single adult, emergency shelter for individuals who are at least 55 years old;
  - b. 100 or more beds in a non-congregate setting; and
  - c. aid for homeless veterans in Arizona. (Sec. 1)
3. Exempts the appropriation from lapsing. (Sec 1)

### **Amendments**

*Committees on Government and Appropriations*

1. Removes the requirements regarding age and a non-congregate setting for emergency shelters to receive funding.

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: GOV DP 5-2-0-0

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**HB4064: municipal improvement districts; petitions**  
**Sponsor: Representative Bliss, LD 1**  
**Caucus & COW**

## Overview

Outlines requirements and procedures for a municipality to pass an ordinance for an improvement district.

## History

Before ordering an authorized improvement, the governing body of a municipality must adopt a resolution or ordinance of intention that briefly describes the improvement. The resolution or ordinance may provide for one or more improvements on one or more streets as a single improvement under one or more contracts, may be combined with certain actions relating to public streets or off-street parking areas, and must exempt a lot from assessment to the extent the proposed work has already been completed.

If the governing body determines to form an improvement district after the final resolution of protests, it must submit, within 120 days, a petition signed by owners of more than one-half of the taxable property units and more than one-half of the assessed valuation within the proposed district. Property that is tax-exempt is excluded from the valuation calculation, owners of nontaxable property may not sign the petition, and on verification of the petition signatures, the governing body may form the district and order the improvement as provided by law.

When the proposed improvement, in the opinion of the governing body, is of more than local or ordinary public benefit, it may order the expense of the improvement chargeable upon another district. The governing body of a municipality is prohibited from assessing the costs of an improvement for general public benefit against land in a district. If a portion of the expense of an improvement is for general public benefit, the city or town must assess the district only for the portion of the expense that benefits the property in the district ([A.R.S. § 48-576](#)).

## Provisions

1. Requires, when passing a resolution or ordinance for an improvement district, a municipal governing body to:
  - a. provide an estimate of the assessment, except that the assessment cannot exceed the amount prescribed in the petition.
  - b. receive a petition prior to passing the resolution or ordinance. (Sec. 4, 5)
2. Instructs the municipal governing body, before passing a resolution or ordinance, to receive a petition filed with the clerk and signed by the owners of real property in the proposed improvement district. (Sec. 4)
3. Requires the petition for improvement districts, that will levy and collect ad valorem taxes, to be signed by:
  - a. a majority of the individuals owning taxable property within the proposed area; and
  - b. the owners of 51% or more of the assessed valuation of the property within the proposed district. (Sec. 4)
4. Maintains that petitions for improvement districts, other than tax levying improvement districts, must be signed by:
  - a. a majority of the individuals owning real property within the proposed district; and
  - b. the owners of 51% or more of the real property, determined by acreage, within the proposed district. (Sec. 4)
5. Allows a municipal governing body and other individuals to rely on the taxable property units determined by the county assessor to determine a majority of the individuals owning real or taxable property within the proposed improvement districts. (Sec. 4)
6. Restricts property that is exempt from property taxes from being included in the determination for an improvement district that will levy and collect ad valorem taxes. (Sec. 4)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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7. Requires property that is exempt from property taxes to be included in the determination of a majority of the individuals owning real property, except the owners of public property or rights-of-way owned by public property owners. (Sec. 4)
8. Stipulates that, in determining acreage within the area of a proposed district, public property and rights-of-way must be excluded, with the exception of the municipal governing body declaring in the resolution or ordinance of the intention to do so. (Sec. 4)
9. Exempts a community facilities district issuing special assessment bonds from real or taxable property determination requirements. (Sec. 4)
10. Permits the municipality and specified owners to enter into a written agreement waiving any or all posting requirements and protest and objections if the outlined requirements are met. (Sec. 4)
11. Allows a municipal governing body, on receipt of a petition signed by real property owners, to adopt a resolution or ordinance of intention to order an improvement district, have immediate jurisdiction to adopt the resolution and combine two or more improvement projects into the resolution. (Sec. 4)
12. Requires the petition to include all of the following:
  - a. the name of the proposed improvement district;
  - b. the necessity for the proposed improvement district;
  - c. that the public convenience, necessity or welfare will be promoted by establishing the improvement district and that the property to be included in the improvement district will be benefited;
  - d. a legal description of the boundaries and a map that shows generally the location of the proposed improvement district;
  - e. a maximum amount of the assessment;
  - f. that the petitioners consent to the assessment with the municipal governing body's compliance with specified requirements;
  - g. the county assessor's parcel number for each lot;
  - h. each petition signer indicates that the applicable county assessor's parcel number corresponds to their lot; and
  - i. any other matters required by statute. (Sec. 4)
13. Allows a municipality's governing body to adopt a resolution including adjacent territory in an improvement district without requiring a petition. (Sec. 2, 3)
14. Prohibits a municipality's governing body from forming improvement districts for areas that will provide outlined public services until the governing body receives the prescribed petition. (Sec. 3)
15. Removes provisions relating to the requirements for proposing an improvement district. (Sec. 4)
16. Expands the definition of *street* to include *on-street parking*. (Sec. 1)
17. Makes technical changes. (Sec. 1-4)



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: HHS DPA/SE 12-0-0-0

## **HB 2188: language acquisition grant program**

**S/E: same subject**

**Sponsor: Representative Willoughby, LD 13**

**Caucus & COW**

### **Summary of the Strike-Everything Amendment to HB 2188**

#### **Overview**

Establishes the Language Acquisition Grant Program (Grant Program) to provide grants to listening and spoken language providers that provide services to Arizona Early Intervention Programs and Services (AzEIP) eligible infants and toddlers who are deaf or hard of hearing.

#### **History**

[AzEIP](#) provides screening and intervention services for children ages 0 to 3 with developmental delays or disabilities. The Arizona Department of Economic Security (DES) receives a capped allotment of Federal Funds for the program through Part C of the Individuals with Disabilities Education Act.

*Deaf* is defined as a person who cannot generally understand speech sounds with or without a hearing aid when in optimal listening conditions. *Hard of hearing* is a person who has a degree of hearing loss greater than 40dB PTA-2, but less than 85dB PTA-2, in the better ear ([A.R.S. § 36-1941](#)).

The Arizona State Schools for the Deaf and Blind (ASDB) serves over 2,000 children from birth to age 22 who are deaf, hard of hearing, blind, visually impaired, multisensory disabled or deafblind. ASDB operates two schools for the deaf, one school for the blind, a statewide birth-to-three early childhood and family education program and five regional cooperatives ([ASDB](#)).

#### **Provisions**

1. Establishes the Grant Program consisting of monies appropriated by the Legislature to provide grants to listening and spoken language providers that provide services to AzEIP eligible infants and toddlers who are deaf or hard of hearing. (Sec. 1)
2. Subjects monies in the fund to legislative appropriation. (Sec. 1)
3. Requires DES to administer the Grant Program by contracting with eligible providers. (Sec. 1)
4. Permits DES to adopt rules, policies and procedures to carry out the purposes of the Grant Program. (Sec. 1)
5. Requires DES to contract with listening and spoken language providers in Arizona to provide listening and spoken language services to AzEIP eligible families with infants and toddlers who are deaf or hard of hearing. (Sec. 1)
6. Requires contractors ensure that the provided therapies are administered or overseen by a certified educator or therapist in a natural environment, clinical setting, educational setting or virtually. (Sec. 1)
7. Requires AzEIP to refer eligible families with children who are identified as deaf or hard of hearing to both of the following, at a minimum:
  - a. qualified providers within the Grant Program for listening and spoken language services; and
  - b. ASDB to learn American Sign Language and any other form of language acquisition. (Sec. 1)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: HHS DPA 11-1-0-0

## **HB 2251: midwives; medication administration; advisory committee**

**Sponsor: Representative Bliss, LD 1**

**Caucus & COW**

### **Overview**

Authorizes licensed midwives with specific pharmacology training to dispense and administer certain medications, therapies and devices. Requires licensed midwives to disclose their professional liability insurance status to patients and establishes annual reporting of care statistics to the Department of Health Services. Establishes the Arizona Midwifery Advisory Committee to assist in licensing and disciplinary matters related to midwifery.

### **History**

The Arizona Department of Health Services (DHS) regulates *licensed midwives* (LM) and *certified professional midwives* (CPM) who provide health care related to pregnancy, delivery and postpartum care. They often attend births in homes and birthing centers but not births in hospitals (A.R.S. §§ [36-755](#) and [36-751](#)).

To qualify for midwife licensure in Arizona, an applicant must: 1) disclose any felony or misdemeanor conviction in Arizona or another state; 2) be at least 21 years of age; 3) present documentation of completion of training in adult basic cardiopulmonary resuscitation through a course recognized by the American Heart Association and training in neonatal resuscitation through a course recognize by the American Academy of Pediatrics or American Heart Association; 4) have a high school diploma, equivalent diploma or higher education diploma; 5) possess certification by the North American Registry of Midwives (NARM) as a CPM; and 6) pay all associated fees (A.A.C. [R9-16-108](#)).

The CPM credential, issued by NARM, is accredited by the National Commission for Certifying Agencies, the accrediting body of the Institute for Credentialing Excellence ([NARM](#)).

A midwife is prohibited from administering drugs or medications except in the following situations: 1) Rh immunoglobulin under a physician's written order to an unsensitized Rh negative client; and 2) Vitamin K under a physician's written order to a newborn. In an emergency situation in which the health or safety of a client or newborn are determined to be at risk, a midwife may perform the following procedures as necessary: 1) cardiopulmonary resuscitation; 2) administer oxygen at no more than eight liters per minute for a client and five liters per minute for the newborn; 3) episiotomy; 4) suturing of episiotomy or tearing of the perineum to stop active bleeding, following administration of local anesthetic upon consultation with a physician or certified nurse midwife; 5) release of shoulder dystocia, hyperflexion, application of external pressure suprapubic-cally, rotation of the nonimpacted shoulder, delivery of the posterior shoulder, application of posterior pressure on the anterior shoulder and positioning of the client on all fours with the back arched; 6) manual exploration of the uterus for control of severe bleeding; or 7) manual removal of placenta (A.A.C. [R9-16-108](#) and [R9-16-113](#)).

### **Provisions**

#### ***Midwifery Dispensing and Administration Authority***

1. Permits a LM who has proof of completion of a pharmacology course of at least eight continuing education units from a midwifery education accreditation council-accredited institution or a regionally accredited institution to dispense and administer certain medications, therapies and devices, as outlined. (Sec. 3)
2. Allows an LM to dispense and administer antibiotics related to:
  - a. treating breast infections, urinary tract infections and vulvar infections; and
  - b. group B streptococcus prophylaxis consistent with the U.S. Centers for Disease Control and Prevention guidelines. (Sec. 3)
3. Permits an LM to dispense and administer the following antiviral medications for treating the herpes simplex virus consistent with the American College of Obstetricians and Gynecologists guidelines:

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- a. Acyclovir; and
  - b. Valacyclovir. (Sec. 3)
4. Allows an LM to dispense and administer the following antifungal medications for treating breast and vulvar infections or conditions consistent with the American College of Obstetricians and Gynecologists guidelines:
    - a. Fluconazole;
    - b. Metronidazole; and
    - c. Miconazole. (Sec. 3)
  5. Permits an LM to administer intravenous fluids for:
    - a. medication administration;
    - b. dehydration; and
    - c. treating hypovolemic shock while awaiting emergency medical service. (Sec. 3)
  6. Allows an LM to dispense and administer the following low-potency topical steroids antipruritic medications and therapies related to treating breasts and vulvar infections or conditions consistent with the American College of Obstetricians and Gynecologists guidelines:
    - a. Hydrocortisone 2.5%; and
    - b. Triamcinolone 1%. (Sec. 3)
  7. Permits an LM to dispense and administer antiemetics only for treating nausea and vomiting. (Sec. 3)
  8. Permits an LM to dispense and administer the following antihemorrhagic medications for preventing and treating postpartum hemorrhage as defined by the American College of Obstetricians and Gynecologists:
    - a. Oxytocin;
    - b. Methylergonovine
    - c. Misoprostol; and
    - d. Tranexamic acid. (Sec. 3)
  9. Prohibits an LM from using the antihemorrhagic medications to induce or augment labor. (Sec. 3)
  10. Requires a LM to initiate a transfer of care if the patient's condition does not improve after the use of an antihemorrhagic medication. (Sec. 3)
  11. Allows an LM to administer and dispense the following medications, therapies and devices:
    - a. vitamin K prophylaxis for newborns;
    - b. RHO immune globin;
    - c. topical, intramuscular or subcutaneous local anesthetics for postpartum repair of tears, lacerations or episiotomies;
    - d. oxygen and compressed air for fetal or maternal distress and infant resuscitation;
    - e. Epinephrine for neonatal resuscitation consistent with the Neonatal Resuscitation Program guidelines and to treat maternal allergic;
    - f. glucose gel administered orally for neonatal hypoglycemia;
    - g. vitamins and minerals for correcting electrolyte imbalances, including B vitamins, calcium, magnesium, dietary supplements, homeopathic remedies, plant substances that are not designated as prescription drugs or controlled substances and over-the-counter medications;
    - h. resuscitation supplies and equipment according to the current Neonatal Resuscitation Program algorithm;
    - i. medical supplies and equipment needed to administer the prescribed medications; and
    - j. electronic breast pumps, glucose monitors, compression stockings and pregnancy support belts or devices. (Sec. 3)
  12. Specifies the topical, intramuscular or subcutaneous local anesthetics does not include any schedule I controlled substance. (Sec. 3)
  13. Authorizes an LM to lawfully obtain, transport, administer and possess adequate quantities of the medications and the equipment normally required to administer those medications. (Sec. 3)
  14. Requires an LM to store the medications as directed by the manufacturer. (Sec. 3)
  15. Prohibits an LM to administer a medication to any person after the listed expiration date. (Sec. 3)
  16. Requires an LM to record in the patient's chart each use of medication and its lot number and expiration date. (Sec. 3)

### ***Arizona Midwifery Advisory Committee (Advisory Committee)***

17. Establishes the 9-member Advisory Committee under DHS to assist in examining applicants for a midwifery license, if requested, to collaborate and assist the DHS Director in disciplinary matters and to perform any other duties, as outlined. (Sec. 3)
18. Requires the DHS Director to appoint the members of the Advisory Committee and outlines its membership. (Sec. 3)
19. Specifies that Advisory Committees members are ineligible for compensation or reimbursement of expenses. (Sec. 3)
20. Requires the Advisory Committee to meet at least four times each year, once per quarter. (Sec. 3)
21. Requires the Advisory Committee to make recommendations to the DHS Director when adopting or amending rules relating to the midwifery scope of practice. (Sec. 3)
22. Instructs an LM who is interested in modifying the midwifery scope of practice to submit a report to the Advisory Committee that contains the following:
  - a. a description of the issue and why an addition to the midwifery scope of practice is necessary, including the extent to which consumers need and will benefit from an LM ability to provide this additional health care service;
  - b. the available evidence-based research that demonstrated that LMs are competent to perform the proposed health care service; and
  - c. the extent to which a change in the midwifery scope of practice may harm the public, including the extent to which a change in the scope of practice will restrict entry into the practice of midwifery. (Sec. 3)
23. Requires the Advisory Committee, if a majority of a quorum of the Advisory Committee votes to approve a change in the midwifery scope of practice, to provide the DHS Director with its recommendation for the possible change. (Sec. 3)

### ***Reporting Requirements***

24. Requires an LM, at the initiation of care, to disclose to each patient whether the LM maintains professional liability insurance. (Sec. 3)
25. Requires this disclosure to be included in the informed consent document and acknowledged by the patient's signature. (Sec. 3)
26. Requires, annually by January 31, each LM to file a report with DHS in a format prescribed by DHS rule the following information for the preceding calendar year:
  - a. the number of women for whom the LM provided care;
  - b. the number of deliveries the LM performed;
  - c. the number, reason for and outcome of each transfer or transport of a patient in the antepartum, intrapartum or immediate postpartum periods;
  - d. the number of perinatal deaths, including the cause of death and a description of the circumstance;
  - e. the number and outcome of breech births and vaginal births after cesarean;
  - f. the number of births that occurred more than 25 miles from a hospital that provides obstetrics services;
  - g. the number of fetal deaths after 20 weeks gestation; and
  - h. the LM's full name, license number and county. (Sec. 3)
27. Specifies the reported information must not include any individually identifiable patient information. (Sec. 3)
28. States that the reported information may be inspected, copied, obtained or provided to the Advisory Committee for research and evidence. (Sec. 3)
29. Specifies that the reported information replaced the report required by each licensed LM following the termination of care for each patient. (Sec. 3)

### ***Miscellaneous***

30. Defines terms. (Sec. 1 and 3)
31. Requires the DHS Director to consider the most recent midwifery job analysis issued by NARM when adopting or amending rules relating to the midwifery scope of practice. (Sec. 2)
32. Makes technical and conforming changes. (Sec. 1 and 2)

## Amendments

### *Committee on Health & Human Services*

1. Removes specific medications and antibiotics that an LM may dispense and administer.
2. Specifies that for an LM to dispense and administer oxytocin it must be for preventing uterine atony during or immediately following the third stage of labor according to current evidence-based standards of care.
3. Requires an LM to initiate a transfer of care if an antihemorrhagic is administered for managing hemorrhage.
4. Permits an LM to administer intravenous fluids for routine fluid administration.
5. Specifies that an LM can administer topical, intramuscular or subcutaneous local anesthetics for postpartum repair of first- and second-degree tears, lacerations or episiotomies.
6. Increases the membership of the Advisory Committee from 9 to 11 members and modifies the appointments.
7. Requires the DHS Director to solicit physician applications from state medical societies and associations.
8. Expands on the duties of the Advisory Committee such as:
  - a) conducting reviews of sentinel events occurring during the course of prenatal, intrapartum or postpartum care provided by licensed midwives;
  - b) convening emergency meetings when a case or sentinel event requires review or action to protect public health and safety and reviewing midwife reports.
9. Require the Advisory Committee following the review of a sentinel event to make recommendations to DHS regarding whether the care provided was:
  - a) consistent with community standards;
  - b) consistent with community standards, but outside the scope of practice as defined by rule; or
  - c) outside of community standards and requiring corrective action.
10. Allows the Advisory Committee for care determined to be outside of community standards to recommend one or more of the following to DHS:
  - a) additional continuing education requirements;
  - b) mentoring or supervised practice;
  - c) administrative civil penalties;
  - d) restriction or suspension of a license; or
  - e) revocation of a license.
11. Requires the Advisory Committee to review midwife reports submitted and may recommend modifications to reporting requirements to DHS to support quality improvement and patient safety.
12. Defines *sentinel event*.
13. Requires LMs to report to DHS:
  - a) a perinatal mortality within 72-hours after a death; and
  - b) a sentinel event within 14 days after the event.
14. Cites this act as the *Jordan and Mack Terry Act*.
15. Makes conforming changes.



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: HHS DPA/SE 10-1-1-0

## **HB 2404: authorized transporters**

**S/E: transportation; mental health; patients**

**Sponsor: Representative Willoughby, LD 13**

**Caucus & COW**

## **Summary of the Strike-Everything Amendment to HB 2404**

### **Overview**

Requires, notwithstanding any other law to the contrary, inter-facility transports of proposed patients to be conducted by health care institutions, behavioral health facilities, including screening agencies, evaluation agencies, mental health treatment agencies and any other authorized transporter beginning December 31, 2026.

### **History**

[Laws 2022, Chapter 250](#) allows the court, an admitting officer, mental health treatment agency or evaluation agency to authorize apprehension and transportation of a proposed patient to an evaluation agency by an authorized transporter. An *authorized transporter* is a transportation entity that is contracted with a city, town or county to provide transportation services and is either: 1) an ambulance service that holds a valid certificate of necessity; or 2) a transportation provider authorized to provide safe behavioral health transportation for individuals that require transportation (A.R.S. § [36-501](#)).

A peace officer may take into custody any individual the peace officer has probable cause to believe is, as a result of mental disorder, a danger to self or others, and if during the time necessary to complete the prepetition screening procedures the person is likely without immediate hospitalization to suffer serious physical harm or serious illness or to inflict serious physical harm on another person. The peace officer must transport the person to a screening agency unless the person's condition or the agency's location or hours makes such transportation impractical, in which event the person must be transported to an evaluation agency. A peace officer is not held civilly liable for any acts committed by a person whom the peace officer has not taken into custody. If apprehension takes place on or about the premises of the apprehended person, the peace officer or the police officer must take reasonable precautions to safeguard the premises and the property on the premises, unless the property and premises are in the possession of a responsible relative or guardian (A.R.S. § [36-525](#)).

### **Provisions**

1. Requires, beginning December 31, 2026, inter-facility transports of proposed patients to be conducted by health care institutions, behavioral health facilities, including screening agencies, evaluation agencies, mental health treatment agencies and any other authorized transporter, notwithstanding any other law to the contrary. (Sec. 1)
2. Prohibits a peace officer from conducting an inter-facility transport unless a person requests a peace officer by dialing 911 or a similar designated telephone number for emergency calls and needs emergency assistance. (Sec. 1)
3. Defines *inter-facility transport* to mean transportation of a proposed patient from one licensed health care institution or behavioral health facility to another licensed health care institution or behavioral health facility. (Sec. 1)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: HHS DPA 12-0-0-0

## **HB2434: controlled substances prescription monitoring program**

**Sponsor: Representative Bliss, LD 1**

**Caucus & COW**

### **Overview**

Updates requirements relating to the Controlled Substances Prescription Monitoring Program (CSPMP). Repurposes the CSPMP taskforce into a Compliance Workgroup to identify potential noncompliance with the requirement to use the CSPMP.

### **History**

The Arizona State Board of Pharmacy (Board) operates and monitors the Controlled Substances Prescription Monitoring Program (CSPMP). Statute requires licensed prescribers and dispensers to register with the CSPMP and review a patient's profile in the CSPMP database prior to prescribing or dispensing controlled substances. Additionally, pharmacies and dispensing medical practitioners are required to report certain information to the CSPMP about certain controlled substances dispensed to individuals.

The CSPMP program includes a computerized central database tracking system to track the prescribing, dispensing and consumption of schedule II, III, IV and V controlled substances dispensed from a medical practitioner or a pharmacy that holds a valid license or permit. The database includes data from the Department of Health Services that identifies Arizona residents who possess a registry identification card issued. The tracking system does not interfere with the legal use of a controlled substance for managing severe or intractable pain ([A.R.S. § 36-2602](#)).

The Board is required to appoint a Task Force to: 1) help it administer the CSPMP; 2) identify educational outreach and support services to advance medical practitioners' adoption of electronic prescribing of schedule II-controlled substances and pharmacy implementation of specific prescription orders; and 3) to consult on recommendations for exceptions to statutory electronic prescribing requirements.

The Task Force includes: 1) pharmacists, medical practitioners and other licensed health care providers; 2) representatives of professional societies and associations for pharmacists, medical practitioners and other license health care providers; 3) representatives of professional licensing boards; 4) representatives of the Arizona Health Care Cost Containment System; 5) representatives of state and federal agencies that have an interest in controlling controlled substances; 6) criminal prosecutors; and 7) representatives of a health information organization in Arizona ([A.R.S. § 36-2603](#)).

### **Provisions**

1. Repurposes the CSPMP taskforce into a Compliance Workgroup to identify potential noncompliance with the requirement to use the CSPMP. (Sec. 1, 3)
2. Removes the following members from the Compliance Workgroup:
  - a. representatives of state and federal agencies that have an interest in controlling controlled substances;
  - b. representatives of an Arizona health information organization; and
  - c. criminal prosecutors. (Sec. 3)
3. Requires the Board to establish procedures to ensure that the privacy and confidentiality of all dispensing data, rather than just patient data, is collected, recorded and transmitted and not disclosed unless otherwise specified. (Sec. 4)

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4. Allows the Board to provide CSPMP data to public or private entities for statistical, research or educational purposes after removing any personal identifying information for a board-determined fee. (Sec. 4)
5. Removes the Board's ability to issue a replacement CSPMP registration to a registrant who requests a replacement because the original was damaged or destroyed, because of a change of name or for any other good cause as prescribed by the Board. (Sec. 5)
6. Specifies that a registered pharmacy technician trainee, licensed pharmacy technician or licensed pharmacy intern who is employed by a pharmacy or hospital of a dispenser meets the definition of a *delegate* as it relates to the release of CSPMP data. (Sec. 4)
7. Requires a medical practitioner, before prescribing an opioid analgesic or benzodiazepine-controlled substance listed in schedule II, III or IV for a patient, to obtain a patient utilization report regarding the patient for the preceding 12 months from the CSPMP before issuing a prescription and before prescribing any subsequent refill of that prescription. (Sec. 5)
8. Requires the medical practitioner's regulatory board to notify the medical practitioners licensed by that Board of the CSPMP mandatory use requirements. (Sec. 5)
9. Requires prescribers with an Arizona address on their Drug Enforcement Administration registration to register with the Board to access the CSPMP. (Sec. 5)
10. Adds pharmacies to the current CSPMP reporting requirements. (Sec. 6)
11. Adds that a medical practitioner, pharmacy or health care pharmacy must report the date a prescription:
  - a. was filled; and
  - b. was sold to the ultimate user or the ultimate user's agent. (Sec. 6)
12. Requires a dispenser to use the latest version of the Arizona Data Submission Guide. (Sec. 6)
13. Requires reporters to submit the required information to the CSPMP within one business day after the date the prescription was sold. (Sec. 6)
14. Requires reports to report zero as a transaction to the CSPMP if there is no information to report. (Sec. 6)
15. Removes paper forms, waivers and other reporting options relating to the CSPMP. (Sec. 6)
16. Removes the ability for the Board to prescribe a prescription form to be used in prescribing a schedule II, III, IV OR V controlled substance if the board determines that this would facilitate the CSPMP reporting requirements. (Sec. 6)
17. Requires the Board to maintain search warrants for two years, rather than affidavits, for the purpose of an open investigation by law enforcement. (Sec. 2)
18. Removes reference to tracking *consumption* of controlled substances as it relates to the CSPMP. (Sec. 2)
19. Makes technical and conforming changes. (Sec. 1-6)

### **Amendments**

#### *Committee on Health & Human Services*

1. Sets the date prescribers and dispensers must report the date a prescription was filled and sold beginning July 1, 2027.



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: HHS DP 11-1-0-0

## **HB 2437: EMS reciprocity; compact** **Sponsor: Representative Bliss, LD 1** **Caucus & COW**

### **Overview**

Adopts the Emergency Medical Services (EMS) Personnel Licensure Interstate Compact (Compact) to allow EMS personnel to obtain the privilege to practice in other Compact states. Creates the Interstate Commission for EMS Personnel Practice (Commission) and outlines membership, responsibilities and duties.

### **History**

The Compact functions as a contractual agreement among states. It establishes the legal framework for multistate practice and mutual recognition of EMS licensure. The Compact was introduced in 2014, with two states enacting it by 2015. By 2017, ten states had joined, meeting the activation threshold. Currently 25 states have passed the Compact: Alabama, Arkansas, Colorado, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia and Wyoming ([Compact](#)).

### **Provisions**

#### ***Home State Licensure***

1. Deems any member state in which an individual holds a current license a home state for the purposes of the Compact. (Sec. 1)
2. Allows any member state to require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of the Compact. (Sec. 1)
3. Requires member states participating in the Compact to:
  - a. require the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;
  - b. have a mechanism in place for receiving and investigating complaints about individuals;
  - c. notify the Commission of any adverse action or significant investigatory information regarding the individual;
  - d. require a criminal background check for initial licensure within 5 years after activation of the Compact; and
  - e. comply with the rules of the Commission. (Sec. 1)

#### ***Compact Privilege to Practice***

4. Requires member states to recognize the privilege to practice for individuals licensed in another member state that meets all applicable requirements. (Sec. 1)
5. Requires individuals exercising the privilege to practice to:
  - a. be at least 18 years of age;
  - b. possess a current unrestricted license in a member state as an emergency medical technician (EMT), advanced emergency medical technician (AEMT), paramedic or state recognized and licensed level with a scope of practice and authority between EMT and paramedic; and
  - c. practice under the supervision of a medical director. (Sec. 1)
6. Requires an individual providing patient care in a remote state under the privilege to practice to function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state as may be defined in Commission rules. (Sec. 1)

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7. Subjects an individual participating in a remote state to the remote state's authority and laws. (Sec. 1)
8. Allows a remote state, in accordance with due process and that state's laws, to restrict, suspend or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. (Sec. 1)
9. Requires a remote state to promptly notify the home state and the Commission if it restricts, suspends or revokes an individual's privilege to practice. (Sec. 1)
10. Deems an individual ineligible to practice in a remote state if their privilege to practice is restricted or suspended by their home state until the individual's home state license is restored. (Sec. 1)
11. Deems an individual ineligible to practice in a remote state if their privilege to practice is restricted or suspended by any remote state until the individual's privilege to practice is restored. (Sec. 1)
12. Allows an individual to practice in a remote state under a privilege to practice only in the performance of the individuals EMS duties as assigned by an appropriate authority, Commission rules and under certain circumstances, as outlined. (Sec. 1)

#### ***Adverse Actions***

13. Grants a home state exclusive power to impose adverse action against an individual's license. (Sec. 1)
14. Deems an individual ineligible to practice in a remote state if their privilege to practice is restricted or suspended by their home state until the individual's home state license is restored and the conditions are met, as outlined. (Sec. 1)
15. Requires a member state to report adverse actions and any occurrences that the individual's privilege to practice is restricted, suspended or revoked to the Commission in accordance with Commission rules. (Sec. 1)
16. Permits a remote state to take adverse action on an individual's privilege to practice within that state. (Sec. 1)
17. Allows remote states to take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state so long as each state follows its own procedures for imposing such adverse action. (Sec. 1)
18. Requires a home state's EMS authority to investigate and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the remote state. (Sec. 1)
19. Requires the home state, in such cases, to control in determining the appropriate adverse action. (Sec. 1)
20. Clarifies the Compact does not override a member state's decision that participation in an alternative program may be used in lieu of adverse action and such participation remain nonpublic if required by the member state's laws. (Sec. 1)
21. Directs member states to require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from the other member state. (Sec. 1)

#### ***Additional Powers Invested in a Member State's EMS Authority***

22. Grants a member state the authority to issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and production of evidence. (Sec. 1)
23. Requires subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses or the production of evidence from another member state, or both, to be enforced in the remote state by any court of competent jurisdiction, according to the court's practice and procedure in considering subpoenas issued in its own proceedings. (Sec. 1)
24. Requires the issuing state's EMS authority to pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witness or evidence, or both, are located. (Sec. 1)
25. Grants a member state the authority to issue cease and desist orders to restrict, suspend or revoke an individual's privilege to practice in the member state. (Sec. 1)

#### ***Interstate Commission for EMS Personnel Practice***

26. Creates a joint agency known as the Commission. (Sec. 1)

27. Declares the Commission a body politic and an instrumentality of the Compact states. (Sec. 1)
28. Declares the Commission's venue proper and judicial proceedings by or against the Commission to be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. (Sec. 1)
29. Permits the Commission to waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. (Sec. 1)
30. Specifies that this Compact is not a waiver of sovereign immunity. (Sec. 1)
31. Outlines membership, voting and meeting procedures. (Sec. 1)
32. Requires all meetings to be open to the public. (Sec. 1)
33. Outlines the powers, duties and authorities of the Commission. (Sec. 1)
34. Establishes requirements for public Commission meetings. (Sec. 1)
35. Establishes procedures for closed Commission meetings. (Sec. 1)
36. Outlines topics that the Commission can discuss in a closed, nonpublic meeting or nonpublic part of a public meeting. (Sec. 1)
37. Requires the Commission to pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities. (Sec. 1)
38. Allows the Commission to accept any and all appropriate revenue sources, donations and grants of monies, equipment, supplies, materials and services. (Sec. 1)
39. Allows the Commission to levy and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. (Sec. 1)
40. Requires the annual assessment amount to be allocated based on a formula, as determined by the Commission, which must promulgate a rule binding on all member states. (Sec. 1)
41. Prohibits the Commission from incurring obligations of any kind before securing the monies adequate to meet the obligations. (Sec. 1)
42. Prohibits the Commission from pledging the credit of any member state, except by and with the authority of the member state. (Sec. 1)
43. Requires the Commission to keep accurate accounts of all receipts and disbursements. (Sec. 1)
44. Subjects all receipts and disbursements of the Commission to audit and accounting procedures established under Commission bylaws. (Sec. 1)
45. Requires all receipts and disbursements of monies be audited yearly by a certified or licensed public accountant and the audit report be included in and become part of the annual report of the Commission. (Sec. 1)
46. Contains provisions relating to qualified immunity, defense and indemnification. (Sec. 1)

#### ***Coordinated Database***

47. Requires the Commission to provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action and significant investigatory information on all licensed individuals in member states. (Sec. 1)
48. Requires member states to submit uniform data sets to the coordinated database on all individuals to whom the Compact applies too. (Sec. 1)
49. Requires the coordinated database to include:
  - a. identifying information;
  - b. licensure data;
  - c. significant investigatory information;
  - d. adverse actions against a licensee;

- e. an indicator that a privilege to practice is restricted, suspended or revoked;
- f. nonconfidential information related to alternative program participation;
- g. Any denial of an application for licensure and the reasons for denial; and
- h. other information that may facilitate the administration of this Compact, as determined by Commission rules. (Sec. 1)

- 50. Requires the coordinated database administrator to promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state. (Sec. 1)
- 51. Allows a member state that contributes information to the coordinated database to designate information that may not be shared with the public without the express permission of that member state. (Sec. 1)
- 52. Requires any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information to be removed from the coordinated database. (Sec. 1)

### ***Rulemaking***

- 53. Requires the Commission to exercise its rulemaking powers and rules adopted thereunder. (Sec. 1)
- 54. Specifies that rules and amendments become binding as of the date specified in each rule or amendment. (Sec. 1)
- 55. Specifies that in a majority of legislatures of the participating states rejects a Commission rule by enacting a statute or resolution in the same manner used to adopt the Compact then that rule has no further force and effect in any member state. (Sec. 1)
- 56. Requires Commission rules be adopted at a regular or special meeting. (Sec. 1)
- 57. Requires the Commission to file a notice of proposed rulemaking at least 60 days before the meeting at which a proposed rule or rules will be considered and voted on. (Sec. 1)
- 58. Requires the notice of proposed rulemaking to be on the website of the Commission and each member state or publication in which each state would otherwise publish proposed rules. (Sec. 1)
- 59. Outlines what must be included in the notice of proposed rulemaking. (Sec. 1)
- 60. Requires the Commission to allow persons to submit written data, facts, opinions and arguments which must be made available to the public before adopting a proposed rule. (Sec. 1)
- 61. Establishes procedures for conducting hearings for notices of proposed rulemaking. (Sec. 1)
- 62. Clarifies that a separate hearing is not required for each rule. (Sec. 1)
- 63. Requires the Commission, by a majority vote of all delegates, to take final action on a proposed rule and determine the effective date of the rule based on the rulemaking record and full text of the rule, if adopted. (Sec. 1)
- 64. Contains conditions and procedures for the Commission to:
  - a. adopt emergency rules; and
  - b. revise previously adopted rules. (Sec. 1)

### ***Oversight, Dispute Resolution and Enforcement***

- 65. Directs the executive, legislative and judicial branches of state government in each participating state to enforce the Compact and take all actions necessary and appropriate to implement the Compact. (Sec. 1)
- 66. Requires all courts to take judicial notice of the Compact and its rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this Compact, which may affect the powers, responsibilities or actions of the Commission. (Sec. 1)
- 67. Entitles the Commission to receive service of process in any such proceeding and have standing to intervene in such a proceeding for all purposes. (Sec. 1)
- 68. Deems failure to provide service of process to the Commission renders a judgement or order void. (Sec. 1)
- 69. Contains procedures for when the Commission determines a participating state has defaulted in the performance of its obligations or responsibilities under the Commission or Commission rules. (Sec. 1)

70. Stipulates that a defaulting state may be terminated if a state in default fails to cure the default and on the affirmative vote of a majority of the delegates of the participating states. (Sec. 1)
  71. Specifies that a cure of default does not relieve the offending state of obligations or liabilities incurred during the period of default. (Sec. 1)
  72. Requires termination of participation in the Compact to be imposed only after all other means of securing compliance has been exhausted. (Sec. 1)
  73. Requires notice of intent to suspend or terminate must be given to the Commission to the Governor, the majority and minority leaders of the defaulting state's legislature and each member state. (Sec. 1)
  74. Deems a terminated member state responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination. (Sec. 1)
  75. Prohibits the Commission from bearing any costs related to a state that is found to be in default or terminated from the Compact, unless agreed on in writing between the Commission and defaulting state. (Sec. 1)
  76. Allows a defaulting state to appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices. (Sec. 1)
  77. Awards the prevailing party all costs of such litigation, including reasonable attorney fees. (Sec. 1)
  78. Requires the Commission to attempt to resolve disputes related to the Compact that arise among participating states and between participating states and nonparticipating states, if requested by a member state. (Sec. 1)
  79. Requires the Commission to promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate. (Sec. 1)
  80. Allows the Commission, by majority vote, to initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a participating state that is in default to enforce compliance with the Compact, the Commission bylaws and rules. (Sec. 1)
  81. Permits the relief sought to include both injunctive relief and damages. (Sec. 1)
  82. Allows the Commission to pursue any other remedies available under federal or state law. (Sec. 1)
- Date of Implementation of the Commission and Associated Rules, Withdrawal and Amendment***
83. Makes this Compact effective on the adoption of the tenth participating state. (Sec. 1)
  84. Subjects any state that joins this Compact after the Commission's initial adoption to all rules as they exist on the date on which the Compact becomes law in that state. (Sec. 1)
  85. Specifies that any rule that has been previously adopted by the Commission has the full force and effect of law on the day the Compact becomes law. (Sec. 1)
  86. Allows any member state to withdraw from the Compact by enacting a statute repealing the same and the following apply:
    - a. a member state's withdrawal does not take effect until six months after enactment of the repealing statute; and
    - b. withdrawal does not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements before the effective date of withdrawal. (Sec. 1)
  87. States that this Compact does not invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of the Compact. (Sec 1)
  88. Allows the Compact to be amended by the member states. (Sec. 1)
  89. Specifies that this amendment does not become effective and binding on any member state until it is enacted into the laws of all member states. (sec. 1)

***Miscellaneous***

90. Declares on the declaration by a member state's Governor of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC apply and, to the extent any Compact terms or provisions conflict with EMAC, the EMAC prevails with respect to any individual practicing in the remote state in response to the declaration. (Sec. 1)
91. Requires member states to consider a veteran, activate military service member and member of the National Guard and Reserves separating from an active-duty tour, their spouses, who holds a current valid and unrestricted NREMT certification at or above the level of the state license as satisfying the minimum training and examination requirements. (Sec. 1)
92. Requires member states to expedite the processing of licensure applications submitted by veterans, active military service members and members of the National Guard and Reserves separating from an active duty, tour and their spouses. (Sec. 1)
93. Subjects all individuals functioning with a privilege to practice to adverse action regulations. (Sec. 1)
94. Asserts that the Compact be liberally construed to effectuate its purposes. (Sec. 1)
95. Specifies that if the Compact is held contrary to any state's Constitution, the Compact remains in full force and effect as to the remaining member states. (Sec. 1)
96. Clarifies the Compact does not supersede state law or rules related to licensure of EMS agencies. (Sec. 1)
97. Defines terms. (Sec. 1)
98. Outlines the purposes of the Compact. (Sec. 1)



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: HHS DPA 8-4-0-0

## **HB 2726: AHCCCS; mild obstructive sleep apnea**

**Sponsor: Representative Bliss, LD 1**

**Caucus & COW**

### **Overview**

Requires Arizona Health Care Cost Containment System (AHCCCS) contractors to provide coverage for the diagnosis and treatment of mild obstructive sleep apnea.

### **History**

*Sleep apnea* is a common sleep disorder characterized by brief interruptions of breathing during sleep. The most common type of sleep apnea is *obstructive sleep apnea* (OSA). OSA occurs when the upper airway collapses or becomes blocked during sleep, reducing or stopping airflow ([NIH](#)).

OSA is diagnosed by polysomnography and measured by the apnea-hypopnea index (AHI). An AHI of more than 5 events per hour is diagnosed as OSA. OSA severity is stratified according to AHI score. 5 to 14 events per hour is designated as mild OSA ([CDC](#)).

*Durable medical equipment* means technologically sophisticated medical equipment as prescribed by the Arizona State Board of Pharmacy in rule that a patient or consumer may use in a home or residence and that may be a prescription-only device ([A.R.S. § 32-1901](#)).

### **Provisions**

1. Requires AHCCCS contractors to provide coverage for the diagnosis and treatment of mild OSA, including patient screening and the use of a United States Food and Drug Administration (FDA) approved prescription device that is provided through a durable medical equipment benefit. (Sec. 1)
2. Makes a technical change. (Sec. 1)

### **Amendments**

*Committee on Health & Human Services*

1. Requires AHCCCS contractors to provide coverage for the use of an FDA-approved neuromuscular tongue muscle stimulator that consists of a removable intraoral mouthpiece that uses electrodes to deliver neuromuscular stimulation to the tongue to strengthen tongue musculature that is provided through a durable medical equipment benefit to reduce snoring and obstructive sleep apnea. (Sec. 1)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: HHS DPA 7-3-1-1

## **HB 2914: electronic monitoring; health care facilities**

**Sponsor: Representative Nguyen, LD 1**

**Caucus & COW**

### **Overview**

Establishes a resident or the resident's authorized representative's (representative) right to conduct electronic monitoring. Outlines notice requirements for conducting electronic monitoring. Establishes roommate consent requirements, facility and signage requirements, responsibilities for installing and maintaining electronic monitoring devices and authority to access recorded images obtained through electronic monitoring.

### **History**

*Assisted living facilities* are residential care institutions, including an adult foster care home, that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuous basis. *Nursing care institutions* are health care institutions that provide inpatient beds or resident beds and nursing services to persons who need continuous nursing services but who do not require hospital care or direct daily care from a physician (A.R.S. § [36-401](#)).

Under current law, the Department of Health Services (DHS) is responsible for the licensure and regulation of *Arizona health care institutions*. These institutions are defined as every place, institution, building or agency, whether organized for profit or not, that provides facilities with medical, nursing, behavioral health, health screening, supervisory care, personal care, directed care or any other health-related services, including home health agencies, outdoor behavioral health care programs and hospice service agencies (A.R.S. § [36-401](#)).

### **Provisions**

#### ***Right to Electronic Monitoring***

1. Declares that a resident or resident's representative has the right to conduct electronic monitoring of the resident's room through the use of electronic monitoring devices placed, fixed or otherwise installed in the resident's room. (Sec. 1)

#### ***Notice of Intent to Conduct Electronic Monitoring***

2. Requires a resident in a nursing care institution or assisted living facility or the resident's representative to notify the facility of the planned installation and use of an electronic monitoring device in the living quarters of the resident by submitting to the facility a written and completed notice and consent form prescribed by DHS. (Sec. 1)
3. States the notice and consent form serves to:
  - a. inform the facility that the resident or resident's representative intends to conduct electronic monitoring and consents to the monitoring; and
  - b. describe how the resident or resident's representative intends to conduct the monitoring. (Sec. 1)
4. Requires the notice and consent form to be provided to the facility before the resident or resident's representative installs an electronic monitoring device and begins electronic monitoring. (Sec. 1)
5. Allows a resident's representative to consent on behalf of the resident if both of the following apply:
  - a. the resident's representative has fully explained the proposed electronic monitoring to the resident, including the resident's right to object to the electronic monitoring; and
  - b. the resident has not affirmatively objected to the proposed form, format and scope of electronic monitoring. (Sec. 1)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note

6. Allows a resident's representative to consent on behalf of a resident who does not have the ability to consent to the electronic monitoring if all of the following apply:
  - a. the resident's representative has the authority to consent;
  - b. the resident's representative has fully explained the proposed electronic monitoring to the resident, including their right to object to the electronic monitoring;
  - c. the resident has not affirmatively objected to the proposed form, format and scope of electronic monitoring; and
  - d. the resident does not have an executed living will, medical power of attorney, prehospital medical directive or other legal document in which the resident specified the resident's objection to electronic monitoring. (Sec. 1)
7. Allows a resident or the resident's representative to consent to electronic monitoring with any limiting, qualifying terms or conditions that the resident or resident's representative chooses regarding the manner in which the electronic monitoring is conducted. (Sec. 1)
8. Requires the limiting, qualifying terms or conditions to be specified in the DHS notice and consent form. (Sec. 1)
9. Requires the notice and consent form to include adequate space on the form for the resident or resident's representative to outline choices regarding:
  - a. the resident's or resident's representative's intent to conduct electronic monitoring and the intended start date;
  - b. the type, function and intended purpose of the electronic monitoring device to be used;
  - c. any installation specifications, such as the planned mounting of a device to a wall or ceiling;
  - d. whether the resident's or resident's representative's planned electronic monitoring requires roommate consent;
  - e. a description of who may be able to hear or view the recordings in real time or on demand;
  - f. a description of who may be able to temporarily disable, obscure or otherwise comply with the described terms and conditions;
  - g. a statement of how the recordings maybe used and with whom the recording may be shared;
  - h. the resident's signed consent to electronic monitoring or the signature of the resident's representative, if applicable;
  - i. the signed consent of the resident's roommate, roommates or their authorized representatives, if applicable; and
  - j. a signature and date box for documenting the resident's, resident's representative, roommate's or roommate's representative's signature and consent. (Sec. 1)
10. Requires the notice and consent form to include the resident's or resident's representative's chosen terms and conditions for the use of the electronic monitoring device, including:
  - a. whether to include or exclude audio or video recording;
  - b. whether to include or exclude broadcasting of audio or video;
  - c. when to turn the electronic monitoring device on or off, block or unblock the video recording component of the electronic monitoring device for the duration of an examination or procedure by a health care professional, including how the electronic monitoring device will be turned on or off and turned back on or off and by whom;
  - d. when to turn the electronic monitoring device on or off, block or unblock the video recording component of the electronic monitoring device while dressing or bathing is performed, including how the electronic monitoring device will be turned on or off and turned back on or off and by whom;
  - e. when to turn the electronic monitoring device on or off for the duration of a visit with a spiritual adviser, ombudsman, attorney, financial planner, intimate partner or other visitor, including how the electronic monitoring device will be turned on or off, turned back on or off and by whom; and
  - f. any other condition or restriction elected by the resident or resident representative's regarding the use of an electronic monitoring device. (Sec. 1)
11. Requires a roommate's representative, if the representative signed the form, to:
  - a. indicate the source of authority allowing the person's signature; and
  - b. attest on the form that the roommate was asked if the roommate agrees to the electronic monitoring to be conducted as proposed by the resident and the roommate did not affirmatively object. (Sec. 1)
12. Specifies that if a person other than the resident signs the consent form, the person must:
  - a. indicate the source of authority allowing the person's signature; and
  - b. attest on the form that the resident was asked if they wanted electronic monitoring to be conducted and did not affirmatively object. (Sec. 1)

13. Directs DHS to issue the required notice and consent form no later than 60 days after the effective date of this legislation. (Sec. 1)
14. Allows a resident, if DHS has not issued the form, to use a form that substantially complies with notice and consent form requirements until the DHS-prescribed form is available. (Sec. 1)
15. Clarifies that this does not invalidate a notification and consent form that was used before DHS circulates a prescribed form solely due to the form not being the form made by DHS. (Sec. 1)

#### ***Roommate Consent Requirements***

16. Requires a resident or resident's representative, before implementing electronic monitoring, to obtain the written consent on the notice and consent form or any other resident residing in the shared room or shared private living unit. (Sec. 1)
17. Directs the resident or resident's representative to describe the form, format and scope of electronic monitoring to which the roommate or roommate's representative agrees, including the specifications prescribed in the DHS notice and consent form. (Sec. 1)
18. Asserts that the consent of a roommate or roommate's representative authorizes the resident's use of any obtained electronic monitoring. (Sec. 1)
19. Clarifies that this does not prevent two roommates from jointly notifying the facility of their joint plan to use electronic monitoring. (Sec. 1)
20. Instructs any resident who is conducting electronic monitoring that requires roommate consent and who has a new roommate to immediately remove or disable an electronic monitoring device when the new roommate moves into a shared room or shared private living unit, unless or until the resident obtains the written consent of the roommate or roommate's representatives. (Sec. 1)
21. Allows a resident to resume electronic monitoring on obtaining the new roommate's signed notice and consent form and submitting the form to the facility. (Sec. 1)
22. Requires a facility to make a reasonable attempt to accommodate a resident who wants to conduct electronic monitoring if:
  - a. the resident resides in a shared room or shared living unit and has a roommate who refuses to consent to the use of the electronic monitoring device; and
  - b. the parties cannot agree to a modification of the resident's desired electronic monitoring. (Sec. 1)
23. States that a facility meets the requirement to reasonably attempt to accommodate a resident or a resident's authorized representative who wants to conduct electronic monitoring if the facility offers to move the resident at the resident's expense to another shared room or shared living unit that is available at the time of the request. (Sec. 1)
24. Requires a resident to pay the facility's private room rate if a resident chooses to reside in a private room or private living unit in a facility to accommodate the use of an electronic monitoring device. (Sec. 1)
25. Allows a roommate or the roommate's representative to withdraw consent to electronic monitoring at any time. (Sec. 1)
26. Specifies that the facility is not required to provide a private room, a single-bed room or a private living unit to a resident who is unable or unwilling to pay. (Sec. 1)
27. Requires the withdrawal of consent to be documented on the original notice and consent form. (Sec. 1)
28. Requires the resident or resident's representative to immediately remove or disable the electronic monitoring device when consent is withdrawn by a roommate or the roommate's representative and the facility to make a reasonable attempt to accommodate the resident or resident's representative who wants to continue to conduct electronic monitoring. (Sec. 1)

#### ***Facility Requirements***

29. Requires a facility where electronic monitoring is occurring to post a sign at each facility entrance that states in English and Spanish: "*Electronic monitoring devices, including security cameras and audio services, may be present to record persons and activities.*" (Sec. 1)
30. Requires the sign to be in large, clearly legible type and font. (Sec. 1)

31. Directs the facility to bear the costs associated with installing and maintaining the required sign. (Sec. 1)
32. Allows a resident who conducts authorized electronic monitoring or the resident's representative to post and maintain a notice at the entrance to the resident's room stating that the room is being monitored by an electronic monitoring device. (Sec. 1)

***Responsibility for Installing and Maintaining Electronic Monitoring Devices***

33. Requires a resident or resident's representative who chooses to conduct electronic monitoring to do so at the resident's own expense, including the purchase, installation, internet service, maintenance and removal costs. (Sec. 1)
34. Specifies that the resident or resident's representative is solely responsible for:
  - a. choosing the electronic monitoring device, subject to the prescribed limits;
  - b. paying the cost of the electronic monitoring device and the cost of installing, maintaining and removing the electronic monitoring device, if applicable, other than the cost of electricity used to power the electronic monitoring device; and
  - c. paying the cost of the internet service for an electronic monitoring device, if applicable. (Sec. 1)
35. Requires the resident or resident's representative, after removing the electronic monitoring device, to restore the facility's property to its condition before the electronic monitoring was installed. (Sec. 1)
36. Specifies that a facility is not required to provide internet service or network access to any electronic monitoring device installed by a resident or the resident's representative. (Sec. 1)
37. Deems any internet service for an electronic monitoring device the sole responsibility of the resident or the resident's representative. (Sec. 1)
38. Allows a facility to choose to provide internet service or network access and charge a resident or the resident's representative for the internet service or network access that is used for an electronic monitoring device installed by the resident or authorized representative. (Sec. 1)
39. Prohibits the cost of the internet service or network access charged to the resident or authorized representative from exceeding the actual cost of the internet service or network access incurred by the facility. (Sec. 1)
40. Prohibits a facility from preventing a resident or resident's representative from purchasing, maintaining and paying for separate internet service or network access that is independent from the facility's internet service or network. (Sec. 1)
41. Requires an electronic monitoring device chosen by a resident or resident's representative to be capable of being temporarily disabled or turned on and off by the resident or resident's representative consistent with the resident's choices relating to activation and deactivation as outlined in the notice and consent form. (Sec. 1)
42. Requires an electronic monitoring device that transmits video or other visual displays to the greatest extent practicable, to be installed:
  - a. with a fixed viewpoint of the living quarters;
  - b. in a manner that avoids capturing images of activities such as bathing, dressing and toileting; and
  - c. in a conspicuously visible location in the room. (Sec. 1)
43. Requires a facility to make a reasonable attempt to accommodate the resident's electronic monitoring installation needs, unless doing so would place an undue burden on the facility. (Sec. 1)
44. Designates a facility with the burden of providing that the requested accommodation is not reasonable, which includes:
  - a. providing a reasonably secure place to mount the device;
  - b. providing access to power sources for the device; and
  - c. allowing access to the facility's public-use internet or WI-FI systems when available for other public uses. (Sec. 1)
45. Prohibits a person other than the resident, the resident's representative or an individual expressly authorized by the resident or resident's representative from:
  - a. obstructing, tampering with or destroying the electronic monitoring device or any recording made by the electronic monitoring device; and
  - b. viewing or listening to any image or sound that is displayed, broadcast or recorded by the electronic monitoring device. (Sec. 1)

46. Prohibits a person from knowingly touching, hampering, obstructing, tampering with or destroying an electronic monitoring device placed in a resident's room or private living unit without the permission of the resident or resident's representative. (Sec. 1)
47. Specifies that it is not a violation if a person turns off the electronic monitoring device or blocks the visual recording component of the device at the direction of the resident or resident's representative, consistent with the resident's notice and consent form. (Sec. 1)
48. Prohibits a facility from interfering with the right of a resident to use an electronic monitoring device and requiring a resident to submit a request for approval. (Sec. 1)

#### ***Authority to Access Recorded Images***

49. Declares any recording obtained as the result of authorized electronic monitoring is considered the personal property of the resident who installed the electronic monitoring device. (Sec. 1)
50. Prohibits a person, facility or facility representative from accessing any video or audio recording created through authorized electronic monitoring without the written consent of the resident or resident's representative. (Sec. 1)
51. Allows the following persons to view or listen to the images or sounds that are displayed, broadcast or recorded by an electronic monitoring device installed, used or temporarily disabled or turned off:
  - a. anyone to whom the resident or authorized representative grants permission;
  - b. a representative of a law enforcement agency who is conducting an investigation;
  - c. a representative of DHS or the Department of Economic Security, Division of Adult Protective Services, who is conducting an investigation;
  - d. the state long-term care ombudsman, with the permission of the resident or resident's representative; and
  - e. an attorney who is representing the resident or a roommate of the resident and who acts within the scope of that representation. (Sec. 1)
52. Permits an employee of the facility or an employee of a contractor providing services at the facility who is the subject of proposed disciplinary action based on images, video or sound obtained by the resident's electronic monitoring to be given access to that material for purposes of defending against the proposed action, consistent with the rules of evidence and procedure in that jurisdiction, if applicable. (Sec. 1)
53. Requires any person, whether an employee of the facility or an employee of a contractor agency, who views, hears, obtains or receives a recording or a copy of the recording of any material obtained through electronic monitoring to treat the material recording or copy confidentially and may not further disseminate it to any other person except as required by law. (Sec. 1)
54. Requires any copy of the recording to be returned to the facility or the resident who provided the copy when it is no longer needed for the purposes of defending against a proposed action. (Sec. 1)
55. Allows a recording or copy of a recording made to be disseminated only by the resident, the resident's representative or by any recipient of the recording for the purpose of addressing health, safety or welfare concerns of one or more residents, except as prohibited by any other state or federal law. (Sec. 1)
56. Prohibits a resident or authorized representative from posting or sharing any video or audio recording created through authorized electronic monitoring on a social media platform or website without the consent of each individual who is depicted in the video or audio recording. (Sec. 1)
57. Requires the resident or resident's representative to provide a copy of any video or audio recording to any authorized party involved in a civil, criminal or administrative proceeding on reasonable request by a party of any proceeding related to or arising out of health, safety or welfare concerns of one or more residents that is required, discovered or captured in the video or audio made during the time period that the conduct at issue in the proceeding allegedly occurred. (Sec. 1)
58. Allows any video or audio recording created through electronic monitoring to be admitted into evidence in a civil, criminal or administrative proceeding, subject to applicable rules of evidence and procedure. (Sec. 1)

#### ***Protections***

59. Prohibits a facility from removing a current resident or refusing to admit a potential resident or otherwise discriminate or retaliate against a resident or potential resident because of the resident's or potential resident's decision to conduct electronic monitoring of the resident's room. (Sec. 1)

60. Prohibits a facility from retaliating or discriminating against any resident for consenting or refusing to consent to electronic monitoring. (Sec. 1)
61. Prohibits a facility from influencing or attempting to influence any roommate to object or withdraw consent for the purpose of obfuscating a resident's choice to have electronic monitoring or move or attempt to move into a resident's room a new roommate who the facility knows will or is likely to object to monitoring for the purpose of obfuscating the resident's choice to have electronic monitoring. (Sec. 1)
62. Declares that a contract that prohibits, limits or otherwise modifies the rights and obligations of the use of electronic monitoring is contrary to public policy and is void and unenforceable. (Sec. 1)
63. Prohibits a facility from being held liable for any breach of privacy or data security related to any electronic monitoring device installed by a resident or resident's representative. (Sec. 1)
64. Specifies that a facility is not responsible for maintaining, repairing or replacing any electronic monitoring device installed by a resident or the resident's representatives unless the damage is caused by facility staff. (Sec. 1)
65. Specifies that a facility may not be held responsible for any electronic monitoring device that does not work during a power outage. (Sec. 1)
66. Requires each facility to have a policy or procedure to notify employees that electronic monitoring may be taking place in a resident's private living space. (Sec. 1)
67. Requires each facility to have a policy or procedure regarding employees who refuse to enter the living quarters of a resident that contains an installed electronic monitoring device. (Sec. 1)

#### ***Miscellaneous***

68. Permits DHS to assess a civil penalty against a facility that violates the electronic monitoring devices regulations. (Sec. 1)
69. Requires DHS to adopt any rules necessary to implement the electronic monitoring requirements. (Sec. 1)
70. Defines terms. (Sec. 1)

#### **Amendments**

##### *Committee on Health & Human Services*

1. Modifies the definition of *resident* to mean any person who resides in a nursing care institution or assisted living facility regardless of how their services are paid for.



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: JUD DP 6-2-0-1

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## **HB 2047: writ of restitution; criminal trespass**

**Sponsor: Representative Bliss, LD 1**

**Caucus & COW**

### **Overview**

Enhances the offense to first degree criminal trespass if a person remains in or returns to a living space without the permission of the owner, after being served with a writ of restitution.

### **History**

Statute instructs the court, if a person is found guilty of forcible entry and detainer or forcible detainer, to give judgment for the plaintiff for restitution of the premises, for all charges stated in the rental agreement and for damages, attorney fees, court and other costs and, at the plaintiff's option, all rent found to be due and unpaid through the periodic rental period, and to issue a writ of restitution to that effect ([A.R.S. § 12-1178](#)).

A defendant who is lawfully served with a writ of restitution and who remains in or returns to the dwelling unit, mobile home space or recreational vehicle space without the express permission of the owner of the property is guilty of third degree criminal trespass which is a class 3 misdemeanor ([A.R.S. § 12-1178](#); [13-1502](#)).

### **Provisions**

1. Changes the offense from third degree to first degree criminal trespass if a person returns or remains in a dwelling unit, mobile home space or recreational vehicle space without the permission of the owner, after having been lawfully served with a writ of restitution. (Sec. 1)
2. Makes conforming changes. (Sec. 1)

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# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: JUD DPA/SE 9-0-0-0

## **HB 2861: firearm destruction**

**S/E: postnuptial agreements; enforcement**

**Sponsor: Representative Nguyen, LD 1**

**Caucus & COW**

### **Summary of the Strike-Everything Amendment to HB 2861**

#### **Overview**

Establishes governing rules and requirements for the enforcement and use of postnuptial agreements.

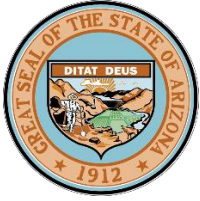
#### **History**

The [Arizona Uniform Premarital Agreement Act](#) in A.R.S. Title 25, Chapter 2, Article 1 governs premarital agreements and includes definitions and procedural and substantive rules for enforceability. Current law defines a *premarital agreement* as an agreement between prospective spouses made in contemplation of marriage and effective on marriage. A premarital agreement must be in writing and signed by both parties, becomes effective on marriage, and is not enforceable if the person against whom enforcement is sought proves the agreement was not executed voluntarily or was unconscionable when executed and the required financial disclosure conditions were not met. Current law also specifies the permissible scope of premarital agreements (including property rights, disposition on dissolution or death and modification or elimination of spousal support), while providing that a child's right to support may not be adversely affected. Premarital agreements may be amended or revoked after marriage only by a written agreement signed by the parties, enforceable without consideration. Additionally, statutes of limitation for actions asserting claims for relief under premarital agreements are tolled during the marriage, with equitable defenses available.

#### **Provisions**

1. Requires postnuptial agreements to be in writing and signed by both parties. (Sec. 2)
2. Instructs that postnuptial agreements become effective on execution by both parties. (Sec. 2)
3. Specifies that postnuptial agreements are not enforceable if:
  - a. The agreement is not free from fraud, coercion or undue influence;
  - b. The person did not act with full knowledge of the property involved and the person's rights;
  - c. The agreement is not fair and equitable; or
  - d. The agreement does not reflect a mutual intent to delineate one or both spouse's property interests. (Sec. 2)
4. Provides that a party seeking to challenge the postnuptial agreement must show by clear and convincing evidence that the agreement is not enforceable. (Sec. 2)
5. Includes postnuptial agreements into the existing statutory framework, of the Arizona Uniform Premarital Agreement Act, that governs premarital agreements. (Sec. 3, 4, 5)
6. Defines postnuptial agreement. (Sec. 1)
7. Makes a conforming change. (Sec. 1)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session  
Majority Research Staff

House: RED DP 7-0-0-0

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## **HB 2950: tourism improvement areas; municipalities; counties**

**Sponsor: Representative Wilmeth, LD 2  
Caucus & COW**

### **Overview**

Enables a governing body to approve the formation of a tourism improvement area.

### **History**

Special taxing districts are usually created to fill a need and to enable the provision of services in an area that might otherwise be limited from receiving those services for various reasons, including size, location, financial limitations or unavailability of other government support. The formation of a special taxing district creates a funding stream to pay for the desired or needed services by placing the responsibility on those who benefit from that service.

[Title 48](#) of the Arizona Revised Statutes currently allows and outlines the process for the formation of various types of special taxing districts including fire districts, irrigation districts, hospital districts, pest abatement districts and power districts. Although the specific process depends on the type of district created, the formation in many cases requires the submission of petitions to the county board of supervisors followed by a public hearing. Sometimes an election may be required to form a district.

### **Provisions**

#### ***Tourism Improvement Area***

1. Authorizes a governing body, on presentation of a petition, to approve the formation of a tourism improvement area. (Sec. 1)
2. Delineates information that a petition for the formation of the tourism improvement area must include. (Sec. 1)
3. Allows a lodging business owner to appoint an authorized agent to act as the lodging business owner's representative. (Sec. 1)
4. Deems the lodging business owner's representative as the business owner for the purposes of any required signature, serving on a board or other purposes authorized by the owner. (Sec. 1)
5. Asserts a governing body has no obligation to obtain other information as to the ownership of the lodging business and its determination of ownership is final and conclusive. (Sec. 1)

#### ***Tourism Improvement Area Plan***

6. Requires a tourism improvement area plan be prepared before the required public hearing on the proposed tourism improvement area is held. (Sec. 1)
7. Outlines information that must be included in the tourism improvement area plan. (Sec. 1)
8. Asserts lodging business assessments levied must provide benefits to lodging businesses and associated industries located within the tourism improvement area that are subject to the assessment. (Sec. 1)
9. Specifies that lodging business assessments may vary by types or classes of lodging businesses as described in the tourism improvement area plan. (Sec. 1)
10. Specifies the lodging business assessment may be levied based on:
  - a. a fixed rate per transient lodging transaction per day; or

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b. the percentage of transient lodging sales. (Sec. 1)

11. Outlines stipulations for contesting the validity of a lodging business assessment. (Sec. 1)

12. Requires tourism improvement area activities be designed to promote tourism and lodging to enhance the economic development climate in the improvement area. (Sec. 1)

#### ***Tourism Improvement Area Formation***

13. Authorizes a governing body, upon receipt of a valid petition, to adopt a resolution of intention to consider the formation of a tourism improvement area. (Sec. 1)

14. Outlines information that must be included in the resolution of intention. (Sec. 1)

15. Provides requirements for noticing and conducting the public hearing relating to the resolution of intention. (Sec. 1)

16. Requires the governing body to consider public testimony regarding a proposed tourism improvement area. (Sec. 1)

17. Allows a lodging business to submit a written objection to the governing body prior to the conclusion of the public hearing. (Sec. 1)

18. Stipulates on receiving written objections from lodging business owners representing 50% or more of the total rooms within the proposed tourism improvement area:

a. the public hearing must end; and

b. no further proceedings on the formation of the tourism improvement area may be held for a period of one year after the date of the hearing. (Sec. 1)

19. Provides restrictions relating to forming a proposed tourism improvement area in an unincorporated territory or within the territorial jurisdiction of another municipality or county without consent. (Sec. 1)

20. Limits the initial term and subsequent renewals of the tourism improvement area to 10 years. (Sec. 1)

21. Subjects a lodging business that commences operation during the term of the tourism improvement area to the lodging business assessment. (Sec. 1)

#### ***Tourism Improvement Area Management***

22. Requires an owners' board or their authorized representatives to govern the tourism improvement area and permits the representative of a municipality or county to have a nonvoting, ex officio seat on the governing board. (Sec. 1)

23. Instructs the governing body to contract with its destination marketing organization (DMO) to manage and implement the tourism improvement area activities. (Sec. 1)

24. Asserts the DMO has any powers possessed by a nonprofit corporation, including accepting donations and receiving grants. (Sec. 1)

25. Prescribes reporting requirements for the DMO. (Sec. 1)

#### ***Tourism Improvement Area Plan Amendments***

26. Allows a governing body to amend the tourism improvement area plan on written request of the DMO. (Sec. 1)

27. Instructs a governing body, for tourism improvement area plan amendments that include a new or increase lodging assessment, to hold a public hearing on the amendment and provide a meeting notice to the owner of each lodging business subject to the lodging business assessment. (Sec. 1)

28. Stipulates a public hearing is not required if the amendment does not include a new or increased assessment. (Sec. 1)

29. Restricts amendments from including any changes to the tourism improvement area's boundaries. (Sec. 1)

#### ***Lodging Business Assessments***

30. Requires the DMO to establish, charge and collect lodging business assessments on the lodging businesses located in the tourism improvement area. (Sec. 1)
31. Limits the assessments to \$5 or 5% per room sold per night on the lodging business rooms in the tourism improvement area. (Sec. 1)
32. Outlines the process and requirements for levying, collecting and disbursing the assessments from lodging businesses to the local government's treasurer where the tourism improvement area is located. (Sec. 1)
33. Provides reporting requirements relating to the amount of the assessments collected. (Sec. 1)
34. Specifies the statutory provisions relating to transaction privilege taxes govern the administration of levying the assessment with exceptions. (Sec. 1)

#### ***Tourism Improvement Area Renewal and Dissolution***

35. Allows a tourism improvement area to be renewed and engage in different tourism improvement activities than the original tourism improvement area. (Sec. 1)
36. Specifies any remaining monies held by the tourism improvement area be transferred to the renewed tourism improvement area. (Sec. 1)
37. Stipulates a 60-day period each year in which the lodging business owners may request dissolution of the tourism improvement area. (Sec. 1)
38. Outlines the process and requirements for tourism improvement area dissolution, including petition submission and holding a public hearing. (Sec. 1)
39. Allows the governing body to adopt a resolution dissolving the tourism improvement area upon:
  - a. the area satisfying all debts of the tourism improvement area; or
  - b. upon finding that there has been misappropriation of monies, malfeasance or a violation of law in connection with the management of the tourism improvement area. (Sec. 1)
40. Requires, on the dissolution or expiration without renewal, remaining monies of the tourism improvement area to be spent in accordance with the area plan or refunded to the appropriate lodging business owners. (Sec. 1)
41. Stipulates monies must be refunded using the same method and basis that was used to calculate the assessments levied in the fiscal year in which the tourism improvement area is dissolved or expires. (Sec. 1)

#### ***Miscellaneous***

42. Defines pertinent terms. (Sec. 1)
43. Contains a legislative findings clause. (Sec. 2)



# ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: WM DP 9-0-0-0

## **HB 2780: judicial foreclosure; excess proceeds sale**

**Sponsor: Representative Liguori, LD 5**

**Caucus & COW**

### **Overview**

Allows for the purchaser or their heir or any assignees of a tax lien to include a request to determine if the sale of property to recover excess proceeds is reasonable in an action to foreclose the right to redeem.

### **History**

The action to foreclose the right to redeem is to be filed in the superior court of the county in which the real property is located with the county treasurer named as a party to the action. If any law or court order prohibits the action to foreclose the right to redeem the limitation, between three and ten years after a tax lien is sold, would be extended by 12 months after the termination of the law or court order ([A.R.S. § 42-18201](#)).

### **Provisions**

1. Allows a request to determine if the sale of the property to recover excess proceeds is a reasonable amount to be included in the action to foreclose the right to redeem. (Sec. 1)
2. Allows a certificate of purchase holder to request the court to determine if the sale of the property to recover excess proceeds is reasonable. (Sec. 2)
3. Specifies that a request to determine if the sale of the property to recover excess proceeds must be done any time before the court's judgment is effective. (Sec. 2)
4. Outlines that unless stated elsewhere in statute, the sale must be less than 60 days after the date of judgment. (Sec. 3)
5. Expands the minimum bid for the notice of sale by including the costs related to filing the claim to foreclose the right to redeem which are:
  - a. The costs related to filing the claim to foreclose the right to redeem, including estimated attorney fees and costs to be incurred through the date of the excess proceeds' sale, if ordered.
  - b. The amount for which the real property tax lien was sold, with interest at a rate of 16% per annum.
  - c. The amount of any statutory fees the certificate of purchase holder paid in connection with the certificate of purchase, except the processing fee with an interest rate of 16% per annum from the date of the tax lien sale through the date of the excess proceeds sale, if ordered.
  - d. The estimated cost of the sale of property. (Sec. 4)
6. Specifies that any party that is entitled to any amount of proceeds from the sale can start a civil action against the qualified entity for its failure to properly make distributions. (Sec. 6)
7. Makes technical and conforming changes. (Sec. 4,5)

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