ARIZONA HOUSE OF REPRESENTATIVES

Fifty-third Legislature - Second Regular Session

MAJORITY CAUCUS CALENDAR # 2

**January 30, 2018**

Bill Number Short Title Committee Date Action

**Committee on Appropriations**

**Chairman: David Livingston, LD22 Vice Chairman: Vince Leach, LD11**

**Analyst: Jennifer Thomsen, Jon Rudolph Intern: Adam Ciampaglio**

[HB 2002](#HB2002) automobile theft authority; appropriation

SPONSOR: LIVINGSTON, LD22 HOUSE

APPROP 1/24 DPA (12-2-0-0-0)

(No: BOWERS,FERNANDEZ)

[HB 2122](#HB2122) secretary of state; appropriation; elections

SPONSOR: LIVINGSTON, LD22 HOUSE

APPROP 1/24 DPA (14-0-0-0-0)

**Committee on Banking and Insurance**

**Chairman: David Livingston, LD22 Vice Chairman: Eddie Farnsworth, LD12**

**Analyst: Paul Benny, Jason Theodorou Intern: Lauren Kinzle**

[HB 2083](#HB2083) insurance contracts

(BI S/E: insurance contracts; construction)

SPONSOR: LIVINGSTON, LD22 HOUSE

BI 1/22 DPA/SE (5-3-0-0-0)

(No: POWERS HANNLEY,SALMAN,BUTLER)

[HB 2097](#HB2097) pension funding policies; employers

SPONSOR: LIVINGSTON, LD22 HOUSE

BI 1/18 DPA (6-1-0-1-0)

(No: POWERS HANNLEY; Abs: MOSLEY)

[HB 2123](#HB2123) insurance department; director; residency

SPONSOR: TOMA, LD22 HOUSE

BI 1/18 DP (6-1-0-1-0)

(No: POWERS HANNLEY; Abs: MOSLEY)

[HB 2124](#HB2124) life and disability insurance; insolvencies

SPONSOR: LIVINGSTON, LD22 HOUSE

BI 1/18 DP (7-0-0-1-0)

(Abs: MOSLEY)

**Committee on Commerce**

**Chairman: Jeff Weninger, LD17 Vice Chairman: Jill Norgaard, LD18**

**Analyst: Diana Clay, Jon Rudolph Intern: Josefina Torres**

[HB 2150](#HB2150) manufactured home sales; licensure; exemption

SPONSOR: WENINGER, LD17 HOUSE

COM 1/23 DP (9-0-0-0-0)

**Committee on Education**

**Chairman: Paul Boyer, LD20 Vice Chairman: Douglas Coleman, LD16**

**Analyst: Aaron Wonders Intern: Ileen Younan**

[HB 2026](#HB2026) county school superintendent; services; entities

SPONSOR: BOYER, LD20 HOUSE

ED 1/18 DPA (10-0-0-1-0)

(Abs: SHOOTER)

[HB 2036](#HB2036) substitute teachers; experience; certification

SPONSOR: CARTER, LD15 HOUSE

ED 1/18 DP (8-2-0-1-0)

(No: ALSTON,BOLDING; Abs: SHOOTER)

[HB 2085](#HB2085) schools; emergency epinephrine administration

SPONSOR: CARTER, LD15 HOUSE

ED 1/18 DP (9-0-0-2-0)

(Abs: BOWERS,SHOOTER)

[HB 2086](#HB2086) schools; diabetes management policies; pharmacists

SPONSOR: CARTER, LD15 HOUSE

ED 1/18 DPA (10-0-0-1-0)

(Abs: SHOOTER)

[HB 2088](#HB2088) pupils; concussions; parental notification

SPONSOR: CARTER, LD15 HOUSE

ED 1/18 DP (10-0-0-1-0)

(Abs: SHOOTER)

[HB 2089](#HB2089) interscholastic activities; health dangers; information

SPONSOR: CARTER, LD15 HOUSE

ED 1/18 DP (10-0-0-1-0)

(Abs: SHOOTER)

[HB 2108](#HB2108) ASDB; teacher salaries; personnel fingerprinting

SPONSOR: BOYER, LD20 HOUSE

ED 1/22 DP (9-0-0-2-0)

(Abs: SALDATE,SHOOTER)

[HB 2187](#HB2187) schools; teacher evaluation systems

SPONSOR: BOYER, LD20 HOUSE

ED 1/22 DP (9-0-0-2-0)

(Abs: BOLDING,SHOOTER)

[HB 2253](#HB2253) schools; exchange teachers; employment duration

SPONSOR: CARTER, LD15 HOUSE

ED 1/22 DPA (9-0-0-2-0)

(Abs: SALDATE,SHOOTER)

[HB 2281](#HB2281) ELL instruction; dual language programs

SPONSOR: NORGAARD, LD18 HOUSE

ED 1/22 DP (9-0-0-2-0)

(Abs: BOLDING,SHOOTER)

[HB 2332](#HB2332) school resource officers; residential vouchers

SPONSOR: WENINGER, LD17 HOUSE

ED 1/22 DP (7-3-0-1-0)

(No: ALSTON,BOLDING,SALDATE; Abs: SHOOTER)

**Committee on Energy, Environment and Natural Resources**

**Chairman: Russell "Rusty" Bowers, LD25 Vice Chairman: Brenda Barton, LD6**

**Analyst: Sharon Carpenter, Vanessa Clayton Intern: Adrienne Austill**

[HB 2114](#HB2114) power authority; procurement code; exemption

SPONSOR: MITCHELL, LD13 HOUSE

EENR 1/23 DP (9-0-0-0-0)

[HB 2190](#HB2190) county improvement districts; repayment agreements

SPONSOR: MITCHELL, LD13 HOUSE

EENR 1/23 DP (9-0-0-0-0)

**Committee on Health**

**Chairman: Heather Carter, LD15 Vice Chairman: Regina E. Cobb, LD5**

**Analyst: Rick Hazelton, Jon Rudolph Intern: Tyler Stephens**

[HB 2040](#HB2040) pharmacy board; definitions; reporting

SPONSOR: CARTER, LD15 HOUSE

HEALTH 1/18 DPA (8-0-0-1-0)

(Abs: SYMS)

[HB 2127](#HB2127) children's health insurance program

SPONSOR: COBB, LD5 HOUSE

HEALTH 1/18 DP (8-0-0-1-0)

(Abs: SYMS)

[HB 2257](#HB2257) radiation regulatory boards; repeal; DHS

SPONSOR: CARTER, LD15 HOUSE

HEALTH 1/18 DP (8-0-0-1-0)

(Abs: SYMS)

**Committee on Judiciary and Public Safety**

**Chairman: Eddie Farnsworth, LD12 Vice Chairman: Anthony T. Kern, LD20**

**Analyst: Katy Proctor, Jason Theodorou Intern: Samantha Cox**

[HB 2019](#HB2019) civil rights advisory board; continuation

SPONSOR: KERN, LD20 HOUSE

JPS 1/24 DP (8-0-0-1-0)

(Abs: GONZALES)

[HB 2116](#HB2116) limitations of actions; dedicated property

SPONSOR: KERN, LD20 HOUSE

JPS 1/24 DPA (7-2-0-0-0)

(No: GONZALES,ENGEL)

[HB 2155](#HB2155) notaries public; immigration law; prohibition

SPONSOR: SHOPE, LD8 HOUSE

JPS 1/24 DP (9-0-0-0-0)

[HB 2208](#HB2208) prohibition; photo radar

SPONSOR: GRANTHAM, LD12 HOUSE

JPS 1/24 DP (6-3-0-0-0)

(No: GONZALES,HERNANDEZ,ENGEL)

[HB 2246](#HB2246) jail; prohibited items; drugs

SPONSOR: FARNSWORTH E, LD12 HOUSE

JPS 1/24 DP (5-4-0-0-0)

(No: GONZALES,STRINGER,HERNANDEZ,ENGEL)

[HB 2247](#HB2247) criminal justice commission; reporting requirements

SPONSOR: FARNSWORTH E, LD12 HOUSE

JPS 1/24 DP (9-0-0-0-0)

[HB 2248](#HB2248) incompetency; screening; sexually violent persons

SPONSOR: FARNSWORTH E, LD12 HOUSE

JPS 1/24 DP (5-4-0-0-0)

(No: GONZALES,STRINGER,HERNANDEZ,ENGEL)

**Committee on Land, Agriculture and Rural Affairs**

**Chairman: Brenda Barton, LD6 Vice Chairman: Darin Mitchell, LD13**

**Analyst: Sharon Carpenter, Vanessa Clayton Intern: Adrienne Austill**

[HB 2016](#HB2016) Arizona beef council; continuation

SPONSOR: MITCHELL, LD13 HOUSE

LARA 1/18 DP (8-0-0-0-0)

**Committee on Local and International Affairs**

**Chairman: Tony Rivero, LD21 Vice Chairman: Todd A. Clodfelter, LD10**

**Analyst: Michael Hans Intern: Stiv Fico**

[HB 2105](#HB2105) building code moratorium; repeal.

SPONSOR: LEACH, LD11 HOUSE

LIA 1/17 DP (6-1-0-0-0)

(No: BLANC)

[HB 2151](#HB2151) joint powers; fire protection services

SPONSOR: JOHN, LD14 HOUSE

LIA 1/24 DP (7-0-0-0-0)

[HB 2152](#HB2152) joint power authorities; fingerprinting.

SPONSOR: JOHN, LD14 HOUSE

LIA 1/17 DP (7-0-0-0-0)

[HB 2180](#HB2180) fire district budget hearings

SPONSOR: COLEMAN, LD16 HOUSE

LIA 1/24 DP (7-0-0-0-0)

**Committee on Military, Veterans and Regulatory Affairs**

**Chairman: Jay Lawrence, LD23 Vice Chairman: Mark Finchem, LD11**

**Analyst: Brittany Green, Anthony Casselman Intern: Amanda Higby**

[HB 2192](#HB2192) military family relief fund; extension

SPONSOR: CARTER, LD15 HOUSE

MVRA 1/22 DP (9-0-0-0-0)

**Committee on Transportation and Infrastructure**

**Chairman: Noel W. Campbell, LD1 Vice Chairman: Drew John, LD14**

**Analyst: Liam Maher, Vanessa Clayton Intern: Samuel Rosenberg**

[HB 2071](#HB2071) rear-facing car seats

SPONSOR: BOLDING, LD27 HOUSE

TI 1/17 DP (7-0-0-1-0)

(Abs: MOSLEY)

[HB 2079](#HB2079) single axle tow dolly; definition

SPONSOR: SHOPE, LD8 HOUSE

TI 1/24 DP (8-0-0-0-0)

[HB 2125](#HB2125) tow truck lighting

SPONSOR: SHOPE, LD8 HOUSE

TI 1/24 DP (8-0-0-0-0)

[HB 2169](#HB2169) driving violations; restricted licenses; penalties

SPONSOR: BOYER, LD20 HOUSE

TI 1/24 DPA (8-0-0-0-0)

**Committee on Ways and Means**

**Chairman: Michelle B. Ugenti-Rita, LD23 Vice Chairman: Vince Leach, LD11**

**Analyst: Michael Madden, Anthony Casselman Intern: Elizabeth Lange**

[HB 2115](#HB2115) bonds; ballot language; procedures

SPONSOR: MITCHELL, LD13 HOUSE

WM 1/24 DPA (9-0-0-0-0)

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2002:** automobile theft authority; appropriation | |
| **PRIME SPONSOR:** Representative Livingston, LD 22  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69611" \o "Bill Status Inquiry)   |  | | --- | | APPROP: DPA 12-2-0-0 | | **Legend:**  ATA - Automobile Theft Authority  JLBC - Joint Legislative Budget Committee  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to expenditures of monies in the ATA Fund.

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

**Provisions**

1. **DESIGNATES THE ATA FUND AS CONTINUOUSLY APPROPRIATED RATHER THAN SUBJECT TO LEGISLATIVE APPROPRIATION.** *(APPROP)*
2. Allows the ATA to use ATA Fund monies that exceed the FY 2018 legislative appropriation in FY 2018. (Sec. 1)
3. Requires the ATA to submit a report on intended use of excess funds to JLBC prior to expending the newly appropriated FY 2018 funds. (Sec. 1)

**Current Law**

The revenue source of the ATA Fund is a semiannual fee paid by all automobile insurers in Arizona, at a rate of 50¢ per vehicle over 26,000 pounds insured in the state. The monies in the ATA Fund are subject to legislative appropriation and are also exempt from lapsing. Purposes of the ATA include the analysis of data, development of plans, and assistance of local agencies in combatting automobile theft. A semi-annual audit of the Fund is required to be conducted and filed with the Auditor General. ([ARS § 41-3451](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/03451.htm))

[Laws 2017, Chapter 305, Section 15](https://apps.azleg.gov/BillStatus/GetDocumentPdf/454115) appropriated $5,295,500 in FY 2018 from the ATA Fund to the ATA for its purposes. This appropriation allowed for 6.0 FTE, operating costs, Arizona Vehicle Theft Task Force funding, local grants and programs run by the ATA.

**Additional Information**

Per the [JLBC FY 2019 Baseline](http://www.azleg.gov/jlbc/19baseline/ata.pdf) the FY 2018 year end fund balance of the ATA Fund is estimated to be $2,941,900.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2122:** secretary of state; appropriation; elections | |
| **PRIME SPONSOR:** Representative Livingston, LD 22  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69827)   |  | | --- | | APPROP: DPA 14-0-0-0 | | **Legend:**  ADOA – Arizona Department of Administration  BOS – Board of Supervisors  CD – Congressional District  OSPB – Governor's Office of Strategic Planning and Budgeting  SOS – Secretary of State  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to reimbursement for the CD 8 special primary and general elections.

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

**Provisions**

1. Appropriates ~~a blank amount~~ **$2.5 MILLION** from the state GF in FY 2018 to the SOS for reimbursement to Maricopa County for expenses due to administering the special primary and general elections to fill the vacancy in CD 8. *(APPROP)*
2. ~~Requires the SOS to reimburse Maricopa County in whichever amount is less:~~
   1. ~~The amount of the actual expenses, limited to the amount of the estimated cost for the two elections that were submitted to the SOS.~~
   2. ~~$2.50 per active registered voter, for both elections, in Maricopa County as of January 1, 2018.~~
3. ~~Requires Maricopa County to submit its certified claims to the SOS.~~
4. ~~Prohibits the SOS from reimbursing the following:~~
   1. ~~Regular pay and associated employer-related expenses for permanent county staff.~~
   2. ~~Maintenance of infrastructure, machinery and equipment.~~
   3. ~~Any expenditure not delineated as reimbursable in the State of Arizona Accounting Manual that is in effect on January 1, 2018.~~ *(APPROP)*
5. **REQUIRES THE SOS TO REIMBURSE MARICOPA COUNTY FOR THE ADDITIONAL COST OF PRINTING BALLOTS AND OTHER ELECTION MATERIALS, COMPENSATION PAID TO ELECTION AND TALLY BOARD OFFICERS, AS WELL AS OTHER COSTS OF ADMINISTERING THE SPECIAL ELECTIONS.**
6. **ALLOWS THE SOS TO ADVANCE A PORTION OF ESTIMATED EXPENSES TO MARICOPA COUNTY. REQUIRES THE COUNTY TO PROVIDE SUBSEQUENT DOCUMENTATION IF RECEIVING AN ADVANCE.**
7. **REQURIES THE CLERK OF THE BOS TO SUBMIT ITEMIZED CLAIMS OF EXPENSES, TOGETHER WITH VERIFIED DOCUMENTATION, TO THE SOS FOR APPROVAL. REQUIRES THE CLAIM TO BE SUBMITTED TO THE SOS BY JUNE 30, 2018.**
8. **REQUIRES THE SOS TO SUBMIT APPROVED CLAIMS TO ADOA FOR PAYMENT TO THE COUNTY.** *(APPROP)*
9. Requires the SOS to submit a report to JLBC and OSPB regarding the reimbursements **BY OCTOBER 1, 2018**. *(APPROP)*
10. Exempts the appropriation from lapsing, **EXCEPT THAT ALL REMAINING UNEXPENDED AND UNENCUMBERED MONIES REVERT TO THE GF ON DECEMBER 31, 2018**. *(APPROP)*

**Current Law**

[A.R.S. § 16-222](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/16/00222.htm) requires the Governor to call a special primary and general election within 72 hours of a vacancy of a Congressional representative's office if the next general election is more than six months from the time of vacancy.

**Additional Information**

The Governor called for a special primary and general election to fill the vacancy in CD 8 on December 11, 2017. The CD 8 special primary election will take place on February 27, 2018. The special general election will take place April 24, 2018.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2083:** S/E: insurance contracts; construction | |
| **PRIME SPONSOR:** Representative Livingston, LD 22  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69753)   |  | | --- | | BI: DPA/SE 5-3-0-0 | | **Legend:**  ADOI – Arizona Department of Insurance  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to insurance contracts.

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

**Provisions**

1. Stipulates if a translated insurance policy that is issued for delivery contains a specified disclaimer then the policy does not amplify, extend, or modify the terms of the English version.
   1. Provides disclaimer language. (Sec. 1)

**Current Law**

Pursuant to [A.R.S. § 20-1119](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/20/01119.htm), insurance contracts must be written according to the entirety of the policy’s terms and conditions and include any modifications by a rider, endorsement, or application made a part of the policy.

Insurers must provide ADOI an English translation of each form, advertisement, or any other document that must be filed with ADOI, if the document is in a language other than English. The translation must compare the foreign language version in a side-by-side format with the English translation. Additionally, an insurer must provide a sworn statement signed by the translator attesting that the translation is identical in substance to the English document ([R20-6-203](http://apps.azsos.gov/public_services/Title_20/20-06.pdf)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2097:** pension funding policies; employers | |
| **PRIME SPONSOR:** Representative Livingston, LD 22  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69784)   |  | | --- | | BI: DPA 6-1-0-1 | | **Legend:**  PSPRS – Public Safety Personnel Retirement System  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relates to PSPRS employers.

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

**Provisions**

1. Requires, beginning on or before July 1, 2019, each governing body of a PSPRS employer to annually:
   1. Adopt a pension funding policy ~~as part of the governing body's financial policies~~ FOR EMPLOYEES WHO WERE HIRED BEFORE JULY 1, 2017. (BI)
      1. Outlines funding objectives to be included in the policy.
   2. Formally accept THE EMPLOYER'S SHARE OF THE ASSETS AND LIBAILITIES UNDER PSPRS BASE ON the PSPRS actuarial valuation report ~~of each employer under the governing body~~. (Sec. 1) (BI)
2. Requires the governing body to post the pension funding policy on their website. (Sec. 1)

**Current Law**

PSPRS was created in order to provide a uniform, consistent and equitable statewide program for public safety personnel who are regularly assigned to hazardous duty and are employed by the state or a political subdivision ([A.R.S. § 38-841](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/38/00841.htm)).

Employers are required to make contributions sufficient to meet the normal cost for members hired before July 1, 2017 plus an amount required to amortize the unfunded accrued liability on a level percent of compensation basis for all employees over a 20-year period, beginning July 1, 2017. For members hired on or after July 1, 2017, employer contributions are dependent on the employers participation in the public safety risk pool.

Employers in the risk pool must make contributions sufficient to pay 50% of both the normal cost plus the actuarially determined amount required to amortize the unfunded accrued liability within the risk pool for all employers attributable to all members in the risk pool. Employers not in the risk pool must make contributions sufficient to pay 50% of the normal cost plus the actuarially determined amount required to amortize the unfunded accrued liability for each employer attributable only to those members hired on or after July 1, 2017 ([A.R.S. § 38-843](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/38/00843.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2123:** insurance department; director; residency | |
| **PRIME SPONSOR:** Representative Toma, LD 22  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69828)   |  | | --- | | BI: DP 6-1-0-1 | | **Legend:**  ADOI – Arizona Department of Insurance  Director – Director of the Department of Insurance  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to the Director's qualifications.

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

**Provisions**

1. Removes the three year residency requirement as a qualification to be the Director. (Sec. 1)

**Current Law**

The Director, who is appointed by the governor, must be well versed in insurance matters and be a resident of Arizona for at least three years prior to appointment. The Director serves at the pleasure of the governor ([A.R.S. § 20-141](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/20/00141.htm)).

[A.R.S. § 20-142](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/20/00142.htm) provides the powers and duties of the Director, which include:

1. Examining and investigating insurance matters of adjusters, agents, brokers, and any other persons who is regulated by ADOI.
2. Establishing guidelines for insurers on home health services.
3. Receiving criminal record history information in connection with the issuance, renewal, suspension, or revocation of a license or certificate of authority.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2124:** life and disability insurance; insolvencies | |
| **PRIME SPONSOR:** Representative Livingston, LD 22  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69829)   |  | | --- | | BI: DP 7-0-0-1 | | **Legend:**  Board – The Guaranty Fund Board  Director – Director of the Department of Insurance  Fund – The Life and Disability Insurance Guaranty Fund  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to the Life and Disability Insurance Guaranty Fund

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

**Provisions**

1. Includes health care services organizations to the Fund.
   1. Exempts structured settlement factoring transactions.
   2. Exempts Medicaid policies. (Sec. 3)
2. Defines *health benefit plan*. (Sec. 2)
3. Includes health care service organization to the definition of *member insurer.* (Sec. 2)
4. Includes certain health care providers as covered individuals. (Sec. 3)
5. Applies a benefits cap to *health benefit plans.* (Sec. 3)
6. Asserts a long-term care rider is considered the same type of benefits as the base life insurance policy to which it relates. (Sec. 3)
7. Includes variable rate policies if the policy provides long-term care insurance benefit. (Sec. 3)
8. Increase the Board membership from 9 to 11. (Sec. 5)
9. Allows the Board the reissue policies or contracts of an impaired insurer or an insolvent insurer. (Sec. 6)
10. Clarifies the Fund may, when providing substitute coverage, issue an alternative policy at actuarially justified rates, with the approval of the Director. (Sec. 6)
11. Stipulates that if the fund reissues a terminate coverage at a different rate, the rate must be actuarially justified to the risk. (Sec. 6)
12. Allows the Board to file for actuarially justified rate or premium increases for any policy or contract for which the Fund provides coverage. (Sec. 6)
13. Allows the Board to issue a substitute coverage for a policy or contract without the approval of the court presiding over the delinquency proceeding. (Sec. 6)
14. Asserts the assessments relating to long-term care insurance be allocated according to a defined methodology: 50% is allocated to accident and disability insurers and 50% is allocated to life and annuity insurers. (Sec. 7)
15. Repeals statutes relating to financial reserve and risk of insolvency plan for health care services organizations. (Sec. 13, 16)
16. Contains an effective date of January 1, 2019. (Sec. 19)
17. Makes conforming changes. (Sec. 1-12, 14, 15, 17)

**Current Law**

Laws 1977, Chapter 136 established the Fund. The 9-member Guaranty Fund Board administers the Fund. The Fund covers certain policies in the event a member insurer becomes impaired or insolvent and payouts are statutorily capped. Monies from an assessment levied on insurers are deposited into the Fund.

**Additional Information**

In 2017, the National Association of Insurance Commissioners created a group to review, discuss, and revise the [Life and Health Insurance Guaranty Association Model Act](http://www.naic.org/store/free/MDL-520.pdf). The Act is intended to protect policy or contract owners, insureds, beneficiaries, health care providers, annuitants, payees and assignees against failure which occur due to impairment or insolvency of an insurer.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2150:** manufactured home sales; licensure; exemption | |
| **PRIME SPONSOR:** Representative Weninger, LD 17  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69869)   |  | | --- | | COM: DP 9-0-0-0 | | **Legend:**  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to real estate transactions of manufactured homes.

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

**Provisions**

1. Allows a Licensee to sell:
   1. New or used manufactured homes, mobile homes or factory-built buildings that are affixed to real property and are listed in a contract by its owner for transfer of real estate; and
   2. New manufactured homes, if the Licensee is acting as an agent for a licensed manufactured housing dealer and the dealer is filing all paperwork and paying all fees. (Sec. 1)
2. Makes technical changes (Sec. 1).

**Current Law**

[Title 32, Chapter 20](https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F32%2F02108-01.htm), outlines the requirements for applicants to be licensed as real estate brokers and real estate salespersons by ADRE. Further, the statutes outline the powers and duties of ADRE, including the fees for licenses and submission of specific information. [(A.R.S. § 32-2123)](https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F32%2F02123.htm)

The [ADOH Division licenses](https://housing.az.gov/manufactured-housing/licensing) manufacturers, builders, dealers, and installers who sell new and used manufactured homes and mobile homes located in the various mobile home parks around the state.

Manufactured homes, mobile homes or factory-built buildings are defined as used if the building has been occupied for at least 30 consecutive days for the intended use of a bona fide homeowner or renter. ([A.R.S. § 41-4028](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/04028.htm))

*A mobile home park* means any parcel of land that contains four or more mobile home spaces. The tenant rents the space from the landowner in the mobile home park, but owns the mobile home ([A.R.S. § 33-1409](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/33/01409.htm)). *Mobile home* specifically excludes travel trailers, recreational vehicles, motor homes, campers, park model homes and fifth wheel trailers.

**Additional Information**

Laws 2017, Title 25 expanded the exemption to allow licensed real estate agents and brokers to sell manufactured homes and mobile homes located in mobile home parks and the dealer is required to file all paperwork and submit all fees.

[ADOH Licensing requirements](https://housing.az.gov/manufactured-housing/licensing) for manufacturers, builders, dealers, salespersons, and installers.

[ADRE Licensing requirements](http://www.azre.gov/Lic/LicForms.aspx) for real estate brokers and salespersons.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2026:** county school superintendent; services; entities | |
| **PRIME SPONSOR:** Representative Boyer, LD 20  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69663)   |  | | --- | | ED: DPA 10-0-0-1 | | **Legend:**  IGA – Intergovernmental Agreement  LEA – Local Education Agency  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to county school superintendents.

**Provisions**

1. Allows a county school superintendent to act as a LEA for and provide service programs and assistance to ~~private~~ NONPROFIT AND PUBLIC libraries, private schools, tribal libraries and tribal schools. (Sec. 1,2,4)
2. Permits school district governing boards to enter into ~~IGAs~~ AGREEMENTS with private libraries, private schools, tribal libraries and tribal schools in the same county. (Sec. 3)
3. Makes technical changes. (Sec. 2-4)

**Current Law**

County school superintendents are charged with providing assistance to school districts, charter schools, county free library districts and municipal libraries on the use of student data, staff development, curriculum alignment and technology to improve student performance ([A.R.S. § 15-302](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00302.htm)). In addition to providing assistance, county school superintendents may establish service programs upon request to the previously outlined entities and act as an LEA that is eligible to receive and spend local, state and federal monies to provide services ([A.R.S. §§ 15-302](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00302.htm), [15-365](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00365.htm)). School district governing boards are authorized to enter into IGAs with counties, county free library districts and municipal libraries in the county in which they are located [(A.R.S. § 15-362](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00362.htm)).

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

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2036:** substitute teachers; experience; certification | |
| **PRIME SPONSOR:** Representative Carter, LD 15  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69681)   |  | | --- | | ED: DP 8-2-0-1 | | **Legend:**  CE – Continuing Education Credits  SBE – Arizona State Board of Education  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to classroom teaching requirements for certification.

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

**Provisions**

1. Directs SBE to permit substitute teachers with primary teaching responsibility to use that time toward any classroom teaching requirements for a standard teaching certificate. (Sec. 1)
2. Clarifies that the requirements for renewing active and expired certificates apply to standard teaching certificates. (Sec. 1)
3. Makes technical changes. (Sec. 1)

**Current Law**

For the purposes of teaching certification, *teaching experience* means full-time employment which included full responsibility for the planning and delivery of instruction and evaluation of student learning. Substitute teaching is not considered full-time teaching experience ([A.A.C. R7-2-601](http://apps.azsos.gov/public_services/Title_07/7-02.pdf)).

The requirements for a standard teaching certificate, excluding reciprocal certification, include: 1) a professional knowledge exam; 2) a subject knowledge exam; 3) a minimum of a Bachelor's degree; 4) an identity-verified prints fingerprint card; 5) a completed application and fee; 6) proficiency in the Arizona Constitution, U.S. Constitution; 7) phonics training; and 8) completion of either a teacher preparation program or coursework and experience from an accredited institution. The coursework and experience programs require a minimum of eight semester hours of practicum in the appropriate grades.

Teaching certificates must be issued and renewed for at least 12 years, with up to 15 hours of CE requirements. Expired certificates are renewable within 2-10 years of expiration, if criteria are met ([A.R.S. § 15-203](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00203.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2085:** schools; emergency epinephrine administration | |
| **PRIME SPONSOR:** Representative Carter, LD 15  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69756)   |  | | --- | | ED: DP 9-0-0-2 | | **Legend:**  ADE – Arizona Department of Education  ADHS – Arizona Department of Health Services  CMO – Chief Medical Officer  DO – Doctor of Osteopathy  LEA – Local Education Agency  MD – Doctor of Medicine  SBE – Arizona State Board of Education  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to epinephrine auto-injectors in public schools.

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

**Provisions**

1. Permits, rather than requires, LEAs to stock epinephrine auto-injectors pursuant to a standing order issued by a specified health professional. (Sec. 1)
2. Allows LEAs to stock additional epinephrine auto-injectors. (Sec. 1)
3. Repeals the requirement that ADE include epinephrine auto-injectors in its annual budget request. (Sec. 1)
4. Authorizes LEAs to accept monetary donations, apply for grants or participate in third-party programs to obtain epinephrine auto-injectors. (Sec. 1)
5. Modifies the requirements for SBE rules regarding the annual training and procedures for administration of auto-injectable epinephrine. (Sec. 2)
6. Makes technical and conforming changes. (Sec. 1 & 2)

**Current Law**

LEAs are required to stock two juvenile doses and two adult doses of epinephrine auto-injectors if sufficient monies are appropriated, and may stock epinephrine auto-injectors if sufficient monies are not appropriated. The epinephrine auto-injectors can be stocked pursuant to a standing order issued by the CMO of ADHS, the CMO of a county health department, a MD or a DO. A trained employee of a LEA may administer an epinephrine auto-injector if the employee believes in good faith that a pupil or adult is exhibiting symptoms of anaphylactic shock at school or a school-sponsored activity. ADE is required to include a line-item in its annual budget request for a continuous, non-lapsing appropriation to provide for the purchase of two juvenile doses and two adult doses of epinephrine auto-injectors at each public school ([A.R.S. § 15-157](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00157.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2086:** schools; diabetes management policies; pharmacists | |
| **PRIME SPONSOR:** Representative Carter, LD 15  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69757)   |  | | --- | | ED: DPA 10-0-0-1 | | **Legend:**  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to pharmacists and diabetes management in schools.

**Provisions**

1. Includes pharmacists who are licensed and practicing according to statute in the list of health professionals allowed to, for the purposes of diabetes management in school, ~~diagnose diabetes,~~ manage and sign diabetic management plans, attend to a student before a voluntary diabetes care and prescribe glucagon. (Sec. 1)
2. Makes technical changes. (Sec. 1)

**Current Law**

School districts and charter schools are permitted to adopt policies and procedures for students who have been diagnosed with diabetes by a licensed health professional or a nurse practitioner and, if statutory provisions are adhered to, be immune from civil liability with respect to decisions made and actions taken on good faith compliance. Policies must require parents or guardians to annually submit a diabetes management plan that is signed by a licensed health professional or a nurse practitioner, provisions for the proper disposal of waste and the ability for the school to withdraw authorization if the student is not practicing proper safety. Additionally, the school may designate two or more employees to serve as a voluntary diabetes care assistant and administer insulin or glucagon in an emergency if specified criteria are met, including having no school nurse, licensed health professional or a nurse practitioner available and that the parent has provided unexpired glucagon prescribed by a licensed health professional or a nurse practitioner. School districts, charter schools, employees of the school and licensed health professionals who train volunteer diabetes care assistants are immune from civil liability for the consequences of good faith adoption and implementation of policies. ([A.R.S. § 15-344.01](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00344-01.htm))

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

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2088:** pupils; concussions; parental notification | |
| **PRIME SPONSOR:** Representative Carter, LD 15  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69759)   |  | | --- | | ED: DP 10-0-0-1 | | **Legend:**  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to parental notification for concussions.

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

**Provisions**

1. Requires a student's parent or guardian to be immediately notified by the school district in the event of a suspected concussion. (Sec. 1)
2. Makes technical changes. (Sec. 1)

**Current Law**

School districts are charged with prescribing and enforcing policies and procedures for the health and safety of students participating in athletics. Included is a requirement to prescribe information forms and guidelines explaining the risks and dangers of concussions and head injuries. Prior to a student participating in athletic activity, they and their parent must annually sign an information form to affirm their awareness of the risk of concussion. A student who is suspected of sustaining a concussion during athletic activities must be immediately removed. Student may resume athletic activity on the same day if a health care provider rules out the possibility of a concussion and on a subsequent day if they receive written clearance to resume athletic activity ([A.R.S. § 15-341](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00341.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2089:** interscholastic activities; health dangers; information | |
| **PRIME SPONSOR:** Representative Carter, LD 15  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69760)   |  | | --- | | ED: DP 10-0-0-1 | | **Legend:**  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to health information for student athletes.

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

**Provisions**

1. Instructs school district athletics policies to include guidelines, information and forms developed in consultation with a private entity that supervises athletics to inform coaches, students and parents on the dangers of heat-related illnesses, sudden cardiac death and prescription opioid use.
   1. Requires students and parents to annually sign an information form stating they are aware of the risks before participating in athletic activity. (Sec. 1)
2. Makes technical changes. (Sec. 1)

**Current Law**

School districts are charged with prescribing and enforcing policies and procedure for the health and safety of students participating in athletic activities, including practices and games ([A.R.S. § 15-341](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00341.htm)). Adopted guidelines are required to include the provision of water and procedures for concussions and head injuries.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2108:** ASDB; teacher salaries; personnel fingerprinting | |
| **PRIME SPONSOR:** Representative Boyer, LD 20  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69804)   |  | | --- | | ED: DP 9-0-0-2 | | **Legend:**  ADE – Arizona Department of Education  ASDB – Arizona State Schools for the Deaf and the Blind  FPCC – Fingerprint Clearance Card  FTE – Full-Time Equivalent  FY – Fiscal Year  LEA – Local Education Agency  SY – School Year  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to ASDB teacher salaries and fingerprinting.

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

**Provisions**

1. Asserts that ASDB teachers are eligible for the same salary increase, in the same manner, as other public schoolteachers in a FY that monies are appropriated to ADE for that purpose. (Sec. 1)
2. Eliminates the requirement that ASDB employees have the criminal history form notarized. (Sec. 2)
3. Limits the requirement that noncertificated employees and nonpaid personnel submit fingerprints to persons who do not have a valid FPCC. (Sec. 2)
4. Defines *teacher who is employed by ASDB*. (Sec.1)
5. Makes a technical change. (Sec. 2)

**Current Law**

[Laws 2017, Chapter 305](https://apps.azleg.gov/BillStatus/BillOverview/69581) appropriated $34 million to ADE for a 1.06% teacher salary increase in FY 2018 for teachers who taught in a public school during the SY 2017 and who continue to teach in a public school during the SY 2018.

Within 20 days of beginning work, noncertificated personnel employees and nonpaid personnel are required to submit fingerprints for obtaining state and federal criminal records checks. ASDB is also required to provide a criminal history form, to be completed by the employee and notarized ([A.R.S. § 15-1330](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/01330.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2187:** schools; teacher evaluation systems | |
| **PRIME SPONSOR:** Representative Boyer, LD 20  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69928)   |  | | --- | | ED: DP 9-0-0-2 | | **Legend:**  CE – Continuing Education Credits  LEA – Local Education Agency  SBE – State Board of Education  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to teacher and principal evaluations.

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

**Provisions**

1. Replaces the model framework with periodically updated guidance for teacher and principal evaluations. (Sec. 1)
2. Removes the requirement that data on student academic progress account for 33-50% of evaluation outcomes. (Sec. 1)
3. Authorizes LEAs to measure student academic progress for evaluations with an instrument other than the statewide assessment. (Sec. 1)
4. Asserts that LEAs may determine the measurement tool(s) used for evaluations and the formula that will be used to determine evaluation outcomes. (Sec. 1)
5. Instructs school district governing boards to adopt policies describing the methods for evaluations and the formula to determine evaluation outcomes in a public meeting.
   1. Includes student academic performance data and job effectiveness in the methods for evaluations. (Sec. 2, 3)
6. Clarifies that the following requirements apply to standard teaching certificates:
   1. Certificates must be issued and renewed for at least 12 years, with up to 15 hours of CE; and
   2. Expired certificates are renewable within 2-10 years of expiration, if criteria are met. (Sec. 1)
7. Makes technical and conforming changes. (Sec. 1-3)

**Current Law**

SBE is required to adopt and maintain a [model framework](https://azsbe.az.gov/sites/default/files/media/educator-evaluation-framework-revised-042516_0.pdf) for annual teacher and principal evaluations. The framework is required to use quantitative data on student academic progress for 33-50% of evaluation outcomes and to include four performance classifications. SBE is also required to adopt best practices for professional development and evaluator training ([A.R.S. § 15-203(A)(38)](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00203.htm)).

LEAs are required to use instruments that meet the data requirements established by SBE and to adopt definitions of the four performance classifications in a public meeting. Statute instructs LEAs to apply the classifications and evaluation instruments in a manner designed to improve teacher and principal performance ([A.R.S. § 15-203(A)(38)](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00203.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2253:** schools; exchange teachers; employment duration | |
| **PRIME SPONSOR:** Representative Carter, LD 15  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70009)   |  | | --- | | ED: DPA 9-0-0-2 | | **Legend:**  ABOR – Arizona Board of Regents  SBE – State Board of Education  TOEFL – Test of English as a Foreign Language  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to exchange teachers and employment duration.

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

**Provisions**

1. Removes the cap on the length of employment for ~~exchange~~ INTERNATIONAL teachers and professors in Arizona. (Sec. 1) (ED)
2. Makes technical changes. (Sec. 1)

**Current Law**

Federal law establishes a teacher exchange program. School districts and universities may enter exchange agreements with teachers or professors who hold certificates in Arizona or equivalent qualifications ([A.R.S. § 15-131](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00131.htm)). Exchange teachers and professors may receive temporary certificates if they satisfy the standards set by SBE ([A.R.S. § 15-132](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00132.htm)). All teachers or professors working under an international exchange program must acquire a Provisional Foreign Teacher Teaching Certificate, which is valid for one year, and verify English fluency by achieving a passing score on the TOEFL or other English proficiency tests approved by SBE ([A.A.C R7-2-614](http://apps.azsos.gov/public_services/Title_07/7-02.pdf)). Exchange teachers or professors may extend their employment to two years if they receive approval from the governing board or ABOR ([A.R.S. § 15-133](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00133.htm)). The school district or postsecondary institution may not pay the exchange teacher or professor more than regular teachers ([A.R.S. § 15-134](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00134.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2281:** ELL instruction; dual language programs | |
| **PRIME SPONSOR:** Representative Norgaard, LD 18  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70046)   |  | | --- | | ED: DP 9-0-0-2 | | **Legend:**  ELL – English Language Learner  SBE – State Board of Education  SEI – Structured English Immersion  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to ELL requirements.

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

**Provisions**

1. Removes the four-hour requirement for ELL students in the first year of instruction who are enrolled in a dual language program in their school. (Sec. 1)
2. Makes technical changes. (Sec. 1)

**Current Law**

All children in Arizona's public schools are required to be taught English by having classes taught in English language classrooms. Children who are identified as ELL are directed to be educated through SEI during a temporary transition that is not intended to exceed one year. Once ELL students have acquired a good working knowledge of English and can do regular school work in English, they are no longer classified as ELL and are directed to be placed in an English language mainstream classroom ([A.R.S. § 15-752](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00752.htm)). SBE is charged with adopting research-based models of SEI programs for school district and charter school use. Models are required to take into account district size, location, grade levels and the number and percentage of ELL students. SBE is additionally charged with developing a separate model for first year ELL students that requires at least four hours per day of English language development ([A.R.S § 15-756.01](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00756-01.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2332:** school resource officers; residential vouchers | |
| **PRIME SPONSOR:** Representative Weninger, LD 17  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70122)   |  | | --- | | ED: DP 7-3-0-1 | | **Legend:**  ADE – Arizona Department of Education  ADES – Arizona Department of Economic Security  ADJC – Arizona Department of Juvenile Corrections  AHCCCS – Arizona Health Care Cost Containment System  DCS – Department of Child Safety  GF – Arizona State General Fund  LEA – Local Education Agency  SRO – School Resource Officer  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to the School Safety Program for residential education voucher recipients.

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

**Provisions**

1. Permits a facility that receives a continuing residential education voucher to participate in the School Safety Program. (Sec. 1)
2. Makes conforming changes. (Sec. 1)

**Current Law**

The School Safety Program is charged with promoting safe learning environments for students by supporting the costs of placing SROs or juvenile probation officers on school campuses. ADE administers the program, in cooperation with the courts, law enforcement agencies and law-related education providers. LEAs may apply to participate in the program by submitting a program proposal to ADE for up to three fiscal years. ADE selects sites that are eligible to receive funding based on school safety needs and distributes monies to LEAs that are in compliance with program requirements and whose plans have been approved by SBE. ADE may prioritize grants to LEAs that have agreements to share the cost of the SRO or juvenile probation officer with a law enforcement agency or the courts ([A.R.S. § 15-154](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00154.htm)).

Continuing residential education vouchers fund the educational costs for any child that has: 1) been placed in a residential facility by ADJC, ADES, DCS, AHCCCS or the administrative office of the court, 2) requires placement in a residential facility after the expiration of the initial voucher, and 3) who is not eligible for a residential special education voucher (A.R.S. §§ [15-1181](https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F15%2F01181.htm) and [15-1182](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/01182.htm)).

**Additional Information**

The [FY2018 Budget](https://www.azleg.gov/jlbc/18AR/ade.pdf) includes $4.1 million from the GF for the School Safety Program.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2114:** power authority; procurement code; exemption | |
| **PRIME SPONSOR:** Representative Mitchell, LD 13  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69813)   |  | | --- | | EENR: DP 9-0-0-0 | | **Legend:**  ADOA – Arizona Department of Administration  APA – Arizona Power Authority  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to APA's exemption from the procurement code.

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

**Provisions**

1. Exempts the APA from the Arizona Procurement Code. (Sec. 1)

**Current Law**

The APA is required to enter into contracts, rather than force accounts, for the construction of projects or facilities. For contracts exceeding $5,000, the APA must publish notice a minimum of 10 days before entering into the contract and award all contracts through a public bid to the lowest responsible bidder. In addition to construction contracts, purchases and contracts for material or services require advertisements in advance of opening bids to ensure appropriate notice and competition, with exceptions ([A.R.S. § 30-128](https://www.azleg.gov/ars/30/00128.htm)).

The Arizona Procurement Code, outlined in Title 41, Chapter 23 of the Arizona Revised Statutes, applies to expenditures of public monies through state governmental units, with exceptions. The State Procurement Office is a division of the ADOA, and serves as the central procurement authority for state agencies, boards and commissions ([A.R.S. § 41-2511](https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F41%2F02511.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

**Abstract**

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| **HB 2190:** county improvement districts; repayment agreements | |
| **PRIME SPONSOR:** Representative Mitchell, LD 13  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69931)   |  | | --- | | EENR: DP 9-0-0-0 | | **Legend:**  BOS – board of supervisors  District – county improvement district  WIFA – Water Infrastructure Finance Authority of Arizona  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

Relating to WIFA financing for District waterworks.

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

**Provisions**

1. Allows a District to construct or improve waterworks with monies borrowed from or financial assistance provided by WIFA. (Sec. 3)
2. Permits the District board of directors to order maintenance of waterworks when the public interest or convenience requires. (Sec. 2)
3. Modifies the definition of *waterworks* to include drinking water treatment facilities. (Sec. 2)
4. Makes technical and conforming changes. (Sec. 1-3)

**Current Law**

A District may be established in an unincorporated area by the county to construct and operate a wastewater treatment facility and other local improvements or acquisitions for the benefit of the District ([A.R.S. § 48-902](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/48/00902.htm)). Establishment requires a petition to the county BOS signed by: 1) a majority of the number of persons owning real property; or 2) the owners of 51% or more of the real property ([A.R.S. § 48-903](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/48/00903.htm)). The District may contract for or provide these services through special assessments, issuing bonds and levying taxes ([A.R.S. § 48-902](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/48/00902.htm)).

A District may construct or improve a wastewater treatment facility, sewer collection system or nonpoint source project with monies borrowed from or financial assistance provided by WIFA. The county improvement district may enter into a financial assistance loan repayment agreement payable from any revenues authorized to be pledged to repay long-term indebtedness. The loan repayment agreement must contain the covenants and conditions WIFA deems proper, including covenants for system operation, rate setting and provisions to take charge and operate the sewer collection system and wastewater treatment system if the loan repayment agreement is not paid in a timely manner and if the district will not be able to cure the default ([A.R.S. § 48-909.01](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/48/00909-01.htm)).

WIFA may provide financial assistance to political subdivisions, Indian tribes and eligible drinking water facilities for constructing, acquiring or improving wastewater treatment facilities, drinking water facilities, nonpoint source projects or other related water quality facilities and projects ([A.R.S. § 49-1203](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/49/01203.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2040:** pharmacy board; definitions; reporting | |
| **PRIME SPONSOR:** Representative Carter, LD 15  **BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/69685)   |  | | --- | | Health: DPA 8-0-0-1 | | **Legend:**  Board – Arizona Board of Pharmacy  CSPMP – Controlled Substances Prescription Monitoring Program  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to Board definitions and the CSPMP.

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

**Provisions**

1. Adds satellite pharmacies to the definition of *pharmacy*. (Sec. 1)
2. Defines *revocation or revoke* as the cancellation of a Board authorized registration, license or permit for ~~at least~~ **A PERIOD OF** two years ~~before a reinstatement request can be presented to~~ **UNLESS SPECIFIED BY** THE Board. (Sec. 1) (Health)
3. **PERMITS, UPON REVIEW OF THE EXECUTIVE DIRECTOR, A NEW APPLICATION OR REQUEST FOR REINSTATEMENT TO BE REVIEWED BY THE BOARD BEFORE THE CONCLUSION OF THE TWO-YEAR REVOCATION TIME.** (Sec. 1) (Health)
4. Defines *satellite pharmacy* as a work place located on or within a hospital campus that is not separated by other non-hospital property, under the supervision of a pharmacist and owned by and dependent on a centrally-located hospital pharmacy. (Sec. 1)
5. **CLARIFIES THAT A SATELLITE PHARMACY DOES NOT HAVE TO BE SEPARATELY PERMITTED BY THE BOARD.** (Sec. 1) (Health)
6. Defines *day* as a business day. (Sec. 1)
7. Allows the Board to discipline a permit holder or licensee if their permit or license was denied in another jurisdiction regardless of reinstatement. (Sec. 2)
8. **ALLOWS THE BOARD TO DISCIPLINE A PERMITEE FOR FAILING TO MAINTAIN EFFECTIVE CONTROLS AGAINST THE DIVERSION OF CONTROLLED SUBSTANCES TO UNAUTHORIZED ENTITIES OR PERSONS.** (Sec. 2) (Health)
9. **PERMITS THE BOARD TO DISCIPLINE A GRADUATE INTERN, PHARMACY INTERN, OR PHARMACIST FOR FAILING TO MAINTAIN EFFECTIVE CONTROLS AGAINST THE DIVERSION OF CONTROLLED SUBSTANCES, OR PRECURSOR CHEMICALS TO UNAUTHORIZED ENTITIES OR PERSONS.**(Sec. 2) (Health)
10. Clarifies that a CSPMP reporter must report required dispensing information daily. (Sec. 3)
11. Makes technical and conforming changes. (Sec. 1, 2)

**Current Law**

[A.R.S. § 32-1901](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/32/01901.htm) contains definitions for Board statutes. Specifically, a *pharmacy* is defined as a place where drugs, devices and other substances are sold at retail and where a pharmacist dispenses or compounds prescriptions orders.

[A.R.S. § 36-2608](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/36/02608.htm) requires a medical practitioner who dispenses a controlled substance, a pharmacist who dispenses a prescription in Arizona and a hospital or a Board-permitted nonresident pharmacy that dispenses controlled substances to report outlined information to the CSPMP. Statute prohibits the Board from requiring the reporting more frequently than once per day.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2127:** children's health insurance program | |
| **PRIME SPONSOR:** Representative Cobb, LD 5  **BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/69834)   |  | | --- | | HEALTH: DP 8-0-0-1 | | **Legend:**  AHCCCS-Arizona Health Care Cost Containment System  CHIP- Children's Health Insurance Program  Director- Director of AHCCCS  FMAP- Federal Medical Assistance Percentage  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to CHIP funding and AHCCCS.

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

**Provisions**

1. Removes the requirement that the Director must stop processing new applications if CHIP FMAP is less than 100%. (Sec. 1)
2. Stipulates that if appropriated state monies and federal monies are insufficient to fund CHIP, the Director must immediately notify the Governor, President of the Senate and Speaker of the House. (Sec. 1)
3. States that in consultation with the Governor, the Director must stop processing new CHIP applications until adequate funding has been verified. (Sec. 1)
4. Stipulates if federal funding is eliminated for CHIP then AHCCCS must immediately stop processing new applications and give at least 30-days' notice to contractors and members that the program will terminate. (Sec. 1)
5. States that if CHIP is terminated, an applicant is not entitled to contest the denial, suspension or termination of eligibility for the program. (Sec. 2)
6. Makes technical changes. (Sec. 1,2)

**Current Law**

Pursuant to [A.R.S. § 36-2981](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/36/02981.htm) CHIP is eligible for persons under the age of 19 and meets the following requirements:

a. Has income at or below 150% of the federal poverty level, and

b. For each fiscal year thereafter, has income at or below 200% of the federal poverty level.

If the state's FMAP for CHIP is less than 100% then the Director must immediately notify the Governor, the President of the Senate and the Speaker of the House and stop processing new applications. ([A.R.S. § 36-2985](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/36/02985.htm))

The Director must establish by rule, grievance and appeal procedures. If CHIP is suspended an applicant is not entitled to contest the denial, suspension or termination of eligibility for the program. ([A.R.S. § 36-2986](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/36/02986.htm))

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2257:** radiation regulatory boards; repeal; DHS | |
| **PRIME SPONSOR:** Representative Carter, LD 15  **BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/70018)   |  | | --- | | Health: DP 8-0-0-1 | | **Legend:**  AG – Attorney General  ARRA – Arizona Radiation Regulatory Agency  ADHS – Arizona Department of Health Services  Board – Radiation Regulatory Hearing Board  Director – Director of ADHS  MRTBE – Medical Radiologic Technology Board of Examiners  OAH – Office of Administrative Hearings  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to ADHS and the reorganization of ARRA.

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

**Provisions**

***Industry Regula******tion***

1. Permits the Director to suspend or revoke any license of by-product, source, special nuclear materials or devices or equipment if the licensee or employee of the licensee:

a. Violates rules or statute; or

b. Continues to be in substantial violation of licensure requirements. (Sec. 6)

2. Establishes reasonable cause to believe that a substantial violation has occurred if ADHS is not allowed to inspect a licensee's premises. (Sec. 6)

3. Prohibits a license from being suspended or revoked unless a licensee is given proper notice and the opportunity for a hearing pursuant to statute. (Sec. 6)

4. Permits the Director or designated personnel, upon a determination of reasonable cause, to enter the premises of any radiation source at any reasonable time to determine whether they are in compliance. (Sec. 7)

5. States that an application for licensure constitutes consent to entry and inspection by ADHS while the application is pending and for the duration of the license. (Sec. 8)

6. Allows the Director to act if a radiation source is not in compliance with licensure requirements. (Sec. 8)

7. Specifies that a radiation source whose license has been suspended or revoked is subject to inspection when applying for relicensure or reinstatement. (Sec. 8)

8. Permits an individual who has had a license or registration denied to appeal the denial to the OAH. (Sec. 10)

9. Requires ADHS to give notice of a license denial hearing and specifies that the notice must state the person's right to make a written request for a hearing. (Sec. 10)

10. Permits the Director to assess a civil penalty of up to $5,000 to an individual who violates rule or statute.

a. Each day there is a violation is considered a separate violation.

b. Caps the penalty amount at $25,000 for any 30-day period. (Sec. 10)

11. Allows the Director to issue a notice of assessment, which includes the amount of the assessment. (Sec. 10)

12. Requires the Director to consider the following when determining the amount of a civil penalty:

a. Repeated violations;

b. Noncompliance patterns;

c. Types of violations;

d. The severity of violations;

e. The occurrence and potential for actual harm;

f. Health and safety threats;

g. The number of affected persons by a violation;

h. The number of violations; and

i. The length of time the violations have been occurring. (Sec. 10)

13. Permits an individual to appeal a civil assessment through the OAH.

a. Prohibits ADHS from collecting or enforcing the assessment until after the administrative hearing. (Sec. 10)

14. Requires actions to enforce and collect civil penalties to be brought by the appropriate county attorney or AG. (Sec. 10)

15. Requires ADHS to deposit all monies collected from the assessment of civil penalties into the General Fund. (Sec. 10)

16. Permits the Director to take emergency action by:

a. Summarily suspending a license while revocation proceedings or other actions are pending;

b. Ordering the impoundment of radiation sources possessed by an individual who is in noncompliance with rule or statute. (Sec. 10)

17. Allows the Director to seek an injunction with the Superior Court against a person who violates rule or statute. (Sec. 10)

18. Requires the Superior Court to issue a temporary or permanent injunction against a person who violates rule or statute.

a. A person may be served anywhere in Arizona.

b. Requires the Attorney General to bring an action on behalf of ADHS. (Sec. 10)

***Radiologic Technologists***

19. Eliminates the MRTBE and requires the Director to appoint an advisory committee to work with ADHS to fulfill statutory duties.

a. Advisory committee membership and duties are the same as the MRTBE. (Sec. 13)

20. Requires the Director to notify the advisory committee regarding all disciplinary actions. (Sec. 13)

21. Removes the requirement that ADHS consider standards adopted by the American College of Radiology and the American Osteopathic College of Radiology when approving a school of radiologic technology. (Sec. 15)

22. Requires ADHS to deposit 90% of fees relating to radiologic technologists into the Health Services Licensing Fund and the remaining 10% into the General Fund. (Sec. 16)

23. Permits the Director to establish a nonrefundable fee for certification as a radiologic technologist. (Sec. 17)

a. Certification fee is currently set at $60.

24. Eliminates the quarterly prorated fee structure for radiologic technologists. (Sec. 17)

25. Removes the requirement that a certificate application be verified by oath or affirmation. (Sec. 17)

26. Directs an applicant who fails the required certification examination three times to successfully complete additional training. (Sec. 18)

27. States that an initial certificate and certificate issued by ADHS are valid for two years. (Sec. 19, 20)

28. Specifies that a temporary certificate is valid for one year, rather than 180 days. (Sec. 19)

29. Removes the requirement that ADHS consider guidelines established by the American College of Radiology and the American Society of Radiologic Technologists for adopting rules relating to a radiologist assistant. (Sec. 23)

30. Permits the Director to suspend or revoke a certificate or permit of a technologist if there has been a violation of rule or statute. (Sec. 24)

31. Allows a person to appeal a suspension or revocation by requesting a hearing with the OAH. (Sec. 24)

32. Prohibits the Director from taking further action if a suspension or revocation is appealed. (Sec. 24)

33. Permits the Director to assess a civil penalty for each violation of rule or statute. (Sec. 24)

34. States that each day a violation occurs is considered a separate violation. (Sec. 24)

35. Requires the Director to issue a notice of assessment which includes the proposed amount of the assessment. (Sec. 24)

36. Requires the Director to consider the following when determining the amount of a civil penalty:

a. Repeated violations;

b. Noncompliance patterns;

c. Types of violations;

d. The severity of violations;

e. The occurrence and potential for actual harm;

f. Health and safety threats;

g. The number of affected persons by a violation;

h. The number of violations; and

i. The length of time the violations have been occurring. (Sec. 24)

37. Allows a person to appeal a penalty to the OAH and prohibits the Director from enforcing or collecting an assessment until after the hearing takes place. (Sec. 24)

38. Requires collection actions to be brought by the AG or the appropriate County Attorney. (Sec. 24)

39. Requires ADHS to conduct any hearing regarding a revocation or suspension or imposing a civil penalty pursuant to statute. (Sec. 24)

40. Permits ADHS to:

a. File a letter of concern;

b. Issue a censure decree;

c. Prescribe a period of probation; or

d. Limit or restrict the practice of a permit or certificate holder. (Sec. 24)

41. Allows ADHS to enter on private or public property during business hours to determine compliance with rule and statute. (Sec. 26)

42. Allows ADHS to serve a petition for injunctive relief to a person in any county.

a. Requires the Attorney General or appropriate county attorney to bring an action on behalf of ADHS. (Sec. 27)

43. Requires ADHS to issue a preceptorship or temporary certificate to an individual wishing to perform diagnostic mammography or screening mammography if certain criteria are met.

a. The certificate is valid for one year and cannot be renewed. (Sec. 28)

44. Removes language which outlines how to determine the expiration date of a certificate. (Sec. 28)

45. Eliminates the proration of certificate fees. (Sec. 28)

***Repeals***

46. Repeals the Board and relevant statutes. (Sec. 1, 2, 4)

47. Repeals the Radiation Regulatory Fee Fund. (Sec. 4)

48. Repeals the State Radiologic Technologists Certification Fund. (Sec. 25)

49. Directs all unencumbered and unexpended monies remaining in funds being repealed to be transferred to the Health Services Licensing Fund. (Sec. 4, 25)

50. Repeals the statutory sunset dates of the Board and MRTBE. (Sec. 29)

***Miscellaneous***

51. Defines *practical technologist in bone densitometry*. (Sec. 12)

52. Makes technical and conforming changes. (Sec. 1, 3, 5-7, 11-15, 17-24, 26-28)

**Current Law**

[A.R.S. Title 30, Chapter 4](https://www.azleg.gov/arsDetail/?title=30) governs the registering, licensing and certifying sources of ionizing radiation. Within Chapter 4 is the 5-member Board. Each Board member is Governor appointed and serves five year terms. ADHS currently oversees rules and regulations for the control of ionizing radiation.

[A.R.S. Title 32, Chapter 28](https://www.azleg.gov/arsDetail/?title=32) governs professions working in the field of radiation. These professions include, but are not limited to radiologic technologists, practical technologists in podiatry, nuclear medicine technologists and mammography technologists. Profession licensure and certification are overseen by the 11-member MRTBE. The MRTBE consists of 11 Governor appointed members and the Director, who serves as chairperson. Each member serves a three-year term and is eligible to receive compensation pursuant to statute. MRTBE members also hold examinations for individuals seeking certification or licensure.

**Additional information**

[Laws 2017, Chapter 313](https://apps.azleg.gov/BillStatus/BillOverview) transferred ARRA's authority, powers, duties and responsibilities to ADHS.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2019:** civil rights advisory board; continuation | |
| **PRIME SPONSOR:** Representative Kern, LD 20  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69632)   |  | | --- | | JPS: DP 8-0-0-1 | | **Legend:**  ACRAB – Arizona Civil Rights Advisory Board  COR – Committee of Reference  JLAC – Joint Legislative Audit Committee  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to the continuation of the ACRAB.

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

**Provisions**

1. Continues the ACRAB for 8 years until July 1, 2026. (Sec. 2)
2. Makes technical and conforming changes. (Sec. 1, 3, 4)

**Current Law**

[A.R.S. Title 41, Chapter 9, Article 1](https://www.azleg.gov/arsDetail/?title=41) establishes the ACRAB and outlines its purpose. The Board consists of seven members appointed by the Governor, not more than four from the same political party. The ACRAB is required to:

* Make recommendations to the Arizona Civil Rights Division of the Arizona Department of Law regarding issuing, amending, or rescinding procedural rule;
* Make periodic surveys of the existence and effect of discrimination;
* Foster, in cooperation with both public and private groups, the elimination of discrimination; and
* Issue publications of results of studies ([A.R.S. § 41-1402](https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F41%2F01402.htm)).

ACRAB is scheduled to terminate on July 1, 2018 ([A.R.S. § 41-3018.11](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/03018-11.htm)).

**Additional Information**

The Joint Legislative Audit Committee ([JLAC](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/02953.htm)) assigned the sunset review of the ACRAB to the Senate Judiciary and House Judiciary and Public Safety [COR](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/02954.htm). The COR met to review the ACRAB response to the sunset factors on November 28, 2017 and recommended continuation of the Board for 8 years (hearing available [here](http://azleg.granicus.com/MediaPlayer.php?clip_id=19962)). Additional information about the ACRAB can be found [here](https://www.azag.gov/acrab).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2116:** limitations of actions; dedicated property | |
| **PRIME SPONSOR:** Representative Kern, LD 20  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69815)   |  | | --- | | JPS: DPA 7-2-0-0 | | **Legend:**  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to actions involving the development of real property.

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

**Provisions**

1. Establishes an eight-year statute of repose for any action or arbitration involving an improvement to real property dedicated to a municipality or county, if the action is based on a permit required as a condition of development, a municipal/county code or other legal requirement and the action is filed against a person who:
   1. Develops or develops and sells real property; or
   2. Performs or furnishes design, specifications, surveying, planning, supervision testing, construction or observation of construction. (Sec 1)
2. ~~Expands the list of conditions indicating that a property improvement is substantially completed to include when the property is first used by the public.~~ (Sec 1) (*JPS*)
3. Makes technical and conforming changes. (Sec 1)

**Current Law**

Title 12, Chapter 5 outlines various limitations for civil actions. [A.R.S. § 12-510](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/12/00510.htm) generally exempts governmental entities from these limitations, however [A.R.S. § 12-552](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/12/00552.htm) overcomes that statute as it relates to the development of real property.

Specifically, A.R.S. § 12-552 provides an 8-year statute of repose for any action based in a contract against a person who develops, develops and sells or provides specific services regarding an improvement to real property.

*Real property* and *property* are defined in [A.R.S. § 1-215](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/1/00215.htm).

**Additional Information**

In [City of Phoenix v Glenayre Electronics, Inc](http://www.azcourts.gov/Portals/0/OpinionFiles/Supreme/2017/CV160126PR.pdf)., the Arizona Supreme Court addressed the application of A.R.S. § 12-552 to governmental entities with respect to contractors and developers. The Court held that "…governmental entities' contract-based actions that fall within § 12-552(A) are subject to that statute's proscription… For the contractors in this case having the requisite contractual relationship with the City of Phoenix, we hold that the statute of repose applies; but for the developers whose only relationship with the City is as permittees, the statute of repose does not apply."

Cornell Law's Legal Information Institute defines a *statute of repose* as any law that bars claims after some action by the defendant, even if the plaintiff has not yet been injured.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2155:** notaries public; immigration law; prohibition | |
| **PRIME SPONSOR:** Representative Shope, LD 8  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69876)   |  | | --- | | JPS: DP 9-0-0-0 | | **Legend:**  SOS – Secretary of State  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to prohibited services of notary publics.

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

**Provisions**

1. Prohibits a notary public who is not an attorney from rendering any service for compensation that constitutes the unauthorized practice of immigration and nationality law. (Sec. 1)
2. Requires the SOS, in addition to any other penalty, to impose a civil penalty of up to $1,000 for any violation and revoke the notary public's commission. (Sec. 1)
3. Makes technical changes. (Sec. 1)

**Current Law**

The SOS is tasked with the duty of appointing and overseeing notary publics ([A.R.S. § 41-312](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/00312.htm)). The duties of notary publics include: taking acknowledgements and giving certificates of acknowledgments endorsed or attached to certain instruments, administering oaths and affirmations, performing jurat or copy certification ([A.R.S. § 41-313](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/00313.htm)).

Every notary public who is not an attorney and advertises in a language other than English must post or include with the advertisement a notice in English and the other language stating: "I am not an attorney and cannot give legal advice about immigration or any other legal matters". Notary publics who violate this requirement are guilty of a class 6 felony ([1 year/$150,000 plus surcharges](http://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf)) ([A.R.S. § 41-329](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/00329.htm)). The *unauthorized practice of immigration and nationality law* includes:

* The act of any person appearing in any case, either in person or through preparation or filing of any brief or other document on behalf of another person without authorization; and
* The study of facts of a case and the applicable laws, coupled with giving advice and auxiliary activities, including the incidental preparation of papers, without authorization.

The *unauthorized practice of immigration and nationality law* does not include the lawful functions of a notary public consisting solely of assistance in the completion of blank spaces on printed immigration and naturalization service forms by a person whose remuneration is nominal and who does not hold themselves out as qualified in legal matters or immigration and naturalization procedure ([A.R.S. § 12-2701](https://www.azleg.gov/ars/12/02701.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2208:** prohibition; photo radar | |
| **PRIME SPONSOR:** Representative Grantham, LD 12  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69971)   |  | | --- | | JPS: DP 6-3-0-0 | | **Legend:**  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to repealing photo radar enforcement.

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

**Provisions**

1. Prohibits the use of a photo enforcement system by state and local authorities to identify persons violating speeding or traffic statutes or ordinances. (Sec. 5)
2. Defines a photo enforcement system.
   1. The definition is taken from A.R.S. § 28-601 and expanded to include a city or town ordinance violation. (Sec. 3)
3. Repeals various statutes relating to photo enforcement systems. (Sec. 4, 6)
4. Contains a legislative intent clause. (Sec. 7)
5. Makes technical and conforming changes. (Sec. 1, 2, 3)

**Current Law**

[A.R.S. § 28-601](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/00601.htm) defines a *photo enforcement system* as a device substantially consisting of a radar unit or sensor linked to a camera or other recording device that produces one or more photographs, microphotographs, videotapes or digital or other recorded images of a vehicle's license plate for the purpose of identifying violators of speeding and traffic statute.

Every state or local authority using photo radar must adopt standards and specifications informing persons that a photo enforcement system is present and operational, which includes:

* At least two signs must be placed before a photo enforcement system, one sign must be approximately 300 feet before and any additional signs must be more than 300 feet before a system;
* A sign clearly stating the posted speed limit must be placed in between the two signs listed above; and
* Signs indicating a photo enforcement system must be removed or covered when the system is no longer present or operational.

[A.R.S. § 28-1206](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/01206.htm) prohibits the use of a photo enforcement system on a state highway to identify persons violating speeding or traffic statutes.

If a person receives a notice of violation in the mail for a speeding or traffic statute or ordinance that is obtained using a photo enforcement system, the person does not have to identify who is in the photo or respond to the notice of violation. The notice of violation must state:

* The notice is not a court issued document and the recipient is under no obligation to identify the person or respond to the notice; and
* Failure to respond to the notice may result in official service that may result in an additional fee being levied ([A.R.S. § 28-1602](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/28/01602.htm)).

The court may dismiss any citation issued to a person identified by a photo radar system that does not meet the standards and specifications ([A.R.S. § 28-1204](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/01204.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2246:** jail; prohibited items; drugs | |
| **PRIME SPONSOR:** Representative Farnsworth E, LD 12  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69992)   |  | | --- | | JPS: DP 5-4-0-0 | | **Legend:**  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to prohibited jail items.

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

**Provisions**

1. Expands the list of drugs that cannot be taken into a jail by prohibiting marijuana, narcotic drugs or dangerous drugs. (Sec. 1)
2. Makes violation a Class 5 felony ([1.5 years/up to $150,000 plus surcharges](http://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf)). (Sec. 1)
3. Defines *marijuana*, *narcotic drug* and *dangerous drug* using the existing definitions in the drug offense chapter of the criminal code. (Sec. 1)
4. Makes technical changes. (Sec. 1)

**Current Law**

[A.R.S. § 31-129](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/31/00129.htm) makes it a Class 5 felony ([1.5 years/up to $150,000 plus surcharges](http://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf)) to take opium, morphine, cocaine or other narcotics or other outlined contraband into a jail.

[A.R.S. § 13-2505](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/02505.htm) makes it a Class 2 felony ([5 years/up to $150,000 plus surcharges](http://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf)) to take a dangerous drug, narcotic drug or marijuana or a deadly weapon, dangerous instrument or explosive into a prison. All other cases of prison contraband are considered a Class 5 felony ([1.5 years/up to $150,000 plus surcharges](http://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf)).

[Title 13, Chapter 34](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/03401.htm) outlines drug offenses and provides definitions for *marijuana*, *narcotic drug* and *dangerous drug*.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2247:** criminal justice commission; reporting requirements | |
| **PRIME SPONSOR:** Representative Farnsworth E, LD 12  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69993)   |  | | --- | | JPS: DP 9-0-0-0 | | **Legend:**  ACJC – Arizona Criminal Justice Commission  ADPS – Arizona Department of Public Safety  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to ACJC reporting requirements.

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

**Provisions**

1. Removes the requirement for ADPS to provide disposition information to ACJC on charges of false reporting of sexual assault of a spouse. (Sec. 1)
2. Removes the requirement for ACJC to maintain these records. (Sec. 1)
3. Clarifies the reporting process by directing ADPS to electronically provide a data extract from the Arizona computerized criminal history system of all records relating to sexual assault twice a year to ACJC for reporting purposes. (Sec. 1)
4. Makes technical and conforming changes. (Sec. 1)

**Current Law**

A.R.S. § 41-2406 requires ADPS to provide a copy of each applicable disposition reporting form relating to sexual assaults and false reporting of sexual assault of a spouse to the ACJC. The ACJC must maintain the following records regardingsexual assaults and false reporting of sexual assault of a spouse:

* The number of police reports that are filed,
* Thenumber of charges that are filed and what charges are filed,
* The number of convictions that are obtained, and
* The sentences that are imposed for each conviction ([A.R.S. § 41-2406](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/02406.htm)).

The records must identify the total number of police reports, charges, convictions and sentences for:

* All sexual assaults,
* Those sexual assaults that involved a spouse and whether the victim and the victim's spouse were estranged, and
* All false reports that relate to sexual assault of a spouse.

The ACJC must annually submit the report to the Governor, the President of the Senate and the Speaker of the House of Representatives and provide a copy of the report to the Secretary of State.

A.R.S. § 13-2907.03 makes a false report of sexual assault involving a spouse a Class 1 misdemeanor. This is not a printable offense according to criminal history record requirements ([A.R.S. § 41-1750](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/01750.htm)).

**Additional Information**

The most current report can be found [here](http://www.azcjc.gov/sites/default/files/pubs/2016_Sexual_Assault_Report.pdf).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB2248:** incompetency; screening; sexually violent persons | |
| **PRIME SPONSOR:** Representative Farnsworth E, LD 12  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69996)   |  | | --- | | JPS: DP 5-4-0-0 | |  | | **Legend:**  SVP – Sexually violent person  GEI – Guilty except insane  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to SVP screenings.

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

**Provisions**

1. Expands the list of conditions that may trigger the SVP screening process to include a defendant who was ever:
2. Convicted of a sexually violent offense; or
3. Found GEI for a sexually violent offense. (Sec. 1)

**Current Law**

[A.R.S. Title 36, Chapter 37](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/36/03702.htm) states that when an agency determines a person might be an SVP it must file a petition with the county attorney. A judge is then required, upon filing of the petition, to determine at a hearing if probable cause exists to believe that the person is an SVP. If the judge determines that probable cause exists at the hearing, the court has 120 days after the petition is filed to conduct a trial to determine if the person is in fact an SVP. The Court must determine beyond a reasonable doubt that the person is an SVP in order to commit the person. If the person was found incompetent to stand trial, the court must also determine if the person committed the acts charged against the person when considering whether the person should be committed.

[A.R.S. § 13-4518](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/04518.htm) requires the county attorney, upon report a defendant is incompetent to stand trial, to request that the defendant be screened as an SVP when there is a probability that the defendant will not regain competency within 21 months and the defendant is charged with a sexually violent offense.

[A.R.S. § 36-3701](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/36/03701.htm) specifies offenses that constitute a *sexually violent offense*. This section also defines a *sexually violent person* as a person who:

1. Has ever been convicted of or found GEI of a sexually violent offense or was charged with a sexually violent offense and was determined incompetent to stand trial; and
2. Has a mental disorder that makes the person likely to engage in acts of sexual violence.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2016:** Arizona beef council; continuation | |
| **PRIME SPONSOR:** Representative Mitchell, LD 13  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69629)   |  | | --- | | LARA: DP 8-0-0-0 | | **Legend:**  AZDA – Arizona Department of Agriculture  CBB – Cattlemen's Beef Promotion and  Research Board  COR – Committee of Reference  Council – Arizona Beef Council  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to the continuation of the Council.

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

**Provisions**

1. Continues the Council for eight years, until July 1, 2026. (Sec. 2)

**Current Law**

The Council is comprised of nine members; of which, three are producers of range cattle, three are cattle feeders and three are dairymen. All members are appointed by the Governor to serve a three-year term ([A.R.S. § 3-1232](https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F3%2F01232.htm)). The Council may conduct research, distribute information, engage with organizations for activities related to the Council and cooperate with the state or federal government on programs beneficial to the beef industry ([A.R.S. § 3-1233](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/3/01233.htm)). The Council is scheduled to terminate on July 1, 2018 ([A.R.S. § 41-3018.03](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/03018-03.htm)).

**Additional Information**

The national Beef Checkoff program assess $1 per head on the sale of live domestic and imported cattle, in addition to a comparable assessment on imported beef and beef products. In Arizona, the AZDA collects the checkoff monies at the same time as brand inspections ([A.R.S. § 3-1236](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/3/01236.htm)). The monies are distributed as follows: 50¢ to the CBB; 45¢ to the Council for in-state programs; and 5¢ retained by the AZDA as an administration fee.

The Senate Natural Resources, Energy & Water and House Land, Agriculture & Rural Affairs COR met on November 8, 2017, and [recommended](https://www.azleg.gov/iminute/house/53leg/1r/CorSunsetReviewAZBeefCouncilFinalReport.pdf) an eight-year continuation of the Council.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2105:** building code moratorium; repeal. | |
| **PRIME SPONSOR:** Representative Leach, LD 11  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69793)  LIA: DP 6-1-0-0 | **Legend:**  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to municipal residential commercial code.

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

**Provisions**

1. Repeals statute establishing a moratorium on any new or modified residential or commercial building code adopted by a municipality between June 30, 2009 and June 30, 2011. (Sec. 1)

**Current Law**

Any new or modified residential commercial code adopted by a municipality between June 30, 2009 and June 30, 2011 does not apply to any residential or commercial building that received a final site plan or approval by a municipality before June 1, 2009 ([A.R.S. § 9-805](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/9/00805.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2151:** joint powers; fire protection services | |
| **PRIME SPONSOR:** Representative John, LD 14  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69870)   |  | | --- | | LIA: DP 7-0-0-0 | | **Legend:**  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to legal entities formed by governing bodies in order to exercise certain joint powers.

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

**Provisions**

1. Permits legal entities formed by cities, towns, counties and fire districts for the purpose of jointly exercising common powers to establish any governance board or structure necessary to carry out its powers and duties. (Sec. 1)
2. Permits entities to act with jurisdiction for fire code administration and enforcement to all parties of the agreement, so long as the authority is specified in the agreement. (Sec. 1)
3. Requires entities to be assigned a *.gov* identifier for its website by an applicable governmental issuer.
4. Specifies that a fire district board that participates in an agreement to form an entity is exempt from statutory requirements to hold public meetings and produce financial reports every 30 or 60 days, and instead must do so every 90 days or as is necessary to carry out its powers. (Sec. 1)
5. Specifies that a municipality that participates in an agreement to form an entity is not subject to a limit on the duration of the agreement. (Sec. 1)
6. Makes technical and conforming changes. (Sec. 1)

**Current Law**

If authorized by their governing bodies, two or more public agencies may contract for services or jointly exercise certain common powers by entering into IGAs. IGAs must specify the duration, purpose and financing method of the contract ([A.R.S. § 11-958](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/11/00952.htm)). In addition, cities, towns, counties and fire districts may form separate legal entities for jointly exercising powers held in common by the contracting parties. Examples of powers that may be exercised by these entities include: fire protection, emergency medical services and medical ambulance services. The governing body of the entity is composed of officials elected to one or more of the governing bodies of the forming entity. These legal entities are considered political subdivisions of the state and have the governmental and proprietary powers in common to the contracting parties ([A.R.S. § 48-805.01](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/48/00805-01.htm)).

Fire district boards are required to hold public meetings every month, unless the board consists of three members and collects less than $500,000 annually, in which case the board must meet every 60 days ([A.R.S. § 48-805](https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F48%2F00805.htm)). Additionally, fire districts are required to produce monthly financial reports that include information regarding checks, fund transfers, deposits and financial activities of the district ([A.R.S. § 48-807](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/48/00807.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2152:** joint power authorities; fingerprinting. | |
| **PRIME SPONSOR:** Representative John, LD 14  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69871)  LIA: DP 7-0-0-0 | **Legend:**  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to the fingerprinting of employees of legal entities formed to exercise joint powers for municipalities.

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

**Provisions**

1. Permits legal entities formed by governing bodies for the purpose of jointly exercising common powers to require that all employees and volunteers submit a full set of fingerprints to the Joint Powers Authority for the purpose of obtaining a state and federal criminal records check. (Sec. 1)
2. Contains an emergency clause. (Sec. 2)
3. Makes technical changes. (Sec. 1)

**Current Law**

Cities, towns, counties and fire districts may form separate legal entities for jointly exercising powers held in common by the contracting parties. Examples of powers that may be exercised by these entities include: fire protection, emergency medical services and medical ambulance services. The governing body of the entity is composed of officials elected to one or more of the governing bodies of the forming entity. These legal entities are considered political subdivisions of the state and have the governmental and proprietary powers in common to the contracting parties ([A.R.S. § 48-805.01](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/48/00805-01.htm)). Fire districts may require employees to submit a full set of fingerprints for the purpose of obtaining a state and federal criminal records check ([A.R.S. § 48-805](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/48/00805.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2180:** fire district budget hearings | |
| **PRIME SPONSOR:** Representative Coleman, LD 16  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69914)   |  | | --- | | LIA: DP 7-0-0-0 | | **Legend:**  board – fire district board of directors  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to public hearing requirements for amended fire district budgets.

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

**Provisions**

1. Removes the requirement that a fire district hold at least two public hearings one week apart in order to amend its budget. (Sec. 1)
2. Permits a fire district attempting to amend its budget to hold a public hearing on the proposed revision and a separate hearing to consider and adopt the amended budget immediately following the public hearing on the proposal. (Sec. 1)
   * *Currently, a fire district must hold at least two public hearings at least one week apart on any revision to its budget (*[*A.R.S. § 48-805.02*](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/48/00805-02.htm)*)*
3. Permits the public hearing on the proposed revised budget to be held at a regularly scheduled public meeting of the board of the district. (Sec. 1)
4. Specifies that a fire district that proposes to amend its budget after initial adoption must comply with all posting, publishing and hearing requirements for adopting the initial budget. (Sec. 1)
5. Makes technical changes. (Sec. 1)

**Current Law**

Fire districts are required to prepare an annual budget that contains a detailed estimate of all expenditures for each FY. The budget summary is required to be posted in three public places and published on the districts website for 20 days before a public hearing called by the board to adopt the budget.

Any district other than a noncontigious county island fire district that amends its budget is required to hold at least two public hearings on the revision, which must be considered and adopted at a special meeting of the board. The initial consideration of the revision must be done at a regularly scheduled hearing of the board. The special hearing to consider and adopt the budget must be held at least one week after the initial hearing ([A.R.S. § 48-805.02](https://www.azleg.gov/ars/48/00805-02.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB2192:** military family relief fund; extension | |
| **PRIME SPONSOR:** Representative Carter, LD 15  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69948)   |  | | --- | | MVRA: DP 9-0-0-0 | | **Legend:**  MFRAC - Military Family Relief Advisory Committee  MFRF - Military Family Relief Fund  ADVS – Arizona Department of Veterans' Services  Director – Director of ADVS  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to the continuation of the Military Family Relief Fund.

**Provisions**

1. Continues MFRF for eight years, until December 31, 2026. (Sec. 1)
2. Continues the MFRF tax credit for eight years, until December 31, 2026. (Sec. 2)
3. Makes technical and conforming changes. (Sec. 1, 2)

**Current Law**

The MFRF was established in 2007 to provide financial assistance to families of currently deployed members of the Armed Forces, as well as post-9/11 military and veteran families. MFRF provides families with assistance to ease financial crisis due to the service member's deployment to a combat zone. The Director may allocate up to five percent of the donations received for administering the fund and the financial assistance program, including the hiring of an employee to process applications and provide support to MFRAC. The Director receives private donations for deposit in the fund and issue receipts to the donors. These private donations may qualify for the purposes of income tax credits.

Assistance from MFRF is determined by MFRAC, which is comprised of twelve members appointed by the governor, as well as the Director of ADVS. The governor shall appoint the members based on recommendations by the Director, the Adjutant General and commanders of military bases in Arizona. The members of MFRAC include widows or widowers of military personnel who died in the line of duty, military retirees, veterans who have a service-connected disability and their family members, Arizona Army and National Guard unit commanders and active and retired senior enlisted military personnel. To receive assistance, applicants must have an honorable or general discharge and a home in Arizona, or have been stationed at and deployed from an Arizona military installation ([A.R.S §41-608.04](https://www.azleg.gov/ars/41/00608-04.htm)).

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

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2071:** rear-facing car seats | |
| **PRIME SPONSOR:** Representative Bolding, LD 27  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69737)   |  | | --- | | TI: DP 7-0-0-1 | | **Legend:**  CDL – Commercial Driver License  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to car seat requirements.

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

**Provisions**

1. Requires the operator of a vehicle transporting a child under two years old to secure the child in a rear-facing child restraint system. (Sec. 1)
2. Permits the use of a forward-facing child restraint system for a child under two years old if the child weighs at least 40 pounds or is at least 40 inches tall. (Sec. 1)
3. Instructs the operator of a vehicle transporting a child who is subject to child restraint system requirements to secure the child in a manner that complies with height and weight limits specified by the manufacturer of the child restraint system. (Sec. 1)

**Current Law**

A *child restraint system* is an add-on child restraint system, a built-in child restraint system, a factory-installed built-in child restraint system, a rear-facing child restraint system or an eligible booster seat ([A.R.S. § 28-907](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/00907.htm)).

Child restraint system requirements do not apply if:

1. The motor vehicle was originally manufactured without passenger restraint devices;
2. The motor vehicle is also a recreational vehicle;
3. The motor vehicle is a commercial vehicle operated by a CDL holder;
4. The child is being transported in an emergency to obtain necessary medical care;
5. An authorized emergency vehicle is transporting the child for medical care; or
6. More than one child under eight years old is being transported in the vehicle and the passenger area does not provide sufficient room for the required number of child restraint systems. The operator must secure as many of the children as is reasonable given the area and number of passengers ([A.R.S. § 28-907](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/00907.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2079:** single axle tow dolly; definition | |
| **PRIME SPONSOR:** Representative Shope, LD 8  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69749)   |  | | --- | | TI: DP 8-0-0-0 | | **Legend:**  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to single axle tow dolly.

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

**Provisions**

1. Redefines *single axle tow dolly*. (Sec. 1)
2. Modifies the definitions of trailer and semitrailer to exclude single *axle tow dolly*. (Sec. 1)
3. Makes technical and conforming changes. (Sec. 1-3)

**Current Law**

A vehicle operator may tow another vehicle using a *single axle tow dolly* attached to the vehicle by two chains, cables, or other devices capable of avoiding separation of the items. A *single axle tow dolly* is defined as a vehicle that is drawn by a motor vehicle that is designed to transport another motor vehicle and the front or rear wheels are mounted on the tow dolly and the other wheels remain on the ground [(A.R.S. §28-1095)](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/01095.htm).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB2125:** tow truck lighting | |
| **PRIME SPONSOR:** Representative Shope, LD 8  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69832)   |  | | --- | | TI: DP 8-0-0-0 | | **Legend:**  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to tow truck lighting and light colors.

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

**Provisions**

1. Exempts tow trucks from the prohibition on flashing lights on motor vehicles. (Sec.1)
2. Allows stationary tow trucks performing emergency functions to use amber, red, and white warning lights. (Sec. 1)

**Current Law**

Motor vehicles are prohibited from having flashing lights with the following exceptions:

1. Emergency vehicles;
2. School buses;
3. Snow removal equipment;
4. When used for warning lights on disabled or parked vehicles; and
5. When used to indicate a turn.

Lamps may be used as warning lights to warn people of hazardous conditions for approaching, overtaking and passing. The lamps must be mounted at the same level and spaced apart as far as is practical and flashing simultaneously. Lights facing forward are white or amber or anything in between, while lights facing backward are amber or red or anything in between. The lights must be visible from at least 1,500ft [(A.R.S. §28-947)](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/00947.htm).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2169:** driving violations; restricted licenses; penalties | |
| **PRIME SPONSOR:** Representative Boyer, LD 20  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69892)   |  | | --- | | TI: DPA 8-0-0-0 | | **Legend:**  ADOT – Arizona Department of Transportation  DUI – Driving Under the Influence  TANF – Temporary Assistance for Needy Families  SNAP – Supplemental Nutrition Assistance Program  SSI – Supplemental Security Income  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to penalties for driving violations.

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

**Provisions**

***Suspension or Restriction of Driving Privileges***

1. Outlines permitted travel for a restricted driver license or permit resulting from a conviction of a violation of statute and conforms travel restrictions for a person: (Sec. 2)
   1. Whose noncommercial driver license has been restricted because of willful failure to pay child support; (Sec.1)
   2. Applying for a restricted license after the revocation period for leaving the scene of an accident that resulted in death or serious physical injury; (Sec. 3)
   3. Subject to administrative license suspension and restriction for a DUI, homicide or assault involving a motor vehicle; (Sec. 4)
   4. With a special ignition interlock restricted driver license; and (Sec. 6)
   5. Convicted of driving under a suspended license before January 1, 2011, who is applying for a restricted license. (Sec. 12)
2. Adds the option to restrict a person's driving privilege:
   1. For failure to pay a civil penalty; (Sec. 7)
   2. Until the fines, surcharges and assessments from a criminal traffic violation are paid, if the person appears in court; and (Sec. 9)
   3. For the first offense of failure to produce evidence of financial responsibility for a motor vehicle, if ADOT verifies the person is back in compliance. (Sec. 14)
3. Limits mandatory license suspension for failure to appear to *criminal* complaints. (Sec. 9)
4. Allows the court to dismiss the charge of driving under a suspended license if:
   1. The suspension was because of failure to pay civil penalties or failure to appear; and
   2. The person presents evidence of the reinstatement of unrestricted driving privilege. (Sec. 12)
5. Reduces the classification for driving under a suspended license from a [Class 1 misdemeanor (6 months/$2,500 plus surcharges)](https://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf) to a civil traffic violation if the suspension was because of failure to pay civil penalties or failure to appear. (Sec. 12)
6. Reduces the classification for violating a license restriction from a [Class 2 misdemeanor (4 months/$750 plus surcharges)](https://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf) to a civil traffic violation if the restriction is a corrective lens requirement. (Sec. 11)
7. Limits which persons convicted of driving on a suspended license may apply for a one-year restricted license, to a person who:
   1. Was convicted of driving on a suspended license before January 1, 2011;
   2. Completes all the court-ordered sentence requirements;
   3. Satisfies all suspension periods imposed on the person's driving privilege; and
   4. Pays the applicable reinstatement fee. (Sec. 12)

***Fines, Penalties, Surcharges & Assessments***

1. Authorizes the court to mitigate any required civil penalty if the offender demonstrates that the payment would be a hardship on the offender or the offender's immediate family. (Sec. 8)
2. **EXEMPTS THE 10% CLEAN ELECTIONS SURCHARGE FROM THE CIVIL PENALTIES THAT MAY BE MITIGATED.** (*TI*)
3. Permits the court to consider any relevant information when deciding whether to mitigate a civil penalty, including:
   1. The civil penalty's impact on the offender's ability to pay restitution;
   2. If the civil penalty would constitute a financial hardship to the offender or the offender's immediate family;
   3. If the offender receives TANF, SNAP, or SSI benefits;
   4. If the offender is legally authorized to be employed and is seeking, obtaining or maintaining employment; and
   5. If the offender is attending school. (Sec. 8)
4. Expands the scope of judicial programs aimed at reducing outstanding fines, penalties and surcharges to include outstanding assessments. (Sec. 7);

***Miscellaneous***

1. Removes the requirement that a peace officer remove and immobilize or impound a vehicle upon a determination that the operator's driving privilege is suspended. (Sec. 13)
2. Repeals the requirement that ADOT suspend the registration and license plates for failure to produce evidence of financial responsibility for the motor vehicle. (Sec. 14)
3. Allows a court to order alternative sanctions to community restitution for a repeat DUI offender upon a determination that education, treatment or other alternative sanctions are more appropriate. (Sec. 4)
4. Contains an effective date of January 1, 2019. (Sec. 15)
5. Makes technical and conforming changes. (Sec. 1, 4 -7, 9-10)

**Current Law**

ADOT is required to suspend a person's driver license or nonresident operating privilege upon notification that the person failed to appear for a scheduled court appearance until the person appears, the fine or civil penalty is paid or a bond is forfeited ([A.R.S. § 28-3308](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/03308.htm)).

ADOT is required to suspend a person's driver license as well as the registration and license plates of the motor vehicle involved for a person found guilty of failure to produce evidence of financial responsibility ([A.R.S. § 28-4135](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/04135.htm)).

Driving in violation of a license restriction is a [Class 2 misdemeanor (4 months/$750 plus surcharges)](https://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf) ([A.R.S. § 28-3480](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/03480.htm)).

Driving while a person's privilege to drive is suspended, revoked, canceled or refused or when the person is disqualified from driving is guilty of a [Class 1 misdemeanor (6 months/$2,500 plus surcharges)](https://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf). On receipt of a record of conviction for driving on a suspended license, ADOT is required to notify the person if he or she is eligible for a restricted privilege to drive. On application, ADOT is required to issue a restricted license that is valid for one year if the person has completed all sentence requirements imposed by the court, satisfied all suspension periods and paid the reinstatement fee ([A.R.S. § 28-3473](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/03473.htm)).

A restriction on a person's driver license or permit to drive limits the person's driving privileges to travel for specified purposes. The permitted travel is prescribed according to the offense for which the person's drive license or permit was restricted (see table below).

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Permitted Travel:** | [Failure to Pay Child Support](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/25/00518.htm) | [Leaving the Scene of an Accident Resulting in Death or Serious Injury](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/00661.htm) | [Administrative License Suspension and Restriction](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/01387.htm) | [Ignition Interlock Restricted Driver License](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/01402.htm) | [Driving on a Suspended License](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/03473.htm) |
| Work | Yes | Yes | Yes | Yes | Yes |
| School | Yes | Yes | Yes | Yes | Yes |
| Health Professional | Yes | Yes | - | Yes | Yes |
| Screening, Education or Treatment Facility | Yes | Yes | Yes | Yes | Yes |
| Probation Office | - | Yes | Yes | Yes | Yes |
| Ignition Interlock Device Service Facility | - | Yes | - | Yes | Yes |
| Designated Location for Parenting Time | Yes | - | - | - | - |
| Dependent's Work, School or Medical Appointment | - | - | - | - | - |

A presiding judge may periodically conduct a program aimed at reducing the amount of outstanding fines, penalties and surcharges, with approval of the Supreme Court. The program may authorize up to a 50% reduction in the total amount of an eligible court-ordered fine, penalty or surcharge ([A.R.S. § 28-1601](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/01601.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

|  |  |
| --- | --- |
| **HB 2115:** bonds; ballot language; procedures | |
| **PRIME SPONSOR:** Representative Mitchell, LD 13  **BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69814)   |  | | --- | | WM: DPA 9-0-0-0 | | **Legend:**  Director – Director of Legislative Council  GO – General Obligation  Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to school district bond elections.

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

**Provisions**

1. Requires ballots for school district bond elections to conform to the ballot requirements for county and municipal bond elections. (Sec. 1)
2. Requires school districts to submit proposed ballot language to the county school superintendent at least 85 days before the election. (Sec. 1)

* *Currently, school districts are only required to submit the language to the Director.*

1. Instructs the Director to notify the county school superintendent of any objections within 10 days after receiving the proposed language. (Sec. 1)

* *Currently, the Director is only required to notify the school district.*

1. ~~Repeals the requirement for the county school superintendent to prepare an informational pamphlet. (Sec. 2)~~ (*WM*)
2. REPLACES STATUTORY REFERENCES TO AN *INFORMATIONAL REPORT* AND A *PUBLICITY PAMPHLET* WITH THE TERM *INFORMATIONAL PAMPHLET*. (*WM*)
3. Makes technical and conforming changes. (Sec. 1, 2)

**Current Law**

In any school district election held to determine whether bonds will be issued, the ballot must contain the disclosure, "*the issuance of these bonds will result in an annual levy of property taxes sufficient to pay the debt on these bonds*" in addition to the words "*bond approval, yes*" and "*bond approval, no*" for the voter to signify their desired choice. ([A.R.S. § 15-491](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00491.htm)).

For any proposed GO bond authorization where the principal and interest will be paid by a levy of property taxes, the ballot is required to contain the phrase, "*the issuance of these bonds will result in a property tax increase sufficient to pay the annual debt service on bonds.*" Any written information provided by a county or municipality is required to include financial information showing the estimated average tax rate for the proposed bond authorization. If the bonds are to be repaid with secondary property taxes, the ballot must contain the words "*bond approval, yes*" and "*bond approval, no*" for the voter to signify their desired choice. The ballot is also required to contain the following statements:

* + "*A "yes" vote shall authorize the governing body to issue and sell bonds of the district to be repaid with secondary property taxes.*
  + *A "no" vote shall not authorize the governing body to issue and sell such bonds of the district*" ([A.R.S. 35 § 454](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/35/00454.htm)).