ARIZONA HOUSE OF REPRESENTATIVES

Fifty-third Legislature - Second Regular Session

MAJORITY CAUCUS CALENDAR # 4

**February 13, 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 2066](#hb2066) medical marijuana fund; uses

SPONSOR: LEACH, LD11 HOUSE

 APPROP 2/7 DP (6-5-0-2-0)

(No: ALSTON,CARDENAS,CLARK,FERNANDEZ,FRIESE; Abs: CARTER,RIVERO)

[HB 2099](#hb2099) state budget; estimates; notice.

SPONSOR: LEACH, LD11 HOUSE

 APPROP 1/31 DP (7-5-0-1-0)

(No: ALSTON,CARDENAS,CLARK,FERNANDEZ,FRIESE; Abs: BOWERS)

[HB 2188](#hb2188) prisoners; special services fund; uses

SPONSOR: BOYER, LD20 HOUSE

 APPROP 2/7 DP (12-0-0-1-0)

(Abs: BOWERS)

**Committee on Commerce**

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

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

[HB 2106](#hb2106) corporation commission; internet protocol services

SPONSOR: WENINGER, LD17 HOUSE

 COM 1/30 DP (9-0-0-0-0)

[HB 2399](#hb2399) real estate licenses; online classes

SPONSOR: MOSLEY, LD5 HOUSE

 COM 2/6 DP (9-0-0-0-0)

[HB 2434](#hb2434) financial products; regulatory exemption program

SPONSOR: WENINGER, LD17 HOUSE

 COM 2/6 DPA (7-2-0-0-0)

(No: ESPINOZA,CHÁVEZ)

[HB 2457](#hb2457) corporation commission; database fee; prohibited

SPONSOR: NORGAARD, LD18 HOUSE

 COM 2/6 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 2022](#hb2022) appropriation; ASDB; education program

SPONSOR: BOYER, LD20 HOUSE

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

(Abs: SALDATE,SHOOTER)

 APPROP 2/7 DP (11-0-0-2-0)

(Abs: COBB,UGENTI-RITA)

[HB 2112](#hb2112) funding; gifted pupils

SPONSOR: CARTER, LD15 HOUSE

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

(Abs: SHOOTER)

 APPROP 2/7 DPA (10-1-0-2-0)

(No: UGENTI-RITA; Abs: BOWERS,CARDENAS)

[HB 2172](#hb2172) postsecondary institutions; possession; nonlethal weapons

SPONSOR: GRANTHAM, LD12 HOUSE

 ED 1/29 DPA (8-3-0-0-0)

(No: ALSTON,BOLDING,SALDATE)

[HB 2302](#hb2302) private postsecondary education board; terms

 (ED S/E: private postsecondary regulation; opt-in)

SPONSOR: THORPE, LD6 HOUSE

 ED 2/5 DPA/SE (7-3-0-1-0)

(No: BOLDING,NORGAARD,SALDATE; Abs: BOWERS)

[HB 2319](#hb2319) JTED satellite campuses; letter grades

 (ED S/E: JTEDs; letter grades; exclusion)

SPONSOR: BOWERS, LD25 HOUSE

 ED 2/5 DPA/SE (10-0-0-1-0)

(Abs: STRINGER)

[HB 2343](#hb2343) schools; child abuse hotline

SPONSOR: JOHN, LD14 HOUSE

 ED 2/5 DP (11-0-0-0-0)

[HB 2460](#hb2460) charter schools; vacant buildings; equipment

SPONSOR: LEACH, LD11 HOUSE

 ED 2/5 DP (7-4-0-0-0)

(No: ALSTON,BOLDING,SALDATE,UDALL)

[HB 2477](#hb2477) high school mathematics; proficiency; notification

SPONSOR: UDALL, LD25 HOUSE

 ED 2/5 DPA (9-1-0-1-0)

(No: NORGAARD; Abs: ALLEN J)

**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 2404](#hb2404) license to practice taxidermy; repeal

 (EENR S/E: taxidermy; registry)

SPONSOR: MOSLEY, LD5 HOUSE

 EENR 2/6 DPA/SE (5-4-0-0-0)

(No: BARTON,GONZALES,DESCHEENIE,ENGEL)

**Committee on Federalism, Property Rights and Public Policy**

**Chairman: Bob Thorpe, LD6 Vice Chairman: Mark Finchem, LD11**

**Analyst: Brittany Green, Jason Theodorou Intern: Amanda Higby**

[HB 2211](#hb2211) bankruptcy exemption; personal property

SPONSOR: THORPE, LD6 HOUSE

 FPRPP 2/6 DPA (6-2-0-1-0)

(No: HERNANDEZ,BLANC; Abs: CAMPBELL)

[HB 2212](#hb2212) firearm possession; peace officers; definition

SPONSOR: THORPE, LD6 HOUSE

 FPRPP 2/6 DP (6-3-0-0-0)

(No: HERNANDEZ,BLANC,NAVARRETE)

[HB 2235](#hb2235) municipal improvement districts; sale certificates

SPONSOR: THORPE, LD6 HOUSE

 FPRPP 2/6 DP (7-0-0-2-0)

(Abs: STRINGER,NAVARRETE)

**Committee on Government**

**Chairman: Douglas Coleman, LD16 Vice Chairman: Bob Thorpe, LD6**

**Analyst: Michael Hans, Anthony Casselman Intern: Stiv Fico**

[HB 2078](#hb2078) electronic filing system; political subdivisions

 (GOV S/E: political subdivisions; electronic filing system)

SPONSOR: FINCHEM, LD11 HOUSE

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

 GOV 2/1 DPA/SE (7-0-0-1-0)

(Abs: UGENTI-RITA)

[HB 2419](#hb2419) memorial; buffalo soldiers

SPONSOR: ANDRADE, LD29 HOUSE

 GOV 2/1 DP (7-0-0-1-0)

(Abs: UGENTI-RITA)

**Committee on Health**

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

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

[HB 2237](#hb2237) psychologists; licensure; requirements

SPONSOR: COBB, LD5 HOUSE

 HEALTH 2/1 DP (8-1-0-0-0)

(No: LAWRENCE)

**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 2007](#hb2007) personal disguises; crime; evasion

 (JPS S/E: evasion; crime; personal disguises)

SPONSOR: LAWRENCE, LD23 HOUSE

 JPS 2/7 DPA/SE (6-3-0-0-0)

(No: GONZALES,HERNANDEZ,ENGEL)

[HB 2020](#hb2020) confidentiality agreements; sexual assault; harassment

 (JPS S/E: sexual assault; harassment; confidentiality agreements)

SPONSOR: SYMS, LD28 HOUSE

 JPS 2/7 DPA/SE (9-0-0-0-0)

[HB 2053](#hb2053) theft by extortion; sexual acts

 (JPS S/E: sexual acts; theft by extortion)

SPONSOR: SYMS, LD28 HOUSE

 JPS 2/7 DPA/SE (8-1-0-0-0)

(No: STRINGER)

[HB 2068](#hb2068) probation; parole; medical marijuana use

SPONSOR: LEACH, LD11 HOUSE

 JPS 1/31 DP (5-4-0-0-0)

(No: GONZALES,STRINGER,HERNANDEZ,ENGEL)

[HB 2159](#hb2159) traffic violations; traffic survival school

SPONSOR: CAMPBELL, LD1 HOUSE

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

(No: FINCHEM,KERN)

 TI 1/24 DPA (7-1-0-0-0)

(No: ANDRADE)

[HB 2240](#hb2240) judgment renewal; time period

SPONSOR: FARNSWORTH E, LD12 HOUSE

 JPS 2/7 DP (9-0-0-0-0)

[HB 2249](#hb2249) protective orders; filing requirements

SPONSOR: FARNSWORTH E, LD12 HOUSE

 JPS 2/7 DPA (8-1-0-0-0)

(No: KERN)

[HB 2309](#hb2309) sex offender registration; termination

SPONSOR: BOWERS, LD25 HOUSE

 JPS 2/7 DP (9-0-0-0-0)

[HB 2314](#hb2314) misdemeanor sentence; authorized disposition

SPONSOR: FARNSWORTH E, LD12 HOUSE

 JPS 2/7 DP (9-0-0-0-0)

[HB 2315](#hb2315) intensive probation; employment wages; monitoring

SPONSOR: FARNSWORTH E, LD12 HOUSE

 JPS 2/7 DP (9-0-0-0-0)

[HB 2384](#hb2384) unlawful flight; vehicle impoundment

SPONSOR: CLODFELTER, LD10 HOUSE

 JPS 2/7 DPA (9-0-0-0-0)

**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 2203](#hb2203) wildland fuel loads; watershed protection

SPONSOR: FINCHEM, LD11 HOUSE

 LARA 2/1 DP (5-2-0-1-0)

(No: GABALDÓN,PETEN; Abs: BENALLY)

[HB 2261](#hb2261) veterinary faculty members; licensure requirements

SPONSOR: TOMA, LD22 HOUSE

 LARA 2/1 DPA (6-1-0-1-0)

(No: PETEN; Abs: BENALLY)

**Committee on Local and International Affairs**

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

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

[HB 2290](#hb2290) expenditure limitation; waiver of penalties

SPONSOR: COBB, LD5 HOUSE

 LIA 2/7 DP (6-0-0-1-0)

(Abs: CHÁVEZ)

[HB 2461](#hb2461) zoning regulations; private schools

SPONSOR: LEACH, LD11 HOUSE

 LIA 2/7 DPA (4-2-0-1-0)

(No: GABALDÓN,BLANC; Abs: CHÁVEZ)

**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 2421](#hb2421) national guard; employment rights

SPONSOR: ANDRADE, LD29 HOUSE

 MVRA 2/5 DPA (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 2166](#hb2166) vehicle fees; alternative fuel VLT

SPONSOR: CAMPBELL, LD1 HOUSE

 TI 2/7 DPA (7-1-0-0-0)

(No: MOSLEY)

[HB 2266](#hb2266) dark sky lighting special plates

SPONSOR: THORPE, LD6 HOUSE

 TI 2/7 DP (8-0-0-0-0)

[HB 2301](#hb2301) impeding left lane; notification signs

SPONSOR: THORPE, LD6 HOUSE

 TI 1/31 DP (6-2-0-0-0)

(No: ANDRADE,PETEN)

[HB 2305](#hb2305) vehicle dealers; franchise regulations

SPONSOR: CAMPBELL, LD1 HOUSE

 TI 2/7 DP (8-0-0-0-0)

[HB 2306](#hb2306) towing companies; insurance companies; owners

SPONSOR: CAMPBELL, LD1 HOUSE

 TI 2/7 DPA (7-0-0-1-0)

(Abs: ANDRADE)

[HB 2307](#hb2307) scrap vehicles; sales

SPONSOR: CAMPBELL, LD1 HOUSE

 TI 2/7 DPA (8-0-0-0-0)

[HB 2317](#hb2317) disability plates; permanent placards

SPONSOR: JOHN, LD14 HOUSE

 TI 2/7 DP (8-0-0-0-0)

[HB 2422](#hb2422) personal delivery devices

SPONSOR: TOWNSEND, LD16 HOUSE

 TI 2/7 DP (8-0-0-0-0)

[HB 2521](#hb2521) vehicle size, weight and load

SPONSOR: JOHN, LD14 HOUSE

 TI 2/7 DP (6-2-0-0-0)

(No: ANDRADE,PETEN)

**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 2090](#hb2090) tax credit review; evaluation standard

SPONSOR: JOHN, LD14 HOUSE

 WM 2/7 DP (9-0-0-0-0)

[HB 2484](#hb2484) local food tax; equality

SPONSOR: SHOPE, LD8 HOUSE

 WM 2/7 DP (8-1-0-0-0)

(No: EPSTEIN)

[HB 2087](#hb2087) family caregiver income tax credit.

SPONSOR: CARTER, LD15 HOUSE

 WM 1/17 DP (7-2-0-0-0)

(No: KERN,LAWRENCE)

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2066:** medical marijuana fund; uses |
| **PRIME SPONSOR:** Representative Leach, LD 11**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69732%22%20%5Co%20%22Bill%20Status%20Inquiry)

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|  APPROP: DP 6-5-0-2 |

 | **Legend:**DHS – Department of Health ServicesFund – Medical Marijuana FundProgram – Medical Marijuana ProgramAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to the Medical Marijuana Fund.

[x]  Prop 105 (45 votes) [ ]  Prop 108 (40 votes) [ ]  Emergency (40 votes) [ ]  Fiscal Note

**Provisions**

1. Specifies that the DHS Director may use Medical Marijuana Fund monies for:
	1. Enforcement of medical marijuana statutes.
	2. Education, awareness and prevention messaging. (Sec. 1)

**Current Law**

Statute dictates that the Director of DHS may accept and spend private grants, gifts, donations, contributions and devices to assist in carrying out the provisions of the Medical Marijuana Act ([A.R.S. § 36-2817](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/36/02817.htm)).

**Additional Information**

Passed by the voters in 2010, the Arizona Medical Marijuana Act created the Medical Marijuana Program within DHS. The Act regulates dispensation, prescription, and use of medical marijuana, including an electronic registry of dispensary agents, patients and designated caregivers. To operate the Program, DHS charges application fees to cardholders and dispensaries, which are deposited into the Medical Marijuana Fund. The Fund also receives revenues from civil penalties and private donations. According to JLBC, the Fund is projected to have ongoing revenues of $25 million in FY 2018, compared to $16.9 million in spending. Along with surpluses from prior years, the Fund is forecast to have a balance of $41.3 million ([JLBC FY 2019 Baseline](http://www.azleg.gov/jlbc/19baseline/dhs.pdf)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2099:** state budget; estimates; notice. |
| **PRIME SPONSOR:** Representative Leach, LD 11**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69787)

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|  APPROP: DP 7-5-0-1 |

 | **Legend:**OSPB – Office of Strategic Planning and Budgeting JLBC – Joint Legislative Budget CommitteeAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to legislative appropriation estimates.

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

**Provisions**

1. Directs, beginning in 2019, OSPB and JLBC to jointly calculate a truth-in-spending estimate for the following FY by February 20th of each year. (Sec. 1)
2. Directs the truth-in-spending estimate to be transmitted to the Governor, the Speaker of the House of Representatives, the President of the Senate and the House and Senate Appropriation Committee Chairs. (Sec. 1)
3. Specifies the truth-in-spending estimate be calculated by multiplying the current FY appropriation amount by the sum of the estimated percentage change of both the population and the GDP implicit price deflator for the preceding FY and calendar year, respectively. (Sec. 1)
4. Instructs that if the current FY appropriation is less than the previous FY appropriation, the truth-in-spending estimate is the current FY appropriation multiplied by 6% or the standard truth-in-spending estimate, whichever is greater. (Sec. 1)
5. Prescribes, starting in FY 2020, that if an appropriations bill for the next FY is transmitted to the Governor and expends, in combination with all appropriations from previously enacted bills, more than the truth-in-spending estimate then the Legislature must post a public notice. (Sec. 1)
6. Outlines that the *public notice* must be posted and retained on the legislative website in a prominent manner for at least six months. (Sec. 1)
7. Details press release language. (Sec. 1)
8. Requires OSPB and JLBC to consider all previously enacted appropriations from prior legislative sessions to determine the amount of current and preceding FY GF appropriations. (Sec. 1)
9. Directs OSPB and JLBC, in the case that they cannot agree on a truth-in-spending estimate by February, 15th to both:
	1. Publish their truth-in-spending estimates.
	2. Use an average of the two estimates when comparing to current FY appropriations. (Sec. 1)
10. Directs the public notice to be removed if the Governor vetoes the appropriations. (Sec. 1)
11. Directs the public notice to be removed if any line-item vetoes by the Governor causes the appropriations bill to be less than the truth-in-spending estimate. (Sec. 1)
12. Requires the truth-in-spending estimate and total of the next FY appropriated amount be included in the General Appropriations Act. (Sec. 1)
13. Defines *GDP Implicit Price Index* and *General Fund Appropriations*. (Sec. 1)

**Current Law**

Truth in Taxation (TNT), outlined in [A.R.S. § 41-1276](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/41/01276.htm), requires JLBC to determine TNT rates for equalization assistance for school districts. The Legislature must hold a joint hearing and publish a notice of a TNT hearing on or before February 28 if there is a proposal for a qualifying tax property tax rate that exceeds the TNT rate.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2188:** prisoners; special services fund; uses |
| **PRIME SPONSOR:** Representative Boyer, LD 20**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69929)

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|  APPROP: DP 12-0-0-1 |

 | **Legend:**ADC – Arizona Department of CorrectionsFund – Special Services FundAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to the Special Services Fund.

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

**Provisions**

1. Specifies Fund monies can be used to pay for implementation, operation and maintenance of technology and programs for inmate use. (Sec. 1)
2. Broadens the revenue source of the Fund to include monies generated by inmate use of technology, including telephones, kiosks and tablets. (Sec. 1)
3. Removes references to the automated telephonic victim notification system. (Sec. 1)
4. Makes technical and conforming changes. (Sec. 1)

**Current Law**

The Fund generates revenue from the profits of canteens, hobby shops and telephone use by inmates. The monies in the fund are used for operating expenses of canteens and hobby shops, as well as the overall welfare of inmates ([A.R.S. § 41-1604.03](https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F41%2F01604-03.htmhttps://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F41%2F01604-03.htm)) ([JLBC FY 2019 Baseline](http://www.azleg.gov/jlbc/19baseline/adc.pdf)).

**Additional Information**

According to ADC, use of the automated telephonic victim notification system ceased in 2005 and was supplanted with a letter via mail and a personal telephone notification funded through monies from the [Victims' Rights Fund](http://www.azleg.gov/jlbc/19baseline/att.pdf) and other grants and federal monies.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2106:** corporation commission; internet protocol services |
| **PRIME SPONSOR:** Representative Weninger, LD 17**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69802)

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| Commerce: DP 9-0-0-0 |

 | **Legend:**ACC- Arizona Corporation CommissionIP- Internet Protocol VOIP- Voice Over Internet ProtocolAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to the ACC, IP and VOIP services.

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

**Provisions**

1. A person offering or providing IP enabled services or VOIP services is not providing message transmission services or telecommunications service to the public and is therefore not a public service or telecommunications corporation. (Sec. 1)
2. Prohibits the ACC from regulating either directly or indirectly, the rates, terms, or service quality standards of IP or VOIP services. (Sec. 1)
3. Asserts the provisions do not affect the ACC's authority to enforce VOIP services under federal law regarding: fees; interconnection; procedures for negotiation, arbitration and approval of agreements in association with intrastate switched access rates. (Sec. 1)
4. Defines *Internet protocol-enabled service* as a service or application that uses internet protocol or a successor protocol and enables an end user to send or receive a voice, data or video communication. (Sec. 1)
5. Defines *voice over internet protocol service* as a service that meets all of the following:
	1. Real time, two-way voice communication that originates or terminates from the user's location via IP;
	2. Uses a broadband connection from the user's location, and
	3. Allows a user to receive and end calls from a public switched telephone network. (Sec. 1)

**Current Law**

The ACC may supervise and regulate every public service corporation in the state. The ACC encourages competition and growth in the telecommunications industry, promotes economic development and investment in new telecommunications technologies, infrastructure and services. To further this policy, the ACC must establish procedures and standards for identifying and regulating competitive telecommunications markets ([A.R.S. § 40-202](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/40/00202.htm)).

A public service corporation cannot raise any rate, fare, toll, rental or charge, or alter any classification, contract, practice, rule or regulation without prior approval of the ACC. Any state regulation of telecommunication providers that is under the jurisdiction of the ACC must be competitively neutral [(A.R.S. § 40-250)](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/40/00250.htm).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2399:** real estate licenses; online classes |
| **PRIME SPONSOR:** Representative Mosley, LD 5**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70193)

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|  COM: DP 9-0-0-0 |

 | **Legend:**Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Related to online real estate classes for licensure.

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

**Provisions**

1. Allows an initial applicant for a real estate salesperson or broker license to take real estate classes online if the courses are offered by a school certified by the Commissioner and all exams are taken in person. (Sec. 1)
2. Makes technical changes. (Sec. 1)

**Current Law**

An initial applicant for a real estate salesperson or broker license is required to complete at least 90 classroom hours in a real estate school certified by the Commissioner and pass the required examinations. The application must be completed within 10 years after completing the required classroom hours. ([A.R.S. § 32-2124](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/32/02124.htm))

A renewal applicant is required to file an application, pay the renewal fee and show evidence of continuing education attendance (24 credit hours for a salesperson or associate broker and 30 credit hours for a *designated broker* or associate broker employed by a *designated broker*) at a school certified by the Commissioner during every 24-month period of licensure. ([A.R.S. § 32-2130](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/32/02130.htm))

*Designated broker* is the natural person who is licensed as a broker and acts on behalf of an employing real estate entity or does business as a sole proprietor. ([A.R.S. § 32-2101](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/32/02101.htm))

A salesperson or real estate broker that does not reside in the state is required to complete a minimum of a 27-hour course that is specific to Arizona's real estate statutes, rules, practices and procedures and is required to pass the real estate school's examinations before taking Arizona's examinations. ([A.R.S. § 32-2125.02](https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F32%2F02125-02.htm))

A real estate school must obtain from the Commissioner a certificate of approval or renewal to operate for a period of at least four years. ([A.R.S. § 32-2135](https://www.azleg.gov/ars/32/02135.htm))

**Additional information**

Current real estate licensees may attend "distance learning courses", or courses that can be taken over the internet as outlined in the [Arizona Administrative Code Title 4, Chapter 28, Article 1](http://apps.azsos.gov/public_services/Title_04/4-28.pdf) which contains the corresponding provision.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2434:** financial products; regulatory exemption program |
| **PRIME SPONSOR:** Representative Weninger, LD 17**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70282)

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|  COM: DPA 7-2-0-0 |

 | **Legend:**Program - Regulatory Sandbox ProgramParticipant – Sandbox ParticipantAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to innovative financial products and services for the *Regulatory Sandbox Program*

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

**Provisions**

***Regulatory Sandbox Program*** (Sec. 1)

1. Adds a new chapter to Title 41 (State Government) titled *Regulatory Sandbox Program*.
2. Authorizes the Arizona Attorney General (AG) to establish a Program in consultation with state agencies, to permit a person limited access to the Arizona market to test *innovative financial products or services* without first getting a license or other authorization to operate.

***Program Application Process*** (Sec. 1)

1. Permits any person to apply to the Program and instructs the AG to accept applications.
2. Requires applicants to have both of the following:
	1. Either: a) an Arizona business or, b) an Arizona state residence, if an individual.
	2. A location that is either physical or virtual to test and develop the product or service, keeping records, necessary documents and data, which must all be accessible to the AG.
3. Permits persons already licensed to also apply to the Program.
4. Mandates that applicants have an adequate knowledge of the innovation and sufficient plan to test, monitor and assess the innovation to protect consumers against the test's failure.
5. Outlines the information applicants must submit to the AG on a detailed form as follows:
	1. Contact information as outlined.
	2. Criminal convictions, if any.
	3. Description of the innovation, including the required statements regarding the innovation, how it benefits and protects consumers, risks, testing and winding down the project.
	4. Permits the AG to pursue additional information as needed.
6. Authorizes the AG to set and collect an application fee, which is deposited into the *Consumer Protection-Consumer Fraud Revolving Fund.*
7. Specifies 90 days after initial application for the AG to determine whether the applicant is admitted into the Program. Extends the timeframe when both parties agree.
8. Provides discretion to the AG to deny an application, which is not an appealable agency action.

***Consulting with State Agencies and Scope of the Program*** (Sec. 1)

1. Requires the AG to consult with state agencies to gather applicant information as outlined.
2. Deems the AG the sole and final decision maker to admit applicants to the Program.
3. Asserts that the approved applicants are Program participants with 24 months to test the innovative financial product or service; and, the AG issues a registration number to each.
4. States the products or services are subject to restrictions as follows:
	1. Consumers must be Arizona residents.
	2. Limits participants to 10,000 people.
	3. For *consumer lenders* – must limit individual transactions to $15,000 per consumer, and aggregate transactions to a maximum $50,000, with loans subject to statutory consumer lender finance charges.
	4. For *money transmitters* – must limit individual transactions to a maximum $2,500 per consumer and a maximum $25,000 aggregate transactions.
	5. Outlines the statutes that apply to participants testing products or services providing insurance, including a requirement to maintain necessary capital for the entire testing period.
	6. Participants must have the ability to maintain capital for an insurance product or service for the entire test period.
	7. For *investment management* – the bill outlines record-keeping and filing requirements consistent with the ACC's current rules.
5. **CLARIFIES SANDBOX PARTICIPANTS ARE SUBJECT TO THE PROVISIONS NOTED IN THE BILL AND THAT THE AG MAY REQUIRE ADDITIONAL DISCLOSURES, WHICH WILL BE GIVEN TO APPLICANTS UPON APPROVAL AND ENTRY INTO THE PROGRAM.**

***Consumer Protection*** (Sec. 1)

1. Details the information participants must provide to consumers before providing services.
2. States the information to consumers must be a clear and conspicuous form in both English and Spanish, for Internet or application-based, with consumers acknowledging its receipt.
3. States that the AG may require additional disclosures to consumers and must notify the Sandbox Participant.
4. **STATES THE AG MAY REQUIRE ADDITIONAL DISCLOSURES TO CONSUMERS BY SANDBOX PARTICIPANTS, WHICH WILL BE GIVEN TO SANDBOX APPLICANTS UPON APPROVAL AND ENTRY INTO THE PROGRAM.**

***Exit Requirements and Requests for Extension*** (Sec. 1)

1. Requires that at least 30 days before the end of the 24-month period, a Participant must either:
	1. Notify the AG that the Participant will exit the Program, wind-down operations and cease offering products or services within 60 days after the 24-month testing period ends; or
	2. Seek an extension to get a license or other lawful authorization.
2. Considers the testing period final at the end of the 24-month period and the Participant must cease operations, if the Participant does not notify the AG.
3. Provides details for a test that requires ongoing duties.
4. Permits a Participant to obtain an extension for one year, which requires quarterly reports on obtaining a license or other necessary authorization to operate.

***Record-Keeping and Reporting Requirements*** (Sec. 1)

1. Directs a Participant to retain records, documents and data as detailed in the bill.
2. Requires a Participant to notify the AG and report the actions taken to ensure no consumers are harmed if an innovation fails before the end of the test period.
3. Makes Participants subject to reporting requirements when there is a security breach.
4. Asserts that records submitted to or obtained by the AG are not considered public records and may not be disclosed as such, except as outlined.
5. Stipulates that the bill does not prevent the disclosure of information admissible in a civil or criminal case brought by federal or state officials.
6. Permits the AG to adopt periodic reporting requirements for Participants and to request records, documents and data.
7. Authorizes the AG to remove any Participant from the Program that the AG believes may violate the Consumer Fraud Act or any federal or state criminal law. Removal is not an appealable agency action.
8. Allows the AG to enter into agreements with federal, state and foreign regulators to allow Participants in other jurisdictions and entities to operate in other jurisdictions to be Arizona Participants.
9. Sunsets the Program on July 1, 2028.

***Miscellaneous***

1. Deposits Program application fees into the Consumer Protection-Consumer Fraud Revolving Fund and outlines its uses. (Sec. 2)
2. Defines pertinent terms. (Sec. 1)

**Current Law**

The Consumer Protection-Consumer Fraud Revolving Fund is administered by the AG, is exempt from lapsing, and consists of: investigative court costs; attorney fees or civil penalties from the enforcement of either federal or state statutes pertaining to consumer protection or fraud. Statute directs the AG to utilize the monies for operating expenses, including the expenses related to the master tobacco settlement, consumer fraud education, investigative and enforcement operations. ([A.R.S. § 44-1531.01](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/44/01531-01.htm))

*Consumer lender* means a person who makes or procures consumer lender loans in Arizona. [(A.R.S. § 44-601)](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/6/00601.htm) A licensed consumer lender may contract and receive finance charges that do not exceed:

1. For an original principal amount of $3,000 or less – 36% loan rate.
2. For more than 3,000 dollars, either: a) a rate of 36% on the initial $3,000 of the original principal amount and 24% on the remainder of the principal. b) a single blended consumer loan rate as outlined.

Statute allows a consumer lender to collect finance charges on nonrefundable prepaid finance charges or fees commonly known as *points* as follows: a) 4% of the original principal amount of the loan of at least $5,000 secured by the consumer's principal residence. b) 4% of the agreed upon credit limit of a home equity revolving loan. [(A.R.S. § 44-632)](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/6/00632.htm)

*Money transmitter* means a person located or doing business in Arizona, including a check casher and a foreign money exchanger and who does any of the following: sells or issues payment instruments; engages in the business of receiving money for transmission; engages in the business of exchanging payment instruments or money into any form of money or payment instrument; engages in the business of receiving money for obligors for the purpose of paying that obligor's bills, invoices or accounts; meets the definition of a bank, financial agency or financial institution as defined by federal law. [(A.R.S. § 6-1201)](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/6/01201.htm)

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2457:** corporation commission; database fee; prohibited |
| **PRIME SPONSOR:** Representative Norgaard, LD 18**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70417)

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| COM: DP 9-0-0-0 |

 | **Legend:**ACC – Arizona Corporation CommissionLLC – Limited Liability CorporationAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to ACC fees.

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

**Provisions**

1. Prohibits the ACC from charging a fee to entities for information entered into the database that contains documents of a corporation or LLC. (Sec. 1)

**Current Law**

The ACC is required to establish and maintain a database containing certain documents of a corporation or LLC, include incorporation, dissolutions, and mergers. Entities that file documents in the database must have a known place of business in a county with more than 800,000 people. The database is posted on the ACC's website for at least 90 days, allowing the public to search for business information. The ACC may charge the entities a fee for information entered into the database ([A.R.S. § 10-130](https://www.azleg.gov/arsDetail/?title=10)).

[A.R.S. § 10-140](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/10/00140.htm) defines e*ntity* as a corporation, foreign corporation, not-for-profit corporation, profit and not-for-profit unincorporated association, nonprofit corporation, close corporation, corporation sole or LLC, a professional corporation, association or LLC, a business trust, estate, partnership, registered limited liability partnership, trust or joint venture, two or more persons having a joint or common economic interest, any person other than an individual and a state, the United States and a foreign government.

**Additional Information**

The ACC has the power to prescribe just and reasonable classifications, charge rates made and collected by public service corporations, make rules and regulations, and form contracts for the preservation and health of employees and patrons. ACC's participating cities and towns supervise public service corporations, including the rates and fees set by the corporation ([AZ Constitution, Article XV, Section 3](https://www.azleg.gov/viewDocument/?docName=http://www.azleg.gov/const/15/3.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2022:** appropriation; ASDB; education program |
| **PRIME SPONSOR:** Representative Boyer, LD 20**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69644)

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|  ED: DP 9-0-0-2 APPROP: DP 11-0-0-2 |

 | **Legend:**ASDB – Arizona State Schools for the Deaf and BlindFY – Fiscal YearGF – General FundAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to an early childhood education program at ASDB.

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

**Provisions**

1. Appropriates $1.6 million from GF to ASDB in FY 2019 for an early childhood family education program. (Sec. 1)

**Current Law**

ASDB provides schools and regional programs for the education of sensory impaired persons. They provide resource services to education institutions, including but not limited to equipment, materials, information services and research and development to promote improved educational programs and services ([A.R.S. § 15-1302](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/01302.htm)).

**Additional Information**

As of November 2017, ASDB served approximately 2,042 children, including 400 K-12 students, 89 in preschools, 434 infant/toddlers, and 1,119 children through school district cooperative programs ([JLBC](http://www.azleg.gov/jlbc/19baseline/sdb.pdf)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2112:** funding; gifted pupils |
| **PRIME SPONSOR:** Representative Carter, LD 15**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69808)

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|  ED: DP 10-0-0-1 APPROP: DPA 10-1-0-2 |

 | **Legend:**ADE – Arizona Department of Education FY – Fiscal Year GF – General Fund SBE – State Board of EducationAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to appropriations for gifted programs.

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

**Provisions**

1. Appropriates the following amounts from the GF to ADE in FY 2019:
	1. ~~$4.5~~ ~~million~~ **$500,000** for gifted program additional assistance.
	2. ~~$500,000 for grants to school districts and charter schools who apply to ADE for gifted student identification assessments.~~ (Sec. 1) *(APPROP)*
2. Exempts the appropriations from lapsing. (Sec. 1)

**Current Law**

School district governing boards are required to develop a scope and sequence for the identification and curriculum modification of gifted students ([A.R.S. § 15-779.02](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/15/00779-02.htm)). Included in the scope and sequence is a requirement to include criteria that address program design, identification, curriculum, instruction, social and emotional development, parental and community involvement and other aspects that are reviewed by ADE and SBE at least every four years. School districts that comply with gifted requirements and submit evidence of all applicable teachers having or working towards the proper endorsement are eligible to apply to ADE for additional funding for gifted programs. If sufficient funds are not available SBE determines the allocation of monies based on comprehensiveness across grade levels, appropriateness to the served population, utility and effectiveness. ([A.R.S. § 15-779.03](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/15/00779-03.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2172:** postsecondary institutions; possession; nonlethal weapons |
| **PRIME SPONSOR:** Representative Grantham, LD 12**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69897)

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|  ED: DPA 8-3-0-0 |

 | **Legend:**Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to nonlethal weapon possession on postsecondary campuses.

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

**Provisions**

1. Restricts community colleges~~,~~ **AND** universities ~~and private postsecondary institutions that receive public monies~~ from prohibiting the possession of a nonlethal weapon on campus. (Sec. 1) (ED)
2. Defines *nonlethal weapon* ~~and~~ *~~public monies~~*. (Sec. 1) (ED)

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2302:** S/E private postsecondary regulation; opt-in |
| **PRIME SPONSOR:** Representative Thorpe, LD 6**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70082)

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|  ED: DPA/SE 7-3-0-1 |

 | **Legend:**Board – State Board for Private Postsecondary EducationAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to private postsecondary regulation.

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

**Provisions**

1. Permits private postsecondary institutions that are exempt from regulation by the Board to opt-in to regulation for the purpose of student grievances. (Sec. 1)

**Current Law**

[A.R.S. § 32-3021](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/32/03021.htm) prohibits the operation of a private vocational program without a license issued by the Board except that the following are exempted from Board licensure requirements:

* Barber, pilot, nursing assistant, professional driver training, yoga, assisted living manager/caregiver and cosmetology schools.
* Instructional courses and programs sponsored by a bona fide trade association for its members.
* Privately owned academic schools engaged in general education designed to meet public postsecondary institution entrance requirements.
* Schools or private instruction engaged in training or teaching hobbies, avocations, academic improvement or recreation that may only incidentally lead to employment.
* Schools conducted solely for training employees.
* Instructional programs and courses offered to employees.
* Specified free instructional programs for employees.
* Programs/courses under 40 contact hours that charge less than $1,000.
* Degree programs for religious degrees used solely for religious purposes within a religious organization with tax exempt status ([A.R.S. § 32-3022](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/32/03022.htm)).

Students of private postsecondary institutions may file a written complaint with the Board after exhausting all available grievance.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2319:** S/E JTEDs; letter grades; exclusion |
| **PRIME SPONSOR:** Representative Bowers, LD 25**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70118)

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|  ED: DPA/SE 10-0-0-1 |

 | **Legend:**ADE – Arizona Department of EducationJTED – Joint Technical Education DistrictLEA – Local Education AgencySBE – State Board of EducationAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to JTED letter grades.

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

**Provisions**

1. Prohibits JTEDs from being assigned an *A-F* letter grade. (Sec. 1, 2)
2. Makes technical changes. (Sec. 1, 2)

**Current Law**

ADE is annually required to compile an achievement profile for each LEA which used to determine a standard measure of acceptable academic progress for each school and school district. The achievement profiles include the following academic performance indicators:

* Multiple measures of academic performance or other relevant indicators of school quality.
* Academic progress on the statewide assessment.
* Academic progress on English Language Learner assessments.
* Progress towards college and career readiness for LEAs offering high school instruction.

Criteria for classifications are determined using a research-based methodology that includes the performance of students at all achievement levels, student mobility, the distribution of student achievement and longitudinal indicators of academic performance. An annual achievement profile is determined and reported as an *A-F* letter grade by SBE of which an *A* reflects an excellent level of performance and a *F* reflects a failing level. The letter-grade system is required to indicate expected standards of performance and how schools may rise above or fall below the standards ([A.R.S. § 15-241](http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/15/00241.htm&Title=15&DocType=ARS)).

JTEDs are included in annual achievement profiles, except the following indicators are utilized:

* The graduation rate for students enrolled in Career and Technical Education.
* The completion rate for each JTED program.
* Performance on assessments.
* Postgraduation employment rates, postsecondary enrollment rates and military service rates. ([A.R.S. § 15-393.01](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00393-01.htm))

**Additional Information**

[Laws 2015, Chapter 76](https://apps.azleg.gov/BillStatus/GetDocumentPdf/411573) established a two-year transition period for a revised accountability system to be developed and implemented. During the transition period data was collected and published, but no letter grades classifications were assigned. SBE has published preliminary letter grades for SY 2017 [here](https://azsbe.az.gov/f-school-letter-grades).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2343:** schools; child abuse hotline |
| **PRIME SPONSOR:** Representative John, LD 14**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70133)

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|  ED: DP 11-0-0-0 |

 | **Legend:**DCS – Department of Child SafetyAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to school signage.

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

**Provisions**

1. Requires public schools to post an 11 x 17-inch sign at eye level in a clearly visible location that contains the following in large print English and Spanish:
	1. The telephone number for the child abuse and neglect hotline;
	2. Instructions for emergency 911 calls; and
	3. Information for accessing DCS's website. (Sec. 1)

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2460:** charter schools; vacant buildings; equipment |
| **PRIME SPONSOR:** Representative Leach, LD 11**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70421)

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|  ED: DP 7-4-0-0 |

 | **Legend:**ADOA – Arizona Department of AdministrationSFB – School Facilities BoardAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to vacant and unused school district buildings.

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

**Provisions**

1. Prohibits the owner of a building listed on the SFB District Vacant Space Report from withdrawing the property from sale or lease solely because a charter or private school is the highest bidder. (Sec. 1)
2. Prohibits school districts from accepting an offer from a potential buyer or lessee that is less than an offer from a charter school or private school. (Sec. 1)
3. Requires school districts to allow private schools to negotiate to buy or lease vacant space. (Sec. 1)
4. Authorizes school districts to sell used equipment to private schools before attempting to sell or dispose of it. (Sec. 1)
5. Makes technical and conforming changes. (Sec. 1)

**Current Law**

SFB, in conjunction with ADOA, is required to publish a list of vacant and unused buildings and portions of buildings owned by the state or school districts that may be suitable for the operation of a charter school. SFB is required to make the list available to charter schools and applicants for charter schools.

If a school district sells or leases a vacant and unused building, or portion of a building, the district may not prohibit a charter school from negotiating to buy or lease the property in the same manner as other potential buyers or lessees. If a school district decides to sell or lease the vacant and unused building or portion of a building, it is required to attempt to obtain the highest possible value under current market conditions.

A school district may sell used equipment to a charter school before attempting to sell or dispose of it by other means ([A.R.S. § 15-189](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00189.htm)).

**Additional Information**

The 2017 SFB District Vacant Space Report may be found [here](http://www.azsfb.gov/sfb/Vacant%20Space%20Reports/rptVacantSpaceStateWideSummaryByFY2017.pdf).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2477:** high school mathematics; proficiency; notification |
| **PRIME SPONSOR:** Representative Udall, LD 25**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70530)

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|  ED: DPA 9-1-0-1 |

 | **Legend:**LEA – Local Education AgencySY – School YearAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to mathematics deficiency notification.

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

**Provisions**

1. Instructs LEAs to provide notice in the first quarter of the SY to parents of students in grades 6-8 who have not demonstrated proficiency in mathematics if the statewide assessment results are available before the start of the SY. (Sec. 1)
2. Requires the notice to include a description of the:
	1. Student's mathematics deficiencies;
	2. Current mathematics services provided to the student~~; and~~ **BY THE LEA, INCLUDING** ~~Available~~ supplemental instructional services and supporting programs designed to remediate mathematics deficiencies. (Sec. 1) (*ED*)

**Current Law**

SBE is required to provide each school district with each student's statewide assessment scores and the statewide assessment scores for the school, district, county and state.

The school district is required to provide a parent or guardian of each student with a copy of the student's scores on the statewide assessment and the associated scores for the school, district, county and state. The school district must make those scores for each school in the district and for the school district, county, state and nation available to the public.

Any testing window established and executed by ADE or SBE for the administration of the statewide assessment must ensure that LEAs receive test scores and assessment data from the third-grade reading portion of the statewide assessment on or before May 15 of each academic year and the scores and assessment data from all other portions of the statewide assessment received on or before May 25 of each academic year.

ADE, subject to review and approval by SBE, may adjust the testing window for the statewide assessment in academic years that SBE is revising current proficiency levels or establishing new proficiency levels for the statewide assessment ([A.R.S. § 15-743](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00743.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

**Abstract**

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| **HB 2404:** S/E taxidermy; registry |
| **PRIME SPONSOR:** Representative Mosley, LD 5**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70206)

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| EENR: DPA/SE 5-4-0-0 |

 | **Legend:**AZGFD – Arizona Game and Fish DepartmentCommission – Arizona Game and Fish CommissionUSFWS – US Fish and Wildlife ServiceAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

Relating to the registration of taxidermists.

[ ]  Prop 105 (45 votes) [ ]  Prop 108 (40 votes) [ ]  Emergency (40 votes) [x]  [Fiscal Note](https://apps.azleg.gov/BillStatus/GetDocumentPdf/457536)

**Provisions**

1. Requires a taxidermist to:
	1. register with the AZGFD rather than be licensed by the Commission;
	2. maintain the register for five years after the date the wildlife was received; and
	3. file a copy of the register by January 31 of each year, rather than quarterly. (Sec. 2)
2. **Removes the requirement to provide the register to authorized representatives of the USFWS**. *(EENR)*
3. **PROVIDES AN EFFECTIVE DATE OF JANUARY 1, 2019.** *(EENR)*
4. Makes technical and conforming changes. (Sec. 1, 2)

**Current Law**

A person who engages in taxidermy must procure a license from the Commission and keep a register of: 1) the names and addresses of persons who furnish raw and unmounted specimens; 2) the taker's tag or license number; and 3) the date and number of each species of wildlife received. On request, a taxidermist is required to provide the register information to authorized representatives of the AZGFD and the USFWS. Additionally, a taxidermist must file annual reports in January, April, July and October that includes the register information, excluding names and addresses ([A.R.S. § 17-363](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/17/00363.htm)).

A taxidermist license is $150 annually and may be revoked, suspended or denied by the Commission for conviction of certain offenses ([R12-4-102](http://apps.azsos.gov/public_services/Title_02/2-07.pdf) and R12-4-605). *Taxidermist* means any person who engages for hire in the mounting, refurbishing, maintaining, restoring or preserving of any display specimen ([A.R.S. § 17-101](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/17/00101.htm)).

A federal taxidermist permit is not required to mount lawfully taken and acquired mammals and non-migratory birds; however, a permit is required to mount or perform taxidermy work on migratory birds or their parts, nests or eggs belonging to someone else. The migratory bird permit is $100 and valid for five years ([50 CFR § 21.24](https://www.gpo.gov/fdsys/pkg/CFR-2001-title50-vol1/pdf/CFR-2001-title50-vol1-sec21-24.pdf)).

**Additional Information**

According to the AZGFD, there are 151 licensed taxidermists in Arizona.

**ARIZONA HOUSE OF REPRESENTATIVES**

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| **HB 2211:** bankruptcy exemption; personal property |
| **PRIME SPONSOR:** Representative Thorpe, LD 6**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69974)

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|  FPRPP: DPA 6-2-0-1 |

 | **Legend:**Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to personal items exempt in bankruptcy.

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

**Provisions**

1. Exempts all ~~firearms,~~ domestic animals, household pets and professionally prescribed motorized mobility devices from a bankruptcy. (Sec. 1) (*FPRPP*)
2. **EXEMPTS FIREARMS FROM A BANKRUPTCY IF:**
3. **ACQUIRED MORE THAN 24 MONTHS BEFORE FILING FOR PROTECTION; AND**
4. **THE AGGREGATE VALUE IS NO MORE THAN $5000.** (*FPRPP*)
5. Increases the cap for excluding horses, milk cows and poultry in a bankruptcy from $800 to $1000. (Sec. 1)
6. Increases the cap for excluding a watch in a bankruptcy from $150 to $250. (Sec. 1)
7. Increases the cap for excluding a typewriter, computer, bicycle, sewing machine, family bible or a lot in a burial ground in a bankruptcy from $1000 to $2000. (Sec. 1)
8. Makes technical and conforming changes. (Sec. 1)

**Current Law**

[A.R.S. Title 33, Chapter 8](https://www.azleg.gov/arsDetail/?title=33) outlines homestead and personal property exemptions from a bankruptcy.

A homestead is exempt from bankruptcy, not exceeding $150,000 ([A.R.S. § 33-1101](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/33/01101.htm)). Personal property used primarily for personal, family or household purposes that are excluded in a bankruptcy include:

1. A typewriter, computer, bicycle, sewing machine, bible or burial ground lot, one shotgun or one rifle or one pistol, not more than $1000;
2. Equity in one motor vehicle; not more than $6000 or $12,000 if the debtor has a disability;
3. Domestic pets, horses, milk cows and poultry, not more than $800;
4. Professionally prescribed prostheses, including a wheelchair;
5. Engagement and wedding rings, not more than $2000;
6. Wearing apparel, not more than $500;
7. Musical instruments, not more than $400;
8. A library collection; not more than $250; and
9. A watch, not more than $150 ([A.R.S. § 33-1125](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/33/01125.htm)).

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| **HB 2212 :** firearm possession; peace officers; definition |
| **PRIME SPONSOR:** Representative Thorpe, LD 6**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69975)

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|  FPRPP: DP 6-3-0-0 |

 | **Legend:**Board – Peace Officer Standards and Training BoardADPS – Arizona Department of Public Safety ADC – Arizona Department of CorrectionsADJC – Arizona Department of Juvenile CorrectionsABOR – Arizona Board of Regents AG – Attorney GeneralAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

# State SealARIZONA HOUSE OF REPRESENTATIVES

**Abstract**

Relating to peace officers.

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

**Provisions**

1. Removes the requirement that a peace officer must not be prohibited from carrying a firearm if the officer is in compliance with the firearm requirements prescribed by the Board. (Sec.1)
2. Expands the definition of *peace officer* to include:
	1. A person employed as a law enforcement officer by any state or state's political subdivision or any Indian tribe who is certified by an entity of that state, political subdivision or tribal government equivalent to the Board.
	2. A federally certified law enforcement officer. (Sec. 1)
3. Makes technical changes. (Sec. 1)

**Current Law**

*Peace officers* are defined as sheriffs, constables, marshals, policemen, commissioned personnel of ADPS, personnel who are employed by ADC and ADJC and who have received a certificate from the Board. The definition also includes: 1) peace officers who are appointed by a multicounty water conservation district and who have received a certificate from the Board, 2) police officers who are appointed by community college district governing boards and who have received a certificate from the Board, 3) police officers who are appointed by ABOR and who have received a certificate from the Board, 4) police officers who are appointed by the governing body of a public airport and who have received a certificate from the Board, 5) peace officers who are appointed by a private postsecondary institution and who have received a certificate from the Board and 6) special agents from the AG's office, or of a county attorney, and who have received a certificate from the Board ([A.R.S. § 1-215](https://www.azleg.gov/ars/1/00215.htm)).

Included in the definition of a peace officer are municipal, county and state prosecutors who annually pass a pistol qualifying examination approved by the Board for obtaining and maintaining peace officer certification requirements and that is conducted by a Board recognized instructor or a national rifle association certified firearms instructor ([A.R.S. § 38-1113](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/38/01113.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2235:** municipal improvement districts; sale certificates |
| **PRIME SPONSOR:** Representative Thorpe, LD 6**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70010)

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|  FPRPP: DP 7-0-0-2 |

 | **Legend:**Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to municipal improvement districts.

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

**Provisions**

1. Allows the certificate of sale of a delinquent property in a municipal improvement district to include the parcel number or street address. (Sec. 1)
2. Makes technical changes. (Sec. 1)

**Current Law**

A municipal improvement district may be formed within a designated area to provide public service within the district at a higher level or greater degree than provided in the remainder of the community, including services such as public safety, fire protection, refuse collection, street or sidewalk cleaning or landscape maintenance in public areas, planning, promotion, transportation and public parking ([A.R.S. § 48-575](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/48/00575.htm)).

After the sale of a delinquent property in a municipal improvement district, the street superintendent must execute the certificate with, 1) a description of the property sold, 2) the name of the owner as given on the assessment roll, 3) that the property was sold for a delinquent assessment, specifying the improvement for which the assessment was made, 4) the amount for which the property was sold, 5) the date of sale, 6) the name of the purchaser and 7) the time when the purchaser will be entitled to a deed ([A.R.S. § 48-529](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/48/00529.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2078:** S/E: political subdivisions; electronic filing system |
| **PRIME SPONSOR:** Representative Finchem, LD 11**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69747)

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| GOV: DPA/SE 7-0-0-1 (2/1)GOV: DP 8-0-0-0 (1/18) |

 | **Legend:**SOS - Secretary of StateAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to campaign filing requirements.

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

**Provisions**

1. Removes the requirement for the filing officer to pay a fee to opt in to the SOS's electronic filing system for campaign related documents. (Sec. 1)
2. Makes technical and conforming changes. (Sec. 1)

**Current Law**

A person required to file any statements and reports regarding campaign contributions and expenditures must file with the appropriate filing officer in charge of that election, which is: 1) the SOS for statewide and legislative elections, 2) the county officer in charge of elections for county, school district, community college district and special taxing district elections; or 3) the city or town clerk for city and town elections. Filing officers are required to provide an option for electronic filing and make all statements and reports publicly available on the internet. Filing officers may comply with the filing requirements by opting into the SOS's electronic filing system and paying the prescribed fee ([A.R.S. § 16-928](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/16/00928.htm)).

Candidate committees, political action committees and political parties are required to file various statements and reports with the filing officer which include statements of organization, campaign finance reports, expenditure reports and termination statements (A.R.S. §§ [16-906](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/16/00906.htm), [16-926](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/16/00926.htm) and [16-934](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/16/00934.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB2419:** memorial; buffalo soldiers |
| **PRIME SPONSOR:** Representative Andrade, LD 29**BILL STATUS:** [Caucus & Cow](https://apps.azleg.gov/BillStatus/BillOverview/70250)

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|  GOV: DP 7-0-0-1 |

 | **Legend:**ADOA- Arizona Department of Administration GLMC-Governmental Legislative Mall Commission Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to a memorial for Buffalo Soldiers.

**Provisions**

1. Authorizes ADOA to provide for the placement of a memorial commemorating the Buffalo Soldiers in Wesley Bolin Plaza. (Sec. 1)
2. Specifies that all fundraising and contracts for design and construction of the memorial are the sole responsibility of the proponents. (Sec. 1)
3. Contains a delayed repeal date of October 1, 2021. (Sec. 1)

**Current Law**

All monuments and memorials in the governmental mall must be authorized by legislation. In order for a monument or memorial to be placed in the government mall, the proponents must first submit a concept to ADOA for the design and location for the memorial. ADOA must then review the concept and determine the most appropriate location and dimensions for placement on the governmental mall. After the review, ADOA must submit its recommendations to GLMC. Once the review and recommendation process is completed, ADOA and GLMC must finalize the plans for the monument and the proponents of the bill must enter into a contract with ADOA specifying the conditions of the design, dimensions and location of the monument or memorial, a list of the artists, contractors and subcontractors that will be employed, the minimum dollar requirement for deposit in the monument and the memorial repair fund and a verification that all employees for the project are insured before construction. The approved monument must be built within two years of the effective authorization date [(A.R.S § 41-1363).](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/01363.htm)

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

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2237:** psychologists; licensure; requirements |
| **PRIME SPONSOR:** Representative Cobb, LD 5**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70013)

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|  Health: DP 8-1-0-0 |

 | **Legend:**Ph.D. – Doctor of Philosophy degreePCSAS – Psychological Clinical Science Accreditation SystemAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to psychologist licensure.

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

**Provisions**

1. Permits an applicant with a doctoral degree from a program accredited by the Psychological Clinical Science Accreditation System to satisfy degree requirements. (Sec. 1)

**Current Law**

According to [A.R.S. 32-2071](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/32/02071.htm), an applicant must have a doctoral degree accredited by one of the following regional accrediting agencies at the time of applicant's graduation:

(a) The New England Association of Schools and Colleges.

(b) The Middle States Association of Colleges and Schools.

(c) The North Central Association of Colleges and Schools.

(d) The Northwest Association of Schools and Colleges.

(e) The Southern Association of Colleges and Schools.

(f) The Western Association of Schools and Colleges.

An applicant for licensure must earn a doctoral degree from a program that was accredited by the American Psychological Association. ([A.R.S. § 32 – 2071.01](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/32/02071-01.htm))

**Additional Information**

PCSAS accreditation is voluntary for programs. There are 35 clinical science Ph.D. programs accredited by the PCSAS, 34 of which are in the United States. The American Psychological Association accredits 398 doctoral program degrees.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2007:** S/E evasion; personal disguises; crime |
| **PRIME SPONSOR:** Representative Lawrence, LD 23**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69619)

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|  JPS: DPA/SE 6-3-0-0 |

 | **Legend:**Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to sentencing aggravators.

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

**Provisions**

1. Expands the list of aggravating circumstances for sentencing to include:
	1. If the defendant used a mask or other disguise to obscure his or her face to avoid identification during or immediately following the commission of the offense. (Sec. 1)
2. Makes a conforming change. (Sec. 1)

**Current Law**

A.R.S. Title 13, Chapter 7 outlines sentencing for criminal offenses.

[A.R.S. § 13-701](https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F13%2F00701.htm) currently contains 26 aggravating and 6 mitigating circumstances for sentencing purposes. Aggravators are determined by the trier of fact and considered by the court in sentencing; mitigators are determined and considered by the court in sentencing.

*Trier of fact* means a jury, unless the defendant and the state waive a jury in which case the trier of fact means the court.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2020:** S/E confidentiality agreements; sexual assault; harassment |
| **PRIME SPONSOR:** Representative Syms, LD 28**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69633)

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|  JPS: DPA/SE 9-0-0-0 |

 | **Legend:**NDA-nondisclosure agreementAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to nondisclosure agreements.

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

**Provisions**

1. States that an NDA is not enforceable against a party if the party does either of the following in relation to specified sexual offenses:
	1. Responds to an inquiry from a peace officer or prosecutor, or
	2. Makes a statement in a criminal proceeding not initiated by the party. (Sec 1)
2. Prohibits the use of public monies as consideration in exchange for an NDA related to an allegation of sexual assault or sexual harassment. (Sec 1)
3. Provides that an unenforceable NDA cannot be used to invalidate the party's right to consideration or require the return of consideration already provided. (Sec 1)
4. Prohibits the use of this statute as authority to enforce an NDA. (Sec 1)
5. Defines *criminal proceeding* and *nondisclosure agreement*. (Sec 1)

**Current Law**

A.R.S. [Title 13, Ch. 14](https://www.azleg.gov/arsDetail/?title=13) outlines sexual offenses; [Title 13, Ch. 35](https://www.azleg.gov/arsDetail/?title=13) contains offenses related to obscenity.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2053:** S/E theft by extortion; sexual acts |
| **PRIME SPONSOR:** Representative Syms, LD 28**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69700)

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|  JPS: DPA/SE 8-1-0-0 |

 | **Legend:**DCAC-dangerous crime against childrenAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to sexual extortion.

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

**Provisions**

1. Establishes the offense of *sexual extortion* if a person knowingly communicates a threat intending to coerce another person to engage in specified sexual acts. (Sec 2)
2. Makes the offense a Class 3 felony ([3 ½ years/up to $150,000 plus surcharges](http://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf)). (Sec 2)
3. Provides a higher penalty if the victim is under 15 years old:
	1. Makes the offense a Class 2 felony. (Sec 2)
	2. Allows the offense to be designated as a DCAC for sentencing enhancement purposes ([10 years/up to $150,000 plus surcharges](http://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf)). (Sec 1-2)
	3. Requires the person to register as a sex offender. (Sec 3)
4. Defines *communicating a threat*. (Sec 2)
5. Makes a technical change. (Sec 3)

**Current Law**

[A.R.S. § 13-705](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/00705.htm) outlines specific offenses that if committed against a person under 15, are considered *DCACs.*  If the prosecutor alleges that the offense meets these criteria and the allegation is proven, the defendant receives an enhanced sentence as outlined in the statute.

A.R.S. Title 13, Ch. 38, Article 3 governs the registration and monitoring of sex offenders. [A.R.S. § 13-3821](http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/13/03821.htm&Title=13&DocType=ARS) outlines which offenses require a person to register as a sex offender. Sex offender registration is a lifetime duty in Arizona, except in specific situations.

*Sexual contact* and *sexual intercourse* are defined in [A.R.S. § 13-1401](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/01401.htm).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2068:** probation; parole; medical marijuana use |
| **PRIME SPONSOR:** Representative Leach, LD 11**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69734)

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|  JPS: DP 5-4-0-0 |

 | **Legend:**ADHS-Arizona Department of Health ServicesAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to qualified patients on probation, community supervision or parole.

[x]  Prop 105 (45 votes) [ ]  Prop 108 (40 votes) [ ]  Emergency (40 votes) [ ]  Fiscal Note

**Provisions**

1. States that a registered qualifying patient may be prohibited from possessing marijuana as a condition of the person's probation, community supervision or parole, if the person is under supervision for a:
	1. Juvenile offense under Title 8, Ch. 3;
	2. Drug offense under Title 13, Ch. 24; or
	3. DUI offense under Title 28, Ch. 4. (Sec 1)
2. Contains a Prop 105 clause. (Sec 2)
3. Makes technical changes. (Sec 1)

**Current Law**

Title 36, Ch. 28.1 was added by Proposition 203, the Arizona Medical Marijuana Act, an initiative measure approved by the voters in 2010. Proposition 203 created a framework for the possession and use of marijuana by persons deemed as *qualifying patients*, along with the ability to provide marijuana through nonprofit medical marijuana dispensaries and designated caregivers.

[A.R.S. § 36-2801](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/36/02801.htm) defines a *qualifying patient* as a person who has been diagnosed by a physician as having a debilitating medical condition. *Qualifying patients* can apply to ADHS for a registry identification card by providing specified information. ADHS is required to review the application and make a determination within 10 days of receiving the application; if approved, ADHS must issue a card within five days of approval (A.R.S. [§§ 36-2804.02](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/36/02804-02.htm)-[2804.03](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/36/02804-03.htm)).

[A.R.S. § 36-2811](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/36/02811.htm) establishes a presumption that a qualifying patient or caregiver is engaged in the medical use of marijuana if the person has the registry identification card and is in possession of the *allowable amount of marijuana* (defined in [A.R.S. § 36-2801](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/36/02801.htm)). A registered qualifying patient or caregiver is not subject to arrest, prosecution or penalty of any kind. Possession of a registry card does not constitute probable cause or reasonable suspicion and cannot be used to support the search of the person or property.

**Additional Information**

According to the [December 2017 Arizona Medical Marijuana Monthly Report](http://www.azdhs.gov/documents/licensing/medical-marijuana/reports/2017/2017-dec-monthly-report.pdf), there are 152,979 active cardholding qualifying patients. More information about the Medical Marijuana Program administered by ADHS can be found [here](http://www.azdhs.gov/licensing/medical-marijuana/index.php).

In [State ex rel. Polk v Hancock, 237 Ariz. 125, 127, 347 P 3d 142, 144 (2015](http://www.azcourts.gov/Portals/0/OpinionFiles/Supreme/2015/CV-14-0084-PR.pdf)), the Arizona Supreme Court held that a registered qualifying patient cannot be arrested, prosecuted or penalized in any manner or denied any right or privilege for authorized medical marijuana possession and use.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2159:** traffic violations; traffic survival school |
| **PRIME SPONSOR:** Representative Campbell, LD 1**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69882)

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|  TI: DPA 7-1-0-0 JPS: DPA 7-2-0-0 |

 | **Legend:**Director – Director of Arizona Department of TransportationDUI – Driving under the influenceTSS – Traffic Survival SchoolAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to requiring TSS for traffic violations.

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

**Provisions**

1. Requires a person to attend TSS if convicted of:
	1. ~~Driving the wrong-way on controlled access highway;~~ *(TI & JPS)*
	2. DUI or extreme DUI;
	3. A second DUI or extreme DUI within 7 years; or
	4. Aggravated DUI. (Sec. 1-4)
2. Allows the Director to impose a civil penalty ($300-$3,000) on a TSS for violations outlined in statute. (Sec. 5)
3. Requires the Director to deposit all civil penalties into the State Highway Fund. (Sec. 5)
4. Makes technical and conforming changes. (Sec. 2, 4-6)

**Current Law**

Title 28, Chapter 4, A.R.S. outlines provisions relating to DUIs. [A.R.S. § 28-1381](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/01381.htm) states it is unlawful for a person to drive or be in actual physical control of a vehicle while under the influence of intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance or any combination of these substances. A person convicted of a DUI must: 1) serve at least 10 consecutive days in jail; 2) pay a fine at least $250 plus additional surcharges; 3) perform community service, if ordered by the court; 4) pay an additional $500 to be deposited in the Prison Construction and Operations Fund; 5) pay an additional $500 to be deposited in the Public Safety Equipment Fund; and 6) if the violation involved liquor, have their motor vehicle with a certified ignition interlock device.

The Director is required to provide requirements for a person to be granted a license to become a TSS. Such requirements include location, equipment, course of instruction, instructors, previous records of the school, a fingerprint clearance card for anyone with 20% or more ownership in the TSS and insurance in an amount set by the Director ([A.R.S. § 28-3413](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/03413.htm)). After conducting a hearing the Director is allowed to cancel, suspend or revoke the license of a TSS, if the Director finds the TSS violated any statute requirements, adopted rules or a criminal conviction of a principle ([A.R.S. § 28-3416](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/03416.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2240:** judgment renewal; time period |
| **PRIME SPONSOR:** Representative Farnsworth E, LD 12**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70019)

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|  JPS: DP 9-0-0-0 |

 | **Legend:**Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to judgment renewals.

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

**Provisions**

1. Increases the time period to enforce and renew a judgment after entry from 5 years to 10 years. (Sec. 1-5)
2. Makes technical changes. (Sec. 3)

**Current Law**

[A.R.S. Title 12, Chapter 9](https://www.azleg.gov/arsDetail/?title=12) outlines the process to enforce judgments issued by the courts. After a judgment is entered, the time period permitted for enforcement by a writ of execution or other process is 5 years. A writ of execution or other process for enforcement cannot be issued for the judgment after the 5 years, unless the person renews the judgment. A judgment may be renewed by bringing an action upon the judgment any time within the 5-year time period. Judgments for the payment of money may also be renewed by filing an affidavit with the clerk of the court within 90 days of the judgment's expiration.

[A.R.S. Title 33, Chapter 7, Article 5](https://www.azleg.gov/arsDetail/?title=33) allows a judgment to become a lien on a debtor's real property by recording a certified copy of the judgment in each county there is real property. A judgment remains a lien on real property during the 5-year time period to enforce a judgment after it had been entered with the courts, unless the judgment is renewed. Homestead property is exempt from a lien of judgment.

[A.R.S. § 12-1551](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/12/01551.htm) provides for exemptions to the 5-year judgment enforcement and renewal time period which include: 1) criminal restitution orders; 2) written judgments and orders for child support and spousal maintenance; 3) judgments for supervision fees or expenses for care of a juvenile; and 4) civil judgments obtained by the state of Arizona.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2249:** protective orders; filing requirements |
| **PRIME SPONSOR:** Representative Farnsworth E, LD 12**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69998)

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|  JPS: DPA 8-1-0-0 |

 | **Legend:**IAH-Injunction Against HarassmentIAWH-Injunction Against Workplace HarassmentLEA-law enforcement agencyNCIC-National Crime Information CenterOP-Order of Protection Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to protective orders.

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

**Provisions**

***IAH, IAWH and OP Petitions***

1. Requires an affidavit, declaration, acceptance or return of service to be filed as soon as practicable, within 72 hours excluding weekends and holidays.
	1. Filing must be completed in person, electronically or by fax. (Sec 2-4)
2. Provides that the court must register the IAH, IAWH or OP with NCIC within 24 hours of the filing. (Sec 2-4)
3. Requires the Supreme Court, instead of the sheriff, to maintain a central repository for IAHs, IAWHs and OPs for verification purposes. (Sec 2-4)(*JPS*)
4. Requires the plaintiff's contact information to be disclosed to the court for purposes of service and notification.
	1. This information is not listed on the petition, must be maintained in a separate document or database and is not subject to disclosure except as ordered by the court. (Sec 2-4)
5. Replaces the following terms throughout the protective order statutes:
	1. "Petitioner" is replaced by "plaintiff;"
	2. "Respondent" is replaced by "defendant." (Sec 2-5)

***Service of OPs***

1. Requires the court to provide the OP to an LEA, constable or other authorized person for service, after the order is granted. (Sec 4)
2. Requires the service entity to provide confirmation of service to the plaintiff as soon as practicable. (Sec 4)
3. States that if service cannot be completed within 15 days AFTER THE AGENCY OR ENTITY RECEIVES THE ORDER, the entity attempting service must notify the plaintiff and continue to try to serve the defendant. (Sec 4)(*JPS*)
4. Permits plaintiff notification through a victim notification system. Defines *victim notification system*. (Sec 4)
5. Outlines the appropriate agency/entity to complete the service, depending on where the order originates. (Sec 4)(*JPS*)
6. States that an emergency OP expires at the close of the next judicial business day, or 72 hours after issuance, whichever is longer. (Sec 5)
7. Requires a judicial officer who issues an oral emergency OP to document the order as soon as practicable. (Sec 5)
8. Requires the LEA to file a certificate of service with the court and register the emergency OP with NCIC as soon as practicable. (Sec 5)
9. REMOVES THE REQUIREMENT FOR AN LEA TO REQUEST THAT A PROSECUTORIAL AGENCY FILE CHARGES FOR A VIOLATION OF A PROTECTIVE ORDER. (*JPS*)
10. REMOVES THE PROHIBITION ON ADJUDICATING A VIOLATION OF A PROTECTIVE ORDER IN A MUNICIPAL OR JUSTICE COURT UNLESS A COMPLAINT IS FILED OR OTHER PROCESS IS REQUESTED BY THE PROSECUTOR. (*JPS*)

***Miscellaneous***

1. Provides that an IAH, IAWH or OP expires if it is not served on the defendant within one year of issuance. (Sec 2-4)
2. Contains an effective date of January 1, 2020. (Sec 6)
3. Makes technical, conforming and clarifying changes. (Sec 1-5)

**Current Law**

There are two main types of protective orders that can be sought when a person is experiencing harassment or to prevent an act of domestic violence. The type of order is dependent upon the relationship between the parties:

* An [OP](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/03602.htm) is used for situations where the parties live together, have children together or experience a similar familial relationship;
* An [IAH](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/12/01809.htm) or [IAWH](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/12/01810.htm) is used when there is no familial relationship between the parties and can be issued for either individuals or workplaces.

A person seeking an order can file a petition with the court, the other party has a right to respond through a hearing. If the court issues the protective order, it must be served on the other party before it becomes effective. The seeking party can either have the order served through law enforcement or by a private process server. The order must be served within one year of it being signed, if it is not served within one year the order expires.

**Additional Information**

NCIC is an electronic clearinghouse of crime data maintained by the Federal Bureau of Investigation. This information is made available to criminal justice agencies across the country on a 24-hour basis for verification purposes. There are 21 files in the database, including Protection Orders.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2309:** sex offender registration; termination |
| **PRIME SPONSOR:** Representative Bowers, LD 25**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70089)

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|  JPS: DP 9-0-0-0 |

 | **Legend:**Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to sex offender registration.

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

**Provisions**

1. Expands the current option for specific defendants to petition the court to end the defendant's duty to register as a sex offender by including:
	1. All offenses that a person could be ordered or required to register for, except:
		1. Sexual assault ([A.R.S. § 13-1406](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/01406.htm))
		2. Molestation ([A.R.S. § 13-1410](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/01410.htm))
		3. Continuous sexual abuse of a child ([A.R.S. § 13-1417](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/01417.htm))
		4. Taking a child for prostitution ([A.R.S. § 13-3206](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/03206.htm))
		5. Child sex trafficking ([A.R.S. § 13-3212](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/03212.htm))
		6. Commercial sexual exploitation of a child ([A.R.S. § 13-3552](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/03552.htm))
		7. Sexual exploitation of a minor ([A.R.S. § 13-3553](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/03553.htm))
		8. Aggravated luring of a minor for sexual exploitation ([A.R.S. § 13-3560](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/03560.htm))
	2. Offenses where the victim was a peace officer posing as a minor 15 years of age or older.
	3. Conduct that did not involve the use of threats or force. (Sec 1)

**Current Law**

A.R.S. Title 13, Ch. 38, Article 3 governs the registration and monitoring of sex offenders. [A.R.S. § 13-3821](http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/13/03821.htm&Title=13&DocType=ARS) outlines which offenses require a person to register as a sex offender. Sex offender registration is a lifetime duty in Arizona, except in the following situations:

* If the offender was adjudicated delinquent for the offense requiring registration, the duty to register ends when the offender reaches age 25 (A.R.S. § 13-3821(D)).
* If the offender is on probation, under 22 years of age and was convicted of an offense that occurred before the offender turned 18, the offender can ask the court to consider ending the offender’s duty to register. ([A.R.S. § 13-923](http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/13/00923.htm&Title=13&DocType=ARS))

[Laws 2016, Ch. 105](https://apps.azleg.gov/BillStatus/BillOverview/67901) added an additional option for terminating a person's duty to register as a sex offender. The statute requires the person to meet specific criteria, including:

* The original conviction was for sexual conduct with a minor ([A.R.S. § 13-1405](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/01405.htm));
* The defendant successfully completed probation;
* The defendant was under 22 years old at the time of the offense;
* The victim was 15-17 years old;
* The conduct was consensual;
* The defendant did not violate sex offender terms of probation;
* The defendant hasn't committed another felony or any sex offense;
* A court hasn't made a finding that the person might be a sexually violent person;
* There wasn't more than one victim; and
* The defendant wasn't sentenced to prison for the registerable offense.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2314:** misdemeanor sentence; authorized disposition |
| **PRIME SPONSOR:** Representative Farnsworth E, LD 12**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70094)

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|  JPS: DP 9-0-0-0 |

 | **Legend:**Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to sentencing for misdemeanor offenses.

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

**Provisions**

1. States the court can impose a sentence to perform community restitution or a term of education or treatment for misdemeanor convictions, in addition to any sentence authorized by law. The court determines:
	1. The fixed number of hours of restitution that are required.
	2. The term of education or treatment (cannot exceed the term of probation).
	3. The program of education or treatment. (Sec. 2)
2. Makes technical changes. (Sec. 1)

**Current Law**

[A.R.S. § 13-105](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/00105.htm) defines a *misdemeanor* as an offense for which a sentence to a term of imprisonment other than to the custody of the state department of corrections is authorized by any law of this state. The maximum terms are:

* A Class 1 misdemeanor, six months.
* A Class 2 misdemeanor, four months.
* A Class 3 misdemeanor, 30 days.

[A.R.S. § 13-603](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/00603.htm) outlines the sentences that may be imposed if a person is convicted of an offense and not granted a period of probation, or on revocation of probation.

[A.R.S. § 13-902](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/00902.htm) outlines the specific periods of probation for misdemeanors:

* A Class 1 misdemeanor, three years.
* A Class 2 misdemeanor, two years.
* A Class 3 misdemeanor, one year.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2315:** intensive probation; employment wages; monitoring |
| **PRIME SPONSOR:** Representative Farnsworth E, LD 12**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70095)

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|  JPS: DP 9-0-0-0 |

 | **Legend:**Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to intensive probation.

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

**Provisions**

1. Modifies the procedures for a person under intensive probation to make payment of restitution, probation fees, fines and other payments by:
2. Removing the requirement for the person's wages be paid directly into an account established by the chief adult probation officer; and
3. Requiring the person's wages be monitored by the person's probation officer to ensure payment. (Sec. 1)
4. Removes the requirement that the balance of monies, before paid to the person, be placed in an account to be used for or paid to the person or immediate family in a manner and amount determined by the chief adult probation officer or court. (Sec. 1)

**Current Law**

[A.R.S. Title 13, Chapter 9](https://www.azleg.gov/arsDetail/?title=13) outline the requirements and procedures of probation. When a person has been convicted of an offense that is eligible for probation, the court can suspend sentencing and place the person on intensive probation supervised by an intensive probation team. Under intensive probation, a person must: 1) maintain employment, full-time student status, a combination of employment and student status or supervised job searches and community restitution work for 6 days a week; 2) pay restitution and probation fees; 3) establish a residence; 4) remain at the residence at all times except for work, school, community restitution or as otherwise permitted; 5) allow for drug and alcohol tests; 6) perform at least 40 hours of community restitution each month, unless exempt; and 7) meet any other conditions imposed by the court.

The intensive probation team is required to assist the person in obtaining employment. The person's wages must be placed into an account established by the chief adult probation officer and be used towards payment of restitution, probation fees, fines and other payments. The balance of monies, before being paid to the person, are placed in an account to be used for or paid to the person or his immediate family in a manner and amount determined by the chief probation officer or the court.

*Intensive probation* is defined as a program of highly structured and closely supervised probation which emphasizes the payment of restitution.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2384:** unlawful flight; vehicle impoundment |
| **PRIME SPONSOR:** Representative Clodfelter, LD 10**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70216)

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|  JPS: DPA 9-0-0-0 |

 | **Legend:**Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to the unlawful flight from law enforcement.

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

**Provisions**

1. Expands the offense of *unlawful flight from law enforcement* to include a person who flees or attempts to elude an unmarked law enforcement vehicle, if:
	1. The driver admits to knowing it was a law enforcement vehicle; or
	2. Evidence shows that the driver ~~should have known~~ KNEW that it was a law enforcement vehicle. (Sec 1)(*JPS*)
2. Allows an officer to have a vehicle removed if the driver:
	1. Commits unlawful flight from law enforcement;
	2. Leaves the vehicle; and
	3. Continues to flee by other means, including on foot or in another vehicle. (Sec 2)
3. Makes conforming changes. (Sec 1)

**Current Law**

[A.R.S. § 28-622.01](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/00622-01.htm) prohibits willfully fleeing or attempting to elude a pursuing law enforcement vehicle and classifies the offense as a Class 5 felony ([1.5 years/up to $150,000 plus surcharges](http://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf)). The offense only applies if the law enforcement vehicle is appropriately marked and meets the criteria outlined in [A.R.S. § 28-624](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/00624.htm):

* The vehicle has at least one lighted lamp with a red or blue light visible from 500 feet in front of the vehicle (for police vehicles, the light doesn't have to be visible from the front of the vehicle); and
* The driver of the vehicle sounds an audible signal (bell, siren or exhaust).

[A.R.S. § 28-4834](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/04834.htm) allows an officer who has reasonable grounds to believe that a vehicle has been lost, stolen, abandoned or otherwise unclaimed to have the vehicle removed (towed) from any street, highway, public land or private property. The officer must inspect the vehicle, fill out the vehicle identification form and inquire as to whether the vehicle is stolen.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2203:** wildland fuel loads; watershed protection |
| **PRIME SPONSOR:** Representative Finchem, LD 11**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69966)

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| LARA: DP 5-2-0-1 |

 | **Legend:**ADWR – Arizona Department of Water ResourcesAG – Attorney Generalfuel load – catastrophic wildland fuel loadgoverning body – city/town mayor and chairman of the county board of supervisors or county sheriffAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to fuel load removal on State and federal land.

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

**Provisions**

***Fuel Load Removal***

1. Allows the governing body to determine that a fuel load exists on State or federal land located within the boundaries of the city, town or county. (Sec. 1, 2)
2. Permits the governing body to consider the following in evaluating whether a fuel load exists:
	1. tree density and overall health of forested areas, including fire regime condition class;
	2. insect and disease infestation, including insect and disease hazard ratings;
	3. fuel loads;
	4. forest or range types;
	5. slopes and other natural characteristics of an area;
	6. watershed protection criteria;
	7. weather and climate; and
	8. any other relevant factors. (Sec. 1, 2)
3. Requires the governing body to do the following on determination that a fuel load exists:
	1. consult with their attorney or the AG;
	2. notify by personal service or certified mail the federal or state agency that manages the land; and
	3. provide a copy of the notice to the Governor, the AG, and if the fuel load exists on federal land, Arizona's congressional delegation. (Sec. 1, 2)
4. Stipulates that the notice of determination must include a:
	1. detailed explanation of the basis for determination;
	2. demand that the federal or state agency make a plan to abate the fuel load; and
	3. specific date, at least 30 days after the notice is received, that the federal or state agency must abate or produce an acceptable plan to the governing body. (Sec. 1, 2)
5. Allows the governing body to enter into a plan with the federal or state agency to abate the fuel load. (Sec. 1, 2)
6. Directs the governing body to notify and consult their attorney and the AG if the federal or state agency does not respond by the date provided in the notice or otherwise indicates abatement will not occur. (Sec. 1, 2)
7. Instructs the governing body, in consultation with their attorney and the AG, to pursue all lawful remedies on determination that a fuel load exists on federally managed land that adversely affects or constitutes an immediate threat to public health, safety and welfare. (Sec. 1, 2)
8. Specifies the governing body must attempt to do the following if seeking emergency abatement:
	1. coordinate with the state and federal agencies; and
	2. obtain the advice of professionals with expertise in abating the fuel loads. (Sec. 1, 2)
9. Declares the State's authority to manage and protect wildlife or a governing body's power to define, abate, remove and punish persons committing nuisances is not limited. (Sec. 1, 2)

***State Forester***

1. Allows the State Forester to enter into cooperative agreements with state and federal agencies, departments, political subdivisions and any person for assistance with removing nonnative woody biomass, woody biomass overgrowth or other fuel loads. (Sec. 4)
2. Requires the State Forester, in consultation with the ADWR Director, to provide for watershed protection and enhancement. (Sec. 3)
3. Grants the State Forester the authority to remove nonnative woody biomass, woody biomass overgrowth or other fuel loads from State lands for watershed protection and enhancement (Sec. 4)
4. Declares the value of nonmerchantable materials removed from State Trust lands is less than the value added because of the removal. (Sec. 4)
5. Allows the rights to the removed nonmerchantable materials to be auctioned to the highest and best bidder and states the appraised true value equals the highest and best bid. (Sec. 4)
6. Stipulates that the State Trust is not entitled to any proceeds the purchaser of the nonmerchantable material may earn. (Sec. 4)
7. Defines *catastrophic wildland fuel load*, *federal agency* and *nonmerchantable materials*. (Sec. 1, 2, 4)
8. Makes technical and conforming changes. (Sec. 3, 4).

**Current Law**

Two or more public agencies or public procurement units may enter into agreements to contract for services, jointly exercise any common powers or perform other joint or cooperative action. Agreements must be authorized by the legislative or the respective governing bodies of the public agencies or procurement units. The contract or agreement must specify: 1) its duration and purpose; 2) the manner of financing; 3) the organization, composition, title and nature of the entity if a separate entity is formed; and 4) other necessary and proper matters. The agreement may be extended as many times as desirable, but each extension is prohibited from being for longer than the duration of the previous agreement ([A.R.S. § 11-952](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/11/00952.htm)). *Public agency* includes the federal government, Indian tribes, any other state, this State, and all agencies, counties, school districts, fire districts, cities, towns and political subdivisions of this State or any another state ([A.R.S. § 11-951](https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F11%2F00951.htm)).

The State Forester has the authority to prevent, manage or suppress any wildfires on state and private lands located outside incorporated municipalities, and if subject to cooperative agreements, on other lands located in Arizona or in other states. The State Forester may enter into cooperative agreements with other state and federal agencies, departments and political subdivisions and any other person for the prevention and suppression of wildfire ([A.R.S. § 37-1303](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/37/01303.htm)).

The natural products and money proceeds of State Trust lands are subject to provisions of the Enabling Act and must be sold or leased to the highest and best bidder at a public auction (Arizona Constitution, Article 10 §§ [1](https://www.azleg.gov/viewDocument/?docName=http://www.azleg.gov/const/10/1.htm) and [3](https://www.azleg.gov/viewDocument/?docName=http://www.azleg.gov/const/10/3.htm)). All timber and other products of the land being offered must be appraised at their true value ([Arizona Constitution, Article 10 § 4](https://www.azleg.gov/viewDocument/?docName=http://www.azleg.gov/const/10/4.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2261:** veterinary faculty members; licensure requirements |
| **PRIME SPONSOR:** Representative Toma, LD 22**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70025)

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|  LARA: DPA 6-1-0-1 |

 | **Legend:**AVMA – American Veterinary Medical AssociationBoard – Arizona Veterinary Medical Examining BoardCE – Continuing Education ECFVG – Educational Commission for Foreign Veterinary GraduatesNAVLE – North American Veterinary Licensing ExaminationPAVE – Program for the Assessment of Veterinary Education EquivalenceAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to veterinary faculty member licenses.

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

**Provisions**

1. Exempts a veterinary faculty member license applicant**, WHO HAS GRADUATED FROM A VETERINARY COLLEGE THAT IS RECOGNIZED BY THE BOARD,** from the requirement that the applicant be a:
	1. Graduate of an AVMA accredited veterinary college; or
	2. Hold a certificate issued by ECFVG, PAVE or a foreign graduate testing program approved by the Board. (Sec. 2) (*LARA*)
2. ~~Excludes a veterinarian employed by a public university from the licensure for veterinarians employed by the state or political subdivisions.~~ (Sec. 4) (*LARA*)
3. **ASSERTS THAT VETERINARY FACULTY MEMBERS OF AN AVMA-ACCREDITED VETERINARY COLLEGE ARE SUBJECT TO THE VETERINARY FACULTY MEMBER LICENSE.** (*LARA*)
4. Makes technical and conforming changes. (Sec. 1-3)

**Current Law**

A license is required to practice veterinary medicine or surgery in Arizona, including as a faculty member at a veterinary college. The application for licensure includes 1) the names of schools of veterinary medicine the applicant attended; 2) the degrees held from schools of veterinary medicine; 3) the location and length of time in active practice; and 4) whether the applicant is in good standing in each location of practice ([A.R.S. § 32-2213](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/32/02213.htm)).

Applicants for a veterinary faculty member license must be: 1) of good moral character; and 2) be a graduate of an AVMA accredited veterinary college or hold a certificate issued by ECFVG, PAVE or a foreign graduate testing program approved by the Board ([A.R.S. § 32-2215](https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F32%2F02215.htm)). Additionally, the applicant must provide documentation showing the applicant has been appointed to the faculty of a veterinary college and the license expires on the date of separation of employment (A.R.S. §§ [32-2213](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/32/02213.htm) and [32-2218](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/32/02218.htm)). Veterinary faculty members are not subject to CE requirements ([A.R.S. § 32-2207](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/32/02207.htm)).

A licensed veterinary faculty member may: 1) practice veterinary medicine under the licensee's official academic responsibilities ([A.R.S. § 32-2212](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/32/02212.htm)); 2) direct, supervise and control a certified

veterinary technician or a veterinary student in the practice of veterinary medicine ([A.R.S. § 32-2231](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/32/02231.htm)); and 3) perform regular clinical functions, give lectures, instructions or demonstrations and practice veterinary medicine as a faculty member in connection with CE courses or seminars to licensed veterinarians, certified veterinary technicians, veterinary students or veterinary technician students ([A.R.S. § 32-2238](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/32/02238.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2290:** expenditure limitation; waiver of penalties |
| **PRIME SPONSOR:** Representative Cobb, LD 5**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70108)

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|  LIA: DP 6-0-0-1 |

 | **Legend:**BOS – Board of SupervisorsEEC – Economic Estimates CommissionOAG – Office of the Auditor GeneralAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to La Paz County penalties for excess expenditures.

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

**Provisions**

1. Waives the penalties imposed on La Paz County for excess expenditures of local revenues in FY's 2014-18. (Sec. 1)
2. Prohibits La Paz County from seeking an additional Legislative waiver of penalties for excess expenditures for at least five years. (Sec. 1)
3. Makes the bill retroactively effective to July 1, 2013. (Sec. 2)

**Current Law**

The EEC is required to annually determine and publish the expenditure limitation for each county, city and town. The expenditure limit is determined by adjusting the amount of actual payments of local revenues for each political subdivision in FY 1980 (the base limit) to reflect population and cost of living changes. Political subdivisions are prohibited from authorizing expenditures in excess of the limitation, unless there is a natural or man-made disaster or the excess expenditure is approved by a majority of voters in the district at a special election ([Arizona Constitution, Article IX, § 20](https://www.azleg.gov/viewDocument/?docName=http://www.azleg.gov/const/9/20.htm)).

The OAG oversees the uniform expenditure reporting system for political subdivisions. Each year, counties are required to include certain information in the system. If a county exceeds the expenditure limitations without authorization, the OAG must notify the BOS of the county to reduce its allowable levy of primary property taxes by the amount of excess expenditures ([A.R.S. § 41-1297.07](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/01279-07.htm)).

**Additional Information**

The FY 18 County expenditure limits can be found [here](https://www.azdor.gov/Portals/0/Reports/Estimates/2018Counties_final.pdf).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB2461:** zoning regulations; private schools |
| **PRIME SPONSOR:** Representative Leach, LD 11**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70422)

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|  LIA: DPA 4-2-0-1 |

 | **Legend:**BOS – Board of SupervisorsAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to land use regulations and building permits for schools.

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

**Provisions**

1. Prohibits a municipality or county from adopting or imposing a land use regulation or building or use permit on a private school that would not be imposed on a similarly situated ~~district school or~~ charter school. (Sec. 1, 2) (*LIA*)
2. Makes technical and conforming changes. (Sec. 1)

**Current Law**

The legislative body of a municipality and the BOS of a county may regulate the use of buildings, structures and land within its jurisdiction by zoning ordinance in order to conserve and promote the public health, safety and general welfare. All municipal zoning regulations must be uniform to each class or kind of building, but may differ in different types of zones (A.R.S. §§ [9-462.01](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/9/00462-01.htm) & [11-811](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/11/00811.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2421:** national guard; employment rights |
| **PRIME SPONSOR:** Representative Andrade, LD 29**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70252)

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| MVRA: DPA 9-0-0-0 |

 | **Legend:**Guard – Arizona National GuardReserve – US Armed Forces ReserveAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to National Guard employment rights.

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

**Provisions**

1. Extends employment rights regarding seniority and leave of absence from employment for military duty to members of the National Guard in any other state. (Sec. 1)
* *Currently, these rights only apply to Guard and Reserve members (*[A.R.S. § 26-168](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/26/00168.htm)*).*
1. **EXTENDS FEDERAL PROTECTIONS AFFORDED TO INDIVIDUALS ON ACTIVE DUTY TO MEMBERS OF THE US ARMED FORCES RESERVES.** (*MVRA*)
2. Makes technical and conforming changes. (Sec. 1)

**Current Law**

An employer is prohibited from refusing to permit members of the Guard and Reserve to take a leave of absence from employment to comply with competent orders or to attend camps, maneuvers, formations or armory drills. The leave of absence may not affect vacation rights, with exceptions.

A member of the Guard or Reserve may not lose seniority or precedence while under competent military orders. Upon return to employment, the employee is required to be returned to the employee's previous position or a higher position commensurate with the employee's ability and experience.

An officer or employee of the state, or any department or political subdivision of the state, who is a member of the Guard or Reserve, is entitled to leave of absence without loss of time or efficiency rating on all days engaged in field training.

When ordered by the Governor to perform training or duty, a member of the Guard is required to have the same protections afforded by federal law to individuals on active duty ([A.R.S. § 26-168](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/26/00168.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2166:** vehicle fees; alternative fuel VLT |
| **PRIME SPONSOR:** Representative Campbell, LD 1**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/69888)

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|  TI: DPA 7-1-0-0 |

 | **Legend:**Director – Director of Arizona Department of TransportationDPS – Arizona Department of Public Safety VLT – Vehicle License TaxAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to highway safety fee and the VLT classification of alternative fuel vehicles.

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

**Provisions**

1. Requires the registering officer annually collect a highway safety fee with the vehicle registration application. (Sec. 1)
2. Instructs the Director to deposit all highway safety fee monies collected into the Arizona Highway Patrol Fund. (Sec. 1)
3. Requires the Director to annually determine the fee that must fund 110% of DPS highway patrol budget for each fiscal year minus any unencumbered balance exceeding 10% of the previous year's deposit. (Sec. 1)
4. **REQUIRES THE VLT FOR AN ALTERNATIVE FUEL VEHICLE TO BE BASED ON THE VALUE THE MOTOR VEHICLE THAT IS A PERCENTAGE SET BY THE DIRECTOR OF THE MANUFACTURER'S BASE RETAIL PRICE.** (TI)
5. **ELIMINATES THE SEPARATE VLT CLASSIFICATION FOR ALTERNATIVE FUEL VEHICLES FOR VEHICLES PURCHASED ON OR AFTER JANUARY 1, 2020**. (TI)
6. **EXEMPTS ADOT FROM RULEMAKING TO SET THE ANNUAL HIGHWAY SAFETY FEE.** (TI)
7. ~~Repeals the alternative fuel vehicles classification for VLT. (Sec. 3)~~ (TI)
8. **CONTAINS A DELAYED EFFECTIVE DATE FOR PROVISIONS RELATING TO THE ALTERNATIVE FUEL VEHICLE CLASSIFICATION TO JANUARY 1, 2020.** (TI)
9. **CONTAINS A LEGISLITATIVE INTENT CLAUSE**. (TI)
10. Makes technical and conforming changes. (Sec. 2, 4-5)

**Current Law**

*Alternative Fuel* is defined as: 1) electricity; 2) solar energy; 3) liquefied petroleum gas, natural gas, hydrogen or a blend; 4) for vehicles that use alcohol fuels that contain no less than 85% alcohol by volume; and 6) a combination of at least 70% alternative fuel and no more than 30% petroleum-based fuel ([A.R.S. § 1-215](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/1/00215.htm)).

Alternative fuel vehicles have an annual VLT of $4 per $100 in value. For the first year, the value of alternative fuel vehicle is determined by 1% of the manufacturer's base retail price of the motor vehicle. Each successive year, the value of the motor vehicle is 15% less than the prior year's value ([A.R.S. § 28-5805](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/05805.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2266:** dark sky lighting special plates |
| **PRIME SPONSOR:** Representative Thorpe, LD 6**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70030)

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|  TI: DP 8-0-0-0 |

 | **Legend:**Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to dark sky lighting special license plates.

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

**Provisions**

1. Allows a person who pays $32,000 before December 31, 2018 to design the dark sky lighting special plate, to be approved and issued by ADOT. (Sec. 3)
2. Permits the Director to authorize the combination of dark sky lighting special plates requests with personalized special plate requests. (Sec. 3)
3. Requires that the combination request is in a form prescribed by the Director and is subject to fees for both the personalized special license plates and the dark sky lighting special plates. (Sec. 3)
4. Requires that, $25 fee required to obtain and renew a special plate, $8 be allocated toward special plate administration fees and $17 are to be donated to the State Highway Fund. (Sec. 3)
5. Directs ADOT to use donations deposited in the State Highway Fund from donations from dark sky special plate to install dark sky lighting along each right-of-way. (Sec. 6)
6. Defines *dark sky lighting*. (Sec. 6)
7. Makes conforming changes. (Sec. 1, 2, 4-6)

**Current Law**

ADOT must issue or renew special plates in lieu of the regular license plates under specified conditions and procedures [(A.R.S. § 28-2403)](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/28/02403.htm). A $25 fee is required for each pair of original and for each annual renewal of special plates. Additionally, a $12 fee is required for a transfer of special plates [(A.R.S. § 28-2402)](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/28/02402.htm).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2301:** impeding left lane; notification signs |
| **PRIME SPONSOR:** Representative Thorpe, LD 6**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70081)

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|  TI: DP 6-2-0-0 |

 | **Legend:**Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to impeding left lane signs.

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

**Provisions**

1. Directs ADOT to erect signs along highways to inform the public of impeding left lane laws. (Sec. 1)

**Current Law**

Motorists must drive on the right side of the road at all times. Vehicles moving slower than the normal speed of traffic must move to the right lane, or as close to the right curb or edge of the road as is practicable. The above requirements provide the following exceptions:

1. When overtaking or passing another vehicle;
2. When the right half of the road is closed for repair or construction;
3. When the road is divided into three lanes; or
4. When on a one-way road ([A.R.S. §28-721](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/00721.htm)).

The Director regulates the use of standard boards, road signs and other devices on state routes that correlate with the AASHO's approved system ([A.R.S. §28-7044](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/07044.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2305:** vehicle dealers; franchise regulations |
| **PRIME SPONSOR:** Representative Campbell, LD 1**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70085)

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|  TI: DP 8-0-0-0 |

 | **Legend:**Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to new motor vehicle dealers and manufacturer pricing regulation.

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

**Provisions**

1. Prohibits a manufacturer, distributor or representative of a manufacturer of a new motor vehicle from coercing a dealer into establishing prices through a program in which the dealer sells products or services that are not manufactured or distributed by the manufacturer, distributor or representative. (Sec. 2)
2. Adds successors in interest of a manufacturer, importer or distributor including those that acquire the interests by purchase, merger, conversion, court order, bankruptcy or other transfer to the definition of *factory*. (Sec. 3)
3. Expands the definition of *new motor vehicle* to include a vehicle that has not be reported as sold and has not been issued a certificate of title. (Sec. 1)
4. Makes technical and conforming changes. (Sec. 1-3)

**Current Law**

A manufacturer, distributor or representative of a manufacturer of new motor vehicles cannot coerce a dealer to: 1)accept delivery of a new motor vehicle, parts or accessories the dealer did not order; 2) enter into an agreement with a manufacturer, distributor or representative; 3) threaten to cancel or not renew a franchise existing between the two parties; 4) construct, renovate or make substantial alteration to the dealer's facilities without demonstrating the changes are justified; or 5) enter into a real property use or site control agreement as a condition of rewarding a franchise ([A.R.S. § 28-4458](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/04458.htm)).

A *new motor vehicle* is defined in statute as a motor vehicle that is held for sale by the franchisee who acquired the vehicle from the manufacturer or distributor ([A.R.S. § 28-4301](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/04301.htm)). A *factory* is defined as a manufacturer, importer, distributor or any legal entity in which a manufacturer, importer or distributor owns majority interest excluding any new motor vehicle dealer, used motor vehicle dealer or trailer manufacturer ([A.R.S. § 28-4460](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/04460.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2306:** towing companies; insurance companies; owners |
| **PRIME SPONSOR:** Representative Campbell, LD 1**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70086)

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|  TI: DPA 7-0-0-1 |

 | **Legend:**AG – Attorney General Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to companies towing vehicles after accidents.

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

**Provisions**

1. Directs a towing company to release a towed vehicle to the owner on the day the request for release is provided to the towing company, if conditions are met. (Sec. 1)
2. Allows the request for release to be emailed or delivered by other electronic means to the towing company. (Sec. 1)
3. Requires a towing company to:
	1. Define a storage day from midnight of one day to midnight of the next day for billing purposes;
	2. Allow the payment of fees and charges to be made in the form of cash, credit card ~~(without a processing fee)~~, debit card, ~~check, cashier's check~~ **INSURANCE COMPANY CHECK** or money order;
	3. Make all fees and charges pursuant to the terms of the **APPLICABLE** contract between the company and the **JURISDICTION GOVERNING THE TOW AND STORAGE**; and
	4. Be open **OR OTHERWISE AVAILABLE** to the public, or by appointment, to provide current billing statements and release vehicles between ~~8:30~~ **9:00** am and ~~6:00~~ **5:00** pm Monday through Friday, excluding holidays.
		1. A towing company may not accrue storage fees and charges for any day when the lot is ~~closed~~ **NOT OPEN AND THE ABILITY OBTAIN A DETAILED STATEMENT OF CHARGES OR TO HAVE A VEHICLE RELEASED IS NOT OTHERWISE AVAILABLE** contrary to this requirement. (Sec. 1) (*TI*)
4. Prohibits a towing company from:
	1. ~~Imposing additional fees or charges between receiving the request for the release and providing the detailed written statement;~~
	2. Charging more than the amount authorized by the contract or statute **FOR A PRIMARY TOW**;
	3. Refusing to release a vehicle after the owner or insurance company presents a request for release and pays the authorized fees and charges;
	4. Requiring payment for the removal of personal property that is inside the vehicle if the inspection and removal occurs during normal business hours; and
	5. **ASSESSING STORAGE CHARGES IF THE COMPANY FAILS TO PROVIDE A DETAILED LIST OF CHARGES BY CLOSE OF BUSINESS ON THE DAY THE STATEMENT IS REQUESTED, UNTIL THE DAY THE COMPANY PROVIDES THE STATEMENT TO THE OWNER OR INSURANCE COMPANY.**
	6. ~~Accruing storage fees and charges for the calendar days on which the vehicle is brought to the storage facility or retrieved by the owner or insurance company.~~ (Sec. 1) (*TI*)
5. Authorizes the owner, or a person designated in writing by the owner **OR THE INSURER**, during normal business hours to:
	1. Inspect the vehicle at the towing company's storage lot;
	2. Report any damage to the vehicle **ALLEGEDLY CAUSED BY THE TOWING COMPANY** to the towing company at the time of inspection; and
	3. Remove personal property from the vehicle**, WITH A RELEASE OF LIABILITY SIGNED BY THE OWNER OR INSURER, IF REQUIRED**. (Sec. 1) (*TI*)
6. Instructs a towing company to tow a vehicle to the closest storage lot designated in the applicable contract after an accident, unless:
	1. The owner or insurance company directs the company to a different location; or
	2. **THERE IS INSUFFICIENT CAPACITY IN THE CLOSEST STORAGE LOT**. (Sec. 1) (*TI*)
7. ~~Creates a cause of action or a right to bring an action against a towing company to:~~
	1. ~~Collect unauthorized fees or charges that a towing company imposes and collects; and~~
	2. ~~For failing to release a motor vehicle if the owner or insurance company provides the company with the request for release and pays the authorized fees and charges.~~ (Sec. 1) (*TI*)
8. Stipulates that all acts of employees or contractors of a towing company **WITHIN THE SCOPE OF EMPLOYMENT** are deemed to be acts of the towing company. (Sec. 1) (*TI*)
9. Classifies an act or practice in violation of this section as an unlawful practice and authorizes the AG to investigate and take appropriate action against the towing company, including any civil or criminal action, remedy and penalty provided by law. (Sec. 1)
10. Classifies failure to release a vehicle on receipt of the request for release and payment of authorized fees and charges as a petty offense for the first violation and a [Class 3 misdemeanor (30 days/$500 plus surcharges for individuals, $2,000 plus surcharges for enterprises)](https://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf) for a subsequent violations within 3 years. (Sec. 1)
11. ~~Asserts that a tow resulting from a motor vehicle accident is nonconsensual.~~ (Sec. 1) (*TI*)
12. Stipulates that a lien does not exist in favor of a towing company or storage lot for unpaid towing or storage fees or charges that are incurred.
	1. **ASSERTS THAT THIS DOES NOT AFFECT THE APPLICABILITY OF STATUTE RELATING TO UNCLAIMED VEHICLES** (Sec. 1) (*TI*)
13. **AUTHORIZES A TOW COMPANY TO ASSESS ADMINISTRATIVE FEES FOR UTILIZING THE SERVICES OF A THIRD-PARTY AUTOMATED DISPATCHER OR TOW MANAGEMENT PROVIDER.** (*TI*)
14. **STIPULATES THAT THE PREVAILING CONTRACTS BETWEEN A TOW COMPANY AND A JURISDICTION APPLY IN TOW AND STORAGE TRANSACTIONS, EXCEPT AS PROVIDED IN THIS SECTION.** (*TI*)
15. **INSTRUCTS A TOWING COMPANY TO PROVIDE A DETAILED STATEMENT OF CHARGES BY CLOSE OF BUSINESS ON THE DAY AN INSURANCE COMPANY OR OWNER REQUESTS THE STATEMENT BEFORE NOON.** (*TI*)
16. **INCLUDES CHARGES FOR THE DAY OF THE STATEMENT REQUEST AND ITEMIZED CHARGES IF THE VEHICLE IS RELEASED ON THE FOLLOWING DAY IN THE REQUIRED INFORMATION FOR THE STATEMENT OF CHARGES.** (*TI*)
17. Defines *contract*. (Sec. 1)
18. Removes the definition of *owner*. (Sec. 1)
19. Makes technical and conforming changes. (Sec. 1)

**Current Law**

Unless otherwise directed by a law enforcement officer, a towing company is required to tow a vehicle from an accident to a location specified by the owner if the owner is present an able to indicate the preference, or to a vehicle storage yard designated in the contract if no preference is indicated.

A towing company is required to release a towed vehicle to a person designated in writing by an insurance company during normal business hours on the day the request for release is provided in writing to the towing company and payment for all reasonable towing, storage and related fees are paid. The company is also required to provide a detailed statement of all charges and fees at no cost.

A towing company may not charge additional storage fees if the insurance company provides the written request for release and removes the vehicle during normal business hours on the same day. However, additional storage charges may accrue until final payment is made and the vehicle is removed from the premises. A towing company may charge proration for partial days after a request for release and payment has been made ([A.R.S. § 28-4847](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/04847.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2307:** scrap vehicles; sales |
| **PRIME SPONSOR:** Representative Campbell, LD 1**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview) TI: DPA 8-0-0-0

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 | **Legend:**Director – Director of Arizona Department of TransportationADOT – Arizona Department of TransportationGF – State General Fund Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to the sale of a scrap vehicle.

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

**Provisions**

1. Allows a registered scrap metal dealer or licensed automotive recycler purchase a vehicle without obtaining a certificate of title if it meets certain requirements:
	1. Vehicle is at least 10 years old;
	2. Obtain a statement signed by the seller that the vehicle meets the requirements;
	3. The owner of the vehicle does not have a certificate title because the owner:
		1. Has not obtained a title in the owner's name;
		2. Lost the title; or
		3. Has returned the title to ADOT. (Sec. 5)
2. Requires the statement to include:
	1. A statement that the vehicle will not be titled again and will be dismantled or scrapped;
	2. A description of the vehicle including year, make and model;
	3. Name, address and driver license number of the owner;
	4. An approved reason the owner does not have a certificate title;
	5. A certification that the vehicle is at least 10 years old and not subject to a security interest or lien;
	6. An acknowledgment that the owner and dealer or recycler know falsifying this document is a [Class 1 misdemeanor (6 months/$2,500 plus surcharges](https://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf));
	7. The owner's and business agent's signature with the date of transaction;
	8. The National Motor Vehicle Title Information System ID number; and (Sec. 5)
3. Stipulates when ADOT can accept an electronic copy of the statement, the dealer or recycler must submit it in a form prescribed by ADOT. (Sec. 5)
4. Requires a dealer or recycler maintain an electronic copy of owner's driver license or ID. (Sec. 5)
5. Allows a dealer or recycler maintain a copy of the seller's photo ID and reference the copy without making a separate photocopy for each subsequent transaction. (Sec. 5)
6. ~~Requires ADOT develop an electronic system for registered dealers and recyclers to verify that the vehicle has not been reported stolen at the time of the transaction. (Sec. 5)~~
7. ~~Prohibits ADOT from charging a fee to the dealer or recycler for using the system. (Sec. 5)~~
8. ~~Requires a dealer or recycler, once the system is in place, to use the system when purchasing a vehicle without a certificate of title. (Sec. 5)~~
9. ~~Allows a dealer or recycler use the system before purchasing a vehicle with a certificate of title. (Sec. 5)~~
10. ~~Stipulates if the dealer or recycler uses the system to verify a vehicle is not stolen, but the vehicle is found to be stolen on a later date, the dealer or recycler is not liable. (Sec. 5)~~
11. ~~Allows ADOT disclose transaction information to law enforcement agencies for the purpose of canceling certificates of title. (Sec. 5)~~
12. ~~States the transaction information is not public record. (Sec. 5)~~
13. Requires, before purchasing a motor vehicle without title, a dealer or recycler attempt to verify ~~with ADOT~~ that the vehicle has not been reported stolen. (Sec. 5)
14. ~~Instructs the dealer or recycler notify law enforcement and hold the vehicle until the law enforcement agency provides further instruction, if ADOT reports the vehicle stolen. (Sec. 5)~~
15. States a dealer or recycler is not required to apprehend a person that attempts to sell a motor vehicle that is reported stolen. (Sec. 5)
16. Classifies giving false information in the signed statement or knowingly selling a vehicle that is subject to an unsatisfied lien a [Class 1 misdemeanor (6 months/ $2,500 plus surcharges](https://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf)). (Sec. 5)
17. Requires a dealer or recycler, 48 hours after close of business each day, maintain and deliver a list of each vehicle purchased that day for scrap or parts to ADOT.
	1. Asses a civil penalty of up to $1,000 per violation to a dealer or recycler who knowingly or willfully fails to deliver a vehicle title or statement to ADOT. (Sec. 5)
18. ~~Prohibits ADOT from charging a fee to the dealer or recycler for providing the list. (Sec. 5)~~
19. Requires the list contain:
	1. Name, address and contact information for the reporting business;
	2. The date the vehicle was obtained;
	3. Vehicle ID number;
	4. Name of the person who sold the vehicle;
	5. Whether the vehicle was or will be crushed, disposed of, offered for sale or other purposes;
	6. Whether the vehicle will be exported out of the United States; and
	7. The national motor vehicle title information system ID number of the business acquiring the vehicle. (Sec. 5)
20. ~~Requires ADOT report the information from the list to the national motor vehicle title information system and to law enforcement agencies for canceling certificates of title.~~
	1. ~~Asserts that this information is confidential for all other purposes. (Sec. 5)~~
21. Requires each entity to maintain all statements and records for two-years. (Sec. 5)
22. Requires all civil penalties be deposited:
	1. 50% to the Certificate of Title Fund;
	2. 50% to the GF of the city or town, county or state whichever is appropriate. (Sec. 5)
23. Establishes the Certificate of Title Fund, to be administered by the Director. (Sec. 5)
24. States the monies in the Fund are continuously appropriated. (Sec. 5)
25. Requires the Director to incorporate the National Motor Vehicle Title Information System and allows a police officer to enforce it. (Sec. 5)
26. **REQUIRES THE SELLER OF MATERIAL FROM SCRAP VEHICLES CERTIFY TO THE PURCHASER THAT ALL THE VEHICLES USED IN THE SALE HAVE BEEN PROPERLY REPORTED TO ADOT AND THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM.**
27. Requires the Director use the monies in the Fund to administer and enforce the requirements relating to scrap metal dealer and recyclers laws. (Sec. 5)
28. Limits the governance of the purchase of scrap metal vehicle and for processing the vehicle into a scrap vehicle to transportation statute. (Sec. 5 & 9)
29. Defines *automotive recycler, scrap metal dealer* and *scrap vehicle*. (Sec. 3, 8)
30. Redefines *motor vehicle* and *vehicle* to exclude scrap vehicle. (Sec. 3)
31. Redefines *ferrous metals* and *scrap metals* to include a scrap vehicle. (Sec. 8)
32. Makes technical and conforming changes. (Sec. 1-4, 6-8)

**Current Law**

A *scrap metal dealers* is defined in statute as each person or entity except automotive recyclers who's primary business is the dismantling, selling or disposing of parts or accessories of motor vehicles engaged in the business of purchasing or acquiring scrap metal ([A.R.S. § 44-1641](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/44/01641.htm)). Any scrap metal dealer conducting business in Arizona must register with the Arizona Department of Public Safety ([A.R.S. § 44-1641.03](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/44/01641-03.htm)).

Currently *automotive recycler* is defined as a person or business that buys or acquires a motor vehicle solely for dismantling, selling or other disposing of the parts and dismantles six or more vehicles a year ([A.R.S. § 28-4301](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/04301.htm)).

**ARIZONA HOUSE OF REPRESENTATIVES**

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| **HB 2317:** disability plates; permanent placards |
| **PRIME SPONSOR:** Representative John, LD 14**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70097)

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|  TI: DP 8-0-0-0 |

 | **Legend:**ADOT – Arizona Department of TransportationAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to permanent disability removable windshield placard expiration.

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

**Provisions**

1. Eliminates the renewal process for a permanent disability removable windshield placard. (Sec. 1)
2. Stipulates that a permanent disability removable windshield placard is valid for as long as the person to whom it was issued qualifies for it. (Sec. 1)
3. Instructs ADOT to:
	1. Conduct monthly inquiries of federal or state vital record databases;
	2. Update the record that the placard or special plate is canceled, if the person for whom it was issued has been identified as deceased; and
	3. Electronically provide that the placard or plate is canceled to an authorized central law enforcement telecommunication system database. (Sec. 1)
4. Expands who may complete a medical certificate certifying that a person has a physical disability to include an authorized physician assistant. (Sec. 1)
5. Defines *authorized physician assistant*. (Sec. 1)
6. Contains a delayed effective date of January 1, 2019. (Sec. 2)
7. Makes technical and conforming changes. (Sec. 1)

**Current Law**

All permanent disability removable windshield placards, issued or renewed, are valid for five years.

A person who has permanent physical disabilities may obtain a permanent disability removable windshield placard from ADOT. Each applicant may only be issued one placard unless ADOT: 1) is replacing a lost, stolen or mutilated placard, or 2) determines the needs of the applicant are such that up to three placards are required.

An organization that owns or leases a motor vehicle that primarily transports persons with physical disabilities may obtain a placard for each of the qualified vehicles. ADOT may also issue up to three permanent disability removable windshield placards to a nonprofit organization that provides assistance to senior citizens.

A hospital administrator, authorized physician or registered nurse practitioner may complete a medical certificate certifying that a person has a physical disability for a removable windshield placard or special plate application ([A.R.S. § 28-2409](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/02409.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2422:** personal delivery devices |
| **PRIME SPONSOR:** Representative Townsend, LD 16**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70253)

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|  TI: DP 8-0-0-0 |

 | **Legend:**PDD – Personal Delivery Device Operator – a personal delivery device operatorAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to PDD.

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

**Provisions**

1. Allows a local authority to adopt restrictions for the safe operation of PDDs. (Sec. 2)
2. Prohibits the operation of a PDD on nonmotorized trails or bicycle paths that are maintained by the state or local authority. (Sec. 2)
3. Allows operation of a PDD on sidewalks and crosswalks. (Sec. 3)
4. Grants a PDD the same rights and duties as a pedestrian using the sidewalk or crosswalk. (Sec. 3)
5. Stipulates a PDD must not interfere with pedestrians or traffic and is required to yield the right-of-way to pedestrians using the sidewalk or crosswalk. (Sec. 3)
6. Requires a PDD:
	1. Follow all traffic and pedestrian control signals and devices;
	2. Have a plate or marker with a ID device number that has the contact information for of the operator; and
	3. Be equipped with a braking system that enables the PDD to come to a controlled stop. (Sec. 3)
7. Prohibits an operator from:
	1. Operating a PDD on a public highway;
	2. Operating a PDD on a sidewalk or crosswalk without actively controlling or monitoring its navigation; and
	3. Using the PDD to transport hazardous materials. (Sec. 3)
8. Requires an eligible entity that owns and operates a personal delivery device maintain an insurance policy that covers the entity and the entity's agents including the operator.
	1. Specifies the insurance policy must provide a general liability coverage of at least $100,000 for damages. (Sec. 3)
9. Prohibits an unauthorized person from operating a PDD.
	1. Establishes a civil penalty of up to $500 per violation. (Sec. 3)
10. Excludes PDDs from registration and motor vehicle insurance requirements. (Sec. 4-5)
11. Excludes PDD from the definitions of a *motor vehicle* and *vehicle.* (Sec. 1)
12. Defines an *eligible entity*, *personal delivery device* and *personal delivery device operator*. (Sec. 1)
13. Makes technical and conforming changes. (Sec. 1, 4)

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2521:** vehicle size, weight and load |
| **PRIME SPONSOR:** Representative John, LD 14**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70755)

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|  TI: DP 6-2-0-0 |

 | **Legend:**ADOT – Arizona Department of TransportationCMV – Commercial Motor VehicleCouncil – Overdimensional Permit Council Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to regulation of oversized or overweight CMVs.

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

**Provisions**

1. Instructs ADOT and local authorities to provide reasonable access to vehicles beyond one road mile of the national network on a route on highways within its jurisdiction if the vehicle:
	1. Meets federal width and length requirements; and
	2. Can safely travel on the route, as demonstrated by either a test drive on the route or an application of a vehicle template to a plan of the route. (Sec. 1)
2. Requires a local authority's ordinance relating to oversized or overweight CMVs to be approved by the Council before it can become effective. (Sec. 2)
3. Directs the Council to review each ordinance submitted by a local authority to determine if it is substantially identical, uniform and consistent with the rules adopted by ADOT for oversized or overweight vehicles. (Sec. 3)
4. Instructs ADOT to:
	1. Submit all ordinances provided by a local authority to the Council for review; and
	2. Notify the local authority of any updates or changes to rules established by ADOT. (Sec. 2)
5. Asserts that the Council's review and approval does not limit a local authority's power to restrict highway use under its jurisdiction. (Sec. 2)
6. Removes the requirement that ADOT make the ordinances and rules available to the public in a timely manner. (Sec. 2)
7. Contains a retroactive effective date of June 30, 2017. (Sec. 4)
8. Makes technical and conforming changes. (Sec. 1, 2)

**Current Law**

ADOT and local authorities are required to provide reasonable access to vehicles of legal size to and from terminals and service facilities within one road mile of the national network on highways within their respective jurisdictions. Local authorities are required to provide ADOT with an annually updated list of routes or maps designating the highways on which reasonable access is denied, and ADOT annually publishes a consolidated list.

Reasonable access within one road mile to or from the national network may be denied if: 1) access would result in a significant and clearly evident safety problem; 2) on specific routes with lanes that are up to 120 inches wide and the vehicle is at least 102 inches wide; or 3) denial is related to the specific configuration and resultant safety factor of the individual route, including structural hazards. In denying reasonable access, ADOT or the local authority cannot grant exceptions for categories, types or groups of routes ([A.R.S. § 28-1092](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/01092.htm)).

The Council, consisting of nine Governor-appointed members, meets at least one time per year to advise and consult with the motor carrier industry, ADOT and law enforcement agencies on matters relating to overdimensional permits. Local authorities are required to provide ADOT with current ordinances and rules relating to overdimensional permits in a timely manner. Upon receipt of the ordinances and rules, ADOT notifies the Council and makes the rules and ordinances available to the public in an electronic format ([A.R.S. § 28-1103](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/28/01103.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2090:** tax credit review; evaluation standard |
| **PRIME SPONSOR:** Representative John, LD 14**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70028)WM: DP 9-0-0-0

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 | **Legend:** Committee – Joint Legislative Income Tax Credit Review CommitteeSOS - Secretary of StateAmendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to the Joint Legislative Income Tax Credit Review Committee.

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

**Provisions**

1. Expands the Committee standard for evaluating tax credits to include determining if adequate protections are in place to ensure that the fiscal impact of a credit will not increase substantially in future years.(Sec. 1)
2. Removes the requirement that the Committee provide a report to the Director of the Arizona State Library, Archives and Public Record, but instead requires a copy be provided to the SOS.(Sec. 1)
3. Makes technical changes. (Sec. 1)

**Current Law**

[A.R.S § 43-221](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/43/00221.htm) establishes the Committee, consisting of five members of the House of Representatives Ways and Means Committee and five members of the Senate Finance Committee. The Committee is tasked with determining whether each tax credit should be amended, repealed or retained by evaluating the revenue impact of the credit, whether the credit has provided a benefit to the state and whether the credit is unnecessarily complex. The Committee must report its findings and recommendations to the President of the Senate, the Speaker of the House of Representatives and the Governor. The evaluation of each credit is to take place every five years as prescribed by [A.R.S § 43-222.](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/43/00222.htm)

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2484:** local food tax; equality |
| **PRIME SPONSOR:** Representative Shope, LD 8**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/70547)

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|  WM: DP 8-1-0-0 |

 | **Legend:**MCTC- Model City Tax CodeTPT- transaction privilege tax Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to municipal food taxes.

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

**Provisions**

1. Requires municipalities and other taxing jurisdictions that impose a TPT or use tax on the sale of food, for home or premises consumption, to apply the tax uniformly and without any additional tax or fee differential for any specific food item. (Sec. 2)
2. Prohibits a municipality or other taxing jurisdiction from imposing a TPT or use tax on:
	1. The manufacture, wholesale or distribution of food, for home or premises consumption; and
	2. Any container or packaging for transporting, protecting or consuming food at home or on premises. (Sec. 2)
3. Makes conforming changes. (Sec. 1, 2)

**Current Law**

The sale of food for home consumption is exempt from state TPT ([A.R.S. § 42-5102](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/42/05102.htm)). However, a municipal tax may be levied on food for home consumption and food for consumption on the premises as permitted by MCTC §§ [4-455](https://modelcitytaxcode.az.gov/articles/4-455.htm) and [4-462](https://modelcitytaxcode.az.gov/articles/4-462.htm)

**Additional Information**

TPT is imposed on a vendor for the privilege of conducting business in Arizona. Under this tax, the seller is responsible for remitting to the state the entire amount of tax due based on the gross proceeds or gross income of the business. While the tax is commonly passed on to the consumer at the point of sale, it is ultimately the seller’s responsibility to remit the tax. TPT is broken down into 16 different classifications, one of which is the retail classification. The retail classification is comprised of businesses selling tangible personal property at retail.

Use tax is assessed on items purchased in other states and brought into Arizona for storage, use, or consumption and for which no tax or a tax at a lesser rate has been paid in another state. Use tax is imposed on all transactions in which TPT was not.

# State SealARIZONA HOUSE OF REPRESENTATIVES

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| **HB 2087:** family caregiver income tax credit. |
| **PRIME SPONSOR:** Representative Carter, LD 15**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview) WM: DP 7-2-0-0

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 | **Legend:**Amendments – **BOLD** and ~~Stricken~~ (*Committee*) |

**Abstract**

Relating to the family caregiver income tax credit.

**Provisions**

1. Establishes a tax credit, effective TY 2019, for qualifying expenses for the care and support of a qualifying family member in the taxpayer's home. (Sec. 2)
2. Specifies the following qualifications for eligibility:
	1. The taxpayer must file a return as an Arizona resident.
	2. The taxpayer must incur qualifying expenses during the taxable year for the care of one or more qualifying family members.
	3. The taxpayer's income must not exceed $75,000 in the case of a single person or a married person filing separately or $150,000 in the case of a married person filing a joint return.
		1. In the case of a married person filing separately, only one person may claim the credit. (Sec. 2)
3. Limits the credit amount to 50% of the qualifying expenses, not exceeding $1,000. (Sec. 2)
4. Defines *qualifying expenses* as those expenses that relate directly to the care or support of a qualifying family member, including:
	1. an improvement of the taxpayer's primary residence to enable or assist the qualifying family member to be safe, mobile or independent;
	2. the purchase or lease of equipment to enable or assist the qualifying family member; and
	3. the acquisition of other goods, services or support to assist the taxpayer in caregiving. (Sec. 2)
5. Excludes regular food, clothing or transportation expenses, ordinary household maintenance and any amount that is paid or reimbursed by insurance or by the federal government, the state or a political subdivision of this state from *qualifying expenses*. (Sec. 2)
6. Defines *qualifying family member* as:
	1. the taxpayer's spouse or taxpayer's or spouse's descendant, step child, parent, stepparent, ancestor, sibling, uncle or aunt of whole or half blood or by adoption;
	2. being at least 18 years old during the taxable year; and
	3. requiring assistance with one or more daily activities as certified by a licensed physician. (Sec. 2)
7. Establishes if multiple taxpayers qualify with respect to the same qualifying family member, the credit will be apportioned based on the respective expense amounts incurred. (Sec. 2)
8. Specifies the credit may not be carried forward and is non-refundable. (Sec. 2)
9. Makes a conforming change. (Sec. 1)
10. Contains a Purpose Clause. (Sec. 3)

**Additional Information**

A tax credit is a dollar-for-dollar reduction in a taxpayer’s income tax liability. Tax credits are often offered to incentivize some type of action from a taxpayer, such as creating new jobs, investing in environmentally friendly technology or any other action deemed beneficial to the economy.