

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

## CAUCUS AGENDA #4

February 11, 2020

Bill Number	Short Title	Committee	Date	Action	
<b>Committee on Appropriations</b>					
<b>Chairman:</b> Regina E. Cobb, LD 5		<b>Vice Chairman:</b> John Kavanagh, LD 23			
<b>Analyst:</b> Tim Grubbs		<b>Intern:</b> Jake Sonnenburg			
<a href="#">HB 2406</a> <sup>(BSI)</sup>	state treasurer; financial services				
SPONSOR:	COBB, LD 5	HOUSE APPROP	2/5/2020	DP	(10-0-0-1)
		(Abs: ROBERTS)			
<a href="#">HB 2407</a> <sup>(BSI)</sup>	appropriations; named claimants				
SPONSOR:	COBB, LD 5	HOUSE APPROP	2/5/2020	DP	(10-0-0-1)
		(Abs: ROBERTS)			
<b>Committee on Commerce</b>					
<b>Chairman:</b> Jeff Weninger, LD 17		<b>Vice Chairman:</b> Travis W. Grantham, LD 12			
<b>Analyst:</b> Paul Benny		<b>Intern:</b> Michael Laird			
<a href="#">HB 2240</a> <sup>(BSI)</sup>	pawnbrokers				
SPONSOR:	KERN, LD 20	HOUSE COM	2/4/2020	DPA	(5-4-0-0)
		(No: EPSTEIN, BUTLER, CHÁVEZ, MEZA)			
<a href="#">HB 2373</a> <sup>(BSI)</sup>	factory-built building; definition				
SPONSOR:	WENINGER, LD 17	HOUSE COM	1/28/2020	DP	(8-0-0-1)
		(Abs: MEZA)			
<a href="#">HB 2397</a> <sup>(BSI)</sup>	spirituous liquors; alternating proprietorships				
SPONSOR:	WENINGER, LD 17	HOUSE COM	2/4/2020	DPA	(9-0-0-0)
<a href="#">HB 2642</a> <sup>(BSI)</sup>	civil rights; amendments				
SPONSOR:	WENINGER, LD 17	HOUSE COM	2/4/2020	DP	(9-0-0-0)
<b>Committee on Education</b>					
<b>Chairman:</b> Michelle Udall, LD 25		<b>Vice Chairman:</b> John Fillmore, LD 16			
<b>Analyst:</b> Chase Houser		<b>Intern:</b> Trisha Romero			

[HB 2109](#)<sub>(BSI)</sub> unification; consolidation; notice; ballot language  
SPONSOR: UDALL, LD 25 HOUSE  
ED 2/3/2020 DP (12-0-1-0)  
(Present: FILLMORE)

[HB 2110](#)<sub>(BSI)</sub> schools; employees; employment; discipline  
SPONSOR: UDALL, LD 25 HOUSE  
ED 2/3/2020 DP (11-0-0-2)  
(Abs: TOWNSEND, FILLMORE)

[HB 2111](#)<sub>(BSI)</sub> schools; resources; services; consolidation grants  
SPONSOR: UDALL, LD 25 HOUSE  
ED 2/3/2020 DP (12-0-0-1)  
(Abs: COBB)  
APPROP 2/5/2020 DP (10-0-0-1)  
(Abs: ROBERTS)

[HB 2287](#)<sub>(BSI)</sub> common school districts; unification; budget  
SPONSOR: OSBORNE, LD 13 HOUSE  
ED 2/3/2020 DP (13-0-0-0)

[HB 2438](#)<sub>(BSI)</sub> college credit by examination; appropriations  
SPONSOR: UDALL, LD 25 HOUSE  
ED 1/27/2020 DP (6-5-0-2)  
(No: BOLDING, BLANC, PETEN, PAWLIK, LIEBERMAN Abs:  
TOWNSEND, CARROLL)

[HB 2448](#)<sub>(BSI)</sub> public schools; innovation plans  
SPONSOR: UDALL, LD 25 HOUSE  
ED 2/3/2020 DP (10-1-2-0)  
(No: FILLMORE Present: BLANC, PAWLIK)

### Committee on Elections

**Chairman:** Kelly Townsend, LD 16 **Vice Chairman:** Frank P. Carroll, LD 22  
**Analyst:** Stephanie Jensen **Intern:** Jeremy Bassham

[HB 2121](#)<sub>(BSI)</sub> election pamphlet submittals; identification required  
SPONSOR: KAVANAGH, LD 23 HOUSE  
ELECT 1/28/2020 DP (6-4-0-0)  
(No: SALMAN, JERMAINE, RODRIGUEZ, TERÁN)

[HR 2004](#)<sub>(BSI)</sub> supporting the electoral college  
SPONSOR: LAWRENCE, LD 23 HOUSE  
ELECT 2/4/2020 DP (6-4-0-0)  
(No: SALMAN, JERMAINE, RODRIGUEZ, TERÁN)

### Committee on Federal Relations

**Chairman:** Mark Finchem, LD 11 **Vice Chairman:** Gail Griffin, LD 14  
**Analyst:** Diana Clay **Intern:** Grace Korthuis-Smith

[HCM 2005](#)<sub>(BSI)</sub> postal service; urging independence; prefunding  
SPONSOR: ANDRADE, LD 29 HOUSE  
FR 2/5/2020 DP (5-0-2-0)  
(Present: BOLICK, GRIFFIN)

[HCM 2006](#)<sub>(BSI)</sub> remote sellers; taxes; urging Congress  
SPONSOR: PIERCE, LD 1 HOUSE  
FR 2/5/2020 DP (7-0-0-0)

### Committee on Government

**Chairman:** John Kavanagh, LD 23

**Vice Chairman:** Kevin Payne, LD 21

**Analyst:** Stephanie Jensen

**Intern:** Jeremy Bassham

[HB 2142](#)<sub>(BSI)</sub> auditor general; continuation  
SPONSOR: KERN, LD 20 HOUSE  
GOV 1/30/2020 DP (11-0-0-0)

[HB 2259](#)<sub>(BSI)</sub> victims of communism day; observed  
SPONSOR: THORPE, LD 6 HOUSE  
GOV 1/23/2020 DP (9-0-2-0)  
(Present: BLANC, SIERRA)

[HB 2357](#)<sub>(BSI)</sub> ASRS; self-insurance program.  
SPONSOR: TOMA, LD 22 HOUSE  
GOV 1/30/2020 DP (11-0-0-0)

### Committee on Health & Human Services

**Chairman:** Nancy K. Barto, LD 15

**Vice Chairman:** Jay Lawrence, LD 23

**Analyst:** Ingrid Garvey

**Intern:** Megan Larsen

[HB 2117](#)<sub>(BSI)</sub> pharmacy board; rulemaking authority  
SPONSOR: LAWRENCE, LD 23 HOUSE  
HHS 1/30/2020 DP (9-0-0-0)

[HB 2133](#)<sub>(BSI)</sub> dental board; licenses; certificates; renewals  
SPONSOR: BARTO, LD 15 HOUSE  
HHS 1/23/2020 DP (9-0-0-0)

[HB 2225](#)<sub>(BSI)</sub> speech-language pathologists; assistants  
SPONSOR: BARTO, LD 15 HOUSE  
HHS 1/30/2020 DP (9-0-0-0)

[HB 2408](#)<sub>(BSI)</sub> health professionals; voluntary care; immunity  
SPONSOR: COBB, LD 5 HOUSE  
HHS 1/30/2020 DPA (9-0-0-0)

[HB 2433](#)<sub>(BSI)</sub> clinical laboratories; proficiency testing  
SPONSOR: NUTT, LD 14 HOUSE  
HHS 1/23/2020 DP (9-0-0-0)

[HB 2532](#)<sub>(BSI)</sub> prior authorization; uniform request form  
SPONSOR: SHAH, LD 24 HOUSE  
HHS 1/30/2020 DP (9-0-0-0)

### Committee on Judiciary

**Chairman:** John M. Allen, LD 15

**Vice Chairman:** Walter J. Blackman, LD 6

**Analyst:** Lauren Cook

**Intern:** Samantha Fagerburg

[HB 2055](#)<sub>(BSI)</sub> civil traffic violations; community restitution  
(JUD S/E: penalties; civil traffic violation)  
SPONSOR: BIASIUCCI, LD 5 HOUSE  
JUD 2/5/2020 DPA/SE (6-4-0-0)  
(No: ENGEL, DEGRAZIA, PAWLIK, RODRIGUEZ)

[HB 2085](#)<sub>(BSI)</sub> writs of garnishment; attorney fees  
SPONSOR: ALLEN J, LD 15 HOUSE  
JUD 2/5/2020 DP (10-0-0-0)

[HB 2230](#)<sub>(BSI)</sub> justice court; jurisdiction; crimes  
SPONSOR: ALLEN J, LD 15 HOUSE  
JUD 2/5/2020 DPA (8-0-0-2)  
(Abs: NUTT, BLACKMAN)

[HB 2232](#)<sub>(BSI)</sub> competency examinations; records; appointments  
SPONSOR: ALLEN J, LD 15 HOUSE  
JUD 1/29/2020 DP (10-0-0-0)

[HB 2234](#)<sub>(BSI)</sub> sentencing; aggravating circumstances  
SPONSOR: ALLEN J, LD 15 HOUSE  
JUD 2/5/2020 DP (9-0-0-1)  
(Abs: ENGEL)

[HB 2413](#)<sub>(BSI)</sub> juvenile court; dispositions  
SPONSOR: ALLEN J, LD 15 HOUSE  
JUD 2/5/2020 DPA (10-0-0-0)

[HB 2580](#)<sub>(BSI)</sub> prisoners; discharge; transition program  
SPONSOR: ALLEN J, LD 15 HOUSE  
JUD 2/5/2020 DP (10-0-0-0)

**Committee on Land & Agriculture**

**Chairman:** Timothy M. Dunn, LD 13

**Vice Chairman:** Travis W. Grantham, LD 12

**Analyst:** Paul Bergelin

**Intern:** Mackenzie Nintzel

[HB 2073](#)<sub>(BSI)</sub> appropriation; Arizona trail fund  
SPONSOR: GABALDÓN, LD 2 HOUSE  
LAG 1/30/2020 DP (7-0-0-0)  
APPROP 2/5/2020 DPA (10-0-0-1)  
(Abs: ROBERTS)

[HB 2365](#)<sub>(BSI)</sub> conservation districts; invasive vegetation; research  
SPONSOR: DUNN, LD 13 HOUSE  
LAG 1/30/2020 DP (7-0-0-0)

[HB 2416](#)<sub>(BSI)</sub> environmental special plate; conservation districts  
SPONSOR: DUNN, LD 13 HOUSE  
LAG 1/30/2020 DP (7-0-0-0)

[HB 2417](#)<sub>(BSI)</sub> conservation districts; water conservation; awareness  
SPONSOR: DUNN, LD 13 HOUSE  
LAG 1/30/2020 DP (7-0-0-0)

[HB 2621](#)<sub>(BSI)</sub> tax credit; water conservation system  
SPONSOR: DUNN, LD 13 HOUSE  
LAG 1/30/2020 DP (7-0-0-0)

### Committee on Military & Veterans Affairs

**Chairman:** Jay Lawrence, LD 23 **Vice Chairman:** Joanne H. Osborne, LD 13  
**Analyst:** Jason Theodorou **Intern:** Valeria Garcia

[HB 2096](#)<sub>(BSI)</sub> security guard registration; discharged veterans  
SPONSOR: LAWRENCE, LD 23 HOUSE  
MVA 1/27/2020 DPA (7-0-0-0)

[HB 2310](#)<sub>(BSI)</sub> appropriation; military installation projects  
SPONSOR: DUNN, LD 13 HOUSE  
MVA 2/3/2020 DPA (7-0-0-0)  
APPROP 2/5/2020 DP (10-0-0-1)  
(Abs: ROBERTS)

### Committee on Natural Resources, Energy & Water

**Chairman:** Gail Griffin, LD 14 **Vice Chairman:** Timothy M. Dunn, LD 13  
**Analyst:** Paul Bergelin **Intern:** Mackenzie Nintzel

[HB 2101](#)<sub>(BSI)</sub> appropriation; Arizona water protection fund  
SPONSOR: GRIFFIN, LD 14 HOUSE  
NREW 1/21/2020 DP (11-0-0-2)  
(Abs: GABALDÓN, COOK)  
APPROP 1/29/2020 DP (11-0-0-0)

[HB 2454](#)<sub>(BSI)</sub> archaeology advisory commission; membership  
SPONSOR: GRIFFIN, LD 14 HOUSE  
NREW 2/4/2020 DP (7-5-0-1)  
(No: GABALDÓN, ENGEL, CANO, TSOSIE, LONGDON Abs: SHOPE)

[HB 2614](#)<sub>(BSI)</sub> archaeology advisory commission; continuation  
SPONSOR: GRIFFIN, LD 14 HOUSE  
NREW 2/4/2020 DP (12-0-0-1)  
(Abs: SHOPE)

[HB 2616](#)<sub>(BSI)</sub> noxious weeds; government projects  
SPONSOR: GRIFFIN, LD 14 HOUSE  
NREW 2/4/2020 DP (11-1-0-1)  
(No: ENGEL Abs: SHOPE)

[HB 2618](#)<sub>(BSI)</sub> department of water resources; continuation  
SPONSOR: GRIFFIN, LD 14 HOUSE  
NREW 2/4/2020 DP (11-0-0-2)  
(Abs: SHOPE, UDALL)

[HCM 2004](#)<sub>(BSI)</sub> Yuma desalting plant; continued operation  
SPONSOR: GRIFFIN, LD 14 HOUSE  
NREW 2/4/2020 DP (12-1-0-0)  
(No: ENGEL)

### Committee on Public Safety

**Chairman:** Kevin Payne, LD 21 **Vice Chairman:** Anthony T. Kern, LD 20

**Analyst:** Eryn Streeter **Intern:** Bryce Moore

[HB 2030](#)<sub>(BSI)</sub> DPS; ports of entry  
(PS S/E: ADOT; ports of entry; reporting)  
SPONSOR: FILLMORE, LD 16 HOUSE  
PS 2/5/2020 DPA/SE (4-3-0-0)  
(No: ANDRADE, HERNANDEZ D, LONGDON)

[HB 2241](#)<sub>(BSI)</sub> appropriation; DOC; food service contract  
SPONSOR: KERN, LD 20 HOUSE  
PS 1/29/2020 DP (7-0-0-0)  
APPROP 2/5/2020 DP (10-0-0-1)  
(Abs: ROBERTS)

### Committee on Regulatory Affairs

**Chairman:** Travis W. Grantham, LD 12 **Vice Chairman:** Bret Roberts, LD 11  
**Analyst:** Jon Rudolph **Intern:** Loren Breen

[HB 2054](#)<sub>(BSI)</sub> GRRC: petition to request review  
SPONSOR: BIASIUCCI, LD 5 HOUSE  
RA 1/27/2020 DP (4-3-0-0)  
(No: POWERS HANNLEY, SHAH, TERÁN)

[HB 2313](#)<sub>(BSI)</sub> fire sprinklers; existing buildings; prohibition  
SPONSOR: GRANTHAM, LD 12 HOUSE  
RA 2/3/2020 DPA (4-3-0-0)  
(No: POWERS HANNLEY, SHAH, TERÁN)

[HB 2359](#)<sub>(BSI)</sub> license denial prohibited; drug convictions  
SPONSOR: TOMA, LD 22 HOUSE  
RA 2/3/2020 DPA (7-0-0-0)

[HB 2627](#)<sub>(BSI)</sub> timeshares; public reports; purchase contracts  
SPONSOR: BOLICK, LD 20 HOUSE  
RA 2/3/2020 DP (7-0-0-0)

[HB 2713](#)<sub>(BSI)</sub> agency actions; procedures; fee awards  
SPONSOR: GRANTHAM, LD 12 HOUSE  
RA 2/3/2020 DP (4-3-0-0)  
(No: POWERS HANNLEY, SHAH, TERÁN)

### Committee on State & International Affairs

**Chairman:** Tony Rivero, LD 21 **Vice Chairman:** Walter J. Blackman, LD 6  
**Analyst:** Jon Rudolph **Intern:** Loren Breen

[HB 2603](#)<sub>(BSI)</sub> Arizona-Israel commission; establishment  
SPONSOR: RIVERO, LD 21 HOUSE  
SIA 2/5/2020 DP (9-0-0-0)

### Committee on Technology

**Chairman:** Bob Thorpe, LD 6 **Vice Chairman:** Jeff Weninger, LD 17  
**Analyst:** Paul Benny **Intern:** Michael Laird

[HB 2347](#)<sup>(BSI)</sup> electronic communication social media post.  
SPONSOR: PETERSEN, LD 12 HOUSE  
TECH 2/5/2020 DP (4-3-0-0)  
(No: BUTLER, CHÁVEZ, MEZA)

**Committee on Transportation**

**Chairman:** Noel W. Campbell, LD 1 **Vice Chairman:** Leo Biasiucci, LD 5  
**Analyst:** Jason Theodorou **Intern:** Valeria Garcia

[HB 2243](#)<sup>(BSI)</sup> appropriation; widening; Interstate 10  
SPONSOR: SHOPE, LD 8 HOUSE  
TRANS 1/29/2020 DP (9-0-0-0)  
APPROP 2/5/2020 DPA/SE (9-0-0-2)  
(Abs: FERNANDEZ, ROBERTS)

[HB 2281](#)<sup>(BSI)</sup> electronic certificates of title  
SPONSOR: CAMPBELL, LD 1 HOUSE  
TRANS 1/29/2020 DP (9-0-0-0)  
TECH 2/5/2020 DP (7-0-0-0)

**Committee on Ways & Means**

**Chairman:** Ben Toma, LD 22 **Vice Chairman:** Shawna LM Bolick, LD 20  
**Analyst:** Vince Perez **Intern:** Blake Gephart

[HB 2494](#)<sup>(BSI)</sup> internal revenue code; conformity  
SPONSOR: TOMA, LD 22 HOUSE  
WM 2/5/2020 DP (7-0-0-3)  
(Abs: GRANTHAM, OSBORNE, BOLICK)

[HB 2629](#)<sup>(BSI)</sup> TPT; exemption; pacemakers  
SPONSOR: BOLICK, LD 20 HOUSE  
WM 2/5/2020 DP (8-0-1-1)  
(Abs: OSBORNE Present: POWERS HANNLEY)

[HB 2681](#)<sup>(BSI)</sup> DOR; administrative rulings; procedures  
SPONSOR: TOMA, LD 22 HOUSE  
WM 2/5/2020 DPA (7-0-0-3)  
(Abs: GRANTHAM, OSBORNE, BOLICK)

[HB 2732](#)<sup>(BSI)</sup> tax credit; affordable housing  
SPONSOR: WENINGER, LD 17 HOUSE  
WM 2/5/2020 DP (4-2-1-3)  
(No: POWERS HANNLEY, EPSTEIN Abs: GRANTHAM, OSBORNE,  
BOLICK Present: CANO)



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: APPROP DP 10-0-0-1

## **HB 2406: state treasurer; financial services**

**Sponsor: Representative Cobb, LD 5  
Caucus & COW**

### **Overview**

Stipulates which types of services the Arizona State Treasurer's Office is required to contract for on behalf of state agencies and which types of financial services require State Treasurer permission in order to be contracted for by state agencies.

### **History**

State law mandates that the State Treasurer contract for banking services required by any state agency. A state agency is prohibited from contracting banking services without written permission from the State Treasurer.

State law requires the State Treasurer to select a servicing bank that:

- 1) Conforms to the specifications set out by the offer;
- 2) Supplies the required services; and
- 3) Has the highest value to the state as determined by the state treasurer and the board of investment ([A.R.S. § 35-315](#)).

The state treasurer is responsible for the safekeeping of all securities acquired under [Title 35, chapter 2, article 2](#) and those for which the State Treasurer is the lawful custodian. Securities may be deposited for safekeeping with any bank eligible to be the state servicing bank ([A.R.S. § 35-317](#)).

### **Provisions**

1. Changes the services for which the State Treasurer must contract for on behalf of state agencies from banking services to *financial services*
2. Changes the services that require the State Treasurer's permission in order to be contracted for by state agencies from banking services to *financial services*.
3. Delineates the following as *financial services*:
  - a) Establishing bank accounts;
  - b) Depository services;
  - c) Electronic payment services;
  - d) Providing merchant card equipment; and
  - e) Payment processing and gateway services
4. Allows a merchant servicer or payment service provider to provide payment processing and gateway services (Sec. 1).
5. Defines *financial services* (Sec. 1).
6. Defines *payment processing and gateway services* (Sec. 1).

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



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: APPROP DP 10-0-0-1

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## **HB 2407: appropriations; named claimants**

**Sponsor: Representative Cobb, LD 5  
Caucus & COW**

### **Overview**

Appropriates monies in FY 2020 for the payments of claims against state agencies

### **History**

The Arizona Department of Administration (ADOA) is required to submit claims against the state that are older than one fiscal year old and less than four fiscal years old to the legislature requesting an appropriation of monies sufficient to pay the claims ([A.R.S. § 35-191](#)).

### **Provisions**

1. Appropriates the following in FY 2020 for the payment of claims:
  - a) \$873.72 from the GF to ADOA;
  - b) \$12,829.05 from the Capital Outlay Stabilization Fund to ADOA;
  - c) \$26,248.02 from the Risk Management Revolving Fund to ADOA;
  - d) \$957.27 from the State Surplus Materials Revolving Fund to ADOA;
  - e) \$101,388.09 from the GF to the Department of Corrections; and
  - f) \$3,553.38 from the Administrative Fund to the Industrial Commission (Sec. 1).

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

Fifty-fourth Legislature  
Second Regular Session

House: COM DPA 5-4-0-0

## HB 2240: pawnbrokers

**Sponsor: Representative Kern, LD 20**  
**Caucus & COW**

### Overview

Modifies statute relating to pawnbroker transactions.

### History

*Pawnbroker* is defined as a person engaged in the business of advancing money on the security of pledged goods or engaged in the business of purchasing tangible personal property on the condition that it may be redeemed by the seller for a fixed or variable price within a fixed or variable period of time ([A.R.S. § 44-1621](#)). A pawnbroker may not engage in business without a license issued by the sheriff in the county in which regular business is conducted ([A.R.S. § 44-1627](#)).

A person who is at least 18 may sell tangible personal property to a pawnbroker or enter into a pawn transaction. All pawn transactions are required to be a minimum of 90 days. A pawnbroker may charge interest at a max rate of 13% per month for the first two months and 11% for any subsequent month. ([A.R.S. § 44-1626](#)) A pawnbroker who knowingly charges an interest rate that exceeds the max rate is subject to a class 6 felony ([A.R.S. § 44-1631](#)).

### Provisions

1. Sets the length of pawn transactions for an original loan to 30 days followed by a 30-day grace period. (Sec. 1)
2. Allows a pledgor to renew the loan prior to the cessation of the original loan or grace period. (Sec. 1)
3. Specifies the pledgor may renew a loan prior to the end of the grace period by paying pawn service charges for a total of 60 days. (Sec. 1)
4. Stipulates the title to and ownership of the pledged collateral moves to the pawnbroker if a pledgor:
  - a) Does not use the grace period and pays pawn service charges for 60 days; or
  - b) Fails to pay or renew the loan after the forfeit date or the end of the original loan or grace period. (Sec. 1)
5. Specifies a person may cancel a pawn transaction within 24 hours of entering into a transaction and is not responsible for any charges, fees, interest or other costs. (Sec. 1)
6. Reduces the time a pawnbroker is required to retain property obtained by good faith outright purchase after the original transaction date to 7 days rather than 20 days. (Sec. 1)
7. Asserts a pawn transaction is not reportable to a consumer reporting agency. (Sec. 1)
8. Removes language regarding interest and fee charges by a pawnbroker. (Sec. 2)
9. Allows a pawnbroker to charge and receive a pawn service charge.
  - a) Allows the service charge to be any amount, except that the sum with the inclusion of interest cannot exceed 20% of the amount financed for each 30-day period. (Sec. 2)
10. Allows the pawnbroker to charge interest on the amount financed at a rate of not more than 2% per 30-day period. (Sec. 2)

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

11. Prohibits a county sheriff from issuing or renewing a license to a person, if the person has been convicted of certain felonies within 10 years, rather than 5 years, before the application date. (Sec. 3)
12. Changes the time frame in which a municipality may prohibit pawnshop hours of operation to 7:00 p.m. thru 7:00 a.m. (Sec. 5)
13. Makes technical changes. (Sec. 3, 4)

**Amendments**

Committee on Commerce

1. Removes language relating to transferring the title to the pawnbroker if the pledgor does not use the grace period.
2. Reinserts the amount of time in retaining any property of 7 days.



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: COM DP 8-0-0-1

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**[HB 2373](#): factory-built building; definition  
Sponsor: Representative Weninger, LD 17  
Caucus & COW**

## **Overview**

Modifies the definition of *factory-built building* in relation to the Office of Manufactured Housing (OMH).

## **History**

OMH maintains and enforces standards for the installation, safety and quality of manufactured homes, factory-built buildings, mobile homes and accessory structures. The OMH must conduct the office consistently with minimum standards of the U.S. Department of Housing and Urban Development (HUD) and is designated as the "state inspector" for manufactured homes and related industries ([A.R.S. § 41-4002](#)).

Current law outlines the powers and duties of the Board of Manufactured Housing which include adopting rules relating to: 1) the minimum construction requirements for factory-built buildings; 2) inspections by the Arizona Department of Housing (ADH) relating to the installation of manufactured homes, mobile homes, factory-built buildings and accessory structures; and 3) compliance with HUD's procedural and enforcement regulations and contract creation necessary to administer federal manufactured home regulations ([A.R.S. § 41-4010](#)).

Each licensee who intends to accomplish construction must submit detailed plans to ADH, prior to the installation of a factory-built building, for each project for approval. Additionally, the OMH must inspect the factory-built building ([A.R.S. § 41-4005](#)).

A *factory-built building* is a residential or commercial building that is: 1) either wholly or in substantial part manufactured using closed construction at an off-site location and transported for installation or completion on-site; 2) constructed in compliance with adopted codes, standards and procedures; 3) installed temporarily or permanently ([A.R.S. § 41-4001](#)).

## **Provisions**

1. Modifies the definition of *factory-built building* by deleting language referencing *closed construction*. (Sec. 1)
2. Makes technical changes. (Sec. 1)

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

Fifty-fourth Legislature  
Second Regular Session

House: COM DPA 9-0-0-0

## **HB 2397: spirituous liquors; alternating proprietorships**

**Sponsor: Representative Weninger, LD 17  
Caucus & COW**

### **Overview**

Allows two or more producer or microbrewery licenses at one location.

### **History**

The Department of Liquor Licenses and Control (DLLC) regulates the manufacture and sale of liquor in this state. DLLC consists of the State Liquor Board and the office of the Director of the Department (Director).

Microbrewers are permitted to sell beer produced or manufactured on the premises for consumption on or off the premises. A microbrewer is limited to producing or manufacturing no more than 6,200,000 gallons of beer in a calendar year. A microbrewer that produces more than the amount permitted annually by the license must apply for a producer's license ([A.R.S. § 4-205.08](#)).

*Spirituos liquor* includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor or malt beverage, absinthe, a compound or mixture of any of them or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits and beverages containing more than one-half of one percent of alcohol by volume ([A.R.S. § 4-101](#)).

### **Provisions**

1. Allows the Director to approve applications for grouping of two or more spirituous liquor producer or microbrewery licenses at the same location under a plan of alternating proprietorships if:
  - a) The licensed producer had received approval of alternating proprietorship by the United States Alcohol and Tobacco Tax and Trade Bureau (TTB); and
  - b) The participating producers operate under the regulations and guidelines of the TTB. (Sec. 1)
2. States that each participating spirituous liquor producer is responsible for filing all reports that relate to its production with the TTB and DLLC. (Sec. 1)

### **Amendments**

Committee on Commerce

1. Applies the alternating proprietorship requirements for a produce to a microbrewery.
2. Clarifies reports must be filed with the Department of Revenue.

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



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: COM DP 9-0-0-0

## [HB 2642](#): civil rights; amendments

**Sponsor: Representative Weninger, LD 17**  
**Caucus & COW**

### Overview

Amends certain unlawful employment practices statutes.

### History

Under current law it is unlawful for an employer to discriminate against any individual with respect to employment because of the individual's race, color, religion, sex, age, national origin or on the basis of disability. ([A.R.S. § 41-1463](#))

Under current law, filing a charge of unlawful employment practices must be filed within 180-days of the alleged incident. A charge is considered filed when it has been received by the Civil Rights Division within the Department of Law (Attorney General) from a person claiming to be aggrieved. A charge is also considered filed if received by the United States Equal Employment Opportunity Commission. A charge must be written and with an oath or affirmation and must contain the following; the date, place and circumstances of the allegation. Charges will not be made public by the Attorney General.

Additionally, the Attorney General may bring a civil action against the respondent, other than the state, named in the charge if, within 30-days after the Attorney General has made a determination that reasonable cause exists to believe that the charge is true and the division has not accepted a conciliation agreement to which the charging party and the respondent are parties. ([A.R.S. § 41-1481](#))

### Provisions

1. Increases the amount of time a person has, after receiving a subpoena, to petition the Attorney General to revoke, limit or modify the subpoena from 5 days to 14 days. (Sec. 1)
2. Specifies the terms *because of sex* and *on the basis of sex* includes because of or on the basis of pregnancy or childbirth or related medical conditions. (Sec. 3)
3. Asserts women who are affected by pregnancy, childbirth or related medical conditions must be treated the same for all employment-related purposes as others that are not affected but similar in their ability or inability to work.
  - a) Adds statute relating to differentiating the amount of wages or compensation paid based on sex or disability may not be interpreted as an allowable unlawful employment practice. (Sec. 4)
4. Specifies it is an unlawful practice for an employer to discriminate against an employee or an individual in an apprenticeship program who has opposed any unlawful employment practice or has made a charge, testified, assisted or participated in any manner in an investigation. (Sec. 5)
5. Eliminates *90-day* time frame for bringing a civil action against the respondent named in the charge by the alleged unlawful employment practice. (Sec. 6)
6. Allows, rather than requires, the Attorney General to file a civil action in an appropriate court if no conciliation agreement has been reached after thirty days. (Sec 7)
7. Makes technical and conforming changes. (Sec. 1, 2, 4, 5, 6, and 7)

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



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: ED DP 12-0-1-0

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## **HB 2109: unification; consolidation; notice; ballot language**

**Sponsor: Representative Udall, LD 25  
Caucus & Cow**

### **Overview**

Changes public notice posting requirements for school district governing boards (governing boards) proposing to unify or proposing to consolidate. Alters ballot language for an election to consolidate school districts.

### **History**

#### ***Formation of Unified School District by Common School District and High School District***

One or more common school districts and a high school district with coterminous or overlapping boundaries may establish a unified school district through resolutions approved by the governing boards of the unifying school districts and certification of approval to the county school superintendent of the county or counties in which the school districts are located. Statute does not require an election to be held to form a unified school district in this instance.

At least 90 days before voting on the resolution to unify, the governing boards are required to mail a pamphlet to each household with one or more qualified electors that list the full cash value, the assessed valuation and the estimated amount of the primary property taxes and secondary property taxes under the proposed unification ([A.R.S. § 15-448](#)).

#### ***Formation of a Unified School District by Common School District***

A common school district that has a student count of at least 200 pupils and assessed valuation of at least \$2,000,000 may, by a majority vote of the school electors of a school district, establish a unified school district.

To form a unified school district in this instance, either of the following must occur: 1) a majority of the common school district governing board may unite in a petition to the county school superintendent; or 2) 10% of the residents of the common school district may unite in a petition to the county school superintendent. If either of these options occur, the county school superintendent is required to call an election to be held at the next regular election of the governing board, if the next regular election is within 90 days after receipt of the petition. Under current law, the county school superintendent may call a special election within sixty days of receiving the petition. At least five public notices of the election must be posted, one of which is to be posted on the door of a school in the district at least 10 days before the election ([A.R.S. § 15-449](#)).

#### ***Consolidation of Districts***

Two or more school districts in the same county or in adjacent counties may consolidate in two ways: 1) on request of the governing boards; or 2) on receipt of petitions signed by 10% or more of the qualified electors who reside in each of the school districts. Upon either of these options and within 10 days, the county school superintendent of each of the counties affected is required to call an election. Currently, statute requires notice of the election to be posted in at least three public places in each of the school districts at least 25 days before the election ([A.R.S. § 15-459](#)).

### **Provisions**

#### ***Formation of Unified School District by Common School District and High School District***

1. Requires notice of a proposed vote by the governing boards on resolutions to unify school districts to be posted in at least three public places in each of the school districts at least 90 days before the proposed vote. (Sec. 2)

#### ***Formation of a Unified School District by Common School District***

2. Increases, from 60 days to 100 days, the time in which a county school superintendent is required to call a special election for the purpose of establishing a unified school district. (Sec. 3)

3. Requires public notice to be posted at least 90 days before the election, if the election is at least 90 days after the receipt of the petition to unify, or as soon as practicable, if the election is fewer than 90 days after the receipt of the petition to unify. (Sec. 3)

***Consolidation of Districts***

4. Requires notice of an election for the consolidation of school districts to be posted within 90 days of the election. (Sec. 4)
5. Alters the language required to be included in a ballot for a consolidation election. (Sec. 4)

***Miscellaneous***

6. Contains a delayed effective date of January 1, 2023. (Sec. 7)
7. Makes technical and conforming changes. (Sec. 1-6)



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: ED DP 11-0-2-0

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**HB 2110: schools; employees; employment; discipline**  
**Sponsor: Representative Udall, LD 25**  
**Caucus & COW**

## **Overview**

Requires the State Board of Education (SBE) to adopt rules and procedures for disciplinary action of noncertificated persons that are substantially similar to the rules and procedures for certificated persons and provides that the Arizona Department of Education (ADE) must investigate written complaints alleging that a noncertificated person engaged in immoral or unprofessional conduct.

## **History**

As part of its powers, SBE is required to supervise and control the certification of individuals directly engaged in instructional work (i.e. a classroom teacher) and individuals indirectly engaged in instructional work (i.e. a principal) ([A.R.S. § 15-203](#)). School districts are prohibited from employing teachers who do not have a valid teaching certificate, while charter schools are prohibited from employing teachers whose certificate have been surrendered or revoked, unless reinstated by SBE ([A.R.S. §§ 15-502, 15-183](#)).

Statute also directs SBE to impose disciplinary action, which may include a letter of censure, suspension, suspension with conditions or revocation of a certificate, upon finding that a certificated person has committed immoral or unprofessional conduct. SBE must prescribe procedures for the investigation of every written complaint alleging that a certificated person engaged in immoral or unprofessional conduct. Currently, the investigative unit is housed within ADE. The unit is directed and overseen by the Superintendent of Public Instruction (SPI) ([A.R.S. § 15-251](#)).

Noncertificated personnel and unpaid personnel that are allowed to provide direct services to students without the supervision of a certificated employee (e.g. student teachers, coaches) are required to be fingerprinted. Furthermore, school districts may require noncertificated personnel to obtain a fingerprint clearance card as a condition of employment ([A.R.S. § 15-512](#)). All individuals directly or indirectly engaged in instructional work at a charter school are required to have a valid fingerprint clearance card ([A.R.S. § 15-183](#)).

## **Provisions**

### ***SBE***

1. Requires SBE to adopt rules and procedures for disciplinary action of noncertificated persons that are substantially similar to the rules and procedures for certificated persons. (Sec. 5)
2. Directs SBE to adopt rules to define and provide guidance to school as to the activities that would constitute immoral or unprofessional conduct of noncertificated persons. (Sec. 2)
3. Requires SBE to adopt rules prescribing procedures for the investigation by ADE of every written complaint alleging that a person seeking certification or a noncertificated person has engaged in immoral or unprofessional conduct. (Sec. 2)
4. Permits SBE to review a complaint and determine whether to take disciplinary action against a noncertificated person who has engaged in immoral or unprofessional conduct, including prohibiting the person's employment at a school district or charter school for up to five years. (Sec. 5)
5. States that a person who is subject to disciplinary action by SBE is not eligible for certification. (Sec. 8)
6. Requires SBE to permanently prohibit a noncertificated person from employment at a school district or charter school who is convicted of:
  - a) A dangerous crime against children;
  - b) Sexual abuse or assault of a minor;

- c) Sexual conduct with a minor;
- d) Committing an act in another state or territory that, if committed in this state, would have been a dangerous crime against children;
- e) A preparatory offense of any of these crimes; or
- f) Any crime that requires the person to register as a sex offender. (Sec. 10)

**ADE**

- 7. Mandates ADE to investigate written complaints alleging that a noncertificated person engaged in immoral or unprofessional conduct. (Sec. 5)
- 8. Requires the SPI to direct and oversee the work of all investigators related to investigation noncertificated persons for immoral or unprofessional conduct. (Sec. 3)
- 9. Allows ADE to provide information, records or reports relating to the investigation of a certificated or noncertificated person to:
  - a) Any school or school district that currently employs the certificated or noncertificated person;
  - b) Any school or school district to which the certificated or noncertificated person has applied for employment;
  - c) Any third-party entity that contracts with a school or school district to provide educators and to which the person has applied for employment;
  - d) Any agency that received or is investigating an application by the certificated or noncertificated person for a certificate or license or that is conducting an investigation of the person in order to make a certification or licensure decision; and
  - e) A state education agency in another state, or the equivalent, in which a person holds a certificate or is applying for a certificate. (Sec. 4)

**School Districts and Charter Schools**

- 10. Prohibits a school district or charter school from employing either of the following individuals in a position that requires a valid fingerprint clearance card:
  - a) A certificated person whose certificate has been suspended, surrendered or revoked, unless reinstated by SBE; and
  - b) A noncertificated person who has had disciplinary action imposed by SBE. (Sec. 1, 5, 6)
- 11. Requires a school district or charter school to check the educator information system before employing a person. (Sec. 1, 5, 6)
- 12. Mandates each school district and charter school annually submit to ADE a list of certificated and noncertificated persons who are employed at the school district or charter school (Sec. 5)

**Reporting**

- 13. Requires any noncertificated person who reasonably suspects or receives a reasonable allegation that a certificated or a noncertificated person engaged in conduct involving minors to report to ADE in writing as soon as is reasonably practicable, but not later than three business days. (Sec. 7)
- 14. Stipulates, upon request of SBE, a school or school district that employed a noncertificated person during the time in which the person is alleged to have engaged in conduct constituting grounds for disciplinary action make available the attendance and testimony of witnesses, documents and any physical evidence. (Sec. 4)
- 15. Requires a school district superintendent or the chief administrator of a charter school, who reasonably suspects or receives a reasonable allegation that a noncertificated person engaged in an act of immoral or unprofessional conduct, to report the conduct to ADE. (Sec. 7)
- 16. States that a noncertificated person's failure to report information alleging a person engaged in conduct with minors constitutes grounds for disciplinary action by SBE. (Sec. 7)
- 17. Prohibits a governing board or school district employee, who has control over personnel decisions and reasonably suspects that a noncertificated person engaged in conduct involving minors, from accepting a noncertificated person's resignation until suspicions or allegations have been reported to SBE. (Sec. 7)

18. States that a final adjudication or judgment in another jurisdiction that a noncertificated person has engaged in immoral or unprofessional conduct is to be treated as immoral or unprofessional conduct. (Sec. 9)
19. Provides that the person who reports or provides information regarding the immoral or unprofessional conduct of a noncertificated person in good faith is not subject to an action for civil damages as a result. (Sec. 7)

***Miscellaneous***

20. Adds hearing officers to those who may conduct hearings and screenings on behalf of SBE. (Sec. 2)
21. Defines *noncertificated person* to mean a school district or charter school employee who does not possess a certificate issued by SBE and is required or allowed to provide services directly to pupils without the supervision of a certificated employee but is not:
  - a) A transportation employee;
  - b) A food service employee or contractor;
  - c) A maintenance worker; or
  - d) An employee or contractor of the school district or charter school that is not required to possess a valid fingerprint clearance card. (Sec. 5)
22. Defines *supervision*. (Sec. 5)
23. Makes technical changes. (Sec. 1, 3, 4)
24. Makes conforming changes. (Sec. 2, 4, 10)



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: ED DP 12-0-0-1

## **HB2111: schools; resources; services; consolidation grants**

**Sponsor: Representative Udall, LD 25  
Caucus & COW**

### **Overview**

Establishes a five-year resource and service consolidation grant program conducted by the Arizona Department of Education (ADE) and appropriates monies for the grant program.

### **History**

The state Constitution establishes the position of county school superintendent for each county ([Ariz. Const. art. 12, sec. 3](#)). Statute designates the office of county school superintendent as a local education agency that is eligible to receive and spend local, state and federal monies to provide programs and services to school districts, charter schools, county free library districts, municipal libraries, nonprofit and public libraries, tribal libraries, private schools and tribal schools within a county ([A.R.S. § 15-301](#)).

Among a county school superintendent's responsibilities is the requirement that the county school superintendent report, by October 1 annually, to the Superintendent of Public Instruction the amount of monies received from state school funds, special school district taxes, the total expenditures for school purposes and the balance on hand to the credit of each school district at the close of the school year. Additionally, statute authorizes a county school superintendent to provide services in their respective county or jointly with two or more counties ([A.R.S. § 15-302](#)).

### **Provisions**

1. Establishes a five-year resource and service consolidation grant program conducted by ADE. (Sec. 1)
2. Allows a county school superintendent or a group of county school superintendents to apply for a grant. (Sec. 1)
3. Requires a superintendent or group of county school superintendents to do all the following to be eligible for a grant:
  - a) Submit a proposal that explains how the grant monies would be made available to consolidate resources and develop new services within the jurisdiction of the county school superintendent or superintendents;
  - b) Demonstrate the need for resource service consolidation, that local education agencies have requested resource and service consolidation and how the proposal would address those requests;
  - c) Demonstrate the cost savings or efficiencies that will result the from resource and service consolidation proposal; and
  - d) Demonstrate the resource and service consolidation proposal will be self-sufficient in five years. (Sec. 1)
4. Requires ADE to award grants before February 2, 2021. (Sec. 1)
5. States that ADE must disburse grant monies to a county school superintendent or a group of county school superintendents each year for five consecutive years or until ADE determines that the resource and consolidation proposal is self-sufficient, whichever is sooner. (Sec. 1)
6. Repeals the resource and service consolidation grant program on July 1, 2026. (Sec. 1)
7. Appropriates \$10,000,000 from the state General Fund to ADE in FY 2021. (Sec. 2)
8. Exempts the appropriation from lapsing. (Sec. 2)

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

Fifty-fourth Legislature  
Second Regular Session

House: ED DP 13-0-0-0

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## **HB 2287: common school districts; unification; budget**

**Sponsor: Representative Osborne, LD 13**

**Caucus & Cow**

### **Overview**

An emergency measure that allows a common school district that meets specified requirements to continue calculating its budget and equalization assistance until a high school is approved by the School Facilities Board (SFB) and constructed for the newly formed unified school district.

### **History**

Under statute, the governing board of a school district may admit up to 350 students in grades nine through twelve from a common (K-8) school district that does not offer high school instruction and does not have a high school district within its boundaries. The number of high school students that a common school district may be charged tuition for is equal to the average daily membership in the district of attendance for the prior year. If the common school district and receiving school district enter into an agreement for tuition payment, the agreement must include the method for computing tuition and the timing of the payments. The agreement, and any renewals, may not be longer than five years. For the purposes of determining state aid, these students are deemed to be enrolled in the common school district and the tuition payments are included in the common school district's revenue control limit, including any transportation charges (A.R.S. §§ [15-824](#) and [15-951](#)).

[Laws 2007, Chapter 283](#) allows a common school district that was not within the boundaries of a high school district and that elected to become a unified school district to continue to include tuition costs in its budget and equalization assistance. This provision expired on July 1, 2011 and a high school was not constructed. [Laws 2010, Chapter 332](#) extends the amount of time provided to these newly unified school districts to July 1, 2016, or until a new high school is constructed. Finally, [Laws 2016, Chapter 220](#) extends this provision until June 30, 2020 or until a new high school is constructed. The Nadaburg Unified School District is the only school district affected by this session law.

### **Provisions**

1. Allows a common school district that is not within the boundaries of a high school district and that was authorized to establish a unified school district in an election held before the effective date of this act to continue calculating its budget and equalization assistance until a high school is approved by SFB and constructed for the newly formed unified school district. (Sec. 1)
2. Allows a newly formed unified school district that was formerly a common school district and phases in instruction for students in grades 9-12 to continue calculating its budget and equalization assistance for a maximum of five years after the first year of the operation of the new high school in the newly formed district. (Sec. 1)
3. Prohibits a school district meeting the specified requirements from retroactively adjusting its budget for any fiscal year. (Sec. 1)
4. Repeals Laws 2007, Chapter 283, Section 6, as amended by Laws 2010, Chapter 332, Section 28 and Laws 2016, Chapter 220, Section 1. (Sec. 2)
5. Contains an emergency clause. (Sec. 3)

6. Makes technical changes. (Sec. 1)

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



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

## **HB2438: college credit by examination; appropriations**

**Sponsor: Representative Udall, LD 25  
Caucus & COW**

### **Overview**

States that the College Credit by Examination Development Fund (Fund) consists of legislative appropriations and specifies how Fund monies are allocated and prioritized. Appropriates monies from the state General Fund (GF) in FY 2021 for the College Credit by Examination Incentive Program (Program) and the Fund.

### **History**

[Laws 2016, Chapter 124](#) established the Program to provide an incentive bonus to teachers, school districts and charter schools for high school students who pass a qualifying exam for college credit. The bonus amounts are generated as follows:

- 1) \$450 per passing exam for students who receive a passing score on a qualifying exam and are enrolled in a school where 50% or more of students are eligible for free or reduced-price lunches; and
- 2) \$300 per passing exam for students who receive a passing score on a qualifying exam and are enrolled in a school where less than 50% of students are eligible for free or reduced-price lunches.

A school district or charter school is required to distribute at least 50% of the bonus monies to the classroom teacher for each student who passes a qualifying exam and to the teachers of relevant subjects who instructed the student. The remainder of any bonus monies may be allocated by the principal on behalf of students who receive a passing score and may be used for teacher professional development, student instructional support, reimbursement of the exam fee or instruction materials. The Program is set to end on July 1, 2026 ([A.R.S. § 15-249.06](#)).

[Laws 2019, Chapter 98](#) established the Fund. Currently, any monies that are not distributed by the end of the fiscal year for the Program are deposited to the Fund. Statute requires that Fund monies are distributed to schools in which 50% or more of students are eligible for free or reduced-price lunches to aid in the development and operation of classes that offer qualifying exams. Finally, ADE is required to prioritize distributions from the Fund based on need. The Legislature appropriated \$5,000,000 from the state GF to ADE in FY 2020 for the Program ([Laws 2019, Chapter 263](#)).

### **Provisions**

1. States that the Fund consists of legislative appropriations as opposed to monies appropriated to ADE for the Program but that are not distributed by the end of the fiscal year. (Sec. 1)
2. Allocates monies in the Fund to eliminate or reduce the exam fee costs for students who are eligible for free or reduced-price lunches on a pro rata basis. (Sec. 1)
3. Requires, subject to available monies, other Fund monies to be distributed to schools in which 50% or more of students are eligible for free or reduced-price lunches, including through professional development grants. (Sec. 1)
4. Prioritizes distributions from the Fund based on need, which may include showing that students are academically prepared for a qualifying exam that will provide them college credit from any in-state university but lack access in their local school to the corresponding course or an instructor. (Sec. 1)
5. Appropriates \$1,000,000 from the state GF in FY 2021 to ADE for the Program. (Sec. 2)
6. Appropriates \$1,500,000 from the state GF in FY 2021 to the Fund. (Sec. 2)

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

Fifty-fourth Legislature  
Second Regular Session

House: ED DP 10-1-2-0

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## **HB 2448: public schools; innovation plans**

**Sponsor: Representative Udall, LD 25**

**Caucus & Cow**

### **Overview**

Establishes requirements and approval and evaluation procedures for public school innovation plans.

### **History**

The State Board of Education (SBE) is tasked with exercising general supervision over and regulating the conduct of the public school system, which includes the power to adopt any rules and policies deemed necessary to accomplish this. Additionally, statute requires SBE to administer and implement a statewide assessment to measure pupil achievement of adopted academic standards in reading, writing and math in at least four grades designated by SBE. Assessments may be administered in social studies and science, except that a student is not required to meet or exceed these standards ([A.R.S. § 15-741](#)).

For the purposes of defining average daily membership (ADM), statute provides definitions of full-time student that differ depending on a student's grade level. In order to be considered a full-time student in a common school, the following instruction hours must be met for a 180-day school year: 1) 712 hours for students in grades 1-3; and 2) 890 hours for students in grades 4-8. To be considered a full-time student for high schools and generate 1.0 ADM, a student must be enrolled in at least: 1) four subjects that count towards graduation for a minimum of 123 hours; and 2) 720 instructional hours during the school year ([A.R.S. § 15-901](#)).

### **Provisions**

#### ***Innovation Plan Requirements***

1. Requires, in order to become a school of innovation, a public school to submit to the Superintendent of Public Instruction (SPI) an innovation plan.
2. Instructs SBE to prescribe the requirements for an innovation plan, which must include at a minimum:
  - a) A statement of the school's mission and why designation as a school of innovation would enhance the school's ability to achieve its mission and improve learning or enhance academic opportunities for all students;
  - b) A description of the innovative practices the school would like to implement and a plan for implementation;
  - c) A description of the school's programs, policies or operations that would need to change to successfully implement the innovative practice and a plan for how those would be addressed;
  - d) A detailed implementation timeline that is not more than five years after SBE approval of the innovation plan;
  - e) Proof of a resolution adopted by the school district governing board or charter school governing body that supports the innovation plan and the anticipated implementation timeline and describes the resources and support the school will receive;
  - f) Documentation that shows meaningful parental, education and community engagement and capacity for the changes identified in the innovation plan;
  - g) The formative, benchmark and summative assessments that will be used to monitor the progress and outcomes of the innovation plan;
  - h) A description of the goals, identified performance indicators, implementation milestones and expected outcomes of the innovation plan;
  - i) The long-term community outreach goals and stakeholder communication plans; and

j) Any other materials that SBE requires.

### ***Requests for Exemption***

3. Allows a school to request, in its innovation plan, an exemption from instructional hours requirements or any rules or policies that may hinder the full implementation of the school's innovation plan and propose alternative solutions.
4. Requires a school to include in its request for exemption a rationale of how each exemption will support implementation of the innovation plan.
5. Prohibits a school from requesting an exemption from any rule or policy relating to participation in the statewide assessment and in any state or federal accountability system.
6. States that a school of innovation is subject to all statutes, rules and policies that are not explicitly exempted by SBE.
7. Stipulates that any exemption granted by SBE applies for the duration of the innovation plan and includes any subsequent amendment or resignation of an identified state statute, rule or policy.
8. Instructs SBE to prescribe a process for a school of innovation to submit amendments to an approved innovation plan to request an exemption.
9. Permits a school to request that ADE include a statute in its evaluation if the statute hinders the full implementation of a school's innovation plan and an exemption is not allowed.

### ***Innovation Plan Approval***

10. Requires the SPI to transmit the innovation plan to SBE with a recommendation for approval or resubmission within 60 days of receiving the innovation plan.
11. Provides that if a plan is rejected, SBE is required to explain in writing the reasons for rejection and that the school may resubmit an amended plan at any time.
12. Stipulates SBE must do the following if an innovation plan is approved:
  - a) Specify in writing whether any exemptions are approved; and
  - b) Approve the innovation plan for an initial five-year period.
13. Allows SBE to extend the approval period for up to five additional years provided that the school complies with renewal procedures and performance criteria prescribed by SBE.

### ***Evaluation of Schools of Innovation***

14. Mandates ADE to develop a plan to evaluate schools of innovation that includes:
  - a) Performance measures of the schools of innovation, including measures of student engagement, performance on formative, benchmark and state assessments, high school success and postsecondary success;
  - b) Instructional practices of the school of innovation;
  - c) The communication strategies of the school of innovation relating to parents, teachers and the community;
  - d) The requested exemptions of the schools and the exemptions granted; and
  - e) The statutes that hindered schools in fully implementing innovation plans and for which exemptions are not allowed.
15. Requires ADE, when developing the evaluation plan, to identify the person that evaluates the schools of innovation and the data that schools of innovation must submit to ADE.
16. Requires ADE to compile the evaluation data in an annual report that includes the findings, implementation milestones and outcomes and any recommended statutory changes and lists all exemptions requested, all

exemptions granted and all statutes that hindered schools in fully implementing innovation plans and for which exemptions were not allowed.

17. Directs ADE to submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives and SBE by September 1 of each year.

***Student Protections***

18. States a school may not penalize a student who previously attended a school of innovation and who transfers to another school by either:

- a) Requiring the student to repeat coursework or content that the student has already demonstrated mastery of; or
- b) Changing any grade that the student received at a school of innovation.

19. Requires the Arizona Board of Regents and each community college district governing board to establish policies that ensure both fair and equitable:

- a) Admission of graduates of schools of innovation or other graduates with nontraditional diplomas and transcripts to community colleges and in-state universities; and
- b) Access to scholarships and financial aid for graduates of schools of innovation or other graduates with nontraditional diplomas and transcripts.

***Miscellaneous***

20. Requires SBE to adopt any rules necessary to implement this act.

21. Defines *innovation* to mean a new or creative alternative to the existing instructional and administrative practices that is intended to improve learning or enhance academic opportunities for all students.

22. Defines *school of innovation* to mean a public school that has submitted an innovation plan in accordance with this act and that is approved by SBE as a school of innovation.

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

Fifty-fourth Legislature  
Second Regular Session

House: ELECT DP 6-4-0-0

## **HB 2121: election pamphlet submittals; identification required**

**Sponsor: Representative Kavanagh, LD 23**  
**Committee on Elections**

### **Overview**

Adds to the identification requirements for informational and publicity pamphlet submissions for school district override, initiative and bond elections.

### **History**

If the proposed budget of a school district exceeds the limit for the budget year, at least 90 days before the proposed election the governing board must order an override election on the first Tuesday of November. The governing board must publicly announce a deadline for the submittal of arguments to be in the informational pamphlet. The informational pamphlet includes at least two but no more than ten arguments each for and against the proposed budget increase ([A.R.S. § 15-481](#)).

A person filing an initiative petition with the Secretary of State (SOS) may at the same time file with the SOS an argument advocating the measure or constitutional amendment proposed in the petition. No later than 48 days preceding a primary election an individual may file an argument with the SOS advocating or opposing the measure or constitutional amendment that has been proposed in the petition. Each filed argument must contain the sworn statement of each person sponsoring it ([A.R.S. § 19-124](#)).

The governing body or board of a political subdivision must, at least 35 days before the bond election, mail an informational pamphlet to every household containing a registered voter. The pamphlet must include arguments for and against the authorization of one or more of the bond propositions. The governing body or board shall publicly set a deadline for the submission of arguments for and against one or more of the bond propositions ([A.R.S. § 35-454](#)).

### **Provisions**

1. Requires arguments submitted for a school district override election informational pamphlet be provided with a signed, notarized statement by those in favor or in opposition of the argument. (Sec. 1)
2. Asserts that each argument filed for a bond election informational pamphlet contain the sworn, notarized statement of the person submitting it. (Sec. 3)
3. Prescribes that the names of individuals or entities submitting written arguments for an upcoming initiative or bond election shall be included in the publicity or informational pamphlet. (Sec. 2, 3)
4. Specifies that arguments submitted by an organization for a school district override election or a bond election must feature a sworn, notarized statement by two executive officers of the organization. (Sec. 1, 3)
5. Stipulates that if the arguments are submitted by a political committee for a school district override election or a bond election, it shall feature a sworn, notarized statement by the chairperson or treasurer of the committee. (Sec. 1, 3)

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

6. Requires people signing an argument for an upcoming initiative, a school district override or a bond election to identify themselves by providing their residential address and telephone number which may not be included in the pamphlet. (Sec. 1, 2, 3)
7. States that if a person is not representing an organization or political committee they may choose to appear as "anonymous" in the pamphlet with only the city or town of the resident in the pamphlet. (Sec. 1, 2, 3)
8. Asserts that any submitted argument not complying with these rules may not be included in the pamphlet. (Sec. 1, 2, 3)
9. Makes technical changes. (Sec. 1, 2, 3)



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: ELECT DP 6-4-0-0

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**HR2004: supporting the electoral college**  
**Sponsor: Representative Lawrence, LD 23**  
**Caucus & COW**

## **Overview**

Declares the support of the Arizona House of Representatives for the electoral college.

## **History**

The electoral college was established in Article II, Section 1 of the US Constitution which was ratified on June 21, 1788. The electoral college is the process that elects the President and Vice President of the United States. The electoral college consists of 538 electors, a presidential candidate is required to obtain a majority of 270 electoral votes to win the election. Each state receives the same number of electoral votes as the number of congressional representatives the state has in Congress plus its two senators. Each candidate running for president in a state has their own group of electors, state laws vary on how the electors are selected and what their responsibilities are ([www.archives.gov](http://www.archives.gov), [www.history.house.gov](http://www.history.house.gov)).

## **Provisions**

1. States that Members of the House of Representatives support the electoral college and oppose any efforts to repeal or replace it.

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

Fifty-fourth Legislature  
Second Regular Session

House: FR DP 7-0-0-0

## **HCM2005: postal service; urging independence; prefunding**

**Sponsor: Representative Andrade, LD 29**

**Caucus & COW**

### **Overview**

Urges the United States (U.S.) Congress: to ensure the U.S. Postal Service (USPS) continues as a Federal government agency; and, to reevaluate the associated Retiree Health Benefits (RHB) Fund.

### **History**

The [USPS](#) has over 500,000 employees, delivering services to every address in the country, including 42,000 zip codes from large cities to small towns. The USPS handles 47% of the world's mail volume and processed 6.8 million passport applications in 2019.

In a report to the U.S. Senate *Committee on Homeland Security and Governmental Affairs*, the U.S. Government Accountability Office reported that the USPS is required to pre-fund its RHB costs. USPS must make payments into the RHB Fund, which is administered by the Office of Personal Management. USPS has not made any payments to the RHB Fund since fiscal year (FY) 2010 and by the end of FY 2017, USPS missed \$38.2 million payments to the RHB Fund, which left the RHB Fund 44% funded. ([U.S. Government Accountability Office](#))

According to the Arizona Legislative Manual, A *memorial* is a message sent to an officer or entity outside the Legislature and allows the Legislature to petition the recipient to acknowledge stated facts and act in a manner consistent with the request. It implies that the "memorialist" (the Legislature) lacks authority to act directly on the subject. Memorials may request or propose that Congress or the President of the United States, federal agencies and officers or other states do things the Arizona Legislature has no jurisdiction to do itself. Memorials are not signed by the Governor. [Arizona Legislative Manual](#)

### **Provisions**

1. Urges Congress to ensure that the USPS continues independently under the jurisdiction of the Federal government and that the agency not be privatized at all.
2. Encourages Congress:
  - a) to modify the present USPS requirement to prefund the retiree health benefits; and
  - b) to enact legislation that is actuarially based for funding the RHB Fund.
3. Instructs the Arizona Secretary of State to transmit copies of this HCM to officials as follows:
  - a) the President of the U.S. Senate.
  - b) the Speaker of the U.S. House of Representatives.
  - c) each Member of Congress from the State of Arizona.

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



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: FR DP 7-0-0-0

## HCM2006: remote sellers; taxes; urging Congress

**Sponsor: Representative Pierce, LD 1  
Caucus & COW**

### Overview

Urges the United States (U.S.) Congress to enact uniform national legislation for remote sellers to collect and remit sales taxes.

### History

On June 21, 2018, the U.S. Supreme Court, in the *Wayfair v. South Dakota* case, reversed the long-standing *Quill* case (1992) that required a physical presence test for a state to impose a sales tax on a remote seller. The *Wayfair* decision stated that South Dakota's tax system appears designed to prevent undue burdens upon interstate commerce. This decision resulted from three main findings: 1) South Dakota applies a safe harbor to sellers that have limited business in the state; 2) South Dakota is not applying their tax retroactively; and 3) South Dakota has adopted the Streamlined Sales and Use Tax Agreement, which standardizes taxes to reduce administrative and compliance costs.

On May 31, 2019, Governor Doug Ducey signed House Bill 2757 into law. ([Laws 2019, Chapter 273](#)) This legislation requires remote sellers and marketplace facilitators to begin filing and paying transaction privilege tax (TPT) in Arizona starting October 1, 2019 depending on their level of economic presence in Arizona.

According to the Arizona Legislative Manual, A *memorial* is a message sent to an officer or entity outside the Legislature and allows the Legislature to petition the recipient to acknowledge stated facts and act in a manner consistent with the request. It implies that the "memorialist" (the Legislature) lacks authority to act directly on the subject. Memorials may request or propose that Congress or the President of the United States, federal agencies and officers or other states do things the Arizona Legislature has no jurisdiction to do itself. Memorials are not signed by the Governor. [Arizona Legislative Manual](#)

### Provisions

1. Urges the U.S. Congress to enact uniform nationwide legislation to simplify sales tax or similar tax collection to lessen the burden of tax compliance on remote sellers.
2. Instructs the Arizona Secretary of State to transmit copies of this Memorial to the following individuals:
  - a) the President of the U.S. Senate;
  - b) the Speaker of the U.S. House of Representatives; and
  - c) each Member of Congress from the State of Arizona.

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



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: GOV DP 11-0-0-0

## **HB 2142: auditor general; continuation**

**Sponsor: Representative Kern, LD 20**

**Caucus & COW**

### **Overview**

Continues the Office of the Auditor General (OAG) for 10 years.

### **History**

The OAG was established on January 1, 1969 succeeding the powers of the Office of the State Examiner and the Office of the Post Auditor ([azlibrary.gov](http://azlibrary.gov)). [Laws 2010, Chapter 11](#) continued the OAG for 10 years. The duties of the OAG outlined in statute include:

- 1) Preparing plans for audits and investigations to be approved by the Joint Legislative Audit Committee (JLAC) and reporting to JLAC the results of any audit or investigation done by the OAG;
- 2) Conducting or initiating, at least every other year, financial and compliance audits of transactions and accounts by or for all state agencies;
- 3) If requested by JLAC, conduct performance audits of counties and incorporated cities and towns receiving appropriated monies to determine if the monies are being spent as mandated by statute; and
- 4) Performing special audits ([A.R.S. § 41-1279.03](#)).

The OAG is required to provide a list of agencies scheduled to be repealed in the next termination schedule to JLAC and perform sunset reviews of the specific agencies named by JLAC ([A.R.S. § 41-2953](#)).

The Auditor General is appointed by the Joint Legislative Audit Committee and approved by a concurrent resolution of the Legislature to a term of five years with an opportunity of renewal ([A.R.S. § 41-1279.01](#)).

### **Provisions**

1. Continues, retroactive to July 1, 2020, the OAG until July 1, 2030. (Sec. 2)
2. Repeals the OAG on January 1, 2031. (Sec. 2)
3. Contains a legislative intent clause. (Sec. 3)

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



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: GOV DP 9-0-2-0

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## **HB 2259: victims of communism day; observed**

**Sponsor: Representative Thorpe, LD 6**  
**Caucus & COW**

### **Overview**

Establishes November 7th of each year as Victims of Communism Memorial Day.

### **History**

The enumerated list of holidays Arizona observes are outlined in the [Arizona Revised Statutes Title 1, Chapter 3](#).

Merriam-Webster [defines](#) *legal holiday* as a holiday established by legal authority and marked by restrictions on work and transaction of official business. Legal holidays are commonly non work-days.

### **Provisions**

1. States that November 7th of each year will be observed as Victims of Communism Memorial Day holiday. (Sec. 1)
2. Specifies that Victims of Communism Memorial Day is not a legal holiday. (Sec. 1)

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

Fifty-fourth Legislature  
Second Regular Session

House: GOV DP 11-0-0-0

## **HB 2357: ASRS; self-insurance program.**

**Sponsor: Representative Toma, LD 22  
Caucus & COW**

### **Overview**

Specifies the uses of monies in a self-insurance program account.

### **History**

Current statute allows the Board (Board) of the Arizona State Retirement System (ASRS) to establish a self-insurance program if the Board determines that this will be less expensive than a fully insured plan and at least as effective, while considering the risks and costs. If a self-insurance program is established by the Board, the program must include all health coverage benefits that are required by statute. ASRS is required to establish a separate account for any self-insurance program that is created pursuant to statute. If a self-insurance program is no longer offered, the monies in the account must be transferred to another account of ASRS as determined by the Board ([A.R.S. § 38-782](#)).

The Public Safety Personnel Defined Contribution Retirement Plan is established to provide for the retirement of specified participants. The stated purpose of this plan is to provide a defined contribution plan that is fully funded on a current basis from participant and employer contributions ([A.R.S. § 38-866](#)).

### **Provisions**

1. Stipulates that ASRS must not use or divert any income from the self-insurance program for any purpose other than providing benefits and paying the administration costs for the self-insurance program or premium payments as prescribed in statute. (Sec. 1)
2. Requires, if a self-insurance program is no longer offered, monies in the program account to be used to provide any remaining benefits and to pay administration costs for the program or the premium payments as prescribed in statute instead of being transferred to another ASRS account. (Sec. 1)
3. Specifies that any remaining monies in the account be returned to the employer if the liabilities of ASRS to provide self-insurance program benefits and the premium payments are satisfied. (Sec. 1)
4. Includes the Public Safety Personnel Defined Contribution Retirement Plan in groups that may participate in group health and accident coverage. (Sec. 1)
5. Directs the Board to not use the health insurance and premium payment account for any purpose other than the cost of administering these benefits or the self-insurance program. (Sec. 2)
6. Makes technical and conforming changes. (Sec. 1, 2)

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

Fifty-fourth Legislature  
Second Regular Session

House: HHS DP 9-0-0-0

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## **HB 2117: pharmacy board; rulemaking authority**

**Sponsor: Representative Lawrence, LD 23**

**Caucus & COW**

### **Overview**

Amends the definition of pharmacy and eliminates the rule making requirements for oral fluoride varnish and tobacco cessation drug therapies.

### **History**

The Arizona State Board of Pharmacy ([Pharmacy Board](#)) protects the health, safety and welfare of the citizens of Arizona by regulating the practice of pharmacy and the manufacturing, distribution, sale and storage of prescription medications and devices and non-prescription medications.

The Pharmacy Board accomplishes its mission by: 1) issuing licenses to pharmacists, pharmacy interns and pharmacy technicians; 2) issuing permits to pharmacies, manufacturers, wholesalers, distributors, non-prescription retailers and third-party logistics providers; 3) conducting compliance inspections of permitted facilities, investigating complaints and adjudicating violations of applicable state and federal laws and rules; and 4) promulgating and reviewing state rules and regulations.

### **Provisions**

1. Amends the definition of pharmacy to include *where prescription orders are dispensed by a licensed pharmacist* and removes *any place in which the profession pharmacy is practiced or where prescription orders are compounded and dispensed and where a pharmacy technician or pharmacy intern prepares, compounds or dispenses prescription medications under remote supervision by a pharmacist.* (Sec. 1)
2. Removes the requirement for the Pharmacy Board to adopt rules relating to the prescribing and administering of oral fluoride varnish and tobacco cessation drug therapies. (Sec. 2)
3. Makes technical and conforming changes. (Sec. 1 and 2)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: HHS DP 9-0-0-0

## **HB 2133: dental board; licenses; certificates; renewals**

**Sponsor: Representative Barto, LD 15**

**Committee on Health & Human Services**

### **Overview**

Changes the expiration, renewal application and fee date for a licensed dental professional from June 30th every three years to 30 days after the licensee's or certificate holder's birthday every third year.

### **History**

The State Board of Dental Examiners (BODEX) regulates and licenses dental professionals, including dentists, dental hygienists, dental consultants, dental therapists and denturists. Additionally, the Board reviews complaints against licensees and business entities, conducts investigations and is authorized to take disciplinary action for violations of state laws relating to the profession. (A.R.S. §§ [32-1201](#) through [32-1299.26](#))

Currently, all dental professionals are required to renew their license or certification on June 30th of every third year. On or before June 30th of every third year, each dental professional must submit to the Board a complete renewal application and pay a renewal fee. The licensee or certificate holder must include a written affidavit with the renewal application that affirms that the licensee or certificate holder complies with Board rules relating to continuing education requirements. If the licensee or certificate holder is not in compliance with the education requirements, the Board may grant an extension to complete these requirements if the licensee or certificate holder includes a written request for an extension with the renewal application on or before June 30th of the expiration year. (A.R.S. §§ [32-1236](#), [32-1276.02](#), [32-1287](#) and [32-1297.06](#))

### **Provisions**

1. Changes the expiration date, renewal application and fee date for a licensed dental professional to 30 days after the licensee's or certificate holder's birthday every third year. (Sec. 1, 2, 3 and 4)
2. Changes the extension deadline to the licensee's birthday for a licensee or certificate holder not in compliance with Board rules relating to continuing education requirements. (Sec. 1, 2, 3 and 4)
3. Specifies that a license or certificate expires 30 days after the licensee's birthday if BODEX denies an extension request. (Sec. 1, 2, 3 and 4)
4. Contains a delayed effective date of January 1, 2021. (Sec. 5)
5. Makes technical changes. (Sec. 1, 2, 3 and 4)

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

Fifty-fourth Legislature  
Second Regular Session

House: HHS DP 9-0-0-0

## **HB 2225: speech-language pathologists; assistants**

**Sponsor: Representative Barto, LD 15**

**Caucus & COW**

### **Overview**

Makes a variety of changes and updates to the statutes related to audiologists, hearing aid dispensers and speech-language pathologists.

### **History**

Within the Arizona Department of Health Services (DHS) is the [Bureau of Special Licensing](#) (Bureau). According to the Bureau, they issue more than 7,000 licenses for speech and hearing professionals, midwives and group homes for individuals living with developmental disabilities. The Bureau certifies 12,000 Medical Radiologic Technologists and Certified Laser Technicians and licenses medical marijuana dispensaries and dispensary agents. Licensing inspections, on-site surveys and complaint investigations are conducted to promote quality care and safety and ensure that performance standards are met.

*Audiologist* is defined as a person who engages in the practice of audiology. *Hearing aid dispenser* means a person who engages in the practice of fitting and dispensing hearing aids. *Speech-language pathology* means the nonmedical and nonsurgical application of principles, methods and procedures of assessment, testing, evaluation and prediction related to speech and language and its disorders and related communication impairments for the nonmedical diagnosis, prevention, amelioration or modification of these disorders and conditions (A.R.S. § [36-1901](#)).

### **Provisions**

1. Amends the definition of *direct supervision* to allow for telecommunication services. (Sec. 1)
2. Consolidates the *Advisory Committee* with the *Examining Committee* for the purpose of assisting in examining applicants, assisting the director in disciplinary actions and other prescribed duties. (Sec. 2)
3. Allows for the director's designee to serve on the Advisory Committee. (Sec. 2)
4. Specifies that of the two licensed speech-language pathologists on the Advisory Committee, one must provide services in a school setting. (Sec. 2)
5. Designates two licensed speech-language pathology assistants as members of the Advisory Committee. (Sec. 2)
6. Sets a term of two years for Advisory Committee members. (Sec. 2)
7. Removes language related to the Examining and Advisory Committees. (Sec. 2)
8. Eliminates mail as a method of delivery to a licensee. (Sec. 3)
9. Repeals A.R.S. § 36-1910 relating to application of chapter to corporations and other organizations. (Sec. 4)
10. Deletes language requiring a hearing aid dispenser, audiology or a speech-language pathology applicant from another jurisdiction to pass an examination on jurisprudence and ethics. (Sec. 5, 7 and 8)
11. Eliminates the requirement for the director to promptly notify a licensee's employer if the director initiates a disciplinary action against the licensee. (Sec. 6)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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12. Clarifies that the doctoral degree must be from an accredited program recognized by the United States Department of Education. (Sec. 7)
13. Requires DHS to waive the education, clinical practicum and postgraduate professional experience examination requirements under outlined circumstances for a person who wishes to be licensed as an audiologist or a speech-language pathologist. (Sec. 8).
14. States DHS must waive the education and clinical practicum post-graduate professional experience and examination requirements for a person who wishes to be licensed as an audiologist, if the applicant submits proof and holds a certification of clinical competence in audiology from a nationally recognized speech-language hearing association approved by DHS. (Sec. 8)
15. Allows the director to waive the educational requirements for a speech-language pathology assistant applicant if the applicant holds certification as a speech-language pathology assistant from a nationally recognized speech-language hearing association approved by DHS in the field for which the applicant is applying for licensure. (Sec. 9)
16. Clarifies supervision requirements for a speech-language pathology assistant by specifying the amount of supervision can be adjusted if the supervising speech-language pathologist determines that the speech-language pathology assistant has met appropriate competencies and skill levels with a variety of communication and related disorders. (Sec. 9)
17. Makes technical and conforming changes. (Sec. 1, 2, 3, 6, 7, 8 and 9)



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: HHS DPA 9-0-0-0

## **HB 2408: health professionals; voluntary care; immunity**

**Sponsor: Representative Cobb, LD 5**

**Caucus & COW**

### **Overview**

Enables a health care provider to receive one hour of continuing education (CE) credit for each hour of free medical services provided to eligible patients.

### **History**

A health professional, or health professional who meets volunteer registration requirements and who provides services within the scope of the health professional's certificate or license at a nonprofit clinic where neither the professional or nonprofit clinic receives compensation, is not liable in a medical malpractice action, unless the health professional was grossly negligent.

A *nonprofit clinic* is defined as a clinic, an office, a homeless or other shelter, a health or screening fair or any other setting where treatment, care or screening is provided at no cost to the patient. (A.R.S. § [12-571](#))

### **Provisions**

1. Clarifies that a private medical office maintained by a health professional is a nonprofit clinic. (Sec. 1)
2. Allows a health care provider to receive one hour of CE credit for each hour of free medical services provided to eligible patients. (Sec. 1)
3. Allows a health care provider to receive up to a maximum of eight CE credits per licensure period. (Sec. 1)
4. States that an *eligible patient* means either:
  - a) A person who is eligible for the Arizona Health Care Cost Containment System; or
  - b) A person who does not have health insurance and whose annual household income does not exceed 200% of the federal poverty level. (Sec. 1)
5. Defines *health care provider*. (Sec. 1)

### **Amendments**

Committee on Health & Human Services

1. Includes naturopathic physicians as a health care provider.
2. Clarifies that the CE credits cannot be used as a substitute for the three hours of opioid related, substance use disorder or addiction-related continuing education required for health professionals who prescribe Schedule II controlled substances.

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



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: HHS DP 9-0-0-0

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## **HB 2433: clinical laboratories; proficiency testing**

**Sponsor: Representative Nutt, LD 14**  
**Committee on Health & Human Services**

### **Overview**

Requires clinical laboratories to undergo regular proficiency testing through a program approved by the Centers for Medicare and Medicaid Services (CMS).

### **History**

Current Arizona law allows a person to obtain a laboratory test from a licensed clinical laboratory without a healthcare provider's request or authorization if the laboratory offers that test on a direct-access basis. When a person orders a test without their healthcare provider's request or authorization, it is the duty of the person who was tested, rather than their healthcare provider, to act on the test results. Additionally, a laboratory may not submit a claim for reimbursement from a third-party payor for a test that was not requested or authorized by a healthcare provider ([A.R.S. § 36-468](#)).

All laboratory testing performed in the U.S. is regulated by CMS through the Clinical Laboratory Improvement Amendments, the purpose of which is to ensure quality laboratory testing ([CLIA](#)).

### **Provisions**

1. States that any clinical laboratory test may be provided only by a laboratory that participates in routine proficiency testing through a program approved by CMS. (Sec. 1)
2. Exempts proficiency testing for lab tests for which an approved program is not available. (Sec. 1)
3. Makes technical and conforming changes. (Sec. 1)

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

Fifty-fourth Legislature  
Second Regular Session

House: HHS DP 9-0-0-0

## HB 2532: prior authorization; uniform request form

**Sponsor: Representative Shah, LD 24**  
**Caucus & COW**

### Overview

Requires the Arizona Department of Insurance (DOI) on or before January 1, 2022, to approve a uniform prior authorization request form that healthcare services plans and utilization review agents will accept and process for prior authorization requests submitted from all providers and outlines requirements.

### History

The mission of [DOI](#) is to protect Arizona citizens and businesses by promoting a safe, strong, innovative and competitive insurance marketplace.

Current law defines *prior authorization requirement* as a practice implemented by a health care services plan or its utilization review agent in which coverage of a health care service is dependent on an enrollee or a provider obtaining approval from the health care services plan before the service is performed, received or prescribed, as applicable. It includes preadmission review, pretreatment review, prospective review or utilization review procedures conducted by a health care services plan or its utilization review agent before providing a health care service; it does not include case management or step therapy protocols (A.R.S. § [20-3401\(10\)](#)).

The healthcare services plan or its utilization review agent must make available to all providers on its website or provider portal a listing of all prior authorization requirements. The listing must clearly identify the specific health care services, drugs or devices to which a prior authorization requirement exists, including specific information or documentation that a provider must submit in order for the prior authorization request to be considered complete (A.R.S. § [20-3403\(A\)](#)).

### Provisions

1. Defines *pharmacy benefit manager*. (Sec. 1)
2. Health care services include:
  - a) A health care procedure, treatment or service that is covered under the health care services plan; or
  - b) A prescription drug, device or durable medical equipment that is covered under the health care services plan. (Sec. 1)
3. Specifies that a health care services plan or its utilization review agent must allow providers to access the uniform prior authorization request form approved by DOI. (Sec. 2)
4. Requires DOI on or before January 1, 2022 to approve a uniform prior reauthorization request form that health care services plan and utilization review agents must accept and process for prior authorization requests submitted from all providers and that all providers are required to use. (Sec. 3)
5. Specifies that the uniform prior authorization request form must:
  - a) Not exceed two printed pages; and
  - b) Meet the electronic submission and acceptance requirements as prescribed by law. (Sec. 3)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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6. Stipulates that in approving the uniform prior authorization request form, DOI must both:
  - a) Consider the following:
    - i. Any existing prior authorization request forms that the Centers for Medicare and Medicaid Services or the U.S. Department of Health and Human Services has developed; and
    - ii. Any national standards relating to electronic prior authorization.
  - b) Seek input from interested stakeholders, including providers, health care services plans, utilization review agents, pharmacists and pharmacy benefit managers. (Sec. 3)
7. Makes technical and conforming changes. (Sec. 1)



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: JUD DPA/SE 6-4-0-0-0

## **HB 2055: civil traffic violations; community restitution**

**S/E; penalties: civil traffic violation**

**Sponsor: Representative Biasiucci, LD 5**

**Caucus & COW**

### **Summary of the Strike-Everything Amendment to HB 2055**

#### **Overview**

Allows an offender of a civil traffic violation to perform court-approved community restitution in lieu of payment at a rate of \$10 per hour.

#### **History**

A person who violates [title 28, chapter 3](#) (Traffic and Vehicle Regulation) is subject to a civil penalty unless the statute defining the offense provides for a criminal classification. ([A.R.S § 28-1521](#)) Unless otherwise stated, a civil penalty imposed will not exceed \$250 and the court may levy surcharges under sections [12-116.01](#) and [12-116.02](#). ([A.R.S § 28-1598](#)) An offender of some civil traffic penalties may also attend a defensive driving school, pay a court diversion fee and a \$45 surcharge to attend the defensive driving school. ([A.R.S § 28-3396](#))

#### **Provisions**

1. Allows an offender of a civil penalty involving a traffic or vehicle regulation to perform court-approved community restitution for up to 50% of the monetary obligation instead of paying the traffic penalty, surcharge, assessment or fee. (Sec. 1)
2. States the court, upon the person's request, may order the person to perform community restitution in lieu of the payment of all or part of the remaining monetary obligation. (Sec. 1)
3. States the court will credit any community restitution at a rate of \$10 per hour. (Sec. 1)
4. Defines the term *monetary obligation*. (Sec. 1)
5. Contains technical changes. (Sec. 2)

#### **Amendments**

1. Adopted the strike-everything amendment.

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



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: JUD DP 10-0-0-0

## **HB 2085: writs of garnishment; attorney fees**

**Sponsor: Representative Allen J, LD 15**

**Caucus & COW**

### **Overview**

Adds accrued attorney fees, including fees for garnishment, if allowed by a judge, or contract to the application for a writ of garnishment to be paid with interest.

### **History**

A writ of garnishment must be issued if a judgment creditor does not receive monies from the judgment debtor voluntarily. The judgment creditor may apply for a writ of garnishment containing the following information:

- 1) The amount of the outstanding balance due on the judgment that includes interest;
- 2) The name and address of the garnishee or garnishee's agent, judgment creditor and creditor's attorney; and
- 3) The last mailing address of the judgment debtor known to the judgment creditor. ([A.R.S § 12-1574](#)).

An award of attorney fees is not chargeable to the judgment debtor unless the judgment debtor is found to have objected solely for delay or harassment. ([A.R.S. § 12-1598.07](#))

If a timely objection to a writ of garnishment is filed, the court shall conduct a hearing and make the following determinations:

- 1) Whether the writ is valid against the judgment debtor;
- 2) The amount outstanding when the writ was served, plus accruing costs;
- 3) Whether the judgment debtor was employed by the garnishee at the time the writ was served;
- 4) Whether earnings were owed or would be owed by the garnishee to the judgment debtor within 60 days after the service of the writ; and
- 5) If the debt was subject to an effective agreement for debt scheduling between the judgment debtor and a qualified debt counseling organization ([A.R.S § 12-1598.10](#)).

### **Provisions**

1. Adds accrued attorney fees, including fees for garnishment, if allowed by a judge, or contract to the application for a writ of garnishment to be paid with interest. (Sec.1)
2. States that the award of attorney fees that are incurred due to an objection of a writ of garnishment shall not be assessed against the judgment debtor unless they are found to have been objected solely to delay or harass. (Sec. 3)
3. Mandates that if there is no written objection to the writ of garnishment, then the attorney fees will be taxed against the judgment debtor. (Sec. 4)

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

4. Ensures a writ of garnishment must be issued after the judgment creditor or a person on the judgment creditor's behalf makes a written application that contains the following information:
  - a) The amount of the outstanding balance is due on the judgment on the date that the application is made, together with interest, accrued attorney fees, including fees for the garnishment, if allowed by the judgment or contract and allowable costs. (Sec. 5)
5. Includes the amount of the outstanding balance due on the judgment, including accrued interest, attorney fees, and allowable costs within the writ. (Sec. 6)
6. Prohibits attorney fees incurred due to objection from being assessed against the judgment debtor, unless it is found that the objection's sole purpose was to delay or harass the judgment creditor. (Sec. 7)
7. Requires the court conduct a hearing and determine the amount outstanding on the judgment at the time the writ was served, plus accruing attorney fees and costs. (Sec. 8).
8. States attorney fees accrued during a reporting period must be included in the judgment creditor's monthly report. (Sec. 9).
9. Permits the attorney fees to be charged to the debtor if there is no written objection to the garnishee. (Sec. 10).
10. Contains technical and conforming changes. (Sec.1, 3, 4, 5, 7, 9, 10)



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: JUD DPA 8-0-0-2-0

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## **HB 2230: justice court; jurisdiction; crimes**

**Sponsor: Representative Allen J, LD 15**

**Caucus & COW**

### **Overview**

Expands justice court jurisdictions to include misdemeanors and certain criminal offenses that occur on the boundary of two or more precincts or within one mile of the boundary.

### **History**

Municipal courts and justice courts have jurisdiction over civil and misdemeanor offenses and class two and three misdemeanor criminal violations if the offenses are committed in their jurisdiction and by individuals 18 years or older. ([A.R.S. § 28-1552](#))

If a person commits an offense resulting in criminal prosecution on the boundary of two or more counties, or within one mile of the boundary, the Superior Court allows the trial of the offense to be held in either of the concerned counties. ([A.R.S. § 13-109](#)).

### **Provisions**

1. Adjusts justice court jurisdictions to include misdemeanors and certain criminal offenses that occur on the boundary of two or more precincts or within one mile of the boundary. (Sec. 1)
2. Contains technical and conforming changes. (Sec. 1)

### **Amendments**

Committee on Judiciary

1. Adds that if a uniform traffic ticket and complaint is filed in the incorrect precinct and that precinct is on the boundary of two or more precincts, or within one mile of the boundary, the case may be transferred to the correct precinct if both precincts are in the same county.



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: JUD DP 10-0-0-0

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## **HB 2232: competency examinations; records; appointments**

**Sponsor: Representative Allen J, LD 15**

**Committee on Judiciary**

### **Overview**

Mandates if a person is charged with a misdemeanor, one or more mental health experts must be appointed to examine the defendant. If the person is charged with a felony, two or more mental health experts must be appointed.

### **History**

The current statute states the court must appoint two or more mental health experts to examine a defendant if reasonable grounds exist for a competency hearing, regardless of a misdemeanor or felony charge. ([A.R.S. § 13-4505](#))

The statute also requires the parties involved to provide all available medical and criminal records to the court within three working days after the motion is filed. ([A.R.S. § 13-4503](#))

### **Provisions**

1. Eliminates the requirement for all parties involved to provide available medical and criminal records to the court within three working days after the motion is filed. (Sec. 1)
2. Changes the number of mental health experts evaluating a defendant with a misdemeanor charge from two experts to one expert; a felony charge requires two or more experts to examine the defendant. (Sec. 2)
3. Requires a mental health expert to examine the defendant, issue a report, and if necessary, testify regarding the defendant's competency. (Sec. 2)
4. Contains technical and conforming changes. (Sec. 1, 2)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: JUD DP 9-0-0-1-0

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## **HB 2234: sentencing; aggravating circumstances**

**Sponsor: Representative Allen J, LD 15**

**Caucus & COW**

### **Overview**

Requires the court or trier of fact to prove at least two aggravating circumstances before alleging any other factor relevant to the defendant's character, background or nature of the crime when determining a sentence of imprisonment for a felony.

### **History**

Current law states a sentence of imprisonment for a felony must be a definite term of years. The maximum or minimum terms may only be imposed if one or more of the aggravating or mitigating circumstances are found to be true by the trier of fact or court, including any factors relevant to the defendant's character, background or nature or circumstances of the crime. ([A.R.S. § 13-701](#))

In determining the sentence to impose, the court will take into account the amount of aggravating circumstances and whether the amount of mitigating circumstances is sufficient to justify a lesser term. If the trier of fact finds aggravating circumstances, and the court does not find any mitigating circumstances, the court shall impose an aggravated sentence. ([A.R.S. § 13-701](#))

*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. ([A.R.S. § 13-701](#))

### **Provisions**

1. Specifies that the court or trier of fact must prove at least two aggravating circumstances before alleging any other factor relevant to the defendant's character, background or nature or circumstances of the crime when determining a sentence of imprisonment for a felony. (Sec. 1)
2. Contains technical corrections. (Sec. 1)

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

Fifty-fourth Legislature  
Second Regular Session

House: JUD DPA 10-0-0-0-0

## **HB 2413: juvenile court; dispositions**

**Sponsor: Representative Allen J, LD 15**  
**Caucus & COW**

### **Overview**

Makes various changes relating to the juvenile court.

### **History**

Currently, if the state files a notice of intent, the juvenile court retains jurisdiction when proceedings are commenced. The court retains jurisdiction over a juvenile who is at least seventeen years of age and who has been adjudicated a delinquent juvenile until the juvenile reaches nineteen years of age unless before the juvenile's nineteenth birthday either of the following conditions apply:

- 1) Jurisdiction is terminated by order of the court; or
- 2) The juvenile is discharged from the jurisdiction of the department of juvenile corrections. ([A.R.S. § 8-202](#))

The judge who discharges the juvenile at the end of the term of probation will determine if a juvenile who was adjudicated delinquent, and whose period of probation has been completed, may have the right to possess or carry a firearm restored. ([A.R.S. § 8-249](#))

Juveniles who are adjudicated for an offense involving the purchase, possession or consumption of spirituous liquor, placed on juvenile probatio, and who are found to have consumed any spirituous liquor or to have used any drug while on probation, will be found in violation of the juvenile's probation. If a juvenile commits a third or subsequent violation of a condition of probation, the juvenile must be brought before the juvenile court and the court must either revoke probation, hold a disposition hearing or select additional conditions of probation as it deems necessary, including: 1) detention; 2) global position system monitoring; 3) additional alcohol or drug treatment; 4) community restitution; 5) additional drug or alcohol testing; or 6) a monetary assessment. ([A.R.S. § 8-341](#))

The juvenile court, the clerk of the superior court and the juvenile probation department, on notification by the probation department, must destroy the records that concern a referral or citation that did not result in further action or that resulted in a successful completion of diversion within 90 days after the person who was the subject of the referral or citation reaches eighteen years of age. The probation department must send a copy of the notice to the department of public safety central state repository. ([A.R.S. § 8-349](#))

### **Provisions**

1. States that at any time before an adjudication hearing or a proceeding in which a juvenile is admitting to an allegation in a petition that alleges the juvenile is delinquent, the state may file a notice of intent to retain jurisdiction over a juvenile who is 17 years of age and will retain jurisdiction until the juvenile reaches 19 years of age. (Sec. 1)
2. States the juvenile court's jurisdiction over a juvenile is retained upon the filing of the notice of intent to retain jurisdiction. (Sec. 1)
3. Authorizes the juvenile court to modify an outstanding monetary obligation imposed by the court except for victim restitution. (Sec. 1)
4. Specifies a juvenile whose period of probation has been completed may have the right to possess or carry a firearm restored by the Superior Court in the county where the person was adjudicated. (Sec. 3).

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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5. Asserts the clerk of the Superior Court shall process an application that is filed by the person who was adjudicated delinquent or the person's attorney and provide a copy of the application to the county attorney (Sec. 3)
6. Prohibits the clerk from charging a filing fee for an application to restore the right to possess or carry a firearm. (Sec. 3)
7. Removes the option for a juvenile's parents to request the court to continue the juvenile's probation for more than one year. (Sec. 6)
8. Strikes the requirement that the court must provide a first-time felony juvenile offender the following written notice:
  - a) You have been adjudicated a first-time felony juvenile offender. You are now on notice that if you are adjudicated of another offense that would be a felony offense if committed by an adult and if you commit the other offense when you are fourteen years of age or older, you will be placed on juvenile intensive probation, which may include home arrest and electronic monitoring, or you may be placed on juvenile intensive probation and may be incarcerated for a period of time in a juvenile detention center, or you may be committed to the department of juvenile corrections or you may be prosecuted as an adult. If you are convicted as an adult of a felony offense and you commit any other offense, you will be prosecuted as an adult. (Sec. 6)
9. Stipulates that juvenile intensive probation services are not required unless the court has made a determination based on the severity of the offense and a risk assessment. (Sec. 6)
10. Strikes the requirement that the court must provide a repeat felony juvenile offender the following written notice:
  - a) You have been adjudicated a repeat felony juvenile offender. You are not on notice that if you are arrested for another offense that would be a felony offense if committed by an adult and if you commit the other offense when you are fifteen years of age or older, you will be tried as an adult in the criminal division of the superior court. If you commit the other offense when you are fourteen years of age or older, you may be tried as an adult in the criminal division of the superior court. If you are convicted as an adult, you will be sentenced to a term of incarceration. If you are convicted as an adult of a felony offense and you commit any other offense, you will be prosecuted as an adult. (Sec 6.)
11. Strikes the language that the failure or inability of the court to provide the notices required does not preclude the use of the prior adjudications for any purpose otherwise permitted. (Sec. 6)
12. Removes language that a juvenile who has consumed a spirituous liquor or any illegal drug violates intensive probation, requires additional alcohol and drug testing, and disposition hearings. (Sec. 6)
13. Eliminates the definition for *first-time juvenile felony offender*. (Sec. 6)
14. Adds that a juvenile is a repeat felony offender if both of the following conditions apply to the juvenile:
  - a) Was adjudicated for an offense that would be a felony offense if committed by an adult; and
  - b) Has a previous and separate adjudication for conduct that would have constituted a historical prior felony conviction if the juvenile was tried as an adult. (Sec. 6)

15. Adds a requirement that on either order of the juvenile court, or on notification by the probation department, the clerk of the superior court and the juvenile probation department must destroy records that concern a referral or citation that did not result in further action. (Sec. 8)
16. Requires the clerk of the court to notify the department of public safety if a person's juvenile record is destroyed. (Sec. 8)
17. Contains technical changes. (Sec. 1, 3, 4, 5, 6, 7)
18. Contains conforming changes. (Sec. 1, 2, 4, 5, 6, 8, 9, 10)

### **Amendments**

1. Adds the requirement that the court must provide a first-time felony juvenile offender the following written notice:

This is your first felony offense. If you commit another felony offense and you are fourteen years of age or older, any of the following could happen to you:

  1. You could be tried as an adult in adult criminal court.
  2. You could be incarcerated in the Department of Juvenile Corrections.
  3. You could be placed on juvenile intensive probation that could include incarceration in a juvenile detention center.
2. Adds the requirement that the court must provide a repeat felony juvenile offender the following written notice:

You are now a repeat felony offender. This means:

  1. You will be tried as an adult in adult criminal court if you commit another felony offense and you are fifteen years of age or older.
  2. You could be tried as an adult in adult criminal court if you commit another felony offense when you are fourteen years of age.
  3. You could be incarcerated in the state department of corrections if you are convicted as an adult in adult criminal court.
3. Defines *first time felony offender*.
4. Makes technical and conforming changes.



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: JUD DP 10-0-0-0

## **HB 2580: prisoners; discharge; transition program**

**Sponsor: Representative Allen J, LD 15**

**Caucus & COW**

### **Overview**

Requires the Arizona Department of Corrections (ADC) to release 3,500 eligible inmates into a transition program annually and outlines prisoner discharge procedures.

### **History**

The Arizona Department of Corrections (ADC) established a transition program providing eligible inmates with transition services in the community for up to 90 days. ADC administers the transition program and contracts with private and nonprofit entities to provide eligible inmates with transition services. Inmates are eligible to receive these transition services if the following conditions apply to the inmate:

- 1) Not convicted of certain sexual offenses;
- 2) Classified by ADC as a low violence risk to the community;
- 3) Not convicted of certain violent and domestic violent crimes;
- 4) Have no felony detainers;
- 5) Agreed in writing to provide specific information after release;
- 6) Have made satisfactory progress on the individualized correction plan programming;
- 7) Classified by ADC as a minimum or medium custody as determined by an objective risk assessment; and
- 8) Not been found in violation of any major violent rule during the period of incarceration or in violation of any major rule within the previous six months. ([A.R.S. § 31-281](#))

ADC may exclude an inmate from the transition program if any of the following conditions apply to the inmate:

- 1) Previously been convicted of certain violent offenses;
- 2) A felony detainer;
- 3) Found in violation of any major violent rule during the period of incarceration or in violation of any major rule within the previous six months;
- 4) Previously been released under these conditions and violated a term of release;
- 5) Failed to achieve a functional literacy requirement, unless the inmate is enrolled in a program to achieve functional literacy;
- 6) Classified by ADC as a close or maximum custody as determined by a current and objective risk assessment; and
- 7) Refused enrollment or been removed for poor behavior from a major self-improvement program within the previous eighteen months. ([A.R.S. § 31-281](#))

### **Provisions**

1. Requires ADC to designate one day each week as the discharge day for all prisoners who are scheduled to be discharged during that week and inform the prisoner at least one month before the prisoner's discharge date of the prisoner's discharge date. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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2. Instructs ADC, beginning July 1, 2020, to release 3,500 eligible inmates into a transition program annually. (Sec. 2)
3. Stipulates that if the legislature does not review and determine the minimum number of eligible inmates to be released and enter a transition program once every five years, the ADC director will determine the number of eligible inmates. (Sec. 2)
4. Extends the transition program to July 1, 2030. (Sec. 3)
5. Contains a retroactivity clause of July 1, 2020. (Sec. 3)
6. Contains technical and conforming corrections. (Sec. 2, 3)



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: LAG DP 7-0-0-0-0 | APPROP DPA 10-0-0-1-0-0

**HB 2073: appropriation; Arizona trail fund**  
**Sponsor: Representative Gabaldón, LD 2**  
**Caucus & COW**

**Overview**

Appropriates \$250,000 from the state General Fund to the Arizona Trail Fund (Fund) in FY 2021.

**History**

The Arizona Trail is a state scenic trail that extends approximately 800 miles between Arizona's southern and northern borders.

The Fund is administered by the Arizona State Parks Board (Board) and consists of legislative appropriations and donations. Fund monies are continuously appropriated for the Arizona Trail's upkeep, which can include:

- 1) planning and preserving the trail;
- 2) providing information on uniform development, maintenance and preservation to those involved in planning, establishing, developing or maintaining the trail;
- 3) encouraging counties and municipalities to adapt their plans to preserve the trail right-of-way and acquire property or legal interests in property to ensure the trail stays in a permanent location;
- 4) preparing a trail management plan and a plan for interpretive markers;
- 5) coordinating the Board's trail plan with federal, state and local activities and land uses that may affect the trail and with private nonprofit organizations; and
- 6) accepting gifts and grants of private and public monies for deposit into the Fund ([A.R.S. § 41-511.15](#)).

**Provisions**

1. Appropriates \$250,000 from the state General Fund to the Fund in FY 2021.

**Amendments**

Committee on Appropriations

1. Appropriates \$250,000 to the Fund from the State Parks Revenue Fund instead of the state General Fund.

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

Fifty-fourth Legislature  
Second Regular Session

House: LAG DP 7-0-0-0-0

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## **HB 2365: conservation districts; invasive vegetation; research**

**Sponsor: Representative Dunn, LD 13**

**Caucus & COW**

### **Overview**

Allows natural resource conservation districts (NRCs) to conduct research on eradicating invasive vegetation.

### **History**

NRCs are organized by local landowners to restore, conserve and protect natural resources, including land, water, wildlife and public lands (A.R.S. §§ [37-1001](#) and [37-1031](#)). These districts can conduct surveys, investigations and research relating to soil character, soil erosion prevention within a farm or ranch, methods of cultivation, farm and range practices, seeding, eradicating noxious growths and any other measures that will aid farm and range operations. Further, NRCs can enter into agreements with landowners, operators or the state or federal government to carry out programs in these areas on lands within a farm or ranch ([A.R.S. § 37-1054\(A\)](#)).

### **Provisions**

1. Allows NRCs to conduct research on eradicating invasive vegetation.
2. Makes technical changes.

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

Fifty-fourth Legislature  
Second Regular Session

House: LAG DP 7-0-0-0-0

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## **HB 2416: environmental special plate; conservation districts**

**Sponsor: Representative Dunn, LD 13**

**Caucus & COW**

### **Overview**

Increases the amount the State Land Department (SLD) must annually distribute from the Environmental Special Plate Fund (Fund) to each natural resource conservation district (NRCD) with an education center to \$10,000, subject to legislative appropriation.

### **History**

The Fund is administered by the State Land Commissioner and consists of monies received from environmental special plates. Subject to legislative appropriation, the SLD must annually distribute \$5,000 from this fund to each NRCD with an education center to develop and implement environmental education programs ([A.R.S. § 37-1015](#)). NRCDs can create education centers to increase knowledge of natural resources by:

- 1) offering technical guidance and training to agricultural producers;
- 2) publishing scholarly materials;
- 3) providing training; and
- 4) conducting or sponsoring scientific studies on natural resources in Arizona ([A.R.S. § 37-1054\(A\)\(11\)](#)).

There are 26 education centers sponsored or cosponsored by 30 NRCDs in Arizona.

### **Provisions**

1. Increases the amount that the SLD must annually distribute from the Fund to each NRCD with an education center from \$5,000 to \$10,000, subject to legislative appropriation.
2. Makes technical changes.

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

Fifty-fourth Legislature  
Second Regular Session

House: LAG DP 7-0-0-0-0

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## **HB 2417: conservation districts; water conservation; awareness**

**Sponsor: Representative Dunn, LD 13**

**Caucus & COW**

### **Overview**

Allows a natural resource conservation district (NRCD) education center to engage in efforts to increase water conservation awareness.

### **History**

NRCDs are organized by local landowners to restore, conserve and protect natural resources, including land, water, wildlife and public lands (A.R.S. §§ [37-1001](#) and [37-1031](#)). To those ends, these districts can conduct demonstration projects on methods and measures for conserving water and enter into agreements with landowners, operators or state and federal government agencies to carry out watershed improvement programs. Additionally, these districts can create education centers to increase knowledge of natural resources by:

- 1) offering technical guidance and training to agricultural producers;
- 2) publishing scholarly materials;
- 3) providing training; and
- 4) conducting or sponsoring scientific studies on natural resources in Arizona ([A.R.S. § 37-1054](#)).

There are 26 education centers sponsored or cosponsored by 30 NRCDs in Arizona.

### **Provisions**

1. Allows an NRCD education center to engage in efforts to increase water conservation awareness statewide, including water conservation methods and best management practices.
2. Makes technical changes.

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

Fifty-fourth Legislature  
Second Regular Session

House: LAG DP 7-0-0-0-0

## **HB 2621: tax credit; water conservation system**

**Sponsor: Representative Dunn, LD 13**

**Caucus & COW**

### **Overview**

Requires a taxpayer to file a conservation plan with an Arizona natural resource conservation district (NRCD), instead of the U.S. Department of Agriculture Soil Conservation Service (Service), to qualify for an agricultural water conservation system (system) tax credit.

### **History**

#### ***Agricultural Water Conservation System***

Statute allows a taxpayer to file for a tax credit for expenses related to purchasing and installing a system in Arizona. This credit is equal to 75% of the qualifying expenses. To qualify for this tax credit:

- 1) The system must be designed to substantially conserve water on land that is used by the taxpayer of their tenant to produce agricultural products, farm trees, or sustain livestock; and
- 2) The expense must be consistent with the conservation plan the taxpayer has filed with the Service.

Co-owners of the land on which the system is installed can claim only a pro-rata share of the credit based on their ownership interest ([A.R.S. § 43-1084](#)).

#### ***NRCDs***

NRCDs are organized by local landowners to restore, conserve and protect natural resources, including land, water, wildlife and public lands. To those ends, these districts can conduct surveys into soil erosion prevention methods, create demonstration projects and carry out watershed improvement programs (A.R.S. §§ [37-1001](#), [37-1031](#) and [37-1054](#)).

### **Provisions**

1. Directs a taxpayer to file a conservation plan with an Arizona NRCD, instead of the Service, for an expense to qualify for a system tax credit.

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

Fifty-fourth Legislature  
Second Regular Session

House: MVA DPA 7-0-0-0

## **HB 2096: security guard registration; discharged veterans**

**Sponsor: Representative Lawrence, LD 23**

**Caucus & COW**

### **Overview**

Allows the Arizona Department of Public Safety (DPS) to issue a 30-day security guard or armed security guard registration certificate to an honorably discharged veteran.

### **History**

Pursuant to [A.R.S. § 32-2622](#), an applicant for a security guard registration certificate must:

- 1) Be at least 18 years of age;
- 2) Be a citizen or legal resident of the United States who is authorized to seek employment;
- 3) Not have been convicted of any felony or currently be under indictment for a felony;
- 4) Not have been convicted of specified misdemeanor acts;
- 5) Not be on parole, on community supervision, on work furlough, on home arrest, on release on any other basis or named in an outstanding arrest warrant;
- 6) Not be serving a term of probation pursuant to a conviction for any act of personal violence or domestic violence or an offense that has the same elements as a domestic violence offense;
- 7) Not be adjudicated mentally incompetent or found to constitute a danger to self or others;
- 8) Not have a disability as defined by the employment discrimination statute, unless that person is a qualified individual;
- 9) Not have been convicted of acting or attempting to act as an associate security guard or armed security guard without a license if a license was required; and
- 10) Not be a registered sex offender.

An applicant for an armed security guard registration certificate must:

- 1) Meet the aforementioned requirements for a security guard registration certificate;
- 2) Successfully complete all background checks and training requirements;
- 3) Not be a prohibited possessor;
- 4) Not have been discharged from the armed services of the United States under other than honorable conditions; and
- 5) Not have been convicted of any crime involving domestic violence.

After investigation, DPS is required to issue a security guard or armed security guard registration certificate to any applicant who satisfactorily complies with application requirements. Each registration certificate is issued for two years ([A.R.S. § 32-2624](#)).

### **Provisions**

1. Allows DPS, before the required background screenings are complete, to issue a 30-day security guard or armed security guard registration certificate to an applicant who is an honorably discharged veteran of the U.S. military. (Sec. 2)
2. Makes technical and conforming changes. (Sec. 1-2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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## **Amendments**

Committee on Military and Veterans Affairs

1. Makes the 30-day registration certificate a 45-day registration certificate.
2. Requires the veteran to be discharged not more than three years before application.



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: MVA DPA 7-0-0-0 | APPROP DP 10-0-0-1

## **HB 2310: appropriation; military installation projects**

**Sponsor: Representative Dunn, LD 13**

**Caucus & COW**

### **Overview**

Provides funding to the Arizona Department of Emergency and Military Affairs (DEMA) to distribute to Yuma County for military installation preservation and enhancement projects.

### **History**

[Laws 1972, Chapter 192](#) established DEMA with responsibilities over military affairs in Arizona. An Adjutant General is required to serve as the head of the Department. Additionally, [Laws 2004, Chapter 235](#) established the Military Affairs Commission (Commission) and the Military Installation Fund (Fund). The Fund's purpose is to provide Arizona with a source of monies for military installation preservation and enhancement projects. The Fund is administered by DEMA and monies in the Fund are awarded by the Commission based on certain criteria. Statute outlines the required distribution of awards as follow:

- 1) 80% of Fund grants are required to be used for the acquisition of private property, real estate, property rights and related infrastructure to preserve, support or enhance a military installation; and
- 2) 20% of Fund grants are required to be awarded to cities, towns and counties for military installation preservation and enhancement projects ([A.R.S §§ 26-261, 26-262](#)).

Yuma County has two major military installations: 1) the Marine Corps Air Station; and 2) the Yuma Providing Grounds.

### **Provisions**

1. Appropriates \$7,000,000 from the General Fund in FY 2021 to DEMA to distribute to Yuma County for military installation preservation and enhancement projects. (Sec. 1)
2. Exempts the appropriation from lapsing. (Sec. 1)

### **Amendments**

Committee on Military and Veterans Affairs

1. Decreases the appropriation from \$7,000,000 to \$5,000,000.

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

Fifty-fourth Legislature  
Second Regular Session

House: NREW DP 11-0-0-2 | APPROP DP 11-0-0-0

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## **HB 2101: appropriation; Arizona water protection fund**

**Sponsor: Representative Griffin, LD 14**

**Committee on Appropriations**

### **Overview**

Appropriates \$1,000,000 from the state General Fund to the Arizona Water Protection Fund in FY 2021.

### **History**

The Arizona Water Protection Fund (AWPF) provides grants to development and implement projects that protect water of sufficient quality and quantity to maintain, enhance and restore rivers, streams and associated riparian habitats. Public and private entities that participate in water resource management activities in cooperation with local residents and jurisdictions may receive these grants ([A.R.S. § 45-2101](#)). The AWPF consists of legislative appropriations and revenue from Central Arizona Project water purchases and leases ([A.R.S. § 45-2112](#)).

The Arizona Water Protection Fund Commission administers the AWPF and receives administrative, technical and legal support from the Arizona Department of Water Resources ([A.R.S. § 45-2111](#) and [A.R.S. § 45-2114](#)).

### **Provisions**

1. Appropriates \$1,000,000 from the state General Fund to the AWPF in FY 2021.

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

Fifty-fourth Legislature  
Second Regular Session

House: NREW DP 7-5-0-1-0-0

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## **HB 2454: archaeology advisory commission; membership**

**Sponsor: Representative Griffin, LD 14**

**Caucus & COW**

### **Overview**

Increases the membership of the Governor's Archaeology Advisory Commission (Commission) to 13 members and specifies that one member must be a rancher and another must be a natural resource conservation district (NRCD) member.

### **History**

The Commission consists of 11 members appointed for three-year terms by the Governor. Each member must demonstrate interest or expertise in certain fields, such as archaeology, anthropology, ethnology, tourism, public education, economic development or planning. Statute also requires at least six members to have a demonstrated interest or expertise in one or more of the following fields: prehistoric archaeology, historic archaeology, ethnology or anthropology ([A.R.S. § 41-847](#)).

### **Provisions**

1. Increases the Commission's membership from 11 to 13 members.
2. Stipulates that:
  - a) one Commission member must be a rancher; and
  - b) one Commission member must be a member of a NRCD.
3. Makes technical changes.

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

Fifty-fourth Legislature  
Second Regular Session

House: NREW DP 12-0-0-1-0-0

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## **HB 2614: archaeology advisory commission; continuation**

**Sponsor: Representative Griffin, LD 14**

**Caucus & COW**

### **Overview**

Continues the Governor's Archaeology Advisory Commission (Commission) until July 1, 2021.

### **History**

The Commission advises the State Historic Preservation Office on the following:

- 1) Conducting education programs that promote archaeology and inform the public of archaeological issues;
- 2) Encouraging archaeological law enforcement activities that stop pot-hunting, and other destructive activities on archaeological sites;
- 3) Developing a plan to protect archaeological sites and mechanisms that assist private owners of archaeological sites in managing their sites;
- 4) Fostering study of this state's archaeology to contribute to a better understanding of Arizona's cultural history; and
- 5) Archaeological activities and issues within Arizona ([A.R.S. § 41-847](#)).

The Commission will terminate on July 1, 2020 ([A.R.S. § 41-3020.12](#)).

### **Provisions**

1. Extends, retroactively from July 1, 2020:
  - a) The Commission's termination date until July 1, 2021; and
  - b) The repeal of the Commission's statutes until January 1, 2022.
2. Declares that the Legislature continues the Commission to aid the State Historic Preservation Officer by providing expert advice in archaeological education, protection of archaeological sites and archaeological activities and issues in Arizona.

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

Fifty-fourth Legislature  
Second Regular Session

House: NREW DP 11-1-0-1-0-0

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## **HB 2616: noxious weeds; government projects**

**Sponsor: Representative Griffin, LD 14**

**Caucus & COW**

### **Overview**

Permits the state and any other government entity to remove noxious weeds during maintenance operations and capital projects.

### **History**

Statute defines *noxious weed* as any species of plant that is, or is liable to be, detrimental or destructive and difficult to control or eradicate and includes any species that the Arizona Department of Agriculture Director, after investigation and hearing, determines to be a *noxious weed* ([A.R.S. § 3-201](#)). Arizona Administrative Code defines these plants further:

- 1) *Regulated noxious weeds* are plants found within Arizona that may be controlled to prevent further infestation, such as southern sandbars, field sandbur, burclover and buffelgrass;
- 2) *Restricted noxious weeds* are plants found within Arizona that will be quarantined to prevent further infestation, such as Russian knapweed, jointed goatgrass, quackgrass and yellow starthistle; and
- 3) *Prohibited noxious weeds* are plants that are prohibited from entering Arizona, including Canada thistle and field bindweed ([R3-4-244](#) and [R3-4-245](#)).

### **Provisions**

1. Allows the state, any political subdivision or state agency, and any other government entity to remove *noxious weeds* as part of routine maintenance operations and capital projects.
2. Prohibits these entities from using *noxious weeds* in landscaping.

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

Fifty-fourth Legislature  
Second Regular Session

House: NREW DP 11-0-0-2-0-0

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## **HB 2618: department of water resources; continuation**

**Sponsor: Representative Griffin, LD 14**

**Caucus & COW**

### **Overview**

Continues the Arizona Department of Water Resources (Department) until July 1, 2028.

### **History**

The Department administers and enforces Arizona's Groundwater Code, underwater storage savings and replenishment statutes, dam safety statutes and surface water rights statutes. Additionally, ADWR provides technical assistance to the adjudication court, licenses well drillers, explores methods of augmenting water supplies, develops policies that promote water conservation and collects and analyzes data on water levels and other hydrologic characteristics. Finally, the agency negotiates with other political entities to secure Arizona's Colorado River entitlement and represents the State in water rights discussions with the federal government ([Title 45](#)).

ADWR is set to terminate on July 1, 2020 ([A.R.S. § 3020.10](#)).

### **Provisions**

1. Extends, retroactively from July 1, 2020:
  - a) The Department's termination date until July 1, 2028; and
  - b) The repeal of the Department's statutes until January 1, 2029.

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: NREW DP 12-1-0-0-0

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## **HCM2004: Yuma desalting plant; continued operation**

**Sponsor: Representative Griffin, LD 14**

**Caucus & COW**

### **Overview**

Requests that the Secretary of the U.S. Department of Interior (Secretary) take all necessary measures to operate the Yuma Desalting Plant (YDP).

### **History**

The YDP was authorized by the Colorado River Basin Salinity Control Act of 1974 to treat saline drainage water from the Wellton-Mohawk Irrigation and Drainage District for delivery to Mexico. It utilizes two reverse osmosis treatment systems and can treat up to 100,000 acre-feet of water annually. However, it has only operated for brief periods since it was completed in 1992.

### **Provisions**

1. Declares that the Arizona House of Representatives, with the Senate concurring, prays:
  - a) That the Secretary immediately take all necessary measures to operate the YDP; and
  - b) That the Arizona Secretary of State transmit copies of this memorial to the Secretary, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from Arizona.

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

Fifty-fourth Legislature  
Second Regular Session

House: PS DPA/SE 4-3-0-0

**HB 2030: DPS; ports of entry  
S/E ADOT; ports of entry; reporting  
Sponsor: Representative Fillmore, LD 16  
Caucus & COW**

## **Summary of the Strike-Everything Amendment to HB 2030**

### **Overview**

Limits the Arizona Department of Transportation director and designated officers, agents and employee's ability to enforce motor vehicle laws to within five miles of an Arizona port of entry and within one mile of a port of entry on the border between Arizona and Mexico.

### **History**

Under current law, the director and officers, agents and employees of Arizona Department of Transportation (ADOT) or local or state law enforcement agencies that the director designates can be regular and specialty peace officers. Regular peace officers have like authority of other peace officers of Arizona or its cities and towns. Specialty peace officers have powers that are limited to the enforcement of motor vehicle laws and rules ([A.R.S. § 28-369](#)).

### **Provisions**

1. Limits the ability of the ADOT director and designated officers, agents and employees to enforce motor vehicle laws to within five miles of a port of entry that is controlled by Arizona and within one mile of a port of entry that is on the border between Arizona and Mexico. (Sec. 1)
2. Requires ADOT to report to the Joint Legislative Budget Committee by November 1, 2020 regarding the;
  - a) Number of vehicles used for law enforcement activities;
  - b) Type of equipment used for law enforcement activities;
  - c) Number of officers and civilian employees and their salaries of those in the enforcement compliance division (ECD);
  - d) Number of citations issued and vehicles stopped by ECD; and
  - e) Other information relating to funding sources and expenditures for the EDC. (Sec. 2)
3. Eliminates the ADOT director's ability to designate regular peace officers. (Sec. 1)
4. Makes conforming changes. (Sec. 1)

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



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: PS DP 7-0-0-0 | APPROP DP 10-0-0-1

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## **[HB 2241](#): appropriation; DOC; food service contract**

**Sponsor: Representative Kern, LD 20**

**Committee on Appropriations**

### **Overview**

Appropriates \$3,080,000 from the state General Fund (GF) in FY 2021 to the Arizona Department of Corrections (ADC) for the food service contract.

### **History**

The ADC Department Order on food service establishes procedures to ensure the food services contractor and contract food service staff provide meals in accordance with the ADC Department Order Manual, the ADC Food Service Technical Manual, the ADC Diet Reference Manual, contractual and applicable state and federal Food Codes requirements and other written instructions ([DO 912](#)).

### **Provisions**

1. Appropriates \$3,080,000 from the state GF in FY 2021 to ADC for the food service contract. (Sec. 1)

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

Fifty-fourth Legislature  
Second Regular Session

House: RA DP 4-3-0-0

## **HB 2054: GRRC: petition to request review**

**Sponsor: Representative Biasiucci, LD 5**

**Caucus & COW**

### **Overview**

States that a person can petition the Governors Regulatory Review Council (GRRC) to review an existing practice, substantive policy statement or final rule of the Citizens Clean Elections Commission (CCEC).

### **History**

Currently, [A.R.S. § 41-1033](#) outlines the process for a person to petition GRRC to request a review of an existing agency practice, substantive policy statement, final rule or regulatory licensing requirement that does not meet certain statutory requirements. The GRRC chair is required to place a matter on an agenda if GRRC receives information that the statutory requirements are not being met and at least four members of GRRC request that the matter be heard in a public meeting. GRRC is required to notify the agency that a matter has been placed on an agenda within 10 days of the fourth request and must make a determination within 90 days. The agency is required to submit a statement addressing the matter within 30 days of notice from GRRC. An agency practice, policy statement, final rule or licensing requirement remains in effect while under GRRC consideration. GRRC may modify, revise or void an agency practice, policy statement, final rule or licensing requirement that is determined not to meet statutory requirements.

### **Provisions**

1. Allows a person to petition GRRC to request a review of an existing practice, policy statement or final rule of the CCEC. (Sec. 1)
2. Specifies that the existing practice of the CCEC must involve interpreting a rule in order to be subject to GRRC review. (Sec. 1)
3. Specifies that a petition must be based on a person's belief that the existing practice, policy statement or final rule:
  - a) Does not meet the statutory requirements;
  - b) Exceeds the agency's statutory authority; or
  - c) Violates the Arizona Constitution or the U.S. Constitution. (Sec. 1)
4. Requires GRRC to hold a public hearing to determine whether an existing practice, policy statement or final rule meets the aforementioned guidelines.
  - a) Specifies that this only applies if GRRC receives information indicating that the guidelines are not being met. (Sec. 1)
5. Requires an agency to submit a statement to GRRC addressing whether an existing practice, policy statement or final rule meets the guidelines.
  - a) Requires an agency to meet this requirement within 30 days after being notified by GRRC that the matter has been placed on an agenda. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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6. Permits GRRC to modify, revise or void any existing practice, policy statement or final rule that is determined not to meet the guidelines. (Sec. 1)
7. Makes technical and conforming changes. (Sec. 1)



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: RA DPA 4-3-0-0

## **HB 2313: fire sprinklers; existing buildings; prohibition**

**Sponsor: Representative Grantham, LD 12**

**Caucus & COW**

### **Overview**

Prohibits a municipality from adopting regulations that require the installation of fire sprinklers in a building that was not required to have fire sprinklers when originally constructed.

### **History**

According to statute, a municipality cannot adopt a code or ordinance, or part of a uniform code or ordinance, that prohibits or requires installation or equipment of fire sprinklers in a single family detached residence, or a residential building with not more than two dwelling units. A municipality cannot impose any fine, penalty or other requirement on any person or entity for choosing to install or equip or not install or equip fire sprinklers in such a residence ([A.R.S. § 9-807](#)).

### **Provisions**

1. Prohibits a municipality from adopting a code or ordinance, or part of a uniform code or ordinance, that requires the installation of fire sprinklers in an existing building that wasn't required to have fire sprinklers when originally constructed. (Sec. 1)
2. Prohibits a municipality from imposing a fine for choosing not to install fire sprinklers on such a building. (Sec. 1)
3. Authorizes a municipality to require the installation of fire sprinklers if the existing building undergoes a *major renovation or remodel*. (Sec. 1)
4. Defines a *major renovation or remodel* as one in which:
  - a) The business will not be open to patrons during the renovation or remodel; and
  - b) The contracted price of the work to be performed is over \$250,000. (Sec. 1)

### **Amendments**

Committee on Regulatory Affairs

1. Clarifies an existing building is a building in which occupancy allows for 300 or more occupants and is licensed to serve alcoholic beverages.
2. Applies the aforementioned provisions regarding municipalities and fire sprinkler ordinances to counties and fire districts.

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

Fifty-fourth Legislature  
Second Regular Session

House: RA DPA 7-0-0-0

## [HB 2359](#): license denial prohibited; drug convictions

Sponsor: Representative Toma, LD 22

Caucus & COW

### Overview

Prohibits an agency from denying a person who has been convicted of a drug or imitation substance offense from an *occupational license* or a provisional *occupational license*, if that person is otherwise qualified.

### History

Upon the conviction of a person of a drug offense, the court must provide information pertinent to that person and the offense to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice a profession. The court may suspend or revoke the license or registration of the convicted defendant. ([A.R.S. § 13-2414](#))

An agency may determine if a person's criminal record disqualifies the person from obtaining a license, permit, certificate or other state recognition only if the agency concludes that the state has an important interest in protecting public safety that is superior to the person's rights if certain specified conditions are met. ([A.R.S. § 41-1093.04](#))

### Provisions

1. Prohibits an agency from denying a person who has been convicted of a drug or imitation substance offense from an *occupational license* or a provisional *occupational license*, if that person is otherwise qualified. (Sec. 1)
2. Defines *occupational license* as any agency permit, certificate, approval, registration, charter or similar form of permission that allows an individual to use an occupational title or work in a lawful occupation, trade or profession. (Sec. 1)

### Amendments

Committee on Regulatory Affairs

1. States that the provisions of this bill do not apply to a health profession regulatory board that regulates health care professionals in this state.

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

Fifty-fourth Legislature  
Second Regular Session

House: RA DP 7-0-0-0

## **HB 2627: timeshares; public reports; purchase contracts**

**Sponsor: Representative Bolick, LD 20**

**Caucus & COW**

### **Overview**

Changes the amount of time a prospective buyer or seller has to cancel a time share purchase agreement or enter into a contract for purchase of a timeshare interest, from seven business days to ten business days. States where a timeshare interest reservation statement must be.

### **History**

Statute requires the Real Estate Commissioner (Commissioner) to approve a public report (Report) for use by the developer, unless there are grounds for denial, authorizing the sale or lease of timeshare interests within a timeshare plan. The developer must provide each prospective customer with a copy. The Report must include a statement informing the purchaser that by midnight of the seventh calendar day after execution of the purchase agreement, the purchaser may cancel any purchaser agreement. If the purchaser agreement allows for a cancellation period longer than seven days, the developer must include a corresponding statement on the Report ([A.R.S. § 32-2197.08](#)).

The approval for use of a Report is not required for any party to enter into a timeshare interest reservation (Reservation). Before the approval for use of a Report for a timeshare plan, a deposit may be accepted from a prospective buyer for a Reservation, provided that within fifteen calendar days from receiving the approved Report, the prospective seller provides the prospective buyer with a copy of the Report and of the purchase agreement. The prospective buyer and seller have seven business days after receipt of the Report and the purchase agreement to enter into a purchasing contract. If the prospective buyer and seller do not enter into a contract for the purchase within seven business days, the Reservation automatically terminates ([A.R.S. § 32-2197.10](#)).

Each Reservation form must contain a conspicuous statement, communicating that the Arizona Department of Real Estate has not inspected or approved the timeshare property, no Report has been issued and that without issuance of a Report or pre-sale authorization for the timeshare plan, no offer to sell or purchase may be made ([A.R.S. § 32-2197.10](#)).

### **Provisions**

1. Changes the required Report statement to inform a purchaser that they may cancel any purchase agreement for a timeshare interest by midnight of the tenth calendar day, rather than the seventh calendar day, after execution of the purchase agreement. (Sec. 1)
2. States that If the purchaser agreement allows for a cancellation period longer than ten calendar days, rather than seven calendar days, the developer must include a corresponding statement on the Report. (Sec. 1)
3. Extends the amount of time a prospective buyer and prospective seller have to enter into a contract for the purchase of a time share interest before the Reservation automatically terminates, from seven business days to ten business days. (Sec. 2)
4. Specifies that the conspicuous Reservation statement must appear above the purchaser's signature line. (Sec. 2)
5. Makes technical changes. (Sec. 2)

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

Fifty-fourth Legislature  
Second Regular Session

House: RA DP 4-3-0-0

## **HB 2713: agency actions; procedures; fee awards**

**Sponsor: Representative Grantham, LD 12**

**Caucus & COW**

### **Overview**

Makes various changes regarding the awarding of fees and other expenses against the state, city, town or county. Makes various administrative procedural changes regarding licensees and licensing decisions made by an agency.

### **History**

A party that prevails by an adjudication against this state, city, town or county can be awarded fees and other expenses by a court in addition to any costs that are awarded under certain outlined conditions ([A.R.S. § 12-348](#)).

The Regulatory Bill of Rights (RBR) provides rights to a person to ensure fair and open regulation by a state agency. Each state agency that conducts audits, inspections or other regulatory enforcement must create and clearly post on the agency's website a Small Business Bill of Rights (SBBR) by selecting the applicable rights in the RBR and any other agency specific statutes and rules. A written document of the SBBR must be provided by the agency to the authorized on-site representative of the regulated small business. The agency notice of the SBBR must include the process in which a small business may file a complaint with the agency. The agency notice must also state that if the regulated person has made a reasonable effort to resolve an issue with an agency and has not been successful, the regulated person can contact the Office of Ombudsman-Citizens Aide ([A.R.S. § 41-1001.01](#)).

### **Provisions**

#### ***Award of Fees and Other Expenses Against the State or a City, Town or County (Sec. 1)***

1. Removes language prohibiting an expert from being eligible for compensation at a rate in excess of the highest rate of compensation for experts paid by this state, city, town or county.
2. Removes language stating that an award of attorney fees may not exceed the amount that the prevailing party has paid, agreed to pay or a maximum amount of \$75 per hour unless the court determines that an increase in the cost of living or a special factor justifies a higher fee.
3. Removes language that states an award of fees against a city, town county must not exceed \$10,000.
4. Changes the amount for an award of fees when a party prevails by adjudication against the state, city, town or county to not exceed \$125,000, rather than \$75,000, for fees incurred at each judicial appeal.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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### ***Administrative Procedure***

5. Modifies the definition of *licensing* to include:
  - a) An existing permit, certificate, approval, registration, charter or similar form of permission, approval or authorization obtained from an agency by the holder of the license; and
  - b) The agency process regarding the change, reduction or modification of a license. (Sec. 2)
6. Defines *licensing decision* as any action by an agency to grant or deny any request for permission, approval or authorization issued in response to any request from an applicant for a license or exercise authority of the license by the license holder. (Sec. 2)
7. Adds a provision to the RBR that states a person is entitled to have an agency not base a decision regarding any filing submitted to an agency on a requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. (Sec. 3)
8. Prohibits an agency from basing a decision regarding any filing by a licensee on a requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. (Sec. 5)
9. States that a general grant of authority in statute does not constitute a basis for imposing a requirement or condition for approval of a decision on a filing submitted by a licensee unless a rule is made that authorizes the requirement or condition. (Sec. 5)
10. Modifies the definition of *appealable agency action* to include the administrative completeness of an application. (Sec. 7)
11. States that a determination by an agency that an application is not administratively complete is an *appealable agency action*, which if timely initiated, entitles the applicant to an adjudication on the merits of the completeness of the application. (Sec. 6)
12. States that, except as otherwise noted, the administrative procedure statutes governing inspections, audits, applicability and exceptions apply:
  - a) To all state agencies that conduct inspections and audits; and
  - b) If a conflict arises between the rights of a regulated person pursuant to this section and the rights of a regulated person pursuant to another statute, this section governs. (Sec. 4)

### ***Miscellaneous***

13. Makes technical changes. (Sec. 6, 7)
14. Makes technical and conforming changes. (Sec. 1-5)
15. Contains an applicability clause. (Sec. 8)



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: SIA DP 9-0-0-0

## **HB 2603: Arizona-Israel commission; establishment**

**Sponsor: Representative Rivero, LD 21**

**Caucus & COW**

### **Overview**

Establishes the Arizona-Israel Commission (Commission).

### **History**

[Laws 2019, Chapter 263](#) appropriated \$275,000, including \$100,000 in one-time funding, from the state general fund to the Arizona Commerce Authority to establish and operate a new trade office in Israel.

### **Provisions**

1. Establishes the Commission under the Governor's office consisting of the following appointed members:
  - a) Five by the Governor;
  - b) One by the President of the Senate;
  - c) One by the Minority Leader of the Senate;
  - d) One by the Speaker of the House of Representatives; and
  - e) One by the Minority Leader of the House of Representatives. (Sec. 1)
2. States that Commission members are not eligible to receive compensation but are eligible for reimbursement of expenses. (Sec. 1)
3. States that Commission members serve three-year terms. (Sec. 1)
4. Requires the Governor's office to provide office space and staff support to the Commission. (Sec. 1)
5. Directs the Commission to do the following between Israel and this state:
  - a) Facilitate a commercial relationship and promote a stronger bilateral relationship; and
  - b) Promote the growth of tourism to contribute to this state's economic and cultural development. (Sec. 1)
6. Requires the initial terms of the Commission to end:
  - a) Three terms January 1, 2022;
  - b) Three terms January 1, 2023; and
  - c) Three terms January 1, 2024. (Sec. 2)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note

7. States that the appropriate official must make all subsequent appointments as outlined above. (Sec. 2)
8. Repeals the Commission on July 1, 2028. (Sec. 1)



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: TECH DP 4-3-0-0

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## **HB 2347: electronic communication social media post.**

**Sponsor: Representative Petersen, LD 12**

**Caucus & COW**

### **Overview**

Adds a social media post to the definition of *electronic communication*.

### **History**

Under current law, it is unlawful for any person who intends to terrify, intimidate, threaten or harass, to use an electronic communication in order to use obscene/lewd language, or threaten physical harm to any person. Individuals who use an electronic communication in this manner are subjected to a class 1 misdemeanor ([A.R.S. § 13-2916](#)).

*Electronic communication* is defined as a wire line, cable, wireless or cellular telephone call, a text message, an instant message or electronic mail ([A.R.S. § 13-2916](#)).

*Harassment* is defined as conduct that is directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed or harassed ([A.R.S. § 13-2921](#)).

### **Provisions**

1. Includes a social media post to the definition of *electronic communication*. (Sec. 1)
2. Makes technical changes. (Sec. 1)

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

Fifty-fourth Legislature  
Second Regular Session

House: TRANS DP 9-0-0-0 | APPROP DPA/SE 9-0-0-2

**HB 2243: appropriation; widening; Interstate 10**  
**S/E appropriation; Gila River bridge**  
**Sponsor: Representative Shope, LD 8**  
**Caucus & COW**

**Summary of the Strike-Everything Amendment to HB 2243**

**Overview**

Appropriates \$28,000,000 from the GF in FY 2021 to the Arizona Department of Transportation (ADOT) to replace and expand the Gila River bridge on Interstate 10.

**History**

[Laws 1973, Chapter 146](#) established ADOT to provide for an integrated and balanced state transportation system with a director responsible for the department's administration ([A.R.S. § 28-331](#)). ADOT has exclusive control and jurisdiction over state highways, state routes, state owned airports and all state-owned transportation systems or modes are vested in ADOT.

The director of ADOT is required to develop a five-year transportation facilities construction program according to policies established by the State Transportation Board (Board) ([A.R.S. 28-6951](#)).

The Board consists of six members, appointed by the Governor, representing each transportation district, including two members representing Maricopa County. Among other duties, the Board is required to establish policies to guide the development or modification of the five-year transportation facilities construction program ([A.R.S. § 28-304](#)).

The Gila River bridge is a four-lane bridge (two lanes in each direction) that crosses the Gila River between Casa Grande and the exit for Arizona State Route 347 on Interstate 10.

**Provisions**

1. Appropriates \$28,000,000 from the GF to ADOT in FY 2021 to replace and expand the Gila River bridge on Interstate 10.
2. Requires the Board to adopt a five-year transportation facilities construction program that includes the Gila River bridge prior to spending the appropriation.
3. Reverts the appropriation to the GF on June 30, 2021 if the Board does not adopt a program that includes enough money in FY 2021 to fund the remainder of the project to replace the Gila River bridge by June 30, 2021.
4. Exempts the appropriation from lapsing until the purpose of the appropriation is accomplished or abandoned with the following exceptions:
  - a) The appropriation stands for a full fiscal year without an expenditure or encumbrance; and
  - b) The Board does not adopt a program that includes enough money in FY 2021 to fund the remainder of the project to replace the Gila River bridge by June 30, 2021.

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

Fifty-fourth Legislature  
Second Regular Session

House: TRANS DP 9-0-0-0 | TECH DP 7-0-0-0

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**HB 2281: electronic certificates of title**  
**Sponsor: Representative Campbell, LD 1**  
**Caucus & COW**

## **Overview**

Allows the Arizona Department of Transportation (ADOT) to contract with an association of new motor vehicle dealers to manage a lien recording system on behalf of ADOT at no cost to Arizona.

## **History**

Pursuant to [A.R.S. § 28-2064](#), ADOT may establish a system to require recording of certificates of title information for newly issued, transferred and corrected certificates of title, including perfection and release of security interests, through electronic media in a cost effective manner in lieu of the submission and maintenance of paper documents as provided. In the process of establishing the system the director is required to:

- 1) Establish procedures for issuing and maintaining an electronic certificate of title systems that is applicable to all certificate of title transactions performed in Arizona; and
- 2) Develop methods to electronically share information related to applications for certificates of title with law enforcement agencies and licensed entities.

## **Provisions**

1. Allows ADOT to contract with an association of new motor vehicle dealers to manage a lien recording system on behalf of ADOT at no cost to Arizona. (Sec. 1)

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

Fifty-fourth Legislature  
Second Regular Session

House: WM DP 7-0-0-3

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## **HB2494: internal revenue code; conformity**

**Sponsor: Representative Toma, LD 22**

**Caucus & COW**

### **Overview**

Conforms Arizona's income tax calculation to the changes made to the Internal Revenue Code (IRC) in effect on January 1, 2020.

### **History**

Current law conforms Arizona's income tax calculation to the IRC of 1986, as amended, in effect on January 1, 2019, including those provisions that became effective during 2018 with the specific adoption of all retroactive effective dates. ([A.R.S. § 43-105](#))

Generally, each year changes are made to the IRC that affect the Arizona income tax calculation. Tax conformity with the IRC is deemed necessary because the calculation of Arizona corporate income tax begins with federal taxable income. Additionally, federal adjusted gross income is the starting point for individual income tax.

### **Provisions**

1. Conforms Arizona's income tax calculation for taxable years beginning January 1, 2020 to the IRC of 1986, as amended, in effect on January 1, 2020, including those provisions that became effective during 2019 with the specific adoption of all retroactive effective dates. (Sec. 2)
2. Conforms Arizona's income tax calculation for taxable year 2019 to the IRC of 1986, as amended, in effect on January 1, 2018 including those provisions of the Taxpayer First Act and the Further Consolidated Appropriations Act, 2020 that are retroactively effective for taxable year 2019. (Sec. 2)
3. Conforms Arizona's income tax calculation for taxable years 2016 through 2018 to include the Further Consolidated Appropriations Act, 2020. (Sec. 2)
4. Removes the conformity language for taxable year 2009. (Sec. 2)
5. Makes technical and conforming changes. (Sec. 1 and 2)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: WM DP 8-0-1-1

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**[HB 2629](#): TPT; exemption; pacemakers**  
**Sponsor: Representative Bolick, LD 20**  
**Caucus & COW**

## **Overview**

Exempts pacemakers from the Transaction Privilege Tax (TPT) and use tax.

## **History**

Statute states that the retail TPT classification is comprised of the business of selling tangible personal property at retail. The tax base for the retail classification is the gross proceeds of sales or gross income derived from the business ([A.R.S. § 42-5061](#)).

Use tax is a levy on items purchased in other states that are then brought into Arizona for storage, use or consumption and for which no tax has been paid in another state ([A.R.S. § 42-5160](#)).

## **Provisions**

1. Exempts the sale of pacemakers from TPT and use tax. (Sec 1-3)
2. Contains a delayed effective date of January 1, 2021. (Sec. 5)
3. Contains a fiscal note.

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

Fifty-fourth Legislature  
Second Regular Session

House: WM DPA 7-0-0-3

## **HB 2681: DOR; administrative rulings; procedures**

**Sponsor: Representative Toma, LD 22**

**Caucus & COW**

### **Overview**

Allows the Department of Revenue (DOR) to issue draft rulings, procedures and other administrative announcements that apply to tax laws and regulations. Requires DOR to meet with a requestor upon receiving a written request to issue a private taxpayer ruling or private taxpayer information ruling.

### **History**

DOR is authorized to issue private taxpayer rulings to taxpayers and potential taxpayers on written request by the taxpayer. Under current law, DOR is required to issue any private taxpayer rulings or taxpayer information rulings within 45 days after receiving the written request and on receiving the facts that are relevant to the ruling. If the ruling is expected to be delayed, DOR is required to notify the requestor of the delay and the proposed date of issuance. A ruling is required to be maintained by DOR as public record and is subject to specific confidentiality requirements. A taxpayer may submit a written request that a ruling not be published. If the Director of DOR (Director) determines that a ruling should not be published, the ruling is deemed confidential. If the Director determines that a ruling should be published, then the taxpayer may withdraw the ruling request and DOR must not proceed with the ruling request. The decision by the Director to publish a ruling is not an appealable agency action and is not subject to appeal by the taxpayer.

*Private taxpayer ruling and taxpayer information ruling* are defined as written determinations by DOR that interpret and apply to one or more statutes in Title 42 or Title 43 and any applicable administrative rules that DOR has adopted to the specific facts described in the request for a private taxpayer ruling and taxpayer information ruling ([A.R.S. § 42-2101](#)).

### **Provisions**

#### ***Rulings, Procedures and Administrative Announcements (Draft Rulings)***

1. Allows DOR to issue draft rulings that apply to and substantively interpret tax laws and regulations either generally or for a specific set of facts. (Sec. 1)
2. Requires DOR to allow written public comments on any draft ruling. (Sec. 1)
3. States that the draft ruling becomes final and effective 30 days after the draft ruling is issued for public comment, unless DOR withdraws the draft ruling. (Sec. 1)
4. Authorizes DOR to amend any draft ruling in response to public comments received in the 30-day period. (Sec. 1)
5. Requires DOR to do the following:
  - a) Establish and maintain a publicly accessible record of all draft and final rulings, procedures and administrative announcements on DOR's website; and
  - b) Announce additions, modifications and other changes to these records on the website. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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6. Stipulates that a draft ruling is not final and effective unless it contains the following:
  - a) The subject matter of the draft ruling;
  - b) A citation to all statutes, rules and published administrative rulings that relate to the draft ruling;
  - c) The name and contact information or DOR personnel with whom persons may communicating regarding the draft ruling;
  - d) The date on which the draft ruling was proposed;
  - e) The date on which the draft ruling became final and effective; and
  - f) A statement of whether public comments on the draft ruling were received and where the written comments and DOR's response are available. (Sec. 1)
7. Instructs DOR to respond with a comment explaining the basis for DOR's decision to not incorporate a public comment into the final ruling. (Sec. 1)
8. Requires the Director to ensure that any public records required by these provisions comply with confidentiality requirements. (Sec. 1)
9. Exempts the aforementioned procedures from DOR's rulemaking authority, private taxpayer rulings and other routine DOR communications that do not substantively apply to and interpret tax laws and regulations. (Sec. 1)

#### ***Private Taxpayer Ruling Requests***

10. Requires DOR to do the following:
  - a) Meet with a requestor within 30 days of receiving the written request to discuss the facts and circumstances pertaining to the request, unless the requestor waives the meeting;
  - b) Issue private taxpayer ruling or taxpayer information rulings within 90 days of receiving a written request, unless DOR and the requestor delay the ruling; and
  - c) Notify the requestor of the basis for the proposed delay if the ruling is expected to be delayed. (Sec. 2)
11. Allows DOR to decline to issue a ruling provided that DOR issues appropriate written assistance or advice that explains the reason for declining to issue a ruling and provide a general discussion of relevant tax principles or applications. (Sec. 2)
12. Instructs DOR to do the following:
  - a) Provide the requestor with a draft of the private taxpayer ruling or taxpayer information ruling at least 30 days before issuing the ruling; and
  - b) Meet with the requestor within 14 days of providing the draft ruling to discuss the contents of the draft ruling, if requested by the requestor. (Sec. 2)
13. Allows the taxpayer to request that the ruling be kept confidential. (Sec. 2)

#### ***Miscellaneous***

14. Makes technical and conforming changes. (Sec. 2)

#### **Amendments**

Committee on Ways and Means

1. Removes Section 1 of the bill relating to draft rulings, procedures and administrative announcements.



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: WM DP 4-2-1-3

## [HB 2732](#): tax credit; affordable housing

**Sponsor: Representative Weninger, LD 17**  
**Caucus & COW**

### Overview

Adds and amends sections of statute relating to insurance premiums and income tax credits for claims in relation to the construction of new and affordable housing.

### History

Current statute allows properties that are used exclusively for affordable housing projects owned and operated by a corporation that is qualified pursuant to 501(c)(3) or 501(c)(4) of the internal revenue code or is an eligible nonprofit corporation or single purpose entity exemption from taxes. ([A.R.S. § 42-11133](#))

### Provisions

#### ***Department of Housing (DOH)***

1. Establishes the affordable housing tax credit. (Sec. 2)
2. Allows DOH to allocate a total of \$8,000,000 in a calendar year in tax credits for qualified projects of the federal low-income housing tax credit pursuant to Section 42 of the Internal Revenue Code, from and after June 30, 2021. (Sec. 2)
3. Allows any taxpayer that owns an investment in an affordable housing project to receive an eligibility statement from the department to be allowed a tax credit. (Sec. 2)
4. States a qualified project approved for the purposes of the affordable housing tax credit is not eligible for any abatement, exemption or other reduction in state or local ad valorem property taxes. (Sec. 2)
5. States that DOH will hold a public hearing to solicit and accept public comments relating to the amount of credit to be used for qualified projects that are financed through tax-exempt bonds. (Sec. 2)

#### ***Department of Insurance (DOI)***

6. Allows a credit against the premium tax incurred by a taxpayer that received an eligibility statement for a qualified project. (Sec 1)
7. States that the credit is equal to at least 50% of the amount of the federal low-income housing credit. (Sec.1)
8. States the taxpayer must submit an eligibility statement to DOI with the taxpayer's premium tax return to claim the credit. (Sec. 1)
9. Allows a taxpayer to carry forward any credit that exceeds the premium tax for up to five consecutive years. (Sec. 1)
10. States that all or part of the credit is subject to recapture under section 42 of the Internal Revenue Code during the first ten taxable years after the project is placed in service, the credit is also subject to recapture in a proportional amount from all taxpayers that claimed the credit. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note
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11. States the recapture is calculated by increasing the amount of taxes imposed in the following year by the amount recaptured. (Sec. 1)

**Department of Revenue (DOR)**

12. Allows individual and corporate income tax credits for taxpayers who apply to the DOH and receive an eligibility statement for a qualified project. (Sec. 5, 6)

13. States the credit will be at least 50% of the federal low-income housing credit but may not exceed the amount of the credit approved by the DOH. (Sec. 5, 6)

14. States the taxpayer must submit an eligibility statement to DOR with the taxpayer's income tax return to claim the credit. (Sec. 5, 6)

15. States if the credit exceeds taxes due on the claimant's income it may be carried over forward up to five consecutive years. (Sec. 5, 6)

16. States that all or part of the credit is subject to recapture under section 42 of the Internal Revenue Code during the first ten taxable years after the project is placed in service, the credit is also subject to recapture in a proportional amount from all taxpayers that claimed the credit. (Sec. 5, 6)

17. States the recapture is calculated by increasing the amount of taxes imposed in the following year by the amount recaptured. (Sec. 5, 6)

**Miscellaneous**

18. Includes the income and corporate tax credits to the income credit tax review schedule. (Sec. 3)

19. Adds the affordable housing tax credit review committee. (Sec. 4)

20. Mandates the DOH, DOI and DOR adopt rules and prescribe forms and procedures for administration purposes. (Sec. 2, 3, 5, and 6)

21. Defines *internal revenue code*, *qualified project* and *taxpayer*. (Sec. 2)

22. Includes a delayed repeal, saving clause and automatically repeals December 31, 2029. (Sec. 7)

23. Includes purpose clause to support the construction of new affordable housing project in this state. (Sec. 8)

24. Established an effective date of January 1, 2021. (Sec. 9)

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