

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-sixth Legislature - First Regular Session

## CAUCUS AGENDA

May 15, 2023

Bill Number	Short Title	Committee	Date	Action
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### [Blue Sheet#8](#)

#### Committee on Appropriations

**Chairman:** David Livingston, LD 28

**Analyst:** Austin Fairbanks

**Vice Chairman:** Joseph Chaplik, LD 3

**Intern:** Leslie Vides

[SB 1055](#)<sup>(BS)</sup> ~~full-service crime labs; funding~~  
(Now: full-service crime labs; funding; appropriation)

SPONSOR: GOWAN, LD 19

APPROP	4/3/2023	DPA	(12-1-1-1)
(No: SALMAN Abs: CARBONE Present: STAHL HAMILTON)			

#### Committee on Health & Human Services

**Chairman:** Steve Montenegro, LD 29

**Analyst:** Ahjahna Graham

**Vice Chairman:** Barbara Parker, LD 10

**Intern:** Kira McNeill

[SB 1466](#)<sup>(BS)</sup> medical marijuana; adult-use marijuana

SPONSOR: SHOPE, LD 16

HHS	3/20/2023	DP	(7-2-0-0)
(No: PARKER B, PINGERELLI)			

#### Committee on Judiciary

**Chairman:** Quang H. Nguyen, LD 1

**Analyst:** Justin Larson

**Vice Chairman:** Selina Bliss, LD 1

**Intern:** Grace Crouse

[SB 1197](#)<sup>(BS)</sup> juvenile offenders; monetary sanctions; repeal

SPONSOR: GOWAN, LD 19

JUD	3/22/2023	DP	(8-0-0-0)
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# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
First Regular Session

Senate: MAPS DP 6-1-0-0 | 3<sup>rd</sup> Read 26-3-1-0

House: APPROP DPA 12-1-1-1

## SB 1055: full-service crime labs; funding; appropriation

**Sponsor: Senator Gowan, LD 19**  
**Caucus & COW**

### Overview

Replaces statutory Department of Public Safety Forensics Fund (Fund) allocations to political subdivisions with a formula and appropriates monies from the state General Fund (GF) to the Fund.

### History

The Fund receives revenue from the Criminal Justice Enhancement Fund, a court surcharge for criminal offenses and civil traffic violations, and the first \$10,400,000 of revenue generated from the defensive driving school fee (A.R.S. §§ [12-116.01](#); [28-3396](#); [41-2401](#)).

The Department of Public Safety (DPS) administers the Fund, and is required to distribute 45% of the Fund's balance on a quarterly basis to the Phoenix Police Department (22%), Tucson Police Department (12%), Mesa Police Department (7%) and Scottsdale Police Department (4%). DPS may use the remainder of the Fund for outlined forensics purposes, including crime laboratory operations and equipment, fingerprint identification equipment, and DNA testing ([A.R.S. § 41-1730](#)).

### Provisions

1. Requires DPS to distribute monies in the Fund to each full-service crime laboratory, rather than to specific political subdivisions. (Sec. 1)
2. Outlines that the distribution is to be determined by the proportion of Group A and Group B crimes reported to the FBI's National Incident-Based Reporting System by a full-service crime laboratory, compared to the total number reported in all jurisdictions. (Sec. 1)
3. Removes the requirement that crime laboratory directors must agree on the distribution formula and allocation. (Sec. 1)
4. Changes the definition of *crime laboratory* to *full-service crime laboratory*, which must:
  - a) Be operated by either a criminal justice agency of the state or a political subdivision;
  - b) Be accredited by an organization that uses field specific accreditation standards; and
  - c) Provide a minimum of six of nine outlined forensic disciplines, including at least DNA, digital forensics or drug toxicology. (Sec. 1)
5. Appropriates a non-lapsing \$700,000 from the GF in FYs 2024, 2025 and 2026 to the Fund for distribution. (Sec. 2)
6. Appropriates a non-lapsing \$200,000 from the GF in FY 2024 to DPS for crime lab services. (Sec. 2)

### Amendments

*Committee on Appropriations*

1. Replaces the appropriation of \$700,000 in each of FYs 2024, 2025 and 2026 with a single appropriation of \$600,000 in FY 2024.

<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-sixth Legislature  
First Regular Session

Senate: HHS DPA 7-0-0-0 | 3<sup>rd</sup> Read 24-6-0-0

House: HHS DP 7-2-0-0

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**SB1466: medical marijuana; adult-use marijuana**  
**Sponsor: Senator Shope, LD 16**  
**Caucus & COW**

## **Overview**

Expands and conforms recreational and medical marijuana laws related to the sale, packaging, labeling, testing, tracking and advertising of marijuana and marijuana products. Adds post-traumatic stress disorder and autism spectrum disorder to the list of medical conditions qualifying a patient for a medical marijuana registry identification card and contains a Proposition 105 clause.

## **History**

### ***Arizona Medical Marijuana Act***

The Arizona voters approved the Arizona Medical Marijuana Act (AMMA) in 2010 which designated the Arizona Department of Health Services (DHS) as the licensing and issuing authority for the Arizona Medical Marijuana Program. The AMMA allows for qualifying patients to apply for registry identification cards to obtain an allowable amount of marijuana for certain debilitating medical conditions. Qualifying patients may also choose to designate a caregiver to assist them with the use of medical marijuana with a medical marijuana registry identification card. Debilitating medical conditions include: 1) cancer, glaucoma, HIV, AIDS, hepatitis C, amyotrophic lateral sclerosis, Chron's disease or Alzheimer's disease; 2) specific chronic or debilitating diseases or medical conditions; and 3) any other medical conditions or treatments added by DHS. DHS must adopt rules and regulations relating to medical marijuana and requires monies collected from fees, civil penalties and private donations to be deposited into the Medical Marijuana Fund before being distributed to certain entities ([A.R.S. Title 36, Chapter 28.1](#)).

### ***Smart and Safe Arizona Act***

Arizona voters approved the Smart and Safe Arizona Act (SSAA) in 2020 which legalized the sale and use of recreational marijuana to consumers who are at least 21 years old. DHS is responsible for adopting rules to implement and enforce the SSAA and regulate the sale, packaging, labeling, tracking and advertising of recreational marijuana and marijuana products. This includes licensing marijuana establishments and testing facilities and conducting investigations and background checks on those entities. Monies from licensing and renewal fees, application fees, civil penalties, excise taxes and penalties related to the selling and testing of marijuana must be deposited into the Smart and Safe Arizona Fund. After paying costs to implement, administer and enforce the SSAA, remaining monies would be allocated to certain entities ([A.R.S. § Title 36, Chapter 28.2](#)).

### ***Transaction Privilege Tax***

Current law grants a transaction privilege tax (TPT) exemption for sales of propagative materials to individuals who use those items to commercially produce agricultural, horticultural, viticultural or floricultural crops in Arizona. *Propagative materials* include seeds, seedlings, roots, bulbs, liners, transplants, cuttings, soil and plant additives, agricultural minerals, auxiliary soil and plant substances, micronutrients, fertilizers, insecticides, herbicides, fungicides, soil fumigants, desiccants, rodenticides, adjuvants, plant nutrients and plant growth regulators. Except for use in commercially producing industrial hemp, sales of propagative materials do not include materials used in producing any part, including seeds, of any plant of the genus cannabis ([A.R.S. § 42-5061](#)).

## **Provisions**

### ***All Marijuana***

1. Broadens and aligns medicinal marijuana testing requirements with recreational marijuana testing requirements, including the requirement that, by December 31, 2023, any marijuana or marijuana product packaging labeled for sale include a consumer scannable tetrahydrocannabinol (THC) quick response code or similar technology linking to a webpage displaying:
  - a. the date of harvest;
  - b. the THC strain of the marijuana or marijuana product;
  - c. the method used to extract THC from the marijuana product;
  - d. testing results;
  - e. the manufacture date of the marijuana product;

- f. required warnings, as determined by DHS; and
  - g. a warning that states: "Keep all marijuana products safe and away from children. If ingested, call poison control: (800) 222-1222." (Sec. 3,12)
2. Requires DHS to determine and adopt rules regarding required information for the marijuana or marijuana product label and the webpage linked to the quick response code included on the label. (Sec. 3, 12)
  3. Requires information on the linked DHS webpage to satisfy all marijuana product labeling requirements. (Sec. 3, 12)
  4. Directs DHS to develop a standard form and requires independent third-party marijuana laboratories to submit the form as:
    - a. a cover page for all test results that includes, at a minimum, a pass or fail designation of mandatory testing requirements; and
    - b. the final certificate of analysis of test results, including all mandatory testing requirements. (Sec. 3)
  5. Directs DHS to require certified independent third-party laboratories and licensed marijuana testing facilities to conduct commercially available proficiency testing by contracting with a nationally or internationally accredited pruriency testing provider. (Sec. 3)
  6. Requires nonprofit medical marijuana dispensaries and marijuana establishment tracking systems to be capable of tracking any other information that DHS determines is reasonably necessary to ensure accuracy, provide for chain of custody of the information and foreclose data tampering, human error or intentional misreporting. (Sec. 3, 11)
  7. Removes certain information that THC quick response codes must include for recreational marijuana products. (Sec. 12)
  8. Permits monies from the Medical Marijuana Fund and the Smart and Safe Arizona Fund to be used interchangeably to implement and enforce statutory requirements relating to medical or recreation marijuana. (Sec. 8, 13)

***Medical Marijuana***

9. Instructs nonprofit medical marijuana dispensaries, by December 31, 2023, to procure, develop, acquire and maintain a system to track marijuana and marijuana products at all points of cultivation, manufacture and sale, which must also ensure:
  - a. accurate accounting and reporting of the production, processing and sale of marijuana and marijuana products; and
  - b. compliance with DHS rules. (Sec. 3)
10. Directs nonprofit medical marijuana tracking systems to be capable of tracking, at a minimum, the:
  - a. propagation of immature marijuana plants and the production of marijuana by a nonprofit medical marijuana dispensary;
  - b. processing of marijuana and marijuana products by a nonprofit medical marijuana dispensary;
  - c. sale and purchase of marijuana and marijuana products;
  - d. transfer of marijuana and marijuana products between premises for which a certificate or a license has been issued;
  - e. disposal of marijuana waste;
  - f. identity of the person making the entry, as well as the time, date and location of each entry into the system, including any corrections or changes to that information; and
  - g. ability to accomplish the duties, functions and powers of DHS. (Sec. 3)
11. Directs nonprofit medical marijuana dispensaries to track, test, label and package marijuana and marijuana products and enforce requirements that these products be:
  - a. sold to qualifying patients in clearly and conspicuously labeled containers that contain accurate warnings regarding the use of marijuana or marijuana products; and
  - b. placed in child-resistant packaging on exit from the dispensary. (Sec. 3)
12. Forbids nonprofit medical marijuana dispensaries from:
  - a. packaging or labeling marijuana or marijuana products in a false or misleading manner;
  - b. manufacturing or selling marijuana products that resemble the form of a human, animal, insect, fruit, toy or cartoon;
  - c. selling or advertising marijuana or marijuana products with names that resemble or imitate food or drink brands marketed to children; and
  - d. advertising marijuana products to children. (Sec. 4)
13. Subjects nonprofit medical marijuana dispensaries that violate any of the prescribed prohibited purposes to disciplinary action by DHS. (Sec. 4)
14. Forbids DHS from charging more than \$50 for a medical marijuana registry identification card. (Sec. 5)

15. Excludes honorably discharged veterans of the U.S. Armed Forces from the medical marijuana registry identification card application fee. (Sec. 5)
16. Permits nonprofit medical marijuana dispensaries to engage in advertising practices prescribed for recreational dispensaries. (Sec. 7)
17. Instructs any nonprofit medical marijuana dispensary advertising involving direct, individualized communication or dialogue to use a method of age affirmation to verify that the recipient is at least 21 years old, including user confirmation, birth date disclosure or another similar registration method. (Sec. 7)
18. Repeals the Medical Marijuana Testing Advisory Council. (Sec. 9)
19. Permits the Arizona Biomedical Research Centre, within DHS, to provide \$10 million, rather than \$5 million, annually for five years in competitive grants for marijuana clinical trials, using a combination of monies from the Medical Marijuana Fund and Smart and Safe Arizona Fund. (Sec. 10)

### **Miscellaneous**

20. Defines and modifies terms. (Sec. 1)
21. Makes the definition of *marijuana* for medical use the same as the *marijuana* definition for adult use. (Sec. 1)
22. Permits physician assessments for qualified medical marijuana patients to be conducted in person or via telehealth. (Sec. 1)
23. Broadens the definition *debilitating medical condition*, for purposes of granting eligibility for a medical marijuana registry identification card, to include:
  - a. post-traumatic stress disorder; and
  - b. autism spectrum disorder that is diagnosed by a licensed physician or psychologist acting within their scope of practice. (Sec. 1)
24. Removes the exclusion of propagative materials used in producing cannabis from the TPT exemption for propagative materials used to commercially produce agricultural, horticultural, viticultural or floricultural crops. (Sec. 14)
25. Exempts DHS from statutory rulemaking requirements for 36 months for purposes of regulating medical and recreational marijuana. (Sec. 15)
26. Contains a legislative intent clause. (Sec. 16)
27. Contains a Proposition 105 clause. (Sec. 17)
28. Makes technical and conforming changes. (Sec. 1-3, 5, 6, 11, 13 and 14)

<input checked="" 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-sixth Legislature  
First Regular Session

Senate: JUD DP 7-0-0-0 | 3<sup>rd</sup> Read DP 26-4-0-0-0

House: JUD DP 8-0-0-0-0

## [SB 1197](#): juvenile offenders; monetary sanctions; repeal

Sponsor: Senator Gowan, LD 19  
Caucus & COW

### Overview

Removes juvenile court-ordered fees with the exception of victim restitution and the fines associated with outlined offenses.

### History

The juvenile courts may order a juvenile, a juvenile's parents or guardian to pay various monetary assessments including fees, fines, costs or surcharges. These charges may be imposed for appointed attorney services, foster care, treatment programs, educational programs, community based alternative programs (Community Programs), juvenile supervision, living in juvenile custody and other similar programs or instances (A.R.S. §§ [8-221](#), [8-243](#), [8-243.01](#), [8-321](#), [8-241](#) and [8-418](#)).

Current statute defines *juvenile* and *child* to mean an individual who is under 18 years of age. *Delinquent juvenile* means a child who is adjudicated to have committed a delinquent act. *Delinquent act* is defined as an act by a juvenile that if committed by an adult would be a criminal offense or a petty offense, a violation of any law of this state, or of another state if the act occurred in that state, or a law of the United States or a violation of any law that can only be violated by a minor and that has been designated as a delinquent offense. Any juvenile who is prosecuted as an adult or who is remanded for prosecution as an adult are not to be adjudicated as a delinquent juvenile for the same offense. *Detention* means the temporary confinement of a juvenile who requires secure care in a physically restricting facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress for the protection of the juvenile or the community pending court disposition or a condition of probation.

*Incorrigible child* is defined to mean a child who:

- 1) Is adjudicated as a child who refuses to obey the reasonable and proper orders or directions of a parent, guardian or custodian and who is beyond the control of that person;
- 2) Is habitually truant in school as defined by [A.R.S. § 15-803](#);
- 3) Is a runaway from the child's home or parent, guardian or custodian;
- 4) Habitually behaves in such a manner as to injure or endanger the morals or health of self or others;
- 5) Commits any act constituting an offense that can only be committed by a minor and that is not designated as a delinquent act; or
- 6) Fails to obey any lawful order of a court of competent jurisdiction given in a noncriminal action ([A.R.S. § 8-201](#)).

### Provisions

1. Prohibits courts from ordering the child, parent or guardian from paying the following fees regardless of ability to pay without incurring financial hardship:
  - a. The cost of services of an attorney appointed to the child, parent or guardian;
  - b. The cost of any counseling, treatment or education program ordered;
  - c. The cost of foster care, treatment, education program or diversion program;
  - d. The expense and maintenance of the child's medical, dental and mental health care while the child is in the custody of the Arizona Department of Juvenile Corrections (ADJC) or a similar public or private institution or agency;
  - e. The cost of food, clothing, shelter and supervision of the child while detained in a juvenile detention facility;
  - f. Treatment expenses of a child who is in residential placement as a term of probation, detention or incarceration;
  - g. The expense of family counseling programs or sessions;
  - h. A bond payable to the state to secure the performance of consequences imposed by a Community Program or a monetary assessment as a condition for the juvenile to comply with the consequences of the Community Program;
  - i. The \$50 fee or any additional costs for a Community Program;

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- j. Lawful surcharges and assessments resulting from outlined offenses;
  - k. Monetary assessments based on the age, physical condition, mental condition and earning capacity of the juvenile under the interest of rehabilitation;
  - l. A monetary assessment of \$150 or less if the child is adjudicated incorrigible;
  - m. A monetary assessment of \$500 or less if the juvenile is charged with unlawful purchase, possession or consumption of spirituous liquor or the equivalent community restitution;
  - n. Any monetary assessment imposed due to a juvenile being committed to the ADJC;
  - o. A fee associated with court services or probation for a juvenile under the jurisdiction of the juvenile court;
  - p. A fine or monetary sanction that is not specifically required by the offense or citation for a juvenile under the jurisdiction of the juvenile court;
  - q. The cost of drug or alcohol screening, treatment or education;
  - r. Reimbursements to the responsible county for a juvenile's detention;
  - s. A \$25 assessment fee for public defender services;
  - t. The cost of legal services or administrative assessments; or
  - u. Time payment fees assessed on a penalty, fine or sanction. (Sec. 1, 2, 4, 7, 10, 13, 14, 15, 22, 23)
2. Repeals [A.R.S. § 8-241](#), which requires the parent of a juvenile to pay at least \$50 per month to the supervisory agency for the supervision of the juvenile. (Sec. 3)
  3. Repeals [A.R.S. § 8-243.01](#) regarding the deposit of collected monies from the Arizona Department of Child Safety (DCS) into the Children and Family Training Program Fund. (Sec. 5)
  4. Repeals [A.R.S. § 8-418](#), which authorizes a \$25 fee for juveniles adjudicated delinquent for offenses involving a victim, which must be paid by the juvenile's parent to the clerk of the court. (Sec. 19)
  5. Specifies that a health insurer subject to A.R.S. Title 20 or an Arizona Health Care Cost Containment System contractor is not prohibited from covering an expense related to the child's treatment or care. (Sec. 2, 4, 7, 9, 10, 15)
  6. Permits the payment of a monetary assessment to be satisfied through community restitution performed at a rate equivalent to minimum wage, rounded up to the nearest dollar. (Sec. 10)
  7. Excludes monetary sanctions exceeding \$250 as a reasonable consequence to which the participants agree upon in a meeting on Community Programs. (Sec. 10)
  8. Authorizes the court to order the juvenile to pay lawful surcharges, fines, civil penalties and assessments for a nonfelony violation included in A.R.S. Title 28 (which includes driving under the influence offenses). (Sec. 12)
  9. States that a juvenile's failure to pay fees, costs or fines may not be used as a reason to continue supervision. (Sec. 13)
  10. Prohibits the Director of ADJC from requiring the juvenile to perform an equivalent amount of community restitution in lieu of payments ordered as a condition of conditional liberty. (Sec. 13)
  11. Removes the requirement that a monetary assessment be satisfied in the form of a lump sum, installment payments or community restitution. (Sec. 13)
  12. Authorizes a juvenile or the juvenile's parent or guardian to pay a fine in lieu of community restitution provided that the court offers that option. (Sec. 14)
  13. For juveniles adjudicated delinquent for certain driving under the influence violations, reduces the maximum fine from \$500 to \$250, plus any applicable surcharges and assessments, and reduces community restitution requirement from at least 80 hours to no more than 20 hours. (Sec. 15)
  14. Prohibits the court from requiring a juvenile to pay restitution to the state for any unpaid balance of any fees, costs, surcharges or monetary assessments imposed upon the termination of the juvenile's probation. (Sec. 16)
  15. States that if a juvenile court grants a petition to have an adjudication set aside, the individual is not obligated to fulfill any remaining unpaid monetary obligations with the exception of victim restitution. (Sec. 17)
  16. Prohibits a juvenile court from considering any outstanding fees, assessments or surcharges when determining whether to destroy a juvenile's court and ADJC records. (Sec. 18)
  17. Authorizes the court to modify any fine imposed by the court on a showing of good cause, with the exception of victim restitution. (Sec. 18)

18. States that the Children and Family Training Program Fund does not contain monies acquired from juvenile fees and prohibits the Children and Family Training Program Fund monies from being utilized to enhance the collection of monies owed to DCS. (Sec. 20)
19. Stipulates that the Children and Family Training Program Fund monies must be used to administer a Children and Family Services Training Program for the training of child safety workers and other public employees or related program services and employees of child welfare agencies. (Sec. 20)
20. Specifies that DCS may not use monies collected under [A.R.S. § 8-807](#) to reimburse labor, copying charges and editing costs and instead must use monies. (Sec. 20)
21. Asserts that the County Attorney Juvenile Diversion Fund does not contain fees acquired for Community Programs. (Sec. 21)
22. Removes the requirement that a court order a person adjudicated as delinquent to pay a \$500 assessment for dangerous crimes against children. (Sec. 24)
23. Specifies that the Juvenile Probation Fund does not consist of monies acquired from probation fees for Community Programs or diversion programs. (Sec. 25)
24. States that the Victims' Rights Fund does not consist of monies acquired from implementation fees under [A.R.S. § 8-418](#). (Sec. 27)
25. Removes language subjecting a committed youth in a secure care facility (Facility) to monetary assessment and requiring two-thirds of any earned compensation to be used either to defer the costs of room and board for maintaining the youth at the Facility or be paid to the clerk of the court. (Sec. 29)
26. Specifies that the unpaid balance of any fee, cost, surcharge or monetary assessment that was imposed on the juvenile or the juvenile's parent or guardian imposed before the general effective date is eligible to be vacated. (Sec. 30)
27. States that all unsatisfied civil judgements or portions of judgements that were entered before the general effective date for any unpaid fee, cost, surcharge or monetary assessment imposes are eligible to be deemed null and void and legally vacated. (Sec. 30)
28. Requires the Administrative Offices of the Courts and the courts to complete the following:
  - a. Develop and implement clear and accessible procedures, in consultation with state and municipal agencies, for individuals to file requests with the court to vacate eligible unpaid balances and unsatisfied civil judgements within six months after the general effective date;
  - b. The court must grant a request to vacate an eligible unpaid balance or unsatisfied civil judgement within 60 days after the request is filed;
  - c. Inform any private collection agency that was referred to collect an unpaid outstanding balance that the balance has been vacated; and
  - d. The clerk of the court must notify the county recorder of all applicable vacated civil judgments. (Sec. 30)
29. Authorizes a court to automatically vacate any eligible unpaid balances or unsatisfied civil judgements without requiring the juvenile or juvenile's parent or guardian to file a request through judicial discretion. (Sec. 30)
30. Mandates the Supreme Court to make a reasonable effort to notify any individual who may be eligible that they may request the court to vacate any unpaid balance or unsatisfied civil judgement that were imposed in juvenile court within six months after the general effective date. (Sec. 30)
31. States that, at a minimum, the above notification must be posted in a conspicuous place on the Supreme Court's website and may include other notifications or public service announcements. (Sec. 30)
32. Requires the Supreme Court to report the following to the Legislature, by county, on or before December 31, 2025:
  - a. The number of unpaid balances and unsatisfied civil judgments discharged or vacated;
  - b. The number of unpaid balances or unsatisfied civil judgements partially vacated by petition or judicial discretion;
  - c. The amount of the balances vacated; and
  - d. The number of orders vacated automatically or by request. (Sec. 30)
33. Makes technical and conforming changes. (Sec. 1, 2, 6, 8, 9, 11, 12, 13, 15, 18, 20, 22, 23, 24, 25, 26, 28, 29)