

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

CAUCUS AGENDA

March 28, 2023

Bill Number	Short Title	Committee	Date	Action
-------------	-------------	-----------	------	--------

Committee on Appropriations

Chairman: David Livingston, LD 28

Analyst: Austin Fairbanks

Vice Chairman: Joseph Chaplik, LD 3

Intern: Leslie Vides

[SB 1007](#)^(BSI) nuclear emergency management; appropriations; assessments
SPONSOR: KAVANAGH, LD 3
APPROP 3/8/2023 DP (14-0-0-1)
(Abs: GRESS)

[SB 1134](#)^(BSI) appropriations; named claimants
SPONSOR: KAVANAGH, LD 3
APPROP 3/8/2023 DP (14-0-0-1)
(Abs: GRESS)

Committee on Commerce

Chairman: Justin Wilmeth, LD 2

Analyst: Paul Benny

Vice Chairman: Michael Carbone, LD 25

Intern: Haley Garcia

[SB 1167](#)^(BSI) unemployment insurance; benefit amounts; definition
SPONSOR: KAISER, LD 2
COM 3/21/2023 DP (6-4-0-0)
(No: AGUILAR, ORTIZ, SUN, AUSTIN)

[SB 1188](#)^(BSI) ~~technical correction; nonprobate transfers~~
(Now: regulation; permissible consumer fireworks)
SPONSOR: MESNARD, LD 13
COM 3/21/2023 DP (7-1-1-1)
(No: HEAP Abs: GRESS Present: CARTER)

[SB 1210](#)^(BSI) ~~funeral services regulation; DHS~~
(Now: funeral services; DHS; advisory committee)
SPONSOR: KAISER, LD 2
COM 3/21/2023 DP (6-4-0-0)
(No: AGUILAR, ORTIZ, SUN, AUSTIN)

[SB 1718](#)^(BSI) private activity bonding
SPONSOR: KAISER, LD 2
COM 3/21/2023 DP (7-3-0-0)
(No: CARTER, HEAP, HENDRIX)

Committee on Education

Chairman: Beverly Pingerelli, LD 28

Vice Chairman: David Marshall, Sr., LD 7

Analyst: Chase Houser **Intern:** Sisto Jacobo

[SB 1179](#)^(BSJ) ABOR; reporting requirements; revisions

SPONSOR: BENNETT, LD 1

ED 3/21/2023 DP (8-1-0-1)
(No: MARSHALL Abs: COOK)

Committee on Government

Chairman: Timothy M. Dunn, LD 25

Vice Chairman: John Gillette, LD 30

Analyst: Frank Komadina

Intern: Joshua Bennion

[SB 1006](#)^(BSJ) municipal notices and ordinances; posting

SPONSOR: KAVANAGH, LD 3

GOV 3/22/2023 DP (5-4-0-0)
(No: BRAVO, HERNANDEZ L, LONGDON, PESHAKAI)

[SB 1026](#)^(BSJ) state monies; drag shows; minors

SPONSOR: KAVANAGH, LD 3

GOV 3/22/2023 DPA (5-4-0-0)
(No: BRAVO, HERNANDEZ L, LONGDON, PESHAKAI)

[SB 1110](#)^(BSJ) recorded documents; property; notification

SPONSOR: ROGERS, LD 7

GOV 3/22/2023 DPA (9-0-0-0)

[SB 1139](#)^(BSJ) government investments; products; fiduciaries; plans

SPONSOR: HOFFMAN, LD 15

GOV 3/22/2023 DP (5-3-0-1)
(No: BRAVO, HERNANDEZ L, PESHAKAI Abs: LONGDON)

[SB 1255](#)^(BSJ) regulatory costs; rulemaking; ratification

SPONSOR: KERN, LD 27

GOV 3/22/2023 DPA (5-4-0-0)
(No: BRAVO, HERNANDEZ L, LONGDON, PESHAKAI)

[SB 1455](#)^(BSJ) office vacancy; discharge of duties

SPONSOR: SHOPE, LD 16

GOV 3/22/2023 DP (6-3-0-0)
(No: BRAVO, LONGDON, PESHAKAI)

[SB 1500](#)^(BSJ) government investments; fiduciaries; pecuniary benefit

SPONSOR: CARROLL, LD 28

GOV 3/22/2023 DP (5-4-0-0)
(No: BRAVO, HERNANDEZ L, LONGDON, PESHAKAI)

Committee on Health & Human Services

Chairman: Steve Montenegro, LD 29

Vice Chairman: Barbara Parker, LD 10

Analyst: Ahjahna Graham

Intern: Kira McNeill

[SB 1186](#)^(BSJ) foster care; children; parents; rights

SPONSOR: BENNETT, LD 1

HHS 3/20/2023 DP (8-1-0-0)
(No: PARKER B)

Committee on Judiciary

Chairman: Quang H. Nguyen, LD 1
Analyst: Justin Larson

Vice Chairman: Selina Bliss, LD 1
Intern: Grace Crouse

[SB 1151](#)^(BSI) ~~chiropractic; technical correction~~
(Now: community property; spousal maintenance; documentation)
SPONSOR: KERN, LD 27
JUD 3/22/2023 DPA (5-2-0-1)
(No: CONTRERAS L, ORTIZ Abs: HERNANDEZ M)

[SB 1284](#)^(BSI) ~~technical correction; home health agencies~~
(Now: lifetime probation; sexual offenses; termination)
SPONSOR: SHAMP, LD 29
JUD 3/22/2023 DP (5-3-0-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ)

[SB 1582](#)^(BSI) lifetime injunction; petition; procedures
SPONSOR: KERR, LD 25
JUD 3/22/2023 DP (8-0-0-0)

[SB 1698](#)^(BSI) unlawful exposure; minors; sentencing; reporting
SPONSOR: WADSACK, LD 17
JUD 3/22/2023 DP (5-3-0-0)
(No: CONTRERAS L, HERNANDEZ M, ORTIZ)

Committee on Land, Agriculture & Rural Affairs

Chairman: Lupe Diaz, LD 19
Analyst: Paul Bergelin

Vice Chairman: Michele Peña, LD 23
Intern: Abigail Hobson

[SB 1060](#)^(BSI) animal owners; definition
SPONSOR: KAVANAGH, LD 3
LARA 3/20/2023 DP (8-0-1-0)
(Present: COOK)

[SB 1194](#)^(BSI) state veterinarian; certified rabies vaccinator
SPONSOR: BORRELLI, LD 30
LARA 3/20/2023 DP (9-0-0-0)

[SB 1251](#)^(BSI) working animals; restrictions; prohibition
SPONSOR: SHAMP, LD 29
LARA 3/20/2023 DP (7-2-0-0)
(No: HERNANDEZ C, SANDOVAL)

[SB 1716](#)^(BSI) ~~department of gaming; technical correction~~
(Now: Arizona bred horses; races)
SPONSOR: GOWAN, LD 19
LARA 3/13/2023 DP (6-0-2-1)
(Abs: COOK Present: GUTIERREZ, SANDOVAL)

Committee on Military Affairs & Public Safety

Chairman: Kevin Payne, LD 27
Analyst: Nathan McRae

Vice Chairman: Rachel Jones, LD 17
Intern: Calandra Valencia

[SB 1148](#)^(BSI) law enforcement; video recordings; fee
SPONSOR: KAVANAGH, LD 3
MAPS 3/20/2023 DP (8-7-0-0)
(No: BLATTMAN, LONGDON, PESHAKAI, QUIÑONEZ, SUN,
TRAVERS, TSOSIE)

[SB 1301](#)^(BSI) law enforcement investigations; applicability
(Now: misconduct investigations; time limit; applicability)
SPONSOR: KAVANAGH, LD 3
MAPS 3/20/2023 DP (8-7-0-0)
(No: BLATTMAN, LONGDON, PESHAKAI, QUIÑONEZ, SUN,
TRAVERS, TSOSIE)

[SB 1369](#)^(BSI) certified peace officers; hiring reimbursement
SPONSOR: GOWAN, LD 19
MAPS 3/20/2023 DP (14-0-0-1)
(Abs: TRAVERS)

[SB 1376](#)^(BSI) ~~technical correction; military affairs~~
(Now: appropriation; deputies; detention officers)
SPONSOR: GOWAN, LD 19
MAPS 3/13/2023 DP (15-0-0-0)

[SCR 1001](#)^(BSI) violent crime; evidence-based strategies
SPONSOR: KAVANAGH, LD 3
MAPS 3/6/2023 DP (12-3-0-0)
(No: BLATTMAN, QUIÑONEZ, SUN)

Committee on Municipal Oversight & Elections

Chairman: Jacqueline Parker, LD 15 **Vice Chairman:** Alexander Kolodin, LD 3
Analyst: Joel Hobbins **Intern:** Isabella Garbero

[SB 1048](#)^(BSI) campaign finance; reporting threshold; lobbyists
SPONSOR: KAVANAGH, LD 3
MOE 3/22/2023 DP (6-4-0-0)
(No: AGUILAR, DE LOS SANTOS, HERNANDEZ M, TERECH)

[SB 1095](#)^(BSI) early ballot envelope; notice
SPONSOR: CARROLL, LD 28
MOE 3/22/2023 DPA (5-4-0-1)
(No: AGUILAR, DE LOS SANTOS, HERNANDEZ M, TERECH Abs:
HEAP)

[SB 1140](#)^(BSI) ~~elections; voting centers prohibited~~
(Now: elections; voting centers; polling places)
SPONSOR: HOFFMAN, LD 15
MOE 3/22/2023 DPA (6-4-0-0)
(No: AGUILAR, DE LOS SANTOS, HERNANDEZ M, TERECH)

[SB 1143](#)^(BSI) voting registrations; ballot requests; source
SPONSOR: HOFFMAN, LD 15
MOE 3/22/2023 DP (5-4-0-1)
(No: AGUILAR, DE LOS SANTOS, HERNANDEZ M, TERECH Abs:
JONES)

[SB 1175](#)^(BSI) registrations; observers; counting procedures; verification
SPONSOR: KAVANAGH, LD 3
MOE 3/22/2023 DP (6-4-0-0)
(No: AGUILAR, DE LOS SANTOS, HERNANDEZ M, TERECH)

[SB 1273](#)^(BSI) early ballot delivery; instruction requirements
SPONSOR: BENNETT, LD 1
MOE 3/22/2023 DP (8-1-1-0)
(No: HARRIS Present: JONES)

[SB 1595](#)^(BSI) early ballots; identification; tabulation
SPONSOR: MESNARD, LD 13
MOE 3/22/2023 DP (5-4-1-0)
(No: AGUILAR, DE LOS SANTOS, HERNANDEZ M, TERECH Present:
HARRIS)

[SB 1597](#)^(BSI) early ballot on-site tabulation; requirement
SPONSOR: MESNARD, LD 13
MOE 3/22/2023 DP (5-4-1-0)
(No: AGUILAR, DE LOS SANTOS, HERNANDEZ M, TERECH Present:
HARRIS)

[SCR 1037](#)^(BSI) ~~presidential electors; constitutional appointments~~
(Now: elections; systems; equipment)
SPONSOR: KERN, LD 27
MOE 3/15/2023 DP (6-4-0-1)
(No: AGUILAR, DE LOS SANTOS, HERNANDEZ M, TERECH Abs:
PARKER J)

Committee on Regulatory Affairs

Chairman: Laurin Hendrix, LD 14

Vice Chairman: Cory McGarr, LD 17

Analyst: Diana Clay

Intern:

[SB 1252](#)^(BSI) ~~child fatality review committee; establishment~~
(Now: maltreatment oversight committee; establishment)
SPONSOR: SHAMP, LD 29
RA 3/22/2023 DP (7-0-0-0)

[SB 1334](#)^(BSI) advanced practice nurses; compact
SPONSOR: SHAMP, LD 29
RA 3/22/2023 DP (7-0-0-0)

[SB 1382](#)^(BSI) pharmacy benefit managers; certificate requirements
SPONSOR: SHAMP, LD 29
RA 3/22/2023 DPA (6-1-0-0)
(No: MCGARR)

[SB 1503](#)^(BSI) ~~explicit content; age verification; internet~~
(Now: internet; verification; harmful to minors)
SPONSOR: ROGERS, LD 7
RA 3/22/2023 DP (4-3-0-0)
(No: BRAVO, GUTIERREZ, HERNANDEZ A)

Committee on Transportation & Infrastructure

Chairman: David L. Cook, LD 7

Vice Chairman: Teresa Martinez, LD 16

Analyst: Jeremy Bassham

Intern:

Brianna Masel

[SB 1097](#)_(BSI) truck routes; designation
SPONSOR: CARROLL, LD 28
TI 3/16/2023 DP (10-1-0-0)
(No: SUN)

[SB 1098](#)_(BSI) truck routes; signage
SPONSOR: CARROLL, LD 28
TI 3/22/2023 DP (6-5-0-0)
(No: CONTRERAS P, HERNANDEZ C, SEAMAN, SUN, TSOSIE)

[SB 1100](#)_(BSI) all-terrain vehicles; definition
SPONSOR: CARROLL, LD 28
TI 3/22/2023 DP (7-3-1-0)
(No: CONTRERAS P, SEAMAN, SUN Present: CARTER)

[SB 1101](#)_(BSI) ADOT; authorized third parties; CDLs
(TI S/E: authorized third parties; ADOT)
SPONSOR: CARROLL, LD 28
TI 3/16/2023 DPA/SE (11-0-0-0)

[SB 1246](#)_(BSI) electronic certificates of title
(TI S/E: election; transportation tax; Maricopa County)
SPONSOR: FARNSWORTH, LD 10
TI 3/16/2023 DPA/SE (7-4-0-0)
(No: CONTRERAS P, MARTINEZ, SEAMAN, SUN)

[SB 1313](#)_(BSI) general plan; transportation; independent study
SPONSOR: HOFFMAN, LD 15
TI 3/16/2023 DP (6-5-0-0)
(No: CONTRERAS P, HERNANDEZ C, SEAMAN, SUN, TSOSIE)

[SB 1314](#)_(BSI) transportation system performance; ADOT
SPONSOR: HOFFMAN, LD 15
TI 3/16/2023 DP (6-5-0-0)
(No: CONTRERAS P, HERNANDEZ C, SEAMAN, SUN, TSOSIE)

[SB 1658](#)_(BSI) critical infrastructure; prohibited agreements
SPONSOR: ROGERS, LD 7
TI 3/16/2023 DP (8-3-0-0)
(No: CONTRERAS P, SUN, TSOSIE)

Committee on Ways & Means

Chairman: Neal Carter, LD 15

Vice Chairman: Justin Heap, LD 10

Analyst: Vince Perez

Intern: Ashton Allen

[SB 1260](#)_(BSI) small businesses; income tax; rate
SPONSOR: MESNARD, LD 13
WM 3/15/2023 DP (7-3-0-0)
(No: BLATTMAN, QUIÑONEZ, SANDOVAL)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: APPROP DP 9-0-1-0 | 3rd Read 28-0-2-0

House: APPROP DP 14-0-0-1

SB 1007: nuclear emergency management; appropriations; assessments
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview

Appropriates \$2,434,868 in FY 2024 and \$2,484,600 FY 2025 from the Nuclear Emergency Management Fund (Fund).

History

Every two years after receiving a recommendation, the Legislature levies and appropriates an amount necessary to support the off-site response plans for an emergency at a commercial nuclear generating station. The Legislature assess this amount to each entity that constructs and operates a commercial nuclear generating station ([A.R.S. § 26-306.01](#)).

The Fund is non-lapsing and is distributed to the Division of Emergency Management of the Department of Emergency and Military Affairs (Division) and the Arizona Department of Agriculture (ADA). Any remaining unexpended monies revert to the Fund and reduce future appropriations and assessments ([A.R.S. § 26-306.02](#)).

Provisions

1. Appropriates \$2,434,868 in FY 2024 and \$2,484,600 in FY 2025 from the Fund as follows:
 - a) \$1,160,764 and 8.5 full-time equivalent (FTE) positions in FY 2024 and \$1,185,598 and 8.5 FTE positions in FY 2025 to the Division;
 - b) \$321,319 and 2.88 FTE positions in FY 2024 and \$308,569 and 2.88 FTE positions in FY 2025 to ADA for programs relating to off-site nuclear emergency response plans;
 - c) \$862,785 in FY 2024 and \$900,433 in FY 2025 to departments and agencies in Maricopa County that are assigned responsibilities under the Off-site Nuclear Emergency Response Plan (Plan); and
 - d) \$90,000 in both FY 2024 and FY 2025 to departments and agencies in the City of Buckeye that are assigned responsibilities under the Plan. (Sec. 1)
2. Assesses \$2,434,868 in FY 2024 and \$2,484,600 in FY 2025 with applicable interest, to each entity that constructs and operates a commercial nuclear generating station. (Sec. 2)
3. Contains an emergency clause. (Sec. 3)

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: APPROP DP 10-0-0-0 | 3rd Read 28-0-2-0

House: APPROP DP 14-0-0-1

SB 1134: appropriations; named claimants

Sponsor: Senator Kavanagh, LD 3

Caucus & COW

Overview

Appropriates \$169,995.69 from the state General Fund (GF) and \$57,408.72 from other funds for the payment of claims against state agencies.

History

The Arizona Department of Administration (ADOA) has limited authority to approve payments of claims that are made outside of the fiscal year they were incurred. If a claim meets the following criteria, ADOA must submit a request to the Legislature to appropriate monies to pay the claim:

- 1) The claim is greater than \$300;
- 2) The claim is more than one fiscal year old but less than four fiscal years old; and
- 3) The budget unit reverted enough money to pay for the claim ([A.R.S. § 35-191](#)).

Provisions

1. Appropriates the following amounts in FY 2023 for the payment of specified claims:
 - a) \$4,712.75 from the Risk Management Revolving Fund to ADOA;
 - b) \$1,155.22 from the Acupuncture Board of Examiners Fund to the Acupuncture Board of Examiners;
 - c) \$169,301.84 from the GF to the Department of Corrections;
 - d) \$7,848.08 from the State Highway Fund to the Department of Transportation (ADOT);
 - e) \$1,463.04 from the Department Fleet Operations Fund to ADOT;
 - f) \$693.85 from the GF to the State Board of Equalization;
 - g) \$872.03 from the Board of Homeopathic and Integrated Medicine Examiners' Fund to the Board of Homeopathic and Integrated Medicine Examiners;
 - h) \$1,100.00 from the Administrative Fund to the Industrial Commission of Arizona;
 - i) \$23,086.95 from the Arizona Medical Board Fund to the Arizona Medical Board;
 - j) \$1,407.66 from the Naturopathic Physicians Medical Board Fund to the Naturopathic Physicians Medical Board;
 - k) \$2,753.02 from the Nursing Care Institution Administrators' Licensing and Assisted Living Facility Managers' Certification Fund to the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers;
 - l) \$1,804.03 from the Board of Optometry Fund to the State Board of Optometry;
 - m) \$1,114.33 from the Personnel Division Fund to the State Personnel Board;
 - n) \$3,431.81 from the State Board for Private Postsecondary Education Fund to the State Board for Private Postsecondary Education;
 - o) \$2,367.04 from the Board of Psychologist Examiners Fund to the State Board of Psychologist Examiners; and
 - p) \$4,292.76 from the Veterinary Medical Examining Board Fund to the Arizona State Veterinary Medical Examiners Board. (Sec. 1)

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: COM DP 4-3-0-0 | 3rd Read 16-14-0-0

House: COM DP 6-4-0-0

SB 1167: unemployment insurance; benefit amounts; definition

Sponsor: Senator Kaiser, LD 2

Caucus & COW

Overview

Changes the duration of unemployment benefits for which an individual may receive during a benefit year.

History

Individuals awarded unemployment insurance benefits are entitled to receive a weekly benefit in an amount equal to 4% of the total wages for insured work paid in the highest quarter of their base period. The base period is the first four of the last five completed calendar quarters immediately preceding the first day of their benefit year. The weekly benefit amount is statutorily capped at \$320 ([A.R.S. § 23-779](#)).

The duration of benefits is based on the unemployment rate in the prior calendar quarter, which is the average of the seasonally adjusted unemployment rates for the three months of the most recently published calendar year quarter as published by the Office of Economic Opportunity. If the prior calendar quarter unemployment rate is less than 5% the duration of benefits is 24 weeks. If the prior calendar quarter unemployment rate is 5% or more the duration of benefits is 26 weeks ([A.R.S. § 23-780](#)).

According to the Office of Economic Opportunity, Arizona's [unemployment rate](#) (January 2023 – Seasonally Adjusted) is 3.8%.

Provisions

1. Establishes a duration schedule for which an individual receives unemployment benefits based on incremental changes in the unemployment rate in the prior calendar quarter (UR):
 - a) 12 weeks, if the UR is 5% or less;
 - b) 13 weeks, if the UR is more than 5% but not more than 5.5%;
 - c) 14 weeks, if the UR is more than 5.5% but not more than 6%;
 - d) 15 weeks, if the UR is more than 6% but not more than 6.5%;
 - e) 16 weeks, if the UR is more than 6.5% but not more than 7%;
 - f) 17 weeks, if the UR is more than 7% but not more than 7.5%;
 - g) 18 weeks, if the UR is more than 7.5% but not more than 8%;
 - h) 19 weeks, if the UR is more than 8% but not more than 8.5%; and
 - i) 20 weeks, if the UR is more than 8.5%. (Sec. 1)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: COM DPA/SE 6-0-1-0 | 3rd Read 21-8-1-0

House: COM DP 7-1-1-1

SB 1188: regulation; permissible consumer fireworks

Sponsor: Senator Mesnard, LD 13

Caucus & COW

Overview

Changes the days in which a local governing body may prohibit the use of permissible consumer fireworks.

History

Current statute provides a state preemption on the regulation of the sale and use of permissible consumer fireworks. However, permits a local governing body, to a certain extent based on county population, to regulate and prohibit the sale and use of permissible consumer fireworks. Specifically, a local governing body, regardless of county population, may: 1) prohibit the use of permissible consumer fireworks on days other than June 24 through July 6 and December 24 through January 3; and 2) prohibit on all days the use of fireworks within a one-mile radius of the border of preservation lands. A local governing body in a county with a population of more than 500,000 may prohibit the use of permissible consumer fireworks except during the second and third days of Diwali of each year.

The dates on the use of permissible consumer fireworks, along with permissible fireworks and age requirements to buy fireworks, must be outlined and posted by retailers selling consumer fireworks ([A.R.S. § 36-1606](#)).

[Diwali](#), also known as new moon day, is a five day-long festival that is observed on the 15th day of the 8th month on India's calendar. While the date of Diwali changes every year, it typically falls between October and November.

Permissible consumer fireworks are the following types of fireworks as defined by the American Pyrotechnics Association (APA): 1) ground and handheld sparkling devices; 2) cylindrical fountains; 3) cone fountains; 4) illuminating torches; 5) wheels; 6) ground spinners; 7) flitter sparklers; 8) toy smoke devices; 9) wire sparklers or dipped sticks; and 10) multiple tube ground and handheld sparkling devices, cylindrical fountains, cone fountains and illuminating torches manufactured to the APA's standards ([A.R.S. § 36-1601](#)).

Provisions

1. Modifies the time frame in which a local governing body cannot prohibit the use of permissible consumer fireworks from between December 24 through January 3 to between December 26 through January 4. (Sec. 1)
2. Makes a technical and conforming change. (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
--	--	---	--------------------------------------



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: COM DPA 4-3-0-0 | 3rd Read 18-12-0-0

House: COM DP 6-4-0-0

SB 1210: funeral services; DHS; advisory committee **Sponsor: Senator Kaiser, LD 2** **Caucus & COW**

Overview

Eliminates the State Board of Funeral Directors and Embalmers (Funeral Board) and transfers the powers and duties of the Funeral Board to the Department of Health Services (DHS).

History

Arizona State Board of Funeral Directors and Embalmers

The Funeral Board oversees individuals and businesses engaged in the final disposition of human remains. The Funeral Board regulates the funeral industry through the licensing and registration of funeral establishments and directors, embalmers, prearranged funeral salespersons, alkaline hydrolysis facilities and operators, crematories and cremators. The Funeral Board is responsible for conducting inspections and investigating and adjudicating complaints ([Title 32, Chapter 12, A.R.S.](#)).

Sunset Review Process

The sunset review process provides a system for the Legislature to evaluate the need to continue the existence of state agencies which are reviewed by a legislative committee of reference (COR). The COR is required to hold a public hearing, receive testimony from agency officials and the public and consider certain sunset factors in determining whether to recommend continuing, consolidating or terminating the agency ([A.R.S 41-2954](#)).

The Senate Commerce and House Commerce COR held a public meeting on January 10, 2023 and recommended that the Legislature terminate the Funeral Board and that the powers and duties of the Funeral Board be transferred to DHS.

Provisions

Transfer of Authority and Monies

1. Eliminates the Funeral Board and transfers the authority, powers, duties and responsibilities of the Funeral Board to DHS. (Sec. 6, 7, 8, 81, 83, 84)
2. Removes the requirement to adopt a seal and appoint citizen advisory committees. (Sec. 8)
3. Stipulates that:
 - a) the transfer does not alter the effect of any actions that were taken or impair the valid obligations of the Funeral Board before the effective date of this Act;
 - b) administrative rules and orders that were adopted by the Funeral Board continue in effect until superseded by DHS administrative action;
 - c) all administrative matters, contracts and judicial and quasi-judicial actions, whether completed, pending or in process, of the Funeral Board on the effective date are transferred to and retain the same status with DHS;
 - d) all certificates, licenses, registrations, permits and other indicia of qualification and authority that were issued by the Funeral Board retain their validity for the duration of the term of validity as provided by law;
 - e) all equipment, records, furnishings and other property, all data and investigative findings, all obligations and all appropriated monies of the Funeral Board that remain unexpended and unencumbered on the effective date are transferred to DHS; and

<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
--	--	---	--------------------------------------

- f) all personnel who are under the state personnel system and employed by the Funeral Board are transferred to comparable positions and pay classifications in the respective administrative units of DHS on the effective date. (Sec. 83)

Funeral Directors Fund

4. Establishes the Funeral Directors Fund consisting of fees and other monies collected pursuant to funeral services statutes. (Sec. 10)
5. Requires DHS to administer the Funeral Directors Fund and to use monies, subject to legislative appropriation, to implement and enforce funeral services statutes. (Sec. 10)
6. Instructs the State Treasurer, on notice from DHS, to invest and divest monies in the Funeral Directors Fund and to credit earned monies to the fund. (Sec. 10)
7. Eliminates the Funeral Board Fund and transfers unexpended and unencumbered monies to the Funeral Directors Fund. (Sec. 9)

Advisory Committee

8. Establishes an advisory committee to collaborate with and assist the Director of DHS in performing the duties in regulating funeral services. (Sec. 6)
9. Specifies the advisory committee consists of seven governor-appointed members who are confirmed by the Senate and who serve at the pleasure of governor for staggered four-year terms. (Sec. 6)
10. Instructs the Governor to appoint a member of the unexpired portion of a term to fill a vacancy. (Sec. 6)
11. Outlines the membership of the advisory committee. (Sec. 6)
12. Prohibits members from receiving compensation. (Sec. 6)
13. Asserts members must be reimbursed for subsistence expenses and travel expenses. (Sec. 6)
14. Requires a chairman to be annually selected from the members. (Sec. 6)
15. Requires the advisory committee to hold bi-annual meetings at a time and place designated by chairperson and at the Director of DHS's request. (Sec. 6)
16. Instructs the advisory committee to:
 - a) provide the Director of DHS with recommendations as deemed necessary and beneficial to the best interests of the public; and
 - b) provide recommendations on specific questions or proposals as the committee deems necessary or as requested by the Director of DHS. (Sec. 6)
17. Requires the advisory committee to annually provide an evaluation of the performance of the Director of DHS and DHS regarding enforcement and administration of funeral services statutes to the Governor. (Sec. 6)

Funeral Services

18. Eliminates certain requirements and fees associated with the licensing or registering of an assistant funeral director, an embalmer's assistant, intern, intern trainee, and prearranged funeral salesperson. (Sec. 11, 15, 16, 25, 26)
19. Modifies the qualifications for an embalmer license and a funeral director license. (Sec. 15)
20. Adds that a person who holds an inactive alkaline hydrolysis license cannot practice alkaline hydrolysis unless there is another licensed alkaline hydrolysis operator who is operating or supervising the facility. (Sec. 27, 35)

21. Reduces the cap on the number of continuing education hours required each year from 16 to 6. (Sec. 31)
22. Permits an unlicensed person to practice as an alkaline hydrolysis operator if the alkaline hydrolysis facility is operated or supervised by a licensed funeral director or another person who is a licensed alkaline hydrolysis operator. (Sec. 34, 35)
23. Specifies only licensed embalmers may embalm a dead human body, except that *another person*, rather than only a licensed intern or student, may embalm a body under the director supervision of a licensed embalmer. (Sec. 39)
24. Requires each licensed funeral establishment, crematory or alkaline hydrolysis facility to be operated or supervised by a licensed funeral director, except:
 - a) a crematory may be operated or supervised by a licensed cremationist; and
 - b) an alkaline hydrolysis facility may be operated or supervised by a licensed alkaline hydrolysis operator. (Sec. 40)
25. Permits DHS to impose probationary terms as necessary to protect the public health, safety and welfare and to rehabilitate or educate a licensee. (Sec. 43)
26. Instructs DHS, rather than the Funeral Board, to enter into an intergovernmental agreement with the Department of Insurance and Financial Institutions to examine and report on prearranged funeral trust accounts. (Sec. 61, 63)
27. Requires a person affiliated with the funeral establishment, rather than a prearranged funeral salesperson, to present the price list to the consumer. (Sec. 62)

Miscellaneous

28. Defines *department* and *director*. (Sec. 4)
29. Removes the definition of *board*, *embalmer's assistant*, *good moral character*, *intern*, *intern trainee* and *registration*. (Sec. 4)
30. Modifies the definition of *licensee*, *state equivalent examination* and *unprofessional conduct*. (Sec. 4)
31. Removes from the definition of *license* an intern or an alkaline hydrolysis operator. (Sec. 4)
32. Redefines *supervise* or *supervision* to mean that a licensed embalmer has responsibility for and is within sight and sound of a *person*, rather than a *licensed intern* or a *student*, who is embalming a dead body or assisting in the embalming of a dead body. (Sec. 4)
33. Repeals statutes relating to an intern trainee, assistant funeral directors and embalmer's assistants, annual intern or embalmer's assistant report, embalming by colleges students and registration of prearranged funeral salesperson. (Sec. 17, 19, 24, 30, 68)
34. Clarifies the passing score that must be achieved from specified exams must be in accordance with the standards of the international conference of funeral service examining boards. (Sec. 21)
35. Makes technical and conforming changes. (Sec. 1-5, 8, 11-14, 16, 18, 20-23, 26-29, 31-38, 41-67, 69-80, 82)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: COM DPA 6-0-1-0 | 3rd Read 26-4-0-0

House: COM DP 7-3-0-0

SB 1718: private activity bonding **Sponsor: Senator Kaiser, LD 2** **Caucus & COW**

Overview

Makes changes to requirements and allocation percentages of the state ceiling for private activity bonds.

History

The [Internal Revenue Code](#) (IRC) permits certain bonds to be issued as a tax-exempt bond if the bond meets the federal requirements as a qualified private activity bond. States are limited to a maximum amount of qualified private activity bonds that can be issued on an annual basis which is based on the state's population. The amount allocated to a state is called the *state ceiling*. The amount of the state ceiling is then allocated among the issuing authorities within a state, which is referred to as the issuing authority's volume cap.

The Arizona Finance Authority (AFA) is charged with allocating the state ceiling for private activity bonds. The AFA must issue state ceiling confirmations on a first-come first-served basis within enumerated project categories in accordance with set allocation percentages. The allocation percentages of the state ceiling are set at:

- 1) 30% to projects that are designated at the sole discretion of the AFA Director;
- 2) 35% to qualified mortgage revenue bonds and qualified mortgage credit certificate programs, excluding such bonds and programs for home improvement and rehabilitation;
- 3) 15% to qualified residential rental projects as described in the IRC;
- 4) 5% to qualified student loan projects;
- 5) 5% to manufacturing projects; and
- 6) 10% to all other financeable projects that are not described or provided for in the previous allocations ([A.R.S. § 35-902](#)).

According to the AFA, the 2023 Volume Cap is \$883,103,640, as divided into the allocation categories:

- 1) 30% - \$264,931,092 - Director's Discretion;
- 2) 35% - \$309,086,274 - Mortgage Revenue Bonds and Mortgage Credit Certificates;
- 3) 15% - \$132,465,546 - Residential Rental;
- 4) 5% - \$ 44,155,182 - Student Loan Projects;
- 5) 5% - \$ 44,155,182 - Manufacturing Projects; and
- 6) 10% - \$ 88,310,364 - Other.

[\(AFA Private Activity Bond Volume Cap\)](#)

Provisions

1. Modifies the allocation of the state ceiling for private activity bonds as follows:
 - a) decreases, from 30% to 20%, to projects designated at the sole discretion of the Director (Director of AFA);
 - b) decreases, from 35% to 30%, to qualified mortgage revenue bonds and qualified mortgage credit certificate programs, excluding bonds and programs for home improvement and rehabilitation;
 - c) increases, from 15% to 40%, to qualified residential rental projects;
 - d) maintains the 5% to manufacturing projects; and

<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
--	--	---	--------------------------------------

- e) decreases, from 10% to 5%, to qualified student loan projects and other financeable projects that are not described or provided for in the previous allocations. (Sec. 1)
- 2. Adds that state ceiling confirmation requests are subject to the requirement to have all received requests dated and numbered by lot for determining issuance order in the event of an oversubscription. (Sec. 1)
- 3. Clarifies that the allocation to qualified residential rental projects are projects that meet the median gross income requirement as described in the IRC. (Sec. 1)
- 4. Excludes qualified residential rental projects confirmation requests from the requirement that the confirmation expires if not issued by 5 P.M. on March 31. (Sec. 1)
- 5. Eliminates the prohibition for a bond issuer to transfer or assign its rights to an allocation of the state ceiling from one project to another or from itself to another issuer. (Sec. 1)
- 6. Stipulates that, beginning on the effective date of this Act until August 31, 2030, annually from March 31 through August 31:
 - a) 70% of the remaining state ceiling is allocated to qualified mortgages revenue bonds, qualified mortgage credit certificate programs and qualified residential rental projects; and
 - b) a confirmation cannot be allocated to qualified mortgage revenue bonds or qualified mortgage credit certificate programs that exceeds \$35,000,000. (Sec.1)
- 7. Clarifies that a confirmation request is deemed to be filed with the AFA at 5 P.M. on the *business* day the request is actually received at the AFA, *whether by mail or email*. (Sec. 2)
- 8. Requires the Director to issue, rather than *attempt to issue*, confirmations within three business days after receipt. (Sec. 2)
- 9. Prohibits a state ceiling confirmation for an allocation to a project in an amount greater than \$35,000,000, unless otherwise provided, before August 31, rather than before December 17. (Sec. 3)
- 10. Clarifies the notice of intent regarding obtaining and issuing a confirmation after 5 P.M. December 16 must be *dated, numbered and received* before 5 P.M. on December 15. (Sec. 4)
- 11. Adds that any portions of the state ceiling for which bonds have not been *carried forward* must be allocated by the Director. (Sec. 4)
- 12. Permits an issuer, on written notice to the AFA, to reallocate all or a portion of any carryforward allocation within the same carryforward purpose. (Sec. 4)
- 13. Requires a reallocation to be consistent with state and federal law. (Sec. 4)
- 14. Specifies that a reallocation does not increase the aggregate amount of the original carryforward allocation to which the reallocation relates or extend the term of the original carryforward allocation during which the bond must be issued. (Sec. 4)
- 15. Asserts the reallocation of carryforward allocation by an issuer will not result in a refund of any security deposit previously received by the AFA on account of the original carryforward allocation. (Sec. 4)
- 16. Makes technical changes. (Sec. 1-4)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: ED DP 7-0-0-0 | 3rd Read 30-0-0-0

House: ED DP 8-1-0-1

SB 1179: ABOR; reporting requirements; revisions

Sponsor: Senator Bennett, LD 1

Caucus & COW

Overview

Modifies several reporting requirements for the public universities and the Arizona Board of Regents (ABOR).

History

Statute details full-time equivalent student enrollment reporting and auditing requirements for the public universities, ABOR and the Auditor General. Currently, basic actual full-time equivalent student enrollment for each public university is counted on the 45th day after classes begin in the fall and spring semesters. Consequently, class rosters must reflect enrollment and withdrawals as of the 45th day. Additionally, the undergraduate credit hour threshold is based on the actual full-time equivalent student enrollment counted on the 45th day of every fall and spring semester. By October 15th annually, ABOR must report the number of in-state and out-of-state students who were enrolled in the public universities and who met or exceeded the undergraduate credit threshold to the Joint Legislative Budget Committee (JLBC) (A.R.S. §§ [15-1626](#), [15-1661](#)).

The Technology and Research Initiative Fund (TRIF) is administered by ABOR. TRIF monies may be used to provide grants for public university technology and research initiatives and outlined capital projects. By September 1st annually, ABOR must submit a report detailing the new and existing awards funded through TRIF ([A.R.S. § 15-1648](#)).

The public universities must admit a student who: 1) is younger than 18 years old; 2) has not yet attained a high school diploma or equivalent; 3) meets course requirements; and 4) achieves a specified score on a college entrance exam. ABOR must annually submit a report that describes how many of these students were admitted, as well as a general narrative of the types of courses or programs in which these students were enrolled. The public universities must submit to ABOR the information necessary to compile this report ([A.R.S. § 15-1821](#)).

Provisions

1. Modifies ABOR's report to JLBC on the number of in-state and out-of-state students enrolled during the previous fiscal year by:
 - a) requiring the report to be submitted by December 1st, rather than October 15th; and
 - b) replacing the requirement that the report include the number of students who met or exceeded the undergraduate credit hour threshold with the specification that the report include the number of students enrolled in the most recent fall semester, disaggregated by geographic site. (Sec. 1)
2. Mandates each public university's basic actual full-time equivalent student enrollment be counted on the 21st, rather than 45th, day of the fall and spring semesters. (Sec. 3)
3. Requires class rosters to reflect enrollment and withdrawals as of the 21st, rather than 45th, day. (Sec. 3)
4. Changes the date by which ABOR must annually submit the TRIF report from September 1st to October 1st. (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
--	--	---	--------------------------------------

5. Deletes the requirement that:
 - a) ABOR annually submit a report on students younger than 18 years old who had not yet attained a high school diploma or equivalent and were enrolled in a university course or program for university credit; and
 - b) the public universities annually submit to ABOR the information necessary to compile this report. (Sec. 4)
6. Makes technical and conforming changes. (Sec. 1, 2, 3, 4)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: GOV DPA 5-2-1-0 | 3rd Read 16-13-1-0

House: GOV DP 5-4-0-0

SB 1006: municipal notices and ordinances; posting
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview

Modifies notices and ordinances publishing requirements for municipalities.

History

Currently, notices of election, invitations for bids, notices of letting contracts, laws and ordinances, and other notices of a public character issued by the authority of the governing body of any city or town, are published in one of the following:

- 1) a newspaper that is printed and published within the city or town; or
- 2) a newspaper printed and published within the county in which the city or town is located with a greater circulation to residents of the city or town ([A.R.S. § 9-812](#)).

Provisions

1. Exempts municipalities' exhibits from publishing requirements if the words "exhibits on file at" and the location they can be found at, are on the bottom of the adopting ordinance. (Sec. 1)
2. Allows a city or town located in a county with a population of 4,000,000 or more to post the stated notices on the city's or town's website. (Sec. 2)
3. Mandates that the notices include a link to all current notices and ordinances. (Sec. 2)
4. Makes technical and conforming 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
--	--	---	--------------------------------------



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: GOV DPA 5-3-0-0 | 3rd Read 16-13-1-0

House: GOV DPA 5-4-0-0

SB 1026: state monies; drag shows; minors
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview

Outlines restrictions for Arizona tax monies, federal passthrough monies or any other state monies (Monies) regarding drag shows targeting minors (Drag Shows).

History

The state General Fund (GF) consists of all monies received into the state treasury except for money designated by law for other statutory funds. Expenses paid from the state GF must be authorized in an appropriation by the Legislature ([A.R.S. § 35-141](#)).

The State Treasurer is responsible for the safekeeping of all securities for which the State Treasurer is the lawful custodian. The State Treasurer invests state monies and operates the Local Government Investment Pool for the benefit of participating local government units ([A.R.S. § 35-314](#)).

ADOA prescribes all budget units in an accounting system designed to ensure compliance with all legal and constitutional requirements, including those receiving, spending and accounting for public monies ([A.R.S. § 35-131](#)).

Provisions

1. Prohibits Monies from being used by any person or entity, including any state-funded institution or facility (Entities) for a Drag Show. (Sec. 1)
2. Prohibits Monies from being distributed to any person or Entities for a Drag Show. (Sec. 1)
3. Stipulates that the State of Arizona and a city, town, county school district or other public body may not receive or expend private monies for a Drag Show. (Sec. 1)
4. States a person or entity convicted of violating drag show restrictions may not receive or spend any state monies for 36 months after conviction. (Sec. 2)
5. Defines *Drag Show Targeting Minors*. (Sec. 1)

Amendments

Committee on Government

1. Modifies the definition of a *Drag Show Targeting Minors* to specify the definition includes only adult performers.

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: JUD DP 6-1-0-0 | 3rd Read 19-9-2-0

House: GOV DPA 9-0-0-0

SB 1110: recorded documents; property; notification
Sponsor: Senator Rogers, LD 7
Caucus & COW

Overview

Requires the County Recorder to provide a voluntary notification system for property owners on documents recorded against their property.

History

The recorder has custody of and keeps all records, maps and papers deposited in the recorder's office ([A.R.S. § 11-461](#)).

The recorder must file and record with the record of deeds, grants and transfers, certified copies of final judgments partitioning or affecting the title to or possession of real property, for which any part of that property is located in the county ([A.R.S. § 11-466](#)).

All books of record and indices in the recorder's office, and all instruments and papers on file must be open for inspection by any person during office hours. This inspection is free. The recorder must arrange the stated documents in suitable places to facilitate their inspection ([A.R.S. § 11-473](#)).

Provisions

1. Mandates that the County Recorder provides a system, before January 1, 2024, that notifies property owners that a document was recorded against their property. (Sec. 1)
2. Stipulates this system is voluntary for the property owners. (Sec. 1)
3. Asserts the notice must be made promptly by email, text message or other similar means. (Sec. 1)

Amendments

Committee on Government

1. Changes property owners to persons or entities.
2. Changes that the system will notify persons or entities that are named parties to the instruments.
3. Allows a person or entity to choose to participate in the stated notification system.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input checked="" type="checkbox"/> Fiscal Note
--	--	---	---



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: GOV DP 5-3-0-0 | 3rd Read 16-12-2-0

House: GOV DP 5-3-0-1

SB 1139: government investments; products; fiduciaries; plans
Sponsor: Senator Hoffman, LD 15
Caucus & COW

Overview

Outlines requirements for the State Treasurer and prescribes a fiduciary and other government entities' responsibilities and duties concerning a plan.

History

The [Office of the State Treasurer](#) is responsible for the banking and investment management duties for the State of Arizona, provides investment services to local governments and exclusively manages the Permanent Land Endowment.

Currently, statute outlines the State Treasurer is responsible for the safekeeping of all securities acquired by him and those for which he is the lawful custodian. The State Treasurer can also agree with investment managers to invest treasury monies or with advisors to recommend investment strategies or tactics for the investment of treasury monies, including legal advisors and software to assist with the analysis, tracking and trading of securities. Investment managers are required to regularly account for, itemize and inventory all securities and report the findings to the State Treasurer at least monthly or on demand (A.R.S. §§ [35-317](#) and [33-318](#)).

Provisions

State Treasurer

1. Requires the State Treasurer to post a current list of state investments by name and investment managers on the State Treasurer's website and update any changes within a reasonable period of time. (Sec. 1)
2. Mandates that all state investments are to be made in the sole interest of the taxpayers. (Sec. 1)
3. Stipulates that the State Treasurer's evaluation of an investment must be based on pecuniary factors and must not take unnecessary investment risks or promote nonpecuniary benefits or other nonpecuniary social goals. (Sec. 1)

Fiduciary

4. Requires a fiduciary to carry out its duties concerning a plan solely in the interest of the participants and beneficiaries of the plan for the exclusive purpose of providing pecuniary benefits to the participants and their beneficiaries, while defraying reasonable expenses of administering the plan and earning a return on the investment. (Sec. 2)
5. Directs a fiduciary to only consider pecuniary factors when evaluating an investment or carrying out its duties concerning a plan. (Sec. 2)
6. Prohibits a fiduciary from considering nonpecuniary or other factors when evaluating an investment. (Sec. 2)

Government Entities

7. Clarifies that only the governmental entity that establishes or maintains a plan can vote for the shares held by the plan. (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
--	--	---	--------------------------------------

8. Prohibits a governmental entity from granting proxy voting authority to any person who is not a part of the governmental entity unless that person follows established guidelines. (Sec. 2)
9. Asserts that the shares held directly or indirectly by a plan must be voted only in the pecuniary interest of the plan. (Sec. 2)
10. States shares may not be voted to further nonpecuniary, environmental, social, political, ideological or other benefits or goals. (Sec. 2)
11. Restricts a plan from entrusting any plan assets to a fiduciary who has a practice of:
 - a) Engaging with, or commits to engage with, a company based on nonpecuniary factors; and
 - b) Voting shares based on nonpecuniary factors. (Sec. 2)
12. Prohibits a fiduciary from following the recommendations of a proxy advisory firm or another service provider unless their voting guidelines are consistent with the fiduciary's obligation to only consider pecuniary factors. (Sec.2)
13. Defines the following terms:
 - a) *Fiduciary*;
 - b) *Nonpecuniary factor*;
 - c) *Pecuniary factor*; and
 - d) *Plan*. (Sec. 2)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: GOV DPA 5-3-0-0 | 3rd Read 16-14-0-0

House: GOV DPA 5-4-0-0

SB 1255: regulatory costs; rulemaking; ratification **Sponsor: Senator Kern, LD 27** **Caucus & COW**

Overview

Requires a proposed rule (Rule) that will increase regulatory costs by over \$500,000 within five years after implementation to be ratified by the Legislature.

History

The Administrative Procedures Act provides procedures for agency rulemaking and for appealing agency decisions. Specifically, [Title 41, Chapter 6, Article 3](#) outlines the statutory requirements for state agencies regarding rulemaking authority. These requirements are designed to ensure adequate public participation in the rulemaking process.

The Administrative Rules Oversight Committee (Committee) was established to have oversight over any rules except those rules exempt by A.R.S. § 41-1005. The committee can review any proposed or final rule, expedited rule or agency practice alleged to constitute a rule or substantive policy statement for conformity with statute and legislative intent. (A.R.S. §§ [41-1046](#), [41-1047](#) and [41-1048](#)).

Provisions

1. States that if a Rule is estimated to increase regulatory costs, over \$500,000 within five years after implementation, the Rule may not become effective until the Legislature enacts legislation to ratify the Rule. (Sec. 1)
2. Requires an agency, no later than 30 days before the next regular legislative session, to submit the Rule to the Committee, and instructs the Committee to submit the proposed rule to the Legislature as soon as practicable. (Sec. 1)
3. Allows any Legislator to introduce legislation to ratify the proposed rule. (Sec. 1)
4. Specifies the Rule is exempt from the 120-day time limit for an agency to submit the rule to the Governor's Regulatory Review Council or terminate the proceedings. (Sec 1)
5. Restricts an agency from filing a final rule with the SOS before obtaining Legislative approval of the rule. (Sec. 1)
6. Directs the agency to terminate the proposed rulemaking if the Legislature does not enact legislation to ratify the Rule during the current legislative session. (Sec. 1)
7. Stipulates the legislative ratification of a Rule does not apply to emergency rules. (Sec. 1)
8. Asserts an applicable Rule, beginning on the effective date, is void and unenforceable unless it is adopted through legislative ratification. (Sec. 1)

Amendments

Committee on Government

1. Exempts the Corporation Commission.

<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
--	--	---	--------------------------------------



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: ELEC DP 5-3-0-0 | 3rd Read 16-14-0-0

House: GOV DP 6-3-0-0

SB 1455: office vacancy; discharge of duties **Sponsor: Senator Shope, LD 16** **Caucus & COW**

Overview

Modifies time frames in which an office is deemed vacant.

History

Under current law, an office held by an elected, appointed or contracted officer, before the expiration of a term of office, is considered vacant from and after:

- 1) the officer's death;
- 2) the officer is judicially determined to be insane;
- 3) the officer's resignation and the lawful acceptance of the resignation;
- 4) the officer's removal from office, board or commission;
- 5) the officer ceases to be a resident of the state, district, county, city, town or precinct;
- 6) the officer's absence from the state for a period of three consecutive months without permission of the Legislature;
- 7) the officer ceases to discharge the duties of the office for the period of three consecutive months;
- 8) the officer's conviction of a felony or an offense involving a violation of their official duties;
- 9) the officer's failure to file their official oath within the time prescribed by law;
- 10) a decision of a competent tribunal declaring void the election or appointment of the officer elected or appointed to the office;
- 11) failure of an officer to be elected or appointed to the office; and
- 12) the incumbent officer offers themselves for nomination or election to any salaried local, state or federal office ([A.R.S. § 38-291](#)).

However, statute does note that if a person serving in an elective office receives an order for active military duty for at least three months but less than the remainder of the officer's term, the office may be temporarily vacated. A temporary replacement may be appointed and serve until the person returns from active military duty or until the expiration of the person's term of office ([A.R.S. § 38-300](#)).

Provisions

1. Decreases the consecutive amount of time a public officer may cease duties before the office is deemed vacant from 3 months to 45 days, except for Legislative members. (Sec. 1)
2. Modifies the consecutive amount of time an office is deemed vacant for a public officer that receives orders for active military duty from 3 months to 45 days. (Sec. 2)
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
--	--	---	--------------------------------------



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: GOV DP 5-3-0-0 | 3rd Read 16-14-0-0

House: GOV DP 5-4-0-0

SB 1500: government investments; fiduciaries; pecuniary benefit

Sponsor: Senator Carroll, LD 28

Caucus & COW

Overview

Establishes requirements for the State Treasurer, a fiduciary and other government entities' responsibilities and duties concerning a plan.

History

The [Office of the State Treasurer](#) is responsible for the banking and investment management duties for the State of Arizona, provides investment services to local governments and exclusively manages the Permanent Land Endowment.

Currently, statute outlines the State Treasurer is responsible for the safekeeping of all securities acquired by him and those for which he is the lawful custodian. The State Treasurer can also enter into an agreement with investment managers to invest treasury monies or with advisors to recommend investment strategies or tactics for the investment of treasury monies, including legal advisors and software to assist with the analysis, tracking and trading of securities. Investment managers are required to regularly account for, itemize and inventory all securities and report the findings to the State Treasurer at least monthly or on demand (A.R.S. §§ [35-317](#) and [33-318](#)).

Provisions

State Treasurer

1. Requires the State Treasurer to post a current list, and update any changes within a reasonable time, of state investments by name and investment managers on the State Treasurer's website. (Sec. 1)
2. Stipulates that all state investments are to be made in the sole interest of the taxpayers. (Sec. 1)
3. Asserts an investment evaluation, conducted by the State Treasurer, must be based on pecuniary factors and must not promote nonpecuniary benefits or other nonpecuniary social goals or take unnecessary investment risks. (Sec. 1)

Fiduciary

4. Requires a fiduciary to carry out its duties concerning a plan solely in the interest of the participants and beneficiaries of the plan for the exclusive purpose of providing pecuniary benefits to the participants and their beneficiaries, while defraying reasonable expenses of administering the plan and earning a return on the investment. (Sec. 2)
5. Instructs a fiduciary to only consider pecuniary factors when carrying out its duties or evaluating an investment concerning a plan. (Sec. 2)
6. Restricts the fiduciary from considering nonpecuniary or other factors when evaluating an investment. (Sec. 2)

Government Entities

7. Asserts that shares held by the plan can only be voted on by a governmental entity that establishes or maintains a plan. (Sec. 2)

8. Restricts the governmental entity from granting proxy voting authority to any person who is not a part of the governmental entity unless that person follows established guidelines. (Sec. 2)
9. Stipulates the shares held directly or indirectly by a plan must be voted only in the pecuniary interest of the plan. (Sec. 2)
10. Restricts shares from being voted on to further nonpecuniary, ideological, social, environmental, political or other benefits or goals. (Sec. 2)
11. States the plan must not entrust any assets to a fiduciary who has a practice of:
 - a) Engaging with, or commits to engage with, a company based on nonpecuniary factors; and
 - b) Voting shares based on nonpecuniary factors. (Sec. 2)
12. Restricts a fiduciary from following the recommendations of a proxy advisory firm or another service provider unless their voting guidelines are consistent with the fiduciary's obligation to only consider pecuniary factors. (Sec.2)
13. Defines the following terms:
 - a) *Boycott of an energy company*;
 - b) *Fiduciary*;
 - c) *Nonpecuniary factor*;
 - d) *Pecuniary factor*, and
 - e) *Plan*. (Sec. 2)
14. Contains a legislative findings clause. (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
--	--	---	--------------------------------------



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: HHS DPA 7-0-0-0 | 3rd Read 23-7-0-0

House: HHS DP 8-1-0-0

SB 1186: foster care; children; parents; rights
Sponsor: Senator Bennett, LD 1
Caucus & COW

Overview

Applies the rights of foster care children and parents to kinship foster care children and parents and expands those rights. Prescribes the rights of parents, guardians and custodians that are under investigation for an allegation of abuse or neglect or when a child is placed in the custody of the Arizona Department of Child Safety (DCS).

History

The primary purpose of DCS is to protect children. To achieve this, DCS will do and focus equally on: 1) investigating reports of abuse and neglect; 2) assessing, promoting and supporting the safety of a child in a safe and stable family or other appropriate placement in response to allegations of abuse or neglect; 3) cooperating with law enforcement regarding reports that include allegations of criminal conduct; and 4) coordinating services to achieve and maintain permanency for the child, strengthen the family and provide prevention, intervention and treatment services without compromising the child's safety ([A.R.S. § 8-451](#)).

[Laws 2009, Chapter 159](#), the Bill of Rights for Children And Youth in Foster Care Act, grants foster care children various rights, including the right to: 1) live in a safe, healthy and comfortable placement where the child can receive reasonable protection from harm, appropriate privacy for personal needs and is treated with respect; 2) attend community, school and religious services and activities; 3) personal space in the foster home, preferably in the child's bedroom for storing clothing and belongings; 4) appropriate care and treatment in the least restrictive setting available; 5) report a violation of personal rights without fear of punishment, interference, coercion or retaliation; 6) have the child's records and personal information kept private and discussed only when it is about the child's care; and 7) understand and have a copy of the listed rights.

Additionally, [Laws 2010, Chapter 89](#), established several rights for foster care parents, including the right to: 1) be included as a valued member of the team that provides services to the foster child; 2) be informed of all information regarding the child that will impact the foster home or family during the care of the foster child; 3) be informed of all agency policies and procedures that relate to the foster parent's role as a foster parent; 4) be able to receive services and reach personnel on a 24-hour, seven days per week basis; 5) confidentiality regarding issues that arise in the foster home; 6) receive support services that assist them to care for the child; and 7) not be discriminated against on the basis of religion, race, color, creed, sex, national origin, age or physical disability.

[Laws 1995, Chapter 281](#), created the Office of the Ombudsman-Citizens Aide (OCA) to investigate the administrative acts of state agencies and annually report to the Governor, Legislature and public on its activities by January 1. The OCA has an appointed assistant to investigate complaints relating to DCS. The Ombudsman Citizens-Aide and appointed assistant have access to DCS's records and direct remote access to any automated case management system used by the agency ([A.R.S. § 41-1376](#)).

Provisions

Rights of Children in Foster Care or Kinship Foster Care

1. Applies the rights of foster care children to kinship foster care children. (Sec. 1)
2. Entitles children in foster care or kinship foster care to the following rights:

<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
--	--	---	--------------------------------------

- a) to be placed with a relative when such placement is in the best interest of the child;
 - b) to be placed with or in close proximity to the child's siblings when possible and to visit and have contact with siblings and family when it is in the best interest of the child;
 - c) to not be subject to physical discipline;
 - d) to attend extracurricular activities;
 - e) to be enrolled in the least restrictive school if remaining in the child's current school is not in the child's best interest;
 - f) to be represented by an attorney in all child-safety initiated proceedings; and
 - g) to receive medical, dental, vision and mental health services and be informed about diagnoses and treatment options as is developmentally appropriate. (Sec. 1)
3. Extends the prescribed additional rights for a foster care child to a kinship foster care child and changes the age to whom these rights apply to from 16 to 14 years old. (Sec. 1)
 4. Grants the following rights to foster or kinship foster care children who are at least 14 years of age:
 - a) to be informed of information regarding assistance and funding for postsecondary and vocational education;
 - b) to receive help obtaining credit reports as well as assistance in interpreting and resolving inaccuracies in the reports; and
 - c) to participate in or reenter extended foster care when the child is between 18 and 21 years of age. (Sec. 1)
 5. Repeals the right that a child's personal possession cannot be offensive to the foster family. (Sec. 1)
 6. Repeals the specification that a child's right to be informed of educational opportunities be provided to them only before leaving foster care. (Sec. 1)
 7. Directs DCS to provide information regarding a child's rights and assistance in understanding and enforcing these rights to each child that enters foster care, kinship foster care or when there is a change in the child's foster care plan. (Sec. 1)
 8. Requires a copy of the rights of foster care and kinship foster care children to be posted in a conspicuous place in all foster care and group homes. (Sec. 1)
 9. Permits a child or their representative, if the child believes their rights have been violated, to:
 - a) file a complaint with DCS, DCS Ombudsman or the OCA; or
 - b) notify the juvenile court in the child's ongoing dependency, severance or adoption proceeding, either orally or in writing, that the child's rights are being violated and request appropriate equitable relief. (Sec. 1)

Rights of Foster Care Parents and Kinship Foster Care Parents

10. Applies the rights of foster care parents to kinship foster care parents. (Sec. 2)
11. Entitles foster care and kinship foster care parents to the following rights:
 - a) to be included as a valued member of the team providing services to the child, including participation in meetings that involve the child's service team;
 - b) to report a violation of rights without fear of punishment, interference, coercion or retaliation; and
 - c) to be notified when a child is returning to foster care or when a child is currently placed in foster care or kinship foster care becomes available for adoption. (Sec. 2)
12. Directs DCS to provide information regarding a foster parent or kinship foster care parent's rights and assistance in understanding and enforcing these rights when a child is placed in their care or when there is a change in the child's foster care or kinship foster care plan. (Sec. 2)

Child Safety Workers

13. Adds that a child safety worker must inform a foster family of the following information:
 - a) that absent a court order, the family may deny the worker entry into the family's home;
 - b) that the family has the right to seek the advice of an attorney and have an attorney present when questioned by a worker;
 - c) that anything the person says or writes may be used in a court proceeding;

- d) that the family may refuse to sign a release of information document, consent to take a drug or alcohol test or submit to a mental health evaluation; and
 - e) the OCA email address. (Sec. 3)
14. Directs child safety workers to provide information to the family about the investigation and child safety decision-making process and document that the information has been provided and make reasonable efforts to receive written acknowledgement of its receipt. (Sec. 3)
 15. Requires child safety workers to document the reasons why their efforts to obtain written acknowledgement were unsuccessful. (Sec. 3)

Rights of Parents, Guardians or Custodians Under Investigation

16. Entitles, on initial contact with a child safety worker, parents, guardians or custodians under investigation for an allegation of abuse or neglect to the following rights:
 - a) to be informed of the specific complaint or allegation against that person and that any responses to the complaint or allegation may be used in a subsequent court proceeding;
 - b) to refuse to cooperate with the investigation or receive child safety services offered;
 - c) to deny the worker entry into the parent's, guardian's or custodian's home, unless otherwise ordered by the court;
 - d) to respond to allegations either verbally or in writing and to have this information considered in determining if the child requires child safety services;
 - e) to report a violation of these rights without fear of punishment, interference, coercion or retaliation;
 - f) to appeal determinations made by DCS;
 - g) to seek the advice of an attorney and to have an attorney present when questioned by a worker;
 - h) to refuse to sign a release of information document, consent to take a drug or alcohol test or submit to a mental health evaluation, unless otherwise ordered by the court;
 - i) to receive information about the investigation and DCS's decision-making process; and
 - j) to be informed both verbally and in writing of these rights and any parental rights under state law and to provide written acknowledgement of receipt of these rights. (Sec. 5)
17. Prohibits a child from being removed based solely on a parent's, guardian's, or custodian's refusal to cooperate with the investigation. (Sec. 5)
18. Directs child safety workers to take all lawful measures to protect the child before providing the notice of rights, if they have probable cause to believe that exigent circumstances exist that present an imminent danger to the child. (Sec. 5)

Rights of Parents, Guardians or Custodians Whose Child is in DCS Custody

19. Grants parents, guardians or custodians whose child is placed in DCS's custody, unless parental rights have been terminated, exigent circumstances exist or as otherwise ordered by the court to the following rights:
 - a) to not have the child taken into custody without DCS providing the reasons for the removal and information supporting the removal;
 - b) to the extent practicable, be immediately notified verbally or in writing that the child was taken into custody;
 - c) to receive information on the services available to the child, parent, guardian or custodian and the dependency process and timeliness;
 - d) to have an attorney present or an attorney appointed by the court to all court proceedings;
 - e) to be timely notified of the date, time and location of all hearings and to participate in all hearings;
 - f) to participate in the development of a case plan whenever possible;
 - g) to receive services if the child has been removed from the home, including services that facilitate reunification of the family;
 - h) to maintain contact with the child, unless it is determined by DCS or the court to be harmful to the child's safety or well-being;
 - i) to be consulted about the child's medical care, education and grooming; and

- j) to request that the child be returned if the court finds by a preponderance of the evidence that the return of the child would not create a substantial risk of harm to the child's physical, mental or emotional health or safety. (Sec. 5)

20. Directs DCS to provide information regarding parent's, guardian's or custodian's rights and assistance in understanding and enforcing these rights to each parent, guardian and custodian on initial contact with a child safety worker or when there is a change in the child's case plan. (Sec. 5)

Miscellaneous

21. Permits foster and kinship foster care parents, or their representatives, if they believe their rights have been violated, to:

- a) file a complaint with DCS, DCS Ombudsman or the OCA; or
- b) notify the juvenile court in the child's ongoing dependency, severance or adoption proceeding, either orally or in writing, that the parent's rights are being violated and request appropriate equitable relief. (Sec. 2 and 5)

22. Lists the type of information that DCS must provide to foster care or kinship foster care children and parents:

- a) DCS's telephone number and email address;
- b) the child's assigned case manager;
- c) the DCS Ombudsman; and
- d) the OCA. (Sec. 1, 2 and 5)

23. Permits formal grievances to be initiated with the Ombudsman at any time. (Sec. 1, 2 and 5)

24. Directs the court to act on notification, as necessary, within its discretion to promote the best interest of the child. (Sec. 1, 2 and 5)

25. Requires DCS to provide on its website information on the rights of parents, guardians or custodians that are under investigation or when their child is placed in DCS custody. (Sec. 4)

26. Makes technical and conforming changes. (Sec. 1-4)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: JUD DPA/SE 4-3-0-0 | 3rd Read DPA 16-13-1-0-0

House: JUD DPA 5-2-0-1-0-0

SB 1151: community property; spousal maintenance; documentation **Sponsor: Senator Kern, LD 27** **Caucus & COW**

Overview

Delineates requirements for a court to assess the value of a business interest for purposes of calculating community share in a proceeding for dissolution of marriage, legal separation or annulment and makes changes to existing requirements for calculating spousal maintenance and child support.

History

Arizona is what is commonly referred to as a *community property* state. This means that all property acquired by either spouse during a marriage, with some exceptions, is considered to be the community property of both spouses, and thus owned by each spouse in equal shares ([A.R.S. § 25-211](#)). Community property is distinguishable from *sole and separate property*, which includes a spouse's real and personal property that the spouse owned before marriage or acquired during the marriage by gift, devise or descent, as well as any increase in value, rents, issues and profits associated with that property ([A.R.S. § 25-213](#)).

Either party to a marriage may petition a court for dissolution of marriage, annulment or legal separation. The petition must allege that the marriage is irretrievably broken or void, that one or both of the parties desire to live separate and apart or, if the marriage is a covenant marriage that statutorily outlined requirements have been met ([A.R.S. § 25-314](#)).

In a proceeding for dissolution, annulment or legal separation, the court must assign each spouse's respective sole and separate property and equitably divide the community property, joint tenancy and other property held in common. The court may, in dividing the community property, consider all debts and obligations that are related to the property, including accrued or accruing taxes that would become due on the receipt, sale or other disposition of the property, in addition to the property's tax exempt status, if applicable ([A.R.S. § 25-318](#)).

A court in a dissolution, annulment or legal separation proceeding may order either spouse to pay spousal maintenance for various reasons enumerated in statute. In determining and awarding spousal maintenance, the court must follow guidelines established by the Arizona Supreme Court. If both parties agree, the maintenance order and decree of dissolution of marriage or legal separation is permitted to state that its maintenance terms cannot be modified ([A.R.S. § 25-319](#)).

The court may also order either or both parents owing a duty of support to a child, born to or adopted by the parents, to pay an amount reasonable and necessary for support of the child, and similarly must follow guidelines established by the Supreme Court in doing so. The current child support guidelines outline a process for a court to calculate the parents' *combined adjusted gross income*, which is then used to calculate the *basic child support obligation*. The maximum combined adjusted income under the current guidelines is set at \$30,000 per month ([2022 Arizona Child Support Guidelines](#)).

Provisions

1. Requires a court that is assessing the value of a business interest to determine the community share to be paid to the spouse who will no longer maintain his or her interest in the business to assess the

<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
--	--	---	--------------------------------------

value of the business as of the date of service of the petition for dissolution, legal separation or annulment. (Sec. 1)

2. Specifies that, beginning on the date of service of the petition for dissolution, legal separation or annulment, the spouse who will no longer maintain an interest in the business interest is neither entitled to any share of the business's profits nor responsible for any new liabilities incurred by the business. (Sec. 1)
3. Mandates that any compensation to the business owner that is included in the value of the business, as specified above, cannot be used for the purposes of calculating spousal maintenance or child support. (Sec. 1)
4. Requires a spousal maintenance order and decree of dissolution or legal separation to state that its terms are unmodifiable unless the parties agree otherwise. (Sec. 2)
5. If a party stipulates that the party's income is at or exceeds the maximum child support income level under the Supreme Court's guidelines, prohibits a court from requiring that the party provide income documentation for the purpose of calculating child support income unless the court determines that an upward deviation may be appropriate. (Sec. 3)
6. Makes technical and conforming changes. (Sec. 1, 2, 3)

Amendments

Committee on Judiciary

1. Requires a spousal maintenance order and decree of dissolution or legal separation to state that its terms are unmodifiable upwards unless the parties agree otherwise.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: JUD DPA/SE 6-1-0-0 | 3rd Read DPA 16-13-1-0-0

House: JUD DP 5-3-0-0-0

SB 1284: lifetime probation; sexual offenses; termination
Sponsor: Senator Shamp, LD 29
Caucus & COW

Overview

Prohibits an individual on lifetime probation for a sexual offense from petitioning the court for an order to terminate probation prior to designated probation term lengths. Requires the probation department to investigate specified factors before recommending a modification or termination of probation and prohibits the court from terminating or modifying an individual's probation term if there are any pending or current criminal charges.

History

Current law states if a person who has been convicted of an offense is eligible for probation, the court may suspend the imposition or execution of sentence and, if so, must without delay place the person on intensive probation supervision pursuant to [A.R.S. § 13-913](#) or supervised or unsupervised probation on such terms and conditions as the law requires and the court deems appropriate. The period of probation is then determined pursuant to [A.R.S. § 13-902](#) ([A.R.S. § 13-901](#)).

Under current law, unless terminated sooner, probation may continue for the following periods:

- 1) For a class 2 felony, seven years;
- 2) For a class 3 felony, five years;
- 3) For a class 4 felony, four years;
- 4) For a class 5 or 6 felony, three years;
- 5) For a class 1 misdemeanor, three years;
- 6) For a class 2 misdemeanor, two years; and
- 7) For a class 3 misdemeanor, one year.

After a conviction of a felony offense or an attempt to commit any offense included in Title 13, Chapter 14 or 35.1, [A.R.S. § 13-3824](#) or other specified offenses such as terrorism, stalking or child sex trafficking, if probation is available, probation may continue for a term not less than the terms specified above up to and including life and that the court believes is appropriate to serve the ends of justice. Individuals on lifetime probation are not eligible to receive earned time credits ([A.R.S. §§ 13-902](#) and [13-924](#)).

Provisions

1. Prohibits an individual on lifetime probation for a sexual offense from petitioning the court for an order to terminate probation before the following outlined time periods:
 - a) 20 years after the date the individual was placed on probation for class 2 or 3 felony conviction; and
 - b) 10 years after the date the individual was placed on probation for a class 4, 5 or 6 felony conviction. (Sec. 1)
2. Exempts individuals who request an annual probation review hearing pursuant to [A.R.S. § 13-923](#) from the prescribed time periods above. (Sec. 1)
3. Requires the probation department to complete an investigation of arrest notifications and warrant checks to determine any current or pending criminal charges before recommending a modification or early termination of an individual's probation sentence due to a felony sexual offense. (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
--	--	---	--------------------------------------

4. Prohibits the court from issuing an order to terminate or modify an individual's probation sentence if there is current or pending criminal charges against the individual. (Sec. 1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: JUD DPA 7-0-0-0 | 3rd Read DPA 29-0-1-0-0

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

SB 1582: lifetime injunction; petition; procedures **Sponsor: Senator Kerr, LD 25** **Caucus & COW**

Overview

Allows a victim to request a lifetime injunction against a defendant at a time later than the defendant's sentencing. Clarifies that setting aside or sealing a conviction does not affect the validity of a lifetime injunction.

History

Current law allows a prosecutor or the victim of a *dangerous felony offense, serious offense, violent or aggravated felony* or a sex offense to file a petition at the defendant's time of sentencing requesting a lifetime injunction. The lifetime injunction is effective immediately and served to the defendant at the time of sentencing. A lifetime injunction does not expire and is valid for the defendant's natural lifetime unless any of the following occurs:

- 1) The victim has died;
- 2) The conviction has been dismissed, overturned, expunged or the defendant has been pardoned; or
- 3) The victim submits a written request to the court requesting early expiration, which the court may host a hearing to verify ([A.R.S. § 13-719](#)).

Dangerous offense is defined to mean an offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person. Examples of *serious offenses* include any dangerous crime against children, armed robbery, first degree murder and kidnapping. Examples of *violent or aggravated felonies* include terrorism, child sex trafficking, arson of an occupied structure and drive by shootings ([A.R.S. §§ 13-105, 13-706](#)).

Statute allows an eligible person who has been convicted of a criminal offense to apply to the court to have the judgment of guilt set aside. A conviction that has been set aside may not be redacted or removed from the individual's record but must contain an annotation indicating that it has been set aside. A set aside conviction does not release an individual from penalties and disabilities imposed by the Department of Transportation and the Game and Fish Commission for outlined offenses ([A.R.S. § 13-905](#)).

An eligible person may file a petition with the court to seal all case records related to a criminal offense. If the court grants a petition to seal case records the court is mandated to do several outlined tasks including issuing an order sealing all records relating to the petitioner's arrest, conviction and sentence and directing the court to notify the Department of Public Safety and the prosecutor of the sealing order. A sealed conviction may still be used for specified purposes ([A.R.S. § 13-911](#)).

Provisions

1. Permits a victim to file a petition with a court requesting a lifetime injunction after the defendant's sentencing if the victim did not file one at the time of sentencing. (Sec. 1)
2. Prohibits the court from charging a fee for filing the petition. (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
--	--	---	--------------------------------------

3. Specifies that setting aside or sealing the conviction does not affect the validity of the lifetime injunction or prohibit the victim from filing a petition requesting lifetime injunction. (Sec. 1, 3)
4. Authorizes a conviction that has been set aside to be used as a basis for a lifetime injunction. (Sec. 2)
5. Makes technical changes. (Sec. 1, 3)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: JUD DP 3-1-3-0 | 3rd Read DPA 16-14-0-0-0

House: JUD DP 5-3-0-0-0

SB 1698: unlawful exposure; minors; sentencing; reporting **Sponsor: Senator Wadsack, LD 17** **Caucus & COW**

Overview

Establishes *unlawful exposure to an adult oriented performance or business* as a class 4 felony offense punishable as a dangerous crime against children (DCAC) and requires a person convicted of the offense to register as a sex offender. Defines relevant terms and includes this offense in certain existing child safety statutes.

History

Reportable Offenses

Current law creates a duty for certain persons who have responsibility for the care or treatment of a minor, such as certain family members, medical professionals or school personnel, who reasonably believe that the minor has been the victim of non-accidental physical injury, abuse, child abuse, a reportable offense or neglect to immediately report this information to applicable authorities. A *reportable offense* includes, among other offenses, violation of [A.R.S. § 13-3506.01](#), which criminalizes sending harmful items to minors by electronic means ([A.R.S. § 13-3620](#)). The terms *abuse* and *neglect* (or *neglected*), among others, are defined in statute for purposes of all of A.R.S. Title 8 (concerning child safety) ([A.R.S. § 8-201](#)).

Adult Oriented Businesses

Statute defines an *adult oriented business* to include adult arcades, adult bookstores or video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, adult theaters, massage establishments that offer adult service or nude model studios. All of the terms that comprise this definition are further defined individually ([A.R.S. § 11-811](#)).

Dangerous Crimes Against Children

DCACs are a category of criminal offenses that may be treated differently when they involve a defendant who is at least 18 years old (or tried as an adult) and a victim who is below 15 years old (or an unborn child). Statute specifies numerous offenses that may be punishable as a DCAC, meaning that they can be subject to increased prison sentences and special provisions regarding the defendant's eligibility for probation or early release ([A.R.S. § 13-705](#)).

Sex Offender Registration

Statute requires persons who are convicted of or adjudicated guilty except insane for specified sex offenses to register as a sex offender, among other requirements ([A.R.S. § 13-3821](#)). It is generally a class 4 felony offense for a person who is subject to the registration requirement to fail to register or meet other statutory requirements in [A.R.S. § 13-3821](#) ([A.R.S. § 13-3824](#)).

Provisions

1. Establishes *unlawful exposure to an adult oriented performance or adult oriented business* as a criminal offense involving a person who knowingly does any of the following:
 - a) Allows a minor under the person's custody or control to view an adult oriented performance or enter an adult oriented business;
 - b) Allows a minor to enter or remain in an adult oriented business or a building or part of a building where an adult oriented performance is occurring; or

<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
--	--	---	--------------------------------------

- c) Performs or allows another person under the person's custody or control to perform an adult oriented performance in view of a minor. (Sec. 5)
- 2. Classifies this offense as a class 4 felony punishable as a DCAC. (Sec. 5)
- 3. Defines an *adult oriented performance* as an in-person show or performance, with or without consideration, that includes any of the following:
 - a) A person who appears in a state of nudity or who is seminude;
 - b) A person whose performance is characterized by the exposure of specific anatomical areas or specific sexual activities; or
 - c) A performance that is *harmful to minors*, as that phrase is defined in [A.R.S. § 13-3501](#). (Sec. 5)
- 4. Provides that, for purposes of this offense, *adult oriented business* has the same definition prescribed in [A.R.S. § 11-811](#).
- 5. Changes the definition of *adult oriented business* in [A.R.S. § 11-811](#) to include establishments that conduct or host sexually explicit performances, and separately defines *sexually explicit* as having an intention to arouse or satisfy the sexual desires or to appeal to the prurient interest. (Sec. 2)
- 6. Includes this new offense as a *reportable offense* under [A.R.S. § 13-3620](#) and also adds the offense to the definitions of *abuse* and *neglect* (or *neglected*) for purposes of A.R.S. Title 8 (relating to child safety). (Sec. 1, 6)
- 7. Requires a person convicted of or adjudicated guilty except insane for this new offense to register as a sex offender and meet other requirements outlined in [A.R.S. § 13-3821](#). (Sec. 7)
- 8. Makes technical and conforming changes. (Sec. 2, 3, 4, 6, 7)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: NREW DP 7-0-0-0 | 3rd Read 26-3-1-0

House: LARA DP 8-0-1-0

SB1060: animal owners; definition **Sponsor: Senator Kavanagh, LD 3** **Caucus & COW**

Overview

Excludes from the definition of *owner* any person who keeps an animal at the request of an animal shelter and adds to the definition of *stray dog* that the dog must not be microchipped.

History

Animal Shelters and Ownership

Statute defines *animal shelter* as a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit corporate organization devoted to the welfare, protection and humane treatment of animals. *Owner* is defined as any person that keeps an animal other than livestock for more than six consecutive days ([A.R.S. § 11-1001](#)).

Microchipping

According to the American Veterinary Medical Association, a microchip is a small, electronic chip enclosed in a glass cylinder about the size as a grain of rice. Once inserted, the microchip is activated by a scanner, causing it to transmit an identification number to the scanner. This identification number can then be used to find an owner's contact information in the event the microchip is scanned.

Microchip implantation does not require surgery or anesthesia and can take place during a regular veterinary visit via an under-the-skin injection using a hypodermic needle. Microchips are generally inserted in the loose skin between an animal's shoulder blades.

Currently, animals must be thoroughly scanned for the presence of a microchip upon being impounded. If a dog or cat that is not eligible for a sterilization program is impounded with a microchip, license or any other discernible form of owner identification, it must be kept at a county pound for 120 hours as opposed to the minimum of 72 hours for unidentifiable animals ([A.R.S. § 11-1013](#)). Further, an animal must be checked for microchips, tattoos and other identifying information before it is sterilized in order to be released from a county, city or town pound or animal shelter ([A.R.S. § 11-1022](#)).

Provisions

1. Specifies that the definition of *owner* does not include any person who keeps an animal at the request of an animal shelter. (Sec. 1)
2. Adds to the definition of *stray dog* that the dog must not be microchipped. (Sec. 1)
3. Makes technical changes. (Sec. 1)

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: NREW DPA 6-1-0-0 | 3rd Read DPA 27-2-1-0

House: LARA DP 9-0-0-0

SB1194: state veterinarian; certified rabies vaccinator

Sponsor: Senator Borrelli, LD 30

Caucus & COW

Overview

Allows a certified rabies vaccinator who is not a licensed veterinarian to administer rabies vaccines to animals on the premises of a shelter or animal rescue organization facility subject to certain conditions and establishes procedures for certifying this vaccinator.

History

According to the [Centers for Disease Control and Prevention](#), rabies is a preventable viral disease that infects the central nervous system of mammals causing brain disease and eventual death. Rabies is most often transmitted through the bite of a rabid animal. In Arizona, most rabies hosts are bats, skunks and foxes. When rabies infection increases in these groups, other mammals, including bobcats, coyotes, javelina, cats, dogs, horses and cows can become affected. According to the Arizona Department of Health Services, there were 83 cases of documented rabies-positive wild animals and 53 domestic animals exposed to rabid animals in 2021. In the same year, 18 humans were exposed to rabid animals. The last documented human rabies death in Arizona was in 1981.

Regular rabies vaccinations are effective in preventing rabies in pets and animals. All animals vaccinated against rabies in Arizona must follow the prescriptions of [the National Association of State Public Health Veterinarian's Compendium of Animal Rabies Control \(2016\)](#) including use of a U.S. Department of Agriculture-licensed vaccine with at least a three-year duration of immunity. Additionally, all rabies vaccines require boosters ([A.A.C. R3-2-409](#)). Only licensed veterinarians may administer rabies vaccines in Arizona ([A.R.S. § 11-1001](#)).

All dogs in Arizona must be licensed, which requires the dog's owner or veterinarian to present a signed paper or electronic copy of the dog's rabies vaccination ([A.R.S. § 11-1010](#)). There are no rabies vaccination requirements for cats.

Provisions

1. Allows a certified rabies vaccinator who is not a licensed veterinarian to administer rabies vaccines to animals at a shelter or animal rescue organization facility located in a county with a population of less than 400,000 people or a census county division with less than 50,000 people if a licensed veterinarian is not available. (Sec. 1, 3 and 5-6)
2. Requires a licensed veterinarian to provide in-person training and, upon completing training, written certification to each person the veterinarian appoints to administer rabies vaccines. (Sec. 6)
3. States that initial rabies vaccination certifications last for one year and subsequent certifications last for two years upon renewal as prescribed by the State Veterinarian. (Sec. 6)
4. Requires a certified rabies vaccinator to maintain records of all vaccinations administered for three years and record any adverse events. (Sec. 6)
5. Exempts a licensed veterinarian who appoints a certified rabies vaccinator from liability for any action taken by a certified rabies vaccinator while administering a rabies vaccine. (Sec. 6)
6. Exempts a certified rabies vaccinator from veterinarian licensing requirements. (Sec. 4, 7)

<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
--	--	---	--------------------------------------

7. Requires the State Veterinarian to adopt rules to implement the requirements for training, certifying and overseeing certified rabies vaccinators. (Sec. 2)
8. Makes technical and conforming changes. (Sec. 1-5 and 7)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: NREW DP 7-0-0-0 | 3rd Read 25-4-1-0

House: LARA DP 7-2-0-0

SB1251: working animals; restrictions; prohibition **Sponsor: Senator Shamp, LD 29** **Caucus & COW**

Overview

Forbids, subject to certain limitations, a city, town or county from prohibiting or unduly restricting a person from using a working animal in lawful commerce for an animal enterprise.

History

Every city and town's legislative body must adopt a comprehensive general plan that includes goals, policies and land use and circulation elements ([A.R.S. § 9-461.05](#)). Additionally, a city or town's legislative body may regulate the use of buildings, structures and land for different purposes as well as the use of open spaces and establish special zoning districts, conditions or regulations as necessary for the public health, safety or general welfare. However, all zoning ordinances and regulations must be consistent with the city or town's general plan ([A.R.S. § 9-462.01](#)). Cities and towns may institute any appropriate action to prevent violations of zoning ordinances ([A.R.S. § 9-462.05](#)).

A county may similarly form a planning and zoning commission to plan for land uses within the county, which are guided in part by the county's comprehensive plan (A.R.S. §§ [11-802](#) and [11-804](#)). Zoning ordinances and regulations must be consistent with the county's comprehensive plan. However, a county zoning ordinance may not prevent, restrict or otherwise regulate the use or occupation of land or improvements for general agricultural purposes if the tract is five or more contiguous commercial acres (A.R.S. §§ [11-811](#) and [11-812](#)). County zoning ordinances may be enforced by withholding building permits and civil penalties ([A.R.S. § 11-815](#)).

Provisions

1. Prohibits a city, town or county from enacting any ordinance, resolution or policy that prohibits or unduly restricts a person from using a working animal in lawful commerce for an animal enterprise. (Sec. 1 and 2)
2. Exempts the following from this prohibition:
 - a) municipal or county zoning ordinances;
 - b) municipal or county ordinances or resolutions enacted relating to public health, public safety, noise or animal cruelty; or
 - c) any other state law relating to animal care, animal cruelty, noise, public health or public safety. (Sec. 1 and 2)
3. Defines *animal enterprise* as a rodeo or any agricultural activities conducted on any facility to produce crops, livestock, poultry, livestock products or poultry products or for agritourism. (Sec. 1 and 2)
4. Defines *working animal* as an animal used primarily to perform a specific duty or function in lawful commerce for an animal enterprise. A *working animal* excludes rabbits, llamas, cattle, swine, sheep, goats, poultry and any other animal that is used primarily to produce food from this definition. (Sec. 1 and 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
--	--	---	--------------------------------------



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: NREW DPA/SE 6-0-1-0 | 3rd Read 23-6-1-0

House: LARA DP 6-0-2-1

SB 1716: Arizona bred horses; races **Sponsor: Senator Gowan, LD 19** **Caucus & COW**

Overview

Specifies that if an Arizona bred horse race does not fill with at least five Arizona bred horses, it may be offered as an open race in which Arizona bred horses have preference for entry.

History

The Arizona Racing Commission (Commission) determines dates for horse races and issues permits to conduct racing meetings (A.R.S. §§ [5-104](#), [5-107](#) and [5-108](#)). As part of the permit, the Commission may require the permittee to offer a certain number of races during the meeting based on parameters set in statute ([A.R.S. § 5-110](#)).

When a horse race meeting is scheduled, at least one race on each day of racing must feature exclusively Arizona bred horses. If that race does not fill, it may be cancelled or offered as an open race in which Arizona bred horses have preference for entry ([A.R.S. § 5-114](#)). The number of horses required to fill this race is determined by each track. For example, the Rillito Park Racetrack requires 8 horses while Turf Paradise requires between 6 to 12 horses.

An *Arizona bred horse* is one that is foaled in this state and certified by the Commission, which requires the horse to be physically present in this state for at least six months between the date it is foaled to the first anniversary of this date ([A.R.S. § 5-114](#)).

Provisions

1. Specifies that if an Arizona bred horse race does not fill with at least five Arizona bred horses, it may be offered as an open race in which Arizona bred horses have preference for entry.

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: GOV DPA 5-3-0-0 | 3rd Read DPA 19-10-1-0

House: MAPS DP 8-7-0-0

SB1148: law enforcement; video recordings; fee
Sponsor: Senator Kavanagh, LD 3
Caucus & COW

Overview

Enables any county, city, town or political subdivision of this state (municipality) to establish a fee for requesting a copy of a video recording from a local law enforcement agency.

History

A victim of a criminal offense or a delinquent act that is a part 1 crime under the statewide uniform crime reporting program (UCR) has the right to receive one copy of the police report from the investigating law enforcement agency at no charge. Additionally, the court must provide, at no charge, the minute entry or portion of the record of any proceeding in the case which is necessary for the purpose of pursuing a claimed victim's right ([A.R.S. § 39-127](#)).

The UCR is administered by the Department of Public Safety who collects crime data from across the state necessary for the study of crime, the administration of criminal justice and cooperation with the federal government's UCR program ([A.R.S. § 41-1750](#)).

Provisions

1. Allows any municipality to establish a onetime fee, per copy, for a public records request to a local law enforcement agency for a video recording. (Sec. 3)
2. Permits the municipalities to consider the following information when determining the amount of the fee:
 - a) Reasonable cost of reviewing, transmitting, making a copy of and, as necessary, redacting the video recording; and
 - b) Any other relevant information. (Sec. 3)
3. Grants victims of a criminal offense, or a delinquent act that is a part 1 crime under the statewide UCR, the right to receive one copy of the video recordings from the investigating law enforcement agency at no charge. (Sec. 1, 2)
4. Makes technical and conforming changes. (Sec. 1)

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: MAPS DPA/SE 7-0-0-0 | 3rd Read DP 19-11-0-0

House: MAPS DP 8-7-0-0

SB 1301: misconduct investigations; time limit; applicability

**Sponsor: Senator Kavanagh, LD 3
Caucus & COW**

Overview

Mandates that ongoing misconduct investigations against law enforcement officers (officers), begun before September 24, 2022, be completed within one year of the effective date of this act.

History

In 2022, the Fifty-fifth Legislature, Second Regular Session, passed [Laws 2022, Chapter 378 \(law enforcement: misconduct investigations: extension\)](#) (HB 2347). HB 2347 revised [A.R.S. § 38-1110](#) relating to investigations of employee misconduct against officers; it added additional constraints for how long an investigation of employee misconduct could last. HB 2347 only applied to misconduct investigations initiated after its effective date, which was September 24, 2022.

Under A.R.S. § 38-1110 as revised by HB 2347, employers are required to make a good faith effort to complete misconduct investigations within 180 days. After the initial 180 days, the investigation may be extended only if it is demonstrated that additional time is necessary to obtain or review evidence; this extension may not exceed 180 days or, in certain circumstances, 360 days. After this single extension, if the investigation is not completed, then — unless specified exceptions are met — the matter is dismissed.

Provisions

1. Requires, if an officer's employer received an allegation of misconduct before September 24, 2022, the investigation of the misconduct to be completed within one year of the effective date of this act. (Sec. 1)
2. Provides, if the investigation is not completed within the specified timeframe, that the investigation is to be dismissed. (Sec. 1)
3. Specifies that this act does not apply to investigations:
 - a) Based on allegations of misconduct received on or after September 24, 2022; and
 - b) Suspended during a criminal investigation or prosecution in connection with the alleged misconduct. (Sec. 1)
4. Repeals this act on January 1, 2025. (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
--	--	---	--------------------------------------



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: MAPS DP 6-1-0-0 | 3rd Read DPA 21-9-0-0

House: MAPS DP 14-0-0-1

SB 1369: certified peace officers; hiring reimbursement

Sponsor: Senator Gowan, LD 19

Caucus & COW

Overview

Entitles a law enforcement agency in this state or a city, town, county or political subdivision of this state (Agency) that pays the costs of a peace officer's certification and training (Original Agency) to be reimbursed for those certification and training costs if the peace officer is subsequently hired by another Agency (Hiring Agency).

History

The standards for the training and certification of a peace officer are prescribed by The Arizona Peace Officer Standards and Training Board (AZPOST) and must relate to physical, mental and moral fitness. These AZPOST standards govern the recruitment, appointment and retention of all peace officers of every political subdivision of this state ([A.R.S. § 41-1822](#)).

Provisions

1. Permits an Original Agency to seek reimbursement, for the costs of a peace officer's training and certification, from the Hiring Agency. (Sec. 1)
2. Requires the Hiring Agency to reimburse all costs related to the peace officer's certification and training, including travel, housing and salary during the training (training costs). (Sec. 1)
3. Outlines the percentage of training costs which must be reimbursed by the Hiring Agency, based on how soon the peace officer leaves the Original Agency after beginning employment, as follows:
 - a) If the officer is hired within 12 months: 100% of training costs;
 - b) If the officer is hired after 12 but less than 24 months: 75% of training costs; and
 - c) If the officer is hired after 24 but less than 36 months: 50% of training costs. (Sec. 1)
4. Permits the Original Agency to waive reimbursement, for a peace officer who voluntarily leaves employment and who is subsequently employed by the Hiring Agency, for any reason. (Sec. 1)
5. Stipulates that employee hardship and extenuating family circumstances are to be considered presumptive reasons for a reimbursement waiver. (Sec. 1)
6. Prohibits Hiring Agencies from requiring peace officers to assume responsibility for the costs of reimbursing the Original Agency. (Sec. 1)
7. Prohibits Hiring Agencies, when making employment decisions, from considering whether they will be required to reimburse for training costs. (Sec. 1)
8. Directs the Original Agency to submit an itemized statement to the Hiring Agency for payment. (Sec. 1)
9. Allows the Original Agency to enforce collection of the reimbursement through civil remedies and procedures. (Sec. 1)
10. Instructs Agencies to include an explanation of the hiring reimbursement requirements, in the employment documentation provided to peace officers, during the hiring process. (Sec. 1)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note

11. Specifies that an Original Agency is not entitled to reimbursement if a peace officer leaves the Original Agency and is not employed as a peace officer for a year or more before being hired by the Hiring Agency. (Sec. 1)
12. Defines *hiring law enforcement agency*. (Sec. 1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: MAPS DPA/SE 7-0-0-0 | 3rd Read DPA 23-5-2-0

House: MAPS DP 15-0-0-0

**[SB 1376](#): appropriation; deputies; detention officers
Sponsor: Senator Gowan, LD 19
Caucus & COW**

Overview

Revises the distribution schedule for the \$10,000 onetime payment allocated to line-level deputies and detention officers in FY 2023.

History

In 2022, the Fifty-fifth Legislature, Second Regular Session, passed [Laws 2022, Chapter 313 \(general appropriations act: 2022-2023\)](#) (Appropriations Act). The Appropriations Act, among other things, appropriates \$48,310,000 to the counties for the purposes of a \$10,000 onetime payment to line-level deputies and detention officers employed by each county sheriff's office as of May 1, 2022 (Onetime Bonus). The Onetime Bonuses are to be distributed in equal quarterly installments over two years.

Additionally, the Appropriations Act appropriated \$5,095,000 to the counties for \$5,000 Hiring Bonuses for line-level deputies and detention officers (Hiring Bonus). The Hiring Bonuses are to be distributed in equal quarterly installments over one year.

Provisions

1. Requires the Onetime Bonuses to be fully distributed by October 30, 2023. (Sec. 1)
2. Permits, beginning May 1, 2023, counties to spend unencumbered and unexpended Onetime Bonus monies for additional Hiring Bonuses. (Sec. 1)
3. Revises the distribution of Hiring Bonus monies to the counties, from a prospective distribution based on the total number of hires, to a retrospective distribution based on the total number of vacancies for line-level deputies and detention officers as of May 1, 2022. (Sec. 1)
4. Contains a retroactivity clause of July 1, 2022. (Sec. 2)

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: MAPS DP 6-1-0-0 | 3rd Read DP 21-8-1-0

House: MAPS DP 12-3-0-0

SCR1001: violent crime; evidence-based strategies

Sponsor: Senator Kavanagh, LD 3

Caucus & COW

Overview

Proclaims that the members of the legislature support providing better resources to law enforcement and implementing strategies to reduce violent crime.

History

The Arizona Peace Officer Standards and Training Board (AZPOST) is responsible for establishing and maintaining minimum standards for certification of peace and correctional officers in the state. Required qualifications for certification apply for every political subdivision of the state and AZPOST may conduct investigations for misconduct and non-compliance of a peace officer ([A.R.S. § 41-1822](#)).

Peace officer means sheriffs of counties, constables, marshals, policemen of cities and towns, commissioned personnel of the Department of Public Safety, along with personnel employed by other state agencies and subdivisions who have received certification from AZPOST ([A.R.S. § 1-215](#)).

Provisions

1. Asserts that the legislature supports strategies such as focused deterrence and blight reduction to effectively prevent and reduce violent crime.
2. Declares that the legislature opposes calls to defund the police and instead supports:
 - a) Appropriating resources to fill current officer vacancies;
 - b) Incentivizing quality recruits to join law enforcement;
 - c) Encouraging high-quality officers to remain on the force; and
 - d) Investing in strategies and training shown to reduce crime and improve the quality of policing.
3. Declares that the legislature opposes forcing law enforcement agencies to fund significant percentages of their budgets through fines, fees and forfeitures and instead supports a consistent and transparent budgetary process.
4. States that the legislature supports providing law enforcement with more tools to manage individuals dealing with mental health and substance abuse issues.
5. States that the legislature supports implementing evidence-based reforms that:
 - a) reduce prison populations;
 - b) decrease recidivism;
 - c) focus policework on high-risk offenders; and
 - d) expand rehabilitative programming.

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: GOV DPA 5-3-0-0 | 3rd Read: 16-14-0-0

House: MOE DP 6-4-0-0

SB1048: campaign finance; reporting threshold; lobbyists

Sponsor: Senator Kavanagh, LD 3

Caucus & COW

Overview

Modifies the threshold amount for campaign finance reports concerning contributions from in-state individuals.

History

Candidate committees, political action committees and political parties are required to file campaign finance reports that include the following:

- 1) the amount of cash on hand at the beginning of the reporting period;
- 2) an itemized list of receipts from contributions in specified categories;
- 3) the aggregate amount of contributions from in-state individuals that do not exceed \$100;
- 4) an itemized list of disbursements that exceed \$250 in specified categories;
- 5) the total sum of all receipts and disbursements for the reporting period; and
- 6) a certification from the committee treasurer that attests the report is true and correct ([A.R.S. § 16-926](#)).

If a committee fails to file a report on time, the filing officer must send the committee a notice by e-mail within five days after the filing deadline. If a committee fails to file a report within 30 days after the deadline and after providing notice, the filing officer may notify the appropriate enforcement officer. For any political action committee or political party that fails to file three consecutive reports, the filing officer shall send the committee a notice of temporary suspension ([A. R. S. § 16-937](#)).

A person who is listed as a lobbyist for compensation, designated lobbyist or designated public lobbyist must file a lobbyist registration form with the Secretary of State ([A. R. S. § 41-1232.05](#)).

Provisions

1. Increases the campaign finance reporting threshold to \$200 for the contributions from in-state individuals. (Sec. 1)
2. Requires specified individuals to inform the committees receiving the contributions of their lobbyist registration identification number in the Lobbyist Reporting System. (Sec. 1)
3. Makes 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
--	--	---	--------------------------------------



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: ELEC DP 5-3-0-0 | 3rd Read: 16-14-0-0

House: MOE DPA 5-4-0-1

SB1095: early ballot envelope; notice **Sponsor: Senator Carroll, LD 28** **Caucus & COW**

Overview

Requires the return envelope containing an early ballot to include a specified statement regarding the potential for delayed election results.

History

The County Recorder or other officer in charge of elections may begin distributing the early ballots 27 days before the election. The County Recorder is charged with processing early ballot requests in order to provide early ballots and printed instructions to early voters directing the voters to sign the affidavit, mark the ballot and return both in the enclosed envelope (A.R.S. §§ [16-542](#), [16-544](#)).

In order for an early ballot to be valid and counted, the ballot and affidavit must be delivered to the office of the County Recorder or other officer in charge of elections or may be deposited at any polling place in the county no later than 7:00 p.m. on election day. The ballot will not be counted without the voter's signature on the envelope ([A.R.S. § 16-547](#)).

Provisions

1. Adds that the envelope accompanying the early ballot must state the following: *Failure to mail an early ballot or deposit an early ballot in a ballot drop box by the Friday before the election will result in delayed election results.* (Sec. 1)
2. Makes technical changes. (Sec. 1)

Amendments

Committee on Municipal Oversight and Elections

1. Amends the envelope notice to state the following: *Dropping off an early ballot after the Friday before the election may result in delayed election results as each ballot requires verification.*

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: ELEC DP 5-3-0-0 | 3rd Read: 16-13-1-0

House: MOE DPA 6-4-0-0

SB 1140: elections; voting centers; polling places **Sponsor: Senator Hoffman, LD 15** **Caucus & COW**

Overview

Requires certain public offices, including public schools with gymnasiums, to serve as polling places when requested to do so by the officer in charge of elections.

History

Public Schools as Polling Places

Public schools are required to serve as polling places when requested to do so by the officer in charge of elections unless the principal provides a written statement indicating a reason the election cannot be held in the school. Specifically, public schools are exempt from serving as a polling place if sufficient space is not available or if doing so would jeopardize the safety or welfare of the children ([A.R.S. § 16-411](#)).

Designation of Voting Centers

The Legislature authorized the use of voting centers in lieu of or in addition to specifically designated polling places in 2011. Polling places are specifically designated locations where voters in a particular precinct must vote. Voting centers are locations within a county where registered voters may vote regardless of which precinct the individual lives in. The Board of Supervisors may establish polling places, voting centers or any combination of the two, including co-location of precinct-based polling places or voting centers that also serve as polling places for specific precincts ([A.R.S. § 16-411](#)).

Provisions

Public School Holidays

1. Designates every primary and general election day as a holiday for public schools, except for teachers and staff who will receive or conduct in-service training or development activities. (Sec. 1)
2. Prohibits teachers and staff from using personal, vacation or other leave time on primary and general election days. (Sec. 1)
3. Clarifies that teachers and staff will receive compensation for working on primary and general election days. (Sec. 1)
4. Clarifies that school districts are permitted to provide employees time off to vote on primary and general election days. (Sec. 1)

Public Offices & Schools as Polling Places

5. Instructs state, county, municipal and school district offices to provide sufficient space for use as a polling place when requested by the officer in charge of elections. (Sec. 2)
6. Requires public schools with gymnasiums to provide sufficient space for use as a polling place when requested by the officer in charge of elections. (Sec. 2)
7. Exempts public schools from any state, local or school district requirements that would prevent or limit the school from serving as a polling place if requested to do so by the officer in charge of elections. (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
--	--	---	--------------------------------------

8. Repeals statute allowing the principal of a school to deny a request to provide space for use as a polling place in specified circumstances. (Sec. 2)

Designation of Voting Locations

9. States voting centers are locations at which an individual who is a registered voter and resident anywhere in the county is allowed to receive the appropriate ballot for that specific voter. (Sec. 2)
10. Specifies polling places are located in election districts. (Sec. 2)
11. Modifies the authorized use of voting centers to specify voting centers may only be established in addition to specifically designated polling places. (Sec. 2)

Miscellaneous

12. Defines *gymnasium*. (Sec. 2)
13. Makes technical and conforming changes. (Sec. 1, 2, 3)

Amendments

Committee on Municipal Oversight & Elections

1. Exempts charter schools from the requirement to serve as a polling place when requested by the officer in charge of elections.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: ELEC DP 5-3-0-0 | 3rd Read: 16-12-2-0

House: MOE DP 5-4-0-1

SB 1143: voting registrations; ballot requests; source
Sponsor: Senator Hoffman, LD 15
Caucus & COW

Overview

Modifies the distribution requirements for Active Early Voting List (AEVL) and early ballot request forms and prohibits, in specified circumstances, the use of a voter's signature on these request forms to be used as the sole exemplar during the signature verification process.

History

Candidate committees, political committees and other organizations may distribute AEVL and early ballot request forms to voters. Upon receipt of completed AEVL and early ballot request forms the committee or organization must submit the forms within six business days or eleven days before the election day. An organization's failure to submit a completed AEVL or early ballot request form before the submission deadline is a class 6 felony (A.R.S. §§ [16-542](#), [16-544](#)).

Provisions

1. Prohibits the County Recorder or officer in charge of elections from using a voter's signature on a preprinted request to amend the voter's registration information or request for an early ballot as the sole exemplar during the signature verification process in specified circumstances. (Sec. 1)
2. Removes language allowing candidate and political committees from distributing early ballot request forms and specifies only political parties, County Recorders or election officials may distribute early ballot request forms. (Sec. 2)
3. Exempts special taxing districts from the requirements involving the distribution of early ballot request forms for the purpose of protecting or providing services to agricultural lands or crops. (Sec. 2)
4. Removes language allowing candidate and political committees from distributing AEVL request forms and specifies only political parties, County Recorders or election officials may distribute AEVL request forms. (Sec. 3)
5. Exempts special taxing districts from the requirements involving the distribution of AEVL request forms for the purpose of protecting or providing services to agricultural lands or crops. (Sec. 3)
6. Makes technical and conforming changes. (Sec. 2, 3)

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: ELEC DP 5-3-0-0 | 3rd Read: 16-13-1-0

House: MOE DP 6-4-0-0

SB1175: registrations; observers; counting procedures; verification

Sponsor: Senator Kavanagh, LD 3

Caucus & COW

Overview

Authorizes the expanded use of precinct registers and voter registration forms. Entitles ballot observers and party representatives to additional privileges. Outlines the procedures if a political party provides an insufficient amount of election board workers to conduct a hand count audit.

History

Precinct Registers

Information derived from precinct registers and voter registration forms are only to be used for the purposes authorized by law, such as political party campaigning or revising election district boundaries. Precinct registers contain the full name, party preference, date of registration and residential address of each qualified elector in that respective precinct. The County Recorder and Secretary of State (SOS) are required to prepare copies and distribute them upon the request for an authorized use. Precinct registers or lists may not be used, bought, sold or transferred for any non-authorized purposes ([A. R. S. § 16-168](#)).

Ballot Observers

The county chairman of each party, by written appointment to the election board, may designate party representatives in each precinct to act as ballot challengers for the party. The number of representatives for each party must be mutually agreed upon by each political party. If an agreement cannot be reached, the number will be limited to one representative for each political party at the polling place ([A. R. S. § 15-590](#)).

Hand Count Audit

The county officer in charge of elections is required to conduct a hand count of a sample of ballots to test the accuracy of the vote tabulation equipment if there is equal participation from the county political parties. Following the 2022 general election, 12 of Arizona's 15 counties completed a hand count audit. Each of the 12 participating counties passed the hand count audit with minor discrepancies that were deemed acceptable. Apache, Graham and La Paz did not conduct a hand count because the County Chairs of two political parties did not designate the required number of members for the hand count election board ([A. R. S. § 16-602](#)).

Provisions

Authorized Use of Precinct Registers and Registration Forms

1. States precinct registers and other information derived from voter registration forms may not be used for any commercial purposes. (Sec. 1)
2. Requires the County Recorder, SOS or other officer in charge of elections to provide electronic access to voter registration information for any person who:
 - a) Establishes an electronic profile with the information provider;
 - b) Attests that the information will not be used for a commercial purpose; and
 - c) Pays a fee. (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
--	--	---	--------------------------------------

3. Repeals statute that prohibits a person from distributing, transferring or posting the information from a precinct register or voter registration form. (Sec. 1)
4. Allows for public posting of voter registration records under specified circumstances. (Sec. 1)

Ballot Challengers and Observers

5. Expands the locations that allow designated ballot challengers to include voting centers and any location where the electronic processing of ballots occurs. (Sec. 5)
6. Directs the state party chairperson to appoint a party representative for a voting location if the county party chairperson fails to do so. (Sec. 5)
7. Instructs the legislative district chairperson to appoint a party representative for a voting location if the state party chairperson fails to do so. (Sec. 5)
8. Allows for the observation of the electronic vote adjudication board's activities. (Sec. 7)
9. Grants the county chairman of each party to designate a party representative to observe the proceedings at a third-party vendor that processes returned affidavit envelopes on behalf of a county. (Sec. 8)
10. Directs the state party chairman to designate a party representative if more than one county contracts with the same vendor or if the county party chairman fails to make the designation. (Sec. 8)

Hand Count Procedures

11. Requires the county officer in charge of the election to publish the procedures for the hand count on the county's website no later than the Tuesday before election day. (Sec. 6)
12. Directs the state party chairperson to designate qualified electors to be board workers if the county party chairperson fails to designate a sufficient number. (Sec. 6)
13. Instructs the legislative district chairperson of the district in which the hand count will occur to designate qualified electors to be board workers if the state party chairperson fails to designate a sufficient number. (Sec. 6)
14. Outlines specified procedures if the number of persons provided by the political parties is determined to be insufficient to perform the hand count by 9:00 am on the Thursday before the election. (Sec. 6)
15. Requires the county to make the results of the hand count available on the county's website. (Sec. 6)
16. Expands language to include *the hand count locations* regarding proceedings at the counting center. (Sec. 7)

Miscellaneous

17. Allows a voter to make a verbal request to be removed from the active early voting list. (Sec. 2)
18. Prohibits signature images that are submitted for verification purposes from indicating the voter's designated political party. (Sec. 3)
19. Requires the County Recorder to provide an early ballot tracking system that is accessible to voters on the county's website. (Sec. 3)
20. Contains a delayed effective date of January 1, 2024. (Sec. 9)
21. Makes technical and conforming changes. (Sec. 1-3, 5-7)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: ELEC DP 5-3-0-0 | 3rd Read: 29-0-1-0

House: MOE DP 8-1-1-0

SB 1273: early ballot delivery; instruction requirements

Sponsor: Senator Bennett, LD 1

Caucus & COW

Overview

Requires the counties to include, in the official instructions for voters on election day and the printed instructions to early voters, a specified statement concerning the unlawful handling and return of ballots.

History

Early ballot affidavit envelopes are required to include printed instructions to early voters that direct them to sign the affidavit, mark the ballot and return both in the self-addressed envelope. Additionally, the instructions must include a statement that provides specified information, including deadlines for the ballot to be counted. Similarly, the Board of Supervisors are required to prepare instructions for voters and election officers on election day (A.R.S. §§ [16-513](#), [16-547](#)).

Provisions

1. Instructs the counties to include a statement in the printed instructions for voters on election day and the printed instructions for early voters that specifies a person may only handle or return their own ballot or the ballot of certain individuals such as family members. (Sec. 1, 2)
2. Makes technical changes. (Sec. 2)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: ELEC DP 5-3-0-0 | 3rd Read: 16-14-0-0

House: MOE DP 5-4-1-0

SB1595: early ballots; identification; tabulation

Sponsor: Senator Mesnard, LD 13

Caucus & COW

Overview

Establishes additional requirements for the transmission and tabulation of voted ballots.

History

For an early ballot to be counted and valid, the voted ballot along with the ballot affidavit must be: 1) received by the County Recorder or other officer in charge of elections; or 2) deposited at any polling place in the county by 7:00 p.m. on election day. The voter or voter's agent may deposit the completed ballot and ballot envelope at any polling place in the county ([A. R. S. § 16-547](#)).

A voter that surrenders their early ballot to the election board may vote a provisional ballot. For provisional ballots, the ballot must be placed in a separate envelope and the elector must sign a separate signature roster. The envelope must contain the following: 1) the precinct number; 2) a sworn statement of the elector that the elector resides in the precinct, is eligible to vote in the election and has not previously voted in the election; 3) the signature of the elector; and 4) the voter registration number of the elector, if available. The ballot must then be verified by the County Recorder or other officer in charge of elections before being counted ([A. R. S. § 16-584](#)).

Provisions

1. Specifies circumstances in which the County Recorder or other officer in charge of elections may not operate the on-site early voting locations. (Sec. 1)
2. Lists the following acceptable methods for returning a voted ballot:
 - a) Mailed to the County Recorder or other officer in charge of elections;
 - b) Delivered to the County Recorder or other officer in charge of elections no later than 7:00 pm on the Friday preceding the election;
 - c) Deposited by the voter at any polling place in the county upon presenting identification and signing the signature roster or electronic pollbook; or
 - d) Tabulated by use of the on-site tabulation procedure. (Sec. 2)
3. Requires a voter to present identification to the County Recorder or other officer in charge of elections within a specified timeline for the ballot to be counted and valid if the voter's ballot was delivered by a voter's agent. (Sec. 2)
4. Defines *voter's agent*. (Sec. 2)
5. Instructs an elector that does not present identification to surrender their early ballot to the election board for retention. (Sec. 3)
6. Makes technical and conforming changes. (Sec. 1-3)

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: ELEC DPA 5-3-0-0 | 3rd Read: 16-14-0-0

House: MOE DP 5-4-1-0

SB 1597: early ballot on-site tabulation; requirement
Sponsor: Senator Mesnard, LD 13
Caucus & COW

Overview

Requires Maricopa and Pima counties to provide for at least one polling location in each Legislative District that allows for the on-site tabulation of voted early ballots by the 2024 general election.

History

[Laws 2022, Chapter 271](#) provides counties the option to provide for the on-site tabulation of voted early ballots on election day. Statute outlines procedures for counties that authorize the on-site tabulation of voted early ballots. Specifically, the County Recorder or officer in charge of elections must designate an area within a precinct or voting center to process electors with their voted early ballots. The elector is required to provide valid identification and an election official must confirm that the name and address on the elector's completed affidavit reasonably matches the name and address in the precinct register. Once the elector signs the signature roster, they can proceed to the tabulating equipment where the elector is directed, under the observation of an election official, to remove the early ballot from the completed ballot affidavit envelope, deposit the empty completed affidavit envelope in a secured drop box and insert the early ballot into the tabulating machine (A.R.S. §§ [16-579.01](#), [16-579.02](#)).

Provisions

1. Modifies the statute concerning on-site tabulation of voted early ballots to mandate counties with a population of 500,000 or more provide for at least one polling place in each Legislative District that allows for the on-site tabulation of voted early ballots. (Sec. 1)
2. Requires counties with a population of 500,000 or more to comply with this law by the 2024 general election. (Sec. 1)
3. Makes technical and conforming changes. (Sec. 1)

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: ELEC DPA/SE 5-3-0-0 | 3rd Read: 16-13-1-0

House: MOE DP 6-4-0-1

SCR1037: elections; systems; equipment

Sponsor: Senator Kern, LD 27

Caucus & COW

Overview

Contains Legislative findings and declaration statements concerning necessary requirements for the primary use of a voting system for casting, recording and tabulating ballots in any election for federal office.

History

The Secretary of State is charged with appointing a committee to investigate and test the various types of vote tabulating machines. The committee submits its recommendations to the Secretary of State who will then decide the make or model to be certified for use in the state. Electronic equipment used at any election for federal, state or county offices may only be certified for use in this state if the equipment complies with the Help America Vote Act of 2002 ([A. R. S. § 16-442](#)).

A *source code* includes: 1) the code written by a programmer using a programming language that can be understood by trained individuals and is not capable of directly being used to give instructions to a computer; 2) related programmers' notes, design documents, memoranda and similar documentation; and 3) related customer communications ([A. R. S. § 42-2251](#)).

Provisions

1. States the Legislature resolves that no voting system or component of a voting system may be used as the primary method for casting, recording or tabulating ballots in any election for federal office unless:
 - a) All components are designed, manufactured, integrated and assembled in the United States from trusted suppliers accredited by the United States Department of Defense;
 - b) The source codes used in the voting system are made available to the public;
 - c) The ballot images and system files are recorded and posted to the Secretary of State's website for public access within 24 hours after the closing of polls; and
 - d) The Legislature transmits this resolution to the Secretary of State. (Sec. 1)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: GOV DP 5-3-0-0 | 3rd Read 18-12-0-0

House: RA DP 7-0-0-0

SB 1252: maltreatment oversight committee; establishment

Sponsor: Senator Shamp, LD 29

Caucus & COW

Overview

Establishes the Independent Maltreatment Fatality and Near Fatality Oversight Committee (Oversight Committee) to conduct reviews of each child maltreatment fatality or near fatality. Describes the Oversight Committee's membership, duties, powers and confidentiality requirements.

History

Laws 1993, Chapter 245 established the Child Fatality Review Team (Team) within the Department of Health Services (DHS). The Team is required to: 1) develop a child fatalities collection system and provide system training; 2) conduct an annual report on the incidence and causes of child fatalities during the past fiscal year; 3) encourage and assist in the development of local child fatality review teams; 4) develop standards and protocols for local child fatality review teams and child fatality investigations; 5) determine and take steps to implement changes that are needed to decrease the incidence of preventable child fatalities; 6) provide case consultation to local teams and educate the public on child fatalities; 7) develop and distribute an informational brochure describing the Team; and 8) evaluate maternal fatalities and unexplained infant deaths ([A.R.S. § 36-3501](#)).

The Department of Child Safety (DCS) must maintain DCS information as required by federal law and provide the information, when necessary, to specified bodies for their duties. *DCS information* includes all information DCS gathers during an investigation, with outlined exclusions. Furthermore, DCS must promptly provide the public with information regarding a case of child abuse, abandonment or neglect that has resulted in a fatality or near fatality. A *near fatality* is an act that, as certified by the child's treating physician, places a child in serious or critical condition (A.R.S. §§ [8-807](#), [8-807.01](#)). A health care provider must also disclose medical or payment records or the information contained in such records without the patient's written authorization as required by law or when ordered by specified bodies ([A.R.S. § 12-2294](#)).

Additionally, a *qualified young adult* is a former dependent child who is between 18 to 21 years old, meets the criteria for an extended foster care program and signs a voluntary agreement to participate ([A.R.S. § 8-201](#)).

Provisions

Oversight Committee Membership

1. Creates the Oversight Committee in the Arizona Department of Administration (ADOA) that consists of five advisory members or their designees and nine members appointed by the Director of ADOA. (Sec. 5)
2. Stipulates that the outlined advisory members are nonvoting members and do not count toward a quorum. (Sec. 5)
3. Outlines criteria for the members appointed by the Director of ADOA, including that they:
 - a) may not be current or former DCS employees;
 - b) must select a chairperson; and
 - c) serve staggered three-year terms, with specified exceptions. (Sec. 5)
4. Specifies the Oversight Committee members:
 - a) may not receive compensation or reimbursement for expenses; and

- b) may employ an executive director with experience in DCS. (Sec. 5)
- 5. Provides the term lengths for the members appointed by the Director of ADOA. (Sec. 6)

Oversight Committee Requirements

- 6. Requires the Oversight Committee to:
 - a) conduct a thorough review of each child maltreatment fatality or near fatality as prescribed;
 - b) inform the child's parents, guardian or caregiver that a review has commenced and of their ability to present information to the Oversight Committee;
 - c) develop an understanding of the circumstances surrounding a child maltreatment fatality or near fatality;
 - d) critically analyze the child safety system's interactions with the child and their family to identify specified improvements;
 - e) identify best practices and services that may have prevented the fatality or near fatality;
 - f) maintain a publicly accessible website that includes biographies of members, annual reports, data and trends and reports of recommendations and responses;
 - g) analyze and publish annual data and trends on observations made during fatality and near fatality reviews for a 10-year period as outlined;
 - h) produce, publish and distribute, on or before June 30th annually, the prescribed annual child maltreatment fatality or near fatality report;
 - i) post the annual child maltreatment fatality or near fatality report, omitting any personal identifying information, in an easily accessible format on its website; and
 - j) submit a copy of the annual child maltreatment fatality or near fatality report to the specified entities. (Sec. 5)

Oversight Committee Records Access and Confidentiality

- 7. Instructs DCS to provide the Oversight Committee access to necessary DCS information to perform its duties. (Sec. 2)
- 8. Authorizes a health care provider to disclose medical or payment records and a clinical laboratory to disclose laboratory results to the Oversight Committee without the written authorization of the patient or their health care decision maker. (Sec. 3)
- 9. Directs the Team, upon finding that a child's fatality resulted from maltreatment, to submit to the Oversight Committee:
 - a) the child's death certificate;
 - b) a notice of finding that abuse or neglect contributed to the child's death; and
 - c) the status of the case with DCS at the time of the child's death. (Sec. 4)
- 10. Allows the Oversight Committee to have ongoing access to complete and unredacted records from DCS and direct remote access to any case management system used by DCS. (Sec. 5)
- 11. Enables the Oversight Committee to have access to relevant records and information from any state agency, educational institution or medical provider of the child and their immediate family and household members. (Sec. 5)
- 12. Entitles an Oversight Committee chairperson or their designee to be provided access to relevant records and information as outlined within five days of their request. (Sec. 5)
- 13. Permits a law enforcement agency, with approval from a prosecuting attorney, to withhold records that interfere with a pending criminal investigation or prosecution, including information requested by a subpoena. (Sec. 5)
- 14. Grants the Oversight Committee chairperson or their designee the authority to apply to the superior court for a subpoena to compel the production of evidence, in the manner provided by the law. (Sec. 5)

15. States all information and records used by the Oversight Committee are confidential from civil or criminal proceedings or subpoena, excluding any information that is otherwise available from other sources. (Sec. 5)
16. Extends the confidentiality requirement to Oversight Committee members, attendees and presenters, though a person may testify to independently obtained or publicly available information. (Sec. 5)
17. Exempts Oversight Committee meetings when the facts and circumstances of a child maltreatment fatality or near fatality are reviewed from the statutory requirement that they be open to the public. (Sec. 5)
18. Designates a violation of the established confidentiality requirements as a class 2 misdemeanor. (Sec. 5)
19. Adds that DCS must notify the Oversight Committee of a confirmed child maltreatment fatality or near fatality within 48 hours and provide ongoing and unredacted access to any material about the case. (Sec. 5)

Miscellaneous

20. Defines *child*, *committee*, *department*, *near fatality* and *qualified young adult*. (Sec. 5)
21. Contains a purpose statement. (Sec. 6)
22. Makes technical and conforming changes. (Sec. 1, 2, 3, 4, 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
--	--	---	--------------------------------------



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: HHS DP 7-0-0-0 | 3rd Read 23-6-1-0

House: RA DP 7-0-0-0

SB 1334: advanced practice nurses; Compact Sponsor: Senator Shamp, LD 29 Caucus & COW

Overview

Adopts the Advanced Practice Registered Nurse Compact (Compact) to allow for multistate uniform licensure for advanced practice registered nurses (APRNs).

History

An *APRN* is a registered nurse who meets all prescribed licensure or certification requirements and who has undergone graduate-level education to practice advanced practice nursing ([American Nurses Association](#)). Currently, Arizona provides for licensure for four types of APRNs: 1) registered nurse practitioner; 2) certified nurse midwife; 3) clinical nurse specialist; and 4) certified registered nurse anesthetist ([A.R.S. Title 32, Chapter 15, Articles 1 and 2](#)). The Arizona State Board of Nursing (AZBN) is tasked with certifying APRN applicants in accordance with statutory requirements and AZBN rules ([AZBN](#)).

The Compact, a mutual recognition model of licensure for APRNs that allows an APRN to hold one multistate license with a privilege to practice in other Compact states, was adopted by the National Council of State Boards of Nursing (NCSBN) in 2002. The Compact went through several revisions. In 2020, NCSBN introduced the newly revised APRN Compact. This revised APRN Compact, including mandatory 2,080 practice hours among other uniform licensure requirements, was adopted at the 2020 NCSBN Delegate Assembly ([AZBN APRN Compact Survey](#)).

Provisions

Multistate APRN Uniform Licensure

1. Requires a party state to implement procedures for considering the criminal history records of applicants for initial APRN licensure or APRN licensure by endorsement, which must include submitting fingerprints or other biometric-based information to obtain such records from the Federal Bureau of Investigation (FBI) and the agency responsible for retaining that state's criminal records.
2. Outlines the APRN uniform licensure requirements for an applicant to obtain or retain a multistate license in the home state as follows:
 - a) meets the home state's qualifications for licensure or renewal and all applicable state laws;
 - b) completed either an accredited graduate-level education program that prepares the applicant for one of the four recognized roles and one of the six population foci or a foreign APRN education program as outlined;
 - c) passed an English proficiency examination, if applicable;
 - d) passed a national certification exam that measures APRN, role and population-focused competencies;
 - e) maintains continued competence as evidenced by recertification in the role and population focus through the national certification program;
 - f) holds an active, unencumbered license as a registered nurse and an active, unencumbered authorization to practice as an APRN;
 - g) passed an NCLEX-RN exam or recognized predecessor, as applicable;

- h) practiced for at least 2,080 hours, not including hours obtained as part of enrollment in an APRN education program, as outlined;
 - i) submitted fingerprints or other biometric data to obtain criminal history records from the FBI and agency responsible for retaining the state or, if applicable, foreign country's criminal records;
 - j) has not been convicted or found guilty, or entered an agreed disposition of a felony offense under applicable state, federal or foreign criminal law, or a misdemeanor offense related to the practice of nursing as determined by rules adopted by the commission;
 - k) is not currently enrolled in an alternative program;
 - l) is subject to self-disclosure requirements regarding current participation in an alternative program; and
 - m) has a valid U.S. social security number.
3. Requires an APRN who is issued a multistate license to be licensed in an approved role and at least one approved population focus.
 4. Defines *population focus* as a family/individual across the lifespan, adult-gerontology, pediatrics, neonatal, women's health/gender-related or psych/mental health.
 5. Defines *role* as certified registered nurse anesthetists, certified nurse-midwives, clinical nurse specialists or certified nurse practitioners.
 6. Requires each party state to recognize an APRN multistate license as authorizing the APRN to practice in each party state, under a multistate licensure privilege, in the same role and population focus as the APRN is licensed in the home state.
 7. Specifies that the Compact does not affect the requirements established by a party state for issuing a single-state license, but an applicant's failure to opt for a single-state license may result in the issuance of a multistate license.
 8. Requires the issuance of a multistate license to include prescriptive authority for noncontrolled prescription drugs.
 9. Stipulates that an APRN seeking authority to prescribe controlled substances must satisfy all requirements imposed by the state in which the APRN seeks such authority.
 10. Authorizes an APRN issued a multistate license to assume responsibility and accountability for patient care independent of a supervisory or collaborative relationship.
 11. Authorizes all party states, in accordance with state due process laws, to take adverse action against an APRN's multistate licensure privileges, including revocation, suspension, probation or any other action that affects the multistate licensure privilege.
 12. Requires a party state that takes an adverse action to promptly notify the administrator of the Coordinated License Information System (System), who must promptly notify the home state.
 13. Defines the *System* as an integrated process for collecting, storing and sharing information on APRN licensure and enforcement activities related to APRN licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.
 14. Requires an APRN practicing in a party state to comply with the state practice laws of the state in which the client is located at the time service is provided, except as otherwise expressly provided in the Compact.
 15. Specifies that APRN practice includes all advanced nursing practice as defined by the state practice laws of the party state.
 16. Specifies that APRN practice in a party state subjects the APRN to the jurisdiction of the licensing board, courts and laws of the party state in which the client is located at the time service is provided.

17. Stipulates that the Compact does not affect additional requirements imposed by states for advanced practice registered nursing, except as otherwise specified, but requires party states to recognize multistate licensure as satisfying any state law requirement for registered nurse (RN) licensure as a precondition for authorization to practice as an APRN in that state.
18. Allows individuals who do not reside in party states to continue to apply for a single-state APRN license as provided under the laws of that party state and specifies such a license will not be recognized as granting the privilege to practice as an APRN in any other party state.

Application

19. Requires the licensing board in the issuing party state, on application for a license, to ascertain through the System whether:
 - a) the applicant has ever held or is the holder of a licensed practical or vocational nursing, RN or APRN license issued by another state;
 - b) there are any encumbrances on any license or multistate licensure privilege held by the applicant;
 - c) any adverse action has been taken against any license or multistate licensure privilege held by the applicant; and
 - d) the applicant is currently participating in an alternative program.
20. Permits an APRN to hold a multistate APRN license issued by the home state in only one party state at a time.
21. Requires an APRN who moves between party states to apply for APRN licensure in the new home state of residence and specifies the license issued by the prior home state must be deactivated in accordance with applicable rules of the Interstate Commission of APRN Compact Administrators (Commission).
22. Allows an APRN to apply for licensure in advance of a change in primary state of residence.
23. Prohibits a license from being issued by the new home state until the APRN:
 - a) provides satisfactory evidence of a change in primary state of residence; and
 - b) satisfies all applicable requirements to obtain a license from the new home state.
24. Specifies that if an APRN moves from a party state to a nonparty state, the APRN multistate license converts to a single-state license valid only in the former home state.

Licensing Boards

Authorizes a licensing board to:

- a) take adverse action against an APRN's multistate licensure privilege to practice in that party state, subject to specified limitations below;
- b) issue cease and desist orders or impose an encumbrance on an APRN's authority to practice within that party state;
- c) complete any pending investigations of an APRN who changes primary state of residence during an investigation and take action, then promptly report the conclusions of the investigation to System administrator, who must promptly notify the new home state of any such actions;
- d) issue subpoenas for hearings and investigations that require attendance and testimony of witnesses and production of evidence;
- e) obtain and submit applicant fingerprints or other biometric-based information for criminal background checks, receive the results and use them in making licensure decisions;
- f) recover from the affected APRN, if allowed by state law, the costs of investigations and disposition of cases resulting from any adverse action taken against that APRN; and
- g) take adverse action based on the factual findings of another party state if the licensing board follows its own procedures for taking such adverse action.

25. Specifies that only the home state has the power to take adverse action against an APRN's license issued by the home state.
26. Requires, for purposes of taking adverse action, the home state licensing board to give the same priority and effect to reported conduct that occurred outside the home state as it would have if the conduct occurred within the home state and directs the home state to apply its own state laws to determine the appropriate action.
27. Prescribes the requirements for issuance of subpoenas by a party state licensing board.
28. Directs the issuing licensing board to pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses and evidence are located.
29. Requires multistate licensure privilege to be deactivated if adverse action is taken by a home state against an APRN's license until all encumbrances have been removed.
30. States that all home state disciplinary orders that impose adverse action against a license to include a statement that the APRN's licensure privilege is deactivated in all party states during the pendency of the order.
31. Specifies that the Compact does not override a party state's decision that participation in an alternative program may be used in lieu of adverse action.
32. Requires the home state licensing board to deactivate the multistate licensure privilege of any APRN for the duration of the APRN's participation in an alternative program.

System

33. Requires party states to participate in a System of all APRNs, licensed RNs and practical or vocational nurses, including information on the license and disciplinary history of each APRN submitted by party states, to assist in the coordinated administration of APRN licensure and enforcement efforts.
34. Requires the Commission, in coordination with the System administrator, to formulate procedures to identify, collect and exchange information under the Compact.
35. Stipulates that all licensing boards must promptly report the following to the System:
 - a) any adverse action and current significant investigative information;
 - b) denials of applications with the reasons for the denial; and
 - c) APRN participation in alternative programs known to the board, regardless of whether such participation is deemed nonpublic or confidential under state law.
36. Allows all party state licensing boards contributing information to the System to designate information that may not be shared with nonparty states or disclosed to others without the express permission of the contributing state.
37. Prohibits any personally identifiable information obtained from the System by a party state licensing board from being shared with nonparty states or disclosed to others except to the extent allowed by the laws of the party state contributing the information.
38. Requires any information subsequently required to be expunged by the laws of the party state contributing the information to be removed from the System.
39. Requires the Compact administrator of each party state to furnish a uniform data set to the administrator of each party state that includes at least the following:
 - a) identifying information;
 - b) licensure data;
 - c) information related to alternative program participation; and

- d) other information that may facilitate the administration of the Compact, as determined by commission rules.
40. Requires the Compact administrator of a party state to provide all investigative documents and information requested by another party state.

Commission

41. Establishes the Commission as an instrumentality of the party states.
42. Requires judicial proceedings by or against the Commission be brought in a court of competent jurisdiction where the principal office of the Commission is located.
43. Allows the Commission to waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
44. States that the Compact is not a waiver of sovereign immunity.
45. Limits each party state to one Compact administrator who is the head of the state licensing board or that person's designee.
46. Allows the administrator to be suspended, removed from office or replaced as allowed by state law.
47. Entitles each administrator to one vote related to rules and bylaws.
48. Requires the Commission to meet at least once during each calendar year.
49. Requires meetings to be open to the public and with public notice.
50. Allows a closed nonpublic meeting to discuss:
- a) noncompliance of a party state with Compact obligations;
 - b) personnel matters as specified;
 - c) current, threatened or reasonably anticipated litigation;
 - d) negotiation of contracts to purchase or sell goods, service or real estate;
 - e) accusing any person of a crime or formally censuring any person;
 - f) disclosure of trade secrets or commercial or financial information that is privileged or confidential;
 - g) disclosure of personal information that would constitute a clearly unwarranted invasion of personal privacy;
 - h) disclosure of information related to reports prepared by or on behalf of the Commission to investigate Compact compliance; and
 - i) matters specifically exempt from disclosure by federal or state statute.
51. Outlines requirements for certifying closed meetings, referencing the relevant exemption and keeping minutes.
52. Requires the Commission to prescribe bylaws and rules, including:
- a) establishing a fiscal year;
 - b) providing reasonable standards and procedures for establishing other committees and delegating Commission authority or function;
 - c) providing reasonable procedures for calling and conducting meetings, including public participation and closed meetings;
 - d) establishing titles, duties and authority and reasonable procedures for electing officers;
 - e) providing reasonable standards and procedures for establishing personnel policies and Commission programs; and
 - f) providing a mechanism for winding up the operations and equitable disposition of surplus monies after paying and reserving all debts and obligations.

53. Requires the Commission to publish its bylaws, rules and amendments in a convenient form on its website.
54. Requires the Commission to maintain its financial records in accordance with its bylaws.
55. Authorizes the Commission to:
 - a) create uniform rules for the Compact, which have the force and effect of law and are binding in all party states;
 - b) bring and prosecute legal actions provided that the standing of any licensing board to sue or be sued under applicable law is not affected;
 - c) purchase and maintain insurance and bonds;
 - d) borrow, accept or contract for personnel, including employees of a party state or nonprofit organizations;
 - e) cooperate with other organizations that administer state Compacts regarding nursing, as outlined;
 - f) hire employees, elect or appoint officers, fix compensation, define duties, grant authority and establish policies regarding conflicts of interest, qualifications of personnel and other related personnel matters;
 - g) accept appropriate donations, grants and gifts of monies, equipment, supplies, materials and services, striving to avoid any appearance of impropriety or conflict of interest;
 - h) lease, purchase, accept appropriate gifts or donations of property, whether real, personal or mixed, striving to avoid any appearance of impropriety;
 - i) sell, convey or otherwise dispose of any property, whether real, personal or mixed;
 - j) establish a budget and make expenditures;
 - k) borrow monies;
 - l) appoint committees as specified;
 - m) issue advisory opinions;
 - n) provide and receive information from, and cooperate with, law enforcement agencies;
 - o) adopt and use an official seal; and
 - p) perform other functions as necessary to achieve the purposes of the Compact consistent with state regulation of APRN licensure and practice.
56. Requires the Commission to pay or provide for the payment of reasonable expenses of its establishment, organization and ongoing activities.
57. Allows the Commission to levy and collect an annual assessment from each party state to cover the cost of its operations, activities and staff in its annual budget as approved each year.
58. Requires the aggregate annual assessment amount to be allocated based on a formula to be determined by the Commission by rule.
59. Prohibits the Commission from incurring obligations before securing the monies adequate to meet those obligations or pledging the credit of any party state except by and with the authority of such party state.
60. Requires the Commission to keep accurate accounts of all receipts and disbursements, which are subject to the audit and accounting procedures under its bylaws and requires a yearly audit by a certified or licensed public accountant and the report to be included in the Commission's annual report.
61. Details immunity from claims of civil liability as outlined for specified Commission-related individuals.
62. Requires the Commission to defend specified Commission-related individuals in any civil liability action arising out of prescribed circumstances.

63. Requires the Commission to indemnify and hold harmless any specified Commission-related individual for any settlement or judgment obtained against that person as outlined if the actual or alleged act, error or omission did not result from the intentional, wilful or wanton misconduct of that person.

Rulemaking

64. Specifies that rules and amendments have the same force and effect as the Compact.

65. Requires rules or amendments to be adopted at a regular or special Commission meeting.

66. Requires the Commission to file a notice of proposed rulemaking on the Commission's website and the website of each licensing board or as each state would otherwise publish proposed rules before promulgation and adoption of a final rule and at least 60 days before the meeting at which the rule will be considered and voted on.

67. Details what must be included in the notice of proposed rulemaking.

68. Requires the Commission to allow persons to submit written data, facts, opinions and arguments, which must be made available to the public, before adopting a rule.

69. Requires the Commission to publish information about the public hearing and to allow public comment orally or in writing.

70. Requires all hearings to be recorded, with a copy made available on request.

71. Allows rules to be grouped at hearings.

72. Requires the Commission to consider all written and oral comments as specified.

73. Requires the Commission to take final action on the proposed rule by majority vote of all administrators and to determine its effective date.

74. Allows emergency rules as outlined under specified circumstances but requires the usual procedures to be followed as soon as reasonably possible but not later than 90 days after the rule's effective date.

75. Permits the Commission to direct revisions to a rule or amendment to correct typographical or formatting errors, errors in consistency or grammatical errors, with public notice and subject to challenge.

Oversight, Dispute Resolution and Enforcement

76. Requires each party state to enforce the Compact and take actions necessary and appropriate to effectuate the Compact's purposes and intent.

77. Entitles the Commission to receive service of process in proceedings that may affect the powers, responsibilities or actions of the Commission and specifies that the Commission has standing to intervene in such a proceeding.

78. States that failing to provide service of process to the Commission renders a judgment or order void as to the Commission, the Compact or rules.

79. Specifies the Commission shall provide the following if it determines that a party state has defaulted in performing its obligations or responsibilities under the Compact or rules:

- a) written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default and any other action to be taken by the Commission; and
- b) remedial training and specific technical assistance regarding the default.

80. Allows the defaulting state's membership in the Compact to be terminated if the state fails to cure the default, on the affirmative vote of a majority of the administrators and all rights,

privileges and benefits conferred by the Compact to be terminated on the effective date of the termination.

81. Specifies that a cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.
82. Allows termination of membership to be imposed only after all other means of securing compliance have been exhausted.
83. Requires the Commission to give notice of intent to suspend or terminate to the governor of the defaulting state and to the executive officers of the licensing board, the licensing board and each of the party states.
84. Specifies that a terminated state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.
85. Prohibits the Commission from bearing any costs related to a state found to be in default or whose membership has been terminated unless agreed in writing.
86. Outlines requirements for a defaulting state to appeal.
87. Requires the Commission, on request by a party state, to attempt to resolve Compact disputes that arise among party states and between party and nonparty states.
88. Requires the Commission to adopt a rule providing for mediation and binding dispute resolution for disputes, as appropriate.
89. Outlines requirements if the Commission cannot resolve disputes, including for arbitration.
90. Requires the Commission, in the reasonable exercise of its discretion, to enforce the Compact and related rules and specifies requirements for legal action.
91. Stipulates the remedies in the Compact are not the exclusive remedies of the Commission, which may pursue other remedies available under federal or state law.

Effective Date, Withdrawal and Amendment

92. Specifies that the Compact comes into limited effect when it is enacted in seven party states for the sole purpose of establishing and convening the Commission to adopt rules relating to its operation.
93. Subjects any state that joins the Compact after the Commission's initial adoption of the APRN uniform licensure requirements to all Commission rules that were previously adopted.
94. Allows a party state to withdraw from the Compact by repealing the Compact but prohibits the withdrawal from taking effect until six months after enactment of the repealing statute.
95. Prohibits a party state's withdrawal or termination from affecting the continuing requirement of that state's licensing board to report adverse actions and significant investigations occurring before the effective date of the withdrawal or termination.
96. Specifies that the Compact does not invalidate or prevent any APRN licensure agreement or other cooperative arrangement between a party state and a nonparty state that does not conflict with the Compact.
97. Allows the Compact to be amended by the party states, which becomes effective and binding after enactment into law by all party states.
98. Permits representatives of nonparty states to be invited to participate in Commission activities on a nonvoting basis before the adoption of the Compact by all states.

Miscellaneous

99. Specifies that the Compact does not supersede state law related to the applicable APRN scope of practice or related rules and does not alter the scope of practice.
100. Requires APRNs practicing in this state to comply with the applicable scope of practice pursuant to state law.
101. Specifies that the Commission does not have the authority to alter the scope of practice for APRNs practicing in this state.
102. Allows the Governor to withdraw the state from the Compact if:
 - a) the Commission adopts a rule to change the scope of practice of APRNs in this state;
and
 - b) a law is enacted that repeals the Compact.
103. Outlines findings and purposes related to uniform APRN regulation and licensure.
104. Requires the Compact to be liberally construed to effectuate its purposes.
105. Contains a severability clause.
106. Defines pertinent terms.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: 5-2-0-0 | 27-2-1-0

House: RA DPA 6-1-0-0

SB 1382: pharmacy benefit managers; certificate requirements

Sponsor: Senator Shamp, LD 29

Caucus & COW

Overview

Effective January 1, 2025, requires all pharmacy benefit managers to obtain a certificate of authority to operate and prescribes the Department of Insurance and Financial Institution's role, responsibilities and authority.

History

The Department of Insurance and Financial Institutions (DIFI) oversees insurance companies and related professionals through its adopted administrative rules and guidelines conferred by the power and authority of Arizona law. Statute allows the Director of DIFI (Director) to conduct examinations and investigations of insurance matters, including those for adjusters, producers and brokers and other regulated individuals. The Director also establishes guidelines for insurers of home health services prescribed by a physician or registered nurse practitioner, and skilled professional care in a home comparable to that provided in a hospital as outlined. ([A.R.S. § 20-142](#)).

A pharmacy benefit manager (PBM) is a person, business or other entity that, under a contract or an employment relationship with an insurer or third-party payor, either directly or through an intermediary manages the prescription drug coverage provided by the insurer or other third-party payor, including: 1) the processing and payment of claims for prescription drugs; 2) the performance of drug utilization review; 3) the processing of drug prior authorization requests; 4) the adjudication of appeals or grievances related to prescription drug coverage; 5) contracting with network pharmacies; and 6) controlling the cost of covered prescription drugs ([A.R.S. § 20-3321](#))

Statute prohibits a PBM from: 1) limiting a pharmacist or pharmacy from providing an insured individual information on the amount of the insured's cost share for the insured's prescription drug and the clinical efficacy of a more affordable alternative; 2) penalizing a pharmacy or pharmacist for disclosing such information to an insured; and 3) requiring a pharmacist or pharmacy to charge or collect from an insured a copayment that exceeds the total submitted charged by the network pharmacy ([A.R.S. § 44-1752](#))

Provisions

1. Requires a valid certificate of authority to operate as a PBM and makes the certificate of authority renewable on a biennial basis. (Sec. 1)
2. Describes the required information that a PBM must submit to the Director to obtain the certificate of authority to operate. (Sec. 1)
3. Outlines information in the application, including pertinent identifying information of the PBM, copy of the basic organizational documents with articles of incorporation, bylaws, articles of association and trade name certificate and any related documents and amendments. (Sec. 1)

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

4. Prescribes the necessary information that must be submitted by an out-of-state PBM, including an in-state appointed director, copy of the required power of attorney, and authority to accept service of process in Arizona. (Sec. 1)
5. Requires a signed certificate of good standing, along with a description of the PBM and its services, facilities, personnel and a document confirming the business practices and contracts comply with state laws. (Sec. 1)
6. Authorizes the Director to prescribe an application fee. (Sec. 1)
7. Requires the Director to issue a certificate of authority to operate to a PBM within 90 days after receipt of a completed and qualified application and related fee. (Sec. 1)
8. Requires the Director to state specific reasons for any denial and provides 60 days for the PBM to remedy any stated deficiencies. (Sec. 1)
9. Prescribes that the PBM must file a notice of modification with the Director within 30 days after any material modifications to the application. (Sec. 1)
10. Authorizes the Director to refuse to issue a certificate of authority to a PBM who had a license or certificate of authority revoked for cause in another state. (Sec. 1)
11. Allows the Director to issue a cease-and-desist order, or to deny, suspend or revoke a certificate of authority after notice and opportunity for hearing as outlined. (Sec. 1)
12. Permits the Director to allow a PBM to operate a maximum 120 days or more to ensure minimal disruptions to the continuity of care if the certificate of authority is suspended or restricted. (Sec. 1)
13. Prescribes the monthly civil penalties when a PBM's certificate of authority is suspended or restricted for unintentional and intentional violations as follows:
 - a) Unintentional violation: no more than \$1,000 for each violation and maximum aggregate of \$10,000 in any 6-month period; and
 - b) Intentional violation: no more than \$5,000 for each violation and maximum aggregate of \$50,000 in any 6-month period. (Sec. 1)
14. Authorizes the Director to revoke a certificate of authority if the PBM has been operating under a suspended certificate of authority for more than 120 days. (Sec. 1)
15. Prescribes the same rights and notices for hearings for PBMs as others entitled under the Administrative Procedures Act. (Sec. 1)
16. Allows the Director to investigate PBM officers, directors and owners. (Sec. 1)
17. Outlines requirements for renewals of certificates of authority and deems them expired by operation of law pursuant to administrative rules if not timely renewed. (Sec. 1)
18. Requires the PBM to comply with Arizona laws and rules on the effective date of the certificate of authority if a PBM and insurer enter into a contractual agreement. (Sec. 1)
19. Stipulates that the PBM must comply with records retention rules, the duties and appeals process of a utilization review agent and permits the Director to examine and review books and records as outlined. (Sec. 1)
20. Authorizes the Director to adopt and implement administrative rules, records retention schedules and deems records, books documentation and other data obtained by DIFI as confidential and proprietary information, which is not considered public records. (Sec. 1)
21. Contains an effective date of January 1, 2025. (Sec. 1)

Amendments

Committee on Regulatory Affairs

1. For out-of-state PBMs, requires the name of the agent in Arizona for service of process.

2. Applies the provisions only to PBMs performing services for a health plan in Arizona.
3. Stipulates the provisions do not apply to a workers' compensation insurer.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: TAT DP 5-2-0-0 | 3rd Read 19-11-0-0

House: RA DP 4-3-0-0

SB 1503: internet; verification; harmful to minors
Sponsor: Senator Rogers, LD 7
Caucus & COW

Overview

Directs a commercial entity to verify that any person attempting to access an internet website containing a substantial portion of material harmful to minors is at least 18 years old.

History

A person is prohibited, with knowledge of the character of the item, to present, provide, lend or advertise to minors any item that is harmful to minors, including through electronic mail, personal messaging or any other direct internet communication. However, this prohibition does not apply to posting material on an internet website (A.R.S. § [13-3506](#), [13-3506.01](#)).

The governing board of every school district must prescribe policies for public schools that provide a public access computer to deploy a technology protection measure that prevents minors from accessing child pornography or material that is harmful to minors or obscene. Furthermore, a public library must deploy and enforce similar technology protection measures for minors. Statute prescribes penalties for public schools and public libraries that are found to be in violation of the outlined requirements ([A.R.S. § 34-502](#)).

Statute defines *internet* as collectively, the myriad of computer and telecommunications facilities, including equipment and operating software, that comprise the interconnected worldwide network of networks that employ the outlined protocols ([A.R.S. § 18-541](#)).

Provisions

1. Requires a commercial entity that intentionally or knowingly publishes or distributes material harmful to minors, on an internet website that contains a substantial portion of such material, to verify that any person attempting to access the material is at least 18 years old. (Sec. 1)
2. Authorizes the age verification to be made through:
 - a) a commercially available database that is regularly used by businesses or governmental entities for the purposes of age and identity verification; or
 - b) any other commercially reasonable method of age and identity verification. (Sec. 1)
3. Subjects a commercial entity that violates the verification requirement to civil liability for damages, including attorney fees and costs, resulting from the minor's access to the material. (Sec. 1)
4. Clarifies that a provider or user of an interactive computer service on the internet is not obligated to or liable for the verification requirement. (Sec. 1)
5. Defines *material harmful to minors* as any description or representation of nudity, sexual conduct, sexual excitement or sadomasochistic abuse, that:
 - a) appeals to the prurient, shameful or morbid interest of minors;
 - b) is patently offensive to prevailing standards in the adult community as a whole, with respect to what is suitable material for minors; and

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

- c) is, when taken as a whole, lacking in serious literary, artistic, political or scientific value for minors. (Sec. 1)
- 6. Specifies that a *substantial portion* means that more than 33.3% of the total material on a website is explicit, sexual material harmful to minors. (Sec. 1)
- 7. Defines *internet* and *interactive computer service*. (Sec. 1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: TAT DP 6-1-0-0 | 3rd Read 24-4-2-0

House: TI DP 10-1-0-0

SB 1097: truck routes; designation
Sponsor: Senator Carroll, LD 28
Caucus & COW

Overview

Directs the Arizona Department of Transportation (ADOT) or a local authority to demonstrate that a vehicle of legal size may not safely operate before an ordinance or resolution enacted on or after January 1, 2020, may restrict or prohibit a vehicle from operating on a major arterial street that connects two or more local jurisdictions. Allows a person to request the review of a route restriction with ADOT and requires local jurisdictions to conform to state-level determinations.

History

By ordinance or resolution for no more than 90 days a local authority may prohibit the operation of a vehicle or impose weight restrictions on a vehicle to be operated on a highway in its jurisdiction if the highway will be seriously damaged because of deterioration, rain, snow or other climatic conditions if the use of the vehicle is not prohibited or if the weight of the vehicle is not restricted. The local authority enacting the ordinance or resolution is required to erect and maintain signs stating the provisions of the ordinance or resolution at each end of that portion of the highway. The ordinance or resolution is not effective until the signs are erected and maintained.

A local authority may prohibit the operation of trucks or other commercial vehicles on highways in its jurisdiction or may impose limitations as to the weight of vehicles on designated highways. These restrictions are not enforceable until the local authority erects the proper signage.

The Director of ADOT (Director) has the authority granted to local authorities to determine by resolution and to impose restrictions on the weight of vehicles operated on a highway under the jurisdiction of ADOT. The restrictions are not effective until the proper signage is erected ([A.R.S. § 28-1106](#)).

Provisions

1. States for ordinances passed on and after January 1st, 2020, that the Director or a local authority may only restrict vehicles of legal size from operating on a highway that is a major arterial street connecting two or more local jurisdictions if ADOT or the local authority have conducted a test drive or applied a vehicle template that shows that the vehicle cannot operate safely on the highway. (Sec. 1)
2. Declares that if a vehicle of legal size may not operate safely on a major arterial street, the Director and local authority may not grant exceptions for categories, types or groups of routes. (Sec. 1)
3. States that if a highway does not have truck restrictions before being annexed or transferred by a local authority it may not be incorporated into existing truck restrictions that passed on or after January 1st, 2020, unless the highway meets the requirements of this act. (Sec. 1)
4. Allows a person to make a written request to the Director for a review of any route restrictions for vehicles of legal size enacted on or after January 1st, 2020. (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
--	--	---	--------------------------------------

5. Requires the Director to act on requests for a route review within 90 days of receiving the request. (Sec. 1)
6. States that if the Director determines that a vehicle of legal size can safely operate on a major arterial street, the local jurisdiction is prohibited from restricting that street. (Sec.1)
7. Mandates for major arterial streets that have a truck restriction that do not provide a through access between jurisdictions before January 1st, 2023, and that is improved upon from and after December 31st, 2022, to provide through traffic between two or more jurisdictions have their truck restriction nullified unless one of the following criteria is met:
 - a) The highway is a major arterial street that meets this act's requirements;
 - b) A local authority notifies all active statewide associations that are registered for lobbying with the Secretary of State primarily representing trucking interests via certified mail of the new through traffic connection, and the local authority receives a letter of support from all those associations; or
 - c) The improvement providing a through connection is located one mile or less from a reasonable alternative route that provides through access to the other jurisdictions without restrictions. (Sec. 1)
8. Requires a local authority that passed an ordinance on or after January 1, 2020, that is inconsistent with this act's requirements to amend or repeal the ordinance to comply with this act within 90 days after the effective date or the ordinance is invalidated. (Sec. 2)
9. Defines terms. (Sec. 1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: TAT DP 5-2-0-0 | 3rd Read 29-0-1-0

House: TI DP 6-5-0-0

SB 1098: truck routes; signage
Sponsor: Senator Carroll, LD 28
Caucus & COW

Overview

Requires signs that prohibit the operation of or impose weight limitations on trucks or commercial vehicles to be uniform signs designed by the Arizona Department of Transportation (ADOT). Outlines requirements for the signage and asserts that restrictions on highway use are not enforceable if the signage does not meet the requirements of this act after the effective date.

History

By ordinance or resolution for no more than 90 days a local authority may prohibit the operation of a vehicle or impose weight restrictions on a vehicle to be operated on a highway in its jurisdiction if the highway will be seriously damaged because of deterioration, rain, snow or other climatic conditions if the use or weight of the vehicle is not restricted. The local authority enacting the ordinance or resolution is required to erect and maintain signs stating the provisions of the ordinance or resolution at each end of that portion of the highway. The ordinance or resolution is not effective until the signs are erected and maintained.

A local authority may prohibit the operation of trucks or other commercial vehicles on highways in its jurisdiction or may impose limitations as to the weight of vehicles on designated highways. The restrictions are not enforceable until the local authority erects the proper signage.

The Director of ADOT (Director) has the authority granted to local authorities to determine by resolution and to impose restrictions on the weight of vehicles operated on a highway under the jurisdiction of ADOT. The restrictions are not effective until the proper signage is erected ([A.R.S. § 28-1106](#)).

Provisions

1. Requires signs that prohibit the operation of or impose weight limitations on trucks or commercial vehicles to be uniform and designed by ADOT. (Sec. 1)
2. Directs the uniform signs to be placed near every ingress and egress along the designated highway. (Sec. 1)
3. Requires the signs to inform the public of the restrictions and to direct the public to the fastest route to leave the restricted route. (Sec. 1)
4. Declares that restrictions on highway use are unenforceable on restricted routes from and after the effective date if the Director or local authority fails to erect or maintain signage that meets the requirements of this act. (Sec. 1)

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: TAT DP 6-1-0-0 | 3rd Read 19-10-1-0

House: TI DP 7-3-1-0

SB1100: all-terrain vehicles; definition

Sponsor: Senator Carroll, LD 28

Caucus & COW

Overview

Changes the definition of an *all-terrain vehicle* to a recreational off-highway vehicle with a maximum unladen weight of 3,500 pounds, rather than 2,500 pounds.

History

An *all-terrain vehicle* is either:

- 1) A motor vehicle that:
 - a) is designed primarily for recreational nonhighway all-terrain travel;
 - b) is 50 or fewer inches in width;
 - c) has an unladen weight of 1,200 pounds or less;
 - d) travels on three or more nonhighway tires; and
 - e) is operated on a public highway; or
- 2) A recreational off-highway vehicle that:
 - a) is designed primarily for recreational nonhighway all-terrain travel;
 - b) is 80 or fewer inches in width;
 - c) has an unladen weight of 2,500 pounds or less;
 - d) travels on four or more nonhighway tires;
 - e) has a steering wheel for steering control;
 - f) has a rollover protective structure; and
 - g) has an occupant retention system ([A.R.S. § 28-101](#)).

A person may not operate or allow the operation of an all-terrain vehicle or off-highway vehicle in Arizona without either a resident or nonresident off-highway vehicle user indicia issued by the Arizona Department of Transportation if the vehicle: 1) is designed by the manufacturer primarily for travel over unimproved terrain; and 2) has an unladen weight of 2,500 pounds or less ([A.R.S. § 28-1177](#)).

Provisions

1. Modifies the definition of an *all-terrain vehicle* to require a recreational off-highway vehicle to have an unladen weight of 3,500 pounds or less, rather than 2,500 pounds or less. (Sec. 1)
2. Increases the maximum unladen weight, from 2,500 to 3,500 pounds, for an all-terrain vehicle or off-highway vehicle that must register for a resident or nonresident off-highway vehicle user indicia and that is subject to a vehicle license tax of \$3. (Sec. 2-3)

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: TAT DP 7-0-0-0 | 3rd Read 29-1-0-0

House: TI DPA/SE 11-0-0-0

SB 1101: ADOT; authorized third parties; CDLs
S/E: authorized third parties; ADOT
Sponsor: Senator Carroll, LD 28
Caucus & COW

Summary of the Strike-Everything Amendment to SB 1101

Overview

Specifies that a third-party driver license provider may perform administrative functions or testing functions or both administrative and testing functions for the issuance and renewal of commercial driver licenses. Declares that the Director of the Arizona Department of Transportation (ADOT) cannot prohibit an authorized third party from printing an electronic certificate of title, registration card or windshield sticker.

History

An authorized third-party driver license provider must perform both of the following: 1) driver license skills and written testing; and 2) driver license processing. A person who is a third-party driver license provider may also be authorized to perform certain title and registration functions. An authorized third-party driver license provider must comply with all quality control requirements prescribed by ADOT. An authorized third-party driver license provider may perform administrative and testing functions for the issuance and renewal of commercial driver licenses as authorized by the Director of ADOT (Director) and according to federal law ([A.R.S. § 28-5101.01](#)).

An *authorized third party* is an entity that has executed a written agreement and is authorized by ADOT to perform limited or specific functions but is not authorized by ADOT to function as an authorized third-party electronic service provider ([A.R.S. § 28-5100](#)). The Director may establish a system to require the recording of certificate of title information for newly issued, transferred and corrected certificates of title through a cost-effective electronic media instead of paper documents. When establishing the system, the Director is required to: 1) establish procedures for issuing and maintaining an electronic certificate of title system applicable to all certificate of title transactions performed in this state; and 2) develop methods to electronically share information related to applications for certificates of title with law enforcement agencies and licensed entities ([A.R.S. § 28-2064](#)).

Provisions

1. States that an authorized third-party driver license provider may perform administrative functions or testing functions or both administrative and testing functions for the issuance and renewal of commercial driver licenses as authorized by the Director. (Sec. 2)
2. Prohibits the Director from prohibiting an authorized third party from printing an electronic certificate of title, registration tab or windshield sticker. (Sec. 1)
3. Makes 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-sixth Legislature
First Regular Session

Senate: TAT DPA 6-0-1-0 | 3rd Read 29-0-1-0

House: TI DPA/SE 7-4-0-0

**SB 1246: electronic certificates of title
S/E: election; transportation tax; Maricopa County
Sponsor: Senator Farnsworth, LD 10
Caucus & COW**

Summary of the Strike-Everything Amendment to SB 1246

Overview

Requires Maricopa County, beginning on January 1, 2026, if approved by qualified electors voting in a county-wide election, to levy and the Arizona Department of Transportation (ADOT) to collect a transportation excise tax to be in effect for 20 years. Additionally, if approved by the voters, establishes a transportation excise tax plan.

History

In 2004, Maricopa County voters approved a countywide transportation tax levied at a rate up to 10% of the state transaction privilege tax (one-half-cent transaction tax). Revenues from the half-cent transportation tax are deposited into the Regional Area Road Fund (RARF). [Laws 2003, Chapter 217](#) established the Regional Planning Agency Transportation Policy Committee (TPC) which is tasked with the approval of a 20-year comprehensive, performance-based, multimodal and coordinated regional transportation plan in Maricopa County.

The Maricopa Association of Governments (MAG) is a council of governments that serves as the regional planning and policy agency for the metropolitan Phoenix area. Monies collected from the voter-approved transportation taxes are deposited into MAG's RARF to be used by MAG for maintenance and capital expenses of freeways and the state highway system ([A.R.S. § 42-6106](#)).

[House Bill 2685](#) required Maricopa County to hold a county-wide election to continue the half-cent transportation tax. The bill was passed by the Legislature and transmitted to the Governor on June 24th, 2022. The Governor [vetoed](#) House Bill 2685 on July 6th, 2022.

Provisions

County Transportation Excise Tax Election

1. Requires, if approved by the qualified electors voting at a county-wide election, a county with a population of 3,000,000 or more people to levy, and ADOT to collect a transportation excise tax beginning January 1, 2026. (Sec. 23)
2. Directs the transportation excise tax to be levied and collected:
 - a) At a rate of up to 10% of the state transaction privilege tax (TPT) rate on January 1, 1990;
 - b) At a rate of up to 10% of the jet fuel excise tax rate; and
 - c) On the use or consumption of electricity or natural gas by customers in the county who are subject to use tax, at a rate equal to the state TPT rate that applies to customers engaging in the county in the utilities TPT classification. (Sec. 23)
3. States that the plan adopted by the regional planning agency will specify the distribution of the collected monies and requires the plan to distribute the revenues as follows:
 - a) 52% to the RARF for freeways and other routes in the state highway system, including maintenance and capital expense;

- b) 22% to the RARF for major arterial streets and regional programs, including capital expense and implementation studies; and
 - c) 26% to the public transportation fund for:
 - I. Capital costs, maintenance and operation of public transportation mode classifications; and
 - II. Capital costs and utility relocation costs associated with the light rail system. (Sec. 23)
4. Declares that no collected tax revenues can be used for any light rail extension. (Sec. 23)
 5. Asserts that no more than 5% of revenues collected may be transferred annually between the specified distributions. (Sec.23)
 6. Prohibits the RARF distribution for freeways and other routes in the state highway system from being decreased. (Sec. 23)
 7. States that revenue collected may not be used to influence the outcome of an election. (Sec. 23)
 8. Declares that the stated transportation excise tax requirements become effective only if the qualified electors approve an extension of a county transportation excise tax. (Sec. 23)
 9. Requires the levied tax to be in effect for 20 years. (Sec. 23)
 10. Describes processes for the county to call a countywide election for the extension and levy of a county transportation excise tax. (Sec. 27)
 11. States the county will conduct the election on a consolidated election date in the period beginning four years before an existing county transportation excise tax would otherwise be discontinued and ending two years before the date on which an existing county excise tax would be discontinued. (Sec. 27)
 12. Modifies population requirements for highly populated counties from 1,200,000 to 3,000,000 or more. (Sec. 3)
 13. Prohibits the collected revenue from being spent on any project that will result in a reduction in existing lane miles on a highway, roadway or street. (Sec. 23)
 14. Removes the ability for monies from any account in the RARF to be spent to determine public opinion before the election is called. (Sec. 7)
 15. Stipulates that the collected tax revenue may only be spent on polling for transportation planning and project implementation. (Sec. 23)
- Regional Planning Agency and Transportation Infrastructure Investment Plan***
16. Requires the regional planning agency in the county to develop and adopt a plan in cooperation with state and local public transportation authorities and coordination with ADOT. (Sec. 15)
 17. Defines *plan* as a comprehensive, performance-based, multimodal and coordinated regional strategic transportation infrastructure investment plan approved for a county. (Sec. 13)
 18. Directs the regional planning agency to consider truck parking availability when considering the construction, expansion or modification of freeways or other routes in the state highway system. (Sec. 15)
 19. Requires the regional planning agency to allocate at least \$90,000,000 for the implementation of commercial motor vehicle parking that is consistent with the adopted truck parking plan on or before December 31, 2050. (Sec. 14)
 20. Requires the plan to allocate transportation tax revenues in the:
 - a) RARF for freeways and other routes in the state highway system;
 - b) RARF for major arterial streets and regional programs; and
 - c) Public Transportation Fund for capital costs, maintenance and operation of public transportation mode classifications, and capital costs and utility relocation costs associated with the light rail system. (Sec. 15)

21. Allows up to 2.5% of collected transportation tax revenues to be transferred annually without going through the major investment change process. (Sec. 15)
 22. Requires the major investment change process to include:
 - a) Consideration by the TPC;
 - b) Identification of the projects and programs that would be impacted by the funding transfer;
 - c) A detailed performance-based assessment of the impacted projects and programs which must support the proposed major investment change and seek, consider and document public input on the proposed major investment change;
 - d) A 180-day public comment period; and
 - e) The submission of the proposed major investment change for review by the regional public transportation authority, the State Board of Transportation and the county Board of Supervisors (BOS). (Sec. 15)
 23. Directs the regional planning agency, beginning FY 2024, to adopt a budget process and outlines requirements for the budget process. (Sec. 15)
 24. Stipulates that the regional planning agency must coordinate with implementing partners on the budget process including ADOT for freeways and other routes in the state highway system and the regional public transportation authority in the county for the public transportation system. (Sec. 15)
 25. Specifies the budget process does not apply to the annual operating budget of the regional public transportation authority in the county. (Sec. 15)
 26. Requires the regional planning agency to determine the use of revenues collected for capital projects through the transportation improvement program. (Sec. 15)
 27. States that any bonds issued against proceeds collected through the tax require consultation with the regional planning agency. (Sec. 15)
 28. Directs the regional planning agency to annually report on the status of the funded projects and requires the report to be posted on the agency's website. (Sec. 15)
 29. Stipulates requests for changes to transportation projects funded in the plan that would materially increase costs must be submitted to the regional planning agency for approval and then submitted by the agency to the TPC and the board for consideration and approval. (Sec. 15)
 30. Requires a local authority that requests an enhancement to a transportation project funded by the plan to pay for all costs associated with the enhancement. (Sec. 15)
 31. States that if monies are appropriated by the Legislature for a project that is identified by the plan, the use of the monies for construction requires:
 - a) That the project must be advanced as appropriate to reflect the estimated construction start date; and
 - b) The monies be used in the same modal classification as transportation tax revenues. (Sec. 15)
 32. Allows a municipality that pays for public transportation service in an adjacent municipality or unincorporated area to be eligible for reimbursement from monies collected under the transportation tax. (Sec.15)
 33. Requires the regional planning agency to post a public notice on any proposed amendments to the plan that requires a new air quality conformity determination and to make the results of the air quality conformity analysis publicly available. (Sec. 15)
- Miscellaneous**
34. Requires ADOT to separately account for the uses of the transportation excise tax revenues deposited in the bond account and the construction account to identify how the revenues are used for:
 - a) Freeways or other routes in the state highway system; or
 - b) Major arterial streets and regional programs identified in the plan, including capital expense and implementation studies. (Sec. 4)

35. Modifies what monies in the bond account may be used for. (Sec. 5)
36. Removes the requirement that the Director of ADOT develops and annually updates, as a component of the five-year transportation facilities construction program, a plan for the use of monies expected to be deposited in the county's regional area road fund. (Sec. 8)
37. Adds the following members to the TPC beginning FY 2025, all serving six-year terms:
 - a) Two members representing unincorporated areas of Maricopa County. One member appointed by the President of the Senate and one by the Speaker of the House of Representatives;
 - b) One member representing a taxpayer organization appointed jointly by the Speaker of the House of Representatives and the President of the Senate; and
 - c) One member who represents housing interests appointed jointly by the Speaker of the House of Representatives and the President of the Senate. (Sec. 9)
38. Directs the TPC to develop the plan in cooperation with the regional public transportation authority in the county and ADOT and in consultation with the BOS, Indian communities, and cities and towns in the county. (Sec. 9)
39. Requires the TPC to recommend approval, disapproval or modification of:
 - a) The Plan;
 - b) Changes to the allocation of transportation tax revenues;
 - c) Budget processes; and
 - d) Funding awarded through the regional program's process. (Sec.9)
40. Requires the Auditor General to every five years internally conduct a performance audit of the plan and projects scheduled for funding during the next five years and changes the reporting requirements for the audit. (Sec. 11)
41. Establishes beginning January 1, 2026, a regional public transportation authority in a county with a population of 3,000,000 or more people that approved a county transportation excise tax. (Sec. 24)
42. Requires the five-year transportation facilities construction program to include a plan that is updated annually for the use of monies expected to be deposited in a county's RARF that is consistent with the plan adopted by the regional planning agency and consistent with the planning agency's budget process. (Sec. 18)
43. Specifies that this act does not invalidate any action by a regional public transportation authority formed before the effective date. (Sec. 28)
44. States that the Legislature intends the regional public transportation authority to extend fixed-route bus service on Bell Road from 75th Avenue to Reems Road beginning in FY 2025. (Sec. 29)
45. Repeals statute. (Sec. 8, 10, 14, 16, 26)
46. Contains a severability clause. (Sec. 30)
47. Defines pertinent terms. (Sec. 2, 13, 15)
48. Makes technical changes. (Sec. 1-3, 5-7, 9, 11, 16-17, 20, 22)
49. Makes conforming changes. (Sec. 1-3, 5-7, 9, 11-13, 16-17, 19-22, 25)

<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
--	--	---	--------------------------------------



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: TAT DPA 4-3-0-0 | 3rd Read 16-13-1-0

House: TI DP 6-5-0-0

SB 1313: general plan; transportation; independent study **Sponsor: Senator Hoffman, LD 15** **Caucus & COW**

Overview

Restricts a municipalities general plan from including transportation or land use policies or projects that lower the overall system capacity of motor vehicle traffic. Requires a municipality whose general plan reduces the level of service of any arterial street to conduct an independent study on the impact on emergency vehicle response times. Modifies general plan requirements.

History

Each planning agency must prepare, and each municipality governing body must adopt a comprehensive, long-range general plan for the municipality's development. The general plan is required to consist of a statement of community goals and development policies. The plan must include maps, any necessary diagrams and text setting objectives, principles, standards and plan proposals.

Statute outlines various requirements for municipal general plans. A general plan for cities with a population of over 50,000 people is required to include, and for cities of a population under 50,000 may include, some of the following elements:

- 1) A public services and facilities element showing general plans for police, fire, emergency services, sewage, refuse disposal, drainage, local utilities, rights-of-way, easements and facilities for them;
- 2) A housing element consisting of standards and programs for the elimination of substandard dwelling conditions and for the improvement of housing quality;
- 3) A public buildings element showing the locations of civic and community centers, public schools, libraries, police and fire stations and other public buildings; and
- 4) A bicycling element consisting of proposed bicycle facilities including bicycle routes, bicycle parking areas and designated bicycle street crossing areas.

Cities and towns with a population over 2,500 people with a population growth of more than the average 2% per year and cities and towns with a population over 10,000 people are required to include in their general plan a growth area element, specifically identifying areas that are particularly suitable for planned multimodal transportation and infrastructure expansion and improvements designed to support a planned concentration of a variety of uses including residential, office, commercial, industrial or tourism ([A.R.S. § 9-461.05](#)).

Provisions

1. Prohibits any municipalities' general plan from including transportation or land use policies or projects that lower the overall system capacity of motor vehicle traffic. (Sec. 1)
2. Requires a municipality to conduct an independent study on the impact on emergency vehicle response times if the municipality's general plan includes a reduction in the level of service of any arterial street, including reducing the speed or capacity of the street. (Sec. 1)
3. Removes the requirement for cities with a population over 50,000 people to include in their general plan a bicycling element consisting of proposed bicycle facilities, including bicycle routes, parking areas and designated bicycle street crossing areas. (Sec. 1)

4. Modifies the requirement that certain cities and towns include in their general plan a growth area element to identify areas suitable for planned multimodal transportation and infrastructure expansion and improvements to require the growth area element to only identify areas suitable for infrastructure expansion and improvements. (Sec. 1)
5. Makes technical and conforming changes. (Sec. 1)

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: TAT DP 4-3-0-0 | 3rd Read: 16-13-1-0

House: TI DP 6-5-0-0

SB1314: transportation system performance; ADOT Sponsor: Senator Hoffman, LD 15 Caucus & COW

Overview

Makes changes to the Transportation Planning Division's process for transportation system performance evaluation and prescribes performance factor weights for highway and transit projects.

History

To carry out responsibilities in its jurisdictions, the Arizona Department of Transportation (ADOT) is organized into divisions, including the Transportation Planning Division (Division) ([A.R.S. § 28-332](#)).

The Division must develop for presentation to the State Transportation Board (Board) standard transportation system performance factors that at least include the following variables: 1) System preservation; 2) Congestion relief; 3) Accessibility; 4) Integration and connectivity with other modes; 5) Economic benefits; 6) Safety; 7) Air quality and environmental impacts; 8) Cost-effectiveness of a project or service; 9) Operational efficiency; and 10) Project readiness. The Division is required to develop transportation system performance factor weights for presentation to the Board.

ADOT and the Board must use the established performance factors and weights to: 1) Select projects and services in the Five-Year Transportation Facilities Construction Program and the Long-Range Statewide Transportation Plan; and 2) Allocate state and federal financial resources among ADOT's major program categories ([A.R.S. § 28-505](#)).

Provisions

1. Modifies the standard transportation system performance factors that the division must develop to include:
 - a) Congestion reduction, rather than congestion relief;
 - b) Connectivity, rather than integration and connectivity with other modes;
 - c) Safety Improvements, rather than safety;
 - d) Integration with other modes; and
 - e) Mobility. (Sec. 2)
2. Directs the Division to:
 - a) Develop methods to measure each performance factor quantitatively using any relevant and available data to the extent practicable; and
 - b) Consider technologies, new innovations, data and market solutions to optimize the delivery of performance factors. (Sec. 2)
3. Requires the Division to use the following weights:
 - a) For highway projects:
 - i. Congestion reduction, 40%;
 - ii. Increased mobility, 40%; and
 - iii. Safety improvements, reduction in the number of fatalities on roadways in the region, 20%; and
 - b) For transit projects:
 - i. Requiring ridership on each route to not be lower than 70% of the system average; and
 - ii. Allows the ridership minimum to be decreased to 50% of the system average if the lines are contracted out to a private operator. (Sec. 2)

4. Restricts the Division from considering or adopting a motor vehicle travel mile reduction target or any other demand management policy or project. (Sec. 2)
5. Prohibits the transportation system performance factors from being applied in a manner that promotes differential treatment of or provides special benefits to individuals based on race, color or ethnicity. (Sec. 2)
6. Defines terms. (Sec. 1)
7. Makes technical and conforming changes. (Sec. 2)

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



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: COM DP 4-3-0-0 | 3rd Read 16-14-0-0

House: TI DP 8-3-0-0

SB1658: critical infrastructure; prohibited agreements **Sponsor: Senator Rogers, LD 7** **Caucus & COW**

Overview

Prohibits a business or a governmental entity in this state from entering into an agreement involving critical infrastructure in this state with a company owned by citizens of or headquartered in China, Iran, North Korea or Russia that would be able to access or control critical infrastructure.

History

Critical infrastructure are systems and assets, whether physical or virtual, that are so vital to this state and the United States that the incapacity or destruction of those systems and assets would have a debilitating impact on security, economic security, public health or safety. The *critical infrastructure information system* is a program that uses advanced technologies to provide personnel who are involved in homeland security planning and operations with real-time information regarding critical infrastructure within this state and critical infrastructure located outside of this state that may affect the safety and well-being of citizens of this state ([A.R.S. § 41-1801](#)).

The Department of Public Safety (DPS) must establish and operate a statewide critical infrastructure information system. When DPS declares through written notice to all state agencies and local governments that the statewide critical infrastructure information system is operational, all state agencies and local governments must only use the statewide critical infrastructure information system and must not operate independent critical infrastructure information systems ([A.R.S. § 41-1803](#)).

Provisions

1. Restricts a business or a governmental entity in this state from entering into an agreement involving critical infrastructure in this state with a company if:
 - a) Under the agreement, the company, directly or remotely, would be able to access or control critical infrastructure in this state, except for access that is specifically allowed for product warranty and support purposes; and
 - b) The company is owned by or controlled by:
 - i. Citizens of China, Iran, North Korea or Russia; or
 - ii. A company or other entity, including a governmental entity owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea or Russia or that is headquartered in these countries. (Sec. 1)
2. Allows the Governor to designate a country as a threat to critical infrastructure in this state, in consultation with DPS. (Sec. 1)
3. Defines terms. (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
--	--	---	--------------------------------------



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: FIN DP 5-2-0-0 | 3rd Read 18-11-1-0

House: WM DP 7-3-0-0

SB 1260: small businesses; income tax; rate
Sponsor: Senator Mesnard, LD 13
Caucus & COW

Overview

Reduces the Arizona small business income tax rate to 2.5% for taxable years (TY) beginning January 1, 2023.

History

For taxable years beginning January 1, 2021, small business taxpayers may annually elect to file an Arizona small business income tax return with the Department of Revenue. ([A.R.S. § 43-302](#)) A small business taxpayer is any individual taxpayer who reports on their federal income tax return any income that constitutes Arizona small business gross income. ([A.R.S. § 32-104](#) and [A.R.S. § 43-1701](#)) The tax rate for TY 2023 and 2024 is 2.8% and reduces to 2.5% in TY 2025 and each year thereafter. ([A.R.S. § 43-1711](#))

Provisions

1. Reduces the Arizona small business income tax rate to 2.5% beginning TY 2023. (Sec. 1)
2. Makes technical and conforming changes. (Sec. 1)
3. Contains a retroactivity clause. (Sec. 2)

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