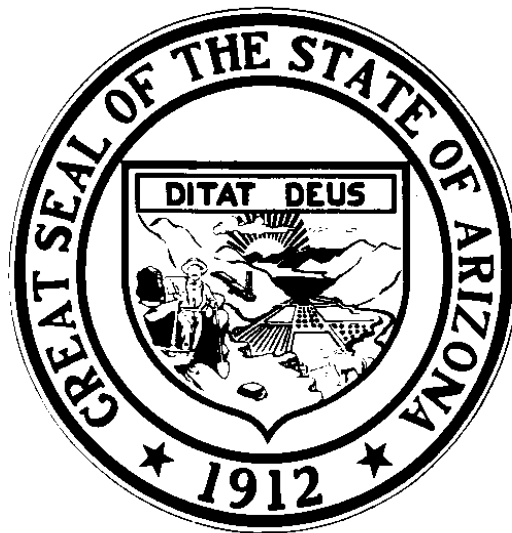


STATE OF ARIZONA HOUSE OF REPRESENTATIVES

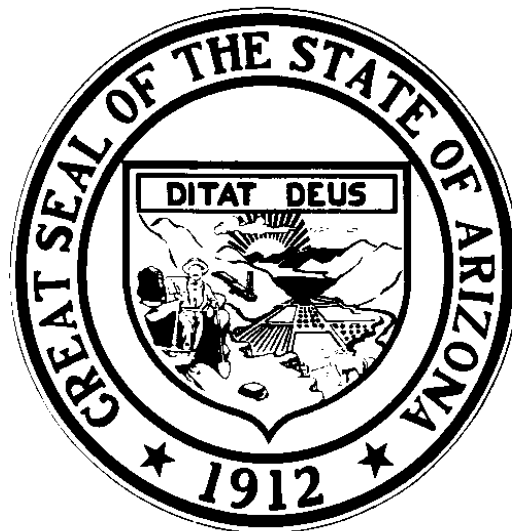
SUMMARY OF LEGISLATION
2011



Forty-Ninth Legislature
Ninth Special Session
Fiftieth Legislature
First Regular Session
First and Second Special Sessions

Prepared by
Majority Research Staff

PREPARED UNDER THE DIRECTION OF
THE HONORABLE ANDREW M. TOBIN
SPEAKER OF THE HOUSE
AND KIRK ADAMS, FORMER SPEAKER OF THE HOUSE
SUMMARY OF LEGISLATION
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Compiled by
Jennifer E. Anderson

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GENERAL EFFECTIVE DATES

Forty-Ninth Legislature

NINTH SPECIAL SESSION

Session Convened: *August 9, 2010*
Adjourned Sine Die: *August 11, 2010*

Fiftieth Legislature

FIRST REGULAR SESSION

Session Convened: *January 10, 2011*
Adjourned Sine Die: *April 20, 2011*
General Effective Date: *July 20, 2011*

FIRST SPECIAL SESSION

Session Convened: *January 19, 2011*
Adjourned Sine Die: *January 20, 2011*
General Effective Date: *January 21, 2011*

SECOND SPECIAL SESSION

Session Convened: *February 14, 2011*
Adjourned Sine Die: *February 16, 2011*
General Effective Date: *May 17, 2011*

BILL INTRODUCTIONS

Fiftieth Legislature First Regular Session 2011

	<u>House</u>	<u>Senate</u>	<u>Total</u>
Bills Introduced	726	624	1,350
Memorials and Resolutions Introduced.....	64	82	146
<hr/>			
Total.....	790	706	1,496
Bills Transmitted to Governor	173	213	386
Bills Signed by Governor	161	196	357
Bills Vetoed by Governor	12	17	29
(HBs 2067, 2166, 2177, 2230, 2338, 2484, 2502, 2577, 2581, 2650, 2700, 2707)			
(SBs 1041, 1088, 1186, 1201, 1288, 1316, 1322, 1329, 1331, 1379, 1386, 1467, 1497, 1522 1561, 1592, 1593)			
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SECTION I

**STATE GENERAL FUND AND OTHER FUND
APPROPRIATIONS
SUMMARY TABLES OF BILLS**

**State of Arizona
Fiftieth Legislature
*FY 2011-12***



SECTION II

SUMMARY OF LEGISLATION *Second Regular Session*

Session Convened: *January 10, 2011*

Adjourned Sine Die: *April 20, 2011*

General Effective Date: *July 20, 2011*

State of Arizona
Fiftieth Legislature
First Regular Session

COMMITTEE ON APPROPRIATIONS

Representative John Kavanaugh, Chairman
 Representative Steve Court, Vice-Chairman
 Mike Huckins, Legislative Research Analyst
 Chris Stapley, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

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HB 2016 – Chapter 83 – JLBC; JCCR; reports

Eliminates various outdated references and unused reporting requirements for JLBC and JCCR.

HB 2227 – Chapter 194 – separate funds; donations; transfer prohibited

Stipulates that monetary gifts, devises or donations given to agencies cannot be considered part of or transferred to the state GF and requires agencies to account for these funds separately.

HB 2462 – Chapter 130 – JLBC; annual report; debt

Requires JLBC to present a yearly report on state GF debt and obligations to the House and Senate Appropriations Committees, including: outstanding GO bonds, long-term notes and bonds, lease-purchase agreements, revenue bonds, and rollovers.

HB 2652 – Chapter 120 – appropriations; named claimants

Appropriates \$68,687.30 to ADOA for payment of outstanding claims against state agencies.

SB 1012 – Chapter 122 [E] – *lakes; non-motorized watercraft; rulemaking; exemption

Exempts G&F from rulemaking requirements for establishing watercraft motor and engine restrictions on state lakes.

SB 1087 – Chapter 180 – *municipalities; expenditure limits

Waives penalties for exceeding the revenue expenditure limitation for the Town of Pima in FY 2006-07 and for the City of Safford in FY 2001-02 and FY 2006-07. Requires the City of Safford to pay a \$20,000 penalty in FY 2010-11.

SB 1116 – Chapter 158 – *universities; taxpayer funded programs; restrictions

Prohibits an individual acting on behalf of a university from using university personnel, equipment, materials, buildings, or other resources to advocate in support for or against pending or proposed legislation. States that universities under ABOR's jurisdiction cannot provide publicly funded programs, scholarships, or courses or allow publicly funded organizations, institutes, or centers to operate on the campus, or on behalf of or in association with the university, for the purpose of advocating for a specified public policy and outlines exceptions.

SB 1357 – Chapter 234 – AHCCCS; missed appointments; provider remedy

Allows AHCCCS providers to charge a \$25 missed appointment fee to patients before allowing them to reschedule an appointment. Additionally, permits a political subdivision of this state, through September 30, 2013, to provide AHCCCS with the monies necessary to receive federal matching funds for the purpose of providing health care coverage to individuals who would have been eligible for coverage had additional state GF monies been available.

SB 1368 – Chapter 352 – *probation officers; disciplinary actions

Exempts a probation officer from disciplinary action unless there is just cause. Specifies that the just cause threshold does not apply to a probation officer who has not completed an initial probationary period or to administrative dismissals including reductions in force.

SB 1398 – Chapter 308 – *moving violations; assessment; equipment; enforcement

Adds an additional \$13 assessment for various offenses and specifies how the money is to be distributed, repeals various state photo enforcement statutes, amends requirements for persons who have received a notice of violation from photo enforcement and extends the transfer of remaining monies in the Photo Enforcement Fund to the Public Safety Equipment Fund to FY 2011-12. Additionally, appropriates \$1,000,000 to DPS for the purpose of entering into an MOU with specified county to purchase equipment and supplies for border security.

SB 1612 – Chapter 24 – *2011-2012; general appropriations

Makes various GF and OF appropriations for FY 2011-12 state budget and makes various budget revisions, transfers and supplemental appropriations for FY 2010-11. For complete FY 2011-12 budget details, refer to <http://www.azleg.gov/jlbc.htm>.

SB 1613 – Chapter 25 – *capital outlay; 2011-2012

Makes appropriations for FY 2011-12 to applicable agencies for the maintenance, repair, building renewal and preventative maintenance of state buildings.

Building Renewal

- Appropriates the following amounts for major maintenance and repair activities for state buildings in FY 2011-12:
 - **ADOA:** \$6,500,000 from the Capital Outlay Stabilization Fund
 - **ADOT:** \$1,000,000 from the SHF and \$50,000 from the State Aviation Fund
 - **Arizona Lottery Commission:** \$79,200 from the Arizona State Lottery Fund
 - **G&F:** \$522,100 from the G&F Fund

Preventative Maintenance

- Appropriates the following amount for building renewal and preventative maintenance projects for state buildings in FY 2011-12:
 - **ADOA:** \$4,630,500 from the DOC Building Renewal Fund

Capital Projects

Department	Project	Fund Sources	Amount
G&F	Statewide Preventative Maintenance	G&F Fund	\$30,000
	Property Maintenance	G&F Capital Improvement Fund	\$500,000
	Dam Maintenance	G&F Capital Improvement Fund	\$500,000
Total (G&F)			\$1,030,000
ADOT	Statewide Highway Construction	SHF	\$209,978,000
	Airport Planning and Development	State Aviation Fund	\$22,300,400
Total (ADOT)			\$232,278,400

SB 1614 – Chapter 26 – *state budget procedures; 2011-2012

Makes temporary and permanent changes to Arizona statutes related to budget procedures in order to implement the FY 2011-12 state budget.

- Specifies that any state employees hired after the effective date of this act are not eligible:
 - For state employee benefits until they have worked regularly for at least 90 days.
 - To become a member of any state retirement system until they have worked regularly for at least six months.
- Changes the employee/employer ASRS contribution rate from 50/50 to 53/47 and transfers the savings to the state GF.
- Permits an agency director to prescribe furloughs for agency covered employees to comply with any reductions in appropriations.
- Eliminates one of five furlough days for FY 2010-11 and eliminates the six furlough days for FY 2011-12.
- Requires the Governor's Office of Economic Recovery to report to JLBC the allocation of monies to designated categories from the ARRA discretionary funds.

- Requires any unrestricted monies received from July 1, 2011 through June 30, 2012 to be deposited into the state GF for the payment of essential governmental services.
- Suspends statutes that require biennial budgeting for various state agencies.
- Requires any non-lapsing appropriated monies from the state GF at the close of FY 2011-12 that remain unexpended and unencumbered be included in the closing balance as if the monies had lapsed or otherwise been reverted to the state GF.

SB 1615 – Chapter 27 – *state agencies; consolidation

Makes temporary and permanent changes to Arizona statutes related to government consolidation in order to implement the FY 2011-12 state budget.

ADOA Capitol Police Transfer to DPS

- Transfers ADOA capitol police to DPS and transfers the Capitol Police Towing Administration Fund, retirement board, assets, property, data, investigative findings and monies from ADOA Capitol Police to DPS.
- Prohibits all transferred equipment, records, furnishings, vehicles and other property from being upgraded without legislative authorization.

Government Information Technology Agency Transfer to ADOA

- Transfers GITA's powers, duties, responsibilities, property, data, investigative findings, and monies to ADOA.
- Specifies that all actions, administrative rules and orders, certificates, licenses registrations, permits, and other indicia of qualification and authority issued by GITA retain their validity for the duration of their terms until superseded by ADOA.

Biomedical Research Commission Transfer to DHS

- Transfers the Biomedical Research Commission (Commission) and its powers, property, data, investigative findings, and monies to DHS, and eliminates the DHS director's membership on the Commission.
- Specifies that administrative matters, contracts, and judicial and quasi-judicial actions of the Commission are transferred to and retain the same status with DHS.

DMMR Transfer to Arizona Geological Survey

- Transfers DMMR's duties, responsibilities, property, data, investigative findings, and monies to the Arizona Geological Survey (AGS) and eliminates the AGS director's membership on the Centennial and Mining and Mineral Museum Advisory Council.
- Maintains the current obligations, contracts, actions, certificates, registrations and permits taken by DMMR in the transfer to AGS.
- Requires all transferred employees of DMMR receive comparable compensation at AGS.

State Library Buildings

- Transfers the management of the Public Retention Center from Legislative Council to ADOA.
- Prohibits ADOA from charging rent or tenant improvement labor costs for buildings operated by the SOS that are primarily used for storing, managing or preserving a large amount of public records or archival materials, beginning July 1, 2012.

Mines and Minerals Fund

- Transfers the first \$32,200 from the Mines and Minerals Fund to the Arizona Historical Society Revolving Fund and transfers remaining monies to the Geological Survey Fund.

SB 1616 – Chapter 28 – *budget reconciliation; revenue; 2011-2012

Makes temporary and permanent changes to Arizona statutes related to state revenues in order to implement the FY 2011-12 state budget.

- Aligns the state's payment of debt service on the Phoenix Convention Center with the debt service schedule of the bonds issued.
- Requires VLT revenue collected from the five-year registration option above what would have been collected from the two-year option to be deposited in the GF, instead of the SHF.
- Decreases the amount of unclaimed property revenues deposited into the Housing Trust Fund from \$10,500,000 to \$2,500,000 and redirects the remaining revenues as follows:
 - \$6,000,000 to the state GF.
 - \$2,000,000 to the Seriously Mentally Ill Housing Trust Fund.
- Subjects monies in the DOR Administrative Fund to lapsing of appropriations.
- For FY 2011-12, authorizes the following agencies to increase fees for services provided in FY 2011-12, exempts the agencies from rule-making requirements for this purpose, and contains a legislative intent clause limiting the additional revenues generated as noted:
 - OPM - \$525,000.
 - Radiation Regulatory Agency - \$500,000.
- For FY 2011-12, requires the following counties to transfer the corresponding amounts listed to the State Treasurer for deposit in the GF and excludes the amounts from the counties' expenditure limitations

FY 2011-12 County Transfers	
Maricopa	\$26,384,500
Mohave	\$1,383,700
Pima	\$6,775,700
Pinal	\$2,597,400
Yavapai	\$1,458,700

- For FY 2011-12, allows counties to meet the required fund transfers from any source of county revenue, including funds from any countywide special taxing district in which the county board of supervisors serves as the district's board of directors.
- For FY 2011-12, requires ADOT to distribute additional monies from the State Highway Fund to the following counties in the corresponding amounts listed:

FY 2011-12 Additional SHF Distributions to Counties	
Apache	\$485,900
Cochise	\$578,900
Coconino	\$686,400
Gila	\$274,000
Graham	176,900
Greenlee	\$58,800
La Paz	\$270,300
Navajo	\$584,900
Santa Cruz	\$213,500
Yuma	\$760,400

- Establishes a tax recovery program.

SB 1617 – Chapter 29 – *budget reconciliation; K-12 education; 2011-2012

Makes temporary and permanent changes to Arizona statutes related to K-12 education in order to implement the FY 2011-12 state budget.

School Funding Formulas

- Sets the per-pupil Base Level amount for school districts and charter schools for FY 2011-12 at \$3,267.72.
- Increases the school district Transportation Support Level per route mile formula for FY 2011-12 by 0.9%.
- Reduces the Soft Capital Allocation funding formula and corresponding budget limits for FY 2011-12 by \$188.1M and mandates a proportionate reduction in Soft Capital Allocation and budget limits for districts not eligible to receive Basic State Aid.
- Reduces the Capital Outlay Revenue Limit (CORL) funding formula and corresponding budget limits for FY 2011-12 by \$63.9M and mandates a proportionate reduction in CORL funding and budget limits for districts not eligible to receive Basic State Aid.
- Caps the sum of Soft Capital and CORL reductions for school districts with a student count of less than 1,100 pupils at \$5M.
- Increases the charter school Additional Assistance per-pupil amount for FY 2011-12 by 0.9%.
- Directs ADE to reduce the charter school Additional Assistance for FY 2011-12 by the amount identified in the General Appropriations Act (SB 1612).

Teacher Performance Pay

- Phases out the Career Ladder Program and the Optional Performance Incentive Program (OPIP) in equal increments over five years by decreasing the Base Level by 1% each year.
- Repeals the statewide, state-funded Teacher Performance Pay formula.

Joint Technical Education Districts

- Prohibits JTEDs from including grade nine pupils in their ADM and prohibits any JTED monies from being spent on grade nine pupils.
- Funds JTEDs at 91% of State Aid that would otherwise be provided by law for FY 2011-12.

School Facilities Board

- Prohibits SFB from authorizing or awarding funding for the design or construction of any new school facility or for school site acquisitions for FY 2011-12, but exempts lease-to-own transactions entered into by SFB as previously authorized by the Legislature and the distribution of monies for construction projects that began construction before FY 2008-09.
- Requires school districts to submit capital plans to SFB during FY 2011-12 and allows SFB to review and award new school facilities, subject to future appropriations.
- Prohibits SFB from distributing monies from the Building Renewal Fund for FY 2011-12.

Early Graduation Scholarship Program (EGSP)

- Suspend the EGSP for FY 2011-12, if sufficient monies are available, continues to fund pupils admitted to the EGSP before July 1, 2009.

Education Learning and Accountability System

- Replaces the (K-12) Student Accountability and Information System (SAIS) with the (P-20) Education Learning and Accountability (ELA) system to collect, compile, maintain, and report student-level data for preschool through postsecondary students.

- Establishes the ELA Fund, requires each community college and public university to transmit \$6 per FTSE to ADE for deposit in the Fund by December 1, 2011 and specifies Fund monies must be used in FY 2011-12 for the purposes of replacing and updating SAIS.

Miscellaneous

- Repeals the Actual Utilities Cost RCL adjustment formula.
- Suspends the annual performance audit of the Arizona Instrument to Measure Standards (AIMS) Intervention and Dropout Prevention Program for FY 2011-12.
- Repeals the ADE biennial costs study of special education programs.

SB 1618 – Chapter 30 – *budget reconciliation; higher education; 2011-2012

Makes temporary and permanent changes to Arizona statutes related to higher education in order to implement the FY 2011-12 state budget.

Community Colleges

- Suspends the community college capital outlay aid formula for FY 2011-12 and specifies that community colleges will receive operating state aid for FY 2011-12 as outlined in the General Appropriations Act (SB 1612).
- Permits community college districts to use any portion of their capital outlay aid for operating aid purposes.
- Lifts the prohibition against a community college district delegating the authority to execute a lease exceeding \$100,000 per year.
- Repeals the annual community college workforce development plan.
- Removes the requirement for community college districts to annually transmit vocational education information to the Center for Vocational Education.

Public Universities

- Requires ABOR to annually report, by August 1, the graduation and retention rates by each university campus during the previous year to JLBC.
- Suspends the requirement for the Legislature to provide a 2:1 match for every \$1 of student fees deposited into the Arizona Financial Aid Trust.
- Expresses legislative intent for ABOR and its universities to collaborate and recommend an outcome-based funding structure, a student-centered financial aid model, and a method that addresses the issue of per-student funding disparities for the FY 2012-13 budget submittals.

Board of Medical Student Loans

- Allows the Board of Medical Student Loans, retroactive to June 30, 2011, to apportion less than 50% of the monies in the Medical Student Loan Fund in FY 2011-12 to students attending private medical schools.

SB 1619 – Chapter 31 – *budget reconciliation; health; 2011-2012

Makes temporary and permanent changes to Arizona statutes related to health and human services in order to implement the FY 2011-12 state budget.

AHCCCS

- Transfers the Children's Rehabilitative Services program from DHS to AHCCCS.
- Specifies that for inpatient hospital services rendered on or after October 1, 2011, the prospective tiered per diem payment rates are permanently reset to the amounts payable for those services as of September 30, 2011.

- Specifies that AHCCCS must not adjust the tiered per diem rates for inflation in Calendar Year 2012 for inpatient, and outpatient hospital services.
- Eliminates the prospective tiered per diem payment methodology for inpatient hospital services for the payment of claims with extraordinary operating costs.
- Requires AHCCCS to perform a redetermination of eligibility for recipients *at least annually*.
- Specifies, effective July 1, 2011 and subject to approval by CMS, that AHCCCS recipients must pay various premiums and co-payments.
- Eliminates coverage of non-emergency medical transportation except for stretcher vans and ambulance transportation.
- Allows AHCCCS to reduce payments for institutional and non-institutional provider services for rates effective October 1, 2011 through September 30, 2012 by 5%.
- Allows AHCCCS to participate in any Special Disability Workload 1115 Demonstration Waiver offered by CMS and specifies that if CMS does not approve in whole or in part the Section 1115 Waiver submitted on March 31, 2011, AHCCCS must implement a program within the available appropriation and implement the co-payment and non-emergency transportation provisions provided in this act.
- Reinstates transplant services that were eliminated in Laws 2010, Seventh Special Session.
- Specifies that from April 1, 2011 through September 30, 2011 AHCCCS and its contractors must reimburse ambulance service providers 72.2% of the amounts prescribed by DHS. AHCCCS must not include any rate increases approved by DHS between July 2, 2011 and September 30, 2011 in AHCCCS' reimbursement rates.
- States that beginning October 1, 2011, AHCCCS must reimburse ambulance providers at 72.2% of the amounts prescribed by DHS and through September 20, 2012, remuneration for ambulance services may be reduced up to an additional 5%.
- Allows AHCCCS to continue the risk contingency rate setting for all managed care organizations and the funding for all managed care organizations at funding levels that were imposed for the contract year beginning October 1, 2010.
- Requires AHCCCS to issue an RFI by August 1, 2011 for mechanisms to reduce erroneous and fraudulent payments in AHCCCS, issue an RFP by October 1, 2011, and award a contract by January 1, 2012.
- Establishes the Prescription Drug Rebate Program and applicable provisions.

Counties

- Revises the total county contributions in FY 2010-11, if the federal government extends the enhanced federal match, for ALTCS, from \$187,507,000 to \$192,878,000.
- Provides that if the overall cost for ALTCS exceeds \$1,242,309,200 for FY 2010-11, the state treasurer must collect from the counties the difference between the amount specified and the counties' share of the state's actual contribution.
- Specifies that the counties' share of the state's contribution must not exceed 59.3% and distributions from HURF must not be used to fulfill the ALTCS obligation.
- Sets the county ALTCS contributions for FY 2011-12 at \$251,732,900 and specifies that if the overall cost for ALTCS program exceeds the amount in the general appropriations act for FY 2011-12, the state treasurer must collect the difference from the counties by withholding other monies payable to the counties.

- Provides that the counties' share of the state's contribution must be in compliance with any federal Maintenance of Effort requirements and the state treasurer must not withhold distributions from HURF.
- Specifies that on or before December 31, 2012 for FY 2011-12 AHCCCS must transfer to the counties such portion, if any, as may be necessary to comply with the Patient Protection and Affordable Care Act for the counties' proportional share of the state's contribution.
- Sets the County Acute Care Contributions for FY 2011-12 at \$48,605,300 and specifies alternative collection procedures should a county not meet their funding obligation.
- Requires \$2,646,200 to be collected from the counties, other than Maricopa, for the County Acute Care Contribution for hospitalization and medical care services administered by AHCCCS.
- Excludes Proposition 204 administrative costs from county expenditure limitations.

Hospitals

- Establishes disproportionate share payments for FY 2011-12:

DHS

- Requires the counties to reimburse DHS 50% of the cost of treatment and confinement for sexually violent persons.
- Specifies that a city or county must reimburse DHS for 100% of the costs for inpatient competency restoration treatment.
- Allows the DHS director to establish a surcharge to be assessed on any local registrar who obtains access to the DHS vital records automation system.
- Directs the state registrar to annually deposit 85% of the first \$4,000,000 collected in the Vital Records Electronic Systems Fund (VRES Fund) and the remaining 15% in the state GF and specifies that for any collections over \$4,000,000, 40% is to be deposited in the VRES Fund and 60% in the state GF.

ADOA

- Eliminates the requirement that state agencies transfer all their state employee health insurance appropriation to the ADOA self-insurance pool.
- Prohibits, beginning October 1, 2011, implementation of a differentiated health insurance premium in FY 2011-12 based on the integrated or non-integrated status of the provider.

SB 1620 – Chapter 32 – *budget reconciliation; welfare; 2011-2012

Makes temporary and permanent changes to Arizona statutes related to welfare programs in order to implement the FY 2011-12 state budget. Provides a maximum of twenty-four months for Temporary Assistance for Needy Families (TANF) cash assistance, and continues the Department of Economic Security's (DES) authority to drug test TANF recipients. Allows DES to reduce the maximum income eligibility levels for child care assistance.

SB 1621 – Chapter 33 – *budget reconciliation; criminal justice; 2011-2012

Makes temporary and permanent changes to Arizona statutes related to criminal justice in order to implement the FY 2011-12 state budget.

Attorney General – Department of Law

- Increases the monetary threshold necessary to trigger any remaining monies to be distributed on a pro rata basis to specified funds from the Collection Enforcement Revolving Fund from \$100,000 to \$500,000 for FY 2011-12.

State Capital Postconviction Public Defender Office (SCPPD)

- Exempts the SCPPD office from the requirement that they contribute a pro rata share of general agency counsel services provided by the department of law to ADOA for deposit in the AG Legal Services Cost Allocation Fund.

Department of Corrections

- Requires DOC to report expenditures in the same structure and detail as the prior FY when DOC submits the FY 2012-13 budget request.
- Establishes the DOC Building Renewal (BR) Fund and allows the Director of DOC to establish the following fees to be deposited in the BR Fund:
 - A one-time fee for conducting background checks on inmate visitors;
 - Deposits made to a Prisoner Spendable Account.
- Requires the director to make the following yearly transfers to the DOC BR Fund and specifies how any remaining monies may be used:
 - \$500,000 from the Inmate Store Proceeds Fund;
 - \$500,000 from the Special Services Fund;
 - \$1,000,000 from the Revolving Fund.
- Requires a sheriff to receive and keep in the county jail any prisoner who is sentenced to serve a sentence of a year or less in DOC, unless the county has entered into an agreement to reimburse DOC for the incarceration costs.
- Specifies that unless a sheriff has entered in an agreement to reimburse DOC for the incarceration costs, a person who is convicted of operating specified vehicles while under the influence must serve their required jail sentence.
- Specifies that a person who is sentenced to a concurrent term of incarceration for more than one year must be incarcerated in the DOC.
- Requires DOC to present its plan on state-operated prison beds to the JLBC by March 1, 2012.
- Permits DOC to use the Transitional Program Fund, the Transitional Services Fund and the DOC Interagency Service Agreement Fund for operating expenses

Board of Executive Clemency (BEC)

- Continues the requirement that BEC board members serve on a part-time basis and specifies that they are not eligible for paid leave or specified insurance benefits.

Judiciary

- Suspends various judiciary reporting requirements in FY 2011-12.
- Repeals the requirement the Legislature appropriate 40% of any cost savings related to a reduction in probation revocations, to be deposited in the Adult Probation Services Fund of each county under specified conditions.
- Suspends the provisions relating to supplanting of state monies in FY 2011-2012 for various funds and accounts and requires the Supreme Court (S.Ct.) to submit a report to JLBC identifying any decrease in county funding related to this suspension.
- Suspends the requirement that the state reimburse to the counties 50% of the grand jury expenses and state funded representation of indigent defendants in first-time capital post-conviction proceedings.

- Specifies that the designated post of duty of a S.Ct. Justice who resides outside of Maricopa County is deemed to be the Justice's place of physical residence at the time of the appointment.

Department of Public Safety

- Suspends the statutory caps and transfers of HURF monies and SHF monies available to fund DPS highway patrol costs in FY 2011-12.
- Decreases the FY 2011-12 appropriations for the Arizona DNA Identification System Fund from \$3,520,000 to \$980,000.
- Modifies the list of activities that the GIITEM Fund monies may be used for and specifies how GIITEM funds shall be allocated in the following order and how any remaining monies are to be used:
 - The first \$1.6 million to a sheriff with a population of more than 3,000,000,
 - \$500,000 to a sheriff with a population between 500,000 and 300,000.
- Stipulates that if ADC uses monies from the GIITEM fund for an agreement or contract with a city, town, county or other entity, the entity must pay 25% the cost of the services. Caps ADC's provision of personal services and employee related expenditures at 75%. Allows ADC to fund all capital related equipment. Exempts counties with more than 3,000,000 people and counties with a less than 500,000 but more than 300,000 people.
- Prohibits a county official in a county with a population of more than 500,000 but less than 2,000,000 from receiving GIITEM Fund monies. *(This provision was later removed in subsequent legislation.)*
- Conditions the receipt of any monies from the GIITEM Fund on the law enforcement agency certifying that it will comply with laws related to the cooperation and assistance in enforcement of immigration laws.
- Expands the uses by which the Public Safety Equipment Fund monies are distributed to the DPS to include vehicles.

State Treasurer

- Modifies the allocation of compensation costs and employee related expenditures of a Justice of the Peace in a county with a population of less than 1.5 million persons:
 - Decreases amount paid by the state to 19.25% from 40%; and
 - Increases amount paid by the county from 60% to 80.75%.

SB 1622 – Chapter 34 – *budget reconciliation; general government; 2011-2012

Makes temporary and permanent changes to Arizona statutes related to general government in order to implement the FY 2011-12 state budget.

Department of Emergency and Military Affairs

- Eliminates the annual state GF appropriation to the Military Installation Fund of \$4,825,000.

Routine Preventive Maintenance

- Allows certain departments to use up to 8% of their annual building renewal appropriation for routine preventive maintenance.

Arizona Department of Housing

- Continues the Department of Housing through July 1, 2012.

Arizona Department of Administration

- Establishes the Office of Employment and Population Statistics under the direction, operation and control of the ADOA director.

- Permits ADOA to partner with the federal government as necessary and receive and expend federal monies.

Governor's Emergency Fund

- States that the aggregate amount of all liabilities incurred during a declaration of an emergency shall not exceed \$2,900,000 in FY 2011-12. The current statutory limit is \$4,000,000, resulting in a decrease of \$1,100,000.

Legislative Council; ADOA

- Transfers one half of any unencumbered monies related to a previous appropriation associated with the design, construction or maintenance of the Polly Rosenbaum Archives Building to Legislative Council for the alteration, renovation and repair of buildings under the control of the Legislature, while the remaining half is transferred to the Capital Outlay Stabilization Fund and appropriated to ADOA in FY 2011-12.

SB 1623 – Chapter 35 – *budget reconciliation; regulation; 2011-2012

Makes temporary and permanent changes to Arizona statutes related to government regulation in order to implement the FY 2011-12 state budget.

Department of Racing

- Eliminates the statutorily prescribed fees that the Department of Racing (Department) and the Boxing Commission collect and requires the Department and the Commission to establish and collect fees that they issue.
- Specifies that the licensing fees and regulatory assessment are not to be reduced for hardship tax credits or for capital improvements and provides direction for the various fees and assessments that the Department may assess.
- Establishes the Racing Regulation Fund and defines what the monies are to comprise the Fund. Monies in the Fund are subject to legislative appropriation and are exempt from lapsing.
- States the Legislature's intent that fees shall be sufficient to support the mission of the Department and that additional revenue generated by any fee increases shall not exceed \$1,042,000 in FY 2011-12 and \$2,062,000 in FY 2012-13.

Department of Insurance

- Appropriates \$4,659,666 from the state GF to the Arizona Property and Casualty Insurance Guaranty (APCIG) Fund, if the previously authorized \$13,991,900 transfer from the APCIG Fund to the GF occurs, for FY 2011-12 through FY 2013-2014.
- Appropriates \$5,204,466 from the state GF to the Life and Disability Insurance Guaranty (LDIG) Fund, if the previously authorized \$15,620,200 transfer from the LDIG Fund to the GF occurs, for FY 2011-12 through FY 2013-2014.
- Removes the requirement, for FY 2011-12, that the DOI director recover at least 95% but not more than 110% of their appropriated budget through the revision of fees or assessments.

Registrar of Contractors

- Permits the ROC to use up to 14% of the total amount of deposited into the Residential Contractors' Recovery Fund in FY 2010-11 to monitor, process, or oppose claims filed by injured persons that may result in the collection from the Fund.

Office of Administrative Hearings

- Requires the OAH to hold hearings to appeal agency actions and contested cases as soon as reasonably possible, rather than in 60 days of the filing, for FY 2011-12.

SB 1624 – Chapter 36 – *budget reconciliation; environment; 2011-2012

Makes temporary and permanent changes to Arizona statutes related to the environment in order to implement the FY 2011-12 state budget.

Arizona Department of Agriculture (ADAG)

- Authorizes the ADAG director, with the assistance of the Agricultural Advisory Council, to continue existing fee amounts for FY 2011-12.
- Limits the revenue generated from the fees.

Arizona Department of Environmental Quality (ADEQ)

- Continues to decrease, from \$15 million to \$7 million, the state GF appropriation to the Water Quality Assurance Revolving Fund.
- Continues to suspend the Underground Storage Tank Revolving Fund Assurance Account (Account) administrative cap for FY 2011-12 in order to allow ADEQ to transfer \$6,531,000 from the Account for administrative costs of the Leak Prevention and Used Oil Programs.
- Suspends the requirement that monies in the Water Quality Fee Fund (Fund) be held in trust and indicates that transfers from the Fund to the state GF for FY 2011-12 are specified in the General Appropriations Act (SB 1612).

Arizona State Land Department (ASLD)

- Allows \$9,888,400 from the RMRF to be used in FY 2011-12 for the ASLD's operating expenses if expenditures from the Trust Land Management Fund are required by court order to be ceased.

Arizona Navigable Stream Adjudication Commission (ANSAC)

- Authorizes \$80,000 from RMRF to be used in FY 2011-12 to allow ANSAC to pay one-time unpaid legal fees.

Arizona State Parks Board (ASPB)

- Authorizes ASPB to spend up to \$692,100 from its portion of the Off-Highway Vehicle Recreation Fund in FY 2011-12 for operating expenses.
- Allows ASPB to use available monies in the Law Enforcement and Boating Safety Fund (LEBSF) for the operation of state parks in FY 2011-12.
- Requires \$750,000 in LEBSF to be granted to La Paz, Mohave and Yuma counties.
- Continues to allow State Parks Enhancement Fund monies to be used in FY 2011-12 for the operation of state parks as appropriated by the Legislature or for capital needs as determined by the Board, with prior approval of JCCR.

Arizona Department of Water Resources (ADWR)

- As permanent law, eliminates the annual \$5 million transfer from the state GF to the Water Protection Fund.
- As permanent law, allows ADWR to collect a fee from each municipality and requires the fees to be assessed proportionally based on the population.
- Continues ADWR's fee increase authority for services in FY 2011-12.
- Limits the additional revenue generated from the fees to \$7 million.

COMMITTEE ON AGRICULTURE AND WATER

Representative Russ Jones, Chairman
 Representative Chester Crandell, Vice-Chairman
 Gina Kash, Legislative Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

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HB 2076 – Chapter 12 – department of agriculture; continuation

Continues ADAG until 2021.

HB 2276 – Chapter 37 – fertilizers; labeling; inspections; fund

Requires ADAG to submit the results of a fertilizer material analyses of any fertilizer material that has been found to be subject to penalty or other legal action to the licensee or other responsible person and the purchaser within 30 days after the sample is taken.

HB 2310 – Chapter 77 – commodity marketing orders and agreements

Makes various changes to commodity marketing orders and agreements concerning rule making, employment compensation, disclosure of records, financial statements and the process of modifying marketing agreements.

HB 2312 – Chapter 281 – *agricultural trust funds

Converts agriculture-related funds to trust funds. Creates the Arizona Citrus Trust Fund and the Iceberg Lettuce Trust Fund. Restores the trust funds to their original statutory form on January 1, 2013.

HB 2314 – Chapter 333 – *boating safety; fees; fund

Transfers the administration of the Law Enforcement Boating Safety Fund from State Parks to the G&F Commission and directs the state treasurer to distribute the monies to eligible counties on a monthly basis, effective July 1, 2012. Increases the amounts the Department of Racing may generate on fee increases and establishes the State Agency Fee Commission.

HB 2395 – Chapter 283 – *mobile home parks; designation; change

Requires the landlord of an age-restricted mobile home park to provide notice to the director and tenants of a change to an all age community and defines the applicability of the mobile home relocation fund.

HB 2397 – Chapter 284 – *taxes; sale of trust lands

Allows taxes to accrue on state trust land when a patent is issued or seven years after the date of auction, whichever comes first. Provides a retroactive clause from and after December 31, 2007 for patented land and specifies a prohibition of refunds on any taxes paid during the retroactive period. Permits the State Land Commissioner to offer mineral exploration permits on state lands on which such permits have been cancelled, terminated or not renewed. Authorizes the State Land Commissioner to offer mineral exploration permits at public auction for state trust lands which have been closed by the Commissioner's order.

HB 2549 – Chapter 5 [E] – state nickname; grand canyon state

Establishes the official nickname of Arizona as "The Grand Canyon State."

SB 1110 – Chapter 39 – navigable stream adjudication commission; extension

Continues the Arizona Navigable Stream Adjudication Commission through June 30, 2016.

SB 1154 – Chapter 44 – cotton council; employee benefits

Provides modifications to the Arizona Cotton Research and Protection Council's staff benefits by allowing the staff to participate in state health care plans and ASRS. Eliminates the requirement for an IGA between the Council and the ADAG to follow statutory provisions that govern agreements and contracts between public agencies.

SB 1178 – Chapter 321 – *county judgment bonds

Allows county supervisors, by resolution, to implement a tax levy and issue and administer county judgment bonds.

SB 1194 – Chapter 20 – structural pest management; regulation

Relocates the Office of Pest Management from ADOA into the ADAG. Repeals the Office of Pest Management from and after December 31, 2013.

SB 1269 – Chapter 209 – veterinarian board

Makes modifications to the Arizona State Veterinary Medical Examining Board and its investigative committees. The measure adds “*veterinarian client patient relationship*” to the definition section and assesses a civil penalty to veterinarians who practice veterinarian medicine without a valid veterinarian client patient relationship.

SB 1293 – Chapter 232 – *property tax classification; lodging

Modifies Class 4 properties that furnish no more than a breakfast meal to transient lodgers to include properties with no more than eight rooms, rather than six. Removes the fifty percent average annual occupancy rate requirement.

SB 1362 – Chapter 133 – *structures; flood control districts

Adds a provision, as a flood control enhancement solution, that allows county flood control districts to construct bridges or other access over watercourses that are impassable to emergency vehicle traffic for 14 or more days a year.

COMMITTEE ON BANKING AND INSURANCE

Representative Nancy McLain, Chairman
 Representative Jeff Dial, Vice-Chairman
 Brooke Olguin, Legislative Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

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HB 2004 – Chapter 11 – commercial mortgage brokers; license conversion

Retroactive to September 30, 2009, allows an individual who holds a mortgage broker license to convert the license to a commercial mortgage broker license upon the approval of the Superintendent of DFI. Exempts DFI from rule-making for one year.

HB 2109 – Chapter 171 – bail bond agents; civil; licensing

Prohibits a licensed bail bond agent from transacting civil bonds unless the bail bond agent is also licensed as a property and casualty producer. Requires applicants for a bail bond agent license to submit an affidavit attesting to the applicant's state residency for one year preceding the date of application and a full set of fingerprints to DOI.

HB 2110 – Chapter 135 – insurance; risk retention groups

Clarifies which insurers may be exempt from filing annual financial reports with DOI and outlines NAIC accreditation requirements.

HB 2112 – Chapter 136 – insurance; surplus lines

Allows the Director of DOI to enter into a compact or multistate agreement to provide for the reporting, payment, collection and allocation of taxes imposed on unauthorized surplus lines insurance covering multistate risks, in accordance with the Nonadmitted and Reinsurance Reform Act of 2010. The compact may only be entered into if, after an administrative hearing, it is determined that it is in the best interest of the state. Outlines reporting and payment guidelines.

HB 2113 – Chapter 46 – qualified financial contracts; receivership

Amends Arizona's insurer receivership laws to enact the NAIC Insurers Rehabilitation and Liquidation Model Act.

HB 2296 – Chapter 172 – national banks; mortgage loan originators

Allows a federally registered bank that is exempt from state licensure as a mortgage broker or mortgage banker to file for a certificate of exemption from DFI in order to reasonably supervise the activities of a licensed mortgage loan originator employed by the bank. Outlines the application process.

HB 2297 – Chapter 51 – escrow agents; recovery fund; repeal

Repeals the Escrow Recovery Fund and deposits any monies remaining in the Fund into the state GF on the effective date of the bill. Requires a real property escrow agent to disclose to the buyer and seller that the title insurer must offer a closing protection letter on request. Eliminates the requirement that the Superintendent of DFI conduct a semi-annual survey of regulated escrow agents.

HB 2372 – Chapter 112 – conservatorships; guardianships; county reimbursement

Stipulates that if a county pays for services by court appointed representatives from general fund appropriations, the county may charge the estate for reasonable compensation. Directs the county treasurer to deposit the compensations collected in the same fund from which the expenditure was made.

HB 2412 – Chapter 57 – credit card agreements

Establishes a six year statute of limitations for credit card debt and stipulates that if there is a conflict between another jurisdiction and Arizona relating to the statute of limitations for a debt action, the six year statute of limitations applies.

HB 2616 – Chapter 338 – workers’ compensation; controlled substances

Requires physicians to include information regarding the use of narcotic or opium based controlled substances greater or equal to 120 mg morphine equivalent dose per day, the prescription of a long-acting or controlled release opioid for acute pain and justification for the controlled substance and a treatment plan in the reports submitted to the Controlled Substance Prescription Monitoring Program. Allows an interested party to request that the physician submit an inquiry to the state Board of Pharmacy requesting information on a prescription compiled under the Program. States that failure by a physician to comply with these requirements constitutes grounds to request a change of physician.

HB 2617 – Chapter 139 – workers’ compensation; settlement of claims

Allows parties to a workers’ compensation claim to agree to a final settlement agreement and release of a claim for undisputed entitlement to future supportive medical maintenance benefits upon approval of the ICA. Requires the carrier or employer to file with the ICA a summary of reasonably anticipated future medical maintenance benefits and the projected costs. Mandates that all medical conditions subject to the final settlement agreement be described in the final settlement agreement, and that the employer remain responsible for payment of treatment not listed in the agreement unless subject to dispute or included in the final settlement agreement.

SB 1102 – Chapter 157 – state compensation fund; conforming changes

Conforms statute to reflect the termination of the State Compensation Fund. Assigns unprocessed and unpaid claims to the Special Fund. Continues the Workers’ Compensation Appeals Board retroactive to July 1, 2010. Specifies for the purpose of calculating any tax or assessment to be paid by an authorized self-insured employer, including a workers’ compensation pool, the deviation rate is set at 10% for calendar years 2013, 2014 and 2015.

SB 1122 – Chapter 184 – insurance; health care sharing ministries

Defines a *health care sharing ministry* (HCSM) as a faith-based, nonprofit organization that is exempt from federal income tax and 1) limits its participants to those who are of a similar faith, 2) acts as a facilitator among participants who have financial or medical needs and matches those participants with others who have the ability to assist those with financial or medical needs consistent with the criteria established by the HCSM, 3) provides for the financial and medical needs of a participant through contributions from one participant to another, 4) suggests amounts participants may contribute with no assumption of risk or promise to pay among the participants and no assumption of risk or promise to pay by the HCSM to the participants, 5) provides a written monthly statement to all participants that lists the total dollar amount of qualified needs submitted to the HCSM and the amount actually published or assigned to participants for their contribution, and 6) provides a written disclaimer on or accompanying all applications and guideline materials distributed by or for the HCSM containing specified language. Exempts HCSMs from regulation under DOI.

SB 1184 – Chapter 45 – rate service organizations; examinations

Allows the Director of DOI to examine rating and rate service organizations as often as considered necessary, rather than once every five years.

SB 1238 – Chapter 161 – auto glass repair

Requires third-party administrators to inform customers of their right to choose any glass repair facility and prohibits an adjuster or appraiser from recommending any particular repair facility. A person who *knowingly* violates statute is guilty of a petty offense for a first violation and is required to pay a fine of \$1,500 for a second violation within 18 months of a prior violation and \$3,000 for any subsequent violation within 18 months of a prior violation. Defines *knowingly* as engagement in a regular and consistent pattern of the prohibited activity.

SB 1259 – Chapter 269 – *noncontiguous county islands; fire services

Expands the definition of a noncontiguous county island fire district to include one which consists of only one or more noncontiguous county islands that are not contained in a municipal planning area in which the geographic boundary area is surrounded by any combination of federal, state, municipal or fire district jurisdictional boundaries, the area is currently served by a private fire protection service provider and fire protection services are not funded by property taxes by the county at that time of the District's formation. Outlines formation guidelines.

SB 1264 – Chapter 345 – workers' compensation; reasonable accommodations

Requires wages payable for job positions modified by the date-of-injury employer under the Americans with Disabilities Act to be included in determining any temporary partial or permanent partial earning capacity, regardless of the modified job position not being available on the open competitive labor market. Requires a report to be submitted to JLAC if legislation affecting the establishment of a presumption of compensability is proposed by the preceding September 1st. Specifies the scientific evidence and financial information to be included in the report.

SB 1400 – Chapter 237 – insurance adjusters; licensure; examination

Stipulates that an insurance adjuster does not include a person who collects claim information from or furnishes claim information to insureds or claimants and who conducts data entry if not more than 25 persons are under the supervision of a single licensed adjuster. Prohibits residents of Canada from being licensed as a nonresident adjuster unless that person has obtained a resident adjuster license in another state.

SB 1461 – Chapter 297 – life settlements

Regulates life settlement transactions under DOI.

SB 1543 – Chapter 106 – church bonds; exempt securities

Exempts first mortgage bonds issued by churches and affiliated religious schools from the registration requirements outlined in the Arizona Securities Act if the bonds are issued by individual churches and affiliated religious schools, do not exceed \$25 million and are issued by a single issuer, provided that no payment other than transfer agents' fees are paid to any person other than the registered dealer in connection with the sale of the bond.

SB 1567 – Chapter 327 – *notices; commercial insurance

Shortens the time frame to mail written notices of cancelation and nonrenewal of commercial insurance policies from 60 days to 45 days, and from 60 days to 30 days for written notices of premium increase, change in deductible, reduction in limits or substantial reduction in coverage. States that if a written notice of nonrenewal is mailed less than 45 days before the expiration date of the policy, the coverage must remain effective for 45 days after the written notice is mailed. Requires notice to be considered given if an insurer delivers new policy terms and conditions 30 days before the expiration date of the policy.

COMMITTEE ON COMMERCE

Representative James P. Weirs, Chairman
 Representative J.D. Mesnard, Vice-Chairman
 Diana Clay, Legislative Research Analyst
 MJ Bildner, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

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HB 2078 – Chapter 212 – office of tourism; continuation

Continues the Arizona Office of Tourism until July 1, 2016.

HB 2102 – Chapter 314 – license eligibility; authorized presence

Requires a person to present a government-issued document containing the individual's *photograph* in order to obtain a license or work in the service industry.

HB 2103 – Chapter 84 – homemade food products; regulation; exception

Permits baked and confectionary foods that are not potentially hazardous to be prepared in private home kitchens for commercial purposes if the label lists the baker's contact information and product ingredients. The label must disclose if the food preparation was in a facility for the developmentally disabled. Requires the supervisor or food-preparer to obtain any food handler's permit or certificate issued by the local health department and register with the newly created DHS online registry.

HB 2160 – Chapter 256 – prearranged funeral agreements

Requires fixed rate prearranged funeral agreement monies to be deposited into a trust account the shortest of 21 calendar days or 15 business days from receipt of the funds. Instructs funeral directors to act as prudent investors.

HB 2168 – Chapter 109 – bulk merchandise containers; records

Regulates the recycling of bulk merchandise containers. Requires the business to obtain specific identifying information from the seller, maintain records of transactions and permit inspections by peace officers during regular business hours. Outlines penalties and violations.

HB 2191 – Chapter 137 [E] – *punitive damages; unlawful entry

An emergency measure that prohibits any person who is illegally in Arizona and in violation of federal immigration law, from being awarded punitive damages by any state court. Applies retroactively to any case that accrues on or after January 1, 2004.

HB 2192 – Chapter 14 – state lottery; transfer

Transitions the current state lottery and commission to the newly created Arizona State Lottery and State Lottery Commission, including all authority and responsibilities. Transfers and maintains the pertinent administrative rules, regulations, contracts, licenses, registrations, personnel and all other assets. Repeals obsolete language.

HB 2357 – Chapter 53 – liquor importation; amount; military personnel

Permits members of the Arizona National Guard, United States Armed Forces Reserves and the United States Armed Forces to import more than one liter of spirituous liquor for personal use if the importation coincides with the individual's return from a tour of duty from a foreign country. Requires the individual to pay any required federal taxes on the quantity of liquor that exceeds the duty-free amount. Authorizes DLLC to issue exemption letters to allow this importation.

HB 2490 – Chapter 92 – *consumer incentives; food

Prescribes the state's sole jurisdiction over *consumer incentive items* and prohibits any political jurisdiction from enacting further regulations. Defines the term as any licensed media character, toy, game or other consumer product as outlined that is associated with a meal served by or obtained from a restaurant or convenience store.

HB 2584 – Chapter 93 – workers’ compensation; directed care

Establishes a pilot program for government self-insured entities to direct healthcare to specific medical, surgical and hospital care providers to determine if public entities can contain costs, improve health care and return to work results through such a program. Participants must consult with the ICA on assessment and reporting protocols and submit baseline data before the pilot program begins January 1, 2012, but not later than January 1, 2013. Specifies timelines and reporting requirements, including a final report two years after the pilot program begins. Repeals the pilot program January 1, 2015.

SB 1085 – Chapter 62 [E] – contractors; internal references; technical correction

An emergency measure that corrects internal references in Arizona’s Prompt Pay Act.

SB 1105 – Chapter 98 – real estate transfer affidavit; transmission

Requires the county recorder to transmit an electronic copy of the affidavit to DOR and ASLAPR and to transmit either the original or its electronic copy to the county assessor. Further, directs the county assessor to transmit data contained in the affidavit to DOR and transmit the original affidavit, when no longer in active use, to ASLAPR.

SB 1180 – Chapter 67 – board of appraisal; disciplinary proceedings

Authorizes the Arizona Board of Appraisal to continue a disciplinary investigation and render its lawful decision for up to 24 months after the license or certificate expires, even if the person surrenders the license, allows it to lapse or expire. Redefines *work file*.

SB 1195 – Chapter 247 – service companies; exemption

Exempts from DOI regulations, a *service company* that directly or through a retailer, sells or services consumer products, cell phones or electronic personal communication devices if the service contract covers only the actual item or product the company sells.

SB 1230 – Chapter 343 – business services; secretary of state

Modifies the requirements for notaries public and electronic notaries public to have equivalent qualifications as outlined. Notaries must have the ability to read and write English, have the signer present during notarization, sign and communicate in a language everyone understands (or have an appropriate translator). Prescribes additional requirements for notarial certificates, advertisements, prohibited acts, conflicts of interest and appropriate fees. Amends the expedited service for processing applications, filings and searches. Releases a trade name for use six months after its owner administratively dissolves. Delays the Professional Employer Organization registration until July 1, 2013. Transfers duties from the SOS to GITA, for the online interactive database and establishes a completion date of January 1, 2016. Beginning July 1, 2012, increases from 15% to 35%, the amount of lottery revenues from special instant ticket sales deposited in the fund for various required payments.

SB 1241 – Chapter 100 – motor vehicle dealers; franchises

Outlines the motor vehicle dealer, manufacturer, distributor and franchise owner obligations with regard to vehicle inspections, regulations, audits, payments, and timeframes. Outlines requirements upon termination or nonrenewal of a franchise. Provides guidelines regarding a facility and the requirement to construct, renovate or maintain personnel or the show-room area. Permits voluntary dispute resolution measures and voluntary agreements that waive certain provisions of law as outlined.

SB 1276 – Chapter 70 – boxing commission; continuation

Continues the State Boxing and Mixed Martial Arts Commission until July 1, 2016.

SB 1284 – Chapter 250 – registrar of contractors; arbitration

Directs the ROC to pay claims from the recovery fund on a pro-rated basis. Permits Arbitration of complaint cases at the discretion of the ROC if the repairs cost \$5,000 or less. If all parties agree, the ROC may refer cases that exceed that amount. Outlines timeframes, notice, bonding and other specific requirements. Prescribes additional requirements for failure to comply by a complainant or contractor.

SB 1292 – Chapter 150 – real estate; education; broker requirements

Requires a real estate broker to review each listing agreement, purchase or non-residential lease agreement within 10 *business* days from the date of execution. Directs each initial or renewal license applicant to have knowledge of real estate practices and principles as determined by the commissioner. Beginning January 1, 2012, requires each course applicant for an initial or renewal instructor's license to attend a three hour professional workshop (in the 24-months before applying), but excludes a panelist, guest speaker, attorney or out-of-state instructor. Permits the commissioner to waive this requirement and deny an instructor's license if course content is not current or is substantially different from approved course content.

SB 1306 – Chapter 191 – landlords; tenants; bedbug control

Establishes new requirements for landlord and tenant bedbug infestation control that prohibits a city, town or county board of supervisors from enacting any mandates for bedbug control, except for ordinances that address the proper disposal of infested items. The landlord cannot knowingly lease an infested dwelling unit and is obligated to provide existing and new tenants with applicable educational materials. A tenant must refrain from knowingly moving bedbug infested materials into a dwelling unit and provide the landlord with written notice of any known infestation.

SB 1365 – Chapter 251 – paycheck deductions; political purposes

Cited as the *Protect Arizona Employees' Paycheck from Politics Act*, prohibits any paycheck deduction for political purposes by an Arizona employer unless an employee gives prior written or electronic authorization annually. Applies to deductions made after October 1, 2011. For multiple deductions, requires a statement from the entity receiving the payment indicating the amount or percentage used for political purposes. Assesses a minimum \$10,000 civil penalty for each violation when an employer knowingly deducts payments in violation of these provisions, or when an entity submits an inaccurate statement. Authorizes the attorney general to collect and deposit civil penalty monies into the state GF and adopt rules for the applicable forms. Excludes public safety employees, outlines exemptions and contains a severability clause.

SB 1423 – Chapter 239 – manufactured housing; escrow account

Beginning July 1, 2012, requires a licensed dealer or broker to establish an independent escrow account for each transaction involving a new manufactured, factory-built or mobile home or used one that costs \$50,000 or more, or as requested. Permits an owner/dealer an option to post a dealer bond with the OMH of at least \$100,000 in lieu of establishing the escrow account, if all requirements are met.

SB 1460 – Chapter 165 – *liquor omnibus

Amends the laws that regulate the DLLC by revising timeframes for various notifications, requiring record-keeping for two years, permitting consolidation of certain licenses and conforming minibar hours to those of other liquor laws.

- Specifies requirements for license transfers and the elements that constitute a rebuttable presumption.

- Authorizes the director to procure fingerprint scanning equipment and charge a fee, including a fee for certain inspection services, until January 1, 2015.
- Requires a person filing written arguments to protest a liquor license to include information as outlined, and allows the director to cancel a hearing if the protest is removed.
- Permits a wholesaler to donate liquor directly to an organization issued a special event license and prescribes duties with regard to vehicles, equipment and billing.
- Outlines requirements for disposal of seized liquor, permissive donations per calendar year, and mandated liquor sales for licenses to remain valid.
- Revises sampling privileges for specific licensees.
- Prohibits a city, town or county from charging any type of fee or tax or limiting any rights of liquor licensees.
- Permits the director to authorize installment payments for fines.
- Stipulates a licensee may post additional signs to prohibit weapons on the premises.
- Until July 1, 2015, exempts DLLC from rule-making to establish new fees, which requires public notice and public comment.

SB 1474 – Chapter 241 – landlord; tenant; fit and habitable

Requires the tenant to promptly notify the landlord in writing when there is any situation that requires the landlord to take action and provide maintenance or repair. Under the self-help for minor defects provisions of current law, prohibits the tenant from repairing the premises at the landlord's expense if the repair does not constitute a breach of the fit and habitable condition of the premises.

SB 1535 – Chapter 252 – store display shelf pricing

Removes some of the specific font and shelf display requirements for height and angle. Makes a conforming date change.

COMMITTEE ON EDUCATION

Representative Doris Goodale, Chairman
 Representative Kimberly Yee, Vice-Chairman
 Jennifer Anderson, Legislative Research Analyst
 Paul Benny, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
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HB 2002 – Chapter 169 – school district monies; associations; elections

Prohibits school districts from paying for membership in an association that attempts to influence the outcome of an election.

HB 2197 – Chapter 15 [E] – charter schools; age restricted communities

An emergency measure that prohibits the establishment or operation of a charter school on commercial or residential property in an age-restricted community in unorganized territory.

HB 2219 – Chapter 215 – *study committee; unification; consolidation

Creates the 16-member Joint Legislative Study Committee on School District Unification and Consolidation, and requires the Committee to:

- Study issues regarding the unification and consolidation of school districts and consider proposals that include a process for a district governing board to develop its own unification or consolidation plan and a process for a county school superintendent to develop a unification or consolidation plan if a district governing board is unable to develop its own.
- Prepare legislation for consideration during the 2012 Regular Legislative Session that encourages the unification and consolidation of school districts.

HB 2234 – Chapter 49 – persistently lowest achieving schools

Permits SBE to assign a school a letter grade of F under AZ LEARNS if the school is among the state's persistently lowest-achieving schools.

HB 2237 – Chapter 258 – JTEDs; ADM; student count

Makes clarifying and conforming changes related to JTEDs, including the following provisions:

- Confirms state funding for JTEDs by replacing references to ADA with references to ADM.
- Specifies that a student enrolled in an approved JTED course generates 0.25 ADM for each course, capped at the limits currently prescribed by statute.
- Allows JTEDs to use property tax revenues to provide JTED courses to ninth grade pupils.

HB 2301 – Chapter 195 – *soft capital; uses

Allows school districts to spend 50% of unencumbered extracurricular activity tax credit monies received prior to tax year 2011 on short-term capital items in FYs 2011-12 and 2012-13 and lifts the restrictions on use of the Soft Capital Allocation.

HB 2415 – Chapter 196 – schools; bullying policies

Directs school districts to adopt additional reporting, disciplinary, and student-protection procedures regarding incidents of bullying, harassment, or intimidation, including incidents carried out through the use of electronic technology or electronic communication owned by a school.

HB 2421 – Chapter 197 – school districts; budgets; financial reports

Requires school districts to make their annual financial reports, proposed budgets, and finalized budgets available for viewing on ADE's website.

HB 2587 – Chapter 302 – high schools; military recruiting; form

Requires a school district or charter school that chooses to release student directory information to military, educational, or occupational recruiters to do so by October 31 each year and directs ADE to develop a form for students to opt out of the release of their directory information.

HB 2646 – Chapter 203 – JTEDs; adult students

Permits adult students (21 and over) with valid fingerprint clearance cards to attend vocational programs on a central campus of a JTED during regular school hours, but prohibits them from enrolling in a message therapy program, and requires the JTED to send written notification to the parents of each student under the age of 18 who is enrolled in a vocational program during regular school hours when an adult student enrolls in that same program.

HB 2706 – Chapter 221 – *supplementary reading instruction; teachers

Requires SBE to adopt guidelines to include supplementary training in reading instruction as part of a school's improvement plan for K-3 teachers who teach in a school that receives a label of underperforming or D under AZ LEARNS.

HB 2710 – Chapter 80 [E] – study committee; outcome-based funding

An emergency measure that establishes the 13-member Joint Legislative Study Committee on Outcome-Based Education Funding and requires the Committee to develop legislation to transition public school funding from a system based on instructional hours to a system based on student achievement.

SB 1055 – Chapter 223 – character education grants; administrative costs

Retroactive to July 1, 2010, allows ADE to retain up to 7% of monies in the Character Education Matching Grant Program Fund for administration and continues the Program permanently.

SB 1141 – Chapter 205 – *schools; residency requirements

Instructs school districts and charter schools to require and maintain verifiable documentation of Arizona residency for enrolled pupils in accordance with guidelines established by ADE.

SB 1152 – Chapter 19 – homeschools; designation

Replaces all statutory references to the term *home school* with *homeschool* and designates *homeschool* as a nonpublic form of schooling.

SB 1205 – Chapter 21 – small transportation school districts; dissolution

Authorizes the governing board of a transporting school district with less than 10 pupils to adopt a resolution proposing the dissolution of the district and call for an election on the resolution.

SB 1256 – Chapter 306 – education; omnibus

Makes clarifying, technical, and conforming changes to K-12 education statutes, including the following provisions:

- Specifies a person is not required to take the teaching certificate proficiency examination if the person has passed an equivalent examination in another state.
- Clarifies that if there is a discrepancy between the measures used to determine whether a preschool child should be classified as *speech/language impaired*, the evaluation team shall determine eligibility based on a preponderance of the information presented.
- Allows a school district or charter school to receive a portion of basic state aid if a kindergarten pupil was admitted early, but did not remain enrolled, and was then readmitted in the subsequent year.
- Allows school districts to continue using prior year ADM counts as the basis for bond capacity calculations.

- Permits ADE to delay the implementation of statutory changes related to ADM one fiscal year if the Superintendent of Public Instruction determines ADE is unable to comply and requires ADE to notify school districts and charter schools of a delayed implementation.

SB 1263 – Chapter 344 – schools; administrative tasks; reduction

Makes various changes to statutes governing school districts and charter schools, including measures related to bonding, annual reporting and audit requirements, school closures, procurement procedures, and budget overrides, including the following provisions:

Charter Schools

- Permits SBCS to accept gifts or grants of monies or real or personal property if the purpose of the gift is approved by SBCS and within the scope of SBCS’s powers and duties.
- Mandates the use of a different auditor at least once every six years to conduct annual audits required for charter schools.

Electronic Record Keeping

- Authorizes school districts to maintain and store all public records in either electronic or paper format, or a combination of the two, pursuant to the standards adopted by ASLAPR.
- Allows warrants drawn on the county treasurer for school district expenditures to be processed through an electronic payment system.

Procurement Rules

- Specifies school districts are not required to obtain bid security for the construction-manager-at-risk method of project delivery.
- Permits contracts for materials or services and contracts for job-order-contracting construction services if the duration of the contract and conditions for the renewal or extension of the contract are included in the bid or request for proposals. The duration of the contract is limited to five years unless the school district governing board determines a longer duration would be advantageous to the district.

School Closures

- Shortens the timeframe to provide written notice of a public meeting to discuss closing a school from 30 days to 10 days prior to the public meeting.
- Shortens the minimum timeframe required between conducting a public meeting and voting on a school closure from 30 days after the public meeting to 10 days after the meeting.

Class B Bonds and Elections

- Authorizes a school district governing board to call an election to change the list of capital projects or purposes authorized by prior voter approval to issue bonds and outlines the notification, election, and ballot requirements.
- Authorizes a school district governing board to call an election to extend the time period to issue Class B bonds authorized prior to 2010 from 6 to 10 years.
- Temporarily doubles the school district class B bonding capacity limits for bonds approved by the voters prior April 15, 2011.
- Prohibits a school district from issuing any new class B bonds approved after April 15, 2011 until the district’s total class B bond indebtedness will fall under the current statutory limits.

Classroom Site Fund

- Consolidates annual expenditure reports for the Classroom Site Fund (CSF) by district rather than school by school.

- Limits the budget capacity derived from the CSF to \$120 for FY 2011-12.
- Stipulates that school districts that used sources other than CSF monies for teacher compensation in FY 2011-12 as a result of the adjustment for prior year shortfalls are not required to maintain the higher level of spending in FY 2012-13.

Revenue Control Limit (RCL)

- Stipulates that, for the purposes of budget override elections, a school district's RCL for FYs 2011-12 and 2012-13 will be calculated using an adjusted BSL as follows:
 - For the base level, the greater of the actual base level plus the percentage increases allowed under current statute or \$3,267.72.
 - If kindergarten pupils are counted as fractional students, include a Group B support level weight of 1.352 for kindergarten pupils when determining the weighted student count.

Miscellaneous

- Exempts academic competitions conducted by school districts or charter schools that award cash, prizes, or scholarships to participants from the state's gambling laws and reporting requirements related to intellectual contests and events.
- Allows automatic certification reciprocity with other states that have similar programs for teachers who provide AOI.
- Requires up to 20% of a school district superintendent's salary to be classified as performance pay.

SB 1303 – Chapter 270 – schools; dropout recovery programs

Beginning FY 2012-13, allows school districts and charter schools that provide instruction to high school students to establish a Dropout Recovery Program (Program). Specifically, the bill:

- Directs SBE to prescribe the standards and achievement testing requirements for Programs.
- Outlines eligibility and funding for Program participants.
- Allows schools to contract with educational management organizations to provide Programs.

SB 1451 – Chapter 310 – high schools; board examination systems

Makes various technical, clarifying, and conforming changes related to the implementation of the Grand Canyon diploma.

SB 1453 – Chapter 134 – *parents' rights; schools

- Grants parents the right to review learning materials and activities in advance, object to materials and activities, and request alternate assignments or classes for their child in the case of an objection.
- Authorizes charter schools to require parents to waive their rights to object to learning materials as a condition of enrollment if the charter school provides a complete list of books and materials to be used prior to the beginning of each school year.
- Requires a *public educational institution* to obtain signed, written consent from parents prior showing a video that may be inappropriate for the age of the student.

SB 1521 – Chapter 167 – schools; head injury policies; athletics

Requires school district governing boards to consult with a statewide private entity that supervises interscholastic activities to develop policies and procedures regarding concussions and head injuries of students participating in school-sponsored athletic activities.

COMMITTEE ON EMPLOYMENT AND REGULATORY AFFAIRS

Representative Bob Robson, Chairman
Representative Justin Olson, Vice-Chairman
Sarah Wharton, Legislative Research Analyst



* Strike-Everything Amendment
[E] Emergency Clause
[P 105] Proposition 105 Clause
[P 108] Proposition 108 Clause
[LIV] Line Item Veto

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HB 2024 – Chapter 277 – ASRS; amendments

Makes changes to ASRS relating to administration, distribution of benefits, Long Term Disability, employer collections, service purchase and benefit transfers. Makes federal conforming changes consistent with The Uniformed Services Employment and Reemployment Rights Act. Requires benefit transfers from charter cities to conform to PSPRS and CORP transfer guidelines, as outlined in current statute. Terminates an alternate payee's benefit under a Qualified Domestic Relations Order if the alternate payee predeceases the member. Prohibits a member from receiving a benefit from two systems for the same period of time, and institutes a twelve-month disability filing window.

HB 2169 – Chapter 87 – dental board; fees

Establishes fee regulations for the triennial licensure of dentists, dental hygienists and the certification of denturists based on the maximum fee allowed to cover the SBDE's anticipated expenditures for the following three fiscal years. Stipulates that the fee can not vary during the three year time-frame unless a license expires.

HB 2423 – Chapter 116 – *attorney general's office; contracts

Provides guidelines and requirements for the AG's Office when entering into contingency fee contracts with private attorneys. Requires the AG to make a written determination before entering into a contingency fee contract, that the fee representation is both cost effective and in the public interest. Specifies that the AG must to request proposals from private attorneys based on the determination unless the AG determines that the request is not feasible based on the circumstances. Prohibits the state from entering into a contract for contingency services unless certain requirements have been met. Requires the AG to submit a report to the Legislature each year regarding the contingency fee contracts entered into for the previous year.

HB 2468 – Chapter 199 – cosmetologist licenses; board powers; duties

Makes various changes to statutes regarding The Arizona Board of Cosmetology's terms, powers, and licensure. Delegates authority to its executive director to issue licenses to applicants who meet the requirements. Requires reciprocity license applicants to complete a class relating to infection protection and a class relating to law review that is given by the Board or its designee.

HB 2477 – Chapter 301 – *witness; representation; law enforcement officers

Allows law enforcement officers who are witnesses relating to an investigation that could lead to another officer's dismissal, demotion or suspension to have a representative available during the interview, and permits the witness officer to discuss the interview with their employee representative or the representative's legal counsel. Stipulates that all information obtained in the interview is considered proprietary and confidential and shall remain so until the subject of the interview is served with a notice of investigation by the employer and any admonitions ordered by the employer are redacted.

HB 2520 – Chapter 118 – professional boards; actions; public access

Specifies that complaints, non-disciplinary orders and actions, advisory letters, and letters of concern issued by health and non-health regulatory boards and commissions be open to inspection by any person at all times during office hours.

HB 2541 – Chapter 336 – *employee drug testing; medical marijuana

Allows employers to take action against employees who are believed, in good faith, to be impaired at work due to prescribed, illegal or synthetic drug use and provides that employers are not obligated to keep employees in safety-sensitive positions if they are drug users or show symptoms of impairment. Additionally, it permits an employer to use the medical marijuana verification system to verify a registry identification card that is provided to the employer by an employee or applicant that has received a conditional offer of employment.

HB 2619 – Chapter 218 – *unemployment; special assessment

Requires employers to pay a special assessment for calendar years 2011 and 2012, which will be used to pay outstanding loan balances related to Arizona's Unemployment Insurance Program. Contains a legislative intent clause relating to the purpose of the assessment, and repeals the assessment as well as the Assessment Fund on January 1, 2013.

SB 1120 – Chapter 183 – chiropractic services; business entities

Requires business entities that offer chiropractic services to register with the State Board of Chiropractic Examiners and stipulates that the services must be provided by a licensed chiropractic doctor. Establishes a Class 6 felony for a business entity that fails to comply with the registration requirements.

SB 1169 – Chapter 145 – *scope of practice; nursing; abortion

Prohibits the Arizona State Board of Nursing from having the authority to decide the scope of practice relating to abortion and maintains that the authority of the Board to make scope of practice determinations is and has always been limited to the authority delegated to the Board by the legislature. Asserts that any rule, advisory opinion or other actions taken by the Board relating to abortion and the scope of practice of nurses licenses is rescinded and not valid.

SB 1196 – Chapter 207 – optional retirement plans; community colleges

Requires a community college district governing board to make contributions from publicly appropriated monies to be at least equal to the contributions prescribed by ASRS.

SB 1317 – Chapter 347 – PSPRS; CORP; EORP; administration

Makes various changes to PSPRS relating to administration. Prohibits retroactive payments of a pension more than 90 days after the date of the person's application for benefits. Increases the number of days allotted for the transfer of employer and employee contributions from five to 10 working days and includes a penalty on the employer of 10% per year, compounded annually, for each day after the allotted 10 days. Specifies that provisions related to retired members or survivors of PSPRS, CORP, or EORP who opt to purchase individual health care coverage through the former employer do not apply to retired members or survivors who are reemployed and who participate in healthcare coverage by their new employer.

SB 1403 – Chapter 23 – *mandatory project labor agreements; prohibition

Prohibits agencies and political subdivisions of this state and the ACC from granting public works contracts based on the applicant's negotiation with or participation in a labor union. Specifies that private parties are not prohibited from entering into individual collective bargaining relationships through this bill, and does not interfere with any activity currently protected by law.

SB 1539 – Chapter 298 – CORP; designated position; waiver

Permits corrections employees with at least five years of service under CORP and who are transferred or promoted to temporarily fill an ASRS designated position to maintain active status in CORP without any time limitations.

SB 1609 – Chapter 357 – retirement systems; plans; plan design

Makes changes to the existing contribution and benefit structures for ASRS, PSPRS, CORP, and EORP. Changes the cost-of-living adjustment (COLA) formula based on investment earnings as well as the funded rate of the plan, and changes COLA eligibility to age 55. Removes double employer contributions for PSPRS, CORP, and EORP. Institutes pension forfeiture regulations for members who commit a class 5 felony or higher. Creates the option for the award of an ad-hoc cola with JLBC approval, and creates a study committee on future pension reform issues.

ASRS

- Adds an Alternate Contribution Rate (ACR) for return to work employees, effective July 1, 2012.
- Eliminates the points system and changes age and service requirements.
- Adds court commissioners and future PSPRS fund managers to ASRS prospectively.

EORP

- Increases contribution rates by 3% for the first year, and 1.5% for the 2 following years.
- Institutes an ACR. The employer must pay no less than 10%.
- Makes changes to final average salary calculation formulas.
- Changes survivor benefits to 50% of the member's benefit.
- Changes normal retirement eligibility and eliminates early retirement.
- Stipulates that terminated members will receive only employee contributions if they choose to withdraw their funds.

PSPRS

- Increases normal retirement eligibility and makes changes to early retirement.
- Institutes an ACR. The employer must pay no less than 8%.
- Changes deferred retirement option plans for members with less than 20 years of service as of January 1, 2012, and prospectively phases out the program for new members.
- Increases contribution rates by 1% for the first year, and then .9, .8, .7 and .6 for the following 4 years.
- Makes changes to the formulas for final average salary calculation.
- Stipulates that terminated members will receive only employee contributions if they choose to withdraw their funds.

CORP

- Institutes an ACR. Employer must pay no less than 6%.
- Makes changes to the formulas for final average salary calculation.
- Increases normal retirement eligibility and makes changes to early retirement.
- Stipulates that terminated members will receive only employee contributions if they choose to withdraw their funds.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Representative Frank Pratt, Chairman
Representative Kate Brophy McGee, Vice-Chairman
Diana Clay, Legislative Research Analyst
MJ Bildner, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

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HB 2006 – Chapter 276 – firearms within game refuges

Repeals a section of law that prohibits a person from possessing, transporting or carrying a firearm within a game refuge. Allows G&F to adopt rules relating to public shooting ranges operated by and under their jurisdiction and grants range officers the authority to enforce these rules, remove violators from the premises and refuse entry for repeat violations.

HB2239 – Chapter 216 – state parks board; membership

Modifies the makeup of ASPB by adding a member of the tourism industry and decreasing members from the livestock industry from two members to one.

HB 2358 – Chapter 282 – wildlife; guides; wasted meat

Redefines the term *guide* and expands the violations that can lead to the revocation or suspension of a G&F issued license to include acting as a guide without a guide license and taking a game bird, mammal, or fish and knowingly wasting edible portions.

HB 2360 – Chapter 111 – game and fish appointment board

Permits one member of the G&F Appointment Recommendation Board to come from an organization whose mission is to increase or conserve one of the animals from a specified list, rather than all of those animals.

HB 2458 – Chapter 335 – county infill; renewable energy districts

Effective September 30, 2011, removes some of the mandatory requirements the county board of supervisors must meet before establishing an infill incentive district or energy incentive district.

SB 1135 – Chapter 132 [E] – nuclear emergency appropriation and assessment

An emergency measure that appropriates \$1,812,420 in FY 2011-12 and \$1,782,028 in FY 2012-13 from the state GF to the Nuclear Emergency Management Fund for use as outlined. Levies an assessment against each consortium of public service and municipal corporations operating or constructing a commercial nuclear generating station in an amount equal to that appropriated to the Fund, plus any interest.

SB 1228 – Chapter 68 – trust lands; long-term leases; default

Creates a new procedure for the extension of time for defaults on long-term leases of state trust lands. Allows the ASLD Commissioner to extend the time for delinquent payments for up to five years. The delinquent rent, penalty and interest will constitute a lien on the improvements, crops and property. A lease is subject to default and cancellation for failure to make all delinquent payments and the lease will *automatically* cancel if the extension expires on the last day of the five-year period and all delinquent payments have not been made.

COMMITTEE ON ENVIRONMENT

Representative Amanda Reeve, Chairman
Representative Karen Fann, Vice-Chairman
Brooke Olguin, Legislative Research Analyst



* Strike-Everything Amendment
[E] Emergency Clause
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HB 2208 – Chapter 214 – *agriculture best management practices; rules

Directs ADEQ to develop and disseminate air quality dust forecasts for the Maricopa PM-10 nonattainment area and requires the forecasts to be posted on ADEQ's website and distributed electronically. Authorizes ADEQ to issue a dust action general permit that outlines best management practices (BMPs) necessary to reduce or prevent PM-10 particulate emissions on days that are forecasted to be at high risk of dust generation in Maricopa County. Requires the Agricultural Best Management Practices Committee to adopt by rule a list of BMPs, at least one of which must be used in areas designated as moderate nonattainment for PM-10 particulate matter and at least two of which must be used in areas designated as serious nonattainment for PM-10 particulate matter. Exempts the Committee's rules from rule making requirements.

HB 2593 – Chapter 201 – water salinity study committee

Establishes a 28-member Joint Legislative Study Committee to examine water salinity issues relating to high water softener usage. Directs the committee to submit a report to the Governor, Speaker of the House, President of the Senate and the Secretary of State by December 31, 2011. Repeals the Committee on September 30, 2012.

HB 2665 – Chapter 291 – environment; regulatory changes

Modifies existing statutory procedures for regulatory inspections conducted by state agencies. Makes various changes to inspections that are conducted by ADEQ and counties for air pollution control purposes. Specifically, the bill:

- Requires a state agency to provide a written report explaining why the opportunity to correct deficiencies is denied, on request of the regulated person.
- Specifies that if a state agency alleges that a regulated person is not in compliance with licensure or regulation requirements as a result of an inspection necessary for the issuance of a license or to determine compliance with licensure or other regulatory requirements, the agency must provide that person with a written notice of the allegation containing the following:
 - A citation to the specific language of the statute, regulation or condition on which the allegation of noncompliance is based.
 - Identification of any documents relied on as a basis for the allegation of noncompliance.
 - An explanation stated with reasonable specificity of the regulatory and factual basis for the allegation of noncompliance.
 - Instructions for obtaining a timely opportunity to discuss the alleged violation with the agency.
- Stipulates that the written notice of allegation is not a prerequisite to otherwise lawful agency actions seeking an injunction or issuing an order if the agency determines that the action is necessary on an expedited basis to abate an imminent and substantial endangerment to public health or the environment and documents the basis for that determination in the documents initiating the action.
- Excludes the new information contained in the notice of allegation from applying to air quality control restrictions that result in a uniform civil ticket.
- Stipulates that if an inspector gathers evidence in violation of the inspection requirements, the violation may be a basis to exclude the evidence in a civil proceeding, rather than excluding the evidence only if the penalty sought is the denial, suspension or revocation of the regulated person's license or a civil penalty of more than \$1,000.
- Clarifies that failure of an agency, board or commission employee to comply with the inspection requirements constitutes cause for disciplinary action or dismissal.

- Allows a person to be eligible for reimbursement of fees if the person substantially prevails by adjudication on the merits against a county in a court proceeding or an administrative appeal.

HB 2705 – Chapter 220 – waste programs; general permits; fees

Eliminates specific statutory fee amounts for ADEQ's Solid Waste and Hazardous Waste Programs and authorizes ADEQ to establish new and existing fees by rule, including a maximum fee. Requires the fees to be set in rule by September 30, 2013 and reviewed by JLBC and made available for public notice and comment as part of the rule making process.

SB 1324 – Chapter 163 – vehicle emissions testing; older vehicles

Exempts motor vehicles manufactured in 1974 or earlier from emissions testing, conditional on EPA's approval. Requires ADEQ to promptly notify the Director of Legislative Council in writing of EPA's decisions.

COMMITTEE ON GOVERNMENT

Representative Judy Burges, Chairman
 Representative Steve Urie, Vice-Chairman
 Michelle Hindman, Legislative Research Analyst
 Stephanie Johnson, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
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HB 2005 – Chapter 328 – subdivisions; acting in concert

Allows a local government to waive the requirements to prepare, submit and receive approval of a preliminary plat for any subdivision of 10 or fewer lots, modifies the definition of *subdivision or subdivided lands* and asserts that a familial relationship alone is not sufficient to constitute *unlawful acting in concert*. Further limits the damages in a lawsuit due to an untrue statement on a public report to not exceed the dollar amount that is the difference in price or market value that results from the untrue statement or omission of material fact.

HB 2015 – Chapter 170 – *county parks; justice court jurisdiction

Specifies that an offense is committed within the precinct of a justice of the peace court if conduct constituting any element of the offense or a result of such conduct occurs within a county park that includes a body of water located in two counties and the precinct includes some part of the county park. Prescribes applicable county population thresholds.

HB 2068 – Chapter 107 – constables; salaries

Limits constables' annual salaries to \$15,000 if they serve precincts that average 100 or less documents served per year over the previous four years, and applies current statutory salary ranges to those constables whose precincts serve over 100 documents per year over the previous four years.

HB 2137 – Chapter 213 – dogs; cats; sterilization

Allows for the non-surgical sterilization of a dog or cat, adds a definition for *sterilization* and includes provisions relating to aggressive dogs and the requirements for reasonable care by the owner of an aggressive dog or person who is responsible for the care of an aggressive dog.

HB 2151 – Chapter 193 – state employees; wage payments

Includes payroll cards as an acceptable method for employers to pay employee wages and requires employers to provide a list of fees associated with the use of a payroll card.

HB 2153 – Chapter 7 – municipalities; counties; fire sprinklers; code

Prohibits a city, town or county BOS from adopting an ordinance that prevents a person or entity from choosing whether to install or not install fire sprinklers in a single family detached residence or a residential building that contains no more than two dwelling units and forbids such local government from assessing any fine, fee or penalty on any person choosing to install or not install fire sprinklers. Specifies that these requirements do not apply to any ordinance requiring residential sprinklers that was adopted prior to December 31, 2009.

HB 2163 – Chapter 108 – investing public monies; notes

Allows treasurers of local governments to invest public monies in notes of the state, counties, incorporated cities or towns or school districts.

HB 2193 – Chapter 279 – municipal water charges; responsibility

Prevents certain persons from being held responsible for unpaid water and wastewater charges by prohibiting a municipality from:

- Refusing service on the basis of unpaid water and wastewater rates to anyone other than the person who resided at the property and received the service.
- Requiring payment on the basis of unpaid water and wastewater rates to anyone other than the person who resided at the property, received the service, and contracted with the municipality for the service.

HB 2274 – Chapter 330 – intergovernmental agreements; separate legal entity

Allows any Indian tribe to join other local governments and special taxing districts and form a separate legal entity for the purposes of issuing revenue bonds and engaging in electric generation and transmission activities.

HB 2302 – Chapter 173 – protected address; secretary of state

Requires the SOS to establish and administer an Address Confidentiality Program (ACP) to protect the residential addresses of victims of domestic violence, sexual offenses and stalking by providing them with a substitute address of record. Prescribes the ACP application process, the role of application assistants, certified participant authorization cards, the exchange of information between the SOS and other state or local government entities and the lawful use of a program participant's actual address by those other entities. Establishes the ACP Fund consisting of assessments collected from any person who is convicted of a domestic violence offense, a sexual offense or stalking pursuant to statute.

HB 2315 – Chapter 52 – Indian affairs commission; continuation

Continues the Arizona Indian Affairs Commission until July 1, 2016.

HB 2316 – Chapter 110 – Indian affairs commission; fund

Modifies the membership of the Arizona Indian Affairs Commission and allows an appointed member to resign or be removed at the request of the tribe or tribal council who previously nominated such member. Specifies that all members serve at the pleasure of the Governor and prohibits ex-officio members from voting. Allows the Commission to accept and spend all fees collected at an Arizona Indian Town Hall to defer associated expenses.

HB 2422 – Chapter 155 – local government budgeting; posting; publication

Requires local governments to post a complete copy of their estimated revenues and expenses online, in a prominent location, no later than seven business days after both the initial presentation before a governing body and final adoption. States that these postings must be made available online for at least five years beginning FY 2011-2012.

HB 2500 – Chapter 318 – *political signs; public right-of-way

Prohibits the removal of political signs that support or oppose candidates for public office or ballot measures from public rights-of-way, under certain conditions, during the period 60 days before a primary election until 15 days after a general election. Allows a local government to remove a political sign if they deem that its placement constitutes an emergency and further prescribes conditions for sign removal, notification of the appropriate candidate or campaign committee and retrieval of removed signs. Exempts state highways or routes, or overpasses over those state highways or routes and certain municipal zones.

HB 2534 – Chapter 2 – city or town annexation

Allows the governing board of a municipality within a county with a population of more than 350,000 persons to annex territory if the landowner has submitted a request to the federal government to take ownership of the territory or hold the territory in trust and provides further requirements for the eligible territory. Specifies that if the annexation is approved by a majority vote of the governing body, it is valid, but if it is approved by at least a two-thirds vote, the annexation becomes immediately operative. Defines *submitted a request to the federal government*.

HB 2572 – Chapter 119 – government expenditure database; transparency; CAFR

Requires ADOA and each local government to include the information as prescribed in a comprehensive annual financial report of a budget unit that has been made by a certified public accountant or public accountant who is not an employee of ADOA or the local government in their online database. Prescribes further requirements for the online posting of such information.

HB 2609 – Chapter 156 – homeowners’ associations; signs; political; leasing

Prescribes conditions for HOA meetings of the Board that are held after the period of declarant control has expired, regardless of whether the declaration, bylaws or other community documents state alternative procedures. Contains a policy statement asserting that HOA meetings should be conducted openly and allow unit owners or members to speak after the discussion of an agenda item but before action is taken. Modifies the statutes governing the use or placement of an indoor or outdoor display of a for rent or lease sign displayed by a property owner on their property and allows an HOA to prohibit the display of signs that are not commercially produced.

HB 2627 – Chapter 176 – sunset review; factors

Modifies the current sunset review factors for certain state agencies and clarifies that the committee of reference will conduct the additional review if necessary.

HB 2644 – Chapter 319 – federal monies; union preference; prohibition

Prohibits cities, towns, counties and state entities from accepting federal money for a construction project if a condition of accepting the money is giving a preference to union labor.

HB 2717 – Chapter 292 – homeowners’ associations; penalties; attorney fees

Modifies the statutes governing the use or placement of an indoor or outdoor display of a for rent or lease sign displayed by a property owner on their property and states that any HOA or managing agent that violates these statutes forfeits and extinguishes their statutory lien rights against a unit or property owner for a period of six consecutive months after the date of the violation.

SB 1117 – Chapter 3 [E] – immigration legislation challenges

Allows the Speaker of the House of Representatives and the President of the Senate to direct counsel to initiate a legal proceeding or appear on behalf of the Legislature in any challenge in state or federal court to SB 1070 and its amendments. Further removes the time restriction that allows the Governor to direct counsel other than the AG to appear on behalf of the state to defend SB 1070 and its amendments.

SB 1123 – Chapter 18 – state library and archives amendments

Makes substantive and conforming changes to the statutes governing ASLAPR necessitated by the transfer of the ASLAPR from the purview of the Legislature to the SOS in 2009 and further modifies the membership of the ASLAPR Advisory Board.

SB 1148 – Chapter 185 – homeowners’ associations; disputes; administrative hearings

States that the DFBLS has an additional purpose in protecting the public interest by interpreting and enforcing the terms of mobile home park rental agreements through its hearing officer function and asserts that DFBLS performs a similar function for condominiums and planned communities. Contains a legislative intent clause.

SB 1149 – Chapter 65 – planned communities; condominiums; document fees

Allows an HOA to charge a unit owner or property owner no more than \$400 for the costs incurred in the preparation of documents or statements that must be furnished for the purposes of resale disclosure, lien estoppel or any other services related to the transfer or use of a property. Establishes a *rush fee* of no more than \$100 and a *document update fee* of no more than \$50. Prescribes how an HOA may update their document fee schedule if their aggregate fee is less than \$400 as of January 1, 2010 and caps the civil penalty for charging fees in violation of statute at \$1,200. Modifies the statutes governing the use or placement of an indoor or outdoor display of a for rent or lease sign displayed by a property owner on their property. Contains a delayed effective date of from and after December 31, 2011.

SB 1153 – Chapter 74 – city auditors; confidential information

Allows a city or town auditor to examine the minutes of executive sessions of the city or town council or any board, commission or other public body established by the city or town. Clarifies that a city or town auditor may only look at the minutes of executive sessions within the performance of their official duties. Provides certain exceptions.

SB 1160 – Chapter 40 – city sales tax; residential rental

Prohibits a city or town, regardless of whether they have adopted the MCTC, from imposing or increasing sales tax on residential renters unless approved by municipal voters and provides exceptions. Contains a retroactive date of from and after December 31, 2010.

SB 1188 – Chapter 147 – *marital preferences; adoption

Requires the DES Division of Children, Youth and Families to give married couples preference over single adults when placing children in adoptive homes, establishes a list of factors that must be taken into consideration during the placement process, and requires DES to compile and categorize information regarding adoptions by marital status of the adoptive parents.

SB 1207 – Chapter 41 – dilapidated building; definition

Modifies the definition of *dilapidated building* to mean any structure that is likely to burn or collapse and whose condition endangers the life, health, safety or property of the public.

SB 1239 – Chapter 187 – *county treasurers; investments

Expands the list of eligible investments county treasurers may invest and reinvest monies in to include *exchange traded funds* and makes other conforming changes.

SB 1282 – Chapter 149 – political committee registration; religious entity

Prohibits this state and any agency or political subdivision from requiring a person to register as a political committee if the person is a religious assembly or institution that does not spend a substantial amount of time or assets, within the meaning provided in the IRC, on influencing any federal, state or local legislation, referendum, initiative or constitutional amendment.

SB 1314 – Chapter 162 – county island fire districts; meetings

Requires a noncontiguous county island fire district board to hold public meetings as necessary to carry out its powers and duties, but at least once every 90 days, rather than at least once each calendar month. Provides various requirements regarding a district website, the posting of an annual budget of the fire district board and permanent public records.

SB 1318 – Chapter 271 – city council; vacancy; appointment; election

Structures the vacancy process for councils of unchartered cities by limiting an appointed replacement for vacancies that occur *more* than 30 days before the next nomination petition deadline to only serve until the next regularly scheduled council election, where qualified electors will determine who serves the remainder of the term. If a vacancy occurs *less* than 30 days before the next nomination petition deadline, the appointee serves the remainder of the unexpired term.

SB 1326 – Chapter 152 – *flag display; homeowners' associations

Modifies the restrictions an HOA may place on the display of flags. Prevents the prohibition of the Gadsden flag and the prohibition of front yard or backyard displays of flags protected by statute. Allows a planned community HOA to limit the height of a flagpole and the number of flags that may be displayed at one time.

SB 1333 – Chapter 348 – cities; towns; deannexation; incorporation

Establishes time frames within which a prescribed distance of an incorporated city or town is declared an urbanized area for the purposes of incorporation and provides an alternative method for incorporation, under certain conditions, through December 31, 2020. Provides for a phase-in of state shared revenues for an area that chooses to incorporate under this alternative method.

SB 1341 – Chapter 124 – county planning; zoning; conforming legislation

Makes conforming changes to the Arizona statutes governing county planning and zoning as required by Laws 2010, Chapter 244.

SB 1364 – Chapter 22 – county ordinances; utility vehicle parking

Allows a resident to park a motor vehicle on a street or driveway in a county, provided they meet specified requirements, and if the person's employment requires that the vehicle be available at the person's residence at designated periods. Defines *telecommunications* and specifies that telecommunications does not include commercial mobile radio services.

SB 1375 – Chapter 104 – *livery vehicles; taxis; limousines; regulation

Adds requirements to the owners of livery vehicles, taxis and limousines regarding criminal background checks and vehicle maintenance records. Specifies that a public airport operator may establish the number of livery vehicles, taxis or limousines that may conduct business at such an airport.

SB 1419 – Chapter 238 – reviser's technical corrections; 2011

Makes numerous technical changes in order to correct defective and conflicting statutory text from previous legislative enactments.

SB 1465 – Chapter 325 – valid identification; consular cards; prohibition

Prohibits Arizona or any of its political subdivisions from accepting a consular identification card issued by a foreign government as a valid form of identification.

SB 1498 – Chapter 125 – Arizona centennial medallions

Allows AHAC to adjust the sale price and production of the Arizona centennial medallions due to the cost of gold, silver or copper. Specifies that the sale of the medallions may include a prepayment requirement for purchase and provides stipulations regarding the funds for the Arizona centennial medallions.

SB 1502 – Chapter 274 – fire districts; merger; consolidation

Allows a fire district to merge or consolidate by a unanimous consent of the governing bodies of a fire district or by holding an election. Revises the statutes governing fire district consolidation to more closely mirror those governing a fire district merger and requires written notice to be sent to each owner of taxable property within the proposed merger or consolidated area, that contains an estimate of the assessed value of the merged or consolidated district, the estimated change in property tax liability and a list of the benefits and injuries that may result from the proposed merger or consolidation.

SB 1523 – Chapter 73 – sanitary districts; standards for moratoriums

Establishes standards and procedures for a sanitary district to adopt a moratorium on construction or land development.

SB 1525 – Chapter 243 – city; town; development fees

Rewrites the municipal development fee statutes, prescribing how development fees may be assessed, what they may and may not be used for, how development fees and a municipal infrastructure improvement plan are to be approved and amended through a public hearing process, as well as development fee collection, refund, credit and reimbursement procedures. A municipality is required to revise their development fee structure and may either appoint an Infrastructure Improvements Advisory Committee or conduct a biennial certified audit. Prohibits a municipality from adopting an increase to its construction contracting or similar excise tax to a percentage amount in excess of its general TPT rate from June 30, 2011 through July 31, 2014. Contains a legislative intent clause and a delayed effective date.

SB 1540 – Chapter 154 – political flyers; petitions; homeowners' associations

States that HOAs may not prohibit door to door political activity or the circulation of political petitions on property normally open to visitors, but may prohibit door to door political activity from sunset to sunrise and may require a person engaging in door to door political activity to wear a prominent identification tag. HOAs may not regulate the number of candidates or propositions supported or opposed on a political sign and prohibits an HOA from requiring a political sign to be commercially produced or professionally manufactured. Allows political signs to be displayed 55 days before through 15 days after an election.

SB 1598 – Chapter 312 – cities; counties; regulatory review

Establishes a regulatory bill of rights for cities, counties and county flood control districts. Prescribes requirements for inspections completed on regulated persons or entities and specifies that all timelines are to be completed within *working* days. Prescribes time frames and requirements for licensing and licensing application processes and the consequences for failure to comply with such standards. Requires a local government to publish or prominently place on their website the subject matter of all currently applicable ordinances, codes and substantive policy statements and allows a governing body to receive complaints concerning those that are alleged to violate this Act. Provides various definitions and delayed effective dates.

COMMITTEE ON HIGHER EDUCATION, INNOVATION, AND REFORM

Representative Steve Court, Chairman
Representative Tom Forese, Vice-Chairman
Jennifer Anderson, Legislative Research Analyst
Paul Benny, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

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HB 2410 – Chapter 56 [E] – honorably discharged veterans; in-state tuition

An emergency measure that classifies all persons who are honorably discharged from the United States Armed Forces and who demonstrate objective evidence of intent to be a resident of Arizona as in-state students for the purposes of tuition at an Arizona public university or community college, beginning in the fall semester of 2011.

HB 2565 – Chapter 337 – postsecondary education; students' rights

Prohibits public universities and community colleges from discriminating against, adopting policies that penalize or punish, or withholding any certificate or degree from a student based on the student's religious viewpoint, expression, or beliefs.

- Stipulates that a university or community college cannot discipline or discriminate against a student in a counseling, social work, or psychology program if the student refuses to counsel a client about goals that conflict with the student's sincerely held religious belief and the student consults with the supervising instructor to determine the proper course of action to avoid harm to the client.
- Requires universities and community colleges that grant recognition to any student organization or group to recognize and give equal access or a fair opportunity to other student organizations regardless of the religious, political, philosophical, or other content of the organizations' speech.
- Allows a religious or political student organization to determine the ordering of its internal affairs are in furtherance of the organization's religious or political mission and limit these activities to only persons committed to that mission.
- Prohibits a university or community college from restricting a student's right to speak, hold a sign, or distribute fliers or other materials in a public forum unless the restriction is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

SB 1213 – Chapter 248 – community college districts; alternative formation

Outlines an alternative process to convert a provisional community college district to an independent community college district. Specifically:

- Allows a county to organize an independent community college district if the following requirements are met:
 - The county has operated a provisional community college for at least five years.
 - The provisional community college has an enrollment of at least 900 FTSE according to the most recent audited FTSE count.
 - The provisional community college district's governing board (Board) holds a public meeting to discuss and hear testimony on the conversion of the provisional community college district to an independent community college district.
 - The Board adopts a resolution to form a community college district.
 - The proposed community college district is seeking accreditation.
 - The provisional community college district has maintained a regional accreditation and oversight relationship with another community college district until it is converted from a provisional district to an independent district.
- Permits the Board, after the resolution to convert to an independent district is adopted, to call an election on a general election date to seek voter approval to increase the property tax levy.

- Requires the new alternatively-formed community college district to maintain a regional accreditation and oversight relationship with another community college district until it has reached the initial candidacy stage of the accreditation process.
- Prohibits community college districts formed pursuant to the alternative process from receiving state Equalization Aid and specifies these districts should not be considered when calculating the base used to determine Equalization Aid to the other community college districts.
- Outlines the distribution of Proposition 301 Workforce Development monies for alternatively-formed community college districts.

SB 1217 – Chapter 249 – shared revenues; provisional community colleges

Modifies the distribution formula for the Proposition 301 Workforce Development monies to include a provisional community college district's FTSE count. Requires the monies generated from the provisional district's FTSE count to be used to provide workforce development services to students in the provisional district as approved by the provisional district's governing board in its annual budget process.

COMMITTEE ON HEALTH AND HUMAN SERVICES

Representative Cecil Ash, Chairman
Representative Heather Carter, Vice-Chairman
Ingrid Garvey, Legislative Research Analyst



* Strike-Everything Amendment
[E] Emergency Clause
[P 105] Proposition 105 Clause
[P 108] Proposition 108 Clause
[LIV] Line Item Veto

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HB 2099 – Chapter 13 – *hospice care; restoration

Adds hospice care to Arizona's covered health and medical services.

HB 2155 – Chapter 86 – dental board; omnibus

Makes a variety of changes to the dental statutes. Allows SBDE's Executive Director to issue and renew licenses, initiate investigations regarding unprofessional conduct for licensees or unethical conduct by business entities and, subject to board approval, enter into consent agreements. Makes changes to the renewal procedures for dentists, dental hygienists and denturists.

HB 2157 – Chapter 47 – *stroke care; DHS

Requires DHS, on or before January 1, 2014, to adopt rules to coordinate the stroke care services between emergency medical services providers and hospitals.

HB 2158 – Chapter 255 – tobacco revenues; tracking commission

Establishes the Tobacco Revenue Use Spending and Tracking Commission and outlines the terms and qualifications of the commission and its members.

HB 2194 – Chapter 138 – physical therapy; licenses; certificates; status

Requires the Arizona Board of Physical Therapy to place a physical therapist or physical therapist assistant on retired or inactive status when the individual presents a written affidavit that they are retired or inactive and specifies the titles to be used while on retired status. Outlines the procedures to reactivate licenses.

HB 2211 – Chapter 257 – *inpatient evaluation or treatment

Allows a guardian who has been granted authority to consent to inpatient mental health care or treatment when the guardian has reasonable cause to believe that the ward is in need of inpatient evaluation or treatment to apply for admission of the ward to a facility. Allows the facility to rely on the consent of the guardian or agent for treatment, release and discharge decisions if, after admission, the ward refuses treatment or requests discharge and the treating physician believes further treatment is necessary. Allows, in cases of a mental health power of attorney, relating to involuntary court ordered evaluation or treatment that the agent may apply for admission of the principal for evaluation or treatment at a facility.

HB 2213 – Chapter 89 – *intellectually disabled; terminology

Updates terminology relating to individuals who are developmentally disabled throughout the A.R.S. and contains an effect of change in terminology clause.

HB 2233 – Chapter 48 – mobile dental facilities

Establishes mobile dentistry facilities and portable units and outlines the procedures and standards that those facilities and units must follow in order to operate. Outlines the process for a facility or unit to obtain informed consent and sets forth disciplinary procedures.

HB 2384 – Chapter 55 – abortion; public funding prohibition; taxes

Prohibits the use of public funds or tax monies for training related to abortion procedures that are paid by tuition or fees of students at an Arizona university or community college. Provides that charitable organizations that receive a cash contribution from an individual must provide a written certification to DOR that the organization does not provide, pay for, promote, provide coverage of or provide referrals for abortions.

HB 2416 – Chapter 10 – abortion

Changes the definition of abortion to broaden its meaning. Specifies that an abortion must not be performed without voluntary and informed consent by the woman receiving an abortion. States that a physician who violates this section commits unprofessional conduct. Outlines, in addition to other remedies, who may file a civil action to obtain relief for a violation, and requires that a civil action must be brought in the superior court in the county in which the woman resides. Prohibits the use of telemedicine to perform an abortion. Contains a construction and severability clause.

HB 2443 – Chapter 9 – abortion; sex; race selection; prohibition

Provides that a person who knowingly performs an abortion, with the knowledge that the abortion is sought based on the sex or race of the child or the race of the parent of the child, is guilty of a Class 3 felony. Names the act the Susan B. Anthony and Frederick Douglass Prenatal Nondiscrimination Act of 2011.

HB 2530 – Chapter 267 – board of dental examiners

Updates the definition of unprofessional conduct to include the dividing of a professional fee or receipt for any consideration for patient referral among dental care providers. Redefines the practice of dentistry. Specifies that an individual holding a surrendered or revoked license to practice dentistry or dental hygiene as a result of disciplinary action may not have majority interest in a business entity that provides dental services.

HB 2548 – Chapter 174 – medical helicopters; nontrauma patients; guidelines

Requires the Director of DHS along with the Medical Direction Commission and the Emergency Medical Services Council to develop guidelines on the use of medical helicopters for non-trauma patients on or before January 1, 2013.

HB 2554 – Chapter 175 – dental board; investigations; disciplinary action

Rewrites the statute related to investigation and adjudication of complaints and disciplinary action for licensees subject to regulation by the dental board.

HB 2585 – Chapter 94 – controlled substances; marijuana; monitoring

Requires the controlled substances Prescription Monitoring Program, administered by the Arizona State Board of Pharmacy, to include data from DHS that identifies residents who possess a valid registry identification card.

HB 2620 – Chapter 268 – medical records; disclosure; release

Establishes a Health Information Organization (HIO) that oversees and governs the exchange of individually identifiable health information among organizations according to nationally recognized standards. Sets forth an individual's rights and provides that an individual has the right to opt out of participating in a HIO. Provides that a HIO must maintain a written notice of health information practices that contain specified information. Outlines the circumstances under which a HIO may disclose individually identifiable health information and requires a HIO to implement and enforce policies governing the privacy and security of individually identifiable health information.

HB 2634 – Chapter 96 – DHS; health care institutions; rules

Requires DHS to adopt rules regarding health care institutions that would reduce monetary or regulatory costs on persons and streamline the regulation process, promote the use of deemed status for behavioral health organizations, and facilitate licensure of integrated health programs which provide behavior and physical health services.

HB 2635 – Chapter 219 [E] – court-ordered evaluation

States that the affidavit accompanying a petition for court-ordered treatment include the results of a physical examination if it is relevant to the evaluation. Specifies that the examination can be performed by an evaluating physician or under supervision of a licensed physician or registered nurse practitioner. Eliminates the requirement for a person undergoing court-ordered evaluation or treatment to have a physical examination along with their annual review.

HB 2658 – Chapter 254 – domestic violence review teams

Permits the domestic violence fatality review teams to investigate near fatal and fatal domestic violence incidents. Allows AZPOST and the State Domestic Violence Coalition to receive reports compiled by teams on domestic violence incidents.

HB 2675 – Chapter 121 – food stamps; benefit cards; penalty

States that a person has committed an unlawful use of food stamps if they use the food stamps of another person after an unlawful transfer.

SB 1025 – Chapter 177 – Arizona state hospital; fingerprinting requirements

Requires a state hospital employee or volunteer to have a valid fingerprint clearance card and that an employee or volunteer cannot work if they have been denied a fingerprint clearance card or has not received an interim approval from the Board of Fingerprinting.

SB 1030 – Chapter 178 – *physician assistants; prescribing authority

Allows a certified physician assistant to prescribe Schedule II and III controlled substances for 30 days and prohibits a physician assistant from prescribing medication to induce an abortion.

SB 1032 – Chapter 97 – mammographic images; physician requirements

Aligns state requirements for physicians who interpret mammographic images with the federal Mammography Quality Standards Act (MQSA) by requiring those physicians to meet education and training requirements of the MQSA and eliminates the specific state physician education training requirements. Removes the authority of the Medical Board and the Osteopathic Board to approve an interpreting physician.

SB 1033 – Chapter 179 – optometry board; omnibus

Allows a licensed optometrist to prescribe nonsteroidal anti-inflammatory agents for up to 14 days to a patient who is over the age of 6 years old. Increases the membership of the Board of Optometry to seven members.

SB 1037 – Chapter 59 – chiropractic board; omnibus

Removes the requirement for the State Board of Chiropractic Examiners to determine if an applicant has equivalent standards to that of a chiropractic college. Requires the Board to adopt rules to prescribe continuing education.

SB 1038 – Chapter 141 – assisted living caregivers; regulation

Transfers regulatory oversight of training programs for assisted living facilities from DHS and the Private Postsecondary Board to the Board of Examiners of Nursing Care Administrators and Assisted Living Facility Managers.

SB 1042 – Chapter 16 – medical student loans; board; continuation

Continues the Board of Medical Student Loans until July 1, 2017.

SB 1043 – Chapter 17 – nursing care administrators; continuation

Continues the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers until July 1, 2021.

SB 1044 – Chapter 60 – podiatry board; continuation

Continues the Board of Podiatry Examiners until July 1, 2021.

SB 1082 – Chapter 142 – DES; fingerprinting; finger imaging

Specifies that finger imaging programs for TANF and the Supplemental Nutrition Assistance Program (SNAP) are to be used as a control to prevent multiple enrollments. States that if an individual does not comply with the finger imaging requirements they may not participate in the program. Requires DES to purge finger images thirty-six months, rather than twelve months, after denial of or termination of TANF or SNAP program benefits, whichever occurs later.

SB 1118 – Chapter 181 – county medical examiner; identification protocol

Requires a medical examiner, on receipt of notification from an immediate family member of a decedent, to conduct an identification meeting within 48 hours. Names the act “Abby’s Law.”

SB 1119 – Chapter 182 – naturopathic medicine; nutrients

Requires the Naturopathic Physicians Medical Board to adopt rules for the safe administration of intravenous nutrients by naturopathic physicians.

SB 1121 – Chapter 143 – *review team; maternal mortality

Requires the Child Fatality Review Team to evaluate the incidence and causes of maternal fatalities associated with pregnancy in Arizona.

SB 1175 – Chapter 186 – *categories of licensure; homeopaths

Establishes a new licensing category of Doctor of Homeopathy under the Board of Homeopathic and Integrated Medicine Examiners. Sets forth the rules and regulations to accompany the new licensing category.

SB 1176 – Chapter 227 – medical board; omnibus

Updates the requirements that must be included in a licensee’s profile. Provides that physician assistants are eligible for treatment and rehabilitation programs. Removes the provision that an organization that operates a program of behavioral health disorders for physicians or physician assistants make quarterly reports to the Board. Allows a physician to administer an immunization or vaccine to a patient’s household member without a doctor-patient relationship.

SB 1187 – Chapter 305 – dissolution of marriage; legal separation

Specifies a list of minimum standards that must be included in educational programs on divorce. Allows the conciliation court to grant a reasonable extension of the stay up to 120 days if cause for the extension is established by the moving party. States that the court must not grant the extension if the other party objects with good cause.

SB 1190 – Chapter 246 – *developmentally disabled; residential programs

Requires DES to hold meetings with developmentally disabled individuals living in certain institutional settings and their parents or guardians to review placement options.

SB 1232 – Chapter 160 – developmental disabilities advisory council; continuation

Continues the Developmental Disabilities Oversight Advisory Council until July 1, 2021. Updates the duties of the Council and changes the membership of the Council.

SB 1240 – Chapter 231 – behavior analysts; practice recognition; DHS

Outlines the training requirements for an applicant for licensure as a behavior analyst. Requires DHS to recognize a behavior analyst that is licensed as a behavioral health professional, and states that they are then eligible to receive reimbursement for services rendered.

SB 1248 – Chapter 43 – hospitals; dual licensure; elimination

Requires DHS, on or before July 1, 2012, to take action to eliminate the dual licensing requirements for hospitals that provide organized psychiatric services.

SB 1298 – Chapter 103 – pharmacists; drug therapy protocols

Allows a licensed pharmacist to administer immunizations and vaccines for influenza or in response to a public health emergency for children at least six and less than eighteen years of age without a prescription. Permits a pharmacist to administer immunizations and vaccinations to children at least six and less than eighteen years of age with a written prescription order.

SB 1315 – Chapter 151 – podiatry board; omnibus

Updates language relating to unprofessional conduct regarding the Board of Podiatry Examiners. Requires the Chief Executive Officer, Medical Director, or Medical Chief of Staff of a health care institution to notify the Board when the privileges of a podiatrist have been denied, revoked, suspended or limited. Eliminates language that would allow the Board of Podiatry Examiners to issue provisional licenses.

SB 1382 – Chapter 235 – homeopathic physicians; use of title

Removes the term homeopath from the violations section of the statutes that regulate homeopathic physicians.

SB 1396 – Chapter 236 – *domestic relations; notification requirements

Provides that the court must provide a written notice to all parties in a domestic relations proceeding that they may request conclusions of fact and law on certain specified issues.

SB 1429 – Chapter 192 – health care actions; liability; students

Specifies that the student of an educational or training program that prepares for licensing as a health care provider is not liable in a medical malpractice action for injury. States that the student does not owe an independent duty of care to the patient. Specifies that the responsibility of the supervising licensed health care provider is not eliminated.

SB 1559 – Chapter 168 – *juveniles; fees; adoptive parents; exception

Allows the Arizona Juvenile Court to waive the fees, charges, expenses, and maintenance under specified circumstances for a juvenile that was adopted or placed in permanent guardianship after considering the totality of the child's circumstances and the nature of the child's dependency.

SB 1560 – Chapter 253 – dependent children; hearings; notice

Provides that it is evidence of abandonment if an alleged parent of a child refuses to take a paternity test requested by DES or by court order. Requires a motion for removal to be served on a child's prospective permanent placement at least 15 days prior to a hearing on the motion. Specifies that in addition to a child welfare agency or DES, that DHS, a Regional Behavioral Health Authority, their subcontractors or service providers, must make every reasonable effort to not remove a child who is placed in out-of-home care from school during school hours for appointments, visitations or activities not related to school.

SB 1583 – Chapter 242 [E] – nursing board; membership

Allows the governor to appoint a certified registered nurse anesthetist as a member of the State Board of Nursing. Contains an emergency clause.

COMMITTEE ON JUDICIARY

Representative Eddie Farnsworth, Chairman
 Representative David Smith, Vice-Chairman
 Magdalena Jorquez, Legislative Research Analyst



* Strike-Everything Amendment
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HB 2064 – Chapter 76 – *foreign law; conflict of laws

Prohibits a court, arbitrator, administrative agency or other adjudicative, mediation or enforcement authority from enforcing a foreign law if doing so would violate a person's constitutional right or conflict with federal or Arizona laws.

HB 2146 – Chapter 85 – concealed weapons permit; training

Modifies firearm training and certification to allow instruction and approval by either DPS or a National Rifle Association certified instructor. Removes certain requirements for instructors.

HB 2154 – Chapter 278 [E] – *privatization; correctional health services

Requires DOC to issue an RFI for the privatization of all correctional health services, including all medical and dental services. Directs DOC to award a three-year contract to the best qualified bidder and limits the reimbursement rate at the AHCCCS capped fee-for-service schedule.

HB 2167 – Chapter 6 [E] – definition of dangerous drugs; synthetic

Expands the definition of *dangerous drugs* to include 10 specific chemical compounds that typically compose synthetic cannabinoids.

HB 2303 – Chapter 331 – voting centers; polling places

Permits a county BOS to authorize the use of voting centers in addition to or in place of designated polling places on Election Day.

HB 2304 – Chapter 332 – state elections; omnibus

Makes numerous changes to relating to state election law, including the following provisions:

- Clarifies that a person circulating nomination petitions does not have to be an Arizona resident but must register as a circulator with the SOS.
- Allows a Permanent Early Voter applicant to list a mailing address outside the county of residence.
- Adds special elections to the list of elections requiring a hand count.
- Extends the time a new party is entitled to be recognized from one to two general elections.
- Allows corporations, LLCs and unions to contribute to independent expenditure committees.
- Increases the threshold that requires the SOS to return original signature sheets to their submitter due to failure to meet the minimum number of signatures required for the general election ballot from 95% to 100% of the minimum number of signatures.
- Allows the SOS to establish a scanned ballot election auditing pilot program and establish and maintain a multistate database of voter registrants.

HB 2335 – Chapter 299 – presidential ballot; president; vice-president

Requires the heading of the column on a general election ballot containing the names of the candidates for the office of president to read "President and Vice-President."

HB 2351 – Chapter 38 – failure; return rented vehicle; classification

Establishes failure to return a rented motor vehicle as a Class 5 felony (1.5 years/\$150,000).

HB 2352 – Chapter 217 – court commissioner; qualifications

Removes the requirement for court commissioners to complete three years of active practice before appointment.

HB 2353 – Chapter 90 – sentencing; dangerous offenses; probation

Reorganizes special sentencing statutes for assault, organized crime, drug offenses, family offenses, and sexual offenses. Adds code enforcement officers, park rangers, and public defenders to those protected from targeted attack under the aggravated assault statutes.

HB 2355 – Chapter 260 – court surcharges

Clarifies that court surcharges apply to the base fine.

HB 2369 – Chapter 91 – DUI; work release

Requires courts to allow first- and second-time DUI and extreme DUI offenders to continue their employment or schooling while serving out their jail sentence, with exceptions.

HB 2376 – Chapter 261 – department of juvenile corrections; continuation

Continues ADJC until July 1, 2012.

HB 2396 – Chapter 113 [E] – game and fish; trophies; enforcement

Requires G&F employees and volunteers who have contact with children or vulnerable adults as part of their regular duties to have a valid FPCC. Prohibits a person from obtaining a hunting or fishing license during pendency of a civil action relating to a G&F violation or prior to payment of damages in full. Exempts the G&F Commission from rulemaking requirements for one year to revise its rules relating to watercraft and engine restrictions and the lawful taking of wildlife.

HB 2402 – Chapter 262 – guardians of incapacitated persons

Establishes court procedures for determining whether an incapacitated individual's privilege to drive should be suspended or retained. Broadens the scope of powers for guardians. Expands the options the court may exercise in an involuntary commitment proceeding.

HB 2403 – Chapter 334 – trusts and estates

Outlines the rights of beneficiaries and creditors in trust agreements. Conforms language regarding total return trusts with existing definitions in the Arizona Trust Code. Eliminates the requirement for an irrevocable life insurance trust to previously have owned life insurance in order for the benefits to apply and the requirement for a transfer on death provision to include notice to the owner and any beneficiary regarding monetary limitations on decedents' estates.

HB 2404 – Chapter 263 – *criminal restitution; victim notification

Requires the trial court to enter a criminal restitution order when a defendant absconds from probation or his sentence and specifies who must notify the victim if the defendant makes an initial appearance pursuant to a Writ of Habeas Corpus or if the defendant is released.

HB 2405 – Chapter 114 – human smuggling organization; offense; penalty

Defines *human smuggling organization* and classifies participation in a human smuggling organization as a Class 2 felony (5 years/\$150,000) and assisting a human smuggling organization as a Class 3 felony (3.5 years/\$150,000). Imposes special sentencing provisions.

HB 2406 – Chapter 115 – crimes; forensic interviews; mandatory fines

Requires a person convicted of or adjudicated delinquent for a dangerous crime against children or sexual assault to pay an additional assessment of \$500 to defray the cost of medical or forensic interview expenses, effective December 31, 2011.

HB 2408 – Chapter 264 – outpatient treatment; agency notification

Stipulates that if criminal charges against a patient involving certain sexual offenses, death or serious physical injury are dismissed, the medical director must notify the original prosecuting agency five days before discharging a patient receiving court-ordered treatment when a civil commitment order expires or terminates or if the patient is discharged to outpatient treatment.

HB 2411 – Chapter 78 – child prostitution; consecutive sentences

Specifies that persons convicted of child prostitution involving a 15, 16, or 17-year-old minor must serve their sentence consecutively.

HB 2424 – Chapter 285 – probate; wards; rights

Establishes a Probate Advocacy Panel and delineates the composition of its membership and their duties. Contains a delayed repeal date of June 30, 2016.

HB 2438 – Chapter 58 – sexual conduct; minor

Expands the definition of *teacher* as it applies to sexual conduct with a minor and expands the offenders eligible for the Class 2 felony provision for sexual conduct with a minor of at least 15 years of age to encompass any person who is currently or was previously the minor's parent, step-parent, adoptive parent, legal guardian, foster parent, teacher, or clergyman or priest.

HB 2480 – Chapter 117 – officeholder expense accounts; late fees

Establishes a late penalty in the amount of five dollars per day for each day that a political committee, a candidate or the designating individual of an exploratory committee fails to comply with the reporting requirements related to officeholder expense accounts.

HB 2645 – Chapter 304 – *firearms; rights restoration; peace officers

Expands procedures for the restoration of the right to possess a firearm by mentally ill persons. Adds retired peace officers to laws regulating the carrying of firearms by peace officers.

SB 1023 – Chapter 140 – enforcement of pretrial release conditions

Authorizes adult probation officers, in counties with more than two million persons, to serve warrants and make arrests on anyone who has violated a condition of pretrial release while under the supervision of the pretrial services division.

SB 1054 – Chapter 204 – waiver; intensive probation standards

Expands the counties in which the Supreme Court may waive the probation ratio and team composition requirements of adult and juvenile intensive probation programs.

SB 1080 – Chapter 224 – custodial interference; classification

Alters the Class 1 misdemeanor classification of custodial interference to only include situations in which the child or incompetent person is voluntarily returned without physical injury within 48 hours after the interference occurs. Establishes a Class 1 misdemeanor (6 months/\$2,500), for intentionally making a false report of vulnerable adult abuse or neglect to another person who is required to report the information to a law enforcement agency.

SB 1081 – Chapter 225 – minors; protective proceedings

Reorganizes statute related to guardians of incapacitated persons. Establishes a mechanism for allowing judicial appointment of a guardian for incapacitated minors approaching adulthood.

SB 1086 – Chapter 340 – tobacco products; prohibitions

Specifies that a minor who uses false identification to acquire cigars, cigarettes or cigarette papers or smoking or chewing tobacco is guilty of a petty offense (\$500).

SB 1101 – Chapter 1 [E] – protest activity; prohibition

Establishes a 300-foot zone around any establishment during or within one hour before or after a funeral or burial service takes place in which picketing or engaging in protest activities are prohibited. Establishes the violation as a Class 1 misdemeanor (6 months/\$2,500).

SB 1103 – Chapter 63 – unclaimed property; exempt child support

Exempts child support payments from the definition of *property* under the Revised Arizona Unclaimed Property Act.

SB 1130 – Chapter 226 – unlawful sexual conduct; probation employees

Establishes a felony offense for unlawful sexual conduct by an adult probation department employee or juvenile court employee. Classifies the false reporting or coercion of another to make a false report of unlawful sexual conduct with a correctional facility employee, juvenile court employee, or probation employee as a Class 1 misdemeanor (6 months/\$2,500).

SB 1167 – Chapter 159 [E] – *legislation; referenda challenges

Establishes a statute of limitations for actions that challenge the legal sufficiency of a measure referred by the legislature.

SB 1191 – Chapter 206 – juveniles; discretionary transfer; adult court

Expands the offenses for which a jurisdictional determination is made as to whether a juvenile charged as an adult in a criminal prosecution should be transferred to a juvenile court.

SB 1192 – Chapter 228 – child support model; review; report

Requires the Arizona Supreme Court to select a nationally-recognized independent research organization to review and assess the methodology used in creating the Child Based Outcome Support model and the effect it will have prior to adopting the model.

SB 1212 – Chapter 99– civil appeal bonds; limits

- Restricts the amount of the bond necessary to stay the execution of a judgment from a lower court during the course of all appeals or discretionary reviews of that judgment in appellate court. Establishes the following limits on the amount of interest rates that can be set:
 - Juvenile restitution orders at 10%;
 - Medical malpractice judgments at one percentage point above the federal postjudgment interest rate.
 - Loan, indebtedness, judgment or other obligation at the lesser of 10% annually or 1% plus the prime rate established by the Federal Reserve.
- Prohibits the court from awarding any of the following:
 - Prejudgment interest for any unliquidated, future, punitive or exemplary damages that are found by the trier of fact.
 - Interest for any future, punitive or exemplary damages that are found by the trier of fact.

SB 1225 – Chapter 229 – forgery; human smuggling; classification

Classifies forgery as a Class 3 felony (3.5 years/\$150,000) if the forged instrument is used to obtain a dwelling used as a drop house for human smuggling.

SB 1229 – Chapter 123 – recreational users; landowner liability

Expands the definition of *recreational user* as it relates to recreational immunity to include a person who enters premises to engage in off-highway vehicle, off-road recreational motor vehicle, all-terrain vehicle activity, or outdoor recreational pursuits.

SB 1243 – Chapter 188 – bad checks; county attorney fees

Increases the fees the county attorney may collect from a person who has issued or passed a check in violation of specified statutes.

SB 1245 – Chapter 42 – capital postconviction public defender; continuation

Continues the State Capital Postconviction Public Defender Office until July 1, 2016.

SB 1247 – Chapter 189 – sexually violent persons; hearings

Requires the court to order an evaluation to determine whether an individual is a sexually violent person if the individual does not request a probable cause hearing.

SB 1290 – Chapter 71 – county election workers; political campaigns

Prohibits an employee of the county elections department from operating as a chairman, treasurer, or other officer of any political campaign or candidate campaign committee.

SB 1334 – Chapter 349 – hunting within city limits

Prohibits a political subdivision from enacting an ordinance, rule, or regulation that limits the lawful take of wildlife during an open season unless it is consistent with the state's hunting laws and G&F Commission rules and Orders. Allows cities, towns, or counties to restrict the discharge of a firearm within a quarter mile of an occupied structure.

SB 1363 – Chapter 153 – employer protections; labor relations

Makes it unlawful for a labor organization to engage in picketing or to induce others to engage in picketing to coerce or induce an employer or self-employed person to join or contribute to a labor organization. Creates a No Trespass Public Notice List to identify employers who have established private property rights to their place of business. Establishes violations of unlawful picketing, trespassory assembly, unlawful mass assembly, and defamation of an employer as Class 2 misdemeanors (4 months/\$750) or Class 1 misdemeanors (6 months/\$1500) if the offense occurs on a property listed on the No Trespass Public Notice.

SB 1367 – Chapter 351 – *juveniles; DNA testing

Expands the scenarios when a judicial officer is required to order a juvenile to submit a sample for DNA testing and specifies procedures for collecting, analyzing, and maintaining samples.

SB 1412 – Chapter 105 – early voting; revisions

Broadens the classification of ballot abuse to include certain offenses and delineates the classifications.

SB 1469 – Chapter 353 – justification; use of force

Removes, as an element for justification in defense of a third person, whether a reasonable person would believe that such person's intervention is immediately necessary to protect the third person. Redefines *acting reasonably* and the presumption for the defense of a home or occupied vehicle. Establishes an additional presumption for the justification of the use of force or defensive display of a firearm, with certain exceptions.

SB 1471 – Chapter 166 – county election law amendments

Establishes a process to review petitions and verify signatures for recognition of a new political party and extends the duration of recognition to two regularly-scheduled general elections for federal office. Requires, in determining the number of signatures needed for recognition, at least five counties of registration and at least 10% of signatures to be registered in counties with less than 500,000 persons. Includes various declarations on an early ballot affidavit.

SB 1472 – Chapter 272 – publicity pamphlets; judicial performance; comment

Requires the SOS to post the following information regarding Arizona Supreme Court justices and Court of Appeals judges prior to their elections for retention:

- Biographical information, including time served on the bench and educational background.
- A listing of published decisions in which the justice or judge declared a statute constitutional or unconstitutional, along with the provision used.

SB 1473 – Chapter 273 – early voting sites; electioneering

Requires facilities used as an early voting site during the period of early voting to allow persons to electioneer and engage in other political activity outside the 75 foot limit in public areas and parking lots used by voters, except in the case of an emergency.

SB 1482 – Chapter 210 – appellate judges; judicial performance reviews

Requires the Commission on Judicial Performance Review to publish a list of decisions an appellate judge made at least 60 days prior to the primary election for the judge's retention.

SB 1484 – Chapter 326 – terrorism; radiological agent; infectious substances

Expands the terrorism statute to include unlawful acts involving infectious biological substances or radiological substances.

SB 1499 – Chapter 354 – *probate proceedings; omnibus

Requires a fiduciary to prudently manage costs, preserve the assets of wards and protected persons for their benefit, and protect against incurring any costs that exceed probable benefits to wards, protected persons, or a decedent's estate or trust. Directs a guardian, conservator, attorney, or guardian ad litem seeking compensation from the estate of a ward or protected person to give written notice when first appearing in the proceeding. Permits the court to appoint a physician, psychologist or registered nurse as a guardian if that health professional has an established relationship with the alleged incapacitated person and is qualified to evaluate the capacity of the person. Requires conservators to prepare and file with the court an inventory of the assets and liabilities of the protected person within 90 days of appointment.

SB 1504 – Chapter 355 – arbitration; waiver; restriction

Stipulates that prior to the origination of a controversy subject to an arbitration agreement, a party in the agreement may not waive or agree to vary the effect of the requirements for the following:

- An application for judicial relief be made through a motion to the court and heard in the manner provided by law or court rule; or
- An agreement contained in a record to submit to arbitration any existing or subsequent controversy arising between the parties to the agreement;
- The procedure for interim remedies prior to and during the duration of the arbitration.

SB 1546 – Chapter 356 – eminent domain on federal property

Broadens the classification of property subject to the state's eminent domain laws by including property possessed by the United States government.

SB 1610 – Chapter 313 – state firearm

Establishes the Colt Action Army Revolver as the official state firearm.

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

Representative David Gowan, Chairman
Representative Terri Proud, Vice-Chairman
Justin Riches, Legislative Research Analyst
Joe DeMenna, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

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HB 2284 – Chapter 126 [E] – *military family relief fund; extension

Continues the Military Family Relief Fund until December 31, 2018 and reduces the number of Military Family Advisory Committee members required to support approval of a \$20,000 grant.

HB 2444 – Chapter 198 – law enforcement officer discipline

Regulates the manner in which a law enforcement or probation officer can be investigated for alleged misconduct and specifies that a polygraph examination cannot be the basis of the disciplinary action unless other information or evidence exists.

HB 2474 – Chapter 200 [E] – alternative work hours; DPS employees

Authorizes overtime compensation during alternative work periods to all employees of DPS until January 1, 2014.

HB 2476 – Chapter 317 – workers' compensation; certain diseases; exposure

Increases the time period, from 10 to 30 calendar days, an employee has to report in writing to the employer a possible significant exposure to methicillin-resistant staphylococcus aureus (MRSA) and increases the time period, from within 2 to 10 days to within 15 days, after the report that an employee must be diagnosed with MRSA in order to establish a prima facie claim for workers' compensation.

HB 2478 – Chapter 266 – counties; health care services; payments

Requires a county with a population of more than 1,000,000 persons to reimburse a facility or provider for medical care and treatment of persons infected with tuberculosis, unless otherwise provided by an IGA, as follows:

- For inpatient and outpatient hospital services, reimbursement at a level that does not exceed the AHCCCS methodology for determining reimbursement.
- For health and medical services, reimbursement at a level that does not exceed the AHCCCS capped fee-for-service schedule.

HB 2487 – Chapter 79 [E] – burial duties; prisoners; DOC

Requires DOC to provide burial or other funeral disposition arrangements under specific circumstances.

HB 2613 – Chapter 303 – *board; complaints; peace officer misconduct

- Allows AZPOST, with respect to officer misconduct, to do the following:
 - Receive complaints of officer misconduct from any person and conduct or request agencies to conduct investigations into whether an officer is in compliance with the minimum qualifications for officers.
 - Deny, suspend, revoke, or cancel the certification of an officer who is not in compliance with the qualifications.
 - Receive a complaint of officer misconduct from the President or chief executive officer (CEO) of an AZPOST-recognized law enforcement association that believes an agency refused to investigate or made findings that are contradictory to prima facie evidence that an officer violated the qualifications.
- Requires AZPOST, if AZPOST finds that a law enforcement agency refused to investigate or made findings that contradicted prima facie evidence of a violation of officer qualifications, to do the following:
 - Conduct an independent investigation to determine whether the officer is in compliance with the qualifications.
 - Provide a letter of AZPOST's findings to the President or CEO who made the complaint.

HB 2623 – Chapter 202 – landowner prohibition of hunting; posting

Makes it grounds for criminal trespassing for a person to enter land for the taking of wildlife if landowner has properly posted that such land is closed to hunting, fishing, or trapping and the notices and signboards contain the words “no trespassing” or if the person knowingly remains unlawfully on the property after a reasonable request to leave by the owner or any other person having lawful control over the property or the person knowingly disregards reasonable notice prohibiting trespass at the person’s entry to the property.

SB 1020 – Chapter 222 – *peace officers; licensure; registration; prohibited

Prohibits DPS from issuing a private investigator license or registration certificate to a peace officer unless the peace officer is retired or is an accident reconstructionist.

SB 1046 – Chapter 293 – juvenile corrections; discharge; ICE detainees

Requires a youth who has completed the minimum length of stay to be conditionally discharged from ADJC’s jurisdiction when an immigration detainer is enforced and outlines specific requirements ADJC must follow if it receives actual notice that a youth under the age of 18 who received a discharge returned to the U.S. without legal authorization.

SB 1057 – Chapter 244 – *disciplinary action; law enforcement officers

Allows a law enforcement officer to bring an employer’s action in superior court if the officer was terminated under certain circumstances and outlines the penalties if the court finds there was no just cause for the action.

SB 1134 – Chapter 245 – adjutant general; annual report

Modifies annual reporting responsibilities for the state Adjutant General and authorizes benefits for members of the Arizona National Guard, and their dependents, on state active duty exceeding 30 consecutive days.

SB 1233 – Chapter 208 – peace officers; at will employment

Specifies that protection from disciplinary action does not apply to *at will* police chiefs or assistant police chiefs and defines *at will employee* as a person who may be terminated at the will of either the employee or employer, at any time, with or without cause.

SB 1235 – Chapter 230 – law enforcement officers; disciplinary procedures

Requires a law enforcement or probation officer’s employer, at the officer’s request, to provide additional information in interviews concerning alleged wrongdoing and requires certain towns, cities, and counties to grant alternate hearing officers for appeals of disciplinary action through interagency agreements if the person requesting the alternate pays half the necessary fee.

SB 1244 – Chapter 69 [E] – parents’ rights; law enforcement investigation

Allows law enforcement officers to make video recordings or audio recordings of a minor without parental consent, if the recording is made during or as part of a law enforcement investigation.

SB 1283 – Chapter 346 – child custody; military families

Modifies the child custody decree for a parent who receives temporary orders from the Armed Forces, including the following provisions:

- Prohibits a court from entering a final order modifying parental rights and responsibilities and parent-child contact in an existing order until 90 days after the deployment ends, unless modification is agreed to by the deploying parent.

- Prohibits a court from considering a parent's absence caused by deployment or mobilization or the potential for future deployment or mobilization as the sole factor supporting a real, substantial and unanticipated change in circumstances.
- Requires the court, on motion of a deploying parent, if reasonable advance notice is given and good cause is shown, to allow that parent to present testimony and evidence by *electronic means* with respect to parenting time or parent-child contact matters instituted, if the deployment of that parent has a material effect on the parent's ability to appear in person at a regularly scheduled hearing.
- Specifies that if a military parent receives military temporary duty, deployment, activation or mobilization orders that involve moving a substantial distance away from their residence or that otherwise have a material effect on the military parent's ability to exercise parenting time, at the request of the military parent, for the duration of the military parent's absence the court may delegate that parent's parenting time, or a portion of that time, to a child's family member, including a stepparent, or to another person who is not the child's parent but who has a close and substantial relationship to the minor child.
- Requires all temporary modification orders pursuant to this section to include a specific transition schedule to facilitate a return to the pre-deployment order within 10 days after the deployment ends, taking into consideration the child's best interest.

SB 1291 – Chapter 102 – *prisoners; credits for fines

Specifies that a prisoner sentenced to pay a fine cannot earn credit exceeding \$50 per day for hard labor and specifies that a person committed for nonpayment of a fine earns credit for each day of imprisonment at the rate provided in the commitment, not to exceed \$50 per day.

SB 1337 – Chapter 164 – disclosure; collect call rates

Requires operator services from a jail, prison, or correctional facility to provide an oral rate disclosure to the party responsible for the payment of a collect call before the responsible party accepts the call.

SB 1361 – Chapter 350 – fire districts; joint powers authority

Allows cities, towns, counties, and fire districts to form separate legal entities to provide fire protection and related services.

SB 1373 – Chapter 307 [E] – *military affairs; families; funds; omnibus

Makes various changes to statute relating to military affairs, military families and veterans, including the following provisions:

- Exempts spouses and unemancipated minors from being disqualified from unemployment benefits if they are changing locations with a member of the Armed Services under orders.
- Allows a postsecondary institution to request to be certified by the Director of DVS as an *Arizona Veterans Supportive Campus* and allows DVS to maintain a list of certified Arizona Veterans Supportive Campuses on DVS' website.
- Requires each Arizona Veteran Supportive Campus to submit a biannual report to DVS on the number of veterans enrolled on its campus by December 31 and June 30 each year.
- Requires the Director of ADOA to examine the awarding of state contracts involving the procurement of materials, services or construction to *veteran-owned businesses* for fiscal year 2011-2012 and submit a report by October 1, 2012.
- Continues the Military Family Relief Fund until December 31, 2018.

- Reduces the number of committee members on the Military Family Advisory Committee required to recommend approval of a \$20,000 grant and changes the date that the Military Family Advisory Committee can take specified action.
- Allows a disabled veteran who is 100% disabled to submit a copy of the person's certificate of 100% disability to ADOT in order to receive international symbol of access special plates.
- Specifies all education benefits available to veterans of the U.S. Armed Forces can be used for deferment of tuition payments, fees and required books, upon registration at a state supported community college, college or university.

SB 1406 – Chapter 309 – interstate compact; border fence

Allows the Governor to enter into an interstate compact to create a border fence along the Arizona-Mexico border located on private, state, or federal property, if permitted, and specifies minimum compact requirements. Permits the state to construct the border fence if the Governor does not enter into an interstate compact. Establishes the Joint Border Security Advisory Committee in permanent law and adds to its responsibilities the administration and maintenance of the border fence. Establishes the Border Security Trust (BST) Fund and identifies the border fence interstate compact or the border fence as beneficiaries of the BST Fund.

SB 1424 – Chapter 296 – *assessment for family offenses; stalking

Requires the State Treasurer and municipal courts to collect an additional \$50 while collecting any other penalties and fees that are paid by individuals convicted of domestic abuse and submit the \$50 to the Domestic Violence Shelter Fund.

SB 1458 – Chapter 240 – professional licensure; out-of-state applicants

Allows licenses, certificates, or registrations issued pursuant to A.R.S. Title 32 governing professions and occupations to be issued without examination if the person holds a valid license, certificate, or registration in another state.

SB 1495 – Chapter 311 – Arizona state guard; establishment

Authorizes the Governor to establish the Arizona State Guard for any reason considered to be necessary and removes language requiring the Governor to issue regulations to govern the administration and organization of the Arizona State Guard.

SB 1505 – Chapter 211 – nuclear security guards; weapons ranges

- Exempts viable nuclear production station armed security guards from the following misconduct involving weapon violations during the performance of official duties or during security preparation exercises sponsored by the nuclear station:
 - Carrying a concealed deadly weapon within the immediate control of the guard or intent to transport a weapon.
 - Entering a nuclear or hydroelectric generating station carrying a deadly weapon on his person or within direct management of any person.
- Exempts an outdoor shooting range specifically made for military or armed nuclear security training and that is not open to the general public from noise restrictions and noise measurement, or decibel level, requirements and exempts the hours of use from restrictions for use of outdoor shooting ranges.

COMMITTEE ON TECHNOLOGY AND INFRASTRUCTURE

Representative David Stevens, Chairman
Representative Michelle Ugenti, Vice-Chairman
Michelle Hindman, Legislative Research Analyst
Stephanie Johnson, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

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HB 2245 – Chapter 50 – *homeowners’ associations; open meetings; recordings

Allows for the tape recording or video taping of the open portions of HOA meetings and permits an HOA Board to adopt reasonable rules governing these recordings, as long as those rules do not preclude recording by those in attendance.

HB 2701 – Chapter 339 - *secretary of state; database

Requires the SOS to create a single format that prescribes the manner and template in which all county recorders provide voting data to various counties. Stipulates that the two largest political parties that are entitled to continued representation on the ballot must be listed on the voter registration form and specifies how the order will be determined. Requires the county recorder’s website to list polling places in which emergency conditions prevent electioneering. Clarifies that, if the early ballot request forms include a printed address for return, the addressee shall be the political subdivision that will conduct the election and stipulates that failure to use the political subdivision as the return addressee is punishable by a civil penalty. Prescribes a timeline in which all original and completed ballot and permanent early voting list request forms are required to be submitted and specifies the civil and criminal penalties for failing to do so. Increases the number of days a political committee that makes independent expenditures for literature or an advertisement relating to any one candidate for office has to provide a copy of the literature or advertisement to the candidates named or otherwise mentioned in the material.

SB 1045 – Chapter 61 – DES; notices; electronic communications

Allows DES to deliver certain administrative orders, notices, decisions and letters electronically and provides specified requirements when doing so.

SB 1171 – Chapter 146 – cities; acquisition of wastewater utility

Establishes a process to allow a city or town to acquire all or any part of a sewage system from a county, provided the municipality is authorized by a majority vote of the qualified electors to operate a wastewater facility.

SB 1203 – Chapter 294 – revitalization districts; revisions

Allows a Revitalization District to be formed statewide, clarifies that a District cannot dissolve if it has any outstanding bonds or other debt obligations, defines *multipurpose event center* and further modifies the definition of *infrastructure*.

COMMITTEE ON TRANSPORTATION

Representative Vic Williams, Chairman
 Representative Rick Gray, Vice-Chairman
 Justin Riches, Legislative Research Analyst
 Joe DeMenna, Assistant Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
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HB 2003 - Chapter 82 – emergency response services fees; prohibition

Stipulates that the regulation of emergency response service fees for motor vehicle accidents is a matter of statewide concern and not subject to regulation by a county, city, or town of this state. Prohibits charging a fee or seeking reimbursement from a person for any costs or expenses from emergency response personnel.

HB 2209 – Chapter 88 – safety standards; light rail systems

Adds street car systems to the currently implemented light rail safety standards and lowers the county population requirement for light rail or street car system construction from 1,500,000 to 500,000 people.

HB 2246– Chapter 280 - *ADOT; emergency vehicle access plan

Adds an emergency vehicle access plan as an integral part of the overall management by ADOT for highway construction. Requires a clearly identifiable vehicle access point with at least one path for emergency responders in state highway work zones throughout each phase of construction.

HB 2318 – Chapter 259 – regional and public transportation authorities

Expands the list of possible members of a public transportation authority and additionally updates and clarifies existing statute.

HB 2319 – Chapter 127 – primitive roads; county maintenance

Allows a county BOS to spend public funds on the maintenance of roads and streets designated as primitive roads.

HB 2359 – Chapter 54 – transportation contracts; indemnity agreements; void

Prohibits indemnity agreements between motor carriers and promisees with exceptions for railroads, public utility companies, any state agencies or subdivisions of the state and the Uniform Intermodal Interchange and Facilities Access Agreement.

HB 2450 – Chapter 265 - *escort vehicle operation; exemption

Allows ADOT to establish rules regarding escort vehicle certifications from other states.

HB 2523 – Chapter 286 - *violations; motor vehicles; license suspensions

Prohibits a person from operating a motor vehicle if they fail to appear for a scheduled court appearance more than once. Expands circumstances under which a person's license may be suspended, such as whether a person is medically or physically able to drive a car or if the driver was involved in an accident that caused a death.

HB 2575 – Chapter 288 - vehicle; sale; disclosure of lien

Requires disclosure of a lien when selling an automobile. Prohibits a person from knowingly transferring or selling a motor vehicle without disclosing any restitution or lien and makes a violation of this provision a class 1 misdemeanor.

HB 2608 – Chapter 289 – public consignment auction dealers; definition

- Adds public consignment auction dealer under the definition of *motor vehicle dealer*.
- Defines *public consignment auction dealer* as a person who at a public consignment auctions dealer's place of business, or an authorized off-premises location, that can perform live auctions with a licensed auctioneer by verbal bids.

- Allows the public consignment auction dealer to also provide live auction services on a consignment contract basis.
- Exempts public consignment auction dealers from the implied warranty of merchantability and emissions inspection, and also requires a public consignment auction dealer to post a sign indicating the exemptions.
- Prescribes specific requirements for public consignment auction dealers to follow.

HB 2622 – Chapter 95 – recreational off-highway vehicles

Adds recreational off-highway vehicles to the definition of all-terrain vehicles, increases the weight of an all-terrain vehicle to 1,200 pounds or less and requires all-terrain vehicles to travel on three or more non-highway tires.

HB 2656 – Chapter 81 – women veteran special plate

Requires ADOT to produce and make available personalized license plates for women veterans and to establish a fund with a portion of the proceeds to help women veterans through DVS.

HB 2659 – Chapter 290 – rental motor vehicles; surcharge

Requires the surcharge amount on a rental vehicle, regardless of which state or jurisdiction the vehicle was rented in, to be used as reimbursement of the amount of the vehicle's license tax imposed on the vehicle. This amount is to be paid by the rental vehicle owner or person renting it at the time of vehicle registration.

SB 1053 – Chapter 320 – character education special plate fund

Allows ADE to use up to 10% of the monies in the character education special plate fund for administrative costs, specifies that a nonprofit corporation that is incorporated in this state must provide the implementation fee for the *In God We Trust* Special Plates and also establishes the following new special plates along with their respective funds:

- Law Enforcement Special Plate.
- Youth Development Organization Special Plate.
- Multiple Sclerosis Awareness Special Plate.
- Childhood Cancer Research Special Plate.
- Litter Prevention and Cleanup Special Plate.
- Arizona Professional Hockey Club Special Plate.
- Arizona Public Broadcast Television Special Plate.
- Global Graduate Management School Special Plate.

SB 1133 – Chapter 131 – approaching stationary vehicles; yield right-of-way

Requires a driver, when approaching a stationary vehicle displaying alternately flashing lights or warning lights, to move into a lane not adjacent to the stationary vehicle. Requires the driver, if changing lanes would be unsafe, to proceed with due caution and reduce vehicle speed.

SB 1147 – Chapter 64 – motor vehicle safety monitoring equipment

Exempts safety monitoring and driver feedback equipment from window and windshield restrictions if it is mounted immediately behind, slightly above or slightly below the rearview mirror or where the rearview mirror would commonly be positioned if the motor vehicle is without a windshield mounted rearview mirror.

SB 1200 – Chapter 341– *driving under the influence; interlock

- Allows ADOT to reduce the time period for an ignition interlock device (IID) for first time non-extreme DUI offenders from one year to six months from the date the IID was installed or the completion of the following requirements:
 - The person is convicted of a violation for a first time non-extreme DUI.
 - The person was not involved in an accident that resulted in physical injury or property damage at the time of their offense.
 - The person successfully completes an alcohol education program consisting of at least 16 hours.
 - The person has not attempted to operate a vehicle with a blood alcohol content (BAC) of .08 or above two or more times during the period of restriction.
 - The person has maintained a functioning IID and met all requirements for at least six months.
 - All necessary compliance information was provided to ADOT by the IID provider, the alcohol screening program and the alcohol education program.
- Allows a city council, county sheriff, and county BOS to create a continuous alcohol monitoring program for offenders sentenced to jail for DUI, place the persons under continuous monitoring, and require the offenders to pay all the costs plus \$30 per month, unless the court assesses a lesser amount or the presiding judge decides the offender is ineligible to participate in the program.

SB 1261 – Chapter 101 [E] – vehicle liens; titles

Stipulates that failure to complete the necessary paperwork to record a lien and other encumbrances on a vehicle's title within 30 *business* days will not result in the loss of the vehicle for either the lien holder or the person who purchased the vehicle. Applies retroactively to December 31, 2010.

SB 1262 – Chapter 323 – Arizona centennial special plates

Requires ADOT to issue the Arizona Centennial Special Plate, and establishes the Arizona Centennial Special Plate Fund. Requires the implementation fee of \$32,000 to be provided by, and reimbursed to, the SHF.

SB 1270 – Chapter 190 – *Arizona department of transportation; omnibus

Authorizes ADOT to conduct financial and criminal background checks on new and transferred employees under specific conditions, coordinates motor vehicle dealer licensure between ADOT and the DFI, modifies statutes pertaining to public-private partnership agreements in transportation, and makes other statutory changes applicable to ADOT.

SB 1402 – Chapter 324 – special license plates

- Establishes the following special license plates along with their respective funds:
 - Hunger Relief Special Plate.
 - Law Enforcement Special Plate.
 - Youth Development Organization Special Plate.
 - Multiple Sclerosis Awareness Special Plate.
 - Childhood Cancer Research Special Plate.
 - Litter Prevention and Cleanup Special Plate.
 - Arizona Professional Hockey Club Special Plate.
 - Arizona Public Broadcast Television Special Plate.
 - Global Graduate Management School Special Plate.
 - Don't Tread on Me Special Plates.

- Establishes the 13-member Arizona Tea Party Committee.

SB 1589 – Chapter 275 – authorized third parties; ADOT

Allows the Director of ADOT to authorize third party vendors to perform duties that would normally be performed by the MVD and requires ADOT to submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Secretary of State on or before Dec 31, 2011. Requires the report to review third party vendor services, identify and recommend opportunities for new services or expansion of services through third party vendors, to make suggestions that might augment efficiency and to identify any other recommendations that would allow privatization and allow further efficiency of services.

COMMITTEE ON WAYS AND MEANS

Representative Jack Harper, Chairman
 Representative Ted Vogt, Vice-Chairman
 Daniel Gonzalez-Plumhoff, Legislative Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
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HB 2008 – Chapter 4 [E] – internal revenue code conformity

An emergency measure that updates the statutory definition of *internal revenue code* to conform to changes made at the federal level. This includes changes adopted by the Congress in the Temporary Extension Act of 2010; the Hiring Incentives to Restore Employment Act; the Patient Protection and Affordable Care Act; the Health Care and Education Reconciliation Act of 2010; the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010; the Dodd-Frank Wall Street Reform and Consumer Protection Act; the Small Business Jobs Act of 2010; the Claims Resolution Act of 2010; the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010; and the Regulated Investment Company Modernization Act of 2010.

HB 2201 – Chapter 315 – *unclaimed property; holder information rulings

Allows unclaimed property holders or potential unclaimed property holders to anonymously request holder information rulings from DOR through an authorized holder representative, and stipulates that a holder information ruling is not binding on DOR for the purpose of abating interest, penalties or holder liability if the holder does not disclose their identifying information.

HB 2202 – Chapter 316 – department of revenue closing agreements

Narrows the statutory definition of *affected class* for the purpose of determining whether noncompliance with Arizona tax laws was due to a pervasive misunderstanding or misapplication of the law.

HB 2236 – Chapter 329 – sharing revenue information; political subdivisions

Allows counties and incorporated municipalities to utilize the liability setoff program within DOR for the purpose of identifying debtors and intercepting tax refunds to pay debts owed.

HB 2332 – Chapter 128 – *conformity policy; internal revenue code

Prohibits DOR from assessing interest or penalties on a nonconformity deficiency when a taxpayer's income tax return must be amended due to changes to the Arizona tax statutes adopted under a revised definition of *internal revenue code*, and requires individuals that are subject to use tax for non-business purposes, which is not collected by a registered retailer, to declare the annual amount of the tax due on their individual income tax form.

HB 2336 – Chapter 129 – city tax code; official copy

Requires DOR to electronically post and maintain an official and up-to-date copy of the Model City Tax Code (MCTC), beginning July 1, 2012, and requires that any changes to the MCTC approved by the Municipal Tax Code Commission or any tax rate changes passed by municipal ordinance be reflected in the MCTC within 10 days of approval or passage.

HB 2341 – Chapter 300 - *taxes; aircraft; personal property

Exempts aircraft, navigational and communication instruments, and other accessories and related equipment sold to foreign governments and used within Arizona from TPT and use taxes.

HB 2552 – Chapter 8 – agricultural property tax classification; equine

Broadens the statutory definition of *agricultural real property* to include registered equine rescue facilities and land or improvements devoted to the commercial breeding, raising, boarding or training of equine.

HB 2556 – Chapter 287 – health savings accounts; tax incentives

Establishes individual and corporate income tax credits for employers who provide qualified health plans or contributions to health savings accounts (HSA) in the amount of \$360 for every enrolled employee who is an Arizona resident, beginning in TY 2012 through TY 2014.

- Adds the amount of any deduction claimed in computing federal adjusted gross income for health insurance premiums or contributions to an HSA for which a credit is claimed to the computation of Arizona gross income.
- Requires that employers offer qualified health insurance plans to all employees, and provide qualified health insurance plans to enrolled employees for at least 12 consecutive months in order to claim the credit.

SB 1165 – Chapter 66 – municipal taxes; auditors and collectors

Prohibits municipalities from contracting with or employing auditors on a contingent fee basis for the purpose of auditing any TPT or affiliated taxes levied, and from contracting with a third party other than the state or a political subdivision of the state for tax collection services other than the collection of delinquent taxes for which a liability has been established.

SB 1166 – Chapter 144 – municipal tax exemption; commercial lease

Exempts commercial leases of real property between corporations in which at least 80% of the voting shares of each corporation are owned by the same shareholders from municipal TPT, sales, use or other similar taxes.

SB 1218 – Chapter 322 – fire districts; accounts; finances

Modifies reporting requirements for special taxing districts, prescribes revised accounting procedures for county fire districts, and alters the amount of Fire District Assistance Tax (FDAT) monies payable to a fire district or consolidated fire district.

- Caps the amount of FDAT monies payable to a fire district or consolidated fire district at \$400,000 beginning in FY 2012-13, regardless of whether the district is located in more than one county.

SB 1226 – Chapter 342 – *levy limit override; city; town

Authorizes municipalities with a population of 25,000 to 40,000 to levy an additional secondary property tax to fund specific purposes called for and voted on by the public at an election held on or before November 6, 2012.

- Excludes revenues collected through the levy from primary property tax levy limitations otherwise prescribed for any year and from the limitation on residential ad valorem property taxes prescribed by the Arizona Constitution.

SB 1242 – Chapter 148 – tax deed land sales

Allows a county board of supervisors to sell real property held by tax deed to a county, municipality, or special taxing district for public purposes related to flood control or transportation.

SB 1295 – Chapter 233 – provisional community colleges; levy limit

Requires the Property Tax Oversight Commission to set the primary property tax levy limit for provisional community college districts if no primary property taxes were levied by the district in the preceding year.

SB 1313 – Chapter 295 – public health districts; voter approval

Retroactively repeals the method for establishing a public health services district through the unanimous vote of a county's board of supervisors, beginning January 1, 2011.

SB 1512 – Chapter 72 – *bond election; informational pamphlet

Requires that informational pamphlets issued by a political subdivision of the state for bond elections include the estimated tax impact of debt service for the bonds on Class 2 property, based on a value of \$100,000, and decreases the value for which the estimated tax impact on Class 1 property is based, from \$2,500,000 to \$1,000,000.

SB 1553 – Chapter 75 – education; Arizona empowerment accounts

Establishes and prescribes rules and requirements for the Arizona Empowerment Scholarship Accounts program for qualified students with disabilities, consisting of 90% of the base level support that would otherwise be allocated for that student.

- Requires that parents agree to provide an education in at least the subjects of reading, grammar, mathematics, social studies and science, not enroll the student in a school district or charter school, release the school district from all obligations to educate the student, and not accept a scholarship for the student from a School Tuition Organization in the same year that the Arizona Empowerment Scholarship Account agreement is signed.
- Allows monies within Arizona Empowerment Scholarship Accounts to be used for tuition, fees, and required textbook costs at non-governmental schools or postsecondary institutions, educational therapies or services, tutoring services, curriculum, tuition or fees for a nonpublic online learning program, fees for standardized testing and advanced placement or other college admission exams, contributions to a federally-qualified tuition program, and account management fees.

VETOED BILLS



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
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HB 2067 – VETOED – board of supervisors; powers

Authorized a county BOS to make contracts with government agencies to provide constable services and temporarily prohibited ABOR from exercising authority over a nonprofit that operates a healthcare institution on property leased from ABOR.

HB 2166 – VETOED – *low income housing; property tax

Required county assessors to evaluate certain low-income multifamily residential rental property using an income-based approach, and established a capitalization rate of 12.5%.

HB 2177 – VETOED – *presidential candidates; qualifications; affidavit

Required candidates for public office to include in an affidavit to either the SOS or the appropriate local government, reference to and attachment of all necessary documentation that shows the candidate is qualified at the time of the election to hold the office sought. Further required a national political party committee to submit an affidavit of the presidential candidates stating their citizenship and age with attached documents to prove that the candidate meets the constitutional requirements for office. Allowed the SOS to withhold a presidential candidate's name from the ballot if they believe the preponderance of the evidence shows the presidential candidate does not meet the requirements to hold office. Stated that any member of the Arizona Legislature or any Arizona citizen has legal standing to initiate an action to enforce these provisions and provided a severability clause.

HB 2230 – VETOED – *911 monument modification

Required ADOA to remove 11 specified phrases from the 9-11 commemorative memorial before September 11, 2011 and sell the panels to a scrap metal dealer, but allowed them to leave the remaining panels. Further directed ADOA to deposit monies received into the State Monument and Memorial Repair Fund and to allocate these monies for the benefit of the 9-11 commemorative memorial and for reconstruction.

HB 2338 – VETOED – special districts; secondary levy limits

Established statutory levy limits for secondary property taxes that are levied by county free library, county jail, and public health services districts.

HB 2484 – VETOED – legislative vacancies; precinct committeemen

Allowed precinct committeemen who reside in any county within the legislative district in which a legislative vacancy has occurred to nominate candidates to fill that vacated legislative seat. Required the chairman to forward the name of the person elected to the SOS. Specified when and where the meeting must be held for a legislative district that contains more than one county. Prohibited a precinct committeeman from being able to vote by proxy. Prohibited proxies from being used to determine a quorum.

HB 2502 – VETOED – public programs; advertisements; funding source

Directed a public agency using multimedia announcements to advertise a public program to include, in the announcement or communication, a disclosure statement stating that it is paid for with federal, state or local taxes.

HB 2577 – VETOED – legislative appropriations; federal monies

Authorized legislative appropriation of noncustodial federal monies for budget units and required these monies to be tracked separately from other accounts or funds.

HB 2581 – VETOED – STOs; credits; administration

Allowed for credits to be taken against luxury and severance tax liability for contributions made to STOs for scholarships awarded to low-income and displaced and disabled students, and removed the aggregate cap on corporate contributions to STOs while increasing the cap on individual contributions.

HB 2650 – VETOED – county employees; merit system exemption

Allowed for the removal of certain county administrative positions from the County Employee Merit System upon request by an elected county official and specified that new hires and covered employees who accept an assignment change or a salary increase are at will uncovered employees, for any county with a population of less than two million persons.

HB 2700 – VETOED – *Arizona centennial statehood day

Declared February 14, 2012 and February 14 of every centenary afterward a state holiday entitled *Arizona Centennial Statehood Day* and entitled all full-time state employees to receive one day of holiday leave and part-time employees to receive a proportional amount of holiday leave.

HB 2707 – VETOED – general fund revenue limit

Established a state GF revenue limitation and outlined guidelines for the growth and reductions in revenues.

SB 1041 – VETOED – *Arizona quality jobs incentives

Created a property tax incentive for qualifying businesses that met statutory capital investment and stated employment numbers. Assessed as class 6 property, the personal and real property improvements that were newly constructed or renovated as of January 1, 2012 through July 1, 2017, and that were owned or used by a business certified by the ACA.

SB 1088 – VETOED – *health care system; violation

Established the knowing attempt of any government official of the following acts as violating Article XXVII, Section 2 of the Arizona Constitution and a Class 1 misdemeanor:

- Directly or indirectly compelling any person, employer or health care provider to participate in any health care system against their will.
- Threatening or imposing penalties or fines to prevent any person or employer from paying directly for lawful health services.
- Preventing any health care provider from accepting direct payment for lawful health care services.
- Enforcing prohibitions on the purchase or sale of health insurance in private health care systems that is otherwise authorized by the laws of this state.

SB 1186 – VETOED – 2011 tax corrections act

Corrected errors, obsolete language and blending problems within the Arizona Revised Statutes which govern state tax laws and established an additional individual tax credit for contributions made to School Tuition Organizations (STO) that are certified to accept corporate donations.

SB 1201 – VETOED – firearms omnibus

Expanded the lawful possession of a weapon on school grounds to include loaded or unloaded firearms within means of transportation, provided the firearm is not visible from outside the means of transportation and the means of transportation is locked. Removed the ability of local government to prohibit the sale of a forfeited weapon or explosive to a business authorized to receive and dispose of the article. Allowed the state, state agencies, or political subdivisions to limit or prohibit the possession of firearms in a public establishment given certain conditions.

SB 1288– VETOED – religion; free exercise; professionals; appointments

Prohibited a government from denying, suspending, or revoking a professional or occupational license, certificate, or registration based on a person’s exercise of religion and stated that a person’s exercise of religion is not unprofessional conduct. Stated that a person is not authorized to engage in sexual misconduct or any criminal act.

SB 1316 – VETOED – PSPRS; trustees; employment agreements

Provided the PSPRS board with the ability to enter into employment agreements, and specified that loans, agreements and contracts entered into by the PSPRS board are not subject to procurement code.

SB 1322 – VETOED – *managed competition; city services

Required all municipal services, in cities with a population of 500,000 or more persons, that cost more than \$500,000, to go through an open and competitive bidding process. Exempted certain municipal services including municipal judges, police officers, fire fighters and 911 operators, provided applicable time frames and stated that any taxpayer residing within a *competitive service city* has standing to bring a special action in superior court to enforce these provisions.

SB 1329 – VETOED – public employees; lobbying; political activities

Prohibited a public employee who is paid in whole or in part from taxpayer monies from lobbying a governmental entity or engaging in any political activity during the employee’s hours of employment unless the employee lobbies using their vacation or compensatory time, uses authorized release time within the framework of a labor-management agreement such as a memorandum of understanding or takes an unpaid leave of absence. Exempted public employees who are registered as an authorized or designated public lobbyist and who lobbies as part of their employment. Allowed a candidate for public office to request information through the public records law as to whether a public employee or public entity is or may be in violation of this Act and specified that if a request was made, the custodian of the public records must furnish the information within ten days.

SB 1331 – VETOED – polling places; political parties; organization

Established a period in which the county BOS is prohibited from filling a vacancy in a precinct committeeman position. Specified the date in which the term of office of a precinct committeeman begins and ends. Required the county recorder to post a list of polling places in which emergency conditions prevent electioneering.

SB 1379 – VETOED – *consumer fireworks; regulation

Modified a governing body’s authority to regulate the sale and use of permissible consumer fireworks by municipalities and counties and established the State Fire Marshal Fund.

SB 1386 – VETOED – WICHE student loans; repayment

Required participants in the Professional Student Exchange Program under the Western Interstate Commission for Higher Education who fail to meet the obligations of the contract to pay the full amount of monies expended on their behalf, plus interest. Granted participants a greater period of time to fulfill their repayment obligations.

SB 1467 – VETOED – educational institution; concealed weapons

Prohibited any educational institution governing board from adopting or enforcing any policy or rule that prohibits the lawful possession or carrying of a weapon on a public right-of-way.

SB 1497 – VETOED – joint powers exercise; separate entities

Included the Arizona Board of Regents in the list of entities eligible to form SLEs and enumerated additional powers of SLEs.

SB 1552 – VETOED – corporate tax allocation; sales factor

Allowed multistate service providers to elect to treat sales from services as being in this state, to the extent that the purchaser of the service received the benefit of the service in Arizona, beginning in TY 2012.

SB 1561 – VETOED – legislative appropriations; federal monies.

Authorized legislative appropriation of noncustodial federal monies for budget units and required these monies to be tracked separately from other accounts or funds. Specified that if the Legislature does not make an appropriation for a specific fund, grant or block of monies, the duty goes back to the budget unit that has lawful authority over the monies. The bill also required the state treasurer to credit the excess federal monies to the appropriate agency account, subject to legislative appropriation.

SB 1592 – VETOED – health care compact; funding

Authorized and directed the Governor to enter into a Health Care Compact (Compact) on behalf of Arizona with any state lawfully joined in the Compact.

SB 1593 – VETOED – health insurance; interstate purchase

Allowed foreign insurers that are under the jurisdiction of another state's insurance department and hold a Certificate of Authority (Certificate) in a state that requires the insurer to maintain financial reserves of not less than the amount required in Arizona to issue policies relating to health or sickness coverage in Arizona. Required foreign insurers to register with DOI before issuing policies in Arizona. Allowed the Director of DOI to revoke a foreign insurer's registration if the insurer fails to comply with certain standards of good practice or if the state where the insurer holds a Certificate no longer meets the financial reserves standards. Stated that if a foreign insurer issues a policy that excludes a state mandated health coverage benefit, an insurance company holding a Certificate in Arizona can offer a policy excluding that state mandated health coverage benefit. Permitted foreign insurers and residents who obtain a policy from a foreign insurer to participate in the Health Care Appeals process. Granted Arizona courts jurisdiction over a foreign insurer regarding policies issued in Arizona.

MEMORIALS AND RESOLUTIONS



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
 [P 108] Proposition 108 Clause
 [LIV] Line Item Veto

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HCM 2002 – remove gray wolf; endangered species

Urges the United States Congress to remove the gray wolf from the endangered species list.

HCM 2003 – daily commuter program

Urges the President of the United States and the Secretary of the United States Department of Labor (DOL) to recognize the authority of DOL to establish a commuter worker pilot program.

HM 2001 – F-35 program; support funding

Asks the United States Congress to recognize the importance of the F-35 Joint Strike Fighter to Arizona, the United States and our allies around the world by supporting full funding for the F-35 program.

HR 2001 – opposition; gaming; new Indian reservation

Expresses the opposition of the Arizona House of Representatives to the creation of a Tohono O'odham reservation within the exterior boundaries of the City of Glendale.

HR 2002 – Mexico-U.S. commission; eradicate foot-and-mouth disease

Recognizes the members of the Mexico-United States Commission to Eradicate Foot-and-Mouth Disease for their efforts to preserve the Arizona and American livestock industry.

HR 2004 – honoring John Waddell

Honors John Waddell, on the auspicious occasion of his 90th birthday, for his outstanding accomplishments as an artist and for his many contributions to the Arizona arts community.

HR 2005 – Roosevelt Dam; centennial

Honors Theodore Roosevelt Dam on the occasion of its 100th anniversary and recognizes the tremendous role the dam has played in the development and prosperity of Arizona. Recognizes Salt River Project as a valued partner in leveraging the region's strengths to develop and sustain a health economy for this state.

HR 2006 – death resolution; Hilda Mae Stutzman

Expresses regret at the passing of Hilda Mae Stutzman and extends condolences to her family and friends.

HR 2007 – Warrene Ware; service

Expresses the gratitude of the Members of the House of Representatives to Warrene Ware for 50 years of exceptional service and for her continuing service to the Legislature in the years to come.

SCM 1003 – depleted uranium; veterans

Urges the United States Department of Veterans Affairs and Department of Defense to assist members or veterans of the armed forces who have been exposed to depleted uranium.

SCM 1005 – *balanced budget; federal

Urges the United States Congress to pass a constitutional amendment requiring a balanced budget and send the amendment to the states for ratification.

SCM 1007 – state lands; mining; exploration

Urges the U.S. Department of the Interior to refrain from withdrawing Arizona lands from new mining exploration and claims.

SCM 1008 – lower Santa Cruz River watershed

Requests federal monies to fund a regional flood control project in Pinal County for the Lower Santa Cruz River watershed.

SCR 1001 – *judicial selection; procedure

Increases the term of office for justices and judges to eight years. Modifies the manner in which members are appointed to the commission on appellate court and the commission of trial court appointments. Requires the Supreme Court to make available on its website, every written opinion or order that is issued by a judge of a court of record and that is not sealed. Requires a joint legislative committee consisting of the Senate and House Judiciary committees to meet and take testimony on the justices and judges up for retention.

SCR 1005 – *private sector colleges; support

Expresses legislative support for equal access to both private and public higher education.

SCR 1006 – border security plan

Expresses the Legislature's support for the Restore Our Border Plan, which is a comprehensive list of items that the Arizona Cattle Growers' Association released asking for immediate attention and implementation by local, state and federal authorities concerning the Mexican border.

SCR 1009 – honoring Hopi code talkers

Recognizes and honors the contributions of the Hopi Code Talkers to American history, military success in World War II and supports the preservation of their legacy. Identifies the Hopi Code Talkers, the villages they are from and encourages schools and civic groups to teach and commemorate them to future generations.

SCR 1020 – crime victims; protection from liability

Prohibits a crime victim from being subject to a claim for damages for causing death or injury to a person if the person is harmed when engaging in, attempting to engage in or fleeing after having engaged in or attempted to engage in a felony offense.

SCR 1024 – intrastate water resources; state sovereignty

Expresses the Legislature's support of continued state sovereignty and states' rights to regulate intrastate water resources without imposition by the federal government.

SCR 1025 – public funds; political candidates; ban

Prohibits the state, its agencies, commissions and tax-supported political subdivisions from spending or collecting public funds to provide campaign support to candidates running for public office. Prohibits the state and its political subdivisions from providing any tax credits or deductions that allow public funds to support candidates running for public office. Stipulates that no taxes, fees or surcharges may be assessed if they are used to support a candidate running for public office. Requires any public funds that were designated for political campaign use to be deposited in the state GF.

SCR 1033 – best available control technology; generation

Urges ADEQ to consider Arizona's needs for new electric power generation using best available control technologies when issuing federal air quality permits. Stipulates that ADEQ should consider the use of commercially available control technologies that are efficient, economically practicable and designed to be compatible with coal-based electric generation.

SCR 1057 –Arizona spaying and neutering fund

Expresses the Legislature's support of the Arizona Spaying and Neutering of Animals Fund, which distributes grants to entities that perform or subsidize the sterilization of dogs and cats.

SCR 1060 – Dan Schottel; death resolution

Expresses regret at the passing of the Honorable Dan H. Schottel and extends sympathies to his surviving family members.

SCR 1061 – Mitch Menlove; death resolution

Expresses the most profound regret and sorrow at the passing of Mitchell Kent Menlove and extends sympathies to his wife, children and extended family.

SR 1001 – opposition; gaming; new Indian reservation

Expresses the opposition of the Arizona Senate to the creation of a Tohono O'odham reservation within the exterior boundaries of the City of Glendale.

SR 1002 – Native American legislators; recognition

Honors the current and former Native American members of the Arizona Legislature for their tremendous service and commitment to their tribes, communities and state.

SR 1003 – Dorwan Stoddard; death resolution

Expresses regret at the passing of Dorwan Stoddard and extends sympathies to his family and many friends.

SR 1004 – Gabe Zimmerman; death resolution

Expresses regret at the passing of Gabe Zimmerman and extends sympathies to his family, fiancée and many friends.

SR 1005 – Phyllis Schneck; death resolution

Expresses regret at the passing of Phyllis Schneck and extends sympathies to her family and many friends.

SR 1006 – Christina Taylor Green; death resolution

Expresses regret at the passing of Christina Taylor Green and extends sympathies to her family and many friends.

SR 1007 – Dorothy Morris; death resolution

Expresses regret at the passing of Dorothy Morris and extends sympathies to her family and many friends.

SR 1008 – Honorable John Roll; death resolution

Expresses regret at the passing of Judge John Roll and extends sympathies to his family, colleagues and many friends.

SR 1010 – friendship; Turkey-Arizona Senate

Recognizes the many contributions made by the citizens of the Republic of Turkey and directs the Arizona Secretary of State to transmit an official copy of this Resolution to the Foundation for Inter-Cultural Dialogue and its umbrella organization West America Turkic Council.

SR 1011 – national day of the cowboy

Expresses the support of the Members of the Arizona Senate for the designation of July 23, 2011 as a National Day of the Cowboy and encourages the people of Arizona to observe the day with appropriate ceremonies and activities.

SR 1012 – Roosevelt Dam; centennial.

Honors Theodore Roosevelt Dam on the occasion of its 100th anniversary and recognizes the tremendous role the dam has played in the development and prosperity of Arizona. Recognizes Salt River Project as a valued partner in leveraging the region's strengths to develop and sustain a healthy economy for this state.

SR 1013 – Lloyd Oliver; death resolution

Expresses the regret of the Members of the Arizona Senate at the passing of Lloyd Oliver and extends condolences to his surviving family members.



SECTION III

SUMMARY OF LEGISLATION Special Sessions

State of Arizona
Forty-Ninth Legislature
Ninth Special Session
Fiftieth Legislature
First and Second Special Sessions

SPECIAL SESSIONS



- * Strike-Everything Amendment
- [E] Emergency Clause
- [P 105] Proposition 105 Clause
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Forty-Ninth Legislature, Ninth Special Session

SCR 1001 – secret ballot; employee representation.

States that the right to vote by a secret ballot for employee representation is fundamental and must be guaranteed any place where local, state or federal law permits or requires elections, designations, or authorizations for employee representation.

Fiftieth Legislature, First Special Session

SB 1001 – Chapter 1 [E]– AHCCCS; waiver request

An emergency measure that requires the Arizona Health Care Cost Containment System to apply to the Secretary of the United States Department of Health and Human Services for a waiver from the maintenance of eligibility requirements under Section 1902 of the Social Security Act.

Fiftieth Legislature, Second Special Session

HB 2001 – Chapter 1 – Arizona commerce authority; business incentives

HB 2001 establishes the ACA and makes several changes to individual, corporate and property taxes.

Arizona Commerce Authority

- Establishes the ACA, prescribes its composition, and outlines its mission, operating procedures, and powers and duties.
- Eliminates ADOC, repeals various programs, services, committees, commissions and funds, and transfers certain programs, statutory powers, mandates, revenues and administrative duties from ADOC to the ACA, the Governor's Energy Office, the Water Infrastructure Finance Authority of Arizona and the Arizona Competes Fund.
- Establishes the Rural Business Development Advisory Council, and prescribes its mission, membership, duties and priorities.
- Establishes the Job Creation Withholdings Clearing Account, consisting of \$31,500,000 of annual withholding tax revenues, and directs the State Treasurer to monthly credit 1/12 of the annual sum of \$10,000,000 to the ACA Fund and 1/12 of the annual sum of \$21,500,000 to the Arizona Competes Fund in FY 2011-12.
- Establishes the ACA Fund, consisting of withholding tax revenues allocated to the Fund from the Job Creation Withholdings Clearing Account.
- Establishes the Arizona Competes Fund, consisting of withholding tax revenues allocated to the Fund from the Job Creation Withholdings Clearing Account, dedicated funds, gifts, grants or other donations, monies received from the ARRA and an annual transfer of \$3,500,000 from the State Lottery Commission.
- Allows the CEO of the ACA to negotiate the award of deal closing grants from the Arizona Competes Fund to Arizona basic enterprises for the purposes of attracting, expanding or retaining Arizona basic enterprises, or for supporting, and advancing programs and projects for rural and small businesses and business development that enhance economic development.

Arizona Quality Jobs Incentives – Tax Credit for New Employment

- Allows the owner of a business or an insurer located in Arizona prior to July 1, 2017 to claim a tax credit for net increases in full-time employees hired in qualified employment positions.
- Sets the amount of the credit at \$3,000 for each newly hired full-time employee in each of the first three years of employment.
- Clarifies that the credit is only allowed in the second and third years of employment for qualified positions for which the credit was claimed and allowed in the first year.
- Prescribes the method for computing the net increase in the number of qualified employment positions.
 - States that the net increase of qualified positions may not exceed 400 employees for any taxable year.
- To qualify for the credit, the owner must complete the following in the first taxable year:
 - Invest at least \$5,000,000 of capital investment and create at least 25 new qualified employment positions within a city or town that has a population of at least 50,000 and that is located in a county that has a population of at least 800,000.
 - Invest at least \$1,000,000 of capital investment and create at least 5 qualified employee positions in any other location.
- Specifies that the employer pay compensation at least equal to the county median wage and offer health insurance for the employee, of which the employer pays at least 65 percent of the premium membership cost.
- Stipulates that a taxpayer who claims a premium tax credit for increased employment in a military reuse zone cannot claim the credit for the same employment positions.
- Allows excess credits to be carried forward for up to five taxable years.
- Specifies that insurers claiming the credit are not required to pay any additional retaliatory tax as a result of claiming that tax credit.
- States that a failure to timely report and certify to the ACA disqualifies the taxpayer from the credit and subjects the credit to recovery for prescribed violations.
- Allows for the adoption of rules for the administration of the credit.
- Prescribes reporting and certification requirements.
- Defines *Capital investment, primarily* and *qualified employment position*.

Credit for Increased Research Activities – R&D Tax Credit

- Allows an additional individual and corporate tax credit for payments made for university related research, from and after December 31, 2017.
- Sets the credit at an amount equal to 10 percent of the basic research payments that constitute excess expenses over the base amount.
- Limits the aggregate annual amount of the additional credit to \$10,000,000.
- Allows excess credits to be carried forward for up to five taxable years.

Capital Investment Incentives – Angel Investment Credit

- Expands and continues the Angel Investment program through June 30, 2016 and increases the cap on total allowable assets for a *qualified small business* from \$2,000,000 to \$10,000,000, beginning in 2012.

- Expands the definition of *qualified small business*, to include a principal business that engages in retail, real estate, professional services health care services to patients, financial and investment services, personal services, mining, forestry and natural resource exploitation or other resource extraction businesses, agricultural operations, and operating an investment company or fund.
- Specifies that a *qualified small business* does include those businesses that have a principal business involving activities excluded by the ACA.
- Modifies the definition of *rural county* by increasing the population designation from 400,000 to 750,000 or fewer persons.

General Business Incentives

- Replaces the Gross Domestic Product Cost Deflator with the Employment Cost Index for the purposes of calculating the inflation adjusted exemption amount for business personal property, beginning in 2012.
- Increases the depreciation schedule for business personal property as follows:
 - 25 percent of the scheduled depreciation value for the first year of assessment.
 - 41 percent of the scheduled depreciation value for the second year of assessment.
 - 57 percent of the scheduled depreciation value for the third year of assessment.
 - 73 percent of the scheduled depreciation value for the fourth year of assessment.
 - 89 percent of the scheduled depreciation value for the fifth year of assessment.
 - States that the assessor shall use the scheduled depreciation value prescribed by DOR for the sixth and subsequent years of assessment.
- Phases down the Class 1 property (commercial) assessment ratio as follows:
 - 19.5 percent in Tax Year (TY) 2013.
 - 19.0 percent in TY 2014.
 - 18.5 percent in TY 2015.
 - 18.0 percent in TY 2016 and beyond.
- Reduces the Class 2 property (agricultural) assessment ratio to 15 percent, beginning in TY 2016 (real and personal).
- Eliminates capital gains on income derived from investments in small businesses with assets up to \$10,000,000, beginning in TY 2014.
- Extends the sunset date for the credit for investment in qualified small businesses from 2015 to 2019.
- Phases down the corporate income tax rate as follows:
 - 6.5 percent of net income in TY2014.
 - 6.0 percent of net income in TY 2015.
 - 5.5 percent of net income in TY 2016
 - 4.9 percent of net income in TY 2017 and beyond.
- Incrementally increases the optional enhanced sales factor formula available to multistate corporations as follows:
 - 85 percent of sales in TY 2014.
 - 90 percent of sales in TY 2015.
 - 95 percent of sales in TY 2016.
 - 100 percent of sales in TY 2017.
- Reduces eligibility for the Homeowner's Rebate by classifying only owner-occupied residential properties used as a primary residence by either the owner or the owner's relative as Class 3 property and includes the following provisions:

- Requires homeowners to submit an affidavit to the county assessor indicating that the home represents their primary residence.
- Prescribes the contents of the affidavit.
- Outlines criteria for determining whether the property is considered to be the owner's primary residence.
- Reclassifies all other residential property not used as a primary residence as Class 4 (lease or rented residential property).
- Requires the Legislature to reimburse counties in FY 2013 for the costs of administering the Homeowner's Rebate affidavit process.
- Increases the Homeowner's Rebate for FY 2014 through FY 2018 by an amount determined by DOR.



SECTION IV

ACRONYMS
INDEXES

ACRONYMS

(used in summaries)

A		C	
ABOR	Arizona Board of Regents	CAGR	Central Arizona Groundwater Replenishment District
ACPE	Arizona Commission for Postsecondary Education	CAP	Central Arizona Project
ACA	Arizona Commerce Authority	CAWCD	Central Arizona Water Conservation District
ACC	Arizona Corporation Commission	CDHH	Commission for the Deaf and Hard of Hearing
ACJC	Arizona Criminal Justice Commission	CCW	Concealed Carry Weapons
ADA	Average Daily Attendance	CDL	Commercial Driver's License
ADAG	Arizona Department of Agriculture	CE	Continuing Education
ADC	Arizona Department of Corrections	CEDC	Commerce and Economic Development Commission
ADE	Arizona Department of Education	CJEF	Criminal Justice Enhancement Fund
ADJC	Arizona Department of Juvenile Corrections	CORP	Corrections Officers Retirement Plan
ADM	Average Daily Membership	CPA	Certified Public Accountant
ADOA	Arizona Department of Administration	CPS	Child Protective Services
ADOC	Arizona Department of Commerce	D	
ADOT	Arizona Department of Transportation	DEMA	Department of Emergency and Military Affairs
AG	Attorney General	DEQ	Arizona Department of Environmental Quality
AHCCCS	Arizona Healthcare Cost Containment System	DES	Arizona Department of Economic Security
AIMS	Arizona Instrument to Measure Standards	DFBLS	Arizona Department of Fire, Building, and Life Safety
ALTCS	Arizona Long Term Care System	DFI	Arizona Department of Financial Institutions
AMA	Active Management Area	DHS	Arizona Department of Health Services
AOI	Arizona Online Instruction	DLLC	Arizona Department of Liquor Licenses and Control
AOT	Arizona Office of Tourism	DMMR	Arizona Department of Mines and Mineral Resources
ARRA	American Recovery and Reinvestment Act of 2009 (Federal Stimulus Act)	DOI	Arizona Department of Insurance
A.R.S.	Arizona Revised Statutes	DOR	Arizona Department of Revenue
ASLAPR	Library, Archives, and Public Records	DPS	Arizona Department of Public Safety
ASLC	Arizona State Lottery Commission	DRE	Arizona Department of Real Estate
ASLD	Arizona State Land Department	DROP	Deferred Retirement Option Plan
ASPB	Arizona State Parks Board	DUI	Driving Under the Influence
ASRS	Arizona State Retirement System	DVS	Arizona Department of Veterans' Services
AZPOST	Arizona Peace Officer Standards and Training	DWM	Arizona Department of Weights and Measures
B		DWR	Arizona Department of Water Resources
BLM	Bureau of Land Management	E	
BOD	Board of Directors	EEC	Economic Estimates Commission
BOS	Board of Supervisors		
BRB	Budget Reconciliation Bill		
BRITS	Business Reengineering Integrated Tax System		
BSL	Base Support Level		

ACRONYMS

EORP	Elected Officials Retirement Plan	OF	Other Fund
EPA	United States Environmental Protection Agency	OSPB	Office of Strategic Planning and Budgeting
F		P	
FPCC	Fingerprint Clearance Card	PSPRS	Public Safety Personnel Retirement System
FTE	Full-time Employee / Full-time Equivalent	PTOC	Property Tax Oversight Commission
FTSE	Full-time Equivalent Student Enrollment		
FY	Fiscal Year	R	
G		R&D	Research and Development
G&F	Game and Fish	RCL	Revenue Control Limit
GF	General Fund	RFI	Request for Information
GITA	Government Information Technology Agency	RFP	Request for Proposals
GPLET	Government Property Lease Excise Tax	RMRF	Risk Management Revolving Fund
GRRC	Governor's Regulatory Review Council	ROC	Registrar of Contractors
		RUCO	Residential Utility Consumers Office
H		S	
HOA	Homeowner's Association	SBCS	State Board for Charter Schools
HURF	Highway User Revenue Fund	SBDE	State Board of Dental Examiners
I		SBE	State Board of Education
ICA	Industrial Commission of Arizona	SBI	State Board of Investment
IGA	Intergovernmental Agreement	SBOE	State Board of Equalization
IRC	Internal Revenue Code	SCB	State Certification Board
IRS	United States Internal Revenue Service	SCF	State Compensation Fund
J		SFB	School Facilities Board
JCCR	Joint Committee on Capital Review	SFH	State Highway Fund
JLAC	Joint Legislative Audit Committee	SLE	Separate Legal Entity
JLBC	Joint Legislative Budget Committee	SLF	State Lottery Fund
JPO	Juvenile Probation Officer	SMI	State Mine Inspector
JTED	Joint Technical Education District	SOS	Secretary of State
L		SPCC	Structural Pest Control Commission
LLC	Limited Liability Company	STA	Sports and Tourism Authority
LTAF	Local Transportation Assistance Fund	STAN	Statewide Transportation Acceleration Needs
M		STO	School Tuition Organization
M&O	Maintenance and Operations	T	
MCTC	Model City Tax Code	TANF	Temporary Assistance for Needy Families
MVD	Motor Vehicle Division	TPT	Transaction Privilege Tax
O		TY	Tax Year
OAG	(Office of the) Auditor General	U	
OAH	Office of Administrative Hearings	U.S.C.	United States Code
O		V	
		VLT	Vehicle License Tax

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