

2017 Legislative Summary

ARIZONA STATE SENATE
Fifty-Third Legislature, First Regular Session
Steve Yarbrough, President



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Arizona State Senate

June 29, 2017

Dear Reader:

The 2017 Legislative Summary, commonly referred to as the Spiel, was prepared by the Senate Research Staff under the direction of Steve Yarbrough, Arizona Senate President.

The Senate Research Staff is a nonpartisan staff that provides professional analysis services to the Arizona Senate. It is comprised of full-time legislative committee research analysts and support staff, as well as session-only interns from the state's universities. The Senate Research Staff has existed as a professional staff at the Arizona Senate for more than 40 years.

The Summary presents an overview of all legislation approved by the Legislature during the Fifty-Third Legislature, First Regular Session (2017). Additional bill information can be obtained from the Arizona Legislature's website: www.azleg.gov.

To prepare this document, the Senate Research Staff relies on many individuals whose assistance is integral to the process and it is deeply appreciated. On behalf of the Senate Research Staff, I sincerely thank everyone who participated in producing this year's Spiel.

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ACTION KEY

E - Emergency

W/O - Without Emergency

V/O - Veto Override

RFEIR - Requirements for Enactment; Initiative or Referendum

W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

* - Indicates a change in short title, made by the House Rules Office, on a bill that did not have a strike everything amendment adopted.

Appropriations Committee

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APPROPRIATIONS COMMITTEE

LEGISLATION ENACTED

teachers; professional development; pilot program (S.B. 1038) – Chapter 284

SEE THE EDUCATION COMMITTEE.

medical student loans; board; continuation (S.B. 1047) – Chapter 128

Continues the Board of Medical Student Loans for four years until July 1, 2021, retroactive to July 1, 2017.

nuclear emergency appropriations; assessments (S.B. 1091) – Chapter 43 E

An emergency measure, effective March 22, 2017, that appropriates \$2,503,140 in FY 2018 and \$2,526,277 in FY 2019 from the Nuclear Emergency Management Fund (Fund), and provides the biennial appropriation and assessment for the support of the state response plan for commercial nuclear emergencies. Beginning in FY 2018, monies collected from the assessment on commercial nuclear generating stations are required to be deposited into the Fund, rather than the state General Fund.

vendor; payment by warrant; fee (S.B. 1137) – Chapter 239

SEE THE GOVERNMENT COMMITTEE.

appropriations; named claimants (S.B. 1179) – Chapter 17

Retroactive to June 1, 2017, appropriates \$8,816 from the state General Fund and \$10,735.85 from other funds to the Arizona Department of Administration, the Arizona Department of Corrections, the Department of Health Services and the Arizona Department of Transportation for payment for various claims made against state agencies.

felony pretrial intervention programs; appropriation (S.B. 1278) – Chapter 286

SEE THE JUDICIARY COMMITTEE.

~~technical correction; game; fish; facilities~~ (NOW: G&F; in-lieu fee; trust fund) (S.B. 1285) – Chapter 186

SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.

mining and mineral museum; transfer (S.B. 1415) – Chapter 221

Retroactive to April 1, 2017, permanently transfers the Mining, Mineral and Natural Resources Educational Museum (Museum) to the University of Arizona (U of A). Requires the

APPROPRIATIONS COMMITTEE (Cont'd.)

Arizona Department of Administration, for nominal consideration, to convey title and fee ownership to the U of A, the real property currently housing the Museum no later than July 1, 2017, and operate the Museum at such location.

building code moratorium; repeal (NOW: administrative order; enforcement; child support) (H.B. 2139) – Chapter 248

Requires the Department of Economic Security (DES) to establish and operate an insurance industry data match reporting system (reporting system) to identify claimants who are overdue on child support payments. Allows an insurer to: 1) exchange information with DES prior to remitting a payment under an insurance contract to a claimant; and 2) establish and revise the dollar-amount threshold triggering claim reporting. Provides liability protections to an insurer that: 1) uses reporting system information; 2) provides information to DES or its agent; or 3) delays the payment of a claim.

Allows DES to use the collected information for the purpose of administering and enforcing child support obligations. Restricts the use of the collected information to: 1) locating a person to establish paternity; and 2) establishing, modifying and enforcing support obligations. Allows collected information to be disclosed to: 1) agents under contract with DES; 2) state agencies; 3) political subdivisions within Arizona; 4) federal agencies involved in child support; and 5) other states and political subdivisions of other states that are seeking to locate persons to enforce support obligations. Exempts any collected information from statutory provisions relating to disclosure of public records.

Requires DES to post information online for persons who have not made child support payments in at least 12 months.

compact; balanced budget; convention (H.B. 2226) – Chapter 121

Requires Arizona to enact, adopt and agree to be bound by the Compact for a Balanced Budget Amendment (Compact) to the U.S. Constitution. *Balanced budget amendment* is defined as prohibiting the total outlays of the U.S. government from exceeding total receipts and prohibiting outstanding debt from exceeding authorized debt.

Describes the purpose of the Compact, sets Compact membership and withdrawal requirements and establishes the Compact Commission. It includes the resolution for applying to the convention, appoints and instructs delegates who will attend the convention, details the convention agenda and rules and prohibits participation in the convention before Congress first calls the convention.

Contains the resolution for ratifying the balanced budget amendment. It provides enforcement by the state attorney general, describes the proper venue and contains a severability and termination clause.

state veterinarian; animal identification; appropriation (H.B. 2253) – Chapter 280

SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.

APPROPRIATIONS COMMITTEE (Cont'd.)

FY 2017-2018 BUDGET PACKAGE

general appropriations act; 2017-2018 (S.B. 1522/H.B. 2537) – Chapter 305

The FY 2018 budget includes spending in the total amount of \$9.82 billion, a cash balance of \$38 million, and a structural balance of \$21 million. The adopted budget includes ongoing revenues of \$9.68 billion and one-time revenues of \$8 million.

The budget includes \$161.8 million in FY 2018 spending as follows:

	General Fund \$ in Millions
Agriculture – Equipment (\$61K) (H.B. 2253)	0.1
Attorney General – Criminal Division (Through FY 2020)	1.5
Counties – Continue \$8 M DJC Offset	8.0
Counties – \$550 Distribution (Pinal/Yavapai/Mohave)	1.7
DES – Additional Prop 206 DD Costs	10.0
DES – DD Room and Board Rate Increase	2.0
ADE – IT Funding	7.3
ADE – Geographic Literacy	0.1
ADE – Teacher Professional Development Pilot (S.B. 1038)	0.3
Forestry – Firefighter Safety Communications	0.1
Forestry – Post Release Firefighting Crew	0.5
Governor – Computer Science Initiative	0.2
Governor – School Leadership Training (\$250k)	0.3
DPS – Sexual Assault Kit Testing – Redirect GF	\$1.2
SFB – Building Renewal Grants	17.2
SFB – New Construction – remove starting in FY 2019	(25.7)
SFB – New Construction Projects (FY 2018 starts)	62.9
SFB – New Construction Projects (FYs 2019 and 2020 Conceptual Approvals)	18.0
SOS – One-time Operating Funding	0.5
Universities – One-time Funding – ASU (w/\$1M Freedom School)	7.6
Universities – One-time Funding – NAU	3.2
Universities – One-time Funding – UA (w/\$1M Freedom School)	4.2
ADWR – Drought Contingency Plan	2.0
Other – ADOA – HITF Employer Contribution	25.0
Capital – ADOA – Projects	5.7

The budget includes ongoing additional spending as follows:

	General Fund \$ in Millions
AHCCCS – Prescription Drug Rebate Shift	(30)
AHCCCS – Prop 206 Costs	9.7

APPROPRIATIONS COMMITTEE (Cont'd.)

AHCCCS – Occupational Therapy (\$130k)	0.1
Agriculture – Meat and Poultry inspector (\$85k)	0.1
Agriculture – Veterinarian/Inspectors (H.B. 2253)	0.3
DCS – Adoption Services	2.0
DCS – Removal of Ongoing Backlog Privatization	(2.7)
DCS – Family Stipend (Kinship)	1.0
Community Colleges – Gila County Workforce	0.3
ADC – 1,000 Bed Annualization	(4.0)
ADC – Medicaid Savings	(2.5)
ADC – Inmate Health Care Growth	1.5
ADC – Kingman Prison Refinance Savings	(2.1)
ADC – Recidivism Reduction Initiatives	0.5
ADC – Retirement Adjustment	8.4
DES – Prop 206 Costs (\$8.1M in FY 2017)	23.3
DES – DD Early Intervention Program	2.0
SBE – Attorney General ISA from ADE (\$50k)	0.1
ADE – Formula (FY 2018 Baseline Growth - \$79.3M)	(3.4)
ADE – Results Based Funding	37.6
ADE – 1.06% Teacher Salary Increase (additional 1.06% in FY 2019)	34.0
ADE – Early Literacy	8.0
ADE – Move ISA Funding to SBE (\$50k)	(0.1)
ADE – Jobs for Arizona's Graduates	0.1
ADE – JTED Completion Grants	1.0
ADE – School Resource Officers	0.5
DFI – Fund Shift	(1.5)
Forestry – Firefighter Safety Communications	0.03
Forestry – Deputy Fire Marshal	0.1
Forestry – Post Release Firefighting Crew	1.0
DHS – Reduce Operating Budget	(2.8)
DHS – Increase Arizona State Hospital Funding	2.8
DHS – Renal Transplant Drugs (\$183k)	0.2
Independent Redistricting Commission – Work Completed	(1.1)
Judiciary – Court of Appeals – Division I staff (\$149k)	0.1
Judiciary – Court of Appeals – Division II staff (\$87k)	0.1
Judiciary – Full-time Water Master	0.031
Judiciary – Probation Caseload	0.5
Judiciary – Court Ordered Removals (FY 2018 \$75k/FY 2019 \$315k)	0.1
ADJC – Spending Reduction	(5.0)
Legislature – Auditor General – Special Investigative Unit	0.6
Postsecondary Ed. – MSSF Teacher Loan Program (\$250k)	0.2
Postsecondary Ed. – College Readiness (\$235k)	0.2
DPS – Retirement Adjustment (Plus HURF)	2.6
Universities – Bonding Proposal	Start payment in FY 2019
DWR – Geographic Information System (GIS) Personnel	0.1

APPROPRIATIONS COMMITTEE (Cont'd.)

DWR – General Streams Adjudications Personnel	0.5
DWR – Legal Support for Adjudications and CO River	0.5
DWR – Active Area Management Personnel	0.2
DWR – Continue Water Protection Fund Deposit	0.3
Other – Admin Adjustments/Revertments	(20.7)
Other – Executive Reductions/Efficiency Savings	(10.0)

The budget also contains certain changes to other funds as follows:

	Other Fund \$ in Millions	
	One-Time	Ongoing
AHCCCS – Prescription Drug Review Initiative		0.2
AHCCCS – Adult Dental Services		1.5
DES – Adult Protective Services Backfill/New Staff		2.0
ADOA/APF – CHILDS Funding (\$5 M in Baseline)	6.1	
ADOA/APF – DOR IT Funding	11.0	
AHCCCS/DES – Prop 206 Network Adequacy Study	0.2	
Arts – BSF Interest	1.5	
ADE – Broadband for Education Initiative	3.0	
ADE – Small Rural Schools (BSF Interest)	2.6	
ADEQ – WQARF Funding (Baseline - \$7.0 M/\$15.0 M Total)	8.0	
Gaming – Racing Division – Breeders' Award (\$250k)	0.3	
Judiciary – Drug Treatment Alternative to Prison (Pima County)	0.3	
Treasurer – ESA Administration (\$225k)/Management Fund (\$100k)		0.3
Other – Reduce DPS for Local HURF in FY 2020		30

Major Footnote Changes

The budget includes the following major additions, deletions or modifications of footnotes. This list does not include footnotes pertaining to one-time reports or appropriations or footnote changes conforming to enacted policy.

ADOA – Automation Projects Fund

- Adds footnote extending permission to spend FY 2016 appropriations for the Department of Environmental Quality's e-licensing project through the end of FY 2018.
- Adds footnote extending permission to spend FY 2017 appropriations for information technology projects at ADOA, DCS, ADC, DES and ADE through the end of FY 2018.
- Adds footnote making the FY 2015 appropriation for DCS's CHILDS replacement project non-lapsing through FY 2018.
- Adds footnote extending the lapsing date of the FY 2016 appropriation for DES IT security project to June 30, 2018.
- Does not allow ADOA to divert the FYs 2016 and 2017 monies for IT Security for a study of any DES automated information system. By December 2, 2017, ADOA shall

APPROPRIATIONS COMMITTEE (Cont'd.)

submit a report for review by the Joint Legislative Budget Committee (JLBC) on the status of the Department's IT security system.

- Adds footnote re-purposing \$6,100,000 of the FY 2017 appropriation for Procurement Project for DCS's CHILDS replacement project in FY 2018.

AHCCCS

- Adds footnote requiring AHCCCS to submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, OSPB and JLBC by February 1, 2018, on the effects of Proposition 206 on the adequacy of the long term care provider network for the Developmental Disabilities program and the Elderly and Physically Disabled program. The analysis would be delineated by geographic service area, and AHCCCS would be required to make recommendations on how to address any deficiencies in network adequacy identified in the report. Includes a \$200,000 appropriation from the Prescription Drug Rebate Fund to conduct the study.

Attorney General – Department of Law

- Adds footnote prohibiting monies appropriated to the Litigation Expenses line item in DCS's budget from being counted towards the Attorney General's Interagency Service Agreements Fund appropriation in FY 2018.
- Adds footnote appropriating \$1,500,000 from the state General Fund to the Criminal Division in FYs 2019 and 2020.

DCS

- Modifies footnote to reduce DCS's benchmark for open reports to 8,000. States that the benchmark is based on the average number of incoming reports from March 1, 2016, through February 28, 2017.
- Modifies footnote to establish an out-of-home population benchmark of 15,191 children to be met by June 30, 2018. This is the same 11.4 percent reduction requirement from FY 2017 budget.
- Modifies footnote to extend eligibility for the grandparent stipend to non-grandparent relatives and non-relative caretakers. Requires JLBC review prior to any change in the subsidy or income eligibility.

ADE

- Adds footnote for a 1.06 percent teacher pay raise in FY 2018 that will supplement and not supplant other salary adjustments provided by school districts and charter schools. States that it is the intent of the Legislature and the Governor that the monies be used to increase teacher compensation and that funding for an additional 1.06 percent teacher pay raise shall be included in the FY 2019 budget, for a cumulative increase of 2.12 percent compared to FY 2017. Teachers must have taught in an Arizona public school in FY 2017 to qualify for funding in FY 2018. A school district or charter school governing board shall take a separate vote on the use of the pay raise monies. ADE shall publicize the scheduling of the vote to teachers on its website at least 10 days before the vote. If the school district or charter school maintains a website, the school district or charter school must also publicize the vote on its website. Members of the school district or charter school governing body must attest that the pay raise will be implemented as part of the

APPROPRIATIONS COMMITTEE (Cont'd.)

signed FY 2018 budget document for each school district or charter school. Adds pay raise monies to a district or charter's Base Support Level (BSL), which will cause non-state aid districts to use local monies to pay for the salary adjustment. Each school district and charter school will calculate the cost of the salary adjustment, which is subject to an independent annual audit.

- Adds footnote establishing a grant program to allow students who have completed at least 50 percent of a Joint Technical Education District (JTED) program, but have graduated high school, to complete their JTED program.
- Adds footnote requiring JLBC review before ADE can expend an additional \$400,000 from the Empowerment Scholarship Account Administration Fund for operating expenses.
- Adds footnote delineating the distribution of \$2,600,000 for rural assistance. Funding will be provided on a pro rata basis to school districts in counties with populations of fewer than 500,000 according to the 2010 U.S. Census, except that a school district or charter school that primarily serves homeless or special needs pupils may qualify for assistance regardless of its location.

SOS

- Adds footnote requiring that any funds used for a statewide voter registration system shall include all data required to be sent by counties in a manner prescribed by the Secretary of State pursuant to A.R.S. § 16-168.

Universities

- Adds footnote specifying the allocation of the one-time funding of \$7,369,500 to Arizona State University (ASU) and \$4,157,700 to the University of Arizona (U of A). The sum of \$1,000,000 is dedicated to the School of Civic and Economic Thought at ASU and \$1,000,000 is dedicated to the Center for the Philosophy of Freedom at the U of A. These amounts shall supplement and not supplant funding for each of the freedom schools.
- Adds footnote prohibiting the universities from expending their state General Fund appropriations for contracted lobbyists.

For additional information on the FY 2017-2018 budget, see:

<http://www.azleg.gov/jlbc/house-senateplanasengrossed050517rev.pdf>

capital outlay; appropriations; 2017-2018 (S.B. 1523/H.B. 2538) – Chapter 306

Makes the following necessary statutory changes relating to capital outlay to reconcile the FY 2018 state budget:

Building Renewal – Appropriates the following amounts in FY 2018 to the following agencies from the specified funds for major maintenance, repair and renewal of state buildings:

Agency	Fund Sources	Amount
Arizona Department of Administration	State General Fund	\$5,700,000
	Capital Outlay Stabilization Fund	\$2,600,000
Arizona Department of Corrections (ADC)	ADC Building Renewal Fund (BRF)	\$5,464,300

APPROPRIATIONS COMMITTEE (Cont'd.)

Arizona Game & Fish Department	Game and Fish Fund	\$530,000
Arizona State Lottery Commission	State Lottery Fund	\$122,200
Arizona Department of Transportation (ADOT)	State Highway Fund (SHF)	\$4,500,000
	State Aviation Fund (SAF)	\$232,300

Capital Projects – Appropriates the following amounts in FY 18 to the following agencies from the specified funds for capital projects:

Agency	Purpose	Fund	Amount
ADOT	Deicer Construction	SHF	\$1,100,000
ADOT	Construction of a New Equipment Service Shop – Safford	SHF	\$4,000,000
ADOT	Capital Improvements – Tempe	SHF	\$240,000
ADOT	Planning and Construction of State Highways	SHF	\$315,286,000
ADOT	Planning and Construction of State Airports	SAF	\$24,555,200
Arizona Exposition and State Fair Board (AESFB)	Capital Improvements	AESFB Fund	\$1,000,000
Arizona State Parks Board (ASPB)	Rockin' River Ranch State Park Project	State Parks Revenue Fund	\$4,000,000
ASPB	Capital Improvements	State Parks Revenue Fund	\$1,300,000
ADC	State Prison Facility Maintenance	ADC BRF	\$1,450,000
ASPB	Maintenance and Repairs	State Parks Revenue Fund	\$1,500,000
Arizona State Legislature	Maintenance and Repairs for State Buildings	State General Fund	\$5,700,000

ADOT – The bill also appropriates a total of \$5,530,000 from the SHF to ADOT. \$2,344,800 is for the construction of six vehicle wash systems and the remaining \$3,318,200 is distributed as follows: 1) 33.231 percent to the counties; 2) 48.097 percent to the incorporated cities and towns; 3) 5.247 percent to the incorporated cities with a population of 300,000 persons or more; and 4) 13.425 percent to counties with a population of more than 800,000 persons. The bill limits spending of the SHF appropriation to constructing, reconstructing, maintaining or repairing public highways, streets or bridges and rights-of-way acquisitions. The Joint Committee on Capital Review is directed to review the scope, purpose and estimated cost of new capital projects with an estimated cost of more than \$250,000.

APPROPRIATIONS COMMITTEE (Cont'd.)

budget procedures; budget reconciliation; 2017-2018 (S.B. 1524/H.B. 2539) – Chapter 307

Makes the following necessary session law changes related to budget procedures to reconcile the FY 2018 budget:

Arizona Department of Administration (ADOA) – Exempts ADOA from rulemaking requirements through July 1, 2018, to modify the risk management deductible for state agencies with an annual budget greater than \$1,000,000. Adds the Mining, Mineral and Natural Resources Education Museum to the list of buildings for which ADOA is not required to provide for the allocation of space, operation, alteration, renovation and security.

Miscellaneous – Reestablishes, retroactive to January 1, 2017, the Arizona Job Training Fund (Fund), grants the Arizona Commerce Authority permission to administer the Fund and specifies how monies in the Fund may be expended.

Requires the Department of Emergency and Military Affairs to submit a report to the Joint Committee on Capital Review for evaluation prior to awarding monies from the Military Installation Fund.

Establishes the Highway Damage Recovery Account as a separate account within the State Highway Fund.

Continues the Capital Outlay Stabilization Fund rental rates for state-owned buildings in FY 2018 at \$13.08 per square foot for office space and \$4.74 per square foot for storage space.

Removes Budget Stabilization Fund requirements for deposits and withdrawals in FYs 2018 through 2020.

Stipulates that the executive budget, which must be submitted no more than five days after the regular session of the Legislature convenes in 2018, only address the next fiscal year. Directs the head of each budget unit to submit a budget estimate in calendar year 2017 that only addresses the next fiscal year.

environment; budget reconciliation; 2017-2018 (S.B. 1526/H.B. 2541) – Chapter 308

Makes the following necessary statutory and session law changes relating to environment to implement the FY 2018 state budget:

Arizona Department of Environmental Quality (ADEQ) – Suspends the statutory uses of Underground Storage Tank (UST) Revolving Fund monies and allows ADEQ to transfer up to \$6,531,000 from the UST Revolving Fund for administrative costs in FY 2018. Appropriates the following to the Water Quality Assurance Revolving Fund (WQARF) in FY 2018: 1) up to \$2,823,600 from the state General Fund; 2) \$4,000,000 from the Emissions Inspection Fund; 3) \$2,000,000 from the Air Quality Fund; 4) \$3,713,300 from the Permit Administration Fund; and 5) \$1,000,000 from the Recycling Fund. The intent of the Legislature is that the amounts appropriated to the WQARF be supplemented by \$1,500,000 of monies directly deposited in the

APPROPRIATIONS COMMITTEE (Cont'd.)

WQARF. Allows monies in the Water Quality Fee Fund to be used for water quality monitoring. Requires the Director of ADEQ to charge the same fees in FY 2018 that were charged in FY 2017 for emissions tests in Area A.

Safe Drinking Water Program Fund (SDWPF) – Establishes the SDWPF to be administered by the Director of ADEQ. Requires monies in the SDWPF to be used to pay for the costs of potable water system programs, subject to legislative appropriation. Requires the net revenues collected from the tax on water use to be deposited as follows: 1) the first \$1,800,000 of net revenues collected in the SDWPF; and 2) the remaining net revenues in the WQARF.

Arizona Department of Water Resources (ADWR) – Continues to allow up to \$336,000 from the Water Protection Fund to be used for ADWR administrative costs, and continues to allow the ADWR Director to increase fees up to \$100,200 in FY 2018.

Arizona State Parks Board (ASPB) – Continues to allow ASPB to spend up to \$692,100 from the ASPB portion of the Off-Highway Vehicle Recreation Fund for operating expenses in FY 2018.

Arizona Navigable Stream Adjudication Commission (ANSAC) – Allows monies appropriated to ANSAC from the Arizona Water Banking Fund to be used to pay legal fees in FY 2018.

health; budget reconciliation; 2017-2018 (S.B. 1527/H.B. 2542) – Chapter 309

Makes the following necessary statutory and session law changes relating to health and welfare to reconcile the FY 2018 state budget:

Arizona Health Care Cost Containment System (AHCCCS) – Makes outpatient occupational therapy a covered service. Adds emergency dental care and extractions for persons who are at least 21 years of age in an annual amount up to \$1,000 per member.

Freezes enrollment in the KidsCare Program if the federal match rate falls below 100 percent.

Allows AHCCCS to continue risk contingency rate settings for all managed care organizations (MCOs) and funding for all MCOs' administrative funding levels imposed in contract year 2010-2011 for the contract year beginning October 1, 2017, and ending September 30, 2018. Continues to allow AHCCCS to participate in any special disability workload 1115 Demonstration Waiver offered by the Centers for Medicare and Medicaid Services as outlined.

Extends the Safety Net Care Pool for qualifying hospitals to FY 2020.

Continues to require AHCCCS to report by December 1, 2017, on the use of the emergency department for nonemergency purposes by AHCCCS enrollees, and requires a joint AHCCCS and DHS report on hospital charge master transparency. Continues to require AHCCCS to report by January 2, 2018, on the availability of inpatient psychiatric treatment both

APPROPRIATIONS COMMITTEE (Cont'd.)

for adults and for children and adolescents who receive services from the regional behavioral health authorities.

Disproportionate Share Hospital (DSH) Payments – Establishes FY 2018 DSH distributions to the Maricopa Special Healthcare District (MIHS), the Arizona State Hospital (State Hospital), private qualifying disproportionate share hospitals and the Yuma Regional Medical Center. Requires MIHS and the State Hospital to each provide a Certified Public Expense form for the amount of qualifying DSH expenditures to AHCCCS within specified timelines.

County Contributions – Modifies the distribution and payment of county contributions in FY 2018. Requires AHCCCS to transfer any excess monies back to the counties by December 31, 2017, if the county's proportion of state match exceeds the proportion allowed in order to comply with the Affordable Care Act. Excludes certain costs from county expenditure limitations.

Department of Health Services (DHS) – Requires counties to reimburse DHS 31 percent of State Hospital costs for committed sexually violent persons. Requires cities and counties to reimburse DHS 100 percent of defendants' inpatient competency restoration treatment.

Continues to allow DHS to use monies in the Health Research Account for Alzheimer's disease research. Allows monies in the Health Services Lottery Monies Fund to be used for purposes specified in the FY 2018 General Appropriations Act.

Establishes the Public Health Emergencies Fund (Fund) consisting of legislative appropriations, and requires the DHS Director to administer the Fund. DHS is required to report any expenditures from the Fund to the Joint Legislative Budget Committee (JLBC) by September 1 of each year.

Requires DHS to submit a grant application to receive monies for Title X family planning services. Outlines the distribution priority for any monies received from the grant.

Department of Economic Security (DES) – Prohibits the amount of monies from the Arizona Long Term Care System (ALTCS) Fund that are reverted to the state General Fund from being adjusted to pay non-Medicaid claims incurred by the Division of Developmental Disabilities. Allows DES, retroactive to July 1, 2017, to use unexpended and unencumbered monies from capitation payments in the DES Long Term Care System Fund for state-only program expenses within the Division of Developmental Disabilities, and requires DES to submit an expenditure plan for review by JLBC before making any expenditures.

higher education; budget reconciliation; 2017-2018 (S.B. 1528/H.B. 2543) – Chapter 310

Makes the following statutory and session law changes relating to higher education to reconcile the FY 2018 state budget:

APPROPRIATIONS COMMITTEE (Cont'd.)

Community Colleges – Enables community college districts located in Maricopa and Pima counties to receive state aid for science, technology, engineering and mathematics (STEM) and workforce programs. Funds community college district operating expenses and STEM programs for FY 2018 as specified in the General Appropriation Act.

Universities – Requires the Arizona Board of Regents (ABOR) to complete, by December 15, 2017, and every five years thereafter, a student cost study detailing the costs associated with educating a full-time resident undergraduate student at each public university in Arizona. Requires ABOR to complete an annual cost containment report detailing actions taken by universities to contain the cost of attending a public university in Arizona. Both the report and the study must be submitted to the Legislature.

Continues, for FY 2018, to allow the Legislature to appropriate less than a 2:1 match for student registration surcharges deposited into the Financial Aid Trust.

Arizona Teacher Academy – Requires each public university in Arizona to establish, by the beginning of the 2018 academic year, an Arizona Teacher Academy (Academy). Each resident student enrolled in an Academy shall be offered an annual waiver for all tuition and fees associated with the student's program of study, provided that the student agrees to teach in an Arizona public school for one year for every year that the student accepted a waiver. If a student does not teach in an Arizona public school for the agreed upon number of years, or does not complete an academic year in good academic standing, then the total amount, or an appropriate corresponding amount of the waiver, must be reimbursed to the university. Directs universities to develop multiple teacher preparation programs, including accelerated programs for STEM fields, and develop formalized partnerships with public schools. Requires ABOR, by July 1, 2018, to report to the Legislature on the enrollment and success of each Academy.

human services; budget reconciliation; 2017-2018 (S.B. 1529/H.B. 2544) – Chapter 311

Makes the following necessary session law changes related to human services to reconcile the FY 2018 budget:

Department of Economic Security (DES) – Continues DES's authority in FY 2018 to reduce maximum income eligibility levels for child care assistance. Continues to require DES to screen and test recipients of Cash Assistance for illegal drug use, and renders recipients who test positive ineligible for benefits for one year.

Department of Child Safety (DCS) – Continues to require DCS and the Early Childhood Development and Health Board (First Things First) to jointly report to the Joint Legislative Budget Committee by February 1, 2018, on collaborative efforts to address child welfare.

Auditor General – Requires the Auditor General to provide the following reports concerning DCS: 1) a report on caseworker caseload standards, due by December 31, 2018; and 2) a report that addresses practices for recruiting, licensing, using and retaining foster parents, due by September 30, 2019.

APPROPRIATIONS COMMITTEE (Cont'd.)

revenues; budget reconciliation; 2017-2018 (S.B. 1531/H.B. 2546) – Chapter 312

Makes the following statutory and session law changes relating to general revenues to reconcile the FY 2018 state budget:

Department of Liquor Licenses and Control (DLLC) – Continues to allow DLLC to spend \$626,700 of its FY 2015 appropriation and \$400,000 of its FY 2016 appropriation on a licensing replacement system through June 30, 2018.

Department of Gaming – Sets the Department of Gaming racing wagering assessment to 0.5 percent of the amounts wagered in FY 2018.

Arizona Department of Transportation (ADOT)/Department of Public Safety (DPS) – Changes the distribution of jet fuel tax revenues from the state General Fund (GF) to the state Aviation Fund. Distributes a portion of aircraft license tax revenues as follows to make the distribution change revenue neutral: 1) 50 percent to the GF; 2) 35 percent to the state Aviation Fund for use in airport construction, development and improvement; 3) 9.5 percent to counties proportionally based on population; and 4) 5.5 percent to incorporated cities and towns proportionally based on population.

Appropriates \$30,000,000 on a one-time basis from the Highway Expansion and Extension Loan Program Fund in FY 2018 and FY 2019 to ADOT for distribution as follows: 1) 33.231 percent to counties; 2) 48.097 percent to incorporated cities and towns; 3) 5.247 percent to incorporated cities with a population of 300,000 or more persons; and 4) 13.425 percent to counties with a population of more than 800,000 persons. Requires ADOT to allocate and the State Treasurer to distribute \$30,000,000 in FY 2019 and \$60,000,000 in FY 2020 from the Arizona Highway User Revenue Fund (HURF) under the same distribution. Restricts the appropriated amounts to the following uses: 1) direct costs of constructing, reconstructing, maintaining or repairing public highways, streets or bridges; and 2) direct costs of rights-of-way acquisitions and related expenses.

Declares the intent of the Legislature as follows: 1) that the FY 2020 HURF distribution be matched by a \$30,000,000 reduction to the HURF appropriation to DPS; and 2) that the GF appropriation to DPS be increased by \$30,000,000 in FY 2020 so as to not allow the shift to impact agency operations.

Department of Insurance (DOI) – Continues to suspend the requirement that fees collected by DOI must comprise between 95 percent and 110 percent of DOI's appropriation.

Radiation Regulatory Agency (ARRA) – Continues to allow the Director of ARRA to increase fees in FY 2018. Continues to limit the increased fee revenue to \$561,000. Requires increased fee revenue to be deposited in the Radiation Regulatory Fee Fund. Continues to exempt ARRA from rulemaking requirements for the purpose of increasing fees until July 1, 2018.

APPROPRIATIONS COMMITTEE (Cont'd.)

Arizona Department of Agriculture (ADA) – Allows ADA to continue existing fees from FY 2017 in FY 2018. Limits additional revenues generated by the fees as follows: 1) \$218,000 to the GF; 2) \$113,000 to the Pesticide Trust Fund; and 3) \$26,000 to the Dangerous Plants, Pests and Diseases Trust Fund. Exempts ADA from rulemaking requirements for the purpose of establishing fees until July 1, 2018.

Department of Financial Institutions (DFI) – Continues to allow the Superintendent of DFI to spend up to \$850,000 from the Department Receivership Revolving Fund to develop and implement a new electronic licensing system through FY 2018. Continues to allow DFI to use the Financial Services Fund for general operating expenditures.

Counties – Continues to allow counties with a population of fewer than 250,000 persons to use any source of county revenue, up to \$1,250,000, to meet any county fiscal obligation in FY 2018. Requires a county that uses this authority to report by October 1, 2017, the following to the Director of the Joint Legislative Budget Committee: 1) whether the county used a revenue source for purposes other than the purposes of the revenue source to meet a county fiscal obligation; and 2) the specific source and amount of revenues that the county intends to use in FY 2018.

Department of Revenue (DOR) – Continues the legislative intent statement that local fees to fund DOR are not to exceed \$20,755,835 in any fiscal year and should be allocated between cities and towns, counties, the Maricopa Association of Governments and the Pima Association of Governments based on the prorated share of all revenues distributed to them, excluding HURF funds.

criminal justice; budget reconciliation; 2017-2018. (H.B. 2540/S.B. 1525) – Chapter 303

Makes the following necessary statutory and session law changes relating to criminal justice to reconcile the FY 2018 state budget:

Judiciary – For the purpose of enhancing courthouse security, increases the distribution of court fees from the superior courts and justices of the peace for deposit into the Judicial Collection Enhancement Fund (JCEF). In FY 2018, appropriates \$750,000 from JCEF to the Administrative Office of the Courts to provide assistance, training and grants to courts to meet security standards adopted by the Arizona Supreme Court. Adjusts distributions to other court funds to maintain funding levels.

Department of Public Safety (DPS) – Removes annual allocation of the first \$1,600,000 in available Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) funds to the Maricopa County Sheriff's Office (MCSO) and prohibits monies in the GIITEM Mission Fund from being used for agreements or contracts with MCSO. Allocates \$400,000 in FY 2018 to the Pima County Sheriff's Office from the GIITEM Mission Fund.

Beginning July 1, 2018, combines four different DPS funds into one fund designated as the *DPS Forensics Fund* for purposes including operating and administering the Arizona Automated Fingerprint Identification System and remote terminals, enhancing crime laboratory

APPROPRIATIONS COMMITTEE (Cont'd.)

operations and administering the Arizona Deoxyribonucleic Acid Identification System. DPS must distribute remaining monies to political subdivisions with a crime laboratory as outlined.

Additionally, appropriates the Fingerprint Clearance Card Fund for DPS crime laboratory expenses and stipulates excess monies are continuously appropriated each fiscal year for the DPS Fingerprinting Division. Finally, after an initial deposit of \$1,200,000 into the Public Safety Equipment Fund (PSE Fund), the State Treasurer must deposit excess monies directly into the state General Fund, instead of first through the PSE Fund.

Continues session law provisions related to DPS in FY 2018 as follows: 1) suspends the \$10,000,000 statutory cap and transfer of Highway User Revenue Fund monies for highway patrol costs; 2) allows DPS to use monies in the State Aid to Indigent Defense Fund for operating expenses; and 3) requires the Joint Legislative Budget Committee to review the GIITEM Border Security and Law Enforcement Subaccount's (GIITEM Subaccount) expenditure plan before any monies are spent by DPS. Continues to allow DPS to utilize up to \$137,700 from the GIITEM Subaccount in FY 2018 for costs related to an increase in the Public Safety Personnel Retirement System employer contribution rate.

Arizona Department of Corrections (ADC) – Continues to require ADC to report actual FY 2017, estimated FY 2018 and requested FY 2019 expenditures as delineated in the prior year's submission when submitting its FY 2019 budget request.

Miscellaneous – Increases the maximum compensation from \$75,000 to \$100,000 for the Executive Director of the Automobile Theft Authority. Expresses the Legislature's intent that each county pay a proportional share, based upon population, of \$11,260,000 for the annual committed-youth-confinement cost-sharing fee, which is partially offset by an \$8,000,000 appropriation to counties.

K-12 education; budget reconciliation; 2017-2018. (H.B. 2545/S.B. 1530) – Chapter 304

Makes the following necessary statutory and session law changes relating to K-12 education to reconcile the FY 2018 state budget:

Basic State Aid – Increases the Base Level Amount by 1.31 percent to account for standard inflation by increasing the per-pupil amount from \$3,635.64 to \$3,683.27. Continues to reduce District Additional Assistance (DAA) by \$352,442,700 and requires district budget limitations to be reduced accordingly. Caps the reduction in DAA for school districts with a student count of fewer than 1,100 at \$5,000,000. Increases Charter Additional Assistance (CAA) by 1.31 percent to account for standard inflation and continues to reduce CAA by \$18,656,000.

Joint Technical Education Districts (JTEDs) – Continues to fund state aid for JTEDs with more than 2,000 students at 95.5 percent and computes the reduction based on prior-year Average Daily Membership (ADM) rather than current-year ADM.

School Facilities Board (SFB) – Retroactive to July 1, 2017, moves the application deadline for new school construction from September 1 to July 1 and moves the date for SFB to

APPROPRIATIONS COMMITTEE (Cont'd.)

approve or revise enrollment projections from March 1 to December 1. Additionally, the legislation utilizes the most recent 40th day ADM counts rather than the approved projections when determining if a school district is eligible for new construction. In FY 2018, allows SFB to use up to \$200,000 from the Building Renewal Grant Fund for testing lead in school water systems.

Results-Based Funding – Establishes a Results-Based Funding Fund that provides extra per-pupil monies to schools that score in the top 10 percent of the state in language arts and math on the statewide assessment during the Spring of 2016. The monies are distributed based on the number of students that qualify for free and reduced-price lunches. Schools with 60 percent or more students that qualify for free and reduced-price lunch receive \$400 per pupil while all other schools receive \$225 per pupil. For FY 2019 and thereafter, the fund distributes monies to schools that receive an A letter grade as determined by the A-F accountability system, rather than based on students' statewide assessment scores.

Broadband Expansion Fund – Establishes the Broadband Expansion Fund to provide state matching funds for certified broadband connectivity construction projects in schools, school districts and libraries. Eligible projects must be approved by the federal administrator of the E-Rate Program.

Early Literacy Grant Program – Establishes the Early Literacy Grant Program to provide additional support to improve K-3 reading at public schools with at least 90 percent of students eligible for free and reduced-price lunches.

Nationally Recognized College-Readiness Examinations – Appropriates \$235,000 to the Commission for Postsecondary Education to establish a one-year pilot program for nationally recognized college readiness examinations. The pilot program issues grants to school districts and charter schools to administer nationally recognized college-readiness examinations for the 2017-2018 school year to 11th grade students.

Cave Creek Unified School District – Increases the budget limit for the Cave Creek Unified School District by \$1.5 million in FY 2018.

Miscellaneous – Allows Duncan Unified School District to incur liabilities in excess of the school district budget in FY 2018 without first applying to SFB for funding from the Emergency Deficiencies Correction Fund or petitioning the county school superintendent or county board of supervisors. Continues the School Emergency Readiness Pilot Program until January 1, 2019.

university infrastructure capital financing; appropriations. (H.B. 2547/S.B. 1532) – Chapter 328

Establishes a capital infrastructure fund (Fund) for each state university. A total of \$27 million is appropriated in FY 2019 for deposit in each university's Fund as follows: 1) \$11,927,400 for Arizona State University; 2) \$10,551,700 for the University of Arizona; and 3) \$4,520,900 for Northern Arizona University.

APPROPRIATIONS COMMITTEE (Cont'd.)

Those amounts are similarly appropriated in FYs 20 through 43, adjusted by a growth rate of either two percent or the change in gross domestic product, whichever is less. The bill requires universities to match, one for one, those funds.

Requires these funds to be used exclusively for either cash costs of, or debt service on long-term financing for capital projects. Prohibits monies from being used for supplanting funding of existing projects, construction or maintenance of a professional sports franchise, operating expenditures, or issuing total debt financing for which debt service exceeds \$1 billion.

Before expenditure of monies in the Fund, for any capital project *not* subject to debt financing, the Joint Committee on Capital Review (JCCR) must hear and *review* the scope, purpose and estimated cost. For projects that *are* subject to debt financing, projects shall be submitted for *approval* by JCCR.

The bill also requires each university that has entered into a licensure or royalty agreement, for the first three years, to deposit in the state General Fund 20 percent of net income from these payments. After the first three years, that number becomes 20 percent of gross income. The bill also requires a 25 percent deposit of gross revenues from the sale or transfer of intellectual property developed by the university. These provisions are for agreements entered from and after April 30, 2017.

The bill requires each university to calculate amounts received in the prior fiscal year and not include cumulative losses from other fiscal years. Prohibits each university from reducing its required deposits from any agreements due to net income associated with other projects.

Commerce & Public Safety Committee

Senator Steve Smith, Chairman



Grant Hanna, Research Analyst

Jake Agron, Research Analyst

Hannah Dabbs, Intern

COMMERCE & PUBLIC SAFETY COMMITTEE

LEGISLATION ENACTED

provisional licenses; criminal convictions (NOW: DOC; graduated intervention policy; report) (S.B. 1071) – Chapter 236

SEE THE JUDICIARY COMMITTEE.

teenage drivers; communication devices prohibited (S.B. 1080) – Chapter 209

SEE THE TRANSPORTTION & TECHNOLOGY COMMITTEE.

telecommunications service assistance program (S.B. 1093) – Chapter 106

Repeals the Department of Economic Security's responsibility to administer the Telecommunications Service Assistance Program.

outdoor advertising (S.B. 1114) – Chapter 237

Permits up to 35 electronic outdoor advertising signs in select areas of Mohave County. New signs must comply with light output thresholds and minimize the impact of artificial sky glow on observatories.

contractor licensure; requirements; confidential information (S.B. 1116) – Chapter 159

Repeals the Registrar of Contractor's duty to suspend general remodeling and repair contractor licenses based on the lack of workers' compensation coverage. Requires confidentiality of applicant and licensee contact information and modifies payment schedule requirements for residential pool and spa installation contractors.

fallen correctional employees memorial; extension (S.B. 1117) – Chapter 79

Extends the timeframe in which the Arizona Department of Administration is authorized to place a memorial in the Governmental Mall commemorating fallen Arizona Department of Corrections employees from October 1, 2018, to October 1, 2020.

military justice; nonjudicial punishment procedures (S.B. 1118) – Chapter 66

Makes changes to forms of nonjudicial punishment that may be imposed on members of the Arizona National Guard (Guard) by removing the ability of a Guard member to be fined and eliminating detention of pay. Increases, from 14 to 28, the maximum number of drill periods that may be forfeited when nonjudicial punishment is imposed on officers and other personnel as outlined.

COMMERCE & PUBLIC SAFETY COMMITTEE (Cont'd.)

hairstylist licenses; cosmetology (S.B. 1130) – Chapter 12

Beginning January 1, 2018, establishes a hairstylist license under the Board of Cosmetology (Board) permitting hair cutting, styling and dyeing. Applicants must be at least 18 years old or 16 years old with 2 years of high school or high school equivalent, complete a 1,000-hour course and pass a Board examination. Establishes a hairstyling instructor license which requires 350 additional hours of training, and lowers training requirements for cosmetologist and aesthetician instructors to 350 hours. Authorizes operation of hairstyling salons and schools.

employment security; time frames; interest (S.B. 1166) – Chapter 15

Requires 10 percent interest to accrue on unemployment benefit overpayment debts. The Department of Economic Security may waive interest accrued so long as it does not exceed 25 percent of interest on fraudulent debts. Standardizes appeal timeframes and extends the voluntary unemployment contribution deadline for employers by one month.

real estate transfer fees; definition (S.B. 1175) – Chapter 218

Retroactive to July 28, 2010, exempts a 501(c)3 or 501(c)4 nonprofit organization from the prohibition on real estate transfer fees.

alarm industry; fingerprint requirements (S.B. 1186) – Chapter 219

Requires an alarm agent and alarm business controlling person to obtain a valid fingerprint clearance card from the Department of Public Safety. Repeals the Board of Technical Registration's duty to maintain fingerprints and administer background checks. Extends, from two to three years, the validity of alarm business, controlling person and agent certifications.

public safety; supplemental benefits; continuation (S.B. 1190) – Chapter 113

Delays, from October 1, 2017, to October 1, 2025, the repeal of the requirement that public safety employers offer participation in a supplemental benefits plan for public safety employees who are injured while on duty.

Arizona department of housing; continuation. (S.B. 1196) – Chapter 132

Continues the Arizona Department of Housing for eight years, until July 1, 2025, retroactive to July 1, 2017.

real estate appraisal (S.B. 1197) – Chapter 334

Implements oversight of appraisal management companies by the Department of Financial Institutions as required by revisions to Title XI of the Financial Institutions, Reform, Recovery and Enforcement Act. Establishes the Appraisal Subcommittee Fund for remittance of

COMMERCE & PUBLIC SAFETY COMMITTEE (Cont'd.)

National Registry appraiser and appraisal management company fees to the federal Appraisal Subcommittee.

corporation commission; telecommunications; rates (S.B. 1217) – Chapter 81

Allows a telecommunications provider to implement modified rates, terms of service or standards of service 40 calendar days after notifying affected customers and the Arizona Corporation Commission (ACC). The ACC must hold a hearing and determine that the action does not disadvantage the entity in a manner that is not competitively neutral in order to suspend, modify or deny the filing.

housing department; conforming changes (S.B. 1218) – Chapter 335

Authorizes the Arizona Department of Housing to administer duties of the Office of Manufactured Housing and resolve alleged violations of the Arizona Mobile Home Landlord and Tenant Act. Requires the Board of Manufactured Housing to adopt rules for installation and inspection of factory-built buildings. Requires mobile home or factory-built building agents to promptly submit all purchase offers to their client and allows an affidavit of affixture to consummate a sale.

contractors; owners; documents (S.B. 1246) – Chapter 116

Repeals statutory minimum written elements for a contract over \$1,000 that is executed between a contractor and property owner before January 1, 2008.

~~peace officers; investigative interviews; recordings~~ (NOW: law enforcement officers; administrative investigations) (S.B. 1253) – Chapter 260

Applies specified requirements to an administrative investigation of a law enforcement officers use-of-force incident that resulted in a death or serious physical injury to another person if the officer recorded a video of the incident. Under such circumstances, the administrative investigation is not complete until after the officer has had an opportunity to view the recorded video and provide any further information regarding the footage that the officer believes is relevant. Further, the officer must be read a notice containing prescribed components before viewing the recorded video. A law enforcement agency may adopt its own policy or rule that relates to an officer's review of the recorded video.

business entities; omnibus (S.B. 1272) – Chapter 18

Applies the Arizona Electronic Transactions Act definitions of *electronic transmission*, *notice* and *delivery* to filings at the Arizona Corporation Commission. Allows an existing foreign nonprofit corporation to amend its application for authority rather than obtain new authority. A person is civilly liable for authorizing or signing a report, certificate, notice or other document while knowing that the information contained is materially false or misleading.

COMMERCE & PUBLIC SAFETY COMMITTEE (Cont'd.)

Arizona competes fund; microenterprises (S.B. 1292) – Chapter 336

Delays the repeal of the Arizona Competes Fund (Fund) from July 1, 2018 until July 1, 2026. Requires 30 percent of the Fund monies reserved for rural and small business grants, up to \$1,000,000, to be used for grants to support and advance microenterprise development. A *microenterprise* is any business principally based in Arizona that employs 10 or fewer employees.

private vocational program license; exemption (S.B. 1293) – Chapter 206

Exempts from licensure by the Board of Private Postsecondary Education any private instructional program or course that is fewer than 40 contact hours and costs less than \$1,000.

workers' compensation; tiered rate filings (NOW: workers' compensation rates; deviations) (S.B. 1331) – Chapter 267

Allows a workers' compensation insurer to file up to six rate deviations with the Department of Insurance. Each deviation must be supported by actuarial analysis and underwriting criteria that logically distinguish potential risk.

workers' compensation; work search requirements (NOW: workers' compensation; settlement; travel expenses) (S.B. 1332) – Chapter 287

Beginning November 1, 2017, allows a party in a workers' compensation claim to receive a full and final settlement by releasing all or part of an accepted claim for compensation. The Industrial Commission of Arizona must approve all settlements based on the status of the employee's injuries. In cases where the employee is not represented by counsel, an Administrative Law Judge must determine that the settlement is fair and reasonable to the employee.

claimants; residential contractors' recovery fund (S.B. 1475) – Chapter 222

Allows an owner of noncommercial historic property that is harmed by a licensed contractor to recover up to \$30,000 in losses from the Residential Contractors' Recovery Fund. To qualify as a noncommercial historic property, the real property must be listed in the National Register of Historic Places and meet the maintenance standards established by the State Parks Board.

occupational safety and health omnibus (S.B. 1478) – Chapter 147

Exempts model system programs from inspections or investigations by the Division of Occupational Safety and Health (ADOSH), unless action is prompted by a complaint, referral, fatality, catastrophe, nonfatal accident or toxic chemical release. Allows the Industrial Commission of Arizona (ICA) to compel the testimony of witnesses and production of evidence in the course of an inspection or investigation. Transfers administration of boiler inspections from the ICA to special private sector inspectors certified by ADOSH.

COMMERCE & PUBLIC SAFETY COMMITTEE (Cont'd.)

finder fees; apartment tenants (H.B. 2039) – Chapter 23

Repeals the frequency and monetary limits for finder fees provided by a residential property management company to an apartment tenant.

metal dealer licensure; local authority (H.B. 2044) – Chapter 140

Specifies that a city, town or county may license and regulate scrap metal dealers.

liquor; serving age; reduction (H.B. 2047) – Chapter 54

Reduces, from 19 to 18, the minimum age for manufacturing, handling or selling spirituous liquors.

real estate licensing; exception; assistants (NOW: real estate licensing; applicability; exemption) (H.B. 2067) – Chapter 123

Allows an employee of a salesperson or broker licensed by the Department of Real Estate to perform clerical, bookkeeping, accounting and other administrative and support duties without a license.

manufactured homes; real estate transactions (H.B. 2072) – Chapter 25

Allows real estate brokers and salespersons to sell mobile and manufactured homes located in mobile home parks. The realtor must remain compliant with Department of Real Estate requirements.

state fair board; continuation (H.B. 2105) – Chapter 28

Continues the Arizona Exposition and State Fair Board for eight years, until July 1, 2025, retroactive to July 1, 2017.

correctional facilities; community notification (H.B. 2133) – Chapter 314

Requires the Arizona Department of Corrections (ADC), before incurring any obligation for the establishment of a correctional facility or a change of use of a correctional facility, to provide 45 days' written notice to designated recipients. The bill outlines the details that the notice must include and requires ADC to hold a hearing after the 45 days regarding the proposed correctional facility or change of use. Requires ADC to conspicuously post a sign detailing the date, time and location of the hearing on the proposed site for at least 15 days prior to the hearing.

ADC must receive written comments prior to the hearing and oral comments at the hearing. The bill requires ADC to compile all written comments into a report and post the report with the minutes of the hearing on the Department's website within five calendar days of the

COMMERCE & PUBLIC SAFETY COMMITTEE (Cont'd.)

hearing. At least 15 days after the hearing, ADC must make a final site determination for the correctional facility or the change of use.

Defines *correctional facility*, *change of use* and circumstances that qualify as *establishing* a correctional facility. Applies the notice and hearing requirements in the bill to existing ADC processes relating to community correctional centers and private incarceration facilities.

household goods; unlawful moving practices (H.B. 2145) – Chapter 224

Prohibits a household goods mover performing an intrastate move from enforcing a carrier's lien or refusing to unload goods unless the consumer does not tender the total price set forth in the contract. The moving contract must disclose the total estimated price and the extent to which insurance will cover any lost or damaged goods. The Attorney General may investigate violations and prosecute offenders under the Consumer Fraud Act.

tax lien foreclosures; subdivisions; exemption (NOW: tax settlement; Native American veterans) (H.B. 2158) – Chapter 215

Extends the time period for claims to the Veterans' Income Tax Settlement (VITS) Fund to be accepted by the Arizona Department of Veterans' Services from December 31, 2017, to December 31, 2019. Changes the date for withholdings to be eligible for refund from payments that were withheld after July 1, 1993, to payments that were withheld after July 1, 1977. Extends the date that monies remaining in the VITS Fund revert to the state General Fund from June 30, 2019, to June 30, 2021.

workers' compensation; occupational diseases; cancer (NOW: occupational diseases; workers' compensation; presumptions) (H.B. 2161) – Chapter 318

Adds, to conditions presumed to have arisen out of employment, any disease, infirmity or impairment of a firefighter's health caused by: 1) buccal cavity and pharynx cancer; 2) esophagus cancer; 3) kidney cancer; 4) large intestine cancer; 5) lung cancer; 6) malignant myeloma; 7) multiple myeloma; 8) non-Hodgkin's lymphoma; 9) prostate cancer; 10) skin cancer; 11) stomach cancer; or 12) testicular cancer. The firefighter must have received a physical examination reasonably aligned with the National Fire Protection Association Program and the condition must be diagnosed within 15 years from the last date of employment.

The presumption may be rebutted by a preponderance of the evidence that there is a specific cause of cancer other than an occupational exposure to a carcinogen. Compensation for respiratory tract cancer may be denied if exposure to cigarettes or tobacco products outside the scope of employment is a substantial contributing cause of the condition.

mobile home relocation; long-term RVs (H.B. 2176) – Chapter 91

Increases maximum Mobile Home Relocation Fund disbursements from \$5,000 to \$7,500 for a single section mobile home and from \$10,000 to \$12,500 for a multi-section mobile home. Extends mobile home tenant rights, landlord obligations and relief eligibility to recreational

COMMERCE & PUBLIC SAFETY COMMITTEE (Cont'd.)

vehicles (RVs) when relocation is required due to a change in use or community age restriction. Allows individual relief disbursements of up to \$4,000 for a displaced RV owner. Establishes obligations for a person who inherits a mobile home.

community notification; form of notice (H.B. 2200) – Chapter 135

Allows a law enforcement agency to meet requirements for community notification of registered sex offenders electronically instead of through dissemination of flyers. Electronic notification is limited to agencies that have established an electronic notification process and to those persons who affirmatively choose to receive community notification electronically.

endowed-care cemeteries; unitrusts (H.B. 2203) – Chapter 32

Allows a cemetery fund trustee to convert a fund into a total return unitrust or express total return unitrust. The trustee must exercise the judgement of a prudent investor to safely preserve capital and expend funds solely for the care of plots, burial spaces and surrounding areas.

alcohol; drug monitoring program; establishment (NOW: corrections; treatment programs; annual report) (H.B. 2211) – Chapter 33

Requires the Arizona Department of Corrections to submit an annual report on drug and alcohol treatment programs available to offenders in Arizona and outlines what information must be contained in the report.

registration exemptions; securities (NOW: operations; employees; home-based business) (H.B. 2233) – Chapter 228

Prohibits a county from enforcing an ordinance that prevents a home-based business from: 1) generating reasonable traffic, parking and delivery activity; 2) having multiple clients on the premise at one time; and 3) employing any resident and immediate family member plus two additional people.

occupational licensing; military members (H.B. 2271) – Chapter 39

Deems the education, training or experience requirements for an occupational license, certificate or registration completely or partially satisfied, as determined by the regulating entity, if the applicant received substantially equivalent education, training or experience as a member of the U.S. Armed Forces or any national guard. Requires a regulating entity to work with the Arizona Department of Veterans' Services to access the applicant's military background information. Exempts regulating entities from rulemaking for one year for the purpose of determining eligibility criteria.

COMMERCE & PUBLIC SAFETY COMMITTEE (Cont'd.)

provisional licenses; criminal convictions. (H.B. 2290) – Chapter 230

Permits an occupational licensing authority to issue a standard or provisional license to an otherwise qualified applicant who was convicted of an offense. An applicant on community supervision, probation or parole must provide the supervising officer's contact information to the licensing authority. Persons convicted of violent or sexual crimes and occupations requiring contact with vulnerable individuals are precluded from eligibility.

security guard training instructors; certification (H.B. 2319) – Chapter 252

Establishes registration certificates for security guard training instructors and firearms safety training instructors under the Department of Public Safety (DPS). Requires all training of armed and unarmed security guards to be conducted by registered instructors. Instructor applicants must be at least 18 years old, pass a background screening and complete the training requirements established by DPS.

franchises; mark owners; employment relationships (H.B. 2322) – Chapter 40

Stipulates that a franchisor is not an employer of a franchisee or franchisee's employee and that a trademark owner is not an employer of a licensee or licensee's employee. A franchisor or trademark owner may elect to assume the role of employer or co-employer through written attestation.

liquor omnibus (H.B. 2337) – Chapter 168

Licensing – Requires the Department of Liquor Licenses and Control (DLLC), until January 1, 2022, to issue a new beer and wine bar license in a county for each population increase of 5,000 people rather every 10,000 people. Limits per person entries into the new license random selection process to the number available for issuance. Shortens the license protest period, from the later of 60 days after an application is filed or 15 days after action by a local governing body, to the shorter of these timeframes. Exempts restaurant licensees from audits in the first three months of operation.

Craft Distillers – Allows all craft distillers to ship directly to consumers by removing gallonage cap requirements. Increases, from 75 to 150, the number of days per year a craft distillery may operate with a festival license. Festivals occurring fully within a licensed location or the craft distiller's existing premises are exempt from local governing body approval requirements. Allows a craft distiller to operate a second remote tasting room and share a common area with another remote tasting room that is located on a separate premise.

Acquisition of Control – Prohibits a local governing body from charging multiple fees for a single acquisition of control. A local governing body may no longer protest an acquisition of control but may provide a recommendation to the DLLC. The DLLC Director must provide notice of how the governing body may examine the results of the acquisition of control investigation free of charge.

COMMERCE & PUBLIC SAFETY COMMITTEE (Cont'd.)

Special Events – Allows a physical location to host special events up to 30 days a year. Club licensees are limited to 12 special events a year where attendees are not guests of club members. Special events licensees may conduct a wine or distilled spirits pull of up to 50 bottles at each event and may retain a special events contactor to assist in selling and serving spirituous liquor. The DLLC may adopt rules regulating special events contractors and must maintain a list of eligible contractors. At the conclusion of the event, the licensee has one business day to return unbroken packages of liquor to the appropriate wholesaler or off-sale licensee.

State Liquor Board (Board) – Increases the number of Board members who may be from the same county from two to three. Allows Board members who possess a license to represent themselves before the Board once their term ends.

national guard; deployment; professional licenses (H.B. 2341) – Chapter 62

Exempts a license, certificate or registration of a member of any National Guard from expiration while the member is serving on federal active duty instead of limiting the exemption to only Arizona National Guard members.

dog racing; conforming changes (H.B. 2358) – Chapter 41

Repeals the requirement that the Department of Gaming must regulate dog racing. Live dog racing was prohibited in Arizona beginning January 1, 2017.

~~wireless facilities; collocation; rights-of-way~~ (NOW: wireless facilities; rights-of-way) (H.B. 2365) – Chapter 124

Requires cities, towns and counties to establish rates, fees and terms for the installation and operation of utility poles or monopoles and collocation of wireless or small wireless facilities in rights-of-way. Collocation of small wireless facilities in rights-of-way and utility poles under certain height thresholds are exempt from zoning review and entitled to approval unless the application does not satisfy design, concealment, spacing or public safety requirements.

Allows wireless providers to batch up to 25 applications for access to city and town rights-of-way and caps application fees at \$100 for each of the first five facilities and \$50 for each additional facility. Allows wireless providers to batch up to 35 applications for access to county rights-of-way and caps application fees at \$100 for each of the first five facilities and \$65 for each additional facility. Annual access rates for small wireless facilities are capped at \$50 for city collocations and \$20 for collocations on county utility poles.

Projects must be completed within 180 days after permit issuance unless an extension is provided or delay results from a lack of available commercial power. Agreements must have a 10-year minimum duration and be renewable for an equivalent duration.

COMMERCE & PUBLIC SAFETY COMMITTEE (Cont'd.)

withholding of wages; school employees (NOW: school employees; payment of wages) (H.B. 2370) – Chapter 200

Beginning July 1, 2018, repeals an exemption that allows school districts to withhold wages during their normal two-week payroll processing cycle. School districts must instead remit employee compensation within seven business days after the end of the most recent pay period. An employee's salary may be prorated into equal payments.

schools; illegal substances; notification (H.B. 2395) – Chapter 324

SEE THE EDUCATION COMMITTEE.

workers' compensation; firefighters; heart-related cases (H.B. 2410) – Chapter 325

Establishes the presumption that heart-related, perivascular and pulmonary injuries, illnesses or death among firefighters are occupational diseases deemed to arise out of employment if the firefighter: 1) passed a physical examination before employment that did not indicate evidence of heart-related, perivascular or pulmonary injury or illness; 2) received a physical examination reasonably aligned with the National Fire Protection Association Program; and 3) suffered a cardiac injury, illness or death with 24 hours after a reasonably related exposure to a known event.

The presumption may be rebutted by a preponderance of the evidence that there is a specific cause of the heart-related, perivascular and pulmonary injury, illness or death other than employment. The presumption is negated if there is evidence that exposure to cigarettes or tobacco products outside the scope of employment was a substantial contributing cause of the heart-related, perivascular and pulmonary injury, illness or death.

signatures; electronic transactions; blockchain technology (H.B. 2417) – Chapter 97

Recognizes a signature, record or contract that is secured through blockchain technology is in an electronic form and valid. The legislation also establishes the validity and enforceability of smart contracts in commerce and stipulates the rights of ownership or use of information remain the same. Applies blockchain provisions to the Uniform Commercial Code for sales, leases and documents of title.

private postsecondary institutions; peace officers (H.B. 2472) – Chapter 203

SEE THE EDUCATION COMMITTEE.

workers' compensation; employee definition; notice. (NOW: land subdividers; notice; certificate; exemption) (H.B. 2482) – Chapter 298

Allows a subdivider to use a certificate of assured water supply issued to a previous owner of real property if: 1) the plat has not changed; 2) the certificate has not been revoked; 3) water service is available to each lot within the subdivided land; 4) all activation and

COMMERCE & PUBLIC SAFETY COMMITTEE (Cont'd.)

replenishment reserve fees have been paid; and 5) the plat has been submitted to a qualified platting authority. The Department of Water Resources must post a list of all revoked and pending certificates on its website.

concurrent criminal jurisdiction; Goldwater range (H.B. 2535) – Chapter 100

Repeals the December 1, 2017, sunset date for the authorization of concurrent criminal jurisdiction with the federal government that applies to the Barry M. Goldwater Range.

LEGISLATION VETOED

industrial hemp; licensing (S.B. 1337) – VETOED

Authorizes a pilot program for the production, processing and manufacturing of industrial hemp by licensed growers and processors. Industrial hemp is the cannabis sativa plant with a delta-9 tetrahydrocannabinol (THC) concentration of less than 0.3 percent on a dry weight basis. To be licensed, a grower or processor must apply to the Department of Agriculture (Department) within nine months of the general effective date. Applicants must pass a criminal records check and obtain a valid controlled substance registration from the Drug Enforcement Administration. The bill allows the Department to physically inspect an industrial hemp site to ensure compliance, collect samples for analysis by the State Agricultural Laboratory and destroy crops that exceed THC limits.

The Governor indicates in his veto message that the bill lacks funding for the Department to properly implement a new program of this kind.

Education Committee

Senator Sylvia Allen, Chairman



Catcher Baden, Research Analyst

Brianne Fisher, Intern

EDUCATION COMMITTEE

LEGISLATION ENACTED

teachers; professional development; pilot program (S.B. 1038) – Chapter 284

Appropriates \$300,000 from the state General Fund in FY 2018 to establish a high-quality teacher development pilot program under the Arizona Department of Education. The program provides certified public school teachers grants and scholarships of up to \$2,000 each to obtain professional development from a postsecondary institution in order to gain additional credentials or certifications in math, science, technology, engineering or career and technical education. Establishes applicant requirements and terminates the pilot program on July 1, 2020.

Arizona teachers; student loan program (S.B. 1040) – Chapter 244 E

An emergency measure, effective May 2, 2017, that continues the Arizona Teacher Student Loan Program (Program) until July 1, 2025, and modifies eligibility for the Program and the disbursement of Program monies. Specifically, the legislation removes from Program eligibility individuals who teach elementary education in a geographic area that is experiencing a teacher shortage and instead makes individuals eligible who provide instruction at a public school that is low-income, rural or located on an Indian reservation. Allocates at least 40 percent of Program monies to teachers at public schools that are low-income, rural or located on an Indian reservation and allocates the remaining 60 percent to teachers who provide instruction in math, science or special education.

teacher certification; reciprocity (S.B. 1042) – Chapter 245

Certification – Issues educator certifications for at least 12 years and directs the State Board of Education (SBE) to revise its rules to eliminate provisional certificates.

Subject Matter Expert Standard Teaching Certificate (SME Certificate) – Creates the SME Certificate and allows an individual to obtain this certificate if he or she has relevant postsecondary teaching experience, a directly related baccalaureate or higher degree, or five years of work experience in a relevant content area. Individuals who qualify for an SME Certificate are exempt from the subject knowledge proficiency requirements and the U.S. and Arizona Constitution competency requirements. With the exception of individuals who qualify under the postsecondary teaching experience criteria, these individuals are required to demonstrate professional knowledge proficiency within two years. After two years the certificate is temporarily suspended; however, the individual may correct the deficiency until the certificate expires.

Proficiency Examination – Exempts a person from the subject knowledge portion of the proficiency examination if the person: 1) has taught relevant courses for the last two years and for a total of three years at a postsecondary institution; 2) has either a baccalaureate, master's or doctoral degree in a subject that is relevant to the content area; or 3) demonstrates expertise through five years of work experience in a relevant content area. Exempts a person from

EDUCATION COMMITTEE (Cont'd.)

proficiency examination requirements if the person passed corresponding portions of the proficiency examination in another state or has been a full-time teacher for at least three years in the same area.

Alternative Preparation Programs – Requires the rules for alternative preparation programs to be substantially different and less restrictive than those for traditional preparation programs. Directs SBE to approve alternative preparation programs that meet certain criteria for at least five years.

Classroom-Based Preparation Program – Allows a school district or charter school to apply to SBE for the authority to approve the certification of teachers as a Classroom-Based Preparation Program Provider. Outlines the requirements for the programs and applicants. Allows emergency certificate holders and intern certificate holders to participate in Classroom-Based Preparation Programs until the 2020-2021 school year. After the 2020-2021 school year, the legislation allows any teaching candidate that holds a bachelor's degree and a valid fingerprint clearance card to participate.

Miscellaneous – Makes various changes to teacher certification reciprocity and clarifies charter school teachers are not required to meet additional requirements than those currently outlined in statute and as prescribed by federal law. Requires SBE to submit draft rules concerning alternative preparation programs and certification to the chairpersons of the Senate and House Education Committees and the Governor by November 15, 2017.

experienced teachers; certification renewal (S.B. 1057) – Chapter 20

Allows a teaching certificate to be renewed at least 2 years but not more than 10 years after that certificate expires without any other requirements adopted by the State Board of Education or the Arizona Department of Education. In order to qualify for this certificate, a person must: 1) be in good standing; 2) have at least 10 years of full-time experience in this state in the area the person is seeking renewal; and 3) possess a valid fingerprint clearance card.

schools; statewide assessment (S.B. 1098) – Chapter 137 E

An emergency measure, effective April 4, 2017, that delays implementation of the Menu of Assessments (Menu) as follows: 1) for high schools, from the 2017-2018 school year to the 2018-2019 school year; and 2) for grades three through eight, from the 2018-2019 school year to the 2019-2020 school year. Additionally, the legislation automatically adds certain assessments to the Menu if they are in use by local education agencies (LEAs) and are not on the Menu by March 1, 2018. Requires the State Board of Education (SBE) to notify LEAs of the approved Menu options by May 1 of each year. Prohibits SBE from adopting rules other than those required by statute and removes the limitation on *D* and *F* schools prohibiting them from selecting an assessment from the Menu. If LEAs select an assessment from the Menu, the legislation requires the LEAs to provide the necessary accommodations for English language learners and as required by a student's Individualized Education Plan. Finally, the legislation requires assessment providers to demonstrate scores can be scaled, rather than equated, for state accountability purposes.

EDUCATION COMMITTEE (Cont'd.)

school safety program (S.B. 1099) – Chapter 158 E

An emergency measure, effective April 17, 2017, that repeals the School Safety Program Oversight Committee and shifts its responsibilities to the State Board of Education (SBE) and the Arizona Department of Education (ADE). Additionally, the legislation requires school districts and charter schools to indicate if the school district or charter school has already participated in the School Safety Program (Program) and to include certain information on its most recent grant. Directs ADE to evaluate the effectiveness of the Program and annually report on the participants and activities of the Program to the Legislature and the Governor. Requires the Office of the Auditor General to include the Program in its sunset review process and terminates the Program on July 1, 2025.

schools; K-3 reading program (S.B. 1131) – Chapter 67

Allows the State Board of Education (SBE) to set a cut score for pupils who do not demonstrate sufficient reading skills on the statewide assessment. Adds to the list of retention exemptions pupils who have demonstrated or subsequently demonstrate proficiency of sufficient progress towards proficiency in reading through a collection of assessments approved by SBE. Requires schools to offer more than one, rather than at least one, of the intervention and remedial strategies and modifies two of the intervention strategies. The legislation requires schools to provide specific written notification to parents of pupils that are reading below grade level in grades K-3 and requires schools to submit reading plans by July 1, rather than October 1.

Directs the Arizona Department of Education (ADE) to develop implementation guidance for schools to assist in administering K-3 reading program plans and to prioritize supports and interventions for schools that have the highest percentage of pupils who do not demonstrate sufficient reading skills. Requires ADE to submit an annual report that includes data on the K-3 Reading Program and also requires ADE to deposit any monies received for offering reading trainings or professional development into the Department of Education Professional Development Revolving Fund.

Concerning the statewide assessment, the legislation requires the testing vendor to deliver test scores and assessment data by May 15 for the reading portions of the statewide assessment and by May 25 for all other portions of the statewide assessment. Similarly, the legislation requires ADE and SBE to set testing windows to ensure the scores are received by the dates described above.

~~high school students; course time~~ (NOW: average daily membership; high schools) (S.B. 1156) – Chapter 333

Includes the total number of hours a high school student is scheduled to attend a high school during the *regular school day* when calculating a high school student's average daily membership. Defines *regular school day* and contains an applicability clause that states the legislation applies to new or not yet completed audits and shall not be used for budget corrections.

EDUCATION COMMITTEE (Cont'd.)

high school textbooks; review period (S.B. 1204) – Chapter 204

Prior to the final approval of high school textbooks, requires school district governing boards to do the following: 1) provide information on the district's website on the proposed textbooks for each course; 2) provide an opportunity for public comment for at least 60 days; and 3) make proposed textbooks available for review at the district office for at least 60 days.

teachers; short-term certificates; dismissals (S.B. 1206) – Chapter 69

Allows school districts to dismiss teachers holding a teaching intern certificate, an emergency teaching certificate or another type of nonstandard teaching certificate that is valid for up to one year without following statutory dismissal procedures. Requires school districts to include its authority to dismiss teachers pursuant to this legislation in each teacher's contract.

schools; admissions; desegregation (S.B. 1254) – Chapter 146

Removes procedures prohibiting a school district or charter school from including transfer students in its student count if the receiving school district or charter school received notice from the sending school that the student's transfer would violate a court order of desegregation or an Office for Civil Rights agreement.

private vocational program license; exemption (S.B. 1293) – Chapter 206

SEE THE COMMERCE & PUBLIC SAFETY COMMITTEE.

schools; student data privacy (S.B. 1314) – Chapter 180

Establishes prohibitions and requirements for third parties concerning the use, protection and disclosure of student data. Operators are prohibited from the following: 1) engaging in targeted advertising if it is based on information acquired through the operators' service with schools; 2) using information gathered through the operators' service with schools to amass a profile except in the furtherance of school purposes; 3) selling or renting a student's information with exceptions; and 4) knowingly disclosing or using covered information, which includes personally identifiable information, unless the disclosure is for specified purposes.

Requires operators to: 1) have reasonable security procedures; 2) delete information when requested; and 3) provide prominent notice before making changes to their privacy policies. Directs local education agencies to adopt policies regarding the use of technology and the use of internet at school.

Outlines exceptions to the requirements and prohibitions of the legislation. Deems violations of these prohibitions and requirements as an unlawful practice under consumer fraud statutes and allows the Attorney General to investigate and take appropriate action.

EDUCATION COMMITTEE (Cont'd.)

schools; specially designed instruction (S.B. 1317) – Chapter 337

Allows specially designed instruction to be delivered in a variety of educational settings by certified general education teachers if the instruction is in accordance with the student's individualized education program and if certified special education personnel are involved in the planning, progress monitoring and, when appropriate, the delivery of specially designed instruction. Directs the State Board of Education (SBE) to immediately begin the process of drafting new rules in accordance with the outlined requirements and to adopt the new rules by November 15, 2017. Prior to the final adoption of the rules, requires SBE to submit proposed draft rules to the Governor and chairpersons of the Senate and House Education Committees.

schools; elections; ballot arguments; exclusion (S.B. 1405) – Chapter 246

Requires the ballot arguments for proposed budget overrides and bond elections provided by a governing board to be signed as the board without listing any member's individual name.

empowerment scholarships; expansion; phase-in (S.B. 1431/H.B. 2394) – Chapter 139

Expansion and Enrollment Cap – Phases-in expansion of the Empowerment Scholarship Account (ESA) Program from a limited group of students to all students in the following grades: 1) in the 2017-2018 school year, students in kindergarten and grades 1, 6 and 9; 2) in the 2018-2019 school year, students in kindergarten and in grades 2, 7 and 10; 3) in the 2019-2020 school year, students in kindergarten and grades 3, 8 and 11; and 4) in the 2020-2021 school year, students in kindergarten and grades 4, 5 and 12. Extends the temporary 0.5 percent enrollment cap through 2022 and beginning in FY 2023, caps enrollment at the 2021-2022 school year level.

Testing and Public Data – Requires ESA students in grades 3 through 12 who attend a private school to take a qualifying examination and requires the private school to report the test results to the parent. Private schools that enroll at least 50 ESA students and that administer any of the qualifying exams are required annually to make available aggregate test scores of all students to the public on request or on the school's website. Exempts students with a disability from the examination requirement. Requires the Arizona Department of Education (ADE) to post, and update monthly, information and data on its website that includes ESA expenditures, the number of enrolled students and any other information pertinent to promoting transparency and accountability.

Low-Income Students – Funds students determined to be *low-income* at 100 percent of the base support level and additional assistance based on whether the student previously attended a school district or charter school. Defines *low-income* as a child who is or was a ward of the juvenile court or a child who is a dependent of a family whose federal adjusted gross income does not exceed 250 percent of the federal poverty guidelines. Transfers one percent of the five percent of ESA funding retained by ADE to the Department of Revenue (DOR) for administration. Establishes processes, procedures and requirements for ADE and DOR concerning low-income ESA students.

EDUCATION COMMITTEE (Cont'd.)

Miscellaneous – Bases the additional assistance portion of ESA funding on whether the student previously attended a charter school or school district. Modifies the additional eligibility criteria to require students to attend a public school for 100 days in the prior fiscal year, rather than the *first* 100 days in the prior fiscal year. Deems a child as eligible to enroll in a kindergarten program if the child is at least four but under seven years of age. Modifies the application process and establishes additional requirements for ADE concerning applications and the distribution of ESA monies. Replaces procedures implemented by Laws 2016, Chapter 112 that permit students with a disability to remain on the ESA Program until 22 years of age under certain circumstances with procedures that permit all ESA students to remain on the ESA Program until the students graduate, obtain a general equivalency diploma or reach 22 years of age under certain circumstances. Establishes an ESA Review Council. Requires ADE to develop and publish a policy handbook by July 1 of each year. Removes the Coverdell Education Savings Accounts as a qualifying ESA expense.

higher education; budget reconciliation; 2017-2018 (S.B. 1528/H.B. 2543) – Chapter 310

SEE THE APPROPRIATIONS COMMITTEE.

schools; concurrent enrollment (H.B. 2078) – Chapter 155

Retroactive to July 1, 2010, modifies requirements concerning the calculation of Average Daily Membership (ADM) for concurrent coursework. Specifically, the legislation removes the requirement for the course to meet for at least 40 hours a semester and instead requires a student to earn at least three hours of credit per semester. In order to be considered concurrent coursework, requires schools to pay the community college or university for the tuition cost of the concurrent coursework or reimburse the student for the tuition cost. The legislation also specifies that the instructional hours provided by the community college or university is included in the student's ADM and that the concurrent courses are not required to meet 123 hours a year in order to be considered a subject.

garnishment; continuing lien; school employee (H.B. 2106) – Chapter 90

SEE THE JUDICIARY COMMITTEE.

schools; nonresident pupils; military duty (H.B. 2107) – Chapter 56

Requires local education agencies to accept electronic enrollment and course registration for students whose parents are transferring or pending transfer to a military installation. Requires these parents to provide the school proof of residency within 10 days after arrival if the student enrolled electronically.

education; conforming changes (H.B. 2108) – Chapter 210

Retroactive to July 1, 2013, requires the Arizona Department of Education to reimburse Casa Grande Union High School District (CGUHSD) for students subsequently determined to be

EDUCATION COMMITTEE (Cont'd.)

eligible for state aid and directs CGUHSD to remit the state aid reimbursement to individuals who paid tuition for a student who was subsequently determined to be eligible for state aid.

Makes technical and conforming changes as a result of Laws 2016, Chapter 331.

schools; children's camps; sunscreen use (H.B. 2134) – Chapter 193

Allows children who attend a public school, child care facility, child care group home or children's camp to use sunscreen without a note or prescription from a physician.

schools; certification; discipline; reciprocity (H.B. 2163) – Chapter 57

Establishes reciprocal discipline for persons holding or seeking an educator certificate in this state. Specifically, the legislation honors final adjudications or judgements in other jurisdictions that determine a certified person engaged in immoral or unprofessional conduct and requires an applicant who has been disciplined in another jurisdiction for immoral or unprofessional conduct to successfully complete the disciplinary process in that jurisdiction before applying for certification in this state. Allows the State Board of Education to prohibit a person from applying for certification for up to five years if he or she was denied certification on the grounds of immoral or unprofessional conduct, rather than automatically barring these persons from applying for certification for five years.

schools; dyslexia; handbook; definition (H.B. 2202) – Chapter 194

Allows the Arizona Department of Education, subject to review and approval by the State Board of Education, to develop and maintain a handbook that provides guidance for students, parents and teachers regarding dyslexia. Redefines the statutory definition of *dyslexia*.

~~inhalers; administration; schools; authorized entities (NOW: inhaler administration; schools)~~ (H.B. 2208) – Chapter 58

SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

school capital finance revisions (H.B. 2219) – Chapter 320

Allows a school district to use any legally available monies to pay for the land or new construction for school districts that are approved for funding from the New School Facilities Fund. The legislation then allows a school district to reimburse themselves with legislative appropriations when they are made available. Requires the School Facilities Board (SFB) to approve or deny an adjacent ways project that costs greater than \$50,000 within 60 days of receiving the project proposal.

Concerning legal disputes, the legislation allows school districts to use the proceeds from a legal dispute to reimburse SFB under certain circumstances. Removes specific school district reports to SFB and utilizes average daily membership through the first 100 days in session rather than the most recent 100th day when determining minimum square footage requirements.

EDUCATION COMMITTEE (Cont'd.)

JTEDs; courses and programs; approval (H.B. 2229) – Chapter 279

Modifies Joint Technical Education District (JTED) course and program requirements established in Laws 2016, Chapter 4. Allows JTED credits to be awarded for any career and technical education (CTE) course. Exempts community college courses from the requirement for a majority of instructional time to be conducted in a laboratory, field-based or work-based learning environment. Requires specialized materials, in addition to specialized equipment, to satisfy the requirement for instruction that exceeds the cost of a standard educational course. Allows JTED programs to lead to entry-level employment and career readiness where relevant certification or licensure does not exist in the appropriate industry.

Specifies the CTE Division of the Arizona Department of Education (ADE) determines whether a satellite JTED course or program meets statutory requirements. States school districts are not prohibited from offering any CTE courses that do not qualify for funding as a JTED course or program. Includes postsecondary enrollment rates and military service rates in JTEDs' performance indicators. Requires an applicable school district to submit a report concerning its maintenance of effort and halts funding for JTED courses and programs in the current year, rather than in the preceding year, if the courses and programs do not meet statutory requirements as determined by ADE during its five year reviews beginning in 2020.

school bus drivers; fingerprint cards (H.B. 2247) – Chapter 196

SEE THE JUDICIARY COMMITTEE.

JTEDs; adults (H.B. 2248) – Chapter 37

Allows Joint Technical Education Districts (JTEDs) to offer vocational education programs to adult students in order to participate in federal student financial aid programs. Allows any person to file a complaint with the State Board of Vocational Education regarding an alleged violation by a JTED of federal or state law.

postsecondary education; veterans; transfer credits (H.B. 2270) – Chapter 293

Requires community colleges and the Arizona Board of Regents to develop policies to award current or former U.S. military members vocational credit and to notify military members of the opportunity to utilize their military education and training for academic and vocational credits.

ASU; consolidation of budget units (H.B. 2311) – Chapter 199

Eliminates separate line item budget units for Arizona State University's (ASU) West and East campuses in the General Appropriations Act. Requires ASU to annually report specified information for each of its campuses.

EDUCATION COMMITTEE (Cont'd.)

school district leases; duration (H.B. 2353) – Chapter 176

Increases, from less than 10 years to less than 15 years, the maximum number of years a school district may enter into leases or lease-purchase agreements without voter approval.

~~withholding of wages; school employees~~ (NOW: school employees; payment of wages) (H.B. 2370) – Chapter 200

SEE THE COMMERCE & PUBLIC SAFETY COMMITTEE.

schools; accounting budgeting; reporting (H.B. 2385) – Chapter 211

Beginning in FY 2021, requires school report cards and annual financial reports to include school level budget information and specifies the contents of the budget information. Directs the Office of the Auditor General to facilitate a process with schools to identify the most efficient and transparent methods and formats for reporting this information by FY 2021.

private postsecondary education grants (H.B. 2388) – Chapter 243

Establishes the Private Postsecondary Education Grant (PPEG) Program and PPEG Fund to provide grants to students at private postsecondary institutions and outlines eligibility requirements. The PPEG Program and Fund are administered by the Commission for Postsecondary Education and the PPEG Program is terminated on July 1, 2027.

governmental entities; diplomas; transcripts; recognition. (H.B. 2389) – Chapter 169

Requires governmental entities to treat diplomas and transcripts obtained at a school district, charter school, private school or homeschool equally while allowing school districts to evaluate transcripts of transfer students pursuant to existing statute in order to assign credit.

schools; illegal substances; notification (H.B. 2395) – Chapter 324

Requires school districts and charter schools to report to the Arizona Department of Education (ADE) the number of suspensions and expulsions that involve the possession, use and sale of an illegal substance. Directs ADE to compile and post this material annually on its website and to ensure that it does not include personally identifiable information.

Allows school districts and charter schools that provide high school instruction to establish a college and career readiness program (Program) for at-risk students. Requires participating schools to provide at least nine months of academic support and instruction on workplace skills, leadership and civic duty. Students in the Program are required to perform volunteer activities or community service and must continue to participate in the Program 12 months after graduating high school. Allows ADE to select a private entity to administer the Program and includes reporting requirements. Terminates the Program on July 1, 2027.

EDUCATION COMMITTEE (Cont'd.)

ASDB revisions (H.B. 2396) – Chapter 63

Removes certain statutory qualifications for the Arizona Schools for the Deaf and Blind (ASDB) Superintendent and instead allows the ASDB Board (Board) to determine the qualifications for Superintendent while considering if the candidate has experience in the education or administration of students who are deaf or blind and if the candidate has a clear understanding of, and expertise in, education issues facing deaf and blind students and related issues.

Removes the requirement for the Superintendent to file a written report to the Board concerning the actions and reasons for discharging a probationary teacher. Decreases, from three years to one year, the preferred right of reappointment for permanent employees dismissed for reasons of economy or to improve the efficiency of the school. Removes the second set of background check fingerprints required for certified personnel employed by the school.

in-state tuition; veterans (H.B. 2415) – Chapter 157 E

An emergency measure, effective April 17, 2017, that modifies eligibility requirements for veterans to receive in-state tuition at community colleges and universities in order to comply with federal law. Specifically, the legislation adds new categories of eligibility for in-state tuition including individuals using transferred Post-9/11 G.I. Bill benefits while on active duty and individuals using the Marine Gunnery Sergeant John David Fry scholarship. States that additional persons may become eligible for in-state tuition if federal law expands eligibility requirements.

school district governing boards; qualifications (H.B. 2416) – Chapter 202

Establishes additional prohibitions for relatives eligible to serve on school district governing boards (boards). Prohibits any third-party contractor and their spouse from serving or running for a seat on a board for the school district they provide classified or certified services to. For five-member boards located in Pima or Maricopa County with a student count of at least 250 students, the legislation prohibits three or more individuals related to the third degree from simultaneously running or serving on the board. Directs all board candidates to disclose on the county school superintendent's website any relationships that exist between the candidates and current board members or other candidates for the board.

university infrastructure capital financing; appropriations. (H.B. 2547/S.B. 1532) – Chapter 328

SEE THE APPROPRIATIONS COMMITTEE.

K-12 education; budget reconciliation; 2017-2018. (H.B. 2545/S.B. 1530) – Chapter 304

SEE THE APPROPRIATIONS COMMITTEE.

EDUCATION COMMITTEE (Cont'd.)

rural STEM program; tax credits (H.B. 2457) – Chapter 302

Establishes the Rural STEM Program Fund (Program) to support science, technology, engineering and math programs in rural public schools. Directs the Arizona Department of Education (ADE) to administer the Program and to establish a process, subject to review and approval by the State Board of Education, for rural schools to apply for grants. Requires participating schools to annually report to ADE by June 30 on student outcomes and how Program monies were spent. Requires ADE to aggregate and annually report this information to the Legislature and the Governor by November 15.

private postsecondary institutions; peace officers (H.B. 2472) – Chapter 203

Allows private postsecondary institution peace officers to use county courts and jails. Additionally, allows private postsecondary institution peace officers to exercise law enforcement powers beyond the property of the private postsecondary institution if working in the furtherance of a bona fide criminal investigation and in conjunction and concurrent with any and all law enforcement-related processes, action or activities, including transporting and booking arrested persons.

LEGISLATION VETOED

charter schools; rulemaking exemption (S.B. 1036) – VETOED

Provides a rulemaking exemption for the State Board for Charter Schools (Board) that exempts the Board from rulemaking requirements relating to the publication of agency rules, rulemaking procedures, Attorney General review and review by the Governor's Regulatory Review Council (GRRC). Requires the Board to adopt policies or rules that include notice requirements and at least two opportunities for public comment on proposed rules.

Establishes a process allowing an individual to petition the State Board of Education or the Board to object to a rule or policy adopted within the last year that is not in compliance with state law, outside the intent of state law or has unintended consequences. Allows GRRC to invalidate or make recommendations to rules or policies after following the outlined process.

The Governor indicates in his veto message that while he supports providing the Board exemption from rulemaking, the additional requirements of the bill are onerous.

~~technical correction; health services; fees (NOW: teacher; principal; evaluation instrument) (S.B. 1209) – VETOED~~

Reduces, from between 33 percent and 50 percent to between 20 percent and 40 percent, the degree to which quantitative data on student academic progress accounts for the outcomes of teacher and principal evaluations. Requires the quantitative data to be valid and reliable and directly attributable to the teacher being evaluated. The legislation requires teacher observations to account for the remaining 60 to 80 percent of teacher evaluations. Students who are not enrolled for a full academic year may be excluded from the academic progress data.

EDUCATION COMMITTEE (Cont'd.)

The legislation prohibits quantitative data from the statewide assessment from being included in the evaluation for teachers who do not instruct in content areas tested by the statewide assessment. For teachers who do instruct in areas tested by the statewide assessment, the legislation states quantitative data is not required to be included. School districts and charter schools are permitted to determine the portion of quantitative data that is associated with the statewide assessment and requires it to include multiple measures of student academic progress.

Concerning the Classroom Site Fund, the legislation defines *employment-related expenses* and requires these expenses to be directly attributable to increased compensation based on performance. Finally, the legislation allows school districts to choose at least 4 of 10 additional statutory elements to include in performance based compensation systems, rather than requiring all 10.

The Governor indicates in his veto message that the bill diminishes the impact and focus of improving student academic outcomes as a measurement of quality teaching and learning.

school-sponsored media; student journalists (S.B. 1384) – VETOED

Allows a student journalist at a high school, community college or university to exercise freedom of speech and freedom of the press in school-sponsored media with exceptions. Exempts public schools, community colleges and universities from liability for any expression made or published by a student in school-sponsored media.

Concerning public schools, the legislation allows a public school to restrain the distribution of content in school-sponsored media for any of the outlined reasons but places the burden of proof on the public school. Additionally, requires public schools to adopt a written policy that includes written content standards and a student journalist code of ethics and prohibits lewd and obscene content.

The Governor indicates in his veto message that the bill could create unintended consequences, especially on high school campuses where adult supervision and mentoring is most important.

Finance Committee

Senator David Farnsworth, Chairman



Fareed Bailey, Research Analyst

Zachary Dean, Assistant Research Analyst

Emily Bonner, Intern

FINANCE COMMITTEE

LEGISLATION ENACTED

ASRS; optional retirement benefits; overpayment (S.B. 1052) – Chapter 104

Allows the Arizona State Retirement System (ASRS) to withhold an overpayment amount plus any required income tax withholding from a partial lump sum payment.

ASRS; board powers (S.B. 1053) – Chapter 105

Current law allows the Arizona State Retirement System (ASRS) to delegate a committee of the ASRS Board to act on its behalf for the purposes of determining rights, benefits or obligations of any person and afford any person dissatisfied with the determination with a hearing. S.B. 1053 allows the ASRS Board to determine rights and benefits of long term disability and transfer members, in addition to retirement benefits.

property tax oversight commission; continuation (S.B. 1062) – Chapter 65

Continues the Property Tax Oversight Commission for eight years until July 1, 2025, retroactive to July 1, 2017.

~~technical correction; payment method~~ (NOW: PSPRS; risk pool) (S.B. 1063) – Chapter 235 E

An emergency measure, May 1, 2017, that establishes the Public Safety Employer Risk Pool (Pool) for employees hired on or after July 1, 2017 (Tier 3), consisting of any Public Safety Personnel Retirement System (PSPRS) employer of an eligible group that has 250 or fewer active members who were hired before July 1, 2017. It precludes participation in the Pool for any employer that has more than 250 active members in any eligible group who were hired before July 1, 2017.

Allows an Indian tribe that has elected to participate in PSPRS to opt out of the Pool before January 1, 2018, and allows a tribe that is newly participating in PSPRS 90 days after date of participation to elect to opt out of the Pool. The bill requires participation by other eligible groups.

If any individual employer in the Pool experiences a deviation in reported active member payroll of greater than 20 percent of the average of all participating employers in the pool in a 24-month period, the bill requires a PSPRS actuary to prepare a financial impact report to determine whether the deviation creates an increased or decreased unfunded liability within the Pool. The responsible employer shall pay into PSPRS, within 60 days, 100 percent of the cost of the increase in unfunded liability. The bill includes Tier 3 contribution requirements for employers and members within and outside the Pool.

Establishes the Retiree Pool Account for the purpose of sharing the actuarial liability attributable to uncontrollable costs for the employers of Tier 3 members, and requires transfer of

FINANCE COMMITTEE (Cont'd.)

an amount equal to the actuarial present value of future benefit payments from the employer's account to the Retiree Pool Account. The bill requires that the Retiree Pool Account remain 100 percent funded, and requires transfer of amounts necessary from investment savings to or from the account to maintain the account at 100 percent.

mutual holding company reorganization (S.B. 1081) – Chapter 9

Allows domestic and foreign mutual insurers to reorganize into a mutual holding company structure by creating a parent mutual holding company and converting the mutual insurer into a converted stock insurer subsidiary of the mutual holding company. Requires a plan of reorganization (plan) to receive approval from the Director of the Arizona Department of Insurance (Director) and at least a two-thirds vote from eligible members. Outlines plan content requirements. Specifies what documents must be filed with the Director by the converting mutual insurer. Requires the reorganization to be carried out on the effective date that is proposed in the plan.

PSPRS; retirement benefit calculation (S.B. 1115) – Chapter 266

Allows a Public Safety Personnel Retirement System (PSPRS) member, who was hired after January 1, 2012, and before July 1, 2017, to retire after 15 years of credited service, with a reduced graded multiplier.

~~retail TPT; bad debt deduction~~ (NOW: tax authorization; consolidated election dates) (S.B. 1152) – Chapter 332

Beginning January 1, 2018, requires county or municipal elections to authorize the assessment of a transaction privilege tax to be held only on the first Tuesday after the first Monday in November of an even-numbered year.

~~insurance; definition; fire protection services~~ (NOW: insurance; forms; fire protection services) (S.B. 1215) – Chapter 70

Allows any portion of a property insurance policy that contains wildfire protection services conducted by a private entity to be issued without approval from the Director of the Arizona Department of Insurance (Director). A property insurance policy that contains wildfire protection services conducted by a private entity is required to contain a conspicuously stamped or written notice that states the policy is not subject to review by the Director.

securities; registration exemptions (S.B. 1287) – Chapter 118

Decreases the duration after a securities sale for exemption from resale limitations under the Arizona Securities Act. Allows all cash that is paid for securities sold pursuant the crowdfunding exemption to be deposited into a single escrow account that is maintained by an escrow agent licensed by the Arizona Department of Financial Institutions. Limits the crowdfunding exemption to issuers of securities that are Arizona residents.

FINANCE COMMITTEE (Cont'd.)

internal revenue code conformity (S.B. 1290) – Chapter 2

Updates the statutory definition of *Internal Revenue Code* to include all federal provisions in effect as of January 1, 2017.

tax correction act of 2017 (S.B. 1291) – Chapter 178

Corrects errors and obsolete language, addresses blending problems and provides clarifying changes to state tax statutes as follows:

Tobacco Products – Clarifies that members and owners of tobacco distributor licenses are subject to licensure requirements. Clarifies that a tobacco distributor licensee must notify the Arizona Department of Revenue (DOR) of any change in membership, legal entity status or ownership of more than 50 percent of the total ownership interest in a single transaction within 30 days after the change occurs. Clarifies that a tobacco distributor license is subject to revocation by DOR if conditions of licensure are not maintained. Clarifies that the use of a single business location by multiple tobacco distributor licensees is prohibited. Allows for voluntary reporting and payment of tax on tobacco products that are considered contraband. Clarifies that a vehicle may not be used as a place of business for the sale, transfer or distribution of tobacco products.

Tax Deductions – Conforms the language under the use tax deduction statutes for the purchase of livestock and poultry feed, salts, vitamins and other additives to the language under the retail transaction privilege tax deduction statutes. Adds a conforming use tax deduction for the purchase of machinery, equipment, materials and other tangible personal property used to construct a qualified environmental technology manufacturing, producing or processing facility. Codifies current DOR rules pertaining to optional standard deductions, credit for income taxes paid to other states and credit for income taxes paid by nonresidents. Clarifies the definition of *net income tax* under sections of statute pertaining to credit for income taxes paid to other states and credit for income taxes paid by nonresidents.

Model City Tax Code – Allows DOR to submit language to the Municipal Tax Code Commission for the purpose of describing, defining, deleting, adding or otherwise modifying taxable activities, exemptions, administrative procedures or regulations relating to the Model City Tax Code.

Miscellaneous – Makes technical changes to sections of statute pertaining to determining limited property value in cases of omissions and changes and valuing property of manufacturers, assemblers or fabricators. Specifies that withholding of lottery prize winnings applies to individuals. Clarifies DOR notice requirements for certified school tuition organizations that fail to meet or violate applicable statutory requirements. Removes obsolete language pertaining to payment of estimated tax, additions to Arizona gross income and subtractions from Arizona gross income.

FINANCE COMMITTEE (Cont'd.)

telecommunications; broadband; accelerated depreciation (S.B. 1326) – Chapter 220

Beginning January 1, 2018, requires the Arizona Department of Revenue (DOR) to apply additional depreciation to personal property defined as qualifying broadband infrastructure. Requires additional depreciation values to be computed as 25 percent above scheduled depreciation in the first tax year of assessment, increasing cumulatively by 16 percent annually through the fifth tax year of assessment. Requires scheduled depreciation to resume for the sixth tax year of assessment onward. Prohibits personal property from being depreciated past 2.5 percent of the original cost of the property. Defines *qualifying broadband infrastructure* as cables, telecommunications equipment or other tangible personal property capable of being used for or in connection with the transmission of data at a rate that is at least equal to four megabits per second in at least one direction, including multiplexers, routers, servers, fiber optics, coaxial cables and equipment supporting the transmission function first placed in service on or after January 1, 2017.

fire districts; pension fund; transfer (S.B. 1330) – Chapter 272

Allows certain fire districts to transfer excess premium tax monies to the Public Safety Personnel Retirement System (PSPRS) for the purpose of paying any past, present or future service costs of the district. The bill allows excess monies to be transferred in a lump sum, in installments or in any other manner allowed by PSPRS. It also allows a fire district to apply the excess monies to an alternate pension and benefit plan.

foster children; motor vehicle insurance (S.B. 1341) – Chapter 263

Allows a minor who is at least 16 years of age (minor) and a foster child or a participant in an independent living program to contract for motor vehicle insurance, provided that the minor: 1) completes a driver education program; and 2) is deemed competent to exercise all the rights and powers afforded to persons of legal age under any motor vehicle insurance.

misused transportation excise tax; repayment (S.B. 1379) – Chapter 274

Requires a jurisdiction that misuses transportation excise tax revenues for purposes other than streets, highways and transportation projects to repay the full amount of the misused monies as a lump sum or through consecutive annual payments of at least 10 percent of the full amount each fiscal year.

~~revitalization districts; county participation~~ (NOW: quality jobs incentives; tax credits) (S.B. 1416) – Chapter 340

Prime Contracting – Beginning January 1, 2018, requires a county or municipality to commit 100 percent of its share of prime contracting Transaction Privilege Tax (TPT) to the construction of public infrastructure improvements that benefit a manufacturing facility. Prime contracting TPT revenues used for public infrastructure improvements must be distributed once 10 percent of the qualifying capital investment has been invested in the project. Requires a

FINANCE COMMITTEE (Cont'd.)

manufacturing facility to enter into a written agreement with the county or municipality, and file a sworn certification with the Arizona Commerce Authority (ACA).

Quality Jobs Tax Credit – Extends the Quality Jobs Tax Credit from July 1, 2017, through July 1, 2025. Allows a business to qualify for the credit with a smaller minimum capital investment provided that the business pays employees a higher predetermined percentage of the county median wage.

Class 6 Property – Allows Class 6 real and personal property located within a foreign trade zone or a military reuse zone to be assessed with additional depreciation values. The property must have been acquired during or after Taxable Year (TY) 2017 and initially classified during or after TY 2018.

Research and Development Tax Credit – Extends the current rate of Research and Development tax credits through TY 2022, after which the credits will be reduced to the original rates.

Qualified Facilities Tax Credit – Clarifies that a taxpayer may claim all five annual installments of the Qualified Facilities Tax Credit after the credit sunsets on January 1, 2023, provided the ACA preapproved the credit before the termination date.

Fractional Aircraft – Exempts the sale of aircraft from TPT and use tax provided that the aircraft will be entered into a fractional ownership agreement meeting Federal Aviation Administration standards.

insurers; health providers; claims mediation (NOW: insurers; health providers; claims arbitration) (S.B. 1441) – Chapter 190

Beginning January 1, 2019, creates a process by which an enrollee of a health insurance plan who receives a *surprise out-of-network bill* (bill) may seek dispute resolution. The dispute resolution process consists of an informal settlement teleconference (teleconference) between the enrollee, the healthcare insurer (insurer) and the healthcare provider (provider), followed by an independent arbitration if no settlement to the disputed bill is reached. An enrollee may seek dispute resolution if: 1) the enrollee has received the bill; 2) the enrollee has resolved any existing healthcare appeal against the insurer following the insurer's initial adjudication of the claim; and 3) the amount for which the enrollee is responsible, after deduction of their cost sharing requirements and the insurer's allowable reimbursement, is at least \$1,000.

The Arizona Department of Insurance (DOI) must develop a simple, fair, efficient and cost-effective arbitration procedure for resolving bill disputes. DOI may contract with one or more entities in order to provide qualified arbitrators for this purpose. To qualify as an arbitrator, a person must possess at least three years of experience in health care services claims and comply with any other qualifications established by DOI. In an effort to settle the bill prior to arbitration, DOI must arrange the teleconference within 30 days of receiving the enrollee's request for arbitration and notify the insurer and provider regarding the request. The participating parties must notify DOI of the teleconference results.

FINANCE COMMITTEE (Cont'd.)

Upon receiving notice that the bill dispute has not been settled or that a party has failed to participate in the teleconference, DOI must appoint an arbitrator and notify the parties of the arbitration and the appointed arbitrator. The following must occur prior to arbitration: 1) the enrollee has paid or has made arrangements in writing to pay the provider the total amount of the enrollee's cost sharing due for the billed services; 2) the enrollee has paid any amount received from the enrollee's insurer as payment for the out-of-network services that were rendered by the provider; and 3) if the insurer pays for out-of-network services directly to a provider, then the insurer has remitted its payment for such services to the provider.

The arbitration must be conducted within 120 days after DOI's notice of arbitration. The arbitrator must issue a final decision within 10 days following the arbitration hearing and provide a copy of the decision to the participating parties. Requires the insurer to remit its portion of the payment resulting from either the teleconference or the amount awarded by the arbitrator within 30 days of dispute resolution. Limits enrollee payment responsibility to only the amount of the enrollee's cost sharing requirements and any amount received by the enrollee from its insurer as payment for out-of-network services rendered by the provider. A provider is prohibited from issuing any additional balance bill to the enrollee for services that were subject to the teleconference or arbitration.

~~corrections officer retirement plan; modifications~~ (NOW: modifications; corrections officer retirement plan) (S.B. 1442) – Chapter 163

Requires participation in the Public Safety Personnel Defined Contribution (DC) Retirement Plan for an employee of a Corrections Officer Retirement Plan employer who is hired on or after July 1, 2018 (described as Tier 3 employees). The bill requires a seven percent employee contribution rate, but the employee may elect as low as five percent or as high as the IRS limit. That rate is an irrevocable election.

The employer contribution rate is five percent and employer contributions are vested at 25 percent in year 1, 50 percent in year 2 and 100 percent in year 3.

Tier 3 employees would receive an equivalent disability and death benefit as those choosing the defined benefit (DB) option. Employers would pay a small normal cost amount into a separate plan to fund this benefit.

Tier 3 probation and surveillance officers are given the option of staying with the DB plan or moving to a DC plan. The probation and surveillance officers default to the DB plan if no choice is made. For these Tier 3 employees there is a multiplier that starts with 1.25 percent for 10 years of service that increases by steps to 2.25 percent for 25+ years of service. The cost of living allowance (COLA) replicates that passed by the voters for the Public Safety Personnel Retirement System (PSPRS) in 2016, based on the regional Consumer Price Index (CPI) with a cap of 2 percent. That decreases depending on funded status of the plan, and there is no COLA issued in a year when the funded ratio falls below 70 percent. This COLA begins the first calendar year after the retiree reaches the seventh anniversary of retirement or at age 60.

FINANCE COMMITTEE (Cont'd.)

The Tier 3 normal cost split is 33 percent by the employer and 67 percent by the employee and the Tier 3 unfunded liability split is 50 percent by the employer and 50 percent by the employee. The employee's pensionable pay cap is \$70,000, and normal retirement age increases to 55, with an actuarially reduced benefit at 52.5 years of age.

Changes to current employees and retirees would involve a constitutional amendment to change the permanent benefit increase to a compounded COLA, replicating 2016's PSPRS provisions. S.C.R. 1023 was transmitted to the Secretary of State on April 27, 2017, regarding the referral of this election.

state treasurer; public monies; procedures (S.B. 1448) – Chapter 277

SEE THE GOVERNMENT COMMITTEE.

road improvement districts; financing (S.B. 1453) – Chapter 341

Caps the duration for payment of road improvement bonds at 10 years. Allows a county board of supervisors to order a county to pay part of the preliminary costs of a road improvement district.

county improvement districts; assessment; contribution (S.B. 1454) – Chapter 342

Allows the board of directors of a county improvement district (District) to assess and levy taxes related to the preliminary incidental costs of a District through a per parcel assessment. If a per parcel basis is used for the tax assessment, the taxes must be levied equally among each affected parcel. A property owner liable for payment of the tax may elect to pay the tax in a lump sum, or over a period of not more than 10 years. Extends the authority to levy taxes on a per parcel basis to both new and existing Districts. Specifies additional District funding avenues.

revisions; community facilities districts (S.B. 1480) – Chapter 208

Requires the governing body of a municipality or county to hold a public hearing within 60 days from the receipt of a petition signed by the owners of at least 25 percent of the land owners to consider the application for the formation of a community facilities district (District). After the public hearing the governing body of the municipality or county must identify changes required for application approval. Counties may consider proximity to existing infrastructure, cities or towns, planning and growth areas and current levels of service during their review processes. A District board must be comprised of the municipal governing body plus two nonvoting members nominated by the largest landholder in the proposed District and appointed by the governing body. District formation application fees are capped at \$15,000. Requires formed Districts to maintain a website and searchable database and to provide disclosure statements regarding the benefits and obligations to the potential buyers within the District. Stipulates requirements for the acceptance of a discrete section of public infrastructure and prohibits the governing body from requiring the petitioner of the District to increase the

FINANCE COMMITTEE (Cont'd.)

infrastructure elements, debt limit, tax rate or duration of the District beyond limits set forth in the petition submitted for District formation.

revenues; budget reconciliation; 2017-2018 (S.B. 1531/H.B. 2546) – Chapter 312

SEE THE APPROPRIATIONS COMMITTEE.

bonds; levy; net of cash (H.B. 2011) – Chapter 212

Caps a bond levy at the net of all cash in excess of 10 percent of the annual payments of principal and interest in the current fiscal year from the previous year remaining in a combined interest and redemption fund or separate interest and redemption funds. Allows the governing body or board of a political subdivision that has cash reserves in excess of 10 percent in its interest and redemption fund in FY 2018 to reduce the excess reserves in equal amounts in FYs 2018 and 2019. Allows a city with a population of 500,000 or more persons to reduce its excess reserves in FYs 2018 through 2023.

legal tender exchange; tax effect (H.B. 2014) – Chapter 316

Beginning in Taxable Year 2018, requires any net capital loss derived from the exchange of one kind of legal tender for another to be added to individual and corporate Arizona gross income (gross income). Any net capital gain received from the exchange of one kind of legal tender for another may be subtracted from individual and corporate gross income.

limited line crop insurance (H.B. 2052) – Chapter 88

Allows a resident insurance producer that meets all statutory requirements to qualify for a license in a crop line of authority. Requires an applicant for a producer license with authority in limited line crop insurance to pass an exam.

~~internal revenue code; full conformity~~ (NOW: municipal jet fuel; excise tax) (H.B. 2064) – Chapter 50

Caps municipal taxation of purchased jet fuel at 10 million gallons annually per purchaser and requires affirmative exemption in tax levies and measures. Beginning December 1, 2017, revenues generated by each public airport are required to be segregated in separate accounts. The accounts must be designated for the expenditure of capital or operating costs of the airport, airport system or other local airport facilities that are: 1) owned or operated by the municipality; and 2) directly and substantially related to air transportation of passengers or property.

insurance taxes; installments; electronic filing (H.B. 2069) – Chapter 153

Beginning January 1, 2018, increases the amount of tax liability an insurer must accrue, from \$2,000 to \$50,000, before being required to pay monthly installments. Caps the penalty for an insurer's failure to pay taxes at the greater of \$25 or five percent of the amount due plus

FINANCE COMMITTEE (Cont'd.)

interest. Any late payment of a tax or interest caused by a third-party shall not result in the accrual of a penalty. Allows the Director of the Arizona Department of Insurance (Director) to require the following to be submitted electronically: 1) reports and payments related to premium taxes; and 2) tax reports related to Arizona Health Care Cost Containment System contractors. If electronic submissions are required, the Director must include a list of acceptable third-party services on the Arizona Department of Insurance's website that can submit reports on payments.

life settlement contracts; broker licenses (H.B. 2070) – Chapter 150

Eliminates the four-year licensure renewal requirement for a life settlement contract broker (broker) and implements a license expiration date coinciding with the expiration date of a producer's life line of authority. Allows the Director of the Arizona Department of Insurance (Director) to require applicants for a provider certificate of authority to fully disclose the identity of partners, officers and employees. Expands the requirements for what an applicant must submit to the Director in the case of new or revised information.

government deposits; investment; financial institutions (H.B. 2073) – Chapter 26

Expands the number of government entities allowed to invest funds in an eligible depository. Allows trust companies' liquid capital to include deposits to a single depository where excess deposit insurance is provided through a reciprocal bank deposit arrangement.

tax lien foreclosures; subdivisions; exemption (NOW: tax settlement; Native American veterans) (H.B. 2158) – Chapter 215

SEE THE COMMERCE & PUBLIC SAFETY COMMITTEE.

annuity transactions; training requirements (H.B. 2160) – Chapter 226

Beginning January 1, 2018, requires an insurance producer with a life insurance line of authority (producer) to complete a onetime four credit hour training course before selling, soliciting or negotiating an annuity. The course must meet continuing education requirements outlined in statute. Outlines topics that the annuity training course must include, as well as certain other requirements and prohibitions. Insurers must verify that a producer has completed the training course before allowing the producer to sell annuities.

ASRS; return to work (H.B. 2166) – Chapter 227

Requires an employer to pay the alternate contribution rate on behalf of a retired member who returns to work with an Arizona State Retirement System employer in any capacity in a position ordinarily filled by an employee of the employer or in a position that is similar in duties and responsibilities to that of a position ordinarily filled by an employee of the employer.

FINANCE COMMITTEE (Cont'd.)

ASRS; contributions; adjustments (H.B. 2167) – Chapter 291

Provides Internal Revenue Code conformity with Arizona State Retirement System (ASRS) statutes by: 1) allowing an employer to collect back contributions from ASRS when it has paid more than the required amount; and 2) allowing an employee to correct an error when an employer either failed to remit contributions or did not remit enough in contributions to ASRS.

Stipulates that a member who previously received a return of contributions may only receive an adjustment of employer contributions that occurred after the member's most recent membership.

ASRS; reinstatement; contribution amount (H.B. 2168) – Chapter 292

Allows an Arizona State Retirement System (ASRS) member, upon reinstatement to state service, to redeposit contributions that ASRS paid, rather than those the member received, at the time of the member's separation from service.

disability insurance; service coverage (H.B. 2189) – Chapter 31

Excludes disability income from the requirement for a disability, group or blanket disability insurance policy to cover lawful services provided by a healthcare provider to an insured regardless of their familial relationship.

~~child support; administrative order; enforcement~~ (NOW: angel investor; tax credit cap) (H.B. 2191) – Chapter 319

Allows the Arizona Commerce Authority to authorize an additional \$10 million in tax credits for qualified investments made in qualified small businesses. Credits may be authorized at a maximum of \$2.5 million each fiscal year from June 30, 2017, through June 30, 2021.

GPLET reform; K-12 taxes (H.B. 2213) – Chapter 120

Subjects a lease on government property that was entered into within 10 years of an authorizing development agreement, ordinance or resolution approved by the governing body of a government lessor before June 1, 2010, to the original *government property lease excise tax* (GPLET) rates, provided that the lease was deemed compliant by the Arizona Department of Revenue (DOR).

Requires a government lessor to either maintain a public database by a county, city and town, as applicable, or post its lease agreements on a county, city or town website where the government property improvement is located. Requires the government lessor to submit a current link to the public database to DOR and notify DOR when the database no longer contains any active leases. Requires DOR to place links to all government lessor databases with active leases on its website.

FINANCE COMMITTEE (Cont'd.)

Requires the government lessor to calculate the excise tax for each prime lessee. Imposes a 16 percent delinquency interest rate on untimely GPLET payments.

Restricts the lease period for a government property for which the GPLET is abated to eight years, regardless of whether the lease is transferred or conveyed to subsequent prime lessees during that period. Exempts leases or development agreements for the lease of government property from the lease period restriction if either of the following occurred before January 1, 2017: 1) a corresponding resolution, ordinance or submitted request for proposal for the lease or intent to lease such property was approved by the governing body of the government lessor; or 2) a proposal was submitted to the government lessor in response to a request for proposals.

Requires the government lessor to convey the title to the government property and the underlying land to the current prime lessee within 12 months of the expiration of the lease, unless the parcel is controlled by an airport subject to federal regulation or by the local federal transit authority. Prohibits classification of the conveyed government property as Class Six property or any other discounted assessment, regardless of its location or condition.

income tax subtraction; ADA retrofits (H.B. 2214) – Chapter 278

Allows individuals and corporations to subtract eligible Americans with Disabilities Act (ADA) business access expenditures from Arizona gross income for the taxable year in which the expenses are incurred. Eligible business access expenditures include all expenditures recognized under the Internal Revenue Code. In order to qualify for the tax subtraction, an investment must retrofit a developed real property that began service at least 10 years before the current taxable year. Stipulates that an investment made by a taxpayer to rectify a cited violation for ADA noncompliance is ineligible for the tax subtraction.

commercial cancellation; notice; unearned premium (H.B. 2232) – Chapter 195

Allows, rather than requires, a refund of any unearned premium to accompany an insurance policy cancellation notice. If a notice and a refund are mailed separately, both must still be mailed within 45 days before the effective date of cancellation, or 10 days before in cases of nonpayment. Specifies that the return of any unearned premium on a cancelled policy that has been financed is subject to statutory requirements.

~~registration exemptions; securities~~ (NOW: operations; employees; home-based business) (H.B. 2233) – Chapter 228

SEE THE COMMERCE AND PUBLIC SAFETY COMMITTEE.

captive insurance; fund (H.B. 2267) – Chapter 281

Increases the amount of unencumbered monies that remain in the Captive Insurance Regulatory and Supervision Fund from \$100,000 to \$200,000.

FINANCE COMMITTEE (Cont'd.)

insurance; fees; insurance producers (H.B. 2279) – Chapter 251

Clarifies that statutory regulations relating to permissible fee assessments for services not customarily provided in the transaction of insurance apply only to insurance producers, and not insurers. Stipulates that an insurance producer may only charge disclosed fees agreed to in writing by the insured that do not duplicate or increase any fee already included in an insurer's rate filing, but may charge and collect fees included in an insurer's rate filing. Modifies the civil penalty for noncompliance when charging such fees. Removes the requirement that the Director of the Arizona Department of Insurance (DOI) determine which fees are customarily provided in insurance transactions and the associated filing requirements. Insurance producers are prohibited from charging or receiving fees connected to life, annuity or long-term care insurance, and fee restrictions do not apply to brokers transacting surplus lines insurance. Requires DOI to compile a comparison of fees and premiums charged at policy inception, and transmit the information to the Department of Transportation.

department of revenue; electronic filing (H.B. 2280) – Chapter 60

Requires all taxes, except individual income tax, to be paid electronically pursuant to a specified schedule. Requires transaction privilege tax (TPT) returns to be filed using an electronic filing program established by the Arizona Department of Revenue (DOR) pursuant to the same schedule. Allows a taxpayer to apply to DOR for a waiver from payment of their tax liability through electronic means and allows DOR to grant the waiver and to renew it if certain criteria are met.

Requires an individual income tax preparer who prepares more than 10 timely filed original income tax returns during any taxable year beginning January 1, 2018, to file all individual tax returns prepared electronically for that taxable year and each subsequent taxable year. Prohibits the individual tax preparer from charging a separate fee to the taxpayer for filing a return using the DOR electronic filing program.

Expands the existing tax credit for accounting and reporting expenses by allowing a tax credit of 1.2 percent of the amount of tax due, not to exceed \$12,000, for a taxpayer who files using an electronic filing program established by DOR. Prohibits claiming the increased credit amount if the taxpayer fails to file electronically for any taxable period during the calendar year and requires DOR to recapture any disallowed credit amounts claimed.

Assesses a penalty of 4.5 percent of the tax required to be shown on the return, or \$25, whichever is greater, on a taxpayer that fails to make and file a return for a TPT or local excise tax on or before the due date of the return or the due date as extended by DOR. Increases the DOR bad check fee.

truth in taxation; increase; notice (H.B. 2286) – Chapter 198

Requires a notice of a tax increase for a Truth in Taxation (TNT) hearing to state the tax effect on a \$100,000 home before and after the tax, rather than state the amount of the tax increase. Requires the governing body of a political subdivision to mail TNT notices to the

FINANCE COMMITTEE (Cont'd.)

Property Tax Oversight Commission (Commission). The notice, serving as a statement of publication, must include the roll call vote of the motion to levy a tax increase. Requires the Commission to review secondary property tax levies for certain taxing districts in order to identify violations. Provides these taxing districts with the same abilities as others relating to violation appeals. Requires a county assessor to transmit the total assessed values of these taxing districts to the Commission.

fire districts; creation; merger; consolidation (H.B. 2326) – Chapter 46

Adds requirements and specifications to notices of fire district (district) merger and consolidation election hearings. Prohibits a county board of supervisors (BOS) from calling a merger or consolidation of the same districts more than once every two years and specifies that all districts involved in an election are liable for the reimbursement of election expenses. Requires consent of any single taxpayer, owning 30 or more percent of assessed valuation affected by an election, prior to the election. Upon consent of all affected taxpayers, a merger or consolidation may be reached through unanimous consent of each district board of directors (BOD). Provides alternate routes of pursuing a merger or consolidation if taxpayer or BOD consent is not obtained. Adds specifications to BOS district impact statement submissions. Requires the review of a proposed district creation or boundary change by the BOS with the most affected assessed valuation. Specifies that a proposed annexation that surrounds an unincorporated territory is permissible only if the territory is a noncontiguous fire island. Permits the organizing board of a new district to consist of five individuals instead of three.

agricultural land; fallowing; property tax (H.B. 2366) – Chapter 232

Allows an irrigation district to verify, through an official certification to the county assessor, confirmation of a temporary reduction or transfer of water used for agricultural use in the farm unit. Limits certification to land located within an irrigation district in a county with a population of less than 900,000 persons.

insurance; advertising; filing requirements (H.B. 2386) – Chapter 152

Exempts certain content from classification as advertising matter and sales material that is subject to filing requirements with the Arizona Department of Insurance (DOI), including: 1) materials designed to increase public awareness regarding an insurer without reference to specific insurer products or benefits offered; 2) educational materials designed to increase consumer health insurance literacy; and 3) other materials and advertisements specified by DOI, either in rule or by exemption order. Allows the Director of DOI to exempt advertisements from filing requirements.

corporate status change; nontaxable event (NOW: corporations; nontaxable event; status change) (H.B. 2438) – Chapter 127

Allows a C corporation, an S corporation, a limited liability company, a partnership or any other similar corporate entity to transition organizational structures without tax assessment, provided there is no change in the organization's owners, ownership interests or assets.

FINANCE COMMITTEE (Cont'd.)

bonding; amortized premium; segregated fund (H.B. 2452) – Chapter 99

Requires any net premium for a general obligation bond (bond) to be amortized for all debt limitation purposes on a pro rata basis each year by multiplying the net premium used by a percentage equal to the percentage of the total principal amount of the bond issue that matures in that year. Specifies that all bonds are secured by a lien on tax revenues, arising automatically without any action or authorization by a political subdivision, its governing body or board. Specifies that the lien is valid and binding from the time of bond issuance with all revenues received pursuant to a tax levy being immediately subject to the lien.

Requires any amounts levied for debt service on bonds payable from a secondary tax to: 1) be considered special revenues of the governing body or board; 2) be kept in a special, segregated fund; and 3) not be used for any other purposes.

EORP; PSPRS; CORP; modifications (H.B. 2485) – Chapter 269 E

An emergency measure, effective May 3, 2017, that contains changes to all three systems within the Public Safety Personnel Retirement System (PSPRS). Many of these changes are in compliance with the Internal Revenue Code where amendments are often required to retain PSPRS's qualified status. Substantive changes include:

- Allowing a PSPRS employer to make a one-time election to request that the Board use a closed period of not more than 30 years if certain requirements are met.
- Covering catastrophic disabilities and line-of-duty deaths in the first 90 days.
- Requiring deferred retirement option plan (DROP) members to move any rollover monies into the new defined contribution (DC) plan.
- Specifying that PSPRS need not stop pension payments to a retired member during a period of reemployment if the retired member accepts a job assignment as an accommodation pursuant to the American Disabilities Act (ADA).
- Allowing for retirees who purchase health insurance through a welfare benefit trust to continue to be eligible for the available subsidy.
- Requiring that participant advice and counseling for a PSPRS DC plan participant be administered by a federally registered investment advisor, and allows the DC plan to include not less than 5 and not more than 25 predetermined investment portfolio options.
- Specifying that if a participant dies before completing 10 years of service, the employer contributions are immediately fully vested.
- Establishing that a death benefit for an EORP and PSPRS DC surviving spouse or eligible child is equal to a PSPRS member benefit, reduced by an amount equal to the monthly annuitized value of the annuity account.

prepaid legal insurance; capital requirements (H.B. 2498) – Chapter 326

Lowers, from \$600,000 to \$50,000, the amount of capital that must be maintained by a compliant prepaid legal insurance applicant providing firearm legal services exclusively.

spay and neuter; tax checkoff. (H.B. 2523) – Chapter 172

SEE THE TRANSPORTATION & TECHNOLOGY COMMITTEE.

FINANCE COMMITTEE (Cont'd.)

index exemptions; unused tax credits (H.B. 2528) – Chapter 299

Beginning January 1, 2018, requires the Arizona Department of Revenue (DOR) to terminate any tax credit that is unclaimed or not allowed to a taxpayer in any consecutive four-year period. Upon termination of a tax credit, DOR must issue a public announcement of the termination, notify the Legislature and prepare technical tax correction legislation to be enacted in the next regular session. If the Legislature fails to pass the recommended legislation, DOR must rescind the termination of the credit. In cases involving a tax credit that is subject to preapproval by the Arizona Commerce Authority (ACA), the credit may only be terminated if DOR has not received a preapproval notice of any credit from the ACA, and the credit has remained unclaimed or not allowed to a taxpayer in any consecutive four-year period.

Repeals tax credits for the following: 1) domestic stock life and disability insurer premiums; 2) military reuse zones; 3) renewable energy industries; 4) renewable energy investment and production for self-consumption; 5) solar liquid fuel; and 6) solar water heater plumbing stub outs and electric vehicle recharge outlets. Stipulates any remaining carryforward for these tax credits is not affected by the repeal. Directs Legislative Council to prepare conforming legislation relating to the repeal of these credits for consideration in the Fifty-third Legislature, Second Regular Session.

Requires DOR to increase personal income tax exemptions in Taxable Year (TY) 2017 and TY 2018 by: 1) \$50 for single individuals; 2) \$100 for a head of household or married couple; and 3) \$150 for a married couple who claim at least one dependent. Requires DOR to index personal income tax exemptions according to inflation for TY 2019 onward.

LEGISLATION VETOED

state retirement; waiting period; repeal (H.B. 2169) – VETOED

Repeals statute that prohibits a state employee from becoming a member of any state retirement system before the 27th week of employment.

The Governor indicates in his veto message that he is concerned about the fiscal impact this legislation would have on the state General Fund.

TPT; aircraft; fractional ownership (H.B. 2533) – VETOED

Exempts aircraft entered into a fractional ownership program meeting Federal Aviation Administration regulations from Transaction Privilege Tax and use tax.

The Governor indicates in his veto message that as a new tax exemption, the bill would likely have fiscal implications for the state budget and should have been discussed within the context of other revenue and spending priorities.

Government Committee

Senator John Kavanagh, Chairman



Robin Hillyard, Research Analyst
Zachary Dean, Assistant Research Analyst
Jordan Neubauer, Intern

GOVERNMENT COMMITTEE

LEGISLATION ENACTED

reviser's technical corrections; 2017 (S.B. 1010) – Chapter 76

Makes annual non-substantive technical reviser's corrections to correct defective or conflicting statutory text from the previous session's legislative enactments.

governor's regulatory review council; continuation (S.B. 1016) – Chapter 101

Continues the Governor's Regulatory Review Council for eight years, until July 1, 2025, retroactive to July 1, 2017.

expedited rulemaking (S.B. 1055) – Chapter 185

Amends conditions in which state agencies may conduct expedited rulemaking and prohibits a final expedited rule that is substantially different from the proposed rule from being submitted to the Governor's Regulatory Review Council (GRRC). Stipulates that approved rules are effective immediately upon filing the notice of final expedited rulemaking and GRRC's certificate of approval with the Secretary of State instead of 30 days after filing. Requires both the agency and GRRC to post notice of the proposed expedited rulemaking on their website.

municipal codes; publication; online (S.B. 1056) – Chapter 144

Adds online electronic reproduction to the definition of *published* as it pertains to municipal codes.

repeal; regional attraction districts (S.B. 1058) – Chapter 7

Repeals provisions relating to regional attraction districts and makes conforming changes.

homeowners' associations; dispute process (S.B. 1060) – Chapter 77

Makes technical changes regarding the transfer of the administrative hearing dispute resolution process to the Arizona Department of Real Estate for unit owners' associations and homeowners' associations.

personal property transfer; limitations prohibited (S.B. 1122) – Chapter 238

Prohibits a city, town, county and the state from requiring that the owner of any personal property search or facilitate the search of any federal or state databases or involve a third party as a condition of a private sale, gift, donation or other transfer of personal property.

GOVERNMENT COMMITTEE (Cont'd.)

state contract lobbyists; prohibition (S.B. 1123) – Chapter 145

Prohibits any state agency, office, department, board or commission from contracting with an entity for lobbying services and prohibits spending on lobbying unless the person is directly employed by a state governmental unit and lobbying is part of the employee's job description. Exempts governmental units headed by an elected official or exempt from the Arizona Procurement Code from these prohibitions.

vendor; payment by warrant; fee (S.B. 1137) – Chapter 239

Allows the Director of the Arizona Department of Administration to establish by rule and collect a fee on warrants issued to vendors for payment for materials, services or construction to the state. The fees must be deposited into the state General Fund.

encumbrance documents; exceptions (S.B. 1138) – Chapter 109

Raises the limit for expenses eligible to be paid without prior submittal of encumbrance documents from \$1,000 to \$5,000. Allows reimbursements to employees for travel or other expenses incurred, eligibility payments and required non-discretionary payments to be issued without prior submittal of encumbrance documents.

~~courthouse security; fund~~ (NOW: improvement districts; retention; detention basins) (S.B. 1161) – Chapter 300

Allows municipalities to establish improvement districts for the sole purpose of operation, maintenance, repair and improvements of a retention and detention basin.

Arizona procurement code; amendments (S.B. 1164) – Chapter 111

Requires the Director of the Arizona Department of Administration to establish specifications based on national standards for procurement of energy consumptive materials and eliminates cashier's checks as an acceptable form of bid security.

fire districts; electronic funds transfers (S.B. 1176) – Chapter 16

Allows the chairman of the board of directors of a fire district, including a noncontiguous county island fire district, to draw funds from the county treasurer via substitute checks or electronic funds transfers. Requires fire districts to record any substitute checks or electronic funds transfers in its monthly financial reports.

political parties; notice; meetings (S.B. 1191) – Chapter 241

Requires a district party committee, upon the first meeting after a general election or legislative district boundary change, to elect state committeemen. Specifies that if no legislative district committee exists for a district within a particular county, the county committee is required to elect the state committeemen. Requires the chairman of a legislative district or county committee to provide notice of meetings to each precinct committeeman by U.S. mail at least 10

GOVERNMENT COMMITTEE (Cont'd.)

days before the meeting, but requires the chairman to provide notice by e-mail if authorized by a precinct committeeman who has provided a valid e-mail address.

local governments; smallcell equipment permitting (NOW: microcell equipment; local governments) (S.B. 1214) – Chapter 205

Specifies requirements for political subdivisions to allow for the installation, operation and maintenance of microcell equipment, small wireless facilities and Wi-Fi radio equipment and outlines stipulations for charging fees. Conditions the enactment of this legislation on H.B. 2365 which was signed by the Governor on May 31, 2017.

state lands; perpetual rights of way. (NOW: Wesley Bolin memorial; Rick Lavis) (S.B. 1245) – Chapter 259

SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.

jail districts; maintenance of effort (S.B. 1316) – Chapter 181

States that if a county experiences a negative net new assessed valuation in any year after 2015 and within three years of the imposition of a community corrections tax, the county may make maintenance of effort payments equal to 25 percent, rather than 100 percent, of the total amount expended for maintenance and operation of correctional facilities in the most recent fiscal year. Counties with a population greater than 500,000 persons may not utilize alternate maintenance of effort payments. A county that does utilize alternate maintenance of effort payments may not levy an excise tax in excess of 6.6 percent of prescribed statutory tax bases.

Gold Star memorial (S.B. 1327) – Chapter 19

Authorizes the Arizona Department of Administration to provide for the placement of a Gold Star memorial in Wesley Bolin Plaza and stipulates that responsibility for fundraising and contracts for design and construction belongs to the proponents of the memorial. Repeals the authority for the placement of the memorial on October 1, 2020.

firearms; state preemption; independent contractors (NOW: firearms; state preemption; employees) (S.B. 1344) – Chapter 148

Prohibits a political subdivision in Arizona from regulating the lawful possession, carry, transportation or storage of a firearm by an employee or independent contractor acting within the scope of his or her employment or contract, as long as the employee or independent contractor is: 1) on real property owned by the employee or independent contractor; 2) in or on a vehicle or craft owned by the employee or independent contractor unless the regulation violates applicable state or federal law; or 3) acting in accordance with state statute relating to transporting or storing firearms in a vehicle.

counties; municipalities; euthanizing animals (S.B. 1408) – Chapter 275

Prohibits the use of T-61 euthanasia solution or its generic equivalent for the euthanasia of any animal impounded in a county, city or town pound.

GOVERNMENT COMMITTEE (Cont'd.)

municipalities; annexation; roadway maintenance (S.B. 1413) – Chapter 86

Requires an annexation petition to identify the entity that will be responsible for maintaining the existing rights-of-way and roadways within or contiguous to the exterior boundaries of an area of proposed annexation.

road signage; counties (S.B. 1414) – Chapter 276

Allows a county to place a sign on a road the county does not maintain reading: *Enter or proceed with caution. Use at your own risk. This surface is not maintained by the county.*

agencies; review; GRRC; occupational regulation (S.B. 1437) – Chapter 138

Expands a person's right to petition the Governor's Regulatory Review Council (GRRC) to review a final rule based on the belief the final rule was not made in compliance with rulemaking procedures and stipulates that, upon request of at least four GRRC members, GRRC must, within 90 days, investigate whether the rule is in compliance with rulemaking procedures. Requires the agency to submit a statement addressing whether the rule is in compliance with rulemaking procedures within 30 days of receiving notice from GRRC. Requires GRRC's decision to contain findings of fact and conclusions of law. If GRRC determines the rulemaking requirements were not met, the practice, policy statement or rule is invalidated. Stipulates all state agencies and the Secretary of State must prominently post a notice regarding an individual's right to petition GRRC on their websites.

Requires state agencies to limit all occupational regulation to only those necessary to fulfill a specific public health, safety or welfare concern. An individual harmed by an occupational regulation may petition an agency to repeal or modify the regulation. The agency must repeal, modify or recommend legislative action to comply within 90 days or state the basis on which the regulation complies. An individual may file a petition challenging the occupational regulation in court. In order for the plaintiff to prevail, the court must find by a preponderance of evidence that the regulation burdens entry or participation in an occupation and that the state has failed to prove that the regulation is necessary to fulfill a public health, safety or welfare concern. The court is required to stop any further enforcement of the challenged regulation and award reasonable attorney fees and costs to the plaintiff if the court finds for the plaintiff.

state treasurer; public monies; procedures (S.B. 1448) – Chapter 277

Allows state agencies that contract with an authorized agent to impose a service fee or a surcharge for the electronic processing of transactions, if approved by the State Treasurer and deposited in the appropriate state fund. If electronic transactions exceed 30 percent of an agency's total transactions, the agency must perform a cost-benefit analysis of the imposed service fees or surcharges.

Allows the State Treasurer to invest in repurchase agreements collateralized with securities if the authorized counterparties have adequate capital and liquidity. Collateral posted in the form of securities must be in an amount of at least 102 percent of the market value of the loaned securities. Allows investments to be made in investment grade commercial paper.

GOVERNMENT COMMITTEE (Cont'd.)

fallen firefighter memorial; committee (H.B. 2025) – Chapter 21

Replaces the Arizona Firefighters and Emergency Paramedics Board with the Fallen Firefighter Memorial Committee (Committee) and stipulates duties, membership and meeting requirements. Terminates the Committee on July 1, 2027.

secretary of state; omnibus (H.B. 2026) – Chapter 223

Modifies the duties of the Secretary of State (SOS) and provides the SOS reasonable discretion to determine the form and style for rules filed with the SOS. Alters the posting and distribution requirements for the Arizona Administrative Register and the Arizona Administrative Code.

Establishes the Arizona Uniform Laws Commission (Commission), stipulates Commission membership and allows for the reimbursement of expenses. Requires the Commission to review national efforts to enact uniform laws and make recommendations to the Governor and Legislature on legislation the Commission deems desirable. Repeals the Commission on July 1, 2025.

Renames the Uniform Athlete Agent Act to the Revised Uniform Athlete Agent Act and removes the requirement for a student athlete agent to register and receive a certificate of registration from the SOS.

Repeals the requirement for dance studios to post a bond or cash deposit of \$5,000 with the SOS.

incorporation; urbanized areas (H.B. 2088/S.B. 1125) – Chapter 1

Allows an urbanized area to incorporate without an approved resolution from all incorporated municipalities within the statutorily defined radius if the urbanized area has a population of 15,000 or more persons and a population larger than the municipality opposing incorporation. An area that is covered by a planned community association during the period of declarant control otherwise meeting the criteria to incorporate without a resolution is excluded from this ability until January 1, 2021.

municipal zoning; rezoning protests (H.B. 2116) – Chapter 290

Requires a three-fourths vote by the governing body of a municipality to approve a municipal zoning amendment if 20 percent of the owners of the property by area and number within the zoning area file a protest. Defines *zoning area* as the area of the proposed change or within 150 feet of the proposed change, including all rights-of-way.

ombudsman-citizens aide; reports (H.B. 2186) – Chapter 30

Requires each department, commission, board, institution or agency of the state which receives state funds and maintains a website to include a link on its website to the ombudsman-citizens aide's website and the following statement: *The ombudsman-citizens aide helps citizens to resolve ongoing issues with state agencies.* Requires the ombudsman-citizens aide annual

GOVERNMENT COMMITTEE (Cont'd.)

report to include a description of the public awareness and outreach activities conducted by the ombudsman-citizens aide.

prohibited firearm tracking; classification (H.B. 2216) – Chapter 165

Classifies, as a Class 6 felony, requiring a person to use, subject themselves to or disclose information related to a person or the person's firearm for the use of electronic firearm tracking technology. Stipulates this prohibition does not apply to the following: 1) a criminal justice employee in possession of a search warrant; 2) a pawnbroker or similar entity that uses electronic firearm tracking technology to report information to the county sheriff pursuant to statutory requirements; 3) a probation, parole or surveillance officer while in the execution of official duties; 4) a law enforcement database or similar system that tracks lost or stolen firearms; and 5) the owner of a firearm if the owner consents to the use of such technology in writing.

Defines *electronic firearm tracking technology* as a platform, system or device or a group of systems or devices that uses a shared ledger, distributed ledger or block chain technology or any other similar form of technology or electronic database for the purpose of storing information in a decentralized or centralized way, that is not owned or controlled by any single person or entity and that is used to locate or control the use of a firearm.

legislators; mileage rate (H.B. 2227) – Chapter 321

Requires the members of the Legislature to be reimbursed at the federal mileage reimbursement rate as determined by the U.S. General Services Administration.

municipal zoning; rezoning protest requirements (H.B. 2262) – Chapter 93

Requires a protest to a change to a municipal zoning ordinance to be signed by the property owners opposing the amendment and to be filed in the office of the clerk of the municipality no later than noon one business day before the date the governing body is scheduled to vote on the proposed change or on an earlier time and date established by the governing body of the municipality.

public debt; reporting; penalties (NOW: administration department; reporting; public debt) (H.B. 2367) – Chapter 156

Transfers annual debt reporting requirements relating to debt incurred by state and local governments and bonds issued by all political subdivisions in Arizona from the State Treasurer to the Arizona Department of Administration (ADOA). Transfers the Debt Oversight Commission from the State Treasurer to ADOA.

repeal; state boards and committees (H.B. 2369) – Chapter 315

Repeals the Conservation Advisory Committee; Citizens Transportation Oversight Committee; Special Assistant for Regional Transportation Plan; Advisory Board of the Arizona State Library, Archives and Public Records; Agricultural Best Management Practices Advisory Committee; Arizona Agricultural Protection Act and the Water Quality Assurance Revolving

GOVERNMENT COMMITTEE (Cont'd.)

Fund Advisory Board. Further, removes specified requirements of the Regional Planning Agency.

Modifies the State Forester duties by requiring the development of minimum standards for protecting life and property from fire.

Requires the State Historic Preservation Officer to submit its annual report on the activities of the Historic Sites Review Committee to the Arizona Secretary of State.

Prohibits the Arizona Board of Regents (ABOR) or a university under the jurisdiction of ABOR from using state General Fund appropriations for contracting with individuals or entities for lobbying services.

counties; municipal land acquisition; limitation (H.B. 2406) – Chapter 296

Allows a county with a population of greater than 900,000 persons but fewer than 1,500,000 persons that has adopted a habitat conservation plan to acquire land located within a city or town only if the acquisition is part of an intergovernmental agreement entered into by the county and governing body of the city or town. Prohibits a county from acquiring land located within a city or town unless the acquisition of the land is part of a management agreement approved by the governing body of the city or town. Exempts land purchased or acquired for the primary purpose of public safety, healthcare or court operations.

homeowners' associations; open meetings (H.B. 2411) – Chapter 217

Requires the notice for annual and special meetings of a homeowners' association (HOA) or unit owners' association (UOA) to state the purpose for the meeting, including any proposed changes and the meeting date. Any closed portion of a meeting must cite the reason the meeting is closed and board members may only act on emergency items if an emergency meeting is held without 48 hours advanced notice. Removes the requirement that the envelope used to hold an absentee or proxy ballot contain the name, address and signature of the person voting. Further stipulates if secret ballots are used, then only the envelope must contain the name, address and signature of the person voting. Resale documents prepared by an HOA or UOA may not exceed \$400 for the preparation and delivery of the documents. Allows audio or video tapes to be used as evidence in any dispute resolution process and specifies the board of directors (Board) may not require advance notification of audio or video taping of meetings unless the Board also audio or video tapes meetings and makes them available to members upon request. Encourages the board and community managers to hold open meetings when there are agenda items to be discussed prior to a vote of the board or the members.

state fleet; inventory reduction (H.B. 2440) – Chapter 297

Requires the Arizona Department of Administration (ADOA) to establish a demonstration project to reduce the size of the state motor vehicle fleet, and increase the use of transportation network companies and other public-private partnerships. Requires ADOA and agencies excluded from the state motor vehicle fleet to collectively reduce the inventory of light motor vehicles by up to 10 percent in FY 2019 and FY 2020. Requires ADOA to determine the most cost effective method of employee travel and submit a report of the demonstration project

GOVERNMENT COMMITTEE (Cont'd.)

to the Legislature in FYs 2019 and 2020. Requires the Department of Child Safety (DCS) to complete a study of current initiatives to reduce light motor vehicle costs and submit a report to the Legislature in FYs 2019 and 2020, rather than reduce the inventory of light motor vehicles. Exempts community college districts from participation in the project.

governor appointees; criminal records checks (H.B. 2515) – Chapter 327

Requires gubernatorial nominees, appointees and applicants for specific positions to submit a full set of fingerprints for a state and federal criminal history records check. Permits the exchange of this information between the Arizona Department of Public Safety and the Federal Bureau of Investigation.

appointment; ombudsman-citizens aide (H.B. 2536/S.B. 1521) – Chapter 49 E

An emergency measure, effective March 22, 2017, that appoints Dennis Wells as the ombudsman-citizens aide for a term ending June 30, 2022.

VETOED LEGISLATION

JLAC; auditor general (H.B. 2128) – VETOED

Modifies the powers and duties of the Office of the Auditor General (OAG) relating to: 1) audits of state agencies, county transportation excise taxes, school districts and community colleges; 2) the uniform expenditure reporting system for community college districts; 3) investigations of political subdivisions; and 4) reports on the implementation of audit recommendations. Requires the Joint Legislative Audit Committee to meet annually, instead of quarterly, and removes the requirement to receive and designate various reports to the appropriate committee of reference.

The Governor indicates in his veto message that the bill includes potentially vague and ambiguous language that could result in unintended consequences.

homeowners' associations; cumulative voting; prohibition (H.B. 2321) – VETOED

Prohibits the use of cumulative voting by members of a unit owners' association or homeowners' association when voting for members of the board of directors in the association.

The Governor indicates in his veto message that it is not the role of government to regulate the way homeowners' associations vote in their board meetings.

Health & Human Services Committee

Senator Nancy Barto, Chairman



Emily Mercado, Research Analyst

Jeffrey Ong, Assistant Research Analyst

Julia Anderson, Intern

HEALTH & HUMAN SERVICES COMMITTEE

LEGISLATION ENACTED

~~financial responsibility; verification; technical correction (PREV NOW: DCS oversight committee)~~ (NOW: DCS; investigations; custody; oversight committee) (S.B. 1003) – Chapter 282

Temporary Custody – Beginning July 1, 2018, permits the superior court to issue an order authorizing the Department of Child Safety (DCS) to take temporary custody of a child in non-exigent circumstances if either a dependency petition or a sworn statement is submitted by a peace officer, a child welfare investigator or a child safety worker, instead of requiring both. The Superior Court is required to determine that it is contrary to the child's welfare to remain in the home before authorizing removal. Specifies a child may be taken into temporary custody without a court order if the child is a victim or will imminently become a victim of abuse or neglect in the time it would take to obtain a court order. Requires DCS to submit a report by January 1, 2018, that includes: 1) an overview of how it will implement the process for obtaining a court order before removing a child from the home; and 2) the technological and staffing needs of DCS and the judicial system to implement the removal process.

Voice Stress Analysis – Prohibits DCS, beginning July 1, 2018, from using covert voice stress analysis during an investigation to determine if abuse or neglect exists. Prohibits DCS from using overt voice stress analysis during an investigation unless the person whose voice is being analyzed gives informed consent. The results of computer voice stress analysis are inadmissible in court. Allows a parent or legal guardian to record conversations with DCS, except in judicial proceedings.

Joint Oversight Committee – Establishes the Joint Legislative Oversight Committee on DCS (Committee) and outlines Committee membership and requirements.

Report Consolidation – Outlines requirements of DCS related to report consolidation required by Laws 2014, Second Special Session, Chapter 1, and requires DCS to submit a report to the Committee and to the Joint Legislative Budget Committee as outlined by December 31, 2017.

~~technical correction; real estate licensing (NOW: human rights committee; membership)~~ (S.B. 1004) – Chapter 184

Allows each Human Rights Committee (HRC) on the mentally ill to hold at least one community forum each year to receive comments regarding the experiences of individuals living with serious mental illness, and their family members and caregivers, across the care continuum. Adds members with expertise in criminal justice and public safety to the HRC on the mentally ill.

Requires the Division of Developmental Disabilities within the Department of Economic Security to provide each HRC on developmental disabilities information as outlined.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

Allows each HRC to include subject-matter experts to serve as nonvoting members whose presence is not counted for the purpose of determining a quorum. Requires the appropriate department director to provide HRC members the opportunity to review potential changes to rules or policies that affect the HRC.

dispensers; prescription drug monitoring (S.B. 1023) – Chapter 283

Adds *schedule V drugs* to the substances tracked by the Controlled Substances Prescription Monitoring Program and to medical practitioners' dispensing reports submitted to the Arizona State Board of Pharmacy (Board).

Allows the Board to release patient and prescriber information to the Department of Health Services (DHS) to address opioid overuse or abuse, upon enactment of H.B. 2493. Stipulates DHS must provide written documentation justifying the need for the information. H.B. 2493 (Laws 2017, Chapter 234) was signed by the Governor on May 1, 2017.

behavioral health examiners; continuation (S.B. 1026) – Chapter 254

Continues the Arizona Board of Behavioral Health Examiners for eight years, until July 1, 2025, retroactive to July 1, 2017.

respiratory care examiners; continuation (S.B. 1027) – Chapter 255

Continues the Arizona State Board of Respiratory Care Examiners for eight years, until July 1, 2025, retroactive to July 1, 2017.

osteopathic board; continuation (S.B. 1028) – Chapter 256

Continues the Arizona Board of Osteopathic Examiners in Medicine and Surgery for eight years, until July 1, 2025, retroactive to July 1, 2017.

pharmacy board; licensure; fees (S.B. 1029) – Chapter 102

Increases, from 24 to 36 months, the licensing period for pharmacy technician trainees, and prohibits the license from being renewed or reissued. Removes proration fees for all other new licenses and permits issued by the Board of Pharmacy (Board).

Exempts the Board from rulemaking requirements for one year after the general effective date to address pharmacy technician trainees who received initial licenses prior to this legislation, provided there is public notice and an opportunity to receive public comment as outlined.

DES; ownership; land; building (S.B. 1079) – Chapter 129

Requires the Department of Economic Security to retain ownership of the land and building at 1717 West Jefferson Street in Phoenix.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

permanent guardianship (NOW: child; family advocacy center; fund) (S.B. 1107) – Chapter 257

Establishes the Child and Family Advocacy Center Fund (Fund) and requires the Attorney General (AG) to administer the Fund. Allows the AG to accept private grants, gifts, contributions and devices to be used for the administration of the Fund. Outlines reporting requirements, including expenditures of any monies appropriated to the Fund in a prior fiscal year.

Outlines requirements of advocacy centers that wish to receive Fund monies. An advocacy center must be a private, nonprofit incorporated agency or a governmental entity that either: 1) is accredited; or 2) annually certifies to the AG that the advocacy center meets certain standards.

Immunizes an employee or designated agent of an advocacy center that is eligible for Fund monies from any civil liability that arises from participation in the investigation process and services provided by the advocacy center, unless the employee or agent: 1) acted with malice; or 2) was charged with or suspected of abusing or neglecting a child who was the subject of the investigation or services provided.

cash assistance; children (S.B. 1108) – Chapter 330

The Department of Economic Security considers a family's net monthly income when determining eligibility for cash assistance and the cash assistance payment amount. However, in a child-only case, only the income of the dependent child is considered, and any time limit on the benefit does not apply. S.B. 1108 adds to the definition of *child-only case* cases in which the eligible dependent child is in the legal custody of a tribal court or a tribal child welfare agency located in Arizona.

Removes the cash assistance benefit cap for an otherwise eligible dependent child during the period in which the dependent child is in the legal custody of the Department of Child Safety, a tribal court or a tribal child welfare agency located in Arizona and is placed in unlicensed kinship foster care with an unrelated adult.

fingerprinting; child placement; IT contractors (S.B. 1109) – Chapter 130

Requires an employee of a contractor or subcontractor who is employed in an information technology position and who will have access to Department of Child Safety (DCS) information to have a valid fingerprint clearance card. Outlines who is responsible for the cost of obtaining the employee's fingerprint clearance card.

Prohibits DCS from placing a child with a relative or with a person who has a significant relationship with the child during an emergency situation unless each adult member of the person's household consents to: 1) a preliminary state and federal name-based background check; and 2) within 15 calendar days after the name-based background check is conducted, the submission of a full set of fingerprints for the purpose of obtaining a state and federal criminal records check. If any adult resident of the home fails to provide fingerprints, DCS is required to immediately remove the child from the home and, if the placement was court-ordered, request from the court a change of physical custody.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

Clarifies that a person who has a significant relationship with the child is also considered kinship care.

hospital survey; exclusion; fetal death (S.B. 1128) – Chapter 108

Requires the Director of the Department of Health Services (DHS) to prescribe an exclusion for fetal demise cases from the Hospital Consumer Assessment of Healthcare Providers and Systems survey (HCAHPS). Until DHS adopts the exclusion, the HCAHPS may not include patients who experience a fetal demise. *Fetal demise* means a fetal death that occurs or is confirmed in a licensed hospital and does not include an abortion.

certified nurse midwives; nurse practitioners (S.B. 1133) – Chapter 80

Establishes educational and certification requirements for a certified nurse midwife (CNM) and codifies existing rules from the Arizona State Board of Nursing (Board). Clarifies the scope of a CNM, includes assessing patients, analyzing data and providing appropriate healthcare treatment as outlined.

Stipulates criteria for when a registered nurse practitioner (RNP) or CNM refers patients to other appropriate healthcare professionals. Removes requirements that Board-established acts be performed by a RNP in collaboration with a licensed physician.

pharmacy board; required permitting; violation (S.B. 1134) – Chapter 160

Requires a person who sells certain drugs, devices or chemicals within or into Arizona to hold a valid permit issued by the Arizona State Board of Pharmacy (Board). Allows the Board to investigate evidence that appears to show a person violated the requirement and outlines the actions the Board may take. Subjects persons in violation to disciplinary action.

DCS; foster parent; medical consent (S.B. 1194) – Chapter 107

Allows the Department of Child Safety (DCS) to consent to certain medical and dental evaluations, treatments and procedures for a child who is in the legal custody of DCS, including testing for the presence of the human immunodeficiency virus. However, DCS is prohibited from consenting to abortions for the child. Requires DCS, to the extent possible, to consult with each biological parent of the child whose parental rights have not been terminated when making healthcare decisions for the child.

medical examiner; communicable diseases; disclosure (S.B. 1201) – Chapter 270

Allows a Good Samaritan to petition the court for an order authorizing the testing of a deceased person for certain diseases if there are reasonable grounds to believe an exposure occurred and the deceased person transferred blood or other bodily fluids through the skin or membranes of the Good Samaritan. The court must hear the petition promptly and order the medical examiner (ME) to draw two specimens of blood for testing. A blood sample will only be drawn during an autopsy or other examination if: 1) the blood is available; 2) the collection or release of the blood sample will not interfere with a medical examination, autopsy or certification of death; and 3) the ME receives a written notice from the Department of Health

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

Services authorizing the blood to be drawn. Requires the blood samples be tested by a private healthcare provider or facility specified in the court order at the Good Samaritan's expense. If the court does not issue the order within 30 days, the ME is required to destroy the blood specimen.

podiatry; amputation (S.B. 1235) – Chapter 82

Allows a registered and licensed podiatrist to perform an amputation of the toe and specifies an amputation does not include the entire foot.

pharmacists; scope of practice (S.B. 1269) – Chapter 117

Expands a pharmacist's scope of practice to include dispensing of emergency refills for certain medications if outlined conditions are met, and subjects a pharmacist who does not comply with the dispensing requirements to disciplinary action by the Arizona State Board of Pharmacy (Board). The amount of medication dispensed may not exceed either: 1) a 30-day supply for medications that are prepackaged in a form that prohibits a pharmacist from dispensing a lesser supply; or 2) a 7-day supply for all other medications. The pharmacy is required to maintain a record of any emergency refills dispensed for at least one year.

Allows a licensed pharmacist to prescribe and administer oral fluoride varnish if the pharmacist successfully completes training and meets certain requirements. The pharmacist is required to make and keep records for at least one year following the administration of the oral fluoride.

Allows a licensed pharmacist who meets certain requirements and successfully completes training to prescribe and dispense tobacco cessation drug therapies to qualified patients. Outlines requirements of the pharmacist, including recordkeeping and notification to the patient's primary care provider.

nursing facilities; assisted living; advertising (S.B. 1325) – Chapter 71

Prohibits an advertisement from using the results of state compliance surveys of nursing care and assisted living facilities or federal certification surveys of skilled nursing facilities unless the advertisement includes other specified information. This prohibition does not prevent the survey results or other information about the survey from being used in a criminal investigation or prosecution.

behavior analysts; committee; licensure; regulation (S.B. 1335) – Chapter 273

Beginning November 1, 2017, establishes the Committee on Behavior Analysts (Committee) within the Arizona Board of Psychologist Examiners (Board) and outlines Committee membership and duties. Outlines requirements of Committee members, including term limits, qualifications, training and reimbursement eligibility. Requires the Committee to make recommendations to the Board on all matters relating to the licensing and regulation of behavior analysts. Allows the Committee to recommend regulatory changes to the Board that are not specific to an individual licensee; however, the Committee is required to obtain public input from behavior analyst licensees or their designated representatives before making any final recommendation to the Board.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

nurse anesthetists; prescribing authority; limitation (S.B. 1336) – Chapter 182

Modifies anesthesia guidelines allowing a Certified Registered Nurse Anesthetist (CRNA) to administer anesthetics in the presence of a physician, to state *presence* means within the same healthcare institution or office of a licensed healthcare professional and available as necessary.

Specifies a medication order issued by a CRNA includes controlled substances and outlines prescribing authority. Stipulates a physician or surgeon is not liable for any act or omission of a CRNA who orders or administers anesthetics.

foster children; motor vehicle insurance (S.B. 1341) – Chapter 263

SEE THE FINANCE COMMITTEE.

~~permanent guardianship; dependency proceedings; reunification~~ (NOW: ~~dependency proceedings; permanent guardianships; reunification~~) (S.B. 1360) – Chapter 338

Permanent Guardianships – Allows the court to establish a permanent guardianship for a child who is the subject of a pending dependency petition filed by the Department of Child Safety (DCS) if all the parties consent. Modifies related requirements, requires a prospective permanent guardian to obtain a fingerprint clearance card or submit a full set of fingerprints and establishes requirements for a guardian to file a petition to revoke the permanent guardianship. If the court finds by clear and convincing evidence that the parent has remedied the grounds alleged in the guardianship petition and also finds by clear and convincing evidence that the return of the child would not create a substantial risk of harm to the child, the court may revoke the guardianship order.

Reunification Services – Outlines when DCS must provide reunification services to the parent of a dependent child who has a permanent guardian. Requires the court to order reunification services for the parent if a dependency petition is properly filed and the parent: 1) is willing to care for the child; 2) makes a request to participate in the services; and 3) proves by clear and convincing evidence that there has been a significant change in circumstances that indicates the parent may be able to care for the child and that services are in the child's best interest. If the court has ordered that no reunification services be provided, the child's case plan of guardianship may remain in place even if no successor permanent guardian has been found.

Joint Oversight Committee – Establishes the Joint Legislative Oversight Committee on DCS (Committee) and outlines Committee membership and requirements.

Foster Home Notification – Prohibits DCS from notifying a foster home in which a child has previously resided that the child has been removed from the child's home again if the foster home has substantiated or outstanding allegations, reports or investigations.

Report Consolidation – Outlines requirements of DCS related to report consolidation required by Laws 2014, Second Special Session, Chapter 1, and requires DCS to submit a report to the Committee and to the Joint Legislative Budget Committee as outlined by December 31, 2017.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

dental board; dentists; dental hygienists (S.B. 1362) – Chapter 174

Modifies requirements of dental hygienists and dental assistants who wish to perform certain procedures, including authorized procedures specified in an affiliated practice agreement with a dentist. Allows certain out-of-state examinations to satisfy examination requirements for licensure in Arizona. Modifies fees for initial licensure and licensure by credential by prescribing a maximum dollar amount. Requires the Arizona State Board of Dental Examiners to provide a one-time fee waiver for certain licensees and certificate holders who were licensed in Arizona before January 1, 2018.

abortion; live delivery; report; definition (S.B. 1367) – Chapter 133

Requires a physician performing an abortion to document and report the measures performed to maintain the life of a fetus or embryo that was delivered alive. Requires abortion clinics performing or inducing an abortion for a woman whose unborn child is the gestational age of 20 weeks or more to establish, document and implement policies and procedures prescribed by the Department of Health Services to ensure compliance with the duty to promote the life of a fetus or embryo delivered alive. Outlines procedural and reporting requirements of a physician if an abortion is performed on a fetus or embryo with a lethal fetal condition and that is delivered alive.

Requires an action to enforce these requirements to be brought in the name of the state by the Attorney General or the county attorney of the county in which any violation occurred. Allows specified persons affected by a physician's failure to comply with the duty to promote the life of a fetus or embryo delivered alive the right to file a civil action within six years after the violation occurred.

newborn screening; fees (S.B. 1368) – Chapter 339 RFE

Effective May 22, 2017, and subject to the requirements for enactment (Proposition 108), which requires the affirmative vote of at least two-thirds of the members of each house of the Legislature, increases the maximum fee for certain newborn screening tests from \$30 to \$36.

controlled substances; approved medications (S.B. 1377) – Chapter 188

Allows any compound, mixture or preparation that contains cannabidiol to be prescribed in Arizona if it is approved by the U.S. Food and Drug Administration and rescheduled by the U.S. Drug Enforcement Administration. The act does not become effective unless by January 1, 2021, a cannabidiol investigational product is approved as a prescription medication pursuant to federal law, is controlled under a federal interim final rule and published in the federal register.

DCS; background checks; central registry (S.B. 1380) – Chapter 72

Expands the list of persons who may use the services of a confidential intermediary listed with the court to include members of the adoptee's extended biological family, including a biological grandparent of an adoptee, regardless of whether the adoptee's birth parent is deceased. States the denial, suspension or revocation of a foster home license due to a failure to

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

obtain or maintain a Level I fingerprint clearance card is not an appealable agency action. Requires the Department of Child Safety (DCS) to conduct central registry background checks and to use the information obtained as a factor to determine qualifications for individuals who are applying for child welfare agency licensing or employment with a child welfare agency in positions that provide direct services to children or vulnerable adults. Allows DCS to provide by personal service the notice of the intention to substantiate an allegation of abuse or neglect in the central registry.

art therapy services; contracting requirements (S.B. 1434) – Chapter 242

Prohibits a person from using the title of *art therapist* unless he or she is a Registered Art Therapist with the Art Therapy Credentials Board (Board). Allows the Attorney General to investigate violations and take appropriate action.

Permits the Department of Health Services, the Arizona Health Care Cost Containment System and the Division of Developmental Disabilities to contract directly for art therapy services only with a Board-certified Art Therapist or a supervised master's level graduate in art therapy as outlined. Specifies there is no requirement to contract or reimburse for those services.

~~osteopaths; fingerprinting~~ (NOW: health care professionals; fingerprinting) (S.B. 1435) – Chapter 265 E *

An emergency measure, effective May 5, 2017, that requires applicants for licensure and applicants for expedited licensure through the Medical Licensure Compact to submit to the Arizona Board of Osteopathic Examiners a full set of fingerprints for the purpose of obtaining a state and federal criminal records check. Requires an applicant for licensure as a physical therapist and an applicant for certification as a physical therapist assistant to obtain a valid fingerprint clearance card.

end-of-life; discrimination; prohibition (S.B. 1439) – Chapter 73

Prohibits a person from discriminating against a healthcare entity because it does not provide, assist in providing or facilitate in providing any item or service that results in the death of an individual, including: 1) assisted suicide; 2) euthanasia; and 3) mercy killing. A health care entity is not liable in any civil, criminal or administrative action for declining to provide any healthcare item for the purpose of causing or assisting in causing the death of an individual. The discrimination prohibition and the liability immunity does not apply to the withholding of cardiopulmonary resuscitation (CPR) pursuant to a valid prehospital medical directive or a similar order to withhold CPR issued by a licensed healthcare provider. Authorizes a healthcare entity to bring a civil action in superior court for a violation as outlined.

The bill does not create or recognize the right to assisted suicide, euthanasia or mercy killing. States the Legislature does not intend to make lawful any action intended to cause or assist in causing a person's death that is currently unlawful.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

AHCCCS; clinical oversight committee (S.B. 1440) – Chapter 207

Requires the Director of the Arizona Health Care Cost Containment System (AHCCCS) to establish an internal clinical oversight review committee (Committee) to review clinical data from agency initiatives and populations including behavioral health services data.

Committee membership includes the Director or their designee and AHCCCS experts in quality performance, behavioral health, operations, finance and data analytics. Requires the Committee to meet at least once every three months to review clinical data from AHCCCS initiatives, analyze system performance and make recommendations to the Director on ways to enhance service delivery. Requires the Committee to solicit additional information and perspectives on behavioral health services.

Requires the Committee to annually submit a report by February 1 to the Governor, leaders of the House and Senate, chairpersons of the respective health committees and the Secretary of State.

insurers; health providers; claims mediation (NOW: insurers; health providers; claims arbitration) (S.B. 1441) – Chapter 190

SEE THE FINANCE COMMITTEE.

orthotics; prosthetics; standards (S.B. 1451) – Chapter 268

Beginning January 1, 2018, requires a custom orthotic or custom prosthetic device (device) furnished to an individual to meet the following requirements: 1) except for devices provided by certain healthcare providers, be provided by a fabricator or supplier that is accredited by a federally approved independent accreditation organization; 2) be provided by a healthcare provider that is a qualified practitioner or is licensed pursuant to Arizona regulations; and 3) have a valid prescription. A healthcare provider that does not receive insurance payment for a device because it fails to meet the requirements may not attempt to collect payment or reimbursement from the patient for the amount of the coverage denial.

health profession regulatory boards (S.B. 1452) – Chapter 191

Beginning January 1, 2018, modifies statutes governing health profession regulatory boards (boards) as follows:

Public Access to Board Actions – Requires a board to post all final disciplinary and non-disciplinary orders or actions on a board's website, except letters of concern and advisory letters. Non-disciplinary actions posted on a board's website may be posted for up to five years. Prohibits pending complaints and investigations from being disclosed to the public.

Terms of Board Members – Limits a board member to two full terms of service on a board, in addition to any time served to fill a vacancy. Prohibits a person from being reappointed to a board unless the person has not served on that board for a period of at least two terms. This limitation only applies to the following boards: 1) Arizona State Board of Dental Examiners; 2) Arizona Medical Board; 3) Arizona State Board of Nursing; and 4) Arizona State Board of

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

Pharmacy. A person who is currently serving on one of the aforementioned boards may complete any term to which the person has been appointed regardless of the number of terms the person has served.

Board Meeting Recordings/Website – Requires a board to make a digital recording of all open meetings and to maintain the recordings for at least three years. The board must post the digital recording on its website or post a notice of the availability of the recording within five business days. Requires each board to provide on its website a list of all board-specific contract employment opportunities and a link to the State Procurement Office to apply for those positions.

Monitoring Program – Allows each board to establish a non-disciplinary, confidential monitoring program for qualifying licensees, including those who may be chemically dependent or have a substance misuse history or for those licensees who may have a medical, psychiatric, psychological or behavioral health disorder that may impact their ability to practice.

Time Limitations/Complaints – Prohibits a board from acting on its own motion or on any complaint in which an allegation of unprofessional conduct or any other violation occurred more than four years before the complaint was received by the board, with exceptions.

Reimbursement of Fees – Allows a board to require reimbursement of fees paid to a licensee by or on behalf of a patient if requested by the patient on a board-prescribed complaint form.

health; budget reconciliation; 2017-2018 (S.B. 1527/H.B. 2542) – Chapter 309

SEE THE APPROPRIATIONS COMMITTEE.

human services; budget reconciliation; 2017-2018 (S.B. 1529/H.B. 2544) – Chapter 311

SEE THE APPROPRIATIONS COMMITTEE.

pharmacy; virtual manufacturers; virtual wholesalers (H.B. 2031) – Chapter 22

Establishes *virtual wholesalers* and *virtual manufacturers* as entities under the jurisdiction of the Arizona State Board of Pharmacy (Board) and directs the Board to define each entity in rule.

pharmacy board; notice requirements (H.B. 2032) – Chapter 74

Requires a licensee or permittee to create an online profile using the Arizona State Board of Pharmacy's licensing software, and allows a licensee or permittee to update the online profile in order to satisfy notice requirements. Adds the licensee's contact information and employer's address to the list of information that a licensee must report when a change occurs. Failure to report a change in the aforementioned information constitutes unprofessional conduct.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

controlled substances; definition (H.B. 2033) – Chapter 53

Classifies various substances as dangerous drugs, narcotic drugs or schedule I substances.

DHS; health care institutions; licensure (H.B. 2041) – Chapter 122

Eliminates renewal licenses for healthcare institutions. Instead, a license does not expire and remains valid unless the Department of Health Services (DHS) subsequently revokes or suspends the license or the license is considered void because the licensee did not pay the licensing fee by the due date.

Requires the DHS Director to establish: 1) a grace period and a fee for the late payment of licensing fees; 2) a process to notify a licensee of the fee due date; and 3) a process for the licensee to request a different due date.

Requires an abortion clinic to submit to the DHS Director all required documentation by the anniversary of the abortion clinic's license issue date.

DHS; fingerprinting requirements (H.B. 2042) – Chapter 24

Exempts certain individuals who are employed by or who volunteer with a children's behavioral health program, including kinship foster care parents who participate in group activities that include their children who are receiving behavioral health services from the program, from fingerprinting requirements. Exempts an employee or contractor who provides services to residents or patients within a residential or nursing care institution or a home health agency from fingerprinting requirements if the person has applied for a good cause exception and is providing services under the direct visual supervision of an owner or employee who has a valid fingerprint clearance card.

state hospital; property leases (H.B. 2043) – Chapter 288

Allows the Department of Health Services (DHS) Director to take all necessary steps to enhance the highest and best use of the Arizona State Hospital property, including entering into short-term and long-term lease agreements and contracting with third parties to provide services. Requires DHS to hold a public hearing within a specified timeframe to receive community and provider input regarding the highest and best use of the State Hospital property. Requires any lease or sublease of the State Hospital property to be reviewed by the Joint Committee on Capital Review. Establishes the State Hospital Charitable Trust Fund (Fund) and requires monies collected from the contracts and lease agreements to be deposited into the Fund.

radiation regulatory agency; DHS; transfer (H.B. 2075) – Chapter 313

Beginning January 1, 2018, transfers the authority, powers, duties and responsibilities of the Arizona Radiation Regulatory Agency, the Radiation Regulatory Hearing Board and the Medical Radiologic Technology Board of Examiners to the Department of Health Services.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

advanced directives registry; provider access (H.B. 2076) – Chapter 154

Requires the Secretary of State, by December 31, 2018, to establish a process for healthcare providers to access the Advanced Directive Registry (Registry). Immunizes the state and certain contractors from civil liability relating to the administration and use of the Registry.

TANF; SNAP; finger imaging; repeal (H.B. 2091) – Chapter 317

Repeals statute requiring finger-imaging as part of the application process for Temporary Assistance for Needy Families and Supplemental Nutrition Assistance programs.

schools; children's camps; sunscreen use (H.B. 2134) – Chapter 193

SEE THE EDUCATION COMMITTEE.

child support; driver license restriction (H.B. 2192) – Chapter 183

SEE THE TRANSPORTATION & TECHNOLOGY COMMITTEE.

medical board; licensure; disciplinary action (H.B. 2195) – Chapter 92

Makes various changes to the Arizona Medical Board's (Board) statutes relating to licensure, treatment programs and Board member compensation.

Licensure – Removes the requirement that an applicant for initial licensure submit to the Board verification of all hospital affiliations. Instead, the applicant is required to submit medical employment that includes all medical professional activities. Allows a licensee whose license has been revoked or surrendered to be eligible for licensure by endorsement instead of requiring the person to apply through the initial licensure process.

Allows the Board to suspend, deny or revoke a temporary license and withdraw the application for initial licensure if the applicant has made a misrepresentation on the temporary license application. Modifies the information to be submitted to the Board for temporary licensure and removes the condition that an applicant not be a subject of an unresolved complaint in another state. Allows the Board to accept confirmation of information about an applicant's license in another state through the use of the other regulatory boards' website.

Treatment Programs – Adds an intensive outpatient treatment program to the list of treatment options for a licensee with a substance use disorder. Modifies the behavioral and physical health treatment program to allow licensees who have committed statutory violations to participate.

Board Member Compensation – Modifies the amount of compensation Board members can receive for serving on the Board.

residential care institutions; employment (H.B. 2196) – Chapter 134

Exempts recidivism reduction staff at adult residential care institutions from the requirement to obtain a fingerprint clearance card. The exemption applies if the applicant

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

successfully completes recidivism treatment and passes a background and screening evaluation conducted by the institution demonstrating he or she is not a threat to the health or safety of staff or residents.

Requires the Department of Health Services (DHS) to adopt related rules and allows staff members to continue to provide services until DHS adopts such rules if the institution complies with statutory requirements.

telemedicine; audio visual requirements (H.B. 2197) – Chapter 164

Eliminates the requirement that telemedicine audio and video capability meet standards outlined by the Centers for Medicare and Medicaid Services when a physical or mental health examination is conducted during a real-time telemedicine encounter.

DHS; commission; task force; repeal (H.B. 2205) – Chapter 136

Repeals the Advisory Health Council and the Arizona Biomedical Research Commission.

~~inhalers; administration; schools; authorized entities~~ (NOW: inhaler administration; schools) (H.B. 2208) – Chapter 58

Authorizes employees of school districts, charter schools and authorized entities to administer or assist in administering an inhaler to a person believed to be in respiratory distress if the administration is pursuant to a standing order and the administering employee is trained. Immunizes from civil liability certain persons involved in the administration of the inhaler, excluding cases of gross negligence, willful misconduct and intentional wrongdoing. Requires the State Board of Education to adopt rules for school districts and charter schools that elect to administer inhalers and outlines what the rules should include.

controlled substances prescription monitoring program (H.B. 2307) – Chapter 61

Increases the amount of money that may be transferred annually from the Arizona State Board of Pharmacy (Board) Fund to the Controlled Substances Prescription Monitoring Program (CSPMP) Fund. Requires the CSPMP be operated, monitored, maintained and staffed by the Board.

Modifies the process by which a medical practitioner gains access to the CSPMP. Removes the requirement that registration with the CSPMP be renewed biannually and instead makes the registration valid in conjunction with a medical practitioner's DEA number and the license issued by the medical practitioner's regulatory board. Requires a person authorized to access the CSPMP to do so using only that person's assigned identifier.

Allows the Arizona Health Care Cost Containment System administration to use data collected from the CSPMP to help combat opioid overuse or abuse or for ensuring the continuity of care.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

pharmacy board; logistics providers; permits (H.B. 2308) – Chapter 95

Requires a third-party logistics provider (3PL) that engages in the logistics services of prescription or over-the-counter dangerous drugs or devices into, within or from Arizona to hold a 3PL permit from the Arizona State Board of Pharmacy (Board). Requires a 3PL to comply with storage practices, including suitable warehouse space, adequate security and policies and procedures as outlined. A 3PL must make its facilities available to the Board for inspection during regular business hours. Further, each 3PL must have a designated representative at each facility who has not been convicted of certain felonies and who has a valid fingerprint clearance card. Requires a 3PL to provide the Board on request a list of all manufacturers, wholesale distributors and dispensers for whom the 3PL provides services.

public benefits; fee waivers; requirements (H.B. 2372) – Chapter 323

Makes various changes to the Supplemental Nutrition Assistance Program (SNAP) and the Temporary Assistance for Needy Families Program (TANF).

TANF – Allows a needy family to receive cash assistance for an additional 12 months if: 1) certain work requirements are met; and 2) each dependent child in the house who is required to attend school has an attendance record of at least 90 percent, unless the child was excused.

SNAP – Allows a person who was convicted of a felony offense related to use or possession of a controlled substance to qualify for SNAP benefits if the person meets certain requirements, including submission to random drug testing. The Department of Economic Security (DES) is required to adopt rules relating to drug testing that include more frequent testing for offenses that occurred within 24 months of the application.

Electronic Benefit Transfer (EBT) Cards – Outlines requirements of DES if a recipient requests multiple replacement EBT cards.

Spending Report – Requires DES to post on its website a spending report of the SNAP and TANF programs that includes information on benefits spent outside of Arizona.

Jobs Program – Adds educational programs an unmarried parent may attend in lieu of fulfilling standard work participation requirements. Requires DES to provide the Jobs Program to eligible families transitioning off Cash Assistance due to the time limit if needed to maintain or obtain employment or to receive a higher level of employment. The Jobs Program shall be provided for up to 12 months after Cash Assistance case closure if certain circumstances apply.

Sanctions – Modifies the graduated sanctions that must be imposed if the recipient voluntarily terminates paid employment without good cause or if the recipient uses, sells or possesses one of the statutorily prohibited controlled substances.

Licensure Fee Waiver – Requires an agency to waive any fee charged for an initial license for any individual applicant whose family does not exceed 200 percent of the federal poverty level guidelines if the individual is applying for that specific license in Arizona for the first time.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

pharmaceuticals; misbranding; enforcement prohibited (H.B. 2382) – Chapter 42

Allows a pharmaceutical manufacturer or its representative to engage in the truthful promotion of an off-label use of a drug, biological product or device, and prohibits prosecution or action against the license of a pharmaceutical manufacturer or its representative for engaging in such truthful promotion. Specifies coverage for the cost of any off-label use is not required.

parents' rights; DCS website information (H.B. 2423) – Chapter 98

Requires the Department of Child Safety (DCS) to provide on its website homepage a conspicuous link to information on parents' rights and other information assisting parents and guardians in understanding the process of the removal of a child from the home. Requires any final DCS rule to be published on the DCS website and on the Secretary of State's website within specified timeframes.

drug overdose; review team; confidentiality (H.B. 2493) – Chapter 234

Establishes the Drug Overdose Review Team (Review Team) within the Department of Health Services, and outlines membership, duties, access to information and confidentiality requirements. Repeals the Review Team on January 1, 2022.

Modifies requirements relating to the dispensing and prescribing of an opioid antagonist for emergency purposes. Requires a pharmacist to receive a standing order to dispense naloxone or any other FDA-approved opioid antagonist for emergency purposes. A health professional is no longer allowed to require the person receiving the prescription to provide in writing a factual basis for a reasonable conclusion that the person is: 1) at risk of experiencing an opioid-related overdose or that person's family member is at risk; or 2) is in a position to assist a person at risk of experiencing an opioid-related overdose.

organ; tissue; donations; procurement organizations (H.B. 2497) – Chapter 171

Requires a non-transplant anatomical donation organization to be licensed by the Department of Health Services. Modifies the list of organizations exempt from the licensure requirement.

~~certificates of necessity; service area~~ (NOW: ambulance operation; certificate of necessity) (H.B. 2514) – Chapter 143

States a merger or consolidation of two or more fire districts does not expand the service area boundaries of an existing Certificate of Necessity (CON).

Requires the director of the Department of Health Services to determine the need for expansion of the service area boundaries of a merged or consolidated political subdivision other than a city or town according to the laws and rules for amending a CON until October 1, 2018.

Judiciary Committee

Senator Judy Burges, Chairman



Amber Witter, Research Analyst

Jeffrey Ong, Assistant Research Analyst

Vicente Reyna, Intern

JUDICIARY COMMITTEE

LEGISLATION ENACTED

public entities; absolute immunity; defenses (NOW: public entities; defenses) (S.B. 1025) – Chapter 253 *

Requires a separate trial to occur, before a trial on damages, to determine whether a public entity or employee has met the requirements to assert an affirmative defense related to an injury arising out of plans or designs for roadway construction. Extends the affirmative defense to plans or designs for transportation facilities including those as outlined.

dangerous; incompetent defendants; study committee (S.B. 1031) – Chapter 103

Reestablishes the Study Committee on Incompetent, Nonrestorable and Dangerous Defendants (INDD Study Committee) until July 1, 2018, consisting of 17 members, including 4 legislative members, 3 members representing state public health agencies, 4 members representing the Arizona Supreme Court and law enforcement agencies, and 6 members with experience in evaluation and treatment of behavioral health issues and related policy experience.

Requires the INDD Study Committee to research and provide recommendations by December 31, 2017, to the Governor, the Legislature and the Secretary of State for a program to provide treatment and supervision of persons who are charged with crimes involving violent or dangerous behavior and are found incompetent and nonrestorable.

board of executive clemency; continuation (S.B. 1033) – Chapter 5

Continues the Board of Executive Clemency for eight years, until July 1, 2025, retroactive to July 1, 2017.

private process servers; duties (S.B. 1050) – Chapter 6

Corrects an internal reference regarding private process servers.

clerk of court; records; reporting (S.B. 1066) – Chapter 8

Revises the reporting duties of court clerks to reflect the current business practice, which is to provide a person's payment history of fines, fees, restitution and incarceration costs only upon request. Modifies the information provided to licensing boards and the Department of Economic Security about people who have been convicted of certain crimes to include more specific identifying information such as name, case number, date of conviction, crime convicted of and if known, social security number, date of birth, address and license or registration number.

JUDICIARY COMMITTEE (Cont'd.)

provisional licenses; criminal convictions (NOW: DOC; graduated intervention policy; report) (S.B. 1071) – Chapter 236 *

Requires the Arizona Department of Corrections (ADC) to implement a graduated intervention policy for offenders who violate a condition of community supervision. ADC must submit an annual report detailing prior year use and completion rates of major graduated interventions to the Governor, Secretary of State, President of the Senate and Speaker of the House of Representatives.

administrative decisions; scope of review (S.B. 1072) – Chapter 329

Stipulates a court must award fees and expenses to a prevailing party in a civil action against specified state agencies or commissions if a rule, guideline, enforcement policy or procedure is not authorized by statute, or violates the Arizona or U.S. Constitutions. Requires the court to review the administrative record and supplementing evidence before it affirms, reverses, modifies or vacates and remands an agency action.

uniform fiduciaries act; repeal (NOW: ballots; digital images; electronic data) (S.B. 1094) – Chapter 114

Requires an elections officer to ensure that electronic or digital images of ballots, including electronic data, are secured from physical and electronic access including unauthorized copying or transfer. Stipulates that all security measures must be at least as protective as those for paper ballots.

ignition interlock device; regulation; installers (S.B. 1150) – Chapter 331

SEE THE TRANSPORTATION & TECHNOLOGY COMMITTEE.

competency hearings; jurisdiction; referral (S.B. 1157) – Chapter 14

Allows the presiding judge of the superior court to authorize a justice court or municipal court to exercise jurisdiction over a competency hearing in a misdemeanor case with the agreement of the justice of the peace (JP) or municipal court judge. Additionally, permits a JP or municipal judge to refer a competency hearing to another justice court or municipal court within the same county, upon the approval of the presiding judge of the superior court and the JP or municipal judge of the receiving court.

bingo establishments; ADA compliance (S.B. 1180) – Chapter 240

Requires bingo game operators to offer assistance to players with disabilities by utilizing technological aids for bingo games as outlined and requires at least two aids to be available for such players. The bill prohibits players from being charged a fee or being forced to comply with minimum purchase requirements to use the devices. Outlines requirements related to notification of a win, assistance for players in certain circumstances and employees who have disabilities.

JUDICIARY COMMITTEE (Cont'd.)

political parties; notice; meetings (S.B. 1191) – Chapter 241

SEE THE GOVERNMENT COMMITTEE.

elections; candidates; requirements (S.B. 1200) – Chapter 161

Establishes additional primary election requirements including: 1) stipulating a candidate must be continuously registered with a political party they wish to be a candidate for starting no later than the date of the first signature on the nomination petition through the general election date; and 2) prohibiting a primary election write-in candidate from filing a nomination paper if they previously withdrew from the primary election or were removed from the primary ballot.

The legislation also prohibits a candidate for nomination or election to more than one federal office at the same time, but excludes candidates who are simultaneously running for President or Vice President and another federal office. Adds restrictions, after the close of petition filing, when a candidate vacancy will not be filled.

early ballot envelopes (S.B. 1238) – Chapter 115

Establishes an additional requirement for early voting ballots that ballot return envelopes are of a type that does not reveal the voter's selections.

felony pretrial intervention programs; appropriation (S.B. 1278) – Chapter 286

Appropriates \$2,750,000 in FY 2018, proportionately distributed to county attorney offices in counties with a population of fewer than three million persons, for administering felony pretrial intervention programs (FPIP) as follows: 1) \$1 million from the Penitentiary Land Fund; 2) \$1 million from the State Charitable Land Fund; and 3) \$750,000 from the Inmate Store Proceeds Fund. Establishes the Arizona Criminal Justice Commission (ACJC) as the pass-through agency for the distribution to the county attorney offices and allows ACJC to use one percent of the appropriated monies for FPIP administrative purposes. Establishes that FPIPs provide substance abuse treatment to non-dangerous and non-repetitive offenders. Requires FPIP treatment providers to report on each offender's attendance record and whether an offender fails a drug test.

voter registration; presidential elector deadlines (S.B. 1307) – Chapter 262

Stipulates county recorders must accept voter registrations on the next immediate business day if the filing deadline falls on a weekend or legal holiday. Extends the presidential elector nomination deadline to not more than 10 days after the primary election rather than between 90 to 120 days before the primary election.

election proclamation; board clerk (S.B. 1328) – Chapter 271

Modifies election procedures requiring the Governor to transmit a copy of the election proclamation to: 1) the clerk of each board of supervisors (BOS) for a general election; and 2) the elections officer for a special election.

JUDICIARY COMMITTEE (Cont'd.)

Requires the clerk, instead of the BOS, to publish a copy of the respective proclamation in an official newspaper of the county at least 10 days before the general election or 5 days before the special election.

search warrants; tracking; simulator devices (S.B. 1342) – Chapter 187

Establishes court procedures for issuing a tracking device search warrant (tracking warrant) or a cell-site simulator device search warrant (simulator warrant). Stipulates when a tracking or simulator warrant may be issued and when specified devices may be used, not exceeding 60 days. A court may extend a warrant for no longer than an additional 60 days, with outlined conditions.

Stipulates a warrant must be: 1) initiated within 10 calendar days after issuance, unless extended; 2) returned to the court within 3 court business days after the authorized period ends; and 3) served on the person tracked or whose property was tracked, or whose communications device identified within 90 days after the use of the device ends, unless delayed by the court.

Prohibits a cell-site simulator device from being used to intercept, obtain or access the content of any oral, wire or electronic communication, unless authorized. Stipulates all non-target data collected by a cell-site simulator device must be destroyed within 60 court business days, unless otherwise ordered, after the simulator warrant is returned to the court.

terrorist threats; false reports; terrorism (S.B. 1350) – Chapter 119

Expands the crime of *terrorism* to include specified acts intended to intimidate or coerce a civilian population to further the goals or political objectives of a terrorist organization. It classifies as terrorism intentionally or knowingly providing advice, assistance or direction in the conduct, financing or management of a terrorist organization. Adds a mandatory minimum sentence between 10 and 25 years if the person is not sentenced to life or natural life and defines the terrorist organization as those so designated under federal law.

The legislation classifies, as a class 3 felony, threatening to commit an act of terrorism and communicating the threat to any other person or knowingly making a false report of an act of terrorism and communicating the false report to any other person. Finally, it relocates and modifies the crime of *unlawful use of an infectious biological substance or radiological agent* to its own section.

~~permanent guardianship; dependency proceedings; reunification~~ (NOW: ~~dependency proceedings; permanent guardianships; reunification~~) (S.B. 1360) – Chapter 338

SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

peace officer; victim; aggravating factor (S.B. 1366) – Chapter 162

In sentencing for aggravated assault, establishes it is an aggravating factor if there is evidence that a defendant knowingly assaulted a peace officer (officer) out of malice toward the officer because of his or her employment as an officer. Specifies aggravated assault against an officer includes assaulting an officer who is not engaged in official duties. Stipulates it is not a

JUDICIARY COMMITTEE (Cont'd.)

defense or a mitigating circumstance to assault an officer if he or she was not on duty or engaged in official duties. This legislation is also referred to as the *Blue Lives Matter Law*.

abortion; live delivery; report; definition (S.B. 1367) – Chapter 133

SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

elections; unlawful voting; residence (S.B. 1370) – Chapter 264

Deems it a class 5 felony to knowingly: 1) vote in at least two jurisdictions for which residency is required and the person is not a resident of all of the jurisdictions in which they voted; or 2) vote in this state and another state in which a federal office appears on both ballots on the same election day. Contains legislative intent language.

schools; elections; ballot arguments; exclusion (S.B. 1405) – Chapter 246

SEE THE EDUCATION COMMITTEE.

~~contributions; committed youth; repeal; committee~~ (NOW: public accommodation; exemptions; enforcement; sanctions) (S.B. 1406) – Chapter 175

Exempts websites from the Arizona Americans with Disabilities Act (Arizona ADA). Specifies only an aggrieved person who is subjected to discrimination due to a violation of the Arizona ADA may seek relief through civil action. If the alleged violation is regarding a building, facility or parking lot operated by a private entity, the aggrieved person or the person's attorney is required to submit a written notice prior to filing a civil action.

The private entity is allowed a cure period of 30 days to comply with the Arizona ADA, unless a building permit is required, in which case the private entity must provide the aggrieved person or the person's attorney a corrective action plan and apply for a building permit within 30 days. The private entity is allowed an additional 60 days to resolve the violation if a building permit is required. Specifies time is suspended once the application is submitted until a final determination is made and is not included in the calculation unless the delay is caused by the private entity.

The court may impose additional sanctions on a plaintiff or the plaintiff's attorney if it determines the action was bought to obtain payment from the defendant. Permits the court to consider the totality of the abusive litigation practices in the determination. Contains legislative findings and severability clauses.

vacating conviction; trafficking; local offenses (S.B. 1422) – Chapter 87

Requires a court to vacate a conviction for violating city or town prostitution ordinances, in addition to state prostitution laws, if the court finds by clear and convincing evidence that the person committed the offense as a direct result of being a victim of sex trafficking. Specifies that a conviction vacated pursuant to this section does not qualify as a prior offense for purposes of repeat misdemeanor sentencing.

JUDICIARY COMMITTEE (Cont'd.)

controlled substances; definition (H.B. 2033) – Chapter 53

SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

tribal courts; involuntary commitment orders (H.B. 2084) – Chapter 89

Allows admission of a patient to a mental health treatment facility pending the filing of a tribal court's involuntary commitment order (order) with the clerk of the superior court. The bill stipulates the order must be filed by the close of business on the next day the court is open or the patient must be discharged according to outlined procedures.

sentencing document; fingerprint; misdemeanor offenses (H.B. 2085) – Chapter 27

Adds theft and shoplifting to the list of offenses for which a court is required to execute a judgment of guilt and sentence document or minute order. Requires a court or appointed person to affix the defendant's fingerprints to the document or order at the time of sentencing.

Arizona criminal justice commission; continuation (H.B. 2087) – Chapter 55

Continues the Arizona Criminal Justice Commission for eight years, until July 1, 2025, retroactive to July 1, 2017.

garnishment; continuing lien; school employee (H.B. 2106) – Chapter 90

Increases the amount of time before a lien is declared invalid as follows: 1) from more than 60 days to more than 90 days from the time a judgement debtor leaves his or her employer; and 2) from at least 60 days to at least 90 days in which a judgement debtor has not earned any nonexempt earnings.

The bill applies only to a judgement debtor who is: 1) an employee of a school district, a charter school, the Arizona State Schools for the Deaf and the Blind or an accommodation school; and 2) subject to an employment contract specifying that paydays are restricted to the school year.

child support; driver license restriction (H.B. 2192) – Chapter 183

SEE THE TRANSPORTATION & TECHNOLOGY COMMITTEE.

residential care institutions; employment (H.B. 2196) – Chapter 134

SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

electronic files; access; official record (H.B. 2220) – Chapter 51

Beginning January 1, 2018, requires the superior court to provide electronic access or filing privileges to pro se litigants if the presiding judge also provides the same privileges to attorneys. Allows the judge to limit electronic access or filing privileges to: 1) records of cases

JUDICIARY COMMITTEE (Cont'd.)

in which the attorney is a party or the attorney of record for one of the parties; or 2) records related to the pro se litigant's own case.

forcible entry; detainer; prohibited rules (H.B. 2237) – Chapter 34

Prohibits a state agency or court from adopting or enforcing rules requiring a mandatory or technical form for an eviction action. Stipulates a form that meets current content and formatting requirements is sufficient to provide notice of an eviction. Applies these outlined prohibitions and requirements to the Landlord and Tenant Act, the Arizona Mobile Home Parks Residential Landlord and Tenant Act and the Recreational Vehicle Long-Term Rental Space Act.

sex trafficking; violation (NOW: child sex trafficking; violations) (H.B. 2238) – Chapter 167

Consolidates the offenses of *sex trafficking of a minor* and *child prostitution* into one criminal offense, termed *child sex trafficking*, and makes offenders eligible for lifetime probation. Clarifies that an individual convicted of child prostitution prior to the consolidation of offenses must still register as a sex offender.

incompetent, nonrestorable defendants; involuntary commitment (H.B. 2239) – Chapter 59

Modifies court and mental health processes and establishes procedures for the prosecuting agency and court to track incompetent defendants through the civil commitment process.

It requires the prosecutor to file a petition for evaluation and provide any known criminal history for the defendant if: 1) the court finds that there is no substantial probability that an incompetent defendant will regain competency within 21 months; and 2) the court therefore remands the defendant to the custody of an evaluation agency. Permits the court to retain jurisdiction over the defendant until the defendant is involuntarily committed or a guardian has been appointed.

Additionally, it stipulates an evaluation or treatment agency must notify the prosecuting agency and court before a person is released. Some of the notice requirements have a related deadline and allow the person to be detained for 24 hours to allow for the notification.

Outlines requirements related to patient discharge, provision of the patient's records to the prosecutor and court, and failure of a defendant to comply with certain treatment orders. Also stipulates a treatment agency must use information and other resources available to locate and return a patient on unauthorized absence to appropriate treatment and to file related reports with the court. Exempts a treatment agency that does so in good faith from civil liability related to the patient's actions. It also allows the court to direct a peace officer to take a patient into custody under specified circumstances.

Permits a county attorney to request an incompetent defendant be screened to determine if the person may be a sexually violent person and establishes related requirements.

JUDICIARY COMMITTEE (Cont'd.)

alternate grand jurors; service (H.B. 2240) – Chapter 35

Permits an alternate grand juror to be sworn in at the time of impanelment instead of only after a permanent juror has been excused. Allows a designee of the presiding superior court judge to excuse a sworn juror and replace him or her with an alternate grand juror.

victims' rights; pleading endorsements (H.B. 2241) – Chapter 36

Requires counsel for a victim of a crime to be endorsed on all pleadings after a notice of appearance has been filed.

anti-racketeering revolving funds; electronic reports (H.B. 2243) – Chapter 250

Beginning October 1, 2017, requires quarterly reports from departments, state agencies and political subdivisions related to Anti-Racketeering Revolving Fund monies to be submitted electronically and extends related deadlines.

Requires a comprehensive report from the Arizona Criminal Justice Commission to be submitted quarterly, rather than annually, and in an electronic format.

~~concealed weapons permit; electronic reports~~ (NOW: initiatives; standard of review; handbook) (H.B. 2244) – Chapter 151

Modifies the standard of review for statewide initiative measures from *substantial compliance* to *strict compliance* with requirements as outlined in the Arizona Constitution and statute. Stipulates individuals using the initiative process must also *strictly comply* with the requirements.

The legislation requires the Secretary of State (SOS) to make a sample initiative petition available that *strictly complies* with the provisions and any committee utilizing the petition is presumed to have met the same standard.

Additionally, each election cycle, the SOS must publish an initiative, referendum and recall handbook available on the SOS website providing guidance on interpreting, administering and enforcing the laws for initiative, referendum and recall. Contains statements of legislative findings and intent.

Arizona lengthy trial fund; continuation. (H.B. 2246) – Chapter 141

Extends the Arizona Supreme Court's authority to collect an additional fee through January 1, 2027, for the Arizona Lengthy Trial Fund that is used to replace or supplement the earnings of jurors who serve for more than five days.

school bus drivers; fingerprint cards (H.B. 2247) – Chapter 196

Requires a school bus driver to hold and maintain a valid fingerprint clearance card issued by the Department of Public Safety for the duration of certification, rather than submit

JUDICIARY COMMITTEE (Cont'd.)

fingerprints for a onetime check at the time of application. Current certified school bus drivers must obtain a fingerprint clearance card by December 31, 2018.

judicial productivity credits; salary calculation (H.B. 2254) – Chapter 197

Modifies the formula for calculating judicial productivity credits (JPC) to determine the salary for a justice of the peace (JP). The legislation changes the formula by: 1) accounting for felony and misdemeanor *counts filed* instead of *filings*; 2) increasing the weight for counts including DUI and protective orders; 3) recalculating civil traffic offenses; and 4) considering juvenile filings the same as adult filings.

Beginning January 1, 2018, requires the Arizona Supreme Court to annually calculate the JPC for each justice court and report to the applicable board of supervisors (BOS) with any salary adjustment effective on the following January 1. Outlines salary requirements upon the division of a justice precinct and prohibits salary reductions for a JP during his or her term of office.

Beginning January 1, 2019, requires the appropriate BOS to annually review and adjust a JP's salary.

sexual assault evidence; submission; reports (H.B. 2268) – Chapter 38

Establishes deadlines regarding sexual assault collection kits (kits). Requires a healthcare facility to notify law enforcement within 48 hours after evidence is collected from a kit, upon written consent from the victim. Additionally, requires the law enforcement agency to take possession of the kit within 5 business days after notification, and if the victim reports the crime to law enforcement and they determine that a crime occurred, the law enforcement agency must submit the evidence to a crime lab within 15 business days of its receipt, in which case the evidence must be analyzed as soon as practicable.

Outlines standards for the storage of DNA profiles and permits a public accredited crime lab to contract with a private accredited crime lab under certain conditions. Specifies that failure to comply with any of these requirements may not be used in the defendant's favor. Requires each law enforcement agency and public accredited crime lab to report their kit inventories to the Department of Public Safety each year for further submission to the Governor, the President of the Senate and the Speaker of the House as outlined.

victims' rights; requirements; monetary judgments (H.B. 2269) – Chapter 229

Prohibits monetary judgments in civil actions against the state, a political subdivision, or a prison, jail, correctional facility or a related officer or agent from being paid to a person who is or was previously incarcerated in the Arizona Department of Corrections before all restitution and incarceration costs are paid. Further stipulates the monetary judgement first must pay for outstanding restitution costs and a portion of any remaining balance may be used for incarceration costs.

Requires entities to transfer the monetary judgement to the clerk of the superior court for distribution to the victim. Specifies, after one year, the county treasurer must transfer unclaimed

JUDICIARY COMMITTEE (Cont'd.)

victim restitution payments to the State Treasurer for deposit into the Victim Compensation and Assistance Fund.

Allows a minor victim's name to be redacted from public records under certain circumstances, requires the court to retain jurisdiction regarding victim restitution orders and allows a victim to request a preconviction restitution lien. Also establishes a victim notification procedure for information about the defendant and allows for digital notification and victim impact statements.

provisional licenses; criminal convictions. (H.B. 2290) – Chapter 230

SEE THE COMMERCE & PUBLIC SAFETY COMMITTEE.

electoral college; electors; violation; classification (H.B. 2302) – Chapter 94

Requires Arizona presidential electors to cast their electoral college votes for the candidates for President and Vice President who jointly received the highest number of votes in Arizona according to a statewide canvass issued by the Secretary of State. Deems a presidential elector, who refuses to cast his or her vote as outlined, ineligible to hold the office and establishes procedures for appointing a replacement elector.

voter guide; publicity pamphlet; e-mail (H.B. 2304) – Chapter 216

Upon request by a voter, requires publicity pamphlets from the Secretary of State for ballot initiatives and constitutional amendments to be delivered via e-mail. Unless all registered voters in the same household opt for e-mail delivery, the household will receive a publicity pamphlet by regular mail in addition to e-mail.

Stipulates the Motor Vehicle Division must allow voters to select e-mail delivery via an online registration portal and outlines alternatives if an e-mail address is undeliverable.

precinct committeemen; term of office (H.B. 2316) – Chapter 294

Establishes a precinct committeeman's (PC) term of office is two years. A PC's term of office begins on October 1 after the primary election and ends on October 1 after the following primary election when a subsequent PC is elected.

tobacco settlement; Indian tribes; information (H.B. 2373) – Chapter 96

Allows the Department of Revenue and the Attorney General to share confidential information with Arizona Indian tribes for enforcing statutes or agreements related to: 1) any public health control law regarding tobacco sales; 2) any law relating to reduced cigarette ignition propensity standards; or 3) the Master Settlement Agreement. Further stipulates that confidential information, shared with federal, state or local agencies in Arizona, may be used for enforcing the statutes or agreements as outlined.

JUDICIARY COMMITTEE (Cont'd.)

victims; medical bills; prohibited acts (H.B. 2375) – Chapter 125

Allows licensed healthcare providers to opt-in to participating in the Victim Compensation Program (Program). Deems a provider, who accepts the full allowable payment for a service under the Program, to have accepted it as the full payment and prohibits the provider from collecting or attempting to collect any payment from the victim for the services provided, with outlined exceptions.

Prohibits a provider who receives notice that a person has filed a claim with the Program from conducting debt collection activities until an award is made or it is determined that the claim is noncompensable.

initiatives; circulators; signature collection; contests (H.B. 2404) – Chapter 52

Prohibits a person from being paid based on the number of signatures collected on a statewide initiative or referendum petition and classifies doing so as a class 1 misdemeanor. Extends the time period for challenging a circulator's registration from 5 days to 10 business days after the petition filing deadline.

Modifies the requirements for submitting a measure for review by the Legislative Council and clarifies that any person may challenge the validity of an initiative or referendum or seek to enjoin elections officials from including the measure on the ballot. Contains a severability clause.

voter registration records; petition submittals (H.B. 2412) – Chapter 126 E

An emergency measure, effective March 31, 2017, that adopts a graduated fee schedule for authorized requests of voter registration records according to the quantity of records requested. The legislation also prohibits the release of a voter's email address for any purpose.

Beginning October 1, 2017, permits the Secretary of State (SOS) to authorize the creation, use and submission of electronic nomination petitions for statewide and legislative offices and outlines related guidelines. Adds an individual's date of death to the information reported by the Department of Health Services to the SOS for the purposes of canceling the names of deceased persons from the statewide voter registration database.

signatures; electronic transactions; blockchain technology (H.B. 2417) – Chapter 97

SEE THE COMMERCE & PUBLIC SAFETY COMMITTEE.

name change; juvenile court (H.B. 2435) – Chapter 170

Allows the juvenile court to change a child's name when parental rights are terminated. Additionally, the legislation specifies the court may change a child's name to the name requested by the adoptive parent or parents in the adoption petition. Requires the court, in both cases, to consider a child's wishes to the name change if he or she is at least 12 years old.

JUDICIARY COMMITTEE (Cont'd.)

sexual assault; victim advocates; privilege (H.B. 2444) – Chapter 64

Makes sexual assault victim advocates (advocates) mandatory reporters and establishes a qualified privilege for them in civil actions. The legislation excludes the following from the privilege: 1) civil actions relating to the civil commitment of sexually violent persons; 2) an advocate's mandatory reporting requirements; or 3) communications from the victim that the advocate knows or should have known are perjurious or would tend to disprove the existence of sexual assault.

civil forfeiture; report information; remedies (H.B. 2477) – Chapter 149

Anti-Racketeering Revolving Fund – Outlines additional information that must be reported regarding the Anti-Racketeering Revolving Fund (ARRF) including details about the forfeiture itself, as well as information regarding the property, owner and expenditures. Requires agencies applying for ARRF monies to submit the application in writing and allows the application to be denied if the request does not comply with authorized purposes. The county attorney must also submit an application for use of the ARRF monies to the board of supervisors (BOS) except in emergency situations. Permits the BOS to retain outside counsel, if necessary, to approve, review or ratify the county attorney's use of the ARRF. Beginning in 2018 and every other year thereafter, the Auditor General must conduct a performance and financial audit of the Attorney General's use of ARRF monies, paid for through the ARRF.

Liability, Costs and Expenses – The legislation also modifies the current liability exemption related to asset seizure by granting immunity unless the seizing agency or attorney for the state intended to cause injury or was grossly negligent. Instead of a claimant paying the state's costs and expenses if he fails to establish his entire interest in the property is exempt, it allows the court to award fees, expenses and damages to a claimant who substantially prevails. It also requires the court to award treble costs or damages if the court finds that reasonable cause did not exist for the seizure and the seizing agency or attorney for the state intended to cause injury or was grossly negligent.

Federal Transfer and Standard of Proof – Specifies that a seizing agency or attorney for the state is prohibited from transferring seized property to a federal agency for forfeiture for investigations that do not involve a federal agency or only involve state law violations. This restriction does not apply to seizures of more than \$75,000 in joint investigations and does not prohibit specified activities related to joint investigations. Finally, it increases the standard of proof required of the state in specified types of forfeitures from *preponderance of the evidence* to *clear and convincing evidence*.

candidate committee names; office (H.B. 2486) – Chapter 233 E

An emergency measure, effective May 1, 2017, retroactive to November 5, 2016, that limits the requirement for a candidate committee name to include the office sought *only* if a candidate has a committee open for more than one office.

Specifies an election cycle: 1) begins on January 1 in the year following a statewide general election and ends on December 31 in the year of a statewide general election; and 2) for cities and towns, begins on the first day of the calendar quarter after the quarter in which a city's

JUDICIARY COMMITTEE (Cont'd.)

or town's second, runoff or general election is scheduled and ends on the last day of the calendar quarter of the immediately following second, runoff or general election.

~~dental board; expenditure limitation; repeal~~ (NOW: civil liability; vehicles; minors; animals)
(H.B. 2494) – Chapter 301

Exempts a person from civil liability for using reasonable force to enter a locked vehicle to remove a child or pet if the person has a good faith belief that the child or pet is in imminent danger of physical injury or death and outlines additional notification requirements. Stipulates a person does not receive immunity if he or she commits unnecessary or malicious damage to the vehicle and does not follow outlined requirements.

criminal justice; budget reconciliation; 2017-2018. (H.B. 2540/S.B. 1525) – Chapter 303

SEE THE APPROPRIATIONS COMMITTEE.

LEGISLATION VETOED

JPs; residency requirements (H.B. 2162) – VETOED

Requires candidates for justice of the peace (JP) or constable to be: 1) qualified electors of the precinct at the time of filing their nomination paper; and 2) residents of the precinct for at least one year before the general election date. Applies the new requirements to a JP or constable elected after the general effective date.

The Governor indicates in his veto message that the bill is substantially the same as another residency bill that he vetoed in 2015. He further indicates he does not believe it is appropriate to create specific residency requirements for a narrow set of elected offices.

Natural Resources, Energy and Water Committee

Senator Gail Griffin, Chairman



Brandi Lease, Research Analyst

Ian Wilson, Intern

NATURAL RESOURCES, ENERGY & WATER COMMITTEE

LEGISLATION ENACTED

certified qualified applicators; fingerprinting requirement (S.B. 1121) – Chapter 173

Requires an applicant for certification as a new qualified applicator to submit a full set of fingerprints and the associated fees to the Division of Pest Management for the purpose of obtaining a state and federal criminal records check.

G&F omnibus (S.B. 1154) – Chapter 13

Makes various changes to statute with regard to the Arizona Game and Fish Department.

Civil Penalty – Allows the Arizona Game and Fish Commission to: 1) impose a civil penalty against any person unlawfully taking, wounding, killing, or possessing certain wildlife; and 2) deny a license to take wildlife for a person with this civil penalty imposed against him or her until the person has paid the civil penalty in full.

Wildlife Theft Prevention Fund – Expands permitted uses of Wildlife Theft Prevention Fund monies to include investigations of the unlawful taking or possession of wildlife and fraud related to licenses, permits, tags or stamps.

Parent/Guardian Big Game Tag Transfer – Removes the requirement that a parent, grandparent or guardian must accompany a minor child in the field in order for the child or grandchild to use the parent's, grandparent's or guardian's big game permit or tag.

Personal Flotation Devices (PFD) – Requires a person being towed behind a watercraft to use a wearable PFD, rather than a buoyant belt, and requires a child 12 years old or younger to wear a properly fitting PFD while on board a watercraft.

archaeology advisory commission; continuation (S.B. 1167) – Chapter 68

Continues the Governor's Archaeology Advisory Commission for three years, until July 1, 2020, retroactive to July 1, 2017.

Arizona outdoor recreation commission; continuation (S.B. 1168) – Chapter 131

Continues the Arizona Outdoor Recreation Coordinating Commission for three years, until July 1, 2020, retroactive to July 1, 2017.

department of environmental quality; omnibus (S.B. 1183) – Chapter 112

Replaces Arizona Department of Environmental Quality (ADEQ) rule requirements regarding minimum standards and inspections of septage haulers and the establishment of a fee for licensure with permissive authority. Removes the requirement that ADEQ: 1) establish an official recycling emblem; 2) adopt rules regarding travel routes for transportation of hazardous

NATURAL RESOURCES, ENERGY & WATER COMMITTEE (Cont'd.)

wastes to state-owned hazardous waste disposal facilities; and 3) license dry well drillers. Dry well construction and modifications must be performed under direct and personal supervision of a well driller who holds an appropriate contractor's license.

appropriation; Arizona geological survey (S.B. 1184) – Chapter 285

Appropriates \$941,000 to the Arizona Geological Survey from the state General Fund for FY 2018.

forestry and fire management; conformity (S.B. 1202) – Chapter 258

Makes numerous conforming changes to statute regarding the consolidation of the Office of the State Fire Marshal into the Department of Forestry and Fire Management. Directs the State Forester to appoint an Assistant Director of the Office of the State Fire Marshal, a State Fire Training Officer and State Fire Resource Coordinator. Repeals the Community Protection Initiative Fund and Program and changes the date the Fire Fighters' Relief and Pension Fund annual report must be received by the State Fire Marshal. Within a wildfire management area, the State Forester or the designated wildfire incident commander is not responsible for the safety or actions of any person or private entity contracted to provide wildfire protection services for private property.

state lands; perpetual rights of way. (NOW: Wesley Bolin memorial; Rick Lavis) (S.B. 1245) – Chapter 259

Authorizes the Arizona Department of Administration to provide for the placement of a memorial dedicated to Rick Lavis in Wesley Bolin Plaza. Stipulates all fundraising and contracts for design and construction are the sole responsibility of the proponents, and prohibits the use of public monies for the memorial.

Arizona power authority; report (S.B. 1256) – Chapter 261

Expands the list of recipients of the Arizona Power Authority annual report to include the: 1) President of the Senate; 2) Speaker of the House of Representatives; 3) Chairman of the Senate Natural Resources, Energy and Water Committee or its successor committee; and 4) Chairman of the House Energy, Environment and Natural Resources Committee or its successor committee.

technical correction; game; fish; facilities (NOW: G&F; in-lieu fee; trust fund) (S.B. 1285) – Chapter 186

Establishes the Game and Fish In-Lieu Fee Program Restoration Endowment Trust Fund (Fund) to fulfill obligations of the Arizona Game and Fish Department (AGFD) to act as an in-lieu fee sponsor for permittees in Arizona to replace functions of degraded or destroyed aquatic resources under the Clean Water Act. Designates the Game and Fish Commission (Commission) to administer the Fund as a trustee. The Fund is a permanent endowment consisting of compensatory mitigation credit monies received from federal in-lieu fee permittees and resolutions of enforcement actions that do not involve AGFD personnel. Fund monies may only be used for: 1) purposes authorized under any enabling instrument between the Commission, the

NATURAL RESOURCES, ENERGY & WATER COMMITTEE (Cont'd.)

U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency; and 2) site selection, design, implementation, monitoring, management and administrative costs related to the AGFD's responsibilities as an in-lieu fee sponsor.

flood control districts; easements, leases (S.B. 1308) – Chapter 179

Allows a county flood control district to authorize the grant of an easement or a lease on district property without a public auction under certain conditions. The flood control district must: 1) post notice on the affected property, on the district's website and in the local newspaper for at least 15 days before the execution of the easement or lease; and 2) establish a process that allows a person to request the proposed easement or lease be submitted to public auction. For leases, the appraised value for the rental of the property must be less than \$5,000 per month. Requires the flood control district to follow public auction procedure if during the 15-day posting period a person requests that the proposed easement or lease be submitted to public auction.

Arizona power authority; conflicts; meetings (S.B. 1399/H.B. 2376) – Chapter 3

Removes language prohibiting Arizona Power Authority (APA) Commissioners from having an interest in any business that may be adversely affected by the operation of the APA and instead specifies that conflict of interest statutes in Title 38 apply. Removes language allowing the APA Commission to publish meeting minutes considered to be of public interest and benefit. Specifies the APA Commission may hold executive sessions.

surface water; adjudication sequence (S.B. 1412) – Chapter 189

Requires the water rights determination of small water use claims to be deferred until all other claims in any specific subwatershed are determined by the superior court. Requires a small water use claim asserted by a claimant who also asserted other water use claims in the same subwatershed to be determined in conjunction with the determination of that claimant's other claims. The superior court or the master is not precluded from approving settlements of small water use claims at any time during the course of the adjudication.

environment; budget reconciliation; 2017-2018 (S.B. 1526/H.B. 2541) – Chapter 308

SEE THE APPROPRIATIONS COMMITTEE.

waste tire disposal; continuation (H.B. 2065) – Chapter 192

Continues the Waste Tire Program, Waste Tire Fund and waste tire fee for eight years, until January 1, 2026.

wulfenite; state mineral (H.B. 2092) – Chapter 45

Declares wulfenite the official state mineral of Arizona.

NATURAL RESOURCES, ENERGY & WATER COMMITTEE (Cont'd.)

community protection initiative; report; continuation (NOW: small water systems fund; uses) (H.B. 2094) – Chapter 213

Modifies uses of the Small Water Systems Fund, which is renamed the Small Drinking Water Systems Fund (Fund). Expands the use of Fund monies to provide grants, instead of only emergency grants, and expands eligible grant recipients to include owners of small drinking water systems. Allows monies to be used to upgrade water infrastructure. Removes the requirement that interim operators or managers be appointed by the Arizona Corporation Commission in order to receive grants. Moves the Fund from the Arizona Department of Environmental Quality (ADEQ) to the Water Infrastructure Finance Authority of Arizona (WIFA). WIFA may approve a grant on recommendation of ADEQ and must enter into a written agreement with a recipient before disbursing monies. Modifies the definition of *small drinking water system* to mean a public water system that serves 10,000 or fewer persons, rather than 500 or fewer connections.

natural resources projects; court actions (H.B. 2096) – Chapter 247

Stipulates that if a person files an action in an Arizona court to enjoin a natural resources project and does not prevail, then that person may be assessed court costs and damages incurred as a result of the injunction, as determined by the court. Monetary damages awarded by the court must be deposited in an account established and managed by the State Land Department.

multi-county water district; directors; elections (H.B. 2112) – Chapter 289

Prohibits a Central Arizona Water Conservation District employee or an employee's spouse from serving as a member of the Board of Directors.

air quality compliance (H.B. 2131) – Chapter 29

Adds the following testing options, as approved by the Director of the Arizona Department of Environmental Quality, for determining compliance with minimum emissions standards: 1) a steady state loaded test and curb idle test for motor vehicles equipped with an on-board diagnostic (OBD) system in Area B; 2) a transient loaded test for motor vehicles equipped with an OBD system in Area A; and 3) an opacity test for diesel powered motor vehicles equipped with an OBD system in Areas A or B. Conditions the enactment of this legislation, retroactive to July 1, 2017, on the U.S. Environmental Protection Agency approving the proposed modifications to the vehicle emissions testing program protocols by July 1, 2020. Removes the repeal date of July 1, 2017, for the Compliance Advisory Panel.

Arizona emissions bank; credits; amendments (NOW: emissions credits; voluntary emissions bank) (H.B. 2152) – Chapter 225

Makes changes to the Arizona Emissions Bank (Bank). Specifies that participation in the Bank is voluntary, and allows the state, a political subdivision of the state and any person that reduces qualifying emissions to apply to the Arizona Department of Environmental Quality (ADEQ) to certify emissions reduction credits to be deposited in the Bank. Qualifying emissions must be surplus and real to be eligible for certification and deposit. Emissions reduction credits in the Bank: 1) do not expire; 2) must be identified and accounted for in the state implementation

NATURAL RESOURCES, ENERGY & WATER COMMITTEE (Cont'd.)

plan control strategy for the area in which the reduction in emissions occurred; and 3) may not be reduced without the owner's permission. Requires ADEQ and a county to make reasonable attempts to mitigate any adverse impact on the commercial trucking industry. The state or any political subdivision is not authorized to establish new or more stringent emissions regulations than provided in existing law for stationary or mobile sources.

private property access; rights-of-way (H.B. 2157) – Chapter 214

Allows a private property owner to request, and requires the state or a political subdivision of the state to grant, a nonexclusive right-of-way for a term of at least 30 years to provide legal access to an owner's private property if land owned by the state or a political subdivision of the state surrounds the private property.

forestry waste; permits (NOW: vegetative natural products; removal; program) (H.B. 2225) – Chapter 166

Requires, by January 1, 2018, the State Land Commissioner (Commissioner) and the State Forester to collaborate to establish a program to remove vegetative natural products from State Trust Land for the purposes of fire suppression, forest and watershed management and facilitating development of wood products industries in Arizona. Allows the Commissioner and the State Forester to: 1) coordinate and contract with public and private entities; 2) use programs designed to reduce parolee recidivism; and 3) enter into intergovernmental agreements to share the cost of implementing the program.

state veterinarian; animal identification; appropriation (H.B. 2253) – Chapter 280

Prohibits the Director of the Arizona Department of Agriculture (ADA) from submitting certain animal identification data to the federal government, unless required by state law or authorized by a voluntary participant in the National Animal Identification System. Appropriates the following from the state General Fund to the ADA for FY 2018: 1) \$217,976 and 4 FTE positions for the State Veterinarian; and 2) \$150,000 and 3 FTE positions for the Plant Services Division.

oxygenated fuel standards; formula. (H.B. 2368) – Chapter 295

SEE THE TRANSPORTATION & TECHNOLOGY COMMITTEE.

waste tires; definitions (H.B. 2399) – Chapter 201

Defines terms related to waste tires and expands the definition of *waste tire* to include motor vehicle tires that are no longer suitable for the intended purpose because of improper repair or manufacturer's recall.

workers' compensation; employee definition; notice. (NOW: land subdividers; notice; certificate; exemption) (H.B. 2482) – Chapter 298

SEE THE COMMERCE & PUBLIC SAFETY COMMITTEE.

LEGISLATION VETOED

conservation easement; in lieu payments (S.B. 1247) – VETOED

Retroactive to January 1, 2017, allows a conservation easement holder to make an annual payment of monies in lieu of taxes on the reduction of value of the original parcel caused by the placement of the conservation easement.

The Governor indicates in his veto letter that S.B. 1247 creates uncertainty for taxation in Arizona and is problematic for the future of the military installations in Arizona.

emergency generator systems; exemption (H.B. 2250) – VETOED

Exempts a generator and its related pumps, equipment and systems certified for compliance with U.S. Department of Defense specifications in effect on January 1, 2017, from state and county air quality emissions standards.

The Governor indicates in his veto letter that H.B. 2250 appears to be unnecessary at this time and that emergency preparedness is being handled appropriately at the agency level.

Transportation & Technology Committee

Senator Bob Worsley, Chairman



Kaitlyn Neff, Research Analyst
Brooke Nisenbaum, Intern

TRANSPORTATION & TECHNOLOGY COMMITTEE

LEGISLATION ENACTED

electric personal assistive mobility devices (S.B. 1017) – Chapter 4

Expands the definition of *electric personal assistive mobility device* to include self-balancing devices with one wheel.

~~public entities; absolute immunity; defenses~~ (NOW: public entities; defenses) (S.B. 1025) – Chapter 253 *

SEE THE JUDICIARY COMMITTEE.

license plate covers; prohibition (S.B. 1073) – Chapter 83

Prohibits the use of unauthorized license plate covers or any alteration that obscures the numbers, letters, year validating tabs or issuing jurisdiction from view.

electronic; digital signatures; requirements; ADOA (S.B. 1078) – Chapter 78 E

An emergency measure, effective March 27, 2017, that requires state agencies, excluding the judicial branch, to accept electronic records and electronic signatures. Counties, municipalities and political subdivisions may determine if, and the extent to which, the subdivision will send and accept electronic records and electronic signatures. The Arizona Department of Administration, in consultation with the State Treasurer, must adopt policies and procedures for electronic and digital signatures and electronic records for state agencies, boards and commissions in policy or rule.

teenage drivers; communication devices prohibited (S.B. 1080) – Chapter 209

Effective July 1, 2018, prohibits a driver with an instructional permit or who is within the first six months of holding a class G driver license from using a wireless communication device while driving a motor vehicle, except during certain emergency situations. The driver may use an audible navigation system if the destination is not entered or adjusted while in motion. A peace officer may not stop or cite a driver for violation without reasonable cause to believe there is another alleged motor vehicle violation.

motorcycle safety fund (S.B. 1082) – Chapter 10

Reinstates the collection of an additional \$1 registration fee for motorcycles to be deposited into the Motorcycle Safety Fund (Fund) until June 30, 2021, and expands the allowed uses of the Fund to include training.

TRANSPORTATION & TECHNOLOGY COMMITTEE (Cont'd.)

electronic records; retention; storage (S.B. 1084) – Chapter 11

Allows electronic documents to legally satisfy record retention requirements. Removes permissive authority for governmental agencies to not use or allow the use of electronic records or electronic signatures or adopt additional retention policies.

amateur radio operator special plates (S.B. 1132) – Chapter 84

Establishes the Amateur Radio Operator Special Plate Fund (Fund) and requires \$17 of the \$25 special plate fee collected for the Amateur Radio Operator Special Plate be deposited into the Fund. Requires the Director of the Arizona Department of Transportation to annually distribute the monies in the Fund to a qualifying non-profit organization that awards scholarships to licensed amateur radio operators and awards grants to affiliated clubs that benefit the amateur radio community.

collector car auction; special plates (S.B. 1139) – Chapter 110

Allows the Arizona Department of Transportation (ADOT), dependent upon payment of \$32,000 by December 31, 2017, for implementation, to issue the: 1) collector car auction special plate; and 2) active duty military installation support special plate. Requires \$17 of the monies collected from each plate to be deposited into the respective fund. Requires the Director of ADOT to annually distribute monies in the respective funds to qualifying organizations.

ignition interlock device; regulation; installers (S.B. 1150) – Chapter 331

Effective July 1, 2018, establishes application and contract requirements for ignition interlock device (IID) service providers. Requires service provider applicants to submit a verified application and the prescribed fees to the Director of the Arizona Department of Transportation (Director), who will approve or deny the application for contract. Approved contracts must meet specific requirements, including a detailed plan for operation, training, security protections, corrective action and penalties. A service provider must maintain at least one adequately staffed and equipped service center in each county and may use mobile service centers that are not tow trucks. Outlines requirements for service provider records, insurance and bond coverage.

Establishes the IID Fund consisting of fees collected by IID service providers for installation of an IID. Monies in the fund are subject to legislative appropriation and must be used for purposes related to IIDs and service measures.

IIDs must meet national standards, including the ability to wirelessly transmit and receive information. An identifying mark may not be included on the physical driver license of a person convicted of a first DUI violation.

ADOT omnibus (S.B. 1211) – Chapter 44

Allows the Arizona Department of Transportation (ADOT) to assume federal environmental review responsibilities for highway projects receiving federal monies and stipulates that the state's sovereign immunity from civil suit in federal court is waived for those projects and that purpose. Outlines transportation projects exempt from the state procurement

TRANSPORTATION & TECHNOLOGY COMMITTEE (Cont'd.)

code. Repeals current reporting, spending and certification requirements for specified counties, cities and towns requiring report of budgeting specified transportation spending levels matching FYs 1982 through 1986. Removes the requirement for a reinstatement application following a driver license suspension, as long as other statutory requirements have been met. Removes the requirement for a light rail transit operator to cover ADOT's cost of administering the light rail project.

towing firms; assets; definition (S.B. 1216) – Chapter 177

Prohibits towing firms with shared employees or assets, including any valuable financial, intangible or physical property, from applying for more than one contractual agreement within a geographic area. The Department of Public Safety, county, city or town must determine compliance and review submitted complaints of violations.

parking violation; disabilities; access aisles (S.B. 1239) – Chapter 85

Prohibits motorists from stopping in the access aisle of parking spaces designated for persons with disabilities. Allows a person to temporarily park a motor vehicle in parking spaces designated for persons with disabilities while chauffeuring a person with a physical disability.

foster children; motor vehicle insurance (S.B. 1341) – Chapter 263

SEE THE FINANCE COMMITTEE.

misused transportation excise tax; repayment (S.B. 1379) – Chapter 274

SEE THE FINANCE COMMITTEE.

vehicle impoundment; release of vehicles (H.B. 2159) – Chapter 249

Allows the owner of an impounded commercial vehicle, street sweeper or heavy equipment to recover the vehicle if the owner was not the operator of the vehicle at the time of the impoundment.

Establishes the Abandoned Vehicle Administration Fund consisting of abandoned, seized and junked vehicle fees. Monies in the fund will be used to partially reimburse towing companies for the removal of abandoned vehicles.

child support; driver license restriction (H.B. 2192) – Chapter 183

Allows the court to order a restricted driver or recreational license to allow a parent who is at least six months in arrears of child support payments to drive between specified locations that further the parent's ability to comply with support orders. The obligor must meet specified requirements to qualify for a restriction rather than a full license suspension and is subject to a license suspension if found to be out of compliance. Eliminates the requirement for parents to file an application for license reinstatement following the obligor's driver license suspension.

TRANSPORTATION & TECHNOLOGY COMMITTEE (Cont'd.)

vehicle registration; nonresidents; penalty (H.B. 2249) – Chapter 322

Classifies the penalty for a nonresident knowingly operating a foreign vehicle on a highway without displaying the required license plates as a civil traffic violation.

ADOT; Meridian road extension (H.B. 2251) – Chapter 142

Directs the Arizona Department of Transportation to work with interested parties to extend Meridian Road.

auto dealers; recalls; manufacturer compensation (H.B. 2331) – Chapter 231

Requires a motor vehicle manufacturer to compensate a franchised new motor vehicle dealer authorized to sell used motor vehicles of the same line-make for certain recalled used motor vehicles at a prorated rate of at least 1.5 percent of the value of the vehicle, beginning after 30 days and remaining in effect until the remedy parts are delivered to the new motor vehicle dealer or the stop-sale or do not drive notification is no longer in effect. Compensation requirements apply to any used motor vehicle in inventory at the time of the stop-sale or do not drive notification, vehicles taken into inventory as a trade-in, and affected lease return vehicles when returned in accordance with contractual terms. Outlines requirements and prohibitions of the new motor vehicle dealer and the motor vehicle manufacturer for reimbursement, claims and compensation for the recalled used motor vehicle.

science education special plates (H.B. 2354) – Chapter 75

Allows the Arizona Department of Transportation (ADOT), dependent upon payment of \$32,000 by December 31, 2017, for the implementation, to issue the Science Education Special Plate. Requires \$17 of the monies collected from each plate to be deposited into the Science Education Special Plate Fund (Fund). The Director of ADOT must annually distribute monies in the Fund to a qualifying foundation that delivers informal science education to students, teachers and families in Arizona.

oxygenated fuel standards; formula. (H.B. 2368) – Chapter 295

Removes iso-butanol from the statutory list of oxygenates prohibited from contributing to more than 0.1 percent oxygen by weight in gasoline. Allows for a fuel blend other than gasoline-ethanol to be sold within Area A between November 1 and March 31, conditioned on the U.S. Environmental Protection Agency's approval of proposed modifications included in Arizona's implementation plan for air quality.

oversize commercial vehicles; local authority (H.B. 2371) – Chapter 47

Requires local authorities that issue permits to oversize and overweight vehicles to adopt and enforce ordinances that are substantively identical to those adopted by the Arizona Department of Transportation. Local authorities are authorized to adopt ordinances relating to infrastructure, time of day, and route restrictions. Requirements apply to ordinances and rules adopted before and after the general effective date.

TRANSPORTATION & TECHNOLOGY COMMITTEE (Cont'd.)

waste tires; definitions (H.B. 2399) – Chapter 201

SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.

motor vehicle dealers; title information (H.B. 2483) – Chapter 48

Requires a wholesale motor vehicle auction dealer to submit a notice of vehicle transfer and outlines requirements for the notice. The notice must be submitted electronically, if the Arizona Department of Transportation (ADOT) implements an electronic system. Removes the ADOT rulemaking requirement for the enforcement and administration of motor vehicle dealer and manufacturer license plates.

spay and neuter; tax checkoff. (H.B. 2523) – Chapter 172

Allows an individual to designate all or a portion of the individual's state tax return refund to the Spaying and Neutering of Animals Fund and requires the Department of Revenue to deduct the contribution from the individual's state tax refund. Modifies the membership requirements of the Companion Animal Spay and Neuter Committee.

Memorials & Resolutions



MEMORIALS & RESOLUTIONS

critical habitat; expansion; urging repeal (S.C.M. 1001)

Urges the U.S. President and Congress to repeal the final rules expanding the definition of *critical habitat*.

division; ninth circuit; urging Congress (S.C.M. 1002)

Urges the U.S. Congress to divide the U.S. Court of Appeals for the Ninth Circuit into two circuits.

~~urging Congress; technical correction~~ (NOW: urging Congress; hunting; angling; support) (S.C.M. 1004)

Urges the U.S. Congress to: 1) respect the historic and current use of Arizona's recreational areas; 2) support the time-honored Arizona traditions of hunting and angling; and 3) respect the administration of wildlife conservation through the sound science delivered by the Arizona Game and Fish Department and the science-based policies developed by the Arizona Game and Fish Commission.

urging Congress; river designations (S.C.M. 1006)

Urges the U.S. Congress to amend the Wild and Scenic Rivers Act to require approval from Congress, states, counties and local entities before a river can be designated as wild, scenic or recreational.

ozone concentration standard; reinstatement (S.C.M. 1008)

Urges the U.S. President and Congress to prompt the Environmental Protection Agency to reinstate the previous ozone concentration standard of 75 parts per billion.

urging delisting of gray wolf (S.C.M. 1009)

Urges the U.S. Fish and Wildlife Services to delist the gray wolf from the Endangered Species Act.

urging BLM; travel management plans (S.C.M. 1010)

Urges the U.S. Bureau of Land Management to consult with all affected stakeholders in the development of travel management plans affecting Arizona.

antiquities act; monuments; urging Congress (S.C.M. 1011)

Urges the U.S. Congress to repeal or amend the Antiquities Act to require congressional, state, county and local approval in order to designate a national monument.

MEMORIALS AND RESOLUTIONS (Cont'd.)

death resolution; Gus Arzberger (S.C.R. 1004)

Expresses the Legislature's regret at the passing of the Honorable Gus Arzberger and extends its members' deepest sympathies and condolences to his family and many friends.

death resolution; George Lemen (S.C.R. 1005)

Expresses the Legislature's regret at the passing of the Honorable George Lemen and extends its members' deepest sympathies and condolences to his family and many friends.

death resolution; M. Lee Allison (S.C.R. 1006)

Expresses the Legislature's regret at the passing of M. Lee Allison and extends its members' deepest sympathies and condolences to his family and many friends.

death resolution; John Hays (S.C.R. 1007)

Expresses the Legislature's regret at the passing of the Honorable John U. Hays and extends its members' deepest sympathies and condolences to his family and many friends.

death resolution; Rick Lavis (S.C.R. 1008)

Expresses the Legislature's regret at the passing of Rick Lavis and extends its members' deepest sympathies and condolences to his family and many friends.

nuclear energy; support (S.C.R. 1010)

Expresses the Legislature's support of nuclear energy as a safe and efficient means of energy production and commitment to the continuing and safe use of nuclear energy.

Taiwan; United States; trade; support (S.C.R. 1017)

Declares the Legislature's support for negotiating a U.S.-Taiwan bilateral investment agreement for Taiwan's participation in international organizations supporting its continued democratization.

BLM planning 2.0 rule; opposition (S.C.R. 1019)

Expresses the Legislature's opposition to the Bureau of Land Management's (BLM) Planning 2.0 rule which: 1) threatens grazing and multiple uses on BLM land; 2) reduces state and local government influence on BLM land use decisions; and 3) shortens public comment timeframes for BLM plans.

death resolution; Marian Lupu (S.C.R. 1020)

Expresses the Legislature's regret at the passing of Marian Lupu and extends its members' deepest sympathies and condolences to her family and many friends.

MEMORIALS AND RESOLUTIONS (Cont'd.)

Lions clubs; centennial anniversary; recognition (S.C.R. 1022)

Expresses the Legislature's appreciation of the Lions Club on its 100th anniversary and extends recognition to the past and present members for their record of community service.

corrections officer retirement plan (S.C.R. 1023)

Subject to voter approval, constitutionally allows certain adjustments to be made to the Corrections Officer Retirement Plan. Requires the Secretary of State to submit the proposition to the voters at the next general election. Becomes effective if approved by the voters and on proclamation of the Governor. See the summary for S.B. 1442 for more information.

civics education; Arizona schools (S.C.R. 1026)

Expresses the Legislature's continuing commitment to the promotion of civics education in Arizona schools.

veterans' services; Navajo nation; cooperation (S.C.R. 1028)

Expresses the Legislature's commitment to ensuring the cooperation of the Arizona Department of Veterans' Services and the Navajo Nation for the benefit of the veterans of the Navajo Nation.

death resolution; Eleanor Ann Day (S.C.R. 1034)

Expresses the Legislature's regret at the passing of the Honorable Eleanor Ann Day and extends its members' deepest sympathies and condolences to her family and many friends.

Phoenix-Goodyear airport; reuse zone (S.J.R. 1002/H.J.R. 2001)

Renews the Phoenix-Goodyear Airport property as a Military Reuse Zone until December 3, 2027.

urging Congress; ninth circuit; division (H.C.M. 2001)

Urges the U.S. Congress to divide the U.S. Court of Appeals for the Ninth Circuit into two circuits.

urging EPA, Congress; nuclear power (H.C.M. 2003)

Urges the U.S. Congress and the U.S. Environmental Protection Agency to: 1) recognize nuclear power as a viable source of clean energy; and 2) commend Arizona's diversified energy portfolio.

hardrock mining; rule; urging EPA (H.C.M. 2005/S.C.M. 1005)

Urges the U.S. Environmental Protection Agency to: 1) withdraw the proposed rule to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and start

MEMORIALS AND RESOLUTIONS (Cont'd.)

over with the intent to defer regulation under CERCLA, section 108(b) to existing state and federal programs; 2) extend the comment period by at least 120 days to ensure Arizona has time to determine the impact of the proposed rule; and 3) confer with and consider the concerns of various governmental entities and regulators.

clean power plan; repeal; replace (H.C.M. 2006)

Urges: 1) the Administrator of the U.S. Environmental Protection Agency to repeal the Clean Power Plan and work with the states to develop a replacement program that is acceptable to all parties concerned with coal-fired electricity generation; and 2) the Secretary of the U.S. Department of Energy to develop a strategic plan to attain the best technology for coal-fired systems.

exceptional events rule; revisions (H.C.M. 2008)

Urges: 1) the U.S. Environmental Protection Agency to revise the Exceptional Events Rule (Rule) to include an effective process addressing background ozone and other emissions that are outside of the states' regulatory control; and 2) the U.S. Congress to ensure the Rule is revised.

zero tolerance; female genital mutilation (H.C.M. 2011)

Urges the U.S. Congress to formally recognize February 6 as the Day of Zero Tolerance for Female Genital Mutilation.

application; Article V convention (H.C.R. 2010/S.C.R. 1024)

Formally applies to the U.S. Congress to call an Article V convention to propose amendments to the U.S. Constitution that: 1) impose fiscal restraints on the federal government; 2) limit the power and jurisdiction of the federal government; or 3) limit the terms of office for federal officials and members of the U.S. Congress. The application may not be used to call a convention for any other reason. Arizona delegates may not support term limits for members of the U.S. Congress that would limit their number of years in office to fewer than 12 years.

convention; balanced federal budget (H.C.R. 2013)

Formally applies to the U.S. Congress to call an Article V convention to propose a balanced budget amendment to the U.S. Constitution which would prohibit, in the absence of a national emergency, total federal appropriations from exceeding the total estimated federal revenue for that fiscal year.

tartan Day (H.C.R. 2020)

Proclaims April 6, 2017, as Tartan Day in Arizona, recognizing the contributions of Scottish Americans and encouraging citizens to observe with appropriate ceremonies and dress.

MEMORIALS AND RESOLUTIONS (Cont'd.)

suicide prevention month (H.C.R. 2021)

Proclaims September 2017 as Suicide Prevention Month in Arizona and expresses a commitment to promoting suicide prevention efforts.

balanced budget convention; delegates (H.C.R. 2022)

Requires, if an Article V convention is called, the Speaker of the House of Representatives and the President of the Senate to jointly appoint a delegation and an Article V Convention Committee. Outlines requirements and prohibitions for the delegation and Article V Convention Committee. Outlines voting requirements for commissioners for Article V convention rules.

Requires the State of Arizona to call a planning convention of the states to convene on September 12, 2017, in Phoenix, Arizona for the purpose of: 1) planning and recommending rules and procedures for proposing a balanced budget amendment to the U.S. Constitution at the prospective convention; and 2) recommending to Congress the criteria for determining the location and initial date of the Article V convention. Establishes the Arizona Balanced Budget Amendment Planning Convention Committee to coordinate the planning convention. The Legislature will provide the delegation with any necessary support staff and pay all of the costs of attending the Article V convention, any planning convention and all associated meetings and hearings.

hidden heroes day; military caregivers (H.C.R. 2025)

Proclaims May 20, 2017, as Hidden Heroes Day in Arizona. Expresses the Legislature's support for the caregivers of veterans and service members and encourages all who support veterans and services members to also extend support to their caregivers.

death resolution; Sharon Giese (H.C.R. 2031)

Expresses the Legislature's regret at the passing of Sharon Giese and extends its members' deepest sympathies and condolences to her family and many friends.

lower Colorado basin; forbearance authority. (H.J.R. 2002/S.J.R. 1003)

Authorizes the Director of the Arizona Department of Water Resources to enter into an agreement to forbear Arizona's rights to certain quantities of intentionally created surplus from the Colorado River if a minute is executed in which: 1) Mexico reduces its deliveries of Colorado River water in the same years that Arizona is required to reduce its deliveries due to shortage; and 2) Colorado River entitlement holders are allowed to form partnerships with Mexico to supplement the lower Colorado River mainstream to create intentionally created surplus.

health insurance tax; repeal (H.M. 2001)

Urges the U.S. Congress to repeal the Affordable Care Act's health insurance tax.

MEMORIALS AND RESOLUTIONS (Cont'd.)

welcoming the Ultimate Fighting Championship (H.R. 2001)

Welcomes the Ultimate Fighting Championship to Arizona.

death resolution; Max Dine (H.R. 2002)

Expresses the House of Representatives' regret at the passing of Dr. Max Dine and extends its members' deepest sympathies and condolences to his family and many friends.

Arizona aerospace day (H.R. 2003)

Proclaims January 30, 2017, as Arizona Aerospace Day, recognizing the contributions of the aerospace industry on the history, economy, security and educational system of Arizona.

death resolution; David Besst (H.R. 2004)

Expresses the House of Representatives' regret at the passing of David Besst and extends its members' deepest sympathies and condolences to his family and many friends.

Bill Index



BILL INDEX

E - Emergency

W/O - Without Emergency

V/O - Veto Override

RFEIR – Requirements for Enactment; Initiative or Referendum

W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

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E - Emergency

W/O - Without Emergency

V/O - Veto Override

RFEIR – Requirements for Enactment; Initiative or Referendum

W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

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Keyword Index



KEYWORD INDEX

E - Emergency

W/O - Without Emergency

V/O - Veto Override

RFEIR – Requirements for Enactment; Initiative or Referendum

W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

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