AN ACT

AMENDING SECTIONS 13-2301, 26-305.01, 26-306.02, 30-651, 30-652, 30-654, 30-655, 30-656, 30-657, 30-658, 30-671, 30-673, 30-681, 30-682, 30-683, 30-685, 30-686, 30-687, 30-688, 30-692, 30-693, 30-694, 30-695, 30-696, 30-702, 30-722, 32-516, 32-2801, 32-2802, 32-2803, 32-2823, 32-2843, 32-3231, 32-3233, 32-3234, 36-495.02, 41-1804, 41-3018.04, 45-105, 49-123 AND 49-903, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO THE RADIATION REGULATORY AGENCY.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Section 1. Section 13-2301, Arizona Revised Statutes, is amended to read:

13-2301. Definitions
A. For the purposes of sections 13-2302, 13-2303 and 13-2304:
1. "Collect an extension of credit" means to induce in any way any person to make repayment of that extension.
2. "Creditor" means any person making an extension of credit or any person claiming by, under or through any person making an extension of credit.
3. "Debtor" means any person to whom an extension of credit is made or any person who guarantees the repayment of an extension of credit, or in any manner undertakes to indemnify the creditor against loss resulting from the failure of any person to whom an extension is made to repay the extension.
4. "Extend credit" means to make or renew any loan or to enter into any agreement, tacit or express, whereby the repayment or satisfaction of any debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.
5. "Extortionate extension of credit" means any extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person or the reputation or property of any person.
6. "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person or the reputation or property of any person.
7. "Repayment of any extension of credit" means the repayment, satisfaction or discharge in whole or in part of any debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.
B. For the purposes of section 13-2305, 13-2306 or 13-2307:
1. "Dealer in property" means a person who buys and sells property as a business.
2. "Stolen property" means property of another as defined in section 13-1801 that has been the subject of any unlawful taking.
3. "Traffic" means to sell, transfer, distribute, dispense or otherwise dispose of stolen property to another person, or to buy, receive, possess or obtain control of stolen property, with the intent to sell, transfer, distribute, dispense or otherwise dispose of the property to another person.
C. For the purposes of this chapter:

1. "Animal activity" means a commercial enterprise that uses animals for food, clothing or fiber production, agriculture or biotechnology.

2. "Animal facility" means a building or premises where a commercial activity in which the use of animals is essential takes place, including a zoo, rodeo, circus, amusement park, hunting preserve and horse and dog event.

3. "Animal or ecological terrorism" means any felony in violation of section 13-2312, subsection B that involves at least three persons acting in concert, that involves the intentional or knowing infliction of property damage in an amount of more than ten thousand dollars to the property that is used by a person for the operation of a lawfully conducted animal activity or to a commercial enterprise that is engaged in a lawfully operated animal facility or research facility and that involves either:
   (a) The use of a deadly weapon or dangerous instrument.
   (b) The intentional or knowing infliction of serious physical injury on a person engaged in a lawfully conducted animal activity or participating in a lawfully conducted animal facility or research facility.

4. "Biological agent" means any microorganism, virus, infectious substance or biological product that may be engineered through biotechnology or any naturally occurring or bioengineered component of any microorganism, virus, infectious substance or biological product and that is capable of causing any of the following:
   (a) Death, disease or physical injury in a human, animal, plant or other living organism.
   (b) The deterioration or contamination of air, food, water, equipment, supplies or material of any kind.

5. "Combination" means persons who collaborate in carrying on or furthering the activities or purposes of a criminal syndicate even though such persons may not know each other's identity, membership in the combination changes from time to time or one or more members may stand in a wholesaler-retailer or other arm's length relationship with others as to activities or dealings between or among themselves in an illicit operation.

6. "Communication service provider" has the same meaning prescribed in section 13-3001.

7. "Criminal syndicate" means any combination of persons or enterprises engaging, or having the purpose of engaging, on a continuing basis in conduct that violates any one or more provisions of any felony statute of this state.
8. "Explosive agent" means an explosive as defined in section 13-3101 and flammable fuels or fire accelerants in amounts over fifty gallons but excludes:
   (a) Fireworks as defined in section 36-1601.
   (b) Firearms.
   (c) A propellant actuated device or propellant actuated industrial tool.
   (d) A device that is commercially manufactured primarily for the purpose of illumination.
   (e) A rocket having a propellant charge of less than four ounces.

9. "Material support or resources" includes money or other financial securities, financial services, lodging, sustenance, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, disguises and other physical assets but does not include medical assistance, legal assistance or religious materials.

10. "Public establishment" means a structure that is owned, leased or operated by this state or a political subdivision of this state or a health care institution as defined in section 36-401.

11. "Research facility" means a laboratory, institution, medical care facility, government facility, public or private educational institution or nature preserve at which a scientific test, experiment or investigation involving the use of animals is lawfully carried out, conducted or attempted.

12. "Terrorism" means any felony, including any completed or preparatory offense, that involves the use of a deadly weapon or a weapon of mass destruction or the intentional or knowing infliction of serious physical injury with the intent to either:
   (a) Influence the policy or affect the conduct of this state or any of the political subdivisions, agencies or instrumentalities of this state.
   (b) Cause substantial damage to or substantial interruption of public communications, communication service providers, public transportation, common carriers, public utilities, public establishments or other public services.

13. "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi or infectious substances or a recombinant molecule, whatever its origin or method of reproduction, including:
   (a) Any poisonous substance or biological product that may be engineered through biotechnology and that is produced by a living organism.
   (b) Any poisonous isomer or biological product, homolog or derivative of such a substance.

14. "Vector" means a living organism or molecule, including a recombinant molecule or biological product that may be engineered through
biotechnology, that is capable of carrying a biological agent or toxin to
a host.

15. "Weapon of mass destruction" means:
   (a) Any device or object that is designed or that the person
       intends to use to cause multiple deaths or serious physical injuries
       through the use of an explosive agent or the release, dissemination or
       impact of a toxin, biological agent—OR poisonous chemical, or its
       precursor, or any vector.
   (b) Except as authorized and used in accordance with a license,
       registration or exemption by the radiation regulatory agency DEPARTMENT OF
       HEALTH SERVICES pursuant to section 30-672, any device or object that is
       designed or that the person intends to use to release radiation or
       radioactivity at a level that is dangerous to human life.

D. For the purposes of sections 13-2312, 13-2313, 13-2314 and
13-2315, unless the context otherwise requires:
1. "Control", in relation to an enterprise, means the possession of
   sufficient means to permit substantial direction over the affairs of an
   enterprise and, in relation to property, means to acquire or possess.
2. "Enterprise" means any corporation, partnership, association,
labor union or other legal entity or any group of persons associated in
fact although not a legal entity.
3. "Financial institution" means any business under the
   jurisdiction of the department of financial institutions or a banking or
   securities regulatory agency of the United States, a business coming
   within the definition of a bank, financial agency or financial institution
   as prescribed by 31 United States Code section 5312 or 31 Code of Federal
   Regulations section 1010.100 or a business under the jurisdiction of the
   securities division of the corporation commission, the state real estate
department or the department of insurance.
4. "Racketeering" means any act, including any preparatory or
completed offense, that is chargeable or indictable under the laws of the
state or country in which the act occurred and, if the act occurred in a
state or country other than this state, that would be chargeable or
indictable under the laws of this state if the act had occurred in this
state, and that would be punishable by imprisonment for more than one year
under the laws of this state and, if the act occurred in a state or
country other than this state, under the laws of the state or country in
which the act occurred, regardless of whether the act is charged or
indicted, and the act involves either:
   (a) Terrorism, animal terrorism or ecological terrorism that
results or is intended to result in a risk of serious physical injury or
death.
   (b) Any of the following acts if committed for financial gain:
       (i) Homicide.
       (ii) Robbery.
(iii) Kidnapping.
(iv) Forgery.
(v) Theft.
(vi) Bribery.
(vii) Gambling.
(viii) Usury.
(ix) Extortion.
(x) Extortionate extensions of credit.
(xi) Prohibited drugs, marijuana or other prohibited chemicals or substances.
(xii) Trafficking in explosives, weapons or stolen property.
(xiii) Participating in a criminal syndicate.
(xiv) Obstructing or hindering criminal investigations or prosecutions.
(xv) Asserting false claims, including, but not limited to, false claims asserted through fraud or arson.
(xvi) Intentional or reckless false statements or publications concerning land for sale or lease or sale of subdivided lands or sale and mortgaging of unsubdivided lands.
(xvii) Resale of realty with intent to defraud.
(xviii) Intentional or reckless fraud in the purchase or sale of securities.
(xix) Intentional or reckless sale of unregistered securities or real property securities.
(xx) A scheme or artifice to defraud.
(xxi) Obscenity.
(xxii) Sexual exploitation of a minor.
(xxiii) Prostitution.
(xxiv) Restraint of trade or commerce in violation of section 34-252.
(xxv) Terrorism.
(xxvi) Money laundering.
(xxvii) Obscene or indecent telephone communications to minors for commercial purposes.
(xxviii) Counterfeiting marks as proscribed in section 44-1453.
(xxix) Animal terrorism or ecological terrorism.
(xxx) Smuggling of human beings.
(xxxi) Child prostitution.
(xxxii) Sex trafficking.
(xxxiii) Trafficking of persons for forced labor or services.
(xxxiv) Manufacturing, selling or distributing misbranded drugs in violation of section 13-3406, subsection A, paragraph 9.

5. "Records" means any book, paper, writing, computer program, data, image or information that is collected, recorded, preserved or maintained in any form of storage medium.
6. "Remedy racketeering" means to enter a civil judgment pursuant to this chapter or chapter 39 of this title against property or a person who is subject to liability, including liability for injury to the state that is caused by racketeering or by actions in concert with racketeering.

E. For the purposes of sections 13-2316, 13-2316.01 and 13-2316.02:

1. "Access" means to instruct, communicate with, store data in, retrieve data from or otherwise make use of any resources of a computer, computer system or network.

2. "Access device" means any card, token, code, account number, electronic serial number, mobile or personal identification number, password, encryption key, biometric identifier or other means of account access, including a canceled or revoked access device, that can be used alone or in conjunction with another access device to obtain money, goods, services, computer or network access or any other thing of value or that can be used to initiate a transfer of any thing of value.

3. "Computer" means an electronic device that performs logic, arithmetic or memory functions by the manipulations of electronic or magnetic impulses and includes all input, output, processing, storage, software or communication facilities that are connected or related to such a device in a system or network.

4. "Computer contaminant" means any set of computer instructions that is designed to modify, damage, destroy, record or transmit information within a computer, computer system or network without the intent or permission of the owner of the information, computer system or network. Computer contaminant includes a group of computer instructions, such as viruses or worms, that is self-replicating or self-propagating and that is designed to contaminate other computer programs or computer data, to consume computer resources, to modify, destroy, record or transmit data or in some other fashion to usurp the normal operation of the computer, computer system or network.

5. "Computer program" means a series of instructions or statements, in a form acceptable to a computer, that permits the functioning of a computer system in a manner designed to provide appropriate products from the computer system.

6. "Computer software" means a set of computer programs, procedures and associated documentation concerned with the operation of a computer system.

7. "Computer system" means a set of related, connected or unconnected computer equipment, devices and software, including storage, media and peripheral devices.

8. "Critical infrastructure resource" means any computer or communications system or network that is involved in providing services necessary to ensure or protect the public health, safety or welfare, including services that are provided by any of the following:
   (a) Medical personnel and institutions.
(b) Emergency services agencies.
(c) Public and private utilities, including water, power, communications and transportation services.
(d) Fire departments, districts or volunteer organizations.
(e) Law enforcement agencies.
(f) Financial institutions.
(g) Public educational institutions.
(h) Government agencies.

9. "False or fraudulent pretense" means the unauthorized use of an access device or the use of an access device to exceed authorized access.
10. "Financial instrument" means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card or marketable security or any other written instrument as defined in section 13-2001 that is transferable for value.
11. "Network" includes a complex of interconnected computer or communication systems of any type.
12. "Property" means financial instruments, information, including electronically produced data, computer software and programs in either machine or human readable form, and anything of value, tangible or intangible.
13. "Proprietary or confidential computer security information" means information about a particular computer, computer system or network that relates to its access devices, security practices, methods and systems, architecture, communications facilities, encryption methods and system vulnerabilities and that is not made available to the public by its owner or operator.
14. "Services" includes computer time, data processing, storage functions and all types of communication functions.

Sec. 2. Section 26-305.01, Arizona Revised Statutes, is amended to read:

26-305.01. Nuclear emergency plan; duties of division and director

A. The division is designated the lead agency and has the overall and primary responsibility for development of a state plan for off-site response to an emergency caused by an accident at a commercial nuclear generating station.
B. The director shall develop the plan by appointing a coordinator and response group and working in consultation with designated representatives from the following:

1. Radiation regulatory agency.
2. Arizona department of agriculture.
3. Department of health services.
4. Department of public safety.
5. Department of transportation.
6. Arizona commerce authority.
Sec. 2. Section 26-306.02, Arizona Revised Statutes, is amended to read:

26-306.02. Nuclear emergency management fund; exemption; appropriation reduction

A. The nuclear emergency management fund is established consisting of monies appropriated under section 26-306.01. The division shall use the fund for administering and enforcing the state plan for off-site response to an emergency caused by an accident at a commercial nuclear generating station.

B. Monies in the fund are appropriated for use by the division as provided in this section. Monies deposited in the fund are exempt from section 35-190 relating to lapsing of appropriations, except that any monies remaining unexpended and unencumbered at the end of each fiscal year from the distributions made from the fund to the division of emergency management of the department of emergency and military affairs, the Arizona department of agriculture and the radiation regulatory agency DEPARTMENT OF HEALTH SERVICES and for disbursements to departments and agencies of Maricopa county revert to the nuclear emergency management fund and shall be used to reduce the assessment and appropriation to the fund for the following fiscal years. The reduction in the appropriation for each applicable agency shall be equal to the amount of monies reverted to the fund by each agency.

Sec. 3. Section 26-306.02, Arizona Revised Statutes, is amended to read:

30-651. Definitions

In this chapter, unless the context otherwise requires:

1. "Agency" means the radiation regulatory agency.

2. "Atomic energy" means all forms of energy released in the course of nuclear transformations, nuclear fission and nuclear fusion.

3. "Board" means the radiation regulatory hearing board.

4. "By-product material" means any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material and the tailings or wastes produced by the extraction or concentration of uranium ore thorium from any ore processed primarily for its source material content.

4. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

5. "Diagnostic mammography" means an x-ray imaging of the breast performed on persons who have symptoms or physical signs indicative of breast disease.
6. "Director" means the director of the radiation regulatory agency DEPARTMENT.

7. "Electronic product" means:
   (a) Any machine or device designed to produce a beam of ionizing radiation as the result of the operation of an electronic circuit or component.
   (b) Class IIIb and IV lasers, as classified by the United States food and drug administration.
   (c) Radio frequency heaters, dryers and sealers.
   (d) Any device employing a source of radio frequency electromagnetic radiation within a protective enclosure and used for heating or curing materials in industrial or manufacturing applications and in restaurants or food vending establishments. This subdivision does not include microwave ovens manufactured as consumer products and used for home food preparation.
   (e) Microwave and shortwave diathermy.
   (f) Mercury vapor, metal halide and high-pressure sodium lamps used for commercial lighting and industrial manufacturing processes or sunlamps used in commercial establishments for the intentional irradiation of humans.
   (g) Therapeutic ultrasound devices.
   (h) Industrial ultrasonic welders and sealers.

8. "Electronic product radiation" means:
   (a) Any ionizing or nonionizing electromagnetic or particulate radiation which THAT is emitted from an electronic product.
   (b) Any sonic, infrasonic or ultrasonic wave which THAT is emitted from an electronic product as the result of the operation of an electronic circuit in the product.

9. "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons and other nuclear particles or rays.

10. "Operation" means adjustments or procedures by the user required for the equipment to perform its intended functions.

11. "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency or political subdivision of this state, or any other state or political subdivision or agency of such state, and any legal successor, representative, agent, or agency of the foregoing, other than the United States nuclear regulatory commission or any successor, and other than federal government agencies and any other entities licensed by the United States nuclear regulatory commission or any successor.

12. "Radiation" means:
   (a) Ionizing radiation, including gamma rays, x-rays, alpha and beta particles, high speed electrons, neutrons, protons and other nuclear particles or rays.
(b) Any electromagnetic radiation which THAT may be produced by the operation of an electronic product.

(c) Any sonic, ultrasonic or infrasonic wave which THAT may be produced by the operation of an electronic product.

13. “Radiation machine” means any manufactured devices or products producing any of the following:
   (a) X-rays for medical, industrial, research and development or educational purposes.
   (b) Electromagnetic radiation from an electronic product.
   (c) Laser devices classified as class IIIb or IV by the United States food and drug administration.
   (d) Diathermy machines.

14. “Radioactive material” means any material or materials, solid, liquid or gaseous, that emit radiation spontaneously.

15. “Screening mammography” means x-ray imaging of the breast of asymptomatic persons.

16. “Service” means major adjustments or repairs, usually requiring specialized training or tools, or both.

17. “Source material” means:
   (a) Uranium, thorium or any other material which THAT the governor declares by order to be source material after the United States nuclear regulatory commission or any successor has determined the material to be source material.
   (b) Ores containing one or more of the materials, as provided in subdivision (a) of this paragraph, in such A concentration as the governor declares by order to be source material after the United States nuclear regulatory commission or any successor has determined the material in such A concentration to be source material.


19. "Special nuclear material" means:
   (a) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235 and any other material which THAT the governor declares by order to be special nuclear material after the United States nuclear regulatory commission or any successor has determined the material to be such SPECIAL NUCLEAR MATERIAL, but does not include source material.
   (b) Any material artificially enriched by any of the material provided in subdivision (a) of this paragraph, but does not include source material.

Sec. 5. Section 30-652, Arizona Revised Statutes, is amended to read:

30-652. Duties of the director
A. There is established a radiation regulatory agency.
B. The governor shall appoint a director pursuant to section 30-211 to administer the agency to serve at the pleasure of the governor.
director is entitled to receive compensation as determined under section 38-611.

Sec. 5. The director shall:

1. Administer and enforce this chapter and the rules and regulations promulgated adopted under this chapter.

2. Subject to title 41, chapter 4, article 4 and, as applicable, articles 5 and 6, employ, determine the conditions of employment and specify the duties of inspectors, technical assistants and other employees of the agency necessary to carry out this chapter.

3. Subject to title 41, chapter 4, article 4, employ persons to act as investigators as deemed necessary by the agency in carrying out the powers and duties prescribed in this chapter.

4. Subject to title 41, chapter 4, article 4, employ consultants or persons possessing technical expertise as deemed necessary to assist the agency in carrying out the agency's powers and duties prescribed in this chapter.

Sec. 6. Section 30-654, Arizona Revised Statutes, is amended to read:

30-654. Powers and duties of the department

A. The agency may:

1. Accept grants or other contributions from the federal government or other sources, public or private, to be used by the agency to carry out any of the purposes of this chapter.

2. Do all things necessary, within the limitations of this chapter, to carry out the purposes of this chapter.

3. Conduct an information program, including but not limited to:

   (a) Providing information on the control and regulation of sources of radiation and related health and safety matters, on request, to members of the legislature, the executive offices, state departments and agencies and county and municipal governments.

   (b) Providing such published information, audiovisual presentations, exhibits and speakers on the control and regulation of sources of radiation and related health and safety matters to the state's educational system at all educational levels as may be arranged.

   (c) Furnishing to citizen groups, on request, speakers and such audiovisual presentations or published materials on the control and regulation of sources of radiation and related health and safety matters as may be available.

   (d) Conducting, sponsoring or cosponsoring and actively participating in the professional meetings, symposia, workshops, forums and other group informational activities concerned with the control and regulation of sources of radiation and related health and safety matters when representation from this state at such meetings is determined to be important by the agency.
B. The agency DEPARTMENT shall:
   1. Regulate the use, storage and disposal of sources of radiation.
   2. Establish procedures for purposes of selecting any proposed permanent disposal site located within this state for low-level radioactive waste.
   3. Coordinate with the department of transportation and the corporation commission in regulating the transportation of sources of radiation.
   4. Assume primary responsibility for and provide necessary technical assistance to handle any incidents, accidents and emergencies involving radiation or sources of radiation occurring within this state.
   5. Adopt rules deemed necessary to administer this chapter in accordance with title 41, chapter 6.
   6. Adopt uniform radiation protection and radiation dose standards to be as nearly as possible in conformity with, and in no case inconsistent with, the standards contained in the regulations of the United States nuclear regulatory commission and the standards of the United States public health service. In the adoption of the standards, the agency DEPARTMENT shall consider the total occupational radiation exposure of individuals, including that from sources that are not regulated by the agency DEPARTMENT.
   7. Adopt rules for personnel monitoring under the close supervision of technically competent people in order to determine compliance with safety rules adopted under this chapter.
   8. Adopt a uniform system of labels, signs and symbols and the posting of the labels, signs and symbols to be affixed to radioactive products, especially those transferred from person to person.
   9. By rule, require adequate training and experience of persons utilizing sources of radiation with respect to the hazards of excessive exposure to radiation in order to protect health and safety.
   10. Adopt standards for the storage of radioactive material and for security against unauthorized removal.
   11. Adopt standards for the disposal of radioactive materials into the air, water and sewers and burial in the soil in accordance with 10 Code of Federal Regulations part 20.
   12. Adopt rules applicable to the shipment of radioactive materials in conformity with and compatible with those established by the United States nuclear regulatory commission, the department of transportation, the United States treasury department and the United States postal service.
   13. In individual cases, impose additional requirements to protect health and safety or grant necessary exemptions which will not jeopardize health or safety, or both.
14. Make recommendations to the governor and furnish such technical
advice as required on matters relating to the utilization and regulation
of sources of radiation.

15. Conduct or cause to be conducted off-site radiological
environmental monitoring of the air, water and soil surrounding any fixed
nuclear facility, any uranium milling and tailing site and any uranium
leaching operation, and maintain and report the data or results obtained
by the monitoring as deemed appropriate by the agency DEPARTMENT.

16. Develop and utilize information resources concerning radiation
and radioactive sources.

17. Prescribe by rule a schedule of fees to be charged to
categories of licensees and registrants of radiation sources, including
academic, medical, industrial, waste, distribution and imaging categories.
The fees shall cover a significant portion of the reasonable costs
associated with processing the application for license or registration,
renewal or amendment of the license or registration and the costs of
inspecting the licensee or registrant activities and facilities, including
the cost to the agency DEPARTMENT of employing clerical help, consultants
and persons possessing technical expertise and using analytical
instrumentation and information processing systems.

18. Adopt rules establishing radiological standards, personnel
standards and quality assurance programs to ensure the accuracy and
safety of screening and diagnostic mammography.

C. All fees collected under subsection B, paragraph 17 OF THIS
SECTION shall be deposited, pursuant to sections 35-146 and 35-147, in the
state general fund.

Sec. 7. Section 30-655, Arizona Revised Statutes, is amended to
read:

30-655. Powers and duties of radiation regulatory hearing
board

A. The board shall conduct hearings and review orders of the
director or the agency DEPARTMENT as provided in this chapter.

B. The board, shall, upon an appeal by a person adversely
affected, review an order of the director or agency DEPARTMENT
relating to modification of a license issued under this chapter,
revocation of a license issued under this chapter, assessment of a civil
penalty under section 30-687 or an order which is part of an
escalated enforcement action under section 30-688.

C. Except as otherwise provided in section 30-688, in reviewing an
order specified in subsection B of this section, the board shall conduct a
hearing to review the decision of the director or agency DEPARTMENT to
issue the order. The board shall make findings of fact and, by order,
affirm, revoke or modify the order of the director or agency
DEPARTMENT. Except as provided in section 41-1092.08, subsection H, a
final order of the board is subject to judicial review under title 12, chapter 7, article 6.

D. The board shall review and approve rules and substantive policy statements as defined in section 41-1001 adopted by the agency DEPARTMENT.

E. The board is subject to title 39, chapter 1, relating to public records.

Sec. 8. Section 30-656, Arizona Revised Statutes, is amended to read:

30-656. Authority for governor to enter into agreements with federal government; effect on federal licenses

A. The governor, on behalf of this state, may enter into agreements with the federal government providing for discontinuance of certain of the federal government’s responsibilities with respect to sources of radiation and the assumption of the responsibilities by this state.

B. Any person who possesses a license issued by the federal government shall be deemed to possess a like license issued under this chapter, which shall expire either ninety days after receipt from the agency DEPARTMENT of a notice of expiration of the license or on the date of expiration specified in the federal license, whichever is earlier.

Sec. 9. Section 30-657, Arizona Revised Statutes, is amended to read:

30-657. Records

A. Each person who possesses or uses a source of radiation shall maintain records relating to its receipt, storage, transfer or disposal and such other records as the agency requires by rules and regulations promulgated by the agency DEPARTMENT.

B. The agency DEPARTMENT shall require each person who possesses or uses a source of radiation to maintain appropriate records showing the radiation exposure of all individuals for whom personnel monitoring is required by rules promulgated by the agency DEPARTMENT. Copies of records required by this section shall be submitted to the agency DEPARTMENT on request by the agency DEPARTMENT.

C. Any person who possesses or uses a source of radiation shall furnish to each employee for whom personnel monitoring is required a copy of the employee's personal exposure record at such times as prescribed by rules promulgated by the agency DEPARTMENT.

D. Any person who possesses or uses a source of radiation shall, when requested, submit to the agency DEPARTMENT copies of records or reports submitted to the United States nuclear regulatory commission regardless of whether the person is subject to regulation by the agency DEPARTMENT. The agency shall DEPARTMENT, by rule and
regulation, SHALL specify the records or reports required to be submitted to the agency DEPARTMENT under this subsection.

Sec. 10. Section 30-658, Arizona Revised Statutes, is amended to read:

30-658. Radiation regulatory fee fund; exemption
The radiation regulatory fee fund is established consisting of fees directed by law to be deposited in the fund. The agency DEPARTMENT shall administer the fund. Monies in the fund are subject to legislative appropriation. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

Sec. 11. Section 30-671, Arizona Revised Statutes, is amended to read:

30-671. Radiation protection standards
A. Radiation protection standards adopted in rules and regulations promulgated ADOPTED by the agency DEPARTMENT under this chapter shall DO not be construed to limit the kind or amount of radiation that may be intentionally applied to a person or animal for diagnostic or therapeutic purposes by or under the direction of a licensed practitioner of the healing arts.

B. Radiation sources shall be registered, licensed or exempt EXEMPTED at the discretion of the agency DEPARTMENT and shall be available for inspection as specified in this chapter or rules and regulations adopted under this chapter.

Sec. 12. Section 30-673, Arizona Revised Statutes, is amended to read:

30-673. Unlawful acts
It is unlawful for any person to receive, use, possess, transfer, install or service any source of radiation unless THE PERSON IS registered, licensed or exempted by the agency DEPARTMENT in accordance with this chapter and rules and regulations adopted under this chapter.

Sec. 13. Section 30-681, Arizona Revised Statutes, is amended to read:

30-681. Inspection
The agency DEPARTMENT or its duly authorized representatives may enter at all reasonable times upon ON any private or public property for the purpose of determining whether or not there is compliance with or A violation of this chapter and rules and regulations issued ADOPTED under this chapter, except that entry into areas under the jurisdiction of the federal government shall be effected only with the concurrence of the federal government or its duly designated representative.

Sec. 14. Section 30-682, Arizona Revised Statutes, is amended to read:

30-682. Authority to impound materials
In the event of an emergency, the agency DEPARTMENT may impound or order the impounding of sources of radiation in the possession of any
Sec. 15. Section 30-683, Arizona Revised Statutes, is amended to read:

**30-683. Intergovernmental agreements; inspections; training programs; mammography facilities**

A. The agency may, subject to the approval of the governor, enter into agreements with the federal government, other states or interstate agencies, whereby this state will perform on a cooperative basis with the federal government, other states or interstate agencies inspections or other functions relating to control of sources of radiation.

B. The agency may institute training programs for the purpose of qualifying personnel to carry out this chapter and make such personnel available for participation in any program of the federal government, other states or interstate agencies in furtherance of the purposes of this chapter.

C. The agency shall make annual inspections of facilities which provide diagnostic or screening mammography examinations.

Sec. 16. Section 30-685, Arizona Revised Statutes, is amended to read:

**30-685. Injunction proceedings**

When the agency finds that any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this chapter or any rule, regulation or order issued under this chapter, the attorney general may, upon request by the agency, make application to the appropriate court for an order enjoining such acts or practices or for an order directing compliance. Upon a showing by the agency that the person has engaged or is about to engage in such act or practice, a permanent or temporary injunction, restraining order or other order may be granted.

Sec. 17. Section 30-686, Arizona Revised Statutes, is amended to read:

**30-686. Administrative procedure and judicial review**

A. Except as otherwise provided in section 30-688, the agency shall afford an opportunity for a hearing on the record upon the request of any person whose interest may be affected by article 2 of this chapter, or by the proceeding under title 41, chapter 6, article 10, and shall admit any interested person as a party to the proceeding for:

1. The issuance or modification of rules relating to control of sources of radiation.

2. Granting licenses.
3. Determining compliance with or granting exceptions from rules of
the agency DEPARTMENT.

B. Except as provided in section 41-1092.08, subsection H, any
final order entered in any proceeding under subsection A of this section
is subject to judicial review in the manner prescribed in title 12,
chapter 7, article 6.

Sec. 18. Section 30-687, Arizona Revised Statutes, is amended to
read:

30-687. Routine enforcement actions; civil penalty
A. A person who THAT violates this chapter or any rule or
regulation of the agency ADOPTED UNDER THIS CHAPTER or any license
requirement is subject to a civil penalty imposed by the agency
DEPARTMENT. The agency DEPARTMENT shall issue a notice of violation to
the violator and may hold a hearing prior to assessment of BEFORE
ASSESSING a civil penalty. The agency MAY DEPARTMENT, in lieu of imposing
a civil penalty, MAY prescribe a time for elimination of the violation and
assessment of a civil penalty if the violation is not eliminated within
the time prescribed by the order. The attorney general shall bring
actions to collect a civil penalty assessed under this subsection.

B. The agency DEPARTMENT, by rule and regulation, SHALL
establish a schedule of civil penalties based on factors such as the
nature of the violation, the number of previous violations and whether the
violation was of a serious nature.

C. The agency DEPARTMENT may impose a civil penalty of not more
than five thousand dollars for each violation for each day up to a maximum
of twenty-five thousand dollars for any thirty-day THIRTY-DAY period.

D. A final order of the agency DEPARTMENT under this section is
subject to appeal to the radiation regulatory hearing board.

Sec. 19. Section 30-688, Arizona Revised Statutes, is amended to
read:

30-688. Escalated enforcement action; orders; hearings;
appeals
A. To enforce this chapter, the agency DEPARTMENT, by rule
and regulation, SHALL prescribe procedures for implementing an escalated
enforcement action. An escalated enforcement action may include actions
such as an informal hearing, impounding of radiation sources, assessment
of civil penalties, an order modifying, suspending or revoking a license
issued under this chapter or recommending prosecution of a criminal
action.

B. The director may, as part of an escalated enforcement action,
MAY issue an order providing for an immediate suspension of a license
issued under this section without notice or hearing if the director
determines that a potential threat to the public health and safety exists.

C. The board shall conduct a hearing within ten days after the date
of the director's order unless the person against whom the order is
directed waives the right to a hearing within ten days. If the ten-day TEN-DAY hearing requirement is waived, the board shall set the date for a hearing on the director's order within thirty days after the date of the order or within a time mutually agreeable to the interested parties. The purpose of the hearing is to review the decision of the director to issue the order. The board shall make findings of fact and may continue, suspend or modify the director's order.

D. The board shall not waive the ten-day TEN-DAY hearing requirement for any reason other than at the request of the person against whom the order was directed.

Sec. 20. Section 30-692, Arizona Revised Statutes, is amended to read:

30-692. Acquisition of lands, buildings and grounds
A. Any site used for the concentration and storage or disposal of radioactive waste material shall represent a continuing and perpetual responsibility in the interests of the public health, safety and general welfare, and shall ultimately be reposed in the state without regard for the existence or nonexistence of any particular state agency, instrumentality, department, division or officer.

B. Lands, buildings and grounds which THAT are acquired pursuant to this section as sites for the concentrations and permanent storage or disposal of radioactive waste materials may be acquired in fee simple and dedicated in perpetuity to such purpose. All rights, title and interest in, of and to any radioactive waste materials accepted by the agency DEPARTMENT for permanent storage or disposal at such facilities, shall upon ON acceptance, SHALL become the property of the state and shall be administered, controlled, and disposed of, including transfer by sale, lease OR loan or otherwise, by the agency DEPARTMENT in the name of this state.

C. The agency DEPARTMENT may acquire by purchase, gift or by condemnation under title 12, chapter 8, article 2 or 3 any lands, buildings or grounds where radioactive by-product materials and wastes produced by industrial, medical, agricultural, scientific or other organizations can be concentrated, stored or otherwise disposed of in a manner consistent with the public health and safety.

D. The agency DEPARTMENT may accept, receive, and receipt for monies or lands, buildings and grounds for and in behalf of this state, given by the federal government under any federal law to this state or by any other public or private agency, for the acquisition or operation of any site for the concentration and storage or disposal of radioactive wastes. Such funds received by the agency DEPARTMENT pursuant to this section shall be deposited in the radiation REGULATORY and perpetual care fund. Such funds or properties shall be used only for the purposes for which they are contributed.
E. The agency DEPARTMENT may lease such properties as it may acquire under the provisions of this section to a private firm or firms for the purpose of operating sites for the concentration and storage or disposal of radioactive wastes or for any other purpose not contrary to the public interests.

F. The operation of any site acquired for the concentration and storage of radioactive wastes shall be under the direct supervision of the agency DEPARTMENT and shall be in accordance with regulations promulgated RULES ADOPTED and enforced by the agency DEPARTMENT to protect the public health and safety.

G. The agency DEPARTMENT may enter into such contracts as it may deem necessary for carrying out the provisions of this section.

Sec. 21. Section 30-693, Arizona Revised Statutes, is amended to read:

30-693. Financial qualifications; exemptions; financial security; release

A. Each licensee, shall as a condition of its license, SHALL:

1. Arrange for and pay all of the costs of management, control, stabilization and disposal of the licensed activity and tailings and for decommissioning the licensed activity.

2. On the termination of all licensed activities, convey to this state all right, title and interest held by the licensee to the lands, buildings and grounds designated as sites for the concentration and permanent storage or disposal of radioactive waste materials resulting from the licensed activity pursuant to section 30-672, together with requisite rights of ingress and egress, and all rights, title and interest in, of and to all radioactive waste materials situated on such properties or, at the election of the licensee, to otherwise make safe or dispose of any radioactive waste materials in its possession on the termination of all licensed activities in accordance with the regulations RULES of the agency DEPARTMENT.

B. Each applicant for a license or any renewal of a license shall demonstrate and the agency shall prior to issuance of DEPARTMENT, BEFORE ISSUING any license or renewal of a license, SHALL find that such THE applicant is financially qualified to conduct the licensed activity, including any required decommissioning and disposal of radioactive material. The licensee shall submit to the agency DEPARTMENT current proof of its financial qualifications at such intervals as the agency DEPARTMENT shall by regulation RULE or license require.

C. Each licensee shall post financial security acceptable to the agency DEPARTMENT to assure ENSURE performance by the licensee of its obligations under this article and to provide funds to this state if the licensee abandons, defaults or is otherwise unable to meet any requirements of this chapter or rules and regulations of the agency.
DEPARTMENT. Such acceptable financial security may include one or more of the following:

1. A bond executed by a surety company or companies authorized to do business in this state which is not terminable during the term of the license.
2. A letter of credit issued by a financial institution authorized to do business in this state.
3. A cash bond.
4. The guarantee of a licensee whose financial qualifications meet the requirements of the agency or who furnishes collateral satisfactory to the agency in the form of a suitable guarantee by any person, if the person has financial qualifications that meet the requirements of the commission.

D. The agency shall determine the amount of the financial security in accordance with criteria established by rule, and regulation including:

1. Consideration of the need for and scope of any decommissioning or other activity reasonably required to protect the health and safety of the public.
2. Reasonable estimates of the costs of such decommissioning as provided in section 30-695, subsection B.
3. The net worth of the sum required for the perpetual maintenance and surveillance of any radioactive waste materials resulting from the licensed activity.

E. The licensee shall pay all sums required to be paid under this section into the radiation regulatory and perpetual care fund. The agency shall ensure that all amounts posted, paid or forfeited as financial security under this section are paid into the radiation regulatory and perpetual care fund.

F. Upon the satisfaction by a licensee of all of its obligations under subsection A of this section, the agency shall release the financial security furnished under this section.

G. The agency shall deposit all monies received by the agency as a result of any forfeiture or enforcement of any financial security furnished pursuant to this section in the radiation regulatory and perpetual care fund.

Sec. 22. Section 30-694, Arizona Revised Statutes, is amended to read:

30-694. Radiation regulatory and perpetual care fund; investment; purposes; exemption
A. A special fund called the radiation regulatory and perpetual care fund is established in which the agency shall deposit all sums and collateral received by it pursuant to sections 30-692, 30-693 and 30-695, which shall be held in trust for carrying out the purposes of this article.
B. On notice from the **agency DEPARTMENT**, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and all monies earned from investment shall be credited to the fund.

C. All monies and collateral in the radiation regulatory and perpetual care fund are appropriated to and may be expended by the **agency DEPARTMENT** as required for the decommissioning, stabilization, maintenance, surveillance, control, storage or disposal of radioactive materials acquired by the **agency DEPARTMENT** for the protection of the public health and safety pursuant to section 30-692, for any activities deemed necessary under section 30-693 or for the decommissioning of any licensed activity or refunds pursuant to section 30-695.

D. Monies and collateral in the fund shall not be used for normal operating expenses of the **agency DEPARTMENT** and are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

Sec. 23. Section 30-695, Arizona Revised Statutes, is amended to read:

30-695. **Deposits in radiation regulatory and perpetual care fund; reimbursements**

A. If there is a possibility that any licensed activity will result in radioactive waste materials **which** **THAT** will require maintenance, surveillance or other care on a continuing or perpetual basis after termination of the licensed activity or will require decommissioning activity, the **agency DEPARTMENT** may require the licensee of such **THAT** activity to pay annually to the **agency DEPARTMENT**, for deposit in the radiation **REGULATORY** and perpetual care fund, an amount equal to the sum of:

1. The net worth of the fund required to produce investment earnings sufficient to pay the cost of maintenance and surveillance of the lands, buildings, grounds and radioactive waste materials to be conveyed to the state pursuant to section 30-692, less the net worth of all payments previously made by the licensee to the **agency DEPARTMENT** for such purposes, divided by the number of years the licensed activity is reasonably expected to continue.

2. With respect to a waste disposal activity, the cost of any decommissioning activity, estimated as of December 31 of the year preceding each annual payment, less the total of all payments previously made to the **agency DEPARTMENT** by the licensee for the decommissioning activity, divided by the number of years the licensed activity is reasonably expected to continue.

B. Any estimates of costs or activities required to be made pursuant to this section shall be subject to changes and review by the **agency DEPARTMENT** according to the need, nature and cost of any decommissioning activity and the maintenance and surveillance of radioactive waste materials required for public health and safety. Any charges imposed for maintenance and perpetual care shall be established at
the lowest level consistent with existing technology. Any change that results in any increase in such costs shall not be applied retroactively, but such changes may result in increases in subsequent annual payments. With respect to uranium milling or processing operations, total cumulative charges shall not exceed a maximum charge of five cents per ton of ore or material milled or processed.

C. In computing the net worth of any fund or payments for the purpose of this section or section 30-693, the interest rate shall be equal to the average annual rate of investment earnings, including investment appreciation, of the state retirement system over the five years preceding any net worth determination and the term shall be the number of years the licensed activity is expected to continue after such A determination.

D. At such time as any WHEN A licensee has satisfied all or part of its obligations under section 30-693, subsection A, the agency DEPARTMENT shall promptly refund to such THE licensee from the radiation regulatory and perpetual care fund any excess of the amount of paragraph 1 of this subsection over the amount of paragraph 2 of this subsection:

1. The sum of subdivisions (a) and (b) of this paragraph:
   (a) All payments made by the licensee to the agency DEPARTMENT pursuant to this article.
   (b) All investment earnings on such payments.

2. The amount then determined to be required for the continuing maintenance and surveillance of the lands, buildings and grounds and radioactive waste materials conveyed to the state pursuant to section 30-692.

Sec. 24. Section 30-696, Arizona Revised Statutes, is amended to read:

30-696. License application; review requirements
A. The agency DEPARTMENT, with the assistance of appropriate state agencies, shall review the radioactive materials license application. The review shall document, at a minimum:

1. Alternatives considered for THE siting of any uranium milling or mill tailings disposal facilities.

2. Alternative designs or schemes for mill tailings management and disposal.

3. An assessment of the radiological impacts of uranium milling operations and mill tailings management techniques.

4. An assessment of potential impacts on groundwater of uranium milling operations and mill tailings management techniques.

B. Results of the review so-conducted shall be published and made available to the public and requesting state agencies.
Sec. 25. Section 30-702, Arizona Revised Statutes, is amended to read:

30-702. Board member
The member of the western interstate nuclear board or its successor agency representing the state of Arizona shall be appointed by the governor. Such member shall be an employee of the state of Arizona and shall report directly to the governor and the radiation regulatory agency. Such member, with the approval of the governor, may designate an alternate to represent the state when unable to do so.

Sec. 26. Section 30-722, Arizona Revised Statutes, is amended to read:

30-722. Administration
A. The radiation regulatory agency is designated as the agency responsible for performing any administrative and enforcement duties assigned to this state by the southwestern low-level radioactive waste disposal compact, except those duties specifically assigned to the governor.
B. The payment of any monies by this state to the southwestern low-level radioactive waste commission under the compact shall be from an appropriation made to the radiation regulatory agency which is not a line item in the radiation regulatory agency's budget.

Sec. 27. Section 32-516, Arizona Revised Statutes, is amended to read:

32-516. Aestheticians; cosmetologists; cosmetic laser and IPL device use; certification; fees; definitions
A. An aesthetician or a cosmetologist who wishes to perform cosmetic laser procedures and procedures using IPL devices must:
1. Apply for and receive a certificate from the agency.
2. Comply with the requirements of this section and agency rules.
3. Successfully complete forty hours of didactic training as required by agency rules at a training program. The program shall provide a provisional certificate to the applicant verifying the successful completion of the didactic training.
4. For hair removal, complete hands-on training that is supervised by a health professional who is acting within the health professional’s scope of practice or by a laser technician who has a minimum of one hundred hours of hands-on experience per procedure. The health professional or laser technician must be present in the room during twenty-four hours of hands-on use of lasers or IPL devices. The supervising health professional or laser technician shall verify that the
aesthetician or cosmetologist has completed the training and supervision
as prescribed by this section.

5. For other cosmetic laser and IPL device procedures, complete a
minimum of an additional twenty-four hours of hands-on training of at
least ten cosmetic procedures for each type of specific procedure that is
supervised by a health professional who is acting within the health
professional's scope of practice or by a laser technician who has a
minimum of one hundred hours of hands-on experience per procedure. The
health professional or laser technician must be present in the room during
twenty-four hours of hands-on use of lasers or IPL devices. The
supervising health professional or laser technician shall verify that the
aesthetician or cosmetologist has completed the training and supervision
as prescribed by this section.

6. Submit to the agency DEPARTMENT the provisional certificate from
the training program and certification by the health professional or laser
technician who directly supervised the applicant in the room during the
hands-on training.

B. The agency DEPARTMENT shall issue a laser technician certificate
authorizing the aesthetician or cosmetologist to use lasers and IPL
devices if the applicant has completed the training for hair removal or
lasers and IPL devices for other cosmetic procedures, as applicable, and
shall maintain a current register of those laser technicians in good
standing and whether certification is for hair removal only or other
cosmetic procedures as well. The agency DEPARTMENT may establish a fee
for the registration of aestheticians or cosmetologists as laser
technicians and the issuance of certificates pursuant to this subsection.
The agency DEPARTMENT shall deposit monies collected pursuant to this
subsection in the laser safety fund established by section 32-3234.

C. An aesthetician or a cosmetologist who has been certified as a
laser technician by the agency DEPARTMENT may use a laser or IPL device:

1. For hair removal under the indirect supervision of a health
professional whose scope of practice permits the supervision.

2. For cosmetic purposes other than hair removal if the
aesthetician or cosmetologist is directly supervised by a health
professional whose scope of practice permits the supervision and the
aesthetician or cosmetologist has been certified in those procedures.

D. The board shall investigate any complaint from the public or
from another board or agency regarding a licensed aesthetician or
cosmetologist who performs cosmetic laser procedures or procedures using
IPL devices pursuant to this section. The board shall report to the
agency DEPARTMENT any complaint it receives about the training or
performance of an aesthetician or a cosmetologist who is certified as a
laser technician.
E. An aesthetician or a cosmetologist who used laser and IPL devices before November 24, 2009 may continue to do so if the aesthetician or cosmetologist received a certificate pursuant to this section before October 1, 2010.

F. For the purposes of this section:

1. "Agency" means the radiation regulatory agency.

2. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

3. "Directly supervised" means a health professional who is licensed in this state and whose scope of practice allows the supervision of a laser or IPL device for cosmetic purposes while the health professional is present at the facility where and when the device is being used.

4. "Health professional" means a person who is licensed pursuant to either:

   (a) Chapter 11, article 2 of this title and who specializes in oral and maxillofacial surgery.

   (b) Chapter 13, 14, 15, 17 or 25 of this title.

5. "Indirect supervision" means supervision by a health professional who is licensed in this state, whose scope of practice allows the supervision and who is readily accessible by telecommunication.

6. "IPL device" means an intense pulse light class II surgical device certified in accordance with the standards of the agency DEPARTMENT for cosmetic procedures.

7. "Laser" means any device that can produce or amplify electromagnetic radiation with wavelengths in the range of one hundred eighty nanometers to one millimeter primarily by the process of controlled stimulated emission and certified in accordance with the standards for the agency DEPARTMENT for cosmetic procedures.

8. "Laser technician" means a person who is or has been certified by the agency DEPARTMENT pursuant to its rules and chapter 32, article 2 of this title.

Sec. 28. Section 32-2801, Arizona Revised Statutes, is amended to read:

32-2801. Definitions
In this chapter, unless the context otherwise requires:

1. "Agency" means the radiation regulatory agency established by section 30-652.

2. "Board" means the medical radiologic technology board of examiners.

3. "Bone densitometry technologist" means a person who applies ionizing radiation to a person's hips, spine or extremities through the use of a bone densitometry machine.

4. "Certificate" means a certificate that is granted and issued by the board.
5.  4.  "Certified technologist" means a person holding a certificate that is granted and issued by the board.

6.  5.  "Computed tomography technologist" means a person who applies ionizing radiation to a human using a computed tomography machine for diagnostic purposes.

6.  "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

7.  "Direction" means responsibility for and control of the application of ionizing radiation to human beings for diagnostic or therapeutic purposes.

8.  "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

8.  9.  "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons and other nuclear particles or rays.

9.  10.  "Leg" means that part of the lower limb between the knee and the foot.

10.  11.  "Licensed practitioner" means a person who is licensed or otherwise authorized by law to practice medicine, dentistry, osteopathy, podiatry, chiropractic or naturopathic medicine in this state.

11.  "Mammographic technologist" means a person who applies ionizing radiation to the breasts of a human being for diagnostic purposes.

12.  13.  "Nuclear medicine technologist" means a person who uses radiopharmaceutical agents on humans for diagnostic or therapeutic purposes as set forth in rules adopted pursuant to section 32-2815.

13.  14.  "Practical technologist in podiatry" means a person holding a practical technologist in podiatry certificate that is granted and issued by the board.

14.  15.  "Practical technologist in podiatry certificate" means a certificate that is issued to a person, other than a licensed practitioner, who applies ionizing radiation to the foot and leg for diagnostic purposes while under the specific direction of a licensed practitioner.

15.  16.  "Practical technologist in radiology" means a person holding a practical technologist in radiology certificate that is granted and issued by the board.

16.  17.  "Practical technologist in radiology certificate" means a certificate that is issued to a person, other than a licensed practitioner, who applies ionizing radiation to specific parts of the human body for diagnostic purposes while under the specific direction of a licensed practitioner.

17.  18.  "Radiation therapy technologist" means a person who uses radiation on humans for therapeutic purposes.

18.  19.  "Radiologic technologist" means a person who holds a certificate that is issued by the board and that allows that person to
apply ionizing radiation to individuals at the direction of a licensed practitioner for general diagnostic or therapeutic purposes.

20. "Radiologic technology" means the science and art of applying ionizing radiation to human beings for general diagnostic or therapeutic purposes.

21. "Radiologic technology certificate" means a certificate that is issued in radiologic technology to a person with at least twenty-four months of full-time study or its equivalent through an approved program and who has successfully completed an examination by a national certifying body.

22. "Radiologist" means a licensed practitioner of medicine or osteopathy who has undertaken a course of training that meets the requirements for admission to the examination of the American board of radiology or the American osteopathic board of radiology.

23. "Radiologist assistant" means a person who holds a certificate pursuant to section 32-2819 and who performs independent advanced procedures in medical imaging and interventional radiology under the guidance, directions, supervision and discretion of a licensed practitioner of medicine or osteopathy specializing in radiology as set forth in section 32-2819 and the rules adopted pursuant to that section.

24. "Unethical professional conduct" means the following acts, whether occurring in this state or elsewhere:

(a) The intentional betrayal of a professional confidence or intentional violation of a privileged communication except as required by law. This subdivision does not prevent members of the board from the exchange of information with the radiologic licensing and disciplinary boards of other states, territories or districts of the United States or foreign countries.

(b) The use of controlled substances as defined in section 36-2501, narcotic drugs, dangerous drugs or marijuana as defined in section 13-3401 or hypnotic drugs, derivatives or any compounds, mixtures or preparations that may be used for producing hypnotic effects or the use of alcohol to the extent that it affects the ability of the certificate or permit holder to practice his profession.

(c) Using drugs for other than accepted therapeutic purposes.

(d) Gross malpractice.

(e) Acting or assuming to act as a member of the board if this is not true.

(f) Procuring or attempting to procure a certificate or license by fraud or misrepresentation.

(g) Having professional connection with or lending one's name to an illegal practitioner of radiologic technology or any other health profession.
(h) Offering, undertaking or agreeing to correct, cure or treat a condition, disease, injury, ailment or infirmity by a secret means, method, device or instrumentality.

(i) Refusing to divulge to the board, on reasonable notice and demand, the means, method, device or instrumentality used in the treatment of a condition, disease, injury, ailment or infirmity. This subdivision shall not apply to communication between a technologist or permit holder and a patient with reference to a disease, injury, ailment or infirmity, or as to any knowledge obtained by personal examination of the patient.

(j) Giving or receiving, or aiding or abetting the giving or receiving, of rebates, either directly or indirectly.

(k) Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of radiologic technology.

(l) Refusal, revocation or suspension of a certificate or license by any other state, territory, district or country for reasons that relate to the person's ability to safely and skillfully practice radiologic technology or to any act of unprofessional conduct.

(m) Any conduct or practice that does or would constitute a danger to the health of the patient or the public.

(n) Obtaining a fee by fraud or misrepresentation or wilfully or intentionally filing a fraudulent claim with a third party for services rendered or to be rendered to a patient.

(o) Employing uncertified persons to perform or aiding and abetting uncertified persons in the performance of work that can be done legally only by certified persons.

(p) Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation of or conspiring to violate this chapter or a rule adopted by the board.

Sec. 29. Section 32-2802, Arizona Revised Statutes, is amended to read:

32-2802. Medical radiologic technology board of examiners; appointment; terms; compensation; meetings; removal; employees; immunity

A. The medical radiologic technology board of examiners is established as a division of the agency IN THE DEPARTMENT. The board is composed of the director of the radiation regulatory agency DEPARTMENT, or
the director's designee, who serves as chairman and the following members
appointed by the governor:

1. Four members who are practicing radiologic technologists, who
have at least five years' experience and who hold radiologic technology
certificates issued pursuant to this chapter.

2. Two public members. Only a person who has never been a member,
or THE spouse of a member, of a health care delivery profession; and
who has never had a material financial interest in the providing of health
care or in a directly related activity; is eligible to be a public member
of the board.

3. Two members who are licensed practitioners, one of whom is a
radiologist.

4. One member who is a practical technologist in radiology, who has
at least five years' experience and who is a current license holder.

5. One member who is a practicing nuclear medicine technologist,
who has at least five years' experience in that field and who holds an
active certificate issued pursuant to this chapter.

B. All members serve a term of three years to begin and end on the
third Monday of January in the appropriate year. The governor shall fill
a vacancy that occurs before the expiration of a term for the unexpired
term.

C. Each board member is eligible to receive compensation as
determined pursuant to section 38-611.

D. The board shall meet at least once every six months at times and
places determined by the board. Special meetings also may be held at such
times as the board may decide or on the call of the chairman. A written
notice of the time, place and purpose of any special meeting shall be
mailed to all members of the board.

E. The agency DEPARTMENT may provide additional professional,
technical, secretarial and clerical assistance as the board may require to
carry out its functions.

F. The board shall hold examinations for applicants for
certificates pursuant to this chapter at least once every six months, at
times and places as the board may determine.

G. The governor may terminate the term of a board member and
declare the position vacant if the member fails to attend three
consecutive board meetings.

H. The board may hire practicing radiologic technologists and other
medical specialists to assist it in preparing and administering
examinations. These specialists shall receive the same compensation as
board members.

I. The board may employ temporary and permanent personnel necessary
to carry out the purposes of this chapter.
J. Board members, board staff and board examiners are personally immune from suit for all actions taken in good faith in furtherance of the purposes of this chapter.

Sec. 30. Section 32-2803, Arizona Revised Statutes, is amended to read:

32-2803. Rules
A. The director of the radiation regulatory agency, after consultation and with the approval of the board and after notice and public hearing, may adopt rules as may be needed to carry out the purposes of this chapter. The rules shall include, but not be limited to:

1. Minimum standards of training and experience for persons to be certified pursuant to this chapter and procedures for examining applicants for certification.

2. Provisions identifying the types of applications of ionizing radiation for a practical technologist in podiatry, practical technologist in radiology, practical technologist in bone densitometry, radiologic technologist, radiation therapy technologist, mammographic technologist, nuclear medicine technologist, bone densitometry technologist, computed tomography technologist—AND radiologist assistant and any new radiologic modality technologist and those minimum standards of education and training to be met by each type of applicant.

B. Rules adopted pursuant to subsection A, paragraph 2 of this section establishing minimum standards of education and training to be met by practical technologist in podiatry applicants shall be approved or proposed by a joint committee on education, training and examination composed of an equal number of representatives from the medical radiologic technology board of examiners and the state board of podiatry examiners. The medical radiologic technology board of examiners shall determine the total membership of the committee, and the medical radiologic technology board of examiners and the state board of podiatry examiners shall appoint their respective representatives.

C. The medical radiologic technology board of examiners may propose to the agency standards as may be appropriate for carrying out the purposes of this chapter. In the case of proposing to the agency standards governing practical technologists in podiatry, the medical radiologic technology board of examiners shall consult with the state board of podiatry examiners.

Sec. 31. Section 32-2823, Arizona Revised Statutes, is amended to read:

32-2823. State radiologic technologist certification fund
Except as provided in section 32-2821, subsection D, all monies received by the board shall be deposited, pursuant to sections 35-146 and 35-147, in the state radiologic technologist certification fund, which is set aside, appropriated and made available to the agency in
carrying out the purposes of this chapter and for no other purpose. No
money shall be expended from such THE fund except:

1. As provided for by the legislature specifying the amounts and
purposes for which the funds may be expended.
2. To match federal grants for examination or certification of
persons required to be certified pursuant to this chapter.

Sec. 32. Section 32-2843, Arizona Revised Statutes, is amended to
read:

32-2843. Facilities; requirements
A. A facility that wishes to conduct patient self-referral
mammographic screening examinations after January 1, 1994 shall submit the
following to the radiation regulatory agency DEPARTMENT:
1. The physician approved PHYSICIAN-APPROVED guide for accepting
self-referrals by patients.
2. A copy of the facility's quality assurance program.
3. The medical physicist's evaluation report of the facility.
B. Beginning January 1, 1994, A facility that does not have a
darkroom ON-SITE or that does not develop the films within one
hour of exposure shall submit the following to the radiation regulatory
agency DEPARTMENT:
1. A description of how the facility plans to ensure that the
equipment is operating properly at the start of each day.
2. Information regarding the darkroom that develops the film that
demonstrates to the radiation regulatory agency's satisfaction that transportation conditions will not adversely affect a
person's ability to interpret the films.
C. Not later than August 1, 1993, The director of the radiation
regulatory agency shall prescribe requirements for the documents required
to be submitted to the agency DEPARTMENT under subsections A and B of this
section.

Sec. 33. Section 32-3231, Arizona Revised Statutes, is amended to
read:

32-3231. Definitions
In this article, unless the context otherwise requires:
1. "Administer" means the direct application, OF OR dispensing or
furnishing a prescription medication or a prescription-only device,
whether by injection or any other means, to the body of a patient by a
health professional or by the health professional's authorized agent at
the direction of the health professional.
2. "Aesthetician" has the same meaning prescribed in section
32-501.
3. "Agency" means the radiation regulatory agency.
4. 3. "Cosmetic purpose" means for the purpose of beautifying,
preserving or conferring comeliness, excluding therapeutic massage and
manipulations.
4. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.
5. "Directly supervised" means a health professional who is licensed in this state and whose scope of practice allows the supervision supervises the use of a laser or IPL device for cosmetic purposes while the health professional is present at the facility where and when the device is being used.
6. "Indirect supervision" means supervision by a health professional who is licensed in this state, and whose scope of practice allows the supervision and who is readily accessible by telecommunication.
7. "IPL device" has the same meaning prescribed in section 32-516.
8. "Laser" has the same meaning prescribed in section 32-516.
9. "Laser technician" means a person who is or has been certified by the agency DEPARTMENT pursuant to its rules and this article.
10. "Registrant" means a person or entity that owns or operates a laser or IPL device for which the application for registration is on file with the agency DEPARTMENT and that is in compliance with agency DEPARTMENT rules.

Sec. 34. Section 32-3233, Arizona Revised Statutes, is amended to read:

32-3233. Lasers; IPL devices; authorized use; authorized supervision
A. A health professional may register, operate and use a laser or IPL device THAT IS registered with the agency DEPARTMENT or administer drugs or devices for cosmetic purposes to the extent the use is allowed by the health professional's scope of practice and the health professional has completed any training required by the health professional's regulatory board and the agency DEPARTMENT.
B. A health professional may supervise another health professional in the use of a laser or IPL device for cosmetic purposes to the extent the supervision is allowed or required by the supervising health professional's scope of practice and the supervising health professional has completed any training required by the supervising health professional's regulatory board and the agency DEPARTMENT.
C. The health professional's regulatory board shall investigate any complaint from the public or another board or agency involving the training, education, supervision or use of a laser or IPL device. A health professional shall report to the agency DEPARTMENT any complaint received about the training or performance of a laser technician.
D. A health professional may supervise a laser technician in the use of a laser or IPL device for cosmetic purposes if:
   1. The health professional is licensed pursuant to either:
      (a) Chapter 11, article 2 of this title and specializes in oral and maxillofacial surgery.
      (b) Chapter 13, 14, 15, 17 or 25 of this title and the supervision is within the health professional's scope of practice.
2. The supervision does not conflict with the requirements of this article.

3. The laser technician has been certified by the agency DEPARTMENT to use a laser or IPL device for hair removal or other cosmetic procedures.

E. A laser technician who wishes to perform cosmetic laser procedures and procedures using IPL devices must:

1. Successfully complete forty hours of didactic training as required by agency DEPARTMENT rules at an agency-certified DEPARTMENT-CERTIFIED training program. The program shall provide a provisional certificate to the applicant verifying the successful completion of the didactic training.

2. For hair removal, complete hands-on training that is supervised by a health professional who is acting within the health professional’s scope of practice or by a laser technician who has a minimum of one hundred hours of hands-on experience per procedure. The health professional or laser technician must be present in the room during twenty-four hours of hands-on use of lasers or IPL devices. The supervising health professional or supervising laser technician shall verify that the laser technician has completed the training and supervision as prescribed by this section.

3. For other cosmetic laser and IPL device procedures, complete a minimum of an additional twenty-four hours of hands-on training of at least ten cosmetic procedures for each type of procedure that is supervised by a health professional who is acting within the health professional’s scope of practice or by a laser technician who has a minimum of one hundred hours of hands-on experience per procedure. The health professional or laser technician must be present in the room during twenty-four hours of hands-on use of lasers or IPL devices. The supervising health professional or supervising laser technician shall verify that the laser technician has completed the training and supervision as prescribed by this section.

4. Submit to the agency DEPARTMENT the provisional certificate from the training program and certification by the health professional or laser technician who directly supervised the applicant in the room during the hands-on training.

F. The agency DEPARTMENT shall issue a laser technician certificate authorizing the use of lasers and IPL devices only for hair removal if the applicant meets the applicable requirements of subsection E of this section, or for hair removal and other cosmetic procedures if the applicant meets the applicable requirements of subsection E of this section. The agency DEPARTMENT shall maintain a current register of those laser technicians in good standing and whether certification is only for hair removal or for hair removal and other cosmetic procedures. The agency DEPARTMENT may establish a fee for the registration of laser
technicians and the issuance of certificates pursuant to this subsection. The agency DEPARTMENT shall deposit monies collected pursuant to this subsection in the laser safety fund established by section 32-3234.

G. A laser technician who has been using laser and IPL devices before November 24, 2009 may continue to do so if the laser technician applies for and receives a certificate pursuant to this section before October 1, 2010.

H. A laser technician may use a laser or IPL device in the following circumstances:

1. For hair removal under the indirect supervision of a health professional whose scope of practice permits the supervision.

2. For cosmetic purposes other than hair removal if the laser technician is directly supervised by a health professional whose scope of practice permits the supervision.

I. The supervising health professional, the employer of a laser technician and the registrant who owns or operates the laser or IPL device are subject to disciplinary action by the appropriate regulatory board for any errors made by a laser technician or for the use of a laser or IPL device THAT IS not allowed by this article. A person who employs a person who operates a laser or IPL device must report any misuse of a laser or IPL device to the operator's regulatory board and to the agency DEPARTMENT.

J. The agency DEPARTMENT shall investigate any complaint from a member of the public or another board or agency involving the training, education, practice or complaint of harm resulting from a laser technician performing procedures for cosmetic purposes under this article and shall take appropriate disciplinary action as necessary, including revocation of the laser technician's certification or revocation of a registrant's or employer's license to own or operate a laser or IPL device.

Sec. 35. Section 32-3234, Arizona Revised Statutes, is amended to read:

32-3234. Laser safety fund
The laser safety fund is established consisting of fees collected by the agency DEPARTMENT pursuant to sections 32-516 and 32-3233. The agency DEPARTMENT shall administer the fund. Monies in the fund are continuously appropriated.

Sec. 36. Section 36-495.02, Arizona Revised Statutes, is amended to read:

36-495.02. Exemptions
A. This chapter does not apply to an environmental laboratory in this state that is:

1. Certified or designated by the United States environmental protection agency as the laboratory which THAT provides analytical services to this state required for the delegation of primary enforcement
responsibility under a federal law or regulation administered by that agency.

2. Operated by the Arizona department of agriculture or the radiation regulatory agency DEPARTMENT OF HEALTH SERVICES.

3. Performing only compliance testing of parameters which THAT require analysis at the time of sample collection as long as the testing methodologies employed are approved by the director of the department of health services or the department of environmental quality.

4. Licensed to perform those analyses for which it is licensed or certified by another agency of this state.

5. Accredited by a national voluntary laboratory accreditation program administered by the national institute of standards and technology and approved by the department.

B. In addition to the exemptions established in subsection A OF THIS SECTION, the director OF THE DEPARTMENT OF HEALTH SERVICES may also exempt by rule certain classes of environmental laboratories and types of compliance testing, parameters and methods, if the director determines that the exemptions will not adversely affect the public health or the environment. The rules shall be developed in cooperation with the director of the department of environmental quality and the director of the Arizona department of agriculture.

Sec. 37. Section 41-1804, Arizona Revised Statutes, is amended to read:

41-1804. Guidelines committee; duties


B. The committee shall:

1. Develop the type of information to be included in the critical infrastructure information system.

2. Develop critical infrastructure information technology standards to be used by all entities participating in the statewide critical infrastructure information system.

3. Determine the order in which critical infrastructure shall be added to the system when funding is received.

4. Develop guidelines on how the information shall be made available. These guidelines shall include detailed procedures and security
measures to ensure that the information is only made available to the
government or a private entity that either owns the critical
infrastructure or is responding to an incident involving the critical
infrastructure.

Sec. 38. Section 41-3018.04, Arizona Revised Statutes, is amended to read:

41-3018.04. Radiation regulatory hearing board; termination
July 1, 2018

A. The radiation regulatory agency and radiation regulatory hearing
board terminate TERMINATES on July 1, 2018.

B. Title 30, chapter 4 is SECTIONS 30-653 AND 30-655 AND THIS
SECTION ARE repealed on January 1, 2019.

Sec. 39. Section 45-105, Arizona Revised Statutes, is amended to read:

45-105. Powers and duties of director
A. The director may:

1. Formulate plans and develop programs for the practical and
economical development, management, conservation and use of surface water,
groundwater and the watersheds in this state, including the management of
water quantity and quality.

2. Investigate works, plans or proposals pertaining to surface
water and groundwater, including management of watersheds, and acquire,
preserve, publish and disseminate related information which the director
deems advisable.

3. Collect and investigate information upon ON and prepare and
device means and plans for the development, conservation and utilization
of all waterways, watersheds, surface water, groundwater and groundwater
basins in this state and of all related matters and subjects, including
irrigation, drainage, water quality maintenance, regulation of flow,
diversion of running streams adapted for development in cooperating with
the United States or by this state independently, flood control,
utilization of water power, prevention of soil waste and storage,
conservation and development of water for every useful purpose.

4. Measure, survey and investigate the water resources of this
state and their potential development and cooperate and contract with
agencies of the United States for such purposes.

5. Acquire, hold and dispose of property, including land,
rights-of-way, water and water rights, as necessary or convenient for the
performance of the groundwater and water quality management functions of
the department.

6. Acquire, other than by condemnation, construct, improve,
maintain and operate early warning systems for flood control purposes and
works for the recovery, storage, treatment and delivery of water.

7. Accept grants, gifts or donations of money or other property
from any source, which may be used for any purpose consistent with this
title. All property acquired by the director is public property and is subject to the same tax exemptions, rights and privileges granted to municipalities, public agencies and other public entities.

8. Enter into an interagency contract or agreement with any public agency pursuant to title 11, chapter 7, article 3 and contract, act jointly or cooperate with any person to carry out the provisions and purposes of this title.

9. Prosecute and defend all rights, claims and privileges of this state respecting interstate streams.

10. Initiate and participate in conferences, conventions or hearings, including meetings of the Arizona water resources advisory board, congressional hearings, court hearings or hearings of other competent judicial or quasi-judicial departments, agencies or organizations, and negotiate and cooperate with agencies of the United States or of any state or government and represent this state concerning matters within the department's jurisdiction.

11. Apply for and hold permits and licenses from the United States or any agency of the United States for reservoirs, dam sites and rights-of-way.

12. Receive and review all reports, proposed contracts and agreements from and with the United States or any agencies, other states or governments or their representatives and recommend to the governor and the legislature action to be taken on such reports, proposed contracts and agreements. The director shall take action on such reports, if authorized by law, and review and coordinate the preparation of formal comments of this state on both the preliminary and final reports relating to water resource development of the United States army corps of engineers, the UNITED STATES secretary of the interior and the UNITED STATES secretary of agriculture, as provided for in the flood control act of 1944 (58 Stat. 887; 33 United States Code section 701-1).

13. Contract with any person for imported water or for the acquisition of water rights or rights to withdraw, divert or use surface water or groundwater as necessary for the performance of the groundwater management functions of the director prescribed by chapter 2 of this title. If water becomes available under any contract executed under this paragraph, the director may contract with any person for its delivery or exchange for any other water available.

14. Recommend to the administrative heads of agencies, boards and commissions of this state, and political subdivisions of this state, rules to promote and protect the rights and interests of this state and its inhabitants in any matter relating to the surface water and groundwater in this state.

15. Conduct feasibility studies and remedial investigations relating to groundwater quality and enter into contracts and cooperative agreements under section 104 of the comprehensive environmental response,
compensation, and liability act of 1980 (P.L. 96-510) to conduct such
studies and investigations.

16. Dispose informally by stipulation, agreed settlement, consent
order or alternative means of dispute resolution, including arbitration,
if the parties and director agree, or by default of any case in which a
hearing before the director is required or allowed by law.

17. Cooperate and coordinate with the appropriate governmental
entities in Mexico regarding water planning in areas near the border
between Mexico and Arizona and for the exchange of relevant hydrological
information.

B. The director shall:
1. Exercise and perform all powers and duties vested in or imposed
upon ON the department and adopt and issue rules necessary to carry out
the purposes of this title.

2. Administer all laws relating to groundwater, as provided in this
title.

3. Be responsible for the supervision and control of reservoirs and
dams of this state and, when deemed necessary, conduct investigations to
determine WHETHER the existing or anticipated condition of any dam or
reservoir in this state is or may become a menace to life and property.

4. Coordinate and confer with and may contract with:

(a) The Arizona power authority, THE game and fish commission, THE
state land department, THE Arizona outdoor recreation coordinating
commission, THE Arizona commerce authority, radiation regulatory agency
THE DEPARTMENT OF HEALTH SERVICES, active management area water
authorities or districts and political subdivisions of this state with
respect to matters within their jurisdiction relating to surface water and
groundwater and the development of state water plans.

(b) The department of environmental quality with respect to title
49, chapter 2 for its assistance in the development of state water plans.

(c) The department of environmental quality regarding water plans,
water resource planning, water management, wells, water rights and
permits, and other appropriate provisions of this title pertaining to
remedial investigations, feasibility studies, site prioritization,
selection of remedies and implementation of the water quality assurance
revolving fund program pursuant to title 49, chapter 2, article 5.

(d) The department of environmental quality regarding coordination
of data bases DATABASES that are necessary for activities conducted
pursuant to title 49, chapter 2, article 5.

5. Cooperate with the Arizona power authority in the performance of
the duties and functions of the authority.

6. Maintain a permanent public depository for existing and future
records of stream flow, groundwater levels and water quality and other
data relating to surface water and groundwater.
7. Maintain a public docket of all matters before the department which may be subject to judicial review pursuant to this title.

8. Investigate and take appropriate action upon any complaints alleging withdrawals, diversions, impoundments or uses of surface water or groundwater that may violate this title or the rules adopted pursuant to this title.

9. Report to and consult with the Arizona water resources advisory board at regular intervals.

10. Adopt an official seal for the authentication of records, orders, rules and other official documents and actions.

11. Provide staff support to the Arizona water protection fund commission established pursuant to chapter 12 of this title.

12. Exercise and perform all powers and duties invested in the chairperson of the Arizona water banking authority commission as prescribed by chapter 14 of this title.

13. Provide staff support to the Arizona water banking authority established pursuant to chapter 14 of this title.

14. In the year following each regular general election, present information to the committees with jurisdiction over water issues in the house of representatives and the senate. A written report is not required but the presentation shall include information concerning the following:
   (a) The current status of the water supply in this state and any likely changes in that status.
   (b) Issues of regional and local drought effects, short-term and long-term drought management efforts and the adequacy of drought preparation throughout the state.
   (c) The status of current water conservation programs in this state.
   (d) The current state of each active management area and the level of progress toward management goals in each active management area.
   (e) Issues affecting management of the Colorado river and the reliability of this state's two million eight hundred thousand acre-foot allocation of Colorado river water, including the status of water supplies in and issues related to the Colorado river basin states and Mexico.
   (f) The status of any pending or likely litigation regarding surface water adjudications or other water related litigation and the potential impacts on this state's water supplies.
   (g) The status of Indian water rights settlements and related negotiations that affect this state.
   (h) Other matters related to the reliability of this state's water supplies, the responsibilities of the department and the adequacy of the department's and other entities' resources to meet this state's water management needs.
Sec. 40. Section 49-123, Arizona Revised Statutes, is amended to read:

49-123. Hazardous materials emergency management program; Arizona emergency response commission; emergency planning and community right-to-know

A. The department is designated the lead agency for developing and implementing a state hazardous materials emergency management program.

B. The director shall appoint a coordinator to work in consultation with the Arizona emergency response commission in the development and implementation of the hazardous materials emergency management program.

C. The Arizona emergency response commission is established consisting of representatives from the following agencies and departments:

1. The division of emergency management.
2. The department of health services.
3. The department of public safety.
4. The department of transportation.
5. The Arizona department of agriculture.
6. The corporation commission.
7. The industrial commission of Arizona.
8. The office of state fire marshal.
9. The office of state mine inspector.
10. The radiation regulatory agency.

11. Two representatives nominated by the Arizona fire chiefs association or its successor organization, one of whom represents a fire department or a fire district serving a population of less than two hundred fifty thousand persons.

12. Other agencies or offices deemed necessary by the director.

D. This article does not change or alter the existing regulatory authority or provisions of law relating to the agencies and departments listed in subsection C of this section.

E. The department is designated as the lead agency for implementing title III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499). The director shall administer any monies received under subsection G of this section.

F. The department shall administer this article and the rules adopted under this article. The department shall administer title III in this state and may conduct whatever activities are necessary to implement this article and title III in this state. The department is granted all the authority and responsibilities of a state emergency response commission for purposes of title III.

G. The department may procure by contract the temporary or intermittent services of experts or consultants if such services are to be performed on a part-time or fee-for-services basis and do not involve the performance of administrative duties. The department may also enter into
agreements with the federal government, Indian tribes, other states and
political subdivisions of this state for the purposes of this article. The department may also accept on behalf of this state any
reimbursement, grant or gift that may become available for purposes of
this article. The department shall deposit, pursuant to sections 35-146
and 35-147, any such monies in the emergency response fund.
H. The department shall establish a program of financial grants to
local governments funded through the department by appropriations to the
emergency response fund. The grants shall be dedicated to and used for
local compliance with this article. The department shall include
procedures for applying for the grants and qualifying criteria for
awarding the grants.
I. The department shall adopt and may modify, suspend or repeal
rules pursuant to title 41, chapter 6. The rules may not be more
stringent than title III and the federal regulations adopted under title
III, except as specifically authorized in this article. These rules shall
implement this article and title III in this state. The authority to
adopt rules includes establishing:
1. Procedures for handling public information requests.
2. Procedures and implementing programs for chemical emergency
planning and preparedness.
3. Community right-to-know program reporting requirements.
4. Fees to implement the community right-to-know program. The fees
shall be deposited, pursuant to sections 35-146 and 35-147, in the
emergency response fund established by section 49-132. The governor's
regulatory review council must approve rules adopted pursuant to this
paragraph.
5. Release reporting requirements.
J. The department shall ensure that mandatory hazardous materials
training programs for on-scene command personnel that are developed,
delivered or managed by their respective agencies, departments or
divisions address notification procedures, coordination of services and
comprehensive management for protection of the public health during and
after a chemical or other toxic fire event. The training shall include
notification and coordination with the department of public safety, the
department of transportation, the radiation regulatory agency, the
commission, local emergency planning committees, the department of health
services, the division of emergency management, the national response
center and the Arizona poison control system. Training shall also include
orientation on the state emergency response and recovery plan concerning
hazardous materials. The department shall encourage private companies
that deliver similar training in this state to include the same curriculum
in their programs.
Sec. 41. Section 49-903, Arizona Revised Statutes, is amended to read:

49-903. Development of facility
A. The director of the department of administration may contract with one or more persons for the development of a hazardous waste disposal facility. The person developing the facility is solely responsible for compliance with all federal, state and local environmental laws, ordinances and rules. In no event shall the director of the department of administration be responsible for such compliance.
B. Hazardous wastes disposed of at any facility established pursuant to this article shall not include special nuclear or by-product materials, or any radioactive waste material whose storage, transportation, treatment and disposal are regulated by the federal nuclear regulatory commission, or its successor agency, or the Arizona radiation regulatory agency DEPARTMENT OF HEALTH SERVICES, or its successor agency.
C. A facility established pursuant to this article shall not incinerate hazardous waste.
D. A facility established pursuant to this article shall not accept for purposes of storage, treatment or disposal any waste that is generated outside this state and that is classified as hazardous under the laws of its state or country of origin unless the legislature does either of the following:
   1. Approves an interstate or regional agreement for the safe treatment, storage or disposal of hazardous waste as prescribed by the comprehensive environmental response, compensation, and liability act of 1980 (P.L. 96-510), as amended.
   2. Finds that the prohibition on importation is no longer in the best interests of this state due to a finding that this state is in violation of its capacity assurance plan requirements prescribed by the comprehensive environmental response, compensation, and liability act of 1980 (P.L. 96-510), as amended.
E. The director of the department of environmental quality shall determine those wastes that have been classified as hazardous by another state or country as of July 3, 1991. The director shall publish a list of those wastes by December 31, 1992.

Sec. 42. Succession
A. As provided by this act, the department of health services succeeds to the authority, powers, duties and responsibilities of the radiation regulatory agency, the radiation regulatory hearing board and the medical radiologic technology board of examiners.
B. This act does not alter the effect of any actions that were taken or impair the valid obligations of the radiation regulatory agency, the radiation regulatory hearing board and the medical radiologic
technology board of examiners in existence before the effective date of this act.

C. Administrative rules and orders that were adopted by the radiation regulatory agency, the radiation regulatory hearing board and the medical radiologic technology board of examiners continue in effect until superseded by administrative action by the department of health services. Until the department of health services takes administrative action, any reference in the rules or orders of the radiation regulatory agency, the radiation regulatory hearing board or the medical radiologic technology board of examiners to the agency or boards is considered to refer to the department of health services.

D. All administrative matters, contracts and judicial and quasi-judicial actions, whether completed, pending or in process, of the radiation regulatory agency, the radiation regulatory hearing board and the medical radiologic technology board of examiners on the effective date of this act are transferred to and retain the same status with the department of health services.

E. All certificates, licenses, registrations, permits and other indicia of qualification and authority that were issued by the radiation regulatory agency, the radiation regulatory hearing board and the medical radiologic technology board of examiners retain their validity for the duration of their terms of validity as provided by law.

F. All equipment, records, furnishings and other property, all data and investigative findings, all obligations and all appropriated monies that remain unexpended and unencumbered on the effective date of this act of the radiation regulatory agency, the radiation regulatory hearing board and the medical radiologic technology board of examiners are transferred to the department of health services.

G. All personnel who are under the state personnel system and employed by the radiation regulatory agency, the radiation regulatory hearing board and the medical radiologic technology board of examiners are transferred to comparable positions and pay classifications in the respective administrative units of the department of health services on the effective date of this act.

Sec. 43. **Effective date**

This act is effective from and after December 31, 2017.