

REFERENCE TITLE: spouses; married couples; terminology

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

## **SB 1351**

Introduced by  
Senators Hobbs: Bradley, Cajero Bedford, Contreras, Dalessandro, Farley,  
Otondo, Peshlakai, Quezada; Representatives Andrade, Powers Hannley

### AN ACT

AMENDING SECTIONS 7-102, 8-103, 8-805, 10-1623, 10-2058, 10-2060, 11-1134, 12-612, 12-2231, 12-2232, 13-1408, 13-3609, 13-4062, 14-1201, 14-2802, 14-2804, 14-3101, 14-5426, 14-9106, 23-805, 23-1046, 23-1064, 25-101, 25-211, 25-314, 25-1060, 25-1256, 32-2101, 33-405, 33-431, 33-452, 33-454, 33-457, 36-301, 36-334, 36-832, 42-2079, 43-301, 43-309, 43-310, 43-311, 43-432, 43-562, 43-943, 43-1022, 43-1041, 43-1043, 43-1083, 43-1086, 43-1088, 43-1089, 43-1089.01, 43-1089.02, 43-1089.03 AND 46-453, ARIZONA REVISED STATUTES; RELATING TO MARRIED COUPLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 7-102, Arizona Revised Statutes, is amended to  
3 read:

4 7-102. Qualification of sureties

5 A bond shall not be approved if executed by individual sureties  
6 unless the sureties appear ~~upon~~ ON the tax roll of the county for an  
7 amount at least equal to the penalty of any other judicial bonds ~~upon~~ ON  
8 which they may already be sureties. If a surety is married, the bond  
9 shall be signed by both ~~husband and wife~~ SPOUSES.

10 Sec. 2. Section 8-103, Arizona Revised Statutes, is amended to  
11 read:

12 8-103. Who may adopt

13 A. Any adult resident of this state, whether married, unmarried or  
14 legally separated, is eligible to qualify to adopt children. A ~~husband~~  
15 ~~and wife~~ MARRIED COUPLE may jointly adopt children.

16 B. An adult nonresident of this state, whether married, unmarried  
17 or legally separated, is eligible to qualify to adopt a child if all of  
18 the following apply:

19 1. The child is a dependent child and currently under the  
20 jurisdiction of the juvenile court in this state.

21 2. The child currently resides in the home of the applicant.

22 3. The department placed the child in the home of the applicant  
23 pursuant to section 8-548.

24 4. The department recommends the adoption of the child by the  
25 applicant.

26 5. The foster care review board has reviewed the child's case as  
27 required by section 8-515.03, except that the court may not delay the  
28 child's adoption if the foster care review board has not reviewed the  
29 child's case.

30 C. Pursuant to rules adopted by the department, the department or  
31 adoption agency shall place a child in an adoptive home that best meets  
32 the safety, social, emotional, physical and mental health needs of the  
33 child. Other relevant factors for consideration, in no order of  
34 preference, shall include:

35 1. The marital status and the length and stability of the marital  
36 relationship of the prospective adoptive parents.

37 2. Placement with the child's siblings pursuant to section 8-862.

38 3. Established relationships between the child and the prospective  
39 adoptive family as described in section 8-862, including placement with a  
40 grandparent or another member of the child's extended family, including a  
41 person or foster parent who has a significant relationship with the child.

42 4. The prospective adoptive family's ability to meet the child's  
43 safety, social, emotional, physical and mental health needs and the  
44 ability to financially provide for the child.

45 5. The wishes of the child who is twelve years of age or older.

1           6. The wishes of the child's birth parents unless the rights of the  
2 parent have been terminated or the court has established a case plan of  
3 severance and adoption.

4           7. The availability of relatives, the child's current or former  
5 foster parents or other significant persons to provide support to the  
6 prospective adoptive family and child.

7           D. If all relevant factors are equal and the choice is between a  
8 married ~~man and woman~~ COUPLE certified to adopt and a single adult  
9 certified to adopt, placement preference shall be with a married ~~man and~~  
10 ~~woman~~ COUPLE.

11           E. In each adoption proceeding, the court shall make findings on  
12 the record regarding the best interests of the child pursuant to law.

13           Sec. 3. Section 8-805, Arizona Revised Statutes, is amended to  
14 read:

15           8-805. Immunity of participants; nonprivileged communications

16           A. Any person making a complaint, ~~or~~ providing information or  
17 otherwise participating in the program authorized by this article shall be  
18 immune from any civil or criminal liability by reason of such AN action,  
19 unless ~~such~~ THE person acted with malice or unless ~~such~~ THE person has  
20 been charged with or is suspected of abusing, abandoning or neglecting the  
21 child or children in question.

22           B. Except as provided in subsection C of this section, the  
23 physician-patient privilege, ~~husband-wife~~ THE SPOUSAL privilege, ~~or~~ any  
24 privilege except the attorney-client privilege, provided for by  
25 professions such as the practice of social work or nursing covered by law  
26 or a code of ethics regarding practitioner-client confidences, both as  
27 they relate to the competency of the witness and to the exclusion of  
28 confidential communications, shall not pertain in any civil or criminal  
29 litigation in which a child's neglect, dependency, abuse or abandonment is  
30 in issue ~~nor~~ OR in any judicial proceeding resulting from a report  
31 submitted pursuant to this article.

32           C. In any civil or criminal litigation in which a child's neglect,  
33 dependency, abuse or abandonment is an issue, a clergyman or priest shall  
34 not, without his consent, be examined as a witness concerning any  
35 confession made to him in his role as a clergyman or a priest in the  
36 course of the discipline enjoined by the church to which he belongs.

37           Sec. 4. Section 10-1623, Arizona Revised Statutes, is amended to  
38 read:

39           10-1623. Statement of bankruptcy or receivership;  
40 interrogatories before subsequent incorporation;  
41 violation; classification; definitions

42           A. On the filing of a petition for bankruptcy or the appointment of  
43 a receiver for any corporation, the corporation shall deliver a statement  
44 to the commission listing:

1           1. All officers, directors, trustees and major stockholders of the  
2 corporation within one year of filing the petition for bankruptcy or the  
3 appointment of a receiver. If a major stockholder is a corporation, the  
4 statement shall list the current president, THE chairman of the board of  
5 directors and major stockholders of such corporate stockholder.

6           2. Whether any such person has been an officer, director, trustee  
7 or major stockholder of any other corporation within one year of the  
8 bankruptcy or receivership of the other corporation.

9           3. If the answer in paragraph 2 of this subsection is in the  
10 affirmative, for each such corporation the following information:

11           (a) Name and address.

12           (b) States in which it:

13           (i) Was incorporated.

14           (ii) Transacted business.

15           (c) Dates of operation.

16           B. The commission shall maintain a suitably indexed list of all  
17 such persons. The index is a public record of the commission for purposes  
18 of title 39.

19           C. On receipt for filing of articles of incorporation of a new  
20 corporation or application for authority to transact business by a foreign  
21 corporation, the commission shall determine whether any person proposed as  
22 an officer, director, trustee, incorporator or major stockholder of the  
23 new or foreign corporation has been involved two or more times in a  
24 corporate bankruptcy, receivership, revocation, administrative dissolution  
25 or judicial dissolution commenced by any state. If so, the commission may  
26 direct detailed interrogatories to the persons requiring any additional  
27 relevant information deemed necessary by the commission and at the same  
28 time shall provide public notice of the interrogatory procedure. Any  
29 person may request additional interrogatories or may provide additional  
30 information to the commission. The interrogatories shall be completely  
31 answered within thirty days after mailing. With respect to corporations  
32 incorporated or seeking authority to transact business, articles of  
33 incorporation or application for authority shall not be filed until all  
34 outstanding interrogatories have been answered to the satisfaction of the  
35 commission.

36           D. Any applicant for filing articles of incorporation or authority  
37 to transact business who is dissatisfied with a determination of the  
38 commission or any other proceeding under this section may demand and the  
39 commission or its designee shall convene a public hearing at the county  
40 seat of the county of the corporate headquarters of the proposed  
41 corporation. The commission shall give public notice of the hearing at  
42 least twenty days before the hearing by publication in a newspaper of  
43 general circulation in any county in which a relevant prior bankruptcy or  
44 receivership occurred.

1 E. The commission shall provide the attorney general with a copy of  
2 statements furnished pursuant to subsection A OF THIS SECTION and answers  
3 to interrogatories propounded pursuant to subsection C OF THIS SECTION on  
4 a quarterly updated basis.

5 F. Any person or corporation failing to comply with the  
6 requirements of this section is guilty of a class 1 misdemeanor. Any  
7 person making a false statement or giving false information pursuant to  
8 this section is guilty of a class 5 felony.

9 G. ~~It~~ FOR THE PURPOSES OF this section:

10 1. "Controlling" includes the total shares of stock issued to a  
11 ~~husband and wife~~ MARRIED COUPLE and their relatives to the first degree of  
12 consanguinity.

13 2. "Major stockholder" means a shareholder possessing or  
14 controlling twenty ~~per cent~~ PERCENT of the issued and outstanding shares  
15 or twenty ~~per cent~~ PERCENT of any proprietary, beneficial or membership  
16 interest in the corporation.

17 Sec. 5. Section 10-2058, Arizona Revised Statutes, is amended to  
18 read:

19 10-2058. Board of directors; compensation; term; quorum

20 A. The business of a cooperative shall be managed by a board of  
21 directors. Unless the bylaws provide otherwise, each of the directors  
22 shall be a member of the cooperative or of another cooperative that is a  
23 member. The bylaws shall prescribe the number of directors, their  
24 qualifications other than those prescribed in this article and the manner  
25 of holding meetings of the board of directors and of electing successors  
26 to directors who resign or die or who are otherwise incapable of acting.  
27 The bylaws may also provide for the removal of directors from office and  
28 for the election of their successors.

29 B. Unless the bylaws provide otherwise, the directors shall not  
30 receive salaries for services as directors and, except in emergencies,  
31 shall not be employed by the cooperative in any capacity involving  
32 compensation without the approval of the members. The bylaws may allow a  
33 payment of a fee and provide that expenses of attendance may be allowed to  
34 each director for attendance at each meeting of the board of directors.

35 C. The directors of a cooperative named in the articles of  
36 incorporation, consolidation, merger or conversion shall hold office until  
37 successors are elected and qualify. The bylaws shall prescribe the manner  
38 of electing directors and the number and terms of the directors, including  
39 whether the terms are staggered. If stated in the bylaws, at each annual  
40 meeting, or, in case of failure to hold the annual meeting as specified in  
41 the bylaws, at a special meeting called for that purpose, the members  
42 shall elect directors to hold office until the next annual meeting of the  
43 members, except as otherwise provided in this article. Each director  
44 shall hold office for the term for which the director is elected and until  
45 a successor is elected and qualifies. A director may resign at any time

1 by delivering written notice to the board of directors, its presiding  
2 officer or the cooperative. A resignation is effective when the notice is  
3 delivered unless the notice specifies a later effective date or event.

4 D. A majority of the board of directors shall constitute a quorum.

5 E. If a ~~husband and wife hold~~ MARRIED COUPLE HOLDS a joint  
6 membership in a cooperative, either ~~one~~ SPOUSE, but not both, may be  
7 elected a director.

8 F. The board of directors may take any action without a meeting if  
9 the action would be allowed at a meeting and if before the board takes the  
10 action all of the directors who are normally required to approve the  
11 action at a meeting provide prior consent by signing a written statement  
12 that explains and approves the action.

13 G. The board of directors may exercise all the powers of a  
14 cooperative not conferred ~~upon~~ ON the members by this article, or its  
15 articles of incorporation or bylaws.

16 H. Any person who serves as a director or officer or who serves on  
17 a board or council in an advisory capacity to the cooperative or board of  
18 directors of a cooperative is immune from civil liability and is not  
19 subject to a suit directly or by way of contribution for any act or  
20 omission that results in damage or injury if that person was acting in  
21 good faith and within the scope of that person's official capacity and the  
22 damage or injury was not caused by the wilful conduct or gross negligence  
23 of that person. Nothing in this subsection limits or modifies in any  
24 manner the duties or liabilities of a director or person who serves in any  
25 advisory capacity to the cooperative or the cooperative members. For the  
26 purposes of this subsection, "official capacity" means any decision, act  
27 or event the cooperative undertakes in furtherance of the purposes for  
28 which the cooperative is organized or operating.

29 Sec. 6. Section 10-2060, Arizona Revised Statutes, is amended to  
30 read:

31 10-2060. Members in cooperative

32 Each incorporator of a cooperative shall be a member of the  
33 cooperative, but no other person may become a member unless the person  
34 agrees to use electric energy or other services furnished by the  
35 cooperative as the cooperative establishes in its bylaws. A ~~husband and~~  
36 ~~wife~~ MARRIED COUPLE may hold a joint membership in a cooperative.  
37 Membership in a cooperative is not transferable, except as provided in the  
38 bylaws. The bylaws may prescribe additional qualifications, limitations,  
39 classifications and rights concerning membership.

40 Sec. 7. Section 11-1134, Arizona Revised Statutes, is amended to  
41 read:

42 11-1134. Exemptions

43 A. The affidavit and fee required by this article do not apply to  
44 the following instruments:

- 1           1. A deed that represents the payment in full or forfeiture of a
- 2 recorded contract for the sale of real property.
- 3           2. A lease or easement on real property, regardless of the length
- 4 of the term.
- 5           3. A deed, patent or contract for the sale or transfer of real
- 6 property in which an agency or representative of the United States, this
- 7 state, a county, city or town of this state or any political subdivision
- 8 of this state is the named grantor, and authorized seller, or purchaser.
- 9           4. A quitclaim deed to quiet title as described in section 12-1103,
- 10 subsection B or otherwise executed for no monetary consideration.
- 11           5. A conveyance of real property that is executed pursuant to a
- 12 court order.
- 13           6. A deed to an unpatented mining claim.
- 14           7. A deed of gift.
- 15           B. The affidavit and fee required by this article do not apply to a
- 16 transfer of title:
  - 17           1. Solely in order to provide or release security for a debt or
  - 18 obligation, including a trustee's deed pursuant to power of sale under a
  - 19 deed of trust.
  - 20           2. That confirms or corrects a deed that was previously recorded.
  - 21           3. When the transfer of title has only nominal actual consideration
  - 22 for the transfer of residential property between:
    - 23           (a) ~~Husband and wife~~ A MARRIED COUPLE or ancestor of ~~the husband~~
    - 24 ~~and wife~~ EITHER SPOUSE.
    - 25           (b) Parent and child, including natural or adopted children and
    - 26 their descendants.
    - 27           (c) Grandparent and grandchild.
    - 28           (d) Natural or adopted siblings.
    - 29           4. On a sale for delinquent taxes or assessments.
    - 30           5. On partition.
    - 31           6. Pursuant to a merger.
    - 32           7. For no consideration or nominal consideration:
      - 33           (a) By a subsidiary to its parent or from a parent to a subsidiary.
      - 34           (b) Among commonly controlled entities.
      - 35           (c) From a member to its limited liability company or from a
      - 36 limited liability company to a member.
      - 37           (d) From a partner to its partnership.
      - 38           (e) From a partnership to a partner.
      - 39           (f) From a joint venturer to its joint venture.
      - 40           (g) From a joint venture to a joint venturer.
      - 41           (h) From a trust beneficiary to its trustee.
      - 42           (i) From a trustee to its trust beneficiary.
      - 43           (j) From any of the entities in subdivisions (a) through (i) of
      - 44 this paragraph to a single purpose entity in order to obtain financing.

1           8. From a person to a trustee or from a trustee to a trust  
2 beneficiary with only nominal actual consideration for the transfer.

3           9. To and from an intermediary for the purpose of creating a joint  
4 tenancy estate or some other form of ownership.

5           10. From a ~~husband and wife~~ MARRIED COUPLE or one of ~~them~~ THE  
6 SPOUSES to both ~~husband and wife~~ SPOUSES to create an estate in community  
7 property with right of survivorship.

8           11. From two or more persons to themselves to create an estate in  
9 joint tenancy with right of survivorship.

10          12. Pursuant to a beneficiary deed with only nominal actual  
11 consideration for the transfer.

12          13. From an owner to itself or a related entity for no or nominal  
13 consideration solely for the purpose of consolidating or splitting  
14 parcels.

15          14. Due to a legal name change.

16          C. Any instrument that describes a transaction that is exempt under  
17 this section shall note the exemption on the face of the instrument at the  
18 time of recording, indicating the specific exemption that is claimed.

19          Sec. 8. Section 12-612, Arizona Revised Statutes, is amended to  
20 read:

21          12-612. Parties plaintiff; recovery; distribution;  
22 disqualification

23          A. An action for wrongful death shall be brought by and in the name  
24 of the surviving ~~husband or wife~~ SPOUSE, child, parent or guardian, or  
25 personal representative of the deceased person for and on behalf of the  
26 surviving ~~husband or wife~~ SPOUSE, children or parents, or if none of these  
27 survive, on behalf of the decedent's estate.

28          B. Either parent may maintain the action for the death of a child,  
29 and the guardian may maintain the action for the death of the guardian's  
30 ward.

31          C. The amount recovered in an action for wrongful death shall be  
32 distributed to the parties provided for in subsection A of this section in  
33 proportion to their damages, and if recovery is on behalf of the  
34 decedent's estate the amount shall be an asset of the estate.

35          D. If any party listed in subsection A of this section is found  
36 guilty of or guilty except insane for, or pled guilty or no contest to, a  
37 violation of section 13-3623 involving the death of the child decedent or  
38 a violation of section 13-1103, 13-1104 or 13-1105 involving the death of  
39 the decedent, the party is deemed to have predeceased the decedent and is  
40 disqualified from recovering wrongful death benefits. This subsection  
41 applies to a person who is found guilty of or guilty except insane for, or  
42 pled guilty or no contest to, an offense committed in another jurisdiction  
43 that has the same elements of an offense listed in this subsection and  
44 that if committed in this state would be a violation of any of the  
45 offenses listed in this subsection.



1 E. For the purposes of subsection A of this section, "personal  
2 representative" includes any person to whom letters testamentary or of  
3 administration are granted by competent authority under the laws of this  
4 or any other state. The personal representative may maintain the action  
5 for wrongful death without the issuance of further letters or any other  
6 requirement or authorization of law.

7 Sec. 9. Section 12-2231, Arizona Revised Statutes, is amended to  
8 read:

9 12-2231. Spouses; antimarital fact

10 In a civil action, a ~~husband~~ SPOUSE shall not be examined for or  
11 against ~~his wife~~ THE OTHER SPOUSE without ~~her~~ THE OTHER SPOUSE'S  
12 consent, ~~nor a wife for or against her husband without his consent~~, except  
13 as provided in section 12-2232.

14 Sec. 10. Section 12-2232, Arizona Revised Statutes, is amended to  
15 read:

16 12-2232. Spouses; privileged communications; permissible  
17 examination

18 A. A ~~husband or wife~~ SPOUSE, during the marriage or afterward,  
19 without the consent of the other SPOUSE, shall not be examined as to any  
20 communications made by one to the other during the marriage, except:

- 21 1. In an action for divorce or a civil action by one against the  
22 other.
- 23 2. In a criminal action or proceeding as provided in the criminal  
24 code.
- 25 3. In an action for damages against another person for adultery  
26 committed by either ~~husband or wife~~ SPOUSE.

27 B. In a hearing conducted pursuant to title 36, chapter 5, a  
28 ~~husband or wife~~ SPOUSE, during the marriage or afterward, without the  
29 consent of the other SPOUSE, may be examined as to any communications,  
30 physical acts or behaviors made by one to the other during the marriage  
31 that relate to the matters at issue in the hearing.

32 Sec. 11. Section 13-1408, Arizona Revised Statutes, is amended to  
33 read:

34 13-1408. Adultery; classification; punishment; limitation on  
35 prosecution

36 A. A married person who has sexual intercourse with another than  
37 his or her spouse, and an unmarried person who has sexual intercourse with  
38 a married person not his or her spouse, commits adultery and is guilty of  
39 a class 3 misdemeanor. When the act is committed between parties only one  
40 of whom is married, both shall be punished.

41 B. ~~No~~ A prosecution for adultery shall NOT be commenced except ~~upon~~  
42 ON THE complaint of the ~~husband or wife~~ SPOUSE.

1           Sec. 12. Section 13-3609, Arizona Revised Statutes, is amended to  
2 read:

3           13-3609. Child bigamy; classification; definitions

4           A. A person commits child bigamy if the person knowingly does any  
5 of the following:

6           1. Is at least eighteen years of age, has a spouse and marries a  
7 child.

8           2. Is at least eighteen years of age and, either alone or in  
9 association with others, directs, causes or controls the marriage of a  
10 child to a person who already has a spouse.

11           3. Is at least eighteen years of age and, either alone or in  
12 association with others, directs, causes or controls the marriage of a  
13 child if the child already has a spouse.

14           4. Is at least eighteen years of age and marries a child if the  
15 child already has a spouse.

16           5. Transports or finances the transportation of a child to promote  
17 marriage between the child and a person who already has a spouse.

18           6. Transports or finances the transportation of a child who already  
19 has a spouse to promote marriage between the child and another person.

20           B. This section does not apply if a person who marries a child:

21           1. Has a spouse who has been absent for at least five successive  
22 years without being known to the person within that time to be living.

23           2. Has a former marriage that has been pronounced void, annulled or  
24 dissolved by judgment of a competent court.

25           C. A violation of this section is a class 3 felony.

26           D. For the purposes of this section:

27           1. "Marriage" means the state of joining together as ~~husband and~~  
28 ~~wife~~ A MARRIED COUPLE through an agreement, promise or ceremony regardless  
29 of whether a marriage license has been issued by the appropriate  
30 authority.

31           2. "Marry" means to join together as ~~husband and wife~~ A MARRIED  
32 COUPLE through an agreement, promise or ceremony regardless of whether a  
33 marriage license has been issued by the appropriate authority.

34           3. "Spouses" means two persons living together as ~~husband and wife~~  
35 A MARRIED COUPLE, including the assumption of those marital rights, duties  
36 and obligations that are usually manifested by married people, including  
37 but not necessarily dependent on sexual relations.

38           Sec. 13. Section 13-4062, Arizona Revised Statutes, is amended to  
39 read:

40           13-4062. Antimarital fact privilege; other privileged  
41 communications

42           A person shall not be examined as a witness in the following cases:

43           1. A ~~husband~~ SPOUSE for or against ~~his wife~~ THE OTHER SPOUSE  
44 without ~~her~~ THE OTHER SPOUSE'S consent, ~~nor a wife for or against her~~  
45 ~~husband without his consent~~, as to events occurring during the marriage,

1 nor can either, during the marriage or afterwards, without consent of the  
2 other, be examined as to any communication made by one to the other during  
3 the marriage. These exceptions do not apply in a criminal action or  
4 proceeding for a crime committed by ~~the husband~~ A SPOUSE against the ~~wife,~~  
5 ~~or by the wife against the husband,~~ OTHER SPOUSE nor in a criminal action  
6 or proceeding against ~~the husband~~ A SPOUSE for abandonment, failure to  
7 support or provide for or failure or neglect to furnish the necessities of  
8 life to the ~~wife~~ OTHER SPOUSE or the minor children. Either spouse may be  
9 examined as a witness for or against the other in a prosecution for an  
10 offense listed in section 13-706, subsection F, paragraph 1, for bigamy or  
11 adultery, committed by either spouse, or for sexual assault ~~committed by~~  
12 ~~the husband~~ if either of the following occurs:

13 (a) Before testifying, the testifying spouse makes a voluntary  
14 statement to a law enforcement officer during an investigation of the  
15 offense or offenses about the events that gave rise to the prosecution or  
16 about any statements made to the spouse by the other spouse about those  
17 events.

18 (b) Either spouse requests to testify.

19 2. An attorney, without consent of the attorney's client, as to any  
20 communication made by the client to the attorney, or the attorney's advice  
21 given in the course of professional employment.

22 3. A clergyman or priest, without consent of the person making the  
23 confession, as to any confession made to the clergyman or priest in his  
24 professional character in the course of discipline enjoined by the church  
25 to which the clergyman or priest belongs.

26 4. A physician or surgeon, without consent of the physician's or  
27 surgeon's patient, as to any information acquired in attending the patient  
28 which was necessary to enable the physician or surgeon to prescribe or act  
29 for the patient.

30 Sec. 14. Section 14-1201, Arizona Revised Statutes, is amended to  
31 read:

32 14-1201. Definitions

33 In this title, unless the context otherwise requires:

34 1. "Agent" includes an attorney-in-fact under a durable or  
35 nondurable power of attorney, a person who is authorized to make decisions  
36 concerning another person's health care and a person who is authorized to  
37 make decisions for another person under a natural death act.

38 2. "Application" means a written request to the registrar for an  
39 order of informal probate or appointment under chapter 3, article 3 of  
40 this title.

41 3. "Basis for compensation" means AN hourly rate, a fixed fee or a  
42 contingency fee agreement and reimbursable costs.

43 4. "Beneficiary", as it relates to a trust beneficiary, includes a  
44 person who has any present or future interest, vested or contingent, and  
45 ~~also~~ includes the owner of an interest by assignment or other transfer.

1 As it relates to a charitable trust, beneficiary includes any person  
2 entitled to enforce the trust. As it relates to a beneficiary of a  
3 beneficiary designation, beneficiary refers to a beneficiary of an  
4 insurance or annuity policy, an account with pay on death designation, a  
5 security registered in beneficiary form or a pension, profit sharing,  
6 retirement or similar benefit plan, or any other nonprobate transfer at  
7 death. As it relates to a beneficiary designated in a governing  
8 instrument, beneficiary includes a grantee of a deed, a devisee, a trust  
9 beneficiary, a beneficiary of a beneficiary designation, a donee,  
10 appointee or taker in default of a power of appointment and a person in  
11 whose favor a power of attorney or a power held in any person, fiduciary  
12 or representative capacity is exercised.

13 5. "Beneficiary designation" refers to a governing instrument  
14 naming a beneficiary of an insurance or annuity policy, of an account with  
15 pay on death designation, of a security registered in beneficiary form or  
16 of a pension, profit sharing, retirement or similar benefit plan, or any  
17 other nonprobate transfer at death.

18 6. "Child" includes a person who is entitled to take as a child  
19 under this title by intestate succession from the parent whose  
20 relationship is involved. Child excludes a person who is only a  
21 stepchild, a foster child, a grandchild or a more remote descendant.

22 7. "Claims", in respect to estates of decedents and protected  
23 persons, includes liabilities of the decedent or the protected person,  
24 whether arising in contract, in tort or otherwise, and liabilities of the  
25 estate that arise at or after the death of the decedent or after the  
26 appointment of a conservator, including funeral expenses and expenses of  
27 administration. Claims do not include estate or inheritance taxes or  
28 demands or disputes regarding title of a decedent or a protected person to  
29 specific assets alleged to be included in the estate.

30 8. "Community property" means that property of a ~~husband and wife~~  
31 **MARRIED COUPLE** that is acquired during the marriage and that is community  
32 property as prescribed in section 25-211.

33 9. "Conservator" means a person who is appointed by a court to  
34 manage the estate of a protected person.

35 10. "Court" means the superior court.

36 11. "Dependent child" means a minor child whom the decedent was  
37 obligated to support or an adult child who was in fact being supported by  
38 the decedent at the time of the decedent's death.

39 12. "Descendant" means all of the decedent's descendants of all  
40 generations, with the relationship of parent and child at each generation.

41 13. "Devise", when used as a noun, means a testamentary disposition  
42 of real or personal property and, when used as a verb, means to dispose of  
43 real or personal property by will.

44 14. "Devisee" means a person **WHO IS** designated in a will to receive  
45 a devise. For the purposes of chapter 3 of this title, in the case of a

1 devise to an existing trust or trustee, or to a trustee on trust described  
2 by will, the trust or trustee is the devisee and the beneficiaries are not  
3 devisees.

4 15. "Disability" means cause for a protective order as described in  
5 section 14-5401.

6 16. "Distributee" means any person who has received property of a  
7 decedent from that person's personal representative other than as a  
8 creditor or purchaser. Distributee includes a testamentary trustee only  
9 to the extent of distributed assets or increment that remains in that  
10 person's hands. A beneficiary of a testamentary trust to whom the trustee  
11 has distributed property received from a personal representative is a  
12 distributee of the personal representative. For the purposes of this  
13 paragraph, "testamentary trustee" includes a trustee to whom assets are  
14 transferred by will, to the extent of the devised assets.

15 17. "Estate" includes the property of the decedent, trust or other  
16 person whose affairs are subject to this title as originally constituted  
17 and as it exists from time to time during administration. As it relates  
18 to a spouse, the estate includes only the separate property and the share  
19 of the community property belonging to the decedent or person whose  
20 affairs are subject to this title.

21 18. "Exempt property" means that property of a decedent's estate  
22 that is described in section 14-2403.

23 19. "Fiduciary" includes a personal representative, guardian,  
24 conservator and trustee.

25 20. "Foreign personal representative" means a personal  
26 representative WHO IS appointed by another jurisdiction.

27 21. "Formal proceedings" means proceedings THAT ARE conducted  
28 before a judge with notice to interested persons.

29 22. "Governing instrument" means a deed, will, trust, insurance or  
30 annuity policy, account with pay on death designation, security registered  
31 in beneficiary form, pension, profit sharing, retirement or similar  
32 benefit plan, instrument creating or exercising a power of appointment or  
33 a power of attorney or a dispositive, appointive or nominative instrument  
34 of any similar type.

35 23. "Guardian" means a person who has qualified as a guardian of a  
36 minor or incapacitated person pursuant to testamentary or court  
37 appointment but excludes a person who is merely a guardian ad litem.

38 24. "Guardian ad litem" includes a person who is appointed pursuant  
39 to section 14-1408.

40 25. "Heirs", except as controlled by section 14-2711, means  
41 persons, including the surviving spouse and the state, who are entitled  
42 under the statutes of intestate succession to the property of a decedent.

43 26. "Incapacitated person" has the same meaning prescribed in  
44 section 14-5101.

1           27. "Informal proceedings" means those proceedings conducted  
2 without notice to interested persons by an officer of the court acting as  
3 a registrar for probate of a will or appointment of a personal  
4 representative.

5           28. "Interested person" includes any trustee, heir, devisee, child,  
6 spouse, creditor, beneficiary, person holding a power of appointment and  
7 other person who has a property right in or claim against a trust estate  
8 or the estate of a decedent, ward or protected person. Interested person  
9 also includes a person who has priority for appointment as personal  
10 representative and other fiduciaries representing interested persons.  
11 Interested person, as the term relates to particular persons, may vary  
12 from time to time and must be determined according to the particular  
13 purposes of, and matter involved in, any proceeding.

14           29. "Issue" of a person means descendant as defined in this  
15 section.

16           30. "Joint tenants with the right of survivorship" and "community  
17 property with the right of survivorship" includes co-owners of property  
18 held under circumstances that entitle one or more to the whole of the  
19 property on the death of the other or others but excludes forms of  
20 co-ownership registration in which the underlying ownership of each party  
21 is in proportion to that party's contribution.

22           31. "Lease" includes any oil, gas or other mineral lease.

23           32. "Letters" includes letters testamentary, letters of  
24 guardianship, letters of administration and letters of conservatorship.

25           33. "Minor" means a person who is under eighteen years of age.

26           34. "Mortgage" means any conveyance, agreement or arrangement in  
27 which property is encumbered or used as security. Mortgage does not  
28 include leases or easements.

29           35. "Nonresident decedent" means a decedent who was domiciled in  
30 another jurisdiction at the time of the decedent's death.

31           36. "Organization" means a corporation, limited liability company,  
32 business trust, estate, trust, partnership, joint venture, association,  
33 government or governmental subdivision or agency or any other legal or  
34 commercial entity.

35           37. "Parent" includes any person entitled to take, or who would be  
36 entitled to take if the child died without a will, as a parent under this  
37 title by intestate succession from the child whose relationship is in  
38 question and excludes any person who is only a stepparent, foster parent  
39 or grandparent.

40           38. "Payor" means a trustee, insurer, business entity, employer,  
41 government, governmental agency or subdivision or any other person who is  
42 authorized or obligated by law or a governing instrument to make payments.

43           39. "Person" means an individual or an organization.

44           40. "Personal representative" includes AN executor, AN  
45 administrator, A successor personal representative, A special

1 administrator and persons who perform substantially the same function  
2 under the law governing their status. A general personal representative  
3 excludes a special administrator.

4 41. "Petition" means a written request to the court for an order  
5 after notice.

6 42. "Proceeding" includes action at law and suit in equity.

7 43. "Property" has the same meaning prescribed in section 14-10103.

8 44. "Protected person" has the same meaning prescribed in section  
9 14-5101.

10 45. "Protective proceeding" has the same meaning prescribed in  
11 section 14-5101.

12 46. "Registrar" means the official of the court WHO IS designated  
13 to perform the functions of registrar as provided in section 14-1307.

14 47. "Security" includes any note, stock, treasury stock, bond,  
15 debenture, evidence of indebtedness, certificate of interest or  
16 participation in an oil, gas or mining title or lease or in payments out  
17 of production under that title or lease, collateral trust certificate,  
18 transferable share or voting trust certificate and, in general, includes  
19 any interest or instrument commonly known as a security, or any  
20 certificate of interest or participation, any temporary or interim  
21 certificate, receipt or certificate of deposit for, or any warrant or  
22 right to subscribe to or purchase, any of these securities.

23 48. "Separate property" means that property of a ~~husband or wife~~  
24 SPOUSE that is the spouse's separate property as defined in section  
25 25-213.

26 49. "Settlement", in reference to a decedent's estate, includes the  
27 full process of administration, distribution and closing.

28 50. "Special administrator" means a personal representative as  
29 described by sections 14-3614 through 14-3618.

30 51. "State" has the same meaning prescribed in section 14-10103.

31 52. "Successor personal representative" means a personal  
32 representative, other than a special administrator, who is appointed to  
33 succeed a previously appointed personal representative.

34 53. "Successors" means persons, other than creditors, who are  
35 entitled to property of a decedent under a will or this title.

36 54. "Supervised administration" refers to the proceedings described  
37 in chapter 3, article 5 of this title.

38 55. "Survive" means that a person has neither predeceased an event,  
39 including the death of another person, nor is deemed to have predeceased  
40 an event under section 14-2104 or 14-2702.

41 56. "Testacy proceeding" means a proceeding to establish a will or  
42 determine intestacy.

43 57. "Testator" includes a person of either sex.

44 58. "Trust" includes an express trust, private or charitable, with  
45 any additions, wherever and however created. Trust also includes a trust

1 created or determined by judgment or decree under which the trust is to be  
2 administered in the manner of an express trust. Trust excludes other  
3 constructive trusts and excludes resulting trusts, conservatorship,  
4 personal representatives, trust accounts, custodial arrangements pursuant  
5 to chapter 7, article 7 of this title, business trusts providing for  
6 certificates to be issued to beneficiaries, common trust funds, voting  
7 trusts, security arrangements, liquidation trusts and trusts for the  
8 primary purpose of paying debts, dividends, interest, salaries, wages,  
9 profits, pensions or employee benefits of any kind, trusts created by a  
10 city or town for the payment of medical insurance, health care benefits or  
11 expenses, long-term or short-term disability, self insurance reserves and  
12 similar programs administered by a city or town, legal defense trusts and  
13 any arrangement under which a person is nominee or escrowee for another.

14 59. "Trustee" includes an original, additional or successor  
15 trustee, whether or not appointed or confirmed by the court.

16 60. "Ward" has the same meaning prescribed in section 14-5101.

17 61. "Will" includes a codicil and any testamentary instrument that  
18 merely appoints an executor, revokes or revises another will, nominates a  
19 guardian or expressly excludes or limits the right of an individual or  
20 class to succeed to property of the decedent passing by intestate  
21 succession.

22 Sec. 15. Section 14-2802, Arizona Revised Statutes, is amended to  
23 read:

24 14-2802. Effect of divorce, annulment and decree of  
25 separation

26 A. A person who is divorced from the decedent or whose marriage to  
27 the decedent has been annulled is not a surviving spouse unless, by virtue  
28 of a subsequent marriage, that person is married to the decedent at the  
29 time of death. A decree of separation that does not terminate the status  
30 of ~~husband and wife~~ THE MARRIED COUPLE is not a divorce for purposes of  
31 this section.

32 B. For the purposes of this section, "surviving spouse" does not  
33 include:

34 1. A person who obtains or consents to a final decree or judgment  
35 of divorce from the decedent or an annulment of the marriage if that  
36 decree or judgment is not recognized as valid in this state, unless they  
37 subsequently participate in a marriage ceremony purporting to marry each  
38 to the other or live together as ~~husband and wife~~ A MARRIED COUPLE.

39 2. A person who, after an invalid decree or judgment of divorce or  
40 annulment obtained by the decedent, participates in a marriage ceremony  
41 with a third person.

42 3. A person who was a party to a valid proceeding concluded by an  
43 order purporting to terminate all marital property rights.



1           Sec. 16. Section 14-2804, Arizona Revised Statutes, is amended to  
2 read:

3           14-2804. Termination of marriage; effect; revocation of  
4                                   probate and nonprobate transfers; federal law;  
5                                   definitions

6           A. Except as provided by the express terms of a governing  
7 instrument, a court order or a contract relating to the division of the  
8 marital estate made between a divorced couple before or after the  
9 marriage, divorce or annulment, the divorce or annulment of a marriage:

10           1. Revokes any revocable:

11           (a) Disposition or appointment of property made by a divorced  
12 person to that person's former spouse in a governing instrument and any  
13 disposition or appointment created by law or in a governing instrument to  
14 a relative of the divorced person's former spouse.

15           (b) Provision in a governing instrument conferring a general or  
16 nongeneral power of appointment on the divorced person's former spouse or  
17 on a relative of the divorced person's spouse.

18           (c) Nomination in a governing instrument that nominates a divorced  
19 person's former spouse or a relative of the divorced person's former  
20 spouse to serve in any fiduciary or representative capacity, including a  
21 personal representative, executor, trustee, conservator, agent or  
22 guardian.

23           2. Severs the interests of the former spouses in property held by  
24 them at the time of the divorce or annulment as joint tenants with the  
25 right of survivorship or as community property with the right of  
26 survivorship and transforms the interests of the former spouses into  
27 tenancies in common.

28           B. A severance under subsection A, paragraph 2 of this section does  
29 not affect any ~~third party~~ **THIRD-PARTY** interest in property acquired for  
30 value and in good faith reliance on an apparent title by survivorship in  
31 the survivor of the former spouses unless a writing declaring the  
32 severance has been noted, registered, filed or recorded in records  
33 appropriate to the kind and location of the property that a person relied  
34 on as evidence of ownership in the ordinary course of transactions  
35 involving that property.

36           C. Provisions of a governing instrument are given effect as if the  
37 former spouse and relatives of the former spouse disclaimed all provisions  
38 revoked by this section or, in the case of a revoked nomination in a  
39 fiduciary or representative capacity, as if the former spouse and  
40 relatives of the former spouse died immediately before the divorce or  
41 annulment.

42           D. Provisions revoked solely by this section are revived by the  
43 divorced person's remarriage to the former spouse or by a nullification of  
44 the divorce or annulment.

1 E. No change of circumstances other than as described in this  
2 section and in section 14-2803 effects a revocation.

3 F. Any payor or other third party is not liable for making a  
4 payment or transferring an item of property or any other benefit to a  
5 beneficiary designated in a governing instrument affected by a divorce,  
6 annulment or remarriage, or for taking any other action in good faith  
7 reliance on the validity of the governing instrument, before the payor or  
8 other third party receives written notice of the divorce, annulment or  
9 remarriage. Any payor or other third party is liable for a payment made  
10 or any other action taken after the payor or other third party receives  
11 written notice of a claimed forfeiture or revocation under this section.

12 G. Written notice of the divorce, annulment or remarriage under  
13 subsection F of this section must be mailed to the payor's or other third  
14 party's main office or home by certified mail, return receipt requested,  
15 or served on the payor or other third party in the same manner as a  
16 summons in a civil action. On receipt of written notice of the divorce,  
17 annulment or remarriage, a payor or any other third party may pay any  
18 amount owed or transfer or deposit any item of property held by it to or  
19 with the court having jurisdiction of the probate proceedings relating to  
20 the decedent's estate or, if no proceedings have been commenced, to or  
21 with the court having jurisdiction of probate proceedings relating to  
22 decedents' estates located in the county of the decedent's residence. The  
23 court shall hold the monies or item of property and, on its determination  
24 under this section, shall order disbursement or transfer in accordance  
25 with the determination. Payments, transfers or deposits made to or with  
26 the court discharge the payor or other third party from all claims for the  
27 value of amounts paid to or items of property transferred to or deposited  
28 with the court.

29 H. A person who purchases property from a former spouse, a relative  
30 of a former spouse or any other person for value and without notice or who  
31 receives from a former spouse, a relative of a former spouse or any other  
32 person a payment or other item of property in partial or full satisfaction  
33 of a legally enforceable obligation is neither obligated under this  
34 section to return the payment, item of property or benefit nor is liable  
35 under this section for the amount of the payment or the value of the item  
36 of property or benefit. However, a former spouse, a relative of a former  
37 spouse or any other person who, not for value, received a payment, an item  
38 of property or any other benefit to which that person is not entitled  
39 under this section is obligated to return the payment, item of property or  
40 benefit to the person who is entitled to it under this section or is  
41 personally liable for the amount of the payment or the value of the item  
42 of property or benefit.

43 I. For the ~~purpose~~ PURPOSES of this section:



1 administration as provided in this title. In addition, the surviving  
 2 spouse's share of the community property is subject to administration  
 3 until the time for presentation of claims has expired, and thereafter only  
 4 to the extent necessary to pay community claims.

5 B. If ~~a husband and wife~~ both SPOUSES die, and the administration  
 6 of one of their estates is not completed prior to commencement of  
 7 administration of the other, their estates may be combined in a single  
 8 administration with the same personal representative, if feasible. A  
 9 single application or petition may be made to obtain appointment of a  
 10 personal representative and to determine testacy. If their estates  
 11 devolve as if each spouse survived the other because of application of  
 12 section 14-2702, and their estates are not combined, half of their  
 13 community property is subject to administration in each estate and  
 14 community claims will be charged ratably to each half of the community  
 15 property.

16 Sec. 18. Section 14-5426, Arizona Revised Statutes, is amended to  
 17 read:

18 14-5426. Enlargement or limitation of powers of conservator

19 A. Subject to the restrictions in section 14-5408, subsection A,  
 20 paragraph 4, the court may confer on a conservator at the time of  
 21 appointment or later, in addition to the powers conferred ~~on him~~ by  
 22 sections 14-5424 and 14-5425, any power ~~which~~ the court itself could  
 23 exercise under section 14-5408, subsection A, paragraphs 2 and 3. The  
 24 court may, at the time of appointment or later, limit the powers of a  
 25 conservator otherwise conferred by sections 14-5424 and 14-5425, or  
 26 previously conferred by the court, and may at any time relieve ~~him~~ THE  
 27 CONSERVATOR of any limitation. If the court limits any power conferred on  
 28 the conservator by section 14-5424 or 14-5425, the limitation shall be  
 29 endorsed ~~upon his~~ ON THE CONSERVATOR'S letters of appointment.

30 B. ~~Upon~~ ON appointment of a conservator for a protected spouse, the  
 31 court may determine whether the spouse's share of community property shall  
 32 be managed by the conservator or by the other spouse. ~~if the court~~  
 33 ~~determines that the community property shall be managed by the other~~  
 34 ~~spouse, and if the protected spouse is the husband, the wife may become~~  
 35 ~~the manager of the community property during the conservatorship and may~~  
 36 ~~dispose of community personal property in the interests of the community.~~

37 Sec. 19. Section 14-9106, Arizona Revised Statutes, is amended to  
 38 read:

39 14-9106. Multiple beneficiaries; separate custodial trusts;  
 40 survivorship

41 A. Beneficial interests in a custodial trust created for multiple  
 42 beneficiaries are deemed to be separate custodial trusts of equal  
 43 undivided interests for each beneficiary. Except in a transfer or  
 44 declaration for use and benefit of ~~husband and wife~~ A MARRIED COUPLE, for  
 45 whom survivorship is presumed, a right of survivorship does not exist

1 unless the instrument creating the custodial trust specifically provides  
2 for survivorship or survivorship is required as to community or marital  
3 property.

4 B. Custodial trust property held under this chapter by the same  
5 custodial trustee for the use and benefit of the same beneficiary may be  
6 administered as a single custodial trust.

7 C. A custodial trustee of custodial trust property held for more  
8 than one beneficiary shall separately account to each beneficiary pursuant  
9 to sections 14-9107 and 14-9115 for the administration of the custodial  
10 trust.

11 Sec. 20. Section 23-805, Arizona Revised Statutes, is amended to  
12 read:

13 23-805. Right of action for damages; two-year limitation

14 A. When in the course of work in any of the employments or  
15 occupations enumerated in section 23-803, personal injury or death by an  
16 accident arising out of and in the course of ~~such~~ THE labor, service and  
17 employment, and due to a condition or conditions of ~~such~~ THE occupation or  
18 employment, is caused to or suffered by a workman engaged therein, in all  
19 cases in which the injury or death of the employee is not caused by the  
20 negligence of the employee killed or injured, the employer is liable in  
21 damages to the employee injured or, in case death ensues, to the personal  
22 representative of the deceased for the benefit of the surviving ~~widow or~~  
23 ~~husband~~ SPOUSE and children of the employee or, if none, then to the  
24 employee's parents or, if none, then to the next of kin dependent ~~upon~~ ON  
25 the employee or, if none, then to ~~his~~ THE EMPLOYEE'S personal  
26 representative for the benefit of the estate of the deceased.

27 B. The action shall not be maintained unless IT IS commenced within  
28 two years from the day the claim or cause of action accrued.

29 Sec. 21. Section 23-1046, Arizona Revised Statutes, is amended to  
30 read:

31 23-1046. Death benefits

32 A. In case of an injury causing death, the compensation therefor  
33 shall be known as a death benefit and shall be payable in the amount, for  
34 the period, and to and for the benefit of the following:

35 1. Burial expenses, not to exceed five thousand dollars, in  
36 addition to the compensation.

37 2. To the surviving spouse, if there are no children, sixty-six and  
38 two-thirds ~~per cent~~ PERCENT of the average monthly wage of the deceased,  
39 to be paid until ~~such~~ THE spouse's death or remarriage, with two years'  
40 compensation in one sum ~~upon~~ ON remarriage. To the surviving spouse if  
41 there are surviving children, thirty-five ~~per cent~~ PERCENT of the average  
42 monthly wage of the deceased, to be paid until ~~such~~ THE spouse's death or  
43 remarriage with two years' compensation in one sum ~~upon~~ ON remarriage, and  
44 to the surviving children, an additional thirty-one and two-thirds ~~per~~  
45 ~~cent~~ PERCENT of the average monthly wage, to be divided equally among them

1 until the age of eighteen years, until the age of twenty-two years if the  
 2 child is enrolled as a full-time student in any accredited educational  
 3 institution, or if over eighteen years and incapable of self-support when  
 4 the child becomes capable of self-support. When all surviving children  
 5 are no longer eligible for benefits, the surviving spouse's benefits shall  
 6 be paid as if there were no children. In the event of the subsequent  
 7 death or remarriage of the surviving spouse, the surviving child's or  
 8 children's benefits shall be computed pursuant to paragraph 3 OF THIS  
 9 SUBSECTION.

10 3. To a single surviving child, in the case of the subsequent death  
 11 or remarriage of a surviving ~~husband or wife~~ SPOUSE, or if there is no  
 12 surviving ~~husband or wife~~ SPOUSE, sixty-six and two-thirds ~~per cent~~  
 13 PERCENT of the average monthly wage of the deceased, or if there is more  
 14 than one surviving child, sixty-six and two-thirds ~~per cent~~ PERCENT to be  
 15 divided equally among the surviving children. Compensation to any such  
 16 child shall cease ~~upon~~ ON death, ~~upon~~ ON marriage or ~~upon~~ ON reaching the  
 17 age of eighteen years, except, if over eighteen years and incapable of  
 18 self-support, when ~~he~~ THE CHILD becomes capable of self-support, or if  
 19 over eighteen years of age and enrolled as a full-time student in any  
 20 accredited educational institution, when the child reaches age twenty-two.

21 4. To a parent, if there is no surviving ~~husband, wife~~ SPOUSE or  
 22 child under the age of eighteen years, if wholly dependent for support  
 23 ~~upon~~ ON the deceased employee at the time of ~~his~~ THE EMPLOYEE'S death,  
 24 twenty-five ~~per cent~~ PERCENT of the average monthly wage of the deceased  
 25 during dependency, with an added allowance of fifteen ~~per cent~~ PERCENT if  
 26 two dependent parents survive, and, if neither parent is wholly dependent,  
 27 but one or both partly dependent, fifteen ~~per cent~~ PERCENT divided between  
 28 them share and share alike.

29 5. To brothers or sisters under the age of eighteen years, if there  
 30 is no surviving ~~husband or wife~~ SPOUSE, dependent children under the age  
 31 of eighteen years or dependent parent, the following shall govern:

32 (a) If one of the brothers or sisters is wholly dependent ~~upon~~ ON  
 33 the deceased employee for support at the time of injury causing death,  
 34 twenty-five ~~per cent~~ PERCENT of the average monthly wage until the age of  
 35 eighteen years.

36 (b) If more than one brother or sister is wholly dependent,  
 37 thirty-five ~~per cent~~ PERCENT of the average monthly wage at the time of  
 38 injury causing death, divided among ~~such~~ THE dependents share and share  
 39 alike.

40 (c) If none of the brothers or sisters is wholly dependent, but one  
 41 or more are partly dependent, fifteen ~~per cent~~ PERCENT divided among ~~such~~  
 42 THE dependents share and share alike.

43 B. If the deceased employee leaves dependents only partially  
 44 dependent ~~upon his~~ ON THE EMPLOYEE'S earnings for support at the time of  
 45 the injury, the monthly compensation shall be equal to ~~such~~ THAT

1 proportion of the monthly payments for the benefit of persons totally  
2 dependent as the amount contributed by the employee to ~~such~~ THE partial  
3 dependents bears to the average wage of the deceased at the time of the  
4 injury resulting in ~~his~~ THE EMPLOYEE'S death. The duration of  
5 compensation to partial dependents shall be fixed by the commission in  
6 accordance with the facts shown, and in accordance with the provisions of  
7 section 23-1047, but shall ~~in no case~~ NOT exceed compensation for one  
8 hundred months.

9 C. In the event of death of a dependent before expiration of the  
10 time named in the award, the funeral expenses of ~~such~~ THE person, not to  
11 exceed eight hundred dollars, shall be paid.

12 Sec. 22. Section 23-1064, Arizona Revised Statutes, is amended to  
13 read:

14 23-1064. Presumptions of dependency; determination

15 A. The following persons are conclusively presumed to be totally  
16 dependent for support ~~upon~~ ON a deceased employee:

17 1. A ~~wife upon a husband whom she has~~ SPOUSE ON THE OTHER SPOUSE  
18 WHO WAS not voluntarily abandoned at the time of the injury.

19 ~~2. A husband upon a wife whom he has not voluntarily abandoned at~~  
20 ~~the time of the injury.~~

21 ~~3.~~ 2. A natural, posthumous or adopted child under the age of  
22 eighteen years or under the age of twenty-two years if enrolled as a  
23 full-time student in any accredited educational institution, or over that  
24 age if physically or mentally incapacitated from wage earning, ~~upon~~ ON the  
25 injured parent. Stepparents may be regarded as parents, if dependent, and  
26 a stepchild as a natural child if dependent.

27 B. Questions of dependency and the extent thereof shall be  
28 determined as of the date of the injury to the employee and the  
29 dependent's right to any death benefit shall become fixed as of ~~such~~ THAT  
30 time irrespective of any subsequent change in conditions, and the death  
31 benefits shall be directly recoverable by and payable to the dependent  
32 entitled thereto.

33 Sec. 23. Section 25-101, Arizona Revised Statutes, is amended to  
34 read:

35 25-101. Void and prohibited marriages

36 A. Marriage between parents and children, including grandparents  
37 and grandchildren of every degree, between brothers and sisters of the  
38 one-half as well as the whole blood, and between uncles and nieces, aunts  
39 and nephews and between first cousins, is prohibited and void.

40 B. Notwithstanding subsection A OF THIS SECTION, first cousins may  
41 marry if both are AT LEAST sixty-five years of age ~~or older~~ or if one or  
42 both first cousins are under sixty-five years of age, ~~upon~~ ON approval of  
43 any superior court judge in the state if proof has been presented to the  
44 judge that one of the cousins is unable to reproduce.

45 ~~C. Marriage between persons of the same sex is void and prohibited.~~

1           Sec. 24. Heading change

2           The chapter heading of title 25, chapter 2, Arizona Revised  
3 Statutes, is changed from "HUSBAND AND WIFE, PROPERTY AND CONTRACT RIGHTS"  
4 to "PROPERTY AND CONTRACT RIGHTS OF SPOUSES".

5           Sec. 25. Section 25-211, Arizona Revised Statutes, is amended to  
6 read:

7           25-211. Property acquired during marriage as community property;  
8 exceptions; effect of service of a petition

9           A. All property acquired by either ~~husband or wife~~ SPOUSE during  
10 the marriage is the community property of the ~~husband and wife~~ MARRIED  
11 COUPLE except for property that is:

- 12           1. Acquired by gift, devise or descent.
- 13           2. Acquired after service of a petition for dissolution of  
14 marriage, legal separation or annulment if the petition results in a  
15 decree of dissolution of marriage, legal separation or annulment.

16           B. Notwithstanding subsection A, paragraph 2 **OF THIS SECTION**,  
17 service of a petition for dissolution of marriage, legal separation or  
18 annulment does not:

- 19           1. Alter the status of preexisting community property.
- 20           2. Change the status of community property used to acquire new  
21 property or the status of that new property as community property.
- 22           3. Alter the duties and rights of either spouse with respect to the  
23 management of community property except as prescribed pursuant to section  
24 25-315, subsection A, paragraph 1, subdivision (a).

25           Sec. 26. Section 25-314, Arizona Revised Statutes, is amended to  
26 read:

27           25-314. Pleadings; contents; defense; joinder of parties;  
28 confidentiality

29           A. The verified petition in a proceeding for dissolution of  
30 marriage or legal separation shall allege that the marriage is  
31 irretrievably broken or that one or both of the parties desire to live  
32 separate and apart, or, if the marriage is a covenant marriage, any of the  
33 grounds prescribed in section 25-903 or 25-904, whichever is appropriate,  
34 and shall set forth:

- 35           1. The birth date, occupation and address of each party and the  
36 length of domicile in this state.
- 37           2. The date of the marriage, the place at which it was performed  
38 and whether the marriage is a covenant marriage.
- 39           3. The names, birth dates and addresses of all living children,  
40 natural or adopted, common to the parties and whether ~~the wife~~ EITHER  
41 PARTY TO THE MARRIAGE is pregnant.
- 42           4. The details of any agreements between the parties as to support,  
43 custody and parenting time of the children and maintenance of a spouse.
- 44           5. The relief sought.



1 B. Either party to the marriage may initiate the proceeding.

2 C. The only defense to a petition for the dissolution of a marriage  
3 or legal separation is that the marriage is not irretrievably broken. If  
4 the marriage is a covenant marriage, it is a defense that none of the  
5 grounds alleged for a dissolution of marriage or legal separation  
6 prescribed in section 25-903 or 25-904 are met.

7 D. The court may join additional parties necessary for the exercise  
8 of its authority.

9 E. This section does not require a victim of domestic violence or a  
10 resident of a domestic violence shelter as defined in section 36-3001 to  
11 divulge the person's address, except that a means of communicating with  
12 the resident, such as a post office box or address of the person's  
13 attorney, must be disclosed.

14 Sec. 27. Section 25-1060, Arizona Revised Statutes, is amended to  
15 read:

16 25-1060. Hearing and order

17 A. Unless the court issues a temporary emergency order in  
18 accordance with section 25-1034, on a finding that a petitioner is  
19 entitled to immediate physical custody of the child, the court shall order  
20 that the petitioner may take immediate physical custody of the child  
21 unless the respondent establishes that either of the following is true:

22 1. The child custody determination has not been registered and  
23 confirmed under section ~~25-1053~~ 25-1055 and ~~that~~ any of the following is  
24 true:

25 (a) The issuing court did not have jurisdiction under article 2 of  
26 this chapter.

27 (b) The child custody determination for which enforcement is sought  
28 has been vacated, stayed or modified by a court of a state having  
29 jurisdiction to do so under article 2 of this chapter.

30 (c) The respondent was entitled to notice, but notice was not given  
31 in accordance with section 25-1008, in the proceedings before the court  
32 that issued the order for which enforcement is sought.

33 2. The child custody determination for which enforcement is sought  
34 was registered and confirmed under section 25-1055 but has been vacated,  
35 stayed or modified by a court of a state having jurisdiction to do so  
36 under article 2 of this chapter.

37 B. The court shall award the fees, costs and expenses authorized  
38 under section 25-1062, may grant additional relief, including a request  
39 for the assistance of law enforcement officials, and may set a further  
40 hearing to determine whether additional relief is appropriate.

41 C. If a party called to testify refuses to answer on the ground  
42 that the testimony may be self-incriminating, the court may draw an  
43 adverse inference from the refusal.

1 D. A privilege against disclosure of communications between spouses  
2 and a defense of immunity based on THE SPOUSAL RELATIONSHIP OR the  
3 relationship of ~~husband and wife or~~ parent and child shall not be invoked  
4 in a proceeding under this article.

5 Sec. 28. Section 25-1256, Arizona Revised Statutes, is amended to  
6 read:

7 25-1256. Special rules of evidence and procedure

8 A. The physical presence of a nonresident party who is an  
9 individual in a tribunal of this state is not required for the  
10 establishment, enforcement or modification of a support order or the  
11 rendition of a judgment determining parentage of a child.

12 B. An affidavit, a document substantially complying with federally  
13 mandated forms or a document incorporated by reference in any affidavit or  
14 mandated form that would not be excluded under the hearsay rule if given  
15 in person is admissible in evidence if given under penalty of perjury by a  
16 party or witness residing outside this state.

17 C. A copy of the record of child support payments certified as a  
18 true copy of the original by the custodian of the record may be forwarded  
19 to a responding tribunal. The copy is evidence of facts asserted in it  
20 and is admissible to show whether payments were made.

21 D. Copies of bills for testing for parentage of a child and for  
22 prenatal and postnatal health care of the mother and child furnished to  
23 the adverse party at least ten days before trial are admissible in  
24 evidence to prove the amount of the charges billed and that the charges  
25 were reasonable, necessary and customary.

26 E. Documentary evidence transmitted from outside this state to a  
27 tribunal of this state by telephone, fax or other electronic means that do  
28 not provide an original record shall not be excluded from evidence on an  
29 objection based on the means of transmission.

30 F. In a proceeding under this chapter, a tribunal of this state  
31 shall permit a party or witness residing outside this state to be deposed  
32 or to testify under penalty of perjury by telephone, audiovisual means or  
33 other electronic means at a designated tribunal or other location. A  
34 tribunal of this state shall cooperate with other tribunals in designating  
35 an appropriate location for the deposition or testimony.

36 G. If a party called to testify at a civil hearing refuses to  
37 answer on the ground that the testimony may be self-incriminating, the  
38 trier of fact may draw an adverse inference from the refusal.

39 H. A privilege against disclosure of communications between spouses  
40 does not apply in a proceeding under this chapter.

41 I. The defense of immunity based on THE SPOUSAL RELATIONSHIP OR the  
42 relationship of ~~husband and wife or~~ parent and child does not apply in a  
43 proceeding under this chapter.

44 J. A voluntary acknowledgment of paternity, certified as a true  
45 copy, is admissible to establish parentage of the child.

1           Sec. 29. Section 32-2101, Arizona Revised Statutes, is amended to  
2 read:

3           32-2101. Definitions

4           In this chapter, unless the context otherwise requires:

5           1. "Acting in concert" means evidence of collaborating to pursue a  
6 concerted plan.

7           2. "Advertising" means the attempt by publication, dissemination,  
8 exhibition, solicitation or circulation, oral or written, or for broadcast  
9 on radio or television to induce directly or indirectly any person to  
10 enter into any obligation or acquire any title or interest in lands  
11 subject to this chapter including the land sales contract to be used and  
12 any photographs, drawings or artist's presentations of physical conditions  
13 or facilities existing or to exist on the property. Advertising does not  
14 include:

15           (a) Press releases or other communications delivered to newspapers,  
16 periodicals or other news media for general information or public  
17 relations purposes if no charge is made by the newspapers, periodicals or  
18 other news media for the publication or use of any part of these  
19 communications.

20           (b) Communications to stockholders as follows:

21           (i) Annual reports and interim financial reports.

22           (ii) Proxy materials.

23           (iii) Registration statements.

24           (iv) Securities prospectuses.

25           (v) Applications for listing of securities on stock exchanges.

26           (vi) Prospectuses.

27           (vii) Property reports.

28           (viii) Offering statements.

29           3. "Affiliate" means a person who, directly or indirectly through  
30 one or more intermediaries, controls, is controlled by or is under common  
31 control with the person specified.

32           4. "Associate broker" means a licensed broker WHO IS employed by  
33 another broker. Unless otherwise specifically provided, an associate  
34 broker has the same license privileges as a salesperson.

35           5. "Barrier" means a natural or man-made geographical feature that  
36 prevents parcels of land from being practicably, reasonably and  
37 economically united or reunited and that was not caused or created by the  
38 owner of the parcels.

39           6. "Blanket encumbrance" means any mortgage, any deed of trust or  
40 any other encumbrance or lien securing or evidencing the payment of money  
41 and affecting more than one lot or parcel of subdivided land, or an  
42 agreement affecting more than one lot or parcel by which the subdivider  
43 holds the subdivision under an option, contract to sell or trust  
44 agreement. Blanket encumbrance does not include taxes and assessments  
45 THAT ARE levied by public authority.

1           7. "Board" means the state real estate advisory board.

2           8. "Broker", when used without modification, means a person who is  
3 licensed as a broker under this chapter or who is required to be licensed  
4 as a broker under this chapter.

5           9. "Business broker" means a real estate broker who acts as an  
6 intermediary or agent between sellers or buyers, or both, in the sale or  
7 purchase, or both, of businesses or business opportunities where a lease  
8 or sale of real property is either a direct or incidental part of the  
9 transaction.

10          10. "Camping site" means a space **THAT IS** designed and promoted for  
11 the purpose of locating any trailer, tent, tent trailer, pickup camper or  
12 other similar device used for camping.

13          11. "Cemetery" or "cemetery property" means any one, or a  
14 combination of more than one, of the following in a place **THAT IS** used, or  
15 intended to be used, and dedicated for cemetery purposes:

16           (a) A burial park, for earth interments.

17           (b) A mausoleum, for crypt or vault entombments.

18           (c) A crematory, or a crematory and columbarium, for cinerary  
19 interments.

20           (d) A cemetery plot, including interment rights, mausoleum crypts,  
21 niches and burial spaces.

22          12. "Cemetery broker" means a person other than a real estate  
23 broker or real estate salesperson who, for another, for compensation:

24           (a) Sells, leases or exchanges cemetery property or interment  
25 services of or for another, or on the person's own account.

26           (b) Offers for another or for the person's own account to buy,  
27 sell, lease or exchange cemetery property or interment services.

28           (c) Negotiates the purchase and sale, lease or exchange of cemetery  
29 property or interment services.

30           (d) Negotiates the purchase or sale, lease or exchange, or lists or  
31 solicits, or negotiates a loan on or leasing of cemetery property or  
32 interment services.

33          13. "Cemetery salesperson" means a natural person who acts on the  
34 person's own behalf or through and on behalf of a professional limited  
35 liability company or a professional corporation engaged by or on behalf of  
36 a licensed cemetery or real estate broker, or through and on behalf of a  
37 corporation, partnership or limited liability company that is licensed as  
38 a cemetery or real estate broker, to perform any act or transaction  
39 included in the definition of cemetery broker.

40          14. "Commissioner" means the state real estate commissioner.

41          15. "Common promotional plan" means a plan, undertaken by a person  
42 or a group of persons acting in concert, to offer lots for sale or lease.  
43 If the land is offered for sale by a person or group of persons acting in  
44 concert, and the land is contiguous or is known, designated or advertised  
45 as a common unit or by a common name, the land is presumed, without regard

1 to the number of lots covered by each individual offering, as being  
2 offered for sale or lease as part of a common promotional plan. Separate  
3 subdividers selling lots or parcels in separately platted subdivisions  
4 within a master planned community shall not be deemed to be offering their  
5 combined lots for sale or lease as part of a common promotional plan.

6 16. "Compensation" means any fee, commission, salary, money or  
7 other valuable consideration for services THAT IS rendered or to be  
8 rendered as well as the promise of consideration whether contingent or  
9 not.

10 17. "Contiguous" means lots, parcels or fractional interests that  
11 share a common boundary or point. Lots, parcels or fractional interests  
12 are not contiguous if they are separated by either of the following:

13 (a) A barrier.

14 (b) A road, street or highway that has been established by this  
15 state or by any agency or political subdivision of this state, that has  
16 been designated by the federal government as an interstate highway or that  
17 has been regularly maintained by this state or by any agency or political  
18 subdivision of this state and has been used continuously by the public for  
19 at least the last five years.

20 18. "Control" or "controlled" means a person who, through  
21 ownership, voting rights, power of attorney, proxy, management rights,  
22 operational rights or other rights, has the right to make decisions  
23 binding on an entity, whether a corporation, a partnership or any other  
24 entity.

25 19. "Corporation licensee" means a lawfully organized corporation  
26 that is registered with the Arizona corporation commission and that has an  
27 officer licensed as the designated broker pursuant to section 32-2125.

28 20. "Department" means the state real estate department.

29 21. "Designated broker" means the natural person who is licensed as  
30 a broker under this chapter and who is either:

31 (a) Designated to act on behalf of an employing real estate,  
32 cemetery or membership camping entity.

33 (b) Doing business as a sole proprietor.

34 22. "Developer" means a person who offers real property in a  
35 development for sale, lease or use, either immediately or in the future,  
36 on the person's own behalf or on behalf of another person, under this  
37 chapter. Developer does not include a person whose involvement with a  
38 development is limited to the listing of property within the development  
39 for sale, lease or use.

40 23. "Development" means any division, proposed division or use of  
41 real property that the department has authority to regulate, including  
42 subdivided and unsubdivided lands, cemeteries, condominiums, timeshares,  
43 membership campgrounds and stock cooperatives.

44 24. "Employing broker" means a person who is licensed or is  
45 required to be licensed as a:

1 (a) Broker entity pursuant to section 32-2125, subsection A.

2 (b) Sole proprietorship if the sole proprietor is a broker licensed  
3 pursuant to this chapter.

4 25. "Fractional interest" means an undivided interest in improved  
5 or unimproved land, lots or parcels of any size created for the purpose of  
6 sale or lease and evidenced by any receipt, certificate, deed or other  
7 document conveying the interest. Undivided interests in land, lots or  
8 parcels created in the names of ~~a husband and wife~~ BOTH SPOUSES as  
9 community property, joint tenants or tenants in common, or in the names of  
10 other persons who, acting together as part of a single transaction,  
11 acquire the interests without a purpose to divide the interests for  
12 present or future sale or lease, shall be deemed to constitute only one  
13 fractional interest.

14 26. "Improved lot or parcel" means a lot or parcel of a subdivision  
15 ~~upon~~ ON which lot or parcel there is a residential, commercial or  
16 industrial building or concerning which a contract has been entered into  
17 between a subdivider and a purchaser that obligates the subdivider  
18 directly, or indirectly through a building contractor, to complete  
19 construction of a residential, commercial or industrial building on the  
20 lot or parcel within two years from the date on which the contract of sale  
21 for the lot is entered into.

22 27. "Inactive license" means a license THAT IS issued pursuant to  
23 article 2 of this chapter to a licensee who is on inactive status during  
24 the current license period and who is not engaged by or on behalf of a  
25 broker.

26 28. "Lease" or "leasing" includes any lease, whether it is the  
27 sole, the principal or any incidental part of a transaction.

28 29. "License" means the whole or part of any agency permit,  
29 certificate, approval, registration, public report, charter or similar  
30 form of permission required by this chapter.

31 30. "License period" means the ~~two-year~~ TWO-YEAR period beginning  
32 with the date of original issue or renewal of a particular license and  
33 ending on the expiration date, if any.

34 31. "Licensee" means a person to whom a license for the current  
35 license period has been granted under any provision of this chapter, and,  
36 for purposes of section 32-2153, subsection A, shall include original  
37 license applicants.

38 32. "Limited liability company licensee" means a lawfully organized  
39 limited liability company that has a member or manager who is a natural  
40 person and who is licensed as the designated broker pursuant to section  
41 32-2125.

42 33. "Lot reservation" means an expression of interest by a  
43 prospective purchaser in buying at some time in the future a subdivided or  
44 unsubdivided lot, unit or parcel in this state. In all cases, a

1 subsequent affirmative action by the prospective purchaser must be taken  
2 to create a contractual obligation to purchase.

3 34. "Master planned community" means a development that consists of  
4 two or more separately platted subdivisions and that is either subject to  
5 a master declaration of covenants, conditions or restrictions, is subject  
6 to restrictive covenants sufficiently uniform in character to clearly  
7 indicate a general scheme for improvement or development of real property  
8 or is governed or administered by a master owner's association.

9 35. "Member" means a member of the real estate advisory board.

10 36. "Membership camping broker" means a person, other than a  
11 salesperson, who, for compensation:

12 (a) Sells, purchases, lists, exchanges or leases membership camping  
13 contracts.

14 (b) Offers to sell, purchase, exchange or lease membership camping  
15 contracts.

16 (c) Negotiates or offers, attempts or agrees to negotiate the sale,  
17 purchase, exchange or lease of membership camping contracts.

18 (d) Advertises or holds himself out as being engaged in the  
19 business of selling, buying, exchanging or leasing membership camping  
20 contracts or counseling or advising regarding membership camping  
21 contracts.

22 (e) Assists or directs in the procuring of prospects calculated or  
23 intended to result in the sale, purchase, listing, exchange or lease of  
24 membership camping contracts.

25 (f) Performs any of the foregoing acts as an employee or on behalf  
26 of a membership camping operator or membership contract owner.

27 37. "Membership camping contract" means an agreement **THAT IS**  
28 offered or sold in this state evidencing a purchaser's right or license to  
29 use the camping or outdoor recreation facilities of a membership camping  
30 operator and includes a membership that provides for this use.

31 38. "Membership camping operator" means an enterprise, other than  
32 one that is tax exempt under section 501(c)(3) of the internal revenue  
33 code of 1986, as amended, that solicits membership paid for by a fee or  
34 periodic payments and has as one of its purposes camping or outdoor  
35 recreation, including the use of camping sites primarily by members.  
36 Membership camping operator does not include camping or recreational  
37 trailer parks that are open to the general public and that contain camping  
38 sites rented for a per use fee or a mobile home park.

39 39. "Membership camping salesperson" means a natural person who  
40 acts on the person's own behalf or through and on behalf of a professional  
41 limited liability company or a professional corporation engaged by or on  
42 behalf of a licensed membership camping or real estate broker, or by or on  
43 behalf of a corporation, partnership or limited liability company that is  
44 licensed as a membership camping or real estate broker, to perform any act

1 or participate in any transaction in a manner included in the definition  
2 of membership camping broker.

3 40. "Partnership licensee" means a partnership with a managing  
4 general partner who is licensed as the designated broker pursuant to  
5 section 32-2125.

6 41. "Permanent access", as required under article 4 of this  
7 chapter, means permanent access from the subdivision to any federal, state  
8 or county highway.

9 42. "Perpetual or endowed-care cemetery" means a cemetery wherein  
10 lots or other burial spaces are sold or transferred under the  
11 representation that the cemetery will receive "perpetual" or "endowed"  
12 care as defined in this section free of further cost to the purchaser  
13 after payment of the original purchase price for the lot, burial space or  
14 interment right.

15 43. "Perpetual-care" or "endowed-care" means the maintenance and  
16 care of all places where interments have been made of the trees, shrubs,  
17 roads, streets and other improvements and embellishments contained within  
18 or forming a part of the cemetery. This shall not include the maintenance  
19 or repair of monuments, tombs, copings or other man-made ornaments as  
20 associated with individual burial spaces.

21 44. "Person" means any individual, corporation, partnership or  
22 company and any other form of multiple organization for carrying on  
23 business, foreign or domestic.

24 45. "Private cemetery" means a cemetery or place that is not  
25 licensed under article 6 of this chapter, where burials or interments of  
26 human remains are made, in which sales or transfers of interment rights or  
27 burial plots are not made to the public and in which not more than ten  
28 interments or burials occur annually.

29 46. "Promotion" or "promotional practice" means advertising and any  
30 other act, practice, device or scheme to induce directly or indirectly any  
31 person to enter into any obligation or acquire any title or interest in or  
32 use of real property subject to this chapter, including meetings with  
33 prospective purchasers, arrangements for prospective purchasers to visit  
34 real property, travel allowances and discount, exchange, refund and  
35 cancellation privileges.

36 47. "Real estate" includes leasehold-interests and any estates in  
37 land as defined in title 33, chapter 2, articles 1 and 2, regardless of  
38 whether located in this state.

39 48. "Real estate broker" means a person, other than a salesperson,  
40 who, for another and for compensation:

41 (a) Sells, exchanges, purchases, rents or leases real estate,  
42 businesses and business opportunities or timeshare interests.

43 (b) Offers to sell, exchange, purchase, rent or lease real estate,  
44 businesses and business opportunities or timeshare interests.



1 (c) Negotiates or offers, attempts or agrees to negotiate the sale,  
2 exchange, purchase, rental or leasing of real estate, businesses and  
3 business opportunities or timeshare interests.

4 (d) Lists or offers, attempts or agrees to list real estate,  
5 businesses and business opportunities or timeshare interests for sale,  
6 lease or exchange.

7 (e) Auctions or offers, attempts or agrees to auction real estate,  
8 businesses and business opportunities or timeshare interests.

9 (f) Buys, sells, offers to buy or sell or otherwise deals in  
10 options on real estate, businesses and business opportunities or timeshare  
11 interests or improvements to real estate, businesses and business  
12 opportunities or timeshare interests.

13 (g) Collects or offers, attempts or agrees to collect rent for the  
14 use of real estate, businesses and business opportunities or timeshare  
15 interests.

16 (h) Advertises or holds himself out as being engaged in the  
17 business of buying, selling, exchanging, renting or leasing real estate,  
18 businesses and business opportunities or timeshare interests or counseling  
19 or advising regarding real estate, businesses and business opportunities  
20 or timeshare interests.

21 (i) Assists or directs in the procuring of prospects, calculated to  
22 result in the sale, exchange, leasing or rental of real estate, businesses  
23 and business opportunities or timeshare interests.

24 (j) Assists or directs in the negotiation of any transaction  
25 calculated or intended to result in the sale, exchange, leasing or rental  
26 of real estate, businesses and business opportunities or timeshare  
27 interests.

28 (k) Incident to the sale of real estate, businesses and business  
29 opportunities negotiates or offers, attempts or agrees to negotiate a loan  
30 secured or to be secured by any mortgage or other encumbrance ~~upon~~ ON or  
31 transfer of real estate, businesses and business opportunities or  
32 timeshare interests subject to section 32-2155, subsection C. This  
33 subdivision does not apply to mortgage brokers as defined in and subject  
34 to title 6, chapter 9, article 1.

35 (l) Engages in the business of assisting or offering to assist  
36 another in filing an application for the purchase or lease of, or in  
37 locating or entering ~~upon~~ ON, lands owned by the state or federal  
38 government.

39 (m) Claims, demands, charges, receives, collects or contracts for  
40 the collection of an advance fee in connection with any employment  
41 enumerated in this section, including employment undertaken to promote the  
42 sale or lease of real property by advance fee listing, by furnishing  
43 rental information to a prospective tenant for a fee paid by the  
44 prospective tenant, by advertisement or by any other offering to sell,  
45 lease, exchange or rent real property or selling kits connected therewith.

1 This shall not include the activities of any communications media of  
2 general circulation or coverage not primarily engaged in the advertisement  
3 of real estate or any communications media activities that are  
4 specifically exempt from applicability of this article under section  
5 32-2121.

6 (n) Engages in any of the acts listed in subdivisions (a) through  
7 (m) of this paragraph for the sale or lease of other than real property if  
8 a real property sale or lease is a part of, contingent on or ancillary to  
9 the transaction.

10 (o) Performs any of the acts listed in subdivisions (a) through (m)  
11 of this paragraph as an employee of, or in behalf of, the owner of real  
12 estate, or interest in the real estate, or improvements affixed on the  
13 real estate, for compensation.

14 (p) Acts as a business broker.

15 49. "Real estate sales contract" means an agreement in which one  
16 party agrees to convey title to real estate to another party upon ON the  
17 satisfaction of specified conditions set forth in the contract.

18 50. "Real estate salesperson" means a natural person who acts on  
19 the person's own behalf or through and on behalf of a professional limited  
20 liability company or a professional corporation engaged by or on behalf of  
21 a licensed real estate broker, or by or on behalf of a limited liability  
22 company, partnership or corporation that is licensed as a real estate  
23 broker, to perform any act or participate in any transaction in a manner  
24 included in the definition of real estate broker subject to section  
25 32-2155.

26 51. "Sale" or "lease" includes every disposition, transfer, option  
27 or offer or attempt to dispose of or transfer real property, or an  
28 interest, use or estate in the real property, including the offering of  
29 the property as a prize or gift if a monetary charge or consideration for  
30 whatever purpose is required.

31 52. "Salesperson", when used without modification, means a natural  
32 person who acts on the person's own behalf or through and on behalf of a  
33 professional limited liability company or a professional corporation  
34 licensed under this chapter or any person required to be licensed as a  
35 salesperson under this chapter.

36 53. "School" means a person or entity that offers a course of study  
37 towards completion of the education requirements leading to licensure or  
38 renewal of licensure under this chapter.

39 54. "Stock cooperative" means a corporation to which all of the  
40 following apply:

41 (a) The corporation is formed or used to hold title to improved  
42 real property in fee simple or for a term of years.

43 (b) All or substantially all of the shareholders of the corporation  
44 each receive a right of exclusive occupancy in a portion of the real  
45 property to which the corporation holds title.

1 (c) The right of occupancy may only be transferred with the  
2 concurrent transfer of the shares of stock in the corporation held by the  
3 person having the right of occupancy.

4 55. "Subdivider" means any person who offers for sale or lease six  
5 or more lots, parcels or fractional interests in a subdivision or who  
6 causes land to be subdivided into a subdivision for the subdivider or for  
7 others, or who undertakes to develop a subdivision, but does not include a  
8 public agency or officer authorized by law to create subdivisions.

9 56. "Subdivision" or "subdivided lands":

10 (a) Means improved or unimproved land or lands divided or proposed  
11 to be divided for the purpose of sale or lease, whether immediate or  
12 future, into six or more lots, parcels or fractional interests.

13 (b) Includes a stock cooperative, lands divided or proposed to be  
14 divided as part of a common promotional plan and residential condominiums  
15 as defined in title 33, chapter 9.

16 (c) Does not include:

17 (i) Leasehold offerings of one year or less.

18 (ii) The division or proposed division of land located in this  
19 state into lots or parcels each of which is or will be thirty-six acres or  
20 more in area including to the centerline of dedicated roads or easements,  
21 if any, contiguous to the lot or parcel.

22 (iii) The leasing of agricultural lands or apartments, offices,  
23 stores, hotels, motels, pads or similar space within an apartment  
24 building, industrial building, rental recreational vehicle community,  
25 rental manufactured home community, rental mobile home park or commercial  
26 building.

27 (iv) The subdivision into or development of parcels, plots or  
28 fractional portions within the boundaries of a cemetery that has been  
29 formed and approved pursuant to this chapter.

30 (v) A sale or lease of a lot, parcel or fractional interest that  
31 occurs ten or more years after the sale or lease of another lot, parcel or  
32 fractional interest if the other lot, parcel or fractional interest is not  
33 subject to this article and is treated as an independent parcel unless,  
34 ~~upon~~ ON investigation by the commissioner, there is evidence of intent to  
35 subdivide.

36 57. "Timeshare" or "timeshare property" means real property  
37 ownership or right of occupancy in real property pursuant to article 9 of  
38 this chapter. For the purposes of this chapter, a timeshare is not a  
39 security unless it meets the definition of a security under section  
40 44-1801.

41 58. "Trustee" means:

42 (a) A person WHO IS designated under section 32-2194.27 to act as a  
43 trustee for an endowment-care cemetery fund.

1 (b) A person holding bare legal title to real property under a  
2 subdivision trust. A trustee shall not be deemed to be a developer,  
3 subdivider, broker or salesperson within this chapter.

4 59. "Unimproved lot or parcel" means a lot or parcel of a  
5 subdivision that is not an improved lot or parcel.

6 60. "Unsubdivided lands":

7 (a) Means land or lands divided or proposed to be divided for the  
8 purpose of sale or lease, whether immediate or future, into six or more  
9 lots, parcels or fractional interests and the lots or parcels are  
10 thirty-six acres or more each but less than one hundred sixty acres each,  
11 or that are offered, known or advertised under a common promotional plan  
12 for sale or lease, except that agricultural leases shall not be included  
13 in this definition.

14 (b) Includes any land that is sold that would otherwise constitute  
15 the sixth lot, parcel or fractional interest if the sale occurs ten or  
16 more years after the earliest of the previous five sales and if all of the  
17 sales consist of property that was originally contained within the same  
18 parcel that is thirty-six acres or more and less than one hundred sixty  
19 acres.

20 Sec. 30. Section 33-405, Arizona Revised Statutes, is amended to  
21 read:

22 33-405. Beneficiary deeds; recording; definitions

23 A. A deed that conveys an interest in real property, including any  
24 debt secured by a lien on real property, to a grantee beneficiary  
25 designated by the owner and that expressly states that the deed is  
26 effective on the death of the owner transfers the interest to the  
27 designated grantee beneficiary effective on the death of the owner subject  
28 to all conveyances, assignments, contracts, mortgages, deeds of trust,  
29 liens, security pledges and other encumbrances made by the owner or to  
30 which the owner was subject during the owner's lifetime.

31 B. A beneficiary deed may designate multiple grantees who take  
32 title as joint tenants with right of survivorship, tenants in common, a  
33 ~~husband and wife~~ MARRIED COUPLE as community property or as community  
34 property with right of survivorship, or any other tenancy that is valid  
35 under the laws of this state.

36 C. A beneficiary deed may designate a successor grantee  
37 beneficiary. If the beneficiary deed designates a successor grantee  
38 beneficiary, the deed shall state the condition on which the interest of  
39 the successor grantee beneficiary would vest.

40 D. If real property is owned as joint tenants with the right of  
41 survivorship or as community property with the right of survivorship, a  
42 deed that conveys an interest in the real property to a grantee  
43 beneficiary designated by all of the then surviving owners and that  
44 expressly states that the deed is effective on the death of the last  
45 surviving owner transfers the interest to the designated grantee

1 beneficiary effective on the death of the last surviving owner. If a  
2 beneficiary deed is executed by fewer than all of the owners of real  
3 property owned as joint tenants with right of survivorship or community  
4 property with right of survivorship, the beneficiary deed is valid if the  
5 last surviving owner is one of the persons who executes the beneficiary  
6 deed. If the last surviving owner did not execute the beneficiary deed,  
7 the transfer shall lapse and the deed is void. An estate in joint tenancy  
8 with right of survivorship or community property with right of  
9 survivorship is not affected by the execution of a beneficiary deed that  
10 is executed by fewer than all of the owners of the real property, and the  
11 rights of a surviving joint tenant with right of survivorship or a  
12 surviving spouse in community property with right of survivorship shall  
13 prevail over a grantee beneficiary named in a beneficiary deed.

14 E. A beneficiary deed is valid only if the deed is executed and  
15 recorded as provided by law in the office of the county recorder of the  
16 county in which the property is located before the death of the owner or  
17 the last surviving owner. A beneficiary deed may be used to transfer an  
18 interest in real property to the trustee of a trust even if the trust is  
19 revocable.

20 F. A beneficiary deed may be revoked at any time by the owner or,  
21 if there is more than one owner, by any of the owners who executed the  
22 beneficiary deed. To be effective, the revocation must be executed and  
23 recorded as provided by law in the office of the county recorder of the  
24 county in which the real property is located before the death of the owner  
25 who executes the revocation. If the real property is owned as joint  
26 tenants with right of survivorship or community property with right of  
27 survivorship and if the revocation is not executed by all the owners, the  
28 revocation is not effective unless executed by the last surviving owner.

29 G. If an owner executes and records more than one beneficiary deed  
30 concerning the same real property, the last beneficiary deed that is  
31 recorded before the owner's death is the effective beneficiary deed.

32 H. This section does not prohibit other methods of conveying  
33 property that are permitted by law and that have the effect of postponing  
34 enjoyment of an interest in real property until the death of the owner.  
35 This section does not invalidate any deed otherwise effective by law to  
36 convey title to the interests and estates provided in the deed that is not  
37 recorded until after the death of the owner.

38 I. The signature, consent or agreement of or notice to a grantee  
39 beneficiary of a beneficiary deed is not required for any purpose during  
40 the lifetime of the owner.

41 J. A beneficiary deed that is executed, acknowledged and recorded  
42 in accordance with this section is not revoked by the provisions of a  
43 will.

44 K. A beneficiary deed is sufficient if it complies with other  
45 applicable laws and if it is in substantially the following form:

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Beneficiary Deed

I (we) \_\_\_\_\_ (owner) hereby convey  
to \_\_\_\_\_ (grantee beneficiary) effective  
on my (our) death the following described real property:  
(Legal description)

If a grantee beneficiary predeceases the owner, the  
conveyance to that grantee beneficiary shall either (choose  
one):

- Become null and void.
- Become part of the estate of the grantee  
beneficiary.

\_\_\_\_\_  
(Signature of grantor(s))

(acknowledgment).

L. The instrument of revocation shall be sufficient if it complies  
with other applicable laws and is in substantially the following form:

Revocation of Beneficiary Deed

The undersigned hereby revokes the beneficiary deed  
recorded on \_\_\_\_\_ (date), in docket or book  
\_\_\_\_\_ at page \_\_\_\_\_, or instrument number  
\_\_\_\_\_, records of \_\_\_\_\_ county, Arizona.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

(acknowledgment).

M. For the purposes of this section:

- 1. "Beneficiary deed" means a deed authorized under this section.
- 2. "Owner" means any person who executes a beneficiary deed as  
provided in this section.

Sec. 31. Section 33-431, Arizona Revised Statutes, is amended to  
read:

33-431. Grants and devises to two or more persons: estates in  
common; community property with right of  
survivorship; joint tenants with right of  
survivorship

A. Except as otherwise provided in this section, all grants and  
devises of real property made to two or more persons create estates in  
common and not in joint tenancy, except grants or devises in trust, or to  
executors, or to ~~husband and wife~~ A MARRIED COUPLE.

B. A grant or devise to two or more persons may by express words  
vest the estate in the survivor on the death of a grantee or devisee when  
expressly declared in the grant, transfer or devise to be a joint tenancy  
with right of survivorship. An estate in joint tenancy with right of  
survivorship may also be created by grant or transfer from a sole owner to

1 himself and others, or from two or more owners to themselves or to one or  
 2 more of them and others.

3 C. A grant or devise to a ~~husband and wife~~ MARRIED COUPLE may by  
 4 express words vest the estate in the surviving spouse on the death of one  
 5 of the spouses when expressly declared in the grant, transfer or devise to  
 6 be an estate in community property with right of survivorship. An estate  
 7 in community property with right of survivorship may also be created by  
 8 grant or transfer from a ~~husband and wife~~ MARRIED COUPLE, when holding  
 9 title as community property or otherwise, to themselves or from either  
 10 ~~husband or wife~~ SPOUSE to both ~~husband and wife~~ SPOUSES.

11 D. In the case of real property owned by a ~~husband and wife~~ MARRIED  
 12 COUPLE as community property with right of survivorship, the right of  
 13 survivorship is extinguished as provided in section 14-2804 or on the  
 14 recordation in the office of the recorder of the county or counties where  
 15 the real property is located OF an affidavit entitled "affidavit  
 16 terminating right of survivorship" executed by either spouse under oath  
 17 that sets forth a stated intent by the spouse to terminate the  
 18 survivorship right, a description of the instrument by which the right of  
 19 survivorship was created including the date the instrument was recorded  
 20 and the county recorder's book and page or instrument reference number and  
 21 the legal description of the real property affected by the affidavit. The  
 22 recordation shall not extinguish the community interest of either spouse.

23 E. In the case of real property owned as joint tenants with right  
 24 of survivorship, the right of survivorship is extinguished as provided in  
 25 section 14-2804 or on the recordation in the office of the recorder of the  
 26 county or counties where the real property is located OF an affidavit  
 27 entitled "affidavit terminating right of survivorship" executed by any  
 28 joint tenant under oath that sets forth a stated intent by that joint  
 29 tenant to terminate the survivorship right, a description of the  
 30 instrument by which the right of survivorship was created including the  
 31 date the instrument was recorded and the county recorder's book and page  
 32 or instrument reference number and the legal description of the real  
 33 property affected by the affidavit. If there are more than two joint  
 34 tenants, the recordation of the affidavit shall extinguish only the joint  
 35 tenancy and survivorship right of the person who executes the affidavit,  
 36 and the joint tenancy and survivorship right shall continue among all  
 37 remaining joint tenants who have not executed an affidavit of termination.

38 F. With respect to a deceased joint tenant, the termination or  
 39 extinguishment by death of that tenant's joint tenancy with right of  
 40 survivorship may be evidenced by the recordation of both of the following  
 41 items in the office of the recorder of the county or counties where the  
 42 real property is located:

- 43 1. An affidavit executed by one or more of the surviving joint
- 44 tenants that includes the name of the deceased joint tenant, the date of
- 45 death of the deceased joint tenant, a description of the instrument by

1 which the right of survivorship was created including the date the  
2 instrument was recorded and the county recorder's book and page or  
3 instrument reference number, the legal description of the real property  
4 affected by the affidavit, and the cause of death of the deceased joint  
5 tenant.

6 2. An attached death certificate of the deceased joint tenant.

7 Sec. 32. Section 33-452, Arizona Revised Statutes, is amended to  
8 read:

9 33-452. Conveyance or encumbrance of community property

10 A conveyance or ~~incumbrance~~ ENCUMBRANCE of community property is not  
11 valid unless executed and acknowledged by both ~~husband and wife~~ SPOUSES,  
12 except unpatented mining claims ~~which~~ THAT may be conveyed or ~~incumbered~~  
13 ENCUMBERED by the spouse having the title or right of possession without  
14 the other spouse joining in the conveyance or ~~incumbrance~~ ENCUMBRANCE.

15 Sec. 33. Section 33-454, Arizona Revised Statutes, is amended to  
16 read:

17 33-454. Power of attorney from one spouse to the other to  
18 execute instruments relating to property

19 Either ~~husband or wife~~ SPOUSE may authorize the other by power of  
20 attorney, executed and acknowledged in the manner conveyances of real  
21 property are executed and acknowledged, to execute, acknowledge and  
22 deliver, in ~~his or her~~ THAT SPOUSE'S name and behalf, any conveyance,  
23 mortgage or other instrument affecting the separate or community property  
24 or any interest therein of the spouse executing the power of attorney.

25 Sec. 34. Section 33-457, Arizona Revised Statutes, is amended to  
26 read:

27 33-457. Fraudulent representation by married person of  
28 ability to convey realty; violation; classification

29 A married person who falsely and fraudulently represents ~~himself or~~  
30 ~~herself~~ THAT PERSON as competent to sell or mortgage real estate, when the  
31 validity of the sale or mortgage requires the assent or concurrence of the  
32 ~~wife or husband~~ OTHER SPOUSE, and, under ~~such~~ THE representations,  
33 knowingly conveys or mortgages the real estate, is guilty of a class 5  
34 felony.

35 Sec. 35. Section 36-301, Arizona Revised Statutes, is amended to  
36 read:

37 36-301. Definitions

38 In this chapter, unless the context otherwise requires:

39 1. "Administrative order" means a written decision issued by an  
40 administrative law judge or quasi-judicial entity.

41 2. "Amend" means to make a change, other than a correction, to a  
42 registered certificate by adding, deleting or substituting information on  
43 that certificate.

44 3. "Birth" or "live birth" means the complete expulsion or  
45 extraction of a product of human conception from its mother, irrespective



1 of the duration of the pregnancy, that shows evidence of life, with or  
2 without a cut umbilical cord or an attached placenta, such as breathing,  
3 heartbeat, umbilical cord pulsation or definite voluntary muscle movement  
4 after expulsion or extraction of the product of human conception.

5 4. "Certificate" means a record that documents a birth or death.

6 5. "Certified copy" means a written reproduction of a registered  
7 certificate that a local registrar, a deputy local registrar or the state  
8 registrar has authenticated as a true and exact written reproduction of a  
9 registered certificate.

10 6. "Correction" means a change made to a registered certificate  
11 because of a typographical error, including misspelling and missing or  
12 transposed letters or numbers.

13 7. "Court order" means a written decision issued by:

14 (a) The superior court, an appellate court or the supreme court or  
15 an equivalent court in another state.

16 (b) A commissioner or judicial hearing officer of the superior  
17 court.

18 (c) A judge of a tribal court in this state.

19 8. "Current care" means that a health care provider has examined,  
20 treated or provided care for a person for a chronic or acute condition  
21 within eighteen months preceding that person's death. Current care does  
22 not include services provided in connection with a single event of  
23 emergency or urgent care. For the purposes of this paragraph, "treated"  
24 includes prescribing medication.

25 9. "Custody" means legal authority to act on behalf of a child.

26 10. "Department" means the department of health services.

27 11. "Electronic" means technology that has electrical, digital,  
28 magnetic, wireless, optical or electromagnetic capabilities or technology  
29 with similar capabilities.

30 12. "Evidentiary document" means written information used to prove  
31 the fact for which ~~it~~ THE DOCUMENT is presented.

32 13. "Family member" means:

33 (a) A person's spouse, natural or adopted offspring, father,  
34 mother, grandparent, grandchild to any degree, brother, sister, aunt,  
35 uncle or first or second cousin.

36 (b) The natural or adopted offspring, father, mother, grandparent,  
37 grandchild to any degree, brother, sister, aunt, uncle or first or second  
38 cousin of the person's spouse.

39 14. "Fetal death" means the cessation of life before the complete  
40 expulsion or extraction of a product of human conception from its mother  
41 that is evidenced by the absence of breathing, heartbeat, umbilical cord  
42 pulsation or definite voluntary muscle movement after expulsion or  
43 extraction.

44 15. "Final disposition" means the interment, cremation, removal  
45 from this state or other disposition of human remains.

1           16. "Foundling" means:

2           (a) A newborn infant WHO IS left with a safe haven provider  
3 pursuant to section 13-3623.01.

4           (b) A child whose father ~~and~~ OR mother cannot be determined.

5           17. "Funeral establishment" has the same meaning prescribed in  
6 section 32-1301.

7           18. "Health care institution" has the same meaning prescribed in  
8 section 36-401.

9           19. "Health care provider" means:

10          (a) A physician WHO IS licensed pursuant to title 32, chapter 13  
11 or 17.

12          (b) A doctor of naturopathic medicine WHO IS licensed pursuant to  
13 title 32, chapter 14.

14          (c) A midwife WHO IS licensed pursuant to chapter 6, article 7 of  
15 this title.

16          (d) A nurse midwife WHO IS certified pursuant to title 32,  
17 chapter 15.

18          (e) A nurse practitioner WHO IS licensed and certified pursuant to  
19 title 32, chapter 15.

20          (f) A physician assistant WHO IS licensed pursuant to title 32,  
21 chapter 25.

22          (g) A health care provider who is licensed or certified by another  
23 state or jurisdiction of the United States and who works in a federal  
24 health care facility.

25          20. "Human remains" means a lifeless human body or parts of a human  
26 body that permit a reasonable inference that death occurred.

27          21. "Issue" means:

28           (a) To provide a copy of a registered certificate.

29           (b) An action taken by a court of competent jurisdiction,  
30 administrative law judge or quasi-judicial entity.

31          22. "Legal age" means a person who is at least eighteen years of  
32 age or who is emancipated by a court order.

33          23. "Medical certification of death" means the opinion of the  
34 health care provider who signs the certificate of probable or presumed  
35 cause of death that complies with rules adopted by the state registrar of  
36 vital records and that is based on any of the following that ~~are~~ IS  
37 reasonably available:

38           (a) Personal examination.

39           (b) Medical history.

40           (c) Medical records.

41           (d) Other reasonable forms of evidence.

42          24. "Medical examiner" means a medical examiner or alternate  
43 medical examiner as defined in section 11-591.

44          25. "Name" means a designation that identifies a person, including  
45 a first name, middle name, last name or suffix.

1           26. "Natural causes" means those causes that are due solely or  
2 nearly entirely to disease or the aging process.

3           27. "Presumptive death" means a determination by a court that a  
4 death has occurred or is presumed to have occurred but the human remains  
5 have not been located or recovered.

6           28. "Register" means to assign an official state number and to  
7 incorporate into the state registrar's official records.

8           29. "Responsible person" means a person listed in section 36-831.

9           30. "Seal" means to bar from access.

10          31. "Submit" means to present, physically or electronically, a  
11 certificate, evidentiary document or form provided for in this chapter to  
12 a local registrar, a deputy local registrar or the state registrar.

13          32. "System of public health statistics" means the processes and  
14 procedures for:

15           (a) Tabulating, analyzing and publishing public health information  
16 derived from vital records data and other sources authorized pursuant to  
17 section 36-125.05 or section 36-132, subsection A, paragraph 3.

18           (b) Performing other activities related to public health  
19 information.

20          33. "System of vital records" means the statewide processes and  
21 procedures for:

22           (a) Electronically or physically collecting, creating, registering,  
23 maintaining, copying and preserving vital records.

24           (b) Preparing and issuing certified and noncertified copies of  
25 vital records.

26           (c) Performing other activities related to vital records.

27          34. "Vital record" means a registered birth certificate or a  
28 registered death certificate.

29          Sec. 36. Section 36-334, Arizona Revised Statutes, is amended to  
30 read:

31          36-334. Determining maternity and paternity for birth  
32 certificates

33          A. A person completing a birth certificate shall state **ON THE BIRTH**  
34 **CERTIFICATE** the name of the woman who gave birth to the child ~~on the birth~~  
35 ~~certificate~~ as the child's mother unless otherwise provided by law or  
36 court order.

37          B. The state registrar shall not refuse to register a birth  
38 certificate because the birth certificate **EITHER:**

39           1. Does not include the name of ~~the father~~ **TWO PARENTS.**

40           2. **INCLUDES THE NAMES OF TWO FATHERS OR TWO MOTHERS.**

41          C. If a ~~father's~~ **PARENT'S** name is stated on a birth certificate,  
42 the ~~father's~~ **PARENT'S** name shall be stated ~~on a birth certificate~~ as  
43 follows:

1           1. Except as provided in section 25-814, if the mother is married  
2 at the time of birth or was married at any time in the ten months before  
3 the birth, the name of the mother's ~~husband~~ SPOUSE.

4           2. If a mother and father who are not married to each other at the  
5 time of birth and were not married to each other in the ten months before  
6 the birth voluntarily acknowledge paternity pursuant to section 25-812,  
7 the name of the father acknowledging paternity.

8           3. If the state registrar receives an administrative order or a  
9 court order establishing paternity, the father's name in the order.

10          D. If the acknowledgement of paternity is rescinded pursuant to  
11 section 25-812, the state registrar shall remove the father's name from  
12 the registered birth certificate.

13          Sec. 37. Section 36-832, Arizona Revised Statutes, is amended to  
14 read:

15           36-832. Authorization for post-mortem examination

16          A. In addition to the provisions set forth in section 11-597,  
17 whichever of the following assumes custody of the body for purposes of  
18 burial may give permission to a licensed physician to conduct a  
19 ~~post-mortem~~ POSTMORTEM examination:

- 20           1. Father.
- 21           2. Mother.
- 22           3. ~~Husband~~ SPOUSE.
- 23           ~~4. Wife.~~
- 24           ~~5.~~ 4. Adult child.
- 25           ~~6.~~ 5. Guardian.
- 26           ~~7.~~ 6. Next of kin.

27          B. In the absence of any of the persons named in subsection A of  
28 this section, a friend or one charged with the responsibility of burial  
29 may give permission to a licensed physician to conduct a ~~post-mortem~~  
30 POSTMORTEM examination.

31          Sec. 38. Section 42-2079, Arizona Revised Statutes, is amended to  
32 read:

33           42-2079. Suspension of liabilities by reason of disasters,  
34                                   terroristic or military actions or states of  
35                                   emergency; definitions

36          A. Notwithstanding sections 42-1107 and 42-1123, the director shall  
37 specify a period of up to one year to extend any due date and suspend any  
38 penalty or interest that would ordinarily accrue during that time for any  
39 affected taxpayer in any of the following circumstances:

40           1. Section 7508A of the internal revenue code relating to disasters  
41 and terroristic and military actions applies.

42           2. The governor has declared a state of emergency pursuant to  
43 section 26-303, subsection D.

1 B. Notwithstanding section 42-1123, interest shall not accrue on  
2 any unpaid tax during the time determined under subsection A of this  
3 section for any affected taxpayer.

4 C. For the purposes of this section:

5 1. "Affected taxpayer" means:

6 (a) An individual whose principal residence is located in a covered  
7 area.

8 (b) A business entity or sole proprietor whose principal place of  
9 business is located in a covered area.

10 (c) An individual who is a relief worker affiliated with a  
11 recognized government or philanthropic organization and who is assisting  
12 in a covered area.

13 (d) An individual, business entity or sole proprietor whose records  
14 necessary to meet a tax filing or paying deadline are maintained in a  
15 covered area.

16 (e) The spouse of an affected taxpayer, solely with regard to a  
17 joint return of the ~~husband and wife~~ MARRIED COUPLE.

18 (f) Any other person determined by the director to be affected  
19 pursuant to subsection A of this section.

20 2. "Covered area" means a geographical area to which subsection A  
21 of this section applies.

22 Sec. 39. Section 43-301, Arizona Revised Statutes, is amended to  
23 read:

24 43-301. Individual returns: definition

25 A. An individual whose income is taxable under this title shall  
26 file a return with the department if, for the taxable year, the individual  
27 has any of the following:

28 1. An Arizona adjusted gross income of five thousand five hundred  
29 dollars or over, if single or married filing a separate return.

30 2. An Arizona adjusted gross income of eleven thousand dollars or  
31 over, if married filing a joint return pursuant to section 43-309.

32 3. A gross income of fifteen thousand dollars or over, regardless  
33 of the amount of taxable income.

34 B. In the case of a ~~husband and wife~~ MARRIED COUPLE, the spouse who  
35 controls the disposition of or who receives or spends community income as  
36 well as the spouse who is taxable on such income is liable for the payment  
37 of taxes imposed by this title on such income. If a joint return is  
38 filed, the liability for the tax on the aggregate income is joint and  
39 several.

40 C. This section applies regardless of whether an individual is  
41 required to file a return under the internal revenue code or whether the  
42 individual has any federal adjusted gross income for the taxable year.

43 D. For the purposes of this section, "gross income" means gross  
44 income as defined in the internal revenue code minus income included in  
45 gross income but excluded from taxation under this title.

1           Sec. 40. Section 43-309, Arizona Revised Statutes, is amended to  
2 read:

3           43-309. Joint returns of a married couple

4           If ~~a husband and wife~~ BOTH SPOUSES are required to file a return  
5 pursuant to section 43-301, they may file a joint return under the  
6 following conditions:

7           1. ~~No~~ A joint return shall NOT be made if ~~husband and wife~~ THE  
8 SPOUSES have different taxable years. If such taxable years begin on the  
9 same day and end on different days because of the death of either or of  
10 both, then the joint return may be made with respect to the taxable year  
11 of each. Such exception shall not apply if the surviving spouse remarried  
12 before the close of ~~his~~ THAT SPOUSE'S taxable year, nor if the taxable  
13 year of either spouse is a fractional part of a year under section 43-931,  
14 subsection A.

15           2. In the case of the death of one or both spouses, the joint  
16 return with respect to the decedent may be made only by ~~his~~ THE executor  
17 or administrator, except that in the case of the death of one spouse the  
18 joint return may be made by the surviving spouse with respect to both  
19 ~~himself~~ THE SURVIVING SPOUSE and the decedent if all of the following  
20 apply:

21           (a) No return for the taxable year has been made by the decedent.

22           (b) No executor or administrator has been appointed.

23           (c) No executor or administrator is appointed before the last day  
24 prescribed by law for filing the return of the surviving spouse. If an  
25 executor or administrator of the decedent is appointed after the making of  
26 the joint return by the surviving spouse, the executor or administrator  
27 may disaffirm such joint return by making, within one year after the last  
28 day prescribed by law for filing the return of the surviving spouse, a  
29 separate return for the taxable year of the decedent with respect to which  
30 the joint return was made, in which case the return made by the survivor  
31 shall constitute ~~his~~ THE SURVIVING SPOUSE'S separate return.

32           3. For THE purposes of this section, the status as ~~husband and wife~~  
33 A MARRIED COUPLE of two individuals having taxable years beginning on the  
34 same day shall be determined:

35           (a) If both have the same taxable year, as of the close of such  
36 year.

37           (b) If one dies before the close of the taxable year of the other,  
38 as of the time of such death.

39           Sec. 41. Section 43-310, Arizona Revised Statutes, is amended to  
40 read:

41           43-310. Separate returns after filing joint returns

42           A. If a ~~husband and wife have~~ MARRIED COUPLE HAS filed a joint  
43 return for a taxable year for which separate returns could have been made  
44 by them under section 43-309, and the time prescribed by this title for  
45 filing the return for such taxable year has expired, the spouses may

1 nevertheless make separate returns for such taxable year. Separate  
2 returns filed by the spouses in such a case shall constitute their returns  
3 for such taxable year, and all payments, credits, refunds or other  
4 repayments made or allowed with respect to the joint return for such  
5 taxable year shall be taken into account in determining the extent to  
6 which the taxes based on the separate returns have been paid.

7 B. Separate returns may be filed under subsection A of this section  
8 only if there is paid in full all of the following, at or before the time  
9 of filing such returns:

10 1. All amounts previously assessed with respect to both spouses for  
11 such taxable year.

12 2. All amounts shown as the tax by the spouses upon their joint  
13 return for such taxable year.

14 3. Any amount determined, at the time of the filing of the separate  
15 returns, as a deficiency with respect to the spouses for such taxable  
16 year, if, prior to such A filing, a notice of proposed deficiency under  
17 section 42-1108 has been mailed.

18 C. Separate returns may not be filed under subsection A of this  
19 section:

20 1. After the expiration of four years from the last date prescribed  
21 by this title for filing the return for such taxable year, determined  
22 without regard to any extension of time granted for the filing of the  
23 joint return.

24 2. After there has been mailed to the spouses, with respect to such  
25 taxable year, a notice of deficiency under section 42-1108, or if the  
26 spouses, as to such notice, appeal to the department under section  
27 42-1251, or appeal to the state board under section 42-1253.

28 3. After the spouses have commenced a suit in court for the  
29 recovery of any part of the tax paid for the taxable year with respect to  
30 the joint return.

31 4. After the spouses have entered into a closing agreement under  
32 section 42-1113, with respect to such taxable year as to the tax payable  
33 by the spouse under their joint return.

34 D. If separate returns are made under subsection A of this section,  
35 any election, other than the election to file the joint return, made by  
36 the spouses in their joint return for such taxable year with respect to  
37 the treatment of any income, deduction or credit shall not be changed in  
38 the making of the separate returns where such election would have been  
39 irrevocable if the separate returns had not been filed.

40 E. If separate returns are made under subsection A of this section  
41 after the death of either spouse, such return with respect to the decedent  
42 may be made only by the decedent's personal representative.

43 F. Where the aggregate amount of the taxes shown by the spouses on  
44 their separate returns filed pursuant to subsection A of this section  
45 exceeds the tax shown on their joint return:

1 1. If any of such excess is attributable to negligence or  
 2 intentional disregard of rules ~~and regulations~~ of the department, but  
 3 without intent to defraud, at the time of making the joint return, then  
 4 five ~~per cent~~ PERCENT of the total amount of such excess on each return  
 5 shall be assessed, collected and paid as if it were a deficiency.

6 2. If any part of such excess is attributable to fraud with intent  
 7 to evade tax at the time of the making of the joint return, then fifty ~~per~~  
 8 ~~cent~~ PERCENT of the total amount of such excess shall be so assessed,  
 9 collected and paid, in lieu of the fifty ~~per cent~~ PERCENT addition to the  
 10 tax provided in section 42-1125.

11 G. For the purposes of section 42-1104, relating to periods of  
 12 limitations upon assessment and collection, and for the purposes of  
 13 section 42-1125, subsection A, relating to delinquent returns, separate  
 14 returns made under this section shall be deemed to have been filed on the  
 15 date on which the joint return was filed.

16 H. For the purposes of section 42-1118, relating to refunds and  
 17 credits, separate returns made under this section shall be deemed to have  
 18 been filed on the last date prescribed by this title for filing the return  
 19 for such taxable year, determined without regard to any extension of time  
 20 granted for the filing of the joint return.

21 I. If separate returns are made under subsection A of this section,  
 22 the period of limitations provided in section 42-1104 on the making of  
 23 assessments and collecting taxes shall, with respect to such returns,  
 24 include one year immediately after the date of filing of such separate  
 25 returns, computed without regard to the provisions of subsection G of this  
 26 section.

27 J. For the purposes of section 42-1125, relating to penalties in  
 28 the case of fraudulent returns, ~~the term~~ "return" includes a joint return  
 29 filed by spouses with respect to a taxable year for which separate returns  
 30 are made under subsection A of this section after the filing of such joint  
 31 return.

32 Sec. 42. Section 43-311, Arizona Revised Statutes, is amended to  
 33 read:

34 43-311. Joint return after filing separate return

35 A. If an individual has filed a separate return for a taxable year  
 36 for which the individual and spouse could have filed a joint return under  
 37 section 43-309, and the time prescribed by this title for filing the  
 38 return for such taxable year has expired, such individual and spouse may  
 39 nevertheless make a joint return for such taxable year. A joint return  
 40 filed by the ~~husband and wife~~ MARRIED COUPLE for such taxable year, and  
 41 all payments, credits, refunds or other repayments made or allowed with  
 42 respect to the separate return of either spouse for such taxable year,  
 43 shall be taken into account in determining the extent to which the tax  
 44 based ~~upon~~ ON the joint return has been paid.



1           B. A joint return may be made under subsection A of this section  
2 only if there is paid in full at or before the time of the filing of the  
3 joint return:

4           1. All amounts previously assessed with respect to either spouse  
5 for such taxable year.

6           2. All amounts shown as the tax by either spouse ~~upon his or her~~ ON  
7 THAT SPOUSE'S separate return for such taxable year.

8           3. Any amount determined, at the time of the filing of the joint  
9 return, as a proposed deficiency with respect to either spouse for such  
10 taxable year if, prior to such filing, a notice under section 42-1108 of  
11 such proposed deficiency has been mailed.

12          C. A joint return may not be made under subsection A of this  
13 section:

14          1. After the expiration of four years from the last date prescribed  
15 by law for filing the return for such taxable year, determined without  
16 regard to any extension of time granted to either spouse.

17          2. After there has been mailed to either spouse, with respect to  
18 such taxable year, a notice of deficiency under section 42-1108, if the  
19 spouse, as to such notice, appeals to the department under section  
20 42-1251, or appeals to the state board under section 42-1253.

21          3. After either spouse has commenced a suit in any court for the  
22 recovery of any part of the tax for such taxable year.

23          4. After either spouse has entered into a closing agreement under  
24 section 42-1113, with respect to such taxable year.

25          D. If a joint return is made under subsection A of this section,  
26 any election, other than the election to file a separate return, made by  
27 either spouse in the separate return for such taxable year with respect to  
28 the treatment of any income, deduction or credit of such spouse shall not  
29 be changed in the making of the joint return where such election would  
30 have been irrevocable if the joint return had not been made.

31          E. If a joint return is made under subsection A of this section  
32 after the death of either spouse, such return with respect to the decedent  
33 may be made only by the decedent's personal representative.

34          F. Where the amount shown as the tax by the ~~husband and wife~~  
35 MARRIED COUPLE on a joint return made under subsection A of this section  
36 exceeds the aggregate of the amounts shown as the tax ~~upon~~ ON the separate  
37 return of each spouse:

38          1. If any part of such excess is attributable to negligence or  
39 intentional disregard of rules ~~and regulations~~, but without intent to  
40 defraud, at the time of the making of such separate return, then five ~~per~~  
41 ~~cent~~ PERCENT of the total amount of such excess shall be assessed,  
42 collected and paid as if it were a deficiency.

43          2. If any part of such excess is attributable to fraud with intent  
44 to evade tax at the time of the making of such separate return, then fifty  
45 ~~per cent~~ PERCENT of the total amount of such excess shall be so assessed,

1 collected and paid in lieu of the fifty ~~per cent~~ PERCENT addition to the  
2 tax provided in section 42-1125.

3 G. For the purposes of section 42-1104, relating to periods of  
4 limitations upon assessment and collection, and for the purposes of  
5 section 42-1125, subsection A, relating to delinquent returns, a joint  
6 return made under this section shall be deemed to have been filed:

7 1. Where both spouses filed separate returns prior to making the  
8 joint return, on the date the last separate return was filed, but not  
9 earlier than the last date prescribed by this title for filing the return  
10 of either spouse.

11 2. Where one spouse filed a separate return prior to the making of  
12 the joint return, and the other spouse had less than one thousand dollars  
13 of taxable income and less than five thousand dollars of gross income for  
14 such taxable year, on the date of the filing of such separate return, but  
15 not earlier than the last date prescribed by law for the filing of such  
16 separate return.

17 3. Where only one spouse filed a separate return prior to the  
18 making of a joint return and the other spouse had a taxable income of more  
19 than one thousand dollars or a gross income of more than five thousand  
20 dollars for such taxable year, on the date of the filing of such joint  
21 return.

22 H. For the purposes of section 42-1118, relating to refunds and  
23 credits, a joint return made under this section shall be deemed to have  
24 been filed on the last date prescribed by this title for filing the return  
25 for such taxable year, determined without regard to any extension of time  
26 granted to either spouse.

27 I. If a joint return is made under subsection A of this section,  
28 the period of limitations provided in section 42-1104 on the making of  
29 assessments and collecting taxes shall with respect to such return include  
30 one year immediately after the date of the filing of such joint return,  
31 computed without regard to the provisions of subsection G of this section.

32 J. For the purposes of section 42-1125, relating to penalties in  
33 the case of fraudulent returns, ~~the term~~ "return" includes a separate  
34 return filed by a spouse with respect to a taxable year for which a joint  
35 return is made under subsection A of this section after the filing of such  
36 separate return.

37 Sec. 43. Section 43-432, Arizona Revised Statutes, is amended to  
38 read:

39 43-432. Refund for excess withholding

40 A. When the total amount withheld under section 43-401 exceeds the  
41 amount of the tax on the employee's entire taxable income as computed  
42 under this title, the department shall, after auditing the annual return  
43 filed by the employee in accordance with chapter 3 of this title, and  
44 without requiring a filing of a refund claim as provided in section  
45 42-1106, subsection A, refund the amount of the excess withheld, subject

1 to setoff for debts pursuant to section 42-1122. Failure of the  
 2 department to make such refund shall not limit the right of the taxpayer  
 3 to file a claim for a refund as provided in chapter 6, article 1 of this  
 4 title. If the excess tax withheld is less than one dollar, no refund  
 5 shall be made unless specifically requested by the taxpayer at the time  
 6 such return is filed. In no event shall any excess be allowed as a credit  
 7 against any tax accruing on a return filed for a year subsequent to the  
 8 year during which such excess was withheld, the provisions of chapter 6 of  
 9 this title notwithstanding.

10 B. The department may make separate refunds of withheld taxes ~~upon~~  
 11 ~~ON~~ request by a ~~husband or wife~~ SPOUSE who has filed a joint return, the  
 12 refund payable to each spouse being proportioned to the gross earnings of  
 13 each shown by the information returns filed by the employer or otherwise  
 14 shown to the satisfaction of the department. If a taxpayer entitled to a  
 15 refund under this subsection dies, the department OF REVENUE may certify  
 16 to the department of administration that the refund be made to the  
 17 taxpayer's duly appointed executor, administrator or personal  
 18 representative.

19 Sec. 44. Section 43-562, Arizona Revised Statutes, is amended to  
 20 read:

21 43-562. Spousal liability for tax

22 The spouse who controls the disposition of or who receives or spends  
 23 community income as well as the spouse who is taxable on ~~such~~ THAT income  
 24 is liable for the payment of the taxes imposed by this title on ~~such~~ THAT  
 25 income. If a joint return is filed, the liability for the tax on the  
 26 aggregate income is joint and several.

27 Sec. 45. Section 43-943, Arizona Revised Statutes, is amended to  
 28 read:

29 43-943. Allocation in the case of a married couple

30 If ~~husband and wife file~~ EACH SPOUSE FILES A separate ~~returns~~  
 31 RETURN, the department may distribute, apportion or allocate gross income  
 32 between the spouses, if it is determined that such distribution,  
 33 apportionment or allocation is necessary in order to reflect the proper  
 34 income of the spouses.

35 Sec. 46. Section 43-1022, Arizona Revised Statutes, is amended to  
 36 read:

37 43-1022. Subtractions from Arizona gross income

38 In computing Arizona adjusted gross income, the following amounts  
 39 shall be subtracted from Arizona gross income:

40 1. The amount of exemptions allowed by section 43-1023.

41 2. Benefits, annuities and pensions in an amount totaling not more  
 42 than two thousand five hundred dollars received from one or more of the  
 43 following:

44 (a) The United States government service retirement and disability  
 45 fund, retired or retainer pay of the uniformed services of the United

1 States, the United States foreign service retirement and disability system  
2 and any other retirement system or plan established by federal law.

3 (b) The Arizona state retirement system, the corrections officer  
4 retirement plan, the public safety personnel retirement system, the  
5 elected officials' retirement plan, an optional retirement program  
6 established by the Arizona board of regents under section 15-1628, an  
7 optional retirement program established by a community college district  
8 board under section 15-1451 or a retirement plan established for employees  
9 of a county, city or town in this state.

10 3. A beneficiary's share of the fiduciary adjustment to the extent  
11 that the amount determined by section 43-1333 decreases the beneficiary's  
12 Arizona gross income.

13 4. Interest income received on obligations of the United States,  
14 less any interest on indebtedness, or other related expenses, and deducted  
15 in arriving at Arizona gross income, which were incurred or continued to  
16 purchase or carry such obligations.

17 5. The excess of a partner's share of income required to be  
18 included under section 702(a)(8) of the internal revenue code over the  
19 income required to be included under chapter 14, article 2 of this title.

20 6. The excess of a partner's share of partnership losses determined  
21 pursuant to chapter 14, article 2 of this title over the losses allowable  
22 under section 702(a)(8) of the internal revenue code.

23 7. The amount by which the adjusted basis of property described in  
24 this paragraph and computed pursuant to this title and the income tax act  
25 of 1954, as amended, exceeds the adjusted basis of such property computed  
26 pursuant to the internal revenue code. This paragraph shall apply to all  
27 property that is held for the production of income and that is sold or  
28 otherwise disposed of during the taxable year other than depreciable  
29 property used in a trade or business.

30 8. The amount allowed by section 43-1025 for contributions during  
31 the taxable year of agricultural crops to charitable organizations.

32 9. The portion of any wages or salaries paid or incurred by the  
33 taxpayer for the taxable year that is equal to the amount of the federal  
34 work opportunity credit, the empowerment zone employment credit, the  
35 credit for employer paid social security taxes on employee cash tips and  
36 the Indian employment credit that the taxpayer received under sections  
37 45A, 45B, 51(a) and 1396 of the internal revenue code.

38 10. The amount of prizes or winnings less than five thousand  
39 dollars in a single taxable year from any of the state lotteries  
40 established and operated pursuant to title 5, chapter 5.1, article 1.

41 11. The amount of exploration expenses that is determined pursuant  
42 to section 617 of the internal revenue code, that has been deferred in a  
43 taxable year ending before January 1, 1990 and for which a subtraction has  
44 not previously been made. The subtraction shall be made on a ratable

1 basis as the units of produced ores or minerals discovered or explored as  
2 a result of this exploration are sold.

3 12. The amount included in federal adjusted gross income pursuant  
4 to section 86 of the internal revenue code, relating to taxation of social  
5 security and railroad retirement benefits.

6 13. To the extent not already excluded from Arizona gross income  
7 under the internal revenue code, compensation received for active service  
8 as a member of the reserves, the national guard or the armed forces of the  
9 United States, including compensation for service in a combat zone as  
10 determined under section 112 of the internal revenue code.

11 14. The amount of unreimbursed medical and hospital costs, adoption  
12 counseling, legal and agency fees and other nonrecurring costs of adoption  
13 not to exceed three thousand dollars. In the case of ~~a husband and wife~~  
14 SPOUSES who file separate returns, the subtraction may be taken by either  
15 taxpayer or may be divided between them, but the total subtractions  
16 allowed both ~~husband and wife~~ SPOUSES shall not exceed three thousand  
17 dollars. The subtraction under this paragraph may be taken for the costs  
18 that are described in this paragraph and that are incurred in prior years,  
19 but the subtraction may be taken only in the year during which the final  
20 adoption order is granted.

21 15. The amount authorized by section 43-1027 for the taxable year  
22 relating to qualified wood stoves, wood fireplaces or gas fired  
23 fireplaces.

24 16. The amount by which a net operating loss carryover or capital  
25 loss carryover allowable pursuant to section 43-1029, subsection F exceeds  
26 the net operating loss carryover or capital loss carryover allowable  
27 pursuant to section 1341(b)(5) of the internal revenue code.

28 17. Any amount of qualified educational expenses that is  
29 distributed from a qualified state tuition program determined pursuant to  
30 section 529 of the internal revenue code and that is included in income in  
31 computing federal adjusted gross income.

32 18. Any item of income resulting from an installment sale that has  
33 been properly subjected to income tax in another state in a previous  
34 taxable year and that is included in Arizona gross income in the current  
35 taxable year.

36 19. The amount authorized by section 43-1030 relating to holocaust  
37 survivors.

38 20. For property placed in service:

39 (a) In taxable years beginning before December 31, 2012, an amount  
40 equal to the depreciation allowable pursuant to section 167(a) of the  
41 internal revenue code for the taxable year computed as if the election  
42 described in section 168(k)(2)(D)(iii) of the internal revenue code had  
43 been made for each applicable class of property in the year the property  
44 was placed in service.

1 (b) In taxable years beginning from and after December 31, 2012  
2 through December 31, 2013, an amount determined in the year the asset was  
3 placed in service based on the calculation in subdivision (a) of this  
4 paragraph. In the first taxable year beginning from and after December  
5 31, 2013, the taxpayer may elect to subtract the amount necessary to make  
6 the depreciation claimed to date for the purposes of this title the same  
7 as it would have been if subdivision (c) of this paragraph had applied for  
8 the entire time the asset was in service. Subdivision (c) of this  
9 paragraph applies for the remainder of the asset's life. If the taxpayer  
10 does not make the election under this subdivision, subdivision (a) of this  
11 paragraph applies for the remainder of the asset's life.

12 (c) In taxable years beginning from and after December 31, 2013  
13 through December 31, 2015, an amount equal to the depreciation allowable  
14 pursuant to section 167(a) of the internal revenue code for the taxable  
15 year as computed as if the additional allowance for depreciation had been  
16 ten percent of the amount allowed pursuant to section 168(k) of the  
17 internal revenue code.

18 (d) In taxable years beginning from and after December 31, 2015  
19 through December 31, 2016, an amount equal to the depreciation allowable  
20 pursuant to section 167(a) of the internal revenue code for the taxable  
21 year as computed as if the additional allowance for depreciation had been  
22 fifty-five percent of the amount allowed pursuant to section 168(k) of the  
23 internal revenue code.

24 (e) In taxable years beginning from and after December 31, 2016, an  
25 amount equal to the depreciation allowable pursuant to section 167(a) of  
26 the internal revenue code for the taxable year as computed as if the  
27 additional allowance for depreciation had been the full amount allowed  
28 pursuant to section 168(k) of the internal revenue code.

29 21. With respect to property that is sold or otherwise disposed of  
30 during the taxable year by a taxpayer that complied with section 43-1021,  
31 paragraph 16 with respect to that property, the amount of depreciation  
32 that has been allowed pursuant to section 167(a) of the internal revenue  
33 code to the extent that the amount has not already reduced Arizona taxable  
34 income in the current or prior taxable years.

35 22. With respect to property for which an adjustment was made under  
36 section 43-1021, paragraph 17, an amount equal to one-fifth of the amount  
37 of the adjustment pursuant to section 43-1021, paragraph 17 in the year in  
38 which the amount was adjusted under section 43-1021, paragraph 17 and in  
39 each of the following four years.

40 23. The amount contributed during the taxable year to college  
41 savings plans established pursuant to section 529 of the internal revenue  
42 code to the extent that the contributions were not deducted in computing  
43 federal adjusted gross income. The amount subtracted shall not exceed:

44 (a) Two thousand dollars for a single individual or a head of  
45 household.

1 (b) Four thousand dollars for a married couple filing a joint  
2 return. In the case of ~~a husband and wife~~ SPOUSES who file separate  
3 returns, the subtraction may be taken by either taxpayer or may be divided  
4 between them, but the total subtractions allowed both ~~husband and wife~~  
5 SPOUSES shall not exceed four thousand dollars.

6 24. The amount of any original issue discount that was deferred and  
7 not allowed to be deducted in computing federal adjusted gross income in  
8 the current taxable year pursuant to section 108(i) of the internal  
9 revenue code as added by section 1231 of the American recovery and  
10 reinvestment act of 2009 (P.L. 111-5).

11 25. The amount of previously deferred discharge of indebtedness  
12 income that is included in the computation of federal adjusted gross  
13 income in the current taxable year pursuant to section 108(i) of the  
14 internal revenue code as added by section 1231 of the American recovery  
15 and reinvestment act of 2009 (P.L. 111-5), to the extent that the amount  
16 was previously added to Arizona gross income pursuant to section 43-1021,  
17 paragraph 19.

18 26. The portion of the net operating loss carryforward that would  
19 have been allowed as a deduction in the current year pursuant to section  
20 172 of the internal revenue code if the election described in section  
21 172(b)(1)(H) of the internal revenue code had not been made in the year of  
22 the loss that exceeds the actual net operating loss carryforward that was  
23 deducted in arriving at federal adjusted gross income. This subtraction  
24 only applies to taxpayers who made an election under section 172(b)(1)(H)  
25 of the internal revenue code as amended by section 1211 of the American  
26 recovery and reinvestment act of 2009 (P.L. 111-5) or as amended by  
27 section 13 of the worker, homeownership, and business assistance act of  
28 2009 (P.L. 111-92).

29 27. For taxable years beginning from and after December 31, 2013,  
30 the amount of any net capital gain included in federal adjusted gross  
31 income for the taxable year derived from investment in a qualified small  
32 business as determined by the Arizona commerce authority pursuant to  
33 section 41-1518.

34 28. An amount of any net long-term capital gain included in federal  
35 adjusted gross income for the taxable year that is derived from an  
36 investment in an asset acquired after December 31, 2011, as follows:

37 (a) For taxable years beginning from and after December 31, 2012  
38 through December 31, 2013, ten percent of the net long-term capital gain  
39 included in federal adjusted gross income.

40 (b) For taxable years beginning from and after December 31, 2013  
41 through December 31, 2014, twenty percent of the net long-term capital  
42 gain included in federal adjusted gross income.

43 (c) For taxable years beginning from and after December 31, 2014,  
44 twenty-five percent of the net long-term capital gain included in federal  
45 adjusted gross income.

1 For the purposes of this paragraph, a transferee that receives an asset by  
2 gift or at the death of a transferor is considered to have acquired the  
3 asset when the asset was acquired by the transferor. If the date an asset  
4 is acquired cannot be verified, a subtraction under this paragraph is not  
5 allowed.

6 29. If an individual is not claiming itemized deductions pursuant  
7 to section 43-1042, the amount of premium costs for long-term care  
8 insurance, as defined in section 20-1691.

9 30. With respect to a long-term health care savings account  
10 established pursuant to section 43-1032, the amount deposited by the  
11 taxpayer in the account during the taxable year to the extent that the  
12 taxpayer's contributions are included in the taxpayer's federal adjusted  
13 gross income.

14 31. Any amount of qualified disability expenses that is distributed  
15 from a qualified able program determined pursuant to 26 United States Code  
16 section 529A and any regulations issued pursuant to that section and that  
17 is included in income in computing federal adjusted gross income. For the  
18 purposes of this paragraph, "qualified disability expenses" has the same  
19 meaning prescribed in section 46-901.

20 Sec. 47. Section 43-1041, Arizona Revised Statutes, is amended to  
21 read:

22 43-1041. Optional standard deduction

23 A. A taxpayer may elect to take a standard deduction as follows:

24 1. In the case of a single person or a married person filing  
25 separately, the standard deduction shall be four thousand fifty dollars,  
26 subject to subsection G of this section.

27 2. In the case of a married couple filing a joint return or a  
28 single person who is a head of a household, the standard deduction shall  
29 be eight thousand one hundred dollars, subject to subsection G of this  
30 section.

31 B. The standard deduction provided for in subsection A of this  
32 section shall be in lieu of all itemized deductions allowed by section  
33 43-1042, which are to be subtracted from Arizona adjusted gross income in  
34 computing taxable income, but not in lieu of the personal exemption  
35 allowed by section 43-1043.

36 C. The standard deduction shall be allowed if the taxpayer so  
37 elects, and the department shall by rule prescribe the manner of  
38 signifying such election in the return.

39 D. In the case of a ~~husband and wife~~ MARRIED COUPLE, the standard  
40 deduction provided for in subsection A of this section shall not be  
41 allowed to either if the taxable income of one of the spouses is  
42 determined without regard to the standard deduction.

43 E. The standard deduction provided for by subsection A of this  
44 section shall not be allowed in the case of a taxable year of less than  
45 twelve months on account of a change in the accounting period.



1 F. Under rules adopted by the department, a change of an election  
2 to take, or not to take, the standard deduction for any taxable year may  
3 be made after the filing of the return for such year. If the spouse of  
4 the taxpayer filed a separate return for any taxable year corresponding,  
5 for the purposes of subsection D of this section, to the taxable year of  
6 the taxpayer, the change shall not be allowed unless, in accordance with  
7 such rules, both paragraphs 1 and 2 of this subsection apply:

8 1. The spouse makes a change of election with respect to the  
9 standard deduction for the taxable year covered in such separate return  
10 consistent with the change of election sought by the taxpayer.

11 2. The taxpayer and spouse consent in writing to the assessment,  
12 within such period as may be agreed ~~upon~~ ON with the department, of any  
13 deficiency, to the extent attributable to such change of election, even  
14 though at the time of the filing of such consent the assessment of such  
15 deficiency would otherwise be prevented by the operation of any law or  
16 rule of law.

17 G. For each taxable year beginning on or after January 1, the  
18 department shall adjust the dollar amounts prescribed by subsection A,  
19 paragraphs 1 and 2 of this section according to the average annual change  
20 in the metropolitan Phoenix consumer price index published by the United  
21 States bureau of labor statistics. The revised dollar amounts shall be  
22 raised to the nearest whole dollar. The designated dollar amounts shall  
23 not be revised below the amounts allowed by the standard deduction in the  
24 prior taxable year.

25 Sec. 48. Section 43-1043, Arizona Revised Statutes, is amended to  
26 read:

27 43-1043. Personal exemptions

28 There shall be allowed as an exemption, in the case of:

29 1. A single individual, a personal exemption of two thousand one  
30 hundred dollars.

31 2. A head of a household or a married individual, a personal  
32 exemption of four thousand two hundred dollars under this paragraph. A  
33 ~~husband and wife~~ MARRIED COUPLE shall receive but one personal exemption  
34 of four thousand two hundred dollars. If the ~~husband and wife~~ SPOUSES  
35 make separate returns, the personal exemption may be taken by either  
36 SPOUSE or divided between them.

37 3. A married couple who claim at least one dependent, an exemption  
38 of six thousand three hundred dollars. If the ~~husband and wife~~ SPOUSES  
39 make separate returns, the personal exemption may be taken by either  
40 SPOUSE or divided between them. An exemption under this paragraph is in  
41 lieu of the exemption under paragraph 2 OF THIS SECTION.



1 The amount of the credit is the lowest of the following amounts, as  
2 applicable:

3 1. The total amount of contributions to the fund by the taxpayer  
4 during the taxable year.

5 2. Two hundred dollars of contributions during the taxable year by  
6 a taxpayer filing as a single individual or a head of household.

7 3. Four hundred dollars of contributions during the taxable year by  
8 a married couple filing a joint return.

9 4. The taxpayer's tax liability for the taxable year.

10 B. ~~A husband and wife~~ SPOUSES who file separate returns for a  
11 taxable year in which they could have filed a joint return may each claim  
12 only one-half of the tax credit that would have been allowed on a joint  
13 return.

14 Sec. 51. Section 43-1088, Arizona Revised Statutes, is amended to  
15 read:

16 43-1088. Credit for contribution to qualifying charitable  
17 organizations; definitions

18 A. Except as provided in subsections B and C of this section, a  
19 credit is allowed against the taxes imposed by this title for voluntary  
20 cash contributions by the taxpayer or on the taxpayer's behalf pursuant to  
21 section 43-401, subsection G during the taxable year to a qualifying  
22 charitable organization, other than a qualifying foster care charitable  
23 organization, not to exceed:

24 1. Four hundred dollars in any taxable year for a single individual  
25 or a head of household.

26 2. Eight hundred dollars in any taxable year for a married couple  
27 filing a joint return.

28 B. A separate credit is allowed for voluntary cash contributions  
29 during the taxable year to a qualifying foster care charitable  
30 organization. A contribution to a qualifying foster care charitable  
31 organization does not qualify for, and shall not be included in, any  
32 credit amount under subsection A of this section. If the voluntary cash  
33 contribution by the taxpayer or on the taxpayer's behalf pursuant to  
34 section 43-401, subsection G is to a qualifying foster care charitable  
35 organization, the credit shall not exceed:

36 1. Five hundred dollars in any taxable year for a single individual  
37 or a head of household.

38 2. One thousand dollars in any taxable year for a married couple  
39 filing a joint return.

40 C. Subsections A and B of this section provide separate credits  
41 against taxes imposed by this title depending on the recipients of the  
42 contributions. A taxpayer, including a married couple filing a joint  
43 return, in the same taxable year, may either or both:

1           1. Contribute to a qualifying charitable organization, other than a  
2 qualifying foster care charitable organization, and claim a credit under  
3 subsection A of this section.

4           2. Contribute to a qualifying foster care charitable organization  
5 and claim a credit under subsection B of this section.

6           D. ~~A husband and wife~~ SPOUSES who file separate returns for a  
7 taxable year in which they could have filed a joint return may each claim  
8 only one-half of the tax credit that would have been allowed for a joint  
9 return.

10          E. For the purposes of this section, a contribution for which a  
11 credit is claimed and that is made on or before the fifteenth day of the  
12 fourth month following the close of the taxable year may be applied to  
13 either the current or preceding taxable year and is considered to have  
14 been made on the last day of that taxable year.

15          F. If the allowable tax credit exceeds the taxes otherwise due  
16 under this title on the claimant's income, or if there are no taxes due  
17 under this title, the taxpayer may carry forward the amount of the claim  
18 not used to offset the taxes under this title for not more than five  
19 consecutive taxable years' income tax liability.

20          G. The credit allowed by this section is in lieu of a deduction  
21 pursuant to section 170 of the internal revenue code and taken for state  
22 tax purposes.

23          H. Taxpayers taking a credit authorized by this section shall  
24 provide the name of the qualifying charitable organization and the amount  
25 of the contribution to the department of revenue on forms provided by the  
26 department.

27          I. A qualifying charitable organization shall provide the  
28 department of revenue with a written certification that it meets all  
29 criteria to be considered a qualifying charitable organization. The  
30 organization shall also notify the department of any changes that may  
31 affect the qualifications under this section.

32          J. The charitable organization's written certification must be  
33 signed by an officer of the organization under penalty of perjury. The  
34 written certification must include the following:

35           1. Verification of the organization's status under section  
36 501(c)(3) of the internal revenue code or verification that the  
37 organization is a designated community action agency that receives  
38 community services block grant program monies pursuant to 42 United States  
39 Code section 9901.

40           2. Financial data indicating the organization's budget for the  
41 organization's prior operating year and the amount of that budget spent on  
42 services to residents of this state who either:

43           (a) Receive temporary assistance for needy families benefits.

44           (b) Are low-income residents of this state.

45           (c) Are children who have a chronic illness or physical disability.

1           3. A statement that the organization plans to continue spending at  
2 least fifty percent of its budget on services to residents of this state  
3 who receive temporary assistance for needy families benefits, who are  
4 low-income residents of this state or who are children who have a chronic  
5 illness or physical disability.

6           4. A statement that the organization does not provide, pay for or  
7 provide coverage of abortions and does not financially support any other  
8 entity that provides, pays for or provides coverage of abortions.

9           K. The department shall review each written certification and  
10 determine whether the organization meets all the criteria to be considered  
11 a qualifying charitable organization and notify the organization of its  
12 determination. The department may also periodically request  
13 recertification from the organization. The department shall compile and  
14 make available to the public a list of the qualifying charitable  
15 organizations.

16           L. For the purposes of this section:

17           1. "Children who have a chronic illness or physical disability" has  
18 the same meaning prescribed in section 36-260.

19           2. "Low-income residents" means persons whose household income is  
20 less than one hundred fifty percent of the federal poverty level.

21           3. "Qualifying charitable organization" means a charitable  
22 organization that is exempt from federal income taxation under section  
23 501(c)(3) of the internal revenue code or is a designated community action  
24 agency that receives community services block grant program monies  
25 pursuant to 42 United States Code section 9901. The organization must  
26 spend at least fifty percent of its budget on services to residents of  
27 this state who receive temporary assistance for needy families benefits or  
28 low-income residents of this state and their households or to children who  
29 have a chronic illness or physical disability who are residents of this  
30 state. Taxpayers choosing to make donations through an umbrella  
31 charitable organization that collects donations on behalf of member  
32 charities shall designate that the donation be directed to a member  
33 charitable organization that would qualify under this section on a  
34 stand-alone basis. Qualifying charitable organization does not include  
35 any entity that provides, pays for or provides coverage of abortions or  
36 that financially supports any other entity that provides, pays for or  
37 provides coverage of abortions.

38           4. "Qualifying foster care charitable organization" means a  
39 qualifying charitable organization that each operating year provides  
40 services to at least two hundred qualified individuals in this state and  
41 spends at least fifty percent of its budget on services to qualified  
42 individuals in this state. For the purposes of this paragraph, "qualified  
43 individual" means a foster child as defined in section 8-501 or a person  
44 who is under twenty-one years of age and who is participating in a  
45 transitional independent living program as prescribed by section 8-521.01.



1 one or more other taxpayers to designate each taxpayer's contribution to  
2 the school tuition organization for the direct benefit of the other  
3 taxpayer's dependent.

4 G. For the purposes of this section, a contribution, for which a  
5 credit is claimed, that is made on or before the fifteenth day of the  
6 fourth month following the close of the taxable year may be applied to  
7 either the current or preceding taxable year and is considered to have  
8 been made on the last day of that taxable year.

9 Sec. 53. Section 43-1089.01, Arizona Revised Statutes, is amended  
10 to read:

11 43-1089.01. Tax credit; public school fees and contributions;  
12 definitions

13 A. A credit is allowed against the taxes imposed by this title for  
14 the amount of any fees ~~paid~~ or cash contributions ~~made~~ by a taxpayer or on  
15 the taxpayer's behalf pursuant to section 43-401, subsection G during the  
16 taxable year to a public school located in this state for the following  
17 activities or programs of the public school:

18 1. Standardized testing for college credit or readiness offered by  
19 a widely recognized and accepted educational testing organization.

20 2. The career and technical education industry certification  
21 assessment.

22 3. Preparation courses and materials for standardized testing.

23 4. Cardiopulmonary resuscitation training pursuant to section  
24 15-718.01.

25 5. Extracurricular activities.

26 6. Character education programs.

27 B. The amount of the credit shall not exceed:

28 1. Two hundred dollars for a single individual or a head of  
29 household.

30 2. Four hundred dollars for a married couple filing a joint return.

31 C. ~~A husband and wife~~ SPOUSES who file separate returns for a  
32 taxable year in which they could have filed a joint return may each claim  
33 only one-half of the tax credit that would have been allowed for a joint  
34 return.

35 D. The credit allowed by this section is in lieu of any deduction  
36 pursuant to section 170 of the internal revenue code and taken for state  
37 tax purposes.

38 E. If the allowable tax credit exceeds the taxes otherwise due  
39 under this title on the claimant's income, or if there are no taxes due  
40 under this title, the taxpayer may carry the amount of the claim not used  
41 to offset the taxes under this title forward for not more than five  
42 consecutive taxable years' income tax liability.

43 F. The site council of the public school that receives  
44 contributions that are not designated for a specific purpose shall  
45 determine how the contributions are used at the school site. If a charter

1 school does not have a site council, the principal, director or chief  
2 administrator of the charter school shall determine how the contributions  
3 that are not designated for a specific purpose are used at the school  
4 site. If at the end of a fiscal year a public school has unspent  
5 contributions that were previously designated for a specific purpose or  
6 program and that purpose or program has been discontinued or has not been  
7 used for two consecutive fiscal years, these contributions shall be  
8 considered undesignated in the following fiscal year for the purposes of  
9 this subsection.

10 G. A public school that receives fees or a cash contribution  
11 pursuant to subsection A of this section shall report to the department,  
12 in a form prescribed by the department, by February 28 of each year the  
13 following information:

14 1. The total number of fee and cash contribution payments received  
15 during the previous calendar year.

16 2. The total dollar amount of fees and contributions received  
17 during the previous calendar year.

18 3. The total dollar amount of fees and contributions spent by the  
19 school during the previous calendar year, categorized by specific  
20 standardized testing, preparation courses and materials for standardized  
21 testing, extracurricular activity or character education program.

22 H. For the purposes of this section, a contribution for which a  
23 credit is claimed and that is made on or before the fifteenth day of the  
24 fourth month following the close of the taxable year may be applied to  
25 either the current or preceding taxable year and is considered to have  
26 been made on the last day of that taxable year.

27 I. For the purposes of this section:

28 1. "Career and technical education industry certification  
29 assessment" means an assessment for career and technical preparation  
30 programs for pupils.

31 2. "Character education programs" means a program described in  
32 section 15-719.

33 3. "Extracurricular activities" means school-sponsored activities  
34 that may require enrolled students to pay a fee in order to participate,  
35 including fees for:

36 (a) Band uniforms.

37 (b) Equipment or uniforms for varsity athletic activities.

38 (c) Scientific laboratory materials.

39 (d) In-state or out-of-state trips that are solely for competitive  
40 events. Extracurricular activities do not include any senior trips or  
41 events that are recreational, amusement or tourist activities.

42 4. "Public school" means a school that is part of a school  
43 district, a joint technical education district or a charter school.



1           5. "Standardized testing for college credit or readiness" includes  
2 the SAT, PSAT, ACT, advanced placement and international baccalaureate  
3 diploma tests and other similar tests.

4           6. "Widely recognized and accepted educational testing  
5 organization" means the college board, the ACT, the international  
6 baccalaureate and other organizations that are widely recognized and  
7 accepted by colleges and universities in the United States and that offer  
8 college credit and readiness examinations.

9           Sec. 54. Section 43-1089.02, Arizona Revised Statutes, is amended  
10 to read:

11           43-1089.02. Credit for donation of school site

12           A. A credit is allowed against the taxes imposed by this title in  
13 the amount of thirty ~~per cent~~ PERCENT of the value of real property and  
14 improvements donated by the taxpayer to a school district or a charter  
15 school for use as a school or as a site for the construction of a school.

16           B. To qualify for the credit:

17           1. The real property and improvements must be located in this  
18 state.

19           2. The real property and improvements must be conveyed unencumbered  
20 and in fee simple, except that:

21           (a) The conveyance must include as a deed restriction and  
22 protective covenant running with title to the land the requirement that as  
23 long as the donee holds title to the property the property shall only be  
24 used as a school or as a site for the construction of a school, subject to  
25 subsection I or J of this section.

26           (b) In the case of a donation to a charter school, the donor shall  
27 record a lien on the property as provided by subsection J, paragraph 3 of  
28 this section.

29           3. The conveyance shall not violate section 15-341, subsection D or  
30 section 15-183, subsection U.

31           C. For the purposes of this section, the value of the donated  
32 property is the property's fair market value as determined in an appraisal  
33 as defined in section 32-3601 that is conducted by an independent party  
34 and that is paid for by the donee.

35           D. If the property is donated by co-owners, including partners in a  
36 partnership and shareholders of an S corporation, as defined in section  
37 1361 of the internal revenue code, each donor may claim only the pro rata  
38 share of the allowable credit under this section based on the ownership  
39 interest. If the property is donated by ~~a husband and wife~~ SPOUSES who  
40 file separate returns for a taxable year in which they could have filed a  
41 joint return, they may determine between them the share of the credit each  
42 will claim. The total of the credits allowed all co-owner donors may not  
43 exceed the allowable credit.

44           E. If the allowable tax credit exceeds the taxes otherwise due  
45 under this title on the claimant's income, or if there are no taxes due

1 under this title, the taxpayer may carry the amount of the claim not used  
2 to offset the taxes under this title forward for not more than five  
3 consecutive taxable years' income tax liability.

4 F. The credit under this section is in lieu of any deduction  
5 pursuant to section 170 of the internal revenue code taken for state tax  
6 purposes.

7 G. On written request by the donee, the donor shall disclose in  
8 writing to the donee the amount of the credit allowed pursuant to this  
9 section with respect to the property received by the donee.

10 H. A school district or charter school may refuse the donation of  
11 any property for purposes of this section.

12 I. If the donee is a school district:

13 1. The district shall notify the school facilities board  
14 established by section 15-2001 and furnish the board with any information  
15 the board requests regarding the donation. A school district shall not  
16 accept a donation pursuant to this section unless the school facilities  
17 board has reviewed the proposed donation and has issued a written  
18 determination that the real property and improvements are suitable as a  
19 school site or as a school. The school facilities board shall issue a  
20 determination that the real property and improvements are not suitable as  
21 a school site or as a school if the expenses that would be necessary to  
22 make the property suitable as a school site or as a school exceed the  
23 value of the proposed donation.

24 2. The district may sell any donated property pursuant to section  
25 15-342, but the proceeds from the sale shall only be used for capital  
26 projects. The school facilities board shall withhold an amount that  
27 corresponds to the amount of the proceeds from any monies that would  
28 otherwise be due the school district from the school facilities board  
29 pursuant to section 15-2041.

30 J. If the donee is a charter school:

31 1. The charter school shall:

32 (a) Immediately notify the sponsor of the charter school by  
33 certified mail and shall furnish the sponsor with any information  
34 requested by the sponsor regarding the donation during the ~~ten-year~~  
35 **TEN-YEAR** period after the conveyance is recorded.

36 (b) Notify the sponsor by certified mail, and the sponsor shall  
37 notify the state treasurer, in the event of the charter school's financial  
38 failure or if the charter school:

39 (i) Fails to establish a charter school on the property within  
40 forty-eight months after the conveyance is recorded.

41 (ii) Fails to provide instruction to pupils on the property within  
42 forty-eight months after the conveyance is recorded.

43 (iii) Establishes a charter school on the property but subsequently  
44 ceases to operate the charter school on the property for twenty-four

1 consecutive months or fails to provide instruction to pupils on the  
2 property for twenty-four consecutive months.

3 2. The charter school, or a successor in interest, shall pay to the  
4 state treasurer the amount of the credit allowed under this section, or if  
5 that amount is unknown, the amount of the allowable credit under this  
6 section, if any of the circumstances listed in paragraph 1, subdivision  
7 (b) of this subsection occurs. If the amount is not paid within one year  
8 after the treasurer receives notice under paragraph 1, subdivision (b) of  
9 this subsection, a penalty and interest shall be added, determined  
10 pursuant to title 42, chapter 1, article 3.

11 3. A tax credit under this section constitutes a lien on the  
12 property, which the donor must record along with the title to the property  
13 to qualify for the credit. The amount of the lien is the amount of the  
14 allowable credit under this section, adjusted according to the average  
15 change in the GDP price deflator, as defined in section 41-563, for each  
16 calendar year since the donation, but not exceeding twelve and one-half  
17 ~~per cent~~ PERCENT more than the allowable credit. The lien is subordinate  
18 to any liens securing the financing of the school construction. The lien  
19 is extinguished on the earliest of the following:

20 (a) Ten years after the lien is recorded. After that date, the  
21 charter school, or a successor in interest, may request the state  
22 treasurer to release the lien.

23 (b) On payment to the state treasurer by the donee charter school,  
24 or by a successor in interest, of the amount of the allowable credit under  
25 this section, either voluntarily or as required by paragraph 2 of this  
26 subsection. After the required amount is paid, the charter school or  
27 successor in interest may request the state treasurer to release the lien.

28 (c) On conveyance of fee simple title to the property to a school  
29 district.

30 (d) On enforcement and satisfaction of the lien pursuant to  
31 paragraph 4 of this subsection.

32 4. The state treasurer shall enforce the lien by foreclosure within  
33 one year after receiving notice of any of the circumstances described in  
34 paragraph 1, subdivision (b) of this subsection.

35 5. Subject to paragraphs 3 and 4 of this subsection, the charter  
36 school may sell any donated property.

37 Sec. 55. Section 43-1089.03, Arizona Revised Statutes, is amended  
38 to read:

39 43-1089.03. Credit for contributions to certified school  
40 tuition organization

41 A. A credit is allowed against the taxes imposed by this title for  
42 the amount of voluntary cash contributions by the taxpayer or on the  
43 taxpayer's behalf pursuant to section 43-401, subsection ~~F~~ G during the  
44 taxable year to a school tuition organization that is certified pursuant  
45 to chapter 16 of this title at the time of donation. Except as provided

1 by subsection C of this section, the amount of the credit shall not  
2 exceed:

3 1. Five hundred dollars in any taxable year for a single individual  
4 or a head of household.

5 2. One thousand dollars in any taxable year for a married couple  
6 filing a joint return.

7 B. ~~A husband and wife~~ SPOUSES who file separate returns for a  
8 taxable year in which they could have filed a joint return may each claim  
9 only one-half of the tax credit that would have been allowed for a joint  
10 return.

11 C. For each taxable year beginning on or after January 1, the  
12 department shall adjust the dollar amounts prescribed by subsection A,  
13 paragraphs 1 and 2 of this section according to the average annual change  
14 in the metropolitan phoenix consumer price index published by the United  
15 States bureau of labor statistics, except that the dollar amounts shall  
16 not be revised downward below the amounts allowed in the prior taxable  
17 year. The revised dollar amounts shall be raised to the nearest whole  
18 dollar.

19 D. If the allowable tax credit exceeds the taxes otherwise due  
20 under this title on the claimant's income, or if there are no taxes due  
21 under this title, the taxpayer may carry the amount of the claim not used  
22 to offset the taxes under this title forward for not more than five  
23 consecutive taxable years' income tax liability.

24 E. The credit allowed by this section is in lieu of any deduction  
25 pursuant to section 170 of the internal revenue code and taken for state  
26 tax purposes.

27 F. The tax credit is not allowed if the taxpayer designates the  
28 taxpayer's contribution to the school tuition organization for the direct  
29 benefit of any dependent of the taxpayer or if the taxpayer designates a  
30 student beneficiary as a condition of the taxpayer's contribution to the  
31 school tuition organization. The tax credit is not allowed if the  
32 taxpayer, with the intent to benefit the taxpayer's dependent, agrees with  
33 one or more other taxpayers to designate each taxpayer's contribution to  
34 the school tuition organization for the direct benefit of the other  
35 taxpayer's dependent.

36 G. For the purposes of this section, a contribution, for which a  
37 credit is claimed, that is made on or before the fifteenth day of the  
38 fourth month following the close of the taxable year may be applied to  
39 either the current or preceding taxable year and is considered to have  
40 been made on the last day of that taxable year.

41 H. A taxpayer may not claim a credit under this section and also  
42 under section 43-1089 with respect to the same contribution. If a  
43 taxpayer's contribution to a school tuition organization exceeds the  
44 amount of the credit allowed under section 43-1089, a taxpayer may claim a  
45 credit under this section and also under section 43-1089. If a taxpayer's

1 contribution to a school tuition organization does not exceed the amount  
2 of the credit allowed by section 43-1089, the contribution is considered  
3 to have been made pursuant to section 43-1089.

4 Sec. 56. Section 46-453, Arizona Revised Statutes, is amended to  
5 read:

6 46-453. Immunity of participants; nonprivileged communication

7 A. Any person making a complaint, furnishing a report, information  
8 or records required or authorized by this chapter or otherwise  
9 participating in the program authorized by this chapter or in a judicial  
10 or administrative proceeding or investigation resulting from reports,  
11 information or records submitted or obtained pursuant to this chapter is  
12 immune from any civil or criminal liability by reason of such action,  
13 unless the person acted with malice or unless such person has been charged  
14 with or is suspected of abusing, exploiting or neglecting the vulnerable  
15 adult in question. Except as provided in subsection B of this section the  
16 physician-patient privilege, ~~husband-wife~~ THE SPOUSAL privilege or any  
17 privilege except the attorney-client privilege, provided for by  
18 professions such as the practice of social work or nursing covered by law  
19 or a code of ethics regarding practitioner-client confidences, both as  
20 they relate to the competency of the witness and to the exclusion of  
21 confidential communications, shall not pertain in any civil or criminal  
22 litigation in which a vulnerable adult's exploitation, abuse or neglect is  
23 an issue, ~~nor~~ in any judicial or administrative proceeding resulting from  
24 a report, information or records submitted or obtained pursuant to section  
25 46-454 ~~nor~~ OR in any investigation of a vulnerable adult's exploitation,  
26 abuse or neglect conducted by a peace officer or a protective services  
27 worker.

28 B. In any civil or criminal litigation in which incapacitation,  
29 abuse, exploitation or neglect of a vulnerable adult is an issue, a  
30 clergyman or priest shall not, without his consent, be examined as a  
31 witness concerning any confession made to him in his role as a clergyman  
32 or a priest in the course of the discipline enjoined by the church to  
33 which he belongs.

34 Sec. 57. Legislative intent

35 This act replaces the term "husband and wife" in each of the  
36 statutes in which it appears in the Arizona Revised Statutes. It is the  
37 intent of the legislature that agencies, boards, commissions, departments,  
38 officers and other administrative units of this state make similar changes  
39 in their respective administrative rules.