

committee and program termination; repeal

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

## CHAPTER 44

# SENATE BILL 1390

AN ACT

REPEALING SECTIONS 8-830 AND 15-216, ARIZONA REVISED STATUTES; AMENDING SECTION 15-249, ARIZONA REVISED STATUTES; REPEALING SECTION 15-249.01, ARIZONA REVISED STATUTES; AMENDING SECTION 15-552, ARIZONA REVISED STATUTES; REPEALING SECTIONS 15-552 AND 15-720.01, ARIZONA REVISED STATUTES; REPEALING TITLE 15, CHAPTER 8, ARTICLE 8, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-1042, 15-1901, 15-2401 AND 23-211, ARIZONA REVISED STATUTES; REPEALING SECTION 23-215, ARIZONA REVISED STATUTES; AMENDING SECTION 28-7009, ARIZONA REVISED STATUTES; REPEALING SECTION 28-7011, ARIZONA REVISED STATUTES; REPEALING TITLE 31, CHAPTER 2, ARTICLE 6, ARIZONA REVISED STATUTES; REPEALING SECTION 31-287, ARIZONA REVISED STATUTES; AMENDING SECTIONS 31-402, 31-411, 36-766.09 AND 36-1162, ARIZONA REVISED STATUTES; REPEALING SECTIONS 36-1694 AND 36-2905.07, ARIZONA REVISED STATUTES; REPEALING TITLE 36, CHAPTER 29, ARTICLE 5, ARIZONA REVISED STATUTES; AMENDING SECTION 36-3607, ARIZONA REVISED STATUTES; REPEALING SECTIONS 41-112, 41-113, 41-197, 41-1609.05 AND 41-1609.06, ARIZONA REVISED STATUTES; AMENDING SECTION 41-4254, ARIZONA REVISED STATUTES; REPEALING SECTIONS 41-4256 AND 44-332, ARIZONA REVISED STATUTES; REPEALING TITLE 44, CHAPTER 10, ARTICLE 10, ARIZONA REVISED STATUTES; RELATING TO PROGRAM AND COMMITTEE TERMINATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Sections 8-830 and 15-216, Arizona Revised Statutes, are repealed.

4 Sec. 2. Section 15-249, Arizona Revised Statutes, is amended to  
5 read:

6 15-249. Department of education; education learning and  
7 accountability system; reports; reviews

8 A. Subject to the appropriation of state monies or the receipt of  
9 federal monies, private donations or grants from any lawful public or  
10 private source for this purpose, the department of education, ~~in~~  
11 ~~coordination with the data governance commission established by section~~  
12 ~~15-249.01,~~ shall develop and implement the education learning and  
13 accountability system to collect, compile, maintain and report student  
14 level data for students attending public educational institutions that  
15 provide instruction to pupils in preschool programs, kindergarten  
16 programs, grades one through twelve and postsecondary educational programs  
17 in this state.

18 B. The education learning and accountability system shall:

19 1. Maintain longitudinal, student level data, including student  
20 demographic, grade level, assessment, teacher assignment and other data  
21 required to meet state and federal reporting requirements.

22 2. Incorporate the student accountability information system  
23 prescribed in chapter 9, article 8 of this title.

24 3. Be accessible through commonly used internet web browsers to  
25 carry out the data collection, compilation and reporting duties prescribed  
26 in this title.

27 C. Student level nontest data is prohibited from inclusion in  
28 longitudinal, student level data unless approved in a public meeting of  
29 the state board of education and linked on the state board's home page  
30 pursuant to section 15-741, subsection A, paragraph 7.

31 D. The department of education may contract with a third party to  
32 carry out the purposes of this section.

33 E. The department of education, ~~in coordination with the data~~  
34 ~~governance commission,~~ shall develop a detailed plan to develop and  
35 implement the education learning and accountability system.

36 F. The department of education shall present the plan developed  
37 pursuant to subsection E of this section to the state board of education  
38 for review and approval. The department of education shall continue to  
39 provide quarterly reports to the state board of education, or on request,  
40 for review and approval of the state board of education, on ~~the~~  
41 ~~development~~ DEVELOPING and ~~implementation of~~ IMPLEMENTING the education  
42 learning and accountability system. All reports provided shall include  
43 progress and expenditures to date, timelines and cost estimates for  
44 completion.

1 G. Any contract awarded pursuant to subsection D of this section  
2 shall allow the superintendent of public instruction to renew the  
3 contracts for two subsequent periods of not more than three years each and  
4 shall prescribe the circumstances under which the superintendent of public  
5 instruction may terminate the contracts. The contracts shall allow this  
6 state to cancel any contract at any time after the first year of  
7 operation, without penalty to this state, on ninety days' written notice  
8 and shall require the contractor to be in compliance at all times with  
9 state and federal law.

10 H. Any contract awarded pursuant to subsection D of this section  
11 may provide for annual contract price or cost adjustments, except that any  
12 adjustments may be made only once each year effective on the anniversary  
13 of the contract's effective date. Any adjustment made pursuant to the  
14 terms of the contract must be applied to the total payments made to the  
15 contractor for the previous contract year and shall not exceed the  
16 percentage change in the average consumer price index as published by the  
17 United States department of labor, bureau of labor statistics between that  
18 figure for the latest calendar year and the next previous calendar year.  
19 Any price or cost adjustments that are different than those authorized in  
20 this subsection may be made only if the legislature specifically  
21 authorizes the adjustments and appropriates monies for that purpose, if  
22 required.

23 I. The superintendent of public instruction shall not award a  
24 contract pursuant to this section unless:

25 1. The superintendent of public instruction receives an acceptable  
26 proposal pursuant to any request for proposals. For the purposes of this  
27 paragraph, "acceptable proposal" means a proposal that substantially meets  
28 all of the requirements or conditions prescribed in this section and in  
29 the request for proposals.

30 2. The proposal offers a level and quality of services that equal  
31 or exceed the services that would be provided by this state.

32 3. The contractor provides audited financial statements for the  
33 previous five years, or for each year that the contractor has been in  
34 operation if fewer than five years, and provides other financial  
35 information as requested.

36 J. The sovereign immunity of this state does not apply to any  
37 contractor who is a party to any contract pursuant to this section. The  
38 contractor or any agent of the contractor may not plead the defense of  
39 sovereign immunity in any action arising out of the performance of the  
40 contract.

41 K. The terms of any contract pursuant to this section are subject  
42 to review by the joint legislative budget committee before placement of  
43 any advertisement that solicits a response to a request for proposals.  
44 Any proposed modification or amendment to the contract is subject to prior  
45 review by the joint legislative budget committee.

1 L. During the first year of operation under a contract executed  
2 pursuant to this section, the contracting entity shall submit monthly  
3 reports to the department of education as prescribed by the department.  
4 After the first year of operation under the contract, the contracting  
5 entity shall submit quarterly reports to the department as prescribed by  
6 the department.

7 M. At the end of the second year of a contract executed pursuant to  
8 this section, an independent evaluator selected by the superintendent of  
9 public instruction shall conduct and complete a performance review to  
10 determine if the contracting entity has met the goals specified in the  
11 contract. The independent evaluator shall submit a report of the  
12 independent evaluator's findings to the governor, the president of the  
13 senate and the speaker of the house of representatives on or before May 1,  
14 and shall provide a copy of this report to the secretary of state.

15 Sec. 3. Repeal

16 Section 15-249.01, Arizona Revised Statutes, is repealed.

17 Sec. 4. Section 15-552, Arizona Revised Statutes, is amended to  
18 read:

19 15-552. Alternative teacher development program; report

20 A. The state board of education shall establish an alternative  
21 teacher development program for the purpose of accelerating the process of  
22 identifying, training and placing highly qualified individuals into  
23 low-income schools through the use of teaching intern certification and  
24 the identification of a qualified service provider.

25 B. The department of education shall develop application  
26 procedures, selection criteria and minimum performance standards for  
27 service providers that wish to participate in the program.

28 C. The state board of education shall award a matching grant to a  
29 service provider that meets all of the requirements of this section. The  
30 amount of the matching grant shall be equal to the matching monies raised  
31 by the service provider, not to exceed the total ~~of~~ monies appropriated to  
32 the alternative teacher development program. The service provider that  
33 receives the matching grant shall demonstrate that its alternative teacher  
34 development program serves public schools in this state and meets all of  
35 the following requirements:

36 1. Is a nonprofit 501(c)(3) organization that has been providing  
37 alternative teacher recruitment and placement in this state for a period  
38 of ~~not less than~~ **AT LEAST** ten years.

39 2. Serves only public schools that provide instruction to student  
40 populations in which a majority of the students are from low-income  
41 households.

42 3. Requires that individuals seeking to participate in the  
43 alternative teacher development program offered by the service provider  
44 have attained a baccalaureate degree from an accredited institution.

1 4. Maintains a competitive application and selection process for  
2 individuals seeking to participate in the alternative teacher development  
3 program offered by the service provider.

4 5. Requires all individuals who participate in the alternative  
5 teacher development program to commit to serve as a teacher in a  
6 low-income public school in this state for ~~not less than~~ AT LEAST two  
7 years.

8 6. Provides ongoing support, evaluations and professional  
9 development to teachers placed in a classroom through the alternative  
10 teacher development program.

11 D. The service provider selected to participate in the alternative  
12 teacher development program shall annually report the following  
13 information to the department of education:

14 1. The number of teachers placed in low-income schools by the  
15 service provider.

16 2. The number of students served by teachers placed in low-income  
17 schools by the service provider.

18 3. Demographic data concerning the aggregate composition of  
19 students in classrooms served by teachers placed by the service provider.

20 4. A listing of the school districts and schools in which teachers  
21 were placed by the service provider.

22 5. Classroom-level data collected by the service provider that  
23 demonstrates the academic progress of students instructed by teachers  
24 participating in the alternative teacher development program.

25 6. A descriptive summary of the ongoing support, evaluations and  
26 professional development provided to participating teachers.

27 7. The performance classifications of teachers participating in the  
28 alternative teacher development program pursuant to section 15-537, as  
29 reported to the service provider by participating teachers.

30 8. A total of all matching monies raised by the service provider.

31 E. The department of education shall submit an annual report by  
32 December 15 of each year concerning the alternative teacher development  
33 program to the governor, the president of the senate and the speaker of  
34 the house of representatives that includes an evaluation of the  
35 effectiveness of the program. The department of education shall provide a  
36 copy of the report to the secretary of state.

37 ~~F. The program established by this section ends on July 1, 2030~~  
38 ~~pursuant to section 41-3102.~~

39 Sec. 5. Delayed repeal

40 Section 15-552, Arizona Revised Statutes, as amended by this act, is  
41 repealed from and after June 30, 2030.

42 Sec. 6. Repeal

43 A. Section 15-720.01, Arizona Revised Statutes, is repealed.

44 B. Title 15, chapter 8, article 8, Arizona Revised Statutes, is  
45 repealed.

1  
2 Sec. 7. Section 15-1042, Arizona Revised Statutes, is amended to  
3 read:

4 15-1042. Student level data; timeline for submittal;  
5 confidentiality; definition

6 A. The department of education shall notify school districts,  
7 career technical education districts and charter schools of electronic  
8 data submission procedures and shall distribute a list of the specific  
9 student level data elements, including the statutory or regulatory  
10 reference for each data element, that school districts, career technical  
11 education districts and charter schools are required to submit. ~~The~~  
12 ~~department of education shall not make any changes to the student level~~  
13 ~~data elements to be collected unless the student level data element has~~  
14 ~~been reviewed and adopted by the data governance commission established by~~  
15 ~~section 15-249.01.~~

16 B. Each school district, career technical education district and  
17 charter school shall submit electronic data on a school-by-school basis,  
18 including student level data, to the department of education in order for  
19 the school district, career technical education district or charter school  
20 to receive monies for the cost of educating students pursuant to this  
21 title.

22 C. The department of education shall grant a school district,  
23 career technical education district or charter school an extension to the  
24 deadline ~~for the submission of TO SUBMIT~~ student level data or may provide  
25 for an alternative method ~~for the submission of TO SUBMIT~~ student level  
26 data if the school district, career technical education district or  
27 charter school proves that good cause exists for the extension, and the  
28 school district, career technical education district or charter school  
29 shall continue to receive monies for the cost of educating students  
30 pursuant to this title. The request for an extension of the deadline ~~for~~  
31 ~~the submission of TO SUBMIT~~ student level data pursuant to this subsection  
32 shall include a justification for the extension and the status of current  
33 efforts toward complying with the submission of student level data.

34 D. A pupil or the parent or guardian of a pupil shall not be  
35 required to submit data that does not relate to the provision of  
36 educational services or assistance to the pupil.

37 E. Unless otherwise prescribed, school districts, career technical  
38 education districts and charter schools shall begin to report new data  
39 elements on July 1 of the year that follows the effective date of the law  
40 that requires the collection of the data.

41 F. Student level data items submitted to the department of  
42 education by school districts, career technical education districts and  
43 charter schools pursuant to this section shall not be used to adjust  
44 funding levels or calculate the average daily membership for the purpose

1 of funding school districts at any time other than the fortieth, one  
2 hundredth and two hundredth days of the school year.

3 G. A school district, career technical education district or  
4 charter school is not required to submit student level data to the  
5 department of education more often than once every twenty school days.

6 H. Notwithstanding subsection J of this section, the student level  
7 data shall include reasons for the withdrawal if reasons are provided by  
8 the withdrawing pupil or the pupil's parent or guardian. For the purposes  
9 of this subsection, the department of education shall include in the  
10 specific student level data elements that school districts, career  
11 technical education districts and charter schools are required to submit  
12 data relating to students who withdraw from school because the student is  
13 pregnant or because the student is the biological parent of a child.

14 I. All student level data collected pursuant to this section is  
15 confidential and is not a public record. The data collected may be used  
16 for aggregate research and reporting and for providing access of student  
17 level data to school districts, career technical education districts,  
18 charter schools, community colleges and universities under the  
19 jurisdiction of the Arizona board of regents.

20 J. For the purposes of this section, "student level data" means all  
21 data elements that are compiled and submitted for each student in this  
22 state and that are necessary ~~for the completion of~~ TO COMPLETE the  
23 statutory requirements of the department of education and the state board  
24 of education relating to ~~the calculation of~~ CALCULATING funding for public  
25 education, ~~the determination of~~ DETERMINING student academic progress as  
26 measured by student testing programs in this state, state and federal  
27 reporting requirements and other duties prescribed to the department of  
28 education or the state board of education by law. Student level data does  
29 not include data elements related to student behavior, discipline,  
30 criminal history, medical history, religious affiliation, personal  
31 physical descriptors or family information not authorized by the parent or  
32 guardian of the pupil or otherwise required by law.

33 Sec. 8. Section 15-1901, Arizona Revised Statutes, is amended to  
34 read:

35 15-1901. Authority of governor to enter compact; terms of  
36 compact for education

37 The governor is authorized in the name of this state to join with  
38 other states legally joining in the compact for education, which compact  
39 shall be in the following form:

40 COMPACT FOR EDUCATION

41 ARTICLE I-PURPOSE AND POLICY

42 Section A. It is the purpose of this compact to:

43 1. Establish and maintain close cooperation and understanding among  
44 executive, legislative, professional educational and lay leadership on a  
45 nationwide basis at the state and local levels.





1 collectively to reflect broadly the interests of the state government,  
2 higher education, the state education system, local education and lay and  
3 professional public and nonpublic educational leadership. Of the  
4 gubernatorial appointees, one shall be the head of a state agency or  
5 institution, designated by the governor, having responsibility for one or  
6 more programs of public education. In addition to the members of the  
7 commission representing the party states, there may be, not to exceed ten,  
8 nonvoting commissioners selected by the steering committee for terms of  
9 one year. The nonvoting commissioners shall represent leading national  
10 organizations of professional educators or persons concerned with  
11 educational administration.

12 Section B. The members of the commission shall be entitled to one  
13 vote each on the commission. No action of the commission shall be binding  
14 unless taken at a meeting at which a majority of the total number of votes  
15 on the commission are cast in favor thereof. Action of the commission  
16 shall be only at a meeting at which a majority of the commissioners are  
17 present. The commission shall meet at least once a year. In its bylaws,  
18 and subject to such directions and limitations as may be contained  
19 therein, the commission may delegate the exercise of any of its powers to  
20 the steering committee or the executive director, except for the power to  
21 approve budgets or requests for appropriations, the power to make policy  
22 recommendations pursuant to article IV and adoption of the annual report  
23 pursuant to section J of this article.

24 Section C. The commission shall have a seal.

25 Section D. The commission shall elect annually, from among its  
26 members, a chairman, who shall be a governor, a vice-chairman and a  
27 treasurer. The commission shall provide for the appointment of an  
28 executive director. The executive director shall serve at the pleasure of  
29 the commission and, together with the treasurer and such other personnel  
30 as the commission may deem appropriate, shall be bonded in such amount as  
31 the commission shall determine. The executive director shall be the  
32 secretary.

33 Section E. Irrespective of the civil service, personnel or other  
34 merit system laws of any of the party states, the executive director,  
35 subject to the approval of the steering committee, shall appoint, remove  
36 or discharge such personnel as may be necessary for the performance of the  
37 functions of the commission and shall fix the duties and compensation of  
38 such personnel. The commission in its bylaws shall provide for the  
39 personnel policies and programs of the commission.

40 Section F. The commission may borrow, accept or contract for the  
41 services of personnel from any party jurisdiction, the United States or  
42 any subdivision or agency of such governments, or from any agency of two  
43 or more of the party jurisdictions or their subdivisions.

1 Section G. The commission may accept for any of its purposes and  
2 functions under this compact any and all donations and grants of money,  
3 equipment, supplies, materials and services, conditional or otherwise,  
4 from any state, the United States or any other governmental agency or from  
5 any person, firm, association, foundation or corporation and may receive,  
6 utilize and dispose of the same. Any donation or grant accepted by the  
7 commission pursuant to this section or services borrowed pursuant to  
8 section F of this article shall be reported in the annual report of the  
9 commission. The report shall include the nature, amount and conditions of  
10 the donation, grant or services borrowed and the identity of the donor or  
11 lender.

12 Section H. The commission may establish and maintain such  
13 facilities as may be necessary for the transacting of its business. The  
14 commission may acquire, hold and convey real and personal property and any  
15 interest therein.

16 Section I. The commission shall adopt bylaws for the conduct of its  
17 business and shall have the power to amend and rescind such bylaws. The  
18 commission shall publish its bylaws in convenient form and shall file a  
19 copy of the bylaws and a copy of any amendment to the bylaws with the  
20 appropriate agency or officer in each of the party states.

21 Section J. The commission annually shall make to the governor and  
22 legislature of each party state a report covering the activities of the  
23 commission for the preceding year. The commission may make such  
24 additional reports as it may deem desirable.

25 ~~Section K. Arizona's participation in the commission established by~~  
26 ~~this article ends on July 1, 2020 pursuant to section 41-3103.~~

#### ARTICLE IV-POWERS

28 In addition to authority conferred on the commission by other  
29 provisions of the compact, the commission shall have authority to:

30 1. Collect, correlate, analyze and interpret information and data  
31 concerning educational needs and resources.

32 2. Encourage and foster research in all aspects of education, but  
33 with special reference to the desirable scope of instruction,  
34 organization, administration and instructional methods and standards  
35 employed or suitable for employment in public educational systems.

36 3. Develop proposals for adequate financing of education as a whole  
37 and at each of its many levels.

38 4. Conduct or participate in research of the types referred to in  
39 this article in any instance where the commission finds that such research  
40 is necessary for the advancement of the purposes and policies of this  
41 compact, utilizing fully the resources of national associations, regional  
42 compact organizations for higher education and other agencies and  
43 institutions, both public and private.

1           5. Formulate suggested policies and plans for the improvement of  
2 public education as a whole, or for any segment of public education, and  
3 make recommendations with respect thereto available to the appropriate  
4 governmental units, agencies and public officials.

5           6. Do such other things as may be necessary or incidental to the  
6 administration of any of its authority or functions pursuant to this  
7 compact.

8                           ARTICLE V-COOPERATION WITH FEDERAL GOVERNMENT

9           Section A. If the laws of the United States specifically so  
10 provide, or if administrative provision is made therefor within the  
11 federal government, the United States may be represented on the commission  
12 by not to exceed ten representatives. Any representative or  
13 representatives of the United States shall be appointed and serve in such  
14 manner as may be provided by or pursuant to federal law and may be drawn  
15 from any one or more branches of the federal government, but no such  
16 representative shall have a vote on the commission.

17           Section B. The commission may provide information and make  
18 recommendations to any executive or legislative agency or officer of the  
19 federal government concerning the common educational policies of the  
20 states and may advise with any such agencies or officers concerning any  
21 matter of mutual interest.

22                           ARTICLE VI-COMMITTEES

23           Section A. To assist in the expeditious conduct of its business  
24 when the full commission is not meeting, the commission shall elect a  
25 steering committee of thirty-two members which, subject to the provisions  
26 of this compact and consistent with the policies of the commission, shall  
27 be constituted and function as provided in the bylaws of the commission.  
28 One-fourth of the voting membership of the steering committee shall  
29 consist of governors, one-fourth shall consist of legislators and the  
30 remainder shall consist of other members of the commission. A federal  
31 representative on the commission may serve with the steering committee,  
32 but without vote. The voting members of the steering committee shall  
33 serve for terms of two years, except that members elected to the first  
34 steering committee of the commission shall be elected as follows: sixteen  
35 for one year and sixteen for two years. The chairman, vice-chairman and  
36 treasurer of the commission shall be members of the steering committee  
37 and, anything in this section to the contrary notwithstanding, shall serve  
38 during their continuance in these offices. Vacancies in the steering  
39 committee shall not affect its authority to act, but the commission at its  
40 next regularly ensuing meeting following the occurrence of any vacancy  
41 shall fill it for the unexpired term. No person shall serve more than two  
42 terms as a member of the steering committee, provided that service for a  
43 partial term of one year or less shall not be counted toward the two term  
44 limitation.

1 Section B. The commission may establish advisory and technical  
2 committees composed of state, local and federal officials and private  
3 persons to advise it with respect to any one or more of its  
4 functions. Any advisory or technical committee may, on request of the  
5 states concerned, be established to consider any matter of special concern  
6 to two or more of the party states.

7 Section C. The commission may establish such additional committees  
8 as its bylaws may provide.

9 ARTICLE VII-FINANCE

10 Section A. The commission shall advise the governor or designated  
11 officer or officers of each party state of its budget and estimated  
12 expenditures for such period as may be required by the laws of that party  
13 state. Each of the commissioner's budgets of estimated expenditures shall  
14 contain specific recommendations of the amount or amounts to be  
15 appropriated by each of the party states.

16 Section B. The total amount of appropriation requests under any  
17 budget shall be apportioned among the party states. In making the  
18 apportionment, the commission shall devise and employ a formula which  
19 takes equitable account of the populations and per capita income levels of  
20 the party states.

21 Section C. The commission shall not pledge the credit of any party  
22 state. The commission may meet any of its obligations in whole or in part  
23 with funds available to it pursuant to article III, section G of this  
24 compact, provided that the commission takes specific action setting aside  
25 such funds prior to incurring an obligation to be met in whole or in part  
26 in such manner. Except where the commission makes use of funds available  
27 to it pursuant to article III, section G, the commission shall not incur  
28 any obligation prior to the allotment of funds by the party states  
29 adequate to meet the same.

30 Section D. The commission shall keep accurate accounts of all  
31 receipts and disbursements. The receipts and disbursements of the  
32 commission shall be subject to the audit and accounting procedures  
33 established by its bylaws. All receipts and disbursements of funds  
34 handled by the commission shall be audited yearly by a qualified public  
35 accountant, and the report of the audit shall be included in and become  
36 part of the annual reports of the commission.

37 Section E. The accounts of the commission shall be open at any  
38 reasonable time for inspection by duly constituted officers of the party  
39 states and by any persons authorized by the commission.

40 Section F. Nothing contained herein shall be construed to prevent  
41 commission compliance with laws relating to audit or inspection of  
42 accounts by or on behalf of any government contributing to the support of  
43 the commission.

1 ARTICLE VIII-ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL

2 Section A. This compact shall have as eligible parties all states,  
3 territories and possessions of the United States, the District of Columbia  
4 and the Commonwealth of Puerto Rico. In respect of any such jurisdiction  
5 not having a governor, the term "governor", as used in this compact, shall  
6 mean the closest equivalent official of such jurisdiction.

7 Section B. Any state or other eligible jurisdiction may enter into  
8 this compact, and it shall become binding when it has adopted the compact.

9 Section C. Any party state may withdraw from this compact by  
10 enacting a statute repealing the compact. No withdrawal shall affect any  
11 liability already incurred by or chargeable to a party state prior to the  
12 time of such withdrawal.

13 ARTICLE IX-CONSTRUCTION AND SEVERABILITY

14 The provisions of this compact shall be severable and if any phrase,  
15 clause, sentence or provision of this compact is declared to be contrary  
16 to the constitution of any state or of the United States, or if the  
17 application thereof to any government, agency, person or circumstance is  
18 held invalid, the validity of the remainder of this compact and the  
19 applicability of the compact to any government, agency, person or  
20 circumstance shall not be affected thereby. If this compact shall be held  
21 contrary to the constitution of any state participating therein, the  
22 compact shall remain in full force and effect as to the state affected as  
23 to all severable matters.

24 Sec. 9. Section 15-2401, Arizona Revised Statutes, is amended to  
25 read:

26 15-2401. Definitions

27 In this chapter, unless the context otherwise requires:

28 1. "Annual education plan" means an initial individualized  
29 evaluation and subsequent annual reviews that are developed for a  
30 qualified student who meets the criteria specified in paragraph 7,  
31 subdivision (a), item (i), (ii) or (iii) of this section to determine  
32 ongoing annual eligibility through the school year in which the qualified  
33 student reaches twenty-two years of age and whether the student may be  
34 eligible pursuant to section 36-2981 and should be referred for  
35 eligibility determination.

36 2. "Curriculum" means a course of study for content areas or grade  
37 levels, including any supplemental materials required or recommended by  
38 the curriculum, approved by the department.

39 3. "Department" means the department of education.

40 4. "Eligible postsecondary institution" means a community college  
41 as defined in section 15-1401, a university under the jurisdiction of the  
42 Arizona board of regents or an accredited private postsecondary  
43 institution.

44 5. "Parent" means a resident of this state who is the parent,  
45 stepparent or legal guardian of a qualified student.

1           6. "Qualified school" means a nongovernmental primary or secondary  
2 school or a preschool for pupils with disabilities that is located in this  
3 state or, for qualified students who reside within the boundaries of an  
4 Indian reservation in this state, that is located in an adjacent state and  
5 that is within two miles of the border of the state in which the qualified  
6 student resides, and that does not discriminate on the basis of race,  
7 color or national origin.

8           7. "Qualified student" means a resident of this state who:

9           (a) Is any of the following:

10           (i) Identified as having a disability under section 504 of the  
11 rehabilitation act of 1973 (29 United States Code section 794).

12           (ii) Identified by a school district or by an independent third  
13 party pursuant to section 15-2403, subsection I as a child with a  
14 disability as defined in section 15-731 or 15-761.

15           (iii) A child with a disability who is eligible to receive services  
16 from a school district under section 15-763.

17           (iv) Attending a school or school district that was assigned a  
18 letter grade of D or F pursuant to section 15-241 for the most recent year  
19 in which letter grades were assigned or is currently eligible to attend  
20 kindergarten and resides within the attendance boundary of a school that  
21 was assigned a letter grade of D or F pursuant to section 15-241 for the  
22 most recent year in which letter grades were assigned. A child who meets  
23 the requirements of this item and who meets the income eligibility  
24 requirements for free and reduced-price lunches under the national school  
25 lunch and child nutrition acts (42 United States Code sections 1751  
26 through 1793) is not subject to subdivision (b) of this paragraph.

27           (v) A previous recipient of a scholarship issued pursuant to  
28 ~~section 15-891~~ or this section, unless the qualified student's parent has  
29 been removed from eligibility in the program for failure to comply  
30 pursuant to section 15-2403, subsection C.

31           (vi) A child of a parent who is a member of the armed forces of the  
32 United States and who is on active duty or was killed in the line of duty.  
33 A child who meets the requirements of this item is not subject to  
34 subdivision (b) of this paragraph.

35           (vii) A child who is a ward of the juvenile court and who is  
36 residing with a prospective permanent placement pursuant to section 8-862  
37 and the case plan is adoption or permanent guardianship.

38           (viii) A child who was a ward of the juvenile court and who  
39 achieved permanency through adoption or permanent guardianship.

40           (ix) A child who is the sibling of a current or previous Arizona  
41 empowerment scholarship account recipient or of an eligible qualified  
42 student who accepts the terms of and enrolls in an Arizona empowerment  
43 scholarship account.

1 (x) A child who resides within the boundaries of an Indian  
2 reservation in this state as determined by the department of education or  
3 a tribal government.

4 (xi) A child of a parent who is legally blind or deaf or hard of  
5 hearing as defined in section 36-1941.

6 (b) And, except as provided in subdivision (a), items (iv) and  
7 (vi) of this paragraph, who meets any of the following requirements:

8 (i) Attended a governmental primary or secondary school as a  
9 full-time student as defined in section 15-901 for at least forty-five  
10 days of the current or prior fiscal year and who transferred from a  
11 governmental primary or secondary school under a contract to participate  
12 in an Arizona empowerment scholarship account. Kindergarten students who  
13 are enrolled in Arizona online instruction must receive two hundred hours  
14 of logged instruction to be eligible pursuant to this item. First, second  
15 and third grade students who are enrolled in Arizona online instruction  
16 must receive four hundred hours of logged instruction to be eligible  
17 pursuant to this item. Fourth, fifth and sixth grade students who are  
18 enrolled in Arizona online instruction must receive five hundred hours of  
19 logged instruction to be eligible pursuant to this item. Seventh and  
20 eighth grade students who are enrolled in Arizona online instruction must  
21 receive five hundred fifty hours of logged instruction to be eligible  
22 pursuant to this item. High school students who are enrolled in Arizona  
23 online instruction must receive five hundred hours of logged instruction  
24 to be eligible pursuant to this item.

25 (ii) Previously participated in an Arizona empowerment scholarship  
26 account.

27 (iii) Received a scholarship under section 43-1505 and who  
28 continues to attend a qualified school if the student attended a  
29 governmental primary or secondary school as a full-time student as defined  
30 in section 15-901 for at least ninety days of the prior fiscal year or one  
31 full semester before attending a qualified school.

32 (iv) Was eligible for an Arizona scholarship for pupils with  
33 disabilities and received monies from a school tuition organization  
34 pursuant to section 43-1505 or received an Arizona scholarship for pupils  
35 with disabilities but did not receive monies from a school tuition  
36 organization pursuant to section 43-1505 and who continues to attend a  
37 qualified school if the student attended a governmental primary or  
38 secondary school as a full-time student as defined in section 15-901 for  
39 at least ninety days of the prior fiscal year or one full semester before  
40 attending a qualified school.

41 (v) Has not previously attended a governmental primary or secondary  
42 school but is currently eligible to enroll in a kindergarten program in a  
43 school district or charter school in this state or attended a program for  
44 preschool children with disabilities.

1 (vi) Has not previously attended a governmental primary or  
2 secondary school but is currently eligible to enroll in a program for  
3 preschool children with disabilities in this state.

4 8. "Treasurer" means the office of the state treasurer.

5 Sec. 10. Section 23-211, Arizona Revised Statutes, is amended to  
6 read:

7 23-211. Definitions

8 In this article, unless the context otherwise requires:

9 1. "Agency" means any agency, department, board or commission of  
10 this state or a county, city or town that issues a license for purposes of  
11 operating a business in this state.

12 2. "Employ" means hiring an employee after December 31, 2007.

13 3. "Employee":

14 (a) Means any person who provides services or labor for an employer  
15 in this state for wages or other remuneration.

16 (b) Does not include an independent contractor.

17 4. "Employer" means any individual or type of organization that  
18 transacts business in this state, that has a license issued by an agency  
19 in this state and that employs one or more employees in this  
20 state. Employer includes this state, any political subdivision of this  
21 state and self-employed persons. In the case of an independent  
22 contractor, employer means the independent contractor and does not mean  
23 the person or organization that uses the contract labor.

24 5. "E-verify program" means the employment verification ~~program~~  
25 program as jointly administered by the United States department of  
26 homeland security and the social security administration or any of its  
27 successor programs.

28 6. "Independent contractor" means any individual or entity that  
29 carries on an independent business, that contracts to do a piece of work  
30 according to the individual's or entity's own means and methods and that  
31 is subject to control only as to results. Whether an individual or entity  
32 is an independent contractor is determined on a case-by-case basis through  
33 various factors, including whether the individual or entity:

34 (a) Supplies the tools or materials.

35 (b) Makes services available to the general public.

36 (c) Works or may work for a number of clients at the same time.

37 (d) Has an opportunity for profit or loss as a result of labor or  
38 service provided.

39 (e) Invests in the facilities for work.

40 (f) Directs the order or sequence in which the work is completed.

41 (g) Determines the hours when the work is completed.

42 7. "Intentionally" has the same meaning prescribed in section  
43 13-105.



1           8. "Knowingly employ an unauthorized alien" means the actions  
2 described in 8 United States Code section 1324a. This term shall be  
3 interpreted consistently with 8 United States Code section 1324a and any  
4 applicable federal rules and regulations.

5           9. "License":

6           (a) Means any agency permit, certificate, approval, registration,  
7 charter or similar form of authorization that is required by law and that  
8 is issued by any agency for the purposes of operating a business in this  
9 state.

10          (b) Includes:

11           (i) Articles of incorporation under title 10.

12           (ii) A certificate of partnership, a partnership registration or  
13 articles of organization under title 29.

14           (iii) A grant of authority issued under title 10, chapter 15.

15           (iv) Any transaction privilege tax license.

16          (c) Does not include:

17           (i) Any license issued pursuant to title 45 or 49 or rules adopted  
18 pursuant to those titles.

19           (ii) Any professional license.

20           ~~10. "Social security number verification service" means the program~~  
21 ~~administered by the social security administration or any of its successor~~  
22 ~~programs.~~

23           ~~11.~~ 10. "Unauthorized alien" means an alien who does not have the  
24 legal right or authorization under federal law to work in the United  
25 States as described in 8 United States Code section 1324a(h)(3).

26          Sec. 11. Repeal

27          Section 23-215, Arizona Revised Statutes, is repealed.

28          Sec. 12. Section 28-7009, Arizona Revised Statutes, is amended to  
29 read:

30          28-7009. Statewide transportation acceleration needs account;  
31 establishment; definition

32          A. The statewide transportation acceleration needs account is  
33 established as a separate account in the state highway fund. The account  
34 consists of all of the following, except that the source of monies in the  
35 fund shall not be a consent agreement or any type of negotiated settlement  
36 by any state or local agency or any donation made in place of a consent  
37 agreement or any type of settlement:

38           1. Monies appropriated by the legislature.

39           2. Monies designated for deposit in the account by the  
40 transportation board, a state agency or a political subdivision.

41           3. Monies received from the United States government for the  
42 purpose of accelerating transportation projects.

43           4. Monies received from political subdivisions, Indian tribes or  
44 this state or its agencies for the purpose of accelerating transportation  
45 projects.

1           5. Interest and other income received from investing monies in the  
2 account.

3           6. Gifts, grants, donations or other amounts received from any  
4 public or private source for deposit in the account for the purpose of  
5 accelerating transportation projects.

6           B. On notice from the transportation board, the state treasurer  
7 shall invest and divest monies in the statewide transportation  
8 acceleration needs account as provided by section 35-313, and monies  
9 earned from investment shall be credited to the account.

10          C. The transportation board may establish any subaccount in the  
11 statewide transportation acceleration needs account that the board  
12 determines is necessary or appropriate to carry out the purposes of this  
13 section.

14          D. If a governmental entity or a private person deposits monies in  
15 the statewide transportation acceleration needs account for acceleration  
16 of a specific project and the appropriate regional planning agency or  
17 council of governments, in cooperation with the transportation board,  
18 approves the project, the board shall designate the monies deposited by  
19 the governmental entity or private person solely for the project for which  
20 the monies are deposited.

21          E. Notwithstanding section 28-6993, and any other agreements  
22 entered into by the department of transportation for the distribution and  
23 expenditure of monies from the state highway fund, the transportation  
24 board shall not approve any expenditures from the statewide transportation  
25 acceleration needs account unless the expenditure is made in accordance  
26 with this section and is for the construction or reconstruction of  
27 freeways, state highways, bridges and interchanges that are contained in  
28 the regional transportation plan of a county or the department's  
29 long-range statewide transportation plan pursuant to section 28-506. For  
30 the purposes of this subsection, a regional transportation plan is a  
31 ~~twenty-year~~ TWENTY-YEAR comprehensive, ~~performance-based~~  
32 PERFORMANCE-BASED, multimodal and coordinated regional transportation plan  
33 that is approved for the county as provided by law and as amended or  
34 otherwise modified.

35          F. Monies in the statewide transportation acceleration needs  
36 account shall be used only to pay for the following costs of a  
37 transportation project approved pursuant to this section:

- 38           1. Except as provided in ~~sections~~ SECTION 28-7010 ~~and 28-7011~~:
- 39           (a) Materials and labor.
  - 40           (b) Acquisition of rights-of-way for highway needs.
  - 41           (c) Design and other engineering services that are within the scope  
42 of engineering practice as provided in title 32, chapter 1.
  - 43           (d) Other directly related costs approved by the transportation  
44 board.

1           2. Beginning in fiscal year 2006-2007, interest costs resulting  
2 from bonds, loans, notes or other obligations issued or incurred or  
3 advances made by or on behalf of a city, town or county.

4           G. Monies in the statewide transportation acceleration needs  
5 account that are appropriated by the legislature and any interest earnings  
6 shall be allocated as follows:

7           1. For a county with a population of at least one million two  
8 hundred thousand persons for the area included in the regional planning  
9 agency's transportation improvement plan, sixty ~~per cent~~ PERCENT.

10          2. For a county with a population of more than five hundred  
11 thousand persons but less than one million two hundred thousand persons  
12 for the area included in the regional planning agency's transportation  
13 improvement plan, sixteen ~~per cent~~ PERCENT.

14          3. For all other counties, twenty-four ~~per cent~~ PERCENT.

15           H. The regional planning agency in a county designated as a  
16 transportation management area shall establish a process for the review  
17 and approval of transportation projects eligible to receive monies from  
18 the statewide transportation acceleration needs account. As part of its  
19 request to the transportation board for monies, the regional planning  
20 agency shall ensure and submit evidence satisfactory to the board that any  
21 project costs not eligible for monies from the statewide transportation  
22 acceleration needs account are available and dedicated to the project. In  
23 all other counties, the department, in cooperation with the metropolitan  
24 planning organization or the council of governments that has the authority  
25 to approve transportation projects for the county, shall develop requests  
26 for expenditure of monies from the statewide transportation acceleration  
27 needs account. As part of the request to the transportation board for  
28 monies, the metropolitan planning organization or the council of  
29 governments for the department shall submit evidence satisfactory to the  
30 board that any project costs not eligible for monies from the statewide  
31 transportation acceleration needs account are available and dedicated to  
32 the project.

33           I. On receipt of a request for monies from the statewide  
34 transportation acceleration needs account, the transportation board shall  
35 place the request on the agenda for the next regular business meeting of  
36 the board. The board shall review the request and, in cooperation with  
37 the regional planning agency, the metropolitan planning organization or  
38 the council of governments, approve the request or further modify the  
39 request before approval.

40           J. The transportation board shall not approve the release of any  
41 monies from the statewide transportation acceleration needs account for a  
42 transportation project unless the board verifies that all costs related to  
43 construction of the project are covered.

1 K. A city, town or county may use monies that are in the statewide  
2 transportation acceleration needs account or any subaccount of the  
3 statewide transportation acceleration needs account, including monies that  
4 were previously approved by the board for a project and that were not  
5 specifically designated for interest costs for that project, for interest  
6 costs only if all of the following occur:

7 1. The regional planning agency in a county designated as a  
8 transportation management area recommends that the monies be spent for  
9 interest costs.

10 2. The board approves the regional planning agency's recommendation  
11 described in paragraph 1 of this subsection.

12 3. The city, town or county complies with this section.

13 L. Monies in the statewide transportation acceleration needs  
14 account shall be used to supplement, not supplant, funding that would  
15 otherwise be made available for projects.

16 M. A regional planning agency that receives monies from the  
17 statewide transportation acceleration needs account shall report on or  
18 before December 15 of each year to the senate and house of representatives  
19 transportation committees on approved projects and amounts expended for  
20 those projects.

21 N. For the purposes of this section, "project" means the  
22 construction or reconstruction of a specific portion of a freeway or state  
23 highway or a bridge or interchange or a portion of a bridge or interchange  
24 that is constructed at a single location.

25 Sec. 13. Repeal

26 Section 28-7011, Arizona Revised Statutes, is repealed.

27 Sec. 14. Delayed repeal

28 Title 31, chapter 2, article 6, Arizona Revised Statutes, is  
29 repealed from and after June 30, 2030.

30 Sec. 15. Repeal

31 Section 31-287, Arizona Revised Statutes, is repealed.

32 Sec. 16. Section 31-402, Arizona Revised Statutes, is amended to  
33 read:

34 31-402. Powers of board; powers and duties of governor;  
35 powers and duties of executive director

36 A. For all persons who committed felony offenses before January 1,  
37 1994, the board of executive clemency shall have exclusive power to pass  
38 on and recommend reprieves, commutations, paroles and pardons. ~~Not~~ A  
39 reprieve, commutation or pardon may NOT be granted by the governor unless  
40 it has first been recommended by the board.

41 B. For all persons who committed felony offenses before January 1,  
42 1994, all applications for reprieves, commutations and pardons made to the  
43 governor shall be at once transmitted to the ~~chairman~~ CHAIRPERSON of the  
44 board, and the board shall return the applications with its recommendation  
45 to the governor. All applications for reprieves, commutations and pardons

1 made to the governor shall include documentation that the victim or the  
2 victim's family was notified pursuant to section 31-411, subsection H.

3 C. For all persons who committed felony offenses on or after  
4 January 1, 1994, in addition to the powers and duties prescribed in  
5 subsection A of this section, the board of executive clemency:

6 1. Is vested with the powers and duties of the board of pardons and  
7 paroles as they existed before January 1, 1994 to carry out ~~the provisions~~  
8 ~~of~~ articles 3, 4.1, 5, 6 and 7 of this chapter.

9 2. After a hearing for which the victim, county attorney and  
10 presiding judge are given notice and an opportunity to be heard, may make  
11 recommendations to the governor for commutation of sentence after finding  
12 by clear and convincing evidence that the sentence imposed is clearly  
13 excessive given the nature of the offense and the record of the offender  
14 and that there is a substantial probability that when released the  
15 offender will conform the offender's conduct to the requirements of the  
16 law.

17 3. Shall receive petitions from individuals for whom the court has  
18 entered a special order allowing the person to petition the board pursuant  
19 to section 13-603, subsection L and may make recommendations to the  
20 governor.

21 4. Shall receive petitions from individuals, organizations or the  
22 department for review and commutation of sentences and pardoning of  
23 offenders in extraordinary cases and may make recommendations to the  
24 governor.

25 5. Shall receive petitions from the state department of corrections  
26 alleging that an offender has violated the offender's terms and conditions  
27 of community supervision and has lapsed or is probably about to lapse into  
28 criminal ways or company. If the board determines that an offender on  
29 community supervision has violated the terms and conditions of community  
30 supervision the board may do any of the following:

31 (a) If the offender has not committed an additional offense, place  
32 the offender on electronic monitoring ~~and order the offender to~~  
33 ~~participate in a community accountability program pursuant to section~~  
34 ~~41-1609.05.~~

35 (b) Revoke community supervision and return the offender to prison  
36 for the remainder of the offender's community supervision.

37 (c) Impose additional terms and conditions on the offender while  
38 keeping the offender on community supervision. If there is reasonable  
39 cause to believe that an offender who has been kept on community  
40 supervision has violated any term or condition of community supervision,  
41 any member of the board may petition the board to revoke community  
42 supervision. After a petition to revoke has been submitted, the ~~chairman~~  
43 **CHAIRPERSON** may issue a summons directing the offender to appear on a  
44 specified date for a revocation hearing or may issue a warrant for the  
45 offender's arrest. ~~Nothing in~~ This subsection ~~limits~~ **DOES NOT LIMIT** the

1 state department of corrections' authority with respect to submitting  
2 revocation petitions or issuing revocation warrants.

3 D. Any recommendation for commutation that is made unanimously by  
4 the members present and voting and that is not acted on by the governor  
5 within ninety days after the board submits its recommendation to the  
6 governor automatically becomes effective.

7 E. The executive director shall perform all administrative,  
8 operational and financial functions for the board.

9 F. The executive director may employ case analysts as deemed  
10 necessary within the limits of legislative appropriation and subject to  
11 title 41, chapter 4, article 4. The analysts shall aid the board in  
12 making investigations, in securing information and in performing necessary  
13 administrative functions to assist the board in passing on applications  
14 for parole and commutation.

15 G. The executive director may employ hearing officers as deemed  
16 necessary within the limits of legislative appropriation and subject to  
17 title 41, chapter 4, article 4. The hearing officers shall conduct  
18 probable cause hearings on parole, work furlough, community supervision  
19 and home arrest revocations or rescissions. Hearing officers shall assist  
20 the board in making investigations, securing information and performing  
21 necessary administrative functions.

22 Sec. 17. Section 31-411, Arizona Revised Statutes, is amended to  
23 read:

24 31-411. Parole or discharge; conditions of parole; release  
25 under supervision of state department of  
26 corrections; notice of hearing; exceptions; drug  
27 testing costs

28 A. Any prisoner who has been certified as eligible for parole or  
29 absolute discharge from imprisonment pursuant to section 31-412,  
30 subsection B or section 41-1604.09 shall be given an opportunity to apply  
31 for release on parole or for an absolute discharge from imprisonment. The  
32 board of executive clemency shall not entertain any other form of  
33 application or petition for the release on parole or absolute discharge  
34 from imprisonment of any prisoner.

35 B. A prisoner who is eligible for parole or absolute discharge from  
36 imprisonment shall be given an opportunity to be heard either before a  
37 hearing officer designated by the board or the board itself, at the  
38 discretion of the board.

39 C. If the hearing is heard by a hearing officer, the hearing  
40 officer shall make a recommendation on application for parole or absolute  
41 discharge from imprisonment to the board within thirty days after the  
42 hearing date. Within thirty days after the date of the hearing officer's  
43 recommendations, the board shall review these recommendations and either  
44 approve, with or without conditions, or reject the prisoner's application  
45 for parole or absolute discharge from imprisonment. A prisoner who is

1 eligible for parole or absolute discharge from imprisonment shall not be  
2 denied parole or absolute discharge from imprisonment without an  
3 opportunity to be heard before the board unless another form of release  
4 has been granted.

5 D. If parole is granted, the prisoner shall remain on parole unless  
6 the board revokes the parole or grants an absolute discharge from parole  
7 or until the prisoner reaches the individual earned release credit date  
8 pursuant to section 41-1604.10. If the prisoner violates a condition of  
9 parole but has not committed an additional offense, the board may place  
10 the prisoner on electronic monitoring ~~and order the defendant to~~  
11 ~~participate in a community accountability pilot program pursuant to~~  
12 ~~section 41-1609.05~~. If the prisoner is still on parole on reaching the  
13 individual earned release credit date pursuant to section 41-1604.10, the  
14 prisoner shall be terminated from parole but shall be subject to  
15 revocation under section 41-1604.10. When the prisoner reaches the  
16 individual earned release credit date the prisoner's parole shall be  
17 terminated and the prisoner shall no longer be under the authority of the  
18 board.

19 E. During the period of time that the prisoner remains on  
20 supervised parole under subsection D of this section, the board shall  
21 require as a condition of parole that the prisoner pay a monthly  
22 supervision fee of ~~not less than sixty-five dollars~~ AT LEAST \$65 unless,  
23 after determining the inability of the prisoner to pay the fee, the board  
24 requires payment of a lesser amount. The supervising parole officer shall  
25 monitor the collection of the fee. The board may also impose any  
26 conditions of parole it deems appropriate in order to ensure that the best  
27 interests of the prisoner and the citizens of this state are  
28 served. These conditions may include:

29 1. ~~Participation~~ PARTICIPATING in a rehabilitation program or  
30 counseling.

31 2. ~~Performance of~~ PERFORMING community restitution work.

32 F. Seventy ~~per cent~~ PERCENT of the monies collected pursuant to  
33 subsection E of this section shall be deposited, pursuant to sections  
34 35-146 and 35-147, in the victim compensation and assistance fund  
35 established by section 41-2407 and thirty ~~per cent~~ PERCENT shall be  
36 deposited in the community corrections enhancement fund established by  
37 section 31-418.

38 G. When parole or absolute discharge from imprisonment is denied,  
39 the board, within ten days, shall prepare and deliver to the director of  
40 the state department of corrections a written statement specifying the  
41 individualized reasons for the denial of parole or absolute discharge from  
42 imprisonment unless another form of release has been granted. The  
43 prisoner may view the written statement prepared by the board. Every  
44 prisoner, having served not less than one year, may be temporarily  
45 released according to the rules of the department one hundred eighty days

1 before the expiration of the sentence or the earned release credit date,  
2 whichever first occurs, if the director finds that the release is in the  
3 best interest of the state. The releasee shall remain under the control  
4 of the state department of corrections until expiration of the term  
5 specified in the sentence. If the releasee violates any condition of  
6 release, the releasee may be returned to custody without further process.

7 H. When a commutation, absolute discharge from imprisonment or  
8 parole is to be considered, the board, on request and before holding a  
9 hearing on the commutation, absolute discharge from imprisonment or  
10 parole, shall notify the attorney general, the presiding judge of the  
11 superior court, the county attorney in the county in which the prisoner  
12 requesting a commutation, absolute discharge from imprisonment or parole  
13 was sentenced, and the victim of the offense for which the prisoner is  
14 incarcerated. The notice to the victim shall be mailed to the last known  
15 address. The notice shall state the name of the prisoner requesting the  
16 commutation, absolute discharge from imprisonment or parole and shall set  
17 the month of hearing on the application. The notice to the victim shall  
18 also inform the victim of the victim's right to be present and to submit a  
19 written report to the board expressing the victim's opinion concerning the  
20 release of the prisoner. ~~No~~ A hearing concerning commutations, absolute  
21 discharge from imprisonment or parole ~~shall~~ MAY NOT be held until fifteen  
22 days after the date of giving the notice. On mailing the notice, the  
23 board shall file a hard copy of the notice as evidence that notification  
24 was sent.

25 I. The provisions of this section requiring notice to the officials  
26 named in subsection H of this section shall not apply:

27 1. When there is imminent danger of the death of the person  
28 convicted or imprisoned.

29 2. When the term of imprisonment of the applicant is within two  
30 hundred ten days of expiration.

31 J. In addition to any other fees, the board may require as a  
32 condition of parole that the prisoner pay the reasonable costs associated  
33 with the prisoner's participation in a drug testing program. The  
34 prisoner's costs shall not exceed the department's cost for the program.  
35 The monies collected pursuant to this subsection by the department may  
36 only be used to offset the costs of the drug testing program.

37 Sec. 18. Section 36-766.09, Arizona Revised Statutes, is amended to  
38 read:

39 36-766.09. Doula community advisory committee; members;  
40 duties

41 A. The doula community advisory committee is established consisting  
42 of at least nine doulas, including those who represent diverse and  
43 underrepresented communities, who are appointed by the director. The term  
44 for an advisory committee member is two years.



1 B. The director shall consult with the advisory committee regarding  
2 ~~implementation of~~ IMPLEMENTING this article and the rules adopted pursuant  
3 to this article. The advisory committee shall:

4 1. Develop a list of acceptable organizations that provide  
5 certification based on the minimum qualifications and core competencies  
6 prescribed in this article and rules adopted pursuant to this article.

7 2. Identify classes that address culturally relevant doula  
8 practices.

9 3. Review rules and advise the director of any necessary updates.

10 ~~C. The committee established by this section ends on July 1, 2029~~  
11 ~~pursuant to section 41-3103.~~

12 Sec. 19. Section 36-1162, Arizona Revised Statutes, is amended to  
13 read:

14 36-1162. Powers and functions of Arizona poison control  
15 system

16 The Arizona poison control system shall:

17 1. Maintain a comprehensive list of poison and drug information  
18 resources.

19 2. Furnish advisory services to health professionals on the  
20 toxicity of poisons, drugs and household chemical products and effective  
21 and safe treatment of poisoning.

22 3. Provide information to the public on ~~the prevention of~~  
23 PREVENTING accidental poisonings and first aid treatment of poisoning.

24 4. Provide a ~~toll-free~~ TOLL-FREE telephone service for all  
25 communities in this state, including all treatment facilities in this  
26 state.

27 5. Provide expert capability for the rapid identification of toxic  
28 agents.

29 6. Conduct and promote educational programs for professionals and  
30 the public on poisoning.

31 7. Establish, in consultation with the department of health  
32 services, physicians and hospitals, procedures for reporting the incidence  
33 of poisoning.

34 8. Procure grants to engage in research to enhance delivery of  
35 specialized emergency services in ~~the treatment of~~ TREATING poisoning.

36 9. Establish a teratogen information program. The program shall  
37 establish a statewide ~~toll-free~~ TOLL-FREE telephone number to provide  
38 health care providers and the public with up-to-date information and  
39 referrals on possible teratogen exposure and shall develop educational  
40 programs and materials. ~~The program established by this paragraph ends on~~  
41 ~~July 1, 2009 pursuant to section 41-3102.~~ For the purposes of this  
42 paragraph, "teratogen" means a physical, infectious or chemical agent that  
43 causes a change in the normal development of a human embryo or fetus.

1           10. Assist the department of health services in coordinating public  
2 health information regarding a chemical or other toxic fire event,  
3 including providing information regarding possible toxic exposures and  
4 appropriate health care facility referrals for those exposures.

5           Sec. 20. Repeal

6           A. Sections 36-1694 and 36-2905.07, Arizona Revised Statutes, are  
7 repealed.

8           B. Title 36, chapter 29, article 5, Arizona Revised Statutes, is  
9 repealed.

10          Sec. 21. Section 36-3607, Arizona Revised Statutes, is amended to  
11 read:

12          36-3607. Telehealth advisory committee on telehealth best  
13 practices; membership; reports

14          A. The telehealth advisory committee on telehealth best practices  
15 is established consisting of the following members who are appointed by  
16 the governor:

17           1. One physician who is licensed pursuant to title 32, chapter 13.

18           2. One physician who is licensed pursuant to title 32, chapter 17  
19 and who is practicing primary care in this state.

20           3. Two advanced practice registered nurses who are licensed  
21 pursuant to title 32, chapter 15.

22           4. One physician who is licensed pursuant to title 32, chapter 13  
23 or 17 and who specializes in pain management.

24           5. One psychiatrist who is licensed pursuant to title 32, chapter  
25 13 or 17.

26           6. One psychologist who is licensed pursuant to title 32, chapter  
27 19.1.

28           7. Two behavioral health professionals who are licensed pursuant to  
29 title 32, chapter 33, one of whom is employed by an outpatient treatment  
30 center.

31           8. One physician who is licensed pursuant to title 32, chapter 14.

32           9. One health care professional whose primary area of focus is  
33 treating persons with developmental disabilities.

34           10. One health care professional whose primary area of focus is  
35 industrial injuries.

36           11. One speech-language pathologist who is licensed pursuant to  
37 chapter 17 of this title.

38           12. One occupational therapist who is licensed pursuant to title  
39 32, chapter 34.

40           13. One hospital administrator.

41           14. One physician assistant who is licensed pursuant to title 32,  
42 chapter 25.

43           15. One representative of the Arizona commission for the deaf and  
44 the hard of hearing.

- 1           16. Two representatives of health care insurers who are licensed  
2 health care providers.
- 3           17. One optometrist who is licensed pursuant to title 32,  
4 chapter 16.
- 5           18. One representative of a vertically integrated telemedicine  
6 technology manufacturer of hardware and compatible software.
- 7           19. One ~~behavioral~~ BEHAVIOR analyst who is licensed pursuant to  
8 title 32, chapter 19.1.
- 9           20. One representative from each of the following:
- 10           (a) The Arizona health care cost containment system.
- 11           (b) The department of health services.
- 12           (c) The department of economic security.
- 13           (d) The department of insurance and financial institutions.
- 14           (e) The industrial commission of Arizona.
- 15           B. The advisory committee:
- 16           1. Shall review national and other standards for telehealth best  
17 practices and relevant peer-reviewed literature.
- 18           2. May conduct public meetings at which testimony may be taken  
19 regarding the efficacy of various communications media and the types of  
20 services and populations for which telehealth is appropriate.
- 21           3. Shall adopt telehealth best practice guidelines and  
22 recommendations regarding the health care services that may be  
23 appropriately provided through an audio-only telehealth format and make  
24 updates, when applicable. Before making its recommendations, the advisory  
25 committee shall analyze medical literature and national practice  
26 guidelines, consider the comparative effectiveness and safety and the  
27 benefit to the patient of performing a service through an audio-only  
28 telehealth format instead of in person or through an audio-visual  
29 telehealth format, and the appropriate frequency and duration of  
30 audio-only telehealth encounters.
- 31           4. May authorize subcommittees to address select issues or services  
32 and report to the advisory committee as directed.
- 33           5. On or before December 1, 2021, shall submit a report to the  
34 governor, the president of the senate and the speaker of the house of  
35 representatives with the advisory committee's recommendations regarding  
36 the specific health care services that are appropriate to provide through  
37 an audio-only telehealth format as a substitute for an in-person or  
38 audio-visual telehealth encounter.
- 39           6. On or before June 30, 2022, shall submit a report to the  
40 governor, the president of the senate and the speaker of the house of  
41 representatives with the advisory committee's recommendations regarding  
42 telehealth best practice guidelines for health care providers.
- 43           C. The Arizona health care cost containment system shall staff the  
44 advisory committee and provide meeting space.

1 ~~D. The committee established by this section ends on July 1, 2029~~  
2 ~~pursuant to section 41-3102.~~

3 Sec. 22. Repeal

4 Sections 41-112, 41-113, 41-197, 41-1609.05 and 41-1609.06, Arizona  
5 Revised Statutes, are repealed.

6 Sec. 23. Section 41-4254, Arizona Revised Statutes, is amended to  
7 read:

8 41-4254. Department duties

9 The department shall:

10 1. Formulate policies, plans and programs to enhance the ability of  
11 this state to prevent and respond to acts of terrorism and other critical  
12 hazards.

13 2. Develop a statewide homeland security strategy.

14 3. Request appropriations or grants of monies for homeland security  
15 purposes.

16 ~~4. Provide to the senior advisory committee members a summary of~~  
17 ~~the amount of federal homeland security monies requested by this state for~~  
18 ~~each grant program.~~

19 ~~5.~~ 4. Receive all awards granted to this state by the federal  
20 government for homeland security purposes ~~and provide to the senior~~  
21 ~~advisory committee members a list of the allocations of federal homeland~~  
22 ~~security grants to this state along with the project title and the amount~~  
23 ~~of each subgrantee award.~~

24 ~~6.~~ 5. Distribute monies to local jurisdictions and other  
25 organizations eligible under federal regulations based on criteria in the  
26 statewide homeland security strategy and federal grant guidelines.

27 ~~7.~~ 6. Coordinate with other state and federal agencies to publish  
28 a guide for grantees that receive homeland security monies. The guide  
29 shall ensure that monies distributed by the department:

30 (a) Are coordinated across all levels of government.

31 (b) Avoid duplication of grant awards.

32 (c) Eliminate security gaps in every level of government.

33 ~~8.~~ 7. Conduct preparedness training exercises to put state  
34 disaster plans into practice and identify shortcomings in the plans.

35 ~~9.~~ 8. Assist in ~~the development of~~ DEVELOPING regional response  
36 plans, including collaborative efforts with other states.

37 ~~10.~~ 9. Partner with and involve the private sector in preparedness  
38 efforts.

39 Sec. 24. Repeal

40 A. Sections 41-4256 and 44-332, Arizona Revised Statutes, are  
41 repealed.

42 B. Title 44, chapter 10, article 10, Arizona Revised Statutes, is  
43 repealed.

S.B. 1390

APPROVED BY THE GOVERNOR MARCH 23, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 23, 2022.