

2016 Legislative Summary

ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session
Andy Biggs, President



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Arizona State Senate

June 22, 2016

Dear Reader:

The 2016 Legislative Summary, commonly referred to as the Spiel, was prepared by the Senate Research Staff under the direction of Andy Biggs, Arizona Senate President.

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

The Summary presents an overview of all legislation approved by the Legislature during the Fifty-Second Legislature, Second Regular Session (2016). Additional bill information can be obtained from the Arizona Legislature's website: www.azleg.gov.

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

A handwritten signature in black ink that reads "Carolyn Speroni".

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Senate Research Staff Director

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ACTION KEY

E - Emergency

W/O - Without Emergency

V/O - Veto Override

RFEIR - Requirements for Enactment; Initiative or Referendum

W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

Appropriations Committee

Senator Don Shooter, Chairman



Carolyn Speroni, Research Analyst

Justin West, Intern

APPROPRIATIONS COMMITTEE

LEGISLATION ENACTED

executive clemency board; salary; duties (S.B. 1132) – Chapter 143

SEE THE JUDICIARY COMMITTEE.

victim compensation fund; allocations (S.B. 1211) – Chapter 307

SEE THE JUDICIARY COMMITTEE.

fire districts; wildland fires; budgets (S.B. 1244) – Chapter 219 E

SEE THE NATURAL RESOURCES COMMITTEE.

corrections department; revolving fund uses (S.B. 1246) – Chapter 153

SEE THE PUBLIC SAFETY, MILITARY AND TECHNOLOGY COMMITTEE.

JTED restoration and reforms (S.B. 1525) – Chapter 4 E

Funding – An emergency measure, effective February 17, 2016, that reverses, retroactive to July 1, 2016, a 7.5 percent reduction in funding for: 1) Joint Technical Education Districts (JTEDs); and 2) school districts and charter schools receiving satellite students. For the purposes of determining state aid, S.B. 1525 removes students who graduated from high school and received a general equivalency diploma from student count calculations but grandfathers students who were lawfully enrolled in a JTED on January 1, 2016. Prohibits school districts and charter schools from requiring students to generate a full 1.0 Average Daily Membership or enrolling in more courses than are necessary to graduate before enrolling in JTED programs and courses.

Reforms – Establishes various requirements for JTED courses and programs. Requires JTED courses to: 1) conduct a majority of instructional time in a laboratory, field-based or work-based learning environment; 2) demonstrate a need for extra funding; and 3) require specialized equipment that exceeds the cost of a standard course. Prohibits a JTED course from being a course that is required to graduate from high school.

Requires JTED programs to: 1) fill a high-need vocational or industry need; 2) lead to certification or licensure in the designated vocation or industry; 3) have an industry or vocation agree to provide financial or technical support; and 4) demonstrate a need for extra funding.

Accountability – Includes JTEDs in the annual achievement profiles and the Auditor General's (OAG) performance audits and directs the OAG to conduct a special audit of JTEDs. Requires the Career and Technical Education (CTE) Division of the Department of Education (ADE) to review JTED programs and courses every five years beginning in 2020. If the CTE

APPROPRIATIONS COMMITTEE (Cont'd.)

Division finds a JTED program or course does not meet statutory guidelines, the bill withholds funding for that JTED program or course and removes it from the approved list. Establishes a 13-member CTE Task Force to study and analyze CTE courses and JTED programs and funding. Requires ADE to immediately start reviewing the compliance and eligibility of all JTED programs and courses and to submit quarterly reports through the end of 2018 to the Joint Legislative Budget Committee.

insurance premium tax reduction (H.B. 2002) – Chapter 358

Reduces premium tax rates, with the exception of fire, healthcare service and disability insurance as follows: 1) 1.95 percent for premiums received in calendar year (CY) 2016; 2) 1.90 percent for premiums received in CY 2017; 3) 1.85 percent for premiums received in CY 2018; 4) 1.80 percent for premiums received in CY 2019; 5) 1.75 percent for premiums received in CY 2020; and 6) 1.70 percent for premiums received in CY 2021 and for every subsequent calendar year.

advisory council; Indian health care. (H.B. 2312) – Chapter 190

SEE THE HEALTH AND HUMAN SERVICES COMMITTEE.

qualified disability expenses; eligible individuals (H.B. 2388) – Chapter 214

SEE THE HEALTH AND HUMAN SERVICES COMMITTEE.

internet crimes against children; appropriation (H.B. 2468/S.B. 1143) – Chapter 1 E

An emergency measure, effective February 10, 2016, that appropriates \$1.8 million in FY 2016 from the Internet Crimes Against Children Enforcement Fund to the Attorney General for the related task force.

municipal population estimates; use (H.B. 2483) – Chapter 258 E

An emergency measure, effective May 17, 2016, that allows a city or town to elect to use the most recent population estimates from the U.S. Bureau of the Census or the results of a special census in only the first year following that census count as the basis for apportionment of Highway User Revenue Fund monies and state shared revenues. Beginning on July 1 in the second year after the special census, requires the city or town to use the most recent population estimates from the U.S. Bureau of the Census as the basis for apportionment.

appropriations; named claimants (H.B. 2485) – Chapter 45

Appropriates \$13,746.39 from the state General Fund and \$14,049.87 from other funds to the Arizona Department of Administration, the Department of Corrections, the Department of Health Services, the Department of Revenue, the Department of Transportation and the Department of Weights and Measures for payment of various claims made against state agencies.

APPROPRIATIONS COMMITTEE (Cont'd.)

sporting event tax revenue; tourism (H.B. 2495) – Chapter 366

Requires the State Treasurer, beginning July 1, 2021, to pay \$1.5 million per fiscal year, through FY 2051, to the Office of Tourism, to be used for the promotion of Phoenix International Raceway (PIR), if PIR incurs project costs of at least \$100 million. *Special sporting event project* is defined as the acquisition of land subject to property tax in this state to construct a host facility or the construction, reconstruction, improvement or renovation of improvements to land subject to property tax in this state. Requires the Office of Tourism to annually report to the Joint Legislative Budget Committee (JLBC) the amounts and purposes of all expenditures made in the previous fiscal year, and requires JLBC to certify the expenditures reported by the host facility.

appropriation; pediatric neurological autoimmune disorders (H.B. 2640) – Chapter 207

SEE THE HEALTH AND HUMAN SERVICES COMMITTEE.

charter schools; preference; foster children (H.B. 2665) – Chapter 248

SEE THE EDUCATION COMMITTEE.

FY 2016-2017 BUDGET PACKAGE

general appropriations act; 2016-2017 (H.B. 2695/S.B. 1526) – Chapter 117

The FY 2016-2017 budget includes spending in the total amount of \$9.61 billion, a cash balance of \$66 million, and a structural balance of \$0.6 million. The adopted budget includes ongoing revenues of \$9.37 billion and one-time revenues of \$304.4 million.

The budget includes \$499 million in one-time FY 2016 and FY 2017 spending:

	GF \$ in millions	
	Ongoing	One-Time
Department of Child Safety (plus \$35 million in '16)	24	
Joint Technical Education Districts	29	
Current Year Funding Backfill		31
Public School Credit Enhancement Program		SFB/use '16 \$
SFB Building Renewal (\$15 million in '16 and '17)		30
SFB New School Construction		23
Rollover Repayment (universities/DES/DCS)		232
Universities	13	19
Border Strike Force	8	15
Transportation (state \$57 million/local \$30 million)		87
IT Projects (ADE/DCS/ADOA/Corp. Comm.)		17
ADOA Capital & Flagstaff Veterans' Home		18
Counties		8
ADE/AHCCCS Formula Baseline Savings	(76)	

APPROPRIATIONS COMMITTEE (Cont'd.)

The budget changes for FY 2017 also included ongoing additional spending:

	GF \$ in M above FY 2016
K-12 Formula (assumes passage of Prop. 123)	\$132
Department of Child Safety (not including \$29 M in non-GF offsets)	23.4
Department of Child Safety - Automation	5
Department of Child Safety - Judiciary Urge Funding	3
Department of Corrections - 1,000 New Private Beds (authorized last year)	17
Department of Corrections - Healthcare	5

H.B. 2695 also contains certain changes to other funds:

	\$ in Millions FY 2017
ADOA – AFIS Costs Technical Adjustment (\$28k)	0.0
Arts – Budget Stabilization Fund Interest	1.5
Attorney General – One-Time Funding	0.5
DCS/DES – Permission to each Borrow \$35 M from Budget Stabilization Fund	---
DES – Domestic Violence Fund One-Time Increase	1.5
ADE – Empowerment Scholarship Account Administration	0.4
Game and Fish – PSPRS FY 16 Supplemental (\$1.75 M)	FY 16
Judiciary – Supreme Court – Felony Pre-Trial Intervention Program	0.3
Parks Board – Contingent Funding Increase to Offset Federal Reduction	1.5
DPS – Border Strike Force/Virtual Training Fund Source (\$2 M ATA for BSF and \$2.1 M CCW for Virtual Training)	0.0
Technical Registration – E-Licensing/Case Management System	0.8
Capital – State Fair Funding	1.0
Other – Agency Relocation Costs	0.5

Major Footnote Changes

Department of Child Safety

- Requiring that the amounts appropriated for any line item shall not be transferred to another line item unless such a transfer of monies is reviewed by the Joint Legislative Budget Committee (JLBC).
- Revising the quarterly benchmark report to include: 1) caseload standard, 2) new backlog benchmarks (under 1,000 cases by June 2017), and 3) out-of-home caseload (11.4% reduction between December 2016 and June 2018). If report is not timely, require 2% operating budget reduction until report is submitted.
- Makes all case aide and backlog privatization funding (and 75% of overtime funding) contingent upon JLBC review of DCS's proposed contractor awards to address the backlog.
- Restoring FY 2015 monthly hiring report (now quarterly in FY 2016).
- Requiring the agency to submit for review by JLBC the number of hired administrative staff by June 1, 2016.

APPROPRIATIONS COMMITTEE (Cont'd.)

Department of Economic Security

- Requires DES to submit an expenditure plan to JLBC for review of any new Division of Developmental Disabilities (DDD) salary adjustments not previously reviewed by JLBC.
- Requires DES to report on the number of filled positions in DDD. Requires DES to submit an expenditure plan for a review of its staffing levels.
- Requires that the appropriated amount includes \$2,791,800 from the GF and \$6,260,600 in total expenditure authority for an across the board 1% full year rate adjustment for providers of services to the developmentally disabled population whose current rates are below 100% of the benchmark rate, in addition to any adjustment as part of the aggregate 2.5% capitation rate increase. DES shall report to JLBC by August 1, 2016, on its distribution plan.

Arizona Department of Education

- Indicates that the amount appropriated for basic state aid from the Permanent State School Fund for FY 2017 shall be reduced by \$(172,444,700) if Proposition 123 is not approved by voters.
- Indicates that, if Proposition 123 is not approved by voters, \$74,394,000 of the FY 2017 basic state appropriation shall be used as an additional inflation payment as authorized in the original FY 2016 General Appropriations Act.
- Allows ADE to use its FY 2017 appropriation for any FY 2016 basic state aid shortfall, subject to JLBC review.
- Indicates that the \$1,148,000 appropriated for former district-sponsored charter schools (DSCS) for FY 2017 is one-time funding to provide additional base support level (BSL) funding on a one-time basis for FY 2017 for school districts that operated DSCS in FY 2016. Requires ADE to allocate the monies on a pro rata basis to school districts that qualify for state aid in FY 2017 based on the number of average daily membership pupils they had in DSCS in FY 2016 and increase their budget limits accordingly. Requires ADE to make corresponding BSL and budget limit increases for school districts that operated DSCS in FY 2016, but do not qualify for state aid in FY 2017.

Game and Fish

- Specifies that the appropriated amount includes \$795,000 for a full year \$8,700 pay adjustment for certain Game and Fish position classifications.

Judiciary

- Requires monies in the dependency surge funding line item to be passed through to county superior courts for dependency case processing, makes the appropriation non-lapsing for two years, and requires the Administrative Office of the Courts to report to JLBC on funding allocations.
- Outlines the amounts allocated to the first year of a two-year phase-in for a 3% pay raise for Supreme Court, Court of Appeals and Superior Court.

Department of Public Safety

- Requires JLBC review of Border Strike Force expenditure plans.
- Specifies funding available for local governments from Border Strike Force appropriation.

APPROPRIATIONS COMMITTEE (Cont'd.)

- Requires DPS to submit an expenditure plan for monies in the Sexual Assault Kit Testing line item.
- Requires DPS to procure virtual law enforcement training equipment through a competitive bid process.
- Indicates amounts allocated to a salary increase and requires DPS to report to JLBC by August 1, 2016 on its pay adjustment plan.

Secretary of State

- As session law, appropriates supplemental funding to the Secretary of State for reimbursements to counties for the administration of the 2016 presidential preference election (PPE). Requires the Secretary of State to reimburse counties at certain specified amounts per active voter registration.
- States that PPE appropriation does not set a precedent for any future PPE reimbursement levels.

Universities

- Requires JLBC staff to use the overall appropriated operating budget GF/tuition split for each university when allocating each university's specific statewide adjustment.
- Requires that GF support is not to supplant private resources and the line items are not to be charged for indirect costs for the new ASU School of Civic and Economic Thought and Leadership line and the existing UA Freedom Center line item.

For additional information on the FY 2016-2017 budget, see:

<http://www.azleg.gov/jlbc/house-senateplanasengrossed050416.pdf>

bonus depreciation; budget reconciliation; 2016-2017. (H.B. 2697/S.B. 1528) – Chapter 118

Retroactive to the beginning of TY 2016, allows taxpayers to deduct 55 percent of the amount of first-year bonus depreciation allowed under the Internal Revenue Code Section 168(k) and the full amount allowed each year thereafter.

criminal justice; budget reconciliation; 2016-2017. (H.B. 2701/S.B. 1532) – Chapter 119

Makes the following necessary statutory and session law changes relating to criminal justice to reconcile the FY 2017 state budget:

Arizona Department of Corrections (ADC) – Expands eligibility for the Transition Program (Program), which provides services to inmates and allows them to be released up to three months early. It allows driving under the influence offenders to participate, modifies the eligibility criteria and continues the Program until 2020.

It also requires ADC to help inmates plan for transition of their healthcare services prior to release by entering into a suspense agreement with the Arizona Health Care Cost Containment System (AHCCCS) to reinstate short-term prisoners who were enrolled immediately before being incarcerated, or by submitting a prerelease application to AHCCCS at least 30 days before release. ADC must also establish a care team to discuss other services and resources for the transition of released prisoners.

APPROPRIATIONS COMMITTEE (Cont'd.)

Allows ADC to issue a request for proposals (RFP) for 1,000 male medium-security beds if the daily male inmate population increases by at least 1,000 inmates above the April 22, 2016 level. However, the Joint Committee on Capital Review must review and give prior approval to the plan before the contract is awarded and the authorization ceases at the end of the year. Counties with populations of 200,000 or fewer persons have the first right of refusal for a total of 250 beds or greater, if the county's contract meets the RFP requirements and has the same or less per diem than other non-county bidders. Requires ADC to award a contract for the total number of beds that meet the requirement if all eligible counties combined do not offer contracts for more than 250 beds.

Additionally, the bill allows ADC to use Special Services Fund monies for the replacement of the Adult Inmate Management System. Finally, it permits the Arizona Department of Administration, in coordination with ADC, to enter into a refinancing agreement that will generate a savings on the cost of housing prisoners of \$25 million or more from FYs 2017 to 2025, and provides related guidelines.

Department of Public Safety (DPS) – Continues some session law provisions related to DPS in FY 2017 as follows: 1) the suspension of the statutory caps and transfers of Highway User Revenue Fund monies for highway patrol costs; 2) the permission to use monies in the State Aid to Indigent Defense Fund for operating expenses; and 3) the requirement for the Joint Legislative Budget Committee (JLBC) to review the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) Subaccount expenditure plan before DPS expends any monies. Additionally, the bill allows DPS to use up to \$137,700 from the GIITEM Subaccount in FY 2017 for costs related to an increase in the Public Safety Personnel Retirement System employer-contribution rate. DPS may use monies in the Concealed Weapons Permit Fund for virtual training for officers and monies in the Automobile Theft Authority and Resource Center Funds for the Border Strike Task Force.

Judiciary – continues to suspend county non-supplanting requirements regarding funding for criminal case processing, alternative dispute resolution programs and probation services in FY 2017, but also requires the Arizona Supreme Court to report to JLBC identifying any related decrease.

Miscellaneous – States the Legislature's intent that each county pay a proportional share by population of \$11.26 million for the annual committed-youth-confinement cost-sharing fee; this amount has been partially offset by an \$8 million appropriation to counties. Finally, the bill establishes a 14-member Study Committee to research and make recommendations for a program to provide long-term treatment and supervision of incompetent and nonrestorable dangerous defendants.

environment; budget reconciliation; 2016-2017. (H.B. 2702/S.B. 1533) – Chapter 120

State Land Department – Repeals sections of Laws 2015, Chapter 13 relating to the repeal of the Trust Land Management Fund and the reestablishment of the Trust Land Administration Fund.

APPROPRIATIONS COMMITTEE (Cont'd.)

Arizona Department of Water Resources (ADWR) – Continues to allow up to \$336,000 from the Water Protection Fund for ADWR administrative costs and continues to allow the ADWR Director to increase fees up to \$100,200. Exempts ADWR from the rulemaking process to establish the fees.

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

Arizona Department of Environmental Quality (ADEQ) – Requires the State Treasurer to invest and divest monies in the Underground Storage Tank (UST) Revolving Fund and credit monies earned from investment to the Fund. Suspends the statutory uses of UST Revolving Fund monies and allows ADEQ to transfer up to \$6,531,000 from the UST Revolving Fund for administrative costs. Appropriates the following to the Water Quality Assurance Revolving Fund: 1) not more than \$2,823,600 from the state General Fund; 2) \$4,250,000 from the Emissions Inspection Fund; and 3) \$2,875,000 from the Air Quality Fund. Continues to allow ADEQ to use up to \$1,800,000 from the Emissions Inspection Fund for the Safe Drinking Water Program. Requires the Director of ADEQ to decrease vehicle emissions testing fees by \$3.00 per test conducted in Area A and exempts ADEQ from rulemaking requirements to establish the fees.

Arizona Navigable Stream Adjudication Commission (ANSAC) – Allows monies appropriated to ANSAC from the Arizona Water Banking Fund to be used to pay legal fees in FY 2017.

Distributed Energy Generation Systems – Removes language requiring an applicant to follow interconnection standards.

government; budget reconciliation; 2016-2017. (H.B. 2703/S.B. 1534) – Chapter 121

Makes the following necessary statutory and session law changes relating to general government to reconcile the FY 2017 state budget:

Arizona Medical Board (AMB) – Allows the AMB to expend supplemental monies appropriated to the AMB Fund in FY 2014, for the purpose of contracting with an in-state credentials-verification service for health professions through FY 2016 and prohibits additional expenditures effective July 1, 2016.

Retirement Systems – Requires the Arizona State Retirement System Board and the Public Safety Personnel Retirement System to include an estimate of the aggregate fees paid for private equity investments, including management fees and performance fees, in an annual report to the Governor and Legislature.

Arizona Department of Transportation (ADOT) – Creates two subaccounts in the Safety Enforcement and Transportation Infrastructure Fund, by directing 55 percent into the ADOT Subaccount and 45 percent into the Department of Public Safety Subaccount. Stipulates ADOT is responsible for the safety oversight of rail-fixed guideway public transport systems.

APPROPRIATIONS COMMITTEE (Cont'd.)

Department of Emergency and Military Affairs – Retroactive to May 1, 2016, establishes the Emergency Management Assistance Compact Fund and appropriates \$300,000 from the state General Fund in FY 2016.

State Trust Land Fund – Requires the State Board of Investment and the State Treasurer to take all actions necessary for distribution of the permanent State Trust Land Fund monies by the 15th business day of each month. Outlines actions the Governor, the Speaker of the House of Representatives or the Senate President are permitted to take to compel performance of the State Board of Investment or State Treasurer to act in their distribution duties.

The provisions of H.B. 2703/S.B. 1534 were modified by S.B. 1348. For complete information, please see the summary for S.B. 1348 or the *As Enacted_Revised* fact sheet for S.B. 1534 at http://www.azleg.gov/DocumentsForBill.asp?Bill_Number=1534&Session_Id=115.

budget reconciliation; health; 2016-2017. (H.B. 2704/S.B. 1535) – Chapter 122

Makes statutory and session law changes relating to health and welfare to reconcile the FY 2017 state budget.

Arizona Health Care Cost Containment System (AHCCCS) – Designates AHCCCS, instead of the Department of Health Services (DHS), as the single state agency to develop and administer the state plans for alcohol and drug abuse and for alcoholism, and requires AHCCCS to administer the Substance Abuse Services Fund.

Establishes the Delivery System Reform Incentive Fund, and outlines requirements for the administration of the fund. AHCCCS is required to submit an expenditure plan for review by the Joint Legislative Budget Committee (JLBC) before initial deposit of any monies in the fund.

Outlines requirements of AHCCCS and its contractors relating to the 340B Drug Pricing Program, and exempts licensed hospitals and outpatient facilities that are owned or operated by a licensed hospital from the 340B drug pricing requirements.

Continues to require AHCCCS to report by December 1, 2016, on the use of the emergency department for nonemergency purposes by AHCCCS enrollees, and requires a joint AHCCCS and DHS report on hospital charge master transparency.

Adds the following reporting requirements: 1) a report on the availability of inpatient psychiatric treatment for both adults and children and adolescents who receive services from Regional Behavioral Health Authorities; and 2) a report on Medicaid payments for healthcare services for the Native American population in this state.

Continues, for the contract year beginning October 1, 2016, and ending September 30, 2017, the risk contingency rate setting for all managed-care organizations and the funding for all managed-care organizations' administrative funding levels that was imposed for the contract year beginning October 1, 2010, and ending September 30, 2011.

APPROPRIATIONS COMMITTEE (Cont'd.)

Repeals the prohibition on AHCCCS capitation rate increases over 1.5 percent in FYs 17 and 18.

Requires AHCCCS contractors to provide podiatry services that are performed by a licensed podiatrist, and requires Arizona Long-Term Care System program contractors to provide dental services in an annual amount of not more than \$1,000 per member.

Continues to allow AHCCCS to participate in any special disability workload 1115 Demonstration Waiver offered by the Centers for Medicare and Medicaid Services as outlined.

Disproportionate Share Hospital (DSH) Payments – Establishes FY 2017 DSH distributions to the Maricopa Special Healthcare District (MIHS), the Arizona State Hospital (State Hospital), private qualifying disproportionate share hospitals and the Yuma Regional Medical Center. Requires MIHS and the State Hospital to each provide a Certified Public Expense form for the amount of qualifying DSH expenditures to AHCCCS within specified timelines.

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

DHS – Allows DHS to use monies in the Behavioral Health Services Fund (Fund) to pay for Title XIX behavioral health services claims for services provided by June 30, 2016, until 2020 when the Fund is repealed. All unexpended and unencumbered monies remaining in the Fund are transferred to the General Fund in FYs 18, 19 and 20. Transfers the County Behavioral Health Services Fund from DHS to AHCCCS and requires AHCCCS to administer the County Behavioral Health Services Fund.

Allows money in the Medically Needy Account to be used to provide behavioral health care services, in addition to healthcare services, to eligible persons.

Requires counties to reimburse DHS 31 percent of State Hospital costs for committed sexually violent persons. Requires cities and counties to reimburse DHS 100 percent of defendants' inpatient competency restoration treatment. Continues to allow DHS to use monies in the Health Research Account for Alzheimer's disease research.

Allows monies in the Health Services Lottery Monies Fund to be used for purposes specified in the General Appropriations act.

human services; budget reconciliation; 2016-2017. (H.B. 2705/S.B. 1536) – Chapter 123

Makes the following statutory and session law changes related to human services to reconcile the FY 2017 state budget:

Department of Economic Security (DES) – Continues DES's authority in FY 2017 to reduce maximum income eligibility levels for child care assistance in order to manage within

APPROPRIATIONS COMMITTEE (Cont'd.)

available monies. Continues the requirement in FY 2017 that DES screen and test recipients of Cash Assistance for illegal drug use and renders recipients who test positive ineligible for benefits for one year.

Department of Child Safety (DCS) – Retroactive to July 1, 2015, allows DCS to use \$3.8 million from its State Lottery Fund allocation to fund in-home preventive support services in FY 2016.

Requires DCS to review its implementation of new foster home licensing rules, guidelines and checklists, hold public meetings to solicit input from foster parents, identify any necessary changes and report findings by December 31, 2016.

Continues both the requirement that DCS establish a mechanism for directing complaints to the Office of Ombudsman-Citizens' Aide and the Ombudsman-Citizens' Aide's authority to refer cases to the Presiding Judge of the Superior Court after investigating.

Continues the requirement that DCS and the Early Childhood Development and Health Board (First Things First) jointly report to the Joint Legislative Budget Committee (JLBC) by February 1 on collaborative efforts to address child welfare.

Temporary Assistance for Needy Families (TANF) – Prohibits DES and DCS from spending any federal TANF block grant monies in FY 2016 in excess of \$218,728,100 unless either department receives a supplemental appropriation in FY 2016. Removes the requirement that the departments' General Fund appropriations be reduced proportionally for every dollar of federal TANF block grant funds received in excess of \$218,728,100, as previously required by the FY 2016 state budget.

Developmental Disability Group Homes – Requires DES to annually submit an update of plans for the Arizona Training program at Coolidge and its associated group homes to JLBC for review and requires DES to include an estimate of the cost to: 1) maintain existing service levels for transitioning residents; 2) build capacity in the community to support transitioning residents; 3) provide enhanced and independent monitoring and oversight for each new placement and; 4) provide protection and advocacy services and medical and behavioral healthcare support. Also requires DES to notify and meet with any affected resident and the resident's legal guardian to develop a transition plan.

Auditor General – Requires the Auditor General to provide the following reports concerning DCS: 1) an *administrative staffing* report, due by February 1, 2017; 2) a *recruiting, training, retention and use of staff* report, due by September 30, 2017 and; 3) an *evaluation of Families in Recovery Succeeding Together (Families FIRST)*, due by March 31, 2018.

K-12 education; budget reconciliation; 2016-2017. (H.B. 2707/S.B. 1538) – Chapter 124

Makes the following necessary statutory and session law changes relating to K-12 education to reconcile the FY 2017 state budget:

APPROPRIATIONS COMMITTEE (Cont'd.)

Basic State Aid – Increases the Base Level Amount by 0.99 percent for FY 2017 by increasing the per pupil amount from \$3,600 to \$3,635.64 conditional on the enactment of Proposition 123. If Proposition 123 does not pass, increases the Base Level Amount by 0.99 percent for FY 2017 by increasing the per pupil amount from \$3,426.74 to \$3,460.66. Increases the transportation funding per route mile formula by 0.99 percent for FY 2017.

Continues to reduce District Additional Assistance (DAA) by \$352,442,700 and requires district budget limitations to be reduced accordingly. Caps the reduction in DAA for school districts with fewer than 1,100 Average Daily Membership (ADM) at \$5,000,000. Increases Charter Additional Assistance (CAA) by 0.99 percent for FY 2017 and continues to reduce CAA by \$18,656,000.

Charter Schools – Reduces the small school weight by 37 percent in FY 2017 rather than 67 percent for multisite charter schools with ADM greater than 600.

Joint Technical Education Districts (JTEDs) – Continues to fund state aid for JTEDs with more than 2,000 students in FY 2017 at 95.5 percent and computes the reduction based on prior year ADM rather than current year ADM.

Allows, retroactive to July 1, 2015, a student who is not over 21 years old and who was lawfully enrolled in a JTED, to continue to participate in a JTED: 1) through the end of FY 2016 if the student was enrolled during FY 2016; or 2) until the student completes the JTED program or the end of FY 2017, whichever occurs first, if the student was enrolled on February 1, 2016. This provision replaces grandfather language from Laws 2016, Chapter 4 E.

Current Year Funding – Redefines *student count* as ADM for the prior year. Utilizes current year funding to calculate base support level funding except for the purposes of calculating school district rollover allocations and school district budget override amounts. Repeals statute and related references that allow a school district to adjust its budget and state aid due to student count growth.

District-Sponsored Charter Schools (DSCS) – Eliminates, retroactive to the beginning of FY 2017, the ability to create DSCS. States any adjustment in student counts in FY 2016 or FY 2017 that occur as a result of the elimination of DSCS does not make a school district eligible for DAA growth funding. States it is the Legislature's intent that DSCS that operated in FY 2016 receive approximately the same amount of incremental monies in FY 2017 that those schools received in FY 2016.

School Facilities Board (SFB) – If SFB approves funding for a new facility and the full legislative appropriation for the project is not available in the fiscal year following the approval, allows a school district to use any legally available monies and reimburse the fund from which those monies were used with subsequent legislative appropriations. This provision only applies to monies appropriated to SFB for new school facilities during FY 2017 and FY 2018.

Code Writers Initiative Pilot Program – Appropriates \$500,000 in one-time funding from the State Web Portal Fund in FY 2017 to the Arizona Department of Education (ADE) to provide grants on a competitive basis for participation in the Code Writers Initiative Pilot

APPROPRIATIONS COMMITTEE (Cont'd.)

Program. Directs the American Indian Advisory Council, within ADE, to evaluate applications and award grants. Establishes requirements for grantees. Sunsets the Code Writers Initiative Pilot Program on July 1, 2019.

College Credit by Examination Incentive Program – Establishes the College Credit by Examination Incentive Program within ADE to provide an incentive bonus to teachers, school districts and charter schools for students who obtain college credit by examination on a qualifying exam while in high school. Directs the Arizona Board of Regents to compile a list of qualifying exams and report the list to ADE and the Joint Legislative Budget Committee. Beginning in FY 2018, pays bonuses of either \$450 or \$300 to school districts and charter schools for each high school student's passing score on a qualifying exam. At least half of the bonus is required to go to the associated classroom teacher and the remainder is required to be spent on professional development, student instructional support or materials. Sunsets the College Credit by Examination Incentive Program on July 1, 2026.

K-6 Technology-Based Literacy Development and Literacy Intervention Pilot Program – Delays the State Board of Education's report dates from 2015 and 2016 to 2017 and 2018, respectively. States the FY 2015 appropriations are non-lapsing through FY 2017 and the FY 2016 appropriations are non-lapsing through FY 2018. Repeals the K-6 Technology-Based Literacy Development in 2020 rather than 2018.

Miscellaneous – Continues the School Emergency Readiness Pilot Program until January 1, 2018. Increases the maximum amount transferred from the unclaimed lottery prize money to the Tribal College Dual Enrollment Program fund from \$160,000 to \$250,000.

revenue; budget reconciliation; 2016-2017 (H.B. 2708/S.B. 1539) – Chapter 125

Makes appropriations and session law changes related to general revenues necessary to implement the FY 2017 state budget.

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

Counties – Allows counties with a population of fewer than 250,000 persons to use any source of county revenue, up to \$1.25 million, to meet a county fiscal obligation for FY 2017 and requires counties using this authority to report to the Director of the Joint Legislative Budget Committee (JLBC) on the intended amount and source of funds by October 1, 2016. Requires the board of supervisors to spend any unspent monies that remain in the Elderly Assistance Fund (Fund) after December 31, 2015, and any subsequent appropriations to the Fund solely on the Elderly Assistance Program. Waives any penalties to La Paz County for exceeding expenditure limitations related to the contract with Los Angeles County to import incinerator ash for disposal in FYs 2014, 2015 and 2016.

Department of Financial Institutions (DFI) – Continues to allow DFI to use the Financial Services Fund for general operating expenditures and the Superintendent of DFI to spend up to \$850,000 from the Department Receivership Revolving Fund to develop and implement a new licensing system through FY 2017.

APPROPRIATIONS COMMITTEE (Cont'd.)

Department of Public Safety (DPS) – Continues the previously-approved \$30,000,000 transfer of Highway Patrol costs from the Highway User Revenue Fund (HURF) to the General Fund in FY 2018. Deposits \$30,000,000 of General Fund monies to local HURF for a one-time distribution.

Radiation Regulatory Agency – Continues the fee-raising authority exemption relating to establishing fees for the Radiation Regulatory Agency in FY 2017 and limits additional revenues to \$561,000.

Department of Revenue (DOR) – Continues the legislative intent statement that local fees to fund DOR are not to exceed \$20,755,835 and are to be allocated between cities and towns, counties, the Maricopa Association of Governments and Pima Association of Governments based on the prorated share of all revenues distributed to them, excluding HURF money. Requires DOR, by September 30 of each year, to report to the Directors of JLBC and the Governor's Office of Strategic Planning and Budgeting on the amount of individual and corporate income tax credits that were taken in the previous fiscal year.

Tax Recovery Program – Implements a tax amnesty program for unpaid individual income, corporate income and transaction privilege tax liabilities that are not under audit by DOR for annual taxpayers' tax years ending before January 1, 2014, and February 1, 2015, for all others. Taxpayers can choose to pay off tax liabilities at once or over three years.

Veterans' Income Tax Settlement Fund (Veterans' Fund) – Establishes the Veterans' Fund and appropriate \$2,000,000 of state General Fund money to the Veterans' Fund in FY 2017. Permits Native American veterans to file claims with DOR and Department of Veterans' Services by December 31, 2017, for settlement payments of any state individual income tax withheld from military pay received from September 1, 1999, through December 31, 2005, while they were domiciled on a reservation. Requires DOR to report on settlement payments to the Legislature by October 1 of 2017, through 2019, and any money remaining in the Veterans' Fund on June 30, 2019, will revert to the state General Fund.

Tobacco Tax Stamps – Amends the discount rate on the purchase of tobacco tax stamps from 96.0 percent of the face value of the stamps to 96.48 percent. Grants an administrative allowance of 3.52 cents on tobacco tax stamps with a \$0 tax rate and tax stamps sold on tribal lands with a tax rate greater than \$0 if the tax payment is not precollected. Specifies that rebates on precollected payments for tax stamps sold on tribal lands shall be equal to the full face value of the stamps.

Department of Agriculture – Continues the fee-raising authority and exemption relating to establishing fees for the Department of Agriculture in FY 2017 and limits additional revenues to \$357,000.

Department of Liquor Licenses and Control – Extends the permission for the Department of Liquor Licenses and Control to spend \$626,700 of its FY 2015 appropriation and \$400,000 of its FY 2016 appropriation for licensing and imaging system upgrades through FY 2017.

APPROPRIATIONS COMMITTEE (Cont'd.)

Department of Gaming – Transfers the balance of \$23,700 in the Racing Administration Fund to the Racing Regulation Fund by October 1, 2016.

Department of Corrections – Extends the allocation of luxury tax revenues to the Corrections Fund, retroactive to July 1, 2015.

appropriations; capital outlay; 2016-2017 (S.B. 1527/H.B. 2696) – Chapter 126

Makes the following necessary statutory changes relating to capital outlay to reconcile the FY 2017 state budget:

Building Renewal – Appropriates the following amounts in FY 2017 to the following agencies from the specified funds for major maintenance, repair and renewal of state buildings:

Agency	Fund Source	Amount	Percent of Formula
Department of Administration (ADOA)	State General Fund	\$8,000,000	71.3
	Capital Outlay Stabilization Fund	\$19,000,000	
Arizona Department of Corrections (ADC)	ADC Building Renewal Fund	\$5,464,300	27.2
Department of Juvenile Corrections	Criminal Justice Enhancement Fund	\$1,100,000	57.9
Arizona Department of Transportation (ADOT)	State Highway Fund	\$4,000,000	32.6
	State Aviation Fund	\$232,300	100
Arizona Game & Fish Department	Game & Fish Fund	\$530,000	59.4
Arizona State Lottery Commission	State Lottery Fund	\$118,100	100

Capital Projects – Appropriates the following amounts in FY 2017 to the following agencies from the specified funds for capital projects:

Agency	Purpose	Fund	Amount
ADOT	Statewide Highway Construction	State Highway Fund	\$270,615,000
ADOT	Airport Planning & Development	State Aviation Fund	\$19,079,900
ADOT	Vehicle Wash Systems	State Highway Fund	\$5,530,000
ADOT	Interstate 10 Widening Projects	State General Fund	\$30,000,000
ADOT	State Route 189 Construction	State General Fund	\$25,000,000
ADOT	Route H60 Construction	State General Fund	\$1,500,000
Arizona State Parks Board	Capital Improvements	State Parks Revenue Fund	\$1,500,000
Arizona Game & Fish Department	Capital Improvements	Game & Fish Fund	\$3,867,000
Arizona Game &	Capital Improvements to Radio	Game & Fish Fund	\$306,000

APPROPRIATIONS COMMITTEE (Cont'd.)

Fish Department	Towers		
Arizona Game & Fish Department	Capital Improvements to Boat Structures	Watercraft Licensing Fund	\$874,900
Department of Veterans' Services	Construction of Flagstaff Veterans' Home	State General Fund	\$10,000,000
State Fair Board	Capital Improvements	Exposition and State Fair Fund	\$1,000,000

ADOT is required to report its actual prior year, estimated current year and upcoming budget year for highway construction expenses from all fund sources to the Joint Committee on Capital Review by November 1, 2016. ADOT is also required to report its estimated outstanding debt principal balance at the end of FY 2018 and the estimated debt service payment amount for FY 2018 by November 1, 2016.

budget procedures; 2016-2017 (S.B. 1529/H.B. 2698) – Chapter 127

Makes the following necessary statutory and session law changes relating to budget procedures to reconcile the FY 2017 state budget:

Arizona Department of Administration – Requires the Director of the Arizona Department of Administration (ADOA Director), by November 1 of each year, to submit a report to the Director of the Joint Legislative Budget Committee (JLBC) listing the written approvals granted by the ADOA Director for administrative adjustment of orders for goods or services that were: 1) made in one fiscal year; and 2) received on or after August 31 of the next fiscal year. Requires ADOA, if it disposes of the property located on East Doubletree Ranch Road in Scottsdale, to report the terms and conditions of the transaction, including sale price (if any), to JLBC within 30 days after the transaction occurs. Requires a budget unit, by the 30th day following the last day of each calendar quarter, to submit a report from an independent third party to the Information Technology Authorization Committee and JLBC regarding the progress of each ongoing information technology project whose total costs exceed \$5,000,000.

Miscellaneous – Requires Legislative Council to pay legal fees that are incurred jointly by the House of Representatives and the Senate upon authorization by the Speaker of the House of Representatives and the President of the Senate.

Requires that \$27,227,600 in Lottery ticket sales commissions earned during the second half of FY 2015 be paid from the State Lottery Fund's FY 2015 ending balance.

Removes Budget Stabilization Fund requirements for deposits and withdrawals in FY 2017 through FY 2019.

The Capital Outlay Stabilization Fund rental rate remains the same for state-owned buildings in FY 2017. The cost for office space is \$13.08 per square foot and rentable storage space is \$4.74 per square foot.

APPROPRIATIONS COMMITTEE (Cont'd.)

Stipulates that the executive budget, which must be submitted no more than five days after the regular session of the Legislature convenes in 2017, only address the next fiscal year. Directs the head of each budget unit to submit a budget estimate in calendar year 2016 that only addresses the next fiscal year.

agency consolidation; budget reconciliation; 2016-2017 (S.B. 1530/H.B. 2699) – Chapter 128

Makes the following necessary statutory and session law changes relating to agency consolidation to reconcile the FY 2017 state budget:

Transfers the Geological Survey and Mining Museum to the University of Arizona, the Oil and Gas Commission to the Department of Environmental Quality and divides the functions of the Department of Fire, Building and Life Safety among the Department of Housing, Department of Real Estate and State Forester. Consolidates the Arizona Division of Occupational Safety and Health Review Board into the Industrial Commission and expands Arizona Department of Administration central office management from self-supporting regulatory agencies to all agencies.

credit enhancement; budget reconciliation; 2016-2017 (S.B. 1531/H.B. 2700) – Chapter 129

Makes the following necessary statutory and session law changes relating to credit enhancement to reconcile the FY 2017 state budget:

Achievement District School – Directs the Credit Enhancement Eligibility Board to establish an application process, application forms and selection criteria for a public school or charter school to qualify as an Achievement District School. Establishes six academic and financial criteria a school must meet in order to qualify as an Achievement District School. If the Credit Enhancement Eligibility Board approves a school's application, the school is eligible to apply for participation in the Arizona Public School Credit Enhancement Program.

Arizona Public School Credit Enhancement Program (Program) – Establishes the Program to assist Achievement District Schools in obtaining more favorable financing by guaranteeing the payment of principal and interest on guaranteed financings for Achievement District Schools. Outlines information an Achievement District School must include on its application to participate in the Program. Requires the Board to meet regularly to review the applications and report each decision on the applications to the Achievement District School within 10 days. If approved, each charter school is required to pay an annual Program participation fee of at least 0.25 percent of the outstanding principal amount of the guaranteed financing. School districts' participation fees are determined by the Credit Enhancement Eligibility Board.

Credit Enhancement Eligibility Board (Board) – Establishes the Board consisting of the Governor, the Treasurer and the Director of the Arizona Department of Administration or their designees. Outlines the Board's powers and duties including the ability to issue Program Funding Obligations. Directs the School Facilities Board to provide staff to the Board.

APPROPRIATIONS COMMITTEE (Cont'd.)

Arizona Public School Credit Enhancement Fund (Fund) – Establishes the Fund to be administered by the Treasurer and consisting of various monies including: 1) payments of participation fees paid by schools; 2) proceeds of Program Funding Obligations issued by the Board; and 3) \$23,900,000 transferred from the Access Our Best Public Schools Fund. Fund monies are used to guarantee financings of Achievement District Schools and to make payments of principal and interest in connection with Program Funding Obligations.

Program Funding Obligations (Obligations) – Directs the Board to sell Obligations to the Treasurer in an aggregate principal amount of not more than \$80,000,000 and directs the Treasurer to buy such Obligations as an allowable investment of the Fund. Deposits the proceeds from the sale of Obligations into the Fund.

Payment of Program Guarantees – If an Achievement District School is unable to make a debt service payment, the Treasurer makes a payment from the Fund to cover the deficiency. Requires the Achievement District School on whose behalf the payment was made, to repay the amount of the payment plus 1 percent interest. The Board and the Fund are entitled to protections and remedies relating to the repayment of the amount paid from the Fund that includes the right to the proceeds from the sale or lease of any property serving as collateral and the right to intercept any payments or monies otherwise payable to the school.

Miscellaneous – Directs the School Facilities Board (SFB) staff to submit a quarterly report as directed. Appropriates \$500,000 from the state General Fund in FY 2017 to SFB for one-time funding for costs associated with the establishment of the Program. Repeals the Access Our Best Public Schools Fund on September 2, 2017, and repeals the Program, Board and Fund on either January 1, 2027, or 30 days after all outstanding Obligations issued by the Board are paid and if there are no outstanding guaranteed financings.

higher education; budget reconciliation; 2016-2017 (S.B. 1537/ H.B. 2706) – Chapter 130

Makes the following necessary statutory and session law changes relating to higher education to reconcile the FY 2017 state budget:

Universities – Beginning July 1, 2018, stipulates appropriated tuition and fees in a university's operating budget are subject to legislative appropriation and must be deposited into a separate tuition and fees subaccount, instead of with the State Treasurer. All other tuition and fee revenues are retained in a separate local tuition and fees subaccount for each university.

Continues, for FY 2017, to allow the Legislature to appropriate a less than 2:1 match for student registration surcharges deposited into the Arizona Financial Aid Trust Fund.

Lease-Purchase Capital Financing – Retroactive to July 1, 2016, increases state General Fund reductions to Arizona State University for FY 2017 from \$2,329,800 to \$3,281,700 for lease-purchase capital financing.

Modifies statute to reflect long-term debt service savings from the refinance of research infrastructure projects and specifies appropriations through the end of debt service in FY 2031.

APPROPRIATIONS COMMITTEE (Cont'd.)

trust land management; budget reconciliation. (H.C.R. 2051/S.C.R. 1025)

Retracts the 2016 general election ballot proposition allowing not more than 10 percent of revenues from the sale of State Trust Lands to be used for administration and disposition of State Trust Lands.

FIRST SPECIAL SESSION (2015)

schools; base level; appropriations. (H.B. 2001/S.B. 1001) – Chapter 1 (First Special Session)

SEE THE EDUCATION COMMITTEE.

LEGISLATION VETOED

information technology; consolidated purchasing (S.B. 1434) – VETOED

Specifies standards and practices relating to state information technology (IT) infrastructure and cloud computing. Requires budget units to submit IT infrastructure plans to the Joint Legislative Budget Committee (JLBC). Budget units are required to consider purchasing and using a cloud computing system before making any new IT or telecommunications investment. Establishes guidelines for the purchase and utilization of IT and telecommunications hardware and materials. Before awarding the contract, the Arizona Department of Administration is required to solicit at least two written bids for any IT project that exceeds \$100,000. If a contract exceeds \$2.5 million, budget units are required to submit IT infrastructure plans to JLBC for review within 90 days after awarding any contract.

The IT infrastructure plans shall include a project investment justification or request for proposal, the name of each bidder that was requested to bid, each bidder that submitted a bid along with amounts and conditions of the bids, and the name and bid amount of the successful bidder.

The Governor in his veto message indicated that this bill appears to add extra layers of bureaucracy that are unnecessary and will stall needed advancements in technology.

estimates; state budget; notice (H.B. 2484) – VETOED

SEE THE GOVERNMENT COMMITTEE.

Commerce & Workforce Development Committee

Senator Kimberly Yee, Chairman



Grant Hanna, Research Analyst
Laura Benitez, Intern

COMMERCE & WORKFORCE DEVELOPMENT COMMITTEE

LEGISLATION ENACTED

oil and gas commission; continuation (S.B. 1059) – Chapter 47

Retroactive to July 1, 2016, the Oil and Gas Conservation Commission is continued until July 1, 2022.

~~Arizona power authority; continuation (NOW: power authority; hearings; continuation; audit (S.B. 1060) – Chapter 107 E~~

An emergency measure, effective July 1, 2016, that continues the Arizona Power Authority until July 1, 2024. Additionally requires the Auditor General to conduct a performance audit and the Office of Administrative Hearings to review appealable agency actions.

office of tourism; continuation (S.B. 1118) – Chapter 108

Retroactive to July 1, 2016, the Office of Tourism is continued until July 1, 2022.

board of technical registration; continuation (S.B. 1119) – Chapter 142

Retroactive to July 1, 2016, the Board of Technical Registration is continued until July 1, 2024.

boxing commission; continuation (S.B. 1120) – Chapter 22

Retroactive to July 1, 2016, the Arizona State Boxing and Mixed Martial Arts Commission is continued until July 1, 2018.

real estate licenses; broker possession (S.B. 1193) – Chapter 336

Allows a real estate broker to use online public records to satisfy license possession requirements and requires a real estate employer to dispose of an inactive license instead of returning it.

corporation commission; electronic filings (S.B. 1309) – Chapter 222

Allows the Arizona Corporation Commission to accept electronic documents from a public service corporation.

TPT exemption; billboard rentals (S.B. 1310) – Chapter 223

Exempts billboards from the personal property rental transaction privilege tax.

COMMERCE & WORKFORCE DEVELOPMENT COMMITTEE (Cont'd.)

vexatious litigants; workers' compensation (S.B. 1323) – Chapter 26

Allows an administrative law judge in a workers' compensation case to designate a pro se litigant as a *vexatious litigant* if the judge finds the litigant engaged in vexatious conduct. The designation prohibits the litigant from filing any new pleading, motion or other document without the judge's approval. The litigant has 30 days to respond to the designation and the judge has 30 days from receipt of the response to issue an order. The designation does not apply to future cases and is suspended if the litigant is subsequently represented by legal counsel.

Defines *vexatious conduct* as: 1) repeated filing of actions solely or primarily for the purpose of harassment; 2) unreasonably expanding or delaying Industrial Commission of Arizona (ICA) proceedings; 3) bringing or defending claims without substantial justification; 4) engaging in abuse of discovery or conduct in discovery that has resulted in the imposition of sanctions against the litigant; 5) a pattern of making unreasonable, repetitive and excessive requests for information; or 6) repeated filing of documents or requests for relief that have been the subject of previous rulings by the ICA in the same litigation. Defines *without substantial justification* as a claim or defense that is groundless or not made in good faith.

business entities; shareholders; officers; directors (S.B. 1356) – Chapter 354

Extends the powers and interests of a benefit corporation to all corporations formed under A.R.S. Title 10. Modifies statutes relating to proxies, remote communication, shareholder agreements and permissible corporate actions and permits private lawsuits for damages resulting from certain fraudulent actions.

mobile home; RV parks; prohibition (S.B. 1362) – Chapter 315

Stipulates that a rental agreement and park rules or regulations under the Arizona Mobile Home Parks Residential Landlord and Tenant Act and Recreational Vehicle Long-Term Rental Space Act cannot require a tenant to place another person's name on the title to their mobile home or recreational vehicle.

liquor omnibus (S.B. 1373) – Chapter 161

Allows a restaurant license applicant or licensee to apply for a permit to sell beer for consumption off the premises under certain circumstances and raises the cap on the amount of beer an on-sale retailer or employee may serve to one person at one time from 40 ounces to 50 ounces.

telephone solicitations (S.B. 1375) – Chapter 279

Expands the prohibition on telephone solicitation to include all telephone numbers.

wine; direct shipment (S.B. 1381) – Chapter 76

Allows the Department of Liquor Licenses and Control (DLLC) to issue a *direct shipment license* to a winery that holds a basic permit and current license to produce wine issued

COMMERCE & WORKFORCE DEVELOPMENT COMMITTEE (Cont'd.)

in this or another state. The license is nontransferable, valid for one year, renewable and allows licensees to sell and ship wine directly to consumers if certain requirements are met. A licensee may ship up to six 9-liter cases until 2018, up to nine cases in 2018 and up to 12 cases in 2019 and thereafter, per customer annually.

Requires licensees to annually provide the Director of DLLC (Director) with shipment records that include licensee name and address, license number, shipment date, recipient address and the amount shipped. Common carriers, except for railroads, must also keep, and remit to the DLLC upon request, records of wine shipped to purchasers in this state.

Prescribes direct shipment license application requirements and requires that a licensee pay applicable transaction privilege and luxury taxes, allow Department of Revenue or the Director to audit wine shipment records, and consent to the jurisdiction of Arizona government agencies, courts, laws, rules and regulations.

industries for blind; repeal; successor (S.B. 1411) – Chapter 341

Requires the Arizona Industries for the Blind to establish a successor nonprofit corporation by July 1, 2017, and transfers all assets and liabilities to the successor upon satisfaction of evidence requirements.

industrial commission; compensation (S.B. 1420) – Chapter 327

Changes per diem eligibility requirements for Industrial Commissioner stipends from *performing duties* to *preparing for or attending a Commission meeting* and requires Commissioners to submit documentation of duties performed for each day a per diem is requested.

board of technical registration; omnibus (S.B. 1422) – Chapter 167

Requires a certified home inspector to file financial assurances before any fee-based home inspection is performed and eliminates the home inspector-in-training designation. Mandates that a home inspector whose certification has expired must apply as a new candidate, pay the application fee and pass the examination for certification if it has been at least two years since the applicant passed the Board of Technical Registration-approved national examination.

pharmacy board; manufacturers; dietary supplements (S.B. 1460) – Chapter 284

SEE THE HEALTH AND HUMAN SERVICES COMMITTEE.

taxis; limousines; livery vehicles (S.B. 1492) – Chapter 171

SEE THE TRANSPORTATION COMMITTEE.

industrial commission of Arizona; omnibus (S.B. 1500) – Chapter 356

Eliminates the Industrial Commission of Arizona's (ICA) regulation of private employee agents and sunsets the oversight of boilers and lined water heaters. Transfers adjudication of Arizona Division of Occupational Safety and Health contests to the Office of Administrative

COMMERCE & WORKFORCE DEVELOPMENT COMMITTEE (Cont'd.)

Hearings and specifies eligible activity, reporting and oversight requirements for ICA commissioner per diem compensation.

Arizona commerce authority; continuation; report (S.B. 1501) – Chapter 114

Retroactive to July 1, 2016, the Arizona Commerce Authority (ACA) is continued until July 1, 2018. Requires the ACA to expand reporting, publish progress metrics and develop written procedures for administration of the Arizona Competes Fund.

liquor purchases; other state identification (H.B. 2031) – Chapter 91 E

An emergency measure, effective April 5, 2016, that allows an unexpired, out-of-state driver license issued before a person's 21st birthday to be used for purchasing liquor 30 days after the person turns 21 and allows a person to use a license issued by another state, the District of Columbia, or a territory of the U.S. or Canada that is substantially equivalent to an Arizona non-operating identification license.

cosmetology; omnibus (H.B. 2035) – Chapter 251

Allows a person who is 18 years or older to apply as an aesthetician, cosmetologist, nail technician or instructor without completing at least two years of high school or equivalent education. Provides reciprocity requirement options for out-of-state licensees and establishes the Cosmetic Lasers Study Committee.

public safety employees; omnibus (H.B. 2074) – Chapter 178

SEE THE PUBLIC SAFETY, MILITARY AND TECHNOLOGY COMMITTEE.

~~independent business status; declaration~~ (NOW: declaration; independent business status (H.B. 2114) – Chapter 231

Permits an employing unit and contractor to create a rebuttable presumption of an independent contractor relationship by executing a Declaration of Independent Business Status Form. Requires that the Declaration Form state that the contractor acknowledges that: 1) the contractor operates the contractor's own independent business and is providing services for the contracting party as an independent contractor; 2) the contractor is not an employee of the contracting party and services rendered do not establish any right to unemployment benefits or other right arising from an employment relationship; and 3) the terms of the Declaration Form apply to the contractor, the contractor's employees and the contractor's independent contractors.

lead acid battery sales; fees (H.B. 2132) – Chapter 36

Removes the cap on the refundable deposit a battery seller must charge when a consumer purchases a new lead acid battery without returning a used one.

COMMERCE & WORKFORCE DEVELOPMENT COMMITTEE (Cont'd.)

liquor; sampling; eligibility; square footage (H.B. 2182) – Chapter 345

Extends liquor sampling privileges to beer and wine store premises under 5,000 square feet that dedicate at least 75 percent of retail shelf space to the sale of spirituous liquor.

~~real estate; fund; prosecutor~~ (NOW: employee scheduling; preemption) (H.B. 2191) – Chapter 233

Prohibits a city, town or county from adopting an ordinance, resolution or other regulation that requires an employer, except municipality public sector employers, to alter or adjust any employee scheduling unless the employer action is required to satisfy state or federal law.

~~trade or commerce; technical correction~~ (NOW: alcohol; director duties; surcharge reports) (H.B. 2215) – Chapter 184

Requires the Director of the Arizona Department of Liquor Licenses and Control to report on the use of liquor license surcharges imposed for enforcement programs.

employment security; omnibus (H.B. 2222) – Chapter 185

Transfers federal apprenticeship registration duties from the Arizona Commerce Authority to the Department of Economic Security (DES) and requires an individual to make at least one job contact per day on four different days, rather than three work search contacts during the week, to be eligible for Shared Work Unemployment Compensation. Decreases DES Appeal Board membership from four to three members.

workers' compensation; modifications (H.B. 2240) – Chapter 186

Entitles any party in a workers' compensation hearing to file a notice of an Administration Law Judge change and receive the change as a matter of right. Eliminates, from wages considered to be earned for calculation of unemployment benefits, the addition of 50 percent of retirement and pension benefits received during the period of temporary partial disability. Requires interest on benefits to be paid at the Board of Governors Federal Reserve rate plus 1 percent, not to exceed 10 percent, if permanent partial disability benefits remain unpaid 10 days after the date the award or notice becomes final or a previously denied claim for dependent benefits is subsequently accepted, in which case interest accumulates from the date the claim was filed.

mobile home removal; licensure; noncompliance (H.B. 2259) – Chapter 236

Prohibits a person from beginning the removal of a mobile home in a mobile home park without first satisfying clearance requirements and designates the refusal to leave at the request of the landlord for noncompliance with clearance requirements as a class 3 misdemeanor for criminal trespass.

COMMERCE & WORKFORCE DEVELOPMENT COMMITTEE (Cont'd.)

construction contracts; bonds; notice requirements (H.B. 2268) – Chapter 237

Allows a person contracting with a subcontractor and making a claim against a contractor bonded for a public project to give the 90-day claim notice to the contractor by any means that provides written, third-party verification of delivery.

~~barber licenses; education qualifications~~ (NOW: education qualifications; barber licenses) (H.B. 2292) – Chapter 188

Classifies a school as a postsecondary educational institution that is licensed by the Board of Barbers to offer training programs beyond the secondary school level and only admits students who are at least 16 years old or have a recognized high school diploma or its equivalent.

mobile home parks; tree maintenance (H.B. 2304) – Chapter 253

Includes the maintenance of trees in a mobile home park landlord's obligation to maintain fit premises, unless otherwise specified in a rental agreement. Retroactive to May 31, 2016, designates a rule that imposes a reoccurring financial obligation on the tenant as unenforceable if it is adopted after the execution of an initial rental agreement.

patent troll prevention act (H.B. 2386) – Chapter 69

Prohibits an assertion of patent infringement made in bad faith. Establishes factors a court should consider in evaluating whether a patent infringement assertion is made in good or bad faith, including whether the asserting party: 1) requested a licensing fee within an unreasonably short period of time; 2) knew or should have known the assertion is without merit; 3) has previously filed a lawsuit based on a substantially equivalent assertion that was found to be without merit; 4) conducted a reasonable analysis to substantiate infringement; 5) attempted to negotiate an appropriate remedy in a reasonable manner; or 6) demonstrated reasonable business practices in previous patent enforcement efforts.

Permits a person acting in good faith who owns a patent to: 1) advise others of that ownership or right of license or enforcement; 2) communicate to others that the patent is available for license or sale; and 3) seek compensation for a past or present infringement under a reasonable belief that a person may owe compensation.

funeral establishments; procurement organizations (H.B. 2475) – Chapter 348

Prohibits operation of a procurement organization and a funeral establishment on the same premises and a funeral director or embalmer from holding interest in a procurement organization.

nonwage compensation; minimum wage (H.B. 2579) – Chapter 203

Prohibits a city, town or other political subdivision from further regulating nonwage compensation, including: fringe benefits; welfare benefits; child or adult care plans; sick pay;

COMMERCE & WORKFORCE DEVELOPMENT COMMITTEE (Cont'd.)

vacation pay; severance pay; commissions; bonuses; retirement plan or pension contributions; employment benefits as defined by U.S. Code; or any other amounts promised to an employee that are more than the minimum compensation due to an employee.

data center tax relief; qualification (H.B. 2584) – Chapter 369

Allows new data centers to obtain certification as sustainable redevelopment projects and leased land, buildings, modular data centers and computer data center equipment to qualify towards the required data center minimum investment. Grants the Arizona Commerce Authority exclusive jurisdiction over certification and the Department of Revenue jurisdiction over tax relief administration. Retroactive to September 13, 2013, removes the requirement that the data center owner, operator or qualified colocation tenant present its exemption certificate to the retailer at the time of purchase to qualify for the personal property and municipal tax exemptions.

nonprofit corporations; electronic voting (H.B. 2592) – Chapter 204

Allows a nonprofit corporation to conduct a written ballot through an online voting system that: 1) verifies the member's identity; 2) authenticates the validity of each electronic vote to ensure that the vote is not altered in transit; 3) transmits a receipt to each member who casts an electronic vote; and 4) stores electronic votes for recount, inspection and review. Requires notice of an online voting system for written ballots to include a reasonable procedure by which a member may obtain and cast a ballot through another form of delivery, including U.S. mail and fax transmission.

regulatory boards; licensing; revisions (H.B. 2613) – Chapter 371

Eliminates assayer, citrus fruit packer, fruit and vegetable packer, driving instructor and yoga instructor licenses and allows trained geologists and some cremationists to practice without a license. Requires the Arizona Department of Administration to study the consolidation of regulatory boards and licensure.

cooperative associations (H.B. 2614) – Chapter 349

Allows five or more small businesses, individuals or entities engaged in the marketing and distribution of manufactured goods to form a cooperative association and allows cooperative associations to make profits for themselves or their members.

independent contractors; criteria (H.B. 2652) – Chapter 210

Classifies a *qualified marketplace contractor* as an independent contractor through the execution of a contract if: 1) the contractor is providing services as an independent contractor; 2) payment is based on the performance of services or other output; 3) the contractor may choose any working hours or schedules; 4) the contract does not restrict the contractor's ability to perform services for other parties; 5) the contractor bears expenses incurred by the contractor in performing the services; 6) the contractor is responsible for taxes on the contractor's income; and 7) the contract may be terminated on reasonable notice by either party without cause. Defines

COMMERCE & WORKFORCE DEVELOPMENT COMMITTEE (Cont'd.)

qualified marketplace contractor as any person or entity that enters into an agreement with a *qualified marketplace platform* to use the qualified marketplace platform's digital platform to provide services to third-party individuals or entities seeking those services. Defines *qualified marketplace platform* as an entity that operates a digital website or smartphone application to facilitate the provision of services by qualified marketplace contractors to individuals or entities and accepts service requests from the public only through its digital website or smartphone application.

Governor's economic opportunity office; consolidation (H.B. 2666) – Chapter 372 W/O

Establishes the Office of Economic Opportunity to monitor the state's tax competitiveness, evaluate the effectiveness of state incentive programs and develop data-informed policy recommendations. Transfers programs administered by the Arizona Health Facilities Authority, Arizona Housing Finance Authority, Arizona International Development Authority, Greater Arizona Development Authority and Water Infrastructure Financing Authority to the Arizona Finance Authority. Enables data collection and reporting by the Workforce Data Task Force. Reduces, from 125 percent to 100 percent, the Qualified Facility Income Tax Credit median annual wage requirement at facilities in a city or town with a population of fewer than 50,000, a county other than Maricopa or Pima or on tribal lands. Additionally requires 30 percent of Arizona Competes Fund appropriations to be reserved for supporting rural business, small business and other business developments that enhance economic development.

peace officer employment; study committee (H.B. 2677) – Chapter 324

SEE THE PUBLIC SAFETY, MILITARY AND TECHNOLOGY COMMITTEE.

LEGISLATION VETOED

trade names; trademarks; application (S.B. 1401) – VETOED

Requires trademark and trade name applicants to conduct a search and determine uniqueness of trademark or trade name.

The Governor indicates in his veto letter that he is concerned about the additional and subjective requirements the bill places on businesses and entrepreneurs. He also suggests the bill could expose trademark applicants to additional litigation due to the new requirements.

Education Committee

Senator Sylvia Allen, Chairman



Catcher Baden, Research Analyst

Jeffrey Ong, Assistant Analyst

Bryanna McDaniel, Intern

EDUCATION COMMITTEE

LEGISLATION ENACTED

school districts; adjacent ways; verification (S.B. 1117) – Chapter 48

Requires the School Facilities Board (SFB) to validate adjacent ways projects that cost more than \$50,000 before a school district makes an adjacent ways expenditure. Directs SFB to validate that the project is in compliance with state laws relating to adjacent ways projects and that the proposal does not contain additional work that is not listed in the proposal. Includes expenditures from the Adjacent Ways Fund in school districts' annual financial reports.

schools; CPR instruction. (S.B. 1137) – Chapter 216

Beginning by July 1, 2019, requires school districts and charter schools to provide high school students with one or more CPR training sessions, through the use of psychomotor skills in an age-appropriate manner and based on the most current national evidence-based emergency cardiovascular care guidelines. Lists who may provide instruction and training. Requires CPR instruction to include the hands-on practicing of CPR, except for students enrolled in an online school and allows a child with a disability to be excused from CPR training if that child's individualized education program team makes the determination to excuse that child. Permits school districts and charter schools to assign homework to satisfy the CPR training requirements if the completion of the homework is verified by a teacher or parent.

Retroactive to taxable years beginning January 1, 2016, expands the public school tax credit for contributions made for the support of CPR training.

teacher certification; reciprocity (S.B. 1208) – Chapter 325

Reciprocity – Issues a standard teaching certificate without any additional requirements to an applicant who: 1) possesses a valid certification from another state that requires passing that state's subject-knowledge and professional exams; 2) is in good standing with that state; and 3) possesses a valid fingerprint clearance card from this state. Exempts teachers obtaining certification through reciprocity from the teacher proficiency examination.

Renewal and Competency Requirements – Directs the State Board of Education (SBE) to adopt rules that: 1) renew teacher certifications for at least eight years; and 2) do not require more than 15 hours of continuing education credits each year to renew any certificate. Exempts principals and superintendents from Arizona and U.S. Constitution competency requirements.

Removes a requirement for teachers who have not taught for 10 years to repass the teacher proficiency examination. Removes teacher certification requirements concerning structured English immersion endorsements unless the person is being certified to teach students in a sheltered English immersion or structured English immersion model. Grants a certificate for at least three years to applicants who have not met either the Arizona and U.S. Constitution competency requirements or the teacher proficiency examination requirement. Currently certificates may be granted for a maximum of three years.

EDUCATION COMMITTEE (Cont'd)

Teaching Intern Certificates – Requires the Department of Education and SBE to only consider certain factors concerning the placement of teaching intern certification holders and requires placement decisions to be based on agreements between the teacher preparation provider, the provider's partner organizations and the local education agency.

~~technical correction; public roadways~~ (NOW: extracurricular and athletic activities; accessories) (S.B. 1219) – Chapter 110

Prohibits public schools and interscholastic athletic associations from disallowing a student from wearing religious or cultural accessories or hairpieces while participating in extracurricular or athletic activities if it does not jeopardize the health or safety of the pupil or any other person participating in the activity, as determined by the officiant or supervisor of the activity.

~~game and fish; technical correction~~ (NOW: tribal college compact; renewal) (S.B. 1220) – Chapter 148

Extends the terms of tribal community college compacts from at least 10 years to at least 20 years. Directs the Joint Legislative Budget Committee to review compacts in the fourth year prior to the expiration of the compact, rather than the final year, and allows a compact to be subsequently amended and renewed with the consent of the state and the tribe. Clarifies the bill does not affect existing tribal compacts.

~~schools; state seal of biliteracy~~ (S.B. 1239) – Chapter 218 E

An emergency measure, effective May 12, 2016, establishing a State Seal of Biliteracy program to recognize graduating students from a charter school or school district who attain a high level of proficiency in English plus one or more additional languages based on approved assessments. The Superintendent of Public Instruction will create a seal to be placed on a qualifying student's high school diploma and any charter school or school district may voluntarily participate in the program. Terminates the program on July 1, 2026.

~~private postsecondary institutions; police officers~~ (NOW: peace officers; appointment; training) (S.B. 1240) – Chapter 310

SEE THE PUBLIC SAFETY, MILITARY AND TECHNOLOGY COMMITTEE.

~~common school districts; unification; budget~~ (NOW: budget; unification; school districts) (S.B. 1249) – Chapter 220

Retroactive to June 30, 2016, allows Nadaburg Unified School District to continue to include tuition charges for high school students in its budget and equalization assistance calculations until a high school is constructed or until June 30, 2020, whichever occurs first.

~~military service; postsecondary academic credit~~ (S.B. 1267) – Chapter 313

Directs community colleges and the Arizona Board of Regents to develop policies to award academic credit to current or former members of the U.S. military based on: 1) the

EDUCATION COMMITTEE (Cont'd)

member's amount of time in active duty service; and 2) the skills, knowledge and competencies the member acquired during service.

empowerment scholarship accounts; eligibility; administration (S.B. 1280) – Chapter 353

Expands eligibility in the Empowerment Scholarship Account (ESA) Program to include a child of a parent who is legally blind or deaf or hard of hearing. Prohibits previous ESA students from returning to the Program if the parent was previously removed from eligibility for failure to comply with the contract or knowingly misusing ESA monies. Allows parents to use ESA monies for the purchase of uniforms from or through a qualified school. Establishes minimum instruction hours for students participating in Arizona Online Instruction in order to determine their eligibility for the ESA Program. Requires the Arizona Department of Education to accept applications year-round and to enroll and issue an award letter to eligible applicants within 45 days after receiving the completed application.

community colleges; expenditure limitation (S.B. 1322) – Chapter 58

For the purposes of determining a community college's expenditure limit, establishes a 0.3 weight for career and technical education courses. Allows a community college to submit one of the following full-time equivalent student enrollment (FTSE) estimates for the purposes of calculating its expenditure limit: 1) the most recent audited FTSE count; 2) the average of the five most recent audited FTSE counts; or 3) a FTSE count that is increased by up to five percent if the FTSE count in the current year exceeded the previous year. Allows a community college to submit the average of the 10 most recent audited FTSE counts for the next three years. Directs the Auditor General to separately audit the FTSE count used to determine the expenditure limit.

Excludes the following activities from the expenditure limit: 1) grants or donations from the U.S. government; 2) research and development agreements, royalty agreements, licensing agreements and profit sharing agreements; 3) entrepreneurial and commercial activities; 4) auxiliary fees; and 5) providing goods and services with a political subdivision or tribal government.

Allows a community college district board to authorize a permanent change to the base limit used to determine the district's expenditure limit by an affirmative vote of two-thirds of the members of the board and the approval of a majority of the qualified electors. Includes requirements for the election and resolution requesting the permanent change.

school districts; consolidation; letter grades (S.B. 1376) – Chapter 225

Allows an A or B school district to change its boundaries to include another school district within 20 miles.

state museum; fees; rulemaking (NOW: fees; notice; posting; state museum) (S.B. 1418) – Chapter 166

SEE THE GOVERNMENT COMMITTEE.

EDUCATION COMMITTEE (Cont'd)

schools; achievement profiles; improvement plans (S.B. 1430) – Chapter 226

Modifies the *A-F* letter-grade classification system. Requires the annual achievement profile to include, at a minimum, the following academic performance indicators: 1) multiple measures of academic performance; 2) academic progress on the English Language Learner assessments; and 3) progress towards college and career readiness for high schools. Excludes the following academic performance indicators from the annual achievement profile: 1) the Arizona Measure of Academic Progress; 2) the Arizona Instrument to Measure Standards test; 3) annual dropout rates; and 4) annual graduation rates.

Defines letter grades *A* and *F*, rather than each letter grade. Directs the State Board of Education to develop unique achievement profiles for Arizona Online Instruction.

For the 2016-2017 school year, allows the Arizona Department of Education to release data for schools based on 2015-2016 school year assessments and allows those schools to publish letter grades. Restarts the letter-grade classification system in the 2017-2018 school year based on data collected in the 2016-2017 school year.

~~computer system; software; sale; lease~~ (NOW: software; computer system; sale; lease) (S.B. 1438) – Chapter 317

Allows the Arizona Department of Education (ADE) to sell or lease software, computer systems, intellectual property and associated services. Requires ADE to deposit 60 percent of the *profits* into the state General Fund and the remaining 40 percent into the ADE Intellectual Property Fund to support the Education Learning and Accountability System. Stipulates ADE may not transfer or expend monies or resources to market or solicit software, computer systems, intellectual property and associated services.

~~empowerment scholarships; persons with disabilities~~ (NOW: eligibility; empowerment scholarships; health insurance) (S.B. 1457) – Chapter 112

Empowerment Scholarship Accounts (ESA) – Beginning January 1, 2017, establishes a process for students with a disability in the ESA program to continue to receive monies after their 12th grade cohort year. Requires the Arizona Department of Education (ADE) to notify the parent two years prior to the expiration of the contract of the following: 1) the student's impending exit from the program; and 2) the parent's right to obtain an Annual Education Plan (AEP).

The AEP determines ongoing annual eligibility in the ESA program until 22 years of age and is subject to annual review. Establishes the AEP Council under ADE to develop the AEP. Allows parents to use ESA monies to pay for an independent evaluation team that will conduct the AEP and directs ADE to prescribe minimum qualifications for the teams.

Until a determination is made pursuant to this act, allows students who are exiting the ESA program to continue to receive ESA monies based on ADE's determination of the student's likelihood to graduate high school or obtain a high school equivalency diploma.

EDUCATION COMMITTEE (Cont'd)

KidsCare – Within five days of August 6, 2016, requires the Arizona Health Care Cost Containment System (AHCCCS) to submit to the Centers for Medicare and Medicaid Services (CMS) a state plan amendment for this state's Title XXI Children's Health Insurance Program (CHIP) to resume enrollment in the program. Eliminates the total enrollment limitation for CHIP. States AHCCCS is required to stop processing applications and provide notice that the program will terminate if the federal government eliminates funding and states the enrollment cap repeal does not become effective unless CMS approves the state plan amendment by July 1, 2017.

CTE instructors; specialized teaching certificates (S.B. 1502) – Chapter 229

Provides for an additional specialized standard teaching certificate for career and technical education if an applicant: 1) demonstrates expertise in the subject matter; 2) demonstrates a minimum of five years work experience in the subject matter; and 3) complies with fingerprinting and background check requirements. Exempts applicants from: 1) U.S. and Arizona Constitution competency requirements; 2) the Structured English Immersion endorsement requirement; and 3) the Teacher Proficiency Examination. Directs the State Board of Education to adopt rules pursuant to this act.

JTED restoration and reforms (S.B. 1525) – Chapter 4 E

SEE THE APPROPRIATIONS COMMITTEE.

credit enhancement; budget reconciliation; 2016-2017 (S.B. 1531/H.B. 2700) – Chapter 129

SEE THE APPROPRIATIONS COMMITTEE.

higher education; budget reconciliation; 2016-2017 (S.B. 1537/ H.B. 2706) – Chapter 130

SEE THE APPROPRIATIONS COMMITTEE.

post-9/11 veteran education relief fund (H.B. 2033) – Chapter 319

SEE THE PUBLIC SAFETY, MILITARY AND TECHNOLOGY COMMITTEE.

schools; assessments; surveys; informed consent (H.B. 2088) – Chapter 330

Surveys – Requires each school district and charter school to obtain written informed consent from the parent of a pupil under the age of 18 before administering any survey that is retained by the school or the Department of Education and that solicits personal information about the pupil concerning any of 14 specified items. Provides several exemptions to this act. Requires school districts and charter schools to obtain written informed consent at the beginning of each school year and allows a parent to revoke consent at any time. If a parent does not consent to the pupil's participation in a survey, requires a school district or charter school to provide an alternative educational activity for the pupil. Upon request, requires school districts and charter schools to provide available information to a parent of a pupil in a timely manner.

EDUCATION COMMITTEE (Cont'd)

Prohibits survey responses from being included: 1) as part of the school achievement profile; 2) in the Education Learning and Accountability System; 3) in the Student Accountability Information System; or 4) in any school, administrator or teacher rating system. This prohibition was eliminated as part of H.B. 2190 (Laws 2016, Chapter 331).

Violations – Allows a parent of a pupil to file a complaint with the Attorney General or the appropriate county attorney who may then initiate a suit in superior court. For each violation, the court may impose a civil penalty of up to \$500. However, the school district or charter school may cure the failure to comply with this act within a reasonable period of time without penalty.

Prohibits nontest data from inclusion in longitudinal, student level data unless it is approved in a public meeting by the State Board of Education (SBE). Requires SBE to post, in a prominent position on its homepage, a link to nontest indicators and to include on the website: 1) the types of data collected; 2) the reasons for the collection; and 3) the entities with which data is shared.

education omnibus (H.B. 2190) – Chapter 331

School Districts and Charter Schools – Removes a requirement directing school districts to consult with teachers, parents and members of the public when developing pesticide notification policies. Establishes a 60-day timeframe in which the School Facilities Board is required to validate adjacent ways project proposals that cost more than \$50,000. Removes the requirement for the Arizona Department of Education (ADE) to establish and maintain an environmental education information resource system. Requires environmental education to be based on reliable scientific information. Eliminates the full-time equivalent student enrollment requirements for a community college or group of community colleges to sponsor charter schools. Removes a provision from H.B. 2088 (Laws 2016, Chapter 330), that prohibits responses to specified surveys from being included in any school, administrator or teacher rating system.

Concurrent Enrollment – Retroactive to July 1, 2020, allows a school district or charter school to include students enrolled in a concurrent enrollment course for the purposes of calculating Average Daily Membership (ADM) if a school district receives approval from the State Board of Education (SBE) or a charter school receives approval from its sponsor to offer concurrent enrollment courses. Establishes requirements for concurrent enrollment courses to be considered a subject for the purposes of calculating ADM. Allows a concurrent enrollment course that is applicable to a community college occupational degree or certificate program to be transferred to a state university.

Budget and Funding – Includes school-sponsored activities that do not require students to pay a fee as activities eligible for the extracurricular tax credit. Retroactive to July 1, 2014, permits a school district that admits year-round sports, music or acting academy students who are not residents of the state, but are U.S. residents, without payment of tuition to include the students for the purpose of determining student count and state aid. Beginning in the 2016-2017 school year, allows a school district to admit the same number of nonresident J-1 Visa foreign exchange students that is equal to the number of resident students enrolled in that school district who are participating in a foreign exchange program and makes the admitted students eligible for state aid.

EDUCATION COMMITTEE (Cont'd)

Alternative Teacher Development Program – Retroactive to July 1, 2015, includes three reporting requirements for service providers. Removes a requirement for the service provider report to include a comparison of the annual academic achievement gain of students and limits the report to only those items listed in statute.

Safe-to-Tell Program Study – Requires ADE to study the feasibility and impact of developing a Safe-to-Tell Program that enables any person to anonymously report any dangerous, violent or unlawful activity that is being conducted or is threatened to be conducted against a school or at an activity sponsored by a school. Specifies factors ADE must consider in its study and directs ADE to submit a report with recommendations by December 15, 2016.

Miscellaneous – Requires SBE's rules for continuing education credits concerning awareness and prevention training on suicide and child abuse to include a reasonable limit on the number of credits that may count towards certification renewal. Promotes a pupil from the third grade who scored below the third-grade level on the reading portion of the statewide assessment if the pupil: 1) receives intervention and remedial services during the summer or subsequent school year; and 2) demonstrates sufficient progress.

Repeals – Repeals various K-12 education statutes within Title 15.

schools; audits; county school superintendent (H.B. 2234) – Chapter 235

Requires the independent certified public accountant to send a paper or electronic copy of the school district audit report to the county school superintendent.

universities; commercial paper (H.B. 2271) – Chapter 238

SEE THE FINANCE COMMITTEE.

~~barber licenses; education qualifications~~ (NOW: education qualifications; barber licenses) (H.B. 2292) – Chapter 188

SEE THE COMMERCE AND WORKFORCE DEVELOPMENT COMMITTEE.

charter schools; special education funding (H.B. 2294) – Chapter 87

Allows charter schools, in addition to school districts, to apply to the State Board of Education for an Extraordinary Special Education Needs Grant.

educational institutions; firearms; rights-of-way (H.B. 2338) – Chapter 131

SEE THE GOVERNMENT COMMITTEE.

postsecondary education board; exceptions; continuation (H.B. 2371) – Chapter 241

Retroactive to July 1, 2016, the Private Postsecondary Education Board (Board) is continued until July 1, 2024. On application, allows the Board to issue a private vocational

EDUCATION COMMITTEE (Cont'd)

program license to an educational institution that is otherwise exempt from licensure and regulation. Modifies the exemption for schools or private instruction that is related to hobbies by eliminating requirements for the instruction to: 1) be for a period of less than 40 hours; and 2) cost less than \$1,000.

vocational and technical education; evaluation (NOW: school districts; transportation repayment; extension (H.B. 2435) – Chapter 70 E

An emergency measure, effective March 24, 2016, that requires a school district that overstated its daily route mileage during FYs 2012, 2013 and 2014 and meets certain criteria to repay the overstatement in equal installments over a three-year period beginning in FY 2017 and ending in FY 2019. Requires a school district governing board affected by this section to adopt a formal resolution of compliance and to submit annual daily route mileage audits, if requested by the Arizona Department of Education. As passed, only Elfrida Elementary School qualified for this extension.

school property; sales; leases; use (H.B. 2476) – Chapter 242

Retroactive to July 1, 2016, repeals and replaces statutes concerning the disposition of proceeds from the sale or lease of school property. Higher indebted school districts that sell school property are required to expend 38 percent towards the payment of outstanding debt or to reduce taxes and may expend the remaining 62 percent towards capital. Exempts the following from limitations concerning the expense of proceeds: 1) leases of school property to other schools; 2) leases of school property for less than one year; and 3) sales of school property of less than \$100,000. Combines the three existing school plant funds into one fund.

schools; primary property tax rates (H.B. 2481) – Chapter 364

Eliminates the four percent budget balance carryforward cap for school districts and requires the county board of supervisors to levy school district taxes at the lesser of either the qualifying tax rate (QTR) or the district support level.

Requires the county superintendent to annually validate any additional primary school district tax levy amount requests and levy the sum of the following: 1) the difference between the transportation revenue control limit and the transportation support level; 2) excess utilities, desegregation, tuition costs for bond issues and interest expenses for registering warrants; 3) tuition loss; 4) small school adjustments; 5) liabilities in excess; 6) adjacent ways; 7) amounts not captured by the QTR as a result of the government property lease excise tax; 8) an amount not levied as a result of underestimated average daily membership or as a result of improperly valued property; and 9) an amount that corrects an outstanding cash deficit. The last two amounts require recommendations from the county school superintendent and county treasurer respectively, followed by approval by the county board of supervisors.

States a school district is eligible for supplemental state aid if 10 percent rather than 20 percent of the primary property tax revenues are not remitted due to delinquencies or a decrease in assessed valuation due to a natural disaster.

EDUCATION COMMITTEE (Cont'd)

schools; auxiliary operations fund; accounts (NOW: regulatory exemption; school garden produce) (H.B. 2518) – Chapter 243

Requires the Department of Health Services to provide an exemption in rule for whole fruits or vegetables grown in a public school garden that are washed and cut on-site for immediate consumption.

schools; statewide achievement assessments; menu. (H.B. 2544/S.B. 1321) – Chapter 10

Requires the State Board of Education (SBE) to adopt a menu of locally procured assessments to measure pupil achievement of the state academic standards. Local Education Agencies (LEAs) that offer high school instruction may select an assessment from the menu beginning in the 2017-2018 school year and LEAs that offer instruction in grades three through eight may select an assessment from the menu beginning in the 2018-2019 school year. Allows an LEA to request SBE to evaluate and approve a locally procured achievement assessment in use by the LEA, but not on the menu, and directs SBE to evaluate these requests annually. Prohibits LEAs assigned a letter grade of *D* or *F* from selecting an assessment other than the assessment adopted by SBE.

In order for an assessment to be added to the menu, achievement assessment providers must do the following: 1) provide evidence the assessment is high quality; 2) demonstrate the assessment meets or exceeds SBE's standards; 3) demonstrate the assessment scores can be equated; 4) submit an evaluation from a third party; and 5) provide a copy of assessment scores to the Arizona Department of Education when scores are provided to the LEA.

Requires SBE to adopt rules and procedures for the approval of locally procured assessments and to submit a report by December 15, 2017, on the progress of the implementation of the menu for LEAs that offer instruction in grades three through eight.

universities; in-state tuition; AmeriCorps. (H.B. 2547/S.B. 1122) – Chapter 11

Classifies a person who has participated in the AmeriCorps Program or the Volunteers in Service to America Program for at least one year in the state as an in-state student for the purposes of calculating tuition.

postsecondary campuses; public forums; activities (NOW: public forums; activities; postsecondary campuses) (H.B. 2548) – Chapter 249

Allows the Attorney General or a student whose right to speak in a public forum of a university or community college was violated to bring a court action to: 1) enjoin the violation; or 2) recover reasonable court costs and reasonable attorney fees. Requires a person to bring the court action within one year after the date the cause of action accrues and outlines how to calculate the one-year limitation period.

Expands the offense of obstructing a highway or public thoroughfare to include a person who, after receiving a verbal warning to desist, intentionally interferes with passage on a highway or other public thoroughfare or entrance into a public forum that results in preventing

EDUCATION COMMITTEE (Cont'd)

other persons from gaining access to a governmental meeting, a governmental hearing or a political campaign event. Classifies this offense as a class 1 misdemeanor.

campuses; free speech zone; prohibition (H.B. 2615) – Chapter 250

Prohibits a community college or university from limiting an area on campus in which free speech may be exercised, and from imposing time, place or manner restrictions on student free speech that occurs in a public forum, unless the restrictions are: 1) reasonable; 2) justified without reference to the content of the regulated speech; 3) narrowly tailored to serve a significant government interest; and 4) leave open ample alternative channels for communication of the information. States that if any violation of free speech occurs, a court of competent jurisdiction shall award the aggrieved person the following: 1) injunctive relief for the violation; 2) reasonable court costs; and 3) reasonable attorney fees.

education; certification renewal fees (H.B. 2620) – Chapter 138

Grants the State Board of Education (SBE) the authority to supervise its employees and removes the following: 1) a requirement for SBE to employ staff on the recommendation of the Superintendent of Public Instruction (SPI); 2) the responsibility of the SPI to direct the work of SBE employees; and 3) language that states SBE employees work for the Arizona Department of Education (ADE).

Transfers the following from SBE to ADE and the SPI: 1) the investigative unit; 2) seven FTE positions; 3) \$231,200 from the state General Fund; and 4) \$379,800 from the Teacher Certification Fund. Requires ADE and SBE to implement and submit a transition plan by August 1, 2016, on the transfer of the investigative unit.

Modifies the number of SBE members to conform to the state Constitution. Allows SBE to fix and collect fees for the evaluation of any certificate, name changes, duplicates or changes of coding to existing files or certificates.

agencies; enrollment; educational programs (H.B. 2634) – Chapter 206 E

An emergency measure, effective May 11, 2016, that prohibits an agency from limiting enrollment in any school or educational program of an institution of higher learning. Specifies agency does not include the Arizona Board of Regents or any community college district board.

K-3 reading program; administration (H.B. 2653) – Chapter 245 E

An emergency measure, effective May 12, 2016, that shifts the statutory authority to administer the K-3 Reading Program from the State Board of Education (SBE) to the Department of Education. Requires school districts and charter schools assigned a letter grade of *A* or *B* to submit their literacy plans biennially rather than annually. Allows SBE to establish rules and policies for the K-3 Reading Program.

EDUCATION COMMITTEE (Cont'd)

charter schools; preference; foster children (H.B. 2665) – Chapter 248

Establishes the Foster Youth Education Success Program (Program) for the purpose of improving the educational outcomes of children in the foster care system. Directs the Office of the Governor to: 1) establish policies and procedures, selection criteria and minimum performance standards for service providers that wish to participate in the Program; and 2) administer the Foster Youth Education Success Program Fund (Fund).

Requires service providers to contract with a 501(c)(3) organization that provides certain programmatic components including the following: 1) a partnership with local education agencies, child welfare agencies and judicial agencies; 2) support of an education champion for children in foster care; 3) development and monitoring of an education team; and 4) a customized education plan for each foster child. Directs service providers to submit an annual report by December 15 on the effectiveness of the Program.

Appropriates \$1,000,000 in FY 2018 from the state General Fund to the Office of the Governor and appropriates an additional \$500,000 to be spent when the Office of the Governor collects matching amounts from other sources.

Allows charter schools to give enrollment preference to children who are in foster care or who meet the definition of *unaccompanied youth* prescribed by the McKinney-Vento Homeless Assistance Act.

K-12 education; budget reconciliation; 2016-2017. (H.B. 2707/S.B. 1538) – Chapter 124

SEE THE APPROPRIATIONS COMMITTEE.

LEGISLATION VETOED

schools; cursive writing requirement (S.B. 1197) – VETOED

Requires the minimum course of study to include instruction in cursive reading and writing to ensure that students can create readable documents through legible cursive handwriting by the end of 5th grade.

The Governor indicates in his veto message that the State Board of Education (SBE) is currently reviewing the academic standards and therefore a process is already in place to ensure that cursive handwriting is taught in public schools. Additionally, the Governor states that he communicated to SBE that the new academic standards must include instruction in cursive reading and writing and that by the 5th grade, students should be able to read and write documents through legible cursive handwriting.

EDUCATION COMMITTEE (Cont'd)

FIRST SPECIAL SESSION (2015)

schools; base level; appropriations. (H.B. 2001/S.B. 1001) – Chapter 1 (First Special Session)

Retroactive to July 1, 2015, increases the *base level* from \$3,426.74 to \$3,600 and appropriates the following additional amounts: 1) \$50 million in FY 2016 through FY 2020; and 2) \$75 million in FY 2021 through FY 2025. Allows school districts or any entity that receives funding from these increases to carryforward any amount into FY 2017 and exempts the carryforward from the revenue control limit. For FY 2016, extends the deadline for the adoption or adjustment of school district budgets from May 15 to June 30.

States this act and H.C.R. 2001, Fifty-Second Legislature, First Special Session, are intended to fully satisfy inflation adjustment requirements and fully and finally resolve, satisfy and conclude all claims, causes of action, findings, rulings and judgments of the *Cave Creek Unified School District, et al. v. Jeff DeWitt, et al.* lawsuit.

Conditions the enactment of this legislation on the amending of the Constitution of Arizona as prescribed in H.C.R. 2001, Fifty-Second Legislature, First Special Session, by vote of the people at a special election conducted on May 17, 2016. Voters approved the proposition and on May 26, 2016, the election results were certified.

statewide special election. (H.B. 2002/S.B. 1002) – Chapter 2 (First Special Session)

Authorizes a special election on May 17, 2016, to submit to a vote of the people Constitutional amendments to provide education finance. Requires the Secretary of State (SOS) to print pamphlets that contain: 1) a sample ballot; 2) a true copy of the official title and text of each proposed amendment; 3) a Legislative Council (LC) opinion; 4) a fiscal impact statement summary prepared by Joint Legislative Budget Committee (JLBC) staff; and 5) any arguments submitted in support of or in opposition to the proposed amendments. Requires the LC analysis, JLBC summary and any arguments to be submitted to the SOS no later than December 4, 2015.

Establishes requirements, procedures and deadlines concerning the administration of the special election and specifies that, to the greatest extent possible, the special election must be handled according to the state's election laws and administered in a manner consistent with a Presidential Preference Election with consolidated precincts. Establishes requirements and deadlines for special election political committees. Requires the SOS to reimburse counties for the following: 1) the cost of printing ballots and other election materials; 2) compensation paid to election board and tally board officers; and 3) other costs of administering the election. In FY 2016, makes a \$9.3 million non-lapsing appropriation to the SOS.

Voters approved the proposition and on May 26, 2016, the election results were certified.

education finance; trust land distributions. (H.C.R. 2001/S.C.R. 1001) – First Special Session

Subject to voter approval, constitutionally increases the distribution from the State Trust Land Permanent Funds from 2.5 percent to 6.9 percent in FY 2016 through FY 2025 except the

EDUCATION COMMITTEE (Cont'd)

distribution from the Permanent State School Fund in FY 2016 is set at \$259,266,200. Allows for the following reductions in State Land Trust distributions and K-12 state aid:

State Trust Land Trigger – If the five-year balance of the State Trust Land Permanent Fund falls below the average balance of the preceding five years, the Legislature is authorized to reduce the distribution to as low as 2.5 percent. Amounts from the reduction are not required to be paid or distributed in any subsequent fiscal year and do not become part of the calculation for the *base level* for subsequent fiscal years.

Transaction Privilege Tax (TPT) Growth Rate and Employment Growth Rate Trigger – If TPT revenue and non-farm employment each grow at a rate between one percent and two percent, the Legislature is not required to make inflation adjustments to the *base level*. Prohibits the Legislature from making inflation adjustments to the *base level* if TPT revenue and non-farm employment each grow at a rate of less than one percent.

Aggregate Trigger – Beginning in FY 2025, allows the Legislature to suspend the inflation adjustments and reduce the *base level* by the inflation amount if appropriations to the Arizona Department of Education (ADE) are greater than 49 percent of total state General Fund (GF) appropriations. If appropriations to ADE surpass 50 percent of total state GF appropriations, the Legislature may suspend the inflation adjustments and reduce the *base level* by twice the inflation amount.

Inflation adjustments that are not made or are reduced as a result of the *TPT Growth Rate and Employment Growth Rate Trigger* and the *Aggregate Trigger* are not required to be paid or distributed in any subsequent fiscal year but do become part of the calculation of the *base level* for subsequent fiscal years.

States this act and H.B. 2001 (Laws 2015, First Special Session, Chapter 1) fully satisfy inflation adjustment requirements. Contains a nonserverability clause and requires the Secretary of State to submit the proposition to the voters at a special election to be held on May 17, 2016. Becomes effective if approved by the voters and on proclamation of the Governor. Voters approved the proposition and on May 26, 2016, the election results were certified.

Federalism, Mandates & Fiscal Responsibility Committee

Senator Judy Burges, Chairman



Fareed Bailey, Research Analyst

Zachary Dean, Intern

FEDERALISM, MANDATES & FISCAL RESPONSIBILITY COMMITTEE

LEGISLATION ENACTED

private property; acquisition; United States (NOW: conservation easements; tax classification; registry) (S.B. 1432) – Chapter 168

Establishes, effective January 1, 2017, Class Two (C) as a subclass of Class Two property for the purposes of taxation. Specifies that Class Two (C) property consists of real property that is currently burdened by a conservation easement. Requires a county assessor to periodically verify the status of properties classified as Class Two (C) and revise information in the registry as necessary. Requires a county assessor to maintain a public digital registry of each parcel of property classified as Class Two (C) property that shall consist of the following: 1) the name of the owner or owners of the property; 2) the date the conservation easement was created; 3) whether the easement is perpetual or limited in duration; and 4) the date or conditions under which the conservation easement terminates.

private lands; use; enjoyment (S.B. 1433) – Chapter 169

Prohibits the reclassification of trust lands for conservation purposes from restricting or unreasonably limiting the use or enjoyment of private lands. Requires any lease or sale of trust lands to include a condition requiring that permanent access to and use and enjoyment of private lands be allowed.

municipalities; property sale threshold; election (H.B. 2146) – Chapter 62

Increases the value threshold for municipal property whose sale is subject to voter approval in a special election from more than \$500,000 to more than \$1,500,000. Eliminates the process for the disincorporation and reincorporation of a municipality.

wild horses; management; prohibition (H.B. 2340) – Chapter 136

Prohibits a person from harassing, shooting, injuring, killing or slaughtering a horse that is part of the Salt River horse herd. Allows the Department of Agriculture (Department) or a County Sheriff to provide authorization to interact with Salt River horses for humane purposes only. Requires the Department to attempt to prove ownership of a horse with any brand or other mark indicating ownership before providing written authorization to interact with the Salt River horse herd. Allows public or private officials to address incidents that compromise the safety of either the Salt River horse herd or the public, provided that they receive authorization from the Department or a County Sheriff. Conditions the implementation of the provisions of the bill on the Department entering into an agreement with the U.S. Forest Service to address issues relating to the Salt River horse herd. States that a person found in violation of the above provisions is guilty of a Class 1 misdemeanor.

FEDERALISM, MANDATES & FISCAL RESPONSIBILITY COMMITTEE (Cont'd.)

postsecondary campuses; public forums; activities (NOW: public forums; activities; postsecondary campuses) (H.B. 2548) – Chapter 249

SEE THE EDUCATION COMMITTEE.

national monuments; justification; litigation (H.B. 2585) – Chapter 265

Requires the Arizona State Land Department (SLD) to maintain a catalog of each existing or newly created national monument in this state. Requires SLD to request the following information for each national monument from the federal government for inclusion in the catalog: 1) detailed accounting of each individual item to be protected; 2) the precise global positioning system location of each item to be protected; 3) the square footage that each item to be protected occupies; 4) the total square footage of the parcel of land comprising the national monument; and 5) a peer-reviewed justification for the protection of the object by the federal government. Requires SLD to: 1) determine whether the limits of a parcel comprising a national monument in this state are confined to the smallest area compatible with the proper care and management of the objects to be protected by the national monument; and 2) notify the Attorney General if they are not. Allows the Attorney General, upon receipt of notification, to commence an action to confine the limits of the parcel comprising the national monument to the smallest area compatible with the proper care and management of the objects to be protected by the national monument.

AHCCCS; provider participation; exclusions (H.B. 2599) – Chapter 302

Provides grounds for excluding an individual or entity from participation in the Arizona Health Care Cost Containment System (AHCCCS). Allows AHCCCS, in its sole discretion, to exclude from participation in the system any individual or entity that has done any of the following: 1) met any basis for permissive exclusion under federal law; 2) committed any act prohibited under the state public health and safety statutes; 3) been found liable for neglect of a patient that results in death or injury; 4) engaged in the unlawful disposal of medical waste in violation of law; 5) submitted a claim for a procedure performed in association with an abortion in violation of law; 6) failed to segregate taxpayer dollars from abortions as specified; or 7) failed to comply with federal or state law requiring mandatory reporting.

Requires the Director of AHCCCS to adopt rules prescribing procedures for determining the length of exclusion, appeals and reinstatement.

campuses; free speech zone; prohibition (H.B. 2615) – Chapter 250

SEE THE EDUCATION COMMITTEE.

Israel; boycotts; contracts; investments (H.B. 2617) – Chapter 46

Prohibits a public entity from entering into a contract with a company to acquire or dispose of services, supplies, information technology or construction unless the contract includes a written certification that the company is not currently engaged in, and agrees for the duration of

FEDERALISM, MANDATES & FISCAL RESPONSIBILITY COMMITTEE (Cont'd.)

the contract to not engage in, a boycott of Israel. Prohibits a public entity from adopting a procurement, investment or other policy that has the effect of inducing or requiring a person or company to boycott Israel. Defines *public entity* as this state, a political subdivision of this state or an agency, board, commission or department of this state or a political subdivision of this state.

Requires each public fund, by April 1 of each year, to prepare a list of restricted companies and to provide a copy of such a list on request. Requires a public fund to notify each company that is included on the list that the company is subject to divestment by the State Treasurer and the retirement systems. Specifies that if a company that receives notice of its inclusion on the list submits a written certification to the public fund that it has ceased its boycott of Israel and will not engage in a boycott of Israel for the period of time that the State Treasurer or a retirement system invests in the company, then the public fund shall remove the company from the list. Defines *public fund* as the State Treasurer or a retirement system.

LEGISLATION VETOED

~~absence of state elected officials~~ (NOW: state elected officials; absence; protection) (S.B. 1156)
– VETOED

Requires the Secretary of State, the Attorney General or the State Treasurer, on a rotating basis, to be excused and absent from the vicinity of the seat of government during any of the following: 1) the inauguration of state elected officials; 2) the annual Governor's State of the State Address; or 3) any other state address by the Governor or gubernatorial event where members of the Executive Department participate or are in attendance. Requires the Department of Public Safety to coordinate an off-site location for the excused and absent elected official.

The Governor indicates in his veto message that he is confident in the capabilities of the state's law enforcement professionals to detect threats and protect state elected officials.

Finance Committee

Senator Debbie Lesko, Chairman



Bill Ritz, Research Analyst
Tarren Villaverde, Intern

FINANCE COMMITTEE

LEGISLATION ENACTED

ASRS; board delegation; benefit determinations (S.B. 1037) – Chapter 304

Allows the Arizona State Retirement System (ASRS) Board (Board) to delegate a committee of that Board to act on its behalf for the purposes of determining rights, benefits or obligations of any person dissatisfied with a Board determination and a determination of the Office of Administrative Hearings relating to an ASRS determination.

department of revenue; continuation (S.B. 1095) – Chapter 215

Retroactive to July 1, 2016, the Department of Revenue (DOR) is continued until July 1, 2020. Requires the committees of reference or a joint meeting of the Senate Finance Committee and the House of Representatives Ways and Means Committee, or their successor committees, to hold a public hearing by December 31, 2017, to review the Auditor General's follow-up reports.

schools; CPR instruction. (S.B. 1137) – Chapter 216

SEE THE EDUCATION COMMITTEE.

ASRS; continuation (S.B. 1151) – Chapter 305

Retroactive to July 1, 2016, the Arizona State Retirement System and Director are continued until July 1, 2024.

PSPRS; EORP; CORP; continuation (S.B. 1152) – Chapter 306

Continues the Public Safety Personnel Retirement System Board of Trustees until June 30, 2024. Contains a legislative intent statement.

small property tax balance delinquency (S.B. 1157) – Chapter 144

Extends the delinquency date for property tax amounts totaling \$100 or less, from November 1 to December 31 at 5:00 p.m.

CORP; reverse deferred retirement option (S.B. 1160) – Chapter 74 E

An emergency measure, effective March 30, 2016, that continues the reverse Deferred Retirement Option Program (DROP) beyond the currently existing repeal date of July 1, 2016.

charitable donations; tax credit amounts (S.B. 1216) – Chapter 109

Retroactive to taxable years beginning January 1, 2016, increases the amount of tax deductible credit for voluntary cash contributions made to a qualifying charitable organization

FINANCE COMMITTEE (Cont'd.)

from \$200 to \$400 for a single individual or a head of household and \$400 to \$800 for a married couple filing jointly and to a qualifying foster care charitable organization from \$400 to \$500 for a single individual or head of household and \$800 to \$1,000 for a married couple filing a joint return. Also, allows taxpayers to receive separate credits for contributions made to qualifying charitable organizations and foster care charitable organizations.

charitable tax credit; contribution date (S.B. 1217) – Chapter 309

Allows credit claimable contributions to a qualifying charitable organization, made by April 15, to be applied to either the current or preceding taxable year, retroactive to taxable years beginning January 1, 2016.

internal revenue code conformity (S.B. 1288) – Chapter 155

Updates the definition of *Internal Revenue Code* to include all federal provisions in effect as of January 1, 2016, including provisions that came into effect during 2015 with the specific adoption of federal retroactive effective dates.

2016 tax correction act (S.B. 1289) – Chapter 156

Corrects errors and obsolete language, addresses blending problems and provides clarifying and conforming changes to the tax statutes as follows: 1) makes technical and conforming changes regarding the sale, distribution, taxation and definition of tobacco; 2) allows the Director of the Department of Revenue (DOR) to appoint a designee to serve as chairman of the Economic Estimates Commission; 3) spells out the limitations on a vendor's liability for tax if the vender accepts a transaction privilege tax (TPT) exemption certificate in good faith; 4) removes obsolete language relating to the payment of TPT through electronic means; 5) conforms statute regarding TPT to comply with Laws 2015, Chapter 4; 6) conforms the use tax statutes to the TPT statutes in regards to the exemption of the purchase of cash equivalents and precious metal bullion and monetized bullion; 7) conforms statute regarding payment for use tax to comply with Laws 2014, Chapter 139; 8) clarifies that DOR does not administer other taxes or fees imposed directly by a city and the Model City Tax Code; 9) allows the Director of DOR to appoint a designee to serve as chairman of the Property Tax Oversight Commission; and 10) makes technical changes regarding additions to individual and corporate income tax by removing obsolete language.

TPT exemption; billboard rentals (S.B. 1310) – Chapter 223

SEE THE COMMERCE AND WORKFORCE DEVELOPMENT COMMITTEE.

county treasurer; warrants; electronic transfers (S.B. 1348) – Chapter 340

Permits a county treasurer to pay an electronic funds transfer if presented for payment by the board of supervisors, county superintendent of schools or a special district. Clarifies that a county treasurer is to invest in a warrant, substitute check or electronic funds transfer if a revolving line of credit has been spent and if there are insufficient monies in the issuer's account.

FINANCE COMMITTEE (Cont'd.)

Specifies that if a county treasurer does not invest in a presented warrant, substitute check or electronic funds transfer, the treasurer must notify the servicing bank that payment will not be made due to lack of monies and from that time until there are sufficient monies, the original warrant will not bear more than 10 percent interest per year. Requires a county treasurer to post on the county's website if there are sufficient monies in the treasury to pay warrants that have been returned.

Removes the following requirements: 1) that a county treasurer, upon receipt of money not otherwise appropriated, set it apart as is necessary for payment of warrants; and 2) that a county treasurer record the amount of interest paid on a warrant in a register or call warrant list. Repeals statute regarding the application of funds when unpaid warrants are not presented.

Repeals statute relating to the distribution requirement of permanent State Trust Land Fund monies as follows: 1) August 7, 2016, if Proposition 123 is not approved by a vote of the people at the special election conducted on May 17, 2016; and) July 1, 2025, if Proposition 123 is approved by a vote of the people at the special election conducted on May 17, 2016. Voters approved the proposition and on May 26, 2016, the election results were certified. Requires the State Treasurer to distribute permanent State Trust Land Fund monies on the last business day, instead of the 15th business day of each month, in FYs 2017 and 2018 as added by H.B. 2703 (Laws 2016, Chapter 121).

~~technical corrections; taxation~~ (NOW: online lodging; administration; definitions) (S.B. 1350) – Chapter 208

Beginning January 1, 2017, establishes the administration for vacation rentals and short-term rentals (rentals) as follows:

Administration – Permits any online lodging marketplace to register with the Department of Revenue (DOR) for a license for the payment of taxes levied by the state and one or more municipality at the election of the online lodging marketplace, for taxes due from an online lodging operator on any online lodging transaction facilitated by the online lodging marketplace. Prohibits DOR from disclosing information provided by an online lodging marketplace without the written consent of the online lodging marketplace.

Limitations – Stipulates that a city, town or county cannot prohibit or restrict rentals or rentals based on their classification, use or occupancy. Stipulates that an owner of a residential rental property is not exempt from maintaining information required under the residential rental property statutes with the county assessor.

Online Lodging Marketplace Classification – Establishes the online lodging marketplace classification. Stipulates that the tax base for this classification is the gross proceeds of sales or gross income derived from the business measured by the total amount charged for an online transient lodging transaction by the online lodging operator with a tax rate of 5.5 percent. Specifies that the classification does not include any online lodging marketplace that has not entered into an agreement with DOR to register for, or has not otherwise obtained, a license to collect tax.

FINANCE COMMITTEE (Cont'd.)

Taxation – Allows a municipality to levy TPT, use, franchise or other similar tax or fee as provided by the Model City Tax Code on a licensed online lodging marketplace subject to specified requirements. Entitles an online lodging operator to an exclusion from any applicable taxes for any online lodging transaction facilitated by an online lodging marketplace for which the operator has obtained written notice that the marketplace is registered with DOR to collect taxes for all transactions. Classifies real and personal property and improvements that are used for residential purposes, that are leased or rented to lodgers, as class four, except for: 1) property occupied by the owner of the property as the owner's primary residence and included in class three; and 2) property used for commercial purposes and included in class one.

Return and Payment of Tax – Requires a registered online lodging marketplace to remit applicable taxes with respect to each online lodging transaction to DOR and to report its taxes monthly and remit the aggregate total amounts for each respective jurisdiction for each month. Stipulates that a registered online lodging marketplace does not need to list any online lodging separately on the monthly TPT returns.

Property Managers – Requires a city or town that levies TPT for rentals, for taxable years beginning January 1, 2018, to allow licensed property managers to file electronic consolidated tax returns with DOR with respect to gross proceeds or gross income derived from properties on behalf of the property owner, subject to certain conditions and requirements.

Hospitality Studies Scholarship Fund – Establishes the Hospitality Studies Scholarship Fund (Fund) consisting of revenue available from any lawful source to be administered by the Arizona Board of Regents (ABOR). Permits ABOR to partner with any statewide lodging and tourism association that provides matching monies in administering the Fund. Requires ABOR to use monies in the Fund to provide scholarships and other financial assistance to students entering or enrolling in a hospitality studies program at any university under the jurisdiction of ABOR. Requires a recipient who withdraws from school or from the program before receiving a degree to repay all monies awarded and requires ABOR to negotiate an appropriate repayment schedule plus eight percent simple interest if the recipient is dismissed from the university.

Joint Legislative Study Committee on Transient Lodging (JLSCTL) – Establishes the JLSCTL for the purpose of considering current state and local government laws and regulations on the various types of accommodations used for the purpose of transient lodging.

PSPRS modifications (S.B. 1428) – Chapter 2

Subject to a conditional enactment, S.B. 1428 repeals current statute referencing the Public Safety Personnel Retirement System (PSPRS) permanent benefit increase (PBI) and establishes a new cost of living adjustment (COLA). For Tier 1 employees, the new COLA is compounded annually, is not to exceed 2 percent and is conditional upon enactment of S.C.R. 1019. For Tier 2, the COLA also includes catch-up dollars for non-DROP participants. For Tier 3, the COLA is based on funded status of the plan and can only be received after the retiree's 7th retirement anniversary or when the retiree is 60 years old.

FINANCE COMMITTEE (Cont'd.)

Specifically for Tier 3 employees (hired after the effective date of this legislation): makes changes in the definition of the average monthly benefit compensation amount, the normal retirement date, implementation of a 50/50 split for the employer/employee contribution rate, and adjusts the graded multiplier depending on a member's years of service.

S.B. 1428 establishes a new defined contribution (DC) plan and defines eligible participants. Each participant and employer in the DC plan contributes 3 percent for an employee who participates in PSPRS's defined benefit (DB) plan, and 9 percent for an employee who does not participate in PSPRS's DB plan.

Makes certain changes to the PSPRS Board and Advisory Committee, and requires PSPRS to commence a study to determine various methods in which risk pooling may be structured and local board consolidation and structure may be accomplished.

Conditions the enactment of this legislation on the amending of the Constitution of Arizona as prescribed in S.C.R. 1019, Fifty-second Regular Session, by vote of the people at a special election conducted on May 17, 2016. Voters approved the proposition and on May 26, 2016, the election results were certified.

public retirement systems; special election (S.B. 1429) – Chapter 3 E

An emergency measure, effective February 16, 2016, that adds to the education finance special election to be held on May 17, 2016, a ballot question relating to the Public Safety Personnel Retirement System, and requires the Legislative Council analysis and Joint Legislative Budget Committee fiscal impact statement to be submitted to the Secretary of State no later than February 23, 2016.

~~natural gas delivery; tax exemption~~ (NOW: tax exemption; natural gas delivery) (S.B. 1505) – Chapter 357

Exempts natural gas transportation services from transaction privilege tax (TPT) under the utilities classification and use tax, and requires municipalities to either tax or exempt natural gas transportation services.

truth in taxation; levy increases (S.B. 1523) – Chapter 173

Requires a unanimous roll call vote of a community college district governing board or the governing body of a county, city or town to consider a motion for a proposed property tax levy if that levy, exclusive of increased property taxes raised from new construction, constitutes an increase over the preceding tax year's levy by 15 percent or more.

credited service; military service purchase (H.B. 2019) – Chapter 90

Reduces the number of credited service years in the Public Safety Personnel Retirement System (PSPRS), the Corrections Officer Retirement Plan (CORP) or the Elected Officials' Retirement Plan (EORP), from 10 years to 5 years, which a member must have in order to

FINANCE COMMITTEE (Cont'd.)

purchase credited service for periods of active military service. Specifies the discount rate to be used by the actuary for calculating projected benefits.

utilities TPT; sales of propane (H.B. 2025) – Chapter 359

Effective September 1, 2016, exempts the gross proceeds of sales or gross income derived from sales of liquefied petroleum gas to a business that is principally engaged in manufacturing or smelting operations and that uses at least 51 percent of the liquefied petroleum gas in the manufacturing or smelting operations from transaction privilege tax (TPT) under the utilities classification and use tax. Requires cities or towns that levy TPT, sales, gross receipts, use, franchise or other similar fee or tax to exempt or tax in whole the gross proceeds of sales or gross income from sales of liquefied petroleum gas to these businesses.

debt limitations; net assessed value (H.B. 2054) – Chapter 177

Clarifies that the net assessed value of the full cash value of property is the basis for calculating the debt limitations for the following: 1) counties; 2) cities; 3) towns; 4) school districts; 5) unified school districts; and 6) Joint Technical Education Districts.

ASRS; retention of credited service (H.B. 2104) – Chapter 320 E

An emergency measure, effective May 17, 2016, that requires an Arizona State Retirement System (ASRS) employee to retain credit for a period of employment that the employee was in an exempt position because the position was a non-social security position, if the employer has remitted ASRS contributions, consistent with the compliance statement of the Internal Revenue Service.

Retroactive to July 1, 2015, the bill also requires that ASRS not suspend the payment of retirement benefits if a retired member returns to state service in a position that constitutes service as a state elected official who is subject to term limits.

district boundary modifications; parcel lines (H.B. 2125) – Chapter 179

Allows a property owner whose parcel is split by certain special taxing district (district) boundaries, as determined by the county assessor by November 1, 2007, to request that the county assessor modify the district boundaries so the entire parcel is contained within the district that governs the majority of the area of the parcel. For parcels in which two or more districts of the same type govern an identical percentage of the area of the parcel, with exceptions, an owner can designate the district that will govern the entire parcel.

Allows a county assessor to initiate certain consolidation procedures and specifies that an assessor must provide a property owner with at least 30 days' notice of the proposed consolidation before the consolidation is final and allows the owner to accept or reject that consolidation. If a property owner rejects a proposed consolidation, the parcel is prohibited from being consolidated into the district.

FINANCE COMMITTEE (Cont'd.)

TPT; exemption, aerial applicators (H.B. 2133) – Chapter 181

Effective retroactive to April 18, 1985, exempts agricultural aircraft that are used for the commercial production of agricultural crops and products from retail transaction privilege tax (TPT) and use tax. Requires any claim for refund of TPT or use tax to be submitted to the Department of Revenue (DOR) on or before December 31, 2016, and stipulates that the burden is on the taxpayer to establish, by competent evidence, the amount of tax paid for all taxable periods and the amount attributable to new agricultural aircraft that qualifies for a deduction. Requires DOR to review all timely filed claims, determine the correct amount of each claim, and notify the taxpayer of its determination. Prohibits the aggregate amount of refunds from exceeding \$10,000. Interest may not be compounded on any refundable amount if paid before July 1, 2017, unless the amount cannot be determined or paid until after June 30, 2017.

ASRS; rulemaking exemption (H.B. 2159) – Chapter 321

Specifies that the Arizona State Retirement System (ASRS) and the ASRS Board, retroactive to January 1, 1987, are not subject to administrative procedures for actuarial assumptions and calculations, investment strategy and decisions and accounting methodology, except uniform administrative hearing procedures.

ASRS; eligible rollovers (H.B. 2160) – Chapter 96

Disallows the option of *indirect rollovers* for the purpose of purchasing credited service by Arizona State Retirement System (ASRS) members, but continues to allow a direct transfer from an individual retirement account or individual retirement annuity if the amount had been received by the member and would have otherwise been includible in the member's gross income but for the direct transfer.

fire districts; merger; consolidation (H.B. 2197) – Chapter 183

Retroactive to July 1, 2016, allows merged or consolidated fire districts formed on or after July 1, 2014, to continue to receive monies in an amount not to exceed the sum of the average of the amount of Fire District Assistance Tax (FDAT) monies received by each of the districts in the five fiscal years immediately preceding the merger or consolidation. Requires the county treasurer to pay a consolidated district formed in any fiscal year beginning July 1, 2014, or later an amount equal to 20 percent of the property levy if the total amount of FDAT paid to all districts in the county is less than the amount of monies raised by the \$0.10 levy per \$100 of assessed valuation. Beginning in FY 2017, prohibits a consolidated district from receiving more than the maximum allowed, rather than the current FDAT cap of \$400,000.

~~technical correction; insurance; uniform plans~~ (NOW: premium tax credit; reciprocal insurers (H.B. 2239) – Chapter 360

Retroactive to taxable years beginning January 1, 2016, increases, indefinitely, the time period for allowable premium tax credit against the premium liability imposed for net increases in full-time employees residing and hired in qualified employment positions in this

FINANCE COMMITTEE (Cont'd.)

state. Considers a reciprocal insurer and its attorney-in-fact to be the same entity for the purpose of calculating the tax credit.

universities; commercial paper (H.B. 2271) – Chapter 238

Empowers the Arizona Board of Regents (ABOR) to issue commercial paper to provide short-term financing for capital projects or obligations previously issued. Specifies that repayment may be made by a pledge of fees, tuitions and rentals, other sources that may be pledged without violating the debt limits in the Arizona Constitution, and from amounts budgeted by ABOR for that purpose. The bill states that the commercial paper is a current expense of ABOR and is not a general obligation of the state.

Requires that any commercial paper issued by ABOR be repaid within 270 days. Stipulates that at no time shall the outstanding principal amount of commercial paper be more than 25 percent of a university's total debt capacity.

Requires ABOR to submit an annual report on commercial paper issued to the Joint Legislative Budget Committee and the Office of Strategic Planning and Budgeting.

bonding; sale; premiums; refunding; refinance (H.B. 2301) – Chapter 189

Modifies provisions regarding the issuance of bonds and refunding bonds in various political subdivisions as follows:

General Obligation Bond Bankruptcy Provisions – Requires all bonds, whenever issued, to be secured by a lien on all revenues received pursuant to a tax levy and stipulates that the lien arises automatically without the need for any action or authorization by a county or board of supervisors and is valid and binding from the time of issuance of the bond.

General Obligation Bond Premium Limitations – Eliminates the cap on net premiums associated with a bond issue. Allows the amount of net premium associated with a bond issue to be used for any purpose, if there is voter authorization and available capacity under its debt limitations and the amount of the net premiums used will reduce in an equal amount both: 1) the available aggregate indebtedness capacity; and 2) the principal amount authorized by the voters.

Issuance of Refunding Bonds – Specifies that for bonds issued to refund or refinance bonds that are issued beginning September 1, 2016, in advance of the maturity dates of such bonds, the holder of the refunded bonds must rely on the sufficiency of the funds or securities held in trust for the payment of refunded bonds. Prohibits the total aggregate of taxes levied to pay the principal of and interest on the refunding bonds from exceeding the total aggregate principal and interest to become due on the refunded bonds from the date of issuance to the final date of maturity on the bonds being refunded. Requires the following taxes to be levied, assessed and collected as other taxes of political subdivisions and the proceeds kept in a special fund and used only for the purposes for which it was collected: 1) an amount sufficient to pay the interest on all refunding bonds outstanding; 2) the installments of the principal becoming due and payable in the ensuing year; and c) the annual portion of a sinking fund set up for retirement of the bonds.

FINANCE COMMITTEE (Cont'd.)

Refunding Municipal Improvement District Bonds – Permits the issuance of bonds for the purpose of refunding municipal improvement district bonds.

Miscellaneous – Removes the requirement that bonds sold in a public offering must receive one of the four highest investment grade ratings by a nationally recognized bond rating agency and allows municipal, county and street and highway improvement bonds to be sold by negotiated sale.

special health care districts; treasurer (H.B. 2308) – Chapter 88

Removes a special healthcare district's ability to appoint its own treasurer to hold, deposit into the district's banking account, withdraw or invest all district monies or to enter into contracts with servicing banks. Requires all monies that are to be transferred to a county treasurer to be transferred no later than 45 days after the effective date and releases the county and county treasurer from liability for any special healthcare district monies not dispersed until the monies are transferred to the possession of the county treasurer.

agricultural feed; sales; tax exemption (H.B. 2326) – Chapter 361

Exempts the sales of the following from transaction privilege tax (TPT) under the retail classification and use tax: 1) livestock and poultry to persons engaged in the businesses of farming, ranching or producing livestock or poultry; and 2) livestock and poultry feed, salts, vitamins and other additives for livestock or poultry consumption that are sold to persons for use or consumption by their own livestock, for use or consumption in the businesses of farming, ranching and producing or feeding livestock, poultry or livestock or poultry products or for use or consumption in noncommercial boarding of livestock.

Stipulates that owners, proprietors or tenants of agricultural lands or farms who sell livestock or poultry feed that is grown or raised on their lands to any of the following do not need to obtain a TPT exemption certificate or resale certificate: 1) persons who feed their own livestock or poultry; 2) persons who are engaged in the business of producing livestock or poultry commercially; and 3) persons who are engaged in the business of feeding livestock or poultry commercially or board livestock noncommercially.

Expands the definition of *food product* under the agriculture statutes to include animal feed that is grown or raised by the producer. Prohibits a tax, license or fee from being imposed.

~~unclaimed property; revenue department contracts~~ (NOW: ~~unclaimed property; auditor contingency contracts~~) (H.B. 2343) – Chapter 239

Requires audits, including those performed by contingent-fee auditors, to provide holders of unclaimed property a notice of rights that, at a minimum, includes the following: 1) a statement that the Department of Revenue (DOR) makes all final decisions regarding recommendations by a contingent-fee auditor that any unclaimed property is reportable; 2) information on corrections and appeals procedures; 3) where to file complaints of improper, abusive or inefficient service by employees or contingent-fee auditors; and 4) contact

FINANCE COMMITTEE (Cont'd.)

information of DOR's designated employees. Requires DOR to establish procedures to monitor the performance of contingent-fee auditors to develop metrics to evaluate the accuracy of unclaimed-property auditor recommendations and whether such recommendations were not accepted or approved by DOR.

Requires DOR to issue a request for information by January 1, 2017, to explore the feasibility of contracting for audits relating to unclaimed property that are not directly or indirectly contingent on the auditor recovering unclaimed property.

racing; hardship tax credit; elimination (H.B. 2387) – Chapter 247 RFE

Repeals, effective May 13, 2016, the hardship tax credit for eligible permittees authorized to conduct racing. Contains requirements for enactment (Proposition 108).

municipal improvement districts; formation election (H.B. 2440) – Chapter 9

Retroactively applies the following to pre-existing petition requirements for the formation of a municipal improvement district for which a city or town council has not adopted a boundary map by January 1, 2016: 1) requires a city or town council or a governing body of a municipality to submit, within 120 days, a petition to form a municipal improvement district after it has been determined the district should be formed; 2) requires the petition to be signed by owners of more than one-half of the taxable property units within the area of the proposed district and by persons owning collectively more than one-half of the assessed valuation of the property within the area of the proposed district; 3) prohibits property that is exempt from property tax from being considered in determining the total assessed valuation of the proposed district; 4) prohibits owners of property that is not subject to taxation from signing the petition; and 5) allows a municipality to form the improvement district on verification of the petition signatures.

taxation; self-reported errors; injured spouses (H.B. 2449) – Chapter 197

Eliminates penalties for taxpayers who voluntarily identify errors in their returns and specifies the process by which a joint-filing spouse can apply for protection of the spouse's share of any refunds from being seized for the payment of the other spouse's debts. Becomes effective and applies to taxable years beginning January 1, 2017.

schools; primary property tax rates (H.B. 2481) – Chapter 364

SEE THE EDUCATION COMMITTEE.

telecommunications utilities; relocation; reimbursement (H.B. 2486) – Chapter 259

Requires a municipality to reimburse a telecommunications utility (utility) for the cost of relocated facilities located within the municipal boundaries as a result of any construction project in that municipality, undertaken individually or jointly by an intergovernmental contract and funded in whole or in part by voter-approved municipal bond proceeds. Requires a municipality

FINANCE COMMITTEE (Cont'd.)

to provide a utility with equal land rights in the new location of the relocated facilities if the utility has existing land rights. If a utility's existing facilities are located in the right-of-way under a permit, the municipality must provide the utility with rights in the new location of the relocated facilities equivalent to the existing rights under the permit.

Requires a utility to submit a verified itemized claim to a municipality for the reimbursement of relocation costs within 180 days after each calendar quarter in which the utility incurs relocation costs. A municipality is required to: 1) review each verified itemized claim, which may include any audit; 2) reimburse a telecommunications utility for relocations costs within 90 days after receipt of the verified claim; and 3) reimburse verified claims from all affected telecommunications utilities in the order of receipt. Stipulates reimbursement limitations for relocation costs.

charter aircraft; tax exemption (H.B. 2533) – Chapter 367

Effective July 1, 2017, and retroactive to June 1, 1998, exempts, from retail transaction privilege tax (TPT) and use tax, aircraft, navigational and communication instruments and other accessories and related equipment sold to a person: 1) exempted by federal law from obtaining a federal certificate of public convenience and necessity; 2) federally certificated or licensed to transport persons or property in intrastate, interstate or foreign commerce; 3) operating an aircraft in any manner for compensation or hire; or 4) acquiring an aircraft for the purpose of selling, leasing or transferring operational control of the aircraft, instruments or accessories to one or more persons. Prohibits the aggregate amount of refunds from exceeding \$1,000 and stipulates if the aggregate amount of valid claims exceeds \$1,000, the Department of Revenue must reduce each claim proportionately so the aggregate amount of the refund is not more than \$1,000. Stipulates that claims for refunds of TPT must be submitted by December 31, 2016.

fine art; TPT exemption (H.B. 2536) – Chapter 368

Applicable to taxable periods beginning the September 1, 2016, exempts from retail transaction privilege tax and use tax, sales of works of fine art at an auction or gallery in this state to nonresidents of this state for use outside this state if the vendor ships or delivers the work of fine art to a destination outside of this state.

municipal bonds; tax levy (H.B. 2538) – Chapter 334

Prohibits an annual levy for bonds or refunded bonds from exceeding the net amount necessary to meet the following: 1) payments of principal and interest; 2) projected payments of principal and interest on new debt planned for the ensuing year; and 3) amounts necessary to correct prior year shortages in the levy.

sanitary district refunding bonds (H.B. 2561) – Chapter 264

Authorizes the board of directors (board) of a sanitary district (district) to issue bonds for the purpose of refunding any bonds issued. Stipulates that refunding bonds can only be issued if

FINANCE COMMITTEE (Cont'd.)

the total amount of principal of and interest on the refunding bonds does not exceed the total amount of remaining principal of interest on the bonds to be refunded.

Use of Net Proceeds of Refunding Bonds – Stipulates that refunding bonds can be: 1) exchanged for bonds of at least the same principal amount of the bonds to be refunded; 2) sold at, above or below par at a negotiated or public sale; and 3) exchanged and sold in part. Amounts and investments from the sale of refunded bonds must be deposited in trust with a national banking corporation, or an association authorized to do trust business in this state, that is a member of the Federal Deposit Insurance Corporation or any successor. Stipulates that after being deposited, bonds being refunded are considered to have been paid and have no further interest in the assessments for the bonds being refunded.

Allows the treasurer of a district to enter into trust agreements with banking corporations or associations for the handling, safekeeping and administration of the amounts and investments that are derived from, or contributed to, the refunding. Requires monies that are invested from the sale of refunded bonds to be invested and reinvested at the board's discretion.

Modified Assessment – Requires the board, if a refunding bond is issued, to file a modified assessment reflecting the reduction of the assessment. Allows the board to approve a modified assessment without hearing or notice if the assessment does not increase the assessment on any parcel or lot within the district; however, a hearing must be provided if the modified assessment results in an increase in the assessment to any parcel or lot in the district.

Security for and Payment of Bonds – Requires refunding bonds to be secured by and payable from the special assessments levied to pay the bonds being refunded and requires the board, on the issuance of refunding bonds, to cause the remaining unpaid installments of the special assessments to be recalculated and modified so that the amounts to be collected equal the amounts necessary to repay the refunding bonds.

Stipulates that assessments survive the payment or defeasance of the bonds being refunded and remain in force and effect, securing the refunded bonds until they are paid in full.

Stipulates that refunding bonds are payable only from a special fund to be established and collected from special assessments and specifies that the special fund is to be set apart solely to pay the principal of and interest on refunding bonds.

Collection of Assessments – Allows the treasurer of a district and the county treasurer to provide by agreement for: 1) the county treasurer to collect special assessments at the same time and in the same manner for the collection and enforcement of general ad valorem property taxes; and 2) compensation of the county treasurer directly related to the collection of the special assessment.

Determination of the Board – Stipulates that the determination of the board that the limitations and conditions relating to issuing refunding bonds have been met is conclusive in the absence of fraud or arbitrary and gross abuse of discretion.

FINANCE COMMITTEE (Cont'd.)

data center tax relief; qualification (H.B. 2584) – Chapter 369

SEE THE COMMERCE AND WORKFORCE DEVELOPMENT.

tobacco master settlement; sales data (H.B. 2594) – Chapter 301

Requires any tobacco sales data or dispute agreements under the Master Settlement Agreement provided to the Attorney General or the Department of Revenue (DOR) to be kept confidential, excluding data from tax reports or returns, or any other tax report, return or form filed with DOR.

Israel; boycotts; contracts; investments (H.B. 2617) – Chapter 46

SEE THE FEDERALISM, MANDATES AND FISCAL RESPONSIBILITY COMMITTEE.

water; improvement districts; tax limit (H.B. 2622) – Chapter 244

Allows the majority of real property owners in a domestic water improvement district or a domestic wastewater improvement district to petition the governing body of the district to apportion the tax among lots according to the area in square feet of each lot and permits the governing body to establish by resolution a limit on the amount of tax that can be assessed and collected by the district from any single parcel or property.

PSPRS; CORP; EORP; administration changes (H.B. 2643) – Chapter 323

Requires that the alternate contribution rate (ACR) that is applied to the amortization of the unfunded actuarial liability is based on the individual amortized rate. The bill also specifies that a Public Safety Personnel Retirement System or Corrections Officer Retirement Plan member who retires and subsequently becomes an elected official is not considered reemployed by the same employer.

TPT exemption; amateur races (H.B. 2674) – Chapter 373

Exempts from transaction privilege tax the gross proceeds of sales or gross income derived from entry fees paid by participants for events that: 1) until March 1, 2017, consist of a run, walk, swim, bicycle ride or a similar event or any combination of these events; and 2) consist of a run, walk, swim, bicycle ride or similar event or any combination of these events that are operated or conducted by nonprofit organizations. Specifies that any amount assessed to an operator as a tax, interest or penalty before the effective date is to be remitted and forgiven.

Stipulates that any lien against an operator's property to collect an amount of tax, interest or penalty is to be abated and requires the Department of Revenue to do all of the following: 1) release the property and rights to property from the lien; 2) withdraw any recorded notice of lien; and 3) on written notice of the operator, issue a certificate of release of lien to the operator against whom the lien was claimed.

FINANCE COMMITTEE (Cont'd.)

tax credit; title I schools (NOW: utilities; manufacturing; smelting; TPT) (H.B. 2676) – Chapter 374

Clarifies, effective January 1, 2017, that the gross proceeds of sales or gross income derived from sales of electricity or natural gas to a qualified manufacturing or smelting business are exempt from transaction privilege tax (TPT) under the utilities classification and use tax and stipulates that a municipality is required to either tax or exempt in whole the gross proceeds of sales or gross income from those sales. Requires a utility that claims the electricity or natural gas deduction under the utilities classification to, each month, report the name and address of each qualified manufacturing or smelting business for which the deduction is taken each month on a form prescribed by the Department of Revenue.

Specifies that a vendor who has reason to believe that a TPT exemption certificate (certificate) is not accurate or complete will not be relieved of the burden of proving entitlement to the exemption; however, a vendor that accepts a certificate in good faith is relieved of the burden of proving the entitlement and the purchaser could be required to establish the accuracy of the exemption. If the purchaser cannot establish the accuracy and completeness of the certificate, the purchaser is liable for an amount equal to the TPT, penalty and interest that the vendor would have been required to pay if the vendor had not accepted the certificate.

revenue; budget reconciliation; 2016-2017 (H.B. 2708/S.B. 1539) – Chapter 125

SEE THE APPROPRIATIONS COMMITTEE.

public retirement system benefits (S.C.R. 1019)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

Financial Institutions Committee

Senator David Farnsworth, Chairman



Fareed Bailey, Research Analyst
Zachary Dean, Intern

FINANCIAL INSTITUTIONS COMMITTEE

LEGISLATION ENACTED

securities; exempt transactions (S.B. 1003) – Chapter 31

Modifies the exemption from registration applicable to the sale in good faith of securities by the bona fide owner of such securities in an isolated transaction to include the sale of securities issued under the state's crowdfunding law. Specifies that the sale of securities issued under the state's crowdfunding law by the owner of such securities is exempt from the restriction on repeated or successive transactions of similar character applicable to isolated transactions if: 1) such securities were exempt when originally issued; and 2) at least nine months have passed from the date of the last sale of such securities by the issuer to a resident of this state.

private fund advisers; exemption (S.B. 1005) – Chapter 32

Exempts, effective September 1, 2016, an investment adviser that is a private fund adviser (adviser) from certain licensure and notice filing requirements, provided that the adviser meets certain criteria, including: 1) not being subject to an event that would disqualify an issuer of securities under federal law; 2) filing with the Arizona Corporation Commission (ACC) each report and amendment that an adviser is required to file with the U.S. Securities and Exchange Commission for exempt reporting advisers; 3) paying a \$125 fee to the ACC for each calendar year in which the adviser relies on the exemption; 4) advising at least one retail buyer fund; and 5) obtaining annual audited financial statements for each retail buyer fund, when applicable.

Defines *private fund adviser* as an investment adviser who provides advice solely to one or more qualifying private funds. Defines *retail buyer fund* as a qualifying private fund that is neither a venture capital company nor a qualifying private fund that qualifies for exclusion from the definition of an investment company under the federal Investment Company Act of 1940.

insurance coverage; telemedicine (S.B. 1363) – Chapter 278

Requires insurers, effective January 1, 2018, to cover certain statutorily specified healthcare services provided through telemedicine in this state if such services would be covered were they to be provided through in-person consultation between the insured and a healthcare provider. Removes the definition of *rural region* and references to a rural region from the state insurance statutes to allow for statewide coverage of healthcare services that are provided through telemedicine. Adds *pulmonology* to the list of healthcare services that are provided through telemedicine and covered by insurance.

fiduciary access to digital assets. (S.B. 1413) – Chapter 165

SEE THE JUDICIARY COMMITTEE.

securities; salesmen; registration exemptions (S.B. 1425) – Chapter 329

Exempts the offering of certain types of securities from registration requirements, provided that: 1) the dollar value or aggregate offering price of such securities does not exceed

FINANCIAL INSTITUTIONS COMMITTEE (Cont'd.)

\$1,000,000; 2) written documents of substantive disclosure are provided to each purchaser of the securities; 3) a notice on Form D is filed with the Arizona Corporation Commission (ACC) no later than 15 calendar days after the first sale of securities occurs; 4) the dealer or issuer does not advertise the securities without a waiver from the Director of the ACC's Securities Division (Director); and 5) anyone with a disciplinary history is disqualified from using the exemption. Requires the Director to adopt rules based on the federal regulation for exempt limited offerings and sales of securities and revise such rules as necessary to stay current with federal law.

longterm care insurance; rates; premiums (NOW: long-term health insurance; rulemaking) (S.B. 1441) – Chapter 280 E

An emergency measure, effective May 17, 2016, that requires the Arizona Department of Insurance (DOI) to adopt rules relating to long-term care insurance that substantially conform to those adopted in model regulations adopted by the National Association of Insurance Commissioners, including the 2014 revisions. Exempts DOI from rulemaking requirements for one year after the effective date of this legislation. Requires DOI to provide public notice and an opportunity for public comment on the proposed rules at least 60 days before the rules are amended or adopted. Repeals the rule adoption requirement on July 1, 2018.

insurance; prohibited inducements; exceptions (S.B. 1494) – Chapter 113

Permits insurance companies to offer reasonable incentives to policyholders who participate in feedback efforts through an independent third party. Prohibits an insurer from referencing or promoting an incentive or feedback effort in connection with an application or renewal of insurance coverage. Defines reasonable incentive as not exceeding \$200.

uninsured and underinsured motorist coverage (H.B. 2129) – Chapter 180

Specifies that an insurance producer's standard of care in offering and explaining the nature and applicability of uninsured and underinsured motorist coverage is satisfied if the insurance producer: 1) offers uninsured and underinsured motorist coverage to a named insured or applicant; and 2) confirms the selection of limits or rejection of coverage by a named insured or applicant on a form that is approved by the Director of the Arizona Department of Insurance.

genetic testing; informed consent (H.B. 2144) – Chapter 37

Prohibits a person from ordering a genetic test without written consent from the person who was subject to the test (test subject). Specifies that the results of a genetic test may be released if express consent is provided by the test subject or an authorized person.

domestic surplus lines insurance; fees (H.B. 2149) – Chapter 38

Allows a domestic insurer that possesses minimum capital and surplus of at least \$15,000,000 to be designated as a domestic surplus lines insurer for the purposes of writing surplus lines insurance in this state. Defines *domestic surplus lines insurer* as an insurer that is domiciled in and authorized to transact insurance in this state and that has received approval from the Arizona Department of Insurance (ADOI) to write surplus lines insurance coverage in this state. Specifies that designation as a domestic surplus lines insurer is contingent on the

FINANCIAL INSTITUTIONS COMMITTEE (Cont'd.)

following: 1) a resolution by the domestic insurer's board of directors; and 2) written approval of the Director of ADOI. Specifies that surplus lines insurance policies that are issued by a domestic surplus lines insurer in this state are not subject to the protection of the Arizona Property and Casualty Insurance Guaranty Fund.

consumer lenders; referral fees; insurance (H.B. 2152) – Chapter 63

Modifies existing law relating to consumer lenders by: 1) removing the prohibition on loan business referral, including referral fees, commissions or bonuses; and 2) the monetary cap on prizes, goods, wares, merchandise or tangible property that may be given by consumer lenders to consumers. Allows consumer lenders to offer and sell accidental death and dismemberment insurance and disability income protection insurance in connection with a consumer lender loan.

insurance; risk management; solvency assessment (H.B. 2188) – Chapter 51

Adopts, effective January 1, 2017, the National Association of Insurance Commissioners' (NAIC) Own Risk Solvency and Assessment (ORSA) model regulation that requires an insurer or insurance group to: 1) maintain a risk-management framework; and 2) regularly conduct an ORSA consistent with the ORSA Guidance Manual. Specifies that an ORSA must be submitted annually or when significant changes to a risk profile occur, and must be submitted to the Director of the Arizona Department of Insurance (Director) not more than once each year, upon the Director's request. Provides that an insurer may be exempt from filing an ORSA under certain circumstances, and that ORSA reports must remain confidential unless otherwise specified by the insurer.

~~insurance; identity theft group policies~~ (NOW: identity theft group policies; insurance) (H.B. 2238) – Chapter 65

Allows insurers to issue identity theft group insurance policies to insure against losses incurred due to stolen identity events. Specifies that such policies may be issued to a business that sells products or a service related to preventing stolen identity events, or to another entity that is engaged in a common enterprise and issuance of a policy is in the best interest of the public. Provides that policies may be issued for one year unless otherwise specified, and may include one member of the immediate family of a certificate holder. Requires premiums on the policy to be paid solely by the group policyholder, the group members, or both. Specifies that coverage for a group member is terminated upon termination of employment with the group policyholder.

insurance; prescription eye drops; refills (H.B. 2264) – Chapter 42

Beginning January 1, 2018, prohibits the denial of insurance coverage for prescription eye drops that treat either glaucoma or ocular hypertension. Specifies that for a 30-day, 60-day, or 90-day supply of eye drops, a request for a refill either one week, two weeks or three weeks in advance, respectively, may not be denied coverage. Specifies that all of the above requirements apply to insurance coverage offered by: 1) a hospital and medical service corporation; 2) a health care services organization; 3) a disability insurer; and 4) a group or blanket disability insurer.

FINANCIAL INSTITUTIONS COMMITTEE (Cont'd.)

securities; issuers; website operators (H.B. 2302) – Chapter 53

Extends the statutory exemption from current law pertaining to the registration, offering and sale of securities to crowdfunded securities that are offered and sold through an internet website operated by the issuer of such securities. Exempts the issuer from the following restrictions currently applicable to operators of internet websites through which crowdfunded securities are offered and sold: 1) that the website operators may not be purchasers in any offering made pursuant to the exemption; and 2) that the website operators may not hold an interest in or be affiliated or under common control with any issuer making an offer or sale pursuant to the exemption.

exempt transactions; securities registration (H.B. 2303) – Chapter 67

Exempts the issuance and delivery of securities of a limited liability company or limited partnership to the original organizers or general partners from current law pertaining to the registration, offering and sale of securities, provided that such securities: 1) are not acquired by the organizers or general partners for the purpose of sale to others; and 2) are not directly or indirectly sold to a third party within 24 months unless an organizer or general partner experiences a bona fide change of financial circumstances and provides the other organizers or general partners with notification of their right to review the financial books and records of the limited liability company or limited partnership.

healthcare providers; family members; coverage (H.B. 2306) – Chapter 100

Requires insurance coverage for lawful healthcare services to be provided regardless of an insured's familial relationship with the healthcare provider. Specifies that an insurer may limit the coverage to those healthcare providers who are members of the insurer's provider network.

insurance; licensed entities (H.B. 2342) – Chapter 101

Modifies requirements that authorized insurers must follow when issuing an insurance policy in this state. Provides that instead of receiving a countersignature endorsement from a licensed insurance producer in this state, an insurance policy need only identify the name of the licensed insurance producer on the policy statement. Requires a licensee to notify the Director of the Arizona Department of Insurance of a change in the licensee's email address within 30 days.

motor vehicle insurance; nonrenewal (H.B. 2445) – Chapter 363

SEE THE TRANSPORTATION COMMITTEE.

audits; accountants; reciprocity privilege (H.B. 2448) – Chapter 30

SEE THE GOVERNMENT COMMITTEE.

FINANCIAL INSTITUTIONS COMMITTEE (Cont'd.)

fiduciary access to digital assets (H.B. 2467) – Chapter 199

Adopts the Revised Fiduciary Access to Digital Assets Act (Act) as developed by the Uniform Law Commission. States that the provisions of the bill apply to all of the following after enactment: 1) a fiduciary acting under a will or power of attorney; 2) a personal representative acting for a decedent; 3) a conservatorship proceeding; 4) a trustee acting under a trust; and 5) a custodian if the user resides in this state. Allows a user to direct a custodian to disclose, or not disclose, to a designated recipient some or all digital assets using an online tool and stipulates that such directions: 1) override any contrary direction in a will, trust, power of attorney or other record, if the online tool allows for modification or deletion of a direction at any time; and 2) override any contrary provision in a terms-of-service agreement, if the agreement does not require the user to act affirmatively and distinctly from the user's assent to the terms of service. Specifies that the Act does not apply to the digital assets of an employer used by an employee in the ordinary course of business.

technical correction; college savings plan (NOW: credit unions; actions; meetings) (H.B. 2471) – Chapter 332

Removes the requirement that the board of directors of a credit union must meet at least monthly, provided that meetings still occur at least 10 times in 10 different months during a calendar year. Allows a credit union to compensate members of its board of directors, specifying that life, health and similar insurance is not considered compensation.

Allows a board of directors meeting to be executed electronically if proper notice is given to each board member. The purpose of the meeting along with the response date and time must be provided in the notice. Requires that action in a meeting only be taken if the following requirements are met: 1) that the same number of votes required to begin a physical meeting are received electronically; 2) that a board member has not submitted a signed communication to the board chairman demanding that action not be taken without a physical meeting; 3) that action taken in an electronic meeting has the same effect in a physical meeting and is reflected in documentation; 4) that actions and votes are included in the minutes of the next meeting; and 5) that votes submitted electronically must be signed using an electronic signature with security pursuant to the electronic transactions statute.

Removes the five percent investment cap pertaining to a credit union's ability to invest in fixed assets. Allows a credit union to offer a savings promotion account that includes an incentive in which the sole requirement to obtain the incentive is a deposit of a specified amount of money in the account.

insurance; risk retention groups (H.B. 2553) – Chapter 201

Establishes new rules and regulations for risk retention groups operating in the state. Requires the board of directors of a risk retention group to consist of a majority of individuals independent of the group. Specifies that an independent board director must have no material relationship with the risk retention group. Requires the board of directors to adopt a written policy outlining a plan of operation that does the following: 1) ensures that all owners or insureds receive evidence of ownership interest; 2) develops a set of governance standards; 3) oversees the evaluation of the risk retention group's management; 4) reviews the amount to be paid for all

FINANCIAL INSTITUTIONS COMMITTEE (Cont'd.)

material service providers; and 5) reviews at least annually the group's objectives and the performance and continued engagement of the officers and service providers.

judgement liens; recorded information statement (H.B. 2555) – Chapter 202

Modifies current statute pertaining to judgment liens on real property. Stipulates that a judgement does not become a lien until the following are recorded with the office of the county recorder in each county where the judgment creditor desires the judgment to become a lien on the real property of the judgment debtor: 1) a certified copy of the judgment containing certain statutorily prescribed information, including the date of entry of the judgment, the docket record for the judgment and the judgment amount; and 2) a separate information statement containing statutorily prescribed information pertaining to the judgment creditor, judgment debtor and the judgment amount.

LEGISLATION VETOED

legal tender; taxation; regulation (S.B. 1141) – VETOED

Permits, effective January 1, 2018, the use of specie legal tender as a medium of exchange in the state as authorized by the U.S. Constitution. Prohibits the regulation of legal tender and specie as property other than money. Prohibits a person from compelling another person, the state or political subdivision to accept specie legal tender as payment, unless provided by contract. Excludes net capital gains derived from the exchange of one kind of legal tender for another from federal adjusted gross income and federal taxable income.

The Governor indicates in his veto message that the language of the bill provides for a broad prohibition from state regulation of legal tender as anything other than money. In his view, this provision is ambiguous and may have unintended consequences beyond the intent of the proponents.

Government Committee

Senator John Kavanagh, Chairman



Robin Hillyard, Research Analyst

Jeffrey Ong, Assistant Analyst

Stephanie Holford, Intern

GOVERNMENT COMMITTEE

LEGISLATION ENACTED

department of administration; continuation (S.B. 1040) – Chapter 140

Retroactive to July 1, 2016, the Arizona Department of Administration is continued until July 1, 2024.

Prescott historical society; continuation (S.B. 1042) – Chapter 13

Retroactive to July 1, 2016, the Prescott Historical Society is continued until July 1, 2024.

state personnel board; continuation (S.B. 1043) – Chapter 14

Retroactive to July 1, 2016, the Arizona State Personnel Board is continued until July 1, 2024.

pioneers' home; miners hospital; continuation (S.B. 1045) – Chapter 15

Retroactive to July 1, 2016, the Arizona Pioneers' Home and the State Hospital for Miners with Disabilities are continued until July 1, 2024.

recycled materials; purchase; agencies; repeal (S.B. 1056) – Chapter 17

Repeals state agency printing and reporting requirements for recycled materials.

county property; wireless communication facilities (S.B. 1089) – Chapter 18

Permits a county to purchase, own, lease or hold land outside of its limits in order to develop, operate or maintain wireless communication facilities used for county government purposes.

medical examiner; jurisdiction; death reporting (S.B. 1104) – Chapter 19

SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

public library operation; third party contracts (S.B. 1198) – Chapter 337

Allows a county board of supervisors, in a county without an established library district, to contract with a school district, community college district or nonprofit organization to operate a county free library.

GOVERNMENT COMMITTEE (Cont'd.)

consideration of property rights; zoning (S.B. 1235) – Chapter 111

Stipulates counties and municipalities must consider individual property rights and personal liberties in accordance with the Arizona Constitution prior to adopting zoning ordinances.

~~commission of Indian affairs; continuation~~ (NOW: governor's office on tribal relations) (S.B. 1237) – Chapter 150

Repeals the Arizona Commission of Indian Affairs and transfers the duties to the newly established Governor's Office on Tribal Relations (Office) to assist state agencies in implementing tribal consultation and outreach activities. Repeals the Indian Affairs Publications Fund and transfers remaining funds to the Office. Requires each state agency to develop policies with input generated from tribal consultations and annually provide a progress report to the Office. Outlines changes to the annual Indian Nations and Tribes Legislative Day. Stipulates the Governor shall annually hold a State-Tribal Summit to address issues of mutual concern with the 22 Tribal Nations and Communities in Arizona.

~~advisory council; Indian health care~~ (NOW: tribes; child safety; health care) (S.B. 1238) – Chapter 151

SEE THE HEALTH AND HUMAN SERVICES COMMITTEE.

fire districts; wildland fires; budgets (S.B. 1244) – Chapter 219 E

SEE THE NATURAL RESOURCES COMMITTEE.

reviser's technical corrections; 2016 (S.B. 1251) – Chapter 312

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

drug lab remediation; assayers; repeal (S.B. 1256) – Chapter 352

Removes state certification requirements by the Board of Technical Registration for certified remediation specialists, drug laboratory site remediation firms and assayers with the exception of allowing emeritus status to qualified assayers. Removes notification requirements for a clandestine drug laboratory connected with manufacturing methamphetamine. Removes the requirement that the State Board of Technical Registration have an Environmental Remediation Rules and Standards Committee to investigate and review drug laboratory remediation complaints on real property connected to a drug laboratory. Eliminates the technical registration fund and the \$15 fee assessed on a person convicted of a criminal drug offense. Remaining monies in the fund will be transferred to Arizona Department of Environmental Quality for remediation on real property reported prior to the effective date of this legislation.

firearms; state preemption; penalties (S.B. 1266) – Chapter 132

SEE THE PUBLIC SAFETY, MILITARY AND TECHNOLOGY COMMITTEE.

GOVERNMENT COMMITTEE (Cont'd.)

county development fees (S.B. 1306) – Chapter 326

Modifies the ability of a county to assess development fees and requires adoption of an Infrastructure Improvement Plan for each necessary public service. Establishes guidelines for calculating development fees and specifies the types of fees that may be assessed. Outlines a property owner's right to request a refund for unspent development fees paid to the county. Allows counties to continue to assess development fees adopted prior to January 1, 2017, to continue to provide a necessary public service and requires counties to recalculate development fees in compliance with this legislation by January 1, 2021. Any development fees adopted or amended after January 1, 2017, must comply with the requirements outlined in this legislation.

juvenile charged as adult; detention (S.B. 1308) – Chapter 314

SEE THE PUBLIC SAFETY, MILITARY AND TECHNOLOGY COMMITTEE.

~~committee of reference; standing committee~~ (NOW: service animals; regulation; rights; definitions) (S.B. 1382) – Chapter 162

Requires service animals to be leashed or harnessed at all times, unless the handler is unable to use a leash or harness due to the person's disability, or if the leash or harness would interfere with the service animal's ability to work. If the animal is not leashed or harnessed, it must be under the control of its owner by voice, signal or other effective means. Allows a public accommodation to ask what service or task the service animal has been trained to perform. Stipulates it is not discriminatory for the operator of a public place to exclude a service animal if the animal is out of control and the handler is not taking effective action or if the animal is not housebroken. If an individual is asked to remove a service animal, the individual must be allowed to return to the public place without the service animal.

rulemaking exemption; one-year review (S.B. 1388) – Chapter 355

Requires state agencies that receive a one-time rule making exemption to review the rule within one year after adoption. Stipulates an agency must submit written findings on the rule to the Governor's Regulatory Review Council, which can require an agency to amend or repeal a rule. Stipulates deadlines for reports, notifications and agency actions.

~~state museum; fees; rulemaking~~ (NOW: fees; notice; posting; state museum) (S.B. 1418) – Chapter 166

Requires the Arizona Board of Regents (ABOR) to approve fees for services performed by the Arizona State Museum (Museum) and establishes a notification process. The Museum Director must provide: 1) a notice of intent with specified information; and 2) a draft fee proposal with a public comment period prior to ABOR consideration. The Secretary of State must publish the notice of intent and fee proposal in the register. Stipulates within 12 months after the effective date, ABOR must submit a report summarizing the progress and repeals this requirement on January 1, 2018.

GOVERNMENT COMMITTEE (Cont'd.)

boards; commissions; compensation; expenses (S.B. 1421) – Chapter 328

Requires the Auditor General to annually review a sample of employee's and member's per diem compensation and reimbursement expenses. Directs each board, commission, council or advisory committee to submit a report to the Arizona Department of Administration (ADOA) by October 1, 2016, with the following information for each member: 1) the authorized amount of compensation; 2) the amount of compensation that was paid in FY 2016; and 3) the amount of reimbursement of expenses paid in FY 2016. Requires ADOA to compile the data and submit a report by December 15, 2016.

~~computer system; software; sale; lease~~ (NOW: software; computer system; sale; lease) (S.B. 1438) – Chapter 317

SEE THE EDUCATION COMMITTEE.

payroll deductions; charitable contributions; prohibition (S.B. 1485) – Chapter 78

Prohibits a state officer or employee from using payroll deductions for a contribution made to a charitable organization that performs non-federally qualified abortions or maintains or operates a facility where non-federally qualified abortions are performed.

state law; local violations; penalties (S.B. 1487) – Chapter 35

Directs the Attorney General, upon request of a member of the Legislature, to investigate any alleged violations of the Arizona Constitution or state law by a governing body of a county or municipality and stipulates reporting requirements. Specifies counties and municipalities found in violation must resolve the violation within 30 days. If no correction is made, the State Treasurer must withhold state-shared monies until the violation is resolved.

Homeowners' associations; director removal (S.B. 1496) – Chapter 343

Requires unit owners' associations (UOA) and homeowners' associations (HOA) to hold elections within 30 days to fill vacancies if the majority of the Board of Directors (Board) is removed, and stipulates that once removed a Board member is ineligible to serve on the Board until after the original term of office unless the UOA or HOA documents require a longer period of ineligibility. The Board is required to retain all documents and records related to the removal or replacement of a Board member.

homeowners' associations; fees; hearings; elections (S.B. 1498) – Chapter 172

Prohibits unit owners' associations (UOA) and homeowners' associations (HOA) from charging a late fee until the association has provided notice that the assessment is overdue or provides a notice that the assessment is considered overdue after a certain date. Written violation notices must provide a method for petitioning for an administrative hearing with the Department of Fire, Building and Life Safety. Ballot-related material must contain the name, address and physical or electronic signature of the person voting, unless secret ballots are permitted; then only the envelope and non-ballot-related materials will contain the name, address and signature

GOVERNMENT COMMITTEE (Cont'd.)

of the voter. Ballot-related materials must be retained for at least one year after the election, in either electronic or physical format.

The provisions of S.B. 1498 were modified by S.B. 1530. For complete information, please see the summary for S.B. 1530 or the *As Enacted Revised* fact sheet for S.B. 1498 at http://www.azleg.gov/DocumentsForBill.asp?Bill_Number=1498&Session_Id=115.

drop box; private property; consent (S.B. 1504) – Chapter 59

Requires prior notarized approval by a property owner or owner's agent before placement of a drop box on private property and specifies that private property owners are not prevented from adopting additional restrictions on their property. Excludes previously agreed upon contracts and does not restrict cities or towns from adopting their own ordinances to regulate drop boxes.

submarine memorial; delayed repeal (S.B. 1513) – Chapter 344

Extends the completion deadline of the Submarine Memorial for an additional three years to September 30, 2020.

campaign finance amendments (S.B. 1516) – Chapter 79

SEE THE JUDICIARY COMMITTEE.

~~technical correction; traffic violations~~ (NOW: officers; employees; payroll deductions; appeals) (S.B. 1521) – Chapter 318

SEE THE PUBLIC SAFETY, MILITARY AND TECHNOLOGY COMMITTEE.

regulatory actions; limitation (S.B. 1524) – Chapter 209

A municipality, county or agency may not take an action that increases the regulatory burdens on a person, if it is not specifically authorized by statute, unless there is a threat to the health, safety or welfare of the public that has not been addressed by legislation or self-regulation. Unless specifically authorized by statute, ordinance or code, a municipality, county or agency may not impose a regulation on a business that provides a Qualified Marketplace Platform for individuals to offer or procure goods and services, if the regulation is designed to regulate a business that provides goods or services directly to the customer.

information technology; transfer; title 18 (H.B. 2013) – Chapter 80

Creates Title 18 in the A.R.S. regarding the governing of information technology. Repeals the chapter and article headings of sections transferred to Title 18 as well as statute related to liability for the year 2000 data failures.

GOVERNMENT COMMITTEE (Cont'd.)

publicity pamphlets; counties; municipalities (H.B. 2015) – Chapter 60

Beginning January 1, 2017, requires any contract for the publication or mailing of an election pamphlet to contain a one cent penalty for each household that has a registered voter for each day the mailing of the pamphlet is delayed. If mailing is delayed, the contractor is required to pay the office of the officer in charge of the election.

codes; adoption by reference; copies (H.B. 2021) – Chapter 81

Allows at least three paper copies or one paper copy and one electronic copy of a building code to be filed in the office of the clerk of the county board of supervisors or in the County Planning and Zoning Department.

delivery; early ballots; limitation (H.B. 2023) – Chapter 5

Makes it a class 6 felony for a person to knowingly collect early ballots from another person with the exception of the following: 1) a member of the same household; 2) a family member related to the voter by blood, marriage, adoption or legal guardianship; 3) a U.S. Postal Service worker or other person allowed by law to transmit U.S. mail; 4) a caregiver who provides medical or health care assistance to the voter; 5) an elected official engaged in official duties; or 6) an election in a special taxing district created to support agricultural lands or crops.

municipal; precinct office; online signatures (H.B. 2049) – Chapter 82

Beginning January 1, 2017, the Secretary of State is required to provide a secure, online system to qualified electors to sign nomination petition signatures for candidates who run for a city, town, county or precinct committeeman office and permits candidates to use the online system to collect up to the minimum number of required signatures.

federal office; online signature collection (H.B. 2050) – Chapter 176

Stipulates the Secretary of State must create an online signature petition collection system for officers that run for U.S. congressional office by January 1, 2017.

annexation; single property owner; exception (H.B. 2076) – Chapter 93

Modifies requirements determining if a territory is contiguous for annexation, as follows: 1) one person owns all of the real property in the territory; 2) the city or town and the real property owner agree to the annexation; and 3) the territory borders the city or town for at least 300 feet.

voter registration records; death records (H.B. 2084) – Chapter 50

Requires the Department of Health Services to provide the Secretary of State with a monthly list of death records and annually provide all death records in the database in order to compare all death records with the statewide voter registration database. Removes minimum age requirements for reported death records.

GOVERNMENT COMMITTEE (Cont'd.)

state agency reports; electronic submission (H.B. 2100) – Chapter 115

SEE THE HEALTH AND HUMAN SERVICES COMMITTEE.

homeowners' associations; enforcement grace period (H.B. 2106) – Chapter 230

Increases the amount of time a homeowner or unit owner has to respond to a notice of violation from a homeowners' association or unit owners' association to 21 calendar days.

~~substance abuse recovery homes~~ (NOW: structured sober living homes) (H.B. 2107) – Chapter 287

SEE THE HEALTH AND HUMAN SERVICES COMMITTEE.

~~technical correction; bulk food; applicability~~ (NOW: corporation commission; conflict of interest) (H.B. 2123) – Chapter 289

SEE THE JUDICIARY COMMITTEE.

municipalities; property sale threshold; election (H.B. 2146) – Chapter 62

SEE THE FEDERALISM, MANDATES AND FISCAL RESPONSIBILITY COMMITTEE.

weights and measures; omnibus (H.B. 2171) – Chapter 232

SEE THE NATURAL RESOURCES COMMITTEE.

planned communities; architectural designs; approval (H.B. 2172) – Chapter 83

Prohibits a planned community association or design review committee from unreasonably withholding approval of a construction project's architectural designs, plans and amendments.

fire districts; merger; consolidation (H.B. 2197) – Chapter 183

SEE THE FINANCE COMMITTEE.

~~fire districts; vacancies; board operations~~ (NOW: vacancies; fire districts; board operations) (H.B. 2198) – Chapter 97

Stipulates requirements for appointing fire district interim board members in the absence of a quorum and requires the fire district association to submit an annual report to the board of supervisors with the names of the elected officials and fire chiefs who attended required training.

GOVERNMENT COMMITTEE (Cont'd.)

private firearm transactions; prohibited encumbrances (H.B. 2224) – Chapter 84

Prohibits the state or any city, town or county in the state from enacting or implementing an additional fee, tax, assessment, lien or hindrance on the transfer of a firearm between two private parties who are not prohibited by law to possess a firearm.

Juneteenth day; state holiday (H.B. 2226) – Chapter 40

Designates June 19, annually, as Juneteenth Day and states it is not a legal holiday.

public buildings; applicable fire codes (H.B. 2233) – Chapter 234

Allows a school district or charter school to have a building plan review, permitting or inspection performed by either the Fire Marshal or a city, town, county or fire district if the Fire Marshal has authorized local fire codes to be imposed on the school district or charter school building. Upon entering into an intergovernmental agreement, a city, town or county or fire district is required to disclose any fees associated with the inspection of the school district or charter school.

county merit system; terms; hearings (H.B. 2247) – Chapter 41

Allows the county board of supervisors to appoint a member to the County Employee Merit System Commission to a five-year term, instead of a four-year term, if the appointee is currently serving on the County Merit System Council for Law Enforcement Officers. Modifies certain filings to be placed in an officer's or employee's official county personnel record and requires certain appeal hearings to be open to the public, unless lawfully determined otherwise.

service animals; licensing; fee waiver (H.B. 2255) – Chapter 99

Extends the exemption from paying a licensing fee for a service animal to a city, town or board of supervisors to include service animal trainers.

charitable organizations; campaign finance disclosure (H.B. 2296) – Chapter 346

Exempt Entities – Retroactive to 90 days before the 2016 primary, a political subdivision or agency of the state is prohibited from requiring an entity with a 501(c)(3) tax exempt status to register as a political committee or file any reports if the entity is in compliance with the Internal Revenue Code's requirement that the entity does not spend a substantial amount of time or assets on influencing legislation. Under specified circumstances a person or entity is exempt from registering as a political committee.

Amendments to S.B. 1516 – Amends Laws 2016, Chapter 79. Effective November 5, 2016, alters requirements related to joint fundraising efforts for reimbursements and distributions to be considered exempt from the definition of *contribution*. Provides guidance, for purposes of campaign finance reporting, for: 1) when a contribution, expenditure or disbursement is deemed received or made; and 2) approved methods of recording transactions. For complete information relating to these provisions, please see the summary for S.B. 1516 or the *As Enacted – Revised* fact sheet for S.B. 1516 at

http://www.azleg.gov/DocumentsForBill.asp?Bill_Number=1516&Session_Id=115.

GOVERNMENT COMMITTEE (Cont'd.)

political advertisements; contributors; disclosure (H.B. 2297) – Chapter 347

Independent Expenditure Disclosure Requirements – Requires an independent expenditure by a political committee for campaign literature or advertisements to include up to three of the largest contributions, if the contributions make up 20 percent or more of the total contributions to the political committee. Stipulates if no political committee has contributed 20 percent or more, the names of the three political committees that have made the largest amount of aggregate contributions must be disclosed.

Amendments to S.B. 1516 – Amends Laws 2016, Chapter 79. Prohibits a candidate committee from making a contribution to a candidate committee for another candidate, but allows a candidate committee that intends to terminate to contribute surplus money to a candidate committee for another candidate under specified conditions. Places restrictions on the ability of candidate committees to reattribute excess contributions. Expands the ability of candidate committees to transfer contributions between committees for that same candidate, but adds a time limit to ensure an illegal transfer over the contribution limits does not occur. Specifically, a city or town candidate committee may transfer contributions to a county candidate committee for the same candidate, but cannot transfer contributions to a statewide or legislative candidate committee for the same candidate. A county committee that has received contributions as described above cannot transfer those monies to the candidate's committee for statewide or legislative office for 24 months immediately following the transfer.

Reinserts certain criminal penalties related to campaign finance violations. Modifies committee bank account segregation requirements and the nomination paper filing deadline. Requires a candidate committee's first campaign finance report to include the entire election cycle to date. Establishes guidelines for transitioning political committees to the new system and for the Secretary of State to charge fees for jurisdictions that opt into its filing system. Changes the delayed effective date of S.B. 1516 from January 1, 2017 to November 5, 2016. For complete information relating to these provisions, please see the summary for S.B. 1516 or the *As Enacted – Revised* fact sheet for S.B. 1516 at http://www.azleg.gov/DocumentsForBill.asp?Bill_Number=1516&Session_Id=115.

regulation; deficiencies; opportunity to correct (H.B. 2337) – Chapter 362

Requires an agency to allow a regulated person to correct deficiencies if the agency is unsure the person meets specified exemptions. An agency must document specified deficiencies in writing, and if requested, provide a written explanation justifying why an opportunity to correct deficiencies was denied.

educational institutions; firearms; rights-of-way (H.B. 2338) – Chapter 131

A governing board of an educational institution is prohibited from adopting or enforcing a policy or rule that prohibits a person from lawfully carrying a concealed weapon or having a concealed weapon in the person's means of transportation in a public right of way. Stipulates forfeited weapons may no longer be destroyed.

GOVERNMENT COMMITTEE (Cont'd.)

regional transportation authority; membership; election (H.B. 2373) – Chapter 295

SEE THE TRANSPORTATION COMMITTEE.

property; declaration amendment; procedure (H.B. 2382) – Chapter 254

Establishes a method for a board or private property owners to amend an existing community declaration with the exception of condominiums and time shares. The adopted amendment may apply to fewer lots or property bound to the existing declaration as long as all parties agree to the amendment and the amendment conforms to the general design of the community. Within 30 days of an adopted amendment, a written record must be filed with the county in which the property is located.

publicity pamphlets; arguments; electronic submittal (H.B. 2428) – Chapter 296

Removes procedural methods involving petition signature sheets and integrates electronic methods to file and transmit copies. Requires the Secretary of State to post to its website publicity pamphlets with the date ballot measure filings are due, the date of the special election and the analysis for and against proposed amendments to the Constitution.

local financial disclosure; electronic filings (H.B. 2429) – Chapter 196

Permits, effective January 1, 2017, local public officers to file financial disclosure statements electronically. A public officer is allowed to use a home or work address and the terms *spouse* or *minor child*, when completing a financial disclosure statement. Requires a public officer's financial disclosure statement to include the name of each meeting, conference or other event participated in by the public officer in the public officer's official capacity if the incurred travel expenses are not paid by the public officer and total \$1,000 or more. Excludes publicly reported travel expenses and political campaign contributions from the definition of *gift*.

library trustees; annual report (NOW: counties; free library system) (H.B. 2430) – Chapter 255

Allows a county board of supervisors to utilize county general fund monies to establish and operate a county free library system.

municipal improvement districts; formation election (H.B. 2440) – Chapter 9

SEE THE FINANCE COMMITTEE.

behavioral health; urgent need; children (H.B. 2442) – Chapter 71 E

SEE THE HEALTH AND HUMAN SERVICES COMMITTEE.

prohibited weapon; definition; exclusions (NOW: prohibited weapon; exclusions; definition) (H.B. 2446) – Chapter 297

Modifies the definition of a *prohibited weapon* to exclude firearms or devices that are possessed, manufactured or transferred in compliance with federal law.

GOVERNMENT COMMITTEE (Cont'd.)

business entities; database; posting; requirements (H.B. 2447) – Chapter 322

Requires, effective January 1, 2017, the Arizona Corporation Commission to create and maintain a database searchable by name, date and county on its website free of charge for certain business filings for entities in counties with greater than 800,000 residents. Allows entities, on approval of the business filings, to post the approval to the database for at least 90 days or publish a copy in a newspaper in a county where the entity is known to do business.

The provisions of H.B. 2447 were modified by H.B. 2123. For complete information, please see the summary for H.B. 2123 or the *As Enacted – Revised* fact sheet for H.B. 2447 at http://www.azleg.gov/DocumentsForBill.asp?Bill_Number=2447&Session_Id=115.

audits; accountants; reciprocity privilege (H.B. 2448) – Chapter 30

Extends existing reciprocity privileges for a certified public accountant (CPA) to perform an audit or financial review for the following: 1) a periodic review of a credit union; 2) a budget of a municipality; 3) a statewide database of receipts and expenditures of state money; 4) a renewable energy tax incentive; 5) a qualified facility income tax credit; or 6) a School Tuition Organization. Modifies the experience required to demonstrate a CPA's critical inquiry and analysis of financial accounting information.

expedited rulemaking; outdated rules (H.B. 2450) – Chapter 198

Allows state agencies to conduct expedited rulemaking procedures to amend or repeal rules that are outdated, redundant or no longer considered necessary for the operation of state government.

municipal population estimates; use (H.B. 2483) – Chapter 258 E

SEE THE APPROPRIATIONS COMMITTEE.

state agencies; preapplication authorization; limitations (H.B. 2487) – Chapter 365

Unless authorized by statute, prohibits an agency from requiring preapplication authorization or conferences. If preapplication procedures are required, the agency must consider the requirements or procedures as the beginning of the licensing timeframe.

Permits agencies to offer voluntary preapplication procedures, if they notify applicants that the preapplication procedures are not mandatory. Requires an agency to consider the potential costs and delays for the applicant and pursue ways to minimize them.

~~local governments; permits; equipment~~ (NOW: equipment; permits; local government) (H.B. 2497) – Chapter 260

Requires a municipality, upon application, to issue a permit to a cable operator to attach Wi-Fi radio equipment to the cable television system in a public right-of-way. It allows a municipality to require the equipment to fit within a 15 inch cube contained in a ground-mounted pedestal or be mounted to one of the existing aerial conductors. It prohibits ongoing rental fees

GOVERNMENT COMMITTEE (Cont'd.)

for Wi-Fi radio equipment attached to cable television systems but allows for a permit fee to be established. Grandfathers requirements to pay application, construction, permit, inspection or other fees and charges for Wi-Fi radio equipment that the cable operator agreed to before December 31, 2015, until the first day of renewal or extension of the terms.

Political subdivisions are required to allow for the installation, operation and maintenance of aerial strand-mounted microcell equipment on public highways. Political subdivisions may place limits on the number of attached devices. All application, permit or other charges levied must be competitively neutral directly related to the costs incurred for providing services. Prohibits ongoing rental fees. Only a qualified service provider is allowed to use microcell equipment to provide commercial mobile services.

Agricultural improvement districts or other special taxing districts that control utility poles are not impacted by this legislation.

supreme court justices; number (H.B. 2537) – Chapter 333

SEE THE JUDICIARY COMMITTEE.

Indian nations; tribes; legislative day (H.B. 2610) – Chapter 205

Modifies the Indian Nations and Tribes Legislative Day to be held on the first Wednesday of each regular legislative session instead of the second Tuesday.

Israel; boycotts; contracts; investments (H.B. 2617) – Chapter 46

SEE THE FEDERALISM, MANDATES AND FISCAL RESPONSIBILITY COMMITTEE.

municipalities; taxes and fees; notification (H.B. 2635) – Chapter 335

Requires a municipality, proposing a new or increased tax or fee, to provide a schedule, supporting data and notice of intent and stipulates they must be posted on the municipality's website and, if available, through social media and other electronic communications tools.

Allows the governing body of a municipality to order the construction or reconstruction of railroads when the public interest or convenience requires. Stipulates a municipality must prepare a notice of intent, if joining with any other city, town, improvement district or sanitary district, to levy an assessment to improve streets running upon or along the boundaries of the city or town.

Excludes specified fees from the requirements including: 1) water and wastewater rates or rate components; 2) program, class and activity fees provided by the municipality; 3) court fees established under state law; 4) fees or charges established under federal law for public housing or other federally funded programs; and 5) other fees whose amounts are set by state or federal law.

GOVERNMENT COMMITTEE (Cont'd.)

government; budget reconciliation; 2016-2017. (H.B. 2703/S.B. 1534) – Chapter 121

SEE THE APPROPRIATIONS COMMITTEE.

LEGISLATION VETOED

Assyrian genocide; monument; procedures (S.B. 1367) – VETOED

Authorizes the Arizona Department of Administration (ADOA) to provide for the placement of a memorial commemorating the Assyrian Christian Genocide in the Governmental Mall.

The Governor indicates in his veto message that before moving forward with any additional monuments on the Capitol mall he would like ADOA to review current monuments and develop a plan for the future.

estimates; state budget; notice (H.B. 2484) – VETOED

Requires, beginning in 2017, the Joint Legislative Budget Committee and Office of Strategic Planning and Budgeting to provide a truth-in-spending estimate by February 15 each year for the following fiscal year to the chair of the Senate and House of Representatives Appropriations, Finance and Ways and Means Committees. If a budget exceeding the truth-in-spending estimate is transmitted to the Governor, it requires a press release to be issued within 24 hours.

The Governor indicates in his veto message that while he supports the underlying policy, the bill language lacks specificity and does not take into account fiscally conservative actions such as eliminating debt.

uniform firearms transfer compact (H.B. 2524) – VETOED

Establishes the Uniform Interstate Firearms Compact (Compact) within Arizona. Becomes contractually binding when at least one other state adopts the Compact. The Compact prohibits member states from enacting or enforcing any law, regulation or policy that imposes any fee, tax, penalty, mandate or other regulation regarding the transfer of firearms in addition to any regulation imposed by federal law. Member states are prohibited from creating or imposing any criminal or civil liability not created or imposed under federal law, and specifies that any such regulation existing on the effective date of the compact is repealed. Provides methods for member states to propose amendments or withdraw from the Compact. Residents of a member state are allowed to seek injunctive relief to enforce the Compact.

The Governor indicates in his veto message that Arizona has led the nation in ensuring citizens may keep and bear arms. He indicates that the Compact would tie Arizona to other states' decisions and he believes Arizona should retain its sovereignty on public policy decisions relating to the transfer of firearms.

GOVERNMENT COMMITTEE (Cont'd.)

community facilities districts; formation; governance (H.B. 2568) – VETOED

If certain qualifications are met, the governing body of a municipality or county is required to adopt a resolution ordering the formation of a Community Facility District (District) within 90 days of the submission of a petition with an intent to form a District. The District land owners are required to provide an agreement to indemnify the governing body from liabilities, claims, costs and expenses incurred during the offer, sale and repayment of District bonds. Establishes requirements for a five-member District board consisting of: 1) two members who are directly selected by the governing body; 2) one member, selected by the governing body, from a list of at least four people that is submitted by District landowners who own more than 25 acres; and 3) two members who are selected by the District land owners who own more than 25 acres. Land owners with more than 25 acres of land are prohibited from sitting on the board.

Requires a limit on the ad valorem tax levy and stipulates a District's bond election ballot must include language asking for authorization of an ad valorem tax levy and the tax levy limit. The Board is permitted to limit the tax rate or the amount of ad valorem tax dollars that it is obligated to levy or collect, to the amount authorized by the bond election and must keep within the voter authorized ad valorem tax limit when conducting the required annual bond levy and ad valorem tax collection. A District is allowed to levy at a rate higher than the current maximum rate if the current maximum rate is lower than the voter authorized limit.

Outlines requirements for approving public infrastructure's project report, including the nature and timing of issuing bonds. Creates requirements for the acceptance and maintenance of public infrastructure by a governing body and stipulates when roadway and law enforcement agreements must be provided. Requires each District to provide the Department of Revenue (DOR) an annual report regarding continuing disclosure and directs DOR to provide copies of the report to the Joint Legislative Budget Committee.

The Governor indicates in his veto message that he understands that there are areas that need to be addressed with community facilities districts, but the bill does not provide needed protections for the taxpayer.

FIRST SPECIAL SESSION (2015)

statewide special election. (H.B. 2002/S.B. 1002) – Chapter 2 (First Special Session)

SEE THE EDUCATION COMMITTEE.

Health & Human Services Committee

Senator Nancy Barto, Chairman



Emily Mercado, Research Analyst

Phillip Belone, Intern

HEALTH & HUMAN SERVICES COMMITTEE

LEGISLATION ENACTED

medical radiologic technology (S.B. 1096) – Chapter 141

Makes various changes to the Medical Radiologic Technology Board of Examiners (Board) statutes relating to certification and education. Also, permits the Board to investigate evidence that appears to show the existence of any of the causes or grounds for disciplinary action.

Retroactive to July 1, 2016, the Board and the Radiation Regulatory Agency and Radiation Regulatory Hearing Board are continued until July 1, 2018. Requires the Board and the Arizona Radiation Regulatory Agency to issue a joint report to the outlined committees of reference on the progress of the implementation of the Office of the Auditor General's recommendations by December 1, 2016.

medical examiner; jurisdiction; death reporting (S.B. 1104) – Chapter 19

Specifies that a county or alternate medical examiner is required to take charge of a dead body and determine if an autopsy is required following a death investigation in which it is determined that the circumstances of the death provide jurisdiction. S.B. 1104: 1) modifies the list of reportable deaths; 2) changes, from anatomic pathology to forensic pathology, the type of certification a licensed physician must have in order to supervise an authorized medical student or resident and fellow in pathology training who is performing autopsies; and 3) designates that alternate medical examiners can fulfill the responsibilities of the county medical examiner, where applicable.

acupuncture board; licensure; qualifications (S.B. 1105) – Chapter 266

Modifies the Acupuncture Board of Examiners' fingerprinting requirement to apply to initial applicants only, retroactive to July 1, 2016.

food stamp benefits; unlawful use (S.B. 1106) – Chapter 20

Defines *eligible food* and designates as an unlawful use of food stamps the buying, selling, acquisition or redemption of food stamps, or eligible food purchased with food stamps, in exchange for cash or consideration other than eligible food.

application for public assistance; requirements (S.B. 1108) – Chapter 21

Permits public assistance applicants to sign the application electronically and requires the application to include a statement subscribed by the applicant, instead of verified by oath, certifying that the contents of the application are true under penalty of perjury.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

Arizona health facilities authority; continuation (S.B. 1109) – Chapter 350

Retroactive to July 1, 2016, the Arizona Health Facilities Authority is continued until July 1, 2024.

pharmacists; scope of practice (S.B. 1112) – Chapter 267

Permits a licensed pharmacist to administer certain immunizations without a prescription order and requires pharmacists administering immunizations in this manner to identify and report to the patient's primary care physician the administration and any adverse reaction that is witnessed by or reported to the pharmacist and that may be a contraindication to further doses.

S.B. 1324 (Laws 2016, Chapter 75) clarifies that any medication abortion must be administered in compliance with protocols approved by the U.S. Food and Drug Administration (FDA) that are in effect as of December 31, 2015. S.B. 1112 removes this requirement and the requirement that women be informed of and that the Department of Health Services (DHS) provide on its website information relating to the possibility of reversing a medication abortion. Instead, DHS must post information on its website: 1) explaining the efficacy of taking mifepristone alone without the follow-up drug to terminate a pregnancy; and 2) advising a woman who has taken mifepristone alone and is questioning her decision to terminate her pregnancy to contact her physician or seek information regarding the health of her fetus.

For complete information, please see the summary for S.B. 1324 or the *As Enacted* fact sheet for S.B. 1324 at

http://www.azleg.gov/DocumentsForBill.asp?Bill_Number=1324&Session_Id=115.

mental health power of attorney (S.B. 1169) – Chapter 268

Removes the ability of a principal who is determined to be incapable to revoke a mental health care power of attorney. Increases the window for discharge upon request in an inpatient psychiatric facility, and outlines circumstances exempt from this requirement, including cases in which the principal has been determined to be incapable.

Modifies both the mental health power of attorney form and the required documents for an agent admitting a principal to an inpatient psychiatric facility. Adds a licensed physician specializing in neurology to the list of specialists who can determine incapability.

charitable donations; tax credit amounts (S.B. 1216) – Chapter 109

SEE THE FINANCE COMMITTEE.

~~advisory council; Indian health care~~ (NOW: tribes; child safety; health care) (S.B. 1238) – Chapter 151

Modifies the membership of the Advisory Council on Indian Health Care (Council) and directs the Council to provide representation in Arizona to tribal governments, tribal organizations and urban Indian health care organizations in shaping Medicaid, healthcare policies and laws impacting the populations they serve.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

Permits an authorized tribe to request federal name-based and fingerprint background checks on all adults residing in a home for emergency placement. If a child is removed from the custody of a parent, guardian or custodian, the authorized tribe may place the child in emergency placement pending results from the full fingerprint background check.

controlled substances prescription monitoring program (S.B. 1283) – Chapter 211

Requires a medical practitioner to obtain a patient utilization report from the Controlled Substances Prescription Monitoring Program's (Program) central database tracking system for the 12 months preceding prescription of certain controlled substances and outlines exemptions from this requirement, effective the later of October 1, 2017, or 60 days after the Statewide Health Records Information Exchange has integrated the program data into the exchange. Permits a medical practitioner to obtain a one-year waiver from the requirement in the case of technological limitations.

Requires the Department of Health Services to conduct an annual voluntary survey to assess user satisfaction with the system. Requires the Arizona State Board of Pharmacy (Board) to contract with a third party to conduct an analysis of the Program and report on outlined information by January 1, 2017, and to share that information with outlined individuals by January 15, 2017. Requires the Board to complete and post on its website a quarterly report regarding the electronic health records integration and system by October 1, 2016, for a period of four years. Exempts the Board from rulemaking requirements for one year.

guardianship; proceedings; ward's relationships (S.B. 1296) – Chapter 270

SEE THE JUDICIARY COMMITTEE.

paternity; preliminary injunction (S.B. 1297) – Chapter 271

SEE THE JUDICIARY COMMITTEE.

child support action; affirmative defense (S.B. 1299) – Chapter 272

SEE THE JUDICIARY COMMITTEE.

respiratory care examiners (S.B. 1300) – Chapter 49

Allows the Arizona State Board of Respiratory Care Examiners (Board) to establish a confidential monitoring program for chemically-dependent licensees enrolled in a rehabilitation program that meets Board-established criteria, and requires the Executive Director of the Board to enter into stipulated agreements with licensees for the confidential treatment, rehabilitation and monitoring of chemical dependency. Outlines conditions in which the agreements are confidential and punitive measures for licensees who refuse to enter into the agreements or fail to comply with a program requirement.

Establishes a timeframe for licensees to: 1) report to the Board certain incidents; 2) answer to the Board regarding allegations in an initial complaint notification; and 3) respond in writing to the Board after notice of hearing is served regarding the revocation or suspension of a

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

license. Failure to respond can be treated as admission by default, and the Board is permitted to issue a civil penalty in cases not sufficient to warrant suspension or revocation of a license.

Allows the Board to require a licensee or applicant to undergo examinations, assessments or skills evaluations necessary to determine competence, and establishes procedures for the issuance of orders for these exams, assessments or evaluations and their acceptance or rejection by licensees. Makes miscellaneous changes removing certain Board privileges, mandating practices concerning the recognition of continuing education and permitting the Board to renew an expired license if certain requirements are met.

community property; life sentence; spouse (S.B. 1307) – Chapter 159

SEE THE JUDICIARY COMMITTEE.

abortion clinics; medication abortions (S.B. 1324) – Chapter 75

Requires any medication, drug or other substance used to induce or cause a medication abortion to be administered in compliance with the Mifeprex final printing label protocol approved by the U.S. Food and Drug Administration and in effect as of December 31, 2015. Exempts the Department of Health Services from the rulemaking requirement for one year after the effective date.

The provisions of S.B. 1324 were removed by S.B. 1112 (Laws 2016, Chapter 267). For complete information, please see the summary for S.B. 1112 or the *As Enacted* fact sheet for S.B. 1112 at http://www.azleg.gov/DocumentsForBill.asp?Bill_Number=1112&Session_Id=115.

behavioral health; dependent children; reporting (S.B. 1326) – Chapter 273

Continues to require the Arizona Health Care Cost Containment System and the Department of Child Safety to continue issuing quarterly reports regarding children enrolled in the Comprehensive Medical and Dental Program as well as Title XIX-eligible children in foster care until December 31, 2018.

hospitals; dieticians; prescriptions; diet orders (S.B. 1327) – Chapter 274

Permits a licensed hospital to allow a registered dietician or other qualified nutrition professional to order diets, enteral feeding, nutritional supplementation or parenteral nutrition if authorized by medical staff and the hospital's written policies and procedures reflect such a privilege and address the hospital's response to adverse effects that arise as a result of orders issued.

parent-child relationship; termination; petition (S.B. 1330) – Chapter 275

Permits the county attorney to prepare a petition to terminate the parent-child relationship and act as attorney without expense to the prospective adoptive parent.

insurance coverage; telemedicine (S.B. 1363) – Chapter 278

SEE THE FINANCIAL INSTITUTIONS COMMITTEE.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

industries for blind; repeal; successor (S.B. 1411) – Chapter 341

SEE THE COMMERCE AND WORKFORCE DEVELOPMENT COMMITTEE.

mental health services; information disclosure (S.B. 1442) – Chapter 281

Modifies conditions for the disclosure of mental health records to certain individuals when the patient is able or unable to consent or object. In cases where the patient is unable to consent or object, the healthcare entity is required to take into consideration outlined information in order to determine if disclosure is in the patient's best interest. Additional reasons for disclosure include the prevention of any potential threat the patient may pose, or notification of the patient's location, general condition or death to individuals involved in the patient's care.

Requires that information disclosed be directly relevant to the person's involvement with the patient's healthcare or payment related to the patient's healthcare, and that a healthcare entity keep a record of the contact information of individuals to whom information was disclosed. Specifies that the bill does not prevent a healthcare entity from obtaining information about a patient from individuals involved in the patient's care.

board of nursing; licensure; complaints (S.B. 1444) – Chapter 282

Reduces the waiting period for a nurse to obtain a license after a felony conviction from five to three years. Permits an applicant convicted of a class 6 undesignated felony to apply for licensure if the applicant has submitted proof that the court has entered the judgement of conviction for a class 1 misdemeanor.

Requires a health profession regulatory board to provide notice to the health professional of a meeting to review the status of the investigation at least 10 days before the meeting, including notice of the opportunity for the health professional to request a copy of the report concerning the investigation.

health care services; patient education (S.B. 1445) – Chapter 283

Prohibits punishment or restriction of a health professional for making a patient aware of or educating a patient about lawful healthcare services, including off-label use of healthcare services, for which there is a reasonable basis that is allowed under state law. Restriction by an entity is permitted only in cases where the entity has a sincerely held religious or moral belief.

Stipulates that patient advisement or education with regards to these services does not require the services be covered under the patient's healthcare plan, nor does it require the entity under which the health professional is employed to provide the services. Further specifies that the bill does not, among other things, prevent the reporting of information to or action taken by a health profession regulatory board on issues concerning medical liability, settlements, decisions or instances of unprofessional conduct arising out of patient advisement or education on lawful healthcare services.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

empowerment scholarships; persons with disabilities (NOW: eligibility; empowerment scholarships; health insurance) (S.B. 1457) – Chapter 112

SEE THE EDUCATION COMMITTEE.

pharmacy board; manufacturers; dietary supplements (S.B. 1460) – Chapter 284

Permits the Arizona State Board of Pharmacy (Board) to issue Certificates of Free Sale to any person licensed by the Board as a manufacturer for the purposes of manufacturing and distributing food or dietary supplements and who wants to sell those supplements domestically or internationally. Requires the Certificate of Free Sale application to include certain information, and requires the Board to adopt rules regarding fees. Permits the Board to establish an inspection process for the issuance of Certificates of Free Sale.

human fetus; embryo; prohibited actions (S.B. 1474) – Chapter 77

Prohibits a person from using a human fetus, embryo or any part resulting from an abortion in animal or human research, experimentation or study or for transplantation, except for: 1) procedures determining or preserving the life or health of the fetus, embryo or mother; or 2) a pathological study. SB 1474 also prohibits other actions concerning abortions, including the sale, transfer, distribution, giving away, acceptance, use or attempted use of a human fetus, embryo or any part resulting from an abortion.

The Department of Health Services is authorized to suspend or revoke the license of any healthcare institution if its owners, operators, agents or employees violate outlined prohibited actions. Finally, the physician-patient privilege is prohibited from preventing the production of documents or records arising from an investigation concerning outlined prohibited actions.

payroll deductions; charitable contributions; prohibition (S.B. 1485) – Chapter 78

SEE THE GOVERNMENT COMMITTEE.

DCS information; governor access (H.B. 2059) – Chapter 61

Adds the Governor to the list of persons to whom the Department of Child Safety (DCS) is required to provide DCS information if the information is reasonably necessary to perform the person's duties. Prohibits the Governor from disclosing received information unless: 1) a court ordered the disclosure of the information; 2) the information has been disclosed in a public or court record; or 3) the information has been disclosed in the course of a public meeting or court proceeding.

medical marijuana; pregnancy exclusion (NOW: medical marijuana; pregnancy; signage) (H.B. 2061) – Chapter 92 RFEIR

Subject to the requirements for enactment for initiatives and referendums (Proposition 105), which requires the affirmative vote of at least three-fourths of the members of each house of the Legislature, HB 2061 requires nonprofit medical marijuana dispensaries, the Department of Health Services' (DHS) public website and registry identification cards to contain a warning

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

about the potential dangers to fetuses caused by using marijuana while pregnant or breastfeeding, and the risk of being reported to the Department of Child Safety for use in this manner. Physicians are required to attest that they have provided the same warning to qualifying patients.

Specific language of the sign is to be addressed in the required rules adopted by DHS, while each dispensary is responsible for the sign's cost and display.

public safety employees; omnibus (H.B. 2074) – Chapter 178

SEE THE PUBLIC SAFETY, MILITARY AND TECHNOLOGY COMMITTEE.

developmental disabilities; terminology; settings (H.B. 2099) – Chapter 286

Renames *child developmental foster homes* to *child developmental homes*. Outlines circumstances in which a regular foster home is required to apply for certification as a child developmental certified home, and exempts certain foster homes from this requirement. Removes the definition of *secure facility* and references to a *secure facility* or *secure setting* throughout statute, while clarifying other terminology related to the Department of Economic Security, including *community residential settings* and *intermediate care facilities*.

state agency reports; electronic submission (H.B. 2100) – Chapter 115

Allows state government to submit required reports and budget estimates electronically, and requires the reports and budget estimates to be posted to each state government's website. Each state government is required to consult with the Secretary of State to ensure the Arizona State Library, Archives and Public Records receives an adequate number of copies in a format that is agreed upon for the purposes of the state archives.

~~technical correction; contact with relatives (NOW: service providers; domestic violence)~~ (H.B. 2103) – Chapter 94

Renames the *Domestic Violence Shelter Fund* the *Domestic Violence Services Fund* (Fund), and requires the Department of Economic Security (DES) to expend monies from the Fund to provide financial assistance to domestic violence service providers, instead of domestic violence shelters only. To be eligible for fund monies, providers must adhere to statewide service standards for domestic violence programs as approved by DES in collaboration with a state coalition against domestic violence.

~~substance abuse recovery homes~~ (NOW: structured sober living homes) (H.B. 2107) – Chapter 287

Allows a city, town or county to adopt by ordinance standards for structured sober living homes that comply with state and federal fair housing laws and the Americans with Disabilities Act and outlines what the standards may include. A city, town or county that adopts such

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

standards may exclude from regulation any structured sober living home that is subject to adequate oversight by another governmental entity or contractor.

pharmacists; licensure (H.B. 2109) – Chapter 288

Removes the requirement that a pharmacist licensed in another jurisdiction hold the license for at least one year in good standing before being eligible to be licensed in Arizona without a pharmacist licensure examination. Requires applicants applying for initial licensure to apply for a fingerprint clearance card, rather than submitting fingerprints for a state and federal criminal records check, and describes a procedure for the approval of the application for licensure if a valid fingerprint clearance card is issued or denied.

genetic testing; informed consent (H.B. 2144) – Chapter 37

SEE THE FINANCIAL INSTITUTIONS COMMITTEE.

radiologic technology; out-of-state licensed practitioners (H.B. 2225) – Chapter 98

Extends the ability of a certificate holder to use ionizing radiation on a person for diagnostic purposes by allowing an out-of-state licensed practitioner to direct the certificate holder.

foster care review board; continuation (H.B. 2260) – Chapter 134

Retroactive to July 1, 2016, the Arizona Foster Care Review Board (FCRB) is continued until July 1, 2024. Modifies local FCRB membership by allowing additional people to serve and reduces the size of the statewide FCRB.

Clarifies the children who may be committed to the Arizona Department of Juvenile Corrections. Requires the FCRB to review certain related cases, consistent with current law.

Allows non-residents to adopt dependent Arizona children under specified circumstances, including that the child currently resides in the applicant's home pursuant to the relevant interstate compact. Exempts great-aunts, great-uncles and certain foster parents from the adoption certification process. Makes some modifications regarding entities that may conduct foster and adoptive investigations and home studies and the timeframe for foster parent training. Finally, requires the Department of Child Safety to conduct a review regarding the implementation of the recently adopted foster parent licensing rules, guidelines and checklists, and outlines related requirements.

electronic benefit transfers; prohibitions; violations (H.B. 2261) – Chapter 290

Prohibits the use of an electronic benefits transfer (EBT) card at a medical marijuana dispensary and classifies the use of an EBT card at certain establishments as a class one misdemeanor. Establishes as a class one misdemeanor the operation of an automatic teller machine or a point-of-sale terminal that accepts EBT cards or processes EBT transactions by a licensed liquor store, adult-oriented establishment or a permittee, licensee or facility for commercial horse racing or dog racing.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

child care assistance (H.B. 2262) – Chapter 187

Modifies, beginning September 1, 2016, the eligibility period for child care assistance. In categories in which the Federal Poverty Level (FPL) is a factor, allows the Department of Economic Security (DES) to specify by rule when assistance terminates as long as the family income is below 85 percent of the state median income, rather than it terminating when the income exceeds 165 percent FPL. Specifies a maximum, rather than a minimum, annual review of each case. Allows DES to pay different levels of assistance according to another state-approved quality indicator, in addition to the other factors already listed in statute.

epinephrine auto-injectors (H.B. 2265) – Chapter 85

Permits an authorized entity to stock epinephrine auto-injectors for emergency administration or provision, as prescribed by a medical practitioner. Outlines training requirements for employees responsible for the supervision and use of epinephrine auto-injectors, and states employees or agents of an authorized entity are immune from civil liability if certain conditions are met. An authorized entity is required to submit to the Department of Health Services a report of each incident that involves the administration of an epinephrine auto-injector and that occurs on the authorized entity's premises.

~~foster parent training~~ (NOW: backlog cases; private contractors; DCS) (H.B. 2270) – Chapter 291 E

An emergency measure, effective May 17, 2016, that requires the Department of Child Safety (DCS) to enter into contracts with one or more private contractors to administer backlog cases. Outlines requirements of DCS and private contractors in completing tasks associated with the backlog, including requirements of a private contractor when he or she has a reasonable belief that grounds for removal exist. Requires DCS to report to the Joint Legislative Budget Committee within 30 days after each calendar quarter the status of all backlog cases as of the end of that calendar quarter.

anatomical gifts; procurement organizations; licensure (H.B. 2307) – Chapter 292

Requires a procurement organization to obtain licensure through the Department of Health Services (DHS) and outlines requirements for the obtainment of licensure either through accreditation by a DHS-approved national accrediting agency or by meeting DHS-adopted rules mirroring accreditation requirements. States accredited procurement agencies that obtain licensure already satisfy health and safety requirements by virtue of their accreditation but must still comply with other outlined DHS-adopted rules. Exempts certain organizations and facilities from the licensure requirement.

Outlines procedures and requirements for license renewal. States a licensed procurement organization is subject to inspection by DHS at any time, and permits the Director of DHS to penalize an organization for violation of DHS-adopted rules and requirements. Exempts DHS from rulemaking requirements for one year.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

biological products; prescription orders (H.B. 2310) – Chapter 293

Permits a pharmacist, effective January 1, 2017, to substitute a biological product for a prescribed biological product if certain conditions are met, and outlines procedural requirements concerning the notification of the price difference in substitution and the name displayed on the drug's container. Requires communication from a dispensing pharmacist to the prescriber via an electronically-accessible entry or direct communication to the prescriber, unless there is no interchangeable biological product for the product prescribed or a refill prescription is not changed from the product dispensed on the prior filling. Requires the Board of Pharmacy to maintain on its website a list of interchangeable biological products approved by the U.S. Food and Drug Administration.

Prohibits listed parties from requiring the pharmacist to dispense or substitute any specific interchangeable biological product against the judgement of the pharmacist or prescriber, and prohibits a pharmacist from making a substitution unless the manufacturer or distributor has shown that the products dispensed have an expiration date and the manufacturer or distributor maintains recall and return capabilities for unsafe or defective biological products.

advisory council; Indian health care. (H.B. 2312) – Chapter 190

Modifies the membership of the Advisory Council on Indian Health Care (Council) and directs the Council to provide representation in Arizona to tribal governments, tribal organizations and urban Indian healthcare organizations in shaping Medicaid, healthcare policies and laws impacting the populations they serve.

potlucks; regulation exemption (H.B. 2341) – Chapter 54

Removes the requirement that a noncommercial event, such as a potluck, take place at a workplace in order to be exempt from Department of Health Services-prescribed rules regarding food or drink safety.

opioid antagonists; prescription; dispensing; administration (H.B. 2355) – Chapter 212

Permits a pharmacist or a health professional with prescribing authority to dispense an opioid antagonist to certain individuals, including a person at risk of experiencing an opioid-related overdose or a family or community member who is in a position to aid that person. Documentation of the dispensing, as well as informing the individual to whom the drug was administered to contact emergency services as soon as possible, is required. Immunizes pharmacists acting in this manner from liability, except in cases of wonton or willful neglect.

In addition, permits a person to administer an opioid antagonist to a person experiencing an overdose and exempts the person from liability, except in cases of gross negligence, willful misconduct or intentional wrongdoing. Includes in the definition of *person* an employee of a school district or charter school and requires a school district board to establish procedures for the emergency administration of opioid antagonists by employees.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

physician assistants; continuing medical education (H.B. 2359) – Chapter 68

Requires the Arizona Regulatory Board of Physician Assistants (Board) continuing medical education requirement for license renewal to be satisfied in cases where the licensee holds a certification in good standing from a Board-approved certifying body.

~~technical correction; AHCCCS; application process~~ (NOW: nurse licensure compact) (H.B. 2362) – Chapter 294

Modifies the Nurse Licensure Compact. Identifies eligibility and minimum standard licensure requirements for a multistate license, including: 1) outlining education requirements; 2) requiring criminal history records checks of applicants; and 3) requiring that an applicant not be enrolled in an alternative program.

Establishes the Interstate Commission of Nurse Licensure Compact Administrators (Commission) as an instrumentality of the Compact states and grants the Commission rulemaking authority as outlined. Enumerates requirements of closed meetings of the Commission. The Commission is prohibited from altering a registered nurse's scope of practice in this state; the Governor may withdraw this state from the Compact if notified by the Arizona Board of Nursing (Board) that the Commission has adopted a rule to change the scope of practice for registered nurses in this state and a law is enacted that repeals the Compact. The Board is required to post certain information on its website notifying licensees of any Commission action that may affect a nurse's license.

Compact states are required to enforce the Compact. The bill specifies requirements for when a Compact state is in default and outlines requirements for curing the default and for termination from the Compact. The Compact becomes effective on December 31, 2018, or when 26 other states enact the Compact legislation in their states, whichever comes first.

personal information; breach; records; exception (H.B. 2363) – Chapter 102

Extends to the business associates of covered entities exemption from: 1) the requirement that an individual notify affected individuals of a breach of a security system that contains personal information; and 2) the prohibition on an entity knowingly discarding or disposing records or documents that contain certain personal information without redacting the information or destroying the records or documents. Previously, only covered entities were exempt from these provisions, which conflict with existing guidelines under the Health Insurance Portability and Accountability Act (HIPAA) governing both covered entities and their business associates.

qualified disability expenses; eligible individuals (H.B. 2388) – Chapter 214

Establishes the Achieving a Better Life Experience (ABLE) Act to create tax-free savings accounts for individuals with disabilities, called ABLE accounts. Outlines the Department of Economic Security's (DES) duties with respect to the implementation, development and maintenance of the ABLE program. Outlines a selection process for financial institutions to act as depositories of the fund and managers of the program. Describes program requirements for beneficiaries and financial institutions. Establishes an oversight committee comprised of outlined individuals to meet at least once each calendar quarter and, among other things, to make

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

recommendations for the establishment, implementation and improvement of the program. Allows certain individuals to manage the account of minors or incapacitated adults eligible for the program.

Requires DES to submit an annual report to outlined individuals for seven years after the effective date, the first being due on December 31, 2017, and subsequent reports by December 31 of each year thereafter. Appropriates \$240,000 from the state General Fund in FY 2017 to DES for the implementation and administration of the program. The program is effective by July 1, 2017, and is terminated on July 1, 2026. The oversight committee is terminated on July 1, 2024.

child removal; uniform criteria (H.B. 2427) – Chapter 103

Requires the Department of Child Safety to apply uniformly across the state rules, policies and safety and risk assessment tools concerning the removal of a child from a home.

behavioral health; urgent need; children (H.B. 2442) – Chapter 71 E

An emergency measure, effective March 24, 2016, that establishes requirements for Regional Behavioral Health Authorities (RBHAs). Specifically, requires a RBHA to dispatch an assessment team within 72 hours of being notified that a child has entered care in an out-of-home placement or within 2 hours after a placement or an adoptive parent of a child eligible for the Arizona Health Care Cost Containment System (AHCCCS) or KidsCare notifies the RBHA that the child has an urgent need. The RBHA also must provide an initial evaluation of the child within seven calendar days after a referral or request for services. If, after screening and evaluation, the child is determined to be in need of behavioral health services, the RBHA must provide an initial appointment within 21 calendar days after the initial evaluation.

The parent must call the RBHA-designated point of contact and the AHCCCS customer service line to document a failure to receive services within that deadline, and may access services directly from any AHCCCS-registered provider, whether or not that provider is contracted with the RBHA. A provider that is not contracted with the RBHA would then submit the claim to the RBHA and accept 130 percent of the AHCCCS-negotiated rate or the provider's rate, whichever is less.

The parent may also contact the RBHA-designated point of contact to coordinate crisis services if the crisis services provider is not being responsive, and the RBHA must respond within 72 hours after the parent requests the RBHA to place the child in residential treatment because the child is displaying threatening behavior. If the child is hospitalized before the RBHA responds, the RBHA must reimburse the hospital for all medically necessary care.

If the foster child moves to a different county because of the placement's location, the placement may have the child continue any current treatment in the previous county.

The bill outlines a reporting requirement for the AHCCCS Administration. The Administration must also complete a network adequacy study and may adopt measures to address noncompliance by a RBHA.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

The bill requires the Department of Child Safety (DCS) to provide certain information to a placement and protects parents from charges or child removal related to the foster, adoptive or biological child's behavioral health needs. Finally, it requires DCS to inform all former foster homes if a reunified child is later removed from the home and establishes a placement priority list.

cash assistance; eligibility; children (H.B. 2452) – Chapter 133

Arizona statute deems any child born during certain periods of time ineligible for cash assistance benefits. When a child is born during one of these periods, the caregiver is prohibited from receiving the increase in cash assistance for that child, and the child is prohibited from receiving cash assistance benefits permanently. This is known as the *kid cap*. H.B. 2452 removes the kid cap related to cash assistance for an otherwise eligible child when: 1) the court has placed the child with a nonparent relative; 2) the child's parents are deceased and the child is living with a nonparent relative; 3) a nonparent relative has custody of the child because the child is abandoned; or 4) the child is in the legal custody of the Department of Child Safety, a tribal court or a tribal welfare agency located in the state and is placed in unlicensed kinship foster care with a nonparent relative.

lifespan respite care; program termination (H.B. 2461) – Chapter 72

Continues the Lifespan Respite Care Program from July 1, 2017, to July 1, 2025.

sexual assault; parental rights; prohibition (H.B. 2488) – Chapter 104

SEE THE JUDICIARY COMMITTEE.

medical licensure compact (H.B. 2502) – Chapter 137

Establishes the Interstate Medical Licensure Compact (Compact) and outlines requirements for the application for and issuance of an expedited license, including standard eligibility requirements.

Establishes the Interstate Medical Licensure Compact Commission (Commission) to administer and enforce the Compact, and outlines Commission membership, duties and responsibilities, including rulemaking authority. Outlines liability immunity for Commission representatives and employees. Describes requirements of closed meetings and website postings of the Commission.

Delineates grounds for default of a Compact member state, and allows a defaulting member state to be terminated from the Compact if the default is not cured. Outlines a process for a state's withdrawal from the Compact.

The Compact is repealed if the Commission issues a rule or decision that would change the scope of practice of or the definition of unprofessional conduct for a physician inconsistent with state law related to abortion or if a court issues a ruling relating to the enforcement of the Compact that would do the same.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

Requires the Arizona Medical Board (AMB) and the Arizona Board of Osteopathic Examiners (AZDO) to create a proposal for the expedited licensure of a physician who is licensed in at least one other state and who meets certain requirements and who is not seeking expedited licensure under the Compact. Allows the AMB and the AZDO, beginning July 1, 2017, to issue a temporary license to a physician who meets outlined requirements, and appropriates \$50,000 and three FTEs from the Medical Board Fund in FY 2017 to the AMB for the purpose of licensure.

psychologists; licensure compact (H.B. 2503) – Chapter 298

Establishes the Psychologists Interjurisdictional Compact (Compact). A *home state* is a Compact state where a psychologist is licensed to practice psychology, and a home state's license authorizes a psychologist to practice interjurisdictional telepsychology in a receiving state and grants temporary authorization to practice psychology in a distant state if certain requirements are met. H.B. 2503 outlines additional authorities invested in a Compact state's regulatory authority in addition to any other powers granted under state law, including the issuance of cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice psychology.

Establishes the Psychology Interjurisdictional Compact Commission (Commission) and outlines Commission membership, responsibilities and duties, including rulemaking. Outlines requirements of closed meetings of the Commission. The Arizona Board of Psychologist Examiners is required to post on its website notifying licensees of any Commission action that may affect a psychologist's license.

Establishes the Coordinated Licensure Information System to contain licensure and disciplinary action information on all psychologists under the Compact. States are required to submit a uniform data set to the coordinated database on all licensees as required by Commission rules, and the coordinated database administrator is required to promptly notify all Compact states of any adverse action taken against a licensee in a Compact state.

Outlines oversight, dispute resolution and enforcement requirements. An employer is prohibited from requiring a psychologist to seek licensure through the Compact as a condition of initial or continued employment. The Compact becomes effective when it is enacted into law in the seventh Compact state.

~~revenue department; technical correction~~ (NOW: physical therapy licensure compact) (H.B. 2504) – Chapter 299

Establishes the Physical Therapy Licensure Compact (Compact) which allows a physical therapist or a physical therapist assistant to obtain one license in the home state in order to be permitted to practice in any other Compact state. Outlines requirements of a state wishing to participate in the Compact, and outlines requirements of a licensee wishing to exercise the Compact privilege.

Authorizes the home state to have exclusive power to impose an adverse action against a license issued by the home state, and allows a home state to take adverse action based on

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

investigative information of a remote state. Authorizes a remote state to take certain actions against a licensee's Compact privilege in the state.

Establishes the Physical Therapy Compact Commission (Commission) and outlines Commission membership, responsibilities and duties, including rulemaking authority. Enumerates requirements of closed meetings of the Commission. Outlines liability immunity for Commission employees and representatives. Requires the Commission to establish a coordinated database and reporting system containing certain information on licensees. Requires the Arizona State Board of Physical Therapy to post on its website notifying licensees of any Commission action that may affect a physical therapist's license.

Outlines a process for when a Compact state has defaulted in its performance of obligations under the Compact, and allows the Compact state to be terminated from the Compact if the default is not cured. The Compact becomes effective on the enactment of the Compact statute into law in the tenth Member state.

DCS; intake hotline; reports (H.B. 2522) – Chapter 300

Modifies the circumstances in which the Department of Child Safety (DCS) must prepare a DCS report. No longer requires the hotline worker to prepare a report if the identity or current location of the child victim, the child's family or the person suspected of abuse or neglect is not known or cannot be reasonably ascertained. Additionally, exempts DCS from preparing a DCS report if the suspected conduct occurred more than three years before the communication to the hotline if certain conditions are met. However, even if those conditions are met, if it is a criminal conduct allegation, a report must still be prepared. Modifies the circumstances in which a hotline worker must forward information to law enforcement.

~~gold bonds; study committee~~ (NOW: primitive campgrounds; exemption; definition) (H.B. 2541) – Chapter 200

SEE THE NATURAL RESOURCES COMMITTEE.

AHCCCS; provider participation; exclusions (H.B. 2599) – Chapter 302

SEE THE FEDERALISM, MANDATES AND FISCAL RESPONSIBILITY COMMITTEE.

appropriation; pediatric neurological autoimmune disorders (H.B. 2640) – Chapter 207

Appropriates \$250,000 from the Disease Control Research Fund to the Department of Health Services (DHS) in FY 2017 for the research of pediatric neurological autoimmune disorders, and requires the Biomedical Research Commission to evaluate grant applications and make award recommendations to the Director of DHS.

charter schools; preference; foster children (H.B. 2665) – Chapter 248

SEE THE EDUCATION COMMITTEE.

HEALTH & HUMAN SERVICES COMMITTEE (Cont'd.)

insurance; pharmacy benefits; audits; pricing (NOW: insurance; pharmacy benefits; audit procedures) (H.B. 2692) – Chapter 303

Establishes procedures and requirements for an audit conducted by an auditing entity on a pharmacy, and establishes a timeline for the provision and appeal of audit reports. Exempts audits conducted in which suspicion of fraudulent activity or other intentional and willful misrepresentation is evidenced by physical review, review of claims data, statements or other investigative methods. Grandfathers contracts entered into before January 1, 2017, except as specified.

budget reconciliation; health; 2016-2017. (H.B. 2704/ S.B. 1535) – Chapter 122

SEE THE APPROPRIATIONS COMMITTEE.

human services; budget reconciliation; 2016-2017 (S.B. 1536/H.B. 2705) – Chapter 123

SEE THE APPROPRIATIONS COMMITTEE.

health insurance tax; repeal (H.C.M. 2001/S.C.M. 1002)

SEE THE MEMORIALS AND RESOLUTIONS SECTION.

LEGISLATION VETOED

health profession regulatory boards (S.B. 1443) – VETOED

Beginning January 1, 2017, each health profession regulatory board is required to post on its website: 1) a record of non-disciplinary action issued by the board; 2) recorded audio or video or a notice of the availability of recorded audio or video of open board meetings within five days of the meeting; and 3) a list of board-specific contract employment opportunities and a link to the State Procurement Office to apply. Also, modifies terms for board reappointment, and permits each health profession regulatory board to establish a confidential monitoring program for qualifying licensees, including those who may be chemically dependent or have a medical or behavioral health disorder that impacts their ability to safely practice.

Beginning September 1, 2016, transfers all matters relating to behavior analysts from the State Board of Psychologist Examiners to the Arizona Board of Behavioral Health Examiners, and requires the latter to report to outlined committees of reference on the implementation of the transfer by December 15, 2016.

The Governor indicates in his veto letter that S.B. 1443 does not provide the appropriate oversight of health regulatory boards. Furthermore, the Governor indicates that the bill does not include reforms necessary to address recent Supreme Court precedent, leaving the state vulnerable to antitrust liability and intrusion by the federal government.

judicial productivity credits; calculation; salary (NOW: incompetent persons; mental health evaluations) (S.B. 1510) – VETOED

SEE THE JUDICIARY COMMITTEE.

Judiciary Committee

Senator Adam Driggs, Chairman



Amber Witter, Research Analyst
Alexandria Saquella, Intern

JUDICIARY COMMITTEE

LEGISLATION ENACTED

aid; execution of process; injury (S.B. 1018) – Chapter 139

Allows a person who has been commanded by a sheriff or other public officer to assist in overcoming resistance to execution of process to refuse if such assistance would expose the person to physical injury.

jury service; eight year exemption (NOW: grand jury; excuse; jury service) (S.B. 1039) – Chapter 106

Requires a judge or jury commissioner, on application, to temporarily excuse a person from service as a prospective juror if the person is summoned within four years after the last day of grand jury service. Excludes alternate grand jurors.

county attorney; powers and duties (S.B. 1047) – Chapter 16

Allows a county attorney to provide civil legal services to another county attorney, political subdivision, or its officers, employees or agencies at the request of that county or political subdivision's general counsel without having to submit an intergovernmental agreement.

executive clemency board; salary; duties (S.B. 1132) – Chapter 143

Removes the requirement for Board of Executive Clemency (Board) members to be paid hourly, and instead requires the Arizona Department of Administration to determine a yearly salary. Renders Board members eligible for paid leave. Statutorily separates the Board Chairman and Executive Director positions, which codifies current practice, and requires hearing officers to conduct probable cause hearings on community supervision revocations.

mental health power of attorney (S.B. 1169) – Chapter 268

SEE THE HEALTH AND HUMAN SERVICES COMMITTEE.

victim compensation fund; allocations (S.B. 1211) – Chapter 307

Currently, the Arizona Criminal Justice Commission (ACJC) is prohibited from allocating more than 50 percent of monies from the Victim Compensation and Assistance Fund to agencies for which there are ACJC seats. S.B. 1211 removes that restriction.

criminal trials; location (S.B. 1214) – Chapter 25

Substitutes *in transit* as a general phrase replacing different forms of transportation when determining a criminal trial location and jurisdiction.

JUDICIARY COMMITTEE (Cont'd.)

DUI; drugs; ignition interlock requirement (NOW: ignition interlock requirement; DUI; drugs) (S.B. 1228) – Chapter 57

SEE THE TRANSPORTATION COMMITTEE.

internet sex offender website; offenses (S.B. 1286) – Chapter 154

Requires level-one sexual offenders to be included on the Department of Public Safety (DPS)-maintained website if they are or were convicted of sexual assault, sexual exploitation if the offender is 21 years of age or older and the offense is sentenced as a dangerous crime against children, commercial sexual exploitation, child prostitution, or, if the child is under 12 years of age, sexual abuse, molestation, taking a child for the purpose of prostitution, sexual conduct with a minor, continuous sexual abuse or luring or aggravated luring a minor for sexual exploitation. Applies this requirement retroactively, but gives DPS until July 1, 2017, to comply regarding offenders convicted before August 6, 2016.

mediation; confidential communications; exception (S.B. 1293) – Chapter 338

Expands the list of exceptions to the confidentiality of mediation by allowing court-appointed mediators to report to law enforcement, the Department of Child Safety or Adult Protective Services if the mediator reasonably believes that a minor or vulnerable adult is or has been a victim of abuse, exploitation, child abuse, neglect, physical injury or a reportable offense. Subjects mediators to service of process or subpoena related to such disclosure.

claims; licensed professionals; expert witness (NOW: scanning devices; burglary; trespass; penalty) (S.B. 1294) – Chapter 157

Increases the penalties related to unlawful possession or use of a scanning device or reencoder from class 6 to class 4 felonies. Adds to the definition of *structure* any device that accepts electronic or physical currency and is used to conduct commercial transactions. This allows these devices to be subject to criminal trespass and burglary offenses, under certain circumstances.

DUI; watercraft; medical practitioner; authorization (S.B. 1295) – Chapter 339

Currently, a person commits driving under the influence (DUI) or operating a watercraft under the influence if he has a drug or its metabolite in his body. However, he is not guilty of that type of DUI if the drug was prescribed by certain licensed medical practitioners listed in statute. S.B. 1295 removes that list and instead generalizes the exemption to include any licensed medical practitioner who is authorized to prescribe the drug.

guardianship; proceedings; ward's relationships (S.B. 1296) – Chapter 270

Requires, effective January 1, 2017, the court to follow previous family court orders when a guardianship petition is filed within two years of the ward turning 18 years of age and establishes co-guardianships, similar to joint legal decision-making in child custody. Guardians must encourage and allow contact between the ward and other persons who have a significant relationship with the ward, but may limit, restrict or prohibit contact if the guardian reasonably

JUDICIARY COMMITTEE (Cont'd.)

believes it will be detrimental to the ward. However, the guardian must consider the wishes of the ward if the ward has sufficient mental capacity to make an intelligent choice. Certain people may petition the court to modify a contact order if a material change in circumstances affecting the ward occurs. Establishes the ability of people with a significant relationship with the ward to petition the court for contact and outlines related guidelines. Requires the guardian to notify family members of the ward's death or hospitalization.

paternity; preliminary injunction (S.B. 1297) – Chapter 271

Requires the court to issue a preliminary injunction in legal decision-making and parenting time cases if the petitioner files a specified document establishing paternity. The preliminary injunction prohibits harassment or assault of any party, removal of the child from the court's jurisdiction and removal of the child from any existing insurance coverage. Details related requirements and penalties for violating the injunction. The statute is similar to requirements that already exist for parties to a dissolution of marriage or annulment who have children.

probation; juvenile; adult (S.B. 1298) – Chapter 158

Modifies juvenile and adult probation. Specifically, allows juvenile intensive probation activities to include pro-social skill development. Standardizes the offenses for which the court must provide the juvenile's fingerprints to the Department of Public Safety Arizona Automated Fingerprint Identification System, to coincide with the offenses required for adults.

With regard to adult probation, allows probationers who are employed or in treatment programs to be exempted from community restitution or to perform fewer hours. Requires the intensive probation team to verify employment weekly, rather than contacting the employer weekly. Establishes a process for sexual offenders to apply to be released from global position system or electronic monitoring if they meet specified requirements. Requires the court, in determining whether to lift the requirement, to consider the safety of the public and the conduct of the defendant while on probation.

child support action; affirmative defense (S.B. 1299) – Chapter 272

Establishes an affirmative defense for someone who owes back child support if the obligee voluntarily relinquished physical custody of the child to the obligor. Outlines matters for the court to consider when determining whether the relinquishment was voluntary.

community property; life sentence; spouse (S.B. 1307) – Chapter 159

Prohibits the court from awarding community property to a spouse sentenced to at least 80 years or to life in prison. Allows a spouse who pays installment payments to a spouse who is later sentenced, as prescribed, to petition the court for modification of that ongoing payment.

juvenile charged as adult; detention (S.B. 1308) – Chapter 314

SEE THE PUBLIC SAFETY, MILITARY AND TECHNOLOGY COMMITTEE.

JUDICIARY COMMITTEE (Cont'd.)

vexatious litigants; workers' compensation (S.B. 1323) – Chapter 26

SEE THE COMMERCE AND WORKFORCE DEVELOPMENT COMMITTEE.

parent-child relationship; termination; petition (S.B. 1330) – Chapter 275

SEE THE HEALTH AND HUMAN SERVICES COMMITTEE.

fiduciary access to digital assets. (S.B. 1413) – Chapter 165

Adopts the Revised Uniform Fiduciary Access to Digital Assets Act (Act), as developed by the Uniform Law Commission, to extend the traditional power of a fiduciary to manage tangible property to include management of a person's digital assets. Allows fiduciaries to manage digital property but restricts access to electronic communications unless the original user consented in a will, trust, power of attorney or other record.

States that the provisions of the bill apply to all of the following after enactment: 1) a fiduciary acting under a will or power of attorney; 2) a personal representative acting for a decedent; 3) a conservatorship proceeding; 4) a trustee acting under a trust; and 5) a custodian if the user resides in this state. Allows a user to direct a custodian to disclose, or not disclose, to a designated recipient some or all digital assets using an online tool and stipulates that such directions override: 1) any contrary direction in a will, trust, power of attorney or other record, if the online tool allows for modification or deletion of a direction at any time; and 2) any contrary provision in a terms-of-service agreement, if the agreement does not require the user to act affirmatively and distinctly from the user's assent to the terms of service. Specifies that the Act does not apply to the digital assets of an employer used by an employee in the ordinary course of business.

Outlines discretionary abilities of the custodians of digital assets, including the ability to grant full or partial access, restrict access under certain circumstances, assess reasonable charges or seek a court order to disclose the assets as outlined.

electronic legal material. (S.B. 1414) – Chapter 316

Requires Legislative Council, when publishing legal material only in an electronic record, to designate the record as official. In addition, if Legislative Council publishes legal material in an electronic record in addition to another form it may designate the record as official. Any electronic legal material published after the general effective date and designated as official is subject to requirements under the bill.

Specifically, the publisher must authenticate that record by providing a method for users to access an unaltered version. An authentic record is presumed an accurate copy of legal material and anyone who challenges the authentication of designated electronic legal material holds the burden of proof by a preponderance of the evidence. S.B. 1414 also requires a publisher of designated electronic legal material to provide preservation and security for that record, whether in electronic form or not. Additionally, the publisher is required to make the records reasonably available to the public on a permanent basis.

JUDICIARY COMMITTEE (Cont'd.)

unmanned aircraft; prohibited operations (NOW: prohibited operations; unmanned aircraft) (S.B. 1449) – Chapter 170

SEE THE TRANSPORTATION COMMITTEE.

human fetus; embryo; prohibited actions (S.B. 1474) – Chapter 77

SEE THE HEALTH AND HUMAN SERVICES COMMITTEE.

campaign finance amendments (S.B. 1516) – Chapter 79

Repeals the campaign finance statutes and modifies and reorganizes them, beginning January 1, 2017. It consolidates the different types of political committees into three types: 1) candidate committees; 2) political action committees (PACs); and 3) political parties. It increases the contribution or expenditure threshold for requiring a candidate or entity to register as a candidate committee or PAC, respectively, from the current \$500 to \$1,000. It also requires the Secretary of State to increase that amount by \$100 biennially.

This legislation also provides guidance for determining whether an entity's primary purpose is to influence the result of an election, and specifies an entity that has tax-exempt status under 501(a) of the Internal Revenue Code is not organized for the primary purpose of influencing an election if it properly files certain documents and remains in good standing with the Arizona Corporation Commission.

It removes the requirement for an entity to register or file an exemption statement before conducting certain political activity, and instead requires a committee to file a statement of organization with the filing officer within 10 days after qualifying as a committee. It modifies the information contained in the statement of organization and allows a PAC or political party to perform any lawful activity on filing the statement without establishing a separate committee or specifying each activity in its statement.

This legislation requires committee funds to be segregated as outlined and extends the period of time that a committee must receive the requisite number of \$10 contributions to qualify as a mega PAC from two to four years. It modifies the exemptions from contributions and expenditures as enumerated. It allows a candidate committee to transfer contributions to another candidate's candidate committee or another candidate committee for the same candidate without regard to the office sought, with exceptions as delineated. This legislation allows a sponsor, segregated fund or trade organization to solicit contributions as outlined.

Specifies that an expenditure is not an independent expenditure if there is *actual* coordination. Current law specifies it is not an independent expenditure if there is any arrangement, coordination or direction with respect to the candidate and person making the expenditure. It allows the filing officer or enforcement officer to consider rebuttable evidence in evaluating whether an expenditure is an independent expenditure.

Exempts social media and text messages from including a disclosure statement. Modifies the campaign finance reporting periods by requiring quarterly reports, but requires a candidate committee to file a report only during the four calendar quarters comprising the 12-month period

JUDICIARY COMMITTEE (Cont'd.)

preceding the general election. It removes criminal penalties for campaign finance violations, consolidates all the enforcement and penalty provisions into two sections and defines more specifically how they must be handled by the filing officer and enforcement officer. Requires the initiation of an investigation to be based on a third-party complaint. Finally, S.B. 1516 contains conforming changes, some of which are subject to the affirmative vote of at least three-fourths of the members of each house of the Legislature (Proposition 105). It did not receive the requisite number of votes; therefore, these sections were deleted.

The provisions of S.B. 1516 were modified by H.B. 2296 and H.B. 2297. For complete information, please see the summary for those bills or the *As Enacted – Revised* fact sheet for S.B. 1516 at http://www.azleg.gov/DocumentsForBill.asp?Bill_Number=1516&Session_Id=115

unlawful distribution of private images (H.B. 2001) – Chapter 6 E

An emergency measure, effective March 11, 2016, that makes it unlawful for a person to intentionally disclose a *private image* of another person, but only if the person is identifiable from the image itself or from information displayed in connection with the image. Modifies the offense of unlawful distribution of private images by adding that in order for the distribution to be unlawful the depicted person must have a reasonable expectation of privacy and the person making the disclosure must do so with the intent to harm, harass, intimidate, threaten or coerce the depicted person. Classifies the unlawful distribution of private images as a class 5 felony but makes it a class 4 felony if the private image is sent through electronic means. It also classifies, as a class 1 misdemeanor, threatening the disclosure of a private image without actually disclosing that image.

~~technical correction; bulk food; applicability~~ (NOW: corporation commission; conflict of interest) (H.B. 2123) – Chapter 289

Under current law, a public officer or employee who has or whose relative has a substantial interest in any contract, sale, purchase, service to or decision of a public agency must make known the interest in the official records and refrain from voting on or otherwise participating in any related decision. H.B. 2123 subjects the members and employees of the Arizona Corporation Commission (ACC) to these conflict of interest standards.

Modifies the definition of *remote interest*, a defense to a charge of conflict of interest, to include: 1) that of a relative who is an employee of a business as specified who does not assert control or decision-making authority over management or budget decisions for that entity; and 2) ownership of publicly traded investments that meet certain guidelines.

Allows, beginning January 1, 2017, the ACC to charge a user fee for the document database it must establish and maintain. For complete information relating to this provision, please see the summary for H.B. 2447 or the *As Enacted – Revised* fact sheet for H.B. 2447 at http://www.azleg.gov/DocumentsForBill.asp?Bill_Number=2447&Session_Id=115.

charitable organizations; campaign finance disclosure (H.B. 2296) – Chapter 346

SEE THE GOVERNMENT COMMITTEE.

JUDICIARY COMMITTEE (Cont'd.)

political advertisements; contributors; disclosure (H.B. 2297) – Chapter 347

SEE THE GOVERNMENT COMMITTEE.

child prostitution; offense (H.B. 2374) – Chapter 7

Expands the offense of child prostitution to include knowingly providing the means by which a minor engages in prostitution.

crime victims' rights; facility dog (H.B. 2375) – Chapter 135

Requires the court to allow a minor victim to have a facility dog accompany the victim while testifying in court, if a dog is available. The court may allow a witness or an adult victim to also use a facility dog. Outlines a related notice and court instructions to the jury.

victim restitution; stipulated amount; hearings (H.B. 2376) – Chapter 8

Grants a crime victim or the victim's counsel the right to present evidence or information and to make an argument to the court at any proceeding to determine the amount of restitution. Clarifies that the rights in the Victim's Bill of Rights belong to the victim.

criminal sentencing; restoration of rights (H.B. 2377) – Chapter 43

Standardizes language to align with current statute involving repetitive offender sentencing.

~~supreme court; reports; website posting~~ (NOW: public records; law enforcement) (H.B. 2383) – Chapter 194

Places the burden on a petitioner who brings a special action for release of criminal investigation or prosecution records that visually depict the image of a minor witness or a victim to establish that the public's interest outweighs the person's right to privacy. A victim whose image is depicted has the right to be present at and be heard in the action. Additionally, prohibits specified personal identifying information of a witness to a crime contained in a record created or received by a law enforcement or prosecution agency from being disclosed as a public record except under specified circumstances.

patent troll prevention act (H.B. 2386) – Chapter 69

SEE THE COMMERCE AND WORKFORCE DEVELOPMENT COMMITTEE.

stalking; offense; definitions (H.B. 2419) – Chapter 44

Expands the definition of stalking to include a person who intentionally or knowingly engages in a course of conduct that causes the victim to suffer emotional distress or reasonably fear: 1) property damage or destruction; or 2) the physical injury or death of the victim's family member, domestic animal, livestock or a person with whom the victim has or had a romantic or sexual relationship. Includes the use of electronic communication as specified.

JUDICIARY COMMITTEE (Cont'd.)

fiduciary access to digital assets (H.B. 2467) – Chapter 199

SEE THE FINANCIAL INSTITUTIONS COMMITTEE.

internet crimes against children; appropriation (H.B. 2468/S.B. 1143) – Chapter 1 E

SEE THE APPROPRIATIONS COMMITTEE.

sexual assault; parental rights; prohibition (H.B. 2488) – Chapter 104

Denies a person legal decision-making or parenting time rights to a child if the person has been convicted of a sexual assault that led to the birth of the child.

~~restricted vehicle use; DUI; repeal~~ (NOW: ~~restricted vehicle use; DUI; exemption~~) (H.B. 2514) – Chapter 73

SEE THE PUBLIC SAFETY, MILITARY AND TECHNOLOGY COMMITTEE.

supreme court justices; number (H.B. 2537) – Chapter 333

Increases the number of Justices on the Arizona Supreme Court from five to seven.

sex offender registration; petition; termination (H.B. 2539) – Chapter 105

Allows a defendant convicted of sexual conduct with a minor, who is required to register as a sex offender and who has successfully completed a term of probation, to petition the court for an order to terminate the duty to register. This petition must declare that during the time of the offense the defendant was under 22 years of age, that the victim was 15, 16 or 17 years of age, the sexual conduct was consensual and the offense did not involve more than one victim. The petition must also declare that the defendant has not subsequently committed another sexually-related felony offense and the defendant was not sentenced to a term of imprisonment for the offense. During the hearing and prior to ruling, the court must provide all parties with the opportunity to be heard and allow any party to introduce evidence. The state holds the burden of establishing by a preponderance of the evidence that a factor in the petition has not been met. If any of the required factors have not been met the court must deny the petition. Additionally, if the court finds that a denial is in the best interests of justice or tends to ensure public safety, the court may deny the petition.

~~postsecondary campuses; public forums; activities~~ (NOW: ~~public forums; activities; postsecondary campuses~~) (H.B. 2548) – Chapter 249

SEE THE EDUCATION COMMITTEE.

campuses; free speech zone; prohibition (H.B. 2615) – Chapter 250

SEE THE EDUCATION COMMITTEE.

criminal justice; budget reconciliation; 2016-2017. (H.B. 2701/S.B. 1532) – Chapter 119

SEE THE APPROPRIATIONS COMMITTEE.

JUDICIARY COMMITTEE (Cont'd.)

LEGISLATION VETOED

judicial productivity credits; calculation; salary (NOW: incompetent persons; mental health evaluations) (S.B. 1510) – VETOED

Modifies, effective January 1, 2017, court and mental health processes related to certain incompetent defendants. Adds an option during the competency examination process for a screening to determine if the defendant is a sexually violent person. Additionally, establishes procedures as outlined below for the prosecuting agency and court to track a defendant determined incompetent to stand trial through the civil commitment process.

If the court finds that there is no substantial probability that an incompetent defendant will regain competency within 21 months and the court therefore remands the defendant to the custody of the Department of Health Services, the bill requires the prosecutor to file a petition for evaluation and provide any known criminal history for the defendant. It modifies the process for the evaluation and establishes a related deadline. However, the court may retain jurisdiction over the defendant in specified circumstances, including if notified that the defendant has not had such an evaluation or if the defendant is out of custody.

Additionally, both the court and prosecuting agency must receive notice if an evaluation or civil commitment order expires, if the evaluation agency intends to release a person who was being evaluated on an inpatient basis or if the mental health treatment agency intends to discharge the patient. Before the patient is discharged, the prosecuting agency may request a hearing to determine whether the court should order the defendant returned to custody for an incompetency disposition. In these various scenarios, the medical director must provide the patient's records to the court and prosecuting agency.

Establishes procedures if the defendant fails to comply with terms of specified treatment orders, including notice requirements and remedies. Requires a treatment agency to make active and diligent efforts to find and return a patient on unauthorized absence to appropriate treatment and to file related reports with the court. Exempts a treatment agency that does so in good faith from civil liability related to the patient's actions. Allows the court to direct a peace officer to take a patient into custody, as specified, if the patient refuses to comply with an amended order for inpatient treatment, the medical director rescinds a conditional outpatient treatment order or the patient is absent without authorization.

The Governor indicates in his veto message that the bill could jeopardize the credentials and staff licenses of the Arizona State Hospital. He mentions that the FY 2017 budget establishes a study committee to make policy recommendations in this area and that the group will research this and other ideas (Please see the summary for H.B. 2701/S.B. 1532 for more information).

Natural Resources Committee

Senator Steve Pierce, Chairman



Kaitlyn Neff, Research Analyst

Jessica Newland, Intern

NATURAL RESOURCES COMMITTEE

LEGISLATION ENACTED

underground facility; damage; notice (S.B. 1163) – Chapter 23

Requires a person who is responsible for excavation operations to immediately notify the underground facilities operator and 911 or the local emergency response agency in the event an excavation damage results in the release of hazardous gases or liquids.

Mexican wolf; G&F approval; reporting (S.B. 1243) – Chapter 152

SEE THE WATER AND ENERGY COMMITTEE.

fire districts; wildland fires; budgets (S.B. 1244) – Chapter 219 E

An emergency measure, effective May 12, 2016, that does the following:

Fire District Assistance Tax – Eliminates, beginning in FY 2017 and retroactive to July 1, 2016, the \$400,000 Fire District Assistance Tax (FDAT) limit for consolidated districts and caps the amount of FDAT monies that a district that consolidated after July 1, 2014, can receive at the sum of the average of the amount of monies received by each district in the five fiscal years prior to consolidation.

Wildland Fire Reimbursement Claims – Directs the State Forester to certify a wildland fire reimbursement claim not yet paid by a federal agency to the State Treasurer, who must pay the claim from monies appropriated from the Budget Stabilization Fund.

County Fire District Budget Override Election – Allows the electors of a fire district voting in a regularly scheduled general election in November 2016 or 2017 to authorize a temporary budget override for five consecutive tax years that allows annual levies subject to a \$3.50 tax rate limit instead of the \$3.25 statutory limit.

~~body of water; aggregate mining~~ (NOW: pet store operators; dealers; regulations) (S.B. 1248) – Chapter 351

Establishes restrictions and permissions for pet store operators or pet dealers regarding the sale of a dog or cat. Prohibits a pet store operator or pet dealer from directly or indirectly obtaining a dog or cat for sale from a person required to be licensed by the U.S. Department of Agriculture who has committed specified violations. Classifies violations and civil penalties for knowingly obtaining dogs or cats for resale in violation of prescribed regulations.

Prohibits a city, town or county from imposing local regulation exceeding state law regarding the sale of dogs or cats or prohibiting the sale of dogs or cats by a pet store or pet dealer. A city, town or county may regulate the control of dogs if the regulation is not breed-specific.

NATURAL RESOURCES COMMITTEE (Cont'd.)

Establishes a nine-member Dog and Cat Breeder Study Committee to study breeding, regulatory models, spay and neuter clinics and pet adoption through September 30, 2017.

vehicle emissions inspection program; continuation (S.B. 1255) – Chapter 34

The Vehicle Emissions Inspection Program is continued until July 1, 2022.

pest management division (S.B. 1270) – Chapter 221

Retroactive to July 1, 2016, establishes the Division of Pest Management within the Arizona Department of Agriculture (ADA) to regulate pest management services. Transfers certain authority, duties and responsibilities and grants applicable licensing, registration, certification and regulation authority currently granted to the Office of Pest Management to the ADA. Establishes the Pest Management Trust Fund and the Pest Management Division Council. Makes changes to funding, administration and requirements regarding pest management.

agriculture omnibus (S.B. 1344) – Chapter 160

Restructures permissions and requirements relating to self-inspection by movers of livestock. Allows the Director of the Arizona Department of Agriculture (ADA) to implement and use monies from the Commercial Feed Trust Fund to assist with efforts of an Arizona Livestock Incident Response Team Agreement that is established between the ADA and a state university. Expands the requirement for the Director of the ADA to cooperate with the U.S. Department of Agriculture in the control and destruction or relocation of predatory wildlife to include reintroduced predatory wildlife. Extends the county board of supervisors' permission to control and destroy predatory wildlife to include reintroduced predatory wildlife.

G&F; heritage fund; expenditures (S.B. 1361) – Chapter 224

Reduces the minimum proportion of Game and Fish Heritage Fund monies that must be spent on property acquisition from 40 percent to 20 percent. For purposes of operation and maintenance of acquired property, the Game and Fish Commission may spend no more than 20 percent of monies allocated for identification, inventory, acquisition, protection and management, maintenance and operations of property with sensitive habitat. The Game and Fish Commission must provide a copy of the annual report to the Secretary of State.

private lands; use; enjoyment (S.B. 1433) – Chapter 169

SEE THE FEDERALISM, MANDATES AND FISCAL RESPONSIBILITY COMMITTEE.

racing commission; continuation; conforming changes (S.B. 1435) – Chapter 342

Retroactive to July 1, 2016, the Arizona Racing Commission is continued until July 1, 2024. Appropriates \$200,000 from the state General Fund in FY 2017 to the Arizona Department of Gaming for the Arizona Breeders' Award Fund.

NATURAL RESOURCES COMMITTEE (Cont'd.)

small property tax balance delinquency. (NOW: prohibition; live dog racing) (H.B. 2127) – Chapter 246

Prohibits live dog racing in Arizona after December 31, 2016. Currently authorized operations, prescribed daily pari-mutuel pool deposits and required purse allocations may continue through December 31, 2016. Allows approved permittees that conducted live dog racing in 2016 to continue to conduct advance deposit wagering on simulcast races at additional facilities; the consent of all licensed permittees in the county is required in order for an additional facility to conduct wagering through January 1, 2019. Beginning January 1, 2017, 20 percent of the simulcast commission fee paid by a permittee that conducted live dog racing in 2016 to a racing facility in Maricopa County must be distributed to the recognized horsemen's association in this state.

TPT; exemption, aerial applicators (H.B. 2133) – Chapter 181

SEE THE FINANCE COMMITTEE.

weights and measures; omnibus (H.B. 2171) – Chapter 232

Transfers certain specified authority, duties and responsibilities currently granted to the Department of Weights and Measures to the Arizona Department of Agriculture (ADA) Division of Weights and Measures (Division), except for the regulation of for-hire transportation, which is transferred to the Arizona Department of Transportation (ADOT). Allows the Associate Director of the Division to establish certain weights and measures training programs. Establishes penalties and an administrative hearing process for violations of weights and measures regulations.

Makes changes to labeling specifications, standard compliance petitions, fuel reformulation requirements, and transfer documentation of biodiesel motor fuel to conform to federal law. Sale of diesel fuel containing sulfur in excess of 15 parts per million, except locomotive and marine diesel fuel, is prohibited.

Effective October 1, 2018, fuel dispenser nozzles must be equipped with the following grip guards: green for retail diesel fuel and yellow for retail ethanol flex fuel. Other fuel dispenser nozzles may not display green or yellow grip guards.

Allows prices to be displayed near the point of display of a product, rather than on the package, and allows the price to be displayed at a service counter if the commodity is only available with the assistance of a salesperson.

Removes the requirement for license and regulation of commercial device taxi meters and instead requires a vehicle-for-hire operator to obtain a vehicle-for-hire permit in order to operate in the state. Prescribes requirements for vehicle-for-hire trade dress, documentation, and motor vehicle license and insurance. Requires ADOT to collect a \$24 fee for a three year vehicle-for-hire permit, not to exceed \$1,000 per applicant. ADOT may investigate complaints, inspect and test taxi meters, apply injunctions, and hire employees to assist with for-hire transportation duties. Establishes penalties for offering vehicle-for-hire services without a valid permit and for knowingly hindering, interfering or obstructing the inspection or testing of a taxi meter and subjects violations of permit requirements to civil penalties imposed by ADOT. The Director of

NATURAL RESOURCES COMMITTEE (Cont'd.)

ADOT may initiate judicial review proceedings for revocation or suspension of a permit and may refuse or revoke a permit until delinquent civil penalties and fees are paid in full. Specifies that transportation network companies are subject to regulation as transportation network companies, rather than vehicles-for-hire. Beginning September 1, 2016, licensed taxi, livery vehicle and limousine owners and drivers are exempt from paying a transaction privilege tax or similar taxes on income derived from transporting persons for hire.

The ADA and ADOT are exempt from rulemaking requirements related to the transfer of weights and measures for one year.

G&F; military spouses; resident licenses (H.B. 2324) – Chapter 191

Permits spouses of U.S. armed forces members that are permanently or temporarily stationed in Arizona to purchase a resident license for the taking of wildlife.

~~gold bonds; study committee~~ (NOW: primitive campgrounds; exemption; definition) (H.B. 2541) – Chapter 200

Exempts primitive camp and picnic grounds offered by the state or a political subdivision from following sewage, disposal, garbage and water standards mandated by the Department of Health Services. The camp and picnic grounds are still subject to approval by a county health department under prescribed sanitary regulations.

cooperative associations (H.B. 2614) – Chapter 349

SEE THE COMMERCE AND WORKFORCE DEVELOPMENT COMMITTEE.

Public Safety, Military & Technology Committee

Senator Steve Smith, Chairman



Alex Vidal, Research Analyst

Jacqueline Thomas, Intern

PUBLIC SAFETY, MILITARY & TECHNOLOGY COMMITTEE

LEGISLATION ENACTED

aid; execution of process; injury (S.B. 1018) – Chapter 139

SEE THE JUDICIARY COMMITTEE.

tax anticipation bonds; technical correction (NOW: silver alert; Alzheimer’s disease) (S.B. 1196) – Chapter 146

Expands the conditions necessary to issue a Silver Alert to include missing persons with Alzheimer’s disease or dementia.

resource center fund; purposes (S.B. 1210) – Chapter 24

Allows the Arizona Criminal Justice Commission (ACJC) to spend monies in the Resource Center Fund (Fund) on the Arizona Statistical Analysis Center, an agency of ACJC. The Fund was previously restricted to use for the Arizona Youth Survey.

national guard; peace officers; appointment (S.B. 1212) – Chapter 147

Expands eligibility for National Guard members to be appointed to peace officer status by the Adjutant General by allowing members who have served as law enforcement officers in any branch of the U.S. Armed Forces or as Special Agents of a criminal investigative unit within the U.S. Department of Defense to be eligible. Previously only National Guard members who were Military Policemen or Air Force Security Policemen were eligible.

adjutant general; national guard rules (S.B. 1213) – Chapter 308

Clarifies the Adjutant General’s authority to adopt regulations for the organization, governance, armament, equipping, instruction and compensation of the Arizona National Guard and stipulates that such regulations become effective upon the Governor’s approval.

department of homeland security; continuation (S.B. 1226) – Chapter 149

Retroactive to July 1, 2016, the Arizona Department of Homeland Security is continued until July 1, 2024.

private postsecondary institutions; police officers (NOW: peace officers; appointment; training) (S.B. 1240) – Chapter 310

Allows private postsecondary institutions with full-time dormitories to appoint peace officers. Requires appointees to meet the minimum qualifications established by the Arizona Peace Officer Standards and Training Board (AZPOST). Grants private postsecondary institution officers all the powers of a peace officer in this state while on the institution’s property and engaged in official duties but requires that appropriate law enforcement agencies be notified

PUBLIC SAFETY, MILITARY & TECHNOLOGY COMMITTEE (Cont'd.)

whenever a felony arrest or investigation is conducted within their jurisdictions. Makes the appointing institution liable for the actions of its officers and exempts the state and all political subdivisions from any liability. Makes any documentation made or received by a private postsecondary institution police department a public record. Also requires the names of peace officers appointed by railroad companies, public airports and private postsecondary institutions be registered with AZPOST.

photo radar prohibition; state highways (S.B. 1241) – Chapter 55

SEE THE TRANSPORTATION COMMITTEE.

corrections department; revolving fund uses (S.B. 1246) – Chapter 153

Appropriates \$596,000 from the Transition Program Fund to the Arizona Department of Corrections (ADC) in FY 2017 for expansion of the Transition Program. Also allows monies in the ADC Separate Revolving Fund to be used for prisoner reentry and mental health assistance programs and specifies who may administer drug treatment programs for prisoners.

prisoners; community reentry; work program (S.B. 1247) – Chapter 311

Establishes the Community Reentry Work Program for prisoners who meet certain criteria, find employment and are within 90 days of their earliest release date including temporary release (90 days before final release) and the Prisoner Transition Program (an additional 90 days before temporary release). An inmate may be eligible for all three forms of early release, potentially allowing for an early release of up to nine months.

firearms; state preemption; penalties (S.B. 1266) – Chapter 132

Allows public officials to be terminated from employment and political subdivisions to be assessed a civil penalty of up to \$50,000 if a court determines that the official or subdivision knowingly and willfully enacted an ordinance, regulation, tax, measure, directive, rule, order or policy that violates state firearm preemption laws. Also allows a petitioner to file a civil action for declaratory and injunctive relief and up to \$100,000 in actual damages against a political subdivision that has violated state firearm preemption laws and requires the court to award reasonable attorney's fees and costs to any plaintiff that prevails in such a case.

military service; postsecondary academic credit (S.B. 1267) – Chapter 313

SEE THE EDUCATION COMMITTEE.

juvenile charged as adult; detention (S.B. 1308) – Chapter 314

Beginning January 1, 2017, allows a juvenile charged or on trial as an adult for a non-dangerous offense to be detained in a juvenile detention center if ordered by the court. Requires the court to consider specific factors when determining where to detain the juvenile, including existing programs and facilities at the county jail and the severity of the charge or crime.

PUBLIC SAFETY, MILITARY & TECHNOLOGY COMMITTEE (Cont'd.)

technical correction; traffic violations (NOW: officers; employees; payroll deductions; appeals) (S.B. 1521) – Chapter 318

Lowers the membership threshold for certain associations to be eligible for voluntary payroll deductions from the wages of state officers and employees. Also requires that retroactive compensation be awarded to a law enforcement officer whose termination has been reversed.

liquor premises; firearms; retired officers (H.B. 2030) – Chapter 285

Allows a retired peace or law enforcement officer to carry a firearm on the premises of an on-sale liquor retailer. Also allows bankruptcy trustees to be granted a temporary liquor permit of any series to sell liquor, acquired from a debtor, at a public auction.

post-9/11 veteran education relief fund (H.B. 2033) – Chapter 319

Establishes the Post-9/11 Veteran Education Relief Fund consisting of donations, grants, investment earnings and other available monies. Establishes eligibility criteria for veterans to receive tuition assistance and an advisory committee to evaluate applications and make recommendations.

public safety employees; omnibus (H.B. 2074) – Chapter 178

Expands eligibility for the *Public Safety Cancer Insurance Policy Program* to include any employee that: 1) participates in the Public Safety Personnel Retirement System or Corrections Officer Retirement Plan; and 2) works full-time for an employer that participates in the cancer insurance program. Allows the Department of Public Safety to participate in the cancer insurance program. Also grants qualified immunity to public entities and their employees for any liability resulting from an injury caused by a peace officer providing emergency care at the scene of an emergency, unless the officer intended to cause injury or was grossly negligent.

VLT exemption; military members; spouses (H.B. 2153) – Chapter 213

SEE THE TRANSPORTATION COMMITTEE.

failure to appear; arrest; fingerprinting (S.B. 2154) – Chapter 95

Beginning January 1, 2017, specifies the procedures and which agencies are responsible for fingerprinting persons arrested for driving under the influence, domestic violence, a sexual offense or any felony. Also consolidates existing statutes related to failing to appear in court.

peace officer memorial board; members (H.B. 2165) – Chapter 64

Allows certain members of the Peace Officer Memorial Board to appoint designees.

inmate body scans; contraband (H.B. 2183) – Chapter 39

Allows the Arizona Department of Corrections and county jails to perform low-dose ionizing radiation body scans on inmates suspected of possessing or attempting to bring contraband inside a correctional facility.

PUBLIC SAFETY, MILITARY & TECHNOLOGY COMMITTEE (Cont'd.)

county merit system; terms; hearing (H.B. 2247) – Chapter 41

SEE THE GOVERNMENT COMMITTEE.

constables; duties; training; discipline (H.B. 2288) – Chapter 252

Modifies the membership of the Constable Ethics Standards and Training Board (Board) as well as the process and manner in which the Board may discipline a constable. Establishes the offices of Presiding Constable and Associate Presiding Constable in counties with four or more constables.

educational institutions; firearms; rights-of-way (H.B. 2338) – Chapter 131

SEE THE GOVERNMENT COMMITTEE

occupational disease; post traumatic stress disorder (NOW: traumatic events counseling) (H.B. 2350) – Chapter 240

Requires the state and all political subdivisions that employ public safety personnel to establish a program that provides up to 12 visits of counseling, paid for by the employer, to public safety employees that experience certain traumatic events. Exempts employers that have an existing program that meets specific criteria.

release of prisoners; detainees; repeal (H.B. 2451) – Chapter 89

Repeals the statutory authority of the Director of the Arizona Department of Corrections to release prisoners to the custody and control of U.S. Immigration and Customs Enforcement if the prisoner has an order of deportation, meets certain eligibility criteria and has served at least 50 percent of the person's sentence.

restricted vehicle use; DUI; repeal (NOW: restricted vehicle use; DUI; exemption) (H.B. 2514) – Chapter 73

Exempts anyone licensed by the state Real Estate Department, except those employed by specific state agencies, from the statutory prohibition on fingerprint clearance card applicants who are awaiting trial for or have been convicted of driving under the influence within five years transporting clients or other employees as part of their employment.

prisoner education services budget; uses (H.B. 2515) – Chapter 262

Allows funds from the Arizona Department of Corrections dedicated prisoner education services budget to be used for programs for prisoners housed in a special management unit. Prohibits these funds from being used on programs for prisoners sentenced to life imprisonment or classified as maximum custody, unless the program is for prisoners under 18 years of age or who have a disability and are under 22 years of age.

peace officer employment; study committee (H.B. 2677) – Chapter 324

Establishes the Peace Officer Employment Study Committee consisting of 16 appointed members, including four legislative members, eight members representing the law enforcement community and eight public members, to research staffing levels, recruitment and retention policies and the impact these have on attrition rates and public safety.

State Debt & Budget Reform Committee

Senator Jeff Dial, Chairman



Carolyn Speroni, Research Analyst

Justin West, Intern

Transportation Committee

Senator Bob Worsley, Chairman



Kaitlyn Neff, Research Analyst

Jessica Newland, Intern

TRANSPORTATION COMMITTEE

LEGISLATION ENACTED

VLT; fee exemptions; first responders (S.B. 1008) – Chapter 12 E

An emergency measure, effective March 14, 2016, and retroactive to December 31, 2015, that specifies the applicability of the vehicle licensing tax and registration fee exemption for surviving spouses or dependents of deceased first responders.

department of transportation; continuation. (S.B. 1207) – Chapter 269

Retroactive to July 1, 2016, the Arizona Department of Transportation is continued until July 1, 2024.

~~DUI; drugs; ignition interlock requirement~~ (NOW: ignition interlock requirement; DUI; drugs) (S.B. 1228) – Chapter 57

Beginning January 1, 2017, eliminates the automatic ignition interlock device requirement for driving under the influence offenses not involving intoxicating liquor and instead grants the court discretion for requiring the device. The Motor Vehicle Division is not required to immediately revoke the person's driver license in these circumstances; however the 90-day administrative driver license suspension still applies.

photo radar prohibition; state highways (S.B. 1241) – Chapter 55

Prohibits the state or a local authority from using a photo enforcement system to identify violators of traffic signs, signals, markings or speed restrictions on a state highway.

vehicle certificates of title (S.B. 1357) – Chapter 276

Allows the Arizona Department of Transportation (ADOT) to establish electronic systems for issuing and maintaining various electronic documents and methods for sharing information with law enforcement agencies. Allows ADOT to accept electronic communication and information without adopting transfer methods in rule. Modifies various permissions, requirements and restrictions regarding certificates of title and registration. Permits a licensed insurance company to execute an electronic power of attorney without notarization for a total loss vehicle settlement and requires a lienholder to submit the repossession affidavit electronically if the lienholder is a financial institution.

Modifies requirements regarding resident status, criminal records checks and license plates for certain motor vehicle dealers. Allows the Director to establish education and training for used or wholesale motor vehicle dealer applicants. The Director may contract with a private entity and charge a fee for the education and training.

TRANSPORTATION COMMITTEE (Cont'd.)

motor vehicle dealer licensing (S.B. 1358) – Chapter 277

Consolidates motor vehicle dealer application and renewal filings through the Arizona Department of Transportation (ADOT), rather than through ADOT and the Arizona Department of Financial Institutions, and specifies the conditions and allocations of application and annual renewal fees paid by motor vehicle dealers. All motor vehicle dealers who create retail installment contracts for third-party lenders or financial institutions are excluded from the requirements of a sales finance company, regardless of the total value of the contracts.

fuel taxes; streets and highways (S.B. 1398) – Chapter 163

Requires counties to publish an annual financial report containing expenditures of monies received from motor vehicle fuel and use fuel taxes.

~~unmanned aircraft; prohibited operations~~ (NOW: prohibited operations; unmanned aircraft) (S.B. 1449) – Chapter 170

Establishes violations and penalties for various offenses relating to unmanned aircraft and aircraft systems, including model aircraft, civil unmanned aircraft and public unmanned aircraft. Law enforcement agencies, first responders and emergency workers are not prohibited from operating an unmanned aircraft system while acting in certain official capacities.

Prohibits political subdivisions from enacting or adopting any ordinance, policy, rule or regulation relating to ownership or operation of an unmanned aircraft or unmanned aircraft system, unless authorized by law, and deems any current ordinance, policy or rule in violation void. Political subdivisions may adopt ordinances or rules for use of a public unmanned aircraft or aircraft system owned by the city, town or county.

transportation funding; task force (S.B. 1490) – Chapter 228

An emergency measure, effective May 12, 2016, that establishes a nine-member Surface Transportation Task Force (Task Force) to review reports and recommend revenue proposals for state highways, highway patrol and local street needs for 20 years. The Task Force will issue quarterly reports and a final report and recommendation through December 31, 2016.

taxis; limousines; livery vehicles (S.B. 1492) – Chapter 171

Removes the requirement for license and regulation of commercial device taxi meters and instead requires a vehicle-for-hire operator to obtain a vehicle-for-hire permit in order to operate in this state. Prescribes requirements for vehicle-for-hire trade dress, documentation and motor vehicle license and insurance. Requires the Arizona Department of Transportation (ADOT) to collect a \$24 fee for a 3-year vehicle for hire permit, not to exceed \$1,000 per applicant. ADOT may investigate complaints, inspect and test taxi meters, apply injunctions and hire employees to assist with for-hire transportation duties. Establishes penalties for offering vehicle-for-hire services without a valid permit and for knowingly hindering, interfering or obstructing the inspection or testing of a taxi meter and subjects violations of permit requirements to civil penalties imposed by ADOT. The Director of ADOT may initiate judicial review proceedings for revocation or suspension of a permit and may refuse or revoke a permit until delinquent civil

TRANSPORTATION COMMITTEE (Cont'd.)

penalties and fees are paid in full. Specifies that transportation network companies are subject to regulation as transportation network companies, rather than vehicles for hire.

Beginning September 1, 2016, licensed taxi, livery vehicle and limousine owners and drivers are exempt from paying a transaction privilege tax or similar taxes on income derived from transporting persons for hire.

special plates; regionally accredited institutions (H.B. 2022) – Chapter 174

Allows the Arizona Department of Transportation (ADOT) to issue the regionally accredited institutions of higher education special license plate if \$32,000 is paid for its implementation by December 31, 2016. Monies collected from the plate will be deposited in the Regionally Accredited Institution of Higher Education Special Plate Fund (Fund). Requires the Director of ADOT to annually distribute all monies in the Fund, excluding administrative fees, to a qualifying foundation of a regionally accredited institution of higher education.

speed limits; local authority (H.B. 2032) – Chapter 175

Permits local authorities to modify speed limits on streets surrounding school grounds or public parks if an investigation determines current speed limits are unsafe.

uninsured and underinsured motorist coverage (H.B. 2129) – Chapter 180

SEE THE FINANCIAL INSTITUTIONS COMMITTEE.

historic federal highway; special plates (H.B. 2145) – Chapter 182

Allows the Arizona Department of Transportation (ADOT), dependent upon payment of the \$32,000 by December 31, 2016, for implementation, to issue the: 1) historical federal highway preservation special plate; 2) first responder special plate; and 3) play unified special plate. Monies collected from each plate will be deposited into the respective fund. Requires the Director of ADOT to annually distribute monies in the respective funds, excluding administrative fees, to qualifying organizations.

VLT exemption; military members; spouses (H.B. 2153) – Chapter 213

Beginning January 1, 2017, provides exemption from paying a vehicle licensing tax and registration fee for a surviving spouse or dependent of a deceased member of the U.S. military that was killed in the line of duty or died from injuries suffered in the line of duty.

weights and measures; omnibus (H.B. 2171) – Chapter 232

SEE THE NATURAL RESOURCES COMMITTEE.

autocycles; definition; class D licenses (H.B. 2248) – Chapter 29

Requires the seating area of an autocycle to be fully or partially enclosed and specifies that a class D driver license is required to operate a motor vehicle with a gross weight rating of 26,000 pounds or fewer, including an autocycle.

TRANSPORTATION COMMITTEE (Cont'd.)

ADOT; authorized third parties (H.B. 2249) – Chapter 116

Requires certain authorized third parties who conduct motor vehicle inspections or have access to motor vehicle records or monies to provide a full set of fingerprints and a non-refundable fee for a state and federal criminal records check.

ADOT advertising; sponsorship; nonhighway assets (H.B. 2250) – Chapter 66

Allows the Arizona Department of Transportation (ADOT) to establish a program for monetary sponsorship, lease or sale of advertising on non-highway assets and allows ADOT to contract with third parties to perform certain aspects of the program. Monies collected from the advertising and sponsorship program will be deposited into the State Highway Fund. The program ends on July 1, 2026.

commercial motor vehicles (H.B. 2251) – Chapter 52

Requires the Arizona Department of Transportation to disqualify commercial license or instruction permit holders for certain violations. Reduces, from 90 days to 60 days, the length of validity for a temporary proportional registration that is used by an interstate motor carrier to add vehicles to an existing fleet. Modifies weight limits and length restrictions for over-the-road buses, vehicles operated by a natural gas-fueled engine and vehicle transporter combination vehicles. Allows a vehicle transporter to transport cargo or freight on a backhaul. Transfers regulation of interstate movement of household goods to the Department of Public Safety.

motor vehicle dealers; compensation (H.B. 2348) – Chapter 193

Establishes requirements and calculations for compensation that a motor vehicle manufacturer or distributor pays to a new motor vehicle dealer for warranty diagnostic work, repair service, parts and labor. Establishes procedures to accept, rebut and adjust the retail rate and allows for mediation and an administrative hearing, if required to settle disputes. Allows the manufacturer to audit claims for legitimacy for 12 months, rather than 6, and establishes a correction and resubmission process for denied claims. The manufacturer is prohibited from recovering costs for compensating the dealer for warranty parts and service, except in the ordinary course of business.

regional transportation authority; membership; election (H.B. 2373) – Chapter 295

Modifies membership of a Regional Transportation Authority (RTA) to include members representing only the municipalities in the county where the RTA is located, rather than all municipalities who are members of the regional council of governments. Provides alternative procedures for when the majority of qualified voters fail to approve a proposed substantial change to a previously approved regional transportation plan or the funding measure for an approved regional transportation plan. Modifies distribution requirements of RTA fund monies.

TRANSPORTATION COMMITTEE (Cont'd.)

auxiliary containers; scrap metal dealers (NOW: towing; bond requirement) (H.B. 2444) – Chapter 256

Reduces the bond required for a towing company employee who conducts Level 1 motor vehicle inspections from a \$100,000 minimum to \$25,000 maximum. Extends bond coverage to all towing company locations, rather than a single location.

motor vehicle insurance; nonrenewal (H.B. 2445) – Chapter 363

Allows a motor vehicle insurance provider to nonrenew an insurance policy and establishes procedures for nonrenewal. A person who believes a policy has been nonrenewed in violation may file a written objection with the Director of the Department of Insurance within 10 days of receiving a nonrenewal notice. Allows an insurer to transfer policies to an affiliate provider and prohibits an insurance provider from inquiring if an insurance applicant has been previously nonrenewed.

sporting event tax revenue; tourism (H.B. 2495) – Chapter 366

SEE THE APPROPRIATIONS COMMITTEE.

vehicle equipment; lighting (H.B. 2509) – Chapter 261

Requires every stop lamp, tail lamp or signal lamp equipped on a motor vehicle to be maintained in working condition and not project a glare or dazzling light. The first violation is a warning that may not result in a citation.

community college boards; terms; duration (NOW: motor vehicle dealers; titles; licensing) (H.B. 2535) – Chapter 263

Allows the Arizona Department of Transportation (ADOT) to establish electronic systems for issuing and maintaining various electronic documents and methods for sharing information with law enforcement agencies. Allows ADOT to accept electronic communication and information without adopting transfer methods in rule. Modifies various permissions, requirements and restrictions regarding certificates of title and registration. Permits a licensed insurance company to execute an electronic power of attorney without notarization for a total-loss vehicle settlement and requires a lienholder to submit the repossession affidavit electronically if the lienholder is a financial institution.

Modifies requirements regarding resident status, criminal records checks, and license plates for certain motor vehicle dealers. Allows the Director of ADOT (Director) to establish education and training for used or wholesale motor vehicle dealer applicants. The Director may contract with a private entity and charge a fee for the education and training program.

Consolidates motor vehicle dealer application and renewal filings through ADOT, rather than through ADOT and the Arizona Department of Financial Institutions, and specifies the conditions and allocations of application and annual renewal fees paid by motor vehicle dealers. All motor vehicle dealers who create retail installment contracts for third-party lenders or

TRANSPORTATION COMMITTEE (Cont'd.)

financial institutions are excluded from the requirements of a sales finance company, regardless of the total value of the contracts.

civil traffic violations; alternative service (H.B. 2591) – Chapter 370

Prohibits, beginning January 1, 2017, driving privileges from being suspended or revoked as a result of a citation that is served by alternative service of process.

LEGISLATION VETOED

abandoned vehicles; towing reimbursement (H.B. 2434) – VETOED

Awards towing companies 20 percent, rather than \$100, of the fees associated with towing abandoned vehicles and removes the restriction for towing companies to only receive fees from towing abandoned vehicles on national forest, state park, Bureau of Land Management or state trust land.

The Governor indicates in his veto letter that H.B. 2434 would cost the state nearly a \$1 million annually but that he would be open to revenue neutral changes in the towing fee structure.

Water & Energy Committee

Senator Gail Griffin, Chairman



Brandi Lease, Research Analyst

Carla DeMore, Intern

WATER & ENERGY COMMITTEE

LEGISLATION ENACTED

department of forestry (S.B. 1189) – Chapter 145

Establishes the Department of Forestry and Fire Management to provide resources for land management and the prevention and suppression of wildland fires on state land and private property located outside of cities and towns. The State Forester is responsible for the direction, operation and control of the Department. The Department terminates on July 1, 2024.

conservation districts; education centers (S.B. 1190) – Chapter 33

Specifies that Natural Resource Conservation Districts organize and establish education centers to increase the knowledge of natural resources in the state through: 1) offering technical guidance and training to agricultural producers; 2) publishing scholarly materials; 3) providing educational and training opportunities; and 4) conducting or sponsoring scientific studies that affect natural resources.

water protection fund; conservation; supply (S.B. 1191) – Chapter 217

Expands the use of Arizona Water Protection Fund monies to include measures to increase water availability and prioritizes funding to projects that increase the supply of water. Removes the restriction that no more than five percent of monies spent in any fiscal year be used for water conservation programs outside of active management areas.

Mexican wolf; G&F approval; reporting (S.B. 1243) – Chapter 152

Requires the Arizona Game and Fish Commission (Commission) to attempt to enter into a memorandum of understanding with the U.S. Fish and Wildlife Services prior to any release, translocation or cross-fostering of Mexican gray wolves in the state. Requires the Arizona Game and Fish Department to report certain information regarding Mexican gray wolves to the Commission at each Commission meeting.

~~dams; affidavit; recording~~ (NOW: water storage; plan report) (S.B. 1399) – Chapter 164

Directs the State Land Commissioner and the Director of the Arizona Department of Water Resources to develop a plan that includes a preliminary investigation and identification of potentially acceptable sites to construct new water storage facilities on State Trust Land. A report of the departments' recommendations must be submitted by December 31, 2017.

distributed energy generation systems (S.B. 1417) – Chapter 56

Distributed Energy Generation System Interconnection – Outlines requirements for installing, energizing and interconnecting distributed energy generation systems (systems) to the power grid. A utility with fewer than 75,000 customers may waive the interconnection requirements.

WATER & ENERGY COMMITTEE (Cont'd.)

Solar Energy Device Warranties – Requires the collectors, heat exchangers and storage units of leased or financed solar energy devices to be warranted for at least two years or include an energy production output guarantee. Requires the written statement of warranty to be provided as part of the financing, sale or lease agreement.

Solar Energy Device Installation Standards and Inspections – Removes various responsibilities of the Governor's Energy Office and requires solar energy devices to comply with all applicable state and federal consumer protection, rating, certification, performance, marking, installation and safety standards.

System Finance, Sale or Lease Agreements – Requires blank spaces on the system finance, sale or lease agreement to be shown to and initialed by the buyer or lessee and outlines sections of the agreement that must be separately acknowledged by the buyer or lessee. Establishes requirements for documents or sales presentations relating to a system, including that the document or sales presentation must substantiate methodology for calculated financial savings and include certain historical utility rates. If the agreement or a document or sales presentation contains an estimate of future utility charges, the estimate must be shown as impacted by certain rate changes applied to the duration of the agreement in one percent increments.

water improvements program; grants; county (S.B. 1459) – Chapter 227

Allows a county board of supervisors (BOS) to establish a program to allow for gifts, grants or donations to provide financial assistance to low-income or fixed-income homeowners for making improvements to an existing drinking water well or providing for a water delivery system. The BOS must designate an entity to operate the program and may not use general county monies for grants under the program.

codes; adoption by reference; copies (H.B. 2021) – Chapter 81

SEE THE GOVERNMENT COMMITTEE.

municipalities; counties; energy use; reporting (H.B. 2130) – Chapter 27

Laws 2015, Chapter 271 created sections of statute prohibiting cities, towns and counties from: 1) requiring energy usage and consumption reports from businesses; and 2) regulating the sale, use or disposition of auxiliary containers. Both H.B. 2130 and H.B. 2131 split and separately reinsert that language into separate sections. H.B. 2130 specifically repeals statute prohibiting cities, towns and counties from requiring a business to measure and report energy usage and consumption and reinserts it into a separate section of statute. This section does not prohibit cities, towns or counties operating an electric or gas utility from metering or measuring energy deliveries, usage and consumption in the course of providing utility service.

municipalities; counties; auxiliary containers; prohibitions (H.B. 2131) – Chapter 28

Laws 2015, Chapter 271 created sections of statute prohibiting cities, towns and counties from: 1) requiring energy usage and consumption reports from businesses; and 2) regulating the

WATER & ENERGY COMMITTEE (Cont'd.)

sale, use or disposition of auxiliary containers. Both H.B. 2130 and H.B. 2131 split and separately reinsert that language into separate sections. H.B. 2131 specifically repeals the prohibition on the regulation of auxiliary containers and reinserts it into a separate section of statute.

groundwater; waterlogged area exemption; date (H.B. 2291) – Chapter 86

Extends the following exemptions for three irrigation districts located in the Buckeye Waterlogged Area through the fifth management period (2025): 1) irrigation or intermediate water duties; 2) groundwater conservation requirements; 3) the groundwater withdrawal fee; and 4) the annual water duty exemption fee. Requires the Director of the Arizona Department of Water Resources to consult with all cities and towns within the exempted area on the scope and status of the review of hydrologic conditions and submit a recommendation regarding the extension of these exemptions by December 15, 2019.

environment; water quality amendments (H.B. 2325) – Chapter 192

Requires fees collected for wastewater and drinking water operator certification to be deposited in the Water Quality Fee Fund instead of the state General Fund and conforms statute regarding the allowable lead content in pipes and plumbing fixtures to federal law.

municipalities; water rates; requirements (H.B. 2391) – Chapter 195

Prohibits a municipality from assessing or collecting a fee on new water or wastewater service connections for the purpose of recovering the municipality's costs of acquiring property of a public service corporation or other municipality engaged in the business of providing water or wastewater services. This prohibition does not apply to water or wastewater fees adopted prior to January 1, 2016. Increases the time required to hold a public hearing on a proposed water or wastewater rate or fee increase, from at least 30 days to at least 60 days, and modifies the municipality's written report requirements.

~~county floodplain regulations; mobile homes~~ (NOW: mobile homes; county floodplain regulations) (H.B. 2474) – Chapter 257

Allows a small city or town in a small county that has assumed floodplain management powers and duties to adopt the lowest Federal Emergency Management Agency standard which allows a mobile home to be replaced under certain circumstances and requires the replacement home to either: 1) be elevated so the lowest point of the home is at or above the base flood elevation; or 2) have a chassis supported by reinforced piers or other foundation elements that are securely anchored to an adequately anchored foundation system.

environment; budget reconciliation; 2016-2017. (H.B. 2702/S.B. 1533) – Chapter 120

SEE THE APPROPRIATIONS COMMITTEE.

LEGISLATION VETOED

adequate water supply requirements; municipalities (S.B. 1268) – VETOED

Removes the requirement that cities and towns comply with county adequate water supply ordinances adopted after the effective date of this legislation. Allows municipalities located in counties that already adopted an adequate water supply ordinance to adopt an ordinance to opt out of the county's requirements with certain conditions.

The Governor indicates in his veto letter that S.B. 1268 would encourage a patchwork of water ordinances throughout cities and leave Arizona's water supply securities in peril.

~~water banking authority; report~~ (NOW: county water supply provision; renewal) (S.B. 1400) – VETOED

Requires a county ordinance that requires subdivisions to demonstrate an adequate water supply to be reviewed every five years and allows the county board of supervisors to rescind the provision by unanimous vote upon review.

The Governor indicates in his veto letter that S.B. 1400 would encourage a patchwork of water ordinances throughout cities and leave Arizona's water supply securities in peril.

Memorials & Resolutions



MEMORIALS & RESOLUTIONS

ports of entry; additional personnel (S.C.M. 1006)

Requests the U.S. Congress to increase the number of Customs and Border Protection personnel at Arizona ports of entry.

ozone concentration standard; urging EPA (S.C.M. 1007)

Urges the U.S. Environmental Protection Agency to reinstate the previous ozone concentration standard of 75 parts per billion.

regulatory integrity protection act (S.C.M. 1008)

Urges the U.S. Congress to enact the Regulatory Integrity Protection Act, requiring the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to develop regulations considering all public comments and input from state and local governments in regards to the Clean Water Rule.

Cherrybell; mail processing center (S.C.M. 1009)

Urges the U.S. Congress to protest the closing of the Tucson Postal Processing and Distribution Center and take any necessary action to fully restore operations of the facility.

resilient federal forests act (S.C.M. 1011)

Requests the U.S. Congress to enact the Resilient Federal Forests Act, impacting forest management activities and protection of water resources.

border security; urging Congress (S.C.M. 1012)

Encourages the U.S. Congress to direct appropriate federal agencies to: 1) fully secure all U.S. borders; 2) fully reimburse sheriffs for the costs of housing illegal aliens who are being charged with state crimes; and 3) return to the original guidelines as established by Operation Streamline for the prosecution of persons illegally crossing the U.S. border.

arms trade treaty; urging Congress (S.C.M. 1013)

Urges the U.S. Congress to refrain from entering into the United Nations Arms Trade Treaty and uphold Second Amendment rights.

administratively recommended wilderness; urging Congress (S.C.M. 1014)

Urges the U.S. Congress to prohibit federal agencies from recommending and identifying Arizona's public lands as wilderness areas without congressional consent.

MEMORIALS AND RESOLUTIONS (Cont'd.)

EPA; exceeding authority; urging Congress (S.C.M. 1015)

Encourages the U.S. Congress to enact the Stopping EPA Overreach Act which states: 1) that no federal agency has the authority to regulate greenhouse gases; 2) no attempt to regulate greenhouse gases should be undertaken without further congressional action; and 3) the EPA administrator must provide analysis of the regulation, rule or policy and describe its impact on U.S. employment.

rulemaking; electric generating units; opposition (S.C.M. 1016)

Encourages the U.S. Congress to exercise oversight over the Environmental Protection Agency opposing rules that: 1) exceed the EPA's legal authority under the Clean Air Act (CAA); 2) interfere with Arizona's regulation of electricity; and 3) do not recognize the state's role of implementing plans for emissions reductions under the CAA. Requests the Governor and the Attorney General to uphold the state's responsibilities with respect to the CAA and defend against overreaching regulations.

Diné college act; urging Congress (S.C.M. 1017)

Urges the U.S. Congress to enact the Diné College Act of 2015 which supports the higher education needs of the Navajo people and addresses prior Diné College legislation.

rights of caregivers; recognition (S.C.R. 1005)

Declares that the Legislature recognizes the rights of family members, caregivers and guardians of people with a serious mental illness and recognizes the critical role they play in treatment for the patient.

first responders; honoring (S.C.R. 1006)

Expresses the Legislature's sincere appreciation to all first responders in the State of Arizona.

grandfamily/kinship care month (S.C.R. 1008)

Proclaims September as Grandfamily/Kinship Care Month in Arizona recognizing grandparents and other relatives who raise children in kinship care.

fallen veterans; remembrance; 21 seconds (S.C.R. 1009)

Declares the Legislature's support for the people of Arizona to fly the U.S. flag at half-staff and pause for a 21-second moment of silence at noon on the 21st day of each month to remember and honor those who gave their lives in military service and in war.

Benson primary school; recognition (S.C.R. 1011)

Declares the Legislature's recognition of the faculty, staff and students of Benson Primary School for their efforts and academic accomplishments.

MEMORIALS AND RESOLUTIONS (Cont'd.)

coast guard auxiliary; recognition (S.C.R. 1013)

Expresses the Legislature's recognition of the Arizona members of the U.S. Coast Guard Auxiliary (USCG) for their lifesaving work and their critical role in the mission of the USCG.

public retirement system benefits (S.C.R. 1019)

Subject to voter approval, amends the pension clause of the Arizona Constitution to provide an exception for certain adjustments to the Public Safety Personnel Retirement System. Requires the Secretary of State to submit the proposition to the voters at the next special election on May 17, 2016. Becomes effective if approved by the voters and on proclamation of the Governor. Voters approved the proposition and on May 26, 2016, the election results were certified. See the summary for S.B. 1428 for more information.

death resolution; Samuel L. Polito (S.C.R. 1021)

Expresses the Legislature's sincere regret at the passing of Samuel L. Polito and extends its members' deepest sympathies to his family and many friends and posthumous recognition for his service and dedication to improving education in the state.

Honorable Tony West; death resolution (S.C.R. 1023)

Expresses the Legislature's regret at the passing of the Honorable William A. (Tony) West, Jr. and extends its members' deepest sympathies to his family and many friends and posthumous recognition for his years of service and dedication to Arizona.

religious minorities; genocide; urging Congress (S.M. 1001)

Encourages Arizona congressional members to cosponsor legislation similar to H.C.R. 75, which recognizes the genocide of Christians and other religious minorities in the Middle East, support efforts to aid victims and prompt the U.S. government to take actions to end the genocide.

health insurance tax; repeal (H.C.M. 2001/S.C.M. 1002)

Urges the U.S. Congress to enact legislation to repeal the annual health insurance tax.

toxic exposure; urging Congress (H.C.M. 2006)

Urges the U.S. Congress to adopt legislation similar to the Toxic Exposure Research Act of 2015, establishing a center for research and treatment of health conditions of descendants of veterans exposed to toxic substances.

urging Congress; American Legion; membership (H.C.M. 2009)

Urges the U.S. Congress to direct the American Legion to expand membership eligibility to all honorably discharged military veterans.

MEMORIALS AND RESOLUTIONS (Cont'd.)

Robert Levinson; release from Iran (H.C.M. 2010)

Urges the President, the U.S. Congress, the U.S. Secretary of State and all public officials to follow U.S. S.C.R. 16 stating: 1) the Islamic Republic of Iran should immediately cooperate with the U.S. to locate and return Robert Levinson; and 2) the U.S. government should utilize every diplomatic tool to secure his immediate release.

Arizona veterans hall of fame (H.C.R. 2001)

Declares the Legislature's support for the Arizona military veterans' community and the men, women and families of the nation's military and military veterans. Recognizes Arizona military veterans inducted into the Arizona Veterans Hall of Fame and their continued service to the community.

day of remembrance; murder victims (H.C.R. 2008)

Proclaims September 25, 2016, as Arizona Day of Remembrance for Murder Victims, allowing the people of Arizona to honor the victims and recognize the impact on surviving family members.

~~superior court jurisdiction; technical correction~~ (NOW: veterans education benefits awareness) (H.C.R. 2016)

Declares the Legislature's support for providing educational benefit information to all service members before separation from military service to ensure they are informed and can plan for their transition back to civilian life.

post-traumatic stress injury awareness day (H.C.R. 2018)

Proclaims June 27, 2016, as Post-Traumatic Stress Injury Awareness Day in Arizona.

purple heart state; day. (H.C.R. 2025)

Declares August 7, 2016, as Arizona Purple Heart Day and the Legislature's support for the people of Arizona to honor Purple Heart recipients among current and former members of the U.S. armed forces and the families of fallen recipients.

national wear red day (H.C.R. 2027)

Proclaims February 5, 2016, as National Wear Red Day in Arizona recognizing heart disease awareness can save thousands of lives each year and encouraging citizens to wear red to support women and the fight against heart disease.

loyalty day (H.C.R. 2036)

Proclaims May 1 each year as Loyalty Day in Arizona and directs legislators to reaffirm their allegiance to the U.S. and its flag and support the people of Arizona who display the flag for loyalty and patriotism.

MEMORIALS AND RESOLUTIONS (Cont'd.)

death resolution; Honorable Jack Brown (H.C.R. 2048)

Expresses the Legislature's sincere regret at the passing of the Honorable Jack A. Brown and extends its members' deepest sympathies to his family and friends.

urging Congress; ninth circuit reform (H.M. 2002)

Urges the U.S. Congress to reform the Ninth Circuit of the U.S. Court of Appeals including dividing the court into two circuit courts of appeal.

Taiwan; United States; trade; support (H.R. 2002)

Declares support for negotiating a U.S.-Taiwan bilateral investment agreement and participation by Taiwan in international organizations supporting its continued democratization.

death resolution; Oscar Palmer Austin (H.R. 2003)

Expresses the House of Representatives' regret at the passing of Private First Class Oscar Palmer Austin and extends its members' posthumous recognition for his selfless service and ultimate sacrifice for his country.

death resolution; Laura Knaperek (H.R. 2004)

Expresses the House of Representatives' sincere regret at the passing of the Honorable Laura Daidone Knaperek and extends its members' deepest sympathies and condolences to her family and many friends.

FY 2016-2017 BUDGET PACKAGE

trust land management; budget reconciliation. (H.C.R. 2051/S.C.R. 1025)

SEE THE APPROPRIATIONS COMMITTEE.

FIRST SPECIAL SESSION (2015)

education finance; trust land distributions. (H.C.R. 2001/S.C.R. 1001) – First Special Session

SEE THE EDUCATION COMMITTEE.

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V/O - Veto Override

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W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

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E - Emergency

W/O - Without Emergency

V/O - Veto Override

RFEIR – Requirements for Enactment; Initiative or Referendum

W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

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