ARIZONA HOUSE OF REPRESENTATIVES
Fifty-seventh Legislature – First Regular Session

COMMITTEE ON REGULATORY OVERSIGHT

Report of Regular Meeting
Tuesday, February 18, 2025
House Hearing Room 4 – 2:00 P.M. or upon recess or adjournment

Convened: 3:34 P.M.
Recessed
Reconvened
Adjourned 4:33 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE
2/19/25

Members Present
Representative Contreras L
Representative Hernandez C
Representative Keshel
Representative Kolodin, Vice-Chairman
Representative Chaplik, Chairman

Members Absent

Agenda
Original Agenda – Attachment 1

Request to Speak
Report – Attachment 2

Committee Attendance
Report – Attachment 3

Presentations
N/A

Committee Action

Bill	Action	Vote	Attachments
HB2031	DPA	3-2-0-0	4,5,6
HB2656	HELD		7,8
HCR2024	DP	3-2-0-0	9,10

Stephanie Smith, Committee Secretary
February 18, 2025

(Original attachments on file in the Office of the Chief Clerk; video archives available at http://www.azleg.gov)

REVISED #2 - 2/18/25 REVISED #2 - 2/18/25 REVISED #2 - 2/18/25

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-seventh Legislature - First Regular Session

Convened: 3:34pm

Adjourned: 4:33pm

REGULAR MEETING AGENDA

COMMITTEE ON REGULATORY OVERSIGHT

DATE Tuesday, February 18, 2025 ROOM HHR 4 TIME 2:00 P.M. or upon recess or adjournment of Floor

Members of the public may access a livestream of the meeting here:
https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2025021090

Members:

Representative Contreras L Representative Keshel Representative Chaplik, Chairman
Representative Hernandez C Representative Kolodin, Vice-Chairman

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Bills		Short Title	Strike Everything Title
HB2031	DPA	boards and commissions; repeal	
1		(Kolodin: Chaplik)	
	3-2-0-0	RO, RULES	
~~HB2229~~		~~executive clemency; medical confinement release~~	~~S/E: registrar of contractors; licensing; bonds~~
		~~(Hendrix)~~	
		~~JUD w/d, RO, RULES~~	
~~HB2656~~	Held	HOA's; termination of declarant	
		(Carter N)	
		RO, RULES	
HCR2024	DP	capital punishment; firing squad	
2		(Kolodin: Hendrix)	
	3-2-00	RO, RULES	

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

~~RA~~
VC
~~02/12/2025~~
~~02/14/2025~~
02/18/2025

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

Attachment 1

Information Registered on the Request to Speak System

House Regulatory Oversight (2/18/2025)

HB2031, boards and commissions; repeal

Testified as opposed:

Cathy Erwin, representing self; cathy koluch, representing self; Stephanie Nichols-Young, ANIMAL DEFENSE LEAGUE OF ARIZONA; Mashayla Kleinman, representing self; Annette Lagunas, representing self

Support:

Onita Davis, representing self; Shirley Dye, representing self; Rose Sperry, representing self; Lou Sniderman, representing self; Mike Sullivan, representing self; Bill Blewster, representing self; James Dutton , representing self; Mark Logan, representing self; Cindy Sullivan, representing self; Theresa Logan, representing self; Greg Kistler, representing self; Stephen Harris, representing self; Buffalo Rick Galeener, representing self; Susan Bolt, representing self; Dianna Gates, representing self; Bridget Nelke, representing self; Melanie Hutchings, representing self; Phyllis Lester, representing self; Susan Kelly, representing self; Helen Hebert, representing self; Starr Costa, representing self; Donna Booth, representing self; Pam Throw, representing self; Gary Zimmerman, representing self; Dayle Hartgerink, representing self; Barbara Blewster, representing self

Neutral:

Jere Fredenburgh, representing self; Lauren Scheller Maehling, representing self

Oppose:

Suzanne Menges, representing self; Paul Ollerton, representing self; Patrick McWhortor, representing self; Jadee Rohner, ARIZONA COTTON GROWERS ASSOCIATION; Jerry Rovey, representing self; Todd Rovey, representing self; robert woodman, representing self; Pamela Griffin, representing self; Adam Hatley, representing self; Barbara Jackson, representing self; Ginny Dickey, representing self; Stan Barnes, Paloma Irrigtion And Drainage District; Martha German, HVA, INC. DBA HUMANE VOTERS OF ARIZONA; Craig McDermott, representing self; Cheryl Goar, AZ NURSERY ASSOCIATION; Don Scott, representing self; Elizabeth Goodman, ARIZONA HUMANE SOCIETY; Brittany Bingold, ARIZONA CATTLE GROWERS' ASSOCIATION; Darrell Boomgaarden, representing self; Charlie Silver, representing self; Maggie Huntington, representing self; Alexandria Mendoza, ARIZONA COSMETOLOGY SCHOOLS COALITION; Faryl Palles, representing self; Philip Bashaw, AZ FARM BUREAU FEDERATION; Elise Kulik, AZ JUDICIAL COUNCIL; Stephanie Knight-Dubien, AGRIBUSINESS & WATER COUNCIL OF ARIZONA, INC.; Samantha Meier, representing self; Marilyn Murov, representing self; Gabriel Wigtil, HUMANE WORLD FOR ANIMALS; Clint Gladden, representing self; Caitlin Gonzales, representing self; Sonia Hernandez, representing self; Kyle Kuechel, representing self; Steve Wene, representing self; Trina Sue Riggs, representing self; Patrick Bray , Arizona Crop Protection Association, ARIZONA FARM AND RANCH GROUP; Daniel Harris, ARIZONA FARM BUREAU FEDERATION; Jason Nelson, representing self; Shawn West, representing self; Thomas Hartman, representing self; Richard Heiden, representing self

All Comments:

Shirley Dye, Self: Yippee! We have a DOGE leader in the State Leg. This is great. Lots of outdated legislation out there. Now clean up the AZ Administrative Code, there are a lot of unconstitutional directives in there.; Bill

Attachment 2

Blewster, Self: Let's get rid of unnecessary regulations!; James Dutton , Self: Time to start cleaning house.; Stephen Harris, Self: Need to reduce regulations!; Bridget Nelke, Self: LD28 how refreshing remove no longer useful or necessary statutes thank you Mr Kolodin; Helen Hebert, Self: sure, if are not needed or useful get rid of them; Gary Zimmerman, Self: A bill shouldn't be necessary for cleaning up old, unnecessary statutes, but here we are. Hopefully this won't cost a lot.; Dayle Hartgerink, Self: LD28 PC Support repeal of statues no longer useful or necessary; Barbara Blewster, Self: Good digging; Cathy Erwin, Self: The Governor put a moratorium on Rule Making by the School bus Advisory in December 2021 due to Covid and has yet to reinstate the Council. Having been a member of the Assoc. for over 12 years I can tell you its important to Pupil Transportation AZ; cathy koluch, Self: This bill would eliminate career mobility, is discriminatory toward women & women of color & would prevent oversight to protect citizens from harm. This bill is short sighted and does not completely understand the far-reaching consequences.; Patrick McWhortor, Self: I will share information clarifying the positive community impact by the arts supported by the Commission.; Jadee Rohner, ARIZONA COTTON GROWERS ASSOCIATION: Request to speak in opposition of this bill as the Az Cotton Research Protection Council ins included, and would ask that it is removed.; Todd Rovey, Self: Chairman of the Council; robert woodman, Self: Arizona Citrus Research Council would like to be removed from this Bill; Mashayla Kleinman, Self: The Student Transportation Advisory Council plays a vital role in developing student safety and training standards for school bus drivers. We have been patiently awaiting appointments from the Governor since she came to office.; Don Scott, Self: This is utter ignorance. It's an attack of the most vulnerable — people and pets — and programs that are critical to life-saving measures and keeping costs down. I vehemently oppose.; Elise Kulik, AZ JUDICIAL COUNCIL: Opposed to courts amendment on page 49.; Gabriel Wigtil, HUMANE WORLD FOR ANIMALS: Against; Clint Gladden, Self: As a fourth generation Arizona beef producer dissolution of the Arizona Beef Council would fragment our industry. The council represents all beef producers in critical research and marketing.; Sonia Hernandez, Self: In support of Arizona Companion Animal Spay and Neuter Committee to remain active.; Kyle Kuechel, Self: HB2031 undermines AZ's core industries by eliminating self-funded councils that drive our GDP. These councils cost taxpayers nothing and fuel industry success. Cutting them is reckless and ignores basic research.; Steve Wene, Self: On behalf of Electrical District No. 8.; Jason Nelson, Self: The student transportation advisory council works in conjunction with DPS to provide critical input and feedback to create rules that apply to student transportation. This council is awaiting appointment from the Governor.; Shawn West, Self: Representing the Transportation Administrators of Arizona opposing HB2031; Thomas Hartman, Self: School bus Advisory council is critical to the safety of our children who are transported every day in Arizona. From the construction of a school bus to driver and safety standards. This council regularly provides consultation to DPS who only enforce; Jere Fredenburgh, Self: Do NOT repeal the portion dealing with Pet Plate License Plates. It funds low cost spay/neuter in Arizona through the animal shelters. Very valuable and no cost to the State. Support repealing excessive 'committees' but NOT the pet plate program.; Lauren Scheller Maehling, Self: Executive Director for the Arizona Beef Council

HB2656, HOA's; termination of declarant

Support:

Dennis J Legere, ARIZONA HOMEOWNERS COALITION; jill carlon, representing self; Michael Romito, representing self; Ravinder Singh, representing self; Catherine Gates, representing self; Bryan Hawk, representing self; L. Anne Brothers, representing self; Paul Gaulocher, representing self; Kurt Gronlund, representing self; Catherine McGurk, representing self; Douglas Kupel, representing self; Roseanne and Steve Elson, representing self; Pierre Desombre, representing self; Joyce Monsanto, representing self; Teresa Pinter, representing self; Rhonda Wakai, representing self; Theresa Kim West, representing self; Denise Priddy, representing self; Michele Morrison, representing self; Deepak Nayak, representing self; Lopa Nayak, representing self

Oppose:

Spencer Kamps, HOME BUILDERS ASSOCIATION OF CENTRAL AZ; Michael Racy, Lobbyist, DIAMOND VENTURES INC; Jason Barraza, Associate Director, ARIZONA ASSOCIATION OF COMMUNITY MANAGERS (AACM); Priscilla Storm, representing self; Paige Livingston, representing self; Fernanda Quintanilla, representing self; Clark Princell, VALLEY PARTNERSHIP; Lynda Christner, representing self

All Comments:

Dennis J Legere, ARIZONA HOMEOWNERS COALITION: This is a comprehensive bill that seeks to protect and balance the rights of the declarants to build communities without interference and the rights of the homeowners to self-rule and from unfair abuse of their rights under the period of declarant...; Paul Gaulocher, Self: I am for this bill; Douglas Kupel, Self: This bill attempts to balance the rights of declarants to build out their project without interference and the rights of homeowners to self-rule. I strongly support this bill and urge you to do the same.; Roseanne and Steve Elson, Self: needs to be passed. our declarant still controls the community despite the turnover and stating they would not be involved in the day to day activities of the community.; Paige Livingston, Self: This bill is invasive, burdensome and puts unreasonable restrictions on a private company to have control over their million dollar investments, which happens to benefit AZ residents & the local economy. What happened to pro-business/small government

HCR2024, capital punishment; firing squad

Testified as opposed:

Jeanne Woodbury, AMERICAN CIVIL LIBERTIES UNION OF AZ; Nicholas Cote, CONSERVATIVES CONCERNED ABOUT THE DEATH PENALTY; Courtney Quinones-Machado, representing self

Support:

Wendy Radimer, representing self; Paul Johnson, representing self

Neutral:

Laurie Reiner, representing self; Mary Evelyn Simpson, representing self

Oppose:

Ginny Dickey, representing self; Janie Hydrick, representing self; Robyn Prud'homme-Bauer, representing self; Mary Pradelt, representing self; Judith K. Moll, representing self; Craig McDermott, representing self; Jeanne Casteen, representing self; Christina Mollica, representing self; Dianne Post, representing self; Dale Domzalski, representing self; Judy Whitehouse, representing self; Kevin Heade, representing self; Susan Penner, representing self; Sharon Lee, representing self; Martha O'Connor, representing self; Kathleen Dubbs, representing self; Marilyn Rodriguez, AZ ATTORNEYS FOR CRIMINAL JUSTICE (AACJ); Francisco "Hugo" Polanco, Rural Arizona Action (RAZA); Cindy Cummens, representing self; Dee Maitland, representing self; Kathryn Stewart, representing self; Judith Lohr, representing self; Roger Blain, representing self; marcia stewart, representing self; Mary Beth Tripp, representing self; Teri Grunewald, representing self; Cathy Noga, representing self; Kay Ransdell, representing self; Lois Hansen, representing self; Shelley Erickson, representing self; Janet Kerby, representing self; Leslie Cox, representing self; Margaret Deming, representing self; Sandra Byron, representing self; Pam Spicer, representing self; Deanna Schantel, representing self; Alyssa Probert, representing self

All Comments:

Wendy Radimer, Self: I agree with this bill. Wendy Radimer, a Precinct and State Committeeman; Paul Johnson, Self: I support this Bill and I am Arnold Paul Johnson a Precinct committeeman; Janie Hydrick, Self: Inhumane. Barbaric.; Mary Pradelt, Self: BARBARIC!; Christina Mollica, Self: This bill is appalling. Shame on Rep Kolodin.; Kevin Heade, Self: This is horrific and inhumane. It should be rejected. But if sent to voters make it a requirement to occur in public squares. "If we as a society are willing to take away human life, we should be willing to watch it." Judge Kozinsk; Susan Penner, Self: Save your bullets. There's enough fentanyl in Arizona to do the job for free. Sharing with the Governor Hobbs too!!; Martha O'Connor, Self: Any form of capital punishment is unethical. A firing squad is a violation of the Eighth Amendment's prohibition against cruel and unusual punishment and is inhumane and archaic.; marcia stewart, Self: against the 8th amendment, cruel, unusual punishment, archaic. What are you thinking??Why the violence??; Teri Grunewald, Self: Why?; Lois Hansen, Self: The introduction of a firing squad may lead to prolonged legal challenges or a delay in executions due to constitutional questions surrounding cruel and unusual punishment.; Margaret Deming, Self: The introduction of a firing squad may lead to prolonged legal challenges or a delay in executions due to constitutional questions surrounding cruel and unusual punishment.; Deanna Schantel, Self: Firing squad is excessive. I support longer incarceration if there is a delay in obtaining the injection supplies and cannot support any other reason why this discussion would even be a reasonable use of our representative's time.; Mary Evelyn Simpson, Self: YavGOP PC There is no good choice.. However, the history of botched lethal injection doesn't leave mcuh choice. I am not opposed to the death penalty however

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD

HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on RO

Bill Number HB-2301

Date 2-18-25

☐ Support ☒ Oppose ☐ Neutral

Name Cathy Erwin

Need to Speak? ☒ Yes ☐ No

Representing AZ Assoc. For Pupil Transportation

Are you a registered lobbyist? No

Complete Address Cathy Erwin 44420 N. Black St New River 85087

E-mail Address Cathyer1@aol.com

Phone Number 623-826-4987

Comments:

FIVE-MINUTE SPEAKING LIMIT

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD

HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on RO

Bill Number HB-2031

Date 2/18/2025

☐ Support ☒ Oppose ☐ Neutral

Name JOEL ROLAND

Need to Speak? ☐ Yes ☒ No

Representing ARIZONA Association for Rural Transportation

Are you a registered lobbyist? YES

Complete Address 1973 S. RANCHO MANANA CIR. Co Honwood, AZ 86326

E-mail Address joelbec1.1@gmail.com

Phone Number 928-300-7269

Comments: I would like my presence noted.

*****FIVE-MINUTE SPEAKING LIMIT*****

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD

HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on R.O. Bill Number HB 2301

Date 2/18/25 ☐ Support ☑ Oppose ☐ Neutral

Name Jeffery Kingsley Need to Speak? ☐ Yes ☑ No

Representing AZ Assoc. for Pupil Trans Are you a registered lobbyist? No

Complete Address 26021 W. Charter Oak Rd. Peoria AZ

E-mail Address J.Kingsley@Cox.net Phone Number 602-531-2660

Comments:

FIVE-MINUTE SPEAKING LIMIT

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD

HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on RO

Bill Number HB-2301

Date 2-18-25

☐ Support ☒ Oppose ☐ Neutral

Name Wilma Gustafson

Need to Speak? ☐ Yes ☒ No

Representing Arizona Association for Public Transportation

Are you a registered lobbyist? ____

Complete Address 4715 W. Hayward Ave, Glendale AZ 85301

E-mail Address Wilma.Gustafson@gmail.com

Phone Number 602-686-0718

Comments: _____

FIVE-MINUTE SPEAKING LIMIT

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD

HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on RO

Bill Number HB 2301 ~~2031~~

Date February 18, 2025

☐ Support ☒ Oppose ☐ Neutral

Name Deborah Hurt

Need to Speak? ☐ Yes ☒ No

Representing Arizona Association for Pupil Transportation

Are you a registered lobbyist? ____

Complete Address 4014 W Citrus Wy Phx, AZ 85019

E-mail Address hurt66debbie@yahoo.com

Phone Number ____

Comments: ____

FIVE-MINUTE SPEAKING LIMIT

COMPLETE FORM FOR PUBLIC RECORD

STATE OF ARIZONA

HOUSE OF REPRESENTATIVES

REQUEST TO SPEAK

Committee on Regulator Oversight Date: 2/18/2025 Bill Number: HB2031

Name: Sue Krentz | ☐ Support ☑ Oppose ☐ Neutral | Need to Speak: ☐ Yes ☑ No

Representing: Krentz Ranch Operations LLC Registered Lobbyist ☐ Yes ☑ No

Address: PO Box 3597 City/State: Douglas AZ Zip Code: 85608

Email Address: krentz.sue@gmail.com Phone Number: 520-508-7596

Comments: Do not Repeal Az. Beef Council

SPEAKING TIME DETERMINED BY THE CHAIRMAN

COMPLETE FORM FOR PUBLIC RECORD

STATE OF ARIZONA

HOUSE OF REPRESENTATIVES

REQUEST TO SPEAK

Committee on Regulatory Oversight Date: 2/18/25 Bill Number: HB 2031

Name: Janice Bryson | ☐ Support ☒ Oppose ☐ Neutral | Need to Speak: ☐ Yes ☒ No

Representing: AZ Cowbelles Registered Lobbyist ☐ Yes ☒ No

Address: 23015 W. Douetal, City/State: Buckeye AZ Zip Code: 85326

Email Address: janicerybryson@gmail.com Phone Number: 623-556-6861

Comments: Do not repeal the AZ Beef Council

SPEAKING TIME DETERMINED BY THE CHAIRMAN

ARIZONA STATE LEGISLATURE

Fifty-seventh Legislature - First Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON **REGULATORY OVERSIGHT**

CHAIRMAN: Joseph Chaplik VICE-CHAIRMAN: Alexander Kolodin

	DATE	02/18/25	/25	/25	/25	/25
	CONVENED	3:34pm	m	m	m	m
	RECESSED					
	RECONVENED					
	ADJOURNED	4:33pm				
MEMBERS						
Contreras L		✓				
Hernandez C		✓				
Keshel		✓				
Kolodin, Vice-Chairman		✓				
Chaplik, Chairman		✓				

√ Present --- Absent exc Excused

Attachment 3

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature
First Regular Session

HB 2031: boards and commissions; repeal
Sponsor: Representative Kolodin, LD 3
Committee on Regulatory Oversight

Overview

Repeals specified state boards, commissions, councils and related licensure.

History

The State of Arizona has several hundred agencies, boards, commissions and councils, many of which are regulatory in nature. Some are advisory or function to assist a larger state agency or department. Statute requires board and commission members to be at least 18 years of age, a resident of Arizona and meet the eligibility requirements for membership (§38-201). The list of current board and commission member vacancies and the expired terms of members may be found here.

Provisions

1. Cites the bill as the *Abolition of Functionally Unnecessary Excessive Regulators Act.* (Sec. 57)
2. Repeals Arizona state boards and commissions as follows:
   a) Arizona Citrus Research Council (Sec. 9)
   b) Cotton Research and Protection Council (Sec. 9)
   c) Arizona Beef Council (Sec. 9)
   d) Student Transportation Advisory Council (Sec. 17)
   e) Spaying and Neutering of Animals Special License Plate and related fund (Sec. 17)
   f) Companion Animal Spay and Neuter Committee (Sec. 17)
   g) Barbering and Cosmetology Board and the related license(s) (Sec. 19)
   h) Acupuncture Board and the related license (Sec. 30)
   i) Arizona Commission on the Arts (Sec. 36)
   j) Tourism Advisory Council (Sec. 41)
3. Allows the Homeopathic Board to hire its own executive director instead of using the executive director of the Acupuncture Board. (Sec. 23)
4. Adds pertinent definitions related to the cosmetic industry to the Department of Health Services statutes. (Sec. 29)
5. Transfers the duties currently held by the Cotton Research and Protection Council related to Cotton Pest Control Districts to the Department of Agriculture. (Sec. 49-56)
6. Contains technical and conforming changes. (Sec. 1-3, 5-8, 10-16, 18, 20-22, 24-28, 31-36, 38-40, 42-48.
7. Removes archaic language. (Sec. 28)

Attachment 4

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

Fifty-seventh Legislature
First Regular Session

Regulatory Oversight
H.B. 2031

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2031
(Reference to printed bill)

Amendment instruction key:
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.
[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

The bill as proposed to be amended is reprinted as follows:

~~<<Section 1. Section 3-102, Arizona Revised Statutes, is amended to read:~~

~~3-102. Department organization~~

~~A. The Arizona department of agriculture is established consisting of the following divisions:~~

~~1. The animal services division, which is responsible for milk, dairy, livestock and aquaculture regulation, the state veterinarian, AND meat, poultry and egg inspection and performing the administrative functions authorized or contracted pursuant to law for the Arizona beef council.~~

~~2. The plant services division, which is responsible for entomological services.~~

~~3. The environmental services division, which is responsible for regulating seed, feed and agricultural chemicals, including pesticides and fertilizers, and for native plant protection.~~

~~4. The weights and measures services division, which is responsible for the inspection, testing and licensing of commercial weighing, measuring and counting devices.~~

~~5. The pest management division, which is responsible for regulating pest management and pest management services as defined in section 3-3601.~~

~~6. The citrus, fruit and vegetable division, which is responsible for the citrus, fruit and vegetable standardization and produce safety program under chapter 3, articles 2, 4, 4.1 and 4.3 of this title.~~

~~B. The following are established in addition to and separate from the divisions of the department:~~

~~1. The state agricultural laboratory.~~

Adopted ✓ # of Verbals ____
Failed ____ Withdrawn ____
Not Offered ____ Analysts Initials ____

Attachment 5

~~2. The office of agriculture safety.~~
~~3. The office of inspections.~~
~~4. The office of commodity development and promotion.~~
~~C. The department shall have a central administrative service office providing:~~
~~1. Data processing, accounting and budgeting, records management, publications, property control and personnel services and training.~~
~~2. A program to cross-train appropriate personnel to enable them to perform similar functions or comparable work for different administrative units in the department.~~
~~Sec. 2. Section 3-107, Arizona Revised Statutes, is amended to read:~~
~~3-107. Organizational and administrative powers and duties of the director~~
~~A. The director shall:~~
~~1. Formulate the program and policies of the department and adopt administrative rules to effect its program and policies.~~
~~2. Ensure coordination and cooperation in the department in order to achieve a unified policy of administering and executing its responsibilities.~~
~~3. Subject to section 35-149, accept, expend and account for gifts, grants, devises and other contributions of money or property from any public or private source, including the federal government. All contributions shall be included in the annual report under paragraph 6 of this subsection. Monies received under this paragraph shall be deposited, pursuant to sections 35-146 and 35-147, in special funds for the purpose specified, which are exempt from the provisions of section 35-190 relating to lapsing of appropriations.~~
~~4. Contract and enter into interagency and intergovernmental agreements pursuant to title 11, chapter 7, article 3 with any private party or public agency.~~
~~5. Administer oaths to witnesses and issue and direct the service of subpoenas requiring witnesses to attend and testify at or requiring the production of evidence in hearings, investigations and other proceedings.~~
~~6. Not later than September 30 each year, issue a report to the governor and the legislature of the department's activities during the preceding fiscal year. The report may recommend statutory changes to improve the department's ability to achieve the purposes and policies established by law. The director shall provide a copy of the report to the Arizona state library, archives and public records.~~
~~7. Establish, equip and maintain a central office in Phoenix and field offices as the director deems necessary.~~
~~8. Sign all vouchers to expend money under this title, which shall be paid as other claims against this state out of the appropriations to the department.~~

~~9. Coordinate agricultural education efforts to foster an understanding of Arizona agriculture and to promote a more efficient cooperation and understanding among agricultural educators, producers, dealers, buyers, mass media and the consuming public to stimulate the production, consumption and marketing of Arizona agricultural products.~~

~~10. Employ staff subject to title 41, chapter 4, article 4 and terminate employment for cause as provided by title 41, chapter 4, article 5.~~

~~11. Conduct hearings on appeals by producers regarding the assessed actual costs of the plow up and the penalty of one hundred fifty per cent for unpaid costs pursuant to section 3-204.01. The director may adopt rules to implement this paragraph.~~

~~12.~~ 11. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.

~~B. The director may:~~

~~1. Authorize in writing any qualified officer or employee in the department to perform any act that the director is authorized or required to do by law.~~

~~2. Construct and operate border inspection stations or other necessary facilities in this state and cooperate by joint agreement with an adjoining state in constructing and operating border inspection stations or other facilities within the boundaries of this state or of the adjoining state.~~

~~3. Cooperate with agencies of the United States and other states and other agencies of this state and enter into agreements in developing and administering state and federal agricultural programs regarding the use of department officers, inspectors or other resources in this state, in other states or in other countries.~~

~~4. Cooperate with the office of tourism in distributing Arizona tourist information.~~

~~5. Enter into compliance agreements with any person, state or regulatory agency. For the purposes of this paragraph, "compliance agreement" means any written agreement or permit between a person and the department for the purpose of enforcing the department's requirements.~~

~~6. Abate, suppress, control, regulate, seize, quarantine or destroy any agricultural product or foodstuff that is adulterated or contaminated as the result of an accident at a commercial nuclear generating station as defined in section 26-301, paragraph 1. A person owning WHO OWNS an agricultural product or foodstuff that has been subject to this paragraph may request a hearing pursuant to title 41, chapter 6, article 10.~~

~~7. Engage in joint venture activities with businesses and commodity groups that are specifically designed to further the mission of the department, that comply with the constitution and laws of the United States and that do not compete with private enterprise.~~

~~8. Sell, exchange or otherwise dispose of personal property labeled with the "Arizona grown" trademark. Revenues received pursuant to this paragraph shall be credited to the commodity promotion fund established by section 3-109.02.~~>>

Section 1. Section 3-108, Arizona Revised Statutes, is amended to read:

3-108. Administrative support fund; use; exemption

A. A department of agriculture administrative support fund is established. All monies collected pursuant to any interagency agreement with the department pursuant to section 3-588, subsection A shall be deposited, pursuant to sections 35-146 and 35-147, in the fund.

B. All monies collected pursuant to any interagency agreement with the department in accordance with [section 3-468.03, subsection A] ~~and [section 3-526.03, subsection A]~~ shall be deposited in the administrative support fund or deposited in the citrus, fruit and vegetable trust fund established by section 3-447 pursuant to the terms of the interagency agreement. Deposits in the administrative support fund shall be made pursuant to sections 35-146 and 35-147.

C. Monies in the fund are continuously appropriated and exempt from the provisions of section 35-190 relating to lapsing of appropriations.

~~<<Sec. 4. Section 3-204, Arizona Revised Statutes, is amended to read:~~

~~3-204. Summary abatement of imminently dangerous nuisance; procedure; expense; lien; public sale; reimbursement costs and penalties to state for certain abatements; civil penalty~~

~~A. If, in the opinion of the director, the danger to the agricultural and horticultural industry of the state is imminent if the nuisance caused by a plant or thing is not speedily abated or suppressed, and if the director finds it is practical to summarily abate the nuisance, either by the destruction of the plant or thing or by the treatment thereof OF THE PLANT OR THING so as to destroy or eradicate the crop pest or disease without actually destroying the plant or thing, the director shall in writing SHALL direct the owner or person in charge of the nuisance, if the owner or person is found in the county, forthwith and at the owner's or person's expense to abate and suppress the nuisance in the manner provided in the written direction. If the owner or person in charge fails or neglects to comply with the direction for a period of five days after the date on which the direction was delivered to or served on the owner or person, the director shall summarily abate the nuisance in the manner specified in the written direction.~~

~~B. If the owner or person in charge or control of the nuisance is a nonresident of the state or cannot, after reasonable diligence by the director, CANNOT be found within the county where the nuisance exists, the director shall publish the notice and the direction one time in a newspaper published in the county, and shall post a copy at, on or in the immediate vicinity of the nuisance, and after seven days from AFTER the first publication and posting, the director shall abate the nuisance in the manner specified in the direction.~~

~~C. If the nuisance is abated by the director, the expense shall be borne by the state, but, when the abatement does not involve the destruction of the plant or thing and it has some value after the crop pest or disease has been eradicated, the state shall have a first claim and lien thereon ON THE PLANT OR THING for the payment of expenses incurred in the abatement of the nuisance.~~

~~D. The director shall notify the owner or person in charge or control of the nuisance of the amount of the expenses, and that unless the amount is paid within ten days after the date of service of the notice on the owner or person in charge, the plant or thing will be sold at public sale, and the proceeds, or so much thereof OF THE PROCEEDS as may be necessary, applied to the payment of the expenses. The notice shall be personally served or posted as required in this section for notices to abate.~~

~~E. If the owner or person in charge of the plant or thing fails to pay the expenses within the time specified in the notice, the director shall give public notice of the time and place of sale with a description of the plant or thing to be sold, and the amount of expenses against it, which shall include costs of publication, posting and service of notice. The notice of sale shall be published and posted as provided in this section for the publication and posting of direction to suppress the nuisance.~~

~~F. The owner or person in charge of a plant or thing constituting the nuisance may waive in writing the service of all directions and notices in connection with the abatement or sale thereof.~~

~~G. If the director is required to abate the nuisance of stub, soca or volunteer cotton following the refusal by the owner or person in charge or control of the nuisance to do so, the owner or person in charge or control of the nuisance shall reimburse the department for the actual costs of the state's abatement of the nuisance. An injunction shall not be granted to stay this state from abating the nuisance. The director may request the cotton research and protection council to provide monies pursuant to section 3-1085, subsection B to help defray the department's cost of abatement until the owner or person in charge reimburses the department for those costs. If the actual costs of abatement are not paid within ten days after the owner or person in charge receives notice of the amount of the costs, the director may impose a civil penalty of fifty per cent PERCENT of the costs of abatement. At the director's request, the attorney general shall file an action in superior court to recover~~

~~civil penalties assessed pursuant to this subsection. All civil penalties collected under this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the dangerous plants, pests and diseases trust fund established by section 3-214.01.~~

~~Sec. 5. Repeal~~

~~Section 3-204.01, Arizona Revised Statutes, is repealed.~~

~~Sec. 6. Section 3-205, Arizona Revised Statutes, is amended to read:~~

~~3-205. Abatement of nuisance not imminently dangerous; procedure; lien; foreclosure; release of lien; reimbursement costs and penalties to state for certain abatements; civil penalty~~

~~A. If the director believes the danger to the agricultural and horticultural industry is not imminent, or if impractical for any reason to summarily abate the nuisance, as described in sections 3-203, 3-204, 3-206 and 3-207, the director shall not require summary destruction or eradication, but shall set forth the measures required to be taken by the owner or person in charge to control, suppress or eradicate the danger, and shall require the person, at the person's expense, to take and comply with the measures specified in the direction and subsequent directions.~~

~~B. The directions shall be made, given and served as prescribed for summary abatement, and if they are not complied with, the director may proceed as provided by the directions, and the expense shall be charged against the THIS state.~~

~~C. If the plant or thing constituting the nuisance consists only of personalty and is not attached to land or contained in a building, enclosure, vehicle or place belonging to the person, the THIS state shall have the same lien and it is enforceable in the same manner as provided for summary abatement of the nuisance under section 3-204.~~

~~D. If the plant or thing is attached to land or contained in a building, enclosure or vehicle that is the property of the person, the lien shall also attach to the land, building, enclosure or vehicle, and the director shall prepare and file in the office of the county recorder where the property is situated a notice of the lien, setting forth the amount and the name of the owner or person in charge, and stating that the amount of the lien shall be paid within thirty days from filing AFTER THE DIRECTOR FILES the notice, or otherwise the property will be subjected to payment thereof.~~

~~E. The lien shall be prior to all other liens against the property except liens for state and county taxes. If the amount of the lien is not paid within the thirty days, the county attorney, on written request of the director, shall foreclose the lien against the property impressed therewith as other liens are foreclosed.~~

~~F. On satisfaction of the lien, the director shall issue a release of the lien to the person against whom the lien was claimed. Such release shall be a document in a form as specified in section 11-480.~~

~~G. If the director is required to abate the nuisance of stub, soca or volunteer cotton following the refusal by the owner or person in charge or control of the nuisance to do so, the owner or person in charge or control of the nuisance shall reimburse the department for the actual costs of the THIS state's abatement of the nuisance. An injunction shall not be granted to stay this state from abating the nuisance. The director may request the cotton research and protection council to provide monies pursuant to section 3-1085, subsection B to help defray the department's cost of abatement until the owner or person in charge reimburses the department for those costs. If the actual costs of abatement are not paid within ten days after the owner or person in charge receives notice of the amount of the costs, the director may impose a civil penalty of one hundred fifty per cent PERCENT of the costs of abatement. At the director's request, the attorney general shall file an action in superior court to recover civil penalties assessed pursuant to this subsection. All civil penalties collected under this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the dangerous plants, pests and diseases trust fund established by section 3-214.01.~~

~~Sec. 7. Section 3-205.01, Arizona Revised Statutes, is amended to read:~~

~~3-205.01. Summary abatement of noxious weeds, crop pests or diseases under preapproved programs~~

~~The director may treat, spray, control, suppress or eradicate noxious weeds, crop pests or diseases through a countywide, area-wide or statewide program or programs that have been approved or authorized by the department. If such countywide, area-wide or statewide program or programs affect cotton, the program or programs must also be approved by the cotton research and protection council. The director may take whatever actions that are necessary to assist, support or enforce such programs, including entering any fields to treat, spray, control, suppress or eradicate noxious weeds, crop pests or diseases under these authorized or approved programs.~~

Sec. 2. Section 3-403, Arizona Revised Statutes, is amended to read:

3-403. Exemptions

This article ~~shall~~ DOES not apply to article [2.1] [~~, 4.2~~] or 4.3 of this chapter.

~~Sec. 9. Repeal~~

~~A. Title 3, chapter 3, article 2.1, Arizona Revised Statutes, is repealed.~~

~~B. Title 3, chapter 10, Arizona Revised Statutes, is repealed.~~

~~C. Title 3, chapter 11, article 2, Arizona Revised Statutes, is repealed.~~>>

<<Sec. 3. Repeal

Title 3, chapter 3, article 4.2, Arizona Revised Statutes, is repealed.>>

~~<<Sec. 10. Section 3-1337, Arizona Revised Statutes, is amended to read:~~

~~3-1337. Service charge and inspection fee; self-inspection~~

~~A. Livestock officers and inspectors shall collect from the person in charge of cattle inspected a service charge of three dollars $3 plus an inspection fee of twenty-five cents $.25 per head for making inspections for the transfer of ownership, sale, slaughter or transportation of cattle.~~

~~B. Livestock officers and inspectors shall collect from the person in charge of sheep inspected a service charge of three dollars $3 plus an inspection fee of five cents $.05 per head for making inspections for the transfer of ownership, sale, slaughter or transportation of sheep.~~

~~C. Livestock officers and inspectors shall collect from the person in charge of dairy cattle inspected a service charge of three dollars $3 plus an inspection fee of twenty-five cents $.25 per head for making inspections for the transfer of ownership, sale, slaughter or transportation of dairy cattle.~~

~~D. The division may approve self-inspection by movers of livestock and feedlots and dairies pursuant to section 3-1203, subsection D. Movement shall be documented on simple and concise self-inspection forms that are provided by the department and that include only the following information:~~

~~1. The certificate number.~~

~~2. The department contact information.~~

~~3. For out-of-state shipments, official identification.~~

~~4. For dairy cattle, back tag numbers.~~

~~5. The amount collected pursuant to section 3-1236.~~

~~6. 5. The number and description of livestock.~~

~~7. 6. The livestock owner's or agent's name, signature and address.~~

~~8. 7. The transporter's name.~~

~~9. 8. The location of the place and date of shipment.~~

~~10. 9. The destination or buyer's name and address.~~

~~11. 10. For branded animals, the animal's registered brand, including brand number, location and expiration date.~~

~~E. Movers of livestock and feedlots and dairies that utilize USE self-inspection shall purchase the self-inspection book from the department. The director, in consultation with the department of agriculture advisory council established pursuant to section 3-104, may establish a fee for the self-inspection book.~~

~~F. Any fees collected by the livestock officers and inspectors and by movers of livestock and feedlots and dairies utilizing THAT USE self-inspection shall be remitted to the division. Any fees incurred by movers of livestock and feedlots and dairies shall be remitted to the department within ten days after the end of the month in which the livestock were inspected.>>~~

Sec. 4. Section 10-122, Arizona Revised Statutes, is amended to read:

10-122. Filing, service and copying fees; expedited report filing and access; same day and next day services; posted wait times; advance monies; definition

A. The commission shall collect and deposit, pursuant to sections 35-146 and 35-147, the following nonrefundable fees when the documents described in this subsection are delivered to the commission:

	Document	Fee
1.	Articles of incorporation	$50
2.	Application for use of indistinguishable name	10
3.	Application for reserved name	10
4.	Notice of transfer of reserved name	10
5.	Application for registered name	10
6.	Application for renewal of registered name	10
7.	Agent's statement of resignation	10
8.	Amendment of articles of incorporation	25
9.	Restatement of articles of incorporation with amendment of articles	25
10.	Statement of merger, interest exchange, conversion, domestication or division if the entity responsible for filing the statement is a corporation	100
11.	Articles of dissolution	25
12.	Articles of revocation of dissolution	25
13.	Application for reinstatement following administrative dissolution, in addition to other fees and penalties due	100
14.	Application for authority	150
15.	Application for withdrawal	25
16.	Annual report	45
17.	Articles of correction	25
18.	Application for certificate of good standing	10
19.	Any other document required or permitted to be filed by chapters 1 through 17 of this title	25

B. The commission shall collect a nonrefundable fee of ~~twenty-five dollars~~ $25 each time process is served on it under chapters 1 through 17 of this title. The party to a proceeding causing service of process is entitled to recover this fee as costs if the party prevails in the proceeding.

C. The commission shall charge and collect a reasonable fee for copying documents on request, provided the fee does not exceed the cost of providing the service as determined by the commission. The commission shall also charge a reasonable fee for certifying the copy of a filed document~~, provided~~ IF the fee does not exceed the cost of providing the service as determined by the commission.

D. A penalty of ~~one hundred dollars~~ $100 THAT IS payable in addition to other fees accrues and is payable if a foreign corporation fails to file an amendment, restated articles that include an amendment, or articles of merger within sixty days after the time of filing in the jurisdiction in which the corporation is domiciled. The penalty collected pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

E. ~~One-third of~~ The fees for the annual report of domestic and foreign corporations paid pursuant to subsection A, paragraph 16 of this section shall be deposited ~~in the Arizona arts trust fund established by section 41-983.01 and two-thirds of these fees shall be deposited~~, pursuant to sections 35-146 and 35-147, in the public access fund established by section 10-122.01.

F. The commission shall provide for and establish an expedited service for the filing of all documents and services provided pursuant to this title as follows:

1. The expedited filing shall be a priority service to be completed as soon as possible after the documents are delivered to the commission.

2. In addition to any other fees required by this section or any other law, the commission shall charge a nonrefundable fee for expedited services, including those requested by fax. The fee shall be determined by a supermajority vote of the commissioners.

3. The commission may provide for and establish same day and next day services for the filing of any documents and services provided pursuant to this title as follows:

(a) The commission shall suspend same day or next day service if the commission determines that it does not have the necessary resources to perform the service within the established time period.

(b) In addition to any other fees required by this section or any other law, the commissioners may charge a nonrefundable fee for the same day or next day service or both. The fee shall be determined by a supermajority vote of the commissioners.

4. The commission shall publicly post the current wait times for processing regular, expedited and same day and next day services.

G. The commission may charge persons who access the commission's data processing system that is maintained pursuant to section 10-122.01 from remote locations and persons requesting special computer generated printouts, reports and tapes a reasonable fee that does not exceed the cost of the time, equipment and personnel necessary to provide this service or product as determined by the commission.

H. Except as provided in section 10-122.01, subsection B, paragraph 3, in addition to any fee charged pursuant to this section, the commission may charge and collect the following nonrefundable fees to help defray the cost of the improved data processing system that is maintained pursuant to section 10-122.01:

1. Filing articles of incorporation of a domestic corporation, ~~ten dollars~~ $10.

2. Filing an application of a foreign corporation for authority to transact business in this state, ~~twenty-five dollars~~ $25.

I. All monies received pursuant to subsections F, G and H of this section shall be deposited, pursuant to sections 35-146 and 35-147, in the public access fund established by section 10-122.01.

J. Fees charged pursuant to this section are exempt from section 39-121.03, subsection A, paragraph 3.

K. The commission may allow any person to advance monies to the commission to pay fees required pursuant to this section for future filings and services. All monies received pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the money on deposit account in the public access fund established by section 10-122.01.

L. In addition to any other fees prescribed by law, the commission may establish a fee for the filing of an annual benefit report delivered to the commission pursuant to section 10-2442. The fee shall be determined by a majority vote of the commissioners.

M. For the purposes of this section, "supermajority" means an affirmative vote of at least four commissioners.

Sec. 5. Section 11-811, Arizona Revised Statutes, is amended to read:

11-811. Zoning ordinance; zoning districts; definitions

A. Pursuant to this article, the board of supervisors may adopt a zoning ordinance in order to conserve and promote the public health, safety, convenience and general welfare. The zoning ordinance and all rezonings and zoning regulations amendments adopted under this article shall be consistent with and conform to the adopted comprehensive plan. In addition to the other matters that are required or authorized under this section and article 1 of this chapter, the zoning ordinance:

1. Shall show the zoning districts designated as appropriate for various classes of residential, business and industrial uses and shall provide for the establishment of setback lines and other plans providing for adequate light, air and parking facilities and for expediting traffic within the districts.

2. May establish the percentage of a lot or parcel that may be covered by buildings and the size of yards, courts and other open spaces.

3. Shall consider access to incident solar energy.

4. May provide for retirement community zoning districts.

5. May provide for the regulation and use of business licenses, adult oriented business manager permits and adult service provider permits in conjunction with the establishment or operation of adult oriented businesses and facilities, including adult arcades, adult bookstores or video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, adult theaters, massage establishments and nude model studios. With respect to cabarets, the ordinance shall not conflict with specific statutory or valid regulatory requirements applicable to persons licensed to dispense alcoholic beverages, but the ordinance may

include regulation of the age and conduct of erotic entertainers in a manner at least as restrictive as rules adopted under title 4. Notwithstanding section 11-812, a county in regulating or licensing businesses and facilities pursuant to this paragraph may impose reasonable operating requirements that affect the existing uses of businesses and facilities.

6. Shall designate and zone appropriate areas of reasonable size in which there may be established with reasonable permanency canneries, fertilizer plants, refineries, commercial feedlots, meat packing plants, tallow works and other like businesses. A dairy operation, including areas designated for the raising of replacement heifers or bulls owned by the same dairy operation, is not subject to this paragraph, and is a general agricultural purpose under subsection D, paragraph 2 of this section and section 11-812, subsection A, paragraph 2. A replacement heifer or bull raising operation of a dairy that is not on contiguous property of the dairy is subject to this paragraph unless the operation begins within one-quarter mile of the dairy.

B. To carry out the purposes of this article, the board may adopt overlay zoning districts and regulations applicable to particular buildings, structures and land within individual zones. For the purposes of this subsection, "overlay zoning district" means a special zoning district that includes regulations that modify regulations in another zoning district with which the overlay zoning district is combined. Overlay zoning districts and regulations shall be adopted pursuant to section 11-813. The provisions of overlay zoning shall apply retroactively to authorize overlay zoning districts and regulations adopted before April 20, 1993.

C. In accordance with article II, sections 1 and 2, Constitution of Arizona, the board shall consider the individual property rights and personal liberties of the residents of the county before adopting any zoning ordinance.

D. This section does not authorize:

1. The imposition of dedications, exactions, fees or other requirements that are not otherwise authorized by law.

2. The regulation or restriction of the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract concerned is five or more contiguous commercial acres. For the purposes of this paragraph, general agricultural purposes do not include the cultivation of cannabis as defined in section 13-3401 or marijuana as defined in section 13-3401 or 36-2801.

E. For the purposes of this section:

1. "Adult arcade" means any place to which the public is allowed or invited and in which coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images

involving specific sexual activities or specific anatomical areas to persons in booths or viewing rooms.

2. "Adult bookstore or video store" means a commercial establishment that offers for sale or rent any of the following as one of its principal business purposes:

(a) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, videocassettes or reproductions or slides or other visual representations that depict or describe specific sexual activities or specific anatomical areas.

(b) Instruments, devices or paraphernalia that are designed for use in connection with specific sexual activities.

3. "Adult live entertainment establishment" means an establishment that features either:

(a) Persons who appear in a state of nudity.

(b) Live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

4. "Adult motion picture theater" means a commercial establishment in which for any form of consideration films, motion pictures, videocassettes, slides or other similar photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas are predominantly shown.

5. "Adult oriented business" means adult arcades, adult bookstores or video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, adult theaters, massage establishments that offer adult service or nude model studios.

6. "Adult oriented business manager" means a person on the premises of an adult oriented business who is authorized to exercise overall operational control of the business.

7. "Adult service" means dancing, serving food or beverages, modeling, posing, wrestling, singing, reading, talking, listening or other performances or activities conducted for any consideration in an adult oriented business by a person who is nude or seminude during all or part of the time that the person is providing the service.

8. "Adult service provider" or "erotic entertainer" means any natural person who provides an adult service.

9. "Adult theater" means a theater, concert hall, auditorium or similar commercial establishment that predominantly features persons who appear in a state of nudity or who engage in live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

10. "Cabaret" means an adult oriented business licensed to provide alcoholic beverages pursuant to title 4, chapter 2, article 1.

11. "Discernibly turgid state" means the state of being visibly swollen, bloated, inflated or distended.

12. "Massage establishment" means an establishment in which a person, firm, association or corporation engages in or permits massage activities, including any method of pressure on, friction against,

stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance. This paragraph does not apply to:

(a) Persons who are licensed pursuant to title 32, chapter 7, 8, 13, 14 or 17.

(b) Registered nurses, licensed practical nurses or technicians who are acting under the supervision of a physician who is licensed pursuant to title 32, chapter 13 or 17.

(c) Registered nurse practitioners who are licensed pursuant to title 32, chapter 15.

(d) Persons who are employed or acting as trainers for a bona fide amateur, semiprofessional or professional athlete or athletic team.

~~(e) Persons who are licensed pursuant to title 32, chapter 5 if the activity is limited to the head, face or neck.~~

13. "Nude model studio" means a place in which a person who appears in a state of nudity or who displays specific anatomical areas is observed, sketched, drawn, painted, sculptured, photographed or otherwise depicted by other persons who pay money or other consideration. Nude model studio does not include a proprietary school that is licensed by this state, a college, community college or university that is supported entirely or in part by taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a college, community college or university that is supported entirely or in part by taxation or a structure to which the following apply:

(a) A sign is not visible from the exterior of the structure and no other advertising appears indicating that a nude person is available for viewing.

(b) A student must enroll at least three days in advance of a class in order to participate.

(c) No more than one nude or seminude model is on the premises at any time.

14. "Nude", "nudity" or "state of nudity" means any of the following:

(a) The appearance of a human anus, genitals or a female breast below a point immediately above the top of the areola.

(b) A state of dress that fails to opaquely cover a human anus, genitals or a female breast below a point immediately above the top of the areola.

15. "Principal business purposes" means that a commercial establishment derives fifty percent or more of its gross income from the sale or rental of items listed in paragraph 2 of this subsection.

16. "Seminude" means a state of dress in which clothing covers no more than the genitals, pubic region and female breast below a point immediately above the top of the areola, as well as portions of the body that are covered by supporting straps or devices.

17. "Specific anatomical areas" means any of the following:

(a) A human anus, genitals, the pubic region or a female breast below a point immediately above the top of the areola that is less than completely and opaquely covered.

(b) Male genitals in a discernibly turgid state even if completely and opaquely covered.

18. "Specific sexual activities" means any of the following:

(a) Human genitals in a state of sexual stimulation or arousal.

(b) Sex acts, normal or perverted, actual or simulated, including acts of human masturbation, sexual intercourse, oral copulation or sodomy.

(c) Fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast.

(d) Excretory functions as part of or in connection with any of the activities under subdivision (a), (b) or (c) of this paragraph.

Sec. 6. Section 15-923, Arizona Revised Statutes, is amended to read:

15-923. Contracts for transportation; requirement; report

A. As an alternative to maintaining and operating a transportation program or in conjunction with a transportation program, a school district, if it is found to be economically advantageous, may contract for vehicles and other transportation services. Contracts may be with another political subdivision, a common or contract carrier or a private party.

B. In order to expediently process contracts for the provision of transportation, a school district may select a preapproved contract carrier or private party that ~~meets both of the following criteria:~~

~~1.~~ provides one or more of the following:

~~(a)~~ 1. Electric school buses.

~~(b)~~ 2. Electric school bus charging infrastructure.

~~(c)~~ 3. Charging and charging management services.

~~(d)~~ 4. Electric school bus services.

~~2. Has filed with and received approval from the school bus advisory council established by section 28-3053.~~

C. In addition to other powers and duties prescribed by title 11, chapter 2, article 4, any board of supervisors, at the request of any or all of the governing boards of the school districts within the county, may provide necessary student transportation. If the board of supervisors and the governing board or boards of such school districts mutually agree that such an arrangement is economically advantageous, the governing board of the school district is authorized to sell or lease its bus or buses to the board of supervisors for such purposes. Agreement between the parties shall be by written contract.

D. An eligible student who is transported part by contract and part by school district transportation facilities may not be counted as more than one eligible student.

E. Miles driven to transport eligible students may not be reported as daily route miles by more than one school district.

F. Each school district shall submit electronically to the department of education a report regarding the routes contracted, the contractor contract information, the number of eligible students transported by each contractor and any additional information requested by the department of education.

Sec. 7. Section 20-3151, Arizona Revised Statutes, is amended to read:

20-3151. Definitions

~~For the purposes of~~ IN this ~~section~~ CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "Enrollee" means an individual who is enrolled in a health care plan provided by a health care insurer.

2. "Health care insurer" means a disability insurer, group disability insurer, blanket disability insurer, health care services organization, hospital service corporation, medical service corporation or hospital and medical service corporation.

3. "Health care plan":

(a) Means a policy, contract or evidence of coverage issued to an enrollee. ~~Health care plan~~

(b) Does not include limited benefit coverage as defined in section 20-1137.

4. "Health care professional" means a professional who is regulated pursuant to title 32, chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 25, 28, 29, 33, 34, 35~~, 39~~ or 41, title 36, chapter 6, article 7 or title 36, chapter 17.

~~<<Sec. 7. Section 28-472, Arizona Revised Statutes, is amended to read:~~

~~28-472. Fleet operation services; records; rules; vehicle replacement rate; participating agencies; coordinator; public service announcements; annual report~~

~~A. The director shall operate the state motor vehicle fleet for the purpose of providing fleet operation services to agencies. The director shall make fleet operation services available to an agency on the request of the chosen representative for that agency.~~

~~B. The director is responsible for administering the state motor vehicle fleet, including:~~

~~1. Procuring motor vehicles for the state motor vehicle fleet.~~

~~2. Notwithstanding title 41, chapter 23, article 8, administering the surplus and sale of motor vehicles in the state motor vehicle fleet.~~

~~C. The director shall provide for detailed cost, operation, maintenance, mileage and custody records for each state-owned motor vehicle.~~

~~D. The director may adopt rules necessary to administer this article.~~

~~E. The department shall recover all costs for fleet operation services that are provided to an agency. Each agency shall pay from~~

~~available monies the cost of fleet operation services received from the department at a rate determined by the director, including a separate vehicle replacement rate for motor vehicle replacements. The director shall deposit, pursuant to sections 35-146 and 35-147, monies received for fleet operation services in the state fleet operations fund established by section 28-475. The director shall deposit, pursuant to sections 35-146 and 35-147, monies received to pay the vehicle replacement rate in the state vehicle replacement fund established by section 28-476.~~

~~F. The following agencies are excluded from participation in the state motor vehicle fleet:~~

~~1. The department of public safety.~~

~~2. The department of economic security.~~

~~3. The state department of corrections.~~

~~4. Universities and community colleges.~~

~~[5. The cotton research and protection council.]~~

~~[6.] [5.] The Arizona commerce authority.~~

~~[7.] [6.] The department of child safety.~~

~~[8.] [7.] The department of transportation.~~

~~G. The director shall appoint a state motor vehicle fleet coordinator.~~

~~H. An agency may not purchase, lease or rent a motor vehicle unless the agency is excluded from participation in the state motor vehicle fleet by subsection F of this section. The director may withhold registration for any motor vehicle that is purchased, leased or rented in violation of this subsection.~~

~~I. Notwithstanding subsection H of this section, an agency that administers a separate account pursuant to section 28-476, subsection C shall control the purchase, lease or rental of motor vehicles. Vehicles purchased, leased or rented under this subsection shall be used by the agency only for the agency's purposes.~~

~~J. An agency listed in subsection F of this section may elect to participate in the state motor vehicle fleet by executing an interagency service agreement between the agency and the department.~~

~~K. A governmental budget unit of this state that is not an agency may elect to participate in the state motor vehicle fleet by entering into an interagency service agreement with the department.~~

~~L. An agency, including an agency listed in subsection F of this section, may accept compensation for placing public service announcements on state-owned motor vehicles, and monies received shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund. The agency director shall determine the appropriateness of the announcements, may exempt any motor vehicles that are not suitable for advertising and may contract with private parties to design and place the announcements.~~

~~M. On or before October 1 of each year, the department shall submit to the joint legislative budget committee and the governor's office of strategic planning and budgeting a report that accounts for all monies deposited in the state fleet operations fund established by section 28-475~~

~~and the state vehicle replacement fund established by section 28-476, including any monies allocated to separate agency accounts. The report shall also include the number of motor vehicles that were replaced in the prior fiscal year, the number of motor vehicles at each agency, the replacement life cycle for each motor vehicle and the number of motor vehicles the department identifies as not requiring replacement.~~>>

Sec. 8. Section 28-900, Arizona Revised Statutes, is amended to read:

28-900. School transportation rules

A. The department of public safety ~~in consultation with the student transportation advisory council established by section 28-3053~~ shall adopt rules as necessary to improve the safety and welfare of student passengers by minimizing the probability of accidents involving school buses and student passengers and by minimizing the risk of serious bodily injury to student passengers in the event of an accident.

B. The rules may include:

1. Minimum standards for the design and equipment of school buses that are designed for sixteen or more passengers.

2. Minimum standards for the periodic inspection and maintenance of school buses that are designed for sixteen or more passengers.

3. Procedures for the operation of school buses that are designed for sixteen or more passengers.

4. Minimum standards for the design and equipment of motor vehicles described in section 15-925 that are substantially different than the minimum standards prescribed in paragraph 1 of this subsection.

5. Minimum standards for the periodic inspection and maintenance of motor vehicles described in section 15-925.

6. Procedures for the operation of motor vehicles described in section 15-925.

7. Other criteria as deemed by the department of public safety and the student transportation advisory council to be necessary and appropriate to ensure the safe operation of school buses and motor vehicles that are described in section 15-925. Any rules adopted pursuant to this section shall allow for a variety of vehicles to be used to meet the needs of students and systems of varying sizes and locations.

C. The rules shall provide, if applicable, minimum standards equal to or more restrictive than those adopted by the United States department of transportation in accordance with 23 United States Code and rules adopted pursuant to 23 United States Code.

D. Notwithstanding a rule adopted by the department of public safety with respect to exterior color of a school bus that is designed for sixteen or more passengers, in order to reduce the interior temperature of a school bus, the exterior top of a school bus may be painted white, but the white area shall not extend beyond the center clearance lights, front and rear, and shall not extend below a line five inches above the top of the side windows.

E. An officer or employee of any school district or charter school who violates any of the rules or who fails to include the obligation to comply with the rules in any contract executed by the officer or employee on behalf of the school district or charter school is guilty of misconduct and is subject to removal from office or employment. Any person who operates a school bus or motor vehicle under contract with a school district or charter school and who fails to comply with any of the rules is in breach of contract, and the school district or charter school shall cancel the contract after notice and a hearing by the responsible officers of the school district or charter school.

F. The department of public safety shall enforce the rules adopted pursuant to this section.

Sec. 9. Repeal

A. Sections 28-2422, 28-2422.01 and 28-2422.02, Arizona Revised Statutes, are repealed.

B. Title 28, chapter 8, article 2, Arizona Revised Statutes, is repealed.

Sec. 10. Section 28-3228, Arizona Revised Statutes, is amended to read:

28-3228. School bus drivers; student transportation requirements; rules; cancellation of certificate

A. A person shall not operate a school bus that is designed for sixteen or more passengers and that transports ~~school children~~ SCHOOLCHILDREN unless the person possesses the appropriate license class for the size of school bus being operated that is issued by the department of transportation, a bus endorsement that is issued by the department of transportation and a school bus certificate that is issued by the department of public safety. A person shall not operate a MOTOR vehicle described in section 15-925 to transport schoolchildren unless the person possesses the appropriate license class for the size of the MOTOR vehicle being operated, a school bus driver certificate that is issued by the department of public safety and a valid fingerprint clearance card as required by subsection D of this section.

B. To be certified as a school bus driver for a vehicle that is designed for sixteen or more passengers, a person shall do both of the following:

1. Meet and maintain the minimum standards prescribed by this section and rules adopted by the department of public safety ~~in consultation with the student transportation advisory council established by section 28-3053~~.

2. Complete an initial instructional course on school bus driver safety and training, including behind the wheel training.

C. The department of public safety ~~in consultation with the student transportation advisory council established by section 28-3053~~ shall adopt rules that establish minimum standards for the certification of school bus drivers and drivers of other MOTOR vehicles described in section 15-925. In cooperation with local school districts and charter schools, the

department of public safety shall provide for school transportation safety and training courses. The standards established shall:

1. Include requirements concerning knowledge of operating a school bus or a MOTOR vehicle described in section 15-925, pupil and motor vehicle safety, physical impairments that might affect the applicant's ability to safely operate a school bus or MOTOR vehicle described in section 15-925 or that might endanger the health or safety of passengers, knowledge of first aid, establishment of school bus and other vehicle safety and training courses, a refresher course to be completed on at least a biennial basis and other matters as the department of public safety ~~and the student transportation advisory council established by section 28-3053 prescribe~~ PRESCRIBES for the protection of the public.

2. Require tests to detect the presence of alcohol or the use of a drug in violation of title 13, chapter 34 that may adversely affect the ability of the applicant to safely operate a school bus or MOTOR vehicle described in section 15-925.

3. Authorize the performance of hearing tests with or without the use of a hearing aid as provided in 49 Code of Federal Regulations section 391.41.

4. Require the applicant to possess a commercial driver license issued by the department, except that:

(a) Notwithstanding subsection A of this section the applicant may possess a commercial driver license issued by another state if the applicant will be driving a school bus for a school district that is adjacent to that state.

(b) An applicant to drive a MOTOR vehicle described in section 15-925 does not need to possess or obtain a commercial driver license. This subdivision applies only if a commercial driver license is not required by state or federal law to operate the vehicle based on the vehicle's gross vehicle weight rating or occupancy.

D. Each person who applies for a school bus driver certificate shall have a valid fingerprint clearance card that is issued pursuant to title 41, chapter 12, article 3.1 and shall submit an identity verified fingerprint card as described in section 15-106 that the department of public safety shall use to process the fingerprint clearance card as outlined in section 15-106.

E. A person who is issued a school bus driver certificate shall maintain a valid identity verified fingerprint clearance card for the duration of any school bus driver certification period.

F. The department of public safety shall suspend a school bus driver certificate if the fingerprint clearance card is invalid, suspended, canceled or revoked.

G. The department of public safety shall issue a school bus driver certificate to an applicant who meets the requirements of this section. The certificate is valid if the applicant maintains the minimum standards established by this section.

H. The department of public safety may cancel the certificate if the person's license to drive is suspended, canceled, revoked or disqualified. The department of public safety shall cancel the certificate if the person fails to maintain the minimum standards established pursuant to this section. A person whose application for a certificate is refused or whose certificate is canceled for failure to meet or maintain the minimum standards may request and receive a hearing from the department of public safety.

I. The department of public safety shall enforce the rules adopted pursuant to this section.

Sec. 11. Repeal

Title 32, chapter 5, Arizona Revised Statutes, is repealed.

Sec. 12. Section 32-2231, Arizona Revised Statutes, is amended to read:

32-2231. Acts constituting the practice of veterinary medicine; exceptions; definitions

A. A person shall be regarded as practicing veterinary medicine, surgery and dentistry within the meaning of this chapter who, within this state:

1. By advertisement, or by any notice, sign or other indication, or by a statement written, printed or oral, in public or in private, made, done or procured by the person or any other at the person's request claims, announces, makes known or pretends ability or willingness to diagnose any animal condition, disease, deformity, defect, wound or injury or to perform any type of surgical procedure on animals.

2. Advertises or makes known or claims ability and willingness to perform the following for hire, fee, compensation or reward that is directly or indirectly promised, offered, expected, received or accepted:

(a) Prescribe or administer any drug, medicine, treatment, method or practice for any animal.

(b) Perform any operation or manipulation on or apply any apparatus or appliance to any animal.

(c) Give any instruction or demonstration for the cure, amelioration, correction or reduction or modification of any animal condition, disease, deformity, defect, wound or injury.

3. Diagnoses or prognosticates any animal condition, disease, deformity, defect, wound or injury for hire, fee, reward or compensation that is directly or indirectly promised, offered, expected, received or accepted.

4. Prescribes or administers any drug, medicine, treatment, method or practice, performs any operation or manipulation, or applies any apparatus or appliance for the cure, amelioration, correction or modification of any animal condition, disease, deformity, defect, wound or injury for hire, fee, compensation or reward that is directly or indirectly promised, offered, expected, received or accepted.

B. This section does not apply to:

1. Duly authorized representatives of the United States department of agriculture in the discharge of any duty authorized by the director in charge of the animal disease eradication division.

2. A certified veterinary technician performing a task or function authorized by the rules of the board in the employ of and under the direction, supervision and control of a licensed veterinarian or a licensed veterinary faculty member.

3. An equine dental practitioner if all of the following apply:

(a) The equine dental practitioner is certified by the international association of equine dentistry or the academy of equine dentistry.

(b) The equine dental practitioner performs any of the following procedures under the general supervision of a licensed veterinarian:

(i) The application of any apparatus used to work on the oral cavity.

(ii) The examination of dental conditions.

(iii) The removal of overgrowth from the teeth of horses and the removal of sharp enamel points from the teeth of horses, excluding any extractions unless the certified equine dental practitioner is under the direct supervision of a licensed veterinarian.

(iv) Any treatment of the oral cavity as authorized by the animal's owner, excluding any extractions unless the certified equine dental practitioner is under the direct supervision of a licensed veterinarian.

(c) The equine dental practitioner provides both of the following to the board:

(i) Proof of current certification from the international association of equine dentistry or the academy of equine dentistry.

(ii) A written statement signed by the supervising veterinarian that the certified equine dental practitioner will be under the general or direct supervision of the licensed veterinarian when performing the procedures prescribed by this paragraph.

(d) Both the supervising veterinarian and the certified equine dental practitioner maintain dental charts for procedures done pursuant to this paragraph.

4. A veterinary student who performs acts of health care or prescribed veterinary procedures as a part of the student's educational experience if both of the following apply:

(a) The acts are assigned by a licensed veterinarian or a licensed veterinary faculty member who is responsible for the animal's care.

(b) The student works under the direct supervision of a licensed veterinarian or a licensed veterinary faculty member.

5. An acupuncturist who is treating an animal ~~pursuant to section 32-3928~~ and who is in compliance with all of the following:

(a) Is nationally certified by the American board of animal acupuncture or the national certification commission for acupuncture and oriental medicine to treat animals.

~~(b) Provides proof of current certification in animal acupuncture to the acupuncture board of examiners.~~

~~(c)~~ (b) Has received a referral for acupuncture treatment from a licensed veterinarian who has diagnosed the animal.

~~(d)~~ (c) Maintains records on every animal and provides the records to the treating veterinarian on request.

~~(e)~~ (d) Maintains adequate insurance to specifically cover any injuries to the animal, the animal's owner or staff members working on the animal.

~~(f)~~ (e) If the acupuncturist is not providing the treatment in a licensed veterinary premises that is operated by a licensed veterinarian, complies with all of the following:

(i) The animal is not treated in the same area as human patients.

(ii) The premises has secured areas to contain animals safely during any treatment.

(iii) The staff is trained to properly hold any animal being treated.

(iv) Protocols are in place to handle emergency situations that may arise with the animal that is being treated.

(v) Sanitation protocols are in place to ensure human and animal safety.

~~(vi) Any rules adopted by the acupuncture board of examiners.~~

~~(g)~~ (f) Assesses and treats the animal consistent with the licensed acupuncturist's training and, on request, communicates the findings, treatment and results to the treating licensed veterinarian in a timely manner. On request, the treating licensed veterinarian shall provide the treating acupuncturist with all medical information that may assist in the treatment of the animal.

~~(h)~~ (g) Is solely liable for the acupuncture treatment provided to the animal that is also under the care of a licensed veterinarian.

6. A rabies vaccinator who is certified pursuant to section 32-2240.02.

C. Notwithstanding subsection B, paragraph 3 of this section, only a licensed veterinarian and not an equine dental practitioner may prescribe or administer, or both prescribe and administer, any drug or medicine.

D. For the purposes of this section:

1. "Direct supervision" means a licensed veterinarian must authorize and be physically present for the procedure.

2. "General supervision" means a licensed veterinarian must be available for consultation by telephone or other form of immediate communication.

Sec. 13. Section 32-2901, Arizona Revised Statutes, is amended to read:

32-2901. Definitions

In this chapter, unless the context otherwise requires:

1. "Acupuncture" means a medical therapy in which ailments are diagnosed and treated by the specific application of needles, heat or physical and electromagnetic impulses or currents to specific anatomic points on the body through any of the following:

(a) Diagnosing and treating ailments according to the systematic principles of traditional Asian medicine.

(b) Diagnosing and treating pain, neuromuscular disorders and other ailments based on the body's biophysics and neuroanatomic structure.

(c) Using devices to determine the biologic electrical response pattern of acupuncture points as a guide to diagnose bodily ailments and to guide the prescription of homeopathic substances, orthomolecular therapy or pharmaceutical medicine.

2. "Adequate records" means legible medical records that contain at a minimum sufficient information to identify the patient, support the diagnosis, document the treatment, accurately describe the results, indicate advice, cautionary warnings and informed consent discussions with the patient and provide sufficient information for another licensed health care practitioner to assume continuity of the patient's care and to continue or modify the treatment plan.

3. "Approved internship" means that the applicant has completed training in a hospital that was approved for internship, fellowship or residency training by the council on medical education in hospitals of the American medical association, the association of American medical colleges, the royal college of physicians and surgeons of Canada, the American osteopathic association or any board-approved similar body in the United States or Canada that approves hospitals for internship, fellowship or residency training.

4. "Approved school of medicine":

(a) As it relates to a person who is seeking licensure pursuant to section 32-2912, subsection A, means a school or college that offers a course of study that on successful conclusion results in a degree of doctor of medicine or doctor of osteopathic medicine and that offers a course of study that is approved or accredited by the association of American medical colleges, the association of Canadian medical colleges, the American medical association, the American osteopathic association or any board-approved similar body in the United States or Canada that accredits this course of study.

(b) As it relates to a person who is seeking licensure pursuant to section 32-2912, subsection B, means a school or college that on successful completion results in a degree of doctor of homeopathy and that is approved or accredited by the accreditation commission for homeopathic education in North America or any board-approved similar body that accredits this course of study.

5. "Approved training program", for a person who is seeking licensure pursuant to section 32-2912, subsection B, means a program that requires the person to both:

(a) Successfully complete one of the following:

(i) A program that would qualify an applicant to become certified or licensed to practice pursuant to chapter 8, 14~~,~~ OR 19 ~~or 39~~ of this title.

(ii) Training and testing by the United States armed forces at a level comparable to the national standards for emergency medical care technicians.

(iii) A program that is approved or accredited by the accreditation commission for homeopathic education in North America, or its successor organization, or any similar board-approved body that accredits this course of study.

(b) Meet one of the following:

(i) Hold, or pass the examination to hold, a certification from the council for homeopathic certification or its successor as designated by the board.

(ii) Complete a program that is approved by the board and that is designed to prepare the person for the practice of homeopathic medicine.

6. "Board" means the board of homeopathic and integrated medicine examiners.

7. "Chelation therapy" means an experimental medical therapy to restore cellular homeostasis through the use of intravenous, metal-binding and bioinorganic agents such as ethylene diamine tetraacetic acid. Chelation therapy is not an experimental therapy if it is used to treat heavy metal poisoning.

8. "Controlled substance" means a drug or substance or a drug's or substance's immediate precursor that is defined or listed in title 36, chapter 27, article 2 or the rules adopted pursuant to title 36, chapter 27, article 2.

9. "Drug" means a medication or substance that is any of the following:

(a) Recognized in the official compendia or for which standards or specifications are prescribed in the official compendia.

(b) Intended for use in diagnosing, curing, mitigating, treating or preventing human diseases.

(c) Articles other than food that are intended to affect the structure or function of the human body.

10. "Homeopathic medication" means a substance of animal, vegetable or mineral origin that is prepared according to homeopathic pharmacology and that is given usually in a homeopathic microdosage.

11. "Homeopathic microdosage" means a substance prepared so that it is diluted from ten to the minus one to ten to the minus ten-thousandth or higher of its original concentration.

12. "Homeopathy" means a system of medicine that employs homeopathic medication in accordance with the principle that a substance that produces symptoms in a healthy person can cure those symptoms in an ill person.

13. "Immediate family" means a person's spouse, natural or adopted children, parents and siblings and the natural or adopted children, parents and siblings of the person's spouse.

14. "Letter of concern" means an advisory letter to notify a licensee that, while there is insufficient evidence to support disciplinary action, the board believes the licensee should modify or eliminate certain practices.

15. "Licensee" means a person who is licensed pursuant to this chapter.

16. "Medical assistant" means an unlicensed person who has completed an educational program approved by the board, who assists in a homeopathic practice under the supervision of a doctor of homeopathy or homeopathic physician and who performs delegated procedures commensurate with the assistant's education and training but who does not diagnose, interpret, design or modify established treatment programs or violate any statute.

17. "Medical incompetence" means the lack of sufficient medical knowledge or skill by a licensee to a degree that is likely to endanger a patient's health. Medical incompetence includes the range of knowledge expected for basic licensure pursuant to this chapter or as a medical or osteopathic physician in any professional regulatory jurisdiction of the United States and additional knowledge of homeopathic treatments and modalities expected of persons who are licensed pursuant to this chapter.

18. "Minor surgery":

(a) Means surgical procedures that are conducted by a licensee who is licensed pursuant to section 32-2912, subsection A in an outpatient setting and that involve the removal or repair of lesions or injuries to the skin, mucous membranes and subcutaneous tissues, the use of topical, local or regional anesthetic agents, the treatment by stabilizing or casting nondisplaced and uncomplicated fractures of the extremities and diagnostic endoscopies of the intestinal tract, nasopharynx and vagina.

(b) Includes diagnostic aspiration of joints and subcutaneous cysts, therapeutic injections of muscular trigger points, tendons, ligaments and scars and the subcutaneous implantation of medical therapeutic agents.

(c) Does not include the use of general, spinal or epidural anesthesia, the opening of body cavities, the repair of blood vessels and nerves or the biopsy by incision, excision or needle aspiration of internal organs, the breast or the prostate.

19. "Neuromuscular integration" means musculoskeletal therapy that uses any combination of manual methods, physical agents and physical medicine procedures and devices to improve physiological function by normalizing body structure.

20. "Nutrition" means the recommendation by a licensee of therapeutic or preventative dietary measures, food factor concentrates, fasting and cleansing regimens and the rebalancing by a licensee of

digestive system function to correct diseases of malnutrition, to resolve conditions of metabolic imbalance and to support optimal vitality.

21. "Orthomolecular therapy" means therapy to provide the optimum concentration of substances normally present in the human body such as vitamins, minerals, amino acids and enzymes. Orthomolecular therapy includes the diagnosis of ailments or physiologic stresses that occur as a result of genetic or environmental influences as well as acquired or inherited allergy and hypersensitivity responses.

22. "Pharmaceutical medicine" means a drug therapy that uses prescription-only and nonprescription pharmaceutical agents as well as medicinal agents of botanical, biological or mineral origin and that is based on current scientific indications or traditional or historical usage indications.

23. "Practice of homeopathic medicine",

(a) For the purposes of a person who is licensed pursuant to section 32-2912, subsection A, means the practice of medicine in which the person purports to diagnose, treat or correct actual or imagined human diseases, injuries, ailments, infirmities and deformities of a physical or mental origin using treatment modalities that include acupuncture, chelation therapy, homeopathy, minor surgery, neuromuscular integration, nutrition, orthomolecular therapy and pharmaceutical medicine.

(b) For the purposes of a person who is licensed pursuant to section 32-2912, subsection B, means the practice of medicine in which the person purports to diagnose, treat or correct actual or imagined human diseases, injuries, ailments, infirmities and deformities of a physical or mental origin by means of homeopathy or nutrition.

24. "Preceptorship" means an extended period of individual study with one or more experienced homeopathic physicians or institutions.

25. "Prescription-only drug" does not include a controlled substance but does include:

(a) A drug that is generally regarded by medical experts to be unsafe if its use and dosage are not supervised by a medical practitioner.

(b) A drug that is approved for use under the supervision of a medical practitioner pursuant to the federal new drug application law or section 32-1962.

(c) A potentially harmful drug if its labeling does not contain full directions for its use by the patient.

(d) A drug that is required by federal law to bear on its label the following words: "Caution: Federal law prohibits dispensing without prescription."

26. "Professional negligence" means any of the following:

(a) That a licensee administers treatment to a patient in a manner that is contrary to accepted practices and that harms the patient if it can be shown to the board's satisfaction that accepted practices are inherently less hazardous.

(b) That a licensee commits an act of unprofessional conduct or displays an unreasonable lack of professional skill or fidelity.

(c) That a licensee's negligence, carelessness or disregard of established principles or practice results in a patient's injury, unnecessary suffering or death.

27. "Special purpose licensing examination" means an examination developed by the national board of medical examiners on behalf of the federation of state medical boards for use by state licensing boards to test the basic medical competence of physicians who are applying for licensure and who have been in practice in another jurisdiction of the United States and to determine the competence of a physician under investigation by a state licensing board.

Sec. 14. Section 32-2904, Arizona Revised Statutes, is amended to read:

32-2904. Powers and duties

A. The board shall:

1. Conduct all examinations for applicants for a license under this chapter, issue licenses, conduct hearings, regulate the conduct of licensees and administer and enforce this chapter.

2. Enforce the standards of practice prescribed by this chapter and board rules.

3. Collect and account for all fees under this chapter and deposit, pursuant to sections 35-146 and 35-147, the monies in the appropriate fund.

4. Maintain a record of its acts and proceedings, including the refusal to issue a license or the issuance, renewal, suspension or revocation of licenses to practice according to this chapter.

5. Maintain a roster of all persons who are licensed pursuant to this chapter that includes:

(a) The licensee's name.

(b) The current professional office address.

(c) The date and number of the license issued under this chapter.

(d) Whether the licensee is in good standing.

6. Adopt and use a seal, the imprint of which is evidence of the board's official acts.

7. Contract with the department of administration for administrative and recordkeeping services.

8. Charge additional fees that do not exceed the cost of the services for services the board deems necessary to carry out its intent and purposes.

9. Adopt rules regarding the regulation and the qualifications of medical assistants.

10. Keep board records open to public inspection during normal business hours.

~~11. Meet each January with the acupuncture board of examiners to set financial compensation for staff and operating expense sharing.~~

B. The board may:

1. Adopt rules necessary or proper to administer this chapter.

2. Subject to title 41, chapter 4, article 4, hire personnel to carry out the purposes of this chapter.

3. Hire investigators subject to title 41, chapter 4, article 4 or contract with investigators to assist in investigating violations of this chapter and contract with other state agencies if required to carry out this chapter.

4. Appoint one of its members to the jurisdiction arbitration panel pursuant to section 32-2907, subsection B.

5. Subject to title 41, chapter 4, article 4, employ consultants to perform duties the board determines are necessary to implement this chapter.

6. Compile and publish an annual directory.

7. Adopt rules to establish competency or professional review standards for any minor surgical procedure.

8. Appoint two or more board members to a subcommittee that reviews and approves applications and issues permits pertaining to homeopathic medical assistants and associated practical educational programs, pursuant to board rules.

9. Appoint two or more board members to a subcommittee that reviews and approves applications and issues permits pertaining to drugs and device dispensing practices, pursuant to board rules.

Sec. 15. Section 32-2905, Arizona Revised Statutes, is amended to read:

32-2905. Executive director; personnel; duties; compensation

~~A. The executive director of the acupuncture board of examiners shall serve as the executive director of the board of homeopathic and integrated medicine examiners. The staff of the acupuncture board of examiners shall carry out the administrative responsibilities of the board of homeopathic and integrated medicine examiners.~~

A. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, THE BOARD MAY APPOINT AN EXECUTIVE DIRECTOR WHO SERVES AT THE PLEASURE OF THE BOARD. THE EXECUTIVE DIRECTOR MAY NOT BE A BOARD MEMBER.

B. THE EXECUTIVE DIRECTOR IS ELIGIBLE TO RECEIVE COMPENSATION SET BY THE BOARD WITHIN THE RANGE DETERMINED PURSUANT TO SECTION 38-611.

~~B.~~ C. The executive director shall:

1. Collect all monies due and payable to the board.

2. Deposit, pursuant to sections 35-146 and 35-147, all monies received by the board in the appropriate fund.

3. Prepare bills for authorized expenditures of the board and obtain warrants from the department of administration.

4. Act as custodian of the seal, books, records, minutes and proceedings of the board.

5. Perform all duties prescribed by the board.

6. Perform all administrative duties of the board.

7. Subject to title 41, chapter 4, article 4, employ personnel necessary to carry out board functions.

Sec. 16. Section 32-2932, Arizona Revised Statutes, is amended to read:

32-2932. Use of title or abbreviation by licensees

A. A person who is licensed pursuant to section 32-2912, subsection A may use the designation and sign the licensee's name, wherever required, in any capacity, as "homeopathic doctor"~~,~~ OR "homeopathic physician". If the licensee is a graduate of a board-approved allopathic school of medicine, the licensee may also use the designation "medical doctor (homeopathic)". If the licensee is a graduate of a board-approved osteopathic school of medicine, the licensee may also use the designation "doctor of osteopathic medicine (homeopathic)".

B. A person who is licensed pursuant to section 32-2912, subsection B may use the designation "homeopathic practitioner", "doctor of homeopathy" or "homeopathic doctor". A person may use the designation "homeopathic doctor" or "doctor of homeopathy" only if the person holds a doctorate and is licensed pursuant to chapter 8, 14~~,~~ OR 19 ~~or 39~~ of this title.

C. The board may adopt in rule abbreviations for the titles listed in subsections A and B of this section.

Sec. 17. Section 32-3021, Arizona Revised Statutes, is amended to read:

32-3021. Private vocational program license; qualifications; provision of information; exemptions

A. A person shall not operate a private vocational program unless the person holds a private vocational program license issued pursuant to this chapter. Each program offered by a private vocational program licensee shall be authorized on a private vocational program license. The board shall prescribe the manner in which the programs are identified on the license.

B. An applicant for a private vocational program license shall meet all of the following requirements:

1. Furnish a letter of credit, surety bond or cash deposit as provided in section 32-3023.

2. Make specific information concerning educational programs, including statements of purpose, objectives, course of study, policies, fees and other pertinent information, available to prospective students and the general public.

3. Be financially responsible and have management capability.

4. Maintain a qualified faculty.

5. Maintain facilities, equipment and materials that are appropriate for the stated program. All facilities shall meet applicable state and local health and safety laws.

6. Maintain appropriate records as the board prescribes that are properly safeguarded and preserved.

7. Use only advertisements that are consistent with the information made available as provided in paragraph 2 of this subsection.

8. Provide courses of instruction that meet stated objectives.

9. Provide a grievance procedure for students.

10. Comply with all federal and state laws relating to the operation of a private postsecondary educational institution.

11. Other requirements the board deems necessary.

C. An applicant for a private vocational program license shall submit evidence of meeting the requirements prescribed in subsection B of this section to the board. The board shall verify the evidence submitted. Verification shall include on-site verification.

D. The filing of an application grants the board the authority to obtain information from any of the following:

1. A licensing board or agency in any state, district, territory or county of the United States or any foreign country.

2. The Arizona criminal justice information system as defined in section 41-1750.

3. The federal bureau of investigation.

E. The board, on application, may issue a private vocational program license to a new educational institution as provided in this section, except that the board shall establish separate minimum standards for licensure requirements of new educational institutions. These minimum standards may include the modification of licensure requirements as provided in subsection B, paragraphs 3, 5, 6, 7 and 8 of this section to meet the circumstances of new educational institutions. The board, on application, may issue a private vocational program license to an educational institution that is otherwise exempt under subsection F of this section. The board shall monitor the new educational institution to ensure compliance with the licensure requirements. The board shall issue a private vocational program license as provided in this subsection one time only to new educational institutions.

F. This section does not apply to any of the following:

~~1. A school licensed pursuant to chapter 5 of this title.~~

~~2.~~ 1. An instructional program or course sponsored by a bona fide trade association solely for its members.

~~3.~~ 2. Privately owned academic schools engaged in the process of general education that is designed to produce a level of development equivalent to that necessary to meet the requirements for entrance into a public community college or public university in this state and that may incidentally offer technical and vocational courses as part of the curriculum.

~~4.~~ 3. Schools or private instruction conducted by any person engaged in training, tutoring or teaching individuals or groups, if the instruction is related to hobbies, avocations, academic improvement or recreation and may only incidentally lead to gainful employment.

5. Schools conducted by any person solely for training the person's own employees.

6. An instructional program or course offered solely for employees and for the purpose of improving the employees in their employment if both of the following apply:

(a) The employee is not charged a fee.

(b) The employer provides or funds the program or course pursuant to a valid written contract between the employer and a program or course provider.

7. Training conducted pursuant to 14 Code of Federal Regulations part 141.

8. A school that solely provides an instructional program for certified nursing assistants and licensed nursing assistants and that is licensed by the nursing board pursuant to section 32-1606, subsection B, paragraph 11.

9. A professional driving training school licensed by the department of transportation pursuant to chapter 23, articles 1, 2 and 3 of this title.

10. A training program approved by the board of examiners of nursing care institution administrators and assisted living facility managers that solely provides training for managers and caregivers of assisted living facilities.

11. A yoga teacher training course or program or a yoga instructional course or program.

12. A private instructional program or course that is less than forty contact hours in length and that charges a fee of less than $1,000. For the purposes of this paragraph, "contact hour" means a fifty-minute session of scheduled in-class or online instruction.

Sec. 18. Section 32-3101, Arizona Revised Statutes, is amended to read:

32-3101. Definitions

In this chapter, unless the context otherwise requires:

1. "Certification" means a voluntary process by which a regulatory entity grants recognition to an individual who has met certain prerequisite qualifications specified by that regulatory entity and who may assume or use the word "certified" in a title or designation to perform prescribed health professional tasks.

2. "Grandfather clause" means a provision that is applicable to practitioners who are actively engaged in the regulated health profession before the effective date of a law and that exempts the practitioners from meeting the prerequisite qualifications set forth in the law to perform prescribed occupational tasks.

3. "Health professional group" means any health professional group or organization, any individual or any other interested party that proposes that any health professional group that is not presently regulated be regulated.

4. "Health professions" means professions that are regulated pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29, 33, 34, 35~~, 39~~ or 41 of this title, title 36, chapter 6, article 7 or title 36, chapter 17.

5. "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation

is being carried out in a fashion consistent with the public health, safety and welfare.

6. "Licensure" or "license" means an individual, nontransferable authorization to carry on a health activity that would otherwise be unlawful in this state in the absence of the permission and that is based on qualifications that include graduation from an accredited or approved program and acceptable performance on a qualifying examination or a series of examinations.

7. "Practitioner" means an individual who has achieved knowledge and skill by practice and who is actively engaged in a specified health profession.

8. "Public member" means an individual who is not and never has been a member or the spouse of a member of the health profession being regulated and who does not have and never has had a material financial interest in either rendering the health professional service being regulated or an activity directly related to the profession being regulated.

9. "Registration" means the formal notification that, before rendering services, a practitioner must submit to a state agency setting forth the name and address of the practitioner, the location, nature and operation of the health activity to be practiced and, if required by a regulatory entity, a description of the service to be provided.

10. "Regulatory entity" means any board, commission, agency or department of this state that regulates one or more health professions in this state.

11. "State agency" means any department, board, commission or agency of this state.

Sec. 19. Section 32-3201, Arizona Revised Statutes, is amended to read:

32-3201. Definitions

In this chapter, unless the context otherwise requires:

~~2.~~ 1. "Health professional" means a person who is certified or licensed pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29, 33, 34, 35, ~~39,~~ 41 or 42 of this title, title 36, chapter 4, article 6, title 36, chapter 6, article 7 or title 36, chapter 17.

~~1.~~ 2. "Health profession regulatory board" means any board that regulates one or more health professionals in this state.

3. "Medical ~~record~~ RECORDS" has the same meaning prescribed in section 12-2291 but does not include prescription orders.

Sec. 20. Section 32-3218, Arizona Revised Statutes, is amended to read:

32-3218. Health profession regulatory boards; members; training; definitions

A. ~~Beginning January 1, 2015,~~ Each member of a health profession regulatory board shall complete a twelve-hour training within one year after the member's initial appointment to the board. ~~Any member of a~~

~~health profession regulatory board whose initial appointment was before January 1, 2015 has until January 1, 2016 to complete the training required by this subsection.~~ The training must include the subjects of governance and administrative management, disciplinary procedures, conduct of quasi-judicial proceedings, administrative procedure and rule adoption and licensure as they apply to the health profession regulatory board. Any training completed by a current board member on and after January 1, 2014 on the topics specified in this subsection may count toward the requirements of this subsection.

B. The training of board members required by this section may be provided by the staff of any health profession regulatory board, the office of the attorney general, the department of administration, the auditor general or an outside educational institution or any other provider that is approved by the health profession regulatory board on which the member is serving.

C. Any board action taken by a health profession regulatory board is not subject to challenge or invalidation because a board member has not completed the training required by this section.

D. For the purposes of this section:

~~2.~~ 1. "Health professional" means a person who is certified or licensed pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29, 34, 35, ~~39,~~ 41 or 42 of this title.

~~1.~~ 2. "Health profession regulatory board" means any board that regulates one or more health ~~profession~~ PROFESSIONALS in this state.

Sec. 21. Section 32-3231, Arizona Revised Statutes, is amended to read:

32-3231. Definitions

In this article, unless the context otherwise requires:

1. "Administer" means the direct application of or dispensing or furnishing a prescription medication or a prescription-only device, whether by injection or any other means, to the body of a patient by a health professional or by the health professional's authorized agent at the direction of the health professional.

~~2. "Aesthetician" has the same meaning prescribed in section 32-501.~~

~~3.~~ 2. "Cosmetic purpose" means for the purpose of beautifying, preserving or conferring comeliness, excluding therapeutic massage and manipulations.

~~4.~~ 3. "Department" means the department of health services.

~~5.~~ 4. "Directly supervised" means a health professional who is licensed in this state and whose scope of practice allows the supervision supervises the use of a laser or IPL device for cosmetic purposes while the health professional is present at the facility where and when the device is being used.

~~6.~~ 5. "Indirect supervision" means supervision by a health professional who is licensed in this state, whose scope of practice allows the supervision and who is readily accessible by telecommunication.

~~7.~~ 6. "IPL device" ~~has the same meaning prescribed in section 32-516~~ MEANS AN INTENSE PULSE LIGHT CLASS II SURGICAL DEVICE CERTIFIED IN ACCORDANCE WITH THE STANDARDS OF THE DEPARTMENT FOR COSMETIC PROCEDURES.

~~8.~~ 7. "Laser" ~~has the same meaning prescribed in section 32-516~~ MEANS ANY DEVICE THAT CAN PRODUCE OR AMPLIFY ELECTROMAGNETIC RADIATION WITH WAVELENGTHS IN THE RANGE OF ONE HUNDRED EIGHTY NANOMETERS TO ONE MILLIMETER PRIMARILY BY THE PROCESS OF CONTROLLED STIMULATED EMISSION AND CERTIFIED IN ACCORDANCE WITH THE STANDARDS FOR THE DEPARTMENT FOR COSMETIC PROCEDURES.

~~9.~~ 8. "Laser technician" means a person who is or has been certified by the department pursuant to its rules and this article.

~~10.~~ 9. "Registrant" means a person or entity that owns or operates a laser or IPL device for which the application for registration is on file with the department and that is in compliance with department rules.

Sec. 22. Repeal

Title 32, chapter 39, Arizona Revised Statutes, is repealed.

Sec. 23. Section 36-3601, Arizona Revised Statutes, is amended to read:

36-3601. Definitions

For the purposes of this chapter:

1. "Health care decision maker" has the same meaning prescribed in section 12-2801.

2. "Health care provider":

(a) Means a person licensed pursuant to title 32, chapter 7, 8, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 25, 28, 29, 33, 34, 35, ~~39,~~ 41 or 42, or chapter 4, article 6 of this title, chapter 6, article 7 of this title or chapter 17 of this title.

(b) Includes:

(i) A health care institution licensed pursuant to chapter 4 of this title.

(ii) A person who holds a training permit pursuant to title 32, chapter 13 or 17.

3. "Health care provider regulatory board or agency" means a board or agency that regulates one or more health care provider professions in this state.

4. "Telehealth" means:

(a) The interactive use of audio, video or other electronic media, including asynchronous store-and-forward technologies and remote patient monitoring technologies, for the practice of health care, assessment, diagnosis, consultation or treatment and the transfer of medical data.

(b) Includes the use of an audio-only telephone encounter between the patient or client and health care provider if an audio-visual telehealth encounter is not reasonably available due to the patient's functional status, the patient's lack of technology or telecommunications infrastructure limits, as determined by the health care provider.

(c) Does not include the use of a fax machine, instant messages, voice mail or email.

Sec. 24. Section 41-619.51, Arizona Revised Statutes, is amended to read:

41-619.51. Definitions

In this article, unless the context otherwise requires:

1. "Agency" means the supreme court, the department of economic security, the department of child safety, the department of education, the department of health services, the department of juvenile corrections, the department of emergency and military affairs, the department of public safety, the department of transportation, the state real estate department, the department of insurance and financial institutions, the Arizona game and fish department, the Arizona department of agriculture, the board of examiners of nursing care institution administrators and assisted living facility managers, the state board of dental examiners, the Arizona state board of pharmacy, the board of physical therapy, the state board of psychologist examiners, the board of athletic training, the board of occupational therapy examiners, the state board of podiatry examiners, ~~the acupuncture board of examiners~~ the state board of technical registration, ~~or~~ the board of massage therapy or the Arizona department of housing.

2. "Board" means the board of fingerprinting.

3. "Central registry exception" means notification to the department of economic security, the department of child safety or the department of health services, as appropriate, pursuant to section 41-619.57 that the person is not disqualified because of a central registry check conducted pursuant to section 8-804.

4. "Expedited review" means an examination, in accordance with board rule, of the documents an applicant submits by the board or its hearing officer without the applicant being present.

5. "Good cause exception" means the issuance of a fingerprint clearance card to an employee pursuant to section 41-619.55.

6. "Person" means a person who is required to be fingerprinted pursuant to this article or who is subject to a central registry check and any of the following:

(a) Section 3-314.
(b) Section 8-105.
(c) Section 8-322.
(d) Section 8-463.
(e) Section 8-509.
(f) Section 8-802.
(g) Section 8-804.
(h) Section 15-183.
(i) Section 15-503.
(j) Section 15-512.
(k) Section 15-534.
(l) Section 15-763.01.
(m) Section 15-782.02.
(n) Section 15-1330.

(o) Section 15-1881.
(p) Section 17-215.
(q) Section 28-3228.
(r) Section 28-3413.
(s) Section 32-122.02.
(t) Section 32-122.05.
(u) Section 32-122.06.
(v) Section 32-823.
(w) Section 32-1232.
(x) Section 32-1276.01.
(y) Section 32-1284.
(z) Section 32-1297.01.
(aa) Section 32-1904.
(bb) Section 32-1941.
(cc) Section 32-1982.
(dd) Section 32-2022.
(ee) Section 32-2063.
(ff) Section 32-2108.01.
(gg) Section 32-2123.
(hh) Section 32-2371.
(ii) Section 32-3430.
(jj) Section 32-3620.
(kk) Section 32-3668.
(ll) Section 32-3669.
~~(mm) Section 32-3922.~~
~~(nn) Section 32-3924.~~
~~(oo)~~ (mm) Section 32-4222.
~~(pp)~~ (nn) Section 32-4128.
~~(qq)~~ (oo) Section 36-113.
~~(rr)~~ (pp) Section 36-207.
~~(ss)~~ (qq) Section 36-411.
~~(tt)~~ (rr) Section 36-425.03.
~~(uu)~~ (ss) Section 36-446.04.
~~(vv)~~ (tt) Section 36-594.01.
~~(ww)~~ (uu) Section 36-594.02.
~~(xx)~~ (vv) Section 36-766.01.
~~(yy)~~ (ww) Section 36-882.
~~(zz)~~ (xx) Section 36-883.02.
~~(aaa)~~ (yy) Section 36-897.01.
~~(bbb)~~ (zz) Section 36-897.03.
~~(ccc)~~ (aaa) Section 36-3008.
~~(ddd)~~ (bbb) Section 41-619.53.
~~(eee)~~ (ccc) Section 41-1964.
~~(fff)~~ (ddd) Section 41-1967.01.
~~(ggg)~~ (eee) Section 41-1968.
~~(hhh)~~ (fff) Section 41-1969.
~~(iii)~~ (ggg) Section 41-2814.

~~(jjj)~~ (hhh) Section 41-4025.
~~(kkk)~~ (iii) Section 46-141, subsection A or B.
~~(lll)~~ (jjj) Section 46-321.
~~<<Sec. 33. Section 41-712, Arizona Revised Statutes, is amended to read:~~
~~41-712. Telecommunications program office; state contractor; cost of operation; employees; report; exception~~
~~A. The director shall establish a telecommunications program office within the department to enter into a primary contract with a corporation authorized to do business in this state for the contractor to provide for the installation and maintenance of telecommunication systems and to act as the state's agent for telecommunication carrier services to the offices, departments and agencies of this state. Each office, department and agency of this state shall contract with the primary contractor through the telecommunications program office and make payment to the primary contractor for its telecommunications needs.~~
~~B. With the approval of the director, the telecommunications program office may enter into more than one contract for each statewide telecommunications product or service not provided by the primary contractor.~~
~~C. The director shall pay administrative costs of the telecommunications program office, and each office, department or other state agency shall pay from available monies the proportionate cost of administration of the office as determined by the director. In carrying out this subsection, the director shall only employ those contract managers, telephone operators, help desk personnel and forensic investigators required to oversee the primary contract and administer efficiently the telecommunications program office.~~
~~D. The department shall prepare and submit an annual consolidated telecommunications budget report to the joint legislative budget committee in connection with its annual budget request showing the previous fiscal year's actual payments and the next fiscal year's anticipated payments charged and received by the primary contractor from state offices, departments and agencies for telecommunications services.~~
~~E. All procurement pursuant to this section shall be as prescribed in chapter 23 of this title unless otherwise provided by law.~~
~~F. Any contract involving the use of a state highway right-of-way is subject to approval pursuant to sections 28-304, 28-363, 28-7045, 28-7048 and 28-7209.~~
~~G. This section does not apply to the cotton research and protection council established by section 3-1082.~~
~~Sec. 34. Section 41-741, Arizona Revised Statutes, is amended to read:~~
~~41-741. Definitions~~
~~In this article and articles 5 and 6 of this chapter, unless the context otherwise requires:~~

~~1. "Appointing authority" means the person or group of persons authorized by law or delegated authority to make appointments to fill positions.~~

~~2. "At will" means an employment relationship where either party to the relationship may sever the relationship at any time for any reason other than an unlawful reason.~~

~~3. "Break in service" means a separation from state employment, regardless of the reason for separation.~~

~~4. "Change in assignment" means movement of an employee to a different position in the same state agency or another state agency.~~

~~5. "Covered employee" means an employee who:~~

~~(a) Before September 29, 2012, is in the state service, is not uncovered pursuant to section 41-742, subsection A and has remained in covered status without a break in service since that date.~~

~~(b) Before September 29, 2012, is in the state service, is employed as a correctional officer I, correctional officer II, correctional officer III or community corrections officer and has remained in covered status without a break in service since that date.~~

~~(c) Before September 29, 2012, is in the state service, is a full authority peace officer as certified by the Arizona peace officer standards and training board and has remained in that status without a break in service since that date.~~

~~(d) On or after September 29, 2012, is a correctional officer I, correctional officer II, correctional officer III or community corrections officer and is appointed to a position in the covered service, but does not include a position in any other class in the correctional officer class series or the community correctional officer class series or in any other correctional class series.~~

~~(e) On or after September 29, 2012, is a full authority peace officer as certified by the Arizona peace officer standards and training board and is appointed to a position that requires such a certification in the covered service.~~

~~6. "Covered service" means that employment status conferring rights of appeal as prescribed in sections 41-782 and 41-783 or section 41-1830.16, as applicable.~~

~~7. "Director" means the director of the department of administration, or the director's designee, who is responsible for administering the state personnel system pursuant to applicable state and federal laws.~~

~~8. "Employee" means all officers and employees of this state, whether in covered service or uncovered service, unless otherwise prescribed.~~

~~9. "Full authority peace officer" means a peace officer whose authority to enforce the laws of this state is not limited by the rules adopted by the Arizona peace officer standards and training board.~~

~~10. "Original probationary period" means the specified period following initial appointment to covered service.~~

~~11. "Probationary period" means a working test period of employment in a covered service position for evaluation of the employee's work.~~

~~12. "Promotional probation" means the specified period of employment following promotion of a permanent status employee to another covered service position that has a higher pay grade.~~

~~13. "Rules" means rules adopted by the department of administration, human resources division.~~

~~14. "Significant procurement role":~~

~~(a) Means any role that includes any of the following duties:~~

~~(i) Participating in the development of a procurement as defined in section 41-2503.~~

~~(ii) Participating in the development of an evaluation tool.~~

~~(iii) Approving a procurement as defined in section 41-2503 or an evaluation tool.~~

~~(iv) Soliciting quotes greater than ten thousand dollars $10,000 for the provision of materials, services or construction.~~

~~(v) Serving as a technical advisor or an evaluator who evaluates a procurement as defined in section 41-2503.~~

~~(vi) Recommending or selecting a vendor that will provide materials, services or construction to this state.~~

~~(vii) Serving as a decision maker DECISION-MAKER or designee on a protest or an appeal by a party regarding an agency procurement selection or decision.~~

~~(b) Does not include making decisions on developing specifications and the scope of work for a procurement as defined in section 41-2503 if the decision is based on the application of commonly accepted industry standards or known published standards of the agency as applied to the project, services, goods or materials.~~

~~15. "State agency":~~

~~(a) Means a department, board, office, authority, commission or other governmental budget unit of this state and includes an agency assigned to a department for administrative purposes. State agency~~

~~(b) Does not include the legislative and judicial branches, the Arizona board of regents, state universities, the Arizona state schools for the deaf and the blind, the department of public safety, the Arizona peace officer standards and training board, the cotton research and protection council or public corporations.~~

~~16. "State personnel board" means the board established by section 41-781.~~

~~17. "State personnel system" means all state agencies and employees of those agencies that are not exempted by this article.~~

~~18. "State service" means all offices and positions of employment in state government that, before September 29, 2012, were subject to the provisions of articles 5 and 6 of this chapter that were in effect before September 29, 2012.~~

~~19. "Supervisor" means a state employee who has one or more other state employees reporting directly to the person and, for those state employees, typically has the authority to:~~

~~(a) Approve sick or annual leave.~~

~~(b) Recommend hiring, discipline or dismissal.~~

~~(c) Assign or schedule daily work.~~

~~(d) Complete a performance evaluation.~~

~~20. "Uncovered employee" means an employee in uncovered service.~~

~~21. "Uncovered service" means employment at will and includes all state employees except those in covered service.~~

~~Sec. 35. Section 41-742, Arizona Revised Statutes, is amended to read:~~

~~41-742. State personnel system; covered and uncovered employees; application; exemptions~~

~~A. Beginning September 29, 2012, unless otherwise prescribed in this article:~~

~~1. All new hires are at will uncovered employees.~~

~~2. Any employee who meets any of the following criteria is an at will uncovered employee:~~

~~(a) Is employed as an attorney in a position assigned to the attorney salary schedule.~~

~~(b) Is a supervisor.~~

~~(c) Is at a pay grade of nineteen or above or, if a successor compensation system is established, in an equivalent pay range as determined by the director.~~

~~(d) Is in a position assigned to the information technology salary schedule, in a position assigned to an information technology classification or, if a successor compensation system is established, in an equivalent pay range as determined by the director.~~

~~3. Any covered employee who voluntarily accepts a change in assignment to a position in the uncovered service, regardless of whether the voluntary change in assignment is a promotion, demotion or lateral transfer, is an at will uncovered employee on the start date of the voluntary change in assignment.~~

~~4. A covered employee may voluntarily elect to become an at will uncovered employee without a change in assignment on approval by the state agency head and the director. If approved, the change from covered to uncovered status is immediate.~~

~~5. Once a covered employee becomes an at will uncovered employee, the change is irrevocable.~~

~~B. Except as provided in subsection F of this section, the purpose of this article is for all state agencies in the state personnel system to treat employees pursuant to the following principles:~~

~~1. Recruiting, selecting and advancing employees on the basis of the employee's relative ability, knowledge and skills after open competition.~~

~~2. Providing compensation based on merit, performance, job value and competitiveness within applicable labor markets.~~

~~3. Training employees if the training will result in better organizational and individual performance.~~

~~4. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance where possible and appropriate and separating employees whose performance is inadequate.~~

~~5. Managing applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, age, disability or religious creed and with proper regard for their privacy and constitutional rights as citizens.~~

~~6. Ensuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or nomination for office.~~

~~C. The director shall establish and administer the state personnel system, including:~~

~~1. A classification system and job classes and associated knowledge, skills and abilities for those classes.~~

~~2. A centralized job announcement system to streamline statewide recruiting for applicants.~~

~~3. A centralized employment system to be used by all successful applicants, including a common application form to be used by all state agencies.~~

~~4. A compensation system, including assigning pay ranges for all job classes and special pay plans for certain classes or groups of employees considering such factors as occupational patterns, economic conditions and pay plans common to government, business and industry.~~

~~5. A statewide training program.~~

~~6. A statewide performance management system.~~

~~7. An audit function to review state agencies' processes and compliance with applicable statutes, personnel rules and policies.~~

~~8. An integrated system to process personnel, payroll and benefits transactions and serve as the system of record for state employees.~~

~~D. This article and articles 5 and 6 of this chapter do not apply to:~~

~~1. An elected state officer. An elected state officer means only elected officials and does not include the employees of elected state officers unless expressly provided.~~

~~2. Members of boards and commissions who are appointed by the legislature or the governor, board members appointed pursuant to section 41-619.52 unless otherwise prescribed by law, employees of the Arizona legislative council, employees appointed or employed by the legislature, any legislative agency or either house of the legislature and employees of the supreme court and the court of appeals.~~

~~3. The Arizona board of regents, officers or employees of state universities and personnel of the Arizona state schools for the deaf and the blind.~~

~~4. Patients or inmates employed in state institutions.~~

~~5. Officers and enlisted personnel of the national guard of Arizona and employees of the department of emergency and military affairs who occupy Arizona national guard positions identified as mobilization assets.~~

~~6. The cotton research and protection council.~~

~~7. 6. The department of public safety.~~

~~8. 7. The Arizona peace officer standards and training board.~~

~~E. Unless otherwise prescribed in this article, subsection A, paragraphs 1, 2 and 3 of this section do not apply to either an initial appointment to or changes in assignment to:~~

~~1. An employee of any state agency who is a full authority peace officer as certified by the Arizona peace officer standards and training board.~~

~~2. An employee of the state department of corrections who is employed as a correctional captain, correctional lieutenant, correctional sergeant, correctional corporal, correctional officer I, correctional officer II, correctional officer III, correctional officer IV, community corrections unit supervisor, community corrections group supervisor, community corrections officer or, if a successor classification system is established, an equivalent job class as determined by the director.~~

~~F. Subsection B, paragraph 1 of this section, relating to open competition and subsection B, paragraph 4 of this section and subsection B, paragraph 5 of this section, relating to political affiliation, do not apply to:~~

~~1. Employees of the governor's office.~~

~~2. Employees of offices of elected officials who either:~~

~~(a) Report directly to the elected official.~~

~~(b) Head a primary component or report directly to the head of a primary component of the office of the elected official.~~

~~(c) As a primary duty, determine or publicly advocate substantive program policy for the office of the elected official.~~

~~3. The state agency head and each deputy director, or equivalent, of each state agency and employees of the state agency who report directly to either the state agency head or deputy director.~~

~~4. Each assistant director, or equivalent, of each state agency and employees in the state agency who report directly to an assistant director.~~

~~5. Attorneys in the office of the attorney general.~~

~~6. Employees in investment-related positions in the state retirement system or plans established by title 38, chapter 5, article 2, 3, 4 or 6.~~

~~G. This article and articles 5 and 6 of this chapter do not confer any rights in excess of, or in addition to, those previously authorized to any state employee.~~

~~H. This article does not create or confer any contractual employment right for any employee and, unless otherwise provided by law, state agencies are prohibited from executing employment contracts with any state employee.~~

~~I. Any communications, including policy manuals, employee handbooks, job offers and performance appraisals and other communications as determined by the director, whether in writing or oral, that conflict with article 1, 5 or 6 of this chapter or this article are void and do not alter or supersede article 1, 5 or 6 of this chapter or this article.~~>>

Sec. 25. Repeal

Title 41, chapter 5, article 6, Arizona Revised Statutes, is repealed.

<<~~Sec. 37. Section 41-1005, Arizona Revised Statutes, is amended to read:~~

~~41-1005. Exemptions~~

~~A. This chapter does not apply to any:~~

~~1. Rule that relates to the use of public works, including streets and highways, under the jurisdiction of an agency if the effect of the order is indicated to the public by means of signs or signals.~~

~~2. Order or rule of the Arizona game and fish commission that does the following:~~

~~(a) Opens, closes or alters seasons or establishes bag or possession limits for wildlife.~~

~~(b) Establishes a fee pursuant to section 5-321, 5-322 or 5-327.~~

~~(c) Establishes a license classification, fee or application fee pursuant to title 17, chapter 3, article 2.~~

~~(d) Limits the number or use of licenses or permits that are issued to nonresidents pursuant to section 17-332.~~

~~3. Rule relating to section 28-641 or to any rule regulating motor vehicle operation that relates to speed, parking, standing, stopping or passing enacted pursuant to title 28, chapter 3.~~

~~4. Rule concerning only the internal management of an agency that does not directly and substantially affect the procedural or substantive rights or duties of any segment of the public.~~

~~5. Rule that only establishes specific prices to be charged for particular goods or services sold by an agency.~~

~~6. Rule concerning only the physical servicing, maintenance or care of agency owned or operated facilities or property.~~

~~7. Rule or substantive policy statement concerning inmates or committed youths of a correctional or detention facility in secure custody or patients admitted to a hospital if made by the state department of corrections, the department of juvenile corrections, the board of executive clemency or the department of health services or a facility or hospital under the jurisdiction of the state department of corrections, the department of juvenile corrections or the department of health services.~~

~~8. Form whose contents or substantive requirements are prescribed by rule or statute and instructions for the execution or use of the form.~~

~~9. Capped fee-for-service schedule adopted by the Arizona health care cost containment system administration pursuant to title 36, chapter 29.~~

~~10. Fees prescribed by section 6-125.~~

~~11. Order of the director of water resources adopting or modifying a management plan pursuant to title 45, chapter 2, article 9.~~

~~12. Fees established under section 3-1086.~~

~~13. 12. Fees established under sections 41-4010 and 41-4042.~~

~~14. 13. Rule or other matter relating to agency contracts.~~

~~15. 14. Fees established under section 32-2067 or 32-2132.~~

~~16. 15. Rules made pursuant to section 5-111, subsection A.~~

~~17. 16. Rules made by the Arizona state parks board concerning the operation of the Tonto natural bridge state park, the facilities located in the Tonto natural bridge state park and the entrance fees to the Tonto natural bridge state park.~~

~~18. 17. Fees or charges established under section 41-511.05.~~

~~19. 18. Emergency medical services protocols except as provided in section 36-2205, subsection B.~~

~~20. 19. Fee schedules established pursuant to section 36-3409.~~

~~21. 20. Procedures of the state transportation board as prescribed in section 28-7048.~~

~~22. 21. Rules made by the state department of corrections.~~

~~23. 22. Fees prescribed pursuant to section 32-1527.~~

~~24. 23. Rules made by the department of economic security pursuant to section 46-805.~~

~~25. 24. Schedule of fees prescribed by section 23-908.~~

~~26. 25. Procedure that is established pursuant to title 23, chapter 6, article 6.~~

~~27. 26. Rules, administrative policies, procedures and guidelines adopted for any purpose by the Arizona commerce authority pursuant to chapter 10 of this title if the authority provides, as appropriate under the circumstances, for notice of an opportunity for comment on the proposed rules, administrative policies, procedures and guidelines.~~

~~28. 27. Rules made by a marketing commission or marketing committee pursuant to section 3-414.~~

~~29. 28. Administration of public assistance program monies authorized for liabilities that are incurred for disasters declared pursuant to sections 26-303 and 35-192.~~

~~30. 29. User charges, tolls, fares, rents, advertising and sponsorship charges, services charges or similar charges established pursuant to section 28-7705.~~

~~31. 30. Administration and implementation of the hospital assessment pursuant to section 36-2901.08, except that the Arizona health care cost containment system administration must provide notice and an~~

~~opportunity for public comment at least thirty days before establishing or implementing the administration of the assessment.~~

~~32. 31. Rules made by the Arizona department of agriculture to adopt and implement the provisions of the federal milk ordinance as prescribed by section 3-605.~~

~~33. 32. Rules made by the Arizona department of agriculture to adopt, implement and administer the United States food and drug administration produce safety rule (21 Code of Federal Regulations part 112) and any other federal produce safety regulation, order or guideline or other requirement adopted pursuant to the FDA food safety modernization act (P.L. 111-353; 21 United States Code sections 2201 through 2252) as provided by title 3, chapter 3, article 4.1.~~

~~34. 33. Calculations that are performed by the department of economic security and that are associated with the adjustment of the sliding fee scale and formula for determining child care assistance pursuant to section 46-805.~~

~~35. 34. Rules made by the Arizona department of agriculture to implement and administer the livestock operator fire and flood assistance grant program established by section 3-109.03.~~

~~B. Notwithstanding subsection A, paragraph 21 20 of this section, if the federal highway administration authorizes the privatization of rest areas, the state transportation board shall make rules governing the lease or license by the department of transportation to a private entity for the purposes of privatization of a rest area.~~

~~C. Coincident with the making of a final rule pursuant to an exemption from the applicability of this chapter under this section, another statute or session law, the agency shall:~~

~~1. Prepare a notice and follow formatting guidelines prescribed by the secretary of state.~~

~~2. Prepare the rulemaking exemption notices pursuant to chapter 6.2 of this title.~~

~~3. File a copy of the rule with the secretary of state for publication pursuant to section 41-1012 and provide a copy to the council.~~

~~D. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the Arizona board of regents and the institutions under its jurisdiction, except that the Arizona board of regents shall make policies or rules for the board and the institutions under its jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies or rules proposed.~~

~~E. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the Arizona state schools for the deaf and the blind, except that the board of directors of all the state schools for the deaf and the blind shall adopt policies for the board and the schools under its jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies proposed for adoption.~~

~~F. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the state board of education, except that the state board of education shall adopt policies or rules for the board and the institutions under its jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies or rules proposed for adoption. In order to implement or change any rule, the state board of education shall provide at least two opportunities for public comment. The state board of education shall consider the fiscal impact of any proposed rule pursuant to this subsection.~~

~~G. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the state board for charter schools, except that the board shall adopt policies or rules for the board and the charter schools sponsored by the board that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies or rules proposed for adoption. In order to implement or change any policy or rule, the board shall provide at least two opportunities for public comment. The state board for charter schools shall consider the fiscal impact of any proposed rule pursuant to this subsection.~~>>

Sec. 26. Section 41-1092, Arizona Revised Statutes, is amended to read:

41-1092. Definitions

In this article, unless the context otherwise requires:

1. "Administrative law judge" means an individual or an agency head, board or commission that sits as an administrative law judge, that conducts administrative hearings in a contested case or an appealable agency action and that makes decisions regarding the contested case or appealable agency action.

2. "Administrative law judge decision" means the findings of fact, conclusions of law and recommendations or decisions issued by an administrative law judge.

3. "Adversely affected party" means:

(a) An individual who both:

(i) Provides evidence of an actual injury or economic damage that the individual has suffered or will suffer as a direct result of the action and not due to being a competitor or a general taxpayer.

(ii) Timely submits comments on the license application that include, with sufficient specificity, the questions of law, if applicable, that are the basis for the appeal.

(b) A group or association that identifies, by name and physical address in the notice of appeal, a member of the group or association who would be an adversely affected party in the individual's own right.

4. "Appealable agency action" means an action that determines the legal rights, duties or privileges of a party, including the administrative completeness of an application other than an application submitted to the department of water resources pursuant to title 45, and that is not a contested case. Appealable agency actions do not include

interim orders by self-supporting regulatory boards, rules, orders, standards or statements of policy of general application issued by an administrative agency to implement, interpret or make specific the legislation enforced or administered by it or clarifications of interpretation, nor does it mean or include rules concerning the internal management of the agency that do not affect private rights or interests. For the purposes of this paragraph, administrative hearing does not include a public hearing held for the purpose of receiving public comment on a proposed agency action.

5. "Director" means the director of the office of administrative hearings.

6. "Final administrative decision" means a decision by an agency that is subject to judicial review pursuant to title 12, chapter 7, article 6.

7. "Licensee":

(a) Means any individual or business entity that has been issued a license by a state agency to engage in any business or activity in this state and that is subject to a licensing decision.

(b) Includes any individual or business entity that has applied for such a license and that appeals a licensing decision pursuant to section 41-1092.08 or 41-1092.12.

8. "Office" means the office of administrative hearings.

9. "Self-supporting regulatory board" means any of the following:

(a) The Arizona state board of accountancy.

~~(b) The barbering and cosmetology board.~~

~~(c)~~ (b) The board of behavioral health examiners.

~~(d)~~ (c) The Arizona state boxing and mixed martial arts commission.

~~(e)~~ (d) The state board of chiropractic examiners.

~~(f)~~ (e) The state board of dental examiners.

~~(g)~~ (f) The Arizona game and fish commission.

~~(h)~~ (g) The board of homeopathic and integrated medicine examiners.

~~(i)~~ (h) The Arizona medical board.

~~(j)~~ (i) The naturopathic physicians medical board.

~~(k)~~ (j) The Arizona state board of nursing.

~~(l)~~ (k) The board of examiners of nursing care institution administrators and assisted living facility managers.

~~(m)~~ (l) The board of occupational therapy examiners.

~~(n)~~ (m) The state board of dispensing opticians.

~~(o)~~ (n) The state board of optometry.

~~(p)~~ (o) The Arizona board of osteopathic examiners in medicine and surgery.

~~(q)~~ (p) The Arizona peace officer standards and training board.

~~(r)~~ (q) The Arizona state board of pharmacy.

~~(s)~~ (r) The board of physical therapy.

~~(t)~~ (s) The state board of podiatry examiners.

~~(u)~~ (t) The state board for private postsecondary education.
~~(v)~~ (u) The state board of psychologist examiners.
~~(w)~~ (v) The board of respiratory care examiners.
~~(x)~~ (w) The state board of technical registration.
~~(y)~~ (x) The Arizona state veterinary medical examining board.
~~(z) The acupuncture board of examiners.~~
~~(aa)~~ (y) The Arizona regulatory board of physician assistants.
~~(bb)~~ (z) The board of athletic training.
~~(cc)~~ (aa) The board of massage therapy.

<<Sec. 27. Section 41-1234, Arizona Revised Statutes, is amended to read:

41-1234. Publicly funded contract lobbyists; prohibition

A. Notwithstanding any other law, a state agency, office, department, board or commission [OR THE ARIZONA SUPREME COURT OR THE ADMINISTRATIVE OFFICE OF THE COURTS] and any person acting on behalf of a state agency, office, department, board or commission [OR THE ARIZONA SUPREME COURT OR THE ADMINISTRATIVE OFFICE OF THE COURTS] shall not:

1. Enter into a contract or other agreement with a person or entity for lobbying services.

2. Spend monies for any person or entity to lobby on behalf of [THE ARIZONA SUPREME COURT OR THE ADMINISTRATIVE OFFICE OF THE COURTS OR] that agency, office, department, board or commission unless that person is a state employee.

B. This section does not apply to any state agency, office, department, board or commission that is either:

1. Headed by one or more elected officials.

2. Exempt from [~~title 41,~~] chapter 23 [OF THIS TITLE] for the purposes of contracts for professional lobbyists.

C. This section does not apply to the employment relationship of a lobbyist who is a state employee directly employed by a state governmental unit for whom the employee acts as a lobbyist or lobbying is part of the employee's job description.

[~~D. For the purposes of this section, "state employee" has the same meaning prescribed in section 41-1231.~~]>>

Sec. 28. Section 41-1758, Arizona Revised Statutes, is amended to read:

41-1758. Definitions

In this article, unless the context otherwise requires:

1. "Agency" means the supreme court, the department of economic security, the department of child safety, the department of education, the department of health services, the department of juvenile corrections, the department of emergency and military affairs, the department of public safety, the department of transportation, the state real estate department, the department of insurance and financial institutions, the board of fingerprinting, the Arizona game and fish department, the Arizona department of agriculture, the board of examiners of nursing care institution administrators and assisted living facility managers, the

state board of dental examiners, the Arizona state board of pharmacy, the board of physical therapy, the state board of psychologist examiners, the board of athletic training, the board of occupational therapy examiners, the state board of podiatry examiners, ~~the acupuncture board of examiners,~~ the state board of technical registration, the board of massage therapy or the Arizona department of housing.

2. "Division" means the fingerprinting division in the department of public safety.

3. "Electronic or internet-based fingerprinting services" means a secure system for digitizing applicant fingerprints and transmitting the applicant data and fingerprints of a person or entity submitting fingerprints to the department of public safety for any authorized purpose under this title. For the purposes of this paragraph, "secure system" means a system that complies with the information technology security policy approved by the department of public safety.

4. "Good cause exception" means the issuance of a fingerprint clearance card to an applicant pursuant to section 41-619.55.

5. "Person" means a person who is required to be fingerprinted pursuant to any of the following:

(a) Section 3-314.
(b) Section 8-105.
(c) Section 8-322.
(d) Section 8-463.
(e) Section 8-509.
(f) Section 8-802.
(g) Section 15-183.
(h) Section 15-503.
(i) Section 15-512.
(j) Section 15-534.
(k) Section 15-763.01.
(l) Section 15-782.02.
(m) Section 15-1330.
(n) Section 15-1881.
(o) Section 17-215.
(p) Section 28-3228.
(q) Section 28-3413.
(r) Section 32-122.02.
(s) Section 32-122.05.
(t) Section 32-122.06.
(u) Section 32-823.
(v) Section 32-1232.
(w) Section 32-1276.01.
(x) Section 32-1284.
(y) Section 32-1297.01.
(z) Section 32-1904.
(aa) Section 32-1941.
(bb) Section 32-1982.

(cc) Section 32-2022.
(dd) Section 32-2063.
(ee) Section 32-2108.01.
(ff) Section 32-2123.
(gg) Section 32-2371.
(hh) Section 32-3430.
(ii) Section 32-3620.
(jj) Section 32-3668.
(kk) Section 32-3669.
~~(ll) Section 32-3922.~~
~~(mm) Section 32-3924.~~
~~(nn)~~ (ll) Section 32-4128.
~~(oo)~~ (mm) Section 32-4222.
~~(pp)~~ (nn) Section 36-113.
~~(qq)~~ (oo) Section 36-207.
~~(rr)~~ (pp) Section 36-411.
~~(ss)~~ (qq) Section 36-425.03.
~~(tt)~~ (rr) Section 36-446.04.
~~(uu)~~ (ss) Section 36-594.01.
~~(vv)~~ (tt) Section 36-594.02.
~~(ww)~~ (uu) Section 36-766.01.
~~(xx)~~ (vv) Section 36-882.
~~(yy)~~ (ww) Section 36-883.02.
~~(zz)~~ (xx) Section 36-897.01.
~~(aaa)~~ (yy) Section 36-897.03.
~~(bbb)~~ (zz) Section 36-3008.
~~(ccc)~~ (aaa) Section 41-619.52.
~~(ddd)~~ (bbb) Section 41-619.53.
~~(eee)~~ (ccc) Section 41-1964.
~~(fff)~~ (ddd) Section 41-1967.01.
~~(ggg)~~ (eee) Section 41-1968.
~~(hhh)~~ (fff) Section 41-1969.
~~(iii)~~ (ggg) Section 41-2814.
~~(jjj)~~ (hhh) Section 41-4025.
~~(kkk)~~ (iii) Section 46-141, subsection A or B.
~~(lll)~~ (jjj) Section 46-321.

6. "Rap back services" has the same meaning prescribed in section 41-1750.

7. "Vulnerable adult" has the same meaning prescribed in section 13-3623.

Sec. 29. Section 41-1758.01, Arizona Revised Statutes, is amended to read:

41-1758.01. Fingerprinting division; powers and duties

A. The fingerprinting division is established in the department of public safety and shall:

1. Conduct fingerprint background checks for persons and applicants who are seeking licenses from state agencies, employment with licensees,

contract providers and state agencies or employment or educational opportunities with agencies that require fingerprint background checks pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183, 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215, 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232, 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022, 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668, 32-3669, ~~32-3922, 32-3924,~~ 32-4128, 32-4222, 36-113, 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02, 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969, 41-2814~~,~~ AND 41-4025, section 46-141, subsection A or B and section 46-321.

2. Issue fingerprint clearance cards. On issuance, a fingerprint clearance card becomes the personal property of the cardholder and the cardholder shall retain possession of the fingerprint clearance card.

3. On submission of an application for a fingerprint clearance card, collect the fees established by the board of fingerprinting pursuant to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the monies collected in the board of fingerprinting fund.

4. Inform in writing each person who submits fingerprints for a fingerprint background check of the right to petition the board of fingerprinting for a good cause exception pursuant to section 41-1758.03, 41-1758.04 or 41-1758.07.

5. If after conducting a state and federal criminal history records check the division determines that it is not authorized to issue a fingerprint clearance card to a person, inform the person in writing that the division is not authorized to issue a fingerprint clearance card. The notice shall include the criminal history information on which the denial was based. This criminal history information is subject to dissemination restrictions pursuant to section 41-1750 and Public Law 92-544.

6. Notify the person in writing if the division suspends, revokes or places a driving restriction notation on a fingerprint clearance card pursuant to section 41-1758.04. The notice shall include the criminal history information on which the suspension, revocation or placement of the driving restriction notation was based. This criminal history information is subject to dissemination restrictions pursuant to section 41-1750 and Public Law 92-544.

7. Administer and enforce this article.

B. The fingerprinting division may contract for electronic or internet-based fingerprinting services through an entity or entities for the acquisition and transmission of applicant fingerprint and data submissions to the department, including identity verified fingerprints pursuant to section 15-106. The entity or entities contracted by the department of public safety may charge the applicant a fee for services provided pursuant to this article. The entity or entities contracted by the department of public safety shall comply with:

1. All information privacy and security measures and submission standards established by the department of public safety.

2. The information technology security policy approved by the department of public safety.

Sec. 30. Repeal

Section 41-2304, Arizona Revised Statutes, is repealed.

~~<<Sec. 42. Section 41-2501, Arizona Revised Statutes, is amended to read:~~

~~41-2501. Applicability~~

~~A. This chapter applies only to procurements initiated after January 1, 1985 unless the parties agree to its application to procurements initiated before that date.~~

~~B. This chapter applies to every expenditure of public monies, including federal assistance monies except as otherwise specified in section 41-2637, by this state, acting through a state governmental unit, under any contract, except that this chapter does not apply to either grants, or contracts between this state and its political subdivisions or other governments, except as provided in chapter 24 of this title and in article 10 of this chapter. This chapter also applies to the disposal of state materials. This chapter and rules adopted under this chapter do not prevent any state governmental unit or political subdivision from complying with the terms of any grant, gift, bequest or cooperative agreement.~~

~~C. All political subdivisions and other local public agencies of this state may adopt all or any part of this chapter and the rules adopted pursuant to this chapter.~~

~~D. Notwithstanding any other law, sections 41-2517 and 41-2546 apply to any agency as defined in section 41-1001, including the office of the governor.~~

~~E. The Arizona board of regents and the legislative and judicial branches of state government are not subject to this chapter except as prescribed in subsections F and G of this section.~~

~~F. The Arizona board of regents shall adopt rules prescribing procurement policies and procedures for itself and institutions under its jurisdiction. The rules must be substantially equivalent to the other policies and procedures prescribed in this chapter, including sections 41-2576 and 41-2577.~~

~~G. The judicial branch shall adopt rules prescribing procurement policies and procedures for itself and institutions under its jurisdiction. The rules must be substantially equivalent to the policies and procedures prescribed in this chapter.~~

~~H. The Arizona state lottery commission is exempt from this chapter for procurement relating to the design and operation of the lottery or purchase of lottery equipment, tickets and related materials. The executive director of the Arizona state lottery commission shall adopt rules substantially equivalent to the policies and procedures in this chapter for procurement relating to the design and operation of the~~

~~lottery or purchase of lottery equipment, tickets or related materials. All other procurement shall be as prescribed by this chapter.~~

~~I. The Arizona health care cost containment system administration is exempt from this chapter for provider contracts pursuant to section 36-2904, subsection A and contracts for goods and services, including program contractor contracts pursuant to title 36, chapter 29, articles 2 and 3 and contracts with regional behavioral health authorities pursuant to title 36, chapter 34. All other procurement, including contracts for the statewide administrator of the program pursuant to section 36-2903, subsection B, shall be as prescribed by this chapter.~~

~~J. Arizona correctional industries is exempt from this chapter for purchases of raw materials, components and supplies that are used in the manufacture or production of goods or services for sale entered into pursuant to section 41-1622. All other procurement shall be as prescribed by this chapter.~~

~~K. The state transportation board and the director of the department of transportation are exempt from this chapter other than sections 41-2517 and 41-2586 and are subject to title 28, chapter 20 and 2 Code of Federal Regulations section 200.317 for the procurement of the following:~~

~~1. All items of construction, reconstruction, rehabilitation, preservation or improvement undertaken on highway infrastructure.~~

~~2. Engineering services and any other work or activity to carry out engineering services related to highway infrastructure.~~

~~3. Right-of-way services related to land titles, appraisals, real property acquisitions, relocation services, property management and facility design.~~

~~4. Any other construction, reconstruction, rehabilitation, preservation or improvement work or activity that is required pursuant to title 28, chapter 20.~~

~~L. The Arizona highways magazine is exempt from this chapter for contracts for the production, promotion, distribution and sale of the magazine and related products and for contracts for sole source creative works entered into pursuant to section 28-7314, subsection A, paragraph 5. All other procurement shall be as prescribed by this chapter.~~

~~M. The secretary of state is exempt from this chapter for contracts entered into pursuant to section 41-1012 to publish and sell the administrative code. All other procurement shall be as prescribed by this chapter.~~

~~N. This chapter does not apply to contracts for professional witnesses if the purpose of such contracts is to provide for professional services or testimony relating to an existing or probable judicial proceeding in which this state is or may become a party or to contract for special investigative services for law enforcement purposes.~~

~~O. The head of any state governmental unit, in relation to any contract exempted by this section from this chapter, has the same~~

~~authority to adopt rules, procedures or policies as is delegated to the director pursuant to this chapter.~~

~~P. Agreements negotiated by legal counsel representing this state in settlement of litigation or threatened litigation are exempt from this chapter.~~

~~Q. This chapter is not applicable to contracts entered into by the department of economic security:~~

~~1. With a provider licensed or certified by an agency of this state to provide child day care services.~~

~~2. With area agencies on aging created pursuant to the older Americans act of 1965 (P.L. 89-73; 79 Stat. 218; 42 United States Code sections 3001 through 3058ff).~~

~~3. For services pursuant to title 36, chapter 29, article 2.~~

~~4. With an eligible entity as defined by Public Law 105-285, section 673(1)(A)(i), as amended, for designated community services block grant program monies and any other monies given to the eligible entity that accomplishes the purpose of Public Law 105-285, section 672.~~

~~R. The Arizona health care cost containment system may not require that persons with whom it contracts follow this chapter for the purposes of subcontracts entered into for the provision of the following:~~

~~1. Mental health services pursuant to section 36-189, subsection B.~~

~~2. Services for the seriously mentally ill pursuant to title 36, chapter 5, article 10.~~

~~3. Drug and alcohol services pursuant to section 36-141.~~

~~S. The department of health services may not require that persons with whom it contracts follow this chapter for the purpose of subcontracts entered into for the provision of domestic violence services pursuant to title 36, chapter 30, article 1.~~

~~T. The department of health services is exempt from this chapter for contracts for services of physicians at the Arizona state hospital and contracts to provide medically necessary physical health care to individuals under the care of the Arizona state hospital.~~

~~U. Contracts for goods and services approved by the board of trustees of the public safety personnel retirement system are exempt from this chapter.~~

~~V. The Arizona department of agriculture is exempt from this chapter with respect to contracts for private labor and equipment to effect cotton or cotton stubble plow-up pursuant to rules adopted under title 3, chapter 2, article 1.~~

~~W. The Arizona state parks board is exempt from this chapter for purchases of guest supplies and items for resale such as food, linens, gift items, sundries, furniture, china, glassware and utensils for the facilities located in the Tonto natural bridge state park.~~

~~X. The Arizona state parks board is exempt from this chapter for the purchase, production, promotion, distribution and sale of publications, souvenirs and sundry items obtained and produced for resale.~~

~~Y. The Arizona state schools for the deaf and the blind are exempt from this chapter for the purchase of textbooks and when purchasing products through a cooperative that is organized and operates in accordance with state law if such products are not available on a statewide contract and are related to the operation of the schools or are products for which special discounts are offered for educational institutions.~~

~~Z. Expenditures of monies in the morale, welfare and recreational fund established by section 26-153 are exempt from this chapter.~~

~~AA. Notwithstanding section 41-2534, the director of the state department of corrections may contract with local medical providers in counties with a population of less than four hundred thousand persons for the following purposes:~~

~~1. To acquire hospital and professional medical services for inmates who are incarcerated in state department of corrections facilities that are located in those counties.~~

~~2. To ensure the availability of emergency medical services to inmates in all counties by contracting with the closest medical facility that offers emergency treatment and stabilization.~~

~~BB. The department of environmental quality is exempt from this chapter for contracting for procurements relating to the water quality assurance revolving fund program established pursuant to title 49, chapter 2, article 5. The department shall engage in a source selection process that is similar to the procedures prescribed by this chapter. The department may contract for remedial actions with a single selection process. The exclusive remedy for disputes or claims relating to contracting pursuant to this subsection is as prescribed by article 9 of this chapter and the rules adopted pursuant to that article. All other procurement by the department shall be as prescribed by this chapter.~~

~~CC. The motor vehicle division of the department of transportation is exempt from this chapter for third-party authorizations pursuant to title 28, chapter 13, only if all of the following conditions exist:~~

~~1. The division does not pay any public monies to an authorized third party.~~

~~2. Exclusivity is not granted to an authorized third party.~~

~~3. The director has complied with the requirements prescribed in title 28, chapter 13 in selecting an authorized third party.~~

~~DD. This section does not exempt third-party authorizations pursuant to title 28, chapter 13 from any other applicable law.~~

~~EE. The state forester is exempt from this chapter for purchases and contracts relating to wildland fire suppression and pre-positioning equipment resources and for other activities related to combating wildland fires and other unplanned risk activities, including fire, flood, earthquake, wind and hazardous material responses. All other procurement by the state forester shall be as prescribed by this chapter.~~

~~FF. The cotton research and protection council is exempt from this chapter for procurements.~~

~~GG. FF. The Arizona commerce authority is exempt from this chapter, except article 10 for the purpose of cooperative purchases. The authority shall adopt policies, procedures and practices, in consultation with the department of administration, that are similar to and based on the policies and procedures prescribed by this chapter for the purpose of increased public confidence, fair and equitable treatment of all persons engaged in the process and fostering broad competition while accomplishing flexibility to achieve the authority's statutory requirements. The authority shall make its policies, procedures and practices available to the public. The authority may exempt specific expenditures from the policies, procedures and practices.~~

~~HH. GG. The Arizona exposition and state fair board is exempt from this chapter for contracts for professional entertainment.~~

~~II. HH. This chapter does not apply to purchases of water, gas or electric utilities.~~

~~JJ. II. This chapter does not apply to professional certifications, professional memberships and conference registrations.~~

~~KK. JJ. The department of gaming is exempt from this chapter for problem gambling treatment services contracts with licensed behavioral health professionals.~~

~~LL. KK. This chapter does not apply to contracts for credit reporting services.~~

~~MM. LL. This chapter does not apply to contracts entered into by the department of child safety:~~

~~1. With a provider of family foster care pursuant to section 8-503.~~

~~2. With an eligible entity as defined by Public Law 105-285, section 673(1)(A)(i), as amended, for designated community services block grant program monies and any other monies given to the eligible entity that accomplishes the purpose of Public Law 105-285, section 672.~~

~~3. For services pursuant to title 36, chapter 29, article 1 and as set forth in the approved medicaid state plan.~~

~~NN. MM. This chapter does not apply to contracts entered into by the department of economic security with a financial institution to serve as a program manager and depository under section 46-903.~~>>

Sec. 31. Section 41-2706, Arizona Revised Statutes, is amended to read:

41-2706. Applicability of chapter

A. This chapter applies to the solicitation of grants initiated after August 6, 1999.

B. This chapter does not apply to:

1. Any grant program that was exempt from chapter 23, article 3 of this title and for which administrative rules establishing grant solicitation procedures were adopted pursuant to chapter 6 of this title before August 6, 1999.

2. The Arizona board of regents and schools, colleges, institutions and universities under its control if the Arizona board of regents adopts

rules or policies governing the award of grants that encourage as much competition as practicable.

[3. Grants made by the cotton research and protection council for research programs related to cotton production or protection.]

~~4.~~ [~~3. Grants made by the Arizona iceberg lettuce research council for research programs under section 3-526.02, subsection C, paragraph 3 or 5.~~]

~~5.~~ [4. Grants made by the Arizona citrus research council for research programs under section 3-468.02, subsection C, paragraph 3 or 5.]

~~6.~~ [~~4.~~] [5.] Grants made by the Arizona grain research and promotion council for research projects and programs under section 3-584, subsection C, paragraph 5.

~~7.~~ [~~5.~~] [6.] Grants made under section 3-268, subsection C.

~~8.~~ [~~6.~~] [7.] Grants made by the Arizona commerce authority from the Arizona competes fund pursuant to chapter 10, article 5 of this title. With respect to other grants, the authority shall adopt policies, procedures and practices, in consultation with the department of administration, that are similar to and based on the policies and procedures prescribed by this chapter for the purpose of increased public confidence, fair and equitable treatment of all persons engaged in the process and fostering broad competition while accomplishing flexibility to achieve the authority's statutory requirements. The authority shall make its policies, procedures and practices available to the public.

~~9.~~ [~~7.~~] [8.] Grants of less than ~~five thousand dollars~~ $5,000 from the veterans' donations fund if the department of veterans' services adopts rules or policies governing these grants that encourage as much competition as practicable.

~~<<Sec. 44. Section 41-2752, Arizona Revised Statutes, is amended to read:~~

~~41-2752. State competition with private enterprise prohibited; exceptions; definition~~

~~A. A state agency shall not engage in the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing or advertising of goods or services to the public that are also offered by private enterprise unless specifically authorized by law other than administrative law and executive orders.~~

~~B. A state agency shall not offer or provide goods or services to the public for or through another state agency or a local agency, including by intergovernmental or interagency agreement, in violation of this section or section 41-2753.~~

~~C. The restrictions on activities that compete with private enterprise contained in this section do not apply to:~~

~~1. The development, operation and management of state parks, historical monuments and hiking or equestrian trails.~~

~~2. Correctional industries established and operated by the state department of corrections if the prices charged for products sold by the correctional industries are not less than the actual cost of producing and~~

~~marketing the product plus a reasonable allowance for overhead and administrative costs.~~

~~3. The office of tourism.~~

~~4. The Arizona highways magazine, operated by the department of transportation.~~

~~5. Printing and distributing information to the public if the agency is otherwise authorized to do so, and printing or copying public records or other material relating to the public agency's public business and recovering through fees and charges the costs of such printing, copying and distributing.~~

~~6. The department of public safety.~~

~~7. The construction, maintenance and operation of state transportation facilities.~~

~~8. The development, distribution, maintenance, support, licensing, leasing or sale of computer software by the department of transportation.~~

~~9. Agreements executed by the Arizona health care cost containment system administration with other states to design, develop, install and operate information technology systems and related services or other administrative services pursuant to section 36-2925.~~

~~10. Agreements executed by the department of economic security with other states to design, develop, install and operate support collection technology systems and related services. The department shall deposit, pursuant to sections 35-146 and 35-147, monies received pursuant to this paragraph in the public assistance collections fund established by section 46-295.~~

~~11. Educational, vocational, treatment, training or work programs of the department of juvenile corrections and contracts between the department of juvenile corrections and this state, a political subdivision of this state or a private entity in order to provide employment or vocational educational experience.~~

~~12. The aflatoxin control technologies of the cotton research and protection council.~~

~~13. 12. The lease or sublease of lands or buildings by the department of economic security pursuant to section 41-1958.~~

~~14. 13. The Arizona commerce authority.~~

~~15. 14. The Arizona game and fish commission, but only for the sale of goods or services and not firearms.~~

~~16. 15. The lease or sublease of lands or buildings by the department of child safety pursuant to section 8-460.~~

~~17. 16. Agreements executed by the department of child safety with other states to design, develop, install and operate support collection technology systems and related services. The department shall deposit, pursuant to sections 35-146 and 35-147, monies received pursuant to this paragraph in the child safety collections fund established by section 8-461.~~

~~18. 17. The lease or sublease of state hospital lands or buildings by the department of health services.~~

~~19. 18. The sale or lease of software, computer systems or intellectual property developed by the department of education or associated services provided for the sale or lease of software, computer systems or intellectual property by the department of education. The department shall deposit, pursuant to sections 35-146 and 35-147, sixty percent of the profit from the monies generated pursuant to this paragraph in the state general fund and the remaining forty percent in the department of education intellectual property fund established by section 15-231.04. The department of education may not transfer or expend monies or personnel resources for the purposes of marketing or soliciting goods or services authorized pursuant to this paragraph that were appropriated and authorized for other functions and programs of the department of education.~~

~~20. 19. The lease or sublease of any real estate or related infrastructure by the department of emergency and military affairs pursuant to section 26-262, subsection K, paragraph 4.~~

~~D. The restrictions on activities that compete with private enterprise contained in subsection A of this section do not apply to community colleges and universities under the jurisdiction of a governing board.~~

~~E. For the purposes of this section, "profit" means any monies generated from the sale or lease of goods and services after accounting for the costs paid by this state, including appropriations from the state general fund.~~>>

Sec. 32. Repeal

Sections [~~41-3026.03,~~] 41-3026.06, 41-3030.10, 41-3030.25[~~, 41-3032.07~~] and 43-619, Arizona Revised Statutes, are repealed.

Sec. 33. Section 44-6852, Arizona Revised Statutes, is amended to read:

44-6852. Dishonored checks; service fee

Notwithstanding any other law ~~and except as provided in section 32-507~~, the holder, payee or assignee of the holder or payee of a dishonored check, draft, order or note may charge and collect from the maker or drawer a service fee of not more than $25 plus any actual charges assessed by the financial institution of the holder, payee or assignee of the holder or payee as a result of the dishonored instrument.

<<~~Sec. 47. Section 48-1301, Arizona Revised Statutes, is amended to read:~~

~~48-1301. Definitions~~

~~In this chapter, unless the context otherwise requires:~~

~~1. "Board" means the board of directors of a district.~~

~~2. "Council" means the cotton research and protection council established by title 3, chapter 10.~~

~~2. "DEPARTMENT" MEANS THE ARIZONA DEPARTMENT OF AGRICULTURE.~~

~~3. "District" means a cotton pest control district established pursuant to this chapter.~~

~~4. "Pest" means any form of animal or plant life that is detrimental to cotton production.~~

~~5. "Producer" means a person who farms and produces cotton in a district or proposed district.~~

~~Sec. 48. Section 48-1302, Arizona Revised Statutes, is amended to read:~~

~~48-1302. Petition to form a district~~

~~Any group of cotton producers in a proposed cotton pest control district may petition the cotton research and protection council DEPARTMENT to establish a district under this chapter to prevent or eradicate one or more cotton pests. Any district to be formed under this chapter shall require the unanimous consent of the cotton producers to be included in the district before formation of the district shall be allowed.~~

~~Sec. 49. Section 48-1303, Arizona Revised Statutes, is amended to read:~~

~~48-1303. Contents of petition~~

~~The petition to establish the district shall include:~~

~~1. The signature, name and address of each producer included in the proposed district.~~

~~2. The producer's farm number established by the council DEPARTMENT.~~

~~3. The boundaries of the proposed district.~~

~~4. A list of the proposed board of directors of the district.~~

~~Sec. 50. Section 48-1304, Arizona Revised Statutes, is amended to read:~~

~~48-1304. Notice of petition and hearing~~

~~On receiving the petition, the council DEPARTMENT shall determine whether the petition meets the requirements of section 48-1303. If the petition meets those requirements, the council DEPARTMENT shall notify the petitioners of the proposed district of a hearing on the proposed district to be held at least thirty days after the petition was received.~~

~~Sec. 51. Section 48-1305, Arizona Revised Statutes, is amended to read:~~

~~48-1305. Hearing; approval or denial~~

~~A. The council DEPARTMENT shall hold a hearing to receive comments from the petitioners of the proposed district.~~

~~B. The council DEPARTMENT shall announce its findings within thirty days after the hearing and either approve or deny the formation of the district.~~

~~C. If the council DEPARTMENT denies the formation of the district:~~

~~1. Within ten days the council DEPARTMENT shall state its reasons for denial in writing.~~

~~2. Producers or owners who are qualified pursuant to section 48-1302 may submit a new petition to the council DEPARTMENT at any time.~~

~~Sec. 52. Section 48-1306, Arizona Revised Statutes, is amended to read:~~

~~48-1306. Board of directors; officers~~

~~A. A district shall be governed by a board of at least five but not more than eleven directors. Only producers in the district are eligible to serve as a director.~~

~~B. Within ten days upon AFTER approval of the district by the council DEPARTMENT, the board shall meet and elect a chairman CHAIRPERSON, vice-chairman VICE CHAIRPERSON and secretary from among its members.~~

~~Sec. 53. Section 48-1308, Arizona Revised Statutes, is amended to read:~~

~~48-1308. Financial report and budget~~

~~A. The board shall issue an annual financial report showing the receipts and expenditures of all monies and the district's assets and liabilities at the end of the fiscal year.~~

~~B. The board shall prepare an annual budget of proposed revenues and expenditures at least sixty days before the beginning of the fiscal year.~~

~~C. The board may choose to deposit district monies with the council DEPARTMENT to be spent at the board's direction.~~

~~Sec. 54. Section 48-1309, Arizona Revised Statutes, is amended to read:~~

~~48-1309. Assessments and fees~~

~~A. Each year after adopting its budget, the board shall levy an assessment based on either:~~

~~1. The number of bales of cotton that are produced in the district.~~

~~2. The number of acres of cotton that are farmed in the district.~~

~~3. Any other method in the district that may be appropriate to raise sufficient monies to carry out the district's pest control program.~~

~~B. The board shall not levy an assessment on any other crop.~~

~~C. The board shall prescribe the schedule, procedure and forms for use in paying, collecting and remitting the annual assessment. The board may provide for collection and remission of the assessment in the manner prescribed by the board.~~

~~D. If the district contracts with the council DEPARTMENT for a pest control management program, the board shall charge a fee before producers plant cotton in the district in an amount that will raise sufficient monies to carry out the contracted program. A producer shall pay the fee in full before the planting date unless payment is guaranteed by the producer's lender or other arrangements are made to the board's satisfaction. If a producer fails to pay a fee or assessment before the planting date, the council DEPARTMENT may abate the fields and assess the costs of abatement to the producer. Before any abatement action, the council DEPARTMENT shall notify the producer in writing and provide for a hearing within ten days after the notice. The council DEPARTMENT shall issue its decision in writing within five days after the hearing. An abatement action may be appealed to the superior court.~~

~~Sec. 55. Section 48-1311, Arizona Revised Statutes, is amended to read:~~

~~48-1311. Enlarging district boundaries~~

~~A. At any time after the district has been formed, the district may adjust its boundaries by a vote of the board and upon ON approval of the council pursuant to subsection B.~~

~~B. To expand the district, all producers in the expansion area must petition the council DEPARTMENT to be included in the district. Within thirty days after receiving the petition, the council DEPARTMENT shall notify all cotton producers in the district and the expansion area of the receipt of the petition and of a hearing on the petition.~~

~~C. The council DEPARTMENT shall hold the hearing as provided by the notice to receive oral and written comments favoring and opposing the proposed expansion.~~

~~D. The council DEPARTMENT shall announce its finding within thirty days after the hearing and either approve or deny the expansion.~~

~~E. If the council DEPARTMENT denies the expansion:~~

~~1. Within ten days the council DEPARTMENT shall state in writing the reasons for denial.~~

~~2. The proponents of expansion may submit a new petition to the council DEPARTMENT at any time.~~

~~F. A decision by the council DEPARTMENT to approve the expansion is final.~~

~~Sec. 56. Section 48-1312, Arizona Revised Statutes, is amended to read:~~

~~48-1312. Dissolution~~

~~A. Districts may be dissolved by a majority vote of the board of directors of the district.~~

~~B. If the district is dissolved, the council DEPARTMENT, within sixty days after the action taken under subsection A, shall:~~

~~1. Dispose of the district's assets, if any.~~

~~2. Pay the district's outstanding obligations.~~

~~3. Distribute any remaining district monies to producers in proportion to the last assessment paid by the producer.~~>>

Sec. 34. Short title

This act may be cited as the "Abolition of Functionally Unnecessary Excessive Regulators Act".

Enroll and engross to conform
Amend title to conform

ALEXANDER KOLODIN

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ARIZONA HOUSE OF REPRESENTATIVES
Fifty-seventh Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Oversight BILL NO. HB 2031

DATE February 18, 2025 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Contreras L			✓		
Hernandez C			✓		
Keshel		✓			
Kolodin, Vice-Chairman		✓			
Chaplik, Chairman		✓			
		3	2	0	0

J Smith
COMMITTEE SECRETARY

APPROVED:

JOSEPH CHAPLIK, Chairman
ALEXANDER KOLODIN, Vice-Chairman

ATTACHMENT 6

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature
First Regular Session
House: GOV DPA 4-3-0-0

HB 2256: parental alienation; testimony; prohibition
Sponsor: Representative Keshel, LD 17
Caucus & COW

Overview
Prohibits a court from making a decision in specified family court proceedings based solely on an allegation of parental alienation.

History
Legal decision-making is the legal right and responsibility to make all nonemergency legal decisions for a child. Parenting time refers to the amount of time during which each parent has access to a child. The court is required to make a decision in either of these proceedings based on all factors considered relevant to the child's physical and emotional well-being. Any modification to these agreements are subject to the review of certain factors including domestic violence, status as a military parent and the consideration of time (A.R.S. §§ 25-401, 25-403, 25-411).

Provisions
1. Prohibits a court from taking testimony or ruling on a legal decision-making or parenting time petition based solely on an allegation of parental alienation. (Sec. 1)
2. Defines *parental alienation*. (Sec. 1)

Amendments
Committee on Government
1. Changes the definition of *parental alienation* to include alienating behavior, resist-refuse dynamics, parent child contact problems, rejected parent, aligned parent, enmeshed parent, preferred parent and alienated parent.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

Attachment 7

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-seventh Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Oversight BILL NO. HB 2656

DATE February 18, 2025 MOTION: Held

	PASS	AYE	NAY	PRESENT	ABSENT
Contreras L					
Hernandez C					
Keshel					
Kolodin, Vice-Chairman					
Chaplik, Chairman					

COMMITTEE SECRETARY

APPROVED:

JOSEPH CHAPLIK, Chairman
ALEXANDER KOLODIN, Vice-Chairman

ATTACHMENT 8

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature
First Regular Session

HCR 2024: capital punishment; firing squad
Sponsor: Representative Kolodin, LD 3
Committee on Regulatory Oversight

Overview

Pending a constitutional amendment, requires the death penalty be carried out by firing squad rather than lethal injection.

History

Executions are supervised by the State Department of Corrections. Statute requires that death be administered by intravenous injection of lethal substances. Defendants sentenced to death for crimes committed prior to November 23, 1992, have the option to choose lethal gas or lethal injection. If the defendant fails to choose either lethal injection or lethal gas, the penalty of death must be carried out by lethal injection. An executioner's identity is confidential, along with the identity of other persons participating in administering an execution. Board licensure is not subject to suspension or revocation for participation. (A.R.S. § 13-757)

Provisions

1. Requires the death penalty be carried out by firing squad rather than intravenous lethal injection, except for defendants sentenced to death for offences committed before November 23, 1992, who have a choice of either firing squad or lethal gas.
2. States that death by firing squad or the administration of lethal gas must be under the supervision and processes prescribed by law and the execution must take place within the confines of the state prison.
3. Directs the Secretary of State to submit this proposition to the voters at the next general election as provided by the state constitution.

Attachment 9

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-seventh Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Oversight BILL NO. HCR 2024

DATE February 18, 2025 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Contreras L			✓		
Hernandez C			✓		
Keshel		✓			
Kolodin, Vice-Chairman		✓			
Chaplik, Chairman		✓			
		3	2	0	0

APPROVED:

JOSEPH CHAPLIK, Chairman
ALEXANDER KOLODIN, Vice-Chairman

COMMITTEE SECRETARY

ATTACHMENT 10