

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: HB 2031

Bliss Floor Amendment

The Floor amendment eliminates the repeals and the related statutory language pertaining to:

1. The Arizona Commission on the Arts
2. The Barbering and Cosmetology Board

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2/24/2025

BLISS FLOOR AMENDMENT
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.

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

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

4 3-102. Department organization

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

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

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

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

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

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

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

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

28 1. The state agricultural laboratory.

1 2. The office of agriculture safety.

2 3. The office of inspections.

3 4. The office of commodity development and promotion.

4 C. The department shall have a central administrative service
5 office providing:

6 1. Data processing, accounting and budgeting, records management,
7 publications, property control and personnel services and training.

8 2. A program to cross-train appropriate personnel to enable them to
9 perform similar functions or comparable work for different administrative
10 units in the department.

11 Sec. 2. Section 3-107, Arizona Revised Statutes, is amended to
12 read:

13 3-107. Organizational and administrative powers and duties of
14 the director

15 A. The director shall:

16 1. Formulate the program and policies of the department and adopt
17 administrative rules to effect its program and policies.

18 2. Ensure coordination and cooperation in the department in order
19 to achieve a unified policy of administering and executing its
20 responsibilities.

21 3. Subject to section 35-149, accept, expend and account for gifts,
22 grants, devises and other contributions of money or property from any
23 public or private source, including the federal government. All
24 contributions shall be included in the annual report under paragraph 6 of
25 this subsection. Monies received under this paragraph shall be deposited,
26 pursuant to sections 35-146 and 35-147, in special funds for the purpose
27 specified, which are exempt from the provisions of section 35-190 relating
28 to lapsing of appropriations.

29 4. Contract and enter into interagency and intergovernmental
30 agreements pursuant to title 11, chapter 7, article 3 with any private
31 party or public agency.

32 5. Administer oaths to witnesses and issue and direct the service
33 of subpoenas requiring witnesses to attend and testify at or requiring the
34 production of evidence in hearings, investigations and other proceedings.

35 6. Not later than September 30 each year, issue a report to the
36 governor and the legislature of the department's activities during the
37 preceding fiscal year. The report may recommend statutory changes to
38 improve the department's ability to achieve the purposes and policies
39 established by law. The director shall provide a copy of the report to
40 the Arizona state library, archives and public records.

41 7. Establish, equip and maintain a central office in Phoenix and
42 field offices as the director deems necessary.

43 8. Sign all vouchers to expend money under this title, which shall
44 be paid as other claims against this state out of the appropriations to
45 the department.

46 9. Coordinate agricultural education efforts to foster an
47 understanding of Arizona agriculture and to promote a more efficient

1 cooperation and understanding among agricultural educators, producers,
2 dealers, buyers, mass media and the consuming public to stimulate the
3 production, consumption and marketing of Arizona agricultural products.

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

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

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

19 B. The director may:

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

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

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

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

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

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

45 7. Engage in joint venture activities with businesses and commodity
46 groups that are specifically designed to further the mission of the

1 department, that comply with the constitution and laws of the United
2 States and that do not compete with private enterprise.

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

7 Sec. 3. Section 3-108, Arizona Revised Statutes, is amended to
8 read:

9 3-108. Administrative support fund; use; exemption

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

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

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

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

25 3-204. Summary abatement of imminently dangerous nuisance;
26 procedure; expense; lien; public sale; reimbursement
27 costs and penalties to state for certain abatements;
28 civil penalty

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

44 B. If the owner or person in charge or control of the nuisance is a
45 nonresident of the state or ~~cannot~~, after reasonable diligence by the
46 director, **CANNOT** be found within the county where the nuisance exists, the
47 director shall publish the notice and the direction one time in a

1 newspaper published in the county, and shall post a copy at, on or in the
2 immediate vicinity of the nuisance, and ~~after~~ seven days ~~from~~ AFTER the
3 first publication and posting, the director shall abate the nuisance in
4 the manner specified in the direction.

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

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

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

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

30 G. If the director is required to abate the nuisance of stub, soca
31 or volunteer cotton following the refusal by the owner or person in charge
32 or control of the nuisance to do so, the owner or person in charge or
33 control of the nuisance shall reimburse the department for the actual
34 costs of the state's abatement of the nuisance. An injunction shall not
35 be granted to stay this state from abating the nuisance. ~~The director may
36 request the cotton research and protection council to provide monies
37 pursuant to section 3-1085, subsection B to help defray the department's
38 cost of abatement until the owner or person in charge reimburses the
39 department for those costs.~~ If the actual costs of abatement are not paid
40 within ten days after the owner or person in charge receives notice of the
41 amount of the costs, the director may impose a civil penalty of fifty
42 ~~per cent~~ PERCENT of the costs of abatement. At the director's request,
43 the attorney general shall file an action in superior court to recover
44 civil penalties assessed pursuant to this subsection. All civil penalties
45 collected under this subsection shall be deposited, pursuant to sections
46 35-146 and 35-147, in the dangerous plants, pests and diseases trust fund
47 established by section 3-214.01.

1 Sec. 5. Repeal
2 Section 3-204.01, Arizona Revised Statutes, is repealed.

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

5 3-205. Abatement of nuisance not imminently dangerous;
6 procedure; lien; foreclosure; release of lien;
7 reimbursement costs and penalties to state for
8 certain abatements; civil penalty

9 A. If the director believes the danger to the agricultural and
10 horticultural industry is not imminent, or if impractical for any reason
11 to summarily abate the nuisance, as described in sections 3-203, 3-204,
12 3-206 and 3-207, the director shall not require summary destruction or
13 eradication, but shall set forth the measures required to be taken by the
14 owner or person in charge to control, suppress or eradicate the danger,
15 and shall require the person, at the person's expense, to take and comply
16 with the measures specified in the direction and subsequent directions.

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

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

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

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

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

43 G. If the director is required to abate the nuisance of stub, soca
44 or volunteer cotton following the refusal by the owner or person in charge
45 or control of the nuisance to do so, the owner or person in charge or
46 control of the nuisance shall reimburse the department for the actual
47 costs of ~~the~~ THIS state's abatement of the nuisance. An injunction shall

1 not be granted to stay this state from abating the nuisance. ~~The director~~
2 ~~may request the cotton research and protection council to provide monies~~
3 ~~pursuant to section 3-1085, subsection B to help defray the department's~~
4 ~~cost of abatement until the owner or person in charge reimburses the~~
5 ~~department for those costs.~~ If the actual costs of abatement are not paid
6 within ten days after the owner or person in charge receives notice of the
7 amount of the costs, the director may impose a civil penalty of one
8 hundred fifty ~~per cent~~ PERCENT of the costs of abatement. At the
9 director's request, the attorney general shall file an action in superior
10 court to recover civil penalties assessed pursuant to this subsection.
11 All civil penalties collected under this subsection shall be deposited,
12 pursuant to sections 35-146 and 35-147, in the dangerous plants, pests and
13 diseases trust fund established by section 3-214.01.

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

16 3-205.01. Summary abatement of noxious weeds, crop pests or
17 diseases under preapproved programs

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

28 Sec. 8. Section 3-403, Arizona Revised Statutes, is amended to
29 read:

30 3-403. Exemptions

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

33 Sec. 9. Repeal

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

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

37 C. Title 3, chapter 11, article 2, Arizona Revised Statutes, is
38 repealed.

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

41 3-1337. Service charge and inspection fee; self-inspection

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

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

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

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

- 15 1. The certificate number.
- 16 2. The department contact information.
- 17 3. For out-of-state shipments, official identification.
- 18 4. For dairy cattle, back tag numbers.
- 19 ~~5. The amount collected pursuant to section 3-1236.~~
- 20 ~~6.~~ 5. The number and description of livestock.
- 21 ~~7.~~ 6. The livestock owner's or agent's name, signature and
22 address.
- 23 ~~8.~~ 7. The transporter's name.
- 24 ~~9.~~ 8. The location of the place and date of shipment.
- 25 ~~10.~~ 9. The destination or buyer's name and address.
- 26 ~~11.~~ 10. For branded animals, the animal's registered brand,
27 including brand number, location and expiration date.

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

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

39 ~~<<Sec. 11. Section 10-122, Arizona Revised Statutes, is amended to~~
40 ~~read:~~

41 ~~10-122. Filing, service and copying fees; expedited report~~
42 ~~filing and access; same day and next day services;~~
43 ~~posted wait times; advance monies; definition~~

44 ~~A. The commission shall collect and deposit, pursuant to sections~~
45 ~~35-146 and 35-147, the following nonrefundable fees when the documents~~
46 ~~described in this subsection are delivered to the commission:~~

47 ~~_____ Document _____ Fee~~

1	1. Articles of incorporation	\$50
2	2. Application for use of indistinguishable name	10
3	3. Application for reserved name	10
4	4. Notice of transfer of reserved name	10
5	5. Application for registered name	10
6	6. Application for renewal of registered name	10
7	7. Agent's statement of resignation	10
8	8. Amendment of articles of incorporation	25
9	9. Restatement of articles of incorporation with	
10	amendment of articles	25
11	10. Statement of merger, interest exchange,	
12	conversion, domestication or division if	
13	the entity responsible for filing the	
14	statement is a corporation	100
15	11. Articles of dissolution	25
16	12. Articles of revocation of dissolution	25
17	13. Application for reinstatement following	
18	administrative dissolution, in addition	
19	to other fees and penalties due	100
20	14. Application for authority	150
21	15. Application for withdrawal	25
22	16. Annual report	45
23	17. Articles of correction	25
24	18. Application for certificate of good standing	10
25	19. Any other document required or permitted	
26	to be filed by chapters 1 through 17	
27	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~~

~~1 section shall be deposited in the Arizona arts trust fund established by
2 section 41-983.01 and two-thirds of these fees shall be deposited,
3 pursuant to sections 35-146 and 35-147, in the public access fund
4 established by section 10-122.01.~~

~~5 F. The commission shall provide for and establish an expedited
6 service for the filing of all documents and services provided pursuant to
7 this title as follows:~~

~~8 1. The expedited filing shall be a priority service to be completed
9 as soon as possible after the documents are delivered to the commission.~~

~~10 2. In addition to any other fees required by this section or any
11 other law, the commission shall charge a nonrefundable fee for expedited
12 services, including those requested by fax. The fee shall be determined
13 by a supermajority vote of the commissioners.~~

~~14 3. The commission may provide for and establish same day and next
15 day services for the filing of any documents and services provided
16 pursuant to this title as follows:~~

~~17 (a) The commission shall suspend same day or next day service if
18 the commission determines that it does not have the necessary resources to
19 perform the service within the established time period.~~

~~20 (b) In addition to any other fees required by this section or any
21 other law, the commissioners may charge a nonrefundable fee for the same
22 day or next day service or both. The fee shall be determined by a
23 supermajority vote of the commissioners.~~

~~24 4. The commission shall publicly post the current wait times for
25 processing regular, expedited and same day and next day services.~~

~~26 G. The commission may charge persons who access the commission's
27 data processing system that is maintained pursuant to section 10-122.01
28 from remote locations and persons requesting special computer generated
29 printouts, reports and tapes a reasonable fee that does not exceed the
30 cost of the time, equipment and personnel necessary to provide this
31 service or product as determined by the commission.~~

~~32 H. Except as provided in section 10-122.01, subsection B, paragraph
33 3, in addition to any fee charged pursuant to this section, the commission
34 may charge and collect the following nonrefundable fees to help defray the
35 cost of the improved data processing system that is maintained pursuant to
36 section 10-122.01:~~

~~37 1. Filing articles of incorporation of a domestic corporation, ten
38 dollars \$10.~~

~~39 2. Filing an application of a foreign corporation for authority to
40 transact business in this state, twenty-five dollars \$25.~~

~~41 I. All monies received pursuant to subsections F, G and H of this
42 section shall be deposited, pursuant to sections 35-146 and 35-147, in the
43 public access fund established by section 10-122.01.~~

~~44 J. Fees charged pursuant to this section are exempt from section
45 39-121.03, subsection A, paragraph 3.~~

~~46 K. The commission may allow any person to advance monies to the
47 commission to pay fees required pursuant to this section for future~~

1 ~~filings and services. All monies received pursuant to this subsection~~
2 ~~shall be deposited, pursuant to sections 35-146 and 35-147, in the money~~
3 ~~on deposit account in the public access fund established by section~~
4 ~~10-122.01.~~

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

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

11 <<Sec. 12. Section 11-811, Arizona Revised Statutes, is amended to
12 read:

13 ~~11-811. Zoning ordinance; zoning districts; definitions~~

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

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

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

28 ~~3. Shall consider access to incident solar energy.~~

29 ~~4. May provide for retirement community zoning districts.~~

30 ~~5. May provide for the regulation and use of business licenses,~~
31 ~~adult oriented business manager permits and adult service provider permits~~
32 ~~in conjunction with the establishment or operation of adult oriented~~
33 ~~businesses and facilities, including adult arcades, adult bookstores or~~
34 ~~video stores, cabarets, adult live entertainment establishments, adult~~
35 ~~motion picture theaters, adult theaters, massage establishments and nude~~
36 ~~model studios. With respect to cabarets, the ordinance shall not conflict~~
37 ~~with specific statutory or valid regulatory requirements applicable to~~
38 ~~persons licensed to dispense alcoholic beverages, but the ordinance may~~
39 ~~include regulation of the age and conduct of erotic entertainers in a~~
40 ~~manner at least as restrictive as rules adopted under title 4.~~
41 ~~Notwithstanding section 11-812, a county in regulating or licensing~~
42 ~~businesses and facilities pursuant to this paragraph may impose reasonable~~
43 ~~operating requirements that affect the existing uses of businesses and~~
44 ~~facilities.~~

45 ~~6. Shall designate and zone appropriate areas of reasonable size in~~
46 ~~which there may be established with reasonable permanency canneries,~~
47 ~~fertilizer plants, refineries, commercial feedlots, meat packing plants,~~

~~1 tallow works and other like businesses. A dairy operation, including
2 areas designated for the raising of replacement heifers or bulls owned by
3 the same dairy operation, is not subject to this paragraph, and is a
4 general agricultural purpose under subsection D, paragraph 2 of this
5 section and section 11-812, subsection A, paragraph 2. A replacement
6 heifer or bull raising operation of a dairy that is not on contiguous
7 property of the dairy is subject to this paragraph unless the operation
8 begins within one-quarter mile of the dairy.~~

~~9 B. To carry out the purposes of this article, the board may adopt
10 overlay zoning districts and regulations applicable to particular
11 buildings, structures and land within individual zones. For the purposes
12 of this subsection, "overlay zoning district" means a special zoning
13 district that includes regulations that modify regulations in another
14 zoning district with which the overlay zoning district is combined.
15 Overlay zoning districts and regulations shall be adopted pursuant to
16 section 11-813. The provisions of overlay zoning shall apply
17 retroactively to authorize overlay zoning districts and regulations
18 adopted before April 20, 1993.~~

~~19 C. In accordance with article II, sections 1 and 2, Constitution of
20 Arizona, the board shall consider the individual property rights and
21 personal liberties of the residents of the county before adopting any
22 zoning ordinance.~~

~~23 D. This section does not authorize:~~

~~24 1. The imposition of dedications, exactions, fees or other
25 requirements that are not otherwise authorized by law.~~

~~26 2. The regulation or restriction of the use or occupation of land
27 or improvements for railroad, mining, metallurgical, grazing or general
28 agricultural purposes, if the tract concerned is five or more contiguous
29 commercial acres. For the purposes of this paragraph, general
30 agricultural purposes do not include the cultivation of cannabis as
31 defined in section 13-3401 or marijuana as defined in section 13-3401 or
32 36-2801.~~

~~33 E. For the purposes of this section:~~

~~34 1. "Adult arcade" means any place to which the public is allowed or
35 invited and in which coin-operated or slug-operated or electronically,
36 electrically or mechanically controlled still or motion picture machines,
37 projectors or other image-producing devices are maintained to show images
38 involving specific sexual activities or specific anatomical areas to
39 persons in booths or viewing rooms.~~

~~40 2. "Adult bookstore or video store" means a commercial
41 establishment that offers for sale or rent any of the following as one of
42 its principal business purposes:~~

~~43 (a) Books, magazines, periodicals or other printed matter,
44 photographs, films, motion pictures, videocassettes or reproductions or
45 slides or other visual representations that depict or describe specific
46 sexual activities or specific anatomical areas.~~

1 ~~(b) Instruments, devices or paraphernalia that are designed for use~~
2 ~~in connection with specific sexual activities.~~
3 ~~3. "Adult live entertainment establishment" means an establishment~~
4 ~~that features either:~~
5 ~~(a) Persons who appear in a state of nudity.~~
6 ~~(b) Live performances that are characterized by the exposure of~~
7 ~~specific anatomical areas or specific sexual activities.~~
8 ~~4. "Adult motion picture theater" means a commercial establishment~~
9 ~~in which for any form of consideration films, motion pictures,~~
10 ~~videocassettes, slides or other similar photographic reproductions that~~
11 ~~are characterized by the depiction or description of specific sexual~~
12 ~~activities or specific anatomical areas are predominantly shown.~~
13 ~~5. "Adult oriented business" means adult arcades, adult bookstores~~
14 ~~or video stores, cabarets, adult live entertainment establishments, adult~~
15 ~~motion picture theaters, adult theaters, massage establishments that offer~~
16 ~~adult service or nude model studios.~~
17 ~~6. "Adult oriented business manager" means a person on the premises~~
18 ~~of an adult oriented business who is authorized to exercise overall~~
19 ~~operational control of the business.~~
20 ~~7. "Adult service" means dancing, serving food or beverages,~~
21 ~~modeling, posing, wrestling, singing, reading, talking, listening or other~~
22 ~~performances or activities conducted for any consideration in an adult~~
23 ~~oriented business by a person who is nude or seminude during all or part~~
24 ~~of the time that the person is providing the service.~~
25 ~~8. "Adult service provider" or "erotic entertainer" means any~~
26 ~~natural person who provides an adult service.~~
27 ~~9. "Adult theater" means a theater, concert hall, auditorium or~~
28 ~~similar commercial establishment that predominantly features persons who~~
29 ~~appear in a state of nudity or who engage in live performances that are~~
30 ~~characterized by the exposure of specific anatomical areas or specific~~
31 ~~sexual activities.~~
32 ~~10. "Cabaret" means an adult oriented business licensed to provide~~
33 ~~alcoholic beverages pursuant to title 4, chapter 2, article 1.~~
34 ~~11. "Discernibly turgid state" means the state of being visibly~~
35 ~~swollen, bloated, inflated or distended.~~
36 ~~12. "Massage establishment" means an establishment in which a~~
37 ~~person, firm, association or corporation engages in or permits massage~~
38 ~~activities, including any method of pressure on, friction against,~~
39 ~~stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating~~
40 ~~of external soft parts of the body with the hands or with the aid of any~~
41 ~~mechanical apparatus or electrical apparatus or appliance. This paragraph~~
42 ~~does not apply to:~~
43 ~~(a) Persons who are licensed pursuant to title 32, chapter 7, 8,~~
44 ~~13, 14 or 17.~~
45 ~~(b) Registered nurses, licensed practical nurses or technicians who~~
46 ~~are acting under the supervision of a physician who is licensed pursuant~~
47 ~~to title 32, chapter 13 or 17.~~

- 1 ~~(c) Registered nurse practitioners who are licensed pursuant to~~
2 ~~title 32, chapter 15.~~
- 3 ~~(d) Persons who are employed or acting as trainers for a bona fide~~
4 ~~amateur, semiprofessional or professional athlete or athletic team.~~
- 5 ~~(e) Persons who are licensed pursuant to title 32, chapter 5 if the~~
6 ~~activity is limited to the head, face or neck.~~
- 7 ~~13. "Nude model studio" means a place in which a person who appears~~
8 ~~in a state of nudity or who displays specific anatomical areas is~~
9 ~~observed, sketched, drawn, painted, sculptured, photographed or otherwise~~
10 ~~depicted by other persons who pay money or other consideration. Nude~~
11 ~~model studio does not include a proprietary school that is licensed by~~
12 ~~this state, a college, community college or university that is supported~~
13 ~~entirely or in part by taxation, a private college or university that~~
14 ~~maintains and operates educational programs in which credits are~~
15 ~~transferable to a college, community college or university that is~~
16 ~~supported entirely or in part by taxation or a structure to which the~~
17 ~~following apply:~~
- 18 ~~(a) A sign is not visible from the exterior of the structure and no~~
19 ~~other advertising appears indicating that a nude person is available for~~
20 ~~viewing.~~
- 21 ~~(b) A student must enroll at least three days in advance of a class~~
22 ~~in order to participate.~~
- 23 ~~(c) No more than one nude or seminude model is on the premises at~~
24 ~~any time.~~
- 25 ~~14. "Nude", "nudity" or "state of nudity" means any of the~~
26 ~~following:~~
- 27 ~~(a) The appearance of a human anus, genitals or a female breast~~
28 ~~below a point immediately above the top of the areola.~~
- 29 ~~(b) A state of dress that fails to opaquely cover a human anus,~~
30 ~~genitals or a female breast below a point immediately above the top of the~~
31 ~~areola.~~
- 32 ~~15. "Principal business purposes" means that a commercial~~
33 ~~establishment derives fifty percent or more of its gross income from the~~
34 ~~sale or rental of items listed in paragraph 2 of this subsection.~~
- 35 ~~16. "Seminude" means a state of dress in which clothing covers no~~
36 ~~more than the genitals, pubic region and female breast below a point~~
37 ~~immediately above the top of the areola, as well as portions of the body~~
38 ~~that are covered by supporting straps or devices.~~
- 39 ~~17. "Specific anatomical areas" means any of the following:~~
- 40 ~~(a) A human anus, genitals, the pubic region or a female breast~~
41 ~~below a point immediately above the top of the areola that is less than~~
42 ~~completely and opaquely covered.~~
- 43 ~~(b) Male genitals in a discernibly turgid state even if completely~~
44 ~~and opaquely covered.~~
- 45 ~~18. "Specific sexual activities" means any of the following:~~
46 ~~(a) Human genitals in a state of sexual stimulation or arousal.~~

1 ~~(b) Sex acts, normal or perverted, actual or simulated, including~~
2 ~~acts of human masturbation, sexual intercourse, oral copulation or sodomy.~~
3 ~~(c) Fondling or other erotic touching of the human genitals, pubic~~
4 ~~region, buttocks, anus or female breast.~~
5 ~~(d) Excretory functions as part of or in connection with any of the~~
6 ~~activities under subdivision (a), (b) or (c) of this paragraph.>>~~

7 Sec. 11. Section 15-923, Arizona Revised Statutes, is amended to
8 read:

9 15-923. Contracts for transportation; requirement; report

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

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

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

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

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

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

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

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

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

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

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

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

44 Sec. 12. Section 20-3151, Arizona Revised Statutes, is amended to
45 read:

46 20-3151. Definitions

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

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

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

9 3. "Health care plan":

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

12 (b) Does not include limited benefit coverage as defined in section
13 20-1137.

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

18 Sec. 13. Section 28-472, Arizona Revised Statutes, is amended to
19 read:

20 28-472. Fleet operation services; records; rules; vehicle
21 replacement rate; participating agencies;
22 coordinator; public service announcements; annual
23 report

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

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

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

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

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

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

38 E. The department shall recover all costs for fleet operation
39 services that are provided to an agency. Each agency shall pay from
40 available monies the cost of fleet operation services received from the
41 department at a rate determined by the director, including a separate
42 vehicle replacement rate for motor vehicle replacements. The director
43 shall deposit, pursuant to sections 35-146 and 35-147, monies received for
44 fleet operation services in the state fleet operations fund established by
45 section 28-475. The director shall deposit, pursuant to sections 35-146
46 and 35-147, monies received to pay the vehicle replacement rate in the
47 state vehicle replacement fund established by section 28-476.

1 F. The following agencies are excluded from participation in the
2 state motor vehicle fleet:
3 1. The department of public safety.
4 2. The department of economic security.
5 3. The state department of corrections.
6 4. Universities and community colleges.
7 ~~5. The cotton research and protection council.~~
8 ~~6.~~ 5. The Arizona commerce authority.
9 ~~7.~~ 6. The department of child safety.
10 ~~8.~~ 7. The department of transportation.
11 G. The director shall appoint a state motor vehicle fleet
12 coordinator.
13 H. An agency may not purchase, lease or rent a motor vehicle unless
14 the agency is excluded from participation in the state motor vehicle fleet
15 by subsection F of this section. The director may withhold registration
16 for any motor vehicle that is purchased, leased or rented in violation of
17 this subsection.
18 I. Notwithstanding subsection H of this section, an agency that
19 administers a separate account pursuant to section 28-476, subsection C
20 shall control the purchase, lease or rental of motor vehicles. Vehicles
21 purchased, leased or rented under this subsection shall be used by the
22 agency only for the agency's purposes.
23 J. An agency listed in subsection F of this section may elect to
24 participate in the state motor vehicle fleet by executing an interagency
25 service agreement between the agency and the department.
26 K. A governmental budget unit of this state that is not an agency
27 may elect to participate in the state motor vehicle fleet by entering into
28 an interagency service agreement with the department.
29 L. An agency, including an agency listed in subsection F of this
30 section, may accept compensation for placing public service announcements
31 on state-owned motor vehicles, and monies received shall be deposited,
32 pursuant to sections 35-146 and 35-147, in the state general fund. The
33 agency director shall determine the appropriateness of the announcements,
34 may exempt any motor vehicles that are not suitable for advertising and
35 may contract with private parties to design and place the announcements.
36 M. On or before October 1 of each year, the department shall submit
37 to the joint legislative budget committee and the governor's office of
38 strategic planning and budgeting a report that accounts for all monies
39 deposited in the state fleet operations fund established by section 28-475
40 and the state vehicle replacement fund established by section 28-476,
41 including any monies allocated to separate agency accounts. The report
42 shall also include the number of motor vehicles that were replaced in the
43 prior fiscal year, the number of motor vehicles at each agency, the
44 replacement life cycle for each motor vehicle and the number of motor
45 vehicles the department identifies as not requiring replacement.

1 Sec. 14. Section 28-900, Arizona Revised Statutes, is amended to
2 read:

3 28-900. School transportation rules

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

10 B. The rules may include:

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

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

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

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

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

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

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

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

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

41 E. An officer or employee of any school district or charter school
42 who violates any of the rules or who fails to include the obligation to
43 comply with the rules in any contract executed by the officer or employee
44 on behalf of the school district or charter school is guilty of misconduct
45 and is subject to removal from office or employment. Any person who
46 operates a school bus or motor vehicle under contract with a school
47 district or charter school and who fails to comply with any of the rules

1 is in breach of contract, and the school district or charter school shall
2 cancel the contract after notice and a hearing by the responsible officers
3 of the school district or charter school.

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

6 Sec. 15. Repeal

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

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

11 Sec. 16. Section 28-3228, Arizona Revised Statutes, is amended to
12 read:

13 28-3228. School bus drivers; student transportation
14 requirements; rules; cancellation of certificate

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

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

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

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

36 C. The department of public safety ~~in consultation with the student~~
37 ~~transportation advisory council established by section 28-3053~~ shall adopt
38 rules that establish minimum standards for the certification of school bus
39 drivers and drivers of other MOTOR vehicles described in section
40 15-925. In cooperation with local school districts and charter schools,
41 the department of public safety shall provide for school transportation
42 safety and training courses. The standards established shall:

43 1. Include requirements concerning knowledge of operating a school
44 bus or a MOTOR vehicle described in section 15-925, pupil and motor
45 vehicle safety, physical impairments that might affect the applicant's
46 ability to safely operate a school bus or MOTOR vehicle described in
47 section 15-925 or that might endanger the health or safety of passengers,

1 knowledge of first aid, establishment of school bus and other vehicle
2 safety and training courses, a refresher course to be completed on at
3 least a biennial basis and other matters as the department of public
4 safety ~~and the student transportation advisory council established by~~
5 ~~section 28-3053 prescribe~~ PRESCRIBES for the protection of the public.

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

10 3. Authorize the performance of hearing tests with or without the
11 use of a hearing aid as provided in 49 Code of Federal Regulations section
12 391.41.

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

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

19 (b) An applicant to drive a MOTOR vehicle described in section
20 15-925 does not need to possess or obtain a commercial driver license.
21 This subdivision applies only if a commercial driver license is not
22 required by state or federal law to operate the vehicle based on the
23 vehicle's gross vehicle weight rating or occupancy.

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

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

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

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

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

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

3 ~~<<Sec. 19. Repeat~~

4 ~~Title 32, Chapter 5, Arizona Revised Statutes, is repealed.>>~~

5 Sec. 17. Section 32-2231, Arizona Revised Statutes, is amended to
6 read:

7 ~~32-2231. Acts constituting the practice of veterinary~~
8 ~~medicine; exceptions; definitions~~

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

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

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

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

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

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

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

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

38 B. This section does not apply to:

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

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

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

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

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

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

8 (ii) The examination of dental conditions.

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

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

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

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

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

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

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

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

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

34 5. An acupuncturist who is treating an animal ~~pursuant to section~~
35 ~~32-3928~~ and who is in compliance with all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 6. A rabies vaccinator who is certified pursuant to section
23 32-2240.02.

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

28 D. For the purposes of this section:

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

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

34 Sec. 18. Section 32-2901, Arizona Revised Statutes, is amended to
35 read:

36 32-2901. Definitions

37 In this chapter, unless the context otherwise requires:

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

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

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

46 (c) Using devices to determine the biologic electrical response
47 pattern of acupuncture points as a guide to diagnose bodily ailments and

1 to guide the prescription of homeopathic substances, orthomolecular
2 therapy or pharmaceutical medicine.

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

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

18 4. "Approved school of medicine":

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

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

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

37 (a) Successfully complete one of the following:

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

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

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

1 (b) Meet one of the following:

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

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

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

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

14 8. "Controlled substance" means a drug or substance or a drug's or
15 substance's immediate precursor that is defined or listed in title 36,
16 chapter 27, article 2 or the rules adopted pursuant to title 36, chapter
17 27, article 2.

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

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

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

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

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

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

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

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

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

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

45 16. "Medical assistant" means an unlicensed person who has
46 completed an educational program approved by the board, who Assists in a
47 homeopathic practice under the supervision of a doctor of homeopathy or

1 homeopathic physician and who Performs delegated procedures commensurate
2 with the assistant's education and training but who does not diagnose,
3 interpret, design or modify established treatment programs or violate any
4 statute.

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

12 18. "Minor surgery":

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

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

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

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

32 20. "Nutrition" means the recommendation by a licensee of
33 therapeutic or preventative dietary measures, food factor concentrates,
34 fasting and cleansing regimens and the rebalancing by a licensee of
35 digestive system function to correct diseases of malnutrition, to resolve
36 conditions of metabolic imbalance and to support optimal vitality.

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

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

1 23. "Practice of homeopathic medicine",

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

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

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

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

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

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

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

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

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

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

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

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

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

45 Sec. 19. Section 32-2904, Arizona Revised Statutes, is amended to
46 read:

47 32-2904. Powers and duties

- 1 A. The board shall:
- 2 1. Conduct all examinations for applicants for a license under this
3 chapter, issue licenses, conduct hearings, regulate the conduct of
4 licensees and administer and enforce this chapter.
- 5 2. Enforce the standards of practice prescribed by this chapter and
6 board rules.
- 7 3. Collect and account for all fees under this chapter and deposit,
8 pursuant to sections 35-146 and 35-147, the monies in the appropriate
9 fund.
- 10 4. Maintain a record of its acts and proceedings, including the
11 refusal to issue a license or the issuance, renewal, suspension or
12 revocation of licenses to practice according to this chapter.
- 13 5. Maintain a roster of all persons who are licensed pursuant to
14 this chapter that includes:
- 15 (a) The licensee's name.
- 16 (b) The current professional office address.
- 17 (c) The date and number of the license issued under this chapter.
- 18 (d) Whether the licensee is in good standing.
- 19 6. Adopt and use a seal, the imprint of which is evidence of the
20 board's official acts.
- 21 7. Contract with the department of administration for
22 administrative and recordkeeping services.
- 23 8. Charge additional fees that do not exceed the cost of the
24 services for services the board deems necessary to carry out its intent
25 and purposes.
- 26 9. Adopt rules regarding the regulation and the qualifications of
27 medical assistants.
- 28 10. Keep board records open to public inspection during normal
29 business hours.
- 30 ~~11. Meet each January with the acupuncture board of examiners to set
31 financial compensation for staff and operating expense sharing.~~
- 32 B. The board may:
- 33 1. Adopt rules necessary or proper to administer this chapter.
- 34 2. Subject to title 41, chapter 4, article 4, hire personnel to
35 carry out the purposes of this chapter.
- 36 3. Hire investigators subject to title 41, chapter 4, article 4 or
37 contract with investigators to assist in investigating violations of this
38 chapter and contract with other state agencies if required to carry out
39 this chapter.
- 40 4. Appoint one of its members to the jurisdiction arbitration panel
41 pursuant to section 32-2907, subsection B.
- 42 5. Subject to title 41, chapter 4, article 4, employ consultants to
43 perform duties the board determines are necessary to implement this
44 chapter.
- 45 6. Compile and publish an annual directory.
- 46 7. Adopt rules to establish competency or professional review
47 standards for any minor surgical procedure.

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

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

8 Sec. 20. Section 32-2905, Arizona Revised Statutes, is amended to
9 read:

10 32-2905. Executive director; personnel; duties; compensation

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

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

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

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

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

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

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

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

29 5. Perform all duties prescribed by the board.

30 6. Perform all administrative duties of the board.

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

33 Sec. 21. Section 32-2932, Arizona Revised Statutes, is amended to
34 read:

35 32-2932. Use of title or abbreviation by licensees

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

44 B. A person who is licensed pursuant to section 32-2912, subsection
45 B may use the designation "homeopathic practitioner", "doctor of
46 homeopathy" or "homeopathic doctor". A person may use the designation
47 "homeopathic doctor" or "doctor of homeopathy" only if the person holds a

1 doctorate and is licensed pursuant to chapter 8, 14, ~~OR~~ 19 ~~or~~ 39 of this
2 title.

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

5 ~~<<Sec. 25. Section 32-3021, Arizona Revised Statutes, is amended to~~
6 ~~read:~~

7 ~~32-3021. Private vocational program license; qualifications;~~
8 ~~provision of information; exemptions~~

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

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

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

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

23 ~~3. Be financially responsible and have management capability.~~

24 ~~4. Maintain a qualified faculty.~~

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

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

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

32 ~~8. Provide courses of instruction that meet stated objectives.~~

33 ~~9. Provide a grievance procedure for students.~~

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

36 ~~11. Other requirements the board deems necessary.~~

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

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

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

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

47 ~~3. The federal bureau of investigation.~~

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

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

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

16 ~~2. 1. An instructional program or course sponsored by a bona fide~~
17 ~~trade association solely for its members.~~

18 ~~3. 2. Privately owned academic schools engaged in the process of~~
19 ~~general education that is designed to produce a level of development~~
20 ~~equivalent to that necessary to meet the requirements for entrance into a~~
21 ~~public community college or public university in this state and that may~~
22 ~~incidentally offer technical and vocational courses as part of the~~
23 ~~curriculum.~~

24 ~~4. 3. Schools or private instruction conducted by any person~~
25 ~~engaged in training, tutoring or teaching individuals or groups, if the~~
26 ~~instruction is related to hobbies, avocations, academic improvement or~~
27 ~~recreation and may only incidentally lead to gainful employment.~~

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

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

33 ~~(a) The employee is not charged a fee.~~

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

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

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

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

46 ~~10. A training program approved by the board of examiners of~~
47 ~~nursing care institution administrators and assisted living facility~~

~~1 managers that solely provides training for managers and caregivers of
2 assisted living facilities.~~

~~3 11. A yoga teacher training course or program or a yoga
4 instructional course or program.~~

~~5 12. A private instructional program or course that is less than
6 forty contact hours in length and that charges a fee of less than
7 \$1,000. For the purposes of this paragraph, "contact hour" means a
8 fifty-minute session of scheduled in-class or online instruction.>>~~

9 Sec. 22. Section 32-3101, Arizona Revised Statutes, is amended to
10 read:

11 32-3101. Definitions

12 In this chapter, unless the context otherwise requires:

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

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

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

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

31 5. "Inspection" means the periodic examination of practitioners by
32 a state agency in order to ascertain whether the practitioners' occupation
33 is being carried out in a fashion consistent with the public health,
34 safety and welfare.

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

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

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

1 regulated or an activity directly related to the profession being
2 regulated.

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

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

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

13 Sec. 23. Section 32-3201, Arizona Revised Statutes, is amended to
14 read:

15 32-3201. Definitions

16 In this chapter, unless the context otherwise requires:

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

22 ~~1.~~ 2. "Health profession regulatory board" means any board that
23 regulates one or more health professionals in this state.

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

26 Sec. 24. Section 32-3218, Arizona Revised Statutes, is amended to
27 read:

28 32-3218. Health profession regulatory boards; members;
29 training; definitions

30 A. ~~Beginning January 1, 2015,~~ Each member of a health profession
31 regulatory board shall complete a twelve-hour training within one year
32 after the member's initial appointment to the board. ~~Any member of a~~
33 ~~health profession regulatory board whose initial appointment was before~~
34 ~~January 1, 2015 has until January 1, 2016 to complete the training~~
35 ~~required by this subsection.~~ The training must include the subjects of
36 governance and administrative management, disciplinary procedures, conduct
37 of quasi-judicial proceedings, administrative procedure and rule adoption
38 and licensure as they apply to the health profession regulatory board.
39 Any training completed by a current board member on and after January 1,
40 2014 on the topics specified in this subsection may count toward the
41 requirements of this subsection.

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

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

4 D. For the purposes of this section:

5 ~~2.~~ 1. "Health professional" means a person who is certified or
6 licensed pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19,
7 19.1, 21, 25, 28, 29, 34, 35, ~~39~~, 41 or 42 of this title.

8 ~~1.~~ 2. "Health profession regulatory board" means any board that
9 regulates one or more health ~~professiona~~ PROFESSIONALS in this state.

10 <<Sec. 29. Section 32-3231, Arizona Revised Statutes, is amended to
11 read:

12 ~~32-3231. Definitions~~

13 ~~In this article, unless the context otherwise requires:~~

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

19 ~~2. "Aesthetician" has the same meaning prescribed in section~~
20 ~~32-501.~~

21 ~~3. 2. "Cosmetic purpose" means for the purpose of beautifying,~~
22 ~~preserving or conferring comeliness, excluding therapeutic massage and~~
23 ~~manipulations.~~

24 ~~4. 3. "Department" means the department of health services.~~

25 ~~5. 4. "Directly supervised" means a health professional who is~~
26 ~~licensed in this state and whose scope of practice allows the supervision~~
27 ~~supervises the use of a laser or IPL device for cosmetic purposes while~~
28 ~~the health professional is present at the facility where and when the~~
29 ~~device is being used.~~

30 ~~6. 5. "Indirect supervision" means supervision by a health~~
31 ~~professional who is licensed in this state, whose scope of practice allows~~
32 ~~the supervision and who is readily accessible by telecommunication.~~

33 ~~7. 6. "IPL device" has the same meaning prescribed in section~~
34 ~~32-516 MEANS AN INTENSE PULSE LIGHT CLASS II SURGICAL DEVICE CERTIFIED IN~~
35 ~~ACCORDANCE WITH THE STANDARDS OF THE DEPARTMENT FOR COSMETIC PROCEDURES.~~

36 ~~8. 7. "Laser" has the same meaning prescribed in section 32-516~~
37 ~~MEANS ANY DEVICE THAT CAN PRODUCE OR AMPLIFY ELECTROMAGNETIC RADIATION~~
38 ~~WITH WAVELENGTHS IN THE RANGE OF ONE HUNDRED EIGHTY NANOMETERS TO ONE~~
39 ~~MILLIMETER PRIMARILY BY THE PROCESS OF CONTROLLED STIMULATED EMISSION AND~~
40 ~~CERTIFIED IN ACCORDANCE WITH THE STANDARDS FOR THE DEPARTMENT FOR COSMETIC~~
41 ~~PROCEDURES.~~

42 ~~9. 8. "Laser technician" means a person who is or has been~~
43 ~~certified by the department pursuant to its rules and this article.~~

44 ~~10. 9. "Registrant" means a person or entity that owns or operates~~
45 ~~a laser or IPL device for which the application for registration is on~~
46 ~~file with the department and that is in compliance with department~~
47 ~~rules.>>~~

1 Sec. 25. Repeal
2 Title 32, chapter 39, Arizona Revised Statutes, is repealed.

3 Sec. 26. Section 36-3601, Arizona Revised Statutes, is amended to
4 read:

5 36-3601. Definitions

6 For the purposes of this chapter:

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

9 2. "Health care provider":

10 (a) Means a person licensed pursuant to title 32, chapter 7, 8, 13,
11 14, 15, 15.1, 16, 17, 18, 19, 19.1, 25, 28, 29, 33, 34, 35, ~~39~~, 41 or 42,
12 or chapter 4, article 6 of this title, chapter 6, article 7 of this title
13 or chapter 17 of this title.

14 (b) Includes:

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

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

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

22 4. "Telehealth" means:

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

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

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

34 Sec. 27. Section 41-619.51, Arizona Revised Statutes, is amended to
35 read:

36 41-619.51. Definitions

37 In this article, unless the context otherwise requires:

38 1. "Agency" means the supreme court, the department of economic
39 security, the department of child safety, the department of education, the
40 department of health services, the department of juvenile corrections, the
41 department of emergency and military affairs, the department of public
42 safety, the department of transportation, the state real estate
43 department, the department of insurance and financial institutions, the
44 Arizona game and fish department, the Arizona department of agriculture,
45 the board of examiners of nursing care institution administrators and
46 assisted living facility managers, the state board of dental examiners,
47 the Arizona state board of pharmacy, the board of physical therapy, the

1 state board of psychologist examiners, the board of athletic training, the
2 board of occupational therapy examiners, the state board of podiatry
3 examiners, ~~the acupuncture board of examiners~~ the state board of technical
4 registration, ~~or~~ the board of massage therapy or the Arizona department of
5 housing.

6 2. "Board" means the board of fingerprinting.

7 3. "Central registry exception" means notification to the
8 department of economic security, the department of child safety or the
9 department of health services, as appropriate, pursuant to section
10 41-619.57 that the person is not disqualified because of a central
11 registry check conducted pursuant to section 8-804.

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

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

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

- 20 (a) Section 3-314.
- 21 (b) Section 8-105.
- 22 (c) Section 8-322.
- 23 (d) Section 8-463.
- 24 (e) Section 8-509.
- 25 (f) Section 8-802.
- 26 (g) Section 8-804.
- 27 (h) Section 15-183.
- 28 (i) Section 15-503.
- 29 (j) Section 15-512.
- 30 (k) Section 15-534.
- 31 (l) Section 15-763.01.
- 32 (m) Section 15-782.02.
- 33 (n) Section 15-1330.
- 34 (o) Section 15-1881.
- 35 (p) Section 17-215.
- 36 (q) Section 28-3228.
- 37 (r) Section 28-3413.
- 38 (s) Section 32-122.02.
- 39 (t) Section 32-122.05.
- 40 (u) Section 32-122.06.
- 41 (v) Section 32-823.
- 42 (w) Section 32-1232.
- 43 (x) Section 32-1276.01.
- 44 (y) Section 32-1284.
- 45 (z) Section 32-1297.01.
- 46 (aa) Section 32-1904.
- 47 (bb) Section 32-1941.

- 1 (cc) Section 32-1982.
- 2 (dd) Section 32-2022.
- 3 (ee) Section 32-2063.
- 4 (ff) Section 32-2108.01.
- 5 (gg) Section 32-2123.
- 6 (hh) Section 32-2371.
- 7 (ii) Section 32-3430.
- 8 (jj) Section 32-3620.
- 9 (kk) Section 32-3668.
- 10 (ll) Section 32-3669.
- 11 ~~(mm) Section 32-3922.~~
- 12 ~~(nn) Section 32-3924.~~
- 13 ~~(oo)~~ (mm) Section 32-4222.
- 14 ~~(pp)~~ (nn) Section 32-4128.
- 15 ~~(qq)~~ (oo) Section 36-113.
- 16 ~~(rr)~~ (pp) Section 36-207.
- 17 ~~(ss)~~ (qq) Section 36-411.
- 18 ~~(tt)~~ (rr) Section 36-425.03.
- 19 ~~(uu)~~ (ss) Section 36-446.04.
- 20 ~~(vv)~~ (tt) Section 36-594.01.
- 21 ~~(ww)~~ (uu) Section 36-594.02.
- 22 ~~(xx)~~ (vv) Section 36-766.01.
- 23 ~~(yy)~~ (ww) Section 36-882.
- 24 ~~(zz)~~ (xx) Section 36-883.02.
- 25 ~~(aaa)~~ (yy) Section 36-897.01.
- 26 ~~(bbb)~~ (zz) Section 36-897.03.
- 27 ~~(ccc)~~ (aaa) Section 36-3008.
- 28 ~~(ddd)~~ (bbb) Section 41-619.53.
- 29 ~~(eee)~~ (ccc) Section 41-1964.
- 30 ~~(fff)~~ (ddd) Section 41-1967.01.
- 31 ~~(ggg)~~ (eee) Section 41-1968.
- 32 ~~(hhh)~~ (fff) Section 41-1969.
- 33 ~~(iii)~~ (ggg) Section 41-2814.
- 34 ~~(jjj)~~ (hhh) Section 41-4025.
- 35 ~~(kkk)~~ (iii) Section 46-141, subsection A or B.
- 36 ~~(lll)~~ (jjj) Section 46-321.
- 37 Sec. 28. Section 41-712, Arizona Revised Statutes, is amended to
- 38 read:
- 39 41-712. Telecommunications program office; state contractor;
- 40 cost of operation; employees; report; exception
- 41 A. The director shall establish a telecommunications program office
- 42 within the department to enter into a primary contract with a corporation
- 43 authorized to do business in this state for the contractor to provide for
- 44 the installation and maintenance of telecommunication systems and to act
- 45 as the state's agent for telecommunication carrier services to the
- 46 offices, departments and agencies of this state. Each office, department
- 47 and agency of this state shall contract with the primary contractor

1 through the telecommunications program office and make payment to the
2 primary contractor for its telecommunications needs.

3 B. With the approval of the director, the telecommunications
4 program office may enter into more than one contract for each statewide
5 telecommunications product or service not provided by the primary
6 contractor.

7 C. The director shall pay administrative costs of the
8 telecommunications program office, and each office, department or other
9 state agency shall pay from available monies the proportionate cost of
10 administration of the office as determined by the director. In carrying
11 out this subsection, the director shall only employ those contract
12 managers, telephone operators, help desk personnel and forensic
13 investigators required to oversee the primary contract and administer
14 efficiently the telecommunications program office.

15 D. The department shall prepare and submit an annual consolidated
16 telecommunications budget report to the joint legislative budget committee
17 in connection with its annual budget request showing the previous fiscal
18 year's actual payments and the next fiscal year's anticipated payments
19 charged and received by the primary contractor from state offices,
20 departments and agencies for telecommunications services.

21 E. All procurement pursuant to this section shall be as prescribed
22 in chapter 23 of this title unless otherwise provided by law.

23 F. Any contract involving the use of a state highway right-of-way
24 is subject to approval pursuant to sections 28-304, 28-363, 28-7045,
25 28-7048 and 28-7209.

26 ~~G. This section does not apply to the cotton research and~~
27 ~~protection council established by section 3-1082.~~

28 Sec. 29. Section 41-741, Arizona Revised Statutes, is amended to
29 read:

30 41-741. Definitions

31 In this article and articles 5 and 6 of this chapter, unless the
32 context otherwise requires:

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

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

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

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

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

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

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

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

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

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

23 6. "Covered service" means that employment status conferring rights
24 of appeal as prescribed in sections 41-782 and 41-783 or section
25 41-1830.16, as applicable.

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

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

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

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

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

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

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

45 14. "Significant procurement role":

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

- 1 (i) Participating in the development of a procurement as defined in
2 section 41-2503.
- 3 (ii) Participating in the development of an evaluation tool.
- 4 (iii) Approving a procurement as defined in section 41-2503 or an
5 evaluation tool.
- 6 (iv) Soliciting quotes greater than ~~ten thousand dollars~~ \$10,000
7 for the provision of materials, services or construction.
- 8 (v) Serving as a technical advisor or an evaluator who evaluates a
9 procurement as defined in section 41-2503.
- 10 (vi) Recommending or selecting a vendor that will provide
11 materials, services or construction to this state.
- 12 (vii) Serving as a ~~decision maker~~ DECISION-MAKER or designee on a
13 protest or an appeal by a party regarding an agency procurement selection
14 or decision.
- 15 (b) Does not include making decisions on developing specifications
16 and the scope of work for a procurement as defined in section 41-2503 if
17 the decision is based on the application of commonly accepted industry
18 standards or known published standards of the agency as applied to the
19 project, services, goods or materials.
- 20 15. "State agency":
- 21 (a) Means a department, board, office, authority, commission or
22 other governmental budget unit of this state and includes an agency
23 assigned to a department for administrative purposes. ~~State agency~~
- 24 (b) Does not include the legislative and judicial branches, the
25 Arizona board of regents, state universities, the Arizona state schools
26 for the deaf and the blind, the department of public safety, the Arizona
27 peace officer standards and training board, ~~the cotton research and~~
28 ~~protection council~~ or public corporations.
- 29 16. "State personnel board" means the board established by section
30 41-781.
- 31 17. "State personnel system" means all state agencies and employees
32 of those agencies that are not exempted by this article.
- 33 18. "State service" means all offices and positions of employment
34 in state government that, before September 29, 2012, were subject to the
35 provisions of articles 5 and 6 of this chapter that were in effect before
36 September 29, 2012.
- 37 19. "Supervisor" means a state employee who has one or more other
38 state employees reporting directly to the person and, for those state
39 employees, typically has the authority to:
- 40 (a) Approve sick or annual leave.
- 41 (b) Recommend hiring, discipline or dismissal.
- 42 (c) Assign or schedule daily work.
- 43 (d) Complete a performance evaluation.
- 44 20. "Uncovered employee" means an employee in uncovered service.
- 45 21. "Uncovered service" means employment at will and includes all
46 state employees except those in covered service.

1 Sec. 30. Section 41-742, Arizona Revised Statutes, is amended to
2 read:

3 41-742. State personnel system: covered and uncovered
4 employees; application; exemptions

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

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

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

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

12 (b) Is a supervisor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 5. A statewide training program.

19 6. A statewide performance management system.

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

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

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

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

29 2. Members of boards and commissions who are appointed by the
30 legislature or the governor, board members appointed pursuant to section
31 41-619.52 unless otherwise prescribed by law, employees of the Arizona
32 legislative council, employees appointed or employed by the legislature,
33 any legislative agency or either house of the legislature and employees of
34 the supreme court and the court of appeals.

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

38 4. Patients or inmates employed in state institutions.

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

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

43 ~~7.~~ 6. The department of public safety.

44 ~~8.~~ 7. The Arizona peace officer standards and training board.

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

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

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

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

15 1. Employees of the governor's office.

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

17 (a) Report directly to the elected official.

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

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

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

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

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

29 6. Employees in investment-related positions in the state
30 retirement system or plans established by title 38, chapter 5, article 2,
31 3, 4 or 6.

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

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

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

44 <<Sec. 36. Repea

45 Title 41, chapter 5, article 6, Arizona Revised Statutes, is
46 repeated.>>

1 Sec. 31. Section 41-1005, Arizona Revised Statutes, is amended to
2 read:

3 41-1005. Exemptions

4 A. This chapter does not apply to any:

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

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

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

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

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

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

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

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

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

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

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

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

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

40 10. Fees prescribed by section 6-125.

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

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

44 ~~13.~~ 12. Fees established under sections 41-4010 and 41-4042.

45 ~~14.~~ 13. Rule or other matter relating to agency contracts.

46 ~~15.~~ 14. Fees established under section 32-2067 or 32-2132.

47 ~~16.~~ 15. Rules made pursuant to section 5-111, subsection A.

- 1 ~~17.~~ 16. Rules made by the Arizona state parks board concerning the
2 operation of the Tonto natural bridge state park, the facilities located
3 in the Tonto natural bridge state park and the entrance fees to the Tonto
4 natural bridge state park.
- 5 ~~18.~~ 17. Fees or charges established under section 41-511.05.
- 6 ~~19.~~ 18. Emergency medical services protocols except as provided in
7 section 36-2205, subsection B.
- 8 ~~20.~~ 19. Fee schedules established pursuant to section 36-3409.
- 9 ~~21.~~ 20. Procedures of the state transportation board as prescribed
10 in section 28-7048.
- 11 ~~22.~~ 21. Rules made by the state department of corrections.
- 12 ~~23.~~ 22. Fees prescribed pursuant to section 32-1527.
- 13 ~~24.~~ 23. Rules made by the department of economic security pursuant
14 to section 46-805.
- 15 ~~25.~~ 24. Schedule of fees prescribed by section 23-908.
- 16 ~~26.~~ 25. Procedure that is established pursuant to title 23,
17 chapter 6, article 6.
- 18 ~~27.~~ 26. Rules, administrative policies, procedures and guidelines
19 adopted for any purpose by the Arizona commerce authority pursuant to
20 chapter 10 of this title if the authority provides, as appropriate under
21 the circumstances, for notice of an opportunity for comment on the
22 proposed rules, administrative policies, procedures and guidelines.
- 23 ~~28.~~ 27. Rules made by a marketing commission or marketing
24 committee pursuant to section 3-414.
- 25 ~~29.~~ 28. Administration of public assistance program monies
26 authorized for liabilities that are incurred for disasters declared
27 pursuant to sections 26-303 and 35-192.
- 28 ~~30.~~ 29. User charges, tolls, fares, rents, advertising and
29 sponsorship charges, services charges or similar charges established
30 pursuant to section 28-7705.
- 31 ~~31.~~ 30. Administration and implementation of the hospital
32 assessment pursuant to section 36-2901.08, except that the Arizona health
33 care cost containment system administration must provide notice and an
34 opportunity for public comment at least thirty days before establishing or
35 implementing the administration of the assessment.
- 36 ~~32.~~ 31. Rules made by the Arizona department of agriculture to
37 adopt and implement the provisions of the federal milk ordinance as
38 prescribed by section 3-605.
- 39 ~~33.~~ 32. Rules made by the Arizona department of agriculture to
40 adopt, implement and administer the United States food and drug
41 administration produce safety rule (21 Code of Federal Regulations part
42 112) and any other federal produce safety regulation, order or guideline
43 or other requirement adopted pursuant to the FDA food safety modernization
44 act (P.L. 111-353; 21 United States Code sections 2201 through 2252) as
45 provided by title 3, chapter 3, article 4.1.
- 46 ~~34.~~ 33. Calculations that are performed by the department of
47 economic security and that are associated with the adjustment of the

1 sliding fee scale and formula for determining child care assistance
2 pursuant to section 46-805.

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

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

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

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

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

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

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

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

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

43 G. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
44 chapter do not apply to the state board for charter schools, except that
45 the board shall adopt policies or rules for the board and the charter
46 schools sponsored by the board that provide, as appropriate under the
47 circumstances, for notice of and opportunity for comment on the policies

1 or rules proposed for adoption. In order to implement or change any
2 policy or rule, the board shall provide at least two opportunities for
3 public comment. The state board for charter schools shall consider the
4 fiscal impact of any proposed rule pursuant to this subsection.

5 Sec. 32. Section 41-1092, Arizona Revised Statutes, is amended to
6 read:

7 41-1092. Definitions

8 In this article, unless the context otherwise requires:

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

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

17 3. "Adversely affected party" means:

18 (a) An individual who both:

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

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

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

28 4. "Appealable agency action" means an action that determines the
29 legal rights, duties or privileges of a party, including the
30 administrative completeness of an application other than an application
31 submitted to the department of water resources pursuant to title 45, and
32 that is not a contested case. Appealable agency actions do not include
33 interim orders by self-supporting regulatory boards, rules, orders,
34 standards or statements of policy of general application issued by an
35 administrative agency to implement, interpret or make specific the
36 legislation enforced or administered by it or clarifications of
37 interpretation, nor does it mean or include rules concerning the internal
38 management of the agency that do not affect private rights or interests.
39 For the purposes of this paragraph, administrative hearing does not
40 include a public hearing held for the purpose of receiving public comment
41 on a proposed agency action.

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

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

1 In this article, unless the context otherwise requires:

2 1. "Agency" means the supreme court, the department of economic
3 security, the department of child safety, the department of education, the
4 department of health services, the department of juvenile corrections, the
5 department of emergency and military affairs, the department of public
6 safety, the department of transportation, the state real estate
7 department, the department of insurance and financial institutions, the
8 board of fingerprinting, the Arizona game and fish department, the Arizona
9 department of agriculture, the board of examiners of nursing care
10 institution administrators and assisted living facility managers, the
11 state board of dental examiners, the Arizona state board of pharmacy, the
12 board of physical therapy, the state board of psychologist examiners, the
13 board of athletic training, the board of occupational therapy examiners,
14 the state board of podiatry examiners, ~~the acupuncture board of examiners,~~
15 the state board of technical registration, the board of massage therapy or
16 the Arizona department of housing.

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

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

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

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

- 30 (a) Section 3-314.
- 31 (b) Section 8-105.
- 32 (c) Section 8-322.
- 33 (d) Section 8-463.
- 34 (e) Section 8-509.
- 35 (f) Section 8-802.
- 36 (g) Section 15-183.
- 37 (h) Section 15-503.
- 38 (i) Section 15-512.
- 39 (j) Section 15-534.
- 40 (k) Section 15-763.01.
- 41 (l) Section 15-782.02.
- 42 (m) Section 15-1330.
- 43 (n) Section 15-1881.
- 44 (o) Section 17-215.
- 45 (p) Section 28-3228.
- 46 (q) Section 28-3413.
- 47 (r) Section 32-122.02.

- 1 (s) Section 32-122.05.
- 2 (t) Section 32-122.06.
- 3 (u) Section 32-823.
- 4 (v) Section 32-1232.
- 5 (w) Section 32-1276.01.
- 6 (x) Section 32-1284.
- 7 (y) Section 32-1297.01.
- 8 (z) Section 32-1904.
- 9 (aa) Section 32-1941.
- 10 (bb) Section 32-1982.
- 11 (cc) Section 32-2022.
- 12 (dd) Section 32-2063.
- 13 (ee) Section 32-2108.01.
- 14 (ff) Section 32-2123.
- 15 (gg) Section 32-2371.
- 16 (hh) Section 32-3430.
- 17 (ii) Section 32-3620.
- 18 (jj) Section 32-3668.
- 19 (kk) Section 32-3669.
- 20 ~~(ll) Section 32-3922.~~
- 21 ~~(mm) Section 32-3924.~~
- 22 ~~(nn)~~ (ll) Section 32-4128.
- 23 ~~(oo)~~ (mm) Section 32-4222.
- 24 ~~(pp)~~ (nn) Section 36-113.
- 25 ~~(qq)~~ (oo) Section 36-207.
- 26 ~~(rr)~~ (pp) Section 36-411.
- 27 ~~(ss)~~ (qq) Section 36-425.03.
- 28 ~~(tt)~~ (rr) Section 36-446.04.
- 29 ~~(uu)~~ (ss) Section 36-594.01.
- 30 ~~(vv)~~ (tt) Section 36-594.02.
- 31 ~~(ww)~~ (uu) Section 36-766.01.
- 32 ~~(xx)~~ (vv) Section 36-882.
- 33 ~~(yy)~~ (ww) Section 36-883.02.
- 34 ~~(zz)~~ (xx) Section 36-897.01.
- 35 ~~(aaa)~~ (yy) Section 36-897.03.
- 36 ~~(bbb)~~ (zz) Section 36-3008.
- 37 ~~(ccc)~~ (aaa) Section 41-619.52.
- 38 ~~(ddd)~~ (bbb) Section 41-619.53.
- 39 ~~(eee)~~ (ccc) Section 41-1964.
- 40 ~~(fff)~~ (ddd) Section 41-1967.01.
- 41 ~~(ggg)~~ (eee) Section 41-1968.
- 42 ~~(hhh)~~ (fff) Section 41-1969.
- 43 ~~(iii)~~ (ggg) Section 41-2814.
- 44 ~~(jjj)~~ (hhh) Section 41-4025.
- 45 ~~(kkk)~~ (iii) Section 46-141, subsection A or B.
- 46 ~~(lll)~~ (jjj) Section 46-321.

1 6. "Rap back services" has the same meaning prescribed in section
2 41-1750.

3 7. "Vulnerable adult" has the same meaning prescribed in section
4 13-3623.

5 Sec. 34. Section 41-1758.01, Arizona Revised Statutes, is amended
6 to read:

7 41-1758.01. Fingerprinting division: powers and duties

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

10 1. Conduct fingerprint background checks for persons and applicants
11 who are seeking licenses from state agencies, employment with licensees,
12 contract providers and state agencies or employment or educational
13 opportunities with agencies that require fingerprint background checks
14 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
15 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
16 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232,
17 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022,
18 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668, 32-3669,
19 ~~32-3922, 32-3924~~, 32-4128, 32-4222, 36-113, 36-207, 36-411, 36-425.03,
20 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02, 36-897.01,
21 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968,
22 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141, subsection A or B and
23 section 46-321.

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

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

31 4. Inform in writing each person who submits fingerprints for a
32 fingerprint background check of the right to petition the board of
33 fingerprinting for a good cause exception pursuant to section 41-1758.03,
34 41-1758.04 or 41-1758.07.

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

42 6. Notify the person in writing if the division suspends, revokes
43 or places a driving restriction notation on a fingerprint clearance card
44 pursuant to section 41-1758.04. The notice shall include the criminal
45 history information on which the suspension, revocation or placement of
46 the driving restriction notation was based. This criminal history

1 information is subject to dissemination restrictions pursuant to section
2 41-1750 and Public Law 92-544.

3 7. Administer and enforce this article.

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

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

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

16 Sec. 35. Repeal

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

18 Sec. 36. Section 41-2501, Arizona Revised Statutes, is amended to
19 read:

20 41-2501. Applicability

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

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

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

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

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

44 F. The Arizona board of regents shall adopt rules prescribing
45 procurement policies and procedures for itself and institutions under its
46 jurisdiction. The rules must be substantially equivalent to the other

1 policies and procedures prescribed in this chapter, including sections
2 41-2576 and 41-2577.

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

7 H. The Arizona state lottery commission is exempt from this chapter
8 for procurement relating to the design and operation of the lottery or
9 purchase of lottery equipment, tickets and related materials. The
10 executive director of the Arizona state lottery commission shall adopt
11 rules substantially equivalent to the policies and procedures in this
12 chapter for procurement relating to the design and operation of the
13 lottery or purchase of lottery equipment, tickets or related materials.
14 All other procurement shall be as prescribed by this chapter.

15 I. The Arizona health care cost containment system administration
16 is exempt from this chapter for provider contracts pursuant to section
17 36-2904, subsection A and contracts for goods and services, including
18 program contractor contracts pursuant to title 36, chapter 29, articles 2
19 and 3 and contracts with regional behavioral health authorities pursuant
20 to title 36, chapter 34. All other procurement, including contracts for
21 the statewide administrator of the program pursuant to section 36-2903,
22 subsection B, shall be as prescribed by this chapter.

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

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

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

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

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

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

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

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

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

10 O. The head of any state governmental unit, in relation to any
11 contract exempted by this section from this chapter, has the same
12 authority to adopt rules, procedures or policies as is delegated to the
13 director pursuant to this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 BB. The department of environmental quality is exempt from this
32 chapter for contracting for procurements relating to the water quality
33 assurance revolving fund program established pursuant to title 49, chapter
34 2, article 5. The department shall engage in a source selection process
35 that is similar to the procedures prescribed by this chapter. The
36 department may contract for remedial actions with a single selection
37 process. The exclusive remedy for disputes or claims relating to
38 contracting pursuant to this subsection is as prescribed by article 9 of
39 this chapter and the rules adopted pursuant to that article. All other
40 procurement by the department shall be as prescribed by this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 that are also offered by private enterprise unless specifically authorized
2 by law other than administrative law and executive orders.

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

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

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

11 2. Correctional industries established and operated by the state
12 department of corrections if the prices charged for products sold by the
13 correctional industries are not less than the actual cost of producing and
14 marketing the product plus a reasonable allowance for overhead and
15 administrative costs.

16 3. The office of tourism.

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

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

24 6. The department of public safety.

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

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

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

33 10. Agreements executed by the department of economic security with
34 other states to design, develop, install and operate support collection
35 technology systems and related services. The department shall deposit,
36 pursuant to sections 35-146 and 35-147, monies received pursuant to this
37 paragraph in the public assistance collections fund established by section
38 46-295.

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

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

46 ~~13.~~ 12. The lease or sublease of lands or buildings by the
47 department of economic security pursuant to section 41-1958.

1 ~~14.~~ 13. The Arizona commerce authority.
2 ~~15.~~ 14. The Arizona game and fish commission, but only for the
3 sale of goods or services and not firearms.
4 ~~16.~~ 15. The lease or sublease of lands or buildings by the
5 department of child safety pursuant to section 8-460.
6 ~~17.~~ 16. Agreements executed by the department of child safety with
7 other states to design, develop, install and operate support collection
8 technology systems and related services. The department shall deposit,
9 pursuant to sections 35-146 and 35-147, monies received pursuant to this
10 paragraph in the child safety collections fund established by section
11 8-461.
12 ~~18.~~ 17. The lease or sublease of state hospital lands or buildings
13 by the department of health services.
14 ~~19.~~ 18. The sale or lease of software, computer systems or
15 intellectual property developed by the department of education or
16 associated services provided for the sale or lease of software, computer
17 systems or intellectual property by the department of education. The
18 department shall deposit, pursuant to sections 35-146 and 35-147, sixty
19 percent of the profit from the monies generated pursuant to this paragraph
20 in the state general fund and the remaining forty percent in the
21 department of education intellectual property fund established by section
22 15-231.04. The department of education may not transfer or expend monies
23 or personnel resources for the purposes of marketing or soliciting goods
24 or services authorized pursuant to this paragraph that were appropriated
25 and authorized for other functions and programs of the department of
26 education.
27 ~~20.~~ 19. The lease or sublease of any real estate or related
28 infrastructure by the department of emergency and military affairs
29 pursuant to section 26-262, subsection K, paragraph 4.
30 D. The restrictions on activities that compete with private
31 enterprise contained in subsection A of this section do not apply to
32 community colleges and universities under the jurisdiction of a governing
33 board.
34 E. For the purposes of this section, "profit" means any monies
35 generated from the sale or lease of goods and services after accounting
36 for the costs paid by this state, including appropriations from the state
37 general fund.
38 Sec. 39. Repeal
39 Sections 41-3026.03, [~~41-3026.06, 41-3030.10,~~] 41-3030.25,
40 41-3032.07 and 43-619, Arizona Revised Statutes, are repealed.
41 ~~<<Sec. 46. Section 44-6852, Arizona Revised Statutes, is amended to~~
42 ~~read:~~
43 ~~44-6852. Dishonored checks; service fee~~
44 ~~Notwithstanding any other law and except as provided in section~~
45 ~~32-507, the holder, payee or assignee of the holder or payee of a~~
46 ~~dishonored check, draft, order or note may charge and collect from the~~
47 ~~maker or drawer a service fee of not more than \$25 plus any actual charges~~

1 ~~assessed by the financial institution of the holder, payee or assignee of~~
2 ~~the holder or payee as a result of the dishonored instrument.>>~~

3 Sec. 40. Section 48-1301, Arizona Revised Statutes, is amended to
4 read:

5 48-1301. Definitions

6 In this chapter, unless the context otherwise requires:

7 1. "Board" means the board of directors of a district.

8 ~~2. "Council" means the cotton research and protection council~~
9 ~~established by title 3, chapter 10.~~

10 2. "DEPARTMENT" MEANS THE ARIZONA DEPARTMENT OF AGRICULTURE.

11 3. "District" means a cotton pest control district established
12 pursuant to this chapter.

13 4. "Pest" means any form of animal or plant life that is
14 detrimental to cotton production.

15 5. "Producer" means a person who farms and produces cotton in a
16 district or proposed district.

17 Sec. 41. Section 48-1302, Arizona Revised Statutes, is amended to
18 read:

19 48-1302. Petition to form a district

20 Any group of cotton producers in a proposed cotton pest control
21 district may petition the ~~cotton research and protection council~~
22 DEPARTMENT to establish a district under this chapter to prevent or
23 eradicate one or more cotton pests. Any district to be formed under this
24 chapter shall require the unanimous consent of the cotton producers to be
25 included in the district before formation of the district shall be
26 allowed.

27 Sec. 42. Section 48-1303, Arizona Revised Statutes, is amended to
28 read:

29 48-1303. Contents of petition

30 The petition to establish the district shall include:

31 1. The signature, name and address of each producer included in the
32 proposed district.

33 2. The producer's farm number established by the ~~council~~
34 DEPARTMENT.

35 3. The boundaries of the proposed district.

36 4. A list of the proposed board of directors of the district.

37 Sec. 43. Section 48-1304, Arizona Revised Statutes, is amended to
38 read:

39 48-1304. Notice of petition and hearing

40 On receiving the petition, the ~~council~~ DEPARTMENT shall determine
41 whether the petition meets the requirements of section 48-1303. If the
42 petition meets those requirements, the ~~council~~ DEPARTMENT shall notify the
43 petitioners of the proposed district of a hearing on the proposed district
44 to be held at least thirty days after the petition was received.

45 Sec. 44. Section 48-1305, Arizona Revised Statutes, is amended to
46 read:

47 48-1305. Hearing; approval or denial

1 A. The ~~council~~ DEPARTMENT shall hold a hearing to receive comments
2 from the petitioners of the proposed district.

3 B. The ~~council~~ DEPARTMENT shall announce its findings within thirty
4 days after the hearing and either approve or deny the formation of the
5 district.

6 C. If the ~~council~~ DEPARTMENT denies the formation of the district:

7 1. Within ten days the ~~council~~ DEPARTMENT shall state its reasons
8 for denial in writing.

9 2. Producers or owners who are qualified pursuant to section
10 48-1302 may submit a new petition to the ~~council~~ DEPARTMENT at any time.

11 Sec. 45. Section 48-1306, Arizona Revised Statutes, is amended to
12 read:

13 48-1306. Board of directors; officers

14 A. A district shall be governed by a board of at least five but not
15 more than eleven directors. Only producers in the district are eligible
16 to serve as a director.

17 B. Within ten days ~~upon~~ AFTER approval of the district by the
18 ~~council~~ DEPARTMENT, the board shall meet and elect a ~~chairman~~ CHAIRPERSON,
19 ~~vice-chairman~~ VICE CHAIRPERSON and secretary from among its members.

20 Sec. 46. Section 48-1308, Arizona Revised Statutes, is amended to
21 read:

22 48-1308. Financial report and budget

23 A. The board shall issue an annual financial report showing the
24 receipts and expenditures of all monies and the district's assets and
25 liabilities at the end of the fiscal year.

26 B. The board shall prepare an annual budget of proposed revenues
27 and expenditures at least sixty days before the beginning of the fiscal
28 year.

29 C. The board may choose to deposit district monies with the ~~council~~
30 DEPARTMENT to be spent at the board's direction.

31 Sec. 47. Section 48-1309, Arizona Revised Statutes, is amended to
32 read:

33 48-1309. Assessments and fees

34 A. Each year after adopting its budget, the board shall levy an
35 assessment based on either:

36 1. The number of bales of cotton that are produced in the district.

37 2. The number of acres of cotton that are farmed in the district.

38 3. Any other method in the district that may be appropriate to
39 raise sufficient monies to carry out the district's pest control program.

40 B. The board shall not levy an assessment on any other crop.

41 C. The board shall prescribe the schedule, procedure and forms for
42 use in paying, collecting and remitting the annual assessment. The board
43 may provide for collection and remission of the assessment in the manner
44 prescribed by the board.

45 D. If the district contracts with the ~~council~~ DEPARTMENT for a pest
46 control management program, the board shall charge a fee before producers
47 plant cotton in the district in an amount that will raise sufficient

1 monies to carry out the contracted program. A producer shall pay the fee
2 in full before the planting date unless payment is guaranteed by the
3 producer's lender or other arrangements are made to the board's
4 satisfaction. If a producer fails to pay a fee or assessment before the
5 planting date, the ~~council~~ DEPARTMENT may abate the fields and assess the
6 costs of abatement to the producer. Before any abatement action, the
7 ~~council~~ DEPARTMENT shall notify the producer in writing and provide for a
8 hearing within ten days after the notice. The ~~council~~ DEPARTMENT shall
9 issue its decision in writing within five days after the hearing. An
10 abatement action may be appealed to the superior court.

11 Sec. 48. Section 48-1311, Arizona Revised Statutes, is amended to
12 read:

13 48-1311. Enlarging district boundaries

14 A. At any time after the district has been formed, the district may
15 adjust its boundaries by a vote of the board and ~~upon~~ ON approval of the
16 council pursuant to subsection B.

17 B. To expand the district, all producers in the expansion area must
18 petition the ~~council~~ DEPARTMENT to be included in the district. Within
19 thirty days after receiving the petition, the ~~council~~ DEPARTMENT shall
20 notify all cotton producers in the district and the expansion area of the
21 receipt of the petition and of a hearing on the petition.

22 C. The ~~council~~ DEPARTMENT shall hold the hearing as provided by the
23 notice to receive oral and written comments favoring and opposing the
24 proposed expansion.

25 D. The ~~council~~ DEPARTMENT shall announce its finding within thirty
26 days after the hearing and either approve or deny the expansion.

27 E. If the ~~council~~ DEPARTMENT denies the expansion:

28 1. Within ten days the ~~council~~ DEPARTMENT shall state in writing
29 the reasons for denial.

30 2. The proponents of expansion may submit a new petition to the
31 ~~council~~ DEPARTMENT at any time.

32 F. A decision by the ~~council~~ DEPARTMENT to approve the expansion is
33 final.

34 Sec. 49. Section 48-1312, Arizona Revised Statutes, is amended to
35 read:

36 48-1312. Dissolution

37 A. Districts may be dissolved by a majority vote of the board of
38 directors of the district.

39 B. If the district is dissolved, the ~~council~~ DEPARTMENT, within
40 sixty days after the action taken under subsection A, shall:

41 1. Dispose of the district's assets, if any.

42 2. Pay the district's outstanding obligations.

43 3. Distribute any remaining district monies to producers in
44 proportion to the last assessment paid by the producer.

45 Sec. 50. Short title

46 This act may be cited as the "Abolition of Functionally Unnecessary
47 Excessive Regulators Act".

House Amendments to H.B. 2031

- 1 Enroll and engross to conform
- 2 Amend title to conform

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