

# THE ARC OF ARIZONA, INC.

## Summary of Significant Arizona Legislation, 2009

June 19, 2009

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**>>SIGNIFIES NEW ADDITIONS TO THIS WEEK'S REPORT**

<b>Bill and Subject</b>	<b>Status</b>
<p><b><u>HB 2016</u>: INTERPRETERS; LICENSURE; EXEMPTION</b> The list of exemptions from licensure for an interpreter for the deaf and hard of hearing is expanded to include interpreters who work in a community college district in a county with a population of fewer than 500,000. Sponsor: Rep. Konopnicki. ARS Title 36.</p>	<p>1/13 Referred to House Government Committee 1/20 Held in House Government Committee</p>
<p><b><u>HB 2091</u>: CHARITABLE ORGANIZATION; SOLICITATIONS; DISCLOSURE</b> Beginning January 1, 2010, the list of unlawful acts as applied to charitable organizations and which serve as sufficient cause for the attorney general to open an investigation is expanded to include knowingly failing to post a notice at donated-item drop-off locations like thrift shops stating whether the collection site is owned by the charity or by a private entity. Ownership is determined by whether a private entity receives at least 51% of the proceeds generated by the retail sale of the donated items received at the collection site. Sponsors: Rep. Reagan &amp; 3; Sen. McCune Davis &amp; 1. ARS Title 44. AS PASSED HOUSE.</p>	<p>5/13 PASSED HOUSE 42-5 6/8 Referred to Senate Commerce &amp; Economic Development Committee 6/16 Passed Senate Commerce &amp; Economic Development Committee 6/18 Passed Senate Rules Committee 6/19 Passed Senate Committee of the Whole</p>
<p><b><u>HB 2098</u>: STRIKER; DEVELOPMENTAL DISABILITIES; REIMBURSEMENT RATES</b> The annual study by an independent consulting firm of the adequacy of AHCCCS and ALTCS reimbursement rates for services provided to the developmentally disabled is to be completed at least once every five years. Additional guidance is given to the consultant on the criteria to be used in concluding the study. If reimbursement rates are approved at less than the reimbursement rates developed by the consultant, the Department of Health Services must suspend specific program requirements and specifications so as to make the implemented rate more equitable. Sponsor: Rep. McComish. ARS Title 20. AS PASSED HOUSE.</p>	<p>6/10 PASSED HOUSE 36-21; READY FOR SENATE</p>

Bill and Subject	Status
<p><b><u>HB 2207</u>: BEHAVIOR ANALYSTS</b>  Statutes providing for regulation and licensure of behavior analysts by the Board of Psychologist Examiners are repealed on July 1, 2010, if by that date the Board does not receive at least \$36,000 to begin licensure or if monies received by the Board for licensure is transferred to the General Fund. The start date for regulation and licensure of behavior analysts is delayed one year to January 1, 2011. Various other changes to statutes relating to behavior analysts, including a requirement that a separate account be established for behavior analyst licensure and that no monies received for psychologist licensing and regulation be used for behavior analyst licensure. Sponsors: Rep. Barto &amp; 1. ARS Title 32. AS PASSED HOUSE.</p>	<p>6/10 PASSED HOUSE 55-2  6/11 Referred to Senate Healthcare &amp; Medical Liability Reform Committee</p> <p><b><u>Hearing:</u></b>  <i>Senate Healthcare &amp; Medical Liability Reform Committee, Wednesday, June 24 at 9:00 am, Senate Rm. 1</i></p>
<p><b><u>HB 2242</u>: TAX CREDIT; COMMUNITY SERVICE ORGANIZATIONS</b>  Beginning in tax year 2010, an individual income tax credit of \$50 is established for a taxpayer who joins and participates in a community service organization (defined) during the tax year. Unused credits may be carried forward for up to 5 consecutive tax years. Sponsor: Rep. Tobin. ARS Title 43.</p>	<p>1/22 Referred to House Ways &amp; Means, Appropriations Committees</p>
<p><b><u>HB 2286</u>: TAX CREDIT; CHARITABLE ORGANIZATIONS</b>  Retroactive to January 1, 2009, makes changes to the tax credit for taxpayer contributions to a qualified charitable organization, including allowing the deduction only if the taxpayer itemizes deductions for the taxable year and establishing requirements and procedures for the certification of a charitable organization for purposes of the deduction. Charitable organizations that have previously been certified must send the Department of Revenue another written certification containing the information required by this legislation in order to be recertified. Sponsors: Rep. Yarbrough &amp; 22. ARS Title 43. AS PASSED HOUSE.</p>	<p>3/11 PASSED HOUSE 55-1  6/8 Referred to Senate Finance Committee;  6/8 Withdrawn from Senate Finance Committee</p>
<p><b><u>HB 2317</u>: FIDUCIARIES</b>  A person whose license as a fiduciary has been suspended or revoked may not serve as an agent under durable power of attorney or health care power of attorney provisions or as a trustee unless the person is related by blood to the principal or trust beneficiary. Also fiduciaries must be licensed by the Supreme Court rather than certified. Sponsors: Rep. Driggs &amp; 5; Sen. L. Gray. ARS Titles 14, 36. AS PASSED HOUSE.</p>	<p>6/9 PASSED HOUSE 58-1  6/11 Referred to Senate Judiciary Committee</p> <p><b><u>Hearing:</u></b>  <i>Senate Judiciary Committee, Monday, June 22 at 1:30 pm, Senate Rm. 1</i></p>
<p><b><u>HB 2320</u>: COMPETENCY; DURATION OF ORDER</b>  If a defendant who is not judged competent to stand trial for commission of various offenses, the treatment order can be in effect for 24 months, increased from 21 months. Sponsor: Rep. Driggs. ARS Title 13.</p>	<p>1/26 Referred to House Judiciary Committee  3/5 Passed House Judiciary Committee with amendment #4161; ready for House Rules Committee</p>

Bill and Subject	Status
<p><b><u>HB 2344</u>: VULNERABLE ADULTS; FINANCIAL EXPLOITATION</b></p> <p>This bill allows use of an incapacitated or vulnerable adult's assets in a manner that is not the adult's best interest only if the superior court gives approval or the transaction is specifically authorized in a power of attorney executed by the adult. Proof that a person took control of the assets of an incapacitated or vulnerable adult without benefit to the adult may "give rise to an inference" that the person used intimidation or deception to take control of the assets with intent to permanently deprive the adult of the asset. The court is authorized to revoke disposition of property or appointment to any fiduciary capacity by the adult to the person guilty of financial exploitation, and to sever the interests of the adult and the guilty person. Definitions related to financial abuse of vulnerable adults are modified. Sponsors: Rep. Mason &amp; 2. ARS Titles 13, 14, 46.</p>	<p>6/17 PASSED HOUSE 33-20 6/18 Referred to Senate Public Safety &amp; Human Services Committee</p> <p><b><u>Hearings:</u></b> <i>Senate Judiciary Committee, Monday, June 22 at 1:30 pm, Senate Rm. 1</i> <i>Senate Public Safety &amp; Human Services Committee, Wednesday, June 24 at 8:30 am, Senate Rm. 3</i></p>
<p><b><u>HB 2347</u>: INCAPACITATED OR VULNERABLE ADULTS; SENTENCING</b></p> <p>An allegation that a defendant committed a "dangerous crime against an incapacitated or vulnerable adult" (defined) must be charged in the indictment or information and admitted or found by the court. A person convicted of a dangerous crime against an incapacitated or vulnerable adult is not eligible for suspension of sentence, probation, pardon or release from confinement until the sentence has been served or commuted. Sponsors: Rep. Mason &amp; 2. ARS Title 13.</p>	<p>1/27 Referred to House Judiciary Committee</p>
<p><b><u>HB 2358</u>: DEVELOPMENTALLY DISABLED PUPILS; SCHOOLS</b></p> <p>In lists of learning disabilities in education statutes, "preschool moderate delay," "preschool severe delay," and "preschool speech/language delay" are deleted. These are at least partially replaced by two new categories which are added and defined: "developmental delay" and "early childhood severe delay." Sponsors: Rep. Crandall &amp; 2; Sen. Lopez. ARS Titles 15, 43.</p>	<p>1/20 Referred to House Education Committee 1/26 Passed House Education Committee; ready for House Rules Committee</p>
<p><b><u>HB 2461</u>: DEVELOPMENTAL DISABILITIES; PROGRAM PLANS; BURIAL</b></p> <p>The program plan for a developmentally disabled person eligible for state benefits must also include instructions related to the person's burial arrangements. Burial is not a financial obligation of the state. Monies reserved for this purpose are not excluded from the income eligibility requirements for Arizona's long-term care system. Sponsors: Rep. Ash &amp; 5. ARS Title 36. AS PASSED HOUSE.</p>	<p>6/9 PASSED HOUSE 59-0 6/12 Referred to Senate Public Safety &amp; Human Services Committee</p> <p><b><u>Hearing:</u></b> <i>Senate Public Safety &amp; Human Services Committee, Wednesday, June 24 at 8:30 am, Senate Rm. 3</i></p>

Bill and Subject	Status
<p><b><u>HB 2616</u>: LIVING WILLS; HEALTH CARE DIRECTIVES</b>  The list of information in a petition presented to a court requesting appointment of a guardian for an allegedly incapacitated person is expanded to include a statement whether the guardian has the authority to withhold life-sustaining treatment (including administration of artificial food and fluids). Health care providers are indemnified against liability if a guardian's petition did not contain the statement. If a patient does not have a living will or other directive to the contrary, there is a rebuttable presumption that the patient has directed health care providers to sustain life. Conditions that may be used to rebut this presumption are prescribed. Provisions are placed in statute to delay any decision or court order to withhold life-sustaining treatment pending judicial review. Sponsors: Rep. Murphy &amp; 18; Sen. L. Gray &amp; 5. ARS Titles 14, 36. AS PASSED HOUSE.</p>	<p>6/11 PASSED HOUSE 52-1; READY FOR SENATE</p>
<p><b><u>HB 2631</u>: STRIKER: AHCCCS; ELIGIBILITY DETERMINATIONS</b>  Semi-annual re-determination of AHCCCS eligibility for childless adults is deleted, making re-determination an annual event. Emergency clause. Sponsors: Rep. Pratt &amp; 9. ARS Title 36.</p>	<p>4/20 Referred to House Commerce Committee  4/21 Passed House Commerce Committee  4/23 Passed House Rules Committee  4/23 Passed House Committee of the Whole  <b>SEE: SB 1102</b></p>
<p><b><u>HB 2632</u>: UNEMPLOYMENT INSURANCE BENEFITS</b>  Changes are effected in statutes to take advantage of federal subsidies for a 13-week extension of unemployment benefits to qualified individuals for the period beginning January 31, 2009, and ending on the last week of federal subsidies for the program. The Governor must suspend payments of extended benefits if necessary to ensure that persons otherwise eligible are not denied their rightful benefits in whole or in part. Emergency clause. Sponsors: Rep. Jones &amp; 17. ARS Title 23.</p>	<p>4/20 Referred to House Commerce Committee  4/21 Passed House Commerce Committee with amendment #4242  4/23 Passed House Rules Committee  4/23 Passed House Committee of the Whole with amendment #4242  <b>SEE: SB 1322</b></p>
<p><b><u>HB 2633</u>: BUDGET; GENERAL APPROPRIATIONS; FY2009-10</b>  The "feed bill" for fiscal 2009-10. Highlights include the following lump sum reductions: \$226 million for AHCCCS; \$120 million for various programs within DES (some of these reductions may be back-filled with federal stimulus money); \$70.5 million from DHS. There are provisions for up to \$1.5 billion in federal stimulus funding with corresponding reductions in General Fund expenditures. Much more. Sponsors: Rep. Kavanagh &amp; 4. ARS Title 41.</p>	<p>5/4 Referred to House Appropriations Committee  5/5 Passed House Appropriations Committee with amendment #4259  6/4 Passed House Rules Committee  6/4 Passed House Committee of the Whole with floor amendment #4361, a substitute for amendment #4259  <b>SEE: SB 1188</b></p>

Bill and Subject	Status
<p><b><u>HB 2641: BUDGET RECONCILIATION; HEALTH &amp; WELFARE</u></b>            Makes statutory and session law changes related to health and welfare in the FY09-10 budget, including eliminating KidsCare Parents and denture coverage under AHCCCS, prohibits an increase in AHCCCS provider reimbursement rates, and permits a 5% reduction in rates. Sets county contributions for acute care and for long-term care. Permits the Department of Economic Security to reduce maximum income eligibility levels for all child care programs. Adds a chapter on making a false medical claim to statutes pertaining to civil proceedings. More. Sponsors: Rep. Tobin &amp; 4. ARS Titles 11, 12, 23, 35, 36, 38, 41, 46.</p>	<p>5/4 Referred to House Appropriations Committee            5/5 Passed House Appropriations Committee            6/4 Passed House Rules Committee            6/4 Passed House Committee of the Whole with floor amendment #4367  <b>SEE: SB 1145</b></p>
<p><b><u>HCR 2005: INSURERS; MENTAL HEALTH COVERAGE</u></b>            The Legislature resolves that in the aftermath of federal enactment of the Mental Health Parity and Addiction Equity Act of 2008, it expresses its support of mental health coverage by this state's health insurers. Sponsors: Rep. Ableser &amp; 1. ARS Title 99.</p>	<p>2/5 Referred to House Banking &amp; Insurance, Health &amp; Human Services Committee</p>
<p><b><u>SB 1009: BOARD OF FINGERPRINTING; HEARINGS</u></b>            The good cause exception that may be granted to an applicant for employment who is otherwise required by statute to obtain a fingerprint clearance card from the Board of Fingerprinting may be denied if the applicant fails to appear at a good cause exception hearing before the Board. Also, in order to determine whether an applicant has been successfully rehabilitated, the Board may ask for disclosure of evidence regarding substantiated cases of abuse or neglect of vulnerable adults. (Formerly, the Board was permitted to ask for disclosure only of instances of child abuse or neglect.) Sponsor: Sen. L. Gray. ARS Title 41.</p>	<p>6/15 PASSED SENATE 28-0            6/16 Referred to House Military Affairs &amp; Public Safety Committee</p>
<p><b><u>SB 1013: AHCCCS; AMBULANCE SERVICES</u></b>            The list of ambulance services covered by AHCCCS or ALTCS (long-term care) is restricted to "medically necessary" emergencies. Additionally, non-ambulance transportation is no longer covered. Sponsor: Sen. Harper. ARS Title 36.</p>	<p>6/4 Referred to Senate Appropriations Committee            6/17 Passed Senate Appropriations Committee with amendment #4551            6/18 Passed Senate Rules Committee; ready for Senate Committee of the Whole</p>
<p><b><u>SB 1014: AHCCCS; LONG-TERM CARE; ELIGIBILITY</u></b>            Eligibility for the Arizona Long Term Care System (ALTCS) is restricted to those with income no more than 50% of the federal poverty guideline. All other eligibility criteria formerly in place are rescinded. Additionally, agency personnel shall not advise applicants on ways to spend down assets in order to qualify. Sponsor: Sen. Harper. ARS Titles 36.</p>	<p>6/4 Referred to Senate Healthcare &amp; Medical Liability Reform, Appropriations Committees</p>

Bill and Subject	Status
<p>&gt;&gt;<b>SB 1019: STRIKER: CHARITABLE ORGANIZATIONS; TAX CREDIT</b>  This strike-everything amendment to SB 1019 modifies the income tax credit to charitable organizations by expanding the credit to chronically ill or disabled children, eliminating the requirement for taxpayers to establish a baseline year for eligibility for the income tax credit, and establishing a certification process for qualifying charitable organizations at the Department of Revenue. Sponsor: Sen. Waring. ARS Title 43.</p>	<p>6/4 Referred to Senate Finance Committee  6/12 Passed Senate Finance Committee with amendment #4421  6/15 Passed Senate Rules Committee  6/18 Passed Senate Committee of the Whole with amendment #4421</p>
<p><b>SB 1049: FINGERPRINT CLEARANCE CARDS</b>  Creates a higher level fingerprint clearance card (Level I) specifically for teachers, foster parents, prospective foster and adoptive parents, state employees and volunteers who provide services to the developmentally disabled, home- and community-based service providers, adult developmental home licensees, child care facility licensees and employees, child care group home licensees and employees, Child Protective Services workers, day care home employees, child care home providers, and members of the fingerprinting board. Non-certificated personnel and contractors at schools hired after June 30, 2009, must have valid (standard level) fingerprint clearance cards on file but must be terminated if they have ever been convicted of or pled to a crime listed in statutes governing Level I clearance. Anyone whose employment requires a standard level fingerprint clearance may apply for and receive a Level I clearance. New hires at governmental entities who are required to have Level I clearance must submit valid fingerprint cards to their employer within seven working days of beginning work (shortened from 20 days). Numerous changes in the lists of offenses for which conviction or impending trial precludes a person from receiving a fingerprint clearance card. Adds charter schools to the list of employers who must refuse to hire or terminate an employee who is convicted of or admits to committing an offense which would preclude the person from receiving a Level I clearance. Charter schools in compliance with this provision are afforded the same legal protections as compliant school districts. Also reduces the sentencing classification of criminal damage of between \$250 and \$2,000 to a class 1 (highest) misdemeanor from a class 6 (lowest) felony. Emergency clause. (Note: This act is in part necessary to comply with the federal Adam Walsh Child Protection and Safety Act.) Sponsor: Sen. L. Gray. ARS Titles 8, 13, 15, 36, 41, 46. AS PASSED HOUSE.</p>	<p>5/27 PASSED SENATE 27-0  6/11 PASSED HOUSE 52-0  6/16 Senate refused to concur in House amendments and named Sens. L. Gray, Landrum Taylor and Waring to a FREE Conference Committee  6/18 House named Reps. Barto, Court and Waters to the FREE Conference Committee</p>

Bill and Subject	Status
<p><b><u>SB 1098</u>: DIRECT CARE WORKERS; HEALTH CARE DIRECTIVES</b>            In a statute that describes the responsibility of health care providers with respect to a patient's health care directives, a direct care worker who provides support services for disabled persons is specifically excluded from the definition of health care provider. Sponsor: Sen. C. Allen. ARS Title 36.</p>	<p>6/4 Referred to Senate Healthcare &amp; Medical Liability Reform Committee</p> <p><b><i>Hearing:</i></b>  <i>Senate Healthcare &amp; Medical Liability Reform Committee, Wednesday, June 24 at 9:00 am, Senate Rm. 1</i></p>
<p><b><u>SB 1101</u>: NURSING ADMINISTRATORS; ASSISTED LIVING MANAGERS</b>            Fees charged by the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers are removed from statute and replaced by language permitting the board to set fees by rule. The list of actions for which the board may charge a fee is expanded. Sponsor: Sen. C. Allen. ARS Title 36.</p>	<p>6/4 Referred to Senate Healthcare &amp; Medical Liability Reform, Appropriations Committees            6/10 Passed Senate Healthcare &amp; Medical Liability Reform Committee; ready for Senate Appropriations Committee</p>
<p><b><u>SB 1102</u>: AHCCCS; ELIGIBILITY DETERMINATIONS</b>            Adult members of AHCCCS who do not have dependent children must undergo eligibility redetermination annually (previously, every six months). Emergency clause. Sponsor: Sen. C. Allen. ARS Title 36. AS PASSED SENATE.</p>	<p><b>4/24 SIGNED BY GOVERNOR            Chapter No. 4, 2009 Laws</b></p>
<p><b><u>SB 1144</u>: INCOMPETENT PERSONS; PROSECUTING AGENCY; NOTIFICATION</b>            Conditions are prescribed under which the doctor required to evaluate the competence of criminal suspects to stand trial must notify the prosecuting agency. Sponsors: Sen. Aguirre &amp; 9; Rep. McGuire &amp; 2. ARS Title 36.</p>	<p>6/4 Referred to Senate Healthcare &amp; Medical Liability Reform Committee</p>

Bill and Subject	Status
<p><b>&gt;&gt;<a href="#">SB 1145</a>: BUDGET RECONCILIATION; HEALTH &amp; WELFARE; FY 09-10</b>            Makes statutory and session law changes related to health and welfare in the FY09-10 budget, including eliminating KidsCare Parents, denture coverage under AHCCCS and the Temporary Medical Coverage Program. Reduces eligibility for AHCCCS to those making no more than 150% of federal poverty level (current eligibility is 200% of FPL). Prohibits an increase in AHCCCS provider reimbursement rates and permits a 5% reduction in rates. Sets county contributions for acute care and for long-term care. Permits the Department of Economic Security to reduce maximum income eligibility levels for all child care programs. Provides for the Arizona Poison Control Program to be comprised of two facilities: one in Maricopa County and one in Pima County at the Arizona College of Pharmacy that shall serve the remaining 14 counties in the state. Makes additional reductions to appropriations for various agencies, including \$2.2 million from the Government Information Technology Agency, \$4.6 million from the State Parks Board, \$7.6 million from the Department of Administration, and \$83.3 million from the Department of Economic Security. As session law, recipients of Temporary Assistance for Needy Families that are suspected of drug use must pass a drug screening to be eligible for benefits. As session law, June capitation payments by AHCCCS to health care providers are delayed for either 15 or 30 days, depending on the number of members enrolled. More. Sponsor: Sen. S. Allen. ARS Titles 10, 11, 12, 23, 35, 36, 41, 46. AS READY FOR GOVERNOR.</p>	<p>6/4 PASSED SENATE 16-1            6/4 Substituted in House for identical HB 2641 and PASSED HOUSE 31-25  <b>READY FOR GOVERNOR</b></p>
<p><b><a href="#">SB 1152</a>: MENTAL HEALTH SERVICES; COURT-ORDERED TREATMENT</b>            The prohibition against a person giving sworn evidence about his/her spouse is lifted for court-ordered mental health actions. Relevant parts of mental health statutes in Title 36 (public health &amp; safety) are changed to require that the person who serves the patient with a notice of hearing on court-ordered treatment must file proof of service with the court, and the patient's counsel is permitted to enter stipulations on behalf of the patient. Sponsor: Sen. Paton. ARS Titles 12, 36.</p>	<p>6/4 Referred to Senate Judiciary Committee            6/16 Passed Senate Judiciary Committee with amendment #4511            6/18 Passed Senate Rules Committee            6/19 Passed Senate Committee of the Whole with amendment #4511 and floor amendment #4696</p>
<p><b><a href="#">SB 1197</a>: STRIKER: TASK FORCE; SPECIAL EDUCATION; BEHAVIOR MANAGEMENT</b>            This strike-everything amendment to SB 1197 establishes the nine member Task Force (Task Force) on Best Practices in Special Education and Behavior Management and specifies its membership and duties. Sponsor: Sen. Huppenthal. ARS Title 32.</p>	<p>6/18 PASSED SENATE 27-0   <i><b>Hearing:</b>            House Education Committee, Monday,            June 22 at 2:00 pm, House Rm. 3</i></p>

Bill and Subject	Status
<p><b><u>SB 1212</u>: CENTRAL STATE REPOSITORY; HATE CRIMES</b>  The type of information to be collected and disseminated by the central state repository of criminal justice information is expanded to include criminal offenses pertaining to gender identity or expression. Sponsors: Sen. Burton Cahill; Rep. Ableser &amp; 2. ARS Title 41.</p>	6/4 Referred to Senate Rules Committee only
<p><b><u>SB 1244</u>: CHILD PROTECTIVE SERVICES; OMNIBUS</b>  Multiple changes to Child Protective Services statutes relating to children who may be victims of criminal conduct, including expanding the reasons a child may be taken into temporary custody to include probable cause to believe the child will become a victim of criminal conduct other than abuse or neglect, prohibiting reunification of a child with the person alleged to be responsible for criminal conduct unless there is clear and convincing evidence the child will be safe, and requiring CPS to comply with the directions of the appropriate prosecutor and law enforcement agency throughout the criminal justice process. If there are reasonable grounds to believe a child is a victim of criminal conduct but no charges have yet been filed, the child cannot be asked to make a statement following a forensic interview unless the statement is necessary to render medical treatment and there is no objection from the county attorney. An acquittal of a parent or guardian of charges arising out of a CPS investigation does not prevent CPS from pursuing an action to protect the child. Sponsor: Sen. Paton. ARS Title 8.</p>	6/4 Referred to Senate Public Safety & Human Services Committee
<p><b><u>SB 1246</u>: CPS INFORMATION</b>  Court proceedings and court records relating to child abuse, abandonment or neglect that resulted in a fatality or near fatality are open to the public, subject to specified statutory requirements including a child's safety, well being, and privacy. The court may redact any information essential to comply with statute. Sponsor: Sen. Paton. ARS Title 8.</p>	6/4 Referred to Senate Public Safety & Human Services Committee 6/18 Passed Senate Public Safety & Human Services Committee 6/18 Passed Senate Rules Committee 6/19 Passed Senate Committee of the Whole with floor amendment #4697
<p><b><u>SB 1310</u>: DEVELOPMENTAL DISABILITIES COUNCIL; DUTIES; CONTINUATION</b>  The Governor's Council on Developmental Disabilities is renamed the Arizona Council on Developmental Disabilities. Its statutory life is extended one year to July 1, 2010. The council members representing developmental disabilities must be evenly split between those representing persons with physical disabilities and those representing persons with cognitive disabilities. The section authorizing continuation is retroactive to July 1, 2009. Sponsors: Sen. L. Gray; Rep. Barto. ARS Titles 36, 41.</p>	6/8 Referred to Senate Public Safety & Human Services Committee 6/18 Passed Senate Public Safety & Human Services Committee with amendment #4585  <u>Hearing:</u> <i>Senate Rules Committee, Monday, June 22, 2nd Flr. Caucus Rm.</i>

Bill and Subject	Status
<p><b><u>SB 1311: END-OF-LIFE OPTIONS; RIGHT TO KNOW</u></b>            If a health care provider determines a patient has a terminal illness, and if the patient requests it, the provider must provide the patient with information and counseling on end-of-life options. A list of information that will satisfy this provision is prescribed. Sponsors: Sen. Lopez &amp; 7; Rep. Cloves Campbell &amp; 5. ARS Title 32.</p>	<p>6/8 Referred to Senate Public Safety &amp; Human Services Committee</p>
<p><b><u>SB 1322: UNEMPLOYMENT INSURANCE; BENEFITS</u></b>            Prescribes conditions under which those who exhaust their unemployment insurance benefits may qualify for extended benefits. Generally, if the state unemployment rate exceeds 6.5% but is less than 8%, extended benefits are available for a maximum of 13 weeks. If the state unemployment rate exceeds 8%, extended benefits are available for a maximum of 20 weeks. (Note: the federal American Recovery and Reinvestment Act of 2009 temporarily provides for 100% federal funding of these extended benefits, rather than the current 50/50 split between the state and the federal government.) The changes in extended benefits as provided in this bill expire on the latter of either December 12, 2009, or the expiration of the federal program. Emergency clause. Sponsors: Sen. Leff and 1. ARS Title 23.</p>	<p><b>4/24 SIGNED BY GOVERNOR Chapter No. 3, 2009 Laws</b></p>
<p><b><u>SB 1340: GUILTY EXCEPT INSANE; APPLICABILITY; HEARING</u></b>            A defense of guilty except insane is not available to a person who voluntarily failed to take prescribed medication to control a mental disease and that failure caused the person to be unable to determine that a criminal act was wrong. A prior verdict of guilty except insane may be considered as an aggravating factor in subsequent convictions. Sponsor: Sen. Paton. ARS Titles 11, 12, 13, 31.</p>	<p>6/8 Referred to Senate Judiciary Committee</p>
<p><b><u>SB 1344: ELECTIONS; PHOTO IDENTIFICATION; ADDRESS</u></b>            The version of the statute requiring voters to present identification at the polls before being given a ballot (which was approved by voters in 2004 as part of Prop. 200) is repealed and replaced with new language. Impossible to determine nature of changes without word-for-word comparison. Sponsors: Sen. Paton &amp; 4; Rep. Brown &amp; 7. ARS Title 16.</p>	<p>6/8 Referred to Senate Judiciary Committee</p>
<p><b><u>SB 1400: DENTAL ASSISTANTS; COMMUNITY ORAL HEALTH</u></b>            Expands the list of persons that dental hygienists may perform dental hygiene procedures on to include a person residing in a federally designated health professional shortage area, and removes the requirement that persons dental hygienists perform procedures on be 18 years of age or younger. Sponsors: Sen. Verschoor; Rep. Bradley &amp; 2. ARS Title 32.</p>	<p>6/4 Referred to Senate Healthcare &amp; Medical Liability Reform Committee            6/18 Passed Senate Healthcare &amp; Medical Liability Reform Committee with amendment #4578            6/18 Passed Senate Rules Committee            6/19 Passed Senate Committee of the Whole with amendment #4578 and floor amendment #4680</p>

Bill and Subject	Status
<p>&gt;&gt;<b><u>SB 1448</u></b>: <b>STRIKER: PATIENT'S RIGHTS</b>  This strike-everything amendment to SB 1448 establishes a rebuttable presumption that certain patients in irreversible comas or irreversible or incurable vegetative states have directed their health care providers to provide the patients with food and fluid to a degree that is sufficient to sustain life and prohibits the withdrawal of food or fluid until after all appeals or judicial reviews have been exhausted. Sponsor: Sen. L. Gray. ARS Titles 14, 36.</p>	<p>6/4 Referred to Senate Public Safety &amp; Human Services Committee  6/11 Passed Senate Public Safety &amp; Human Services Committee with amendment #4411  6/12 Passed Senate Rules Committee  6/12 Passed Senate Committee of the Whole with amendment #4411</p>
<p>&gt;&gt;<b><u>SCR 1006</u></b>: <b>STATE APPROPRIATION LIMIT; REDUCTION</b>  The 2010 general election ballot is to carry the question of whether to amend Article IX, Section 17, of the state Constitution to reduce the maximum amount that the Legislature may appropriate in any fiscal year to 6.4% of the total personal income of the state from 7%. Effective for fiscal years beginning July 1, 2011. State revenue in excess of appropriations in any fiscal year must be paid as a refund to individuals who filed tax returns for that year. Also gives any resident of this state legal standing to bring a civil action in superior court to enforce compliance. Sponsors: Sen. Pearce &amp; 4; Rep. Burges &amp; 3. ARS Title 98.</p>	<p>6/10 Referred to Senate Appropriations Committee  6/17 Passed Senate Appropriations Committee  6/18 Passed Senate Rules Committee  6/19 Passed Senate Committee of the Whole with floor amendment #4686</p>
<p><b><u>SCR 1009</u></b>: <b>VOTER-PROTECTION; TEMPORARY BUDGETARY SUSPENSION</b>  The 2010 general election ballot is to carry the question of whether to amend the Article IV, Part 1, Section 1, of the state Constitution to require suspension of the protection afforded to appropriations stipulated by voter approved initiatives if doing so avoids a budget deficit. Sponsors: Sen. Pearce &amp; 5; Rep. Burges &amp; 3. ARS Title 98.</p>	<p>6/10 Referred to Senate Appropriations Committee  6/17 Passed Senate Appropriations Committee  6/18 Passed Senate Rules Committee  6/19 Passed Senate Committee of the Whole</p>

## SPECIAL SESSION BILLS

**HB 2001: SCHOLARSHIPS; DISABLED OR DISPLACED STUDENTS**

Beginning July 1, 2009, a dollar-for-dollar tax credit is allowed to corporations that contribute to student tuition organizations (STO) which then use the money for scholarships to students either placed in foster care at any time before graduating from high school or identified as having a disability under state or federal law. The aggregate total amount of the credit is limited to \$5 million statewide per year. Corporations who wish to make a contribution must first contact the STO who will obtain pre-approval from the Department of Revenue. STO scholarships may be used at any non-governmental school or (in the case of handicapped students) preschool. Those students who participated in the voucher program that was declared unconstitutional by the state Supreme Court in *Cain v. Horne* are automatically eligible for the scholarships and, for fiscal 2009-10, have priority over other applicants. Insurance companies may also contribute to an STO under this program and obtain a credit against the tax levied on insurance premiums. For an STO to be eligible to participate in this program, it must use no more than 10% of the contributions for its administrative costs. Severability clause. The act is to be known as "Lexie's Law." Sponsor: Rep. Murphy. ARS Titles 20, 43. AS SENT TO GOVERNOR.

**5/29 SIGNED BY GOVERNOR**  
**Chapter No. 1, 2nd Special Session**

**SB 1001: SCHOLARSHIPS; DISABLED OR DISPLACED STUDENTS**

A tax credit is allowed to corporations that contribute to student tuition organizations (STO) that make at least 90% of the total amount contributed available for scholarships to students either placed in foster care at any time before graduating from high school or identified as having a disability under state or federal law. The aggregate total amount of the credit is limited to \$5 million statewide per year. Corporations who wish to make a contribution must first contact the STO who will obtain clearance from the Department of Revenue. STO scholarships may be used at any non-governmental school or (in the case of handicapped students) preschool. Those students who participated in the voucher program declared unconstitutional by the state Supreme Court in *Cain v. Horne* are automatically eligible for the scholarships and, for fiscal 2009-10, have priority over other applicants. Insurance companies may also obtain a credit against the tax on insurance premiums by contributing to an STO under this program. Severability clause. The act is to be known as "Lexie's Law." Emergency clause. Sponsors: Sen. Verschoor & 5. ARS Titles 20, 43.

5/21 Referred to Senate Appropriations Committee  
 5/27 Passed Senate Appropriations Committee with amendment #4002  
 5/27 Passed Senate Rules Committee with a technical amendment  
 5/27 Passed Senate Committee of the Whole with amendment #4002 and the Rules technical amendment  
**SEE: HB 2001**