

# THE ARC OF ARIZONA, INC.

## Summary of Significant Arizona Legislation, 2006

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### **PRIORITY BILLS ARE BOLD**

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

<b>Bill and Subject</b>	<b>Status</b>
<b>HB 2044: AHCCCS; PREMIUM SHARING PROGRAM</b> Beginning October 1, 2006, AHCCCS administration is to contract with willing health care insurers to provide a subsidized health care insurance premium sharing program for state residents of counties with less than 500,000 people, are citizens of the United States and whose gross household income is up to 200% of federal poverty guidelines or, if the person has a chronic condition that was not caused by alcohol, drug or chemical abuse, up to 400% of guidelines. The person must also prove that within the last 31 days they did not voluntarily discontinue health insurance. Additionally, a tax credit is allowed against the premium tax liability incurred by a healthcare insurer (defined) who offers a reduced premium to a person enrolled in the AHCCCS premium sharing program. The total credit must not exceed \$20 million in a calendar year. AS PASSED HOUSE.	3/13 PASSED HOUSE 49-11 3/16 Referred to Senate Finance, Health Committees 3/28 Passed Senate Health Committee 3/30 Failed to pass Senate Finance Committee 3-3  <b>DEAD</b>
<b>HB 2048: CPS; SEMIANNUAL REPORTS; CHILD DEATHS</b> The list of items included in the semi-annual report by CPS to the Legislature is amended to include the number of reports assigned for investigation in current and previous reporting periods, the number of investigations completed and the percentage of investigations where allegations of abuse were substantiated, the number of open investigations, the percentage of reports that involved the removal of a child from the home, the number and percentage of children removed that had been in out-of-home care, the median, average and range of time periods for out-of-home placements, the number of children granted and not granted termination of parental rights, and the number of children who died while in agency custody, categorized by cause of death and location. The report must also include a list of the major challenges faced while working to achieve the goal of safe, permanent homes.	<b>4/25 SIGNED BY GOVERNOR</b> <b>Chapter No. 203, 2006 Laws</b>



Bill and Subject	Status
<p><b>HB 2314: TERMINALLY ILL PATIENTS; SUFFERING; CONTROL</b></p> <p>A competent terminally ill adult may make an advance directive for control of suffering. The request must be in writing and witnessed by two people, one of whom cannot be a family member, someone entitled to any portion of the patient's estate, the attending physician, or the owner of the healthcare facility. Before providing a prescription, the attending physician must verify that the patient executed an advance directive, confirm that the patient is terminally ill and counsel them of their options and obtain a second opinion. Doctors are prohibited from assisting in the administration of the medication.</p> <p>Sponsors: Rep. Lopez &amp; 6. ARS Title 36.</p>	<p>1/19 Referred to House Health, Judiciary Committees</p> <p>DEAD</p>
<p><b>HB 2319: DES; CONTINUATION</b></p> <p>Statutory life of the Department of Economic Security is extended 2 years to July 1, 2008. Retroactive to July 1, 2006. On or before December 1, 2006 and December 1, 2007 DES must present information regarding the department's progress in implementing the auditor general's recommendations to the senate family services committee, house human services committee and their subcommittees. AS PASSED SENATE.</p>	<p>3/1 PASSED HOUSE 49-9 4/12 PASSED SENATE 20-9 4/19 House refused to concur in Senate amendments and named Reps. Hershberger, Bradley and Knaperek to a FREE Conference Committee 4/25 Senate named Sens. Johnson, Flake and Garcia to the FREE Conference Committee</p>
<p><b>HB 2343: DEVELOPMENTAL DISABILITIES OVERSIGHT</b></p> <p>A 16-member Developmental Disabilities Oversight Committee is established to address issues regarding the effectiveness of the qualified vendor system for delivering services to the developmentally disabled and the feasibility of modifications to those programs. The committee will also analyze available employment opportunities for developmentally disabled individuals and opportunities for improvement. The committee must submit an annual report of its findings to the Governor, Speaker of the House, President of the Senate, Secretary of State and the Director of the Arizona State Library, Archives and Public Records. Committee sunsets on July 1, 2011.</p>	<p><b>4/24 SIGNED BY GOVERNOR Chapter No. 189, 2006 Laws</b></p> <p><b>SUPPORT</b></p>
<p><b>HB 2344: DEVELOPMENTAL DISABILITIES; BUDGET UNIT</b></p> <p>The Division of Developmental Disabilities within the Department of Economic Security is made a separate budget unit for all budgetary operating purposes and budget preparation.</p> <p>Sponsors: Rep. McComish &amp; 6. ARS Titles 35, 36.</p>	<p>1/17 Referred to House Government Reform &amp; Government Finance Accountability, Appropriations (B) Committees 2/1 Passed House Government Reform &amp; Government Finance Accountability Committee; ready for House Appropriations (B) Committee</p> <p>DEAD</p>

Bill and Subject	Status
<p><b>HB 2364: EOSINOPHILIC ESOPHAGITAS DISORDER</b>  Any contract offered by a hospital service corporation, medical service corporation, health care services organization, disability insurer or accountable health plan that contains a prescription drug benefit must cover at least 75% of the cost of an amino-acid based formula ordered by a physician if it is to be used to treat eosinophilic gastrointestinal disorder, the insured is under continuous supervision by a physician, and there is risk of mental or physical impairment without the use of the formula. Effective January 1, 2007.</p>	<p><b>4/28 SIGNED BY GOVERNOR</b>  <b>Chapter No. 233, 2006 Laws</b></p>
<p><b>HB 2479: AHCCCS; PRESCRIPTION; DUAL ELIGIBLES</b>  <b>AHCCCS members are not responsible for prescription copayments under Medicare Part D that were not imposed under Title XIX before Jan. 1, 2006. Sponsors: Rep. Lopez &amp; 15; Sen. Aboud. ARS Title 36.</b></p>	<p><b>1/19 Referred to House Human Services, Appropriations (B) Committees</b>  <b>2/9 Passed House Human Services; ready for House Appropriations (B) Committee</b></p> <p><b>*Some money in both Governor's and Legislature's proposed budgets</b>  <b>SUPPORT</b></p> <p><b>DEAD</b></p>
<p><b>HB 2480: INSURANCE; MENTAL HEALTH COVERAGE; PARITY</b>  A corporation, health care services organization or blanket disability insurer that offers medical, surgical and mental health benefits to a group may not impose treatment limitations or financial requirements on mental health benefits unless comparable limitations are imposed on medical and surgical benefits. Sponsors: Rep. Lopez &amp; 20; Sen. Aboud &amp; 1. ARS Title 20.</p>	<p><b>1/19 Referred to House Financial Institutions &amp; Insurance, Health Committees</b></p> <p><b>SUPPORT</b></p> <p><b>DEAD</b></p>
<p><b>HB 2558: ADULT PROTECTIVE SERVICES; INVESTIGATIONS</b>  The Dept. of Economic Security must maintain a registry of substantiated reports of abuse, neglect and exploitation of vulnerable adults. A report entered into the registry shall be purged after ten years. The registry must contain the name and birth date of the abuser, the date, nature and description of the abuse. After completion of an investigation, the Dept. of Economic Security shall notify the person alleged to have abused, neglected or exploited a vulnerable adult that it intends to enter a substantiated finding in its registry. Notice must also include a statement of the person's right to receive a copy of the report and to request a hearing. Details concerning the hearing process are prescribed. Queries of the registry by the public must be made in writing, and the department may charge a fee for processing requests.</p>	<p><b>4/25 SIGNED BY GOVERNOR</b>  <b>Chapter No. 211, 2006 Laws</b></p>

Bill and Subject	Status
<p><b>HB 2560: CHARITABLE ORGANIZATIONS; TAX CREDIT</b>  The baseline year requirement for creditable donations to charitable organizations is eliminated. Organizations must provide written certification of their status as a qualified charitable organization. The Department of Revenue must review submitted documents to verify eligibility. Effective date is December 31, 2006. AS PASSED HOUSE.</p>	<p>3/13 PASSED HOUSE 60-1  3/16 Referred to Senate Finance Committee  3/27 Passed Senate Finance Committee with amendment #4264; ready for Senate Rules Committee   DEAD</p>
<p><b>HB 2577: BORDER SECURITY AND IMMIGRATION REFORM</b>  A comprehensive immigration reform package including provisions addressing employee ID verification and employer sanctions. The Arizona Peace Officer Standards and Training Board must provide training, if requested, to local law enforcement agencies in the enforcement of federal immigration laws. The training shall be paid for with federal funds. An illegal alien commits a class 1 (highest) misdemeanor by being in this state; subsequent violations are class 4 felonies; law enforcement cannot ask a person their immigration status unless the officer stops the person for another potential offense; the list of government services denied illegals is expanded to include receiving any grants, scholarship or fee waiver at a state university or community college or being classified as an in-state resident for tuition purposes. Illegals are ineligible for adult education classes or for child care assistance. Recipients of any "public service" (defined) must have a verifiable state- or tribal-issued ID. Several committees are established to review progress towards making borders secure and to distribute grant money to local governments. Various appropriations totaling \$160 million including \$50 million to lease border radar. Much more. AS PASSED CONFERENCE.</p>	<p>3/9 PASSED HOUSE 35-20  5/16 PASSED SENATE 18-7  5/25 PASSED HOUSE 33-22  5/25 PASSED SENATE 16-9  <b>READY FOR GOVERNOR</b></p>
<p><b>HB 2627: VULNERABLE ADULTS; FINANCIAL EXPLOITATION</b>  <b>Securities dealers or salesmen and insurers are removed from a list of persons exempt from criminal and civil liability for taking control of the assets of an incapacitated or vulnerable adult for the purpose of depriving the person of the assets. AS PASSED HOUSE.</b></p>	<p>3/16 PASSED HOUSE 55-0  3/21 Referred to Senate Family Services Committee  3/29 Passed Senate Family Services Committee with amendment #4299; ready for Senate Rules Committee   <b>SUPPORT</b></p>

Bill and Subject	Status
<p><b>HB 2676: PRIVATE SCHOOLS; SCHOLARSHIPS; DISABLED</b></p> <p>A program is installed in Title 15 (education) to insure that K-12 students with disabilities have the option to attend any public school or to receive a scholarship to attend any qualified private school. Various conditions for pupil and school eligibility. Maximum scholarship amount is equivalent to the base support level prescribed in statute for that particular pupil. An appropriation (blank) for fiscal 2006-07 is made to the Dept. of Education for deposit in the Arizona scholarship for pupils with disabilities program fund. The program sunsets on July 1, 2016. AS PASSED HOUSE.</p>	<p>3/13 PASSED HOUSE 33-27 3/16 Referred to Senate K-12 Education, Appropriations Committees 3/30 Passed Senate K-12 Education Committee 4/19 Passed Senate Appropriations Committee with amendment #4619; ready for Senate Rules Committee</p>
<p><b>HB 2698: SMALL BUSINESS HEALTH INSURANCE PLANS</b></p> <p>The heading of Title 20, chapter 13 is changed to "Special Health Insurance Plans" from "Accountable Health Plans"; the heading of Title 20, chapter 13, article 1 is changed to "Accountable Health Plans" from "General Provisions". Article 2 is added titled Small Business Health Insurance Plans establishing exemptions regarding policies, subscription contracts, contracts, plans or evidence of coverage issued to a small business (defined) by health care insurer (defined).</p>	<p><b>4/26 SIGNED BY GOVERNOR Chapter No. 229, 2006 Laws</b></p>
<p><b>HB 2714: APPROPRIATION; NUTRITION PROGRAMS</b></p> <p>An appropriation of \$300,000 is made to the Department of Health Services to fund a full year voucher program for low income women and children participating in a WIC program and seniors in food plus or tribal meals to purchase locally grown fresh fruits and vegetables at specific farmer's markets as determined by the department. Sponsor: Rep. Tully. ARS Title 32.</p>	<p>3/9 PASSED HOUSE 37-20 3/14 Referred to Senate Appropriations Committee</p> <p>DEAD</p>
<p><b>HB 2743: DEVELOPMENTAL DISABILITIES; COGNITIVE</b></p> <p>A definitions section in statutes governing developmental disabilities is amended to replace "mental retardation" with "cognitive disability" and to delete the definition of guardianship services.</p>	<p><b>4/24 SIGNED BY GOVERNOR Chapter No. 197, 2006 Laws</b></p> <p>SUPPORT</p>
<p><b>HB 2748: CRISIS INTERVENTION PROGRAM; APPROPRIATION</b></p> <p><b>In FY 2006-07 an appropriation of \$2 million is made to the Dept. of Health Services for the establishment of a Crisis Intervention Team Training Program. The program would train teams of behavioral health and law enforcement professionals who are first responders to situations involving people experiencing psychiatric crisis. A 14-member advisory committee is established to oversee the program, make recommendations based on the team's findings and approve curricula. Sponsor: Rep. Quelland. ARS Title 36.</b></p>	<p><b>2/2 Referred to House Health, Appropriations (B) Committees 2/21 Withdrawn from House Health Committee</b></p> <p>SUPPORT</p> <p>DEAD</p>

Bill and Subject	Status
<p><b>HB 2799: BUSINESS DEVELOPMENT PROGRAM; PERSONS WITH DISABILITIES</b>  Business owners with disabilities are added to the Dept. of Commerce's business development program currently aimed at minorities and women owners. Sponsors: Rep. Burton Cahill &amp; 15; Sen. Hellon &amp; 1. ARS Title 41.</p>	<p>3/9 PASSED HOUSE 34-23  3/14 Referred to Senate Commerce &amp; Economic Development Committee  3/23 Passed Senate Commerce &amp; Economic Development Committee; ready for Senate Rules Committee</p>
<p><b>SB 1046: ELDERLY SERVICES; APPROPRIATION</b>  An appropriation of \$4 million from the general fund in fiscal 06-07 for non-medical home and community based care services as provided in the Arizona Older Americans Act per ARS 46-191 et. seq. AS PASSED SENATE.</p>	<p>3/2 PASSED SENATE 18-11  3/6 Referred to House Human Services, Appropriations (B) Committees  3/23 Passed House Human Services Committee with amendment #4232  3/28 Passed House Appropriations (B) Committee; ready for House Rules Committee</p> <p>SUPPORT</p>
<p><b>SB 1078: SCHOOLS; SPECIAL EDUCATION; COSTS</b>  The Department of Education is required to complete a cost study of special education programs annually, previously every two years. The department is directed to request a separate line item appropriation for money to be deposited in the extraordinary special education needs fund equal to actual expenses from the previous fiscal year plus 7 percent. Sponsors: Sen. Allen &amp; 2. ARS Title 15.</p>	<p>1/10 Referred to Senate K-12 Education, Appropriations Committees  2/13 Passed Senate K-12 Education Committee with amendment #3317; ready for Senate Appropriations Committee</p> <p>SUPPORT</p> <p>DEAD</p>
<p><b>SB 1128: JUVENILE; COMPETENCY</b>  A definitions section in statute dealing with juvenile competency is changed to stipulate "age alone does not render a person incompetent."</p>	<p>4/10 SIGNED BY GOVERNOR  Chapter No. 80, 2006 Laws</p> <p>NEUTRAL</p>
<p><b>SB 1200: INSURANCE; MENTAL HEALTH COVERAGE; PARITY</b>  A corporation that issues a group health care plan that provides medical and surgical benefits and mental health benefits to a group is prohibited from imposing treatment limitations or financial requirements regarding mental health coverage unless comparable limitations are placed on medical and surgical benefits. Sponsors: Sen. Rios &amp; 6; Rep. Lopez &amp; 2. ARS Title 20.</p>	<p>1/19 Referred to Senate Health, Commerce &amp; Economic Development Committees</p> <p>SUPPORT</p> <p>DEAD</p>

Bill and Subject	Status
<p><b>SB 1210: STRIKER: DENTAL CARE PILOT; DEVELOPMENTAL DISABILITIES</b>  This strike-everything amendment creates a dental services pilot program (DSPP) for persons with developmental disabilities. The Department of Economic Security (DES) would administer the program in consultation with the Department of Health Services (DHS), and \$1 million would be appropriated from the General Fund in fiscal year 2006-2007 to fund it.</p>	<p>3/1 PASSED SENATE 27-1  3/16 Referred to House Human Services Committee  3/23 Passed House Human Services Committee with amendment #4233  4/4 Referred additionally to House Appropriations (B) Committee  6/1 Held in House Appropriations (B) Committee</p>
<p><b>SB 1305: CAPITAL DEFENDANTS; MEDICAL EVALUATIONS</b>  In death penalty cases, the defendant may refuse to participate in a prescreening to determine their intelligence quotient. The waiver does not preclude the defendant from offering evidence of the defendant's mental retardation in the penalty phase. Further, if a prescreen shows a defendant's IQ to be 75 or less, the state and the defendant must either nominate 3 mental retardation experts or jointly nominate one expert for court approval to provide a second opinion.</p>	<p><b>4/6 SIGNED BY GOVERNOR</b>  <b>Chapter No. 55, 2006 Laws</b></p> <p><b>NEUTRAL</b></p>
<p><b>SB 1324: SCHOOLS; MENTAL HEALTH SCREENING; CONSENT</b>  Signed parental consent must be obtained prior to conducting a mental health screening on a student. The written consent must include the nature of the screening program as well as notice that copies of the screening materials are available upon request.</p>	<p><b>5/2 SIGNED BY GOVERNOR</b>  <b>Chapter No. 250, 2006 Laws</b></p>
<p><b>SB 1327: DEVELOPMENTAL DISABILITIES; SERVICE PROVIDERS</b>  <b>If AHCCCS administration provides for a capitation rate inflationary increase to home and community based services, the division's rate structure shall provide the same amount for state-only services. Further, a provider may remove a state client with a developmental disability from any contract program if the provider believes that the client may be at risk of abuse, neglect or mistreatment or that the client may abuse another in the program. The provider must notify the family or guardian of the client and the division at least 15 days before relocating the client. Sponsors: Sen. Johnson &amp; 2; Rep. Anderson. ARS Title 36.</b></p>	<p><b>1/25 Referred to Senate Family Services, Appropriations Committees</b>  <b>2/7 Passed Senate Family Services Committee; ready for Senate Appropriations Committee</b></p> <p><b>OPPOSE - DEAD</b></p>
<p><b>SB 1355: APPROPRIATION; AUTISM RESEARCH</b>  <b>In FY 2006-07 an appropriation of \$10,000,000 is made to the Department of Health Services from the general fund for distribution to a non-profit medical research foundation in this state that specializes in biotechnology and collaborates with universities, hospitals, other research centers for autism research. Sponsors: Sen. Allen &amp; 5; Rep. Burton Cahill &amp; 2. ARS Title 36.</b></p>	<p><b>3/2 PASSED SENATE 23-6</b>  <b>3/9 Referred to House Health, Appropriations (B) Committees</b>  <b>3/15 Passed House Health Committee;</b>  <b>3/21 Passed House Appropriations (B) Committee; ready for House Rules Committee</b></p> <p><b>SUPPORT</b></p>

Bill and Subject	Status
<p><b>SB 1376: CAPITAL CASE LITIGATION; PUBLIC DEFENDER</b></p> <p>The State Capital Postconviction Public Defender Office is established. Court appointed council for capital defendants in postconviction proceedings must be from the capital postconviction public defender's office unless a conflict exists or the court makes a finding that the office cannot represent the defendant. Non-public defender appointees must be in good standing with the state bar for at least 5 years, have practiced state criminal appeal or postconviction proceedings for at least 3 years and have never represented the defendant in question unless the defendant and counsel expressly request for continued representation. The office is limited to the employment of no more than three deputies and no more than four other employees. An appropriation of \$220,000 is made from the general fund for the establishment of the office. Effective date is December 31, 2006. AS PASSED SENATE.</p>	<p>3/16 PASSED SENATE 29-0  3/21 Referred to House Judiciary, Appropriations (P) Committee  3/29 Withdrawn from House Judiciary Committee  3/30 Passed House Appropriations (P) Committee with amendment #4340; ready for House Rules Committee</p>
<p><b>SB 1380: SPECIAL EDUCATION; IDEA CHANGES</b></p> <p>Evaluation requirements prior to placement of a child in special education programs are amended to require that a school district or charter school provide the child's parent with the opportunity to consent or refuse an initial evaluation. If consent is received, the evaluation must occur within 60 days of receipt. Reevaluations are not to be conducted more than once a year unless the public education agency and parent have an alternate agreement or a request for a reevaluation is made by a parent. Further, parents must be notified annually regarding their child's progress towards meeting their annual individualized education program goals.</p>	<p><b>5/8 SIGNED BY GOVERNOR</b>  <b>Chapter No. 265, 2006 Laws</b></p> <p><b>NEUTRAL – conforming changes only</b></p>
<p><b>SB 1430: CHILDREN; CPS</b></p> <p>An 11-member Family Advocacy Council is established to serve as a resource to families affected by actions taken by Child Protective Services (CPS), review CPS cases and advocate on behalf of any parent deemed necessary by the council. The Family Advocacy Office is established to offer staff support and services to the council and assist in research efforts. Additionally, on initial contact with a person that is under investigation by CPS, the person must be informed that they are under investigation, the specific complaint against them and their rights regarding cooperation. Cases that involve the removal of a child must be reviewed by a team consisting of a protective services worker or their supervisor and two members of the Foster Care Review Board, one of which must be from the district in which the child was removed. Effective date is December 31, 2006 and sunset is set for July 1, 2016. AS PASSED SENATE.</p>	<p>3/16 PASSED SENATE 17-12  3/21 Referred to House Judiciary Committee  3/30 Passed House Judiciary Committee with amendment #4347; ready for House Rules Committee</p>

Bill and Subject	Status
<p><b>SB 1442: AHCCCS; TEMPORARY MEDICAL COVERAGE</b>  A temporary medical coverage program is established under AHCCCS starting Oct. 1, 2006, for state residents who are citizens or legal residents of the United States, and are not eligible for Medicare. An appropriation of \$8,686,800 is made to AHCCCS from the general fund for the costs of the program. AS PASSED SENATE. Sponsors: Sen. Leff &amp; 5. ARS Title 36.</p>	<p>3/14 PASSED SENATE 21-8  3/16 Referred to House Health, Appropriations (B) Committee  3/22 Passed House Health Committee  3/28 Passed House Appropriations (B) Committee with amendment #4307; ready for House Rules Committee</p>
<p><b>SB 1544: TAX CREDIT; CHARITABLE ORGANIZATIONS</b>  The allowable tax credit for cash donations to a qualified charitable organization (defined) available to a married couple filing a joint return is increased to \$400 from \$300 for taxable years from and after 2006. Further, a qualifying charitable organization's written certification must be signed by an officer of the organization and include verification of the organization's tax exempt status as non-profit organization or verification that the organization is a designated community action agency, financial data that includes the previous operating year's budget and the amount spent on needy families and a statement that the organization will continue to spend at least 50% of it's budget on services to residents of the state who receive TANF benefits or are low income residents. The Dept. of Revenue reviews each written certification and determines an organization's status as a qualifying charitable organization. AS PASSED SENATE.</p>	<p>3/14 PASSED SENATE 28-1  3/16 Referred to House Ways &amp; Means Committee  3/27 Passed House Ways &amp; Means Committee with amendment #4285; ready for House Rules Committee</p>
<p><b>SCR 1030: VERIFIABLE AND SECURE IDENTIFICATION</b>  The 2006 general election ballot is to carry the question of whether to amend ARS Title 41 (state government) to require the identification that a person must produce before any state service is delivered to that person (pursuant to Prop. 200) must be verified, that is issued by a domestic government entity. Additionally, no state or subdivision may issue any license or permit to a person who does not produce a verifiable identification document. [Note: this measure is identical to S1511 passed by the Legislature in 2005 but vetoed by the Governor.] AS PASSED SENATE.</p>	<p>3/6 PASSED SENATE 18-11  3/9 Referred to House Commerce Committee  3/23 Withdrawn from House Commerce Committee and referred additionally to Appropriations (P) Committee  3/29 Passed House Appropriations (P) Committee; ready for House Rules Committee</p>