



## 2009 Votes:

- 1. Medical Malpractice; E.R. Treatment and Burden of Proof (SB 1018):** Establish the standard proof for medical malpractice in hospital emergency departments must be "clear and convincing". For malpractice in labor and delivery cases, the standard of clear and convincing evidence is expanded to include cases when the patient's medical information is not "immediately" available. A "Yes" vote supports the GPCC position. Passed Senate Third Read Vote 21-8. Passed House Third Read Vote 31-19. Governor signed.
- 2. Storage; Firearms; Motor vehicles (SB 1168):** A property owner or business entity is prohibited from enforcing a policy or rule that does not permit a person to carry firearms in his/her vehicle as long as the vehicle is locked (or the storage location of the firearm is locked) and the firearm is not visible from the outside. This prohibition does not apply if the vehicle is owned by a government entity or by the person's private employer if the owner of the vehicle does not consent to the transportation of the firearm. A "No" vote supports the GPCC position. Passed House Third Read Vote 37-14. Passed Senate Final Read Vote 18-9. Governor signed.
- 3. Education Omnibus (SB 1196):** Makes numerous changes regarding education, including requirements pertaining to fingerprinting, retirement benefits, and academic receivership and charter schools. A "Yes" vote supports the GPCC position. Passed House Third Read Vote 45-6. Passed Senate Final Read Vote 22-6. Governor Signed.
- 4. Workers' Compensation (SB 1262):** For purposes of determining compensation in cases where an employee who is entitled to workers' compensation as a result of an injury sustained on the job whose employment has been terminated for reasons unrelated to the industrial accident, the Industrial Commission is authorized to consider the wages the person could have earned from continued employment. Other changes in this act include: upon request a physician prescribing for a person receiving workers' comp benefits off-label use of a controlled substance must submit a treatment plan for monitoring and prevention of abuse. Insurance carriers are not responsible for payment for off-label use of medication until such information and treatment plan are submitted. Lowers the amount of damages that may be collected by an insurer from an employer who willfully misrepresents employee and payroll information from ten times the difference in premiums to three times the difference. Additionally, the annual date on which workers' comp rates become effective is changed to Jan 1 from Oct 1. A "Yes" vote supports the GPCC position. Passed Senate Third Read Vote 28-0. Passed House Third Read Vote 59-0. Governor Signed.
- 5. Workers' Compensation; Drugs & Alcohol (SB 1266):** Removes confusion regarding what an employer must do to qualify for the 5% premium credit on workers' compensation policies. Cleans up Arizona statutes by eliminating sections of law that were deemed unconstitutional (*Grammatico v. ICA* and *Komelestewa v. ICA*). Reduces paperwork for employers and the ICA. A "Yes" vote supports the GPCC position. Passed Senate Third Read Vote 28-0. Passed House Third Read Vote 50-0. Governor signed.
- 6. Renewable, high-wage industries incentives (SB 1403):** For tax years 2010 through 2015, tax incentives, including income tax credits and changes to a property tax classification with a lower assessment ratio, are allowed for expanding or locating qualified renewable energy operations (defined) in Arizona. Criteria for income tax and property tax breaks are prescribed. Generally, income tax breaks are conferred depending on compliance with a set of salary and benefits requirements. Aggregate income tax credits in one year cannot exceed \$70 million. Property tax breaks are conferred if certain levels of capital investment are made and salary requirements are met. A "Yes" vote supports the GPCC position. Passed Senate Third Read Vote 16-12. Passed House Third Read Vote 39-12. Governor signed.
- 7. Small business health insurance coverage (HB 2323):** This measure reduces the "go bare period" from six months to 90 days for small employers with 2 to 50 employees to purchase health insurance without all of the state mandates. (referred to as "mandate-lite health insurance") A "Yes" vote supports the GPCC position. Passed Senate Third Read Vote 28-0. Passed House Final Read Vote 31-10. Governor signed.
- 8. Individual health insurance, coverage exemptions (HB 2324; SB 1325):** SB 1325 allows uninsured individuals to purchase "mandate-lite health insurance". Qualified individuals include: those terminated from a job that provided health insurance coverage, left at own volition to open a small business, employer discontinued offering health insurance coverage, exhausted COBRA coverage or found that COBRA coverage was unaffordable,

health insurance coverage was discontinued due to a death of a spouse or divorce, participation in public health care programs was discontinued. A "Yes" vote supports the GPCC position. Passed House Third Read Vote 48-12. Passed Senate Third Read Vote 25-2. Filed into law without Governor's signature.

- 9. Public-private transportation partnerships (HB 2396):** Repeals, replaces and renames statutes dealing with transportation project privatization (A.R.S. 28-7701 et. seq.). New name for the chapter is Public-Private Partnerships in Transportation. Authorizes public-private partnerships to be used for any enhanced, upgraded or new transportation project. The private partner is permitted to collect tolls, and the government may enforce that collection. Stipulates procurement procedures and funding mechanisms for a public-private transportation project. A "Yes" vote supports the GPCC position. Passed Senate Third Read Vote 21-8. Passed House Final Read Vote 43-11. Governor signed.
- 10. Administrative Rules Oversight Committee (HB 2401):** An Administrative Rules Oversight Committee is established, consisting of five members of the House of Representatives, five Senators, and the Governor or designee. It is given oversight over all rules except those specifically exempted from the Administrative Procedures Act by statute. The committee sunsets on July 1, 2017. An intent section states the committee may review any rule or agency practice alleged to constitute a rule for "conformity with statute and legislative intent." A "Yes" vote supports the GPCC position. Passed House Third Read Vote 39-16. Passed Senate Third Read Vote 17-11. Governor signed.

## 2010 Votes:

- 11. Annual estimate of school district monies (SB 1188):** The entities with which county school superintendents are required to file a copy of the estimate of the amount of school monies required by each school district for the coming year is expanded to include the Property Tax Oversight Commission. The projected estimate of the ending cash balance for each school district must be modified to account for encumbrances and payables. The county school superintendent must subtract from each district's budgeted expenditures the total amount of estimated revenues, including the ending cash balance from the previous year, in order to estimate the additional amounts needed for each district from property taxes. For fiscal year 2009-10, any May 15 budget adjustment deadline for schools is delayed until July 15. A "Yes" vote supports the GPCC position. Passed House Third Read Vote 46-12. Passed Senate Final Read Vote 30-0. Governor signed.
- 12. Admissibility of opinion testimony (SB 1189):** Establishes requirements that must be met to qualify persons as expert witnesses in a civil or criminal action. Also establishes factors to qualify expert opinion testimony in such cases as admissible. A "Yes" vote supports the GPCC position. Passed House Third Read Vote 40-15. Passed Senate Final Read Vote 22-8. Governor signed.
- 13. Department of Water Resources fund (SB 1359):** Revenue derived from various fees charged by the Dept of Water Resources is deposited in the newly established Water Resources Fund, and must be used to carry out any statutory purpose as contained in A.R.S. Title 45 pertaining to waters. Monies in the fund may not be appropriated or transferred by the Legislature to fund the general obligations of the state (funds held in trust). Also expands the allowable uses of the Dam Repair Fund. A "Yes" vote supports the GPCC position. Passed House Final Read Vote 58-0. Passed Senate Final Read Vote 25-1. Governor signed.
- 14. Continuation of voluntary remediation program (HB 2152):** The statutory life of the voluntary remediation program run by the Department of Environmental Quality is extended 10 years, to July 1, 2020. A "Yes" vote supports the GPCC position. Passed House First Read Vote 50-7. Passed Senate Third Read Vote 29-0. Governor signed.
- 15. Notice of municipal taxation and fees (HB2257):** Municipalities and counties proposing to levy any taxes or fees on businesses must provide written notice of the proposed charge or increased rate on the home page of the municipality's or county's website, and must issue a press release of the proposed charge or increased rate at least 60 days before the vote of the governing body. Exempt fees include: municipal and county development and county property tax rate increases. A "Yes" vote supports the GPCC position. Passed Senate Third Read Vote 28-0. Passed House Final Read Vote 42-15. Governor signed.
- 16. Regulatory rule making (HB 2260):** The process for proposing that health insurance policies include mandated coverage for specific illnesses or conditions are changed to require submission of the proposal to the Joint Legislative Audit Committee for assignment to the appropriate legislative committee of reference, which is required to hold at least one hearing before the start of the legislative session at which the proposal will be considered. The hearing shall include public testimony, and the committee must make a recommendation. Statutes governing regulatory rule making are changed to include creation of a "general permit" which must be used if the class of regulated activities are substantially similar in nature. By Dec 31, 2013, the Secretary of State must establish an online, searchable database of state agency rules. By Dec 31, 2014, the database must be expanded in scope and must include links to

county information; information from cities must be added by Dec. 31, 2015. Requires Senate confirmation of appointees to the Governor's Regulatory Review Council. Subject to sufficient legislative appropriation, the Governor's Office of Strategic Planning and Budgeting is required to prepare an economic, small business and consumer impact statement for each new or revised agency rule. The list of items the council must consider before approving a proposed agency rule is expanded to include a demonstration by the agency that it has selected the alternative that imposes the least burden and costs to the regulated community, that the rule is not more stringent than corresponding federal law (absent specific statutory authority to the contrary) and, if the rule proposes a new permit, that the agency authorizes a general permit. A 10-member Commission on Privatization, Efficiency and Competition is formed to seek, evaluate and review opportunities to contract with private enterprise. If a person or entity accuses a state agency (including community college or university) of not encouraging competition and privatization, the person or entity may file a complaint with the commission. The agency then has 45 days to respond to the complaint to indicate whether it concurs with or denies the complaint and to describe any necessary or contemplated remedial action. An aggrieved party's right to seek judicial remedy is not precluded by these provisions. A person may petition the Dept of Environmental Quality to classify any source of air pollution to be subject to a general permit rather than an individual permit. Rejection of the petition is an appealable agency action. Minor emissions of an air pollutant do not violate the terms of a permit if (a) they are caused by routine maintenance, repair or replacement; or (b) they are the result of increased hours of operation as long as the increase is not prohibited under the current permit. A "Yes" vote supports the GPCC position. Passed Senate Third Read Vote 18-12. Passed House Final Read Vote 37-22. Governor signed.

- 17. Preparation programs, teacher certification (HB 2298):** Department of Education rules relating to teacher certification must allow a variety of alternative teacher and administrator preparation programs to apply for program approval. The Board of Education must evaluate each program provider based on the program's ability to prepare teachers and administrators and to recruit teachers and administrators with a variety of experiences and talents. Also establishes requirements for graduates from alternative preparation programs. A "Yes" vote supports the GPCC position. Passed Senate Third Read Vote 17-9. Passed House Final Read Vote 34-21. Governor signed.
- 18. Environmental regulation (HB 2442):** State agencies are prohibited from adopting or enforcing regulations to limit the emission of greenhouse gas (defined) without express legislative authorization." An intent section says that the state shall not enforce a cap and trade system without express legislative authorization. A "Yes" vote supports the GPCC position. Passed House Third Read Vote 35-23. Passed Senate Third Read Vote 18-10. Governor signed.
- 19. Agency rulemaking, fees (HB 2586):** Retroactive to June 14, 2010, the authority given to various state agencies to increase fees is modified to require that fees must be "fairly and equally" assessed and must not discriminate between private and public parties. Agency rule-making authority is modified to require public notice and an opportunity for public comment at least 30 days prior to the adoption of the proposed rule(s). Affected state agencies include: Agriculture, Environment, Water Resources, Health Services and Land. As session law, establishes a 10-member State Agency Fee Commission to review existing fee authority and structure and to recommend "an appropriate legal procedure" to raise or lower state agency fees. A "Yes" vote supports the GPCC position. Passed Senate Third Read Vote 29-0. Passed House Final Read Vote 43-16. Governor signed.
- 20. Water quality fees (HB 2767):** Gives the Dept of Environmental Quality (DEQ) one-time authority to set fees by rule for various permits related to water quality (aquifer protection permits and pollution discharge elimination system permits). Future increases are not permitted without legislative authorization. Requires that fees or assessments deposited in the Water Quality Fee Fund to be used only for the purposes prescribed (funds held in trust) and are not subject to appropriation or transfer by the Legislature. As session law, fees assessed by DEQ are retained by the department; however, before it expends any monies in that fund, it must report their intended use to JLBC. A "Yes" vote supports the GPCC position. Passed Senate Third Read Vote 20-9. Passed House Final Read Vote 51-7. Governor signed.