

Capitol insiders call this week “Crossover Week” at the Arizona legislature. It’s a week that marks a major shift in the legislative session, as the House and Senate focus on floor debates and votes that send their bills across the Capitol mall for consideration in the other chamber. Most committees stop their work and legislators focus instead on long hours of voting on a wide variety of policy topics. This week alone, the House and Senate debated and passed hundreds of bills.

Not all bills advanced. Legislators failed to pass a small number of proposals, including bills to alter [reporting requirements](#) for the Department of Child Safety, to [ban municipal ID cards](#), and to set a new property tax classification for [greenhouses](#). Few proposals ever *really* die at the legislature, however, and many of these failed proposals will receive another vote in the near future if the bills’ sponsors can convince their colleagues to vote yes.

The intense action of this week moves the session into the second half of bill consideration. The House and Senate policy committees now prepare to focus on proposals already approved in the first legislative chamber where they were introduced. There are fewer opportunities for amendments, and there is more pressure to fine tune agreements and language that could be enacted into law.



One bill has already become law. Governor Ducey signed [HB 2088](#), a proposal that was fast-tracked through the legislature and designed to allow residents of the San Tan Valley to incorporate. San Tan is an area currently governed by Pinal County, with a population of more than 81,000 in the 2010 census.

Legislation that advanced this week included the legalization of [gambling in bars and clubs](#), a [ban on photo radar](#), and change authority over [end-of-life decisions](#). Debates unfolded over whether state senators should [double the length](#) of their terms in office or enhance penalties for [protests that turn into riots](#), and how the state should fund priorities like [a memorial](#) of the shooting of Congresswoman Gabrielle Giffords and [restoration of historic buildings](#) on the Arizona fairgrounds.

The House approved bills to seek chances to enhance [flu vaccinations](#) in hospital patients over the age of 65, increase funding and streamline operations of the [Controlled Substances Prescription Monitoring Program](#), and establish voluntary certification for [community health workers](#). The Senate passed a study of the rate of [psychotropic drug use](#) in foster children on AHCCCS, an expansion of the scope of practice for [pharmacists](#) and [nurse anesthetists](#), and an increase in fees for [newborn screenings](#).

Legislators approved mandated [recess time](#) in schools, altered responsibility for [school safety programs](#), and required [computer coding](#) instruction. Two bills to expand Arizona's [Empowerment Scholarship Accounts](#) stalled, due to a lack of necessary support in the Senate. Advocates and opponents alike say they'll keep lobbying senators on the issue as the discussion continues.

Policy committees resume their work next week, and legislators will divide their busy days between floor votes and committee votes. [Click here](#) to see what is scheduled for consideration each day.

### Budget Update

Two House Appropriations Subcommittees finalized their budget reports this week, providing insights and recommendations to the full House Committee on Appropriations. The subcommittees' reports largely reflect the suggestions framed by legislative budget staff in their baseline spending report earlier this year, but with some changes that reflect legislators' priorities.

The Subcommittee on Health & Welfare recommended an "ongoing review" of Proposition 206 impacts on providers of services for persons with disabilities. (The estimated total impact is a point of disagreement between executive and legislative budget experts.) The Subcommittee report also included recommendations that differ from the proposals released by the Governor and budget staff:

- Restoration of lottery revenues for Mohave, Pinal, and Yavapai counties (the funds were previously returned to the state to balance the budget deficit)
- Protection of revenues from the Highway User Revenue Fund (HURF)
- A deeper examination of the state mandate that local governments fund the Arizona Department of Juvenile Corrections (another item adopted during the budget downturn)

[Click here](#) for the full recommendation from the health & welfare review.

The Subcommittee on Public Safety, Infrastructure & Resources' report also recommended protection of HURF dollars for local governments, and also recommended an end to the local government payments for Juvenile Corrections.

The budget subcommittees served as a way to connect House members with the details of the budget process – a factor that is important to Speaker J.D. Mesnard's (R-Chandler) plan to build a budget from the priorities and requests of his caucus members. This process differs from the Senate, who plans to base their budget priorities on senators' reactions to the Governor's budget proposal.

Senate leaders have expressed concern that the more in-depth House process may delay budget progress, but it is too early to gauge whether that is the case. There are no clear signs of budget progress in either the House or Senate, and neither chamber has released a schedule or update on serious budget negotiations.

### Priority Legislation

- [HB 2082](#) (schools; daily recess time), which requires at least 50 minutes of unstructured recess time for students in grades K-5 and 25 minutes of recess for students in half-day kindergarten, passed the House 39-20.
- [HB 2134](#) (schools; children's camps; sunscreen use), which would authorize children's use and possession of FDA-approved sunscreen, passed the House 46-12. It was [amended](#) to extend the sunscreen allowance to child care facilities and child care group homes, and to specify that the statute would repeal if the Arizona Department of Health Services adopts rules to ensure the allowance of sunscreen use.
- [HB 2194](#) (indoor tanning; minors; restricted use), which would prevent minors from using tanning devices, was assigned to the Senate Committees on Commerce & Public Safety and Health & Human Services.
- [HB 2208](#) (inhalers; administration; schools; authorized entities), which increases authorities for schools to offer inhalers to students when permitted to do so by a physician, passed the House 50-8.
- [HB 2372](#) (public benefits; fee waivers; requirements), which extends TANF benefits from 12 to 24 months under specified circumstances with a variety of new reporting and fraud prevention measures, passed the House 31-29. It was amended to require semiannual reporting on job, wage, and benefit information from employment contractors and to add [a long list](#) of requirements and restrictions on TANF benefits.
- [HB 2454](#) (child welfare; placement; medications), which would have required approval from the Department of Child Services before a prescribed antipsychotic or neuroleptic medication was given to a child under five years of age in DCS custody, did not receive a committee hearing and will not advance this year. A provision of the bill that required a study of the use of psychotropic drugs by children in the foster care system is included in SB 1236.
- [HB 2510](#) (schools; immunization records; retention), which requires school districts and charter schools to maintain a student's immunization record for six years after the student was enrolled, passed the House 42-16. The bill also requires immunization records for high school graduates to be maintained for six years or until the student reaches 21, and requires charter schools to file an annual immunization report with the Department of Health Services and the local health department.

- [SB 1001](#) (civil liability; minors; animals; vehicle), which provides civil liability protection for bystanders to intervene for the protection of children and animals, passed the Senate 25-5 last week.
- [SB 1080](#) (teenage drivers; communication devices prohibited), which prohibits a minor from using a wireless communication device while driving – except for emergencies, passed the Senate 24-6 last week and is scheduled for a hearing in the House Committee on Transportation & Infrastructure on March 1.
- [SB 1236](#) (psychotropic drugs; foster children; report), which requires the Department of Child Safety and AHCCCS to report on the rate of psychotropic drugs prescribed to foster children on AHCCCS compared to non-foster children. The bill was [amended](#) to include prescriptions from nurse practitioners and physician assistants, and passed the Senate 24-6.
- [SB 1367](#) (abortion; live delivery; report; definition), which requires a physician performing an abortion to document and report the measures performed to maintain the life of the fetus or embryo if it was delivered alive, passed the Senate 18-12.
- [SB 1368](#) (newborn screening; fees), which increases the cost of the first newborn screening panel from \$30 to \$36, passed the Senate 28-1.

### House Committee Disagrees with Across-the-Board Budget Cut

Members of the House Committee on Appropriations overwhelmingly rejected one way of approaching budget cuts, failing [HB 2509](#) by a margin of 2-9. The bill, sponsored by freshman Representative Kevin Payne (R-Peoria), would have required a 1% reduction to every appropriation in the state budget except for those given to the Superintendent of Public Instruction, the Department of Child Safety, and funding required by the Arizona Constitution (some education funding and resources for the Independent Redistricting Commission). Payne said he thought it was a way to find funding for tax cuts or education. Many members of the Committee disagreed, though, arguing that the proposal would arbitrarily and inequitably impact state agencies and tie the hands of future legislators.

### House Approves Certification of Community Health Workers

The House gave bipartisan approval to a proposal designed to conform and inform the actions of community health workers in Arizona. [HB 2426](#), sponsored by Representative Charlene Fernandez (D-Yuma), would allow the Arizona Department of Health Services to create a voluntary certification process for community health workers and would establish an oversight Board for community health worker training and conduct. The proposal was requested by the Arizona Community Health Workers Association, and was previously approved through the [sunrise application](#) process.

Community health workers work with hospitals, county and tribal facilities, and other health providers to help patients navigate treatment options, support groups, and support services associated with health problems.

The bill passed the House 41-17, with little discussion. Representative Pamela Powers-Hanley (D-Tucson) spoke in support, and praised community health workers as “a critical part of the care team” to help patients better understand their medical care. HB 2426 now moves to the Senate for consideration.

### **Legislators Disagree on Need for Changes to U.S. Constitution**

If you spend any time at the Capitol this year, you are likely to hear the term “Article Five.” It’s a reference to [Article V](#) of the U.S. Constitution, which outlines the process for amending the Constitution. There are two mechanisms for amendments – both of which allow states to play a critical role. Congress can propose an amendment with two-thirds support of both the U.S. Senate and U.S. House of Representatives; their amendment becomes effective only if three-fourths of state legislatures ratify the proposal. States themselves can also propose Constitutional changes if two-thirds of state legislators call for a discussion of potential amendments: a “constitutional convention.”

Constitutional conventions have been a hot topic at the Arizona legislature for many years, but the discussion has been sidelined – often because of objections from former Senate President Andy Biggs. Biggs literally [wrote the book](#) against the need for constitutional changes and what he believed to be the dangerous step of opening an unstructured discussion of changes to the governing document of our country.

Biggs is no longer at the legislature, however, and a variety of interest groups are trying to add Arizona to the states calling for an unprecedented constitutional convention. This year, seven proposals would pursue this option, and they are seeing varying levels of success:

- [HCR 2010/SCR 1002/SCR 1024](#) (application; Article V convention) are identical proposals that attempted to fast-track approval of a call for a constitutional convention to limit the federal government’s power, jurisdiction, and fiscal authority and establish Congressional term limits. The House narrowly approved the concept by a vote of 31-27, but the Senate failed to pass it by a 13-17 vote. Supporters of the measure successfully motioned for another vote on the bill, however, which could occur at any time. If passed by the Senate, Arizona would officially join the states calling for a constitutional convention.

- [HCR 2013](#) (convention; balanced federal budget) issues a more limited call for constitutional change, asking for a constitutional convention only to limit federal spending to align with federal revenues each year. The proposal is sponsored by House Speaker J.D. Mesnard (R-Chandler), and it passed the House 33-25 earlier this month. It is awaiting a hearing in the Senate Committee on Government.
- [HCR 2022](#) (balanced budget convention; delegates) requires Arizona to send delegates if a Constitutional convention on a balanced budget is successfully convened, and outlines the process of delegate selection and delegate responsibilities. The House approved the proposal by a 34-24 party-line vote this week and sent the resolution to the Senate.
- [HCR 2023](#) (Article V convention; term limits) calls for a constitutional convention limited to the creation of term limits for members of Congress. It was approved by a House committee and awaits a floor debate in the House.
- [HCR 2006](#) (Article V convention) calls for a constitutional convention on a wide range of changes, including Congressional term limits, limits on federal spending, a reduction of Congressional authority over economic regulations, and a return to state legislatures selecting U.S. senators rather than voters. The proposal failed in the House by a vote of 27-31, due to opposition to either the full proposal or specific items contained in the broad call for constitutional changes.

It is not yet clear how these discussions will unfold as the legislative session continues. Unlike legislative memorials, however, which are often called “postcards to Congress,” these resolutions are not just a message without action. As [more states](#) submit applications for a constitutional convention, the issue is drawing [more attention](#) nationwide.