

House Engrossed

FILED

Betsey Bayless
Secretary of State

State of Arizona
House of Representatives
Forty-fourth Legislature
Second Regular Session
2000

CHAPTER 1

HOUSE BILL 2019

AN ACT

AMENDING TITLE 36, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-218; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3010.01; MAKING AN APPROPRIATION; RELATING TO THE ARIZONA STATE HOSPITAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 2, article 1, Arizona Revised Statutes,
3 is amended by adding section 36-218, to read:

4 36-218. Arizona state hospital capital construction commission;
5 members; duties

6 A. AN ARIZONA STATE HOSPITAL CAPITAL CONSTRUCTION COMMISSION IS
7 ESTABLISHED CONSISTING OF THE FOLLOWING MEMBERS:

8 1. THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES OR THE DIRECTOR'S
9 DESIGNEE.

10 2. THE CHIEF EXECUTIVE OFFICER OF THE MARICOPA COUNTY INTEGRATED
11 HEALTH SYSTEM OR THE CHIEF EXECUTIVE OFFICER'S DESIGNEE.

12 3. THE MARICOPA COUNTY SHERIFF OR THE SHERIFF'S DESIGNEE.

13 4. THE CHAIRMAN OF THE BOARD OF SUPERVISORS OF A COUNTY WITH A
14 POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS WHO IS APPOINTED BY THE
15 PRESIDENT OF THE SENATE.

16 5. A MENTAL HEALTH ADVOCATE WHO REPRESENTS AN ORGANIZATION THAT
17 REPRESENTS ARIZONA STATE HOSPITAL PATIENTS AND WHO IS APPOINTED BY THE
18 SPEAKER OF THE HOUSE OF REPRESENTATIVES.

19 6. A REPRESENTATIVE OF THE BUSINESS COMMUNITY WHO IS APPOINTED BY THE
20 PRESIDENT OF THE SENATE.

21 7. A CURRENT OR FORMER PATIENT OF THE ARIZONA STATE HOSPITAL WHO IS
22 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

23 8. A PSYCHIATRIST WHO IS NOT EMPLOYED BY OR UNDER CONTRACT WITH THIS
24 STATE AND WHO IS APPOINTED BY THE GOVERNOR.

25 9. A FAMILY MEMBER OF A PERSON WITH A SERIOUS MENTAL ILLNESS WHO IS
26 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

27 10. TWO MEMBERS OF THE SENATE WHO ARE APPOINTED BY THE PRESIDENT OF THE
28 SENATE AND WHO ARE FROM DIFFERENT POLITICAL PARTIES AND TWO MEMBERS OF THE
29 HOUSE OF REPRESENTATIVES WHO ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF
30 REPRESENTATIVES AND WHO ARE FROM DIFFERENT POLITICAL PARTIES. LEGISLATIVE
31 MEMBERS ARE NONVOTING ADVISORY MEMBERS.

32 11. ONE MEMBER OF THE ARIZONA STATE HOSPITAL ADVISORY BOARD WHO IS
33 APPOINTED BY THE GOVERNOR.

34 12. A REPRESENTATIVE OF THE BUSINESS COMMUNITY WITH EXPERIENCE IN
35 PUBLIC AND PRIVATE SECTOR FINANCIAL MANAGEMENT WHO IS APPOINTED BY THE
36 PRESIDENT OF THE SENATE.

37 13. A REPRESENTATIVE OF THE BUSINESS COMMUNITY WITH EXPERIENCE IN
38 FACILITY CONSTRUCTION MANAGEMENT WHO IS APPOINTED BY THE PRESIDENT OF THE
39 SENATE.

40 B. COMMISSION MEMBERS SERVE FOUR YEAR TERMS.

41 C. THE COMMISSION SHALL HOLD ITS INITIAL MEETING NO MORE THAN THIRTY
42 DAYS AFTER THE MEMBERS ARE APPOINTED, AND APPOINTMENTS SHALL BE MADE BY MAY
43 1, 2000. AFTER ITS INITIAL MEETING THE COMMISSION SHALL MEET AT THE CALL OF
44 THE CHAIRMAN. THE COMMISSION SHALL MEET AT LEAST FOUR TIMES A YEAR.

1 D. AT ITS INITIAL MEETING THE COMMISSION SHALL ELECT FROM AMONG ITS
2 MEMBERSHIP A CHAIRMAN AND ANY OTHER OFFICERS THAT THE COMMISSION DEEMS
3 NECESSARY. A MAJORITY OF THE COMMISSION CONSTITUTES A QUORUM.

4 E. COMMISSION MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION BUT ARE
5 ELIGIBLE FOR REIMBURSEMENT OF EXPENSES FROM THE DEPARTMENT PURSUANT TO TITLE
6 38, CHAPTER 4, ARTICLE 2.

7 F. THE DIVISION SHALL SUPPLY STAFF AND OTHER SERVICES TO THE
8 COMMISSION.

9 G. THE COMMISSION SHALL REVIEW CAPITAL CONSTRUCTION AND RENOVATION
10 PLANS AT THE ARIZONA STATE HOSPITAL FOR FORENSIC, CIVIL, AND SEXUALLY VIOLENT
11 PERSONS FACILITIES, THE DESIGN OF THE FACILITIES, AND FUTURE USE OF THE
12 FACILITIES AND MAKE RECOMMENDATIONS TO THE DEPARTMENT OF ADMINISTRATION AND
13 THE JOINT COMMITTEE ON CAPITAL REVIEW.

14 Sec. 2. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
15 amended by adding section 41-3010.01, to read:

16 41-3010.01. Arizona state hospital capital construction
17 commission; termination July 1, 2004

18 A. THE ARIZONA STATE HOSPITAL CAPITAL CONSTRUCTION COMMISSION
19 TERMINATES ON JULY 1, 2004.

20 B. SECTION 36-218 IS REPEALED ON JANUARY 1, 2005.

21 Sec. 3. Supplemental appropriations; state hospital; repayment;
22 exemption

23 A. In addition to the appropriation made by Laws 1999, first special
24 session, chapter 1, section 4, the following sums are appropriated in the
25 following fiscal years from the monies in the Arizona state hospital capital
26 construction fund established by section 4 of this act to the department of
27 administration for the demolition, renovation and construction of the Arizona
28 state hospital. The department of administration is exempt from the
29 provisions of title 41, chapter 23, Arizona Revised Statutes, relating to
30 procurement procedures for purposes of this project but shall report to the
31 joint committee on capital review and the Arizona state hospital capital
32 construction commission as to any procurement procedures that vary from those
33 specified in title 41, chapter 23, Arizona Revised Statutes. The department
34 shall use an architect with at least ten years' experience in hospital design
35 and construction:

- 36 1. \$20,000,000 in fiscal year 1999-2000.
- 37 2. \$20,000,000 in fiscal year 2000-2001.
- 38 3. \$20,000,000 in fiscal year 2001-2002.
- 39 4. \$20,000,000 in fiscal year 2002-2003.

40 Of the amounts appropriated, the department of administration may allocate
41 up to \$252,000 and four FTE positions each of the fiscal years of the
42 appropriation to manage and oversee the project until its completion.

43 B. If state-specific finality as defined in the national tobacco
44 lawsuit master settlement agreement is achieved, interest earnings from the
45 budget stabilization fund deposited into the Arizona state hospital capital

1 construction fund in section 4 of this act shall be repaid by the state
2 treasurer to the budget stabilization fund from the first \$80,000,000 in
3 up-front tobacco settlement monies received by this state. The repayments
4 shall be made in the following amounts in the following fiscal years:

- 5 1. Fiscal year 1999-2000, \$20,000,000.
- 6 2. Fiscal year 2000-2001, \$20,000,000.
- 7 3. Fiscal year 2001-2002, \$20,000,000.
- 8 4. Fiscal year 2002-2003, \$20,000,000.

9 C. At a minimum, the department of administration shall use monies
10 appropriated pursuant to this section to provide one hundred seventy-six new
11 civil beds to be located on the current grounds of the state hospital at
12 Twenty-fourth street and Van Buren road in Phoenix and to renovate and expand
13 the facilities at that site to address physical plant needs for civil and
14 forensic populations, an adolescent unit and sexually violent offenders.

15 D. Following the recommendations of the Arizona state hospital capital
16 construction commission pursuant to section 36-218, subsection G, Arizona
17 Revised Statutes, the project is subject to review by the joint committee on
18 capital review, including a review of the request for proposals and proposals
19 of builders, a review of the entire plan before construction is started and
20 quarterly updates of the project.

21 E. The appropriations made pursuant to this section are exempt from
22 the provisions of section 35-190, Arizona Revised Statutes, relating to
23 lapsing of appropriations until July 1, 2003.

24 Sec. 4. Arizona state hospital capital construction fund; budget
25 stabilization fund monies; distribution; reversion

26 An Arizona state hospital capital construction fund is established.
27 Notwithstanding section 35-144, Arizona Revised Statutes, the state treasurer
28 shall deposit \$20,000,000 in each of the fiscal years 1999-2000, 2000-2001,
29 2001-2002 and 2002-2003 from the interest earnings on the budget
30 stabilization fund monies into the Arizona state hospital capital
31 construction fund. Deposits shall be made on an equal monthly basis. The
32 last deposit shall be made in June, 2003. All interest earned on investment
33 of monies in the Arizona state hospital capital construction fund shall be
34 credited to the fund. All monies in the fund remaining unexpended and
35 unencumbered on July 1, 2005, revert to the budget stabilization fund.

36 Sec. 5. Emergency

37 This act is an emergency measure that is necessary to preserve the
38 public peace, health or safety and is operative immediately as provided by
39 law.

APPROVED BY THE GOVERNOR JANUARY 19, 2000

FILED IN THE OFFICE OF THE SECRETARY OF STATE JANUARY 19, 2000