

House Engrossed Senate Bill

State of Arizona  
Senate  
Forty-sixth Legislature  
First Regular Session  
2003

CHAPTER 159

# SENATE BILL 1208

AN ACT

AMENDING SECTIONS 36-481 AND 36-485, ARIZONA REVISED STATUTES; RELATING TO ARIZONA HEALTH FACILITIES AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-481, Arizona Revised Statutes, is amended to  
3 read:

4 36-481. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Acquire" means purchase, lease as lessee, obtain an interest as  
7 mortgagee or beneficiary under a deed of trust, erect, build, construct,  
8 reconstruct, remodel, repair, replace, alter, extend, better, equip, furnish,  
9 develop, improve or embellish any health care facility, or site acquisition,  
10 preparation and development and all INCIDENTAL expenditures incidental  
11 thereto.

12 2. "Agreement" means any loan or other agreement, contract, note,  
13 mortgage, deed of trust, trust indenture, lease, sublease or other such  
14 instrument entered into by the authority.

15 3. "Authority" means the Arizona health facilities authority.

16 4. "Board" means the board of directors of the authority.

17 5. "Bonds" means any bonds issued pursuant to this chapter.

18 6. "Costs" means all costs incurred in the issuance of bonds,  
19 including, but not limited to, legal, accounting, consulting, printing,  
20 advertising and travel expenses, plus an amount equal to not more than  
21 one-tenth of one per cent of the principal amount of any bonds issued to be  
22 used to defray the authority's operational and administrative costs and may  
23 also include interest on bonds issued pursuant to this chapter for a  
24 reasonable time prior to and during construction and after completion of  
25 construction of any project.

26 7. "Federal agency" means the United States, the President of the  
27 United States, the department of health and human services, the department  
28 of the treasury or any other agency or agencies of the United States as may  
29 be designated or created to make loans or grants or both.

30 8. "Health care facility" or "project" means a structure suitable for  
31 use as a hospital, either general or specializing in the treatment of certain  
32 diseases, or suitable for use as a clinic, rehabilitation center, therapy  
33 facility, outpatient clinic, nursing home, blood bank, ambulance facility,  
34 extended care facility or other health care facility or any combination of  
35 the foregoing and includes all the customary and necessary supporting  
36 services and equipment such as dispensary, pharmacy, parking facilities,  
37 laundry facilities, nurses' and interns' residences, offices and  
38 administration buildings, living facilities for the elderly or disabled,  
39 cafeterias and food service facilities, research, laboratory and diagnostic  
40 facilities, education facilities, medical and surgical equipment, tools and  
41 machinery, but not such items as fuel or stored energy and supplies or  
42 disposable items which THAT are customarily deemed to result in a current  
43 operating charge WHEREVER SITUATED.

1           9. "Participating facility" means a corporation organized as a  
2 nonprofit corporation or qualified to do business as a nonprofit corporation  
3 under the laws of this state, which corporation, LIMITED LIABILITY COMPANY,  
4 PARTNERSHIP OR OTHER ENTITY THAT is specifically empowered to operate and  
5 maintain one or more health facilities, the university of Arizona hospital  
6 and any political subdivisions specifically empowered to lease as lessee one  
7 or more health care facilities.

8           10. "Trustee" means any bank or trust company with authority to  
9 exercise trust powers in this state.

10           Sec. 2. Section 36-485, Arizona Revised Statutes, is amended to read:

11           36-485. Powers of board

12           The board may:

13           1. Adopt an official seal and alter the same at its pleasure.

14           2. Maintain an office.

15           3. Acquire any project or projects on behalf of the authority.

16           4. Accept grants of money or materials or property of any kind from  
17 a federal, STATE, COUNTY OR MUNICIPAL agency or others, upon such ON terms  
18 and conditions as may be imposed.

19           5. Waive any privilege or immunity in order to accept any grant, gift,  
20 subsidy or contribution when deemed necessary by the board.

21           6. Issue bonds as provided in this chapter FOR PROJECTS LOCATED IN  
22 THIS STATE.

23           7. ISSUE BONDS AS PROVIDED IN THIS CHAPTER ON BEHALF OF A  
24 PARTICIPATING FACILITY THAT IS HEADQUARTERED IN THIS STATE FOR PROJECTS  
25 LOCATED OUTSIDE OR IN THIS STATE.

26           ~~7.~~ 8. Act as either lessee or lessor in the manner provided in this  
27 chapter.

28           ~~8.~~ 9. Make and enter into agreements, execute all instruments,  
29 perform all acts and do all things necessary or convenient to carry out the  
30 powers granted in this chapter.

31           ~~9.~~ 10. Employ or contract with engineers, architects, attorneys,  
32 accountants, construction and financial experts and such other persons as may  
33 be necessary in its judgment and fix their compensation.

34           ~~10.~~ 11. Appoint such employees as it deems necessary who shall serve  
35 at the pleasure of the board and receive such compensation as the board shall  
36 fix.

37           ~~11.~~ 12. Issue bonds for the purpose of refunding at or prior to  
38 maturity outstanding bonds or other indebtedness of any participating  
39 facility.

APPROVED BY THE GOVERNOR MAY 6, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 6, 2003.

Passed the House April 15, 2003,

by the following vote: 46 Ayes,

11 Nays, 3 Not Voting

Jake Flake  
Speaker of the House  
Norman L. Moore  
Chief Clerk of the House

Passed the Senate March 17, 2003,

by the following vote: 19 Ayes,

11 Nays, 0 Not Voting

Ken Bennett  
President of the Senate  
Charmian Billington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

S.B. 1208

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS  
AND FINAL PASSAGE

Passed the Senate April 30, 2003,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]  
President of the Senate  
[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30 day of April, 2003

at 3:37 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 6 day of

May, 2003,

at 2<sup>15</sup> o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 6 day of May, 2003

at 4:26 o'clock P M.

[Signature]  
Secretary of State

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