

Conference Engrossed

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
First Regular Session  
2003

CHAPTER 215

# HOUSE BILL 2091

AN ACT

AMENDING SECTIONS 15-213, 15-341, 15-2002 AND 15-2041, ARIZONA REVISED  
STATUTES; RELATING TO EDUCATION GOVERNING BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-213, Arizona Revised Statutes, is amended to  
3 read:

4 15-213. Procurement practices of school districts; definitions

5 A. The state board of education shall adopt rules prescribing  
6 procurement practices for all school districts in this state as follows:

7 1. The state board shall submit to the auditor general proposed rules  
8 consistent with the procurement practices prescribed in title 41, chapter 23,  
9 modifying the provisions for public notice of invitation for bids, requests  
10 for proposals and requests for qualifications to allow a governing board to  
11 give public notice of the invitation for bids, requests for proposals and  
12 requests for qualifications by publication in the official newspaper of the  
13 county as defined in section 11-255, modifying the provisions relating to  
14 disposal of materials to comply with section 15-342, paragraph 18, providing  
15 for governing board delegation of procurement authority and modifying as  
16 necessary other provisions which the state board determines are not  
17 appropriate for school districts, for procurement of construction,  
18 construction services, materials or services when the total procurement  
19 exceeds thirty thousand dollars in total cost. The rules shall include  
20 provisions specifying that school districts are not required to engage in  
21 competitive bidding in order to make the decision to participate in programs  
22 pursuant to section 15-382 and that a program authorized by section 15-382  
23 is not required to engage in competitive bidding for the services necessary  
24 to administer the program or for purchase of insurance or reinsurance. The  
25 rules for procurement of construction projects shall include provisions  
26 specifying that surety bonds furnished as bid security and performance and  
27 payment bonds shall be executed and furnished as required by title 34,  
28 chapter 2 or 6, as applicable.

29 2. The state board of education shall adopt rules for procurements  
30 involving construction not exceeding one hundred fifty thousand dollars which  
31 shall be known as the simplified school construction procurement program. At  
32 a minimum, the rules for a simplified construction procurement program shall  
33 require that:

34 (a) A list be maintained by each county school superintendent of  
35 persons who desire to receive solicitations to bid on construction projects  
36 to which additions shall be permitted throughout the year.

37 (b) The list of persons be available for public inspection.

38 (c) A performance bond and a payment bond as required by this section  
39 be provided for contracts for construction by contractors.

40 (d) All bids for construction be opened at a public opening and the  
41 bids shall remain confidential until the public opening.

42 (e) All persons desiring to submit bids be treated equitably and the  
43 information related to each project be available to all eligible persons.

44 (f) Competition for construction projects under the simplified school  
45 construction procurement program be encouraged to the maximum extent

1 possible. At a minimum, a school district shall submit information on each  
2 project to all persons listed with the county school superintendent by any  
3 school district within that county.

4 (g) A provision, covenant, clause or understanding in, collateral to  
5 or affecting a construction contract that makes the contract subject to the  
6 laws of another state or that requires any litigation, arbitration or other  
7 dispute resolution proceeding arising from the contract to be conducted in  
8 another state is against this state's public policy and is void and  
9 unenforceable.

10 3. The auditor general shall review the proposed rules to determine  
11 whether the rules are consistent with the procurement practices prescribed  
12 in title 41, chapter 23 and any modifications are required to adapt the  
13 procedures for school districts.

14 4. If the auditor general approves the proposed rules, the auditor  
15 general shall notify the state board in writing and the state board shall  
16 adopt such rules.

17 5. If the auditor general objects to the proposed rules, the auditor  
18 general shall notify the state board of the objections in writing and the  
19 state board, in adopting the rules, shall conform the proposed rules to meet  
20 the objections of the auditor general or revise the proposed rules to which  
21 an objection has been made and submit the revisions to the auditor general  
22 for approval.

23 B. After the bids submitted in response to an invitation for bids are  
24 opened and the award is made or after the proposals or qualifications are  
25 submitted in response to a request for proposals or a request for  
26 qualifications and the award is made, the governing board shall make  
27 available for public inspection all information, all bids, proposals and  
28 qualifications submitted and all findings and other information considered  
29 in determining whose bid conforms to the invitation for bids and will be the  
30 most advantageous with respect to price, conformity to the specifications and  
31 other factors or whose proposal or qualifications are to be selected for the  
32 award. The invitation for bids, request for proposals or request for  
33 qualifications shall include a notice that all information and bids,  
34 proposals and qualifications submitted will be made available for public  
35 inspection. The rules adopted by the state board shall prohibit the use in  
36 connection with procurement of specifications in any way proprietary to one  
37 supplier unless the specification includes all of the following:

38 1. A statement of the reasons why no other specification is  
39 practicable.

40 2. A description of the essential characteristics of the specified  
41 product.

42 3. A statement specifically permitting an acceptable alternative  
43 product to be supplied.

1 C. No project or purchase may be divided or sequenced into separate  
2 projects or purchases in order to avoid the limits prescribed by the state  
3 board under subsection A of this section.

4 D. A contract for the procurement of construction or construction  
5 services shall include a provision which provides for negotiations between  
6 the school district and the contractor for the recovery of damages related  
7 to expenses incurred by the contractor for a delay for which the school  
8 district is responsible, which is unreasonable under the circumstances and  
9 which was not within the contemplation of the parties to the contract. This  
10 subsection shall not be construed to void any provision in the contract which  
11 requires notice of delays, provides for arbitration or other procedure for  
12 settlement or provides for liquidated damages.

13 E. The auditor general may conduct discretionary reviews,  
14 investigations and audits of the financial and operational procurement  
15 activities of school districts, nonexempt charter schools and school  
16 purchasing cooperatives. The auditor general has final review and approval  
17 authority over all school district, nonexempt charter school and school  
18 purchasing cooperative audit contracts and any audit reports issued in  
19 accordance with this section.

20 F. In addition to the requirements of sections 15-914 and 15-914.01,  
21 school districts, nonexempt charter schools and school purchasing  
22 cooperatives, in connection with any audit conducted by a certified public  
23 accountant, shall contract for a systematic review of purchasing practices  
24 using methodology consistent with sampling guidelines established by the  
25 auditor general. The auditor general shall consider cost when establishing  
26 guidelines pursuant to this subsection and to the extent possible shall  
27 attempt to minimize the cost of the review. The purpose of the review is to  
28 determine whether the school district, nonexempt charter school or school  
29 purchasing cooperative is in compliance with the procurement laws and  
30 applicable procurement rules of this state. A copy of the review shall be  
31 submitted upon completion to the auditor general. The auditor general may  
32 conduct discretionary reviews of school districts, nonexempt charter schools  
33 and school purchasing cooperatives not required to contract for independent  
34 audits.

35 G. The attorney general or county attorney has jurisdiction to enforce  
36 this section. The attorney general or county attorney may seek relief for  
37 any violation of this section through an appropriate civil or criminal action  
38 in superior court including an action to enjoin a threatened or pending  
39 violation of this section and including an action to enforce compliance with  
40 any request for documents made by the auditor general pursuant to this  
41 section.

42 H. The department of education shall enact policies and procedures for  
43 the acceptance and disposition of complaints from the public regarding school  
44 procurement practices and shall forward all school procurement complaints to  
45 the attorney general.

1 I. The state board of education shall adjust the total cost provided  
2 for in subsection A, paragraph 1 of this section by the annual percentage  
3 change in the GDP price deflator as defined in section 41-563.

4 J. The state board of education and the auditor general shall adopt  
5 rules authorizing school districts to procure construction services by  
6 construction-manager-at-risk, design-build, QUALIFIED SELECT BIDDERS LIST and  
7 job-order-contracting methods of project delivery. The rules adopted shall  
8 require each school district that uses construction-manager-at-risk,  
9 design-build, QUALIFIED SELECT BIDDERS LIST or job-order-contracting to  
10 procure construction services to submit, on or before January 15 of each  
11 year, a report to the secretary of state on the benefits associated with the  
12 use of such procurement methods. The report shall include the number of  
13 projects completed in the preceding calendar year using that procurement  
14 method, the cost and description of each project and an estimate of any cost  
15 savings or other benefits realized through the use of that procurement  
16 method.

17 K. The dollar amount of each job order under any job-order-contracting  
18 construction services program shall not be more than the dollar amount  
19 determined pursuant to section 41-2578, subsection J, paragraph 1.

20 L. For the purposes of this section:

21 1. "Nonexempt charter school" means a charter school that is not  
22 exempted from procurement laws pursuant to section 15-183, subsection E,  
23 paragraph 6.

24 2. "School purchasing cooperative" means an entity engaged in  
25 cooperative purchasing as defined in section 41-2631.

26 3. "Total cost" means the cost of all materials and services,  
27 including the cost of labor performed by employees of the school district,  
28 for all construction as provided in subsection A of this section.

29 Sec. 2. Section 15-341, Arizona Revised Statutes, is amended to read:  
30 15-341. General powers and duties; immunity; delegation

31 A. The governing board shall:

32 1. Prescribe and enforce policies and procedures for the governance  
33 of the schools, not inconsistent with law or rules prescribed by the state  
34 board of education.

35 2. Maintain the schools established by it for the attendance of each  
36 pupil for a period of not less than one hundred seventy-five school days or  
37 two hundred school days, as applicable, or its equivalent as approved by the  
38 superintendent of public instruction for a school district operating on a  
39 year-round operation basis, to offer an educational program on the basis of  
40 a four day school week or to offer an alternative kindergarten program on the  
41 basis of a three day school week, in each school year, and if the funds of  
42 the district are sufficient, for a longer period, and as far as practicable  
43 with equal rights and privileges.

44 3. Exclude from schools all books, publications, papers or audiovisual  
45 materials of a sectarian, partisan or denominational character.

- 1           4. Manage and control the school property within its district.
- 2           5. Acquire school furniture, apparatus, equipment, library books and
- 3 supplies for the use of the schools.
- 4           6. Prescribe the curricula and criteria for the promotion and
- 5 graduation of pupils as provided in sections 15-701 and 15-701.01.
- 6           7. Furnish, repair and insure, at full insurable value, the school
- 7 property of the district.
- 8           8. Construct school buildings on approval by a vote of the district
- 9 electors.
- 10          9. Make in the name of the district conveyances of property belonging
- 11 to the district and sold by the board.
- 12          10. Purchase school sites when authorized by a vote of the district at
- 13 an election conducted as nearly as practicable in the same manner as the
- 14 election provided in section 15-481 and held on a date prescribed in section
- 15 15-491, subsection E, but such authorization shall not necessarily specify
- 16 the site to be purchased and such authorization shall not be necessary to
- 17 exchange unimproved property as provided in section 15-342, paragraph 23.
- 18          11. Construct, improve and furnish buildings used for school purposes
- 19 when such buildings or premises are leased from the national park service.
- 20          12. Purchase school sites or construct, improve and furnish school
- 21 buildings from the proceeds of the sale of school property only on approval
- 22 by a vote of the district electors.
- 23          13. Hold pupils to strict account for disorderly conduct on school
- 24 property.
- 25          14. Discipline students for disorderly conduct on the way to and from
- 26 school.
- 27          15. Except as provided in section 15-1224, deposit all monies received
- 28 by the district as gifts, grants and devises with the county treasurer who
- 29 shall credit the deposits as designated in the uniform system of financial
- 30 records. If not inconsistent with the terms of the gifts, grants and devises
- 31 given, any balance remaining after expenditures for the intended purpose of
- 32 the monies have been made shall be used for reduction of school district
- 33 taxes for the budget year, except that in the case of accommodation schools
- 34 the county treasurer shall carry the balance forward for use by the county
- 35 school superintendent for accommodation schools for the budget year.
- 36          16. Provide that, if a parent or legal guardian chooses not to accept
- 37 a decision of the teacher as provided in section 15-521, paragraph 3, the
- 38 parent or legal guardian may request in writing that the governing board
- 39 review the teacher's decision. Nothing in this paragraph shall be construed
- 40 to release school districts from any liability relating to a child's
- 41 promotion or retention.
- 42          17. Provide for adequate supervision over pupils in instructional and
- 43 noninstructional activities by certificated or noncertificated personnel.

1 18. Use school monies received from the state and county school  
2 apportionment exclusively for payment of salaries of teachers and other  
3 employees and contingent expenses of the district.

4 19. Make an annual report to the county school superintendent on or  
5 before October 1 each year in the manner and form and on the blanks  
6 prescribed by the superintendent of public instruction or county school  
7 superintendent. The board shall also make reports directly to the county  
8 school superintendent or the superintendent of public instruction whenever  
9 required.

10 20. Deposit all monies received by school districts other than student  
11 activities monies or monies from auxiliary operations as provided in sections  
12 15-1125 and 15-1126 with the county treasurer to the credit of the school  
13 district except as provided in paragraph 21 of this subsection and sections  
14 15-1223 and 15-1224, and the board shall expend the monies as provided by law  
15 for other school funds.

16 21. Establish a bank account in which the board may during a month  
17 deposit miscellaneous monies received directly by the district. The board  
18 shall remit monies deposited in the bank account at least monthly to the  
19 county treasurer for deposit as provided in paragraph 20 of this subsection  
20 and in accordance with the uniform system of financial records.

21 22. Employ an attorney admitted to practice in this state whose  
22 principal practice is in the area of commercial real estate, or a real estate  
23 broker who is licensed by this state and who is employed by a reputable  
24 commercial real estate company, to negotiate a lease of five or more years  
25 for the school district if the governing board decides to enter into a lease  
26 of five or more years as lessor of school buildings or grounds as provided  
27 in section 15-342, paragraph 7 or 10. Any lease of five or more years  
28 negotiated pursuant to this paragraph shall provide that the lessee is  
29 responsible for payment of property taxes pursuant to the requirements of  
30 section 42-11104.

31 23. Prescribe and enforce policies and procedures for disciplinary  
32 action against a teacher who engages in conduct which is a violation of the  
33 policies of the governing board but which is not cause for dismissal of the  
34 teacher or for revocation of the certificate of the teacher. Disciplinary  
35 action may include suspension without pay for a period of time not to exceed  
36 ten school days. Disciplinary action shall not include suspension with pay  
37 or suspension without pay for a period of time longer than ten school days.  
38 The procedures shall include notice, hearing and appeal provisions for  
39 violations which are cause for disciplinary action. The governing board may  
40 designate a person or persons to act on behalf of the board on these matters.

41 24. Prescribe and enforce policies and procedures for disciplinary  
42 action against an administrator who engages in conduct which is a violation  
43 of the policies of the governing board regarding duties of administrators but  
44 which is not cause for dismissal of the administrator or for revocation of  
45 the certificate of the administrator. Disciplinary action may include

1 suspension without pay for a period of time not to exceed ten school days.  
2 Disciplinary action shall not include suspension with pay or suspension  
3 without pay for a period of time longer than ten school days. The procedures  
4 shall include notice, hearing and appeal provisions for violations which are  
5 cause for disciplinary action. The governing board may designate a person  
6 or persons to act on behalf of the board on these matters. For violations  
7 which are cause for dismissal, the provisions of notice, hearing and appeal  
8 in chapter 5, article 3 of this title shall apply. The filing of a timely  
9 request for a hearing suspends the imposition of a suspension without pay or  
10 a dismissal pending completion of the hearing.

11 25. Notwithstanding section 13-3108, prescribe and enforce policies and  
12 procedures that prohibit a person from carrying or possessing a weapon on  
13 school grounds unless the person is a peace officer or has obtained specific  
14 authorization from the school administrator.

15 26. Prescribe and enforce policies and procedures relating to the  
16 health and safety of all pupils participating in district sponsored practice  
17 sessions, games or other interscholastic athletic activities, including the  
18 provision of water. A school district and its employees are immune from  
19 civil liability for the consequences of the good faith adoption and  
20 implementation of policies and procedures pursuant to this paragraph.

21 27. Prescribe and enforce policies and procedures regarding the smoking  
22 of tobacco within school buildings. The policies and procedures shall be  
23 adopted in consultation with school district personnel and members of the  
24 community and shall state whether smoking is prohibited in school buildings.  
25 If smoking in school buildings is not prohibited, the policies and procedures  
26 shall clearly state the conditions and circumstances under which smoking is  
27 permitted, those areas in a school building which may be designated as  
28 smoking areas and those areas in a school building which may not be  
29 designated as smoking areas.

30 28. Establish an assessment, data gathering and reporting system as  
31 prescribed in chapter 7, article 3 of this title.

32 29. Provide special education programs and related services pursuant  
33 to section 15-764, subsection A to all children with disabilities as defined  
34 in section 15-761.

35 30. Administer competency tests prescribed by the state board of  
36 education for the graduation of pupils from high school.

37 31. Secure insurance coverage for all construction projects for  
38 purposes of general liability, property damage and workers' compensation and  
39 secure performance and payment bonds for all construction projects.

40 32. Keep on file the resumes of all current and former employees who  
41 provide instruction to pupils at a school. Resumes shall include an  
42 individual's educational and teaching background and experience in a  
43 particular academic content subject area. A school district shall inform  
44 parents and guardians of the availability of the resume information and shall  
45 make the resume information available for inspection on request of parents

1 and guardians of pupils enrolled at a school. Nothing in this paragraph  
2 shall be construed to require any school to release personally identifiable  
3 information in relation to any teacher or employee including the teacher's  
4 or employee's address, salary, social security number or telephone number.

5 33. Report to local law enforcement agencies any suspected crime  
6 against a person or property that is a serious offense as defined by section  
7 13-604 or that involves a deadly weapon or dangerous instrument or serious  
8 physical injury and any conduct that poses a threat of death or serious  
9 physical injury to employees, students or anyone on the property of the  
10 school. A school district and its employees are immune from liability for  
11 any good faith actions taken in furtherance of this paragraph. This  
12 paragraph does not limit or preclude the reporting by a school district or  
13 an employee of a school district of suspected crimes other than those  
14 required to be reported by this paragraph. For the purposes of this  
15 paragraph, "dangerous instrument", "deadly weapon" and "serious physical  
16 injury" have the same meaning prescribed in section 13-105.

17 34. In conjunction with local law enforcement agencies and local  
18 medical facilities, develop an emergency response plan for each school in the  
19 school district in accordance with minimum standards developed jointly by the  
20 department of education and the division of emergency management within the  
21 department of emergency and military affairs.

22 35. Annually assign at least one school district employee to  
23 participate in a multihazard crisis training program developed or selected  
24 by the governing board.

25 36. Provide written notice to the parents or guardians of all students  
26 affected in the school district at least thirty days prior to a public  
27 meeting to discuss closing a school within the school district. The notice  
28 shall include the reasons for the proposed closure and the time and place of  
29 the meeting. The governing board shall fix a time for a public meeting on  
30 the proposed closure no less than thirty days before voting in a public  
31 meeting to close the school. The school district governing board shall give  
32 notice of the time and place of the meeting. At the time and place  
33 designated in the notice, the school district governing board shall hear  
34 reasons for or against closing the school. The school district governing  
35 board is exempt from the provisions of this paragraph if it is determined by  
36 the governing board that the school shall be closed because it poses a danger  
37 to the health or safety of the pupils or employees of the school.

38 B. Notwithstanding subsection A, paragraphs 8, 10 and 12 of this  
39 section, the county school superintendent may construct, improve and furnish  
40 school buildings or purchase or sell school sites in the conduct of an  
41 accommodation school.

42 C. If any school district acquires real or personal property, whether  
43 by purchase, exchange, condemnation, gift or otherwise, the governing board  
44 shall pay to the county treasurer any taxes on the property that were unpaid  
45 as of the date of acquisition, including penalties and interest. The lien

1 for unpaid delinquent taxes, penalties and interest on property acquired by  
2 a school district:

3 1. Is not abated, extinguished, discharged or merged in the title to  
4 the property.

5 2. Is enforceable in the same manner as other delinquent tax liens.

6 D. The governing board may not locate a school on property that is  
7 less than one-fourth mile from agricultural land regulated pursuant to  
8 section 3-365, except that the owner of the agricultural land may agree to  
9 comply with the buffer zone requirements of section 3-365. If the owner  
10 agrees in writing to comply with the buffer zone requirements and records the  
11 agreement in the office of the county recorder as a restrictive covenant  
12 running with the title to the land, the school district may locate a school  
13 within the affected buffer zone. The agreement may include any stipulations  
14 regarding the school, including conditions for future expansion of the school  
15 and changes in the operational status of the school that will result in a  
16 breach of the agreement.

17 E. A school district's governing board members and its school council  
18 members are immune from civil liability for the consequences of adoption and  
19 implementation of policies and procedures pursuant to subsection A of this  
20 section and section 15-342. This waiver does not apply if the school  
21 district's governing board members or its school council members are guilty  
22 of gross negligence or intentional misconduct.

23 F. A governing board may delegate in writing to a superintendent,  
24 principal or head teacher the authority to prescribe procedures that are  
25 consistent with the governing board's policies.

26 G. Notwithstanding any other provision of this title, a school  
27 district governing board shall not take any action that would result in an  
28 immediate reduction or a reduction within three years of pupil square footage  
29 that would cause the school district to fall below the minimum adequate gross  
30 square footage requirements prescribed in section 15-2011, subsection C,  
31 unless the governing board notifies the school facilities board established  
32 by section 15-2001 of the proposed action and receives written approval from  
33 the school facilities board to take the action. A reduction includes an  
34 increase in administrative space that results in a reduction of pupil square  
35 footage or sale of school sites or buildings, or both. A reduction includes  
36 a reconfiguration of grades that results in a reduction of pupil square  
37 footage of any grade level. This subsection does not apply to temporary  
38 reconfiguration of grades to accommodate new school construction if the  
39 temporary reconfiguration does not exceed one year. The sale of equipment  
40 that results in an immediate reduction or a reduction within three years that  
41 falls below the equipment requirements prescribed in section 15-2011,  
42 subsection B is subject to commensurate withholding of school district  
43 capital outlay revenue limit monies pursuant to the direction of the school  
44 facilities board. Except as provided in section 15-342, paragraph 10,

1 proceeds from the sale of school sites, buildings or other equipment shall  
2 be deposited in the school plant fund as provided in section 15-1102.

3 H. Subsections C through F G of this section apply to a county board  
4 of supervisors and a county school superintendent when operating and  
5 administering an accommodation school.

6 I. UNTIL THE STATE BOARD OF EDUCATION AND THE AUDITOR GENERAL ADOPT  
7 RULES PURSUANT TO SECTION 15-213, SUBSECTION J, A SCHOOL DISTRICT MAY PROCURE  
8 CONSTRUCTION SERVICES, INCLUDING SERVICES FOR NEW SCHOOL CONSTRUCTION  
9 PURSUANT TO SECTION 15-2041, BY THE CONSTRUCTION-MANAGER-AT-RISK,  
10 DESIGN-BUILD AND JOB-ORDER-CONTRACTING METHODS OF PROJECT DELIVERY AS  
11 PROVIDED IN TITLE 41, CHAPTER 23, EXCEPT THAT THE RULES ADOPTED BY THE  
12 DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION DO NOT APPLY TO PROCUREMENTS  
13 PURSUANT TO THIS SUBSECTION. ANY PROCUREMENT COMMENCED PURSUANT TO THIS  
14 SUBSECTION MAY BE COMPLETED PURSUANT TO THIS SUBSECTION.

15 Sec. 3. Section 15-2002, Arizona Revised Statutes, is amended to read:  
16 15-2002. Powers and duties; executive director; staffing;

17 report

18 A. The school facilities board shall:

19 1. Make assessments of school facilities and equipment deficiencies  
20 pursuant to section 15-2021 and approve the distribution of grants as  
21 appropriate.

22 2. Develop a database for administering the building renewal formula  
23 prescribed in section 15-2031 and administer the distribution of monies to  
24 school districts for building renewal.

25 3. Inspect school buildings at least once every five years to ensure  
26 compliance with the building adequacy standards prescribed in section 15-2011  
27 and routine preventative maintenance guidelines as prescribed in this section  
28 with respect to construction of new buildings and maintenance of existing  
29 buildings. The school facilities board shall randomly select twenty school  
30 districts every thirty months and inspect them pursuant to this paragraph.

31 4. Review and approve student population projections submitted by  
32 school districts to determine to what extent school districts are entitled  
33 to monies to construct new facilities pursuant to section 15-2041. The board  
34 shall make a final determination within six months of the receipt of an  
35 application by a school district for monies from the new school facilities  
36 fund.

37 5. Certify that plans for new school facilities meet the building  
38 adequacy standards prescribed in section 15-2011.

39 6. Develop prototypical elementary and high school designs. The board  
40 shall review the design differences between the schools with the highest  
41 academic productivity scores and the schools with the lowest academic  
42 productivity scores. The board shall also review the results of a valid and  
43 reliable survey of parent quality rating in the highest performing schools  
44 and the lowest performing schools in this state. The survey of parent  
45 quality rating shall be administered by the department of education. The

1 board shall consider the design elements of the schools with the highest  
2 academic productivity scores and parent quality ratings in the development  
3 of elementary and high school designs. The board shall develop separate  
4 school designs for elementary, middle and high schools with varying pupil  
5 capacities.

6 7. Develop application forms, reporting forms and procedures to carry  
7 out the requirements of this article.

8 8. Review and approve or reject requests submitted by school districts  
9 to take actions pursuant to section 15-341, subsection F.

10 9. Submit an annual report by December 15 to the speaker of the house  
11 of representatives, the president of the senate, the superintendent of public  
12 instruction, the director of the Arizona state library, archives and public  
13 records and the governor that includes the following information:

14 (a) A detailed description of the amount of monies distributed by the  
15 school facilities board in the previous fiscal year.

16 (b) A list of each capital project that received monies from the  
17 school facilities board during the previous fiscal year, a brief description  
18 of each project that was funded and a summary of the board's reasons for the  
19 distribution of monies for the project.

20 (c) A summary of the findings and conclusions of the building  
21 maintenance inspections conducted pursuant to this article during the  
22 previous fiscal year.

23 (d) A summary of the findings of common design elements and  
24 characteristics of the highest performing schools and the lowest performing  
25 schools based on academic productivity including the results of the parent  
26 quality rating survey.

27 For the purposes of this paragraph, "academic productivity" means academic  
28 year advancement per calendar year as measured with student-level data using  
29 the statewide nationally standardized norm-referenced achievement test.

30 10. By December 1 of each even-numbered year, report to the joint  
31 committee on capital review the estimated amounts necessary to fulfill the  
32 requirements of sections 15-2021, 15-2022, 15-2031 and 15-2041 for the  
33 following two fiscal years. By December 1 of each odd-numbered year, the  
34 board shall provide to the joint committee on capital review an update of the  
35 estimated amounts necessary to fulfill the requirements of sections 15-2021,  
36 15-2022, 15-2031 and 15-2041 for the following fiscal year. No later than  
37 January 1 of each year, the board shall instruct the state treasurer as to  
38 the amounts under the transaction privilege tax to be credited in equal  
39 quarterly installments for the following state fiscal year. The board shall  
40 provide copies of both reports to the president of the senate, the speaker  
41 of the house of representatives and the governor.

42 11. Adopt minimum school facility adequacy guidelines to provide the  
43 minimum quality and quantity of school buildings and the facilities and  
44 equipment necessary and appropriate to enable pupils to achieve the  
45 educational goals of the Arizona state schools for the deaf and the

1 blind. The school facilities board shall establish minimum school facility  
2 adequacy guidelines applicable to the Arizona state schools for the deaf and  
3 the blind by December 31, 2000.

4 12. Beginning August 15, 2004, and each even-numbered year thereafter,  
5 report to the joint committee on capital review the amounts necessary to  
6 fulfill the requirements of sections 15-2031 and 15-2041 for the Arizona  
7 state schools for the deaf and the blind for the following two fiscal years.  
8 Notwithstanding paragraph 10 of this subsection or any other law, the school  
9 facilities board shall not include these amounts in the building renewal or  
10 new school facilities transfer instructions to the state treasurer. The  
11 Arizona state schools for the deaf and the blind shall incorporate the  
12 findings of the report in any request for building renewal monies and new  
13 school facilities monies. Any monies provided to the Arizona state schools  
14 for the deaf and the blind for building renewal and for new school facilities  
15 are subject to legislative appropriation.

16 13. By October 15 of each year, the school facilities board shall  
17 submit information regarding demographic assumptions, a proposed construction  
18 schedule and new school construction cost estimates for the following fiscal  
19 year to the joint committee on capital review for its review.

20 B. The school facilities board may contract for private services in  
21 compliance with the procurement practices prescribed in title 41, chapter 23.

22 C. The governor shall appoint an executive director of the school  
23 facilities board pursuant to section 38-211. The executive director is  
24 eligible to receive compensation as determined pursuant to section 38-611 and  
25 may hire and fire necessary staff as approved by the legislature in the  
26 budget. The executive director shall have demonstrated competency in school  
27 finance, facilities design or facilities management, either in private  
28 business or government service. The executive director serves at the  
29 pleasure of the governor. The staff of the school facilities board is exempt  
30 from title 41, chapter 4, articles 5 and 6. The executive director:

31 1. Shall analyze applications for monies submitted to the board by  
32 school districts.

33 2. Shall assist the board in developing forms and procedures for the  
34 distribution and review of applications and the distribution of monies to  
35 school districts.

36 3. May review or audit, or both, the expenditure of monies by a school  
37 district for deficiencies corrections, building renewal and new school  
38 facilities.

39 4. Shall assist the board in the preparation of the board's annual  
40 report.

41 5. Shall research and provide reports on issues of general interest  
42 to the board.

43 6. May aid school districts in the development of reasonable and  
44 cost-effective school designs in order to avoid statewide duplicated efforts  
45 and unwarranted expenditures in the area of school design.

1           7. May assist school districts in facilitating the development of  
2 multijurisdictional facilities.

3           8. Shall assist the board in any other appropriate matter or method  
4 as directed by the members of the board.

5           9. Shall establish procedures to ensure compliance with the notice and  
6 hearing requirements prescribed in section 15-905. The notice and hearing  
7 procedures adopted by the board shall include the requirement, with respect  
8 to the board's consideration of any application filed after July 1, 2001 for  
9 monies to fund the construction of new school facilities proposed to be  
10 located in territory in the vicinity of a military airport as defined in  
11 section 28-8461, that the military airport receive notification of the  
12 application by first class mail at least thirty days before any hearing  
13 concerning the application.

14          10. May expedite any request for funds in which the local match was not  
15 obtained for a project that received preliminary approval by the state board  
16 for school capital facilities.

17          11. Shall expedite any request for funds in which the school district  
18 governing board submits an application that shows an immediate need for a new  
19 school facility.

20          12. Shall make a determination as to administrative completion within  
21 one month after the receipt of an application by a school district for monies  
22 from the new school facilities fund.

23          13. Shall provide technical support, ~~including project managers,~~ to  
24 school districts as requested by school districts in connection with the  
25 construction of new school facilities and the maintenance of existing school  
26 facilities.

27          D. When appropriate, the school facilities board shall review and use  
28 the statewide school facilities inventory and needs assessment conducted by  
29 the joint committee on capital review and issued in July, 1995.

30          E. The school facilities board shall contract with one or more private  
31 building inspectors to complete an initial assessment of school facilities  
32 and equipment provided in section 15-2021 and shall inspect each school  
33 building in this state at least once every five years to ensure compliance  
34 with section 15-2011. A copy of the inspection report, together with any  
35 recommendations for building maintenance, shall be provided to the school  
36 facilities board and the governing board of the school district.

37          F. The school facilities board may consider appropriate combinations  
38 of facilities or uses in making assessments of and curing deficiencies  
39 pursuant to subsection A, paragraph 1 of this section and in certifying plans  
40 for new school facilities pursuant to subsection A, paragraph 5 of this  
41 section.

42          G. The board shall not award any monies to fund new facilities that  
43 are financed by class A bonds that are issued by the school district.

44          H. The board shall not distribute monies to a school district for  
45 replacement or repair of facilities if the costs associated with the

1 replacement or repair are covered by insurance or a performance or payment  
2 bond.

3 I. The board may contract for construction services and materials that  
4 are necessary to correct existing deficiencies in school district facilities  
5 as determined pursuant to section 15-2021. The board may procure the  
6 construction services necessary pursuant to this subsection by any method  
7 including construction-manager-at-risk, design-build, design-bid-build or  
8 job-order-contracting as provided by title 41, chapter 23. The construction  
9 planning and services performed pursuant to this subsection are exempt from  
10 ~~the provisions of~~ section 41-791.01.

11 J. The school facilities board may enter into agreements with school  
12 districts to allow school facilities board staff and contractors access to  
13 school property for the purposes of performing the construction services  
14 necessary pursuant to subsection I of this section.

15 K. By October 1, 2002, each school district shall develop routine  
16 preventative maintenance guidelines for its facilities. The guidelines shall  
17 be submitted to the school facilities board for review and approval by  
18 February 1, 2003. If upon inspection by the school facilities board it is  
19 determined that a school district facility was inadequately maintained  
20 pursuant to the school district's routine preventative maintenance  
21 guidelines, the school district shall use building renewal monies pursuant  
22 to section 15-2031, subsection J to return the building to compliance with  
23 the school district's routine preventative maintenance guidelines. Once the  
24 district is in compliance, it no longer is required to use building renewal  
25 monies for preventative maintenance.

26 L. The school facilities board may temporarily transfer monies between  
27 the capital reserve fund established by section 15-2003, the deficiencies  
28 correction fund established by section 15-2021, the emergency deficiencies  
29 correction fund established by section 15-2022, the building renewal fund  
30 established by section 15-2031 and the new school facilities fund established  
31 by section 15-2041 if all of the following conditions are met:

32 1. The transfer is necessary to avoid a temporary shortfall in the  
33 fund into which the monies are transferred.

34 2. The transferred monies are restored to the fund where the monies  
35 originated as soon as practicable after the temporary shortfall in the other  
36 fund has been addressed.

37 3. The school facilities board reports to the joint committee on  
38 capital review the amount of and the reason for any monies transferred.

39 Sec. 4. Section 15-2041, Arizona Revised Statutes, is amended to read:  
40 15-2041. New school facilities fund; capital plan

41 A. A new school facilities fund is established consisting of monies  
42 appropriated by the legislature and monies credited to the fund pursuant to  
43 section 37-221 or 42-5030.01. The school facilities board shall administer  
44 the fund and distribute monies, as a continuing appropriation, to school  
45 districts for the purpose of constructing new school facilities. On June 30

1 of each fiscal year, any unobligated contract monies in the new school  
2 facilities fund shall be transferred to the capital reserve fund established  
3 by section 15-2003.

4 B. The school facilities board shall prescribe a uniform format for  
5 use by the school district governing board in developing and annually  
6 updating a capital plan that consists of each of the following:

7 1. Enrollment projections for the next five years for elementary  
8 schools and eight years for middle and high schools, including a description  
9 of the methods used to make the projections.

10 2. A description of new schools or additions to existing schools  
11 needed to meet the building adequacy standards prescribed in section 15-2011.  
12 The description shall include:

13 (a) The grade levels and the total number of pupils that the school  
14 or addition is intended to serve.

15 (b) The year in which it is necessary for the school or addition to  
16 begin operations.

17 (c) A timeline that shows the planning and construction process for  
18 the school or addition.

19 3. Long-term projections of the need for land for new schools.

20 4. Any other necessary information required by the school facilities  
21 board to evaluate a school district's capital plan.

22 5. If a school district pays tuition for all or a portion of the  
23 school district's high school pupils to another school district, the capital  
24 plan shall indicate the number of pupils for which the district pays tuition  
25 to another district. If a school district accepts pupils from another school  
26 district pursuant to section 15-824, subsection A, the school district shall  
27 indicate the projections for this population separately. This paragraph does  
28 not apply to a small isolated school district as defined in section 15-901.

29 C. If the capital plan indicates a need for a new school or an  
30 addition to an existing school within the next four years or a need for land  
31 within the next ten years, the school district shall submit its plan to the  
32 school facilities board by September 1 and shall request monies from the new  
33 school facilities fund for the new construction or land. Monies provided for  
34 land shall be in addition to any monies provided pursuant to subsection D of  
35 this section.

36 D. The school facilities board shall distribute monies from the new  
37 school facilities fund as follows:

38 1. The school facilities board shall review and evaluate the  
39 enrollment projections and either approve the projections as submitted or  
40 revise the projections. In determining new construction requirements, the  
41 school facilities board shall determine the net new growth of pupils that  
42 will require additional square footage that exceeds the building adequacy  
43 standards prescribed in section 15-2011. If the projected growth and the  
44 existing number of pupils exceeds three hundred fifty pupils who are served  
45 in a school district other than the pupil's resident school district, the

1 school facilities board, the receiving school district and the resident  
2 school district shall develop a capital facilities plan on how to best serve  
3 those pupils. A small isolated school district as defined in section 15-901  
4 is not required to develop a capital facilities plan pursuant to this  
5 paragraph.

6 2. If the approved projections indicate that additional space will not  
7 be needed within the next two years for elementary schools or three years for  
8 middle or high schools in order to meet the building adequacy standards  
9 prescribed in section 15-2011, the request shall be held for consideration  
10 by the school facilities board for possible future funding and the school  
11 district shall annually submit an updated plan until the additional space is  
12 needed.

13 3. If the approved projections indicate that additional space will be  
14 needed within the next two years for elementary schools or three years for  
15 middle or high schools in order to meet the building adequacy standards  
16 prescribed in section 15-2011, the school facilities board shall provide an  
17 amount as follows:

18 (a) Determine the number of pupils requiring additional square footage  
19 to meet building adequacy standards. This amount for elementary schools  
20 shall not be less than the number of new pupils for whom space will be needed  
21 in the next year and shall not exceed the number of new pupils for whom space  
22 will be needed in the next five years. This amount for middle and high  
23 schools shall not be less than the number of new pupils for whom space will  
24 be needed in the next four years and shall not exceed the number of new  
25 pupils for whom space will be needed in the next eight years.

26 (b) Multiply the number of pupils determined in subdivision (a) of  
27 this paragraph by the square footage per pupil. The square footage per pupil  
28 is ninety square feet per pupil for preschool children with disabilities,  
29 kindergarten programs and grades one through six, one hundred square feet for  
30 grades seven and eight, one hundred thirty-four square feet for a school  
31 district that provides instruction in grades nine through twelve for fewer  
32 than one thousand eight hundred pupils and one hundred twenty-five square  
33 feet for a school district that provides instruction in grades nine through  
34 twelve for at least one thousand eight hundred pupils. The total number of  
35 pupils in grades nine through twelve in the district shall determine the  
36 square footage factor to use for net new pupils. The school facilities board  
37 may modify the square footage requirements prescribed in this subdivision for  
38 particular schools based on any of the following factors:

39 (i) The number of pupils served or projected to be served by the  
40 school district.

41 (ii) Geographic factors.

42 (iii) Grade configurations other than those prescribed in this  
43 subdivision.

44 (iv) Compliance with minimum school facility adequacy requirements  
45 established pursuant to section 15-2011.

1 (c) Multiply the product obtained in subdivision (b) of this paragraph  
2 by the cost per square foot. The cost per square foot is ninety dollars for  
3 preschool children with disabilities, kindergarten programs and grades one  
4 through six, ninety-five dollars for grades seven and eight and one hundred  
5 ten dollars for grades nine through twelve. The cost per square foot shall  
6 be adjusted annually for construction market considerations based on an index  
7 identified or developed by the joint legislative budget committee as  
8 necessary but not less than once each year. The school facilities board  
9 shall multiply the cost per square foot by 1.05 for any school district  
10 located in a rural area. The school facilities board may modify the base  
11 cost per square foot prescribed in this subdivision for particular schools  
12 based on geographic conditions or site conditions. For purposes of this  
13 subdivision, "rural area" means an area outside a thirty-five mile radius of  
14 a boundary of a municipality with a population of more than fifty thousand  
15 persons according to the most recent United States decennial census.

16 (d) Once the school district governing board obtains approval from the  
17 school facilities board for new facility construction funds, additional  
18 portable or modular square footage created for the express purpose of  
19 providing temporary space for pupils until the completion of the new facility  
20 shall not be included by the school facilities board for the purpose of new  
21 construction funding calculations. On completion of the new facility  
22 construction project, if the portable or modular facilities continue in use,  
23 then the portable or modular facilities shall be included as prescribed by  
24 this chapter, unless the school facilities board approves their continued use  
25 for the purpose of providing temporary space for pupils until the completion  
26 of the next new facility that has been approved for funding from the new  
27 school facilities fund.

28 4. For projects approved after December 31, 2001, and notwithstanding  
29 paragraph 3 of this subsection, a unified school district that does not have  
30 a high school is not eligible to receive high school space as prescribed by  
31 section 15-2011 and this section unless the unified district qualifies for  
32 geographic factors prescribed by paragraph 3, subdivision (b), item (ii) of  
33 this subsection.

34 E. Monies for architectural and engineering fees shall be distributed  
35 on the completion of the analysis by the school facilities board of the  
36 school district's request. After receiving monies pursuant to this  
37 subsection, the school district shall submit a design development plan for  
38 the school or addition to the school facilities board before any monies for  
39 construction are distributed. If the school district's request meets the  
40 building adequacy standards, the school facilities board may review and  
41 comment on the district's plan with respect to the efficiency and  
42 effectiveness of the plan in meeting state square footage and facility  
43 standards before distributing the remainder of the monies. The school  
44 facilities board may decline to fund the project if the square footage is no  
45 longer required due to revised enrollment projections.

1 F. The school facilities board shall distribute the monies needed for  
2 land for new schools so that land may be purchased at a price that is less  
3 than or equal to fair market value and in advance of the construction of the  
4 new school. If necessary, the school facilities board may distribute monies  
5 for land to be leased for new schools if the duration of the lease exceeds  
6 the life expectancy of the school facility by at least fifty per cent. The  
7 proceeds derived through the sale of any land purchased or partially  
8 purchased with monies provided by the school facilities board shall be  
9 returned to the state fund from which it was appropriated and to any other  
10 participating entity on a proportional basis. If a school district acquires  
11 real property by donation at an appropriate school site approved by the  
12 school facilities board, the school facilities board shall distribute an  
13 amount equal to twenty per cent of the fair market value of the donated real  
14 property that can be used for academic purposes. The school district shall  
15 place the monies in the unrestricted capital outlay fund and increase the  
16 unrestricted capital outlay limit by the amount of monies placed in the fund.  
17 Monies distributed under this subsection shall be distributed from the new  
18 school facilities fund. A SCHOOL DISTRICT SHALL NOT PAY A CONSULTANT A  
19 PERCENTAGE OF THE VALUE OF ANY OF THE FOLLOWING:

20 1. DONATIONS OF REAL PROPERTY, SERVICES OR CASH FROM ANY OF THE  
21 FOLLOWING:

22 (a) ENTITIES THAT HAVE OFFERED TO PROVIDE CONSTRUCTION SERVICES TO THE  
23 SCHOOL DISTRICT.

24 (b) ENTITIES THAT HAVE BEEN CONTRACTED TO PROVIDE CONSTRUCTION  
25 SERVICES TO THE SCHOOL DISTRICT.

26 (c) ENTITIES THAT BUILD RESIDENTIAL UNITS IN THAT SCHOOL DISTRICT.

27 (d) ENTITIES THAT DEVELOP LAND FOR RESIDENTIAL USE IN THAT SCHOOL  
28 DISTRICT.

29 2. MONIES RECEIVED FROM THE SCHOOL FACILITIES BOARD ON BEHALF OF THE  
30 SCHOOL DISTRICT.

31 3. MONIES PAID BY THE SCHOOL FACILITIES BOARD ON BEHALF OF THE SCHOOL  
32 DISTRICT.

33 G. In addition to distributions to school districts based on pupil  
34 growth projections, a school district may submit an application to the school  
35 facilities board for monies from the new school facilities fund if one or  
36 more school buildings have outlived their useful life. If the school  
37 facilities board determines that the school district needs to build a new  
38 school building for these reasons, the school facilities board shall remove  
39 the square footage computations that represent the building from the  
40 computation of the school district's total square footage for purposes of  
41 this section. If the square footage recomputation reflects that the school  
42 district no longer meets building adequacy standards, the school district  
43 qualifies for a distribution of monies from the new school construction  
44 formula in an amount determined pursuant to subsection D of this section.  
45 Buildings removed from a school district's total square footage pursuant to

1 this subsection shall not be included in the computation of monies from the  
2 building renewal fund established by section 15-2031. The school facilities  
3 board may modify the base cost per square foot prescribed in this subsection  
4 under extraordinary circumstances for geographic factors or site conditions.

5 H. School districts that receive monies from the new school facilities  
6 fund shall establish a district new school facilities fund and shall use the  
7 monies in the district new school facilities fund only for the purposes  
8 prescribed in this section. By October 15 of each year, each school district  
9 shall report to the school facilities board the projects funded at each  
10 school in the previous fiscal year with monies from the district new school  
11 facilities fund and shall provide an accounting of the monies remaining in  
12 the new school facilities fund at the end of the previous fiscal year.

13 I. If a school district has surplus monies received from the new  
14 school facilities fund, the school district MAY USE THE SURPLUS MONIES ONLY  
15 FOR CAPITAL PURPOSES FOR THE PROJECT FOR UP TO ONE YEAR AFTER COMPLETION OF  
16 THE PROJECT. IF THE SCHOOL DISTRICT POSSESSES SURPLUS MONIES FROM THE NEW  
17 SCHOOL CONSTRUCTION PROJECT THAT HAVE NOT BEEN EXPENDED WITHIN ONE YEAR OF  
18 THE COMPLETION OF THE PROJECT, THE SCHOOL DISTRICT shall return the surplus  
19 monies to the school facilities board for deposit in the new school  
20 facilities fund. ~~The school district may retain surplus monies for any other~~  
21 ~~capital purpose if the school facilities board determines that the project~~  
22 ~~was completed with quality products as determined by the school facilities~~  
23 ~~board.~~

24 J. The board's consideration of any application filed after July 1,  
25 2001 for monies to fund the construction of new school facilities proposed  
26 to be located in territory in the vicinity of a military airport as defined  
27 in section 28-8461 shall include, if after notice is transmitted to the  
28 military airport pursuant to section 15-2002 and before the public hearing  
29 the military airport provides comments and analysis concerning compatibility  
30 of the proposed school facilities with the high noise or accident potential  
31 generated by military airport operations that may have an adverse effect on  
32 public health and safety, consideration and analysis of the comments and  
33 analysis provided by the military airport before making a final  
34 determination.

35 K. If a school district uses its own project manager for new school  
36 construction, the members of the school district governing board and the  
37 project manager shall sign an affidavit stating that the members and the  
38 project manager understand and will follow the minimum adequacy requirements  
39 prescribed in section 15-2011.

40 L. THE SCHOOL FACILITIES BOARD SHALL ESTABLISH A SEPARATE ACCOUNT IN  
41 THE NEW SCHOOL FACILITIES FUND DESIGNATED AS THE LITIGATION ACCOUNT TO PAY  
42 ATTORNEY FEES, EXPERT WITNESS FEES AND OTHER COSTS ASSOCIATED WITH LITIGATION  
43 IN WHICH THE SCHOOL FACILITIES BOARD PURSUES THE RECOVERY OF DAMAGES FOR  
44 DEFICIENCIES CORRECTION THAT RESULTED FROM ALLEGED CONSTRUCTION DEFECTS OR  
45 DESIGN DEFECTS THAT THE SCHOOL FACILITIES BOARD BELIEVES CAUSED OR

1 CONTRIBUTED TO A FAILURE OF THE SCHOOL BUILDING TO CONFORM TO THE BUILDING  
2 ADEQUACY REQUIREMENTS PRESCRIBED IN SECTION 15-2011. ATTORNEY FEES PAID  
3 PURSUANT TO THIS SUBSECTION SHALL NOT EXCEED THE MARKET RATE FOR SIMILAR  
4 TYPES OF LITIGATION. MONIES RECOVERED AS DAMAGES PURSUANT TO THIS SUBSECTION  
5 SHALL BE USED TO OFFSET DEBT SERVICE ON THE CORRECTION OF EXISTING  
6 DEFICIENCIES AS PRESCRIBED BY SECTION 15-2021. THE JOINT COMMITTEE ON  
7 CAPITAL REVIEW SHALL CONDUCT AN ANNUAL REVIEW OF THE LITIGATION ACCOUNT,  
8 INCLUDING THE COSTS ASSOCIATED WITH CURRENT AND POTENTIAL LITIGATION.

9 M. UNTIL THE STATE BOARD OF EDUCATION AND THE AUDITOR GENERAL ADOPT  
10 RULES PURSUANT TO SECTION 15-213, SUBSECTION J, THE SCHOOL FACILITIES BOARD  
11 MAY ALLOW SCHOOL DISTRICTS TO CONTRACT FOR CONSTRUCTION SERVICES AND  
12 MATERIALS THROUGH THE QUALIFIED SELECT BIDDERS LIST METHOD OF PROJECT  
13 DELIVERY FOR NEW SCHOOL FACILITIES PURSUANT TO THIS SECTION.

14 Sec. 5. Retroactivity

15 This act is effective retroactively to August 22, 2002.

16 Sec. 6. Emergency

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

APPROVED BY THE GOVERNOR MAY 14, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 15, 2003.



HOUSE FINAL PASSAGE  
as per Joint Conference

SENATE FINAL PASSAGE  
as per Joint Conference

Passed the House May 6, 2003,

Passed the Senate May 7, 2003,

by the following vote: 56 Ayes,

by the following vote: 28 Ayes,

0 Nays, 4 Not Voting  
*With Emergency*  
Jake Flake  
Speaker of the House

1 Nays, 1 Not Voting  
*With Emergency*  
Ken Blumenthal  
President of the Senate

Norman L. Joyce  
Chief Clerk of the House

Chaimon Bellinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 8 day of May, 2003,

at 1:40 o'clock P. M.

Sandra Chamisee  
Secretary to the Governor

Approved this 14 day of

May, 2003,

at 4<sup>00</sup> o'clock P. M.

Jan Brewer  
Governor of Arizona

H.B. 2091

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 15 day of May, 2003,

at 1:55 o'clock P. M.

Janice K. Brewer  
Secretary of State