

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

CHAPTER 159

**SENATE BILL 1195**

AN ACT

AMENDING SECTION 36-206, ARIZONA REVISED STATUTES; REPEALING SECTION 13-3994, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2002, CHAPTER 161, SECTION 3; REPEALING SECTION 13-4512, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 252, SECTION 3; REPEALING LAWS 1999, CHAPTER 255, SECTION 9, AS AMENDED BY LAWS 2001, CHAPTER 244, SECTION 6, LAWS 2002, CHAPTER 161, SECTION 11, LAWS 2004, CHAPTER 26, SECTION 3 AND LAWS 2005, CHAPTER 252, SECTION 4; REPEALING LAWS 2001, CHAPTER 244, SECTION 8, AS AMENDED BY LAWS 2002, CHAPTER 161, SECTION 14 AND LAWS 2004, CHAPTER 26, SECTION 5; REPEALING LAWS 2002, CHAPTER 161, SECTION 9, AS AMENDED BY LAWS 2004, CHAPTER 26, SECTION 1; REPEALING LAWS 2002, CHAPTER 161, SECTION 12, AS AMENDED BY LAWS 2004, CHAPTER 26, SECTION 4; AMENDING LAWS 1999, CHAPTER 255, SECTION 8, AS AMENDED BY LAWS 2001, CHAPTER 244, SECTION 5, LAWS 2002, CHAPTER 161, SECTION 10 AND LAWS 2004, CHAPTER 26, SECTION 2; 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. Section 36-206, Arizona Revised Statutes, is amended to  
3 read:

4 36-206. Duties of superintendent; deputy director; clinical  
5 assessment

6 A. The deputy director has charge of the state hospital and the  
7 superintendent shall supervise and direct its activities, subject to the  
8 provisions of law and approval of the deputy director. The superintendent is  
9 directly responsible to the deputy director for carrying out the purposes for  
10 which the hospital is maintained. Subject to the approval of the deputy  
11 director, the superintendent may deputize any qualified officer of the state  
12 hospital to do or perform any act the superintendent is empowered to do or  
13 charged with the responsibility of doing by law.

14 B. The deputy director in December each year shall estimate the  
15 probable daily per capita cost of treatment and maintenance of each category  
16 of patients for the next ensuing year as determined in accordance with  
17 standard accounting practices. A statement of the estimate shall be provided  
18 to the director in January of the following year.

19 C. The superintendent, on request, shall provide to the deputy  
20 director a clinical assessment of the state hospital's programs.

21 D. On or before August 1 of each year, the deputy director shall  
22 establish maximum funded capacity and a percentage allocation formula for  
23 forensic and civil bed capacity at the Arizona state hospital based on census  
24 data collected pursuant to sections 13-3994, 13-4512, 36-202.01 and  
25 36-503.03. BY JUNE 1 OF EACH YEAR, THE DEPUTY DIRECTOR SHALL SOLICIT AND  
26 CONSIDER THE RECOMMENDATIONS OF REPRESENTATIVES OF THE COUNTY BOARD OF  
27 SUPERVISORS, THE ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL AND THE  
28 SUPERIOR COURT WHEN ESTABLISHING THIS FORMULA. IN ADDITION TO ESTABLISHING  
29 THE FORMULA, THE DEPUTY DIRECTOR, THE COUNTY BOARD OF SUPERVISORS, THE  
30 ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL AND THE SUPERIOR COURT SHALL  
31 DEVELOP A CONTINGENCY PLAN FOR THE PLACEMENT OF PATIENTS SUBJECT TO SECTIONS  
32 13-3994, 13-4512, 36-202.01 AND 36-503.03 IN TIMES OF EMERGENCY AND OTHER  
33 UNFORESEEN CIRCUMSTANCES. The deputy director shall notify the governor, the  
34 president of the senate, the speaker of the house of representatives and the  
35 chairman of each county board of supervisors of the funded capacity and  
36 allocation formula for the current fiscal year. THIRTY DAYS BEFORE THE  
37 NOTIFICATION OF THE FORENSIC AND CIVIL BED FUNDED CAPACITY FORMULA, THE  
38 DEPUTY DIRECTOR SHALL PROVIDE THIS INFORMATION TO THE REPRESENTATIVES OF THE  
39 COUNTY BOARD OF SUPERVISORS, THE ARIZONA PROSECUTING ATTORNEYS' ADVISORY  
40 COUNCIL AND THE SUPERIOR COURT FOR COMMENT. THE DEPUTY DIRECTOR SHALL  
41 INCLUDE THESE COMMENTS WHEN ISSUING THE FORMULA.

42 Sec. 2. Repeal

43 The following are repealed:

44 1. Section 13-3994, Arizona Revised Statutes, as added by Laws 2002,  
45 chapter 161, section 3.

1           2. Section 13-4512, Arizona Revised Statutes, as amended by Laws 2005,  
2 chapter 252, section 3.

3           3. Laws 1999, chapter 255, section 9, as amended by Laws 2001, chapter  
4 244, section 6, Laws 2002, chapter 161, section 11, Laws 2004, chapter 26,  
5 section 3 and Laws 2005, chapter 252, section 4.

6           4. Laws 2001, chapter 244, section 8, as amended by Laws 2002, chapter  
7 161, section 14 and Laws 2004, chapter 26, section 5.

8           5. Laws 2002, chapter 161, section 9, as amended by Laws 2004, chapter  
9 26, section 1.

10          6. Laws 2002, chapter 161, section 12, as amended by Laws 2004,  
11 chapter 26, section 4.

12          Sec. 3. Laws 1999, chapter 255, section 8, as amended by Laws 2001,  
13 chapter 244, section 5, Laws 2002, chapter 161, section 10 and Laws 2004,  
14 chapter 26, section 2, is amended to read:

15           Sec. 8. Delayed repeal

16           A. ~~Section 36-202.01, Arizona Revised Statutes, is repealed from and~~  
17 ~~after June 30, 2006.~~

18           B. ~~Section 7 of this act, relating to the restoration to competency~~  
19 ~~program study, is repealed from and after December 31, 2000.~~

20           Sec. 4. Conditional retroactivity

21           If the emergency clause of this act is not enacted, this act applies  
22 retroactively to from and after June 30, 2006.

23           Sec. 5. Emergency

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

**APPROVED BY THE GOVERNOR APRIL 17, 2006.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2006.**