

House Engrossed
FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

CHAPTER 327
HOUSE BILL 2515

AN ACT

AMENDING TITLE 12, CHAPTER 23, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-3152; AMENDING SECTIONS 23-422, 26-1026, 26-1067, 32-802, 32-901, 32-1203, 32-1502, 32-1602, 32-1672, 32-1702, 32-1801, 32-2502, 32-2902, 32-3252, 32-3402, 32-3502, 32-3902, 38-211, 38-848, 41-101, 41-1502, 41-1750, 41-1821 AND 41-5353, ARIZONA REVISED STATUTES; RELATING TO CRIMINAL RECORDS CHECKS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 12, chapter 23, article 1, Arizona Revised
3 Statutes, is amended by adding section 12-3152, to read:

4 12-3152. Superior court; vacancies; fingerprinting;
5 applicability

6 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, A PERSON WHO
7 APPLIES TO THE GOVERNOR TO FILL A VACANCY ON THE SUPERIOR COURT, BEFORE
8 APPOINTMENT, SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR
9 THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK
10 PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF
11 PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU
12 OF INVESTIGATION.

13 B. THIS SECTION DOES NOT APPLY TO A SUPERIOR COURT APPLICANT WHO
14 HAS ALREADY SUBMITTED A FULL SET OF FINGERPRINTS TO THE SUPREME COURT, THE
15 COMMISSION ON APPELLATE COURT APPOINTMENTS OR THE COMMISSION ON TRIAL
16 COURT APPOINTMENTS.

17 Sec. 2. Section 23-422, Arizona Revised Statutes, is amended to
18 read:

19 23-422. Review board

20 A. A review board is established within the commission to hear and
21 rule on appeals of administrative law judge decisions generated in this
22 article. The board shall consist of five members appointed by the
23 governor. The occupational safety and health advisory committee shall
24 submit to the governor a list of names of persons to be considered for
25 appointment to the board who by reason of training, education or
26 experience are qualified to carry out the powers and duties of the board.
27 One member shall be a representative of management, one member shall be a
28 representative of labor and three members shall be representatives of the
29 general public. The board shall elect a chairman from the board's
30 membership.

31 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE
32 BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE
33 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT
34 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY
35 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
36 INVESTIGATION.

37 ~~B.~~ C. Members of the board shall be appointed to five-year terms,
38 except that of the members first appointed, one each shall serve for a
39 term of one, two, three, four and five years. A vacancy occurring on the
40 board other than by expiration of a term shall be filled in the manner
41 original appointments were made, for the unexpired portion of the term.
42 THE GOVERNOR MAY REMOVE members of the board ~~may be removed by the~~
43 ~~governor~~ for inefficiency, neglect of duty, malfeasance or nonfeasance in
44 office. The board shall meet as often as necessary to hold review
45 hearings as provided in section 23-423, at times and places as the

1 chairman may determine. One member from management, one member from labor
2 and one member from the general public shall be present in order to
3 conduct review hearings or other business. All decisions of the board
4 shall be determined by a majority decision.

5 ~~C.~~ D. The commission shall employ a staff necessary for the
6 efficient administration of the board's activities. All personnel of the
7 board shall be under the supervision of the director of the commission and
8 shall be paid from the general fund, subject to legislative appropriation.

9 ~~D.~~ E. Board members shall receive compensation pursuant to section
10 38-611, which shall be paid from the general fund, subject to legislative
11 appropriation.

12 ~~E.~~ F. The monies appropriated to carry out the purposes of
13 subsections ~~C~~ and D AND E of this section shall be appropriated to the
14 commission, shall not exceed twenty thousand dollars per year and are
15 exempt from the provisions of section 35-190 relating to lapsing of
16 appropriations. The monies shall be kept separate and apart from other
17 monies of the commission and shall be available only to the board.

18 ~~F.~~ G. A member of the board shall not participate on a matter with
19 which the member is personally associated. If a member is disqualified
20 pursuant to this subsection or is unable to participate for any other
21 reason on a particular matter, the governor shall appoint a person as a
22 temporary member to participate in the hearing. The occupational safety
23 and health advisory committee shall submit to the governor a list of names
24 of persons to be considered for a temporary appointment. The person shall
25 meet the qualifications of subsection A of this section, and shall be
26 representative of the same area as that of the member for whom the person
27 is serving as alternate.

28 Sec. 3. Section 26-1026, Arizona Revised Statutes, is amended to
29 read:

30 26-1026. Military judge of a general or special court-martial

31 A. A military judge shall be detailed to each general
32 court-martial. Subject to rules of the adjutant general, a military judge
33 may be detailed to any special court-martial. The adjutant general shall
34 adopt rules providing for the manner in which military judges are detailed
35 for the courts-martial and for the persons who are authorized to detail
36 military judges for the courts-martial. The military judge shall preside
37 over each open session of the court-martial to which the military judge
38 has been detailed.

39 B. A military judge must be a member in good standing of the state
40 bar of Arizona and a current or former member of the United States armed
41 forces or the armed forces of this state who is appointed as a military
42 judge by the governor after certification by the state judge advocate as
43 having met the qualifications.

44 C. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MILITARY JUDGE
45 SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE PURPOSE OF

1 OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION
2 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY
3 EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

4 ~~C.~~ D. The military judge of a general court-martial shall be
5 designated by the state judge advocate, or the state judge advocate's
6 designee, for detail in accordance with rules adopted under subsection A
7 of this section. Unless the court-martial was convened by the governor,
8 neither the convening authority nor any member of the convening
9 authority's staff shall prepare or review any report concerning the
10 effectiveness, fitness or efficiency of the military judge detailed, which
11 relates to the military judge's performance of duty as a military judge.
12 A commissioned officer who is certified to be qualified for duty as a
13 military judge of a general court-martial may perform duties of a judicial
14 or nonjudicial nature other than those relating to the officer's primary
15 duty as a military judge of a general court-martial if the duties are
16 assigned to the officer by or with the approval of the state judge
17 advocate or the state judge advocate's designee.

18 ~~D.~~ E. A person is not eligible to act as military judge in a case
19 if the person is the accuser or a witness or has acted as an investigating
20 officer or a counsel in the same case.

21 ~~E.~~ F. The military judge of a court-martial may not consult with
22 the members of the court except in the presence of the accused, trial
23 counsel and defense counsel, and the military judge may not vote with the
24 members of the court.

25 Sec. 4. Section 26-1067, Arizona Revised Statutes, is amended to
26 read:

27 26-1067. Court of military appeals; members; terms;
28 compensation; duties; review; procedures

29 A. The Arizona court of military appeals is established and is
30 located for administrative purposes only in the department of emergency
31 and military affairs. The court shall consist of five judges appointed by
32 the governor on the recommendation of the adjutant general with the advice
33 of the state judge advocate for a term of six years. Initial appointments
34 shall be staggered. The term of office for all successor judges is six
35 years, but any judge appointed to fill a vacancy occurring before the
36 expiration of the term for which the judge's predecessor was appointed
37 shall be appointed only for the unexpired term of the predecessor. Not
38 more than three judges of the court may be appointed from the same
39 political party. Judges may succeed themselves in office. A person is
40 eligible for appointment to this court who, in addition to the
41 requirements of article VI, section 22, Constitution of Arizona, has at
42 least five years' experience as a judge advocate in the national guard or
43 armed forces of the United States.

44 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE JUDGE SHALL
45 SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE PURPOSE OF

1 OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION
2 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY
3 EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

4 ~~B.~~ C. The governor shall designate one of the judges to act as
5 chief judge. The chief judge has precedence and shall preside at any
6 session the judge attends. The other judges have precedence and shall
7 preside according to the seniority of their appointments. Judges whose
8 commissions bear the same date have precedence according to seniority in
9 age.

10 ~~C.~~ D. The court shall sit in panels of no less than three judges
11 to be selected by the presiding judge.

12 ~~D.~~ E. Judges of the Arizona court of military appeals may be
13 removed by the governor, on notice and hearing, for neglect of duty or
14 malfeasance in office or for mental or physical disability but for no
15 other cause.

16 ~~E.~~ F. The judges of the Arizona court of military appeals, while
17 actually sitting in review of a matter placed under their jurisdiction by
18 this chapter, and while traveling to and from such session, are eligible
19 to receive compensation equal to that compensation prescribed for the
20 judges of the Arizona court of appeals, as provided by law, together with
21 the actual cost of meals, lodging and travel expense or the amount set by
22 law if private transportation is utilized. Payment shall be made from
23 monies appropriated to the national guard.

24 ~~F.~~ G. The Arizona court of military appeals has exclusive
25 appellate and special action jurisdiction, in appeals filed by this state
26 pursuant to section 26-1062, or on petition of an accused, to hear and
27 review the record in all general and special court-martial cases and all
28 summary court-martial cases in which a sentence of confinement has been
29 adjudged.

30 ~~G.~~ H. The accused has thirty calendar days from the time of
31 receipt of actual notice of the final action on the case by the convening
32 authority under section 26-1060 to petition the Arizona court of military
33 appeals for review. The court shall act on a petition within sixty
34 calendar days after receipt. If the court fails or refuses to grant a
35 petition for review, the final action of the convening authority is deemed
36 approved. Notwithstanding any other provision of this chapter, if the
37 court grants a hearing of an appeal, the court may grant a stay or defer
38 service of the sentence of confinement or any other punishment until the
39 court's final decision on the case.

40 ~~H.~~ I. The Arizona court of military appeals may act only with
41 respect to the findings and sentence as finally approved and ordered
42 executed by the convening authority.

43 ~~I.~~ J. If the Arizona court of military appeals sets aside the
44 findings and sentence, it may order a rehearing, except if the setting
45 aside is based on lack of sufficient evidence in the record to support the

1 findings. If it sets aside the findings and sentence and does not order a
2 rehearing, it shall order that the charges be dismissed. After the
3 Arizona court of military appeals has acted on the case, the record shall
4 be returned to the state judge advocate who shall notify the convening
5 authority of the court's decision. If further action is required, the
6 state judge advocate shall instruct the convening authority to take action
7 in accordance with that decision. If the court has ordered a rehearing,
8 but the convening authority finds a rehearing impracticable, the state
9 judge advocate may dismiss the charges.

10 ~~J.~~ K. Decisions of the Arizona court of military appeals are
11 subject to review by the Arizona supreme court by a petition for review in
12 accordance with the Arizona rules of criminal procedure and the rules of
13 the supreme court of Arizona.

14 ~~K.~~ L. With monies appropriated to the national guard, the adjutant
15 general may employ persons necessary to assist the Arizona court of
16 military appeals in its duties.

17 ~~L.~~ M. The adjutant general with the approval of the governor shall
18 adopt rules necessary for the administration of the court. The accused
19 has a right to appointed military counsel for an appeal.

20 Sec. 5. Section 32-802, Arizona Revised Statutes, is amended to
21 read:

22 32-802. Board of podiatry examiners; compensation

23 ~~A. There shall be a~~ THE state board of podiatry examiners which
24 ~~shall consist~~ IS ESTABLISHED CONSISTING of five members appointed by the
25 governor. Each member shall be appointed for a term of five years, to
26 begin and end on February 1.

27 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE
28 BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE
29 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT
30 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY
31 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
32 INVESTIGATION.

33 ~~B.~~ C. Three members of the board shall have practiced podiatry
34 continuously in this state for not less than two years immediately
35 preceding appointment and shall have valid licenses to practice podiatry.
36 Two members of the board shall be lay persons. All members of the board
37 shall be citizens of the United States.

38 ~~C.~~ D. A vacancy on the board occurring other than by the
39 expiration of a term shall be filled by appointment by the governor for
40 the unexpired term.

41 ~~D.~~ E. All appointments shall be made promptly, and in the case of
42 the vacancy of a professional member or members, appointment shall be made
43 no later than ninety days from the expiration of the term or vacancy.

1 E. F. The term of any member may, at the discretion of the board,
2 MAY end and the office be declared vacant for failure to attend three
3 consecutive meetings of the board.

4 F. G. Members of the board shall receive compensation of fifty
5 dollars for each day of actual service in the business of the board.

6 G. H. The state board of podiatry examiners may hire practicing
7 podiatrists or other medical specialists, or both, as needed, in order to
8 assist the board in giving examinations. Such examiners shall receive the
9 same compensation as board members.

10 H. I. Subject to title 41, chapter 4, article 4, the board may
11 employ personnel, including trained investigators, as it deems necessary
12 to carry out the purposes of this chapter.

13 I. J. Members, personnel and examiners of the board are personally
14 immune from suit with respect to all acts done and actions taken in good
15 faith and in furtherance of the purposes of this chapter.

16 Sec. 6. Section 32-901, Arizona Revised Statutes, is amended to
17 read:

18 32-901. Board of chiropractic examiners; removal; immunity

19 A. The state board of chiropractic examiners is established
20 consisting of three licensed chiropractors and two consumer members who
21 are appointed by the governor. One member shall be appointed each year
22 for a term of five years, to begin and end on July 1.

23 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE
24 BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE
25 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT
26 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY
27 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
28 INVESTIGATION.

29 B. C. Each member of the board shall be a resident of this state,
30 and each of the licensed chiropractic members shall have practiced
31 chiropractic in this state for three years or more. The two consumer
32 members of the board shall not be in any manner connected with, or have an
33 interest in, any college or school of chiropractic or any person
34 practicing any form of healing or treatment of bodily or mental ailments.
35 A board member shall not receive compensation as an agent or employee of
36 or a contractor for an insurance company. This subsection does not
37 prevent a board member who is a licensed chiropractor from receiving
38 compensation from an insurance company for patient care as provided for in
39 a patient's insurance policy.

40 C. D. Before taking office, each board member shall take an oath
41 prescribed by law and shall affirm by oath that the board member meets the
42 qualifications as prescribed in this section.

43 D. E. THE GOVERNOR MAY REMOVE board members ~~may be removed by the~~
44 ~~governor~~ for neglect of duty, malfeasance or misfeasance in office.
45 Vacancies occurring on the board other than by expiration of a term shall

1 be filled for the unexpired portion of the term by appointment in the same
2 manner as regular appointments.

3 ~~E.~~ F. No A member of the board may NOT serve more than two
4 consecutive terms.

5 ~~F.~~ G. A board member who acts within the board member's authority
6 is personally immune from civil liability with respect to all actions
7 taken in good faith pursuant to this chapter.

8 Sec. 7. Section 32-1203, Arizona Revised Statutes, is amended to
9 read:

10 32-1203. State board of dental examiners; qualifications of
11 members; terms

12 A. The state board of dental examiners is established consisting of
13 six licensed dentists, two licensed dental hygienists, two public members
14 and one business entity member appointed by the governor for a term of
15 four years, to begin and end on January 1.

16 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE
17 BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE
18 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT
19 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY
20 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
21 INVESTIGATION.

22 ~~B.~~ C. The business entity member and the public members may
23 participate in all board proceedings and determinations, except in the
24 preparing, giving or grading of examinations for licensure. Dental
25 hygienist board members may participate in all board proceedings and
26 determinations, except in the preparing, giving and grading of
27 examinations that do not relate to dental hygiene procedures.

28 ~~C.~~ D. A board member shall not serve more than two consecutive
29 terms.

30 ~~D.~~ E. For the purposes of this section, business entity member
31 does not include a person who is licensed pursuant to this chapter.

32 Sec. 8. Section 32-1502, Arizona Revised Statutes, is amended to
33 read:

34 32-1502. Naturopathic physicians medical board; appointment;
35 qualifications; term of office; immunity

36 A. The naturopathic physicians medical board is established
37 consisting of the following members:

38 1. Four physician members appointed by the governor. Each
39 physician member shall be:

40 (a) A resident of this state for at least five years immediately
41 preceding the appointment.

42 (b) A doctor of naturopathic medicine with a degree from a
43 naturopathic school or college approved by the board who has engaged in
44 full-time practice of naturopathic medicine for at least five years
45 immediately preceding the appointment.

1 2. Three public members appointed by the governor. Each public
2 member shall:

3 (a) Be a resident of this state for at least five years immediately
4 preceding the appointment.

5 (b) Not be connected, in any manner, with or have any interest in a
6 school of medicine, A health care institution or any person practicing any
7 form of healing or treatment of bodily or mental ailments.

8 (c) Demonstrate an interest in the health problems in this state.

9 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE
10 BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE
11 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT
12 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY
13 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
14 INVESTIGATION.

15 ~~B.~~ C. The terms of office of the physician members and the public
16 members are five years to begin and end on June 30. Each physician member
17 and each public member continue to hold office until the appointment and
18 qualification of their successors, subject to the following exceptions:

19 1. A member of the board may be removed from office if the governor
20 finds the member was guilty of malfeasance, misfeasance or dishonorable
21 conduct.

22 2. The term of any member automatically ends on resignation,
23 permanent removal from this state or removal from this state for a period
24 of more than six months.

25 ~~C.~~ D. There shall be no monetary liability on the part of and no
26 cause of action shall arise against the members of the board, the
27 secretary-treasurer or permanent or temporary personnel of the board for
28 any act done or proceeding undertaken or performed in good faith and in
29 furtherance of the purposes of this chapter.

30 Sec. 9. Section 32-1602, Arizona Revised Statutes, is amended to
31 read:

32 32-1602. Board of nursing; member terms; immunity

33 A. The ARIZONA state board of nursing is established consisting of
34 eleven members who are appointed by the governor. Six members shall be
35 registered nurses, including at least one registered nurse practitioner,
36 clinical nurse specialist or certified registered nurse anesthetist. One
37 member shall be a nursing assistant or a nursing assistant educator. Two
38 members shall represent the public and two members shall be licensed
39 practical nurses. Members shall be appointed for a term of five years, to
40 begin and end on June 30.

41 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE
42 BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE
43 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT
44 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY

1 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
2 INVESTIGATION.

3 ~~B.~~ C. On or before May 1 each year and at any other time a vacancy
4 on the board occurs, the governor shall make an appointment or
5 appointments to the board. Appointment to fill a vacancy other than by
6 expiration shall be for the unexpired term. A person shall not serve more
7 than two consecutive terms as a member of the board.

8 ~~C.~~ D. The governor may remove any person from the board for
9 neglect of any duty imposed by law or for incompetency or unprofessional
10 or dishonorable conduct.

11 ~~D.~~ E. A board member's term automatically ends:

12 1. On the death of the member.

13 2. On the member's written resignation submitted to the board
14 president or to the governor.

15 3. On the member's failure to attend three consecutive board
16 meetings.

17 ~~E.~~ F. A board member who acts within the scope of board duties,
18 without malice and in the reasonable belief that the member's action is
19 warranted by law is not subject to civil liability.

20 Sec. 10. Section 32-1672, Arizona Revised Statutes, is amended to
21 read:

22 32-1672. Board of dispensing opticians; members;
23 qualifications; terms; removal; immunity

24 A. The state board of dispensing opticians is established
25 consisting of seven members appointed by the governor. Five members of
26 the board shall be licensees in good standing under this chapter. Two
27 members of the board shall be public members.

28 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE
29 BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE
30 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT
31 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY
32 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
33 INVESTIGATION.

34 ~~B.~~ C. Each member shall serve for a term of five years expiring on
35 the first day in January of the appropriate year. A member shall not
36 serve for more than two complete consecutive terms.

37 ~~C.~~ D. The board shall elect from among its membership a chairman
38 and such other officers as it deems necessary, who shall hold their
39 offices at the pleasure of the board.

40 ~~D.~~ E. Members of the board are eligible to receive compensation in
41 the amount of fifty dollars for each day of actual service in the business
42 of the board.

43 ~~E.~~ F. The governor may remove a board member from office if the
44 governor determines that the member is guilty of malfeasance, misfeasance
45 or dishonorable conduct.

1 Sec. 12. Section 32-1801, Arizona Revised Statutes, is amended to
2 read:

3 32-1801. Arizona board of osteopathic examiners in medicine
4 and surgery

5 A. ~~There shall be an~~ THE Arizona board of osteopathic examiners in
6 medicine and surgery ~~which shall consist~~ IS ESTABLISHED CONSISTING of
7 seven members appointed by the governor. One member of the board shall be
8 appointed each year for a term of five years, to begin and end on
9 April 15.

10 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE
11 BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE
12 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT
13 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY
14 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
15 INVESTIGATION.

16 ~~B.~~ C. Two members of the board shall be public members who shall
17 not be in any manner connected with, or have an interest in, any school of
18 medicine or any person practicing any form of healing or treatment of
19 bodily or mental ailments and who has demonstrated an interest in the
20 health problems of the state. The other five members of the board shall
21 have engaged in the practice of medicine as an osteopathic physician in
22 this state for at least five years preceding their appointments, hold
23 active licenses in good standing and, at the time of appointment, be
24 practicing medicine with direct patient contact. In making appointments
25 of each professional member of the board, the governor shall consider a
26 list of qualified persons submitted by the Arizona osteopathic medical
27 association and recommendations by any other person. Members of the board
28 shall continue in office until their successors are appointed and
29 qualified. Each board member, ~~prior to~~ BEFORE entering ~~upon~~ ON his
30 duties, shall take an oath prescribed by law and in addition thereto shall
31 make an oath as to his qualifications as prescribed in this section. No
32 board member may serve more than two consecutive five year terms.

33 ~~C.~~ D. THE GOVERNOR MAY REMOVE board members ~~may be removed by the~~
34 ~~governor~~ if they fail to attend three or more board meetings within twelve
35 months. This does not include telephonic meetings of the board. The
36 governor may also remove board members for malfeasance, misfeasance or
37 incompetence in their office, unprofessional or dishonorable conduct in
38 their office or unprofessional or dishonorable conduct. The governor
39 shall appoint a qualified replacement to fill a vacant position for the
40 unexpired portion of the term.

1 Sec. 13. Section 32-2502, Arizona Revised Statutes, is amended to
2 read:

3 32-2502. Arizona regulatory board of physician assistants;
4 membership; appointment; terms; immunity

5 A. The Arizona regulatory board of physician assistants is
6 established consisting of the following members:

7 1. Five physician assistants who hold a current regular license
8 pursuant to this chapter. The governor may appoint these members from a
9 list of qualified candidates submitted by the Arizona state association of
10 physician assistants. The governor may seek additional input and
11 nominations before the governor makes the physician assistant
12 appointments.

13 2. Two public members who are appointed by the governor.

14 3. Two physicians who are actively engaged in the practice of
15 medicine and who are licensed pursuant to chapter 17 of this title, one of
16 whom supervises a physician assistant at the time of appointment, and who
17 are appointed by the governor.

18 4. Two physicians who are actively engaged in the practice of
19 medicine and who are licensed pursuant to chapter 13 of this title, one of
20 whom supervises a physician assistant at the time of appointment, and who
21 are appointed by the governor.

22 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE
23 BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE
24 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT
25 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY
26 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
27 INVESTIGATION.

28 ~~B.~~ C. The term of office of members of the board is four years to
29 begin and end on July 1.

30 ~~C.~~ D. Each board member is eligible for appointment to not more
31 than two full terms, except that the term of office for a member appointed
32 to fill a vacancy that is not caused by the expiration of a full term is
33 for the unexpired portion of that term and the governor may reappoint that
34 member to not more than two additional full terms. Each board member may
35 continue to hold office until the appointment and qualification of that
36 member's successor. However, the governor may remove a member after
37 notice and a hearing, on a finding of continued neglect of duty,
38 incompetence or unprofessional or dishonorable conduct. That member's
39 term ends when the finding is made.

40 ~~D.~~ E. A board member's term automatically ends:

41 1. On written resignation submitted to the board chairperson or to
42 the governor.

43 2. If the member is absent from this state for more than six months
44 during a one-year period.

1 3. If the member fails to attend three consecutive regular board
2 meetings.

3 4. Five years after retirement from active practice.

4 ~~E.~~ F. Board members are immune from civil liability for all good
5 faith actions they take pursuant to this chapter.

6 Sec. 14. Section 32-2902, Arizona Revised Statutes, is amended to
7 read:

8 32-2902. Board of homeopathic and integrated medicine
9 examiners; membership; terms; removal; immunity

10 A. The board of homeopathic and integrated medicine examiners is
11 established consisting of the following members appointed by the governor:

12 1. Two public members.

13 2. Until January 1, 2017, four members who are licensed pursuant to
14 section 32-2912, subsection A.

15 3. Beginning January 1, 2017, five members who are licensed
16 pursuant to this chapter, one of whom is licensed pursuant to section
17 32-2912, subsection B.

18 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE
19 BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE
20 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT
21 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY
22 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
23 INVESTIGATION.

24 ~~B.~~ C. Board members serve staggered ~~three year~~ THREE-YEAR terms
25 ending on June 30. Board members shall not serve more than three
26 consecutive terms. A board member may continue to serve until that
27 member's replacement takes office.

28 ~~C.~~ D. Board members shall be residents of this state for at least
29 three consecutive years immediately before their appointment.

30 ~~D.~~ E. The governor may remove a board member from office because
31 of that member's neglect of duty, malfeasance, misfeasance, incompetence
32 or unprofessional or dishonorable conduct.

33 ~~E.~~ F. A board member's term of office automatically ends if that
34 member is absent from this state for more than six months or if that
35 member fails to attend three consecutive regularly scheduled board
36 meetings.

37 ~~F.~~ G. Board members and board employees are immune from civil
38 liability for any good faith action they take to implement this chapter.

39 Sec. 15. Section 32-3252, Arizona Revised Statutes, is amended to
40 read:

41 32-3252. Board of behavioral health examiners; appointment;
42 qualifications; terms; compensation; immunity;
43 training program

44 A. The board of behavioral health examiners is established
45 consisting of the following members appointed by the governor:

- 1 1. The following professional members:
2 (a) Two members who are licensed in social work pursuant to this
3 chapter, at least one of whom is a licensed clinical social worker.
4 (b) Two members who are licensed in counseling pursuant to this
5 chapter, at least one of whom is a licensed professional counselor.
6 (c) Two members who are licensed in marriage and family therapy
7 pursuant to this chapter, at least one of whom is a licensed marriage and
8 family therapist.
9 (d) Two members who are licensed in substance abuse counseling
10 pursuant to this chapter, at least one of whom is a licensed independent
11 substance abuse counselor.
12 2. Four public members.
13 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE
14 BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE
15 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT
16 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY
17 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
18 INVESTIGATION.
19 ~~B.~~ C. Each professional board member shall:
20 1. Be a resident of this state for not less than one year before
21 appointment.
22 2. Be an active licensee in good standing.
23 3. Have at least five years of experience in an area of behavioral
24 health licensed pursuant to this chapter.
25 ~~C.~~ D. Each public member shall:
26 1. Be a resident of this state for not less than one year before
27 appointment.
28 2. Be at least twenty-one years of age.
29 3. Not be licensed or eligible for licensure pursuant to this
30 chapter unless the public member has been retired from active practice for
31 at least five years.
32 4. Not currently have a substantial financial interest in an entity
33 that directly provides behavioral health services.
34 5. Not have a household member who is licensed or eligible for
35 licensure pursuant to this chapter unless the household member has been
36 retired from active practice for at least five years.
37 ~~D.~~ E. The term of office of board members is three years to begin
38 and end on the third Monday in January. A member shall not serve more
39 than two full consecutive terms.
40 ~~E.~~ F. The board shall annually elect a chairman and
41 secretary-treasurer from its membership.
42 ~~F.~~ G. Board members are eligible to receive compensation of not
43 more than eighty-five dollars for each day actually and necessarily spent
44 in the performance of their duties.

1 ~~G.~~ H. Board members and personnel are personally immune from suit
2 with respect to all acts done and actions taken in good faith and in
3 furtherance of the purposes of this chapter.

4 ~~H.~~ I. Each board member must complete a twelve-hour training
5 program that emphasizes responsibilities for administrative management,
6 licensure, judicial processes and temperament within one year after
7 appointment to the board.

8 Sec. 16. Section 32-3402, Arizona Revised Statutes, is amended to
9 read:

10 32-3402. Board of occupational therapy examiners; members;
11 qualifications; terms; compensation; civil
12 immunity

13 A. The board of occupational therapy examiners is established and
14 consists of five members appointed by the governor. Each board member
15 shall be a resident of the state at the time of appointment. The governor
16 shall appoint two persons who are not engaged, directly or indirectly, in
17 the provision of health care services to serve as public members. The
18 other three members shall have at least three years of experience in
19 occupational therapy or teaching in an accredited occupational therapy
20 education program in this state immediately before appointment and shall
21 be licensed under this chapter. The governor may select board members
22 from a list of licensees submitted by the Arizona occupational therapy
23 association, inc. or any other appropriate organization.

24 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE
25 BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE
26 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT
27 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY
28 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
29 INVESTIGATION.

30 ~~B.~~ C. The term of office of board members is three years to begin
31 and end on the third Monday in January. A member shall not serve more
32 than two consecutive terms.

33 ~~C.~~ D. The board, at its first regular meeting after the start of
34 each calendar year and as necessary, shall elect a chairperson and other
35 officers from among its members. The board shall meet at least once each
36 quarter in compliance with the open meeting requirements of title 38,
37 chapter 3, article 3.1 and shall keep an official record of these
38 meetings. Other meetings may be convened at the call of the chairperson
39 or the written request of any two board members. A majority of the
40 members of the board shall constitute a quorum.

41 ~~D.~~ E. Each member of the board is eligible to receive compensation
42 in the amount of one hundred dollars for each regular or special board
43 meeting the member attends and is eligible for reimbursement for all
44 expenses necessarily and properly incurred in attending board meetings.

1 ~~F.~~ G. The term of office of each member is three years, to begin
2 and end on June 30. A member shall not serve for more than two
3 consecutive terms.

4 ~~G.~~ H. The governor may remove board members for neglect of duty,
5 malfeasance or misfeasance.

6 Sec. 18. Section 32-3902, Arizona Revised Statutes, is amended to
7 read:

8 32-3902. Acupuncture board of examiners; members;
9 qualifications; terms; removal; compensation

10 A. The acupuncture board of examiners is established consisting of
11 the following members appointed by the governor:

12 1. Four members who are licensed to practice acupuncture pursuant
13 to this chapter and who have practiced acupuncture in this state for at
14 least three years. Not more than two of these members shall be graduates
15 of the same school or college of acupuncture. The governor may make these
16 appointments from a list of names submitted by a statewide acupuncture
17 society. The initial appointees need not be licensed pursuant to this
18 chapter at the time of selection but shall meet all of the qualifications
19 for licensure as prescribed by this chapter.

20 2. Three consumers who:

21 (a) Are not employed in a health profession.

22 (b) Do not have any pecuniary interest in a school of medicine or
23 health care institution.

24 (c) Demonstrate an interest in health issues in this state.

25 3. Two members who are licensed pursuant to chapter 8, 13, 14, 17
26 or 29 of this title. These members shall not be licensed pursuant to the
27 same chapter.

28 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE
29 BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE
30 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT
31 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY
32 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
33 INVESTIGATION.

34 ~~B.~~ C. Board members shall be residents of this state for at least
35 three years immediately preceding their appointment.

36 ~~C.~~ D. Board members serve three-year terms to begin and end on the
37 third Monday in January. A member shall not serve more than two
38 consecutive terms.

39 ~~D.~~ E. The board shall meet in January of each year to elect a
40 chairperson and secretary.

41 ~~E.~~ F. The board shall meet quarterly and at the call of the
42 chairperson or a majority of board members.

43 ~~F.~~ G. Board members are eligible to receive compensation in an
44 amount not to exceed fifty dollars per day for each day of actual service

1 in the business of the board and are eligible for reimbursement of
2 expenses necessarily and properly incurred in attending board meetings.

3 ~~G.~~ H. The governor may remove a board member from office for
4 malfeasance, dishonorable conduct or unprofessional management of board
5 duties.

6 ~~H.~~ I. The term of any member automatically ends on resignation or
7 absence from this state for a period of at least six months. The governor
8 shall fill vacancies for an unexpired portion of a term in the same manner
9 as regular appointments.

10 ~~I.~~ J. Board members and board employees are not subject to civil
11 liability for any act done or proceeding undertaken or performed in good
12 faith and in furtherance of the purposes of this chapter.

13 Sec. 19. Section 38-211, Arizona Revised Statutes, is amended to
14 read:

15 38-211. Nominations by governor; consent of senate;
16 appointment

17 A. When it is provided by law that a state officer shall be
18 appointed pursuant to this section, the governor shall nominate and with
19 the consent of the senate appoint such officer as prescribed in this
20 section.

21 B. If the term of any state office ~~which~~ THAT is appointive
22 pursuant to this section expires, begins or becomes vacant during a
23 regular legislative session, the governor shall during such session
24 nominate a person who meets the requirements of law for such office and
25 shall promptly transmit the nomination to the president of the senate. If
26 the incumbent is capable of continuing to serve until his successor has
27 qualified, a nominee to that position shall not assume and discharge the
28 duties of the office, pending senate confirmation. If the incumbent is
29 unable to continue to discharge the duties of office, the nominee shall
30 assume and discharge the duties of the office pending senate confirmation.
31 If the senate consents to the nomination, the governor shall then appoint
32 the nominee to serve for the term or, in the case of a vacancy, for the
33 unexpired term in which the vacancy occurred. If the senate rejects the
34 nomination the nominee shall not be appointed and the governor shall
35 promptly nominate another person who meets the requirements for such
36 office. If the senate takes no formal action on the nomination during
37 such legislative session, or if a nomination other than one that is
38 required to be sent to the senate during the first week of the legislative
39 session is not received during the session, the governor shall after the
40 close of such legislative session appoint the nominee to serve, and the
41 nominee shall discharge the duties of office, subject to confirmation
42 during the next legislative session.

43 C. If the term of any state office ~~which~~ THAT is appointive
44 pursuant to this section expires, begins or becomes vacant during a time
45 in which the legislature is not in regular session, the governor shall

1 nominate a person who meets the requirements of law for such office and
2 shall transmit the nomination to the president of the senate during the
3 first week of the next regular session. The nominee shall assume and
4 discharge the duties of the office until rejection of the nomination or
5 inaction of the senate.

6 D. Every officer who is subject to confirmation as provided in this
7 section and whose term is not fixed by law shall hold office at the
8 pleasure of the appointing power.

9 E. In no event shall a nominee serve longer than one year after
10 nomination without senate consent.

11 F. Nominations made by the governor shall be in writing,
12 designating the residence of the nominee and the office for which
13 nominated.

14 G. When the senate consents to a nomination, its secretary shall
15 deliver a copy of the resolution of consent, certified by the president of
16 the senate, to the secretary of state, who shall notify the governor.
17 When the senate rejects a nomination, its secretary shall inform the
18 governor promptly.

19 H. BEFORE NOMINATION OR APPOINTMENT BY THE GOVERNOR PURSUANT TO
20 THIS SECTION, THE PROSPECTIVE NOMINEE SHALL SUBMIT A FULL SET OF
21 FINGERPRINTS TO THE GOVERNOR FOR THE PURPOSE OF OBTAINING A STATE AND
22 FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW
23 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT
24 DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

25 Sec. 20. Section 38-848, Arizona Revised Statutes, is amended to
26 read:

27 38-848. Board of trustees; powers and duties; independent
28 trust fund; administrator; agents and employees;
29 advisory committee

30 A. Beginning January 1, 2017, the board of trustees shall consist
31 of nine members and shall have the rights, powers and duties that are set
32 forth in this section. The term of office of members shall be five years
33 to expire on the third Monday in January of the appropriate year. The
34 board shall select a chairperson from among its members each calendar
35 year. Members are eligible to receive compensation in an amount of fifty
36 dollars a day, but not to exceed one thousand dollars in any one fiscal
37 year, and are eligible for reimbursement of expenses pursuant to chapter
38 4, article 2 of this title. Beginning January 1, 2017, the board consists
39 of the following members appointed as follows:

40 1. Two members representing law enforcement, one of whom is
41 appointed by the president of the senate and one of whom is appointed by
42 the governor. A statewide association representing law enforcement in
43 this state shall forward nominations to the appointing elected officials,
44 providing at least three nominees for each position. At least one of the

1 members appointed under this paragraph shall be an elected local board
2 member.

3 2. Two members representing firefighters, one of whom is appointed
4 by the speaker of the house of representatives and one of whom is
5 appointed by the governor. A statewide association representing
6 firefighters in this state shall forward nominations to the appointing
7 elected officials, providing at least three nominees for each position.
8 At least one of the members appointed under this paragraph shall be an
9 elected local board member.

10 3. Three members representing cities and towns in this state, one
11 of whom is appointed by the president of the senate, one of whom is
12 appointed by the speaker of the house of representatives and one of whom
13 is appointed by the governor. An association representing cities and
14 towns in this state shall forward nominations to the appointing elected
15 officials, providing at least three nominees for each position. These
16 nominees shall represent taxpayers or employers and may not be members of
17 the system.

18 4. One member who represents counties in this state and who is
19 appointed by the governor. An association representing county supervisors
20 in this state shall forward nominations to the governor, providing at
21 least three nominees for the position. These nominees shall represent
22 taxpayers or employers and may not be members of the system.

23 5. One member who is appointed by the governor from a list of three
24 nominees forwarded by the board. The board shall select the nominees to
25 forward to the governor from a list of at least five nominees received
26 from the advisory committee.

27 B. Each appointment made pursuant to subsection A of this section
28 shall be chosen from the list of nominees provided to the appointing
29 elected official. FOR ANY APPOINTMENT MADE BY THE GOVERNOR PURSUANT TO
30 SUBSECTION A OF THIS SECTION, BEFORE APPOINTMENT BY THE GOVERNOR, A
31 PROSPECTIVE MEMBER OF THE BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO
32 THE GOVERNOR FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL
33 RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE
34 DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE
35 FEDERAL BUREAU OF INVESTIGATION. A board member may be reappointed.
36 Notwithstanding section 38-295, a board member may be removed from office
37 only for cause by the appointing power or because the board member has
38 vacated the member's seat on the board. A board member who is removed for
39 cause shall be provided written notice and an opportunity for a response.
40 The appointing power may remove a board member based on written findings
41 that specify the reason for removal. Any vacancy that occurs other than
42 by expiration of a term shall be filled for the balance of the term. All
43 vacancies shall be filled in the same manner as the initial appointment.
44 A board member vacates the office if the member either:

1 1. Is absent without excuse from three consecutive regular meetings
2 of the board.

3 2. Resigns, dies or becomes unable to perform board member duties.

4 C. The members of the board who are appointed pursuant to
5 subsection A of this section and who are not members of the system shall
6 be independent, qualified professionals who are responsible for the
7 performance of fiduciary duties and other responsibilities required to
8 preserve and protect the fund and shall have at least ten years'
9 substantial experience as any one or a combination of the following:

10 1. A portfolio manager acting in a fiduciary capacity.

11 2. A securities analyst.

12 3. A senior executive or principal of a trust institution,
13 investment organization or endowment fund acting either in a management or
14 an investment-related capacity.

15 4. A chartered financial analyst in good standing as determined by
16 the chartered financial analyst institute.

17 5. A current or former professor or instructor at the college or
18 university level in the field of economics, finance, actuarial science,
19 accounting or pension-related subjects.

20 6. An economist.

21 7. Any other senior executive engaged in the field of public or
22 private finances or with experience with public pension systems.

23 8. A senior executive in insurance, banking, underwriting,
24 auditing, human resources or risk management.

25 D. All monies in the fund shall be deposited and held in a public
26 safety personnel retirement system depository. Monies in the fund shall
27 be disbursed from the depository separate and apart from all monies or
28 funds of this state and the agencies, instrumentalities and subdivisions
29 of this state, except that the board may commingle the assets of the fund
30 and the assets of all other plans entrusted to its management in one or
31 more group trusts, subject to the crediting of receipts and earnings and
32 charging of payments to the appropriate employer, system or plan. The
33 monies shall be secured by the depository in which they are deposited and
34 held to the same extent and in the same manner as required by the general
35 depository law of this state. For purposes of making the decision to
36 invest in securities owned by the fund or any plan or trust administered
37 by the board, the fund and assets of the plans and the plans' trusts are
38 subject to the sole management of the board for the purpose of this
39 article except that, on the board's election to invest in a particular
40 security or make a particular investment, the assets comprising the
41 security or investment may be chosen and managed by third parties approved
42 by the board. The board may invest in portfolios of securities chosen and
43 managed by a third party. The board's decision to invest in securities
44 such as mutual funds, commingled investment funds, exchange traded funds,
45 private equity or venture capital limited partnerships, real estate

1 limited partnerships or limited liability companies and real estate
2 investment trusts whose assets are chosen and managed by third parties
3 does not constitute an improper delegation of the board's investment
4 authority.

5 E. All contributions under this system and other retirement plans
6 that the board administers shall be forwarded to the board and shall be
7 held, invested and reinvested by the board as provided in this article.
8 All property and monies of the fund and other retirement plans that the
9 board administers, including income from investments and from all other
10 sources, shall be retained for the exclusive benefit of members, as
11 provided in the system and other retirement plans that the board
12 administers, and shall be used to pay benefits to members or their
13 beneficiaries or to pay expenses of operation and administration of the
14 system and fund and other retirement plans that the board administers.

15 F. The board shall have the full power in its sole discretion to
16 invest and reinvest, alter and change the monies accumulated under the
17 system and other retirement plans and trusts that the board administers as
18 provided in this article. In addition to its power to make investments
19 managed by others, the board may delegate the authority the board deems
20 necessary and prudent to investment management pursuant to section
21 38-848.03, as well as to the administrator, employed by the board pursuant
22 to subsection M, paragraph 6 of this section, and any assistant
23 administrators to invest the monies of the system and other retirement
24 plans and trusts that the board administers if the administrator,
25 investment management and any assistant administrators follow the
26 investment policies that are adopted by the board. The board may commingle
27 securities and monies of the fund, the elected officials' retirement plan,
28 the corrections officer retirement plan and other plans or monies
29 entrusted to its care, subject to the crediting of receipts and earnings
30 and charging of payments to the account of the appropriate employer,
31 system or plan. In making every investment, the board shall exercise the
32 judgment and care under the circumstances then prevailing that persons of
33 ordinary prudence, discretion and intelligence exercise in the management
34 of their own affairs, not in regard to speculation but in regard to the
35 permanent disposition of their funds, considering the probable income from
36 their funds as well as the probable safety of their capital, provided:

37 1. That not more than eighty percent of the combined assets of the
38 system or other plans that the board manages shall be invested at any
39 given time in corporate stocks, based on cost value of such stocks
40 irrespective of capital appreciation.

41 2. That no more than five percent of the combined assets of the
42 system or other plans that the board manages shall be invested in
43 corporate stock issued by any one corporation, other than corporate stock
44 issued by corporations chartered by the United States government or
45 corporate stock issued by a bank or insurance company.

1 3. That not more than five percent of the voting stock of any one
2 corporation shall be owned by the system and other plans that the board
3 administers, except that this limitation does not apply to membership
4 interests in limited liability companies.

5 4. That corporate stocks and exchange traded funds eligible for
6 direct purchase shall be restricted to stocks and exchange traded funds
7 that, except for bank stocks, insurance stocks, stocks acquired for
8 coinvestment in connection with the system's or the plans' or trusts'
9 commingled investments and interests in limited liability companies and
10 mutual funds, are either:

11 (a) Listed or approved on issuance for listing on an exchange
12 registered under the securities exchange act of 1934, as amended (15
13 United States Code sections 78a through 78pp).

14 (b) Designated or approved on notice of issuance for designation on
15 the national market system of a national securities association registered
16 under the securities exchange act of 1934, as amended (15 United States
17 Code sections 78a through 78pp).

18 (c) Listed or approved on issuance for listing on an exchange
19 registered under the laws of this state or any other state.

20 (d) Listed or approved on issuance for listing on an exchange of a
21 foreign country with which the United States is maintaining diplomatic
22 relations at the time of purchase, except that no more than twenty percent
23 of the combined assets of the system and other plans that the board
24 manages shall be invested in foreign securities, based on the cost value
25 of the stocks irrespective of capital appreciation.

26 (e) An exchange traded fund that is recommended by the chief
27 investment officer of the system, that is registered under the investment
28 company act of 1940 (15 United States Code sections 80a-1 through 80a-64)
29 and that is both traded on a public exchange and based on a publicly
30 recognized index.

31 G. Notwithstanding any other law, the board shall not be required
32 to invest in any type of investment that is dictated or required by any
33 entity of the federal government and that is intended to fund economic
34 development projects, public works or social programs, but may consider
35 such economically targeted investments pursuant to its fiduciary
36 responsibility. The board, on behalf of the system and all other plans or
37 trusts the board administers, may invest in, lend monies to or guarantee
38 the repayment of monies by a limited liability company, limited
39 partnership, joint venture, partnership, limited liability partnership or
40 trust in which the system and plans or trusts have a financial interest,
41 whether the entity is closely held or publicly traded and that, in turn,
42 may be engaged in any lawful activity, including venture capital, private
43 equity, the ownership, development, management, improvement or operation
44 of real property and any improvements or businesses on real property or
45 the lending of monies.

1 H. Conference call meetings of the board that are held for
2 investment purposes only are not subject to chapter 3, article 3.1 of this
3 title, except that the board shall maintain minutes of these conference
4 call meetings and make them available for public inspection within
5 twenty-four hours after the meeting. The board shall review the minutes
6 of each conference call meeting and shall ratify all legal actions taken
7 during each conference call meeting at the next scheduled meeting of the
8 board.

9 I. The board shall not be held liable for the exercise of more than
10 ordinary care and prudence in the selection of investments and performance
11 of its duties under the system and shall not be limited to so-called
12 "legal investments for trustees", but all monies of the system and other
13 plans that the board administers shall be invested subject to all of the
14 conditions, limitations and restrictions imposed by law.

15 J. Except as provided in subsection F of this section, the board
16 may:

17 1. Invest and reinvest the principal and income of all assets that
18 the board manages without distinction between principal and income.

19 2. Sell, exchange, convey, transfer or otherwise dispose of any
20 investments made on behalf of the system or other plans the board
21 administers in the name of the system or plans by private contract or at
22 public auction.

23 3. Also:

24 (a) Vote on any stocks, bonds or other securities.

25 (b) Give general or special proxies or powers of attorney with or
26 without power of substitution.

27 (c) Exercise any conversion privileges, subscription rights or
28 other options and make any payments incidental to the exercise of the
29 conversion privileges, subscription rights or other options.

30 (d) Consent to or otherwise participate in corporate
31 reorganizations or other changes affecting corporate securities, delegate
32 discretionary powers and pay any assessments or charges in connection
33 therewith.

34 (e) Generally exercise any of the powers of an owner with respect
35 to stocks, bonds, securities or other investments held in or owned by the
36 system or other plans whose assets the board administers.

37 4. Make, execute, acknowledge and deliver any other instruments
38 that may be necessary or appropriate to carry out the powers granted in
39 this section.

40 5. Register any investment held by the system or other plans whose
41 assets the board administers in the name of the system or plan or in the
42 name of a nominee or trust.

43 6. At the expense of the system or other plans that the board
44 administers, enter into an agreement with any bank or banks for the
45 safekeeping and handling of securities and other investments coming into

1 the possession of the board. The agreement shall be entered into under
2 terms and conditions that secure the proper safeguarding, inventory,
3 withdrawal and handling of the securities and other investments. No
4 access to and no deposit or withdrawal of the securities from any place of
5 deposit selected by the board shall be permitted or made except as the
6 terms of the agreement may provide.

7 7. Appear before local boards and the courts of this state and
8 political subdivisions of this state through counsel or appointed
9 representative to protect the fund or the assets of other plans that the
10 board administers. The board is not responsible for the actions or
11 omissions of the local boards under this system but may seek a review or
12 rehearing of actions or omissions of local boards. The board does not
13 have a duty to review actions of the local boards but may do so in its
14 discretion in order to protect the fund. No limitations period precludes
15 the board or administrator from contesting, or requires the board or
16 administrator to implement or comply with, a local board decision that
17 violates the internal revenue code or that threatens to impair the tax
18 qualified status of the system or any plan administered by the board or
19 administrator.

20 8. Empower the fund administrator to take actions on behalf of the
21 board that are necessary for the protection and administration of the fund
22 or the assets of other plans that the board administers pursuant to the
23 guidelines of the board.

24 9. Do all acts, whether or not expressly authorized, that may be
25 deemed necessary or proper for the protection of the investments held in
26 the fund or owned by other plans or trusts that the board administers.

27 10. Settle threatened or actual litigation against any system or
28 plan that the board administers.

29 K. Investment expenses and operation and administrative expenses of
30 the board shall be accounted for separately and allocated against
31 investment income.

32 L. The board, as soon as possible within a period of six months
33 following the close of any fiscal year, shall transmit to the governor and
34 the legislature a comprehensive annual financial report on the operation
35 of the system and other plans that the board administers containing, among
36 other things:

- 37 1. A balance sheet.
- 38 2. A statement of income and expenditures for the year.
- 39 3. A report on an actuarial valuation of its assets and
40 liabilities.
- 41 4. A list of investments owned.
- 42 5. The total rate of return, yield on cost, and percent of cost to
43 market value of the fund and the assets of other plans that the board
44 administers.

1 6. Any other statistical and financial data that may be necessary
2 for the proper understanding of the financial condition of the system and
3 other plans that the board administers and the results of their
4 operations. A synopsis of the annual report shall be published for the
5 information of members of the system, the elected officials' retirement
6 plan or the corrections officer retirement plan.

7 7. An analysis of the long-term level percent of employer
8 contributions and compensation structure and whether the funding
9 methodology is sufficient to pay one hundred percent of the unfunded
10 accrued liability under the elected officials' retirement plan.

11 8. An estimate of the aggregate employer contribution rate for the
12 public safety personnel retirement system for the next ten fiscal years
13 and an estimate of the aggregate employer contribution rate for the
14 corrections officer retirement plan for the next ten fiscal years.

15 9. An estimate of the employer contribution rates for the next ten
16 fiscal years for each of the following employers within the public safety
17 personnel retirement system:

- 18 (a) Department of liquor licenses and control.
- 19 (b) Department of public safety.
- 20 (c) Northern Arizona university.
- 21 (d) University of Arizona.
- 22 (e) Arizona state university.
- 23 (f) Arizona game and fish department.
- 24 (g) Department of law.
- 25 (h) Department of emergency and military affairs.
- 26 (i) Arizona state parks board.

27 10. An estimate of the employer contribution rates for the next ten
28 fiscal years for each of the following employers within the corrections
29 officer retirement plan:

- 30 (a) State department of corrections.
- 31 (b) Department of public safety.
- 32 (c) The judiciary.
- 33 (d) Department of juvenile corrections.

34 11. An estimate of the aggregate fees paid for private equity
35 investments, including management fees and performance fees.

36 M. The board shall:

37 1. Maintain the accounts of the system and other plans that the
38 board administers and issue statements to each employer annually and to
39 each member who may request it.

40 2. Report the results of the actuarial valuations to the local
41 boards and employers.

42 3. Contract on a fee basis with an independent investment counsel
43 to advise the board in the investment management of the fund and assets of
44 other plans that the board administers and with an independent auditing
45 firm to audit the board's accounting.

1 4. Permit the auditor general to make an annual audit and transmit
2 the results to the governor and the legislature.

3 5. Contract on a fee basis with an actuary who shall make actuarial
4 valuations of the system and other plans that the board administers, be
5 the technical adviser of the board on matters regarding the operation of
6 the funds created by the provisions of the system, the elected officials'
7 retirement plan, the corrections officer retirement plan and the public
8 safety cancer insurance policy program and perform other duties required
9 in connection therewith. The actuary must be a member of a nationally
10 recognized association or society of actuaries.

11 6. Employ, as administrator, a person, state department or other
12 body to serve at the pleasure of the board.

13 7. Establish procedures and guidelines for contracts with
14 actuaries, auditors, investment counsel and legal counsel and for
15 safeguarding of securities.

16 N. The administrator, under the direction of the board, shall:

17 1. Administer this article.

18 2. Be responsible for the recruitment, hiring and day-to-day
19 management of employees.

20 3. Invest the monies of the system and other plans that the board
21 administers as the board deems necessary and prudent as provided in
22 subsections F and J of this section and subject to the investment policies
23 and fund objectives adopted by the board.

24 4. Establish and maintain an adequate system of accounts and
25 records for the system and other plans that the board administers, which
26 shall be integrated with the accounts, records and procedures of the
27 employers so that the system and other plans that the board administers
28 operates most effectively and at minimum expense and that duplication of
29 records and accounts is avoided.

30 5. In accordance with the board's governance policy and procedures
31 and the budget adopted by the board, hire such employees and services the
32 administrator deems necessary and prescribe their duties, including the
33 hiring of one or more assistant administrators to manage the system's
34 operations, investments and legal affairs.

35 6. Be responsible for income, the collection of the income and the
36 accuracy of all expenditures.

37 7. Recommend to the board annual contracts for the system's
38 actuary, auditor, investment counsel, legal counsel and safeguarding of
39 securities.

40 8. Perform additional duties and powers prescribed by the board and
41 delegated to the administrator.

42 0. The system is an independent trust fund and the board is not
43 subject to title 41, chapter 6. Contracts for goods and services approved
44 by the board are not subject to title 41, chapter 23. As an independent
45 trust fund whose assets are separate and apart from all other monies FUNDS

1 of this state, the system and the board are not subject to the
2 restrictions prescribed in section 35-154 or article IX, sections 5 and 8,
3 Constitution of Arizona. Loans, guarantees, investment management
4 agreements and investment contracts that are entered into by the board are
5 contracts memorializing obligations or interests in securities that the
6 board has concluded, after thorough due diligence, do not involve
7 investments in Sudan or Iran or otherwise provide support to terrorists or
8 in any way facilitate illegal immigration into the United States. These
9 contracts do not involve the procurement, supply or provision of goods,
10 equipment, labor, materials or services that would require the warranties
11 required by section 41-4401.

12 P. The board, the administrator, the assistant administrators and
13 all persons employed by them are subject to title 41, chapter 4,
14 article 4. The administrator, assistant administrators and other
15 employees of the board are entitled to receive compensation pursuant to
16 section 38-611.

17 Q. In consultation with the director of the department of
18 administration, the board may enter into employment agreements and
19 establish the terms of those agreements with persons holding any of the
20 following system positions:

- 21 1. Administrator.
- 22 2. Deputy or assistant administrator.
- 23 3. Chief investment officer.
- 24 4. Deputy chief investment officer.
- 25 5. Fiduciary or investment counsel.

26 R. The attorney general or an attorney approved by the attorney
27 general and paid by the fund shall be the attorney for the board and shall
28 represent the board in any legal proceeding or forum that the board deems
29 appropriate. The board, administrator, assistant administrators and
30 employees of the board are not personally liable for any acts done in
31 their official capacity in good faith reliance on the written opinions of
32 the board's attorney.

33 S. At least once in each five-year period after the effective date,
34 the actuary shall make an actuarial investigation into the mortality,
35 service and compensation experience of the members and beneficiaries of
36 the system and other plans that the board administers and shall make a
37 special valuation of the assets and liabilities of the monies of the
38 system and plans. Taking into account the results of the investigation
39 and special valuation, the board shall adopt for the system and other
40 plans that the board administers those mortality, service and other tables
41 deemed necessary.

42 T. On the basis of the tables the board adopts, the actuary shall
43 make a valuation of the assets and liabilities of the funds of the system
44 and other plans that the board administers not less frequently than every
45 year. By November 1 of each year the board shall provide a preliminary

1 report and by December 15 of each year provide a final report to the
2 governor, the speaker of the house of representatives and the president of
3 the senate on the contribution rate for the ensuing fiscal year.

4 U. Neither the board nor any member or employee of the board shall
5 directly or indirectly, for himself or as an agent, in any manner use the
6 monies or deposits of the fund except to make current and necessary
7 payments, nor shall the board or any member or employee become an endorser
8 or surety or in any manner an obligor for monies loaned by or borrowed
9 from the fund or the assets of any other plans that the board administers.

10 V. Financial or commercial information that is provided to the
11 board, employees of the board and attorneys of the board in connection
12 with investments in which the board has invested or investments the board
13 has considered for investment is confidential, proprietary and not a
14 public record if the information is information that would customarily not
15 be released to the public by the person or entity from whom the
16 information was obtained.

17 W. A person who is a dealer as defined in section 44-1801 and who
18 is involved in securities or investments related to the board's
19 investments is not eligible to serve on the board.

20 X. Beginning January 1, 2017, the public safety personnel
21 retirement system advisory committee is established and shall serve as a
22 liaison between the board and the members and employers of the system.
23 The committee shall be appointed by the chairperson of the board from
24 names submitted to the chairperson by associations representing law
25 enforcement, firefighters, state government, counties, cities and towns
26 and tribal governments. The committee shall select a chairperson from
27 among its members each calendar year. The committee shall consist of the
28 following ten members:

- 29 1. A member who is a law enforcement officer.
- 30 2. A member who is a firefighter.
- 31 3. A member of the elected officials' retirement plan.
- 32 4. A member of the corrections officer retirement plan.
- 33 5. A retiree from the public safety personnel retirement system.
- 34 6. A representative from a city or town in this state.
- 35 7. A representative from a county in this state.
- 36 8. A representative from a fire district in this state.
- 37 9. A representative from a state employer.
- 38 10. A representative from a tribal government located in this
39 state.

40 Sec. 21. Section 41-101, Arizona Revised Statutes, is amended to
41 read:

42 41-101. Powers and duties; attestation of acts of governor;
43 salary

44 A. The governor has the powers and shall perform the duties as
45 prescribed in this article. The governor:

- 1 1. Shall supervise the official conduct of all executive and
2 ministerial officers.
- 3 2. Shall see that all offices are filled and the duties performed
4 or, in default, invoke such remedy as the law allows.
- 5 3. Shall appoint a private secretary to the governor and shall
6 appoint all officers of this state not made elective, unless otherwise
7 provided.
- 8 4. Shall be the sole official means of communication between this
9 state and the government of any other state or the United States.
- 10 5. May direct the attorney general to appear on behalf of this
11 state when any action or legal proceeding is pending ~~which~~ THAT affects
12 the title of this state to any property or ~~which~~ THAT may result in a
13 claim against this state.
- 14 6. May require the attorney general, or any county attorney, to
15 inquire into the affairs or management of any corporation doing business
16 in this state.
- 17 7. May require the attorney general to aid a county attorney in the
18 discharge of his duties.
- 19 8. May offer rewards for escaped insane persons, not exceeding five
20 hundred dollars.
- 21 9. May require any officer or board to make special reports to him
22 ~~upon~~ ON demand in writing.
- 23 10. May convene the legislature at some other place when the seat of
24 government becomes dangerous from disease or a common enemy.
- 25 11. May enter into intergovernmental agreements with officers,
26 agencies or departments of the United States to provide funding or other
27 resources available from any related state agency, board or commission for
28 the purpose of operating federal parks located in this state during any
29 period when such parks would otherwise be subject to shutdown due to a
30 lack of federal appropriation and as deemed necessary to promote tourism,
31 this state's economic well-being, or the health, safety or welfare of the
32 state's citizens. The governor shall not provide general fund
33 appropriations from any related state agency, board or commission to
34 operate a federal park pursuant to this paragraph for more than twenty-one
35 days without the approval of the legislature. The joint legislative
36 budget committee shall review any expenditure of funds or other resources
37 pursuant to this paragraph.
- 38 12. Has such powers and shall perform such other duties as devolve
39 ~~upon~~ ON him by law.
- 40 B. All official acts of the governor, except approval of the laws,
41 shall be attested by the secretary of state.
- 42 C. The governor is eligible to receive an annual salary pursuant to
43 section 41-1904.
- 44 D. BEFORE AN INDIVIDUAL IS HIRED AS AN EMPLOYEE OF THE OFFICE OF
45 THE GOVERNOR, THAT INDIVIDUAL SHALL SUBMIT A FULL SET OF FINGERPRINTS TO

1 THE GOVERNOR FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL
2 RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE
3 DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE
4 FEDERAL BUREAU OF INVESTIGATION.

5 Sec. 22. Section 41-1502, Arizona Revised Statutes, is amended to
6 read:

7 41-1502. Arizona commerce authority; board of directors;
8 conduct of office; audit

9 A. The Arizona commerce authority is established. The mission of
10 the authority is to provide private sector leadership in growing and
11 diversifying the economy of this state, creating high quality employment
12 in this state through expansion, attraction and retention of businesses
13 and marketing this state for the purpose of expansion, attraction and
14 retention of businesses.

15 B. The authority shall be governed by a board of directors
16 consisting of:

17 1. The governor, who serves as chairperson.

18 2. The chief executive officer.

19 3. Seventeen private sector business leaders who are chief
20 executive officers of private, for-profit enterprises. None of these
21 members may be an elected official of any government entity. These
22 members must be appointed from geographically diverse areas of this state
23 and not all from the same county. These members shall serve staggered
24 three-year terms of office beginning and ending on the third Monday in
25 January. These members shall be appointed as follows:

26 (a) Nine members who are appointed by the governor.

27 (b) Four members who are appointed by the president of the senate.

28 (c) Four members who are appointed by the speaker of the house of
29 representatives.

30 4. The following as ex officio members without the power to vote:

31 (a) The president of the senate.

32 (b) The speaker of the house of representatives.

33 (c) The president of the Arizona board of regents.

34 (d) The president of each state university under the jurisdiction
35 of the Arizona board of regents.

36 (e) One president of a community college who is appointed by a
37 statewide organization of community college presidents.

38 (f) The chairperson of the governor's council on small business, or
39 its successor.

40 (g) The chairperson of the workforce Arizona council, ~~if~~
41 established by executive order pursuant to section 41-5401.

42 (h) One member of the rural business development advisory council
43 established by section 41-1505 who is appointed by the governor.

44 (i) The president of a statewide organization of incorporated
45 cities and towns who is appointed by the governor.

1 (j) The president of a statewide organization of county boards of
2 supervisors who is appointed by the governor.

3 C. FOR MEMBERS WHO ARE APPOINTED BY THE GOVERNOR PURSUANT TO
4 SUBSECTION B OF THIS SECTION, BEFORE APPOINTMENT BY THE GOVERNOR, A
5 PROSPECTIVE MEMBER OF THE BOARD OF DIRECTORS SHALL SUBMIT A FULL SET OF
6 FINGERPRINTS TO THE GOVERNOR FOR THE PURPOSE OF OBTAINING A STATE AND
7 FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW
8 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT
9 DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

10 ~~C.~~ D. The following shall serve as technical advisors to the board
11 to enhance collaboration among state agencies to meet infrastructure needs
12 and facilitate growth opportunities throughout this state:

- 13 1. The director of environmental quality.
- 14 2. The state land commissioner.
- 15 3. The director of the department of revenue.
- 16 4. The director of the office of tourism.
- 17 5. The director of the department of transportation.
- 18 6. The director of water resources.
- 19 7. The director of the department of financial institutions.
- 20 8. The director of the Arizona-Mexico commission in the governor's
21 office.
- 22 9. The director of the office of economic opportunity.

23 ~~D.~~ E. The governor shall appoint a cochairperson of the board of
24 directors from among the voting members. The board may establish an
25 executive committee consisting of the chairperson, the cochairperson, the
26 chief executive officer, and additional voting members of the board
27 elected by the board. The chairperson may appoint subcommittees as
28 necessary.

29 ~~E.~~ F. The board may request assistance from representatives of
30 other state agencies to maximize economic development opportunities by
31 leveraging their access to strategic assets and planning processes.

32 ~~F.~~ G. Board members serve without compensation but are eligible
33 for reimbursement of expenses pursuant to section 41-1504, subsection E,
34 paragraph 1.

35 ~~G.~~ H. A majority of the voting members, which must include the
36 chairperson and the chief executive officer, constitute a quorum for the
37 purpose of an official meeting for conducting business. An affirmative
38 vote of a majority of the members present at an official meeting is
39 sufficient for any action to be taken.

40 ~~H.~~ I. The board of directors shall keep and maintain a complete
41 and accurate record of all of its proceedings. Public access to the
42 board's records is subject to section 41-1504, subsection L.

43 ~~I.~~ J. The board of directors, executive committee, subcommittees
44 and advisory councils are subject to title 38, chapter 3, article 3.1,
45 relating to public meetings, except as follows:

1 convicted of or summoned to court as a criminal defendant for a felony
2 offense or an offense involving domestic violence as defined in section
3 13-3601 or a violation of title 13, chapter 14 or title 28, chapter 4.

4 2. Collect information concerning the number and nature of offenses
5 known to have been committed in this state and of the legal steps taken in
6 connection with these offenses, such other information that is useful in
7 the study of crime and in the administration of criminal justice and all
8 other information deemed necessary to operate the statewide uniform crime
9 reporting program and to cooperate with the federal government uniform
10 crime reporting program.

11 3. Collect information concerning criminal offenses that manifest
12 evidence of prejudice based on race, color, religion, national origin,
13 sexual orientation, gender or disability.

14 4. Cooperate with the central state repositories in other states
15 and with the appropriate agency of the federal government in the exchange
16 of information pertinent to violators of the law.

17 5. Ensure the rapid exchange of information concerning the
18 commission of crime and the detection of violators of the law among the
19 criminal justice agencies of other states and of the federal government.

20 6. Furnish assistance to peace officers throughout this state in
21 crime scene investigation for the detection of latent fingerprints and in
22 the comparison of latent fingerprints.

23 7. Conduct periodic operational audits of the central state
24 repository and of a representative sample of other agencies that
25 contribute records to or receive criminal justice information from the
26 central state repository or through the Arizona criminal justice
27 information system.

28 8. Establish and enforce the necessary physical and system
29 safeguards to ensure that the criminal justice information maintained and
30 disseminated by the central state repository or through the Arizona
31 criminal justice information system is appropriately protected from
32 unauthorized inquiry, modification, destruction or dissemination as
33 required by this section.

34 9. Aid and encourage coordination and cooperation among criminal
35 justice agencies through the statewide and interstate exchange of criminal
36 justice information.

37 10. Provide training and proficiency testing on the use of criminal
38 justice information to agencies receiving information from the central
39 state repository or through the Arizona criminal justice information
40 system.

41 11. Operate and maintain the Arizona automated fingerprint
42 identification system established by section 41-2411.

43 12. Provide criminal history record information to the
44 fingerprinting division for the purpose of screening applicants for
45 fingerprint clearance cards.

1 B. The director may establish guidelines for the submission and
2 retention of criminal justice information as deemed useful for the study
3 or prevention of crime and for the administration of criminal justice.

4 C. The chief officers of criminal justice agencies of this state or
5 its political subdivisions shall provide to the central state repository
6 fingerprints and information concerning personal identification data,
7 descriptions, crimes for which persons are arrested, process control
8 numbers and dispositions and such other information as may be pertinent to
9 all persons who have been charged with, arrested for, convicted of or
10 summoned to court as criminal defendants for felony offenses or offenses
11 involving domestic violence as defined in section 13-3601 or violations of
12 title 13, chapter 14 or title 28, chapter 4 that have occurred in this
13 state.

14 D. The chief officers of law enforcement agencies of this state or
15 its political subdivisions shall provide to the department such
16 information as necessary to operate the statewide uniform crime reporting
17 program and to cooperate with the federal government uniform crime
18 reporting program.

19 E. The chief officers of criminal justice agencies of this state or
20 its political subdivisions shall comply with the training and proficiency
21 testing guidelines as required by the department to comply with the
22 federal national crime information center mandates.

23 F. The chief officers of criminal justice agencies of this state or
24 its political subdivisions also shall provide to the department
25 information concerning crimes that manifest evidence of prejudice based on
26 race, color, religion, national origin, sexual orientation, gender or
27 disability.

28 G. The director shall authorize the exchange of criminal justice
29 information between the central state repository, or through the Arizona
30 criminal justice information system, whether directly or through any
31 intermediary, only as follows:

32 1. With criminal justice agencies of the federal government, Indian
33 tribes, this state or its political subdivisions and other states, on
34 request by the chief officers of such agencies or their designated
35 representatives, specifically for the purposes of the administration of
36 criminal justice and for evaluating the fitness of current and prospective
37 criminal justice employees.

38 2. With any noncriminal justice agency pursuant to a statute,
39 ordinance or executive order that specifically authorizes the noncriminal
40 justice agency to receive criminal history record information for the
41 purpose of evaluating the fitness of current or prospective licensees,
42 employees, contract employees or volunteers, on submission of the
43 subject's fingerprints and the prescribed fee. Each statute, ordinance,
44 or executive order that authorizes noncriminal justice agencies to receive
45 criminal history record information for these purposes shall identify the

1 specific categories of licensees, employees, contract employees or
2 volunteers, and shall require that fingerprints of the specified
3 individuals be submitted in conjunction with such requests for criminal
4 history record information.

5 3. With the board of fingerprinting for the purpose of conducting
6 good cause exceptions pursuant to section 41-619.55 and central registry
7 exceptions pursuant to section 41-619.57.

8 4. With any individual for any lawful purpose on submission of the
9 subject of record's fingerprints and the prescribed fee.

10 5. With the governor, if the governor elects to become actively
11 involved in the investigation of criminal activity or the administration
12 of criminal justice in accordance with the governor's constitutional duty
13 to ensure that the laws are faithfully executed or as needed to carry out
14 the other responsibilities of the governor's office.

15 6. With regional computer centers that maintain authorized
16 computer-to-computer interfaces with the department, that are criminal
17 justice agencies or under the management control of a criminal justice
18 agency and that are established by a statute, ordinance or executive order
19 to provide automated data processing services to criminal justice agencies
20 specifically for the purposes of the administration of criminal justice or
21 evaluating the fitness of regional computer center employees who have
22 access to the Arizona criminal justice information system and the national
23 crime information center system.

24 7. With an individual who asserts a belief that criminal history
25 record information relating to the individual is maintained by an agency
26 or in an information system in this state that is subject to this section.
27 On submission of fingerprints, the individual may review this information
28 for the purpose of determining its accuracy and completeness by making
29 application to the agency operating the system. Rules adopted under this
30 section shall include provisions for administrative review and necessary
31 correction of any inaccurate or incomplete information. The review and
32 challenge process authorized by this paragraph is limited to criminal
33 history record information.

34 8. With individuals and agencies pursuant to a specific agreement
35 with a criminal justice agency to provide services required for the
36 administration of criminal justice pursuant to that agreement if the
37 agreement specifically authorizes access to data, limits the use of data
38 to purposes for which given and ensures the security and confidentiality
39 of the data consistent with this section.

40 9. With individuals and agencies for the express purpose of
41 research, evaluative or statistical activities pursuant to an agreement
42 with a criminal justice agency if the agreement specifically authorizes
43 access to data, limits the use of data to research, evaluative or
44 statistical purposes and ensures the confidentiality and security of the
45 data consistent with this section.

- 1 10. With the auditor general for audit purposes.
- 2 11. With central state repositories of other states for noncriminal
- 3 justice purposes for dissemination in accordance with the laws of those
- 4 states.
- 5 12. On submission of the fingerprint card, with the department of
- 6 child safety and a tribal social services agency to provide criminal
- 7 history record information on prospective adoptive parents for the purpose
- 8 of conducting the preadoption certification investigation under title 8,
- 9 chapter 1, article 1 if the department of economic security is conducting
- 10 the investigation, or with an agency or a person appointed by the court,
- 11 if the agency or person is conducting the investigation. Information
- 12 received under this paragraph shall only be used for the purposes of the
- 13 preadoption certification investigation.
- 14 13. With the department of child safety, a tribal social services
- 15 agency and the superior court for the purpose of evaluating the fitness of
- 16 custodians or prospective custodians of juveniles, including parents,
- 17 relatives and prospective guardians. Information received under this
- 18 paragraph shall only be used for the purposes of that evaluation. The
- 19 information shall be provided on submission of either:
- 20 (a) The fingerprint card.
- 21 (b) The name, date of birth and social security number of the
- 22 person.
- 23 14. On submission of a fingerprint card, provide criminal history
- 24 record information to the superior court for the purpose of evaluating the
- 25 fitness of investigators appointed under section 14-5303 or 14-5407,
- 26 guardians appointed under section 14-5206 or 14-5304 or conservators
- 27 appointed under section 14-5401.
- 28 15. With the supreme court to provide criminal history record
- 29 information on prospective fiduciaries pursuant to section 14-5651.
- 30 16. With the department of juvenile corrections to provide criminal
- 31 history record information pursuant to section 41-2814.
- 32 17. On submission of the fingerprint card, provide criminal history
- 33 record information to the Arizona peace officer standards and training
- 34 board or a board certified law enforcement academy to evaluate the fitness
- 35 of prospective cadets.
- 36 18. With the internet sex offender website database established
- 37 pursuant to section 13-3827.
- 38 19. With licensees of the United States nuclear regulatory
- 39 commission for the purpose of determining whether an individual should be
- 40 granted unescorted access to the protected area of a commercial nuclear
- 41 generating station on submission of the subject of record's fingerprints
- 42 and the prescribed fee.
- 43 20. With the department of education for the purpose of evaluating
- 44 the fitness of a certificated teacher or administrator or an applicant for
- 45 a teaching or an administrative certificate provided that the department

1 of education or its employees or agents have reasonable suspicion that the
2 certificated person engaged in conduct that would be a criminal violation
3 of the laws of this state or was involved in immoral or unprofessional
4 conduct or that the applicant engaged in conduct that would warrant
5 disciplinary action if the applicant were certificated at the time of the
6 alleged conduct. The information shall be provided on the submission of
7 either:

8 (a) The fingerprint card.

9 (b) The name, date of birth and social security number of the
10 person.

11 21. With each school district and charter school in this state.
12 The state board of education and the state board for charter schools shall
13 provide the department of public safety with a current list of e-mail
14 addresses for each school district and charter school in this state and
15 shall periodically provide the department of public safety with updated
16 e-mail addresses. If the department of public safety is notified that a
17 person who is required to have a fingerprint clearance card to be employed
18 by or to engage in volunteer activities at a school district or charter
19 school has been arrested for or convicted of an offense listed in section
20 41-1758.03, subsection B or has been arrested for or convicted of an
21 offense that amounts to unprofessional conduct under section 15-550, the
22 department of public safety shall notify each school district and charter
23 school in this state that the person's fingerprint clearance card has been
24 suspended or revoked.

25 22. With a tribal social services agency and the department of
26 child safety as provided by law, which currently is the Adam Walsh child
27 protection and safety act of 2006 (42 United States Code section 16961),
28 for the purposes of investigating or responding to reports of child abuse,
29 neglect or exploitation. Information received pursuant to this paragraph
30 from the national crime information center, the interstate identification
31 index and the Arizona criminal justice information system network shall
32 only be used for the purposes of investigating or responding as prescribed
33 in this paragraph. The information shall be provided on submission to the
34 department of public safety of either:

35 (a) The fingerprints of the person being investigated.

36 (b) The name, date of birth and social security number of the
37 person.

38 23. With a nonprofit organization that interacts with children or
39 vulnerable adults for the lawful purpose of evaluating the fitness of all
40 current and prospective employees, contractors and volunteers of the
41 organization. The criminal history record information shall be provided
42 on submission of the applicant fingerprint card and the prescribed fee.

43 24. With the superior court for the purpose of determining an
44 individual's eligibility for substance abuse and treatment courts in a
45 family or juvenile case.

1 25. WITH THE GOVERNOR TO PROVIDE CRIMINAL HISTORY RECORD
2 INFORMATION ON PROSPECTIVE GUBERNATORIAL NOMINEES, APPOINTEES AND
3 EMPLOYEES AS PROVIDED BY LAW.

4 H. The director shall adopt rules necessary to execute this
5 section.

6 I. The director, in the manner prescribed by law, shall remove and
7 destroy records that the director determines are no longer of value in the
8 detection or prevention of crime.

9 J. The director shall establish a fee in an amount necessary to
10 cover the cost of federal noncriminal justice fingerprint processing for
11 criminal history record information checks that are authorized by law for
12 noncriminal justice employment, licensing or other lawful purposes. An
13 additional fee may be charged by the department for state noncriminal
14 justice fingerprint processing. Fees submitted to the department for
15 state noncriminal justice fingerprint processing are not refundable.

16 K. The director shall establish a fee in an amount necessary to
17 cover the cost of processing copies of department reports, eight by ten
18 inch black and white photographs or eight by ten inch color photographs of
19 traffic accident scenes.

20 L. Except as provided in subsection O of this section, each agency
21 authorized by this section may charge a fee, in addition to any other fees
22 prescribed by law, in an amount necessary to cover the cost of state and
23 federal noncriminal justice fingerprint processing for criminal history
24 record information checks that are authorized by law for noncriminal
25 justice employment, licensing or other lawful purposes.

26 M. A fingerprint account within the records processing fund is
27 established for the purpose of separately accounting for the collection
28 and payment of fees for noncriminal justice fingerprint processing by the
29 department. Monies collected for this purpose shall be credited to the
30 account, and payments by the department to the United States for federal
31 noncriminal justice fingerprint processing shall be charged against the
32 account. Monies in the account not required for payment to the United
33 States shall be used by the department in support of the department's
34 noncriminal justice fingerprint processing duties. At the end of each
35 fiscal year, any balance in the account not required for payment to the
36 United States or to support the department's noncriminal justice
37 fingerprint processing duties reverts to the state general fund.

38 N. A records processing fund is established for the purpose of
39 separately accounting for the collection and payment of fees for
40 department reports and photographs of traffic accident scenes processed by
41 the department. Monies collected for this purpose shall be credited to
42 the fund and shall be used by the department in support of functions
43 related to providing copies of department reports and photographs. At the
44 end of each fiscal year, any balance in the fund not required for support

1 of the functions related to providing copies of department reports and
2 photographs reverts to the state general fund.

3 O. The department of child safety may pay from appropriated monies
4 the cost of federal fingerprint processing or federal criminal history
5 record information checks that are authorized by law for employees and
6 volunteers of the department, guardians pursuant to section 8-453,
7 subsection A, paragraph 6, the licensing of foster parents or the
8 certification of adoptive parents.

9 P. The director shall adopt rules that provide for:

- 10 1. The collection and disposition of fees pursuant to this section.
11 2. The refusal of service to those agencies that are delinquent in
12 paying these fees.

13 Q. The director shall ensure that the following limitations are
14 observed regarding dissemination of criminal justice information obtained
15 from the central state repository or through the Arizona criminal justice
16 information system:

17 1. Any criminal justice agency that obtains criminal justice
18 information from the central state repository or through the Arizona
19 criminal justice information system assumes responsibility for the
20 security of the information and shall not secondarily disseminate this
21 information to any individual or agency not authorized to receive this
22 information directly from the central state repository or originating
23 agency.

24 2. Dissemination to an authorized agency or individual may be
25 accomplished by a criminal justice agency only if the dissemination is for
26 criminal justice purposes in connection with the prescribed duties of the
27 agency and not in violation of this section.

28 3. Criminal history record information disseminated to noncriminal
29 justice agencies or to individuals shall be used only for the purposes for
30 which it was given. Secondary dissemination is prohibited unless
31 otherwise authorized by law.

32 4. The existence or nonexistence of criminal history record
33 information shall not be confirmed to any individual or agency not
34 authorized to receive the information itself.

35 5. Criminal history record information to be released for
36 noncriminal justice purposes to agencies of other states shall only be
37 released to the central state repositories of those states for
38 dissemination in accordance with the laws of those states.

39 6. Criminal history record information shall be released to
40 noncriminal justice agencies of the federal government pursuant to the
41 terms of the federal security clearance information act (P.L. 99-169).

42 R. This section and the rules adopted under this section apply to
43 all agencies and individuals collecting, storing or disseminating criminal
44 justice information processed by manual or automated operations if the
45 collection, storage or dissemination is funded in whole or in part with

1 monies made available by the law enforcement assistance administration
2 after July 1, 1973, pursuant to title I of the crime control act of 1973,
3 and to all agencies that interact with or receive criminal justice
4 information from or through the central state repository and through the
5 Arizona criminal justice information system.

6 S. This section does not apply to criminal history record
7 information contained in:

8 1. Posters, arrest warrants, announcements or lists for identifying
9 or apprehending fugitives or wanted persons.

10 2. Original records of entry such as police blotters maintained by
11 criminal justice agencies, compiled chronologically and required by law or
12 long-standing custom to be made public if these records are organized on a
13 chronological basis.

14 3. Transcripts or records of judicial proceedings if released by a
15 court or legislative or administrative proceedings.

16 4. Announcements of executive clemency or pardon.

17 5. Computer databases, other than the Arizona criminal justice
18 information system, that are specifically designed for community
19 notification of an offender's presence in the community pursuant to
20 section 13-3825 or for public informational purposes authorized by section
21 13-3827.

22 T. Nothing in this section prevents a criminal justice agency from
23 disclosing to the public criminal history record information that is
24 reasonably contemporaneous to the event for which an individual is
25 currently within the criminal justice system, including information noted
26 on traffic accident reports concerning citations, blood alcohol tests or
27 arrests made in connection with the traffic accident being investigated.

28 U. In order to ensure that complete and accurate criminal history
29 record information is maintained and disseminated by the central state
30 repository:

31 1. The booking agency shall take legible ten-print fingerprints of
32 all persons who are arrested for offenses listed in subsection C of this
33 section. The booking agency shall obtain a process control number and
34 provide to the person fingerprinted a document that indicates proof of the
35 fingerprinting and that informs the person that the document must be
36 presented to the court.

37 2. Except as provided in paragraph 3 of this subsection, if a
38 person is summoned to court as a result of an indictment or complaint for
39 an offense listed in subsection C of this section, the court shall order
40 the person to appear before the county sheriff and provide legible
41 ten-print fingerprints. The county sheriff shall obtain a process control
42 number and provide a document to the person fingerprinted that indicates
43 proof of the fingerprinting and that informs the person that the document
44 must be presented to the court. For the ~~purpose~~ PURPOSES of this

1 ~~subsection~~ PARAGRAPH, "summoned" includes a written promise to appear by
2 the defendant on a uniform traffic ticket and complaint.

3 3. If a person is arrested for a misdemeanor offense listed in
4 subsection C of this section by a city or town law enforcement agency, the
5 person shall appear before the law enforcement agency that arrested the
6 defendant and provide legible ten-print fingerprints. The law enforcement
7 agency shall obtain a process control number and provide a document to the
8 person fingerprinted that indicates proof of the fingerprinting and that
9 informs the person that the document must be presented to the court.

10 4. The mandatory fingerprint compliance form shall contain the
11 following information:

12 (a) Whether ten-print fingerprints have been obtained from the
13 person.

14 (b) Whether a process control number was obtained.

15 (c) The offense or offenses for which the process control number
16 was obtained.

17 (d) Any report number of the arresting authority.

18 (e) Instructions on reporting for ten-print fingerprinting,
19 including available times and locations for reporting for ten-print
20 fingerprinting.

21 (f) Instructions that direct the person to provide the form to the
22 court at the person's next court appearance.

23 5. Within ten days after a person is fingerprinted, the arresting
24 authority or agency that took the fingerprints shall forward the
25 fingerprints to the department in the manner or form required by the
26 department.

27 6. On the issuance of a summons for a defendant who is charged with
28 an offense listed in subsection C of this section, the summons shall
29 direct the defendant to provide ten-print fingerprints to the appropriate
30 law enforcement agency.

31 7. At the initial appearance or on the arraignment of a summoned
32 defendant who is charged with an offense listed in subsection C of this
33 section, if the person does not present a completed mandatory fingerprint
34 compliance form to the court or if the court has not received the process
35 control number, the court shall order that within twenty calendar days the
36 defendant be ten-print fingerprinted at a designated time and place by the
37 appropriate law enforcement agency.

38 8. If the defendant fails to present a completed mandatory
39 fingerprint compliance form or if the court has not received the process
40 control number, the court, on its own motion, may remand the defendant
41 into custody for ten-print fingerprinting. If otherwise eligible for
42 release, the defendant shall be released from custody after being
43 ten-print fingerprinted.

44 9. In every criminal case in which the defendant is incarcerated or
45 fingerprinted as a result of the charge, an originating law enforcement

1 agency or prosecutor, within forty days of the disposition, shall advise
2 the central state repository of all dispositions concerning the
3 termination of criminal proceedings against an individual arrested for an
4 offense specified in subsection C of this section. This information shall
5 be submitted on a form or in a manner required by the department.

6 10. Dispositions resulting from formal proceedings in a court
7 having jurisdiction in a criminal action against an individual who is
8 arrested for an offense specified in subsection C of this section or
9 section 8-341, subsection V, paragraph 3 shall be reported to the central
10 state repository within forty days of the date of the disposition. This
11 information shall be submitted on a form or in a manner specified by rules
12 approved by the supreme court.

13 11. The state department of corrections or the department of
14 juvenile corrections, within forty days, shall advise the central state
15 repository that it has assumed supervision of a person convicted of an
16 offense specified in subsection C of this section or section 8-341,
17 subsection V, paragraph 3. The state department of corrections or the
18 department of juvenile corrections shall also report dispositions that
19 occur thereafter to the central state repository within forty days of the
20 date of the dispositions. This information shall be submitted on a form
21 or in a manner required by the department of public safety.

22 12. Each criminal justice agency shall query the central state
23 repository before dissemination of any criminal history record information
24 to ensure the completeness of the information. Inquiries shall be made
25 before any dissemination except in those cases in which time is of the
26 essence and the repository is technically incapable of responding within
27 the necessary time period. If time is of the essence, the inquiry shall
28 still be made and the response shall be provided as soon as possible.

29 V. The director shall adopt rules specifying that any agency that
30 collects, stores or disseminates criminal justice information that is
31 subject to this section shall establish effective security measures to
32 protect the information from unauthorized access, disclosure, modification
33 or dissemination. The rules shall include reasonable safeguards to
34 protect the affected information systems from fire, flood, wind, theft,
35 sabotage or other natural or man-made hazards or disasters.

36 W. The department shall make available to agencies that contribute
37 to, or receive criminal justice information from, the central state
38 repository or through the Arizona criminal justice information system a
39 continuing training program in the proper methods for collecting, storing
40 and disseminating information in compliance with this section.

41 X. Nothing in this section creates a cause of action or a right to
42 bring an action including an action based on discrimination due to sexual
43 orientation.

1 Y. For the purposes of this section:

2 1. "Administration of criminal justice" means performance of the
3 detection, apprehension, detention, pretrial release, posttrial release,
4 prosecution, adjudication, correctional supervision or rehabilitation of
5 criminal offenders. Administration of criminal justice includes
6 enforcement of criminal traffic offenses and civil traffic violations,
7 including parking violations, when performed by a criminal justice agency.
8 Administration of criminal justice also includes criminal identification
9 activities and the collection, storage and dissemination of criminal
10 history record information.

11 2. "Administrative records" means records that contain adequate and
12 proper documentation of the organization, functions, policies, decisions,
13 procedures and essential transactions of the agency and that are designed
14 to furnish information to protect the rights of this state and of persons
15 directly affected by the agency's activities.

16 3. "Arizona criminal justice information system" or "system" means
17 the statewide information system managed by the director for the
18 collection, processing, preservation, dissemination and exchange of
19 criminal justice information and includes the electronic equipment,
20 facilities, procedures and agreements necessary to exchange this
21 information.

22 4. "Booking agency" means the county sheriff or, if a person is
23 booked into a municipal jail, the municipal law enforcement agency.

24 5. "Central state repository" means the central location within the
25 department for the collection, storage and dissemination of Arizona
26 criminal history records and related criminal justice information.

27 6. "Criminal history record information" and "criminal history
28 record" means information that is collected by criminal justice agencies
29 on individuals and that consists of identifiable descriptions and
30 notations of arrests, detentions, indictments and other formal criminal
31 charges, and any disposition arising from those actions, sentencing,
32 formal correctional supervisory action and release. Criminal history
33 record information and criminal history record do not include
34 identification information to the extent that the information does not
35 indicate involvement of the individual in the criminal justice system or
36 information relating to juveniles unless they have been adjudicated as
37 adults.

38 7. "Criminal justice agency" means either:

39 (a) A court at any governmental level with criminal or equivalent
40 jurisdiction, including courts of any foreign sovereignty duly recognized
41 by the federal government.

42 (b) A government agency or subunit of a government agency that is
43 specifically authorized to perform as its principal function the
44 administration of criminal justice pursuant to a statute, ordinance or
45 executive order and that allocates more than fifty percent of its annual

1 budget to the administration of criminal justice. This subdivision
2 includes agencies of any foreign sovereignty duly recognized by the
3 federal government.

4 8. "Criminal justice information" means information that is
5 collected by criminal justice agencies and that is needed for the
6 performance of their legally authorized and required functions, such as
7 criminal history record information, citation information, stolen property
8 information, traffic accident reports, wanted persons information and
9 system network log searches. Criminal justice information does not
10 include the administrative records of a criminal justice agency.

11 9. "Disposition" means information disclosing that a decision has
12 been made not to bring criminal charges or that criminal proceedings have
13 been concluded or information relating to sentencing, correctional
14 supervision, release from correctional supervision, the outcome of an
15 appellate review of criminal proceedings or executive clemency.

16 10. "Dissemination" means the written, oral or electronic
17 communication or transfer of criminal justice information to individuals
18 and agencies other than the criminal justice agency that maintains the
19 information. Dissemination includes the act of confirming the existence
20 or nonexistence of criminal justice information.

21 11. "Management control":

22 (a) Means the authority to set and enforce:

23 (i) Priorities regarding development and operation of criminal
24 justice information systems and programs.

25 (ii) Standards for the selection, supervision and termination of
26 personnel involved in the development of criminal justice information
27 systems and programs and in the collection, maintenance, analysis and
28 dissemination of criminal justice information.

29 (iii) Policies governing the operation of computers, circuits and
30 telecommunications terminals used to process criminal justice information
31 to the extent that the equipment is used to process, store or transmit
32 criminal justice information.

33 (b) Includes the supervision of equipment, systems design,
34 programming and operating procedures necessary for the development and
35 implementation of automated criminal justice information systems.

36 12. "Process control number" means the Arizona automated
37 fingerprint identification system number that attaches to each arrest
38 event at the time of fingerprinting and that is assigned to the arrest
39 fingerprint card, disposition form and other pertinent documents.

40 13. "Secondary dissemination" means the dissemination of criminal
41 justice information from an individual or agency that originally obtained
42 the information from the central state repository or through the Arizona
43 criminal justice information system to another individual or agency.

44 14. "Sexual orientation" means consensual homosexuality or
45 heterosexuality.

1 15. "Subject of record" means the person who is the primary subject
2 of a criminal justice record.

3 Sec. 24. Section 41-1821, Arizona Revised Statutes, is amended to
4 read:

5 41-1821. Arizona peace officer standards and training board;
6 membership; appointment; term; vacancies;
7 meetings; compensation; acceptance of grants

8 A. An Arizona peace officer standards and training board is
9 established that consists of thirteen members appointed by the governor.
10 The membership shall include:

11 1. Two sheriffs, one appointed from a county having a population of
12 two hundred thousand or more persons and the remaining sheriff appointed
13 from a county having a population of less than two hundred thousand
14 persons.

15 2. Two chiefs of city police, one appointed from a city having a
16 population of sixty thousand or more persons and the remaining chief
17 appointed from a city having a population of less than sixty thousand
18 persons, ~~as reflected by the most recent United States decennial census.~~

19 3. A college faculty member in public administration or a related
20 field.

21 4. The attorney general.

22 5. The director of the department of public safety.

23 6. The director of the state department of corrections.

24 7. One member who is employed in administering county or municipal
25 correctional facilities.

26 8. Two certified law enforcement officers with a rank of patrolman
27 or sergeant, with one appointed from a county sheriff's office and the
28 other from a city police department.

29 9. Two public members.

30 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE
31 BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE
32 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT
33 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY
34 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
35 INVESTIGATION.

36 C. The governor shall appoint a chairman from among the members
37 at its first meeting and every year thereafter, except that an ex officio
38 member shall not be appointed chairman. The governor shall not appoint
39 more than one member from the same law enforcement agency. No board
40 member who was qualified when appointed becomes disqualified unless the
41 member ceases to hold the office that qualified the member for
42 appointment.

43 D. Meetings shall be held at least quarterly or ~~upon~~ ON the
44 call of the chairman or by the written request of five members of the
45 board or by the governor. A vacancy on the board shall occur when a

1 member except an ex officio member is absent without the permission of the
2 chairman from three consecutive meetings. The governor may remove a
3 member except an ex officio member for cause.

4 ~~D.~~ E. The term of each regular member shall be three years unless
5 a member vacates the public office ~~which~~ THAT qualified the member for
6 this appointment.

7 ~~E.~~ F. The board members are not eligible to receive per diem but
8 are eligible to receive reimbursement for travel expenses pursuant to
9 title 38, chapter 4, article 2.

10 ~~F.~~ G. On behalf of the board, the executive director may seek and
11 accept contributions, grants, gifts, donations, services or other
12 financial assistance from any individual, association, corporation or
13 other organization having an interest in police training, and from the
14 United States of America and any of its agencies or instrumentalities,
15 corporate or otherwise. Only the executive director of the board may seek
16 monies pursuant to this subsection. Such monies shall be deposited in the
17 fund created by section 41-1825.

18 ~~G.~~ H. Membership on the board shall not constitute the holding of
19 an office, and members of the board shall not be required to take and file
20 oaths of office before serving on the board. No member of the board shall
21 be disqualified from holding any public office or employment nor shall
22 such member forfeit any such office or employment by reason of such
23 member's appointment, notwithstanding the provisions of any general,
24 special or local law, ordinance or city charter.

25 Sec. 25. Section 41-5353, Arizona Revised Statutes, is amended to
26 read:

27 41-5353. Board; members; terms; meetings; compensation;
28 prohibition

29 A. The authority shall be governed by a board of directors,
30 consisting of five members to be appointed by the governor, giving due
31 consideration to a diverse geographical representation on the board, and
32 to serve at the pleasure of the governor.

33 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE
34 BOARD OF DIRECTORS SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR
35 FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK
36 PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF
37 PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU
38 OF INVESTIGATION.

39 ~~B.~~ C. Each member shall serve for a term of three years.
40 Vacancies occurring other than by expiration of term shall be filled in
41 the same manner for the remainder of the unexpired term.

42 ~~C.~~ D. The board shall annually elect from among its members a
43 chairperson, a secretary and a treasurer.

1 ~~D.~~ E. The board rules shall provide for regular annual meetings of
2 the board. The chairperson may call a special meeting at any time. The
3 board rules shall provide for a method of giving notice of a special
4 meeting.

5 ~~E.~~ F. The board may meet by audioconference or videoconference.
6 The requirements of title 38, chapter 3, article 3.1 apply to an
7 audioconference or videoconference, except that all votes of members must
8 be by roll call, and the board may not meet in executive session by
9 audioconference or videoconference.

10 ~~F.~~ G. Members of the board are not eligible to receive
11 compensation but are eligible to receive reimbursement for necessary
12 expenses pursuant to title 38, chapter 4, article 2 while engaged in the
13 performance of the members' duties.

14 ~~G.~~ H. Members of the board may not have any direct or indirect
15 personal financial interest in any project financed under this article.

~~APPROVED BY THE GOVERNOR MAY 22, 2017.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2017.~~

Passed the House February 22, 20 17

by the following vote: 36 Ayes,
24 Nays, 0 Not Voting

[Signature]
Speaker of the House

Pro Tempore

[Signature]
Chief Clerk of the House

Passed the Senate May 9, 20 17

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 received by the Governor this

10th day of May, 20 17

at 11:54 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 22nd day of

May 2017

at 2:30 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 22 day of May, 20 17

at 6:34 o'clock P. M.

[Signature]
Secretary of State

H.B. 2515