

Arizona Developmental Disabilities Planning Council Legislative Update: January 24, 2014

This week began with a Joint Legislative Budget hearing in which both the House and Senate met to review the Governor's budget proposal for this Legislative session. Details included: \$90 million for the state's child welfare system – including \$25million to separate the division from its parent agency, \$21.5 million for 212 new caseworkers and \$10 million to replace an outdated computer system. In addition, there is a request for \$3.9billion for K-12 public and charter schools – this is an increase from \$3.62 billion last fiscal year and includes \$40 million for a new Student Success Funding program. In addition, the Governor's budget seeks \$781 million for the state's three public universities, compared with \$ 740 million last fiscal year. It also requests \$69.6 million for community colleges, compared with \$69.5 million last year.

There is much speculation that after the 2013 Legislative session that was contentious due to the Medicaid expansion issue that this will be a much more quiet session and that overall there will be fewer bills introduced as well as less contradictory work done by both parties. Relationships are moving forward from the confrontations that did occur last year throughout the session on many matters of difference, both within each political party and across party lines. The vacancy for the role of Governor in Arizona is front and center in the overall climate at the Capitol and of course there is much speculation as to who the front runners will be in this fall 2014 race to lead our state. Election years are often seen as distractions from the 'business' of crafting legislation. However, over 1000 placeholders or 'bill jackets' have been opened which indicates an intention for a lot of bill writing in the very near future.

Bills listed on our review list so far for this session include items concerning fingerprint clearance cards; empowerment scholarships and increased eligibility, special equine license plates, JTED funding, liability/DES for family caregivers of those with developmental disabilities, KidsCare health insurance, client income for the developmentally disabled, and the creation of an IEP Study Committee.

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You may be interested in following more closely one of more of the bills that are of special interest to you or that may have an impact on you, a family member, a friend, or neighbor. If you want to begin doing this, simply type the address www.azleg.gov into your computer 'internet browser' (the main block at the top of your computer screen), or search for the phrase 'Arizona State Legislature' and click on the link to the official AZ Legislature website (usually the first result).

Advocacy

The Arizona Developmental Disabilities Council advocates in the Arizona State Legislature on behalf of the developmental disabilities community to increase state support for persons with developmental disabilities.

We urge our supporters to assist these efforts by communicating regularly with their district representatives on the needs of persons with developmental disabilities. There are various ways you can contact your state House or Senate representative at the state legislature:

1. Writing a Constituent Letter

Helpful Tips:

- Use personal or business letterhead if possible
- Be brief – ideally no longer than one page
- Be specific in your request – express clearly and briefly what action you would like the recipient to take, such as supporting passage of a specific measure. Include bill numbers or other reference information where possible.
- Be reasonable and constructive – if you oppose a measure, state clearly why the measure is a concern. If possible, offer an alternative. Include examples or data where possible.
- Ask the recipient to provide his/her position in a written reply
- Be sure to thank the recipient if he/she responds positively.

2. E-mail Messages

An effective way to voice your views on an upcoming vote or other key decision, but be aware that state officials receive a high volume of messages that may take time to wade through, affecting the timeliness of your message. IF you choose to use e-mail, be sure to include your

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contact details so that the office is able to respond to you.

3. Making a Telephone Call

A telephone call can be effective when you want to record your views on an upcoming vote or when your opinion can be stated very concisely. Calls are not an effective way to educate legislators, nor do they provide the opportunity to demonstrate your expertise on an issue. In most cases, receptionists handle the calls and their goal is to simply make a record of the call.

Helpful Tips:

- State your views clearly and succinctly – time is precious for everyone
- Conclude your message with a request for action
- Be prepared to leave your contact details

4. Face to Face Meetings

Elected officials often schedule community meetings to hear from constituents about local concerns. Many advocates are also active in their communities in other ways, crossing paths with elected officials at dinners, receptions, or other events. Take every opportunity to speak with and develop a relationship with those who represent you. Although you may not be able to discuss gifted education issues at every event, you may have a moment to ask the official if you might meet with him/her in the near future to discuss your concerns.

How To Contact Your State Legislator

There are 30 Legislative Districts in Arizona. Each District has one State Senator and two State Representatives. They are easy to find and contact. (NOTE: We have two US Senators and eight US Representatives, so you belong to both a Congressional District and a State Legislative District. Be careful not to confuse State Legislative Districts with US Congressional Districts.)

To find your representatives and their contact details visit
<http://www.azleg.gov/alisStaticPages/HowToContactMember.asp>

Please let us know how we can make this report more useful for you (lclausen@azdes.gov).

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Bill Status Summary Table

January 24, 2014

Key:

| | | |
|-----------------|-------------|--------|
| Passed & Signed | In Progress | Failed |
|-----------------|-------------|--------|

Please refer to the Glossary at the end of the document for definitions of unfamiliar terms.

* Indicates items new to the report this week

| BILLS RELATED TO DEVELOPMENTAL DISABILITY ISSUES | | | |
|---|---|---|--|
| Bill Number | Sponsor | Brief Description | Status |
| SB1010 Fact Sheet (Pending) | Senator E. Ableser (DEM) | Regional Behavioral Health Authorities | Senate first read: 1/13/14 Senate second read: 1/14/14 Assigned to Senate Health & Human Services Committee., Appropriations Committee & Rules Committee |
| *SB1012 Fact Sheet (Pending) | Senator E. Ableser (DEM) | Community Colleges; Baccalaureate Degrees | Senate first read: 1/13/14 Senate second read: 1/14/14 Assigned to Senate Education Committee & Rules Committee |

BILLS RELATED TO DEVELOPMENTAL DISABILITY ISSUES

| Bill Number | Sponsor | Brief Description | Status |
|------------------------------------|---|--|--|
| *SB1022 Fact Sheet (Pending) | Senator E. Ableser (DEM) | Discrimination; Enforcement; Damages | Senate first read: 1/13/14 Senate second read: 1/14/14 Assigned to Senate Judicial Committee & Rules Committee |
| SB1025 Fact Sheet (Pending) | Senator E. Ableser (DEM) | Study Committee; Individualized Education Programs | Senate first read: 1/13/14 Senate second read: 1/14/14 Assigned to Senate Education Committee, Appropriations Committee & Rules Committee |

ARIZONA DEVELOPMENTAL DISABILITIES PLANNING COUNCIL LEGISLATIVE REPORT



| Bill Number | Sponsor | Brief Description | Status |
|------------------------------------|--|---|---|
| *HB2023 Fact Sheet (Pending) | Representative J. Kavanagh (REP). | Fingerprint clearance cards; mandatory updates | House first read: 1/14/14 Assigned to House Public Safety, Military & Regulatory Affairs Committee & Rules Committee |
| *HB2036 Fact Sheet (Pending) | Representative D. Livingston (REP) | Empowerment scholarship accounts; increased eligibility | House first read: 1/14/14 Assigned to House Education Committee & Rules Committee |

ARIZONA DEVELOPMENTAL DISABILITIES PLANNING COUNCIL LEGISLATIVE REPORT



| Bill Number | Sponsor | Brief Description | Status |
|------------------------------------|--|--|--|
| *HB2062 Fact Sheet (Pending) | Representatives: Farnsworth, E. (Rep); K. Brophy McGee (REP); H. Carter (REP); | Child protective services; duties | House first read: 1/22/14 Assigned to House Reform & Human Services Committee |
| *HB2119 Fact Sheet (Pending) | Representative: K. Fann (REP); | Developmental disabilities; equine; special plates | House first read: 1/22/14 Assigned to House Transport Committee |
| *HB2131 Fact Sheet (Pending) | Representatives: M. Quezada (DEM); L. Contreras (DEM); A. Dalessandro (DEM); J. Larkin (DEM); J. Mendez (DEM); A. Sherwood (DEM); S. Gallardo (DEM). | Hiring practices; criminal history; limitation | House first read: 1/22/14 Assigned to House Commerce Committee |

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ARIZONA DEVELOPMENTAL DISABILITIES PLANNING COUNCIL LEGISLATIVE REPORT



| Bill Number | Sponsor | Brief Description | Status |
|------------------------------------|--|---|---|
| *HB2150 Fact Sheet (Pending) | S. Borrelli (REP); P. Boyer (REP); M. A. Cardenas (DEM), K. Fann (REP); D. Gowan Sr. (REP); J. Larkin (DEM); D. Lesko (REP); E. Orr (REP); B. Thorpe (REP); A. Tobin (REP); K. Townsend (REP); G. Griffin (REP); M. Reagan (REP); J. Kavanagh (REP); A. Kwasman (REP); E. Livingston ; (REP); J. D. Mesnard (REP); D. Mitchell (REP); J. Peshlakai (REP); N. Barto (REP); C. Begay (DEM); A. Biggs (REP); C. Crandell (REP); B. McGuire (DEM); D. Shooter (REP); | Empowerment scholarships; Military families | House first read: 1/22/14. Assigned to House Education Committee |

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| Bill Number | Sponsor | Brief Description | Status |
|------------------------------------|---|--|--|
| *HB2176 Fact Sheet (Pending) | Representatives: E. Orr (REP); S. Borrelli (REP); M. A. Cardenas (DEM), V. Steele (DEM); K. Brophy McGee (REP); S. Mach (DEM); M. Saldate IV (DEM); | JTEDs; 9 th Graders; certification; funding | House first read: 1/22/14. Assigned to House Education Committee & Appropriations Committee |
| *HB2193 Fact Sheet (Pending) | Representative: C. Seel (REP) | Developmental Disabilities; family caregivers; liability | No actions posted |

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| Bill Number | Sponsor | Brief Description | Status |
|------------------------------------|--|--|-------------------|
| *HB2231 Fact Sheet (Pending) | Representatives: J. Larkin (DEM); A. Dalessandro (DEM); J. Mendez (DEM); | Children’s health insurance program; appropriations | No actions posted |
| *HB2240 Fact Sheet (Pending) | Representative: K. Brophy McGee (REP); | Developmental Disabilities; client income; retention | No actions posted |

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ARIZONA DEVELOPMENTAL DISABILITIES PLANNING COUNCIL LEGISLATIVE REPORT



| Bill Number | Sponsor | Brief Description | Status |
|------------------------------------|--|---|-------------------|
| *HB2245 Fact Sheet (Pending) | Representative: C. Campbell (DEM) | Vulnerable Adults; asset misuse; damages | No actions posted |
| *HB2256 Fact Sheet (Pending) | Representative: W. Peterson (REP); | Empowerment scholarship accounts; Dist pupils | No actions posted |
| *HB2291 Fact Sheet (Pending) | D. Lesko (REP); | Empowerment scholarships accounts; expansion | No actions posted |

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DETAILED INFORMATION

January 24, 2014

Bills Related to Developmental Disability Issues:

SB1010: REGIONAL BEHAVIORAL HEALTH AUTHORITIES
Status: 1/14/14 Senate second read. Assigned to Senate Health & Human Services Committee, Appropriations Committee & Rules Committee

Summary: Beginning January 1, 2015, all behavioral treatment services provided by the Department of Health Services are transferred to regional behavioral health authorities (RBHAs). RBHAs are prohibited from contracting with networks or other administrative entities and are required to use a Dept approved accounting methodology. In counties with more than 800,000 persons (Maricopa and Pima), the Dept is required to contract with at least two contractors to act as RBHAs.

SB1012: COMMUNITY COLLEGES; BACCALAUREATE DEGREES
Status: 1/13/14 Assigned to Senate Education Committee & Rules Committee. 1/14/14 Senate Second Read.

Summary: Beginning in an unspecified fiscal year, community college districts are authorized to offer four-year baccalaureate degrees. Establishes a 7-member Community College Baccalaureate Degree Study Committee to determine the baccalaureate degrees that may be offered by community college districts. The Committee is required to submit a report to the Governor and the Legislature by December 31, 2014. The Committee self-repeals October 1, 2015.

SB1022: DISCRIMINATION; ENFORCEMENT; DAMAGES
Status: 1/14/14 Senate second read. Assigned to Senate Judicial Committee & Rules Committee

Summary: Increases the statute of limitations on filing employment discrimination charges to 2 years from 1 year. Allows the recovering party in unlawful employment practice cases to

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recover punitive or compensatory damages if specified conditions are met.

SB1025: STUDY COMMITTEE; INDIVIDUALIZED EDUCATION PROGRAMS

Status: **Senate Second Read 1/14/14**
Assigned to Senate Education Committee, Appropriations Committee & Rules Committee

Summary: Establishes an 11-member Individualized Education Program Study Committee to design a system in which an individualized education program is developed for every student enrolled in a public school in Arizona. The Committee is required to submit a report to the Governor and the Legislature by December 31, 2014. Self-repeals October 1, 2015.

HB2023: FINGERPRINT CLEARANCE CARDS; MANDATORY UPDATES

Status: **House first read: 1/14/14. Assigned to House Public Safety, Military & Regulatory Affairs Committee & Rules Committee**

Summary: The Department of Public Safety Fingerprinting Division is required, instead of allowed, to conduct periodic state criminal history records checks to update clearance status of current fingerprint clearance card holders.

HB2036: EMPOWERMENT SCHOLARSHIP ACCOUNTS; INCREASED ELIGIBILITY

Status: **House first read: 1/14/14. Assigned to House Education Committee & Rules Committee.**

Summary: For the purpose of empowerment scholarship accounts (ESA), the definition of "qualified student" is expanded to include the children of police officers, firefighters or other first responders employed by public agencies, and children who are the sibling of a current or previous ESA recipient. The list of qualifications that ESA recipients must meet at least one of is expanded to include that the child has not previously attended a

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governmental primary or secondary school but is currently eligible to enroll in a program for preschool children with disabilities.

HB2062: Child Protective Services; Duties

Status: House first read: 1/22/14

Assigned to House Reform & Human Services Committee

Summary: The primary purpose and duties of Child Protective Services are modified. CPS is required to investigate reports of child abuse and neglect; assess, promote and support the safety of a child in a safe and stable family; work cooperatively with law enforcement regarding reports that include criminal conduct allegations; and coordinate services to achieve permanency on behalf of the child, without compromising child safety.

HB2119: DEVELOPMENTAL DISABILITIES; EQUINE; SPECIAL PLATES

Status: House first read: 1/22/14

Assigned to House Transport Committee

Summary: The Department of Transportation is authorized to issue special developmental disabilities awareness license plates if an entity pays \$32,000 in start-up costs by December 31, 2015. Of the \$25 annual fee, \$8 is an administrative fee and \$17 is a donation to the Developmental Disabilities Awareness Special Plate Fund. Monies in the Fund must be allocated to a nonprofit organization dedicated to serving persons with developmental disabilities and that meets other specified requirements. The Dept is authorized to issue special equine education organization license plates if an entity pays \$32,000 in start-up costs by December 31, 2015. Of the \$25 annual fee, \$8 is an administrative fee and \$17 is a donation to the Equine Education Organization Special Plate Fund. Monies in the Fund must be allocated to a nonprofit organization that conducts equine research of a scientific nature, provides monies for equine education scholarships and that meets other specified requirements.

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HB2131: HIRING PRACTICES; CRIMINAL HISTORY; LIMITATION

Status: House first read: 1/22/14
Assigned to House Commerce Committee

Summary: Employers are prohibited from inquiring, considering or requiring disclosure of the criminal conviction record of an applicant for employment during the hiring process unless it has a direct relationship to the employment position, is only for the period of the ten most recent consecutive years, and takes place after the applicant has received a conditional offer of employment. Does not apply to positions that require a valid fingerprint clearance card

HB2150: EMPOWERMENT SCHOLARSHIPS; MILITARY FAMILIES

Status: House first read: 1/22/14. Assigned to House Education Committee

Summary: A child who qualifies for an empowerment scholarship account due to a parent or guardian who is an active duty member of the U.S. armed forces is not subject to other specified eligibility requirements.

HB2176: JTEDS; 9TH GRADERS; CERTIFICATION; FUNDING

Status: House first read: 1/22/14. Assigned to House Education Committee & Appropriations Committee

Summary: Students in 9th grade who are enrolled in a career and technical education program that leads to certification in and acceptance by a specific vocation or industry may be included in a joint district's student count and average daily membership, and may be funded in whole or in part with monies provided by a Joint Technical Education District.

HB2193: DEVELOPMENTAL DISABILITIES; FAMILY CAREGIVERS; LIABILITY

Status: No Actions Posted

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Summary: A person who provides medical care to a family member with a developmental disability shall hold the Department of Economic Security harmless for any medical condition that results from providing that care.

HB2231: CHILD HEALTH INSURANCE PROGRAM;
APPROPRIATIONS

Status: **No Actions Posted**

Summary: Eliminates the enrollment cap for the Children's Health Insurance Program (KidsCare). Repeals statute terminating KidsCare if the federal government eliminates or significantly reduces federal funding. Appropriates \$15,623,200 from the general fund in FY2014-15 and \$54,451,600 from the Program Fund in FY2014-15 to AHCCCS for KidsCare

HB2240: DEVELOPMENTAL DISABILITIES; CLIENT INCOME;
RETENTION

Status: **No Actions Posted**

Summary: Increases the minimum amount of a Department of Developmental Disabilities client's income or benefits that must be retained for the client's personal use to 30 percent, from 12 percent.

HB2245: VULNERABLE ADULTS; ASSET MISUSE; DAMAGES

Status: **No Actions Posted**

Summary: The maximum amount of additional damages the court may award in a civil action brought by or on behalf of a vulnerable adult is increased to three times the amount of actual damages, from two times

HB2256: EMPOWERMENT SCHOLARSHIP ACCOUNTS; DIST
PUPILS

Status: **No Actions Posted**

Summary: School boards are authorized to vote to allow a student who lives in the school district, and is not otherwise eligible, to apply for an empowerment scholarship account (ESA). The amount of

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K-12 equalization formula funding the school district may retain for a FY for a student who receives an ESA is 1/4 of the amount that would have been generated by that student's average daily membership or student count, and that amount must be deducted from the amount that would otherwise be deposited into the student's ESA for that FY.

HB2291: EMPOWERMENT SCHOLARSHIP ACCOUNTS;
EXPANSION

Status: **No Actions Posted**

Summary: For the purpose of empowerment scholarship accounts (ESA), the definition of "qualified student" is expanded to include the children of police officers, firefighters or other first responders employed by public agencies, and children who are the sibling of a current or previous ESA recipient. Beginning in the 2016-17 school year, "qualified student" is expanded to include children who meet the economic eligibility requirements for free or reduced price lunches, and beginning in the 2017-18 school year, to include children whose family income exceeds the economic eligibility requirements for free or reduced price lunches by up to 15 percent.

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