

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

CHAPTER 288
HOUSE BILL 2043

AN ACT

AMENDING SECTIONS 36-132 AND 36-136, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-218; AMENDING SECTIONS 36-1672, 37-802, 37-803, 41-2752 AND 49-104, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA STATE HOSPITAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-132, Arizona Revised Statutes, is amended to
3 read:

4 36-132. Department of health services; functions; contracts

5 A. The department ~~staff~~, in addition to other powers and duties
6 vested in it by law, SHALL:

7 1. Protect the health of the people of the state.

8 2. Promote the development, maintenance, efficiency and
9 effectiveness of local health departments or districts of sufficient
10 population and area that they can be sustained with reasonable economy and
11 efficient administration, provide technical consultation and assistance to
12 local health departments or districts, provide financial assistance to
13 local health departments or districts and services that meet minimum
14 standards of personnel and performance and in accordance with a plan and
15 budget submitted by the local health department or districts to the
16 department for approval, and recommend the qualifications of all
17 personnel.

18 3. Collect, preserve, tabulate and interpret all information
19 required by law in reference to births, deaths and all vital facts, and
20 obtain, collect and preserve information relating to the health of the
21 people of ~~the~~ THIS state and the prevention of diseases as may be useful
22 in the discharge of functions of the department not in conflict with ~~the~~
23 ~~provisions of~~ chapter 3 of this title, and sections 36-693, 36-694 and
24 39-122.

25 4. Operate such sanitariums, hospitals or other facilities assigned
26 to the department by law or by the governor.

27 5. Conduct a statewide program of health education relevant to the
28 powers and duties of the department, prepare educational materials and
29 disseminate information as to conditions affecting health, including basic
30 information for the promotion of good health on the part of individuals
31 and communities, and prepare and disseminate technical information
32 concerning public health to the health professions, local health officials
33 and hospitals. In cooperation with the department of education, the
34 department of health services shall prepare and disseminate materials and
35 give technical assistance for the purpose of education of children in
36 hygiene, sanitation and personal and public health, and provide
37 consultation and assistance in community organization to counties,
38 communities and groups of people.

39 6. Administer or supervise a program of public health nursing,
40 prescribe the minimum qualifications of all public health nurses engaged
41 in official public health work, and encourage and aid in coordinating
42 local public health nursing services.

43 7. Encourage and aid in coordinating local programs concerning
44 control of preventable diseases in accordance with statewide plans that
45 shall be formulated by the department.

1 8. Encourage and aid in coordinating local programs concerning
2 maternal and child health, including midwifery, antepartum and postpartum
3 care, infant and preschool health and the health of ~~school children~~
4 SCHOOLCHILDREN, including special fields such as the prevention of
5 blindness and conservation of sight and hearing.

6 9. Encourage and aid in the coordination of local programs
7 concerning nutrition of the people of ~~the~~ THIS state.

8 10. Encourage, administer and provide dental health care services
9 and aid in coordinating local programs concerning dental public health, in
10 cooperation with the Arizona dental association. The department may bill
11 and receive payment for costs associated with providing dental health care
12 services and shall deposit the monies in the oral health fund established
13 by section 36-138.

14 11. Establish and maintain adequate serological, bacteriological,
15 parasitological, entomological and chemical laboratories with qualified
16 assistants and facilities necessary for routine examinations and analyses
17 and for investigations and research in matters affecting public health.

18 12. Supervise, inspect and enforce the rules concerning the
19 operation of public bathing places and public and semipublic swimming
20 pools adopted pursuant to section 36-136, subsection ~~H~~ I, paragraph 10.

21 13. Take all actions necessary or appropriate to ensure that
22 bottled water sold to the public and water used to process, store, handle,
23 serve and transport food and drink are free from filth, disease-causing
24 substances and organisms and unwholesome, poisonous, deleterious or other
25 foreign substances. All state agencies and local health agencies involved
26 with water quality shall provide to the department any assistance
27 requested by the director to ensure that this paragraph is effectuated.

28 14. Enforce the state food, caustic alkali and acid laws in
29 accordance with chapter 2, article 2 of this title, chapter 8, article 1
30 of this title and chapter 9, article 4 of this title, and collaborate in
31 the enforcement of the federal food, drug, and cosmetic act ~~of 1938~~
32 (52 Stat. 1040; 21 United States Code sections 1 through 905).

33 15. Recruit and train personnel for state, local and district
34 health departments.

35 16. Conduct continuing evaluations of state, local and district
36 public health programs, study and appraise state health problems and
37 develop broad plans for use by the department and for recommendation to
38 other agencies, professions and local health departments for the best
39 solution of these problems.

40 17. License and regulate health care institutions according to
41 chapter 4 of this title.

42 18. Issue or direct the issuance of licenses and permits required
43 by law.

1 19. Participate in the state civil defense program and develop the
2 necessary organization and facilities to meet wartime or other disasters.

3 20. Subject to the availability of monies, develop and administer
4 programs in perinatal health care, including:

5 (a) Screening in early pregnancy for detecting ~~high-risk~~ HIGH-RISK
6 conditions.

7 (b) Comprehensive prenatal health care.

8 (c) Maternity, delivery and postpartum care.

9 (d) Perinatal consultation, including transportation of the
10 pregnant woman to a perinatal care center when medically indicated.

11 (e) Perinatal education oriented toward professionals and
12 consumers, focusing on early detection and adequate intervention to avert
13 premature labor and delivery.

14 21. License and regulate the health and safety of group homes for
15 persons with developmental disabilities. The department shall issue a
16 license to an accredited facility for a period of the accreditation,
17 except that no licensing period shall be longer than three years. The
18 department is authorized to conduct an inspection of an accredited
19 facility to ensure that the facility meets health and safety licensure
20 standards. The results of the accreditation survey shall be public
21 information. A copy of the final accreditation report shall be filed with
22 the department of health services. For the purposes of this paragraph,
23 "accredited" means accredited by a nationally recognized accreditation
24 organization.

25 B. The department may accept from the state or federal government,
26 or any agency of the state or federal government, and from private donors,
27 trusts, foundations or eleemosynary corporations or organizations grants
28 or donations for or in aid of the construction or maintenance of any
29 program, project, research or facility authorized by this title, or in aid
30 of the extension or enforcement of any program, project or facility
31 authorized, regulated or prohibited by this title, and enter into
32 contracts with the federal government, or an agency of the federal
33 government, and with private donors, trusts, foundations or eleemosynary
34 corporations or organizations, to carry out such purposes. All monies
35 made available under this section are special project grants. The
36 department may also expend these monies to further applicable scientific
37 research within this state.

38 C. The department, in establishing fees authorized by this section,
39 shall comply with title 41, chapter 6. The department shall not set a fee
40 at more than the department's cost of providing the service for which the
41 fee is charged. State agencies are exempt from all fees imposed pursuant
42 to this section.

1 D. The department may enter into contracts with organizations that
2 perform nonrenal organ transplant operations and organizations that
3 primarily assist in the management of ~~end-stage~~ END-STAGE renal disease
4 and related problems to provide, as payors of last resort, prescription
5 medications necessary to supplement treatment and transportation to and
6 from treatment facilities. The contracts may provide for department
7 payment of administrative costs it specifically authorizes.

8 Sec. 2. Section 36-136, Arizona Revised Statutes, is amended to
9 read:

10 36-136. Powers and duties of director; compensation of
11 personnel; rules

12 A. The director shall:

13 1. Be the executive officer of the department of health services
14 and the state registrar of vital statistics but shall not receive
15 compensation for services as registrar.

16 2. Perform all duties necessary to carry out the functions and
17 responsibilities of the department.

18 3. Prescribe the organization of the department. The director
19 shall appoint or remove personnel as necessary for the efficient work of
20 the department and shall prescribe the duties of all personnel. The
21 director may abolish any office or position in the department that the
22 director believes is unnecessary.

23 4. Administer and enforce the laws relating to health and
24 sanitation and the rules of the department.

25 5. Provide for the examination of any premises if the director has
26 reasonable cause to believe that on the premises there exists a violation
27 of any health law or rule of ~~the~~ THIS state.

28 6. Exercise general supervision over all matters relating to
29 sanitation and health throughout ~~the~~ THIS state. When in the opinion of
30 the director it is necessary or advisable, a sanitary survey of the whole
31 or of any part of ~~the~~ THIS state shall be made. The director may enter,
32 examine and survey any source and means of water supply, sewage disposal
33 plant, sewerage system, prison, public or private place of detention,
34 asylum, hospital, school, public building, private institution, factory,
35 workshop, tenement, public washroom, public restroom, public toilet and
36 toilet facility, public eating room and restaurant, dairy, milk plant or
37 food manufacturing or processing plant, and any premises in which the
38 director has reason to believe there exists a violation of any health law
39 or rule of ~~the~~ THIS state that the director has the duty to administer.

40 7. Prepare sanitary and public health rules.

41 8. Perform other duties prescribed by law.

42 B. If the director has reasonable cause to believe that there
43 exists a violation of any health law or rule of ~~the~~ THIS state, the
44 director may inspect any person or property in transportation through ~~the~~
45 THIS state, and any car, boat, train, trailer, airplane or other vehicle

1 in which that person or property is transported, and may enforce detention
2 or disinfection as reasonably necessary for the public health if there
3 exists a violation of any health law or rule.

4 C. THE DIRECTOR, AFTER CONSULTATION WITH THE DEPARTMENT OF
5 ADMINISTRATION, MAY TAKE ALL NECESSARY STEPS TO ENHANCE THE HIGHEST AND
6 BEST USE OF THE STATE HOSPITAL PROPERTY, INCLUDING CONTRACTING WITH THIRD
7 PARTIES TO PROVIDE SERVICES, ENTERING INTO SHORT-TERM LEASE AGREEMENTS
8 WITH THIRD PARTIES TO OCCUPY OR RENOVATE EXISTING BUILDINGS AND ENTERING
9 INTO LONG-TERM LEASE AGREEMENTS TO DEVELOP THE LAND AND BUILDINGS. THE
10 DIRECTOR SHALL DEPOSIT ANY MONIES COLLECTED FROM CONTRACTS AND LEASE
11 AGREEMENTS ENTERED INTO PURSUANT TO THIS SUBSECTION IN THE ARIZONA STATE
12 HOSPITAL CHARITABLE TRUST FUND ESTABLISHED BY SECTION 36-218. AT LEAST
13 THIRTY DAYS BEFORE ISSUING A REQUEST FOR PROPOSALS PURSUANT TO THIS
14 SUBSECTION, THE DEPARTMENT OF HEALTH SERVICES SHALL HOLD A PUBLIC HEARING
15 TO RECEIVE COMMUNITY AND PROVIDER INPUT REGARDING THE HIGHEST AND BEST USE
16 OF THE STATE HOSPITAL PROPERTY RELATED TO THE REQUEST FOR PROPOSALS. THE
17 DEPARTMENT SHALL REPORT TO THE JOINT COMMITTEE ON CAPITAL REVIEW ON THE
18 TERMS, CONDITIONS AND PURPOSE OF ANY LEASE OR SUBLEASE AGREEMENT ENTERED
19 INTO PURSUANT TO THIS SUBSECTION RELATING TO STATE HOSPITAL LANDS OR
20 BUILDINGS OR THE DISPOSITION OF REAL PROPERTY PURSUANT TO THIS SUBSECTION,
21 INCLUDING STATE HOSPITAL LANDS OR BUILDINGS, AND THE FISCAL IMPACT ON THE
22 DEPARTMENT AND ANY REVENUES GENERATED BY THE AGREEMENT. ANY LEASE OR
23 SUBLEASE AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION RELATING TO
24 STATE HOSPITAL LANDS OR BUILDINGS OR THE DISPOSITION OF REAL PROPERTY
25 PURSUANT TO THIS SUBSECTION, INCLUDING STATE HOSPITAL LANDS OR BUILDINGS,
26 MUST BE REVIEWED BY THE JOINT COMMITTEE ON CAPITAL REVIEW.

27 ~~C.~~ D. The director may deputize, in writing, any qualified officer
28 or employee in the department to do or perform on the director's behalf
29 any act the director is by law empowered to do or charged with the
30 responsibility of doing.

31 ~~D.~~ E. The director may delegate to a local health department,
32 county environmental department or public health services district any
33 functions, powers or duties that the director believes can be competently,
34 efficiently and properly performed by the local health department, county
35 environmental department or public health services district if:

36 1. The director or superintendent of the local health agency,
37 environmental agency or public health services district is willing to
38 accept the delegation and agrees to perform or exercise the functions,
39 powers and duties conferred in accordance with the standards of
40 performance established by the director OF THE DEPARTMENT OF HEALTH
41 SERVICES.

42 2. Monies appropriated or otherwise made available to the
43 department for distribution to or division among counties or public health
44 services districts for local health work may be allocated or reallocated
45 in a manner designed to ensure the accomplishment of recognized local

1 public health activities and delegated functions, powers and duties in
2 accordance with applicable standards of performance. Whenever in the
3 director's opinion there is cause, the director may terminate all or a
4 part of any delegation and may reallocate all or a part of any funds that
5 may have been conditioned on the further performance of the functions,
6 powers or duties conferred.

7 ~~F.~~ F. The compensation of all personnel shall be as determined
8 pursuant to section 38-611.

9 ~~F.~~ G. The director may make and amend rules necessary for the
10 proper administration and enforcement of the laws relating to the public
11 health.

12 ~~G.~~ H. Notwithstanding subsection ~~H.~~ I, paragraph 1 of this
13 section, the director may define and prescribe emergency measures for
14 detecting, reporting, preventing and controlling communicable or
15 infectious diseases or conditions if the director has reasonable cause to
16 believe that a serious threat to public health and welfare exists.
17 Emergency measures are effective for no longer than eighteen months.

18 ~~H.~~ I. The director, by rule, shall:

19 1. Define and prescribe reasonably necessary measures for
20 detecting, reporting, preventing and controlling communicable and
21 preventable diseases. The rules shall declare certain diseases
22 reportable. The rules shall prescribe measures, including isolation or
23 quarantine, that are reasonably required to prevent the occurrence of, or
24 to seek early detection and alleviation of, disability, insofar as
25 possible, from communicable or preventable diseases. The rules shall
26 include reasonably necessary measures to control animal diseases
27 transmittable to humans.

28 2. Define and prescribe reasonably necessary measures, in addition
29 to those prescribed by law, regarding the preparation, embalming,
30 cremation, interment, disinterment and transportation of dead human bodies
31 and the conduct of funerals, relating to and restricted to communicable
32 diseases and regarding the removal, transportation, cremation, interment
33 or disinterment of any dead human body.

34 3. Define and prescribe reasonably necessary procedures that are
35 not inconsistent with law in regard to the use and accessibility of vital
36 records, delayed birth registration and the completion, change and
37 amendment of vital records.

38 4. Except as relating to the beneficial use of wildlife meat by
39 public institutions and charitable organizations pursuant to title 17,
40 prescribe reasonably necessary measures to ensure that all food or drink,
41 including meat and meat products and milk and milk products sold at the
42 retail level, provided for human consumption is free from unwholesome,
43 poisonous or other foreign substances and filth, insects or
44 disease-causing organisms. The rules shall prescribe reasonably necessary
45 measures governing the production, processing, labeling, storing,

1 handling, serving and transportation of these products. The rules shall
2 prescribe minimum standards for the sanitary facilities and conditions
3 that shall be maintained in any warehouse, restaurant or other premises,
4 except a meat packing plant, slaughterhouse, wholesale meat processing
5 plant, dairy product manufacturing plant or trade product manufacturing
6 plant. The rules shall prescribe minimum standards for any truck or other
7 vehicle in which food or drink is produced, processed, stored, handled,
8 served or transported. The rules shall provide for the inspection and
9 licensing of premises and vehicles so used, and for abatement as public
10 nuisances of any premises or vehicles that do not comply with the rules
11 and minimum standards. The rules shall provide an exemption relating to
12 food or drink that is:

13 (a) Served at a noncommercial social event such as a potluck.

14 (b) Prepared at a cooking school that is conducted in an
15 owner-occupied home.

16 (c) Not potentially hazardous and prepared in a kitchen of a
17 private home for occasional sale or distribution for noncommercial
18 purposes.

19 (d) Prepared or served at an employee-conducted function that lasts
20 less than four hours and is not regularly scheduled, such as an employee
21 recognition, an employee fund-raising or an employee social event.

22 (e) Offered at a child care facility and limited to commercially
23 prepackaged food that is not potentially hazardous and whole fruits and
24 vegetables that are washed and cut ~~on-site~~ ON-SITE for immediate
25 consumption.

26 (f) Offered at locations that sell only commercially prepackaged
27 food or drink that is not potentially hazardous.

28 (g) Baked and confectionary goods that are not potentially
29 hazardous and that are prepared in a kitchen of a private home for
30 commercial purposes if packaged with a label that clearly states the
31 address of the maker, includes contact information for the maker, lists
32 all the ingredients in the product and discloses that the product was
33 prepared in a home. The label must be given to the final consumer of the
34 product. If the product was made in a facility for individuals with
35 developmental disabilities, the label must also disclose that fact. The
36 person preparing the food or supervising the food preparation must obtain
37 a food handler's card or certificate if one is issued by the local county
38 and must register with an online registry established by the department
39 pursuant to paragraph 13 of this subsection. For the purposes of this
40 subdivision, "potentially hazardous" means baked and confectionary goods
41 that meet the requirements of the food code published by the United States
42 food and drug administration, as modified and incorporated by reference by
43 the department by rule.

44 (h) A whole fruit or vegetable grown in a public school garden that
45 is washed and cut on-site for immediate consumption.

1 5. Prescribe reasonably necessary measures to ensure that all meat
2 and meat products for human consumption handled at the retail level are
3 delivered in a manner and from sources approved by the Arizona department
4 of agriculture and are free from unwholesome, poisonous or other foreign
5 substances and filth, insects or disease-causing organisms. The rules
6 shall prescribe standards for sanitary facilities to be used in identity,
7 storage, handling and sale of all meat and meat products sold at the
8 retail level.

9 6. Prescribe reasonably necessary measures regarding production,
10 processing, labeling, handling, serving and transportation of bottled
11 water to ensure that all bottled drinking water distributed for human
12 consumption is free from unwholesome, poisonous, deleterious or other
13 foreign substances and filth or disease-causing organisms. The rules
14 shall prescribe minimum standards for the sanitary facilities and
15 conditions that shall be maintained at any source of water, bottling plant
16 and truck or vehicle in which bottled water is produced, processed, stored
17 or transported and shall provide for inspection and certification of
18 bottled drinking water sources, plants, processes and transportation and
19 for abatement as a public nuisance of any water supply, label, premises,
20 equipment, process or vehicle that does not comply with the minimum
21 standards. The rules shall prescribe minimum standards for
22 bacteriological, physical and chemical quality for bottled water and for
23 the submission of samples at intervals prescribed in the standards.

24 7. Define and prescribe reasonably necessary measures governing ice
25 production, handling, storing and distribution to ensure that all ice sold
26 or distributed for human consumption or for the preservation or storage of
27 food for human consumption is free from unwholesome, poisonous,
28 deleterious or other foreign substances and filth or disease-causing
29 organisms. The rules shall prescribe minimum standards for the sanitary
30 facilities and conditions and the quality of ice that shall be maintained
31 at any ice plant, storage and truck or vehicle in which ice is produced,
32 stored, handled or transported and shall provide for inspection and
33 licensing of the premises and vehicles, and for abatement as public
34 nuisances of ice, premises, equipment, processes or vehicles that do not
35 comply with the minimum standards.

36 8. Define and prescribe reasonably necessary measures concerning
37 sewage and excreta disposal, garbage and trash collection, storage and
38 disposal, and water supply for recreational and summer camps, campgrounds,
39 motels, tourist courts, trailer coach parks and hotels. The rules shall
40 prescribe minimum standards for preparation of food in community kitchens,
41 adequacy of excreta disposal, garbage and trash collection, storage and
42 disposal and water supply for recreational and summer camps, campgrounds,
43 motels, tourist courts, trailer coach parks and hotels and shall provide
44 for inspection of these premises and for abatement as public nuisances of
45 any premises or facilities that do not comply with the rules. Primitive

1 camp and picnic grounds offered by this state or a political subdivision
2 of this state are exempt from rules adopted pursuant to this paragraph but
3 are subject to approval by a county health department under sanitary
4 regulations adopted pursuant to section 36-183.02. For the purposes of
5 this paragraph, "primitive camp and picnic grounds" means camp and picnic
6 grounds that are remote in nature and without accessibility to public
7 infrastructure such as water, electricity and sewer.

8 9. Define and prescribe reasonably necessary measures concerning
9 the sewage and excreta disposal, garbage and trash collection, storage and
10 disposal, water supply and food preparation of all public schools. The
11 rules shall prescribe minimum standards for sanitary conditions that shall
12 be maintained in any public school and shall provide for inspection of
13 these premises and facilities and for abatement as public nuisances of any
14 premises that do not comply with the minimum standards.

15 10. Prescribe reasonably necessary measures to prevent pollution of
16 water used in public or semipublic swimming pools and bathing places and
17 to prevent deleterious health conditions at these places. The rules shall
18 prescribe minimum standards for sanitary conditions that shall be
19 maintained at any public or semipublic swimming pool or bathing place and
20 shall provide for inspection of these premises and for abatement as public
21 nuisances of any premises and facilities that do not comply with the
22 minimum standards. The rules shall be developed in cooperation with the
23 director of the department of environmental quality and shall be
24 consistent with the rules adopted by the director of the department
25 of environmental quality pursuant to section 49-104, subsection B,
26 paragraph 12.

27 11. Prescribe reasonably necessary measures to keep confidential
28 information relating to diagnostic findings and treatment of patients, as
29 well as information relating to contacts, suspects and associates of
30 communicable disease patients. In no event shall confidential information
31 be made available for political or commercial purposes.

32 12. Prescribe reasonably necessary measures regarding human
33 immunodeficiency virus testing as a means to control the transmission of
34 that virus, including the designation of anonymous test sites as dictated
35 by current epidemiologic and scientific evidence.

36 13. Establish an online registry of food preparers that are
37 authorized to prepare food for commercial purposes pursuant to paragraph 4
38 of this subsection.

39 ~~I.~~ J. The rules adopted under the authority conferred by this
40 section shall be observed throughout the state and shall be enforced by
41 each local board of health or public health services district, but this
42 section does not limit the right of any local board of health or county
43 board of supervisors to adopt ordinances and rules as authorized by law
44 within its jurisdiction, provided that the ordinances and rules do not

1 conflict with state law and are equal to or more restrictive than the
2 rules of the director.

3 ~~K.~~ K. The powers and duties prescribed by this section do not
4 apply in instances in which regulatory powers and duties relating to
5 public health are vested by the legislature in any other state board,
6 commission, agency or instrumentality, except that with regard to the
7 regulation of meat and meat products, the department of health services
8 and the Arizona department of agriculture within the area delegated to
9 each shall adopt rules that are not in conflict.

10 ~~L.~~ L. The director, in establishing fees authorized by this
11 section, shall comply with title 41, chapter 6. The department shall not
12 set a fee at more than the department's cost of providing the service for
13 which the fee is charged. State agencies are exempt from all fees imposed
14 pursuant to this section.

15 ~~M.~~ M. After consultation with the state superintendent of public
16 instruction, the director shall prescribe the criteria the department
17 shall use in deciding whether or not to notify a local school district
18 that a pupil in the district has tested positive for the human
19 immunodeficiency virus antibody. The director shall prescribe the
20 procedure by which the department shall notify a school district if,
21 pursuant to these criteria, the department determines that notification is
22 warranted in a particular situation. This procedure shall include a
23 requirement that before notification the department shall determine to its
24 satisfaction that the district has an appropriate policy relating to
25 nondiscrimination of the infected pupil and confidentiality of test
26 results and that proper educational counseling has been or will be
27 provided to staff and pupils.

28 ~~N.~~ N. Until the department adopts exemptions by rule as required
29 by subsection ~~H- I~~, paragraph 4, subdivision (f) of this section, food and
30 drink are exempt from the rules prescribed in subsection ~~H- I~~ of this
31 section if offered at locations that sell only commercially prepackaged
32 food or drink that is not potentially hazardous, without a limitation on
33 its display area.

34 ~~O.~~ O. Until the department adopts exemptions by rule as required
35 by subsection ~~H- I~~, paragraph 4, subdivision (h) of this section, a whole
36 fruit or vegetable grown in a public school garden that is washed and cut
37 on-site for immediate consumption is exempt from the rules prescribed in
38 subsection ~~H- I~~ of this section.

39 Sec. 3. Title 36, chapter 2, article 1, Arizona Revised Statutes,
40 is amended by adding section 36-218, to read:

41 36-218. Arizona state hospital charitable trust fund

42 THE ARIZONA STATE HOSPITAL CHARITABLE TRUST FUND IS ESTABLISHED
43 CONSISTING OF MONIES COLLECTED FROM CONTRACTS AND LEASE AGREEMENTS ENTERED
44 INTO PURSUANT TO SECTION 36-136, SUBSECTION C. THE DIRECTOR SHALL
45 ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND

1 MAY BE SPENT FOR THE BENEFIT OF PERSONS WITH MENTAL ILLNESS IN THIS STATE.
2 MONIES IN THE FUND DO NOT REVERT TO THE STATE GENERAL FUND AT THE END OF A
3 FISCAL YEAR.

4 Sec. 4. Section 36-1672, Arizona Revised Statutes, is amended to
5 read:

6 36-1672. Local programs

7 A. The department is authorized to develop and conduct local
8 programs for the prevention, detection and treatment of lead-based paint
9 poisoning, subject to legislative appropriation. Such authorization shall
10 include:

11 1. Educational programs intended to communicate the health danger
12 and prevalence of lead-based paint poisoning among children to parents,
13 educators and local health officials.

14 2. Development and carrying out of community testing programs
15 designed to detect incidence of lead poisoning due to lead-based paint and
16 other sources among community residents and to ~~insure~~ ENSURE prompt
17 medical treatment for such afflicted individuals.

18 B. The director may delegate to any local agency the authority to
19 conduct the local program within ~~such~~ THE local agency's jurisdiction as
20 provided in section 36-136, subsection ~~D~~ E.

21 Sec. 5. Section 37-802, Arizona Revised Statutes, is amended to
22 read:

23 37-802. Disposition of real property by state agency;
24 alternative fuel delivery systems; definition

25 A. Unless another procedure is prescribed by law, the director or
26 other chief administrative officer of a state agency may lease or convey
27 real property or any right, title or interest in real property as
28 prescribed by this section if the ~~agency~~ director or ~~other chief~~
29 ~~administrative~~ officer ~~of a state agency~~ determines that it is no longer
30 needed or used for public purposes.

31 B. Unless the property is subject to a right of reversion to a
32 previous owner or the previous owner's successors in interest, the ~~agency~~
33 director or other chief administrative officer of a state agency may lease
34 or convey:

35 1. Real property to another agency of this state, any county,
36 municipality or other political subdivision or any school district of this
37 state without the necessity of a public sale if the real property will be
38 used for an alternative fuel delivery system. The transferee agency shall
39 pay the transferor agency for a conveyance made pursuant to this section
40 based on a current appraisal establishing the fair market value of the
41 property.

42 2. Other marketable real property to the highest and most
43 responsible bidder at a public auction or by direct sale or exchange after
44 at least thirty days' notice in a newspaper of general circulation in the
45 county in which the property is located. At least two independent

1 appraisals are required for property that is offered, and the property
2 shall not be offered or conveyed for less than the amount of the low
3 appraisal. All purchase offers are public, and any person may submit a
4 subsequent offer that matches or exceeds a previous purchase offer.

5 C. The sale shall be for cash or on terms of at least twenty ~~per~~
6 ~~cent~~ PERCENT down payment with the balance payable in annual amortized
7 installments for ten years, the unpaid balance to bear interest at a rate
8 determined by the ~~agency~~ director OR OTHER CHIEF ADMINISTRATIVE OFFICER OF
9 THE STATE AGENCY.

10 D. The ~~agency~~ director or other chief administrative officer OF A
11 STATE AGENCY may execute all deeds or conveyances necessary to lease or
12 convey any real property or interest in the real property to be leased or
13 conveyed under this section and may assess a fee for the costs of
14 preparing and executing any lease or conveyance under this section. The
15 ~~agency~~ director or ~~other chief administrative~~ officer may insert in any
16 deed or conveyance conditions, covenants, exceptions and reservations the
17 ~~agency~~ director OR OFFICER considers to be in the public interest or may
18 convey in fee simple absolute.

19 E. A conclusive presumption exists in favor of any purchaser for
20 value and without notice of any real property or interest in the real
21 property leased or conveyed pursuant to this section that the agency acted
22 within its lawful authority in acquiring the property, and that the
23 ~~agency~~ director or other chief administrative officer OF THE STATE AGENCY
24 acted under lawful authority in executing any deed, conveyance or lease
25 authorized by this section.

26 F. SUBSECTION B OF THIS SECTION DOES NOT APPLY TO ANY LEASE OR
27 SUBLEASE OF STATE HOSPITAL LANDS OR BUILDINGS THAT IS EXECUTED BY THE
28 DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES OR THE DIRECTOR'S DESIGNEE
29 FOR THE BENEFIT OF MENTALLY ILL PERSONS IN THIS STATE. THE DIRECTOR OF
30 THE DEPARTMENT OF HEALTH SERVICES OR THE DIRECTOR'S DESIGNEE SHALL ENSURE
31 THAT THE DEPARTMENT RECEIVES THE FAIR RENTAL VALUE FOR THE LEASED
32 PROPERTY.

33 ~~F.~~ G. For THE purposes of this section, "alternative fuel delivery
34 system" means any facility that provides for the fueling of an alternative
35 fuel vehicle.

36 Sec. 6. Section 37-803, Arizona Revised Statutes, is amended to
37 read:

38 37-803. Disposition of real property by state agency

39 A. Unless another procedure is prescribed by law, the director or
40 other chief administrative officer of a state agency may dispose of real
41 property or any right, title or interest in real property as prescribed by
42 this section if the ~~agency~~ director OR OFFICER determines that the real
43 property is no longer needed or used for public purposes by that agency.

1 B. Unless the property is subject to a right of reversion to a
2 previous owner or the previous owner's successors in interest, THE
3 DIRECTOR OR OTHER CHIEF ADMINISTRATIVE OFFICER OF A STATE AGENCY MAY
4 CONVEY:

5 1. ~~The agency director may convey~~ The real property to an agency of
6 the federal government, to another agency of this state or to any county,
7 municipality, school district or other political subdivision of this state
8 or charter school in this state without the necessity of a public sale if
9 the ~~agency~~ director OR OFFICER considers the conveyance to be in the
10 public interest and if the real property will be used for a specific
11 purpose in the public interest. The transferee agency shall pay the
12 transferor agency for such a conveyance based on an appraisal prepared
13 within the last one hundred eighty days by a certified real estate
14 appraiser establishing the fair market value of the property to be
15 conveyed.

16 2. ~~The agency director may convey~~ Other marketable property to the
17 highest and most responsible bidder at a public auction or by direct sale
18 or exchange after at least thirty days' notice in a newspaper of general
19 circulation in the county in which the property is located. At least two
20 independent appraisals are required for property that is offered and the
21 property shall not be offered or conveyed for less than or the amount of
22 the low appraisal. All purchase offers are public and any person may
23 submit a subsequent offer that matches or exceeds a previous purchase
24 offer.

25 C. The sale shall be for cash or on terms of not less than twenty
26 ~~per cent~~ PERCENT down payment with the balance payable in annual amortized
27 installments for ten years, the unpaid balance to bear interest at a rate
28 determined by the ~~agency~~ director OR OTHER CHIEF ADMINISTRATIVE OFFICER OF
29 THE STATE AGENCY.

30 D. The ~~agency~~ director OR OTHER CHIEF ADMINISTRATIVE OFFICER OF A
31 STATE AGENCY may execute all deeds or conveyances necessary to convey any
32 real property or interest in the real property to be conveyed under this
33 section and may assess a fee for the costs of preparing and executing any
34 conveyance under this section. The ~~agency~~ director OR OFFICER may insert
35 in any deed or conveyance such conditions, covenants, exceptions and
36 reservations as the ~~agency~~ director OR OFFICER considers to be in the
37 public interest or may convey in fee simple absolute.

38 E. A conclusive presumption exists in favor of any purchaser for
39 value and without notice of any real property or interest in the real
40 property conveyed pursuant to this section that the agency acted within
41 its lawful authority in acquiring the property and that the agency
42 director OR OTHER CHIEF ADMINISTRATIVE OFFICER OF THE STATE AGENCY acted
43 under lawful authority in executing any deed, conveyance or lease
44 authorized by this section.

1 F. The agency may adopt rules for using licensed real estate
2 brokers to assist in any disposition of property under this section. The
3 ~~agency~~ director OR OTHER CHIEF ADMINISTRATIVE OFFICER OF THE STATE AGENCY
4 may pay a commission, from proceeds received under this section, to a
5 broker who provides the purchaser unless the broker is the purchaser or
6 lessee or the purchaser is another governmental agency.

7 G. SUBSECTION B OF THIS SECTION DOES NOT APPLY TO ANY LEASE OR
8 SUBLEASE OF STATE HOSPITAL LANDS OR BUILDINGS THAT IS EXECUTED BY THE
9 DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES OR THE DIRECTOR'S DESIGNEE
10 FOR THE BENEFIT OF MENTALLY ILL PERSONS IN THIS STATE. THE DIRECTOR OF
11 THE DEPARTMENT OF HEALTH SERVICES OR THE DIRECTOR'S DESIGNEE SHALL ENSURE
12 THAT THE DEPARTMENT RECEIVES THE FAIR RENTAL VALUE FOR THE LEASED
13 PROPERTY.

14 Sec. 7. Section 41-2752, Arizona Revised Statutes, is amended to
15 read:

16 41-2752. State competition with private enterprise
17 prohibited; exceptions; definition

18 A. A state agency shall not engage in the manufacturing,
19 processing, sale, offering for sale, rental, leasing, delivery,
20 dispensing, distributing or advertising of goods or services to the public
21 that are also offered by private enterprise unless specifically authorized
22 by law other than administrative law and executive orders.

23 B. A state agency shall not offer or provide goods or services to
24 the public for or through another state agency or a local agency,
25 including by intergovernmental or interagency agreement, in violation of
26 this section or section 41-2753.

27 C. The restrictions on activities that compete with private
28 enterprise contained in this section do not apply to:

29 1. The development, operation and management of state parks,
30 historical monuments and hiking or equestrian trails.

31 2. Correctional industries established and operated by the state
32 department of corrections if the prices charged for products sold by the
33 correctional industries are not less than the actual cost of producing and
34 marketing the product plus a reasonable allowance for overhead and
35 administrative costs.

36 3. The office of tourism.

37 4. The Arizona highways magazine, operated by the department of
38 transportation.

39 5. Printing and distributing information to the public if the
40 agency is otherwise authorized to do so, and printing or copying public
41 records or other material relating to the public agency's public business
42 and recovering through fees and charges the costs of such printing,
43 copying and distributing.

44 6. The department of public safety.

1 7. The construction, maintenance and operation of state
2 transportation facilities.

3 8. The development, distribution, maintenance, support, licensing,
4 leasing or sale of computer software by the department of transportation.

5 9. Agreements executed by the Arizona health care cost containment
6 system administration with other states to design, develop, install and
7 operate information technology systems and related services or other
8 administrative services pursuant to section 36-2925.

9 10. Agreements executed by the department of economic security with
10 other states to design, develop, install and operate support collection
11 technology systems and related services. The department shall deposit,
12 pursuant to sections 35-146 and 35-147, monies received pursuant to this
13 paragraph in the public assistance collections fund established by section
14 46-295.

15 11. Educational, vocational, treatment, training or work programs
16 of the department of juvenile corrections and contracts between the
17 department of juvenile corrections and this state, a political subdivision
18 of this state or a private entity in order to provide employment or
19 vocational educational experience.

20 12. The aflatoxin control technologies of the cotton research and
21 protection council.

22 13. The lease or sublease of lands or buildings by the department
23 of economic security pursuant to section 41-1958.

24 14. The Arizona commerce authority.

25 15. The Arizona game and fish commission, but only for the sale of
26 goods or services and not firearms.

27 16. The lease or sublease of lands or buildings by the department
28 of child safety pursuant to section 8-460.

29 17. Agreements executed by the department of child safety with
30 other states to design, develop, install and operate support collection
31 technology systems and related services. The department shall deposit,
32 pursuant to sections 35-146 and 35-147, monies received pursuant to this
33 paragraph in the child safety collections fund established by section
34 8-461.

35 18. THE LEASE OR SUBLEASE OF STATE HOSPITAL LANDS OR BUILDINGS BY
36 THE DEPARTMENT OF HEALTH SERVICES.

37 ~~18.~~ 19. The sale or lease of software, computer systems or
38 intellectual property developed by the department of education or
39 associated services provided for the sale or lease of software, computer
40 systems or intellectual property by the department of education. The
41 department shall deposit, pursuant to sections 35-146 and 35-147, sixty
42 percent of the profit from the monies generated pursuant to this paragraph
43 in the state general fund and the remaining forty percent ~~deposited into~~
44 **IN** the department of education intellectual property fund established by
45 section 15-231.04. The department of education may not transfer or expend

1 monies or personnel resources for the purposes of marketing or soliciting
2 goods or services authorized pursuant to this ~~section~~ PARAGRAPH that were
3 appropriated and authorized for other functions and programs of the
4 department of education.

5 D. The restrictions on activities that compete with private
6 enterprise contained in subsection A of this section do not apply to
7 community colleges and universities under the jurisdiction of a governing
8 board.

9 E. For the purposes of this section, "profit" means any monies
10 generated from the sale or lease of goods and services after accounting
11 for the costs ~~provided~~ PAID by this state, including appropriations from
12 the state general fund.

13 Sec. 8. Section 49-104, Arizona Revised Statutes, is amended to
14 read:

15 49-104. Powers and duties of the department and director

16 A. The department shall:

17 1. Formulate policies, plans and programs to implement this title
18 to protect the environment.

19 2. Stimulate and encourage all local, state, regional and federal
20 governmental agencies and all private persons and enterprises that have
21 similar and related objectives and purposes, cooperate with those
22 agencies, persons and enterprises and correlate department plans, programs
23 and operations with those of the agencies, persons and enterprises.

24 3. Conduct research on its own initiative or at the request of the
25 governor, the legislature or state or local agencies pertaining to any
26 department objectives.

27 4. Provide information and advice on request of any local, state or
28 federal agencies and private persons and business enterprises on matters
29 within the scope of the department.

30 5. Consult with and make recommendations to the governor and the
31 legislature on all matters concerning department objectives.

32 6. Promote and coordinate the management of air resources to ensure
33 their protection, enhancement and balanced utilization consistent with the
34 environmental policy of this state.

35 7. Promote and coordinate the protection and enhancement of the
36 quality of water resources consistent with the environmental policy of
37 this state.

38 8. Encourage industrial, commercial, residential and community
39 development that maximizes environmental benefits and minimizes the
40 effects of less desirable environmental conditions.

41 9. Ensure the preservation and enhancement of natural beauty and
42 man-made scenic qualities.

43 10. Provide for the prevention and abatement of all water and air
44 pollution including that related to particulates, gases, dust, vapors,

1 noise, radiation, odor, nutrients and heated liquids in accordance with
2 article 3 of this chapter and chapters 2 and 3 of this title.

3 11. Promote and recommend methods for the recovery, recycling and
4 reuse or, if recycling is not possible, the disposal of solid wastes
5 consistent with sound health, scenic and environmental quality policies.
6 Beginning in 2014, the department shall report annually on its revenues
7 and expenditures relating to the solid and hazardous waste programs
8 overseen or administered by the department.

9 12. Prevent pollution through the regulation of the storage,
10 handling and transportation of solids, liquids and gases that may cause or
11 contribute to pollution.

12 13. Promote the restoration and reclamation of degraded or
13 despoiled areas and natural resources.

14 14. Assist the department of health services in recruiting and
15 training state, local and district health department personnel.

16 15. Participate in the state civil defense program and develop the
17 necessary organization and facilities to meet wartime or other disasters.

18 16. Cooperate with the Arizona-Mexico commission in the governor's
19 office and with researchers at universities in this state to collect data
20 and conduct projects in the United States and Mexico on issues that are
21 within the scope of the department's duties and that relate to quality of
22 life, trade and economic development in this state in a manner that will
23 help the Arizona-Mexico commission to assess and enhance the economic
24 competitiveness of this state and of the Arizona-Mexico region.

25 17. Unless specifically authorized by the legislature, ensure that
26 state laws, rules, standards, permits, variances and orders are adopted
27 and construed to be consistent with and no more stringent than the
28 corresponding federal law that addresses the same subject matter. This
29 paragraph shall not be construed to adversely affect standards adopted by
30 an Indian tribe under federal law.

31 18. Provide administrative and staff support for the oil and gas
32 conservation commission.

33 B. The department, through the director, shall:

34 1. Contract for the services of outside advisers, consultants and
35 aides reasonably necessary or desirable to enable the department to
36 adequately perform its duties.

37 2. Contract and incur obligations reasonably necessary or desirable
38 within the general scope of department activities and operations to enable
39 the department to adequately perform its duties.

40 3. Utilize any medium of communication, publication and exhibition
41 when disseminating information, advertising and publicity in any field of
42 its purposes, objectives or duties.

43 4. Adopt procedural rules that are necessary to implement the
44 authority granted under this title, but that are not inconsistent with
45 other provisions of this title.

1 5. Contract with other agencies, including laboratories, in
2 furthering any department program.

3 6. Use monies, facilities or services to provide matching
4 contributions under federal or other programs that further the objectives
5 and programs of the department.

6 7. Accept gifts, grants, matching monies or direct payments from
7 public or private agencies or private persons and enterprises for
8 department services and publications and to conduct programs that are
9 consistent with the general purposes and objectives of this chapter.
10 Monies received pursuant to this paragraph shall be deposited in the
11 department fund corresponding to the service, publication or program
12 provided.

13 8. Provide for the examination of any premises if the director has
14 reasonable cause to believe that a violation of any environmental law or
15 rule exists or is being committed on the premises. The director shall
16 give the owner or operator the opportunity for its representative to
17 accompany the director on an examination of those premises. Within
18 forty-five days after the date of the examination, the department shall
19 provide to the owner or operator a copy of any report produced as a result
20 of any examination of the premises.

21 9. Supervise sanitary engineering facilities and projects in this
22 state, authority for which is vested in the department, and own or lease
23 land on which sanitary engineering facilities are located, and operate the
24 facilities, if the director determines that owning, leasing or operating
25 is necessary for the public health, safety or welfare.

26 10. Adopt and enforce rules relating to approving design documents
27 for constructing, improving and operating sanitary engineering and other
28 facilities for disposing of solid, liquid or gaseous deleterious matter.

29 11. Define and prescribe reasonably necessary rules regarding the
30 water supply, sewage disposal and garbage collection and disposal for
31 subdivisions. The rules shall:

32 (a) Provide for minimum sanitary facilities to be installed in the
33 subdivision and may require that water systems plan for future needs and
34 be of adequate size and capacity to deliver specified minimum quantities
35 of drinking water and to treat all sewage.

36 (b) Provide that the design documents showing or describing the
37 water supply, sewage disposal and garbage collection facilities be
38 submitted with a fee to the department for review and that no lots in any
39 subdivision be offered for sale before compliance with the standards and
40 rules has been demonstrated by approval of the design documents by the
41 department.

42 12. Prescribe reasonably necessary measures to prevent pollution of
43 water used in public or semipublic swimming pools and bathing places and
44 to prevent deleterious conditions at such places. The rules shall
45 prescribe minimum standards for the design of and for sanitary conditions

1 at any public or semipublic swimming pool or bathing place and provide for
2 abatement as public nuisances of premises and facilities that do not
3 comply with the minimum standards. The rules shall be developed in
4 cooperation with the director of the department of health services and
5 shall be consistent with the rules adopted by the director of the
6 department of health services pursuant to section 36-136, subsection ~~H~~ I,
7 paragraph 10.

8 13. Prescribe reasonable rules regarding sewage collection,
9 treatment, disposal and reclamation systems to prevent the transmission of
10 sewage borne or insect borne diseases. The rules shall:

11 (a) Prescribe minimum standards for the design of sewage collection
12 systems and treatment, disposal and reclamation systems and for operating
13 the systems.

14 (b) Provide for inspecting the premises, systems and installations
15 and for abating as a public nuisance any collection system, process,
16 treatment plant, disposal system or reclamation system that does not
17 comply with the minimum standards.

18 (c) Require that design documents for all sewage collection
19 systems, sewage collection system extensions, treatment plants, processes,
20 devices, equipment, disposal systems, on-site wastewater treatment
21 facilities and reclamation systems be submitted with a fee for review to
22 the department and may require that the design documents anticipate and
23 provide for future sewage treatment needs.

24 (d) Require that construction, reconstruction, installation or
25 initiation of any sewage collection system, sewage collection system
26 extension, treatment plant, process, device, equipment, disposal system,
27 on-site wastewater treatment facility or reclamation system conform with
28 applicable requirements.

29 14. Prescribe reasonably necessary rules regarding excreta storage,
30 handling, treatment, transportation and disposal. The rules shall:

31 (a) Prescribe minimum standards for human excreta storage,
32 handling, treatment, transportation and disposal and shall provide for
33 inspection of premises, processes and vehicles and for abating as public
34 nuisances any premises, processes or vehicles that do not comply with the
35 minimum standards.

36 (b) Provide that vehicles transporting human excreta from privies,
37 septic tanks, cesspools and other treatment processes shall be licensed by
38 the department subject to compliance with the rules. The department may
39 require payment of a fee as a condition of licensure. After July 20,
40 2011, the department shall establish by rule a fee as a condition of
41 licensure, including a maximum fee. As part of the rulemaking process,
42 there must be public notice and comment and a review of the rule by the
43 joint legislative budget committee. After September 30, 2013, the
44 department shall not increase that fee by rule without specific statutory
45 authority for the increase. The fees shall be deposited, pursuant to

1 sections 35-146 and 35-147, in the solid waste fee fund established by
2 section 49-881.

3 15. Perform the responsibilities of implementing and maintaining a
4 data automation management system to support the reporting requirements of
5 title III of the superfund amendments and reauthorization act of 1986
6 (P.L. 99-499) and article 2 of this chapter.

7 16. Approve remediation levels pursuant to article 4 of this
8 chapter.

9 17. Establish or revise fees by rule pursuant to the authority
10 granted under title 44, chapter 9, article 8 and chapters 4 and 5 of this
11 title for the department to adequately perform its duties. All fees shall
12 be fairly assessed and impose the least burden and cost to the parties
13 subject to the fees. In establishing or revising fees, the department
14 shall base the fees on:

15 (a) The direct and indirect costs of the department's relevant
16 duties, including employee salaries and benefits, professional and outside
17 services, equipment, in-state travel and other necessary operational
18 expenses directly related to issuing licenses as defined in title 41,
19 chapter 6 and enforcing the requirements of the applicable regulatory
20 program.

21 (b) The availability of other funds for the duties performed.

22 (c) The impact of the fees on the parties subject to the fees.

23 (d) The fees charged for similar duties performed by the
24 department, other agencies and the private sector.

25 18. Appoint a person with a background in oil and gas conservation
26 to act on behalf of the oil and gas conservation commission and administer
27 and enforce the applicable provisions of title 27, chapter 4 relating to
28 the oil and gas conservation commission.

29 C. The department may:

30 1. Charge fees to cover the costs of all permits and inspections it
31 performs to ensure compliance with rules adopted under section 49-203,
32 except that state agencies are exempt from paying the fees. Monies
33 collected pursuant to this subsection shall be deposited, pursuant to
34 sections 35-146 and 35-147, in the water quality fee fund established by
35 section 49-210.

36 2. Contract with private consultants for the purposes of assisting
37 the department in reviewing applications for licenses, permits or other
38 authorizations to determine whether an applicant meets the criteria for
39 issuance of the license, permit or other authorization. If the department
40 contracts with a consultant under this paragraph, an applicant may request
41 that the department expedite the application review by requesting that the
42 department use the services of the consultant and by agreeing to pay the
43 department the costs of the consultant's services. Notwithstanding any
44 other law, monies paid by applicants for expedited reviews pursuant to

1 this paragraph are appropriated to the department for use in paying
2 consultants for services.

3 D. The director may:

4 1. If the director has reasonable cause to believe that a violation
5 of any environmental law or rule exists or is being committed, inspect any
6 person or property in transit through this state and any vehicle in which
7 the person or property is being transported and detain or disinfect the
8 person, property or vehicle as reasonably necessary to protect the
9 environment if a violation exists.

10 2. Authorize in writing any qualified officer or employee in the
11 department to perform any act that the director is authorized or required
12 to do by law.

APPROVED BY THE GOVERNOR MAY 10, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2017.