

Breaking Through: Taking Action on State Level and Advocacy Priorities

**THE NATIONAL INDIAN HEALTH BOARD (NIHB) TRIBAL
HEALTH CONFERENCE**
September 20, 2018

Presented by:

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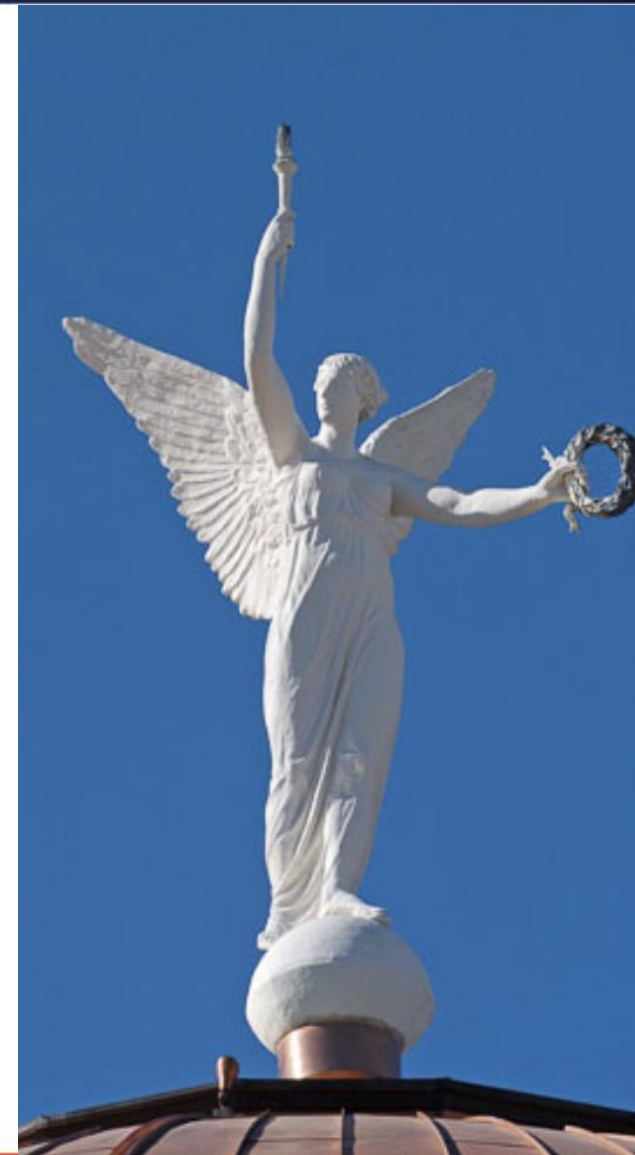
Moving State Legislative and Advocacy Priorities from the Starting Block to the Finish Line

LEARNING OBJECTIVES

- 1) To differentiate basic stages in the development of state legislative initiatives;
- 2) To determine courses of action related to planning and executing strategies to achieve policy changes attained through state legislation;
- 3) To evaluate successful, or less successful, legislative actions through case study analysis.

2018 53rd Arizona State Legislature- Second Regular Session

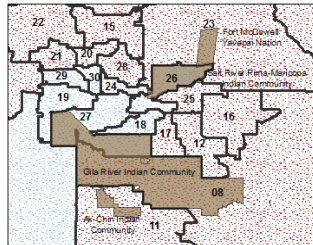
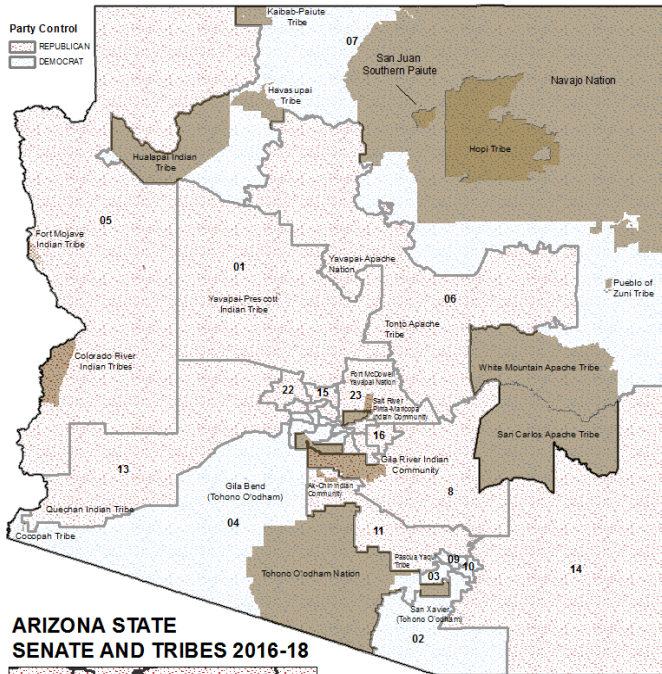
- AZ House of Representatives – 60 Members
(35 Republicans, 25 Democrats)
- AZ Senate - 30 Members
(17 Republicans, 13 Democrats)
- Approximate Length of Session:
120 days
- Session Begins:
January 8, 2018
- Adjourn Sine Die:
May 4 at 12:26 am
- General Effective Date:
August 3, 2018



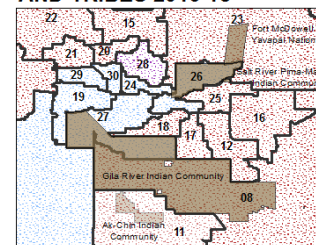
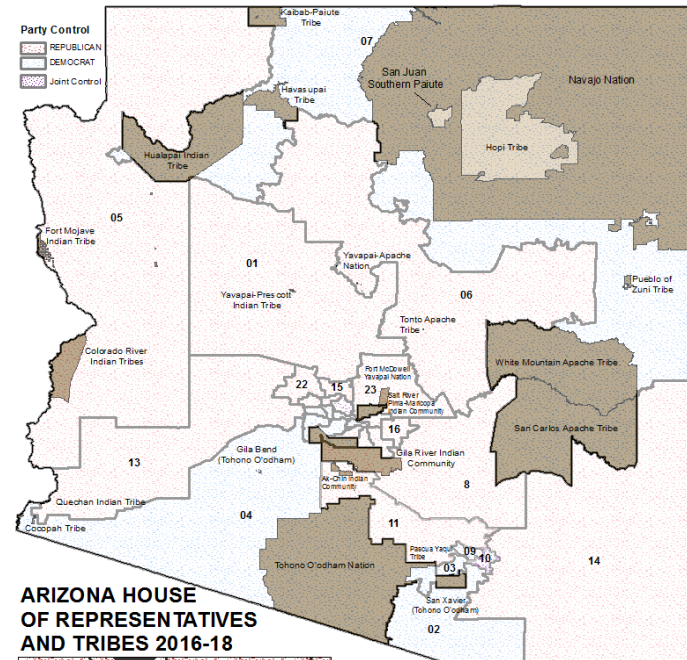
2018 Session by the Numbers

	<u>HOUSE</u>	<u>SENATE</u>	<u>TOTAL</u>
<u>Bills Introduced</u>	<u>667</u>	<u>539</u>	<u>1,206</u>
Memorials and Resolutions Introduced	64	59	123
Bills, Memorials and Resolutions Totals	731	598	1,329
Measures Transmitted to Governor	212	158	370
Measures Signed by Governor	191	156	347
Bills Vetoed by Governor	20	3	23

2018 Legislative Session- Tribal Advocacy Efforts



1. Karen Fann (R)	16. David Farnsworth (R)
2. Andrea Dalessandro (D)	17. Steve Yarbrough (R)
3. Olivia Bedford (D)	18. Sean Bowie (D)
4. Lisa Otondo (D)	19. Lupe Contreras (D)
5. Sonny Borrelli (R)	20. Kimberly Yee (R)
6. Sylvia Allen (R)	21. Rick Gray (R)
7. Jamescia Peshlakai (D)	22. Judy Burgess (R)
8. Frank Pratt (R)	23. John Kavanagh (R)
9. Steve Farley (D)	24. Katie Hobbs (D)
10. David Bradley (D)	25. Bob Worsley (R)
11. Steve Smith (R)	26. Juan Mendez (R)
12. Warren Petersen (R)	27. Catherine Miranda (D)
13. Sine Kerr (R)	28. Kate McGee (R)
14. Gail Griffin (R)	29. Martin J. Quezada (D)
15. Nancy Barto (R)	30. Robert Meza (D)



1. David Springer (R)	11. Mark Fincham (R)	21. Tony Rivera (R)
2. Vince Campbell (R)	12. Vince Leach (R)	22. Karis Payne (R)
3. Daniel Hernandez (D)	13. Edwin W. Farnsworth (R)	23. David Livingston (R)
4. Rosanna Gabaides (D)	14. Travis Gresham (R)	24. Ben Toma (R)
5. Sally A. Gonzalez (D)	15. Don Shover (R)	25. Jay Lawrence (R)
6. Macario Saldaña (D)	16. Dustin Mitchell (R)	26. Michelle U'eno-Rua (R)
7. Genea Peter (D)	17. Drew John (R)	27. Ken Clark (D)
8. Charles E. Fernandez (D)	18. Becky Yunt (R)	28. Lela Alonso (D)
9. Paul Mosley (R)	19. John M. Allen (R)	29. Russell Bowers (R)
10. Regina Cobb (R)	20. Heather Carter (R)	30. Michelle U'eno (R)
11. Bob Thorpe (R)	21. Kathy Townsend (R)	31. Athena Salinas (D)
12. Brenda Barron (R)	22. J. D. Menard (R)	32. Reginald Bolding (D)
13. Wensona Benally (D)	23. Jeff Wainwright (R)	33. Rebecca Rios (D)
14. Eric Dechenes (D)	24. Hill Norgaard (R)	34. Maria Syms (R)
15. Thomas Shope (R)	25. David Cook (R)	35. Kelli Butler (D)
16. David Cook (R)	26. Mimi Epstein (R)	36. Richard C. Andrade (D)
17. Pamela Hambley (D)	27. Mark A. Cardenas (D)	37. Cesar Chavez (D)
18. Randall Fritze (D)	28. Diego Espinoza (D)	38. Ray Martinez (D)
19. Todd Clodfelter (R)	29. Anthony Kern (R)	39. Tony Navarone (D)
20. Kirsten Engel (D)	30. Paul Boyer (R)	

State Year 2019 State Budget (7/1/19 – 6/30/20)

- \$10.4 billion budget passed 5/3/2018
- Governor's #20x2020 education plan:
 - Included maintaining current funding at \$276 million and \$64 million in one-time increase above baseline
 - Did not satisfy demands of Arizona Educators United or Arizona Education Association
 - Education activists supporting Invest in Ed ballot initiative



SB1377 / HB2235 (STRIKE EVERYTHING) – DENTAL THERAPY LICENSURE

SPONSORS: BARTO (R-LD15)

- Permits the practice of dental therapy in the state, limited to Community Health Centers, non-profits serving under-served communities, Urban Indian Health Programs and on Reservations
- Passed the House (47-13-0) and Senate (30-0-0)
- Signed by Governor (5/16/2018)

HB2228 –

AHCCCS; ANNUAL WAIVER; APPLICABILITY

SPONSOR: COOK (R-LD8)

- Requires the Director of AHCCCS to exempt American Indians or Alaska Natives from work requirements applicable to Medicaid recipients in the state
- Passed unanimously in the House (58-0-1) and Senate (28-0-2)
- Signed by Governor (4/12/2018)

HB2228 –

AHCCCS; ANNUAL WAIVER; APPLICABILITY

SPONSOR: COOK (R-LD8)

- NOTE: United States Centers for Medicare and Medicaid Services (CMS) issued a new policy directive that does not allow for waivers that contain Tribal exemptions, claiming that such waivers would be a racial classification. This action ignores the political relationship and trust responsibility between the United States and Tribal Nations.



HB2324-Community Health Workers; Voluntary Certification

- Establishes a CERTIFIED COMMUNITY HEALTH WORKER paraprofessional that is issued a *certificate to practice* as a Community Health Worker in Arizona.
- Outlines a CHW scope of practice and allows reciprocity agreements to accept the CHR scope of practice so that CHW's/CHR's may obtain certification that enhances their role as frontline public health workers.
- Clarifies that CHR's are under Tribal government jurisdiction, not the jurisdiction of the state of Arizona.
- Passed the House (55-2-3) and the Senate (24-6).
- Governor signed (5/16/2018)

HB2498 –

HISTORIC PRESERVATION; RANGELAND IMPROVEMENTS; REQUIREMENTS

SPONSOR: COOK (R-LD8)

- Requires State Historic Preservation Officer to streamline the survey report process for rangeland improvement projects by permitting any individual who takes a “National Culture Resources Training Program” to perform the survey report
- Passed the House (31-28-1) and Senate (16-12-2)
- VETOED by Governor (5/16/2018)

SB1235 – NATIVE AMERICAN DAY; STATE HOLIDAY

SPONSOR: PESHLAKAI (D-LD7)

- Establishes June 2 of each year as “Native American Day,” a state holiday observed on the Sunday following June 2 of each year
- June 2 commemorates the Indian Citizenship Act of 1924
- Passed the House (56-0-4) and Senate (29-1-0)
- Governor Signed (4/5/2018)

SB1505 – NOW: NATIVE AMERICAN CODE WRITERS PROGRAM

SPONSOR: SMITH (R-LD11)

- Appropriates \$500,000 in one-time funding to the Department of Education for competitive grants to introduce computer coding to Native American students
- Passed unanimously in the House (60-0-0) and Senate (29-0-1)
- Signed by Governor (5/15/2018)

HB2504 / SB1484 – AHCCCS; DENTAL SERVICES; NATIVE AMERICANS

SPONSORS: JOHN (R-LD13) AND PESHAKAI (D-LD7)

- Permits AHCCCS to exceed current state statutory caps (\$1000 per member, per year) for adult dental services provided at Indian Health Service, Tribal and Urban Indian facilities.
- Assigned to House Health and Senate Appropriations
- **Not heard in Committee.**

SB1493 – ENVIRONMENTAL QUALITY; DREDGE, FILL PERMITS

SPONSOR: GRIFFIN (R-LD14)

- Permits Arizona Department of Economic Quality (ADEQ) to seek primacy for granting Clean Water Act §404 Permits instead of the U.S. Army Corps of Engineers
- Passed the House (34-23-3) and Senate (17-13-0)
- Signed by Governor (4/10/2018)
- ITAA requested Tribal Consultation. Finally scheduled on 9/20/2018.

SB1494 – ENVIRONMENT; UNDERGROUND INJECTION CONTROL PROGRAM

SPONSOR: GRIFFIN (R-LD14)

- Requires ADEQ to seek primacy for granting Underground Injection Well Permits under the Clean Drinking Water Act, instead of U.S. E.P.A.
- Passed the House (35-24-1) and Senate (17-11-2)
- Signed by Governor (4/12/2018)
- Tribal Consultation has not been scheduled.

OPIOID SPECIAL SESSION HB2001 / SB2001

CONTROLLED SUBSTANCES; REGULATION; APPROPRIATION

- Provides a suite of changes to law to address the state opioid epidemic, including a Good Samaritan law, state reporting requirements and prescribing restrictions
- Tribal participation not incorporated in the bill.
- Passed unanimously in the House (58-0-2) and Senate (30-0-0)
- Signed by Governor (1/26/2018)

#RedforEd



Expulsion of Rep. Don Shooter

- Expelled from the House of Representatives on 2/2/2018 by 56-3 vote
- First expulsion since 1991
- Result of a pattern of sexual harassment and crude conduct directed at legislators, lobbyists and staff



Water Legislation

- Governor's suite of legislation not introduced. Expected to be introduced in January 2019.
- Red-for-Ed dominates session.
- Water hearings held across state.



Road Ahead

- Rule Making on Dental Therapy,
CHW Certification & follow-up on
Medicaid Issues
- Elections
 - Primary: August 28, 2018
 - General: November 6, 2018
- Next Legislative Session
 - First day of Session: January 14, 2019
 - Tribal Leaders' Legislative Day: January 16, 2019*



*Indian Nations and Tribes Legislative Day organized by the Governor's Office on Tribal Relations.

Elements of the AZ Legislative Process

- Summer/Fall – Stakeholder Meetings, Interim Committees, Joint Committee & Select Committee Hearings take place. Meetings with legislators and bill drafting to amend or develop new laws begins.
- Legislators & their staff research and develop draft bills with input by lobbyists, constituents or subject matter experts.
- The bipartisan Arizona Legislative Council assists legislators in preparation of the final bills and advise legislators on the bills potential affect on statutes.

Elements of the AZ Legislative Process

- Prime sponsors of bills may get co-sponsors, influence amendments and the speed of consideration.
- The AZ House & Senate have a slightly different process and deadlines for introducing bills (1st Reading, 2nd Reading and 3rd Reading of the bills. The House assigns the bill to Committee(s) after 1st Reading. The Senate assigns the bill to Committee(s) after the 2nd Reading.

Elements of the AZ Legislative Process

- Committee Chairs decide the course of action on bills assigned to their committees.
- Majority leadership in the House and the Senate decide the course of action on a bill to be debated and voted on by the members.
- Midway through the session there's a deadline for hearings on bills. But if you don't get a hearing, the bill is wounded, but not dead. It may be assigned to another committee or emerge as a strike-everything amendment.

January 2019 – May 2019

- Committee hearings are scheduled by the Chairperson. Agendas may include a long list of bills. Timeframes for testimony are usually very short. Communicating your views via letters, emails, tweets, etc., are acceptable.
- Once a bill clears the committee, it's scheduled for the *Committee of the Whole (COW)* session, where bills are considered, debated and amendments are voted on.
- Third Reading - Final debates and voting takes place in the House or Senate.
- The House and the Senate consider the other chambers' bills and are voted on the floor by all of the members. This crossover deadline is adhered to.
- Bills adopted by both chambers are transmitted to the Governor who may veto or sign them into law.

Discussion Questions

- 1) What information would help you work more effectively with your state legislature?
- 2) Have you initiated analysis or studies to identify policy issues your Tribe would like to see addressed?
- 3) Will your Tribe's policy agenda guide your efforts to engage with your state legislature?