

ARIZONA STATE SENATE

RESEARCH STAFF



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TO: JOINT LEGISLATIVE HEALTH AND
HUMAN SERVICES COMMITTEE OF
REFERENCE

DATE: January 19, 2024

SUBJECT: Sunset Review of the Arizona Pioneers' Home, State Hospital for Miners with
Disabilities

Attached is the final report of the sunset review of the Arizona Pioneers' Home, State Hospital for Miners with Disabilities, which was conducted by the Joint Legislative Health and Human Services Committee of Reference.

This report has been distributed to the following individuals:

Governor of the State of Arizona
The Honorable Katie Hobbs

President of the Senate
Senator Warren Petersen

Speaker of the House of Representatives
Representative Ben Toma

Legislative Members

Senator Thomas Shope, Co-Chair
Senator Janae Shamp
Senator Sonny Borrelli
Senator Eva Burch
Senator Sally Gonzales
Senator Theresa Hatathlie
Senator Justine Wadsack

Representative Steve Montenegro, Co-Chair
Representative Barbara Parker
Representative Selina Bliss
Representative Patricia Contreras
Representative Matt Gress
Representative Alma Hernandez
Representative Christopher Mathis
Representative Beverly Pingerelli
Representative Amish Shah
Representative Julie Wiloughby

CC: Senate Republican Staff
Senate Democratic Staff
Senate Research Staff
Senate Resource Center
House Republican Staff
House Democratic Staff
House Research Staff
House Chief Clerk

Arizona Pioneers' Home and State Hospital
for Miners with Disabilities
Arizona State Library, Archives and Public Records

ARIZONA PIONEERS' HOME, STATE HOSPITAL FOR MINERS WITH DISABILITIES SUNSET REVIEW

Background

Pursuant to [A.R.S. § 41-2953](#), the Joint Legislative Audit Committee assigned the sunset review of the Arizona Pioneers' Home, State Hospital for Miners with Disabilities (Pioneers' Home) to the Senate Health and Human Services Committee of Reference and House Health and Human Services Committee of Reference.

The Pioneers' Home was established in 1909 by the territorial government of Arizona. In 1999, the Pioneers' Home was designated as the State Hospital for Disabled Miners as a result of the Enabling Act. The mission of the Pioneers' Home is to deliver physical, emotional and spiritual care in a homelike and compassionate environment through the following strategic priorities: 1) providing quality care and resident services that exceed the best practice standards for assisted living facilities; 2) building a culture of highly engaged employees; 3) optimizing communication and marketing to increase awareness, partnerships and admission; 4) increasing efficiency and effectiveness of operations; and 5) ensuring restoration and preservation of the Pioneers' Home ([Arizona Pioneers' Home](#); and [Arizona State Library](#)). Statute requires that the Pioneers' Home be maintained at or near Prescott, Arizona and that it be overseen by a superintendent, appointed by the Governor (A.R.S. §§ [41-921](#) and [41-922](#)).

A person is eligible to be admitted to the Pioneers' Home if they qualify as either a miner or a pioneer. To qualify as a pioneer a person of good character must: 1) be a current citizen or legal resident of the U.S. for at least five years; 2) be a resident of Arizona for at least 50 years; 3) be at least 70 years old; 4) at the time of admission, be capable of moving on their own, in control of their bowel and bladder and able to bathe, clothe and feed themselves without assistance; and 5) at the time of admission, not require care in a hospital, skilled care or intermediate care nursing home.

To qualify as a miner a person must: 1) have been a resident while in the occupation of mining in Arizona; 2) be a citizen or legal resident of the U.S.; and 3) be at least 60 years old, financially unable to support themselves or has suffered incapacitating injuries arising from mining and in the course of mining (A.R.S. §§ [41-923](#) and [41-942](#)).

The Pioneers' Home terminates on July 1, 2024, unless legislation is enacted for its continuation ([A.R.S. § 41-3024.12](#)).

Committee of Reference Sunset Review Procedure

The Joint Legislative Health and Human Services Committee of Reference held a public meeting on Thursday, January 11, 2024, to review the sunset factors, the Pioneers' Home responses to the sunset factors and receive public testimony.

Committee of Reference Recommendations

The Committee of Reference recommended that the Legislature continue the Arizona Pioneers' Home, State Hospital for Miners with Disabilities for eight years until July 1, 2032.

Appendices

- A. Meeting notice
- B. Committee minutes
- C. Committee materials
- D. Chairman's letter requesting Pioneers' Home's response to the agency factors
- E. Pioneers' Home's response to the agency factors pursuant to [A.R.S. § 41-2954](#)

Interim agendas can be obtained via the Internet at <http://www.azleg.gov/Interim-Committees>

ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

SENATE HEALTH AND HUMAN SERVICES COMMITTEE OF REFERENCE AND HOUSE HEALTH & HUMAN SERVICES COMMITTEE OF REFERENCE

Date: Thursday, January 11, 2024

Time: ~~2:00 P.M.~~ 11:30 A.M. or Upon adjournment of the Senate Natural Resources, Energy and Water Committee of Reference and House Government Committee of Reference and House Subcommittee on Budgetary Funding Formulas

Place: HHR 1

Members of the public may access a livestream of the meeting here:

<https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2024011024>

AGENDA

1. Call to Order
2. Roll Call
3. Introduction
4. Sunset Review of the Board of Nursing Care Institution Administrators and Assisted Living Facility Managers
 - a. Presentation by the Board of Nursing Care Institution Administrators and Assisted Living Facility Managers
 - b. Public Testimony
 - c. Discussion and Recommendation
5. Sunset Review of the Arizona State Board of Physical Therapy
 - a. Presentation by the Arizona State Board of Physical Therapy
 - b. Public Testimony
 - c. Discussion and Recommendation
6. Sunset Review of the Arizona Pioneers' Home, State Hospital for Miners with Disabilities
 - a. Presentation by the Arizona Pioneers' Home, State Hospital for Miners with Disabilities
 - b. Public Testimony
 - c. Discussion and Recommendation
7. Sunset Review of the Foster Care Review Board
 - a. Presentation by the Arizona Office of the Auditor General
 - b. Response by the Foster Care Review Board and the Arizona Administrative Office of the Courts.
 - c. Public Testimony
 - d. Discussion and Recommendation

8. Review of the Arizona Adult Protective Services System
 - a. Presentation by the Arizona Office of the Auditor General
 - b. Responses by the Arizona Department of Economic Security, Arizona Department of Health Services and Arizona Health Care Cost Containment System
 - c. Public Testimony
 - d. Discussion
9. Adjourn

Members:

Senator Thomas "T.J." Shope, Co-Chair
 Senator Sonny Borrelli
~~Senator Eva Burch~~
 Senator Sally Ann Gonzales
 Senator Theresa Hatathlie
 Senator Juan Mendez
 Senator Janae Shamp
 Senator Justine Wadsack

Representative Steve Montenegro, Co-Chair
 Representative Selina Bliss
 Representative Patricia Contreras
 Representative Matt Gress
 Representative Gail Griffin
 Representative Alma Hernandez
 Representative Christopher Mathis
 Representative Barbara Parker
~~Representative Beverly Pingerelli~~
 Representative Amish Shah
 Representative Julie Willoughby

01/04/2024
 01/09/2024
 hf

For questions regarding this agenda, please contact Senate Research Department.
 Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602) 926-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.

ARIZONA STATE LEGISLATURE

SENATE HEALTH AND HUMAN SERVICES COMMITTEE OF REFERENCE AND HOUSE HEALTH & HUMAN SERVICES COMMITTEE OF REFERENCE

Minutes of the Meeting
January 11, 2024

11:30 A.M. or Upon adjournment of the Senate Natural Resources, Energy and
Water Committee of Reference and House Government Committee of Reference
and House Subcommittee on Budgetary Funding Formulas, HHR1

Members of the public may access a livestream of the meeting here:

<https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2024011024>

Members Present:

Senator Thomas "T.J." Shope, Co-Chair	Representative Steve Montenegro, Co-Chair
Senator Sally Ann Gonzales	Representative Selina Bliss
Senator Juan Mendez	Representative Patricia Contreras
Senator Janae Shamp	Representative Matt Gress
Senator Justine Wadsack	Representative Gail Griffin
	Representative Alma Hernandez*
	Representative Christopher Mathis
	Representative Barbara Parker
	Representative Julie Willoughby

Members Excused:

Senator Sonny Borrelli	Representative Amish Shah*
Senator Theresa Hatathlie	

The Speaker approved the following temporary appointments:

*Representative Lupe Contreras replaced Representative Amish Shah at 4:27 p.m.

*Representative Consuelo Hernandez replaced Representative Alma Hernandez at 4:27 p.m.

Staff:

Michael Madden, Senate Health and Human Services Research Analyst
Kaytie Sherman, Senate Health and Human Services Assistant Research Analyst
Dhaky Mullangi, Senate Health and Human Services Research Intern
Ahjahna Graham, House Health and Human Services Research Analyst
Montserrat Torres, House Health and Human Services Assistant Research Analyst
Kayla Thackeray, House Health and Human Services Research Intern

Co-Chair Shope called the meeting to order at 2:40 p.m. and attendance was noted.

INTRODUCTION

Senator Shope offered opening comments.

SUNSET REVIEW OF THE FOSTER CARE REVIEW BOARD

Presentation by the Arizona Office of the Auditor General

Jeff Gove, Office of the Auditor General, distributed and explained a PowerPoint presentation entitled "Arizona Foster Care Review Board, Performance Audit and Sunset Review" (Attachment A).

Response by the Foster Care Review Board and the Arizona Administrative Office of the Courts

Caroline Lutt-Owens, Director, Dependent Children Services Division, Administrative Office of the Courts, gave an overview of the Foster Care Review Board (FCRB), distributed and explained a PowerPoint presentation entitled "Foster Care Review Board, Advocating for Arizona's Most Vulnerable Citizens" (Attachment B).

Ms. Lutt-Owens answered questions posed by the Committee.

Public Testimony

Anna Young, Judge, Yavapai County Superior Court, gave an overview of the court process, the use of the Foster Care Review Board (FCRB) reports and answered questions posed by the Committee.

Kris Jacober, representing self, testified in support of continuation of the FCRB and answered questions posed by the Committee.

Kari Hancock Handley, representing self, testified in opposition to the continuation of the FCRB and answered questions posed by the Committee.

Peter Bartolini, representing self, testified in opposition to the continuation of the FCRB.

Arlene Willes, representing self, testified in opposition to the continuation of the FCRB and submitted a copy of her testimony (Attachment C).

Anika Robinson, representing self, testified in opposition to the continuation of the FCRB.

Bruce Brannan, representing self, testified in support of continuation of the FCRB and answered questions posed by the Committee.

Crystal Nuttle, representing self, testified on the foster care system and submitted a copy off her testimony (Attachment D).

Dan Crane, representing self, testified in support of continuation of the FCRB.

Kristy Dupree, representing self, testified in support of continuation of the FCRB.

Linda Bohling, representing self, testified in support of continuation of the FCRB.

Mr. Crane answered questions posed by the Committee.

Judge Young answered additional questions posed by the Committee.

Discussion and Recommendation

Representative Montenegro displayed on the screen and read Recommendation 2 for the Foster Care Review Board Sunset Review (Attachment E).

Lindsey Perry, Auditor General, answered questions posed by the Committee.

Representative Montenegro offered comments.

Representative Montenegro moved that the Senate Health and Human Services Committee of Reference and House Health and Human Services Committee of Reference approve the recommendations for the Arizona Foster Care Review Board (Attachment E) as presented on January 11, 2024 at 4:14 p.m.

Representative Parker offered a substitute motion that the Arizona Foster Care Review Board be terminated and all authority, duties, responsibilities and funding be transferred to the Casa of Arizona Office to further the purpose of the court appointed special advocate program. The motion FAILED with a roll call vote of 2-12-3-0 (Attachment 1).

Representative Montenegro's original motion CARRIED with a roll call vote of 13-1-3-0 (Attachment 2).

Representative Parker explained her vote.

RECESS

At 4:20 p.m. the Co-Chair Shope recessed the meeting to the sound of the gavel.

RECONVENE

At 4:27 p.m. the Co-Chair Shope called the meeting to order.

Representative Lupe Contreras replaced Representative Amish Shah.
Representative Consuelo Hernandez replaced Representative Alma Hernandez.

Daniel Butters, representing self, testified in support of continuation of the FCRB.

Morgan Butters representing self, testified in support of continuation of the FCRB.

The Committee offered comments.

SUNSET REVIEW OF THE BOARD OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS

Presentation by the Board of Nursing Care Institution Administrators and Assisted Living Facility Managers

Jack Confer, Executive Director, Nursing Care Board, gave an overview of the Board, distributed and explained a PowerPoint presentation entitled "Joint Health and Human Services Committee" (Attachment F) and answered questions posed by the Committee.

Public Testimony

Marie Isaacson, Arizona Leading Age, testified in support of the continuation of the Board of Nursing Care Institution Administrators (NCIA) and Assisted Living Facility Managers.

Karen Barno, Arizona Assisted Living Federation of America, testified in support of the continuation of the Board of Nursing Care Institution Administrators and Assisted Living Facility Managers.

Becky Hill, Family Representative, NCIA Board, testified in support of the continuation of the Board of Nursing Care Institution Administrators and Assisted Living Facility Managers.

Senator Gonzales submitted a letter from Maria Gomez Murphy (Attachment G).

Discussion and Recommendation

Representative Montenegro moved that the Senate Health and Human Services Committee of Reference and House Health and Human Services Committee of Reference recommends that the Board of Nursing Care Institution Administrators and Assisted Living Facility Managers be continued for 8 years until July 1, 2032. The motion CARRIED with a roll call vote 13-0-4-0 (Attachment 3).

Senator Shamp and Representative Griffin explained their vote.

SUNSET REVIEW OF THE ARIZONA STATE BOARD OF PHYSICAL THERAPY

Presentation by the Arizona State Board of Physical Therapy

Judy Chepeus, Executive Director, Arizona State Board of Physical Therapy, distributed and explained a PowerPoint presentation entitled "Senate Health and Human Services Committee of Reference and House Health and Human Services Committee of Reference" (Attachment H) and answered questions posed by the Committee.

Public Testimony

Tom Dorn, Arizona Physical Therapy Association, testified in support of the continuation of the Arizona State Board of Physical Therapy.

Discussion and Recommendation

Representative Montenegro moved that the Senate Health and Human Services Committee of Reference and House Health and Human Services Committee of Reference recommends that the Arizona State Board of Physical Therapy be continued for 8 years until July 1, 2032. The motion CARRIED with a roll call vote 13-0-4-0 (Attachment 4).

SUNSET REVIEW OF THE ARIZONA PIONEERS' HOME, STATE HOSPITAL FOR MINERS WITH DISABILITIES

Presentation by the Arizona Pioneers' Home, State Hospital for Miners with Disabilities

Jessica Sullivan, Superintendent, State of Arizona Pioneers' Home, distributed and explained a packet of information entitled "Arizona Pioneers' Home, State of Arizona" (Attachment I).

Public Testimony

No public testimony took place.

Discussion and Recommendation

Representative Montenegro moved that the Senate Health and Human Services Committee of Reference and House Health and Human Services Committee of Reference recommends that the Arizona Pioneers' Home, State Hospital for Miners with Disabilities be continued for 8 years until July 1, 2032. The motion CARRIED with a roll call vote 13-0-4-0 (Attachment 5).

Representatives Bliss and Griffin explained their vote.

REVIEW OF THE ARIZONA ADULT PROTECTIVE SERVICES SYSTEM

Presentation by the Arizona Office of the Auditor General

Lindsey Perry, Auditor General, provided background information on the audit requirements of the Arizona Adult Protective Services System.

Senator Shope offered comments.

Michel Lahti, LeCroy & Milligan, distributed and explained a PowerPoint presentation entitled "Senate and House Health and Human Services Committees of Reference: Examining the Delivery of Services to Vulnerable Adults in the Arizona Adult Protective Services System" (Attachment J).

Representative Gress offered comments.

Responses by the Arizona Department of Economic Security, Arizona Department of Health Services and Arizona Health Care Cost Containment System

Molly McCarthy, Assistant Director, Aging and Adult Services, Arizona Department of Economic Security, distributed and explained a PowerPoint presentation entitled "Response - Adult Protective Services System Audit" (Attachment K) and answered questions posed by the Committee.

Jekenna Lebsock, Assistant Director, Division of Health Care Services, Arizona Health Care Cost Containment System, responded to the Auditor General's report.

Tom Salow, Assistant Director, Arizona Department of Health Services, responded to the Auditor General's Report and answered questions posed by the Committee.

Public Testimony

No public testimony took place.

Discussion

No discussion took place.

Attached are forms noting the individual who submitted a Speaker slip on the agenda items (Attachment L).

Attached is a list noting the individuals who registered their position on the agenda items (Attachment M).

There being no further business, the meeting was adjourned at 6:46 p.m.

Respectfully submitted,

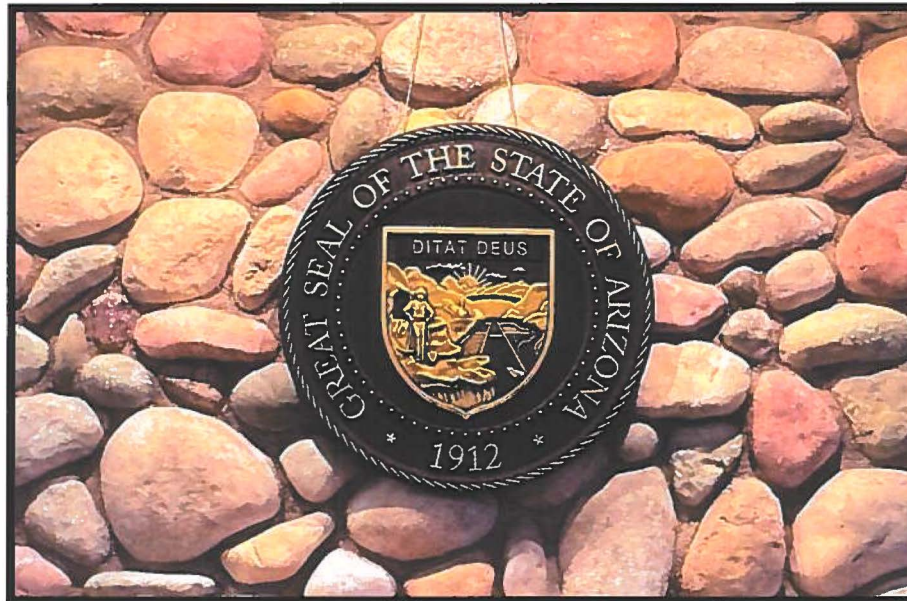
Tracey Gardner
Committee Secretary

(Audio recordings and attachments are on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azleg.gov>)

Historical Timeline

of the

Arizona Pioneers' Home



300 S. McCormick St. Prescott, AZ 86303

Main: (928) 445-2181 Fax: (928) 778-1148

Arizona Pioneers' Home

ESTABLISHED 1911

1907

Authorization for the Home had been approved by the Legislature in 1907, but funding was not available and it was reintroduced on January 27, 1909 by George Morris of Yavapai County.

1909

The bill passed and was signed by Governor Joseph H. Kibbey on March 11, 1909. Governor Kibbey named A.J. Doran as the first Superintendent of the Home.

1910

Frank M. Murphy donated the four-and-one-half acre parcel of land to the Arizona Territory for the purpose of providing a site for "an institution to be known as the Home for the Aged and Infirm Pioneers."

1911

The first residents arrived! There were accommodations for 40 male "guests"

1911

The Arizona Pioneers' Home Cemetery was established in 1911, through donations of land from the Simmons family, and Dr. W. E. Day. It was built upon an older private cemetery, the Simmons family section, which was established in 1864.

1916

Upon W.C. Parsons death (an Arizona Miner), he left a trust fund to the Home. This trust resulted in the addition of a women's wing. The Women's Annex was completed which provided rooms for twenty women.

1926

The Parsons trust fund also provided the means for the addition of a hospital, the dining room and the kitchen additions. They were completed in 1926.

Arizona Pioneers' Home

ESTABLISHED 1911

1929

A special appropriation from the State Legislature was matched to an endowment from the Parsons trust for the West Wing and Miners' Hospital. This added 50 rooms and 100 beds.

1947

A Life Magazine article about the Arizona Pioneers' Home was published on November 3, 1947.

1995

The Arizona Pioneers' Home is added to the National Register of Historic Places.

1999

In 1999, the U.S. Congress granted the legislative request and amended the Enabling Act by adding language to Section 28 to allow, "amounts in the Miners' Hospital Endowment Fund to be used for the benefit of the Arizona Pioneers' Home."

2011

The Arizona Pioneers' Home celebrated its 100th anniversary!

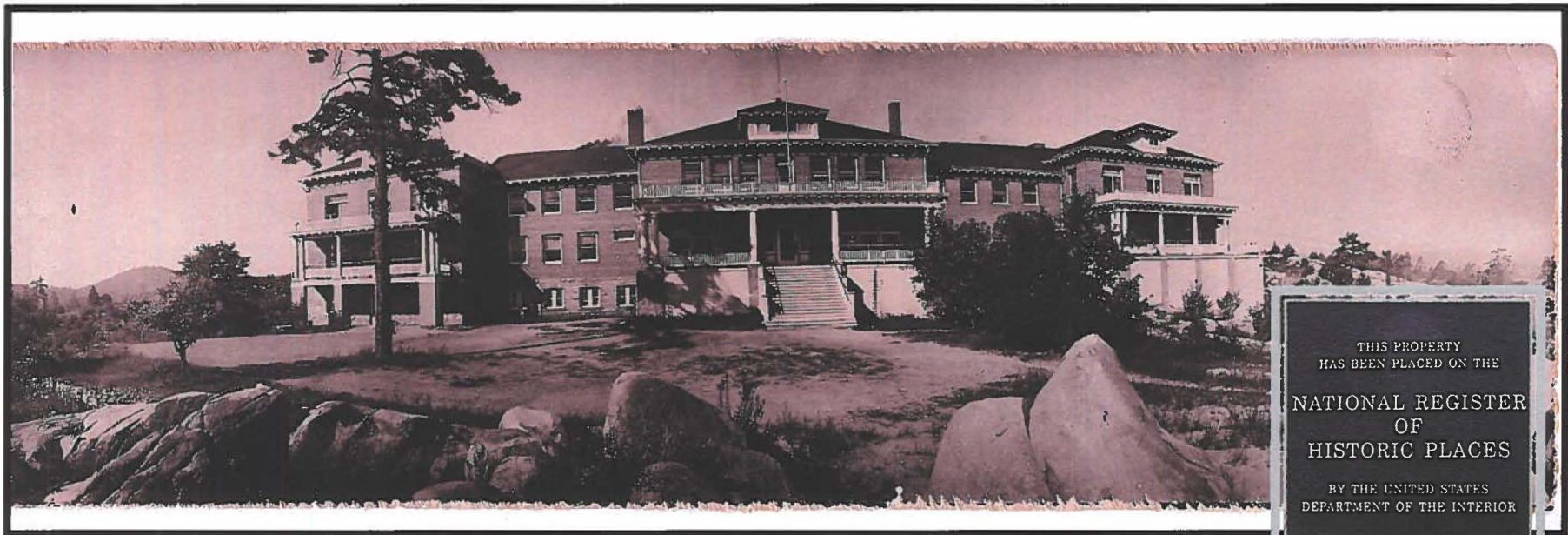
2013

A memorial to the Granite Mountain Hotshots is added to the Arizona Pioneers' Home Cemetery.

2019

Laws 2019, Chapter 190 eliminates a previous exemption and provides that the Pioneers' Home is subject to licensure, supervision, regulation and control by ADHS. The Home is now a licensed assisted living facility.

Arizona Pioneers' Home



Photographer: unknown
Circa 1918
Sharlot Hall Museum and Archives

THIS PROPERTY
HAS BEEN PLACED ON THE
NATIONAL REGISTER
OF
HISTORIC PLACES

BY THE UNITED STATES
DEPARTMENT OF THE INTERIOR

ARIZONA PIONEERS'
HOME

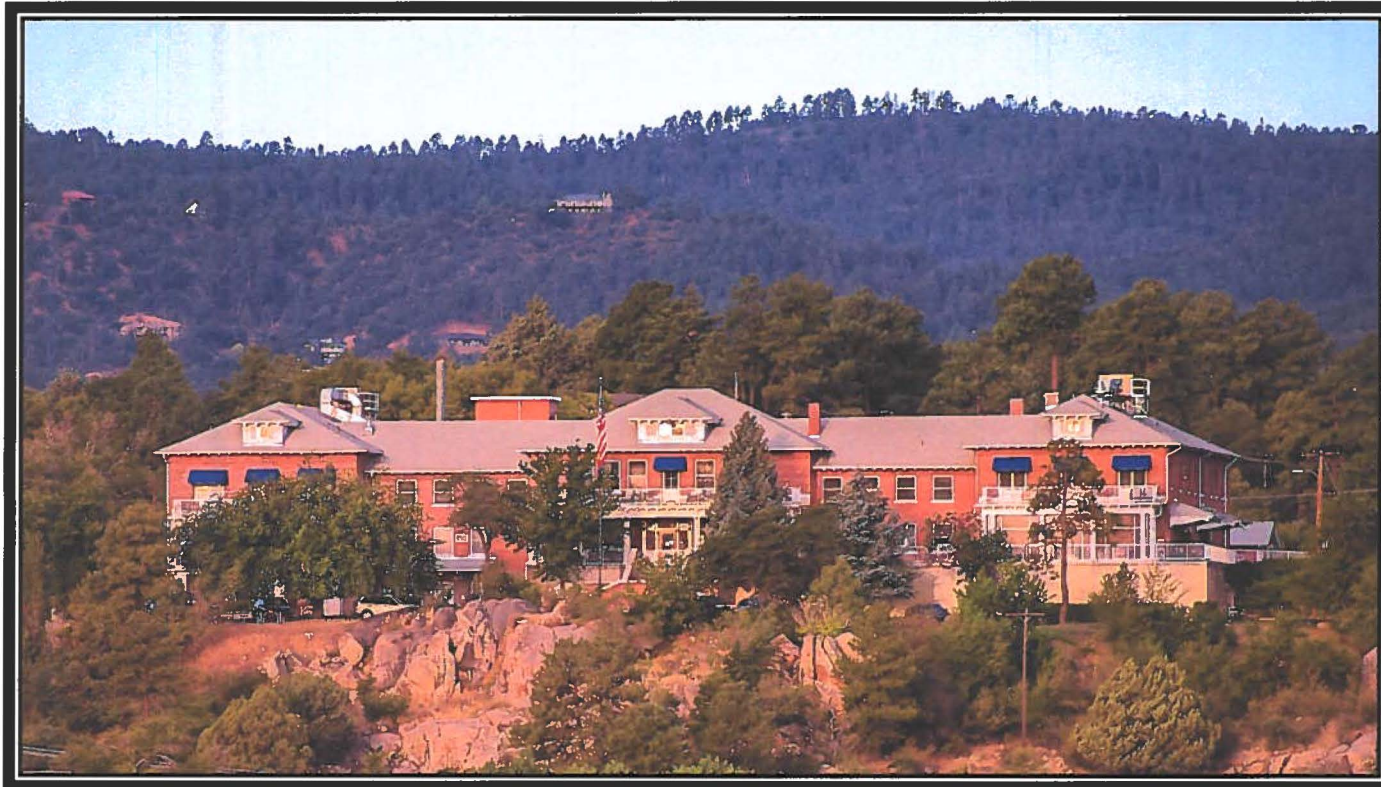
1995

Arizona Pioneers' Home



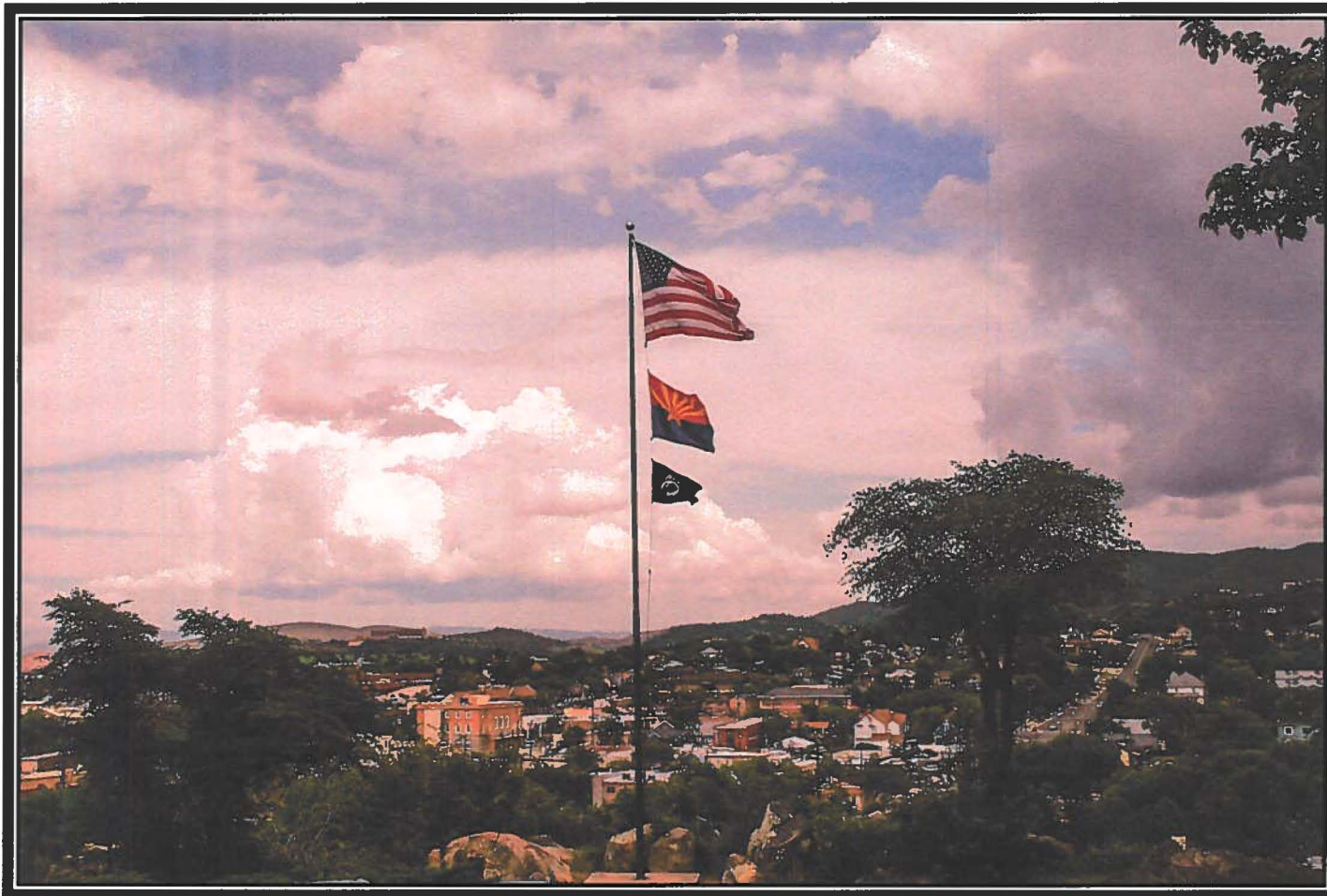
Photographer: unknown
Circa 1930
Sharlot Hall Museum and Archives

Arizona Pioneers' Home



Photographer: Jeanette Means
August 2023
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Arizona Pioneers' Home



Photographer: Jeanette Means
August 2023
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Who Can Live at the Arizona Pioneers' Home?

PIONEER

A.R.S. 41-923. Admission to home; qualifications required; payment of costs; neglect or refusal to reimburse state

A. A person of good character is eligible to be admitted to the Arizona pioneers' home who:

1. Is and has been for a period of five years prior to his application for admission a citizen or legal resident of the United States.
2. Has been a resident of this state for not less than fifty years.
3. Has reached the age of seventy or more years.
4. At the time of admission, is ambulatory, has proper bowel and bladder control and is able to bathe, clothe and feed himself without assistance.
5. At the time of admission, does not require care in a hospital or in a skilled care or intermediate care nursing home.

B. An applicant for admission to the home shall submit to the superintendent a verified financial statement showing all assets and income, a social and health history and the results of a current medical examination on forms furnished or approved by the superintendent.

C. The superintendent may admit a person to the home when a full examination and investigation reveal that the person possesses the qualifications prescribed by this section.

MINER

41-942. Qualifications for admission to hospital; definitions

A. A person, under the order of the governor, shall be admitted to the hospital for miners with disabilities who:

1. Has been a resident while in the occupation of mining in this state.
2. Is a citizen or legal resident of the United States.
3. Has reached the age of sixty years or more, and is financially unable to support himself, or has suffered incapacitating injuries arising from and in the course of mining.

B. Based on available space and funding, the governor may approve a person for admission to the hospital for miners with disabilities who has not yet reached the age of sixty years but otherwise qualifies for admission under subsection A.

[106th Congress Public Law 133]
[From the U.S. Government Printing Office]

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[DOCID: f:publ133.106]

[[Page 113 STAT. 1682]]

Public Law 106-133
106th Congress

An Act

To protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds. <<NOTE: Dec. 7, 1999 - [H.R. 747]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, <<NOTE: Arizona Statehood and Enabling Act Amendments of 1999.>>

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Arizona Statehood and Enabling Act Amendments of 1999''.

SEC. 2. PROTECTION OF TRUST FUNDS OF STATE OF ARIZONA.

(a) In General.--Section 28 of the Act of June 20, 1910 (36 Stat. 574; chapter 310), is amended in the first paragraph by adding at the end the following: ``The trust funds (including all interest, dividends, other income, and appreciation in the market value of assets of the funds) shall be prudently invested on a total rate of return basis. Distributions from the trust funds shall be made as provided in Article 10, Section 7 of the Constitution of the State of Arizona.''.

(b) Conforming Amendments.--

(1) Section 25 of the Act of June 20, 1910 (36 Stat. 573; chapter 310), is amended in the proviso of the second paragraph by striking ``the income therefrom only to be used'' and inserting ``distributions from which shall be made in accordance with the first paragraph of section 28 and shall be used''.

(2) Section 27 of the Act of June 20, 1910 (36 Stat. 574; chapter 310), is amended by striking ``the interest of which only shall be expended'' and inserting ``distributions from which shall be made in accordance with the first paragraph of section 28 and shall be expended''.

SEC. 3. USE OF MINERS' HOSPITAL ENDOWMENT FUND FOR ARIZONA PIONEERS' HOME.

(a) In General.--Section 28 of the Act of June 20, 1910 (36 Stat.

574; chapter 310), is amended in the second paragraph by inserting before the period at the end the following: `` , except that amounts in the Miners' Hospital Endowment Fund may be used for the benefit of the Arizona Pioneers' Home''.

(b) Effective Date.--The amendment made by subsection (a) shall be deemed to have taken effect on June 20, 1910.

SEC. 4. CONSENT OF CONGRESS TO AMENDMENTS TO CONSTITUTION OF STATE OF ARIZONA.

Congress consents to the amendments to the Constitution of the State of Arizona proposed by Senate Concurrent Resolution

[[Page 113 STAT. 1683]]

1007 of the 43rd Legislature of the State of Arizona, Second Regular Session, 1998, entitled ``Senate Concurrent Resolution requesting the Secretary of State to return Senate Concurrent Resolution 1018, Forty-Third Legislature, First Regular Session, to the Legislature and submit the Proposition contained in Sections 3, 4, and 5 of this Resolution of the proposed amendments to Article IX, Section 7, Article X, Section 7, and Article XI, Section 8, Constitution of Arizona, to the voters; relating to investment of State monies'', approved by the voters of the State of Arizona on November 3, 1998.

Approved December 7, 1999.

LEGISLATIVE HISTORY--H.R. 747:

HOUSE REPORTS: No. 106-140 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Aug. 2, considered and passed House.

Nov. 19, considered and passed Senate.

ARTICLE X. STATE AND SCHOOL LANDS

1. Acceptance and holding of lands by state in trust

Section 1. All lands expressly transferred and confirmed to the state by the provisions of the Enabling Act approved June 20, 1910, including all lands granted to the state and all lands heretofore granted to the Territory of Arizona, and all lands otherwise acquired by the state, shall be by the state accepted and held in trust to be disposed of in whole or in part, only in manner as in the said Enabling Act and in this Constitution provided, and for the several objects specified in the respective granting and confirmatory provisions. The natural products and money proceeds of any of said lands shall be subject to the same trusts as the lands producing the same.

2. Unauthorized disposition of land or proceeds as breach of trust

Section 2. Disposition of any of said lands, or of any money or thing of value directly or indirectly derived therefrom, for any object other than that for which such particular lands (or the lands from which such money or thing of value shall have been derived) were granted or confirmed, or in any manner contrary to the provisions of the said Enabling Act, shall be deemed a breach of trust.

3. Mortgage or other encumbrance; sale or lease at public auction

Section 3. No mortgage or other encumbrance of the said lands, or any part thereof, shall be valid in favor of any person or for any purpose or under any circumstances whatsoever. Said lands shall not be sold or leased, in whole or in part, except to the highest and best bidder at a public auction to be held at the county seat of the county wherein the lands to be affected, or the major portion thereof, shall lie, notice of which public auction shall first have been duly given by advertisement, which shall set forth the nature, time and place of the transaction to be had, with a full description of the lands to be offered, and be published once each week for not less than ten successive weeks in a newspaper of general circulation published regularly at the state capital, and in that newspaper of like circulation which shall then be regularly published nearest to the location of the lands so offered; nor shall any sale or contract for the sale of any timber or other natural product of such lands be made, save at the place, in the manner, and after the notice by publication provided for sales and leases of the lands themselves. Nothing herein, or elsewhere in article X contained, shall prevent:

1. The leasing of any of the lands referred to in this article in such manner as the legislature may prescribe, for grazing, agricultural, commercial and homesite purposes, for a term of ten years or less, without advertisement;
2. The leasing of any of said lands, in such manner as the legislature may prescribe, whether or not also leased for grazing and agricultural purposes, for mineral purposes, other than for the exploration, development, and production of oil, gas and other hydrocarbon substances, for a term of twenty years or less, without advertisement, or,
3. The leasing of any of said lands, whether or not also leased for other purposes, for the exploration, development, and production of oil, gas and other hydrocarbon substances on, in or under said lands for an initial term of twenty (20) years or less and as long thereafter as oil, gas or other hydrocarbon substance may be procured therefrom in paying quantities, the leases to be made in any manner, with or without advertisement,

bidding, or appraisal, and under such terms and provisions, as the legislature may prescribe, the terms and provisions to include a reservation of a royalty to the state of not less than twelve and one-half per cent of production.

4. Sale or other disposal; appraisal; minimum price; credit; passing of title

Section 4. All lands, lease-holds, timber, and other products of land, before being offered, shall be appraised at their true value, and no sale or other disposal thereof shall be made for a consideration less than the value so ascertained, nor in any case less than the minimum price hereinafter fixed, nor upon credit unless accompanied by ample security, and the legal title shall not be deemed to have passed until the consideration shall have been paid.

5. Minimum price; relinquishment of lands to United States

Section 5. No lands shall be sold for less than three dollars per acre, and no lands which are or shall be susceptible of irrigation under any projects now or hereafter completed or adopted by the United States under legislation for the reclamation of lands, or under any other project for the reclamation of lands, shall be sold at less than twenty-five dollars per acre; Provided, that the state, at the request of the secretary of the interior, shall from time to time relinquish such of its lands to the United States as at any time are needed for irrigation works in connection with any such government project, and other lands in lieu thereof shall be selected from lands of the character named and in the manner prescribed in section twenty-four of the said Enabling Act.

6. Lands reserved by United States for development of water power

Section 6. No lands reserved and excepted of the lands granted to this state by the United States, actually or prospectively valuable for the development of water powers or power for hydro-electric use or transmission, which shall be ascertained and designated by the secretary of the interior within five years after the proclamation of the president declaring the admission of the state, shall be subject to any disposition whatsoever by the state or by any officer of the state, and any conveyance or transfer of such lands made within said five years shall be null and void.

7. Establishment of permanent funds; segregation, investment and distribution of monies

Section 7. A. A separate permanent fund shall be established for each of the several objects for which the said grants are made and confirmed by the enabling act to the state, and whenever any monies shall be in any manner derived from any of said lands, the same shall be deposited by the state treasurer in the permanent fund corresponding to the grant under which the particular land producing such monies was, by the enabling act, conveyed or confirmed.

B. No monies shall ever be taken from one permanent fund for deposit in any other, or for any object other than that for which the land producing the same was granted or confirmed.

C. All such monies shall be invested in safe interest-bearing securities and prudent equity securities consistent with the requirements of this section.

37-525. Other land funds; composition; use

A. After any appropriation pursuant to section 37-527, the legislative, executive and judicial public buildings land fund, the penitentiary land fund, the Arizona state hospital land fund, the state charitable, penal and reformatory institutions land fund, the schools and asylum for the deaf, dumb and blind land fund, the miners' hospital for miners with disabilities land fund and the military institutes land fund shall separately consist of:

1. The proceeds of all lands granted to this state by the United States for the respective purposes named.
2. All property donated by individuals for like purposes, unless the terms of the donation otherwise provide.
3. The sale of timber, mineral, gravel or other natural products or property from lands granted or donated for such purposes.

B. The funds shall be and remain perpetual funds for the benefit and support of institutions corresponding to the purposes for which the funds are established, except as otherwise provided in the enabling act and section 37-295 and distributions from the funds pursuant to article X, section 7, Constitution of Arizona together with the monies derived from the rental of the lands and property shall be used. Monies in the state charitable, penal and reformatory institutions land fund are subject to legislative appropriation.

Sam W. Downing, M.D.

January 1, 2024

Greetings!

My Name is Sam Downing, MD, and it is my honor to write this letter of recommendation on behalf of the Arizona Pioneers' Home, located in Prescott, AZ. I have been a resident of Arizona since 1985 and in Prescott since 1988. It has been a pleasure and privilege to serve as Medical Director and Attending Physician at the Pioneers' Home since 2013.

For the last 10 years I have provided medical care and oversight for many of the residents at The Arizona Pioneers' Home. Along with other medical care providers, we provide 24 hour coverage for any medical needs that might arise in the facility. This includes 2 weekly onsite clinic experiences available to any resident desiring our medical services. Our goal is to provide comprehensive, high quality, convenient medical care for any resident that requests an evaluation or has a question. I also provide medical oversight for clinical decisions made at the facility regarding infection control, fall prevention, staff policies and procedures and other medically related issues that might arise.

I am compelled to advocate strongly to our Arizona Legislators for your continued support of such a valuable institution in our state that provides an incredibly valuable service to many worthy Arizonans. The history of the Arizona Pioneers' Home is truly amazing by itself, but I am perpetually impressed by the quality of staff and dedication to service demonstrated by those people working at the Arizona Pioneers' Home. They provide a safe, loving and compassionate environment for qualified Arizonans to live out their days worry-free as well as providing the best care for seniors in Arizona. I often recommend the Arizona Pioneers' Home to patients I see who are looking for such an experience. I also ask current residents during an annual assessment how they like living at the Arizona Pioneers' Home and I have never had a negative response. The overall satisfaction and appreciation for the Arizona Pioneers' Home is stunning.

Please continue to support The Arizona Pioneers' Home in its' unique mission to provide outstanding care to members of our Arizona family. We are so very fortunate to have such a facility in our state, and I am very grateful to the medical and administrative staff that strive for "Best Practices" of care for the senior population they serve.

Thank you for your serious consideration and please contact me directly with any specific questions or concerns.

Sincerely,


Sam W. Downing, MD

Medical Director/Attending Physician, Arizona Pioneer Home, Prescott, Arizona.

January 7 2024

To Whom It May Concern:

My name is Lark Goodman Cyr. I have been an Arizona resident for 60 years. I was hired by the Arizona Pioneers' Home in June 1997 as a Recreation Therapist for the Activities Dept. After 4 years I advanced to a supervisory position as the Activities Director. I stayed in that position until July 2020. I was a valued employee for 23 years.

The purpose of this letter is to testify for the critically important issue of the continuity of keeping the Arizona Pioneers' Home open for business.

Throughout my childhood living in Prescott, where the Pioneers' Home was established, I had the opportunity to frequent the place through Church service, charity work, school music performances and family acquaintances. Having the chance to serve the disabled or elderly at a young age taught me so many lessons early in life and created an appreciation for that unique population. My family heritage has roots in Arizona and particularly in Prescott. The Tenney family arrived in the early 1920's in the Prescott area to engage in the business of Angora goat ranching. My Uncle Boyd Tenney was a Senator in the Arizona State Legislature for 20 years. He wrote bills to benefit the Pioneers' Home during his tenure. His sister, who is my mother, (Opal Tenney Goodman Allen), acquired the moniker, "The Mother of Yavapai College." She is credited for starting the college in the mid 1960's. She and Boyd were residents at the Pioneers' Home for the last few years of their lives. They both past away at the Pioneers' Home. Our family is incredibly appreciative of the good care they received at the end of their lives.

My desire to testify comes from participating in a few Sunset Audits in the past and witnessing the **ANGST** that all those who are connected to the Pioneers' Home, go through. Such as:

1. **The elderly residents, who are the occupants of APH (Az.**

Pioneers' Home) who have planned and sacrificed much to qualify for admission. They expect to live out their lives in a facility that provides quality of care for the rest of their lives. Many of these folks have already lived there for 1-2 decades and simply can't imagine having to be forced out and relocated because the State changed the status of their home. There have been and are several residents who are the 2nd and 3rd generation in the same family line who's grandparent, then adult child and adult grandchild chose to make APH their permanent home-out of tradition and need.

2. **Employees**, losing their jobs is a huge concern. APH has been a wonderful place to work and has provided hundreds of employees throughout a century, careers in a variety of fields. Assisting to the needs of retired and aging seniors with differing needs, at all levels of care, is very personally rewarding!
3. **Community**- APH is one of the foremost historical buildings not only in the city of Prescott and Yavapai county but in the State of Arizona. Since 1911 it has prominently stood on a pinnacle in Prescott as a beacon to house the infirmed for those Arizona pioneers, cowboys, ranchers, miners and all else who contributed to Arizona's economy and growth early on, for Statehood. The majestic building is an icon for remembering a bygone-era. The residents of Prescott honor it's place in history and especially admire the State government for it's philosophy and principles of care and keeping of their aged citizens.

Our hope and plea to the Committee is to support continuing the establishment of the Arizona Pioneers' Home which is a gift to all Arizona residents!

I express my gratitude to the Committee for your diligence in working out matters of State government for the best of all concerned!

Sincerely,
Lark Cyr

January 8, 2024

To whom it may concern:

My name is Linda Byler. I write this letter remembering one of the most memorable and gratifying career experiences I had in my 50 years in nursing. My experience included community and home health, hospice, rehab case management and long term care. Most of those jobs were in leadership positions. I served the AZ Pioneers' Home as a staff nurse and as the Director of Nursing.

First of all, I personally experienced great satisfaction developing relations with the residents. Their rich stories of experiences in AZ in previous years including many varieties of lifestyles in rural and urban settings, multiple occupations, varying family dynamics and the struggles faced in maintaining as much independence as possible, enriched my life.

Practicing nursing in this setting was the most meaningful of any job I've had. There were available solutions to address physical and medical needs of residents. I felt empowered to make a difference.

The medical care available to residents was simple and straightforward. Issues would be identified either by the resident or nurse, communicated to the Dr who addressed and ordered the care needed and then nurses would follow through. There were no tedious and complicated 'hoops' to jump through in order to get the needed care.

The most remarkable part of my experience compared with other settings was the financial impact of the efficiency noted in the provision of personal, nursing and medical care. Care was simple and efficient with a focus on the needs of residents. The model of the Pioneers' Home is one that could decrease and eliminate unnecessary steps and costs seen in many other health care settings.

For these reasons I highly recommend the continuation of care that is provided at the AZ Pioneers' Home. It would be a great loss to the state of AZ to discontinue care that is provided there.

Thank you for considering my thoughts and recommendation.

Linda Byler, retired RN

My name is Mary Pisel Blecha. I am a third generation Arizona native. My mom, Mary Marley Pisel, lived at the Pioneers' Home in Prescott for 14 years and passed away just 44 days short of her 100th birthday. I attribute her healthy last years to the care she received at the Home. I am hoping that this same care will be available for other Arizona pioneers for years to come.

My mom was born in Flagstaff, Arizona and was raised in Winslow where she graduated from Winslow High School. Her grandparents on her mother's side came to Arizona before 1886 and settled in the Flagstaff area. Her grandparents on her paternal side drove 2000 head of cattle from Van Horn, Texas to Winslow in 1904. Mother married my dad, Lee Pisel in 1946 and they opened Daze Transfer and Storage. Later they became Mayflower agents. My dad passed away in 1963 and my mom ran the businesses with the help of her older children. At one point she wanted to expand Daze Mayflower and used Sam Steiger to help her obtain interstate permits. Mr. Steiger convinced the state to approve these permits by informing them that Arizona would be the first state to grant permits of this kind to a woman business owner. She was a true Pioneer.

My mother loved the Pioneers' Home because it was not set up like other retirement homes. She felt that the residents and the staff were her family. The residents, also being Arizona natives, spent time reminiscing and sharing their life stories with one another. This brought them closer together. The staff always had time to listen and as you age, this is important for your mental health.

When Covid hit our state, the Pioneers' Home shut their doors to outside visitors before the governor required it. I believe this saved a lot of precious lives. And, they had a plan in place so family could visit often without putting residents at risk. I appreciate this more than you will ever know. My mom had COPD and heart failure. It was very stressful for her during Covid, but the staff made sure she still felt loved and cared for. It was hard on our family also as we were use to visiting often and taking her out to lunch. But, knowing the care she was receiving and that Mother knew she was loved by staff helped us get through a very rough time. Mother passed away just a few days before the Covid vaccinations were approved for use.

I am aware that Arizona is the only state that cares for its native pioneers by providing state funding. People are living longer and finding really good affordable care, at least from what I have witnessed, is getting harder to find. I am hopeful that the State of Arizona will continue to value these pioneers and help them to have a quality end of life experience.

Thank you very much for your consideration of renewing the Pioneers' Home for another 8 years.

Mary Pisel Blecha

[REDACTED]
[REDACTED]
[REDACTED]

January 2, 2024

To all Councilmembers connected to The Arizona Pioneers' Home, My name is William Thimsen & I want to testify about continuation of this state run facility.

My father, Vernon Thimsen spent the last 16 years of his life at that facility. My mother had recently passed away & he didn't want to live alone. I offered to move him in with our family in Glendale, but he wanted to stay in Prescott. He reminded me that he used to work there as a night watchman & that he thought highly of the way they treated the people.

I feel I need to testify because the Pioneers' Home is truly a memorial for the entire state of Arizona. You are all familiar with its rich history and how the tradition is still carried out with loving care for the elderly.

Middle class elderly have very few options for quality healthcare in their waning years. The Arizona Pioneers' Home is a superior selection for those who qualify.

I want to thank all of you who need to make a decision on the continuation of this wonderful facility. I know & love some of the workers who are still there.

William Thimsen



Arizona State Legislature

1700 West Washington

Phoenix, Arizona 85007

June 23, 2023

Superintendent Jessica Sullivan
Arizona Pioneers' Home/State Hospital for Miners with Disabilities
300 S. McCormick St.
Prescott, AZ, 86303

Dear Superintendent Jessica Sullivan:

The sunset review process prescribed in Title 41, Chapter 27, Arizona Revised Statutes, provides a system for the Legislature to evaluate the need to continue the existence of state agencies. During the sunset review process, an agency is reviewed by legislative committees of reference (CORs). On completion of the sunset review, the CORs recommend to continue, revise, consolidate or terminate the agency.

The Joint Legislative Audit Committee has assigned the sunset review of the Arizona Pioneers' Home/State Hospital for Miners with Disabilities to the CORs comprised of members of the Senate Health and Human Services Committee and the House of Representatives Health and Human Services Committee.

Pursuant to A.R.S. § 41-2954, the COR is required to consider certain sunset factors in deciding whether to recommend continuance, modification or termination of an agency. Please provide your agency's response to the factors listed below:

1. The key statutory objectives and purposes in establishing the agency.
2. The agency's effectiveness and efficiency in fulfilling its key statutory objectives and purposes.
3. The extent to which the agency's key statutory objectives and purposes duplicate the objectives and purposes of other governmental agencies or private enterprises.
4. The extent to which rules adopted by the agency are consistent with the legislative mandate.
5. The extent to which the agency has provided appropriate public access to records, meetings and rulemakings, including soliciting public input in making rules and decisions.
6. The extent to which the agency timely investigated and resolved complaints that are within its jurisdiction.
7. The extent to which the level of regulation exercised by the agency is appropriate as compared to other states or best practices, or both.
8. The extent to which the agency has established safeguards against possible conflicts of interest.
9. The extent to which changes are necessary for the agency to more efficiently and effectively fulfill its key statutory objectives and purposes or to eliminate statutory responsibilities that are no longer necessary.
10. The extent to which the termination of the agency would significantly affect the public health, safety or welfare.

Additionally, please provide written responses to the following:

1. The extent to which the agency potentially creates unexpected negative consequences that may require additional review by the COR, including increasing the price of goods, affecting the availability of services, limiting the abilities of individuals and businesses to operate efficiently and increasing the cost of government.
2. The extent to which the agency has addressed deficiencies in its enabling statutes.
3. The extent to which the agency has determined whether the Attorney General or any other agency in Arizona has the authority to prosecute or initiate actions.
4. The consequences of eliminating the agency or consolidating it with another agency.

Additionally, statute requires the COR to consider certain factors for each agency that administers an *occupational regulation*, which is defined as: 1) a statute, rule, practice, policy or other state law that allows an individual to use an occupational title or work in a lawful occupation; and 2) a government registration, government certification and occupational or professional license. An *occupational regulation* does not include a business license, facility license, building permit or zoning and land use regulation, except to the extent those state laws regulate an individual's personal qualification to perform a lawful occupation. If your agency falls under this category, please provide written responses to the following:

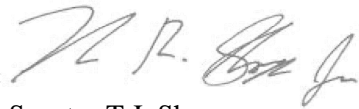
1. The extent to which the occupational regulation meets the requirements of A.R.S. § 41-3502.
2. The extent to which the failure to regulate a profession or occupation will result in:
 - a. the loss of insurance.
 - b. an impact to the ability to practice in other states or as required by federal law.
 - c. an impact to the required licensure or registration with the federal government.
 - d. the loss of constitutionally afforded practices.

Your response should be received by September 1, so that we may proceed with the sunset review and schedule the required public hearing. Please submit the requested information to:

Michael Madden
Arizona State Senate
1700 West Washington
Phoenix, Arizona 85007

Thank you for your time and cooperation. If you have any questions, please feel free to contact me at (602) 926-3012 or Michael Madden, the Senate Health and Human Services Committee Research Analyst, at (602) 926-3072.

Sincerely,



Senator T.J. Shope
Senate Health and Human Services Committee, Chair

cc: Representative Steve Montengro, House Health and Human Services Committee, Chair
Ahjahna Graham, House Health and Human Services Committee, Analyst



Arizona Pioneers' Home

Katie Hobbs
Governor

300 South McCormick Street
Prescott, Arizona 86303
Phone (928) 445-2181 FAX (928) 778-1148

Jessica Sullivan
Superintendent/AL Manager

August 21, 2023

Senator T.J. Shope
1700 West Washington
Phoenix, Arizona 85007

Dear Senator Shope,

This letter is in response to the assigned Sunset Review of the Arizona Pioneers' Home, State Hospital for Miners with Disabilities.

1. The key statutory objectives and purposes in establishing the agency.

The Arizona Pioneers' Home (the "Home") was established through legislation enacted by the Arizona Territorial Legislature in 1909 and opened its doors in 1911. A.R.S. § 41-921 (titled "Arizona pioneers' home; establishment; location") provides "A home for aged and infirm Arizona pioneers is established and shall be known as the 'Arizona pioneers' home'. For the purposes prescribed in section 25 of the enabling act, the pioneers' home shall be designated as the state hospital for miners with disabilities. The home shall be maintained at or near Prescott, Arizona."

In turn, § 25 of the U.S. Congress' 1910 New Mexico-Arizona Enabling Act (the "Enabling Act") provided that "[T]he following grants are hereby made, to-wit: . . . for miners' hospitals for disabled miners, fifty thousand acres. . . ." In addition, the U.S. Congress' Act of February 20, 1929, c. 280, § 2, 45 Stat. 1252, made an additional grant of land for the same purpose: "In addition to the provisions contained in the Act of Congress approved June 20, 1910 (Thirty-sixth Statutes at Large), for miners' hospitals for disabled miners, there is hereby granted to the State of Arizona, subject to all the conditions and limitations contained in said Act, fifty thousand acres of land for miners' hospitals for disabled miners within said State, said land to be selected from the surveyed, unreserved, unappropriated, and nonmineral lands of the United States within the limits of said State, in the

manner provided by said Act approved June 20, 1910.” Although both the Enabling Act and the U.S. Congress’ Act of February 20, 1929 refer to “miners” rather than to “pioneers,” as noted above, A.R.S. § 41-921 provides that “For the purposes prescribed in section 25 of the enabling act, the pioneers’ home shall be designated as the state hospital for miners with disabilities,” and § 28 of the Enabling Act provides in part that “[A]mounts in the Miners’ Hospital Endowment Fund may be used for the benefit of the Arizona Pioneers’ Home. . . .”

Article 10, § 1 of the Arizona Constitution (titled “Acceptance and holding of lands by state in trust”) provides:

All lands expressly transferred and confirmed to the state by the provisions of the Enabling Act approved June 20, 1910, including all lands granted to the state and all lands heretofore granted to the Territory of Arizona, and all lands otherwise acquired by the state, shall be by the state accepted and held in trust to be disposed of in whole or in part, only in manner as in the said Enabling Act and in this Constitution provided, and for the several objects specified in the respective granting and confirmatory provisions. The natural products and money proceeds of any of said lands shall be subject to the same trusts as the lands producing the same.

Additionally, Article 10, § 7 of the Arizona Constitution (titled “Establishment of permanent funds; segregation, investment and distribution of monies; exception; resolution of litigation”) provides:

A. A separate permanent fund shall be established for each of the several objects for which the said grants are made and confirmed by the enabling act to the state, and whenever any monies shall be in any manner derived from any of said lands, the same shall be deposited by the state treasurer in the permanent fund corresponding to the grant under which the particular land producing such monies was, by the enabling act, conveyed or confirmed.

B. No monies shall ever be taken from one permanent fund for deposit in any other, or for any object other than that for which the land producing the same was granted or confirmed.

C. All such monies shall be invested in safe interest-bearing securities and prudent equity securities consistent with the requirements of this section.

[The remainder of Article 10, § 7 of the Arizona Constitution sets forth specific rules for the investment and distribution of such funds]

The Legislature has taken further steps to ensure that the Home is self-funding in enacting A.R.S. § 41-923 (titled “Admission to home; qualifications required; payment of costs; neglect or refusal to reimburse state”), which provides in part:

B. An applicant for admission to the home shall submit to the superintendent a verified financial statement showing all assets and income, a social and health history and the results of a current medical examination on forms furnished or approved by the superintendent.

D. A person admitted to the Arizona pioneers' home shall pay to this state, to the extent that he is financially able to do so, the cost incurred by this state for his care. The cost shall be paid monthly to the superintendent and shall not be in excess of the average monthly per capita cost of operating the home based on the average number of persons then residing at the home during the year. A person who neglects or refuses to reimburse this state as required under this subsection shall not be permitted to reside at the home during the continuance of this neglect or refusal to pay. This subsection applies only to those persons admitted to the home after August 11, 1970.

E. In determining the cost to the person, the superintendent shall consider the same factors for each person and shall include all assets and income of the person including the fair market value of any asset owned by the person and disposed of during residency or within two years before admission to the home. The superintendent shall verify all applicant and resident financial information.

Furthermore, if the Home were to be terminated by “sun-setting” (as currently provided for as of July 1, 2024, in A.R.S. § 41-3024.12), the Federal Government could see such an act as violating the State’s obligations under the Enabling Act and the U.S. Congress’ Act of February 20, 1929 that would justify a demand for the return of the lands provided by the U.S. Congress to the State for purposes of funding the Home, and/or the return of any funds that have been generated from the sale, lease, or other use of those lands. See § 28 of the Enabling Act, which provides in part:

That it is hereby declared that all lands hereby granted, including those which, having been heretofore granted to said Territory, are hereby expressly transferred and confirmed to the said state, shall be by the said state held in trust, to be disposed of in whole or in part only in manner as herein provided and for the several objects specified in the respective granting and confirmatory provisions, and that the natural products and money proceeds of any of said lands shall be subject to the same trusts as the lands producing the same. . . . Disposition of any of said lands, or of any money or thing of value directly or indirectly derived therefrom, for any object other than for such particular lands, or the lands from which such money or thing of value shall have been derived, were granted or confirmed, or in any manner contrary to the provisions of this act, shall be deemed a breach of trust, except that amounts in the Miners' Hospital Endowment Fund may be used for the benefit of the Arizona Pioneers' Home. . . . Every sale, lease, conveyance, or contract of or concerning any of the lands hereby granted or confirmed, or the use thereof or the natural products thereof, not made in substantial conformity with the provisions of this act shall be null and void, any provisions of the constitution or laws of the said state to the contrary notwithstanding. It shall be the duty of the Attorney

General of the United States to prosecute, in the name of the United States and in its courts, such proceedings at law or in equity as may from time to time be necessary and appropriate to enforce the provisions hereof relative to the application and disposition of the said lands and the products thereof and the funds derived therefrom.

Taken together, the foregoing provisions of Federal and State law (a) ensure that the Arizona Pioneers Fund is self-supporting and is not dependent on the General Fund to finance its operations, and (b) would require the State to return significant lands and/or funds to the Federal Government in the event the Home were to be terminated by the Legislature.

2. The agency's effectiveness and efficiency in fulfilling its key statutory objectives and purposes.

In its 114 years of operation, the Arizona Pioneers' Home has cared for literally thousands of elderly long-term Arizona residents. In recognition of this history of service, in 1998 the Home was placed on the National Registry of Historic Places by the United States Department of the Interior. The Home delivers the optimal physical, emotional, and spiritual care in a homelike and compassionate environment. Quality care is provided in a professional manner, protecting dignity and honoring the personal directives of each resident while considering the uniqueness of each individual.

The care provided by the Home follows best practices and exceeds the highest standards. The Home was licensed in 2019 by the Arizona Department of Health Services to operate as an Assisted Living Center, caring for as many as 125 Directed Care residents. Accordingly, the Home is subject to annual health and safety surveys by the Arizona Department of Health Services pursuant to Arizona Nursing Care Institution regulations.

The Home received exceptional surveys highlighting infection control adherence during the Covid pandemic. And the Home has undertaken many other efforts to improve the quality of care that it is able to offer. Thus, the Home worked with Arizona Department of Administration ("ADOA") Risk Management to establish the Arizona Pioneers' Home Safe Patient Handling and Mobility Pilot Program (2017), which provided the Home's residents with advanced patient handling equipment, ceiling track resident transfer and lift system (which is subject to annual load testing) and new geriatric beds and mattresses, providing optimal height for caregiving body mechanics when providing care. The Arizona Pioneers' Home Resident Lift Program and Workers' Compensation Claims Reduction program (FY22) decreased workers' compensation claims by 27 percent, based on the OSHA incidence rate; this decrease was the highest of all State agencies, boards, commissions, and universities. Since the last sunset review, the Home also has implemented a number of security advancements, including a wandering management system, preventing elopements of residents with reduced reasoning skills (2019); an expansion of resident elopement notification (2021); an upgraded and expanded nurse call system (2019); the introduction of a night security position (2023); expanded/upgraded agency perimeter security cameras (2022); and an entry identification and recognition system (2022).

In the City of Prescott Fire Department's 06/07/2023 report resulting from the Home's fire and building safety inspection, the City specifically cited the Home's "outstanding upkeep, cleanliness and attention to fire prevention and safety issues."

The Home also has grown and supported a culture of highly engaged employees. The Home's request for a market rate increase for personal services and employee related expenses for FY 2022 was approved after the Home was identified in 2021 as one of the lowest paying agencies in the Arizona state government. This achievement was the result of a team effort between Office of Strategic Planning and Budgeting, Human Resources (both Arizona Department of Administration and the Governor's Office), General Accounting Office, Finance. The Home implemented a retention incentive program (dispersed over 9 months in 3 payments) pending the budget request approval, thereby securing the continuation of dedicated 24/7 care for the Home's residents.

The Home was invited by ADOA to participate in the pilot program for Arizona Performs, the new performance evaluation program that is currently being rolled out to the rest of the State. Through this pilot program, the Home was able to assist with the elimination of "bugs" and barriers in the system before it was implemented Statewide. This was a rewarding process, both for the Home and for the State, and allowed the Home to become more familiar with the performance review process.

As a result of the Home's efforts described above, the Home's employee engagement survey (2023) reported 92% of its employees were satisfied overall with their jobs.

The Home also has made significant efforts to improve the enforcement of its admissions and payments policies. In 2021, the Home worked with the Office of the Attorney General to improve the Home's policies and procedures for defining and enforcing the Home's Payment for Care ("PFC") policy. And in order to better enforce the requirement in A.R.S. 41-923 that only persons of good character are eligible to be admitted to the Home, the Home has adopted a policy of obtaining background checks prior to admission, and the Home's standard contract has been revised to include these additional provisions.

The Home also has worked to increase the efficiency and effectiveness of its operations. In 2022, the Home was the first non-cabinet agency to adopt the Arizona Management System ("AMS"). The Home's executive leadership team worked with the Governor's Office of Strategic Planning and Budgeting and the Government Transformation Office to develop a strategic plan that reflects current and future priorities. The plan sets the stage to focus on process, performance, continuous improvement, and accountability and will result in better data on which to base decisions. In addition, the Home is the first non-cabinet agency to join the statewide Strategic Planning Community of Practice, expanding its opportunities for collaboration, insights into best practices, and increased access to expertise throughout state government.

The Home also has acquired new equipment and technology to improve its ability to serve and care for its residents: 23 new desktop and laptop computers (2022); installation of WIFI wireless access points (“WAPs”) to supply secure wireless internet access (2022); met requirements to accept credit card payments for both internal and external customers (2022); and participated in and completed the 911 Statewide compliance project (2023). In addition, the Home is scheduled to convert to electronic medical records management in 2024.

The Home also is engaged in a renewal program and certain capital projects, based on the ADOA Facility Assessment Report (Quadrennial Inspection) dated August 13, 2021. That report identifies the following priorities, some of which already have been completed: Renew the main building basement and kitchen basement (2022); install a new sewer line/grease interceptor (2022); restoration of the dining hall ceiling (2023); plaster, patch and painting of community lobby and living areas (2022); replace the kitchen walk-in refrigerator cooling components (2023); passenger and service elevators upgrade (2022); roof fall protection system (with training and certification annually) (2022); Home and Arizona Pioneers’ Home Cemetery parking lots crack filled and sealed (2023); exterior garage doors replaced and trimmed (2023); generator transfer switch replacement (2022); upgrade life safety sprinkler system (2022); upgrade of fire/smoke separation doors in kitchen (2022); replacement of forty-seven (47) courtyard windows/doors, per the State Historical and Preservation Office (2022); and 18 additional courtyard wood window replacements (2023).

3. The extent to which the agency’s key statutory objectives and purposes duplicate the objectives and purposes of other governmental agencies or private enterprises.

The Home is unique and does not duplicate the objectives and purposes of other governmental agencies or private enterprises. The Arizona Department of Veterans Services’ Veterans Homes provide similar services, but only to veterans and their qualified family members; the two agencies have different demographics and funding streams.

4. The extent to which rules adopted by the agency are consistent with the legislative mandate.

The Home is not a regulatory agency and does not have the power to make Statewide rules for individuals, corporations, businesses, etc.

5. The extent to which the agency has provided appropriate public access to records, meetings and rulemakings, including soliciting public input in making rules and decisions.

The Arizona Pioneers' Home does not hold public meetings, as it is not a regulatory entity.

6. The extent to which the agency timely investigated and resolved complaints that are within its jurisdiction.

The Arizona Pioneers' Home investigates and resolves complaints successfully; this is supported by the Home's history of minimal losses. Our community of practice proactively solves issues and concerns, and communicates the Home's expectations to residents, family members, and staff. The Home maintains an "open door" policy in its dealings with residents, families, and staff; the Home makes available its supervisors, department heads, and the Superintendent to address any concerns. The Home has a Resident Advocacy Department, and has an internal grievance policy that includes procedures for handling such matters. The Home's Resident Council meets monthly, with department heads and the Superintendent present to respond to questions and concerns. Additionally, the Home posts contact information for external advocacy agencies, including specifically:

- The Ombudsman;
- The Department of Health Services; and
- Adult Protective Services

The Attorney General's Office is consulted when issues require statutory interpretation and policy formation.

7. The extent to which the level of regulation exercised by the agency is appropriate as compared to other states or best practices, or both.

As the Home is not a regulatory agency, the Home does not exercise any level of regulation.

8. The extent to which the agency has established safeguards against possible conflicts of interest.

The Home relies on the Office of the Arizona Attorney General for support, interpretation and opinions whenever possible conflicts of interest are identified.

9. The extent to which changes are necessary for the agency to more efficiently and effectively fulfill its key statutory objectives and purposes or to eliminate statutory responsibilities that are no longer necessary.

The Arizona Pioneers' Home has identified no additional changes necessary for the Home to more efficiently and effectively fulfill its key statutory objectives and purposes, or to eliminate statutory responsibilities that are no longer necessary.

10. The extent to which the termination of the agency would significantly affect the public health, safety or welfare.

As noted in the response to Item #1 above, termination of the Home would violate Federal law (i.e., the Enabling Act and the U.S. Congress' Act of February 20, 1929) and Article 10, §§ 1 and 7 of the Arizona Constitution, which (among other consequences) would entitle the Federal Government to reclaim significant lands and/or funds from the State. In addition, the current Home residents would lose the place that they know as their home, and potential future residents of the Home would lose any possibility of benefitting from the outstanding services that the Home can and does provide to all of its residents.

The following are the Home's responses to additional questions 1 through 4:

1. The extent to which the agency potentially creates unexpected negative consequences that may require additional review by the COR, including increasing the price of goods, affecting the availability of services, limiting the abilities of individuals and businesses to operate efficiently and increasing the cost of government.

The Home has identified no unexpected negative consequences that may require additional review by the COR.

2. The extent to which the agency has addressed deficiencies in its enabling statutes.

The Arizona Pioneers' Home has identified no deficiencies in its enabling statutes.

3. The extent to which the agency has determined whether the Attorney General or any other agency in Arizona has the authority to prosecute or initiate actions.

The Attorney General's Office is accessible, responsive, and supportive of the Home as needed, assisting with statutory interpretation and policy formation.

4. The consequences of eliminating the agency or consolidating it with another agency.

As already noted above, besides the possibility that the Federal Government might reclaim significant lands and/or funds from the state if the Home were to be terminated (see the response to Item No. 1, above), the Home's current residents would lose the place that they call their home, and potential future residents of the Home would lose any possibility of benefitting from the outstanding services that the Home can and does provide to all of its residents.

The Home is the only agency in the State that has the objective and purpose of honoring and caring for long-time Arizona residents and disabled miners. Consolidation with other State agencies would be unsuitable, given that the Home's statutory mandate is specific to the Home. Additionally, the Home's primary funding source is the existing land trust, not the State's general fund, so the Home is not a burden to Arizona's taxpayers. In fact, the Home typically deposits nearly a million dollars a year into the State's general fund.

Respectful Submitted,



Jessica Sullivan, Superintendent