ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

COMMITTEE ON REGULATORY AFFAIRS

Report of Regular Meeting
Wednesday, February 1, 2023
House Hearing Room 5 -- 2:00 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE
2-2-23

Convened 2:03 P.M.
Recessed
Reconvened
Adjourned 3:03 P.M.

Members Present
Representative Bravo
Representative Gutierrez
Representative Hernandez
Representative Payne
Representative Peña
Representative McGarr, Vice-Chairman
Representative Hendrix, Chairman

Members Absent

Agenda
Original Agenda – Attachment 1

Request to Speak
Report – Attachment 2

Committee Attendance
Report – Attachment 3

Committee Action

Bill	Action	Vote	Attachments
HB2509	DP	7-0-0-0	4, 5
HB2301	DPA	6-1-0-0	6, 7, 8
HB2373	DP	7-0-0-0	9, 10
HB2377	DP	7-0-0-0	11, 12

Julie Ryberg, Committee Secretary
February 2, 2023

(Original attachments on file in the Office of the Chief Clerk; video archives available at http://www.azleg.gov)

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

Convened 2:03pm
Adjourned 3:03 pm

REGULAR MEETING AGENDA

COMMITTEE ON REGULATORY AFFAIRS

DATE Wednesday, February 1, 2023 ROOM HHR 5 TIME 2:00 P.M.

Members of the public may access a livestream of the meeting here:
https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2023021003

Members:

Representative Bravo	Representative Payne	Representative McGarr, Vice-Chairman
Representative Gutierrez	Representative Peña	Representative Hendrix, Chairman
Representative Hernandez A		

Bills		Short Title	Strike Everything Title
~~HB2161~~		~~rent increase; limitation; substantial remodel~~	
		~~(Schwiebert: Aguilar, Cano, et al)~~	
		~~RA, COM, RULES~~	
~~HB2172~~		~~massage therapy; communication proficiency; repeal~~	
		~~(Longdon: Dunn, Pawlik, et al)~~	
		~~RA, RULES~~	
~~HB2199~~		~~cosmetology instructors~~	
		~~(Wilmeth)~~	
		~~RA, RULES~~	
~~HB2230~~		~~appraiser; claims; time limitation~~	
		~~(Harris: Jones, Smith)~~	
		~~RA, RULES~~	
(2) HB2301	DPA	homeowners' associations; political activity	
		(Carter)	
	6-1-0-0	RA, RULES	

Attachment 1

	Bills		Short Title	Strike Everything Title
(3)	HB2373	DP	permits; automated permitting platform	
			(Biasiucci: Contreras L, Hernandez A, et al)	
		7-0-0-0	RA, RULES	
(4)	HB2377	DP	public officers; lobbying; prohibition	
			(Biasiucci)	
		7-0-0-0	RA, RULES	
	~~*HB2457~~		~~anesthesiologist assistants; licensure~~	
			~~(Pingerelli)~~	
			~~RA held 0-0-0-0-0, RULES~~	
(1)	HB2509	DP	food preparation; sale; cottage food	
			(Grantham)	
		7-0-0-0	RA, RULES	

* On previous agenda

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

~~RA~~
JY
~~01/26/2023~~
~~01/30/2023~~
01/31/2023

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

ARIZONA STATE LEGISLATURE

Fifty-sixth Legislature - First Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON **REGULATORY AFFAIRS**

CHAIRMAN: Laurin Hendrix VICE-CHAIRMAN: Cory McGarr

	DATE	01/25/23	2/1 /23	/23	/23	/23
	CONVENED	2:00 pm	2:09pm	m	m	m
	RECESSED	2:19 pm				
	RECONVENED	2:21 pm				
	ADJOURNED	2:23 pm	3:03pm			
MEMBERS						
Bravo		✓	✓			
Gutierrez		✓	✓			
Hernandez A		✓	✓			
Payne		✓	✓			
Peña		✓	✓			
McGarr, Vice-Chairman		✓	✓			
Hendrix, Chairman		✓	✓			

√ Present --- Absent exc Excused

Attachment 2

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD

HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Regulatory Affairs Bill Number 2301

Date 2/1/2023 ☑ Support ☐ Oppose ☐ Neutral

Name Michael S. Goldstein Need to Speak? ☒ Yes ☐ No

Representing Self Are you a registered lobbyist? ____

Complete Address 36270 N. Desert Tea Dr. Queen Creek AZ 85140

E-mail Address Mike@b-simple.com Phone Number (214)209-2600

Comments: _____

FIVE-MINUTE SPEAKING LIMIT

Attachment 3

Information Registered on the Request to Speak System

House Regulatory Affairs (2/1/2023)

HB2301, homeowners' associations; political activity

Testified in support:
Dennis J Legere, ARIZONA HOMEOWNERS COALITION

Testified as neutral:
Leonard Clark, representing self

Support:
Craig McDermott, representing self; Paul Fitch, representing self; Karen Cwiak, representing self; R Morrison, representing self; Lois Fruhwirth, representing self; Wendy Jonessee, representing self; Eric Kadel, representing self

Neutral:
Spencer Kamps, HOME BUILDERS ASSOCIATION OF CENTRAL AZ; Veronica Spear, representing self

Oppose:
Justine Case, representing self

All Comments:
Dennis J Legere, ARIZONA HOMEOWNERS COALITION: This bill provides an example of how attorneys distort and misrepresent existing statutes. This is simple common sense and already allowed in law. This clarification is simple enough that even attorneys can understand.; Lois Fruhwirth, Self: Strongly agree with clearly political activity as free speech within HOAs and Condominiums. The additional clarity in this bill helps eliminate the swirl and disagreements that is happening as PCs conduct their responsibilities and rights. Thank you; Eric Kadel, Self: Living in an HOA community should not deny of us of our basic rights of being a U.S. citizen.; Justine Case, Self: A Homeowners Association should not be allowed to restrict political signs. This is a direct restriction of Freedom of Speech. We must support our Constitutionally protected rights whenever possible.; Veronica Spear, Self: This only permits a unit owner or member to engage in door to door political activity. People from outside the development and are engaged in, but not limited to campaigning, petitioning, registering voters

HB2373, permits; automated permitting platform

Testified in support:
Meghaen Dell'Artino, TESLA MOTORS, INC.

Support:
Linda Paul, representing self; Renee Downing, representing self; Sandy Bahr, Sierra Club - Grand Canyon Chapter; Beverly Janowitz-Price, representing self; Rosalind Switzer, representing self; Eve Shapiro, representing self;

Kenneth Bierman, representing self; Michael Fiflis, representing self; Dianne Post, representing self; Alice Stambaugh, representing self; Sandy Whitley, representing self; Karen Cusano, representing self; Meg Weesner, representing self; Bettina Bickel, representing self; Becky Sayler, representing self; Gail Bliss, representing self; Vickey Finger, representing self; Jim Moran, representing self; Nancy Santori, representing self; Jana Segal, representing self; Linda Ekstrum, representing self; Margaret Owen, representing self; Carol Fiore, representing self; Sherry Massie, representing self; Jean Meconi, representing self; Theresa Paszkiewicz, representing self; Karen Muir, representing self; Charlene Hoffman, representing self; Carissa Sipp, representing self; R Morrison, representing self; Wendy Jonessee, representing self; Pat Jayson, representing self

Oppose:
Irwin Sheer, representing self; Justine Case, representing self

All Comments:
Sandy Whitley, Self: Good idea to streamline online solar permit compliance and to eliminate the requirement for a diagram when using it. We need to make it easier to get solar up and running in this state.; Jean Meconi, Self: Solar energy is abundant in Arizona. We should make it easier to install and use.; Irwin Sheer, Self: We should be doing all we can to support solar power in this state.; Justine Case, Self: Solar is obsolete. We need to stop pushing it.

HB2377, public officers; lobbying; prohibition

Testified as opposed:
Marshall Pimentel, LEAGUE OF ARIZONA CITIES & TOWNS

Support:
R Morrison, representing self; Justine Case, representing self; Wendy Jonessee, representing self

Neutral:
Leonard Clark, representing self

Oppose:
kathleen mayer, representing self

All Comments:
kathleen mayer, Self: why would you violate the first amendment rights of the public officials and government agencies who serve the citizens of this state?

HB2509, food preparation; sale; cottage food

Testified in support:
Lauren Bouton, THE INSTITUTE FOR JUSTICE; Devin Gates, representing self; Paul Avelar, INSTITUTE FOR JUSTICE AZ CHAPTER, Self

Support:

David Morris, representing self; Brock Wilson, representing self; Stephen Shadegg, Americans For Prosperity Arizona; Justine Case, representing self; Jared Gorshe, AMERICANS FOR PROSPERITY AZ, Self; Lucas Nahnsen, representing self; David Morris, AMERICANS FOR PROSPERITY AZ; Jonathan Soto Robles, representing self; Alexis Monet Bacs, representing self

Oppose:

Susan Ordway, representing self

All Comments:

Devin Gates, Self: Expanding the cottage food exception provides opportunity to help support myself and my family.; Paul Avelar, INSTITUTE FOR JUSTICE AZ CHAPTER, Self: Arizona's cottage food program is very good, but it can be better. This bill expands the kinds of allowed foods. Six states: Iowa, Montana, North Dakota, Oklahoma, Utah and Wyoming, have similar laws with no evidence of any consumer harm.; Susan Ordway, Self: Please read the Constitution.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2509: food preparation; sale; cottage food
Sponsor: Representative Grantham, LD 14
Committee on Regulatory Affairs

Overview

Expands the foods that meet the cottage food exemption if they meet certain requirements. Maintains current cottage food program guidelines and adds sale requirements.

History

Statute requires the Director of the Department of Health Services (DHS) to adopt rules to provide for the oversight of food and drinks sold at the retail level, including minimum standards for related facilities and necessary measures for producing, processing, labeling, storing, handling, serving and transporting food products. However, cottage food products that are prepared in a home kitchen are exempt from these requirements and may be offered for commercial sale if the products are not potentially hazardous and do not require time or temperature controls for food safety. Statute and rule provide related requirements, both for the food products, including packaging and labels, and the food preparer, including food handler training courses, active food handler certification and registration with the online registry established by DHS (A.R.S. § 36-136).

Cottage food program-approved foods include cakes, cookies, breads and jams and jellies made from allowable fruits. However, foods that require refrigeration are not approved. Currently, potentially hazardous food products fall under retail food regulatory oversight, which requires the products to be prepared in a licensed and inspected commercial kitchen. Federal law and regulations provide for inspections of poultry, poultry products and meat and meat products, but exempt certain products, including from producers that slaughter not more than 1,000 poultry in a calendar year and operation types that are traditionally and usually conducted at retail stores and restaurants if other specified requirements are met (9 CFR § 381.10).

Provisions

Expansion

1. Expands the food products that meet the cottage food product exemption to those that are potentially hazardous or require time or temperature control for safety if they are exempt under federal regulations. (Sec. 2)
2. Allows the sale of the following as cottage food products if they meet the requirements under federal regulations:
   a) poultry, poultry byproducts or poultry food products if the producer raised the poultry pursuant to the 1,000 bird exemption; and
   b) poultry, poultry byproducts, poultry food products and meat, meat byproducts and meat food products if they are from an inspected source. (Sec. 2)
3. Specifies that alcoholic beverages, foods that contain alcoholic beverages, unpasteurized milk, fish and shellfish products, meat, meat byproducts, poultry and poultry byproducts do

not meet the definition of cottage food product unless their sale is allowed by federal law, as specified above. (Sec. 2)

4. Allows food producers to sell cottage food products to the maximum extent allowed by federal law. (Sec. 2)

Sale Requirements

5. Requires cottage food products that do not contain dairy, meat or poultry to be sold by the food preparer or agent, including a third-party vendor, and delivered to the consumer by the food preparer, agent, third-party vendor or third-party carrier. (Sec. 2)

6. Requires cottage food products that are dairy or that contain meat or poultry to be:
   a) sold by the preparer in person or remotely, including over the internet; and
   b) delivered to the consumer in person. (Sec. 2)

7. Requires cottage food products that are potentially hazardous or require time or temperature control for safety and that are transported before final delivery to consumers to be:
   a) maintained at an appropriate temperature during transport;
   b) not transported more than once; and
   c) not transported for longer than two hours. (Sec. 2)

8. Requires third-party vendors to sell cottage food products:
   a) in a separate section of the store or on a separate display case from nonhomemade food items; and
   b) with a sign that indicates they are homemade and exempt from state licensing and inspection. (Sec. 2)

Miscellaneous

8. Maintains current requirements for cottage food products and product preparers. (Sec. 2)

9. Specifies the above requirements are not more restrictive than the applicable federal laws. (Sec. 2)

10. Specifies that these requirements do not:
    a) impede DHS or a county from investigating foodborne illness;
    b) change the requirements for brand inspections, animal health inspections or food inspections required by state or federal law; or
    c) change the requirements for the sale of milk, milk products, raw milk or raw milk products. (Sec. 2)

11. Requires DHS to adopt rules relating to cottage food products and exempts DHS from rulemaking requirements for 18 months after the general effective date. (Sec. 2, 3)

12. Makes technical and conforming changes. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2509

DATE February 01, 2023 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo		✓			
Gutierrez		✓			
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		7	0	0	0

COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 5

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2301: homeowners' associations; political activity
Sponsor: Representative Carter, LD 15
Committee on Regulatory Affairs

Overview

Prevents Homeowner's Associations (HOA) from restricting door-to-door political activity for unit owners in condominiums and planned communities.

History

An association of condominiums or planned communities, commonly known as HOAs, are for profit, nonprofit, or unincorporated associations of owners created under a declaration to operate portions of common ownership and obligations. HOAs assess fees and costs to members for payment of these obligations (A.R.S. §§§ 33-1202, 33-1241, 33-1802)

An HOA may not prohibit door-to-door political activity or the circulation of political petitions on property normally open to visitors within the association except under specific circumstances (A.R.S. §§ 33-1261 and 32-1808).

Provisions

1. Prohibits an HOA from preventing unit owners in condominiums and planned communities from engaging in door-to-door political activity including:
   a) solicitations of support or opposition for candidates or ballot issues; and
   b) circulations of political petitions, nomination petitions or petitions in support of or opposition to an initiative, referendum, recall or political issue. (Sec. 1)
2. Makes technical and conforming changes. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

Fifty-sixth Legislature
First Regular Session

Regulatory Affairs
H.B. 2301

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2301

(Reference to printed bill)

Page 2, between lines 30 and 31, insert:

"3. PROHIBIT A PERSON WHO IS NOT A UNIT OWNER OR RESIDENT OF THE CONDOMINIUM FROM ENTERING THE CONDOMINIUM PREMISES."

Page 3, strike lines 44 and 45

Page 4, strike lines 1 through 10

Reletter to conform

Page 7, between lines 40 and 41, insert:

"3. PROHIBIT A PERSON WHO IS NOT A MEMBER OR RESIDENT OF THE PLANNED COMMUNITY FROM ENTERING THE PLANNED COMMUNITY."

Page 8, strike lines 30 through 41

Reletter to conform

Amend title to conform

LAURIN HENDRIX

2301HENDRIX.docx
01/30/2023
6:03 PM
C: MR

Attachment 7

Adopted ✓ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered ____ Analysts Initials ___

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2301

DATE February 01, 2023 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo		✓			
Gutierrez			✓		
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		6	1	0	0

Julie Ryan
COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 8

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2373: permits; automated permitting platform
Sponsor: Representative Biasiucci, LD 30
Committee on Regulatory Affairs

Overview

Authorizes municipalities and counties that issue solar construction permits to utilize a *qualified online automated permitting platform* to verify necessary code compliance.

History

Each municipality and county is required by law to adopt standards for issuing permits for solar energy devices. For solar photovoltaic systems that connect to a utility system:

1) the location of the photovoltaic system installation must be noted on the construction plans, including roof plan and elevation;
2) photovoltaic panel mounting details must be included in the installation plans; and
3) the electrical diagrams include one-line and three-line diagrams.

For solar water heaters, the following directives apply:

1) the location of the solar panel system must be noted on the construction plans, including roof plan, elevation and mounting details for installation; and
2) solar water heating equipment must be installed according to applicable plumbing codes prescribed by a solar rating and certification corporation and any Arizona guidelines.

Statute prohibits requiring the stamp of a professional engineer unless deemed necessary, in which case the municipality or county must provide to the permittee, a written explanation of why the engineering stamp is necessary. Additionally, any building or permit fee or other charge cannot exceed the actual cost of issuance. An itemized list of individual costs must be provided upon request of the permittee. Further, before adoption of any fee or charge for service or any additional charge, the municipality or county must hold a public hearing with at least 15 days' published notice (A.R.S. § 9-468 and § 11-323).

Provisions

1. Stipulates the electrical diagrams may be one-line or three-line, rather than both. (Sec. 1, 2)
2. States that a one-line or three-line electrical diagram is not required if a municipality or county uses a *qualified online automated permitting platform* to verify code compliance. (Sec. 1, 2)
3. Authorizes a municipality or county to utilize a *qualified online automated permitting platform* in place of the detailed installation plans and diagrams. (Sec. 1, 2)
4. Defines *qualified online automated permitting platform* as a web-based portal that automates the plan review, approves code compliance and issues permits for various residential solar energy and storage systems in real time. (Sec. 1, 2)
5. Makes technical changes. (Sec. 1, 2)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

Attachment 9

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2373

DATE February 01, 2023 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo		✓			
Gutierrez		✓			
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		7	0	0	0

Julie Ryle
COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 10

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2377: public officers; lobbying; prohibition
Sponsor: Representative Biasiucci, LD 30
Committee on Regulatory Affairs

Overview

Prohibits a public officer from representing a person for compensation before any public agency.

History

Title 38, Chapter 3, Article 8, details *conflict of interest* by public officers and employees of incorporated cities or towns, political subdivisions and the state, its departments, commissions, agencies and boards (A.R.S. 38-501).

Statute defines *public officers* as all elected and appointed officers of a public agency established by charter, ordinance, resolution, state constitution or statute. *Employee* means all persons who are not public officers and who are employed for compensation by an incorporated city or town, political subdivision or the state, its departments, agencies, boards or commissions. Further, *public agency* includes the courts, the state's departments, agencies, boards, commissions, legislative or administrative bodies of the state, its counties, incorporated cities and towns and any other political subdivision (A.R.S. 38-502).

Provisions

1. States that a *public officer* cannot represent any person for compensation before any *public agency*. (Sec. 1)
2. Clarifies that an *officer* is a *public officer*. (Sec. 1)
3. Makes conforming changes. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

Attachment 11

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2377

DATE February 01, 2023 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo	✓	✓			
Gutierrez		✓			
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		7	0	0	0

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

COMMITTEE SECRETARY

ATTACHMENT 12