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

COMMITTEE ON COMMERCE

Report of Regular Meeting
Tuesday, March 9, 2021
House Hearing Room 3 -- 2:00 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE
3-10-21

Convened 2:03 P.M.
Recessed
Reconvened
Adjourned 3:14 P.M.

Members Present
Mr. Chaplik
Mr. Cook
Mr. Espinoza
Mrs. Fernandez
Mr. Meza
Ms. Nutt
Ms. Powers Hannley
Mr. Wilmeth
Mr. Kaiser, Vice-Chairman
Mr. Weninger, 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
SB1155	DP	9-1-0-0	4, 5
SB1218	DP	8-1-0-1	6, 7
SB1217	DP	8-1-0-1	8, 9
SB1234	DP	9-0-0-1	10, 11
SB1258	DP	9-0-0-1	12, 13
SB1272	DP	8-2-0-0	14, 15
SB1378	DP	10-0-0-0	16, 17
SB1651	DP	7-3-0-0	18, 19

Iris McMahon
Iris McMahon, Committee Secretary
March 10, 2021

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

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

Convened: 2:03pm
Adjourned: 3:14pm

REGULAR MEETING AGENDA

COMMITTEE ON COMMERCE

DATE Tuesday, March 9, 2021 ROOM HHR 3 TIME 2:00 P.M.

This meeting will be held via teleconference software. Members of the public may access a livestream of the meeting here: https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2021031038

Members:

Mr. Chaplik	Mr. Meza	Mr. Wilmeth
Mr. Cook	Ms. Nutt	Mr. Kaiser, Vice-Chairman
Mr. Espinoza	Ms. Powers Hannley	Mr. Weninger, Chairman
Mrs. Fernandez		

	Bills		Short Title	Strike Everything Title
1	SB1155	DP 9-1-0-0	technical correction; supplemental environmental project(now: antitrust enforcement; appropriation) (Mesnard) COM, APPROP, RULES	
3	SB1217	DP 8-1-0-1	securities; exempt transactions. (Pace) COM, RULES	
2	SB1218	DP 8-1-0-1	nonhealth professions; occupations; regulations. (Pace) COM, RULES	
4	SB1234	DP 9-0-0-1	insurance; continuing education; proctor prohibited (Livingston) COM, RULES	
5	SB1258	DP 9-0-0-1	state of emergency; tolling; permits (Mesnard) COM, RULES	
6	SB1272	DP 8-2-0-0	nonhealth board directors; advocacy; legislation (Mesnard) COM, RULES	
7	SB1378	DP 10-0-0-0	office of Sonora; continuation (Mesnard) COM, RULES	

Attachment 1

Bills		Short Title	Strike Everything Title
8 SB1651	DP	workers' compensation; service; electronic transmission	
	7-3-0-0	(Livingston) COM, RULES	

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

Pursuant to Committee Rule (2). Any person desiring to be heard concerning legislation remotely shall email that request to (HouseCOM@azleg.gov) at least 24 hours, excluding weekends and holidays, in advance of committee, if practicable. The request must state the bill the person desires to present arguments upon, and whom the person represents. Timely requests will receive a response that includes meeting access information to participate in the committee remotely. Sharing meeting access information with unauthorized users may result in being prohibited to participate remotely in future legislative hearings. The request to participate remotely via teleconference shall be in addition to requesting to speak via the Request to Speak system (https://apps.azleg.gov/requesttospeak/topicsearch). Persons desiring to testify remotely shall indicate that the participation is remote within the comments of the Request to Speak system.

DF
03/03/2021

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.

Information Registered on the Request to Speak System

House Commerce (3/9/2021)

SB1155, technical correction; supplemental environmental project (NOW: antitrust enforcement; appropriation)

Testified in support:

Josh Kredit, AZ ATTORNEY GENERAL'S OFFICE

Support:

Dwight Kadar, representing self; Sandi Bartlett, representing self; Roy Miller, representing self; Cathy Schwanke, representing self; Nancy Cottle, representing self; Mike Sullivan, representing self; Nancy Dombrowski, representing self; Christine Maceri Genge, representing self; Dennis Genge, representing self; Michael Infanzon, representing self; Cindy Sullivan, representing self; Nancy Allen, representing self; Robyn Cushman, representing self; Ruby White, representing self; Jennifer Huppenthal, representing self; Barbara Parker, representing self; Jennifer Marriott, representing self; Charles Schinke, representing self; Traci Frederickson, representing self; Christine Mortimer, representing self; Malgosia Cox, representing self; Susie Luhrs, representing self; DEBRA SCHINKE, representing self; Sally Forster, representing self; Karl Forster, representing self; Janie White, representing self; David Winstanley, representing self; Carol Winstanley, representing self; Vicki Vaughn, representing self; Carole Challoner, representing self; Gary Saxhaug, representing self; Paul Marriott, representing self; Bob MacMillan, representing self; Millie MacMillan, representing self; Diane Spence, representing self; Diane Spence, representing self; Dwight Spence, representing self; Bobby MacMillan, representing self; Susan Thomas, representing self; Michelle Masters, representing self; Rob Dohanyos, representing self; Crystal Dohanyos, representing self; Barbara Dohanyos, representing self; Kim Miller, representing self; Donald Hiatt, representing self; Alison Klotnia, representing self; Laurie Foster, representing self; Shannon Sharma, representing self; Patty Porter, representing self; LouAnn Sedgwick, representing self; Kristie Kennedy, representing self; Lain Ehmann, representing self; Rose Raddatz, representing self; April Smith, representing self; Margaret Bevan, representing self; Karen Bradford, representing self; Carol Ayotte, representing self; Leslie Duffy, representing self; Mary Kay Mills, representing self; Hazel Macmillan, representing self; Judith Jackson, representing self; Darla Kissling, representing self; Stacy Shepard, representing self; Nancy Andison, representing self; Joseph Myers, representing self; Cary Asel, representing self; Chris Hrubes, representing self; Sarah Ramsey, representing self; Chelsey Yeats, representing self; Ryan Yeats, representing self; Lynne Boccignone, representing self; Michael O'Brien, representing self; Peter Schubert, representing self; Janet Bollman, representing self; Steve Ware, representing self; Carol Littlefair, representing self; Winnie Moir, representing self; David Hanke, representing self; Cara Kretz, representing self; Bethany Bader, representing self; Chris Johns, representing self; Lisa Pennington-Askey, representing self; Lori Parker, representing self; Catherine Tunget, representing self; Maya Aragon, representing self; Laura Stockslagger, representing self; Tom Kretz, representing self; Leslie Noding, representing self; Cindy Marksberry, representing self; Wes Robb, representing self; Traci Robb, representing self; Tim Johnson, representing self; Mike Pfeifer, representing self; Brian Bradshaw, representing self; Nancy Fleming, representing self; Rachel Walden, representing self; Staci Gaddie, representing self; Katelyn Gaddie, representing self; Shawn Smith, representing self; Brynlee Smith, representing self; Amber Peterson, representing self; Mary Kay Mills, representing self; Paul Patel, representing self; Ted Boyd, representing self; Jalene Griffin, representing self; Cat

Attachment 2

Delaney, representing self; Scott Howie, representing self; Allison Barkley, representing self; Patrick Barkley, representing self; Cynthia Newswander, representing self; Sue Brown Hermanson, representing self; Gaynell Crews, representing self; Marlene Leatherwood, representing self; Molly Williams, representing self

Oppose:

Bill Brown, representing self

All Comments:

Malgosia Cox, Self: The staple of US economy is competition. there is no room for monopoly and Big Tech corporation have too much power. We need to investigate antitrust violations of that sector.; Vicki Vaughn, Self: Investigation VERY necessary!; Michelle Masters, Self: Support to give the AG resources to combat overzealous big tech companies that behave in anticompetitive, anti-consumer or monopolistic activity that stifles competition.; Shannon Sharma, Self: Big Tech is using its money and influence to squash the voices of those who do not agree with them. There needs to be some accountability. This allows funding for the AG to look into antitrust violations, which will help keep Big Tech accountable.; Patty Porter, Self: We need to limit Big Tech to allow competitiveness with small business. We much allow for fair competition.; April Smith, Self: Antitrust enforcement; Karen Bradford, Self: Tech oligarchs think their wealth gives them the right to silence the peasants. Don't let them.; Carol Ayotte, Self: Big tech/big corporations should not be able to dictate/silence the citizens, we need our rights protected!!; Mary Kay Mills, Self: We must throttle back big tech censorship. Florida is doing it right with giant penalties.; Joseph Myers, Self: The Big Tech Oligarchs represent a real and present danger on both the national and international threat platforms. The CCParty of China needs to be included, as well as the potential threats of Artificial Intelligence; Sarah Ramsey, Self: "Big Tech" companies are acting like monopolies by shutting down competition & censoring books, opinions with whom they do not agree. This is not healthy for our country where it is essential that we support new ideas and companies to surface.; Peter Schubert, Self: Please allocate our money to the AG to investigate big tech interference.; Janet Bollman, Self: free speech; Steve Ware, Self: This bill will fund the AG's office to investigate antitrust violations of Big Tech.; Bethany Bader, Self: We do not need Big Tech swallowing up our First Amendment Right of Freedom of Speech. Let's halt their oligarchical control.; Laura Stockslagger, Self: It is essential for our Attorney General to have the resources to investigate and pursue antitrust violations.; Cindy Marksberry, Self: Big Tech billionaires continue to take over market share, inhibit competition, and use their monopolistic power to silence the voices of people with whom they disagree.; Mike Pfeifer, Self: Keep Big Tech from manipulating people for their agenda and interfering with elections!; Shawn Smith, Self: Antitrust enforcement is vital; Brynlee Smith, Self: Antitrust enforcement; Mary Kay Mills, Self: Arizona should be going the way of Florida and doling out big fines to big tech companies who censor.; Paul Patel, Self: Be like Florida and hand out big fines for censorship!; Ted Boyd, Self: Big Tech must be controlled!; Cat Delaney, Self: Stop Big Tech abuse.; Molly Williams, Self: support this bill!; Bill Brown, Self: This is an attack on free speech. The platforms have the right to do whatever they want with their property.

SB1217, securities; exempt transactions.

SB1218, nonhealth professions; occupations; regulations.

Support:

Boaz Witbeck, AMERICANS FOR PROSPERITY AZ; Paul Avelar, INSTITUTE FOR JUSTICE AZ CHAPTER; Joshua Stanwitz, representing self; Stephen Shadegg, AMERICANS FOR PROSPERITY AZ; Ashley Donis, representing self; Victoria Holderbach, AMERICANS FOR PROSPERITY AZ; Cynthia Newswander, representing self

Neutral:

Tom Farley, American Council Of Engineering Companies Of Arizona, Arizona Association Of Realtors, Arizona Mortgage Lenders Association; Matthew Benson, representing self; Melissa Kemp CFP, Financial Planning Association Of Greater Phoenix

All Comments:

Paul Avelar, INSTITUTE FOR JUSTICE AZ CHAPTER: This bill implements best recommended practices supported by both the Obama and Trump administrations. It ensures the legislature has a good process for considering potentially anti-competitive regulations.; Tom Farley, American Council Of Engineering Companies Of Arizona, Arizona Association Of Realtors, Arizona Mortgage Lenders Association: Appreciate working with the bill sponsor and stakeholders to amend sections of the bill that we found objectionable. My clients are neutral.; Matthew Benson, Self: We think this bill in principle is solid, however we have a few concerns around potentially restricting use of private certifications. We certainly do not think that is the intention of this legislation, but have concerns of interpretation.; Melissa Kemp CFP, Financial Planning Association Of Greater Phoenix: We have some concern that the bill as presented could be interpreted to restrict Certified Financial Planning professionals from using their accreditation to describe their professional status. We can offer suggested clarifying language.

SB1234, insurance; continuing education; proctor prohibited

Support:

Barbara Hutchinson, representing self; Daniel Romm, AMERICAN FAMILY LIFE ASSURANCE CO (AFLAC)

SB1258, state of emergency; tolling; permits

Support:

Spencer Kamps, HOME BUILDERS ASSOCIATION OF CENTRAL AZ; Steve Trussell, AZ ROCK PRODUCTS ASSN

Neutral:

Amanda Stone, AZ DEPT OF ENVIRONMENTAL QUALITY; Tom Savage, LEAGUE OF ARIZONA CITIES & TOWNS

All Comments:

Tom Savage, LEAGUE OF ARIZONA CITIES & TOWNS: Working with HBACA on a floor amendment.

SB1272, nonhealth board directors; advocacy; legislation

SB1378, office of Sonora; continuation

Support:

Jeremy Gerlach, FRESH PRODUCE ASSOCIATION OF THE AMERICAS

SB1651, workers' compensation; service; electronic transmission

Support:

Ellen Poole, Executive Director, SW Region Govt Relations, American Property & Casualty Insurers; Russell Smoldon, AZ SELF-INSURERS ASSOC; Jen Springman, GREATER PHOENIX CHAMBER OF COMMERCE; Mark Kendall, COPPERPOINT INSURANCE COMPANY

All Comments:

Mark Kendall, COPPERPOINT INSURANCE COMPANY: If necessary

ARIZONA STATE LEGISLATURE

Fifty-fifth Legislature - First Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON **COMMERCE**

CHAIRMAN: Jeff Weninger VICE-CHAIRMAN: Steve Kaiser

	DATE	03/09/21	/21	/21	/21	/21
	CONVENED	2:03 pm	m	m	m	m
	RECESSED					
	RECONVENED					
	ADJOURNED	3:14 pm				
MEMBERS						
Chaplik		✓				
Cook		✓				
Espinoza		✓				
Fernandez		✓				
Meza		✓				
Nutt		✓				
Powers Hannley		✓				
Wilmeth		✓				
Kaiser, Vice-Chairman		✓				
Weninger, Chairman		✓				

√ Present --- Absent exc Excused

Attachment 3

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

SB 1155: antitrust enforcement; appropriation
Sponsor: Senator Mesnard, LD 17
Committee on Commerce

Overview

Appropriates $1,000,000 from the Antitrust Enforcement Revolving Fund (Fund) in FY 2022 to the Attorney General (AG) for investigation and enforcement against technology companies.

History

The Uniform State Antitrust Act, (A.R.S. Title 44, Chapter 10, Article 1), deems the following as unlawful: 1) a contract, combination or conspiracy between two or more persons in restraint of, or to monopolize, trade or commerce, any part of which is within this state; and 2) the establishment, maintenance or use of a monopoly by any person for the purpose of excluding competition or controlling, fixing or maintain prices.

The AG is responsible for the enforcement of state and federal antitrust laws. The AG may, in any action brought pertaining to antitrust, restraint of trade, or price-fixing activities or conspiracies for the recovery of damages by the state, enter into contracts relating to the investigation and prosecution of such action with any other party plaintiff who has brought a similar action if the AG finds it advantageous to do so. Furthermore, when involved in any such action, the AG may render legal services as special counsel or obtain such services from qualified entities (A.R.S. § 41-192).

When money is recovered as a result of enforcing antitrust laws a portion of the monies are deposited into the Fund. Fund monies must be used by the AG for costs and expenses of enforcing antitrust laws. Fund monies may not be used to compensate or employ attorneys or counselors at law, except for the attorney fees due upon the initial recovery of monies (A.R.S. §§ 41-191.01; and 41-191.02).

Provisions

1. Appropriates $1,000,000 from the Fund in FY 2022 to the AG to investigate and enforce actions against technology companies that engage in behavior that is:
   a) Anticompetitive;
   b) Anticonsumer; or
   c) Monopolistic. (Sec. 1)
2. Permits monies in the Fund to be used, until July 1, 2023, to compensate or employ attorneys or counselors at law. (Sec. 1)
3. Exempts the appropriations from lapsing. (Sec. 1)
4. Contains a legislative intent clause. (Sec. 2)

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

Attachment 4

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

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. SB 1155

DATE March 09, 2021 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Chaplik		✓			
Cook		✓			
Espinoza		✓			
Fernandez			✓		
Meza		✓			
Nutt		✓			
Powers Hannley		✓			
Wilmeth		✓			
Kaiser, Vice-Chairman		✓			
Weninger, Chairman		✓			
		9	1	0	0

Iris McMahon
COMMITTEE SECRETARY

APPROVED:

JEFF WENINGER, Chairman
STEVE KAISER, Vice-Chairman

ATTACHMENT 5

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

Senate: COM DP 9-0-0-0 | 3rd Read 29-0-1-0

SB 1218: nonhealth professions; occupations; regulations.
Sponsor: Senator Pace, LD 25
Committee on Commerce

Overview

Modifies the factors to be considered by a legislative committee of reference (COR) during both initial consideration of occupational regulations and sunset reviews of agencies which administer occupational regulations.

History

A profession or occupation may only be regulated to protect the public interest. Nonhealth professions may only be regulated if all the following apply to that profession:

1) An unregulated practice can clearly harm the public health, safety or welfare;
2) The public benefit clearly exceeds the costs imposed on consumers, businesses and individuals; and
3) The public needs and can be expected to benefit from assuring professional ability and cannot be protected by private certification or other alternatives (A.R.S. § 32-4401).

Each standing committee of the House of Representatives and Senate makes up a COR, which is empowered to review sunset reports of state agencies (A.R.S. § 41-2954).

Provisions

1. Requires a COR to consider, in determining the need for continuation or termination of an agency, the agency's ability to timely investigate and resolve complaints under its jurisdiction. (Sec. 1)

2. Directs each COR that reviews an agency that administers occupational regulations to consider, in determining the need for continuing or terminating the agency, the extent to which:
   a) The occupational regulation meets specified requirements; and
   b) Failure to regulate a profession or an occupation will result in:
      i. Loss of insurance;
      ii. An impact to the ability to practice in other states or as required by federal law;
      iii. An impact to required licensure or registration with the federal government; and
      iv. The loss of constitutionally afforded practices. (Sec. 1)

3. Stipulates if a COR reviews a state agency that administers an occupation regulation the COR must recommend the Legislature:
   a) Repeal the occupational license;
   b) Convert the occupational license to a less restrictive regulation; or
   c) Instruct the state agency to seek legislation or adopt rules that reflect the COR's recommendation. (Sec. 1)

4. Prohibits occupational regulation from being imposed for the exclusive purpose of protecting a profession from economic competition. (Sec. 5)

5. Extends, from all *proposed legislation* to all *regulation*, the applicability of first-time reviews for occupational regulations. (Sec. 5)
6. Modifies the criteria that must be met during first-time reviews in determining if a profession or occupation must be regulated to include:
   a) Credible evidence of harm that an unregulated practice threatens public health, safety or welfare in Arizona;
   b) Need and reasonable expectation to benefit from government regulation; and
   c) Inability of the public to be effectively protected by less restrictive regulations. (Sec. 5)
7. Removes the requirement that a COR must examine data evidencing actual harm to the public resulting from the industry being considered for regulation. (Sec. 5)
8. Allows a COR to consider information from state agencies and others with knowledge of the occupation or labor-market economics when evaluating criteria for occupational regulation. (Sec. 5)
9. Directs the COR to provide findings and recommendations to the relevant standing committee, which must address the appropriate type of regulation, scope of practice, and the impacts of a failure to regulate the occupation. (Sec. 5)
10. Specifies the criteria for evaluating the need for occupational regulations do not preempt federal regulations or require a private organization to grant or deny private certifications. (Sec. 5)
11. Defines *government certification*, *government registration*, *lawful occupation*, *less restrictive regulation*, *occupational or professional license*, *occupational regulation*, *personal qualifications* and *private certification*. (Sec. 4)
12. Transfers statute relating to regulation of nonhealth professions and occupations from Title 32 Professions and Occupations to Title 41 State Government. (Sec. 2, 3)
13. Makes technical and conforming changes. (Sec. 1, 5, 6)

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

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

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. SB 1218

DATE March 09, 2021 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Chaplik		✓			
Cook		✓			
Espinoza					✓
Fernandez		✓			
Meza		✓			
Nutt		✓			
Powers Hannley			✓		
Wilmeth		✓			
Kaiser, Vice-Chairman		✓			
Weninger, Chairman		✓			
		8	1	0	1

Iris McMahon
COMMITTEE SECRETARY

APPROVED:

JEFF WENINGER, Chairman
STEVE KAISER, Vice-Chairman

ATTACHMENT 1

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

SB 1217: securities; exempt transactions.
Sponsor: Senator Pace, LD 25
Committee on Commerce

Overview

Exempts securities transactions under Tier 2 of federal Regulation A from dealer registration and filing requirements.

History

The Arizona Corporate Commission (ACC) Securities Division is responsible for the regulation of securities through the registration of securities that are offered or sold and the registration of dealers who transact securities in the State. The sale of a federally covered security that is compliant with AAC filing requirements is exempt from further requirements to register securities (A.R.S. § Title 44, Chapter 12). Statute outlines exempted transactions when it comes to dealer registration and AAC filing requirements (A.R.S. § 44-1844). A *federal covered security* is any security described as a covered security in Section 18 of the Securities Act of 1933 (A.R.S. § 44-1801).

Securities offered or sold under federal Regulation A, Tier 2 are considered federally covered securities. An issuer of securities is exempt from federal securities registration requirements under Regulation A, Tier 2 if the issuer qualifies with the U.S. Securities and Exchange Commission and the sum of the aggregate offering price and the aggregate sales of securities does not exceed $50,000,000, including a maximum of $15,000,000 offered by securityholders that are affiliates of the issuer. Purchases of federal Regulation A, Tier 2 securities that are not made by an accredited investor are subject to a cap of 10 percent of the purchaser's annual income or net worth or 10% of the purchaser's revenue or net assets (17 C.F.R. §§ 230.251 – 230.263).

Effective March 15, 2021, the exemption amounts under Regulation A, Tier 2 will be increased to an aggregate amount not to exceed $75,000,000, including a maximum of $22,500,000 offered by securityholders.

Provisions

1. Exempts transactions by an issuer, its parent or subsidiary companies and other outlined parties from the requirement to register as a dealer and ACC filing requirements when offering or selling securities of the issuer pursuant to federal Regulation A, tier 2 if:
   a) The sum of the aggregate offering price and aggregate sales does not exceed $75,000,000; and
   b) No more than $22,500,000 is offered by all selling securityholders that are affiliates of the issuer. (Sec. 1)
2. Makes technical changes. (Sec. 1)

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

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

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. SB 1217

DATE March 09, 2021 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Chaplik		✓			
Cook		✓			
Espinoza					✓
Fernandez			✓		
Meza		✓			
Nutt		✓			
Powers Hannley		✓			
Wilmeth		✓			
Kaiser, Vice-Chairman		✓			
Weninger, Chairman		✓			
		8	1	0	1

Iris McMahon
COMMITTEE SECRETARY

APPROVED:

JEFF WENINGER, Chairman
STEVE KAISER, Vice-Chairman

ATTACHMENT 9

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

SB 1234: insurance; continuing education; proctor prohibited
Sponsor: Senator Livingston, LD 22
Committee on Commerce

Overview

Prohibits the Department of Insurance and Financial Institutions (DIFI) from requiring a proctor to administer any required post-course examinations for self-study continuing education courses that licensees complete online.

History

An *insurance* producer is a person who is required to be licensed to sell, solicit or negotiate insurance in Arizona. An insurance producer must complete credit hours in approved continuing education courses provided by an approved provider, with certain exceptions, in order to be considered for renewal of an insurance producer license. Insurance producers may receive credit for courses only once during each license period. After the completion of such courses, the provider must furnish the licensee a certificate of compliance. The Director of DIFI is prohibited from renewing an individual's license without evidence that the insurance producer has completed the required credit hours (A.R.S. §§ 20-281 and 20-2902).

Provisions

1. Prohibits DIFI from requiring a proctor to administer any required post-course examinations for self-study continuing education courses that licensees complete online. (Sec. 1)

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

Attachment 10

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

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. SB 1234

DATE March 09, 2021 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Chaplik		✓			
Cook		✓			
Espinoza					✓
Fernandez		✓			
Meza		✓			
Nutt		✓			
Powers Hannley		✓			
Wilmeth		✓			
Kaiser, Vice-Chairman		✓			
Weninger, Chairman		✓			
		9	0	0	1

Iris McMahon
COMMITTEE SECRETARY

APPROVED:

JEFF WENINGER, Chairman
STEVE KAISER, Vice-Chairman

ATTACHMENT 11

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

SB 1258: state of emergency; tolling; permits
Sponsor: Senator Mesnard, LD 17
Committee on Commerce

Overview

An emergency measure that suspends the time-period remaining to exercise the rights under any permit, license, approval or other authorization necessary for development, construction or real property improvement during a state of emergency.

History

The Governor may proclaim a state of emergency, effective immediately, in an area affected or likely to be affected by disaster conditions or extreme peril to the safety of persons or property within Arizona caused by air pollution, fire, flood, storm, epidemic, riot, earthquake or other causes likely to be beyond the control of a single county, city or town. During a state of emergency, the Governor has complete authority over all state agencies and the right to exercise all police power vested in the state by the Arizona Constitution and state law. The Governor may direct agencies to utilize state personnel, equipment and facilities to perform all activities designed to prevent or alleviate actual and threatened damage due to the emergency (A.R.S. §§ 26-301 and 26-303).

State agencies, counties, cities and towns may make, amend and rescind orders, rules and regulations necessary for emergency functions that are not inconsistent with the Governor's orders, rules and regulations (A.R.S. § 26-307).

Provisions

Tolling Certain Authorizations During A State of Emergency (Sec. 1)

1. Specifies the period remaining to exercise the rights under any permit, license, approval or other authorization is tolled in the event the Governor proclaims a state of emergency that causes the state or a county, city or town to alter or limit ordinary government operations.
   a) Outlines the limitations of authorized rights.
   b) Specifies the duration of the period tolled and extends the period remaining to exercise the authorized rights six months after the tolling period.
   c) Defines *ordinary government operation*.
2. Requires any extended authorization to be governed by the laws, administrative rules, ordinances and other legal requirements that governed the authorization when the state of emergency was issued, unless it is demonstrated that the requirements create a public health or safety threat.
3. Specifies, during the tolled and extended period, a governmental entity may not prohibit or impose any penalty or fine for an activity that was permitted under an authorization issued before or during the state of emergency.

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

4. Specifies the commencement dates or completion dates for any required future work or other authorizations are extended so that those activities occur in the same time frame relative to the phase as originally permitted, licensed, approved or otherwise authorized.
5. Outlines circumstances in which the tolling period for certain authorized rights do not apply.
6. Specifies the tolling period for certain authorized rights does not:
   a) Restrict a governmental entity from requiring property to be maintained and secured in a safe and sanitary condition for compliance with applicable laws;
   b) Prevent a county health department from collecting fees for a permit, license, approval or other authorization for programs and activities delegated by the Environmental Quality and Health Services Departments; and
   c) Prevent a governmental entity from collecting an annual fee required to maintain a permit, license, approval or other authorization in good standing.

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

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. SB 1258

DATE March 09, 2021 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Chaplik		✓			
Cook		✓			
Espinoza					✓
Fernandez		✓			
Meza		✓			
Nutt		✓			
Powers Hannley		✓			
Wilmeth		✓			
Kaiser, Vice-Chairman		✓			
Weninger, Chairman		✓			
		9	0	0	1

Iris McMahon
COMMITTEE SECRETARY

APPROVED:

JEFF WENINGER, Chairman
STEVE KAISER, Vice-Chairman

ATTACHMENT 13

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

Senate: COM DP 8-1-0-0 | 3rd Read 19-10-1-0

SB 1272: nonhealth board directors; advocacy; legislation
Sponsor: Senator Mesnard, LD 17
Committee on Commerce

Overview

Limits legislative advocacy by directors of nonhealth regulatory boards until the board adopts a formal position in a public meeting.

History

In order to engage in a regulated profession or occupation, one must apply to the relevant board or agency and be granted the appropriate authorization. Nonhealth profession regulatory boards include: 1) the Arizona Board of Technical Registration; 2) the Board of Barbers; 3) the Board of Cosmetology; 4) the Arizona State Board of Accountancy; 5) the Board of Funeral Directors and Embalmers; 6) the Real Estate Advisory Board; 7) the State Board for Private Postsecondary Education; and 8) the Board of Certified Reporters (A.R.S. Title 32).

Public meeting laws require all public bodies, including all boards and commissions of the state, to allow all interested people to attend and listen to their deliberations, with narrow exceptions (A.R.S. § 38-431.01). Furthermore, notice that includes the proposed topics for deliberation must be provided to the public in advance (A.R.S. § 38-431.02).

Provisions

1. Prohibits the director of a nonhealth profession regulatory board from advocating on legislation in the director's official capacity until the board adopts a formal position on that proposal in a public meeting. (Sec. 1)
2. Removes archaic language. (Sec. 1)
3. Makes technical changes. (Sec. 1)

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

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

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. SB 1272

DATE March 09, 2021 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Chaplik		✓			
Cook		✓			
Espinoza		✓			
Fernandez			✓		
Meza		✓			
Nutt		✓			
Powers Hannley			✓		
Wilmeth		✓			
Kaiser, Vice-Chairman		✓			
Weninger, Chairman		✓			
		8	2	0	0

Iris McMahon
COMMITTEE SECRETARY

APPROVED:

JEFF WENINGER, Chairman
STEVE KAISER, Vice-Chairman

ATTACHMENT 15

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

SB 1378: office of Sonora; continuation
Sponsor: Senator Mesnard, LD 17
Committee on Commerce

Overview
Continues the Office of Sonora for eight years.

History
In 1993, the Legislature established the Office of Sonora within the Governor's Office. The Office of Sonora facilitates the implementation of the North American Free Trade Agreement, and the flow of information, commercial relationships, educational and training exchange programs and tourism growth between Arizona and Sonora, Mexico. The Office of Sonora must: 1) assist the Arizona-Mexico Commission; 2) support activities of various state agencies in Sonora, Mexico; 3) contract with or assist other departments, agencies and institutions of the state, local and federal government to further the Office of Sonora's purposes, objectives and programs; 4) contract and enter into interagency and intergovernmental agreements with any private party or public agency; and 5) inform and advise, on request and within the scope of the Office of Sonora, local, state and federal agencies and private citizens, business enterprises and community organizations (A.R.S. § 41-107).

Provisions
1. Continues, retroactive to July 1, 2021, the Office of Sonora until July 1, 2029. (Sec. 2, 4)
2. Repeals the Office of Sonora on January 1, 2030. (Sec. 2)
3. Contains a purpose statement. (Sec. 4)
4. Makes a conforming change. (Sec. 1)

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

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

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. SB 1378

DATE March 09, 2021 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Chaplik		✓			
Cook		✓			
Espinoza		✓			
Fernandez		✓			
Meza		✓			
Nutt		✓			
Powers Hannley		✓			
Wilmeth		✓			
Kaiser, Vice-Chairman		✓			
Weninger, Chairman		✓			
		10	0	0	0

Iris Mc Mahon
COMMITTEE SECRETARY

APPROVED:

JEFF WENINGER, Chairman
STEVE KAISER, Vice-Chairman

ATTACHMENT 17

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

SB 1651: workers' compensation; service; electronic transmission
Sponsor: Senator Livingston, LD 22
Committee on Commerce

Overview

Allows certain documents and notices to be transmitted by means other than mail with written consent of the receiving party.

History

Under current law, any interested party may file a request for a hearing concerning a worker's compensation claim. A notice of the time and place of a worker's compensation hearing must be given to all interested parties by mail at their last known address at least twenty days prior to the hearing (A.R.S. § 23-491).

When an administrative law judge determines a worker's compensation award, the award is made part of the Industrial Commission of Arizona's (Commission) file. A copy of the award must be sent by mail to all interested parties. The award becomes final when entered unless one of the parties submits a request for review within 30 days of the date a copy of the award is mailed (A.R.S. § 23-942).

When a request for review of an administrative law judge's award is filed, copies of the request must be mailed to other parties to the proceeding. Notice of a review must be mailed to interested parties. A copy of the decision of the presiding administrative law judge on a review must be sent by mail to the interested parties. The decision on a review is final unless one of the parties applies to the court of appeals for a writ of certiorari within 30 days after the date that the copy of the decision is mailed (A.R.S. § 23-943).

In cases of worker injury that leads to permanent partial disability that causes the injured employee to become stationary, permanent total disability or death, the Commission must determine additional compensation within a certain timeframe. The commission must mail a copy of the determination to all interested parties. Any such party may request a hearing on the determination within 90 days after copies of the determination are mailed (A.R.S. § 23-1047).

Insurance carriers and self-insuring employers must promptly report to the Commission and mail the employee any denial of a claim, change in the amount of compensation and the termination thereof (A.R.S. § 23-1061).

Provisions

1. Defines *serve* or *service* to mean:
   a) Mailing to the last known address of the receiving party; or
   b) Transmitting by other means, including electronic transmission, with the written consent of the receiving party. (Sec. 1)
2. Permits the following documents and notices to be *served* to specified parties:
   a) Notice of the time and place of a requested worker's compensation claim hearing;

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

b) A copy of an award determined by an administrative law judge presiding over a worker's compensation hearing;
c) Copies of a request for review of an administrative law judge award;
d) Notice of a review of an administrative law judge award;
e) The decision on a review of an administrative law judge award;
f) A determination for further compensation by the Commission in permanent partial or total disability or death cases; and
g) A notice of denial of accidental injury claim, change in amount of compensation or termination of compensation by an insurance carrier or self-insuring employer (Sec. 2-6)

3. Makes technical and conforming changes. (Sec. 1-6)

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

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. SB 1651

DATE March 09, 2021 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Chaplik		✓			
Cook		✓			
Espinoza			✓		
Fernandez		✓			
Meza			✓		
Nutt		✓			
Powers Hannley			✓		
Wilmeth		✓			
Kaiser, Vice-Chairman		✓			
Weninger, Chairman		✓			
		7	3	0	0

Lisa McMahon
COMMITTEE SECRETARY

APPROVED:

JEFF WENINGER, Chairman
STEVE KAISER, Vice-Chairman

ATTACHMENT 19