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

COMMITTEE ON COMMERCE

Report of Regular Meeting
Tuesday, March 1, 2022
House Hearing Room 3 -- 2:00 P.M.

Convened 2:19 P.M.
Recessed
Reconvened
Adjourned 2:28 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE
3-3-22

Members Present
Mr. Carter
Mr. Chávez
Mr. Cook
Mr. Espinoza
Mr. Kaiser
Mrs. Liguori
Mr. Meza
Mr. Wilmeth
Mr. Chaplik, 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
SB1066	DP	10-0-0-0	4, 5
SB1257	DP	10-0-0-0	6, 7
SB1276	DP	10-0-0-0	8, 9

Jacqueline Denlinger, Committee Secretary
March 3, 2022

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

convened: 2:19 pm
adjourned: 2:28 pm

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

REGULAR MEETING AGENDA

COMMITTEE ON COMMERCE

DATE Tuesday, March 1, 2022 ROOM HHR 3 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=2022031003

Members:

Mr. Carter	Mr. Kaiser	Mr. Wilmeth
Mr. Chávez	Mrs. Liguori	Mr. Chaplik, Vice-Chairman
Mr. Cook	Mr. Meza	Mr. Weninger, Chairman
Mr. Espinoza		

Bills		Short Title	Strike Everything Title
SB1066 (1)	DP 10-0-0-0	raffles; nonprofits; length of existence (Shope: Jermaine) COM, RULES	
*SB1257 (2)	DP 10-0-0-0	long-term recreational vehicle parks; caregivers (Mesnard)	
*SB1276 (3)	DP 10-0-0-0	state real estate department; continuation (Mesnard)	

* If first read and assigned

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

DF
02/23/2022

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.

Attachment 1

Information Registered on the Request to Speak System

House Commerce (3/1/2022)

SB1066, raffles; nonprofits; length of existence

Testified in support:

Brandy Petrone, ALLIANCE OF ARIZONA NONPROFITS

Support:

Penny Allee Taylor, representing self; Eric Emmert, Arizona Professional Towing And Recovery Association ; Steven Hansen, representing self; janice sandoz, representing self; Linda Katzenstein, representing self; Rebekah Friend, representing self; Terry Herndon, representing self; Lisa Blankenship, representing self; Jeff Blankenship, representing self; Lee Ann Witt, representing self; Jennifer Reeve, representing self; Barb Harris, representing self; Ellen Gross, representing self; Rebecca Coffman, representing self; Carisa Feierabend, representing self; Wendy Jonessee, representing self; Shannon Whiteaker, ASIAN MEDICINE ACUPUNCTURISTS OF ARIZONA; Rob Fullmer, ARIZONA CRAFT BREWERS GUILD

All Comments:

Steven Hansen, Self: Raffles are an effective way for a non profit to engage the community while generating needed funds to support critical service programs.; Linda Katzenstein, Self: It is time to change this outmoded law and permit not-for-profit organizations utilize raffles as a fundraising mechanism after they have been operating for more than a year. They need funding and raffles are an inexpensive options.; Terry Herndon, Self: Nonprofits can only survive with raffles. It is nearly impossible to keep a nonprofit alive without them.; Lisa Blankenship, Self: I support this bill as non-profits should be able to conduct raffles just as any other organization and should not have to wait 5 years in which to do so.; Rob Fullmer, ARIZONA CRAFT BREWERS GUILD: Nonprofit organizations are struggling and this will provide lift.

SB1257, long-term recreational vehicle parks; caregivers

Testified in support:

John MacDonald, AZ ASSN MANUFACTURED HOME OWNERS

Support:

Harold Bergsma, representing self; Carisa Feierabend, representing self; Ron Brinkman, representing self; Wendy Jonessee, representing self; Doug Stonerock, representing self

SB1276, state real estate department; continuation

Support:

Spencer Kamps, HOME BUILDERS ASSOCIATION OF CENTRAL AZ; Carisa Feierabend, representing self; Wendy Jonessee, representing self; James Knupp, AZ DEPT OF REAL ESTATE

ARIZONA STATE LEGISLATURE

Fifty-fifth Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON **COMMERCE**

CHAIRMAN: Jeff Weninger VICE-CHAIRMAN: Joseph Chaplik

	DATE	03/01/22	/22	/22	/22	/22
	CONVENED	2:19 pm	m	m	m	m
	RECESSED					
	RECONVENED					
	ADJOURNED	2:28 pm				
MEMBERS						
Carter		✓				
Chávez		✓				
Cook		✓				
Espinoza		✓				
Kaiser		✓				
Liguori		✓				
Meza		✓				
Wilmeth		✓				
Chaplik, Vice-Chairman		✓				
Weninger, Chairman		✓				

√ Present --- Absent exc Excused

Attachment 3

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
Second Regular Session

Senate: COM DP 9-0-0-0 | 3rd Read DP 28-0-2-0

SB 1066: raffles; nonprofits; length of existence
Sponsor: Senator Shope, LD 8
Committee on Commerce

Overview
Decreases the time period that a nonprofit organization must be in continuous existence prior to conducting a raffle.

History
Pursuant to A.R.S. § 13-3302, a nonprofit organization may conduct a raffle subject to the following restrictions: 1) the nonprofit organization maintains its status and no member, director, officer, employee or agent of the organization may receive any direct or indirect pecuniary benefit, except for being able to participate in the raffle on a basis equal to all other participants; 2) the nonprofit organization has been in continuous existence in Arizona for a five-year period immediately before conducting the raffle; and 3) only a bona fide local member of the sponsoring organization may participate directly or indirectly in the management, sales or operation of the raffle.

Provisions
1. Reduces the period of time that a nonprofit organization must continuously exist in Arizona immediately before conducting a raffle from five years to one year. (Sec. 1)
2. Make technical changes. (Sec. 1)

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

Attachment 4

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

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. SB 1066

DATE March 01, 2022 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Carter		✓			
Chávez		✓			
Cook		✓			
Espinoza		✓			
Kaiser		✓			
Liguori		✓			
Meza		✓			
Wilmeth		✓			
Chaplik, Vice-Chairman		✓			
Weninger, Chairman		✓			
		10	0	0	0

Jacqueline Derby
COMMITTEE SECRETARY

APPROVED:

JEFF WENINGER, Chairman
JOSEPH CHAPLIK, Vice-Chairman

ATTACHMENT 5

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
Second Regular Session

Senate: COM DP 9-0-0-0 | 3rd Read 27-1-2-0

SB 1276: state real estate department; continuation
Sponsor: Senator Mesnard, LD 17
Committee on Commerce

Overview

Continues the Arizona Department of Real Estate (ADRE) for eight years.

History

Arizona Department of Real Estate

ADRE was established in 1921 and administers real estate laws for the purpose of protecting the public interest through licensure and regulation of the real estate profession in Arizona. ADRE regulates and issues licenses for real estate and membership camping brokers and salespersons and for cemeteries. ADRE oversees the activities of licensees, investigates complaints against licensees and land developers, participates in administrative hearings and administers the Homeowners Association Dispute Process. ADRE is directed by the Real Estate Commissioner, who is appointed by the Governor (Title 32, Chapter 20, A.R.S.).

Sunset Review Process

The sunset review process provides a system for the Legislature to evaluate the need to continue the existence of state agencies which are reviewed by a Legislative Committee of Reference (COR). The COR is required to hold a public hearing, receive testimony from agency officials and the public and consider certain sunset factors in determining whether to recommend continuing, consolidating or terminating the agency (A.R.S § 41-2954).

On January 11, 2022, the House Commerce COR held a public hearing and recommended that the Legislature continue ADRE for eight years. ADRE terminates on July 1, 2022, unless continued by the Legislature (COR minutes; A.R.S. § 41-3022.05).

Provisions

1. Continues, retroactive to July 1, 2022, ADRE until July 1, 2030. (Sec. 1, 2, 4)
2. Repeals ADRE on January 1, 2031. (Sec. 2)
3. Contains a purpose statement. (Sec. 3)

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

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

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. SB 1276

DATE March 01, 2022 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Carter	✓	✓			
Chávez		✓			
Cook		✓			
Espinoza		✓			
Kaiser		✓			
Liguori		✓			
Meza		✓			
Wilmeth		✓			
Chaplik, Vice-Chairman		✓			
Weninger, Chairman		✓			
		10	0	0	0

Jacqueline Denly
COMMITTEE SECRETARY

APPROVED:

JEFF WENINGER, Chairman
JOSEPH CHAPLIK, Vice-Chairman

ATTACHMENT 7

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
Second Regular Session

Senate: COM DP 9-0-0-0 | 3rd Read DP 28-0-2-0

SB 1257: long-term recreational vehicle parks; caregivers
Sponsor: Senator Mesnard, LD 17
Committee on Commerce

Overview

Modifies the authorization for residents of an RV rental space allowing occupancy of caregivers.

History

The Arizona Recreational Vehicle Long-Term Rental Space Act regulates and determines rights, obligations and remedies for an RV space that is rented under a rental agreement in an RV or mobile home park by the same tenant for more than 180 consecutive days (A.R.S. § 33-2101).

Current statute directs a landlord to adopt written rules concerning the use and occupancy of the RV park premises by tenants. Further, statute permits a resident of an RV rental space to have an adult occupy an RV on a temporary basis to provide live-in health care to the resident in accordance with a physician's written treatment plan. The landlord may not charge a fee to the person providing care, but may require the resident to provide a written renewal of the physician's treatment plan every six months (A.R.S. § 33-2132).

Federal and state fair housing laws prohibit discrimination in rental agreements on the basis of disability of the resident or anyone associated with the resident. Housing discrimination includes refusal to permit reasonable accommodations of existing premises occupied by the person if the modifications are necessary to afford the person full enjoyment of the premises (A.R.S. § 41-1491.19; 42 U.S.C. § 3604).

Disability means a mental or physical impairment that substantially limits at least one major life activity, a record of such an impairment or being regarded as having such an impairment (A.R.S. § 41-1491).

Provisions

1. Amends the caregiver occupancy permissions for an RV rental space to allow a disabled resident to have one or more persons occupy the RV to provide live-in health care if the care is necessary to afford the resident an equal opportunity to use and enjoy the dwelling. (Sec. 1)
2. Broadens the care provided to include *personal care* and *supportive services.* (Sec. 1)
3. Removes the restrictions that the person providing the care be at least 18 years of age and occupy the RV on a temporary basis. (Sec. 1)
4. Removes language relating to a physician's written treatment plan. (Sec. 1)
5. Clarifies a person providing personal care or supportive services:
   a) May not be charged a fee by the landlord for providing care;
   b) Has no rights of tenancy; and
   c) Must comply with the rules of the park. (Sec. 1)
6. 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 - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. SB 1257

DATE March 01, 2022 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Carter	✓	✓			
Chávez		✓			
Cook		✓			
Espinoza	✓	✓			
Kaiser		✓			
Liguori		✓			
Meza		✓			
Wilmeth		✓			
Chaplik, Vice-Chairman		✓			
Weninger, Chairman		✓			
		10	0	0	0

Jacqueline Derli
COMMITTEE SECRETARY

APPROVED:

JEFF WENINGER, Chairman
JOSEPH CHAPLIK, Vice-Chairman

ATTACHMENT 9