

COMMITTEE ON COMMERCE

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HB 2078 – Chapter 212 – office of tourism; continuation

Continues the Arizona Office of Tourism until July 1, 2016.

HB 2102 – Chapter 314 – license eligibility; authorized presence

Requires a person to present a government-issued document containing the individual's *photograph* in order to obtain a license or work in the service industry.

HB 2103 – Chapter 84 – homemade food products; regulation; exception

Permits baked and confectionary foods that are not potentially hazardous to be prepared in private home kitchens for commercial purposes if the label lists the baker's contact information and product ingredients. The label must disclose if the food preparation was in a facility for the developmentally disabled. Requires the supervisor or food-preparer to obtain any food handler's permit or certificate issued by the local health department and register with the newly created DHS online registry.

HB 2160 – Chapter 256 – prearranged funeral agreements

Requires fixed rate prearranged funeral agreement monies to be deposited into a trust account the shortest of 21 calendar days or 15 business days from receipt of the funds. Instructs funeral directors to act as prudent investors.

HB 2168 – Chapter 109 – bulk merchandise containers; records

Regulates the recycling of bulk merchandise containers. Requires the business to obtain specific identifying information from the seller, maintain records of transactions and permit inspections by peace officers during regular business hours. Outlines penalties and violations.

HB 2191 – Chapter 137 [E] – *punitive damages; unlawful entry

An emergency measure that prohibits any person who is illegally in Arizona and in violation of federal immigration law, from being awarded punitive damages by any state court. Applies retroactively to any case that accrues on or after January 1, 2004.

HB 2192 – Chapter 14 – state lottery; transfer

Transitions the current state lottery and commission to the newly created Arizona State Lottery and State Lottery Commission, including all authority and responsibilities. Transfers and maintains the pertinent administrative rules, regulations, contracts, licenses, registrations, personnel and all other assets. Repeals obsolete language.

HB 2357 – Chapter 53 – liquor importation; amount; military personnel

Permits members of the Arizona National Guard, United States Armed Forces Reserves and the United States Armed Forces to import more than one liter of spirituous liquor for personal use if the importation coincides with the individual's return from a tour of duty from a foreign country. Requires the individual to pay any required federal taxes on the quantity of liquor that exceeds the duty-free amount. Authorizes DLLC to issue exemption letters to allow this importation.

HB 2490 – Chapter 92 – *consumer incentives; food

Prescribes the state's sole jurisdiction over *consumer incentive items* and prohibits any political jurisdiction from enacting further regulations. Defines the term as any licensed media character, toy, game or other consumer product as outlined that is associated with a meal served by or obtained from a restaurant or convenience store.

HB 2584 – Chapter 93 – workers’ compensation; directed care

Establishes a pilot program for government self-insured entities to direct healthcare to specific medical, surgical and hospital care providers to determine if public entities can contain costs, improve health care and return to work results through such a program. Participants must consult with the ICA on assessment and reporting protocols and submit baseline data before the pilot program begins January 1, 2012, but not later than January 1, 2013. Specifies timelines and reporting requirements, including a final report two years after the pilot program begins. Repeals the pilot program January 1, 2015.

SB 1085 – Chapter 62 [E] – contractors; internal references; technical correction

An emergency measure that corrects internal references in Arizona’s Prompt Pay Act.

SB 1105 – Chapter 98 – real estate transfer affidavit; transmission

Requires the county recorder to transmit an electronic copy of the affidavit to DOR and ASLAPR and to transmit either the original or its electronic copy to the county assessor. Further, directs the county assessor to transmit data contained in the affidavit to DOR and transmit the original affidavit, when no longer in active use, to ASLAPR.

SB 1180 – Chapter 67 – board of appraisal; disciplinary proceedings

Authorizes the Arizona Board of Appraisal to continue a disciplinary investigation and render its lawful decision for up to 24 months after the license or certificate expires, even if the person surrenders the license, allows it to lapse or expire. Redefines *work file*.

SB 1195 – Chapter 247 – service companies; exemption

Exempts from DOI regulations, a *service company* that directly or through a retailer, sells or services consumer products, cell phones or electronic personal communication devices if the service contract covers only the actual item or product the company sells.

SB 1230 – Chapter 343 – business services; secretary of state

Modifies the requirements for notaries public and electronic notaries public to have equivalent qualifications as outlined. Notaries must have the ability to read and write English, have the signer present during notarization, sign and communicate in a language everyone understands (or have an appropriate translator). Prescribes additional requirements for notarial certificates, advertisements, prohibited acts, conflicts of interest and appropriate fees. Amends the expedited service for processing applications, filings and searches. Releases a trade name for use six months after its owner administratively dissolves. Delays the Professional Employer Organization registration until July 1, 2013. Transfers duties from the SOS to GITA, for the online interactive database and establishes a completion date of January 1, 2016. Beginning July 1, 2012, increases from 15% to 35%, the amount of lottery revenues from special instant ticket sales deposited in the fund for various required payments.

SB 1241 – Chapter 100 – motor vehicle dealers; franchises

Outlines the motor vehicle dealer, manufacturer, distributor and franchise owner obligations with regard to vehicle inspections, regulations, audits, payments, and timeframes. Outlines requirements upon termination or nonrenewal of a franchise. Provides guidelines regarding a facility and the requirement to construct, renovate or maintain personnel or the show-room area. Permits voluntary dispute resolution measures and voluntary agreements that waive certain provisions of law as outlined.

SB 1276 – Chapter 70 – boxing commission; continuation

Continues the State Boxing and Mixed Martial Arts Commission until July 1, 2016.

SB 1284 – Chapter 250 – registrar of contractors; arbitration

Directs the ROC to pay claims from the recovery fund on a pro-rated basis. Permits Arbitration of complaint cases at the discretion of the ROC if the repairs cost \$5,000 or less. If all parties agree, the ROC may refer cases that exceed that amount. Outlines timeframes, notice, bonding and other specific requirements. Prescribes additional requirements for failure to comply by a complainant or contractor.

SB 1292 – Chapter 150 – real estate; education; broker requirements

Requires a real estate broker to review each listing agreement, purchase or non-residential lease agreement within 10 *business* days from the date of execution. Directs each initial or renewal license applicant to have knowledge of real estate practices and principles as determined by the commissioner. Beginning January 1, 2012, requires each course applicant for an initial or renewal instructor's license to attend a three hour professional workshop (in the 24-months before applying), but excludes a panelist, guest speaker, attorney or out-of-state instructor. Permits the commissioner to waive this requirement and deny an instructor's license if course content is not current or is substantially different from approved course content.

SB 1306 – Chapter 191 – landlords; tenants; bedbug control

Establishes new requirements for landlord and tenant bedbug infestation control that prohibits a city, town or county board of supervisors from enacting any mandates for bedbug control, except for ordinances that address the proper disposal of infested items. The landlord cannot knowingly lease an infested dwelling unit and is obligated to provide existing and new tenants with applicable educational materials. A tenant must refrain from knowingly moving bedbug infested materials into a dwelling unit and provide the landlord with written notice of any known infestation.

SB 1365 – Chapter 251 – paycheck deductions; political purposes

Cited as the *Protect Arizona Employees' Paycheck from Politics Act*, prohibits any paycheck deduction for political purposes by an Arizona employer unless an employee gives prior written or electronic authorization annually. Applies to deductions made after October 1, 2011. For multiple deductions, requires a statement from the entity receiving the payment indicating the amount or percentage used for political purposes. Assesses a minimum \$10,000 civil penalty for each violation when an employer knowingly deducts payments in violation of these provisions, or when an entity submits an inaccurate statement. Authorizes the attorney general to collect and deposit civil penalty monies into the state GF and adopt rules for the applicable forms. Excludes public safety employees, outlines exemptions and contains a severability clause.

SB 1423 – Chapter 239 – manufactured housing; escrow account

Beginning July 1, 2012, requires a licensed dealer or broker to establish an independent escrow account for each transaction involving a new manufactured, factory-built or mobile home or used one that costs \$50,000 or more, or as requested. Permits an owner/dealer an option to post a dealer bond with the OMH of at least \$100,000 in lieu of establishing the escrow account, if all requirements are met.

SB 1460 – Chapter 165 – *liquor omnibus

Amends the laws that regulate the DLLC by revising timeframes for various notifications, requiring record-keeping for two years, permitting consolidation of certain licenses and conforming minibar hours to those of other liquor laws.

- Specifies requirements for license transfers and the elements that constitute a rebuttable presumption.

- Authorizes the director to procure fingerprint scanning equipment and charge a fee, including a fee for certain inspection services, until January 1, 2015.
- Requires a person filing written arguments to protest a liquor license to include information as outlined, and allows the director to cancel a hearing if the protest is removed.
- Permits a wholesaler to donate liquor directly to an organization issued a special event license and prescribes duties with regard to vehicles, equipment and billing.
- Outlines requirements for disposal of seized liquor, permissive donations per calendar year, and mandated liquor sales for licenses to remain valid.
- Revises sampling privileges for specific licensees.
- Prohibits a city, town or county from charging any type of fee or tax or limiting any rights of liquor licensees.
- Permits the director to authorize installment payments for fines.
- Stipulates a licensee may post additional signs to prohibit weapons on the premises.
- Until July 1, 2015, exempts DLLC from rule-making to establish new fees, which requires public notice and public comment.

SB 1474 – Chapter 241 – landlord; tenant; fit and habitable

Requires the tenant to promptly notify the landlord in writing when there is any situation that requires the landlord to take action and provide maintenance or repair. Under the self-help for minor defects provisions of current law, prohibits the tenant from repairing the premises at the landlord's expense if the repair does not constitute a breach of the fit and habitable condition of the premises.

SB 1535 – Chapter 252 – store display shelf pricing

Removes some of the specific font and shelf display requirements for height and angle. Makes a conforming date change.