

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – Second Regular Session

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1-29-16

COMMITTEE ON COMMERCE

Report of Regular Meeting
Wednesday, January 27, 2016
House Hearing Room 1 -- 9:30 a.m.

Convened 9:35 a.m.

Recessed

Reconvened

Adjourned 12:25 p.m.

Members Present

Mr. Espinoza
Mr. Lawrence
Ms. Mach
Ms. Plumlee
Mr. Rivero
Mr. Shope
Mrs. Norgaard, Vice-Chairman
Mr. Petersen, Chairman

Members Absent

Agenda

Original Agenda – Attachment 1

Request to Speak

Report – Attachment 2

Presentations

Name

Kristen Torres
Stephen M. Malutich
Fred Lockhart

Organization

Pima Medical Institute
The Refrigeration School, Inc.
Arizona Private School Association

Attachments (Handouts)

Committee Action

Bill

Action

Vote

Attachments

**(Summaries,
Amendments, Roll Call,
Attendance)**

HB2035	DP	8-0-0-0	3, 4
HB2130	DPA	5-3-0-0	5, 6, 7
HB2131	DPA	5-3-0-0	8, 9, 10
HB2132	DPA	8-0-0-0	11, 12, 13

HB2148	HELD		
HB2263	DP	8-0-0-0	14, 15
HB2304	DP	7-1-0-0	16, 17
HB2333	HELD		
HB2517	DP	5-3-0-0	18, 19
Committee			20
Attendance			



Heather Covert, Chairman Assistant
01/29/2016

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

Conv: 9:35am
Adj: 12:25pm

REVISED #2 - 01/25/16

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

REGULAR MEETING AGENDA

COMMITTEE ON COMMERCE

DATE Wednesday, January 27, 2016

ROOM HHR 1

TIME 9:30 A.M. NOTE TIME CHANGE

9:00 A.M.

Members:

Mr. Espinoza
Mr. Lawrence
Ms. Mach

Ms. Plumlee
Mr. Rivero
Mr. Shope

Mrs. Norgaard, Vice-Chairman
Mr. Petersen, Chairman

Presentations:

Kristen Torres, Campus Director, Pima Medical Institute
Stephen M. Malutich, Campus President, The Refrigeration School, Inc.
Fred Lockhart, Executive Director, Arizona Private School Association

Bills	Short Title	Strike Everything Title
*HB2035	<u>DP</u> cosmetology; omnibus (Gowan)	
	<u>8-0-0-0</u> COM held 0-0-0-0-0, RULES	
HB2130	<u>DPA</u> municipalities; counties; energy use; reporting (Petersen)	
	<u>5-3-0-0</u> COM, RULES	
HB2131	<u>DPA</u> municipalities; counties; auxiliary containers; prohibitions (Petersen)	
	<u>5-3-0-0</u> COM, RULES	
HB2132	<u>DPA</u> lead acid battery sales; fees (Petersen)	
	<u>8-0-0-0</u> COM, RULES	

Bills

Short Title

Strike Everything Title

ADDENDUM #1 - 01/25/16

HB2148 HELD minimum wage; nonmonetary compensation.
(Fann)
COM, RULES

HB2263 DP supervisory appraisers; duties
(Brophy McGee)
8000 COM, RULES

HB2304 DP mobile home parks; tree maintenance
(Coleman: Ackerley, Shope)
7-1-0-0 COM, RULES

HB2333 HELD board of technical registration; exemptions
(Barton)
COM, RULES

ADDENDUM #2 - 01/25/16

HB2517 DP businesses; professions; regulation restrictions
(Petersen, Borrelli, Boyer, et al)
5-3-0-0 COM, RULES

* On previous agenda

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

HC
4/21/16
1/25/16

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, TDD (602) 926-3241.

Information Registered on the Request to Speak System

House Commerce (1/27/2016)

HB2035, cosmetology; omnibus

Testified in support:

Nick Simonetta, Arizona State Board Of Cosmetology

Support:

donna aune, representing self; Aimee Rigler, representing self

Oppose:

Jacob Johnson, representing self

All Comments:

donna aune, Self: Director for The Board of Cosmetology; Jacob Johnson, Self: Submitted Joint letter in opposition of the bill on behalf of the following organizations: AADA, ASDSA, ASAPS, ASPS, AAFPRS, ALSMS, ASOPRS

HB2130, municipalities; counties; energy use; reporting

Testified as opposed:

Sandy Bahr, Sierra Club - Grand Canyon Chapter

Support:

Farrell Quinlan, State Director, NATIONAL FEDERATION OF INDEPENDENT BUSINESS; Trish Hart, AZ FOOD MARKETING ALLIANCE; Chianne Hower, AZ RESTAURANT AND HOSPITALITY ASSN; Tim McCabe, AZ FOOD MARKETING ALLIANCE; Amanda Gray, Arizona Petroleum Marketers Association; Garrick Taylor, Arizona Chamber Of Commerce And Industry; Tom Farley, Arizona Association Of Realtors; Jeff Sandquist, NAIOP; Timothy Lawless, representing self; Michelle Ahlmer, AZ RETAILERS ASSN; Courtney Gilstrap LeVinus, Arizona Multihousing Association; Mike Williams, CIRCLE K

Oppose:

Eve Shapiro, representing self; Samantha Pstross, representing self; kendall Drake, representing self; Mariana Spier, representing self; Larky Hodges, representing self; Alisa McMahon, representing self; Michael Filis, representing self; Paul Getty, representing self; Dale Wiebusch, Legislative Associate, LEAGUE OF ARIZONA CITIES & TOWNS; Marge Zylla, TEMPE, CITY OF; Jeff Gray, PHOENIX, CITY OF; Stacey Champion, representing self; Patricia Susanto, representing self; zoe stein, representing self; Michael Martinez, representing self; Gretchen Reinhardt, representing self; Heather Szymanski, representing self

All Comments:

Eve Shapiro, Self: This bill means that municipalities could not require energy audits or benchmarking. This is the type of information that is important to consumers and helps reduce energy use, water use, and saves money.;

Larky Hodges, Self: A major thing people want to know when they rent or buy a property is what the electric bills are. This bill will make it unduly difficult for citizens to learn that information. This hurts the citizens of AZ and costs them money. Please vote NO.; Gretchen Reinhardt, Self: Local governments should be able to know that full cost of making investments in buildings in the state, especially when it can ultimately save them money.; Heather Szymanski, Self: Arizona communities should have the right to determine what is best for them. We are a Home Rule State with diverse energy use and grid security challenges. It is essential that we have local access to tools & metrics to meet growing energy needs.

HB2131, municipalities; counties; auxiliary containers; prohibitions

Testified as opposed:

Benjamin MacNeille, representing self

Support:

Farrell Quinlan, State Director, NATIONAL FEDERATION OF INDEPENDENT BUSINESS; Trish Hart, AZ FOOD MARKETING ALLIANCE; Chianne Hewer, AZ RESTAURANT AND HOSPITALITY ASSN; Tim McCabe, AZ FOOD MARKETING ALLIANCE; Amanda Gray, Arizona Petroleum Marketers Association; Garrick Taylor, Arizona Chamber Of Commerce And Industry; Tom Farley, Arizona Association Of Realtors; Jeff Sandquist, NAIOP; Michelle Ahlmer, AZ RETAILERS ASSN; Timothy Lawless, representing self; Courtney Gilstrap LeVinus, Arizona Multihousing Association; Mike Williams, CIRCLE K

Oppose:

Samantha Pstross, representing self; Samantha Pstross, representing self; Rivko Knox, representing self; Kendall Drake, representing self; Mariana Spier, representing self; Larky Hodges, representing self; Alisa McMahon, representing self; Michael Fiffis, representing self; Paul Getty, representing self; Sandy Bahr, Sierra Club - Grand Canyon Chapter; Dale Wiebusch, Legislative Associate, LEAGUE OF ARIZONA CITIES & TOWNS; Marge Zylla, TEMPE, CITY OF; Jeff Gray, PHOENIX, CITY OF; Stacey Champion, representing self; Patricia Susanto, representing self; Zoe Stein, representing self; Michael Martinez, representing self; Gretchen Reinhardt, representing self

All Comments:

Larky Hodges, Self: Plastic bags are a bane on society. They cost businesses, cities and towns tons of money. Please oppose this bill and let cities and towns do what is best for them.; Gretchen Reinhardt, Self: Local governments should be able to continue to work with their local businesses, residents and others to find solutions to local problems.

HB2132, lead acid battery sales; fees

Support:

Stuart Goodman, Arizona Automotive Wholesalers Association

1, Presentations:

HB2263, supervisory appraisers; duties

Support:

Stephen Briggs, representing self

Neutral:

elaine arena, PHOENIX CHAPTER APPRAISAL INSTITUTE; Frank Ugenti, representing self

Oppose:

Mike Petrus, representing self

All Comments:

Mike Petrus, Self: The Public is not protected by allowing inexperience to value what is likely their largest asset. A Trainee with only 75 class hours could inspect a property alone. The training period necessary to be competent is longer than weeks or months.; Stephen Briggs, Self: Legislative Liaison for Department of Financial Institutions.

HB2304, mobile home parks; tree maintenance

Support:

Dana Paschke, AZ ASSN MANUFACTURED HOME OWNERS; John MacDonald, Arizona Association Of Manufactured Home Owners; Catherine Yielding, representing self; Evril Green, representing self

Neutral:

Stephen Briggs, representing self

Oppose:

Susan Brenton, MANUFACTURED HOUSING COMMUNITIES OF AZ INC; Janna Day, Manufactured Housing Communities Of Arizona

All Comments:

Janna Day, Manufactured Housing Communities Of Arizona: The Manufactured Housing Communities of AZ believe that it is well settled by an ALJ decision that it is a tenant's responsibility to maintain trees on their space and any variation from this responsibility is best addressed through park rules and re

HB2333, board of technical registration; exemptions

Oppose:

John Glenn, representing self

All Comments:

John Glenn, Self: John Glenn on behalf of the American Institute of Architects (AIA) Arizona.

HB2148, minimum wage; nonmonetary compensation.

Support:

Josh Kredit, CENTER FOR ARIZONA POLICY

Neutral:

Bob Charles, representing self

Oppose:

Rebekah Friend, Arizona AFL-CIO; ellen katz, William E. Morris Institute For Justice

All Comments:

ellen katz, William E. Morris Institute For Justice: This bill is another effort to decrease wages in Arizona. An employer provides "board, lodging or other facilities" because it is for the benefit, convenience or efficiency of the er -they want the ee on call or close at hand-not for wages.

HB2517, businesses; professions; regulation restrictions

Testified in support:

Lee Miller, Arizona Secretary Of State's Office; Jon Riches, representing self

Testified as opposed:

Patrice Kraus, representing self

Support:

Boaz Witbeck, AMERICANS FOR PROSPERITY AZ; Tom Jenney, AMERICANS FOR PROSPERITY AZ; Jaimie Kleshock, representing self; Kevin DeNomie, representing self; joy staveley, Chairman, Coconino County Republican Committee, representing self; William C Holmes, representing self; Nancy Madezke, representing self; Farrell Quinlan, State Director, NATIONAL FEDERATION OF INDEPENDENT BUSINESS; Michael Hunter, BARRY GOLDWATER INSTITUTE FOR PUBLIC POLICY RESEARCH; Spencer Kamps, HOME BUILDERS ASSOCIATION OF CENTRAL AZ; Bryan Lee Briggs, representing self; Aimee Rigler, AZ FREE ENTERPRISE CLUB

All Comments:

Jon Riches, Self: Representing the Goldwater Institute



HOUSE OF REPRESENTATIVES

HB 2035

cosmetology; omnibus

Prime Sponsor: Representative Gowan, LD 14

X Committee on Commerce

Caucus and COW

House Engrossed

OVERVIEW

HB 2035 modifies the statutes that regulate the cosmetology profession.

PROVISIONS

1. Replaces the educator position on the Arizona State Board of Cosmetology (Board) with another public member.
2. Allows the educator member of the Board to serve until the term of office expires. Thereafter, the Governor will appoint a public member to fill the position.
3. Permits anyone 24 or older to submit proof of age in order to qualify for cosmetology, nail technician or aesthetician licensure.
4. Authorizes an aesthetician or cosmetologist under the indirect rather than direct supervision of a health professional to perform laser or intense pulse light (IPL) device treatments if the person is certified.
5. Includes in the list of unlawful acts teaching cosmetology, aesthetics or nail technology without the appropriate license.

CURRENT LAW

The Board licenses cosmetologists, aestheticians, nail technicians, instructors, salons and schools; establishes minimum standards for licensure and examinations; adopts safety and sanitation rules and regulations; routinely inspects salons and schools to ascertain compliance with cosmetology laws; investigates and resolves complaints filed against licensees; and takes appropriate disciplinary action to resolve violations. A.R.S. § 32-574 prescribes the unlawful acts that include practicing without a license, which is a class 1 misdemeanor.

A.R.S. § 32-502 outlines the appointment, qualifications and terms of office for the 7-member Board appointed by the Governor to 3-year terms. Membership includes: two cosmetologists; one nail technician; one instructor; one school owner; one educator with no connection to the industry and no involvement in related product manufacturing; and one public member who has never been licensed or associated with the industry.

ADDITIONAL INFORMATION

Laws 2014, Chapter 38, adjusted the minimum age requirement to be eligible for Board licensure from 23 years to 16 years. This bill specifies that a person who submits proof that the person is 24 years of age or older does not have to show proof of education. People under 24 have to show proof of two years of high school education.

**ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session**

ROLL CALL VOTE

COMMITTEE ON COMMERCE BILL NO. HB 2035

DATE January 27, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Espinoza		✓			
Mr. Lawrence		✓			
Ms. Mach		✓			
Ms. Plumlee		✓			
Mr. Rivero		✓			
Mr. Shope		✓			
Mrs. Norgaard, Vice-Chairman		✓			
Mr. Petersen, Chairman		✓			
		8	0	0	0

Heather Couert
COMMITTEE SECRETARY

APPROVED:



WARREN H. PETERSEN, Chairman
JILL NORGAARD, Vice-Chairman

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2130

municipalities; counties; energy use; reporting
Prime Sponsor: Representative Petersen, LD 12

X Committee on Commerce
Caucus and COW
House Engrossed

OVERVIEW

HB 2130 repeals and reinserts prohibitions on municipalities and counties requiring businesses to report their energy consumption.

PROVISIONS

1. Repeals statute enacted last session and reinserts it into a separate section of law that prohibits municipalities and counties from requiring business owners or tenants to report their energy use, including energy consumption benchmarking and energy efficiency audits.
2. Mirrors the current law, which states that measuring and reporting energy use and consumption is a matter of statewide concern, and therefore businesses are not subject to further regulation by municipalities or counties.
3. Restates the Legislature's finding that small businesses are sensitive to the costs and expenses incurred by regulations and inconsistency hinders their free and open competition.
4. Conditions the enactment of HB 2130 on passage of HB 2131, which is the companion bill relating to *auxiliary containers* regulation.

CURRENT LAW

A.R.S. § 9-500.36 and A.R.S. § 11-269.14 (enacted as Laws 2015, Chapter 271) prohibit municipalities and counties from requiring owners or tenants of businesses, commercial buildings or multifamily housing properties to measure and report their energy usage and consumption, including energy consumption benchmarking and energy efficiency audits.

ADDITIONAL INFORMATION

Laws 2015, Chapter 271, prohibits municipalities and counties from adopting regulations relating to the measurement and reporting of energy use and consumption and the sale, use and disposition of *auxiliary containers*. It became effective July 3, 2015. In September, a complaint was filed *Kuby v. Arizona (2015)* in Maricopa County Superior Court by an individual alleging the legislation violates the title and single-subject provisions of the Arizona Constitution. Article 4, Part 2 § 13 of the Arizona Constitution states "every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title." Additionally, the lawsuit alleges that the bill violates Article 13, § 2 of the Arizona Constitution because "it legislates over the local issues of energy benchmarking and the regulation of auxiliary containers, which fall under the control of charter cities" *Kuby v. Arizona (2015)*.

HB 2130

HB 2130 and HB 2131 repeal and reinsert provisions related to energy use and the sale, use and disposition of auxiliary containers, respectively, into separate sections of law.

Fifty-second Legislature
Second Regular Session

Commerce
H.B. 2130

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2130

(Reference to printed bill)

- 1 Page 2, line 2, strike "_____" insert "2131"
- 2 Amend title to conform

WARREN H. PETERSEN

2130PETERSEN
01/25/2016
02:06 PM
H: dc/ajh



HOUSE OF REPRESENTATIVES

HB 2131

municipalities; counties; auxiliary containers; prohibitions
Prime Sponsor: Representative Petersen, LD 12

X Committee on Commerce
Caucus and COW
House Engrossed

OVERVIEW

HB 2131 repeals and reinserts statutory language that prohibits municipalities and counties from regulating the sale, use or disposition of auxiliary containers.

PROVISIONS

1. Repeals and reinserts statute enacted last session that prohibits the regulation of auxiliary containers by municipalities and counties.
2. Creates a separate section of law relating to the regulation of auxiliary containers, which is a defined term.
3. Mirrors the current law, which states that the regulation of auxiliary containers is a matter of statewide concern, and therefore businesses are not subject to further regulation by municipalities or counties.
4. Reasserts the Legislature's finding that small businesses are sensitive to the costs and expenses incurred by regulations and this inconsistency hinders free and open competition.
5. Conditions the enactment of HB 2131 on passage of HB 2130, which is the companion bill relating to measuring and reporting energy consumption.

CURRENT LAW

A.R.S. § 9-500.36 and A.R.S. § 11-269.14 (enacted as Laws 2015, Chapter 271) prohibits municipalities and counties from regulating the sale, use or disposition of auxiliary containers by businesses. *Auxiliary containers* include: reusable and disposable bags; boxes; beverage cans; bottles; cups and containers made of cloth, plastic, polystyrene, glass, aluminum, cardboard or similar materials used to transport food. Municipalities and counties cannot impose any kind of tax, fee or return deposit on businesses.

ADDITIONAL INFORMATION

Laws 2015, Chapter 271, prohibits municipalities and counties from adopting regulations relating to the measurement and reporting of energy use and consumption and the sale, use and disposition of *auxiliary containers*. It became effective July 3, 2015. In September, a complaint was filed *Kuby v. Arizona (2015)* in Maricopa County Superior Court by an individual alleging the legislation violates the title and single-subject provisions of the Arizona Constitution. Article 4, Part 2 § 13 of the Arizona Constitution states "every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title." Additionally, the lawsuit

HB 2131

alleges that the bill violates Article 13, § 2 of the Arizona Constitution because “it legislates over the local issues of energy benchmarking and the regulation of auxiliary containers, which fall under the control of charter cities” *Kuby v. Arizona (2015)*.

HB 2130 and HB 2131 repeal and reinsert provisions related to energy use and the sale, use and disposition of auxiliary containers, respectively, into separate sections of law.

Fifty-second Legislature
Second Regular Session

Commerce
H.B. 2131

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2131
(Reference to printed bill)

- 1 Page 2, line 30. strike "_____" insert "2130"
- 2 Amend title to conform

WARREN H. PETERSEN

2131PETERSEN
01/25/2016
02:13 PM
H: dc/ajh



HOUSE OF REPRESENTATIVES

HB 2132

lead acid battery sales; fees

Prime Sponsor: Representative Petersen, LD 12

X Committee on Commerce

Caucus and COW

House Engrossed

OVERVIEW

HB 2132 limits the deposit fees charged by lead acid battery sellers to be equal to or less than what they are charged by wholesalers. Allows wholesalers to charge deposit fees to the state, local governments, and private entities that don't resell batteries.

PROVISIONS

1. Adjusts the fee a seller must charge from a maximum of \$15 to not more than the fee a seller is charged per battery by the wholesaler.
2. States that wholesalers selling lead acid batteries to the state, a political subdivision, or a private entity that does not resell batteries may charge a fee that is not more than what they charge to other sellers.
3. Makes technical and conforming changes.

CURRENT LAW

A.R.S. § 44-1321 defines lead acid battery as a battery with a core of elemental lead and a capacity of six or more volts which is suitable for use in a vehicle or boat.

A.R.S. § 44-1323 directs sellers of lead acid batteries to accept all used batteries and to charge a deposit fee of no more than \$15 on all new batteries sold. The fee will be fully refundable if a used battery with a receipt of the purchase of the new battery is presented to the seller within 45 days of the purchase. Sellers may keep any fees that are not properly claimed after 45 days.

Universal recycling symbols must be placed on all batteries sold after July 1, 1991. Written notices are required to be placed in the establishment selling batteries and within the promotional material selling batteries. Exemptions are given for persons whose ordinary course of business does not include selling batteries. Wholesalers that sell batteries to this state, to a political subdivision, or to private entities that do not resell the batteries are subject to this statute; however, the law is silent regarding such wholesalers charging any deposit fee.

ADDITIONAL INFORMATION

Laws 2010, Ch. 44, § 1, increased the fee a seller is allowed to charge from \$5 to a maximum of \$15 and extended the time allowed for the buyer to return the used battery for a full refund from 30 to 45 days.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2132

(Reference to printed bill)

- 1 Page 1, line 4, strike "fee" insert "refundable deposit"
- 2 Line 8, strike the first "fee" insert "DEPOSIT"; strike the second "fee" insert
- 3 "REFUNDABLE DEPOSIT"
- 4 Line 9, strike "OR F OF THIS SECTION"
- 5 Lines 16 and 17, strike "an additional fee" insert "A REFUNDABLE DEPOSIT"
- 6 Line 21, strike "fee" insert "REFUNDABLE DEPOSIT"; strike "EXCEPT AS"
- 7 Strike lines 22 and 23
- 8 Line 24, strike "SELLER CHARGES TO THE SELLER FOR THE NEW LEAD ACID BATTERY."
- 9 Lines 25, 28 and 35, strike "fee" insert "DEPOSIT"
- 10 Line 43, after "SECTION" insert a period
- 11 Strike lines 44 and 45
- 12 Amend title to conform

WARREN H. PETERSEN

2132PETERSEN2
01/26/2016
03:24 PM
H: DC/rca



HOUSE OF REPRESENTATIVES

HB 2263

supervisory appraisers; duties

Prime Sponsor: Representative Brophy McGee, LD 28

X Committee on Commerce

Caucus and COW

House Engrossed

OVERVIEW

HB 2263 excludes the requirement for a Supervisory Appraiser to personally inspect each property with a Registered Trainee Appraiser.

PROVISIONS

1. Removes from the definition of Supervisory Appraiser the description of supervisory duties that state they must personally inspect each appraised property with their registered trainee.

CURRENT LAW

A.R.S. 32-3601 defines a Supervisory Appraiser as someone who is a state certified appraiser holding the supervisory appraiser designation and for the last three years has been in good standing in the jurisdiction that their trainee practices. This person must not have been disciplined in any jurisdiction in a way that affects their ability to engage in the appraisal practice. The Supervisory Appraiser supervises a trainee by reviewing, signing, and certifying all reports by the trainee, accepts the responsibility for the trainee's appraisal reports, and personally inspects each appraised property with their trainee.

**ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session**

ROLL CALL VOTE

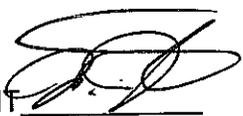
COMMITTEE ON COMMERCE BILL NO. HB 2263

DATE January 27, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Espinoza		✓			
Mr. Lawrence		✓			
Ms. Mach		✓			
Ms. Plumlee		✓			
Mr. Rivero		✓			
Mr. Shope		✓			
Mrs. Norgaard, Vice-Chairman		✓			
Mr. Petersen, Chairman		✓			
		8	0	0	0

Debra Court
COMMITTEE SECRETARY

APPROVED: 
WARREN H. PETERSEN, Chairman
JILL NORGAARD, Vice-Chairman

ATTACHMENT 



HOUSE OF REPRESENTATIVES

HB 2304

mobile home parks; tree maintenance

Prime Sponsor: Representative Coleman, et al., LD 16

X Committee on Commerce

Caucus and COW

House Engrossed

OVERVIEW

HB 2304 establishes guidelines for tenants and landlords of mobile home parks regarding the maintenance of trees existing within a mobile home space.

PROVISIONS

1. Specifies that pre-existing trees within a tenant's mobile home space are part of the maintenance responsibility of the landlord, unless stated otherwise in a written rental agreement executed before January 1, 2017 or on the rental agreement's renewal date, whichever has a later date.
2. States that any rental agreement executed or adopted as of January 1, 2017 must disclose in writing any requirements of new mobile home space tenants to maintain one or more trees.
3. Requires any changes in a tenant's obligation to maintain any trees be subject to a substantial modification of the rental agreement.

CURRENT LAW

A.R.S. § 33-1434 directs landlords to maintain their premises in a manner that abides by city, county, and state health and safety codes and make all repairs to keep the property in fit and habitable condition. Landlords are required to have common areas kept in clean and safe conditions and maintain these areas, such as swimming pools, bathhouses, and recreation halls, but does not directly address tree maintenance in mobile home parks.

Landlords are required to provide the removal of garbage, rubbish, and other waste pertaining to the use of the mobile home space and furnish water, power and sewer outlets. Prospective tenants are given information regarding the aspects of the outlets. Any interruptions in utilities are to be conspicuously posted, with exceptions made for emergencies. No restrictions on choice of a seller of fuel, furnishings, goods, services or mobile homes connected with the rental are implemented by the landlord.



HOUSE OF REPRESENTATIVES

HB 2517

businesses; professions; regulation restrictions
Prime Sponsor: Representative Petersen, LD 12

X Committee on Commerce
Caucus and COW
House Engrossed

OVERVIEW

HB 2517 creates the *Right to Earn a Living Act* that requires municipalities, counties and agencies to limit entry regulations (regulations) and *public service restrictions* (restrictions) that apply to businesses and professions as necessary to ensure the public health, safety and welfare.

PROVISIONS

1. Establishes the *Right to Earn a Living Act* and declares the Legislature's finding that all individuals are entitled to pursue a business or profession free from government intrusion and excessive regulations.
2. Requires municipalities, counties and agencies to limit all regulations and restrictions that apply to businesses and professions only if they fulfill the public health, safety and welfare objectives.
3. Defines *entry regulations* to mean rules, regulations, policies, fees, permits, licenses, administrative practices or other provisions that relate to participation in a particular market. Excludes zoning ordinances that regulate the use of land or structures, or both.
4. Provides a definition of *public service restrictions* to mean rules, regulations, policies, fees conditions, tests, permits, licenses or other administrative practices, with or without user fees or public subsidies.
5. Directs municipalities, counties and agencies to review all regulations as outlined, within one year after the bill's effective date.
6. Provides direction for municipalities, counties and agencies to alter their conflicting regulations.
7. Requires municipalities, counties and agencies to report to the Legislature regarding their compliance within 15 months after enacting a new regulation.
8. Permits any person to petition municipalities, counties or agencies to repeal or modify their regulations or restrictions.
9. Within 90 days after a petition is filed, instructs the municipalities, counties and agencies to repeal, modify or state the basis for how the regulation or restriction complies with statute.
10. If the municipalities, counties or agencies do not act on a petition, after the 90-day period, authorizes the person to file a court action in the appropriate jurisdiction.

HB 2517

11. For a plaintiff to prevail, requires the court to find by a preponderance of the evidence, that the regulation on its face or in its effect, burdens the creation of a business, or entry into a particular market, profession or occupation, as outlined.
12. Describes the requirements for the plaintiff to prevail and the court to find by a preponderance of the evidence, that the restriction is necessary as stated.
13. On a finding for the plaintiff, directs the court to enjoin further enforcement of the challenged regulation or restriction and award reasonable attorney fees and costs to the plaintiff.

CURRENT LAW

Not currently addressed in statute.

HB 2517

11. For a plaintiff to prevail, requires the court to find by a preponderance of the evidence, that the regulation on its face or in its effect, burdens the creation of a business, or entry into a particular market, profession or occupation, as outlined.
12. Describes the requirements for the plaintiff to prevail and the court to find by a preponderance of the evidence, that the restriction is necessary as stated.
13. On a finding for the plaintiff, directs the court to enjoin further enforcement of the challenged regulation or restriction and award reasonable attorney fees and costs to the plaintiff.

CURRENT LAW

Not currently addressed in statute.

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

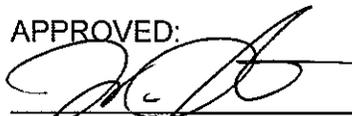
ROLL CALL VOTE

COMMITTEE ON _____ COMMERCE _____ BILL NO. HB 2517

DATE January 27, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Espinoza			✓		
Mr. Lawrence		✓			
Ms. Mach			✓		
Ms. Plumlee			✓		
Mr. Rivero		✓			
Mr. Shope		✓			
Mrs. Norgaard, Vice-Chairman		✓			
Mr. Petersen, Chairman		✓			
		5	3	0	0

Deborah Couert
 COMMITTEE SECRETARY

APPROVED:


 WARREN H. PETERSEN, Chairman
 JILL NORGAARD, Vice-Chairman

ATTACHMENT _____

ARIZONA STATE LEGISLATURE
 Fifty-second Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON _____ **COMMERCE** _____

CHAIRMAN: Warren H. Petersen VICE-CHAIRMAN: Jill Norgaard

DATE	1/27 /16	/16	/16	/16	/16
CONVENED	9:35 am	m	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	12:25 pm				
MEMBERS					
Mr. Espinoza	✓				
Mr. Lawrence	✓				
Ms. Mach	✓				
Ms. Plumlee	✓				
Mr. Rivero	✓				
Mr. Shope	✓				
Mrs. Norgaard, Vice-Chairman	✓				
Mr. Petersen, Chairman	✓				

✓ Present --- Absent exc Excused