

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

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2-5-16

**COMMITTEE ON COMMERCE**

Report of Regular Meeting  
Wednesday, February 3, 2016  
House Hearing Room 1 -- 9:30 a.m.

**Convened** 9:35 a.m.

**Recessed**

**Reconvened**

**Adjourned** 11:49 a.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

**Committee Action**

<b><u>Bill</u></b>	<b><u>Action</u></b>	<b><u>Vote</u></b>	<b><u>Attachments</u></b> <b><u>(Summaries,</u></b> <b><u>Amendments, Roll Call,</u></b> <b><u>Attendance)</u></b>
HB2081	DPA	5-3-0-0	3, 4, 5
HB2113	DPA	4-3-0-1	6, 7, 8
HB2268	DPA	8-0-0-0	9, 10, 11
HB2292	DPA S/E	8-0-0-0	12, 13, 14
HB2333	DP	5-3-0-0	15, 16
HB2478	DP	4-3-0-1	17, 18
Committee Attendance			19



Heather Covert, Chairman Assistant

February 5, 2016

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

Conv: 9:35am  
Adj: 11:49am

ADDENDUM - 02/01/16

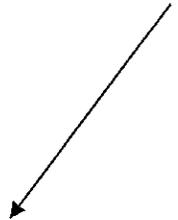
ADDENDUM - 02/01/16

ADDENDUM - 02/01/16

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

REGULAR MEETING AGENDA

**COMMITTEE ON COMMERCE**



DATE Wednesday, February 3, 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

**Bills**

**Short Title**

**Strike Everything Title**

HB2081 DPA personal property transfer; limitations prohibited  
(Stevens)

5-3-0-0 COM, RULES

HB2268 DPA construction contracts; bonds; notice requirements  
(Fann)

8-0-0-0 COM, RULES

HB2292 DPA S/E barber licenses; education qualifications  
(Boyer)

8-0-0-0 COM, RULES

\*HB2333 DP board of technical registration; exemptions  
(Barton)

5-3-0-0 COM held 0-0-0-0-0, RULES

HB2478 DP licensing; waiver of rights; prohibition  
(Petersen)

4-3-0-1 COM, RULES

Bills

Short Title

Strike Everything Title

**ADDENDUM #1 - 02/01/16**

HB2113 DPA employment security; time frames; appeals

(Petersen, Cobb, Fann, et al)

43-0-1 COM held 0-0-0-0-0, RULES

\* On previous agenda

**ORDER OF BILLS TO BE SET BY THE CHAIRMAN**

HC

1/28/16

2/1/16

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

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*House Commerce (2/3/2016)*

## **HB2081, personal property transfer; limitations prohibited**

### **Testified in support:**

Jere Fredenburgh, representing self

### **Support:**

William Simotti, representing self; Raymond Perry, representing self; Thomas Woodrow, representing self; Jose Borrajero, representing self; Eric Orrill, representing self; Dustin Whaley, representing self; Dave Kopp, Manager, AZ CITIZENS DEFENSE LEAGUE INC; William Batchelor, representing self; Willie Stubbs, representing self; Bryan Lee Briggs, representing self; Purdy Hart, representing self; martha hayes, representing self; Joyce Hill, representing self; Jim Dutton, representing self; Terry Hill, representing self; Michael Mowrey, representing self; Michael Berryman, representing self; Frederick Dahnke, representing self; Janelle Solomon, representing self; Tom Holding, representing self; Richard Hofelich, representing self; Carlton Baxter, representing self; todd hills, representing self; Richard McMains, representing self; Jack Wilborn, representing self; Cosme Borunda, representing self; Maurice Horner, representing self; Thomas Boza, representing self; Clyde Ingalsbe, representing self; Todd Chesney, representing self; Craig Corbin, representing self; Dirk Patton, representing self; steve beckman, representing self; David West, representing self; GEORGE MARSHALL, representing self; David Shreeve, representing self; JUDITH MARSHALL, representing self; Philip Hubacek, representing self; Scott Lolmaugh, representing self; John Semon, representing self; Robert Carbonneau, representing self; Marc Cooley, representing self; J.P. Thom-Gronachan, representing self; Drake Mitchell, representing self; Drake Mitchell, AZ CITIZENS DEFENSE LEAGUE INC; Shawn T Waldmann, representing self; Drake Mitchell, representing self; Drake Mitchell, representing self; Robert Anderson, representing self; Richard Segui, representing self; Lyle Tuttle, representing self; Drake Mitchell, representing self; Richard L. Anderson, representing self; Paul Knutson, representing self; Michael Garnica, representing self; Jonathan Zuess, representing self; Alan and Marsha Anderson, representing self; Mike Sullivan, representing self; George Bauernschmidt, representing self; Chris Byers, representing self; Paul Nicholls, representing self; Joe Dawson, representing self; Paul Klein, representing self; Dominick Leo, representing self; Robert Drayton, representing self; james delton, representing self; Dallin Kanaga, representing self; Michael Kriegel, representing self; Jeff Hickman, representing self; Larry Timmerman, representing self; Kevin DeNomie, representing self; John Parker, representing self; Tim Jones, representing self; Gerald Aronica, representing self; Norman Nipperus, representing self; L G Mace, representing self; Edward Surowiec, representing self; Glen Dudley, representing self; Darrell Collins, representing self; Kelley Brown, representing self; Ray Ewers, representing self; James Warniers, representing self; Bob Morken, representing self; David Schafranka, representing self; Walter Graham, representing self; Christine Maceri Genge, representing self; Dennis Genge, representing self; Dennis Hall, representing self; michael wilkins, representing self; Nan Nicoll, representing self; Gary Johnson, representing self; Scott Shelor, representing self; Russ Hinis, representing self; Steve Sorgnit, representing self; Terry Ristig, representing self; William Moe, representing self; John Fischer, representing self; Lawrence Wangler, representing self; Russ Southern, representing self; Rick King, representing self; Michael Mahoney, representing self; John Wentling, Vice President, Arizona Citizens Defense League; Peter Alford, representing self; Alan Steiner, representing self; Philip Cirelli, representing self; Jonathan Massey, representing self; Peter Gromada, representing

self; Ken Feldman, representing self; J.D. Schechter, representing self; Daniel Cassidy, representing self; Isaac Hung, representing self; David Steven, representing self; Tim Lank, representing self; Tom Thomas, representing self; ROBERT DEWITZ, representing self; Michael Malo, representing self; Chris Michels, representing self; Bernard Hopf, representing self; Michael Kinatader, representing self; J.R. Morris, representing self; Sandra Thoms, representing self; Roy Potter, representing self; Richard Davis, representing self; Susan Hicks, representing self; Samuel Grant, representing self; Randal Scott, representing self; Heidi Dillman, representing self; Mark Mullins, representing self; David Williams, representing self; Craig Wisnom, representing self; Alexander Pope, representing self; Frank Carroll, representing self; Joanne Carroll, representing self; Matthew Petersen, representing self; Gary Christensen, AZ State Rifle & Pistol Assoc, AZ STATE RIFLE & PISTOL ASSN; Don Page, representing self; Mark Lunario, representing self; David Cardon, representing self; Corey Spofford, representing self; Todd Vosper, representing self; Jared W Brown, representing self; John Baunoch, representing self; Mary Donnay, representing self

### **Neutral:**

Megan Martin, SALT RIVER PROJECT (SRP)

### **Oppose:**

Karen Peters, representing self; Dawn Tripp, representing self; Kathryn Rose, representing self; Kaye E. Skinner, representing self; Bernadette Frankiewicz, representing self; Ann Machek, representing self; Eve Shapiro, representing self; Mary Pradelt, representing self; Shelley Altenstadter, representing self

### **All Comments:**

William Simotti, Self: Private transfers even of firearms is just that. Private. Do not accept hostile amendments.; Thomas Woodrow, Self: I would like to see this bill passed without any more amendments.; Jere Fredenburgh, Self: The sale, gifting, etc...of private property s/b between the individuals involved. If I wish to sell my travel trailer privately, no third party s/b required. Holds true for all private property. thank you.; Dawn Tripp, Self: We should be making it harder to transfer firearms, not easier.; Willie Stubbs, Self: Commerce should not be impeded by draconian laws which force sellers to access or maintain access to government databases. Any government that forces sellers to access a database should also be forced to pay for high speed internet for that seller.; Kathryn Rose, Self: You can't sell a car to your neighbor without completing a title and registration transfer that must be filed with the DMV & all that entails. No less a process should be required when a firearm is sold in a private sale.; Kaye E. Skinner, Self: Too much complications.; Jim Dutton, Self: Another great bill helping to protect the citizens of Arizona.; Michael Mowrey, Self: Do not accept hostile amendments.; Michael Berryman, Self: I strongly support this bill.; Frederick Dahnke, Self: Do not accept hostile amendments.; Bernadette Frankiewicz, Self: This is an unnecessary bill.; Ann Machek, Self: This will allow strangers to to privately sell firearms without knowing if they are a prohibited possessor.; Richard Hofelich, Self: Do not accept hostile amendments; Carlton Baxter, Self: Do not accept hostile amendments; todd hills, Self: there needs to be less govt in our lives. especially in respect to firearms. no gun laws have slowed let alone stopped any mass shootings. I retain my right to sell my property free of interference, please pass this.; Richard McMains, Self: I would ask the Committee to support the passage of this bill.; Cosme Borunda, Self: Do not accept hostile amendments!; Maurice Horner, Self: Do not accept hostile amendments.; Thomas Boza, Self: "Do not accept hostile amendments."; Clyde Ingalsbe, Self: Do not accept hostile amendments.; Todd Chesney, Self: Do not accept hostile amendments.; Craig Corbin, Self: Do not accept hostile amendments.; Dirk Patton, Self: Do not accept hostile amendments; steve beckman, Self: "Do not accept hostile amendments."; David West, Self: Do not accept hostile amendments!; GEORGE MARSHALL, Self: Do Not Accept Hostile Amendments.; David Shreeve, Self: Do Not Accept Hostile Amendments. This bill will support a citizens right to manage their personal property; JUDITH MARSHALL, Self: I ask for your vote and please Do Not Accept Hostile Amendments; Scott Lolmaugh, Self: Please support this bill and do not accept hostile amendments.; John

Semon, Self: "Do not accept hostile amendments."; Robert Carbonneau, Self: Do not accept hostile amendments.; Marc Cooley, Self: Please do not accept hostile amendments; J.P. Thom-Gronachan, Self: Do not accept hostile amendments.; Drake Mitchell, Self: Great bill! Take it as it is. Don't amend the bill. It is well worded and works as is. Do not add amendments tat are hostile to the intent of the bill.; Drake Mitchell, AZ CITIZENS DEFENSE LEAGUE INC: Great bill! Take it as it is. Don't amend the bill. It is well worded and works as is. Do not add amendments tat are hostile to the intent of the bill.; Shawn T Waldmann, Self: No hostile admendments!; Drake Mitchell, Self: Great bill! Take it as it is. Don't amend the bill. It is well worded and works as is. Do not add amendments tat are hostile to the intent of the bill.; Drake Mitchell, Self: Do not add hostile amendments! This bill works.; Robert Anderson, Self: Do not accept hostile amendments.; Richard Segui, Self: Do Not Accept Hostile Amendments; Paul Knutson, Self: Pass without hostile amendments.; Michael Garnica, Self: Do not accept hostile amendments!; Jonathan Zuess, Self: Do not accept hostile amendments.; Alan and Marsha Anderson, Self: Do not accept hostile amendments; Mike Sullivan, Self: Please pass without hostile amendments; George Bauernschmidt, Self: Please reject any hostile amendments.; Chris Byers, Self: Do not accept hostile amendments!; Paul Nicholls, Self: Do not accept hostile amendments.; Joe Dawson, Self: Do not accept hostile amendments.; Paul Klein, Self: Do not accept hostile amendments.; Dominick Leo, Self: please do not allow hostile amendments; Robert Drayton, Self: We urge the committee to pass this bill; James delton, Self: Do not accept hostile amendments; Dallin Kanaga, Self: Private citizens should not need a license to transfer personal property. Please do not accept hostile amendments; Larry Timmerman, Self: Do not accept hostile amendments; John Parker, Self: Please do not accept hostile amendments; Tim Jones, Self: I request we do not accept hostile amendments; Norman Nipperus, Self: Do not accept hostile amendments. I support AZ Citizens Defense League.; L G Mace, Self: Please do not accept hostile amendments. Good the way it is.; Edward Surowiec, Self: Do not accept hostile amendments.; Darrell Collins, Self: Do not accept hostile amendments.; Kelley Brown, Self: Do not accept hostile amendments.; Eve Shapiro, Self: here are no statutes currently requiring the use of federal or state databases for private sales of any kind.; James Warniers, Self: I urge support of this bill; Bob Morken, Self: Please do not accept hostile amendments.; David Schafranka, Self: Do not accept hostile amendments.; Walter Graham, Self: Do not accept hostile amendments; Dennis Hall, Self: Please do not accept any hostile amendments.; Nan Nicoll, Self: Urging a "Yes" vote. Do not accept hostile amendments. Private transfers should be private.; Gary Johnson, Self: Do not accept hostile amendments.; Scott Shelor, Self: Do not accept hostile amendments; Russ Hinis, Self: Do not accept hostile amendments; Steve Sorgnit, Self: Do not accept hostile amendmentd; Terry Ristig, Self: Do not accept hostile amendments.; William Moe, Self: Please do not accept hostile amendments.; John Fischer, Self: "Do not accept hostile amendments."; Lawrence Wangler, Self: Do not accept hostile amendments; Russ Southern, Self: Freedom is important to Arizonans. Do not allow hostile amendments.; Rick King, Self: Please do not accept hostile amendments.; Michael Mahoney, Self: Please pass this bill, Do not accept hostile amendments. Thank you.; Peter Alford, Self: Do not accept hostile amendments.; Alan Steiner, Self: Do not accept hostile amendments; Philip Cirelli, Self: Please do not accept any hostile amendments; Jonathan Massey, Self: Do not accept hostile amendments.; Peter Gromada, Self: Do not accept hostile amendments; Ken Feldman, Self: do not accept hostile amendments; J.D. Schechter, Self: I strongly support passage of this bill with NO hostile amendments. Any other form of personal property may be transferred without government interference or oversight.; Daniel Cassidy, Self: No hostile amendments; Isaac Hung, Self: Do not accept hostile amendments.; David Steven, Self: Do not accept hostile amendments.; Tim Lank, Self: Do not accept hostile amendments; Tom Thomas, Self: please dont accept any hostile ammendments. plus why penalize someone who simply want to transfer a firearm to a relative or a close friend. this wont stop criminals.; ROBERT DEWITZ, Self: do not accept hostile amendments.; Michael Malo, Self: Please do not accept hostile amendments.; Chris Michels, Self: Do not accept hostile amendments.; Bernard Hopf, Self: Do Not accept any hostile amendments!; Michael Kinateder, Self: Do not accept hostile amendments.; J.R. Morris, Self: Strongly encourage to pass this with no hostile amendments.; Sandra Thoms, Self: Do not accept hostile amendments.; Roy Potter, Self: Do not accept hostile amendments!; Richard Davis, Self: Please do not accept hostile amendments.; Mary Pradelt,

Self: Encouraging more people to sell guns privately increases the risk someone will unintentionally sell to a prohibited possessor.; Samuel Grant, Self: Do not accept hostile amendments.; Randal Scott, Self: Support this bill don't accept hostile amendments; David Williams, Self: Other states such as Connecticut imposed these same databases only to find that it did nothing but impose a cost to the state. Private property rights should stay ungoverned. This is something that Arizona does not need.; Craig Wisnom, Self: This protects us against laws that don't protect us, but that make criminals out of innocent people violating bureaucratic rules; Frank Carroll, Self: Do Not accept hostile amendments.; Joanne Carroll, Self: Do Not accept hostile amendments.; Matthew Petersen, Self: Please support this bill and do not accept hostile amendments.; Megan Martin, SALT RIVER PROJECT (SRP): Neutral with Rep Petersen amendment; Gary Christensen, AZ STATE RIFLE & PISTOL ASSN: We urge support of private property transfers without taxation, fees, or registration.; Don Page, Self: Please Allow no hostile Amendments to this Bill; Mark Lunario, Self: do not accept hostile amendments; David Cardon, Self: Do not accept hostile amendments.; Shelley Altenstadter, Self: When you regulate the sale or transfer of cars the RV's that kill 100 times more people you can try and regulate my guns. If what your doing is honest and logical you should take on the biggest offenders first not just be political hacks.; Corey Spofford, Self: Do not accept hostile amendments; Todd Vosper, Self: Please support this bill; do not accept hostile amendments.; Jared W Brown, Self: I support this bill; John Baunoch, Self: ...shall not be infringed....; Mary Donnay, Self: Do not accept hostile amendments

## **HB2268, construction contracts; bonds; notice requirements**

### **Support:**

David Martin, Arizona Chapter Associated General Contractors; Ryan DeMenna, Arizona State Contractors Coalition (ASCC); Steve Trussell, Arizona Rock Products Association; Barry Aarons, CONSTRUCTION TRADES COALITION; Mark Minter, EXECUTIVE DIRECTOR, Arizona Builders' Alliance; Nelson Brown, representing self; Mike Holden, representing self; Barry Aarons, CONSTRUCTION TRADES COALITION; Dean Lundstrom, representing self

### **All Comments:**

Steve Trussell, Arizona Rock Products Association: For public projects, which are controlled by the Little Miller Act a 20-day notice can only be sent via certified or registered mail. This fixes the statute so that the same rules apply for private and public projects and makes it consistent.; Mark Minter, Arizona Builders' Alliance: HB 2268 will help general contractors assure that bills are being paid on public projects. It will help any party not paid to be able to make a future bond claim in a simple and straight-forward manner.; Nelson Brown, Self: This bill will simplify lien law for construction industry.; Dean Lundstrom, Self: Returns Arizona law to a common sense notice requirement.

## **HB2292, barber licenses; education qualifications**

### **Support:**

Sam Barcelona, representing self

## **HB2333, board of technical registration; exemptions**

### **Testified in support:**

Richard Travis, representing self

**Testified as neutral:**

Steven Moortel, AZ STATE BOARD OF TECHNICAL REGISTRATION

**Testified as opposed:**

John Glenn, representing self; Dawn Brown, representing self

**Support:**

Shelley Altenstadter, representing self

**Oppose:**

Michael Preston Green, AZ AIA AMERICAN INSTITUTE OF ARCHITECTS; Don Isaacson, American Council Of Engineering Companies Of Arizona; Caroline Lobo, representing self; Thomas Campbell, AIA, NCARB, representing self

**All Comments:**

John Glenn, Self: on behalf of AIA Arizona; Richard Travis, Self: Rep. Barton, Flagstaff Mayor Jerry Nabours , and Flagstaff staff Mike Scheu will testify in support of the bill; Caroline Lobo, Self: Representing the Arizona American Institute of Architects; Thomas Campbell, AIA, NCARB, Self: The proposed bill will compromise health, safety and welfare of the public.; Shelley Altenstadter, Self: This will reduce expense for small businesses and speed up small remodel projects. Saves money for business and adds jobs for the construction industry. A Win, Win!

**HB2478, licensing; waiver of rights; prohibition****Support:**

Farrell Quinlan, State Director, NATIONAL FEDERATION OF INDEPENDENT BUSINESS; Aimee Rigler, AZ FREE ENTERPRISE CLUB, Self

**Oppose:**

Amber Wakeman, City Of El Mirage; Patrice Kraus, LEAGUE OF ARIZONA CITIES & TOWNS

**HB2113, employment security; time frames; appeals****Support:**

Farrell Quinlan, State Director, NATIONAL FEDERATION OF INDEPENDENT BUSINESS; Mike Huckins, GREATER PHOENIX CHAMBER OF COMMERCE; David Selden, representing self

**Neutral:**

Eric Emmert, East Valley Chambers Of Commerce Alliance ; Kathy Ber, DES Director of Legislative Services, Arizona Department Of Economic Security

**Oppose:**

Karen McLaughlin, Director of Budget & Research, CHILDREN'S ACTION ALLIANCE; ellen katz, William E. Morris Institute For Justice; Cynthia Zwick, Arizona Community Action Association; Jeremy Arp, NATIONAL ASSOCIATION OF SOCIAL WORKERS, ARIZONA CHAPTER

## **All Comments:**

Mike Huckins, GREATER PHOENIX CHAMBER OF COMMERCE: Supporting the bill today to move it out of committee. However, continued support is contingent on amendments addressing all of the DOL conformity issues.; ellen katz, William E. Morris Institute For Justice: This bill violates federal law. It states that when an employer appeals in 2 situations, if the appeals board does not take action within the required time frame that the employer wins. That is not OK. The feds have not approved the amendment.; Eric Emmert, East Valley Chambers Of Commerce Alliance : The East Valley Chambers are concerned about the bill's federal compliance but otherwise supportive.; Kathy Ber, Arizona Department Of Economic Security: The bill as introduced is not in conformity with federal unemployment insurance laws/regulations.; David Selden, Self: Reasonable time frames for DES decisions in HB 2113 would benefit Arizona businesses, and the bill protects the interests of claimants as well. (Support on behalf of NFIB, Arizona Chamber, and Society for Human Resources Management)

**PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD**



**HOUSE OF REPRESENTATIVES**

Please PRINT Clearly

Committee on COMMERCE Bill Number HB 2333  
Date 2/3/2010  Support  Oppose  Neutral  
Name MICHAEL SELWELL Need to Speak?  Yes  No  
Representing CITY OF FLAGSTAFF Are you a registered lobbyist? No  
Complete Address 211 W. ADDRESS  
E-mail Address mshew@flagstaffaz.gov Phone Number 928-213-2620  
Comments: \_\_\_\_\_

\*\*\*FIVE-MINUTE SPEAKING LIMIT\*\*\*



# HOUSE OF REPRESENTATIVES

HB 2081

personal property transfer; limitations prohibited  
Prime Sponsor: Representative Stevens, LD 14

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X Committee on Commerce

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2081 states that an owner of personal property cannot be required to search a federal or state database or use a third party to make a private sale, gift, donation or other transfer of personal property.

## PROVISIONS

1. Asserts that this state and all of its political subdivisions cannot require an owner of personal property to search databases or involve third parties to make a private sale, gift, donation or other transfer of personal property.
2. Establishes a new section of law under the general trade practices chapter in the statute.

## CURRENT LAW

Not currently addressed in statute.

Fifty-second Legislature  
Second Regular Session

Commerce  
H.B. 2081

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2081

(Reference to printed bill)

- 1 Page 1, lines 7 and 8, strike "ALL OF ITS POLITICAL SUBDIVISIONS" insert "A CITY,
- 2 TOWN OR COUNTY"
- 3 Amend title to conform

WARREN H. PETERSEN

2081wp.doc  
02/02/2016  
09:32 AM  
C: myr





# HOUSE OF REPRESENTATIVES

HB 2113

employment security; time frames; appeals  
Prime Sponsor: Representative Petersen, LD 12

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X Committee on Commerce

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2113 adds time frames and further specificity to the reviews by the Arizona Department of Economic Security (DES), Unemployment Compensation (UI) Appeals Board decisions.

## PROVISIONS

### *Appeals Board and Review of Board Decision*

1. Instructs the Appeals Board to affirm, modify, reverse its decision or order additional testimony within 90 days after a party files a request for review.
2. Requires a finding in favor of an employing unit, if a request for review is timely made, but the Appeals Board fails to issue a timely decision.
3. Directs DES to make refunds or adjustments to the employer's UI account and associated contribution rates as provided by law.
4. Stipulates the written notice's effective date/time is when postmarked, faxed or hand-delivered to DES.
5. States that any action taken by DES or the Appeals Board after receipt of the written notice is considered as untimely.
6. Contains technical changes.

### *Employer Liability Determination and Review*

7. States that DES must issue a reconsideration determination within one year after the filing date if an employing unit files a timely request regarding its liability status.
8. Requires the Appeals Board to conduct the hearing within 90 days after a petition for hearing or review is timely filed by the employing unit.
9. Finds in favor of an employer's request for reconsideration, petition for hearing/review or request for review when an employer files a timely request, but the Appeals Board fails to issue a timely decision.
10. Directs DES to make refunds or adjustments to the employer's UI account and associated contribution rates.
11. Stipulates the written notice's effective date/time is when postmarked, faxed or hand-delivered to DES.
12. Contains technical and conforming changes.

CURRENT LAW

The Appeals Board within DES consists of four members appointed by the Director to review Unemployment Insurance (UI) cases (A.R.S. § 23-672). A party to a case may petition for review either in writing or electronically and every corresponding decision must be given in writing. The Appeals Board may remand the case to a hearing officer or appeal tribunal for further proceedings, review the record, take additional evidence, rehear the matter, and affirm, reverse, modify or set-aside the decision of the hearing officer or appeal tribunal. All parties must be notified of the decision, the reasons for the decision, the process to request a review and the final date to file for a review. A party dissatisfied with the decision may file a written or electronic *request for review* any time within 30 days after the decision, stating why the Appeals Board erred, citing the record, rules and other appropriate authority. The Appeals Board then notifies all affected parties, giving them 15 days to respond. The Appeals Board may either affirm, modify or reverse its decision or take additional testimony. Written notice of the Appeals Board decision on review is given by mail to all parties.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2113

(Reference to printed bill)

1 Page 2, line 18, after the period insert "ANY DECISION DEEMED IN FAVOR OF THE  
2 EMPLOYING UNIT PURSUANT TO THIS SUBSECTION DOES NOT AFFECT THE RIGHTS OF A  
3 CLAIMANT TO APPLY FOR OR RECEIVE UNEMPLOYMENT BENEFITS AS PROVIDED IN THIS  
4 CHAPTER. IF A CLAIMANT APPLIES FOR UNEMPLOYMENT BENEFITS, THE EMPLOYING UNIT  
5 RETAINS ALL RIGHTS PROVIDED UNDER THIS CHAPTER TO RESPOND TO OR CONTEST THE  
6 CLAIMANT'S APPLICATION FOR UNEMPLOYMENT BENEFITS. EXCEPT TO THE EXTENT THAT A  
7 DECISION DEEMED IN FAVOR OF AN EMPLOYING UNIT RELATES TO A PARTICULAR  
8 CLAIMANT, AN AWARD OF UNEMPLOYMENT BENEFITS TO THE CLAIMANT DOES NOT AFFECT  
9 THE DECISION DEEMED IN FAVOR OF AN EMPLOYING UNIT PURSUANT TO THIS SUBSECTION  
10 AND DOES NOT AUTHORIZE THE DEPARTMENT OR THE APPEALS BOARD TO REOPEN OR AMEND  
11 THE DECISION REGARDING THE CLAIMANT'S ELIGIBILITY FOR BENEFITS."

12 Page 3, line 19, after the period insert "ANY DECISION DEEMED IN FAVOR OF THE  
13 EMPLOYING UNIT PURSUANT TO THIS SUBSECTION DOES NOT AFFECT THE RIGHTS OF A  
14 CLAIMANT TO APPLY FOR OR RECEIVE UNEMPLOYMENT BENEFITS AS PROVIDED IN THIS  
15 CHAPTER. IF A CLAIMANT APPLIES FOR UNEMPLOYMENT BENEFITS, THE EMPLOYING UNIT  
16 RETAINS ALL RIGHTS PROVIDED UNDER THIS CHAPTER TO RESPOND TO OR CONTEST THE  
17 CLAIMANT'S APPLICATION FOR UNEMPLOYMENT BENEFITS. EXCEPT TO THE EXTENT THAT  
18 A DECISION DEEMED IN FAVOR OF AN EMPLOYING UNIT RELATES TO A PARTICULAR  
19 CLAIMANT, AN AWARD OF UNEMPLOYMENT BENEFITS TO THE CLAIMANT DOES NOT AFFECT  
20 THE DECISION DEEMED IN FAVOR OF AN EMPLOYING UNIT PURSUANT TO THIS SUBSECTION  
21 AND DOES NOT AUTHORIZE THE DEPARTMENT OR THE APPEALS BOARD TO REOPEN OR AMEND  
22 THE DECISION REGARDING THE CLAIMANT'S ELIGIBILITY FOR BENEFITS."

23 Amend title to conform

WARREN H. PETERSEN

2113 wp  
01/28/2016  
08:46 AM  
C: LD

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

**ROLL CALL VOTE**

COMMITTEE ON COMMERCE BILL NO. HB 2113

DATE February 3, 2016 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Espinoza			✓		
Mr. Lawrence		✓			
Ms. Mach			✓		
Ms. Plumlee			✓		
Mr. Rivero					✓
Mr. Shope		✓			
Mrs. Norgaard, Vice-Chairman		✓			
Mr. Petersen, Chairman		✓			
		4	3	0	1

*Deborah Covert*  
COMMITTEE SECRETARY

APPROVED: *[Signature]*  
WARREN H. PETERSEN, Chairman  
JILL NORGAARD, Vice-Chairman

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

HB 2268

construction contracts; bonds; notice requirements  
Prime Sponsor: Representative Fann, LD 1

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X Committee on Commerce  
Caucus and COW  
House Engrossed

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## OVERVIEW

HB 2268 clarifies the Preliminary 20-Day Notice to the construction contractor by the subcontractors and material suppliers may be sent by first class mail with certificate of mailing.

## PROVISIONS

1. Clarifies the written Preliminary 20-Day Notice to a contractor by subcontractors and material suppliers, may be sent by any of the following means: a) first class mail with certificate of mailing; b) certified mail; c) registered mail.
2. Asserts in the legislative findings and intent section, the construction industry's belief that a recent court decision incorrectly applied the Legislature's intent when interpreting the statutory notice requirement, thus the bill clarifies the means to provide the notice.
3. Stipulates that the 90-day notice is properly given to the contractor by any means that provides written, third-party verification of delivery.
4. Clarifies that applicants must pay for the certified copies and the reasonable fees that the contractor or agent sets to cover the actual cost of preparing the certified copies.
5. Contains technical and conforming changes.

## CURRENT LAW

A.R.S. § 33-992.01 (private projects) and A.R.S. § 34-223 (public projects) require specific written notice to the construction contractor by the subcontractors and material suppliers as a precondition to recover against the statutory payment bond.

A.R.S. § 33-992.01 requires that *private* construction project 20-day preliminary notices "...may be given by mailing the notice by first class mail sent with a certificate of mailing, registered or certified mail, postage prepaid in all cases..." The first option is the much less expensive means to provide notice than the other two forms. Likewise, A.R.S. § 34-223, subsection A, paragraph 1, references the aforementioned statute, and allows the notice for *public* construction projects to also be sent by first class mail with a certificate of mailing, registered or certified mail.

## ADDITIONAL INFORMATION

The Arizona Court of Appeals held in *Cemex Construction Materials South, LLC v. Falcone Brothers & Associates, Inc.* (2015) that the 20-day preliminary notice that contractors and their subcontractors and suppliers send as a precondition to recovering against statutory payment bonds must be sent by *certified* mail.

HB 2268 clarifies that notice may be sent by first class mail with certificate of mailing, certified mail or registered mail.

Fifty-second Legislature  
Second Regular Session

Commerce

Attachment 9

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2268

(Reference to printed bill)

- 1 Page 1, line 35, strike "~~no such suit shall~~ MAY NOT" insert "no such suit shall"
- 2 Page 2, line 17, after the period insert "It is also the intent of the legislature
- 3 to allow for additional delivery methods for the 90-day notice."
- 4 Amend title to conform

WARREN H. PETERSEN

2268PETERSEN  
02/02/2016  
11:48 AM  
H: DC/KB/rca





# HOUSE OF REPRESENTATIVES

HB 2292

barber licenses; education qualifications  
Prime Sponsor: Representative Boyer, LD 20

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X Committee on Commerce

Caucus and COW

House Engrossed

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### STRIKE-EVERYTHING SUMMARY

The strike-everything amendment to HB 2292 requires a school to be recognized as a postsecondary educational institution if it meets certain admission and licensing requirements stipulated by the Board of Barbers (Board).

### PROVISIONS

1. Designates a school as a postsecondary educational institution if the school meets the two following criteria:
  - a. Admits students who have a high school diploma, or equivalent.
  - b. Offers one or more training programs beyond the secondary school level.
2. Instructs applicants for licensure by the Board to also submit satisfactory evidence that they are at least 16 years old.
3. Makes technical changes.

### CURRENT LAW

A.R.S. § 32-322 instructs applicants for licensure by the Board to file an application, submit evidence of qualifications and a signed photograph. The applicant must be at least 16 years old, have completed and received appropriate credits for at least two years of high school or its equivalent, pass an exam and pay the prescribed fees. Applicants must have graduated from a licensed barber school.

A.R.S. § 15-802 requires every child between the age of 6 and 16 to attend school.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2292

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 32-322, Arizona Revised Statutes, is amended to  
3 read:

4 32-322. Barber license; application; qualifications; reciprocity

5 A. An applicant for a barber license shall file the following with the  
6 board:

7 1. A written application on a form prescribed by the board.

8 2. Evidence satisfactory to the board that the applicant possesses the  
9 necessary qualifications.

10 3. One signed photograph.

11 B. Each applicant shall:

12 1. Be at least sixteen years of age.

13 2. ~~Have completed~~ COMPLETE and received RECEIVE appropriate credits  
14 for at least two years of high school education or its equivalent as  
15 prescribed by the board in its rules AND SUBMIT SATISFACTORY EVIDENCE THAT  
16 THE PERSON IS AT LEAST SIXTEEN YEARS OF AGE.

17 3. Pass an examination given under the direction of the board.

18 4. Pay the prescribed fees.

19 5. Be a graduate of a school THAT IS licensed pursuant to this chapter  
20 or a graduate of a school or program in another state which THAT at the time  
21 of his THE APPLICANT'S graduation met the barber licensing requirements of  
22 that state.

23 C. An applicant who holds a valid license to practice barbering issued  
24 by another state which THAT has, in the opinion of the board, licensure  
25 requirements that are substantially equivalent to the requirements of this  
26 state and which THAT grants similar reciprocal privileges to barbers licensed

1 by this state and who has at least one year's experience as a licensed barber  
2 is exempt from subsection B, paragraph 3 OF THIS SECTION.

3 D. Notwithstanding subsection B, paragraph 5 OF THIS SECTION, an  
4 applicant for a barber license who holds a cosmetologist license issued  
5 pursuant to chapter 5 of this title shall complete a seven hundred fifty-hour  
6 FIFTY-HOUR course of study consisting of barbering techniques in a barbering  
7 school licensed pursuant to this chapter.

8 Sec. 2. Title 32, chapter 3, article 2, Arizona Revised Statutes, is  
9 amended by adding section 32-329, to read:

10 32-329. Schools; postsecondary educational institutions

11 A SCHOOL SHALL BE RECOGNIZED AS A POSTSECONDARY EDUCATIONAL INSTITUTION  
12 IF BOTH OF THE FOLLOWING APPLY:

13 1. THE SCHOOL ADMITS AS REGULAR STUDENTS ONLY INDIVIDUALS WHO HAVE  
14 EARNED A RECOGNIZED HIGH SCHOOL DIPLOMA OR THE EQUIVALENT OF A RECOGNIZED  
15 HIGH SCHOOL DIPLOMA OR WHO ARE BEYOND THE AGE OF COMPULSORY EDUCATION AS  
16 PROVIDED BY SECTION 15-802.

17 2. THE SCHOOL IS LICENSED BY NAME BY THE BOARD UNDER THIS CHAPTER TO  
18 OFFER ONE OR MORE TRAINING PROGRAMS BEYOND THE SECONDARY SCHOOL LEVEL."

19 Amend title to conform

THOMAS R. SHOPE, JR.

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02/01/2016  
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# HOUSE OF REPRESENTATIVES

HB 2333

board of technical registration; exemptions  
Prime Sponsor: Representative Barton, LD 6

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X Committee on Commerce

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2333 adds certain design improvements by nonregistrants to the list of exemptions from licensure by the Arizona Board of Technical Registration (BTR)

## PROVISIONS

1. Permits a nonregistrant to design improvements within tenant spaces that are nonbearing, nonshear walls to create office space or room separations.
2. Contains technical and conforming changes.

## CURRENT LAW

A.R.S. § 32-144 lists certain persons who do not require registration by the BTR in order to design, add to or alter a one or two-story building. For example, a nonregistrant may conduct such work on either a detached, single family home, or an individual unit in a multifamily dwelling, if the walls being added or designed are not bearing walls, shear walls or firewalls, as determined by a BTR registrant after an evaluation of the subject walls. Additionally, a nonregistrant may design additions or alterations to a building that does not exceed 3000 square feet, if it is not intended for occupancy by more than 20 people on a continuous basis, and has specific floor and roofing requirements approved by a BTR-registered engineer.





# HOUSE OF REPRESENTATIVES

HB 2478

licensing; waiver of rights; prohibition

Prime Sponsor: Representative Petersen, LD 12

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X Committee on Commerce

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2478 prohibits a government agency from requiring a waiver of any constitutional right or state law as a condition of licensure.

## PROVISIONS

1. As a condition to approve a license, prohibits any requirement by a municipality, county, special taxing district, or state agency to require a person to waive any right granted by the constitution or the State of Arizona.
2. Contains technical and conforming changes.

## CURRENT LAW

Currently, statute lists the prohibited acts by a municipality, county, special taxing district and state agency relating to licensing decisions. A government entity cannot make a licensing decision that is not specifically authorized by state law, administrative rule, ordinance or code. A general authority does not constitute a basis to impose a condition for licensure. Statute allows a government entity to be flexible in issuing licenses, adopting ordinances and codes, but it cannot request or initiate a conversation with any person relating to waiving that person's rights. A person may file a civil action and the court may award reasonable attorney's fees, damages and all fees associated with the license application to a prevailing party for a violation. Further, a government entity's employees cannot intentionally or knowingly violate the provisions of law relating to the prohibited acts, which is cause for disciplinary action or dismissal. Each government entity must prominently print the prohibited acts on all license applications, which may be in print or electronic format.



