

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

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3-4-16

**COMMITTEE ON COMMERCE**

Report of Regular Meeting  
Wednesday, March 2, 2016  
House Hearing Room 1 -- 9:30 a.m.

**Convened** 9:31 a.m.  
**Recessed**  
**Reconvened**  
**Adjourned** 10:04 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**

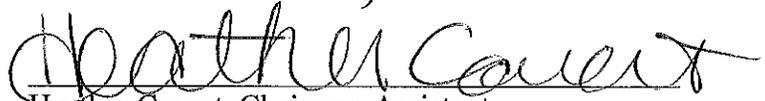
Original Agenda – Attachment 1

**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> (Summaries, Amendments, Roll Call, Attendance)
SB1323	DP	8-0-0-0	3, 4
SB1120	DP	8-0-0-0	5, 6
SB1056	DP	7-0-0-1	7, 8
Committee Attendance			9

  
Heather Covert, Chairman Assistant  
March 4, 2016

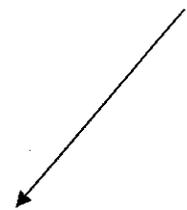
(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

Conv: 9:31 AM  
Adj: 10:04 AM

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

REGULAR MEETING AGENDA

COMMITTEE ON COMMERCE



DATE Wednesday, March 2, 2016 ROOM HHR 1 TIME 9:30 A.M. NOTE TIME CHANGE  
~~9:00 A.M.~~

Members:

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

Bills	Short Title	Strike Everything Title
SB1056 <u>DP</u>	recycled materials; purchase; agencies; repeal (Kavanagh)	
<u>7-0-0-1</u>	COM, RULES	
SB1120 <u>DP</u>	boxing commission; continuation (Yee)	
<u>8-0-0-0</u>	COM, RULES	
SB1323 <u>DP</u>	vexatious litigants; workers' compensation (Yee, Kavanagh, Lesko, et al)	
<u>8-0-0-0</u>	COM, RULES	

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

HC  
2/25/16

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

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*House Commerce (3/2/2016)*

## **SB1056, recycled materials; purchase; agencies; repeal**

### **Support:**

Cherie Stone, AZ DEPT OF ADMINISTRATION

## **SB1120, boxing commission; continuation**

### **Support:**

Eric Sloan, AZ DEPT OF GAMING; Chris Kotterman, AZ DEPT OF GAMING

## **SB1323, vexatious litigants; workers' compensation**

### **Support:**

James Stabler, Copperpoint Insurance Companies; Mike Huckins, GREATER PHOENIX CHAMBER OF COMMERCE; Ken Strobeck, LEAGUE OF ARIZONA CITIES & TOWNS; John Mangum, AZ FOOD MARKETING ALLIANCE; Garrick Taylor, Arizona Chamber Of Commerce And Industry; Jeff Gray, AZ CHAMBER OF COMMERCE; Bob Charles, INDUSTRIAL COMMISSION OF AZ; Nick Debus, CHANDLER CHAMBER OF COMMERCE; Robert Medler, TUCSON METROPOLITAN CHAMBER OF COMMERCE; Farrell Quinlan, State Director, NATIONAL FEDERATION OF INDEPENDENT BUSINESS



# HOUSE OF REPRESENTATIVES

SB 1323

vexatious litigants; workers' compensation  
Prime Sponsor: Senator Yee, LD 20

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X Committee on Commerce  
Caucus and COW  
House Engrossed

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## OVERVIEW

SB 1323 permits a Chief Administrative Law Judge (Chief ALJ) to designate a Pro Se Litigant as a *vexatious litigant* in a workers' compensation case.

## PROVISIONS

1. Stipulates that on the motion of a party, a Chief ALJ or a designated Administrative Law Judge (ALJ) may label a Pro Se Litigant as a vexatious litigant in a workers' compensation case before the Industrial Commission of Arizona (ICA).
2. Designates a 30-day period for the Pro Se Litigant to respond to the motion and directs the Chief ALJ to issue an order within 30 days after receiving the response or after the deadline expires.
3. Applies a vexatious litigant designation only to the specific claim before the ALJ.
4. Prohibits a vexatious litigant from filing a new request for hearing, pleading, motion or other document without prior permission of the ALJ.
5. Deems a Pro Se Litigant as a vexatious litigant if the ICA finds that the person engaged in vexatious conduct.
6. Suspends the title of vexatious litigant during any period when the litigant is represented by an attorney.
7. Defines *vexatious conduct* as follows: a) repeatedly filing requests for hearing, pleadings, motions or other documents solely or primarily for the purpose of harassment; b) unreasonably expanding or delaying ICA proceedings; c) bringing or defending claims *without substantial justification* (the claim is groundless and not made in good faith); d) engaging in abuse of discovery or conduct that has resulted in the imposition of sanctions against the pro se litigant; e) a pattern of making unreasonable, repetitive and excessive requests for information; f) repeatedly filing documents or requests for relief that have been the subject of previous rulings by the ICA in the same claim. F. For the purposes of this section, "without substantial justification" means that the claim or defense is groundless and is not made in good faith.

## CURRENT LAW

A.R.S. § 12- 3201 states that in a noncriminal case, at the request of a party or on the court's own motion, the presiding judge of the Superior Court or a designated judge may label a Pro Se Litigant as a *vexatious litigant*. A Pro Se Litigant declared as *vexatious* may not file any new pleading, motion or other related document without prior permission of the court. The statute

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Attachment 3

## SB 1323

defines *vexatious conduct* to include such things as a) repeated filings of court actions for the purpose of harassment; b) unreasonably delaying court proceedings; c) court actions brought *without substantial justification*; d) engaging in abusive conduct in discovery that results in the imposition of sanctions against the Pro Se Litigant; e) a pattern of making unreasonable, repetitive and excessive requests for information, among other such conduct.

A.R.S. § 12- 349 stipulates the term "*without substantial justification*" means that the claim or defense is groundless and is not made in good faith.

### ADDITIONAL INFORMATION

*Black's Law Dictionary* defines a *Pro Se Litigant*: For one's own behalf; in person. Appearing for oneself, as in the case of one who does not retain a lawyer and appears for himself or herself in court.

SB 1323 contains similar language to the noncriminal cases for workers' compensation cases that are brought before an ALJ at the ICA.





# HOUSE OF REPRESENTATIVES

SB 1120

boxing commission; continuation  
Prime Sponsor: Senator Yee, LD 20

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X Committee on Commerce

Caucus and COW

House Engrossed

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## OVERVIEW

SB 1120 continues the Arizona State Boxing and Mixed Martial Arts Commission (Commission) for two years.

## PROVISIONS

1. Continues the Commission for two years until July 1, 2018.
2. Applies retroactively to July 1, 2016.

## CURRENT LAW

A.R.S. § 5-224 directs the Commission to ensure the physical and financial protection of participants and persons involved in the sports of boxing and mixed martial arts. The Commission has regulatory, licensing and disciplinary authority and was placed under the direction of the Department of Gaming by Laws 2015, Chapter 19. Records of license issuance, denial, renewal, suspension or revocation are open to the public and kept and maintained by the Commission. The Commission consists of three members appointed by the Governor for a term of three years.

Laws 2010, Chapter 269 changed the official name of the Commission from the Arizona State Boxing Commission to the Arizona State Boxing and Mixed Martial Arts Commission.

## ADDITIONAL INFORMATION

In August 2015 the Sunset Review of the Commission by the Senate Commerce and Workforce Development and the House of Representatives Commerce Committee of Reference recommended the continuation of the Commission for two years.





# HOUSE OF REPRESENTATIVES

SB 1056

recycled materials; purchase; agencies; repeal  
Prime Sponsor: Senator Kavanagh, LD 23

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X Committee on Commerce

Caucus and COW

House Engrossed

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## OVERVIEW

SB 1056 eliminates the requirement for state agencies to purchase or print on recycled paper with an emblem designating it as recycled. Repeals the reporting requirement.

## PROVISIONS

1. Repeals A.R.S. § 41-2662, the section of law pertaining to the state agency purchase of recycled materials.
2. Removes the requirement for the Arizona Department of Administration (ADOA) to issue a mandatory annual report to the Governor and Legislature regarding the recycling program.
3. Conforms the heading of the statute to State Agency Recycling Materials Program.

## CURRENT LAW

A.R.S. § 41-2661 in the *Arizona Procurement Code* requires ADOA to ensure that all state agencies, including universities, establish a recycling program where a minimum of 50% of the office wastepaper is separately collected. ADOA is responsible for adopting collection and storage rules, and contracting with buyers of wastepaper. By January 31 each year, the Director of ADOA must evaluate and modify the program to maximize its effectiveness.

Further, A.R.S. § 41-2662 requires state agencies that buy or print on recycled paper or paper products to include a printed statement or symbol signifying the paper is recycled. This requirement does not include food or drink containers. Additionally, the Director of ADOA must submit an annual report to the Governor and the Legislature that includes:

1. Methods and results of paper purchases and other recycled materials.
2. Findings and recommendations pertaining to definitions and bid specifications of contracts.
3. Availability, performance, uses, markets and prices of paper and recycled materials.
4. Potential demand and feasibility of cooperative purchases with political subdivisions.
5. Appropriate record keeping and reporting.
6. Other similar matters of program design and administration.



