

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

MINUTES RECEIVED  
CHIEF CLERK'S OFFICE

3-16-16

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

Report of Regular Meeting  
Tuesday, March 15, 2016  
House Hearing Room 1 -- 2:00 p.m.

**Convened** 4:49 p.m.

**Recessed**

**Reconvened**

**Adjourned** 5:15 p.m.

**Members Present**

Mr. Ackerley  
Mr. Andrade  
Mr. Borrelli  
Mr. Campbell  
Ms. Fann  
Mrs. Fernandez  
Mr. Kopec  
Mr. Stevens, Vice-Chairman  
Mr. Gray, 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)
SB1438	DP	9-0-0-0	3, 4
SB1414	DP	9-0-0-0	5, 6
Committee Attendance			7

  
\_\_\_\_\_  
Andrea Allen, Chairman Assistant  
March 16, 2016

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

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

Convened 4:49 pm  
adjourned 5:15 pm

REGULAR MEETING AGENDA

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

DATE Tuesday, March 15, 2016

ROOM HHR 1

TIME 2:00 P.M.

Members:

Mr. Ackerley  
Mr. Andrade  
Mr. Borrelli

Mr. Campbell  
Ms. Fann  
Mrs. Fernandez

Mr. Kopec  
Mr. Stevens, Vice-Chairman  
Mr. Gray, Chairman

Bills	Short Title	Strike Everything Title
SB1414	<u>dp</u> electronic legal material. (Driggs, Worsley, Brophy McGee, et al)	
	<u>9.0.0.0</u> TI, RULES	
SB1438	<u>dp</u> computer system; software; sale; lease(now: software; computer system; sale; lease) (Shooter, Begay, Bradley, et al)	
	<u>9.0.0.0</u> TI, RULES	

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

JY  
3/10/16

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 Transportation and Infrastructure (3/15/2016)*

## **SB1414, electronic legal material.**

### **Testified in support:**

Charlotte Henderson, representing self; Alexis Glascock, Arizona Laws Commission

### **Support:**

Timothy Berg, representing self

### **All Comments:**

Charlotte Henderson, Self: Speaking on behalf of the Arizona Association of Law Libraries in favor of UELMA for Arizona.; Alexis Glascock, Arizona Laws Commission: On behalf of the Arizona Laws Commission, we support the Legal Materials Act.; Timothy Berg, Self: On behalf of the Arizona Laws Commission, we support the Electronic Materials Act.

## **SB1438, computer system; software; sale; lease (NOW: software; computer system; sale; lease)**

### **Testified in support:**

Aiden Fleming, Arizona Department Of Education

### **Support:**

Jay Kaprosy, NCS PEARSON INC; Jay Kaprosy, NCS PEARSON INC



# HOUSE OF REPRESENTATIVES

SB 1438

software; computer system; sale; lease  
Prime Sponsor: Senator Shooter, LD 13

---

X Committee on Transportation and Infrastructure

Caucus and COW

House Engrossed

---

## OVERVIEW

SB 1438 establishes the Department of Education (ADE) Intellectual Property Fund to improve the maintenance, administration and development of the Education Learning and Accountability System (AELAS).

## PROVISIONS

1. Creates the ADE Intellectual Property Fund (Fund) and requires the Fund to be administered by ADE.
2. Mandates ADE to use fund monies to improve the maintenance, administration and development of the Arizona Education Learning and Accountability System (AELAS).
3. Exempts the sale or lease of software, computer systems or intellectual property developed by ADE or associated services from the prohibition of state competition with private enterprises.
4. Specifies that ADE must deposit 60% of profits generated from the sale or lease of ADE software, computer systems or intellectual property into the General Fund, and deposit 40% into the Fund.
5. Prohibits ADE from transferring or expending monies or personnel resources for the purpose of marketing or soliciting goods or services that were appropriated and authorized for other ADE functions and programs.
6. Defines *profits*.
7. Makes a technical change.

## CURRENT LAW

A.R.S. § 15-249 requires ADE, in coordination with the Data Governance Commission, to develop and implement AELAS in order to collect, compile, maintain and report student level data from students. ADE must present the plan to the State Board of Education for review and approval and continue to provide quarterly (or on request) reports on the development and implementation of AELAS. These reports are required to include progress, expenditures, timelines and cost estimates for completion.

A.R.S. § 41-2752 prohibits a state agency from engaging in manufacturing, processing, sale and offering goods and services to the public that are also offered by a private enterprise. However, subsection C provides specific exemptions from this prohibition.

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

**ROLL CALL VOTE**

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE BILL NO. SB 1438

DATE March 15, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mr. Andrade		✓			
Mr. Borrelli		✓			
Mr. Campbell		✓			
Ms. Fann		✓			
Mrs. Fernandez		✓			
Mr. Kopec		✓			
Mr. Stevens, Vice-Chairman		✓			
Mr. Gray, Chairman		✓			
		9	0	0	0

Andrea Allen  
COMMITTEE SECRETARY

APPROVED:

R Gray  
RICK GRAY, Chairman  
DAVID W. STEVENS, Vice-Chairman

ATTACHMENT 4



# HOUSE OF REPRESENTATIVES

SB 1414

electronic legal material.

Prime Sponsor: Senator Driggs, LD 28

---

X Committee on Transportation and Infrastructure

Caucus and COW

House Engrossed

---

## OVERVIEW

SB 1414 sets requirements and standards for Arizona Legislative Council to publish, preserve and authenticate electronic legal material, which include the Constitution of Arizona, Arizona session laws, and Arizona Revised Statutes (A.R.S.).

## PROVISIONS

1. Permits this article to be cited as the *Uniform Electronic Legal Material Act*.
2. Stipulates that this article applies to all legal material in an electronic record that is designed as official and first published electronically on or after the effective date of this article.
3. Requires an official publisher, who publishes legal material in only an electronic record to:
  - a. designate the electronic record as official;
  - b. comply with statute relating to authentication of official electronic records, preservation and security of legal materials in official electronic records and public access to legal material in official electronic records (A.R.S. §§ 41-5305, 41-5307 and 41-5308), as added by this article; and
  - c. provide for the preservation and security of the record in an electronic form or a form that is not electronic and:
    - i. ensure the integrity of the record;
    - ii. provide for backup and disaster recovery for the record; and
    - iii. ensure the continuing usability of the material.
4. Stipulates that an official publisher that publishes legal material in an electronic record and in another type of record may designate the electronic record as official.
5. Requires an official publisher of legal material in an electronic record that is designated as official to authenticate the record.
6. Stipulates that in order to authenticate a record, the publisher must provide a method for a user to determine that the record received by the user and from the publisher, is unaltered from the official record published by the publisher and states that:
  - a. legal material that is authenticated in this manner is presumed to be an accurate copy of the legal material; and
  - b. a party contesting the authentication of legal material in an electronic record has the burden of proving by a preponderance of the evidence that the record is not authentic.

**SB 1414**

7. Prescribes that if another state has adopted a law that is substantially similar to this article, legal material in an electronic record that is designated as official and authenticated by the official publisher in that state is presumed to be an accurate copy of the legal material.
8. Requires an official publisher of legal material in an electronic record that is required to be preserved to ensure that the material is reasonably available for use by the public on a permanent basis.
9. Requires an official publisher of legal material in an electronic record to consider, in implementing this article:
  - a. the standards and practices of other jurisdictions;
  - b. the most recent standards regarding authentication of, preservation and security of and public access to legal materials in an electronic record as promulgated by national standard-setting bodies;
  - c. the needs of users of legal material;
  - d. the views of governmental officials and entities and other interested parties; and
  - e. methods and technologies for the authentication of, preservation and security of and public access to legal material that are compatible with the methods and technologies used by other official publishers in this state and in other states that have adopted a law substantially similar to this article.
10. Requires consideration to be given, in applying and construing this act, to the need to promote uniformity of the law with respect to its subject matter among states that enact this act.
11. Stipulates that this article modifies, limits and supersedes the Electronic Signatures in Global and National Commerce Act, except for authorized electronic delivery of any notices described in Section 103(b) or Section 101(c), relating to consumer disclosures.
12. Defines *electronic*, *legal material*, *official publisher*, *publish*, *record*, and *state*.

**CURRENT LAW**

A.R.S. § 41-1304.01 stipulates that the Director of the Arizona Legislative Council must provide for the preparation, arranging and correlation for publication of the laws enacted during each session and other laws enacted.

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

**ROLL CALL VOTE**

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE BILL NO. SB 1414

DATE March 15, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mr. Andrade		✓			
Mr. Borrelli		✓			
Mr. Campbell		✓			
Ms. Fann		✓			
Mrs. Fernandez		✓			
Mr. Kopec		✓			
Mr. Stevens, Vice-Chairman		✓			
Mr. Gray, Chairman		✓			
		9	0	0	0

Andrea Allen  
COMMITTEE SECRETARY

APPROVED:  
Rick Gray  
RICK GRAY, Chairman  
DAVID W. STEVENS, Vice-Chairman

ATTACHMENT 6

**ARIZONA STATE LEGISLATURE**  
 Fifty-second Legislature - Second Regular Session  
**COMMITTEE ATTENDANCE RECORD**

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

CHAIRMAN: Rick Gray VICE-CHAIRMAN: David W. Stevens

DATE	3/15/16	/16	/16	/16	/16
CONVENED	4:49pm	m	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	5:15pm				
MEMBERS					
Mr. Ackerley	✓				
Mr. Andrade	✓				
Mr. Borrelli	✓				
Mr. Campbell	✓				
Ms. Fann	✓				
Mrs. Fernandez	✓				
Mr. Kopec	✓				
Mr. Stevens, Vice-Chairman	✓				
Mr. Gray, Chairman	✓				

✓ Present      --- Absent      exc Excused