

AN ACT

AMENDING SECTIONS \_\_\_\_\_

Be it enacted by the Legislature of the State of Arizona:

Section 1. Emergency

This Act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.

Sec. 2. Purpose

The legislature finds that the public health and welfare of the State requires these statutory reforms, in light of the current COVID-19 pandemic. The legislature finds that these reforms all form parts of one single subject.

Sec. 3. Amending Title 1, Chapter 2, Article 2, Section 1-215, Arizona Revised Statutes, by adding a new paragraph 9 and renumbering to conform, to read:

1-215(9). Definitions

"COVID-19" MEANS THE RESPIRATORY DISEASE FIRST LABELED BY THE WORLD HEALTH ORGANIZATION ON FEBRUARY 11, 2020 AND FIRST DESIGNATED AS A GLOBAL PANDEMIC BY THE WORLD HEALTH ORGANIZATION ON MARCH 11, 2020.

Sec. 4. Amending Title 41, Chapter 7, Article 1, Arizona Revised Statutes, by adding Section 41-1101.01, to read:

41-1101.01. METHOD OF MEETING; EMERGENCY DECLARATION

A. WHEN THE GOVERNOR DECLARES THAT CIRCUMSTANCES DESCRIBED IN SECTION 26-301, PARAGRAPH 15, EXIST IN ALL OR PORTIONS OF MARICOPA COUNTY, THE PRESIDING OFFICER OF EACH HOUSE OF THE LEGISLATURE SHALL BE PERMITTED TO ESTABLISH METHODS OF MEETING REMOTELY.

B. THE METHOD OF MEETING REMOTELY SHALL INCLUDE THE ABILITY TO VERIFY A QUORUM REMOTELY.

C. THE METHOD OF MEETING REMOTELY SHALL INCLUDE SPECIAL PROVISIONS FOR COMMITTEE AND SUBCOMMITTEE MEETINGS.

D. THE METHOD OF MEETING REMOTELY SHALL INCLUDE THE ABILITY TO TAKE LEGAL ACTION REMOTELY AND TO VERIFY THE IDENTITY OF EACH MEMBER WHEN CASTING A VOTE REMOTELY.

E. CONSISTENT WITH ARTICLE IV, PART 2, SECTION 3, CONSTITUTION OF ARIZONA, THE PRESIDING OFFICER OF EACH HOUSE OF THE LEGISLATURE, OR THE PRESIDING OFFICER'S DESIGNEE, SHALL PRESIDE OVER REMOTE MEETINGS AT THE CAPITOL OF THE STATE.

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1           Sec. 5. Amending Section 19-102.01, to read:

2           19-102.01. Initiative petitions; standard of review

3           A.     EXCEPT AS PROVIDED IN SECTION 19-102.02,

4 constitutional and statutory requirements for statewide  
5 initiative measures must be strictly construed and persons  
6 using the initiative process must strictly comply with  
7 those constitutional and statutory requirements.

8           B.     The secretary of state shall make available a  
9 sample initiative petition that strictly complies with the  
10 requirements of section 19-121. Any committee that uses  
11 the sample initiative petition provided by the secretary of  
12 state shall be presumed to have strictly complied with the  
13 requirements of section 19-121.

14          Sec. 6. Amending Section 19-112, to read:

15          19-112. Signatures and verification; attachment

16          A.     EXCEPT AS PROVIDED IN SECTION 19-102.02, every  
17 qualified elector signing a petition shall do so in the  
18 presence of the person who is circulating the petition and  
19 who is to execute the affidavit of verification. EXCEPT AS  
20 PROVIDED IN SECTION 19-102.02, at the time of signing, the  
21 qualified elector shall sign his first and last names in  
22 the spaces provided and the elector so signing shall print  
23 his first and last names and write, in the appropriate  
24 spaces following the signature, the signer's residence  
25 address, giving street name and number, and if he has no  
26 street address, a description of his residence location.  
27 The elector so signing shall write, in the appropriate  
28 spaces following the elector's address, the date on which  
29 the elector signed the petition.

30          B.     EXCEPT AS PROVIDED IN SECTION 19-102.02, the  
31 signature sheets shall be attached at all times during  
32 circulation to a full and correct copy of the title and  
33 text of the measure or constitutional amendment proposed or  
34 referred by the petition. EXCEPT AS PROVIDED IN SECTION  
35 19-102.02, the title and text shall be in at least eight-  
36 point type and shall include both the original and the  
37 amended text. EXCEPT AS PROVIDED IN SECTION 19-102.02, the  
38 text shall indicate material deleted, if any, by printing  
39 the material with a line drawn through the center of the  
40 letters of the material and shall indicate material added  
41 or new material by printing the letters of the material in  
42 capital letters. For the purposes of a referendum, the  
43 secretary of state's time-and-date-marked copy of the  
44 measure with its proposed text set out in full or for any  
45 local matter, the copy of the measure signed or enacted  
46 into law by the mayor, or chairman of the board of  
47 supervisors, as appropriate, with its proposed text set out

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1 in full and including the original and any amended text  
2 constitutes the full and correct copy of the title and text  
3 of the measure for circulation for signatures. For any  
4 local matter enacted without an ordinance or resolution,  
5 the official minutes approved by the governing body and  
6 signed by the clerk of the governing body constitute the  
7 full and correct copy of the title and text of the measure.  
8 Referendum signatures that are collected with any copy of  
9 the measure that is not a facsimile of the time-and-date-  
10 marked copy for statewide measures or the full and correct  
11 copy of a local measure as prescribed by this subsection  
12 are invalid.

13 C. EXCEPT AS PROVIDED IN SECTION 19-102.02, the  
14 person before whom the signatures, names and addresses were  
15 written on the signature sheet, on the affidavit form  
16 pursuant to this section, shall subscribe and swear before  
17 a notary public that each of the names on the sheet was  
18 signed and the name and address were printed by the elector  
19 and the circulator on the date indicated, that in his  
20 belief each signer was a qualified elector of a certain  
21 county of the state, or, in the case of a city, town or  
22 county measure, of the city, town or county affected by the  
23 measure on the date indicated, and that at all times during  
24 circulation of the signature sheet a copy of the title and  
25 text was attached to the signature sheet. EXCEPT AS  
26 PROVIDED IN SECTION 19-102.02, all signatures of  
27 petitioners on a signature sheet shall be those of  
28 qualified electors who are registered to vote in the same  
29 county. However, if signatures from more than one county  
30 appear on the same signature sheet, only the valid  
31 signatures from the same county that are most numerous on  
32 the signature sheet shall be counted.

33 Sec. 7. Amending Title 19, Chapter 1, Article 1,  
34 Arizona Revised Statutes, by adding Section 19-102.02, to  
35 read:

36 19-102.02. 2020 STATEWIDE INITIATIVE PETITION; SPECIAL  
37 PROCEDURES.

38 A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
39 CHAPTER, NO LATER THAN MAY 1, 2020, THE SECRETARY OF STATE  
40 SHALL PROVIDE A SYSTEM FOR QUALIFIED ELECTORS TO SIGN A  
41 STATEWIDE INITIATIVE PETITION BY WAY OF A SECURE INTERNET  
42 PORTAL. THE SYSTEM SHALL ALLOW ONLY THOSE QUALIFIED  
43 ELECTORS WHO ARE ELIGIBLE TO SIGN A STATEWIDE INITIATIVE  
44 PETITION TO SIGN THE PETITION AND SHALL PROVIDE FOR A  
45 METHOD FOR THE QUALIFIED ELECTOR'S IDENTITY TO BE PROPERLY  
46 VERIFIED BY MEANS OF THE SECURE INTERNET PORTAL.

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1 B. THE SECRETARY OF STATE SHALL ENSURE THAT THE  
2 SECURE INTERNET PORTAL GIVE A QUALIFIED ELECTOR THE OPTION  
3 OF READING A FULL AND CORRECT COPY OF THE TITLE AND TEXT OF  
4 A MEASURE OR CONSTITUTIONAL AMENDMENT, PRIOR TO BEING GIVEN  
5 THE OPPORTUNITY TO SIGN THE PETITION.

6 C. THIS SECTION APPLIES ONLY TO STATEWIDE INITIATIVE  
7 PETITIONS SEEKING TO BE QUALIFIED TO BE PLACED ON THE  
8 NOVEMBER 2020 BALLOT AND THAT OBTAINED A SERIAL NUMBER FROM  
9 THE SECRETARY OF STATE ON OR BEFORE MARCH 11, 2020.

10 D. THIS SECTION SHALL NOT BE CONSTRUED TO PERMIT  
11 QUALIFIED ELECTORS TO SIGN A STATEWIDE INITIATIVE PETITION  
12 BY WAY OF A SECURE INTERNET PORTAL DURING ANY YEAR OTHER  
13 THAN 2020.

14 E. THIS SECTION SHALL NOT APPLY TO STATEWIDE  
15 REFERENDUM PETITIONS, STATEWIDE RECALL PETITIONS,  
16 COUNTYWIDE INITIATIVE PETITIONS, OR MUNICIPAL INITIATIVE  
17 PETITIONS.

18 Sec. 8. Amending Section 23-371, Arizona Revised  
19 Statutes, to read:

20 23-361. Definitions

21 For purposes of this article:

22 A. "Abuse" means an offense prescribed in section  
23 13-3623, Arizona Revised Statutes.

24 B. "Commission" is as defined in section 23-362,  
25 Arizona Revised Statutes.

26 C. "Domestic violence" is as defined in section 13-  
27 3601, Arizona Revised Statutes.

28 D. "EARNED COVID-19 PAID SICK TIME" MEANS TIME THAT  
29 IS COMPENSATED AT THE SAME HOURLY RATE WITH THE SAME  
30 BENEFITS, INCLUDING HEALTH CARE BENEFITS, AS THE EMPLOYEE  
31 NORMALLY EARNS DURING HOURS WORKED AND IS PROVIDED BY AN  
32 EMPLOYER TO AN EMPLOYEE FOR ANY OF THE FOLLOWING REASONS:

33 1. CLOSURE OF THE EMPLOYEE'S PLACE OF BUSINESS ON OR  
34 AFTER MARCH 11, 2020 BY ORDER OF A PUBLIC OFFICIAL, IN  
35 DIRECT RESPONSE TO THE PUBLIC HEALTH THREAT OF COVID-19;

36 2. CLOSURE OF THE EMPLOYEE'S PLACE OF BUSINESS ON OR  
37 AFTER MARCH 11, 2020 BY THE EMPLOYER, IN DIRECT RESPONSE TO  
38 THE PUBLIC HEALTH THREAT OF COVID-19;

39 3. DIAGNOSIS OF THE EMPLOYEE OF COVID-19;

40 4. DIAGNOSIS OF THE EMPLOYEE'S FAMILY MEMBER OF  
41 COVID-19;

42 5. THE EMPLOYEE'S REASONABLE BELIEF, ON OR AFTER  
43 MARCH 11, 2020, THAT THE EMPLOYEE HAS CONTRACTED COVID-19  
44 DURING THE PREVIOUS TEN DAYS AND CERTIFIES TO THE EMPLOYER  
45 THAT THE EMPLOYEE WILL SPEND ANY PAID SICK TIME IN SELF-  
46 QUARANTINE; OR

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1           6.     THE EMPLOYEE'S REASONABLE BELIEF, ON OR AFTER  
2 MARCH 11, 2020, THAT CONTINUED FACE-TO-FACE CONTACT WITH  
3 CUSTOMERS OF THE EMPLOYEE'S EMPLOYER WILL PRESENT AN  
4 UNREASONABLE RISK OF INFECTING WITH COVID-19 ONE OR MORE OF  
5 THE EMPLOYEE'S FAMILY MEMBERS RESIDING AT THE EMPLOYEE'S  
6 RESIDENCE.

7           E.     "Earned paid sick time" means time that is  
8 compensated at the same hourly rate and with the same  
9 benefits, including health care benefits, as the employee  
10 normally earns during hours worked and is provided by an  
11 employer to an employee for the purposes described in  
12 section 23-373 of this article, but in no case shall this  
13 hourly amount be less than that provided under the Fair  
14 Labor Standards Act of 1938 (29 United States Code section  
15 206(A)(1)) or section 23-363, Arizona Revised Statutes.

16          F.     "Employ" is as defined in section 23-362, Arizona  
17 Revised Statutes.

18          G.     "Employee" is as defined in section 23-362,  
19 Arizona Revised Statutes. Employee includes recipients of  
20 public benefits who are engaged in work activity as a  
21 condition of receiving public assistance.

22          H.     "Employer" includes any corporation,  
23 proprietorship, partnership, joint venture, limited  
24 liability company, trust, association, political  
25 subdivision of the state, individual or other entity acting  
26 directly or indirectly in the interest of an employer in  
27 relation to an employee, but does not include the State of  
28 Arizona or the United States.

29          I.     "Family member" means:

30               1.    Regardless of age, a biological, adopted or  
31 foster child, stepchild or legal ward, a child of a  
32 domestic partner, a child to whom the employee stands in  
33 loco parentis, or an individual to whom the employee stood  
34 in loco parentis when the individual was a minor;

35               2.    A biological, foster, stepparent or adoptive  
36 parent or legal guardian of an employee or an employee's  
37 spouse or domestic partner or a person who stood in loco  
38 parentis when the employee or employee's spouse or domestic  
39 partner was a minor child;

40               3.    A person to whom the employee is legally  
41 married under the laws of any state, or a domestic partner  
42 of an employee as registered under the laws of any state or  
43 political subdivision;

44               4.    A grandparent, grandchild or sibling  
45 (whether of a biological, foster, adoptive or step  
46 relationship) of the employee or the employee's spouse or  
47 domestic partner; or

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1           5. Any other individual related by blood or  
2 affinity whose close association with the employee is the  
3 equivalent of a family relationship.

4           J. "Retaliation" is as defined in section 23-364,  
5 Arizona Revised Statutes.

6           K. "Sexual violence" means an offense prescribed in:  
7 (a) title 13, chapter 14, Arizona Revised Statutes, except  
8 for sections 13-1408 and 13-1422; or (b) sections 13-  
9 1304(A)(3), 13-1307, 13-3019, 13-3206, 13-3212, 13-3552,  
10 13-3553, 13-3554, or 13-3560, Arizona Revised Statutes.

11           L. "Stalking" means an offense prescribed in section  
12 13-2923, Arizona Revised Statutes.

13           M. "Year" means a regular and consecutive 12-month  
14 period as determined by the employer.

15           Sec. 9. Amending Title 23, Chapter 2, Article 8.1,  
16 Arizona Revised Statutes, by adding Section 23-373.01, to  
17 read:

18           23-373.01. USE OF EARNED COVID-19 PAID SICK TIME.

19           A. EARNED COVID-19 PAID SICK TIME SHALL BE PROVIDED  
20 TO AN EMPLOYEE BY AN EMPLOYER FOR:

21           1. CLOSURE OF THE EMPLOYEE'S PLACE OF BUSINESS ON OR  
22 AFTER MARCH 11, 2020 BY ORDER OF A PUBLIC OFFICIAL, IN  
23 DIRECT RESPONSE TO THE PUBLIC HEALTH THREAT OF COVID-19;

24           2. CLOSURE OF THE EMPLOYEE'S PLACE OF BUSINESS ON OR  
25 AFTER MARCH 11, 2020 BY THE EMPLOYER, IN DIRECT RESPONSE TO  
26 THE PUBLIC HEALTH THREAT OF COVID-19;

27           3. CARE FOR ONESELF OR CARE FOR A FAMILY MEMBER WHEN  
28 A HEALTH CARE PROVIDER HAS DIAGNOSED THE EMPLOYEE OR  
29 EMPLOYEE'S FAMILY MEMBER WITH COVID-19;

30           4. VOLUNTARY SELF-QUARANTINE WHEN THE EMPLOYEE  
31 REASONABLY BELIEVES THAT THE EMPLOYEE HAS HAD PHYSICAL  
32 CONTACT WITH ANOTHER PERSON DIAGNOSED WITH COVID-19 DURING  
33 THE PREVIOUS TEN DAYS, AND THE EMPLOYEE CERTIFIES TO THE  
34 EMPLOYER THAT THE EMPLOYEE WILL SPEND ANY PAID SICK TIME IN  
35 SELF-QUARANTINE;

36           5. VOLUNTARY SELF-QUARANTINE, ON OR AFTER MARCH 11,  
37 2020, WHEN THE EMPLOYEE IDENTIFIES SYMPTOMS TYPICALLY  
38 ASSOCIATED WITH COVID-19 AND THE EMPLOYEE LACKS HEALTH  
39 INSURANCE; OR

40           6. VOLUNTARY SELF-QUARANTINE, ON OR AFTER MARCH 11,  
41 2020, WHEN THE EMPLOYEE'S JOB DUTIES REQUIRE THE EMPLOYEE  
42 TO HAVE FACE-TO-FACE CONTACT WITH CUSTOMERS, AND:

43           a. ONE OR MORE OF THE EMPLOYEE'S FAMILY MEMBERS  
44 RESIDES WITH THE EMPLOYEE;

45           b. THE FAMILY MEMBER OR FAMILY MEMBERS RESIDING  
46 WITH THE EMPLOYEE IS NOT KNOWN TO BE INFECTED WITH COVID-  
47 19; AND

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1 C. THE FAMILY MEMBER OR FAMILY MEMBERS RESIDING  
2 WITH THE EMPLOYEE BELONGS TO A VULNERABLE POPULATION ON  
3 ACCOUNT OF PAST MEDICAL HISTORY.

4 Sec. 10. Amending Title 23, Chapter 2, Article 8.1,  
5 Arizona Revised Statutes, by adding Section 23-374.01, to  
6 read:

7 23-374.01. ENFORCEMENT; COVID-19

8 A. A CIVIL ACTION TO ENFORCE SECTION 23-373.01 MAY  
9 BE MAINTAINED IN A COURT OF COMPETENT JURISDICTION BY ANY  
10 PRIVATE PARTY INJURED BY A VIOLATION OF SECTION 23-373.01.

11 B. IN ANY CIVIL ACTION TO ENFORCE SECTION 23-373.01  
12 FILED IN THE SUPERIOR COURT, THE CLERK OF COURT SHALL TREAT  
13 SUCH ACTION AS AN EXPEDITED MATTER.

14 C. ANY CIVIL ACTION TO ENFORCE SECTION 23-373.01 MAY  
15 BE MAINTAINED ON BEHALF OF A PRIVATE PARTY AND ON BEHALF OF  
16 INDIVIDUALS SIMILARLY SITUATED.

17 D. THE COURTS SHALL HAVE THE AUTHORITY TO ORDER  
18 PAYMENT OF SUCH UNPAID COVID-19 EARNED SICK TIME, OTHER  
19 AMOUNTS, AND CIVIL PENALTIES AND TO ORDER ANY APPROPRIATE  
20 EQUITABLE RELIEF.

21 E. ANY EMPLOYER WHO FAILS TO PAY THE WAGES OR EARNED  
22 COVID-19 PAID SICK TIME REQUIRED UNDER SECTION 23-373.01  
23 SHALL BE REQUIRED TO PAY THE EMPLOYEE THE BALANCE OF WAGES  
24 OR EARNED COVID-19 PAID SICK TIME OWED, INCLUDING INTEREST  
25 THEREON, AND AN ADDITIONAL AMOUNT EQUAL TO TWICE THE  
26 UNDERPAID WAGES OF EARNED COVID-19 PAID SICK TIME.

27 Sec. 11. Amending Title 12, Chapter 3, Article 2,  
28 Arizona Revised Statutes, by adding Section 12-311.01, to  
29 read:

30 12-311.01. FILING FEES; COVID-19

31 NOTWITHSTANDING SECTIONS 12-284 AND 12-311, NO  
32 PLAINTIFF SHALL BE REQUIRED TO PAY A FILING FEE TO INITIATE  
33 A CIVIL ACTION PURSUANT TO SECTION 23-374.01, ARIZONA  
34 REVISED STATUTES.

35 Sec. 12. Amending Title 42, Chapter 1, Article 1,  
36 Arizona Revised Statutes, by adding Section 42-1005.01, to  
37 read:

38 42-1005.01. DUTIES OF DIRECTOR; COVID-19

39 A. NO LATER THAN APRIL 20, 2020, THE DIRECTOR SHALL  
40 DELIVER TO ALL BUSINESSES LISTED IN ITS RECORDS, PURSUANT  
41 TO SECTION 42-5004, A WRITTEN NOTIFICATION ADVISING THE  
42 BUSINESSES OF THEIR DUTIES UNDER SECTION 23-373.01.

43 B. THE DIRECTOR MAY WORK WITH THE INDUSTRIAL  
44 COMMISSION TO DEVELOP THE WRITTEN CONTENT TO BE DISTRIBUTED  
45 TO BUSINESSES.

46 C. THE NOTIFICATION REQUIRED BY SUBSECTION A MAY BE  
47 MADE BY ELECTRONIC MAIL OR REGULAR MAIL.

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1       Sec. 13. Amending Title 12, Chapter 5, Article 1,  
2 Arizona Revised Statutes, by adding Section 12-501.01, to  
3 read:

4       12-501.01. EFFECT OF COVID-19

5       ANY PERSON ENTITLED TO BRING A CIVIL ACTION UNDER THIS  
6 TITLE, AND WHOSE ACTION ACCRUED OR MIGHT HAVE BEEN  
7 MAINTAINED BETWEEN MARCH 11, 2020 AND DECEMBER 31, 2020,  
8 SHALL BE ENTITLED TO A TOLLING OF ANY APPLICABLE STATUTE OF  
9 LIMITATIONS FOR A PERIOD NOT TO EXCEED NINE MONTHS.

10       Sec. 14. Amending Title 12, Chapter 9, Article 1,  
11 Arizona Revised Statutes, by adding Section 12-1502.01, to  
12 read:

13       12-1502.01. EFFECT OF COVID-19

14       A. NOTWITHSTANDING SECTION 12-1502, THE COURT SHALL  
15 NOT ORDER THE PARTIES TO PROCEED WITH ARBITRATION IF THE  
16 UNDERLYING CIVIL ACTION OR THE MOTION TO COMPEL IS FILED  
17 BETWEEN APRIL 1, 2020 AND DECEMBER 31, 2020.

18       B. UPON MOTION OF THE PARTY OPPOSING ARBITRATION,  
19 THE COURT SHALL DENY A MOTION TO COMPEL ARBITRATION AND  
20 SHALL CONTINUE ALL PROCEEDINGS THOUGH DECEMBER 31, 2020.

21       C. NOTHING IN THIS SECTION SHALL BE CONTRUED TO DENY  
22 ANY PARTY THE ABILITY TO SEEK TO COMPEL ARBITRATION  
23 FOLLOWING DECEMBER 31, 2020.

24       Sec. 15. Amending Section 43-325, to read:

25       Unless otherwise indicated:

26       1. EXCEPT AS PROVIDED BELOW IN THIS SECTION, returns  
27 made on the basis of the calendar year shall be filed on or  
28 before the fifteenth day of April following the close of  
29 the calendar year.

30       2. Returns made on the basis of a fiscal year shall  
31 be filed on or before the fifteenth day of the fourth month  
32 following the close of the fiscal year.

33       3. For taxable years beginning from and after  
34 December 31, 2015, partnership returns are due on or before  
35 the fifteenth day of the third month following the close of  
36 the taxable year.

37       4. RETURNS MADE ON THE BASIS OF THE 2019 CALENDAR  
38 YEAR SHALL BE FILED ON OR BEFORE MAY 15, 2020.

39       Sec. 16. Amending Title 13, Chapter 38, Article 12,  
40 Arizona Revised Statutes, by adding Section 13-3967.01, to  
41 read:

42       13-3967.01. RELEASE ON RECOGNIZANCE; SPECIAL  
43 PROCEDURES

44       A. NOTWITHSTANDING ANY OTHER PROVISION IN THIS TITLE  
45 AND SUBJECT ONLY TO THE LIMITATIONS OF SUBSECTION C, AT A  
46 PERSON'S APPEARANCE BEFORE A JUDICIAL OFFICER, ANY PERSON  
47 WHO IS CHARGED BETWEEN MARCH 11, 2020 AND DECEMBER 31, 2020



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1 WITH A MISDEMEANOR SHALL BE ORDERED RELEASED PENDING TRIAL  
2 ON THEIR OWN RECOGNIZANCE.

3 B. A JUDICIAL OFFICER SHALL ORDER A PERSON RELEASED  
4 ON THEIR OWN RECOGNIZANCE WHERE THE CIRCUMSTANCES OF  
5 SUBSECTION A ARE PRESENT, REGARDLESS OF A PERSON'S PREVIOUS  
6 CONVICTIONS.

7 C. NOTWITHSTANDING SUBSECTION A, A JUDICIAL OFFICER  
8 MAY REQUIRE BAIL IN AN AMOUNT SPECIFIED BY THE JUDICIAL  
9 OFFICER, WHERE THE CIRCUMSTANCES DESCRIBED IN SUBSECTION A  
10 ARE PRESENT, ONLY WHERE THE PERSON CHARGED IS CHARGED WITH  
11 ONE OR MORE MISDEMEANORS AND IS CHARGED WITH ONE OR MORE  
12 OFFENSES CONSTITUTING A CLASS 1, CLASS 2, CLASS 3, OR CLASS  
13 4 FELONY.

14 Sec. 17. Amending Section 23-901, to read:

15 23-901. Definitions

16 In this chapter, unless the context otherwise  
17 requires:

18 1. "Award" means the finding or decision of an  
19 administrative law judge or the commission as to the amount  
20 of compensation or benefit due an injured employee or the  
21 dependents of a deceased employee.

22 2. "Client" means an individual, association,  
23 company, firm, partnership, corporation or any other  
24 legally recognized entity that is subject to this chapter  
25 and that enters into a professional employer agreement with  
26 a professional employer organization.

27 3. "Co-employee" means every person employed by an  
28 injured employee's employer.

29 4. "Commission" means the industrial commission of  
30 Arizona.

31 5. "Compensation" means the compensation and  
32 benefits provided by this chapter.

33 6. "Employee", "workman", "worker" and "operative"  
34 means:

35 (a) Every person in the service of this state or a  
36 county, city, town, municipal corporation or school  
37 district, including regular members of lawfully constituted  
38 police and fire departments of cities and towns, whether by  
39 election, appointment or contract of hire.

40 (b) Every person in the service of any employer  
41 subject to this chapter, including aliens and minors  
42 legally or illegally permitted to work for hire, but not  
43 including a person whose employment is both:

44 (i) Casual. (ii) Not in the usual course of the trade,  
45 business or occupation of the employer.

46 (c) Lessees of mining property and the lessees'  
47 employees and contractors engaged in the performance of

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1 work that is a part of the business conducted by the lessor  
2 and over which the lessor retains supervision or control  
3 are within the meaning of this paragraph employees of the  
4 lessor, and are deemed to be drawing wages as are usually  
5 paid employees for similar work. The lessor may deduct from  
6 the proceeds of ores mined by the lessees the premium  
7 required by this chapter to be paid for such employees.

8 (d) Regular members of volunteer fire departments organized  
9 pursuant to title 48, chapter 5, article 1, regular  
10 firefighters of any volunteer fire department, including  
11 private fire protection service organizations, organized  
12 pursuant to title 10, chapters 24 through 40, volunteer  
13 firefighters serving as members of a fire department of any  
14 incorporated city or town or an unincorporated area without  
15 pay or without full pay and on a part-time basis, and  
16 voluntary policemen and volunteer firefighters serving in  
17 any incorporated city, town or unincorporated area without  
18 pay or without full pay and on a part-time basis, are  
19 deemed to be employees, but for the purposes of this  
20 chapter, the basis for computing wages for premium payments  
21 and compensation benefits for regular members of volunteer  
22 fire departments organized pursuant to title 48, chapter 5,  
23 article 1, or organized pursuant to title 10, chapters 24  
24 through 40, regular members of any private fire protection  
25 service organization, volunteer firefighters and volunteer  
26 policemen of these departments or organizations shall be  
27 the salary equal to the beginning salary of the same rank  
28 or grade in the full-time service with the city, town,  
29 volunteer fire department or private fire protection  
30 service organization, provided if there is no full-time  
31 equivalent then the salary equivalent shall be as  
32 determined by resolution of the governing body of the city,  
33 town or volunteer fire department or corporation.

34 (e) Members of the department of public safety  
35 reserve, organized pursuant to section 41-1715, are deemed  
36 to be employees. For the purposes of this chapter, the  
37 basis for computing wages for premium payments and  
38 compensation benefits for a member of the department of  
39 public safety reserve who is a peace officer shall be the  
40 salary received by officers of the department of public  
41 safety for the officers' first month of regular duty as an  
42 officer. For members of the department of public safety  
43 reserve who are not peace officers, the basis for computing  
44 premiums and compensation benefits is four hundred dollars  
45 a month.

46 (f) Any person placed in on-the-job evaluation or in  
47 on-the-job training under the department of economic

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1 security's temporary assistance for needy families program  
2 or vocational rehabilitation program shall be deemed to be  
3 an employee of the department for the purpose of coverage  
4 under the state workers' compensation laws only. The basis  
5 for computing premium payments and compensation benefits  
6 shall be two hundred dollars per month. Any person  
7 receiving vocational rehabilitation services under the  
8 department of economic security's vocational rehabilitation  
9 program whose major evaluation or training activity is  
10 academic, whether as an enrolled attending student or by  
11 correspondence, or who is confined to a hospital or penal  
12 institution, shall not be deemed to be an employee of the  
13 department for any purpose.

14 (g) Regular members of a volunteer sheriff's reserve,  
15 which may be established by resolution of the county board  
16 of supervisors, to assist the sheriff in the performance of  
17 the sheriff's official duties. A roster of the current  
18 members shall monthly be certified to the clerk of the  
19 board of supervisors by the sheriff and shall not exceed  
20 the maximum number authorized by the board of supervisors.  
21 Certified members of an authorized volunteer sheriff's  
22 reserve shall be deemed to be employees of the county for  
23 the purpose of coverage under the Arizona workers'  
24 compensation laws and occupational disease disability laws  
25 and shall be entitled to receive the benefits of these laws  
26 for any compensable injuries or disabling conditions that  
27 arise out of and occur in the course of the performance of  
28 duties authorized and directed by the  
29 sheriff. Compensation benefits and premium payments shall  
30 be based on the salary received by a regular full-time  
31 deputy sheriff of the county involved for the first month  
32 of regular patrol duty as an officer for each certified  
33 member of a volunteer sheriff's reserve. This subdivision  
34 does not provide compensation coverage for any member of a  
35 sheriff's posse who is not a certified member of an  
36 authorized volunteer sheriff's reserve except as a  
37 participant in a search and rescue mission or a search and  
38 rescue training mission.

39 (h) A working member of a partnership may be deemed to  
40 be an employee entitled to the benefits provided by this  
41 chapter on written acceptance, by endorsement, at the  
42 discretion of the insurance carrier for the partnership of  
43 an application for coverage by the working partner. The  
44 basis for computing premium payments and compensation  
45 benefits for the working partner shall be an assumed  
46 average monthly wage of not less than six hundred dollars  
47 nor more than the maximum wage provided in section 23-1041

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1 and is subject to the discretionary approval of the  
2 insurance carrier. Any compensation for permanent partial  
3 or permanent total disability payable to the partner is  
4 computed on the lesser of the assumed monthly wage agreed  
5 to by the insurance carrier on the acceptance of the  
6 application for coverage or the actual average monthly wage  
7 received by the partner at the time of injury.

8 (i) The sole proprietor of a business subject to this  
9 chapter may be deemed to be an employee entitled to the  
10 benefits provided by this chapter on written acceptance, by  
11 endorsement, at the discretion of the insurance carrier of  
12 an application for coverage by the sole proprietor. The  
13 basis for computing premium payments and compensation  
14 benefits for the sole proprietor is an assumed average  
15 monthly wage of not less than six hundred dollars nor more  
16 than the maximum wage provided by section 23-1041 and is  
17 subject to the discretionary approval of the insurance  
18 carrier. Any compensation for permanent partial or  
19 permanent total disability payable to the sole proprietor  
20 shall be computed on the lesser of the assumed monthly wage  
21 agreed to by the insurance carrier on the acceptance of the  
22 application for coverage or the actual average monthly wage  
23 received by the sole proprietor at the time of injury.

24 (j) A member of the Arizona national guard, Arizona  
25 state guard or unorganized militia shall be deemed a state  
26 employee and entitled to coverage under the Arizona  
27 workers' compensation law at all times while the member is  
28 receiving the payment of the member's military salary from  
29 this state under competent military orders or on order of  
30 the governor. Compensation benefits shall be based on the  
31 monthly military pay rate to which the member is entitled  
32 at the time of injury, but not less than a salary of four  
33 hundred dollars per month, nor more than the maximum  
34 provided by the workers' compensation law. Arizona  
35 compensation benefits shall not inure to a member  
36 compensable under federal law.

37 (k) Certified ambulance drivers and attendants who  
38 serve without pay or without full pay on a part-time basis  
39 are deemed to be employees and entitled to the benefits  
40 provided by this chapter and the basis for computing wages  
41 for premium payments and compensation benefits for  
42 certified ambulance personnel shall be four hundred dollars  
43 per month.

44 (l) Volunteer workers of a licensed health care  
45 institution may be deemed to be employees and entitled to  
46 the benefits provided by this chapter on written acceptance  
47 by the insurance carrier of an application by the health

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1 care institution for coverage of such volunteers. The  
2 basis for computing wages for premium payments and  
3 compensation benefits for volunteers shall be four hundred  
4 dollars per month.

5 (m) Personnel who participate in a search or rescue  
6 operation or a search or rescue training operation that  
7 carries a mission identifier assigned by the division of  
8 emergency management as provided in section 35-192.01 and  
9 who serve without compensation as volunteer state  
10 employees. The basis for computation of wages for premium  
11 purposes and compensation benefits is the total volunteer  
12 man-hours recorded by the division of emergency management  
13 in a given quarter multiplied by the amount determined by  
14 the appropriate risk management formula.

15 (n) Personnel who participate in emergency management  
16 training, exercises or drills that are duly enrolled or  
17 registered with the division of emergency management or any  
18 political subdivision as provided in section 26-314,  
19 subsection C and who serve without compensation as  
20 volunteer state employees. The basis for computation of  
21 wages for premium purposes and compensation benefits is the  
22 total volunteer man-hours recorded by the division of  
23 emergency management or political subdivision during a  
24 given training session, exercise or drill multiplied by the  
25 amount determined by the appropriate risk management  
26 formula.

27 (o) Regular members of the Arizona game and fish  
28 department reserve, organized pursuant to section 17-  
29 214. The basis for computing wages for premium payments  
30 and compensation benefits for a member of the reserve is  
31 the salary received by game rangers and wildlife managers  
32 of the Arizona game and fish department for the game  
33 rangers' and wildlife managers' first month of regular  
34 duty.

35 (p) Every person employed pursuant to a professional  
36 employer agreement.

37 (q) A working member of a limited liability company  
38 who owns less than fifty percent of the membership interest  
39 in the limited liability company.

40 (r) A working member of a limited liability company  
41 who owns fifty percent or more of the membership interest  
42 in the limited liability company may be deemed to be an  
43 employee entitled to the benefits provided by this chapter  
44 on the written acceptance, by endorsement, of an  
45 application for coverage by the working member at the  
46 discretion of the insurance carrier for the limited  
47 liability company. The basis for computing wages for

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1 premium payments and compensation benefits for the working  
2 member is an assumed average monthly wage of six hundred  
3 dollars or more but not more than the maximum wage provided  
4 in section 23-1041 and is subject to the discretionary  
5 approval of the insurance carrier. Any compensation for  
6 permanent partial or permanent total disability payable to  
7 the working member is computed on the lesser of the assumed  
8 monthly wage agreed to by the insurance carrier on the  
9 acceptance of the application for coverage or the actual  
10 average monthly wage received by the working member at the  
11 time of injury.

12 (s) A working shareholder of a corporation who owns  
13 less than fifty percent of the beneficial interest in the  
14 corporation.

15 (t) A working shareholder of a corporation who owns  
16 fifty percent or more of the beneficial interest in the  
17 corporation may be deemed to be an employee entitled to the  
18 benefits provided by this chapter on the written  
19 acceptance, by endorsement, of an application for coverage  
20 by the working shareholder at the discretion of the  
21 insurance carrier for the corporation. The basis for  
22 computing wages for premium payments and compensation  
23 benefits for the working shareholder is an assumed average  
24 monthly wage of six hundred dollars or more but not more  
25 than the maximum wage provided in section 23-1041 and is  
26 subject to the discretionary approval of the insurance  
27 carrier. Any compensation for permanent partial or  
28 permanent total disability payable to the working  
29 shareholder is computed on the lesser of the assumed  
30 monthly wage agreed to by the insurance carrier on the  
31 acceptance of the application for coverage or the actual  
32 average monthly wage received by the working shareholder at  
33 the time of injury.

34 7. "General order" means an order applied generally  
35 throughout this state to all persons under jurisdiction of  
36 the commission.

37 8. "Heart-related or perivascular injury, illness or  
38 death" means myocardial infarction, coronary thrombosis or  
39 any other similar sudden, violent or acute process  
40 involving the heart or perivascular system, or any death  
41 resulting therefrom, and any weakness, disease or other  
42 condition of the heart or perivascular system, or any death  
43 resulting therefrom.

44 9. "Insurance carrier" means every insurance carrier  
45 duly authorized by the director of insurance to write  
46 workers' compensation or occupational disease compensation  
47 insurance in this state.

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1 10. "Interested party" means the employer, the  
2 employee, or if the employee is deceased, the employee's  
3 estate, the surviving spouse or dependents, the commission,  
4 the insurance carrier or their representative.

5 11. "Mental injury, illness or condition" means any mental,  
6 emotional, psychotic or neurotic injury, illness or  
7 condition.

8 12. "Order" means and includes any rule, direction,  
9 requirement, standard, determination or decision other than  
10 an award or a directive by the commission or an  
11 administrative law judge relative to any entitlement to  
12 compensation benefits, or to the amount of compensation  
13 benefits, and any procedural ruling relative to the  
14 processing or adjudicating of a compensation matter.

15 13. "Personal injury by accident arising out of and  
16 in the course of employment" means any of the following:

17 (a) Personal injury by accident arising out of and in  
18 the course of employment.

19 (b) An injury caused by the wilful act of a third  
20 person directed against an employee because of the  
21 employee's employment, but does not include a disease  
22 unless resulting from the injury.

23 (c) EXCEPT AS PROVIDED IN SUBSECTION D OF THIS  
24 SECTION, an occupational disease that is due to causes and  
25 conditions characteristic of and peculiar to a particular  
26 trade, occupation, process or employment, and not the  
27 ordinary diseases to which the general public is exposed,  
28 and subject to section 23-901.01 or, for heart-related,  
29 perivascular or pulmonary cases, section 23-1105.

30 (d) COVID-19, WHERE THE EMPLOYEE EITHER:

31 (i) WAS EMPLOYED BY THE EMPLOYER DURING ANY  
32 PERIOD BETWEEN MARCH 1, 2020 AND APRIL 15, 2020 AT A RETAIL  
33 OR FOOD ESTABLISHMENT AND WHOSE JOB DUTIES BETWEEN MARCH 1,  
34 2020 AND APRIL 15, 2020 INCLUDED REGULAR INTERACTION WITH  
35 CUSTOMERS OR CLIENTS;

36 (ii) WAS EMPLOYED BY THE EMPLOYER DURING ANY  
37 PERIOD BETWEEN MARCH 1, 2020 AND APRIL 15, 2020 AT A  
38 HOSPITAL, NURSING HOME, MEDICAL CLINIC, OR MEDICAL OFFICE;  
39 OR

40 (iii) WAS EMPLOYED BY ANY EMPLOYER BETWEEN  
41 MARCH 1, 2020 AND APRIL 15, 2020 AND ONE OR MORE OF THE  
42 EMPLOYEE'S CO-EMPLOYEES WAS DIAGNOSED BY A MEDICAL PROVIDER  
43 WITH COVID-19 AT ANY TIME PRIOR TO APRIL 20, 2020.

44 14. "Professional employer agreement" means a written  
45 contract between a client and a professional employer  
46 organization:

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1 (a) In which the professional employer organization  
2 expressly agrees to co-employ all or a majority of the  
3 employees providing services for the client. In determining  
4 whether the professional employer organization employs all  
5 or a majority of the employees of a client, any person  
6 employed pursuant to the terms of the professional employer  
7 agreement after the initial placement of client employees  
8 on the payroll of the professional employer organization  
9 shall be included.

10 (b) That is intended to be ongoing rather than  
11 temporary in nature.

12 (c) In which employer responsibilities for worksite  
13 employees, including hiring, firing and disciplining, are  
14 expressly allocated between the professional employer  
15 organization and the client in the agreement.

16 15. "Professional employer organization" means any  
17 person engaged in the business of providing professional  
18 employer services. Professional employer organization does  
19 not include a temporary help firm or an employment agency.

20 16. "Professional employer services" means the  
21 service of entering into co-employment relationships under  
22 this chapter to which all or a majority of the employees  
23 providing services to a client or to a division or work  
24 unit of a client are covered employees.

25 17. "Special order" means an order other than a  
26 general order.

27 18. "Weakness, disease or other condition of the  
28 heart or perivascular system" means arteriosclerotic heart  
29 disease, cerebral vascular disease, peripheral vascular  
30 disease, cardiovascular disease, angina pectoris,  
31 congestive heart trouble, coronary insufficiency, ischemia  
32 and all other similar weaknesses, diseases and conditions,  
33 and also previous episodes or instances of myocardial  
34 infarction, coronary thrombosis or any similar sudden,  
35 violent or acute process involving the heart or  
36 perivascular system.

37 19. "Workers' compensation" means workmen's  
38 compensation as used in article XVIII, section 8,  
39 Constitution of Arizona.