Senate Engrossed House Bill

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 96

HOUSE BILL 2441

AN ACT

AMENDING SECTION 23-107, ARIZONA REVISED STATUTES; RELATING TO THE INDUSTRIAL COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 23-107, Arizona Revised Statutes, is amended to read:

23-107. General powers

A. The commission has full power, jurisdiction and authority to:

1. Formulate and adopt rules and regulations for effecting the purposes of this article.

2. Administer and enforce all laws for the protection of life, health, safety and welfare of employees in every case and under every law when such duty is not specifically delegated to any other board or officer, and, when such duty is specifically delegated, to counsel, advise and assist in the administration and enforcement of such laws and for such purposes may conduct investigations.

3. Promote the voluntary arbitration, mediation and conciliation of disputes between employers and employees.

4. License and supervise the work of private employment offices, bring together employers seeking employees and working people seeking employment, and make known the opportunities for employment in the state.

5. Collect, collate and publish all statistical and other information relating to employees, employers, employments and places of employment with other appropriate statistics.

6. Act as the regulatory agency insuring that workers' compensation carriers are processing claims in accordance with ~~the provisions of~~ chapter 6 of this title.

7. PROVIDE NONPUBLIC, CONFIDENTIAL OR PRIVILEGED DOCUMENTS, MATERIALS OR OTHER INFORMATION TO ANOTHER STATE, LOCAL OR FEDERAL REGULATORY AGENCY FOR THE PURPOSE OF THE LEGITIMATE ADMINISTRATIVE NEEDS OF THE PROGRAMS ADMINISTERED BY THAT AGENCY IF THE RECIPIENT AGENCY AGREES AND WARRANTS THAT IT HAS THE AUTHORITY TO MAINTAIN AND WILL MAINTAIN THE CONFIDENTIALITY AND PRIVILEGED STATUS OF THE DOCUMENTS, MATERIALS OR OTHER INFORMATION.

8. RECEIVE NONPUBLIC DOCUMENTS, MATERIALS AND OTHER INFORMATION FROM ANOTHER STATE, LOCAL OR FEDERAL REGULATORY AGENCY TO PROPERLY ADMINISTER PROGRAMS OF THE COMMISSION. THE COMMISSION SHALL MAINTAIN AS CONFIDENTIAL OR PRIVILEGED ANY DOCUMENT, MATERIAL OR OTHER INFORMATION THAT IS IDENTIFIED BY THE EXCHANGE AGENCY AS CONFIDENTIAL OR PRIVILEGED UNDER THE LAWS OF THE JURISDICTION THAT IS THE SOURCE OF THE DOCUMENT, MATERIAL OR OTHER INFORMATION.

9. ENTER INTO AGREEMENTS THAT GOVERN THE EXCHANGE OF NONPUBLIC DOCUMENTS, MATERIALS AND OTHER INFORMATION THAT ARE CONSISTENT WITH PARAGRAPHS 7 AND 8. THE COMMISSION MAY REQUEST NONDISCLOSURE OF INFORMATION THAT IS IDENTIFIED AS PRIVILEGED OR CONFIDENTIAL. ANY DISCLOSURE PURSUANT TO PARAGRAPH 7 OR 8 OR THIS PARAGRAPH IS NOT A WAIVER OF ANY APPLICABLE PRIVILEGE OR CLAIM OF CONFIDENTIALITY IN THE DOCUMENTS, MATERIALS OR OTHER INFORMATION.

B. Upon petition by any person that any employment or place of employment is not safe or is injurious to the welfare of any employee, the commission has power and authority, with or without notice, to make investigations necessary to determine the matter complained of.

C. The members of the commission may confer and meet with officers of other states and officers of the United States on matters pertaining to their official duties.

D. NOTWITHSTANDING ANY OTHER LAW, THE COMMISSION MAY PROTECT FROM PUBLIC INSPECTION THE FINANCIAL INFORMATION THAT IS RECEIVED FROM A PRIVATE ENTITY THAT APPLIES TO SELF INSURE OR THAT RENEWS ITS SELF INSURANCE PLAN PURSUANT TO SECTION 23-961, SUBSECTION A IF THE INFORMATION IS KEPT CONFIDENTIAL BY THE PRIVATE ENTITY IN ITS ORDINARY AND REGULAR COURSE OF BUSINESS.

APPROVED BY THE GOVERNOR APRIL 16, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2004.