

ARIZONA STATE SENATE

44TH LEGISLATURE SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON APPROPRIATIONS

DATE: Wed., February 2, 2000

TIME: 1:30 p.m.

ROOM: 109

CHAIRMAN: Senator Gnant

VICE CHAIRMAN: Senator Cirillo

ANALYST: Deborah Johnston

**COMMITTEE
SECRETARY:** Melissa C. Upshaw

INTERNS: Ethan Shaner and Michelle Thornham

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Arzberger	X			S.B. 1033	Subcommittee
Senator Bennett	X			S.B. 1137	Subcommittee
Senator Grace	X			S.B. 1175	DPA
Senator Guenther	X			S.B. 1262	Subcommittee
Senator Hamilton	X			S.B. 1281	Subcommittee
Senator Huppenthal		X		S.B. 1285	Subcommittee
Senator Jackson	X			S.B. 1287	Subcommittee
Senator Lopez	X			S.B. 1288	Subcommittee
Senator Rios	X			S.B. 1297	Subcommittee
Senator Smith	X			S.B. 1301	Subcommittee
Senator Solomon	X			S.B. 1308	Subcommittee
Senator Wettaw	X			S.B. 1309	Subcommittee
Senator Cirillo, Vice Chairman	X			S.B. 1311	Subcommittee
Senator Gnant, Chairman	X			S.B. 1320	Subcommittee

<u>Bill Number</u>	<u>Disposition</u>	<u>Bill Number</u>	<u>Disposition</u>	<u>Bill Number</u>	<u>Disposition</u>
S.B. 1321	Subcommittee	S.B. 1383	Subcommittee	S.B. 1444	Subcommittee
S.B. 1323	Subcommittee	S.B. 1386	Subcommittee	S.B. 1446	Subcommittee
S.B. 1324	Subcommittee	S.B. 1396	Subcommittee	S.B. 1454	Subcommittee
S.B. 1333	Subcommittee	S.B. 1397	Subcommittee	S.B. 1457	Subcommittee
S.B. 1335	Subcommittee	S.B. 1398	Subcommittee	S.B. 1459	Subcommittee
S.B. 1348	Subcommittee	S.B. 1400	Subcommittee	S.B. 1464	Subcommittee
S.B. 1353	Subcommittee	S.B. 1401	Subcommittee	S.B. 1473	Subcommittee
S.B. 1359	Subcommittee	S.B. 1404	Subcommittee	S.B. 1474	Subcommittee
S.B. 1363	Subcommittee	S.B. 1422	Subcommittee	S.B. 1477	Subcommittee
S.B. 1370	Subcommittee	S.B. 1434	Subcommittee	S.C.R. 1017	Subcommittee
S.B. 1380	Subcommittee	S.B. 1442	Subcommittee		

Tape 1, Side A

Attendees Sign in Sheet (Attachment A)

Chairman Gnant called the meeting to order at 1:30 p.m., and attendance was noted.

APPROVAL OF MINUTES

Without objection the minutes of January 19 and January 26 were approved as distributed.

ASSIGNMENT OF BILLS TO SUBCOMMITTEES

Chairman Gnant stated that the bills listed on the agenda are assigned to subcommittees as indicated.

CONSIDERATION OF BILLS

S.B. 1175 – state funds; appropriation; cancellation - DPA

Ethan Shaner, Senate Appropriations Intern, explained S.B. 1175 converts several funds from non-appropriated to appropriated status and eliminates a number of other funds and accounts upon the recommendation of the Joint Legislative Budget Committee (JLBC). He noted there is an amendment to the bill that is proposed by Senator Lopez.

Mr. Shaner explained the Lopez five-line amendment dated 1/31/00, 4:42 p.m. (Attachment B) eliminates the provision that subjects the Drug Treatment and Education Fund to legislative appropriation, as well as the provision that subjects the expenditures by the Arizona Parents Commission on Drug Education and Prevention to legislative appropriation.

Chairman Gnant asked if there were any questions. No questions were asked.

Senator Cirillo moved S.B. 1175 be returned with a DO PASS recommendation.

Senator Lopez moved his five-line amendment dated 1/31/00, 4:42 p.m. be ADOPTED.

In response to the Chair's inquiry, Senator Lopez affirmed that his amendment is not legally required, rather, it is morally required. He stated that he did not need much time to spend on this as it was discussed previously last week. However, he asked that testimony be heard from those present so that their concerns could be addressed.

Chairman Gnant announced the presence of three people who wish to speak on the bill, and that he would allow them to speak.

John A. Blackburn, Special Assistant, Maricopa County Attorney, Arizona Sheriffs Association, stated that he is representing many criminal justice community programs and community agencies, such as the Maricopa County Attorney's Office, Arizona Sheriffs Association, Arizona Criminal Justice Association, and also the Arizona Association of Chiefs and Police, who are opposed to portions of this bill. He indicated that thirty percent of the funds in the drug enforcement account would be mandated through the administrative offices of the Court. By legislation, the

Arizona Criminal Justice Commission is established, and their responsibility is to take the drug enforcement monies and to administer them to agencies that apply for them. The funds go to local as well as state agencies, and to take away the Arizona Criminal Justice Commission's responsibility may lead to funds being misdirected and staying at the state level. Mr. Blackburn concluded that if this continued, then the Commission would have no drug enforcement monies to administer.

Chairman Gnant asked if there were any questions for Mr. Blackburn. No questions were asked.

Mike DiMarco, Budget Director, Arizona Supreme Court representing the Arizona Judicial Council, stated that he is in opposition to three sections of the bill, one of which was addressed by Mr. Blackburn. He said that his concern was more from a procedural standpoint, regarding monies that the Administrative Offices of the Court receive through grants from the Criminal Justice Commission. He explained that when these grants are provided in the May or June timeframe, he will be asked to request an unknown amount in September not the previous year. He stressed how difficult it is in trying to guess how much money will be available, like trying to shoot at a moving target. Although the bill says thirty percent will be given to them, he said that could mean anywhere from one and a half million to a little over three million dollars over the last five years. He noted that the numbers seem to go up and down and that there is no clear set pattern.

In reference to Sections 1 and 4 of the bill, Mr. DiMarco said that Senator Lopez addressed these issues last week, with the propositional issues. So far, he said, monies that have been moved from non-appropriated to an appropriated status have been moved quite freely, and they have worked well with staff.

Chairman Gnant asked if there were any questions for Mr. DiMarco. No questions were asked.

In response to the Chair, **Mr. Lyle Mann, Acting Director, Arizona Peace Officer Standards & Trainers Board**, who is in opposition to the bill, did not wish to speak.

The motion to ADOPT the Lopez five-line amendment CARRIED by voice vote.

Senator Cirillo moved S.B. 1175 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 13-0-1. (Attachment #1)

Before adjourning into Subcommittees, the Chair explained that if a bill has not yet been heard in a Subcommittee and is not on the agenda to be heard in Subcommittee today, they have one chance to get the bill on the agenda and that is to persuade the Subcommittee Chairmen. Today, definitive action will be taken on all of the bills that have been assigned; however, they will not necessarily be voted upon, only passed out of Subcommittee. He said to give an idea about what is going to happen, about five percent of all of the money bill requests will be approved by one of the three subcommittees today, and \$19 out of \$20 dollars will not be approved. At the conclusion of the day, there will be a list of bills that will come before the full Committee, and they will determine which bills the full Committee will hear next week. He said that fifty percent or more of the bills that have passed out of Subcommittee today would not get through the full Committee next week. He commented this will be a long and arduous task, and wished everyone well with their cause. He asked that the three Subcommittee Chairmen and Senator Lopez, as the ranking Member of the Minority, meet with him tomorrow immediately after Floor to determine the agenda for next week.

In response to Senator Jackson's question, the Chair stated that if a bill has not been heard in the first committee, the Standing Committee to which it was assigned, the bill will not be heard in an Appropriations Subcommittee and will not go further through the process in that form.

Senator Solomon stated that there are regular Committee meetings scheduled for tomorrow, Thursday. This would seem somewhat unfair, that those who were fortunate enough to have their bills heard in primary committee on Monday, Tuesday, and this morning will have bills in position to move forward; and those bills heard in primary committee tomorrow, in the same week, will not.

Chairman Gnant replied that this was not the only week in which bills were eligible to be heard. He communicated with each of the Standing Committee Chairmen at the beginning of this Session indicating the situation that we had. He commented that some might be doing this deliberately.

Senator Guenther replied that, although he does understand what the Chair is doing with the process, he stated that the last day for introducing Senate bills was on Monday, and that there were not to be any penalties for meeting that deadline. He said that what is being done is imposing a penalty on those who did not file early or were fortunate enough to get it on an early agenda. He said he did not have a problem with this, however, it should be stated up front, that if a bill is not introduced by January 5th, then an Appropriations Subcommittee will not hear it.

In response to Senator Guenther's comments, Chairman Gnant stated that he does make a good point, but next Wednesday is the last Appropriations meeting for the first half of this cycle, and there is physically no provision to have a bill heard in a Standing Committee, notice it for five days, and hear it in the full Committee.

Senator Solomon replied that it has been a practice in this body that the Appropriations Committee meets one week beyond the time limit for bills being heard in their primary committee in our Chamber of origin. She said that this year that is not the case, and this is a circumstance that is new and creates a problem for any number of people with regard to what Senator Guenther discussed. She said she knows how fair the Chair is, and that he has discussed fairness, and that he lives and preaches fairness. She would like to bring to his attention that this practice is a new one and may indeed not be fair.

In response to Senator Solomon's comments, the Chair said that she could be right, but he does not determine how many meetings he is allowed to have.

Senator Solomon asked the Chair if there was anything that would prevent a bill that has been assigned to the full Committee, but not heard in Subcommittee, from being heard in this Committee. The Chair answered no. She asked if it would then be fair to say, even if a bill was not heard this week in Subcommittee, and it passed out of its primary committee tomorrow, for example, that this bill could still be heard in this Committee next Wednesday. The Chair answered that it was technically a possibility. Senator Solomon asked the Chair if he would enlighten everyone as to what the process would be to have a bill on the calendar for next week. The Chair replied that he would want to consult with the three Subcommittee Chairmen and Senator Lopez to find out if worthwhile exceptions should be made for that particular bill.

Senator Solomon asked the Chair if it would then be fair to say everyone needs to find worthwhile arguments to present to him, the three Subcommittee Chairmen, and Senator Lopez with regard to the merit of the bills that they would like to see brought forward. The Chair answered yes.

Senator Solomon gave her apologies to the Committee for her absence at the beginning of the Committee meeting. In reference to the minutes of January 26, she asked the Chair that a correction be made to the last statement she made to change the word "flip" to read as "flit".

**The Chair stated that the correction be made as indicated by Senator Solomon.
Change the letter "p" to "t" in the word "flip".**

In response to Senator Cirillo, Chairman Gnant confirmed that the bills listed on today's agenda were assigned at the full knowledge of the Subcommittee Chairmen, and what Senator Cirillo is suggesting is a way, with the policy withstanding, to bring the bill to the Committee. If the bill is important enough, obviously there will be a way to do that. However, he believes what Senator Solomon was alluding to are bills that have not passed a Standing Committee, and according to the process that has been set up, these bills are ineligible to be heard in Appropriations.

Without objection, the meeting was adjourned at 1:47 p.m.

Respectfully submitted,

Melissa C. Upshaw, Committee Secretary

(Tapes and attachments on file with the Secretary of the Senate's Office at the Resource Center.)