

# ARIZONA STATE SENATE

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## 46TH LEGISLATURE FIRST REGULAR SESSION

### MINUTES OF COMMITTEE ON GOVERNMENT

**DATE:** February 18, 2003

**TIME:** 1:30 p.m.

**ROOM:** SHR 3

**CHAIRMAN:** Senator Tibshraeny

**VICE CHAIRMAN:** Senator Hellon

**ANALYST:** Nadine Sapien

**COMMITTEE  
SECRETARY:** Nancy L. DeMichele

**ASSISTANT  
ANALYST:** Dallas Gold

**INTERN:** Matt D'Anna

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#### ATTENDANCE

#### BILLS

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<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Cheuvront	X			SB 1185	DP
Senator Garcia	X			SB 1209	DP
Senator Harper	X			SB 1218	HELD
Senator Jackson	X			SB 1227	HELD
Senator Mead	X			SB 1235	DP
Senator Mitchell	X			SB 1273	DP
Senator Waring	X			SB 1324	DPA/SE
Senator Hellon, Vice Chair	X			SB 1326	DP
Senator Tibshraeny, Chair	X			SB 1328	DP
				SCR 1006	DPA/SE
				SM 1002	DP

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#### GOVERNOR'S APPOINTMENTS

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Name

Position

Recommendation

Chairman Tibshraeny called the meeting to order at 1:32 p.m., and roll call was taken.

## **APPROVAL OF MINUTES**

Senator Tibshraeny announced, without objection, the minutes of the meeting of February 11, 2003, are approved as distributed.

## **CONSIDERATION OF BILLS**

### **SB 1218 – public lighting; light standards – HELD**

### **SB 1227 – telecommunications; DOA; request for proposals – HELD**

Senator Tibshraeny announced that SB 1218 and SB 1227 will be held at the requests of the parties involved.

### **SM 1002 – Tohono O’odham Nation’s citizens act – DO PASS**

**Matt D’Anna, Government Research Intern**, explained SM 1002 requests the United States Congress to amend the 1952 Immigration and Nationality Act, and requests that a person listed on the Tohono O’odham official membership list be granted United States citizenship.

**Senator Arzberger, bill sponsor**, stated that Arizona has a number of reservations with unique differences. She said one distinction is that birth records are not always available. She commented that the Tohono O’odham Nation would like to have their residents recognized with birth certificates, particularly the elderly and military veterans. She indicated that the United States Congress has made a special stipulation with other tribes for citizenship. She introduced the Vice Chairman of the Tohono O’odham Nation.

**Henry Ramon, Vice Chairman, Tohono O’odham Nation**, testified in support of SM 1002. Mr. Ramon provided background information on the Tohono O’odham Nation and the reasons for this legislation. He commented the measure is good public policy for the State and urged the Committee to support this memorial.

**Senator Hellon moved SM 1002 be returned with a DO PASS recommendation.**

Senator Harper asked whether this measure includes members of the Tribe born in Mexico, regardless of whether or not they served in the military. Senator Arzberger responded that there are three small communities just below the Mexican line. She explained that when the division line was drawn between the United States and Mexico, the reservation line was not acknowledged. She outlined the different scenarios for this request, and said the Tribe is asking that the United States Congress recognize the members for citizenship. Senator Harper commented that when the borders were drawn, there were also Hispanics on both sides of the border and they were not recognized as citizens of the United States.

Senator Jackson explained his vote. He said when the border was drawn, the communities became divided. He commented that after all these years, that situation should be corrected. He said he will vote “aye.”

**The motion CARRIED by a roll call vote of 8-1-0 (Attachment 1).**

**SCR 1006 – permanent school fund, technical correction – DO PASS AMENDED/STRIKE EVERYTHING**

Mr. D’Anna explained a strike-everything amendment is being offered to SCR 1006, which proclaims Arizona as a Golden Rule state. He commented that this measure encourages citizens to live the Golden Rule, which is to treat others the way you would like to be treated.

**Senator Hellon moved SCR 1006 be returned with a DO PASS recommendation.**

**Senator Hellon moved the 2-page Mead strike-everything amendment dated 2/14/03 at 9:27 a.m. be ADOPTED (Attachment A). The motion CARRIED by a voice vote.**

**Senator Hellon moved SCR 1006 be returned with an AS AMENDED, DO PASS recommendation.**

Senator Tibshraeny announced the individuals who registered their position on the bill (Attachment B).

**Paul Eppinger, Executive Director, Arizona Interfaith Movement**, testified in support of SCR 1006. He stated the Arizona Interfaith Movement is a group consisting of sixteen different faith groups in Arizona as outlined on the Golden Rule handout (Attachment C). He acknowledged the members present. He commented that there is a strong outbreak today of religious misunderstanding and ignorance that leads to hatred, violence and war. He explained the reasons for the measure, and asked the Committee’s support to make Arizona the Golden Rule State.

**The motion CARRIED by a roll call vote of 9-0-0 (Attachment 2).**

**SB 1209 – population estimates; cities; towns; counties – DO PASS**

**Nadine Sapien, Government Research Analyst**, explained SB 1209 provides cities, towns and counties with three additional options to obtain population estimates for the distribution of State/shared tax revenues and she outlined the options. She explained an amendment was adopted in the Finance Committee, which requires the city, town, or county to choose one of the population estimate options and use those numbers for the purpose of distribution of State/shared revenues. She said it also requires the Auditor General by June 30, 2012 to report the accuracy of the Arizona Department of Economic Security (DES) estimates compared with the census data and the amount of State/shared revenues distributed using the mid-decade population estimates compared with the amount that would have been distributed using census data.

Senator Tibshraeny wanted to know how that amendment would affect this legislation, if no amendment is being offered in this Committee. Ms. Sapien responded the amendment will be offered in the Committee of the Whole and the entire body will have the opportunity to vote the measure. Senator Tibshraeny asked what would happen if only one county decided on using this measure, and how would it affect other counties in terms of the funds distribution. Ms. Sapien replied that if any county decided against using one of the options, then that county could use its current census numbers and the distribution of State/shared revenues would not change.

**Senator Tibshraeny, bill sponsor**, stated there were special mid-decade censuses in 1985 and 1995. This measure offers a less expensive way, and would actually benefit some of the smaller faster-growing communities in the State. He said this is a way to reflect the actual population for distribution of State/shared revenues.

**Senator Hellon moved SB 1209 be returned with a DO PASS recommendation.**

Senator Tibshraeny announced the individuals who registered their position on the bill (Attachment B).

**Jim Huling, Assistant to the City Manager, City of Mesa**, testified in support of SB 1209. He stated this measure is modeled after session law that was passed in 1994, which gave cities and counties other options in lieu of conducting a very expensive special census. He said concerns were raised in the Finance Committee that this measure would favor urban cities of Maricopa County, which is not necessarily the case. He explained why this is a good bill, and clarified points regarding the current system. Mr. Huling commented this measure is a way for an equitable distribution of State/shared revenues available based on an area's percentage of the State's population and makes good sense.

**The motion CARRIED by a roll call vote of 9-0-0 (Attachment 3).**

**SB 1328 – state purchases; liability limitations – DO PASS**

**David Lujan, Judiciary Research Analyst**, explained SB 1328 permits vendors who contract with the State to limit their liability to the amount of the contract price of the goods and services provided and to disclaim any incidental or consequential damages. He stated that two amendments were adopted by the Judiciary Committee. He said the first amendment would not allow vendors to limit their liability in cases resulting in personal injury or death. The second amendment will make it permissive rather than a requirement that the State allow vendors to limit their liability to the amount of the contract price.

**Senator Martin, bill sponsor**, explained this is the current practice of the Arizona Department of Administration (DOA). He said this measure along with the amendments codifies the current practice of DOA.

**Senator Hellon moved SB 1328 be returned with a DO PASS recommendation.**

Senator Tibshraeny stated that if this measure passes, the amendments will be voted on the floor.

**Robert Shuler, Senior Vice President of Public Affairs, Arizona Chamber of Commerce**, testified in support of SB 1328. He stated that he has met with DOA and the Governor's Office, and they requested the Chamber to work with them as they draft clarifying language.

**The motion CARRIED by a roll call vote of 8-0-1 (Attachment 4).**

**SB 1185 – political subdivisions; funds; unions – DO PASS**

**Dallas Gold, Assistant Government Research Analyst**, explained SB 1185 prohibits the use of a political subdivision's funds and property by contractors and public and private employers to assist, promote or deter union organizing.

**Senator Hellon moved SB 1185 be returned with a DO PASS recommendation.**

**William McGlashen, Executive Vice President, Arizona State AFL-CIO**, testified in support of SB 1185. He stated the organization represents approximately 175,000 working families. He said this measure is not only good public policy, but good stewardship of public funds. He noted the bill provides fair play in the election process between union members and their employers and keeps potential disruptive third parties out of the election process.

In response to Senator Mead, Mr. McGlashen stated that approximately eight states utilize this type of practice. In response to Senator Harper, Mr. McGlashen stated that some are right-to-work states and others are not.

Senator Waring asked whether there was a problem that prompted this legislation. Mr. McGlashen responded it is basically good public policy and leaves the election process to the employer and employee. He said the measure also does not entangle public funds into either the advocacy or deference of union elections.

Senator Tibshraeny announced the individuals who registered their position on the bill (Attachment B).

**The motion CARRIED by a roll call vote of 6-3-0 (Attachment 5).**

**SB 1235 – block grants; procurement code exemption – DO PASS**

**Stephen Matcha, Family Services Intern**, explained SB 1235 excludes contracts entered into between DES and local entities eligible for Community Services Block Grant (CSBG) funding from procurement regulations.

**Mark Sirois, Executive Director, Arizona Community Action Association**, testified in support of SB 1235. He stated that the purpose of the Association is for better focusing of all available local, state, private and federal resources upon the goal of enabling low-income families and low-income individuals of all ages in rural and urban areas to attain skills, knowledge and motivations to secure the opportunities to become fully self-sufficient. He provided background information regarding the eligible entities and funding programs. He said the agencies vary according to the needs of communities and the programs that are available.

Senator Tibshraeny announced the individuals who registered their position on the bill (Attachment B).

**Senator Hellon moved SB 1235 be returned with a DO PASS recommendation.**

**The motion CARRIED by a roll call vote of 9-0-0 (Attachment 6).**

**SB 1273 – omnibus county assessors act – DO PASS**

Ms. Sapien explained SB 1273 requires the owner of government property to notify the county assessor of tax exempt property not previously reported and previous tax-exempt property no longer owned by the government entity. She said the bill also authorizes the county assessor to recommend to the board of supervisors to assess a penalty against the parcel, if the owner fails to provide notice of tax-exempt status of the property. The measure also allows for notice of valuation to be sent by email.

Senator Tibshraeny announced the individuals who registered their position on the bill (Attachment B).

**Senator Hellon moved SB 1273 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 9-0-0 (Attachment 7).**

**SB 1324 – public records; personal information – DO PASS AMENDED/STRIKE EVERYTHING**

Ms. Sapien stated a strike-everything amendment is being offered to SB 1324 that creates an 11-member study committee to review and make recommendations regarding the use of a person's social security number, date of birth and driver's license number in documents posted to a public body's website. She said the committee will be repealed on January 1, 2005.

**Senator Hellon moved SB 1324 be returned with a DO PASS recommendation.**

**Senator Hellon moved the 2-page Mitchell strike-everything amendment dated 2/14/03 at 8:55 a.m. be ADOPTED (Attachment D). The motion CARRIED by a voice vote.**

**Senator Hellon moved SB 1324 be returned with an AS AMENDED, DO PASS recommendation.**

**Helen Purcell, Maricopa County Recorder, Legislative Chair of Recorders Association**, testified in support of SB 1324. She said Senator Mitchell has agreed to the suggestion of adding language to the legislation on the floor pertaining to the clerk of the court representative and someone from the Arizona Department of Revenue (DOR). She explained that the State tax liens filed in her office have a social security number on all of them, and she would like that issue to be handled in a different manner. Ms. Purcell provided background information regarding this request.

Senator Mitchell stated that the major complaint of consumers in the country pertains to stolen identity, and a problem exists when information is available on websites. He said many individuals and organizations have voiced concerns, and this is an attempt to resolve the problem of stolen identity.

**George Diaz, Arizona Attorney General's Office (AG)**, stated **Gail Thackery** who prosecutes these cases is present to speak today.

**Gail Thackery, Assistant Attorney General, (AG)**, stated she specializes in technology-related crimes at the AG. She said since the advent of the Internet, there has been an explosion of identity theft. She indicated that information is downloaded from the Maricopa County Clerk's Office and Recorder's Office. Ms. Thackery emphasized that stolen identity is a major problem that needs to be resolved, and she cited examples of how people have been victimized. She commented that the downloading of this activity is considered a crime in other countries. She said the study committee is an excellent idea, and believes the identity theft explosion is directly related to the publishing of this kind of information on the Internet. In response to Senator Mead, Ms. Thackery stated that some states offer greater protection for the safeguard of this type of information than Arizona. She said the courts formed a study committee in an attempt to find a compromise regarding the personal information that is published on the Internet. She noted that citizens have voiced concern regarding publishing public records of personal information on the Internet.

**Martin Richelsoph, State Library, Archives and Public Records**, testified in support of SB 1324. He stated that his office would like to be recognized as a resource to the study committee during the study period.

Senator Tibshraeny announced the individuals who registered their position on the bill (Attachment B).

**The motion CARRIED by a roll call vote of 8-1-0 (Attachment 8).**

**SB 1326 – state employee payroll deductions – DO PASS**

Mr. D’Anna explained SB 1326 allows payroll salary deductions for dues in a recognized employee association, if at least 1,000 state university employees are members of the organization. He said currently the figure is 25% of employees of any State university.

**Senator Mitchell moved SB 1326 be returned with a DO PASS recommendation.**

Senator Tibshraeny announced the individuals who registered their position on the bill (Attachment B).

**Ray Valenzuela, Executive Director, American Federation of State, County and Municipal Employees (AFSCME), Council 97**, testified in support of SB 1326. He stated that when the change was made several years ago from 25% to 1,000 for State employees, the universities were not included. He said this measure provides parity between State employees and the university for those deductions.

**David Gibbs, Associate Professor, University of Arizona**, testified in support of SB 1326. He stated he is speaking on behalf of himself in favor of the bill.

**The motion CARRIED by a roll call vote of 8-1-0 (Attachment 9).**

There being no further business, the meeting adjourned at 2:38 p.m.

Respectfully submitted,

Nancy L. DeMichele  
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate’s Office/Resource Center, Room 115.)